Virginia Beach Planning Commission June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Intro & Minutes Approval

Discussion

Mr. Coston: Welcome to everyone. I'd like to call to order the June 10th meeting of the Planning Commission public hearing. My name is John Coston, and I'm the chair of the Virginia Beach Planning Commission. Before we get started, we've asked that Commissioner Anderson would lead us in the Pledge of Allegiance.

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

Mr. Coston: At this time, we will introduce the planning commissioners, beginning with our city attorney, followed by the planning administrator, Ms. Kaitlen Alcock, who will introduce 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: Walter Camp, representing District One, Kempsville.

Mr. Cromwell: John Cromwell, Blackwater and Pungo.

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

Ms. Byler: Kathryn Byler, District Four, which includes Town Center, Burton Station, and all the way up to Newtown Road and the Norfolk border.

Mr. Coston: John Coston, District Nine.

Ms. Cuellar: Holly Cuellar, District Eight.

Ms. Schoonover: Catherine Schoonover, District Five.

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

Ms. Hippen: Susan Hippen, District Seven, Centerville, Salem, and more.

Ms. Moorjani: Nina Moorjani, District Ten.

Ms. Alcock: Kaitlen Alcock, Planning Administrator. Clerking to my left, we have Breotnie Harrison and Grace Smith. In the audience, we have Planning Director Kathy Warren, Deputy

Director Carrie Bookholt, Zoning Administrator Hannah Sabo. With our Planning Team, we have Marchelle Coleman and Alexis Bailey. We also have Laine Harrington and Kara McLane.

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

Clerk: Yes, Chair Coston. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the commission with respect and civility. 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 their representative first. Following the applicant or their representative, in-person speakers will be called next, and then the speakers participating via WebEx. Speakers in support or opposition of an agenda item will have three minutes to speak per item, unless they are solely representing a large group, such as a civic league or homeowners association, in which case, they will have ten minutes per item. If a speaker does not respond, or if a technical issue occurs, which renders the comments unintelligible, we will move on to the next speaker or the next order of business. 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 may 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 the minutes and twelve 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 matter are the minutes, and we have asked Commissioner Camp to present those.

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 three prior Planning

Commission meetings. Specifically, the informal hearings held on May 13, 2026, with no abstentions; the formal hearings held on May 13, 2026, with no abstentions; and the site visits held on June 4, 2026, with Commissioners Cromwell, Hippen, Mauch, Moorjani, and Plumlee abstaining because they did not attend. That completes this item.

Ms. Byler: Thank you, Commissioner Camp.

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

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

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

Vote Tally

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Camp	X			
Cromwell (*As noted above, Commissioner Cromwell abstained from the June 4, 2026 Site Visit Minutes)	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee (*As noted above, Commissioner Anderson abstained from the May 13, 2026 Informal Minutes and the June 4, 2026 Site Visit Minutes)	X			
Hippen (*As noted above, Commissioner Hippen abstained from the June 4, 2026 Site Visit Minutes)	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani (*As noted above, Commissioner Moorjani abstained from the June 4, 2026 Site Visit Minutes)	X			
Mauch (*As noted above, Commissioner	X			

Commission Member	AYE 11	NAY 0	ABS 0	ABSENT 0
Mauch abstained from the June 4, 2026 Site Visit Minutes)				

Virginia Beach Planning Commission June 10, 2026
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Public Meeting Item #1 City of Virginia Beach
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next five items involve City ordinances, and we have asked Hannah Sabo to please present those.

Ms. Sabo: Good afternoon, Hannah Sabo, Zoning Administrator. Item number one is an ordinance pertaining to solar facilities as a conditional and accessory use. This update is in response to House Bill 711, and it codifies an existing interpretation that permits accessory solar equipment and adds solar facilities as a principal use with a conditional use permit in the agricultural, business, and industrial districts. This change, as of the state code, now requires localities to permit solar facilities in those certain districts. Solar facilities would have to comply with all of the district screening and setback requirements of the base district, and then any conditions added to that conditional use permit. The amendment also codifies an existing interpretation that allows solar panels as accessory uses, accessory structures on a roof. They must meet the height requirements, and then ground-mounted equipment must comply with the accessory structures setback and size limitations for accessory structures.

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

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either verbally, 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			

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Public Meeting Item #2 City of Virginia Beach
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Sabo: Item number two is an ordinance to amend Section 207 of the City's Zoning Ordinance pertaining to building mounted antennas, small wireless facilities, and temporary communication structures. This amendment is in response to House Bill 876, which provides very specific requirements and limitations for how a locality can regulate those temporary wireless structures. Temporary wireless structures provide wireless transmissions within a designated area. They do not have a permanent foundation. These temporary facilities are permitted during specific times when an increase in wireless coverage is needed, during a permitted special event, wireless testing outages, and then during an emergency. They are approved for 180 days initially, with an option to extend for up to two years.

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

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either verbally, 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 June 10, 2026
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Public Meeting Item #3 City of Virginia Beach
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Sabo: Item number three is an ordinance to amend Section 203 of the City's Zoning Ordinance, pertaining to minimum parking requirements for residential and mixed uses. This amendment is in response to House Bill 888 and adds a parking reduction option for residential uses within half a mile of a public transportation facility. The parking requirement would be 0.5 parking spaces per dwelling unit for multifamily or mixed-use development, and then one space per dwelling unit for one- and two-family, and then townhouses.

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

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either verbally, 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 June 10, 2026
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Public Meeting Item #4 City of Virginia Beach
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Sabo: Item number four is an ordinance to amend Article five of the City Zoning Ordinance pertaining to uses and dimensional requirements in the R-2.5 Zoning district. This amendment is in response to House Bill 1212, which required localities to have a district which permits single-family dwellings on lots no less than thirty feet wide and three thousand square feet. So, the existing residential district of R-2.5 already allows for lots of that size, and so this amendment would add the single-family dwellings as a by-right use to that district. For lots this small, the ordinance proposes a twenty-foot front setback, twenty-foot rear setback, and then five-foot side setback, with a maximum lot coverage of forty percent. That provides a 1,200 square foot building footprint on the first floor, and there are a couple of examples of homes on these size lots already within the city.

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

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either verbally, 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 June 10, 2026
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Public Meeting Item #5 City of Virginia Beach
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Sabo: And my last item, item five, is an ordinance to amend Section 105 of the City Zoning Ordinance pertaining to nonconforming mobile homes. A mobile home is a one-family dwelling that has connections to outside systems for electrical and plumbing. It is designed to be transported after fabrication on its own wheels. For mobile homes within a mobile home park, this amendment codifies the existing interpretation that if a mobile home park is legally nonconforming, a mobile home can be placed on any of the lots, regardless of if that lot was vacant previously. And then, for mobile homes not within a mobile home park, this amendment says that a mobile home can be replaced with a more modern or current mobile home, regardless of occupancy during the preceding two-year period.

Ms. Byler: Thank you, Zoning Administrator Sabo. Is there any opposition to these items being added to the consent agenda?

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

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either verbally, 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 June 10, 2026
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Public Meeting Item #6 John Tran & Lien Nguyen
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: Hearing none, we move on to agenda item six. Is there a representative here today to speak on this item? Welcome. Please state your name for the record.

Ms. Nguyen: Good afternoon. My name is Lien Nguyen.

Mr. Tran: John Tran.

Ms. Byler: Are the conditions acceptable to you?

Ms. Nguyen: Yes, ma'am. All conditions are acceptable.

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

Ms. Nguyen: Thank you.

Mr. Tran: Thanks.

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

Mr. Plumlee: This is an application for subdivision variance by John Tran and Lyen Nguyen at 1117 Beautiful Street. The site currently contains a single-family dwelling constructed in 1940, located within the historic Seatack suburban focus area, as well as within the 75 DB noise zone and accident potential zone. It was improperly subdivided by deed in July 1954, and this application is attempting to correct that. There has been no objection from the community. It's recommended by staff, and there was no objection by any member of the planning commission. Therefore, it's on the consent agenda.

Ms. Byler: Thank you, Commissioner Plumlee.

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

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either verbally, 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 site shall be in substantial conformance with the conceptual subdivision plan entitled "PHYSICAL SURVEY – 1117 BEAUTIFUL STREET – PHYSICAL SURVEY OF PARCEL ADJOINING SEATACK EVERGREEN TERRACE" dated December 16, 2025, prepared by DKT Associates Land Surveyors, 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. Any future improvements to the existing structures on the site must meet all the dimensional requirements of the Zoning Ordinance unless a variance by the Board of Zoning Appeals is granted.

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.

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Public Meeting Item #7 James A. Maybee
Recommendation: RECOMMENDED FOR 30-DAY DEFERRAL

Discussion

Mr. Coston: The next order of business is the consideration of requests to withdraw or defer an item. Are there any withdrawals? Our next order of business is consideration of items to be deferred. Please come forward if you have an item to be deferred.

Ms. Byler: Mr. Chair, There are three items to be deferred: item number seven, requesting a thirty-day deferral; items twelve and twenty-five for indefinite deferral.

Mr. Bourdon: Okay, Mr. Chairman, Eddie Bourdon, Virginia Beach attorney for Mr. Maybee, and actually, it'll be Mr. and Mrs. Sitar, who have now closed on the property, seeking the street closure, and we request a deferral to the June meeting. We're just exploring some alternatives that may work out better for the city and the applicants. Thank you.

Ms. Alcock: Just a point of clarification. That would be to the July meeting.

Mr. Plumlee: July. Yeah. Mr. Chair, I'm sorry. I'm ready. I'll make a motion to defer this item, item seven, for thirty days. I'm sorry if I'm too soon.

Mr. Coston: Do I have any motions for any items to be deferred indefinitely?

Ms. Byler: Mr. Chair, agenda items twelve and twenty-five have requested indefinite deferrals.

Mr. Coston: Thank you.

Mr. Plumlee: I don't know if there's anyone here to speak on those requests, but I do move that we grant the request to defer all three: item seven for 30 days, item twelve indefinitely, and item twenty-five indefinitely.

Mr. Coston: I have a motion to defer these items. Do I have a second? Second. Having a second, and having been moved by Commissioner Plumlee and seconded by Commissioner Anderson, are we ready for the vote?

Clerk: The vote is open. By a recorded vote of eleven to zero, item seven has been recommended for thirty-day deferral, and items twelve and twenty-five have been recommended for indefinite deferral.

Vote Tally

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

Virginia Beach Planning Commission June 10, 2026
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Public Meeting Item #8 Matthew & Jessica Firme
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on our consent agenda is item eight. Is there a representative here to speak on this? Please come forward. And please state your name for the record.

Mr. Firme: Matthew Firme.

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

Mr. Firme: Yes, the conditions are acceptable, with the modification to line item five's verbiage. Just for clarification for me to move forward and get other permits.

Ms. Byler: And what is the modification?

Mr. Firme: I would like to add the phrase of, with the exception of transfers directly related to gunsmithing activities.

Ms. Byler: Okay, thank you.

Mr. Firme: Thank you.

Ms. Byler: You may be seated.

Mr. Firme: Thank you.

Ms. Byler: Is there any opposition to this item being added to the consent agenda? Hearing none, we have asked Commissioner Cromwell to read it into the record.

Mr. Cromwell: This application comes from Matthew and Jessica Firme at 1492 Back Bay Landing Road. The applicant is requesting a modification of conditions to a conditional use permit for a home occupation to perform gunsmithing, along with small parts repair, within a portion of a detached garage on a 22,075 square foot AG-2 agricultural district. The firearms will primarily be mailed to the site, but the applicant may allow customers on site by appointment only, with one customer on site at any given time. The applicant will be the sole operator of this business. As required by federal law, the applicant will obtain a federal firearms license. Additionally, a City of Virginia Beach Police officer will conduct a security assessment. Hearing no opposition to this application, we approved it for the consent agenda.

Mr. Plumlee: Madam Vice Chair, may I ask a question? I was trying to write down the modification to number five. Can that be clearly stated on the record one more time, just so we have that going forward? If the gentleman is still available to come and state that a little slowly for me, I apologize I couldn't write it down fast enough. If you could go slowly for me, go ahead.

Mr. Firme: Okay, on item number five, the verbiage says, "There shall be no selling." As I move forward with the ATF, they can construe that differently with transfers at times. I've experienced this before in the past. So after "there shall be no selling," I wish to add, "with the exception of transfers directly related to gunsmithing activities."

Mr. Plumlee: Directly related to gunsmithing activities.

Mr. Firme: Smithing, not selling.

Mr. Plumlee: Got it. Thank you very much. I appreciate that. I apologize for the interruption.

Mr. Firme: Okay. Thank you, sir.

Ms. Eisenberg: And for further clarification, Commissioner Cromwell, when you read that into the record, isn't it your intent to add that language to the condition?

Mr. Cromwell: Go ahead and add the condition.

Ms. Eisenberg: Is that the intent?

Mr. Cromwell: Yes, that is fine.

Ms. Byler: Thank you, Commissioner Cromwell. Thank you, Commissioner Plumlee, for the clarification.

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

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For

those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either verbally, 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. All previous conditions attached to the Conditional Use Permit for the property located at 1492 Back Bay Landing Road of January 20, 2025, shall be voided and replaced with the following conditions below.

2. Any firearm or firearm parts kept on the property shall be stored in a locked, secured vault or similar container. The applicant shall contact the Police Department's Crime Prevention Office to arrange for a meeting at the property for the purpose of conducting a security assessment within one (1) month of the granting of this Conditional Use Permit. A report shall be written by the Police Department, with a copy provided to the applicant, the Planning Department, and a copy retained by the Police Department.

3. The applicant shall obtain and maintain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in order to conduct business.

4. Delivery of firearms to the property shall be received on the applicant's property only, secured by the applicant's signature.

5. There shall be no selling with the exception of transfers directly related to gunsmithing activities, reloading, or manufacturing of firearms or ammunition on the site.

6. Hours of operation shall be from 5:00 p.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m., Saturday and Sunday.

7. There shall only be one (1) customer on site at any given time.

8. There shall be no sign identifying the business on the exterior of any building on the property or within the yard of the property.

9. The use shall not create noise, dust, smoke, vibration, smell, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the area under normal circumstances, wherein no home occupation exists.

10. All activities related to the proposed Home Occupation shall only be conducted within a 200 square foot area of the detached garage on the property.

11. No amplification of music or use of speakers shall be permitted except within the enclosed accessory structures.

12. There shall only be one (1) employee associated with this home-based business.

13. City Ordinances and Standards remain applicable to this property. Any site plan submitted with this application must meet all applicable City Codes and Standards before site plan 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 June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #9 Your Not Alone LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Mr. Coston: So, our next order of business is our regular agenda. Madam Clerk.

Clerk: Our first item is item Nine. You're Not Alone, LLC.

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

Mr. Cox: Jason Cox.

Mr. Coston: Do you want to tell us about your project?

Mr. Cox: Oh yeah, of course. This is for the unit 207, C, at 79th Street on the north end. The current zoning that's in place calls for two parking spaces on the front side of the driveway, and we are trying to modify the conditional use permit to allow for a third parking space on the rear half of the driveway. In my communications with Alexis, the parking space is defined as nine feet by eighteen feet, and we have more than that to not impede the roadway or the sidewalk in the front. So we are just requesting that modification to allow for three spaces.

Mr. Coston: Okay. I think Commissioner Plumlee has a question for you.

Mr. Plumlee: Yes, sir. I'm sorry. If you could tell me your name one more time.

Mr. Cox: Jason Cox.

Mr. Plumlee: Mr. Cox, you're with the company You're Not Alone, LLC. Is that correct?

Mr. Cox: Yes, sir. Correct.

Mr. Plumlee: Is that a company owned by another company, or is it standalone?

Mr. Cox: It's standalone. The owner of that is Michael Hunt. He lives down in New Smyrna Beach, Florida, and I'm his registered agent and property manager on site here.

Mr. Plumlee: So you're the person contacted if there's an issue?

Mr. Cox: Absolutely yes.

Mr. Plumlee: And do you manage other STRs?

Mr. Cox: I do not. No.

Mr. Plumlee: This is the sole one. With regard to this property, this location, have you spoken with the immediate neighbors of this location, and what are their general thoughts on the matter?

Mr. Cox: The building 207 C, which is us, is the right backside of the building. That driveway splits directly down the middle, and the left side, D side, they've always had the four parking spots. When Mike originally went through this back in 2020, for whatever reason, he only got zoned for the two, even though we have more room in the driveway, just like the left side. Our immediate concern, and I guess the reason that prompted all of this, is that the amount of parking spaces in the driveway has to directly correlate with the amount of bedrooms that can be advertised in the STR. And our property is actually a three-bedroom unit. But back when the approval for the two spots happened in 2020, we actually changed how we advertised it to two bedrooms when, in fact, we actually do have three. We just thought that we didn't meet the requirements for that third one. And then after kind of speaking with Alexis and looking up the zoning and what it should be for that spot, we actually do have enough room for that third one.

Mr. Plumlee: What is submitted here is a stamped surveyor. Is that the work of a surveyor, or was that just taking a survey and overlaying the other data on it?

Mr. Cox: I got a copy of that from Alexis. I'm not sure if they had a surveyor do that or not.

Ms. Alcock: Commissioner Plumlee, that would be a markup of a survey.

Mr. Plumlee: And that's important. Have these three proposed parking areas been independently surveyed by you to determine whether, in fact, that property is owned by this residence?

Mr. Cox: Yes, because the two in the front were already approved for the zoning, and then we were just trying to get that third one on the back half of the driveway. I went out there and measured, made sure the width was more than nine feet, which it was, and then from the "Do Not Block Sidewalk" sign to the roadway, I think we've got like 27 feet, so we more than meet the number.

Mr. Plumlee: So you're saying that's been surveyed, and you're stating that on the record, it's been surveyed. It's not encroaching on any sort of public right of way, not encroaching on any easement in that area, and it's free for parking. Is that fair?

Mr. Cox: Correct.

Mr. Plumlee: Thank you very much. That's my question. I appreciate that.

Mr. Coston: Madam Clerk, we don't have any speakers for this item, do we?

Clerk: There are no speakers for this item.

Mr. Coston: The chair would like to hear either more consultation or a motion to approve.

Mr. Plumlee: Mr. Chair, the applicant answered the questions I had. I ask the hearing go forward, and I'd make the motion to approve the request. If I can get a second on that.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by Commissioner Cuellar that this item be approved. Are we ready for the vote?

Mr. Camp: Mr. Chair? May I be recognized.

Mr. Coston: Yes, sir.

Mr. Camp: Commissioner Plumlee, during your statement, you said that the third parking space is not in the right of way. If I heard correctly, I believe the staff report says it is in the right of way.

Mr. Plumlee: I was asking the applicant that question. I thought the feedback was that it is not.

Mr. Camp: I heard your question and his answer. With leave of the commission, may I ask staff to clarify for the record whether this is or isn't in the right of way?

Ms. Alcock: It is within the right of way, Commissioner Camp. It has been the policy and practice of zoning that parking within the right of way can be counted towards meeting that parking requirement, so long as it does not impede vehicular or pedestrian traffic, which this third space would not.

Mr. Camp: Thank you for the clarification. I wanted just to make sure that the record we send up to City Council is accurate on the facts.

Mr. Plumlee: That was the intent to get that clarification, and that's why I say "you're saying this on the record," and so we have to be very careful what we're doing because staff does the best they can to give us this data, but what you're saying is what you're held to in the future. So, thank you, Mr. Camp.

Mr. Coston: Are we ready for the vote?

Clerk: The vote is open. By a recorded vote of eleven to zero, item nine, You're Not Alone, 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. All previous conditions attached to the Conditional Use Permit approval of August 25, 2020, shall be voided and replaced with the following conditions below.

2. The following conditions shall only apply to the dwelling unit addressed as 207 79th Street, Unit C and the Short Term Rental use shall only occur in the principal structure.

3. An all-weather "No Blocking Sidewalk" sign shall be erected on the owners private property within clear view of the parking space in the City right-of-way (driveway). The location, material, and content of the sign shall be submitted for review by the Zoning Administrator within 30 days of a favorable decision by City Council. Said sign shall be installed on the property, at a location deemed acceptable to City Staff, within 60 days of the Zoning Administrator's approval.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. Accessory structures shall not be used or occupied as Short Term Rentals.

16. 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.

17. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.

18. 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.

19. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

20. 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).

21. 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.

22. 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.

Virginia Beach Planning Commission June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #10 Westminster Canterbury on Chesapeake Bay
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: The vote is open. By a recorded vote of eleven to zero, item nine, "You're Not Alone," LLC has been recommended for approval. Our next item is item ten, Westminster Canterbury on Chesapeake Bay.

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

Mr. Lishells: Samuel Lishells.

Mr. Coston: Would you like to talk to us? Tell us what you're representing.

Mr. Lishells: Representing Westminster Canterbury for the new build out of a parking garage on Shore Drive.

Mr. Coston: Okay, I expected to kind of hear a little bit more than that. Can you tell us what you're doing?

Mr. Lishells: Sorry. The purpose of the parking garage is to alleviate the concern of a public outcry for the spilling over of cars into the public roads and then taking up parking space in public roads. So, this is to bring all the staff and everybody onto campus to alleviate that concern.

Mr. Coston: Okay, you can be seated for a moment. Madam Clerk, do we have any speakers?

Clerk: There are no speakers for this item.

Mr. Coston: Do we have any discussion, or would the commission like to make a motion?

Ms. Cuellar: I have a question for the applicant. Could you come back, sir?

Mr. Lishells: Yes.

Ms. Cuellar: Thanks for being here today. We appreciate it. And could you please just tell me your last name again so I don't mispronounce it?

Mr. Lishells: Lishells, L-I-S-H-E-L-L-S.

Ms. Cuellar: Thank you so much, Mr. Lishells. In the course of this process, the applicant went to the Bayfront Advisory Commission, and there were some recommendations from the Bayfront Commission that I would like to ask the applicant to consider conditioning in this modification of conditions. I'm going to read them to you. These were written to the Planning Commission by the Chair. One of which is: all existing live oaks impacted by the construction of the parking garage

shall be retained to the greatest extent practicable. Any live oak tree removed or damaged as a result of development activity shall be replaced and maintained by the applicant. All retained and replacement trees shall be maintained in a healthy condition for a minimum period of two years following installation of project completion. Would you agree to that condition?

Mr. Lishells: Yes.

Ms. Cuellar: Okay. My second recommendation, then, for a condition, would be based on the Bayfront Advisory Commission's recommendation: any replacement tree required pursuant to this approval shall have a minimum trunk caliper of two inches at the time of planting. That is the recommendation of the commission. I feel it would be much stronger if the applicant would agree to four inches at the time of planting.

Mr. Lishells: Agreed.

Ms. Cuellar: Okay, thank you very much. I believe there's another question from a commissioner.

Mr. Coston: Commissioner Camp.

Mr. Camp: Yes, thank you, sir. I have two questions for you. With regard to the encroachment of your garage into the setback off of Shore Drive, the city is spending over $70 million to improve flow and appearances along Shore Drive, and I'm wondering why you are choosing to encroach into the setback instead of perhaps adding a story to your garage and pulling the massing back. Would you please speak to that?

Mr. Lishells: Yeah, absolutely. So, a lot of research and background has gone into this, and we've gone through probably seven different variants. But taking in the BAC's concern of making sure that it integrates into the surrounding buildings, you can see as you look at the diagram that it actually steps back to alleviate the front-facing portion of it as well. The reason that we didn't go higher is because you'd have to go to five or six floors to be able to gain the same amount of parking space, and it would be a rectangle, which is obtrusive on Shore Drive and would be taller. We feel like it would have much more impact. The variance was approved previously in 2008, so we took that as a constraint that we would just uphold to that and move forward. We arrived at this design, which we think is with the best intent of keeping along with not taking out more of the trees that are existing. So, if you were to go into a rectangle shape, you would cut out maybe five or six more live oaks in the bottom right corner of the plot.

Mr. Camp: I see the live oaks you're referring to are within the dashed line. Is that correct?

Mr. Lishells: Yes, sir.

Mr. Camp: All right. And with regard to the height, I mean, you're building a 22-story tower there, so when we're talking about adding a story or two onto a parking deck, is the issue that it is too close to Shore Drive? It would be the encroachment, the height upon close to Shore Drive that you were concerned about, or were you concerned in the abstract about the cost of adding those layers of decking?

Mr. Lishells: No, it's actually more economical to do it like that. But the main concern was the visual aesthetics of it, and to blend it in with Shore Drive.

Mr. Camp: So, if I understand correctly, you are incurring a greater expense doing it this way to preserve aesthetics. Is that what you just said?

Mr. Lishells: Our initial study showed that.

Mr. Camp: Okay. Thank you for the unexpected answer. I appreciate that. My second question relates to the last time that this applicant came before this commission, I believe in November of 2023. At that time, an element of what you were asking for involved taking away a public beach access and relocating it. And as I recall correctly, the statement was made by the applicant at that time that Westminster Canterbury had committed to restoring the public beach access in a manner that was wider and safer, and so on, and to maintaining that as a usable access. Well, I went up there to dinner the other night and took a moment to walk out there. It's full of sand. It's got a barricade fence over it. It is not usable as an ADA access. It is not currently being maintained. And while that has nothing to do with your parking garage, the fact is you're here asking for exceptions, and the last time you were here asking for exceptions, I heard a commitment that something was going to be done, and as best I can tell, it hasn't been done. So, what I would like to do here is ask if you would entertain, and I don't want to get into the whole details of that, we'll be here all afternoon. It's the spirit of it that the applicant moved something and impeded the public, and the promise to fix it, and the public doesn't have it back two years later. What I'm looking for is a commitment today that Westminster Canterbury is going to get that right, not in telling you specifically what to do, but in committing that you are going to restore ADA beach access to the public up there on that property. Is that a commitment you can make?

Mr. Lishells: Absolutely.

Mr. Camp: Would you be willing to entertain that as an additional condition on this application?

Mr. Lishells: In regards to it needs to be done before...

Mr. Camp: No, I didn't say anything about the timing. I mean, we can be reasonable about this. But what I want the public to know is we're not going to continue granting exceptions to applicants if they don't do what they said they were going to do when they were here last time. That's the basic spirit of it.

Mr. Lishells: Okay. Yes, I agree, and we are actively moving forward. The intent from the beginning was to hand this over to the city as a public amenity. We've been working with planning since the beginning of this. Everybody was involved. The plans were submitted and approved, and it was installed exactly how it was submitted and approved. The missing factor here was that the Army Corps of Engineers came in and did the sand replenishment project and dumped all the sand, and that's why we're in our current predicament now.

Mr. Camp: So I get it, but you guys are big boys, and the public has been inconvenienced now for yet another summer. If you can commit to the spirit of what was promised here before, I think that would go a long way toward getting the public back to where they need to be.

Mr. Lishells: We do. I just want to make sure that at the end of our ramp, if we clean it off, we make access, and it goes all the way down to our ramp, there will then be a wall of sand that is no longer. We can't even touch it legally. I don't think it's...

Mr. Camp: I guess I had thought this was going to be easy, but we're making it hard now. I understand where the sand is. I understand the ramp you built doesn't go where it needs to go now. The public needs to be able to get to the beach using an ADA access that you, the applicant, committed to two years ago.

Mr. Lishells: Correct. And we will do that, yes.

Mr. Camp: Thank you, sir.

Mr. Lishells: Yes, sir.

Ms. Cuellar: Yes, I'm satisfied, and I'm grateful for all the work that the applicant has done, particularly in agreeing to the additional conditions from the Bayfront Advisory Commission. We recognize that we are a work in progress, and that beach access is important. So we appreciate your dialogue on that, and I would like to recommend approval for this application with the conditions that I stated earlier. Would you like me to repeat them?

Clerk: Either way, I just want the record to be clear on what conditions are being added.

Ms. Cuellar: Correct. Okay. Well, I'll go ahead and read them again for clarification. It's the recommendation to include: all existing live oak trees impacted by the construction of the parking garage shall be retained to the greatest extent practicable. Any live oak tree removed or damaged as a result of development activity shall be replaced and maintained by the applicant. All retained and replacement trees shall be maintained in a healthy condition for a minimum period of two years following installation or project completion. The second condition is any replacement tree required pursuant to this approval shall have a minimum trunk caliper of four inches at the time of planting.

Mr. Mauch: I'll second that with the additional two conditions.

Ms. Cuellar: Thank you.

Mr. Coston: So, it has been moved by Commissioner Cuellar and seconded by Commissioner Mauch that this item be approved.

Clerk: The vote is open.

Mr. Coston: Commissioner Plumlee?

Mr. Plumlee: I am here. I am abstaining from this matter for reasons set forth in a letter with the City Attorney's office. I have abstained.

Clerk: By a recorded vote of ten to zero, with one abstention from Commissioner Plumlee, item ten, Westminster Canterbury on Chesapeake Bay, has been recommended for approval as modified.

Mr. Lishells: Thank you.

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. All previous conditions attached to the Conditional Use Permits and subsequent Modification of Conditions approved by the Virginia Beach City Council for the property located at 3100 Shore Drive, shall be voided and replaced with the following conditions.

2. There shall be a 9.79 front yard setback along Shore Drive for the proposed parking structure. This 9.79-foot setback is a deviation to the 35-foot front yard setback required by the City Zoning Ordinance.

3. The parking structure shall be developed in substantial conformance to the conceptual site plan entitled "MODIFICATION OF CONDITIONS REVISED CONCEPT PLAN – WESTMINSTER CANTERBURY PARKING STRUCTURE – VIRGINIA BEACH, VIRGINIA", prepared by KIMLEY HORN, dated 05/26/2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

4. The parking structure shall be developed in substantial conformance to the planting exhibit entitled "WESTMINSTER CANTERBURY ON CHESAPEAKE BAY – EXHIBIT SHOWING ADDITIONAL PLANTINGS", dated 04/16/2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

5. The architectural design and materials of the parking structure shall be developed in substantial conformance to the elevations entitled " MODIFICATION OF CONDITIONS CONCEPTUAL ARCHITECTURAL ELEVATIONS – WESTMINSTER CANTERBURY PARKING STRUCTURE – VIRGINIA BEACH, VIRGINIA", prepared by KIMLEY HORN, dated 04/01/2026,

which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

6. The architectural design and materials of the parking structure shall be developed in substantial conformance to the renderings entitled "WESTMINSTER CANTERBURY ON CHESAPEAKE BAY – PROPOSED RENDERINGS", dated 04/16/2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

7. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet. A Photometric Lighting Plan shall be submitted for review and approval during final site plan review.

8. The parking structure design shall include walls at each level of sufficient height to screen automobile headlights and to prevent glare onto adjacent properties.

9. All existing live oak trees impacted by the construction of the parking garage shall be retained to the greatest extent practicable. Any live oak tree removed or damaged as a result of development activity shall be replaced and maintained by the applicant. All retained and replacement trees shall be maintained in a healthy condition for a minimum period of two (2) years following installation or project completion.

10. Any replacement tree required pursuant to this approval shall have a minimum trunk caliper of four (4) inches at the time of planting.

11. The Property shall be developed in substantial conformance with the conceptual site plan entitled "SITE PLAN - CUP", dated November 8, 2019, and prepared by D2 Architecture (the "Site 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.

12. The quality of architectural design and materials of the buildings to be constructed on the Property, when developed, shall be in substantial conformance with the exhibit prepared by D2 Architecture, entitled "ELEVATIONS - CUP", and dated June 15, 2020 (the "Elevations"), a copy of which is on file with the Department of Planning and has been exhibit to the Virginia Beach City Council.

13. Landscaping installed on the Property, when developed, shall be in substantial conformance with that shown on the exhibit prepared by WPL, entitled "CONCEPTUAL LANDSCAPE MASTER PLAN", and dated July 21, 2020 (the "Landscape Plan"), a copy of which is on file with the Department of Planning and has been exhibit to the Virginia Beach City Council. The exact species of the various types of landscaping shall be determined at final site plan review.

14. The Property, when developed, shall not exceed a total of 674 Independent Living units, 75 Assisted Living units, 48 Memory Support units, and 108 Skilled Nursing units.

15. Prior to the approval of the construction plans for the healthcare building, the applicant shall obtain City Council's approval for the encroachment of the proposed pedestrian bridges over Starfish Road and Ocean Shore Avenue.

16. Prior to the approval of the construction plans, the applicant shall have obtained the approval of City Council to relocate the existing public beach access easement from its current location at the eastern terminus of Starfish Road to the proposed new location along the applicant's northeastern property line.

17. The applicant shall be responsible for any access improvements deemed necessary by Public Works/Traffic Engineering Staff, upon completion of the review of the submitted traffic impact study.

18. The independent living building, when constructed, shall have a dock area and trash bays which are fully enclosed with doors and include heavy duty sound attenuation panels lining the walls and ceilings inside the dock area. In addition, an eight (8) foot tall masonry wall lined with brick and supplemented with additional landscaping shall be installed opposite the dock area, along the length of the eastern property line. The exact species of the various types of landscaping along the wall shall be determined at final site plan review.

19. 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 June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #11 City of Virginia Beach
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

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

Mr. Kugler: Good afternoon. Bob Kugler is my name. I represent...

Clerk: Excuse me, sir. We need to hear from the representative first, and then we'll call up the speakers.

Mr. Kugler: Oh, I'm very sorry. First time. Obviously anxious.

Mr. Copeland: Good afternoon, Mr. Chairman, Madam Vice Chairman, members of the Planning Commission. My name is Tim Copeland, a city real estate agent, Public Works. The item today is a request to rezone a portion of city-owned property, all of a city-owned parcel, from R-7.5 to P-1 preservation. The property is 1.68 acres. It's on Upton Drive. It's located just north of the Red Robin on Nimmo Parkway, and just south of the Hospice House facility. The city has owned this property since 1985. Filed a certificate of take as part of the Red Mill Farms project at that time, and a portion of this property was sold off originally, or transferred to Hospice House for the development of that facility a couple years ago. The request to rezone came through the adjoining neighborhood, through City Council, and then it is my job to bring it to you all.

Mr. Coston: Thank you. Do we have any speakers?

Clerk: Yes, we have one speaker, Bob Kugler.

Mr. Kugler: Thank you. I appreciate the second chance. We've been working with the city on this particular property for now almost twenty years. Back in 2012, we had contributed $500 from our civic league to the city in order to plant live oaks, which they did, and it worked out well. Unfortunately, then they got cut down by mistake. The city replaced them for us. So it's a case where we've been working with the city and very favorably happy with the city's results. In 2017, when Westminster Canterbury came in front and supported the Hospice House, we as a community took a view of that. Said, "Is that a good use for the land?" We all agreed it was. Mutually, we thought that's a great use for property that's on a beautiful lake next to our community. But we also asked that it not be changed. No further change would put commercial or anything else on that land, and we asked that it be considered for one of the programs to put more trees on the land. In support of that, the City Council passed a recommendation, a resolution, I should say, that said: Resolution to maintain a buffer of vegetation adjacent to the lake on the property owned by the City of Virginia Beach on Upton Drive adjacent to the Hospice House, and turns that Red Robin is on the other side. So why am I here today? Because we wish to go forward with this change from R-7.5 to P-1, and we ask that it be maintained in trees. We'd even love for more trees to be planted, and we think that's a great use for the property, not only for our own sake, but even for

the Hospice House who is right next door. So we think it's a good fit, and we'd appreciate your considering. I'm open for questions.

Mr. Coston: Commissioner Plumlee.

Mr. Plumlee: Sir, tell me your name one more time. I apologize.

Mr. Kugler: Bob Kugler, K-U-G-L-E-R, and I represent the civic league on this topic.

Mr. Plumlee: What is the name of the civic league?

Mr. Kugler: South Shore Estates Civic League. We're happy to say that we've been very active, even through COVID. As of this moment, yesterday, I found that our people that have paid have 120 paid out of 220, which we thought was pretty good because we're not an HOA, we don't always get people to volunteer. But it's an active civic league, and we're very appreciative of Virginia Beach.

Mr. Plumlee: Okay, and you have the support of your civic league coming before on their behalf?

Mr. Kugler: I absolutely do.

Mr. Plumlee: Is there anyone opposing this request that you're aware of?

Mr. Kugler: Actually, no. We did a survey, particularly at the time of the Hospice House, because there was some consternation about is that going to cause a problem. But after that, people were very happy with that decision, and furthermore, they very much support this decision, this request.

Mr. Plumlee: Thank you very much. I appreciate you.

Mr. Camp: Thank you, too, for coming forward. When I asked for the deferral last month, I hope you understand that what we were given was very thin, and through the course of asking questions before the meeting, at the informal, and even during the formal, the story just kept changing, and when I heard that a civic league was involved, I asked for a one-month deferral to give you a chance to come and speak. I've learned things since you came and spoke. I did not know until now that there was a city council resolution pertaining to this. No one shared it with us. No one shared with us about your investment in the parcel. So I appreciate you taking the time to come and clarify the record. There are other aspects of the record that maybe we have questions for other people, but you've done exactly what we hoped would happen today, that when we serve it up to City Council with a recommendation, it's the most complete record we can. And when citizens do take an interest in these public lands, it's important to have that accompany the rest of the record. So thank you for taking time out of your day, sir.

Mr. Kugler: And thank you for deferring it because I missed the meeting, not knowing when it occurred, or I would have been here last time. So you gave me a chance to speak, and for that, I greatly appreciate it. Thanks.

Mr. Coston: Thank you, sir. The chair will like to open the floor for discussion or a motion.

Ms. Schoonover: I wanted to ask a question of Kathy Warren, if you don't mind, just some clarification about the trees and some things that Commissioner Camp had brought up. He had just raised some questions about the safety of putting trees there in terms of what comes underneath, and previously about whether any building could take place on that space, and I know that the city had mentioned that was not the best place to build based on what was underneath, et cetera. Could you just address that, please?

Ms. Warren: There are several challenges with this site to develop it. We did confirm last week with Frank Fentress with Landscaping that if the city did want to, in fact, plant some of those trees, where they have the funding to plant trees, they can do that if they're asked to do that.

Ms. Schoonover: Thank you.

Mr. Coston: Any further discussion or motion?

Ms. Schoonover: I move that we approve this proposal.

Mr. Mauch: Second.

Mr. Coston: It has been moved by Commissioner Schoonover and seconded by Commissioner Mauch that we approve this item. Madam Clerk, ready for the vote.

Clerk: The vote is open. By a recorded vote of eleven to zero, item eleven, 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 June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #12 Rhema TC, LLC
Recommendation: RECOMMENDED FOR INDEFINITE DEFERRAL

Discussion

Mr. Coston: Do I have any motions for any items to be deferred indefinitely?

Ms. Byler: Mr. Chair, agenda items twelve and twenty-five have requested indefinite deferrals.

Mr. Coston: Thank you.

Mr. Plumlee: I don't know if there's anyone here to speak on those requests, but I do move that we grant the request to defer all three: item seven for 30 days, item twelve indefinitely, and item twenty-five indefinitely.

Mr. Coston: I have a motion to defer these items. Do I have a second? Second. Having a second, and having been moved by Commissioner Plumlee and seconded by Commissioner Anderson, are we ready for the vote?

Clerk: The vote is open. By a recorded vote of eleven to zero, item seven has been recommended for thirty-day deferral, and items twelve and twenty-five have been recommended for indefinite deferral.

Vote Tally

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

Virginia Beach Planning Commission June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #13 & 14 Shore Drive Area Properties, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: The vote is open. By a recorded vote of eleven to zero, item eleven, City of Virginia Beach, has been recommended for approval. Our next item is items thirteen and fourteen, Shore Drive Area Properties, LLC.

Ms. Murphy: Good afternoon, Chair, Vice Chair, members of the Planning Commission, and staff. For the record, my name is Lisa Murphy. I'm a local zoning attorney, and I'm here today on behalf of the applicant, Shore Drive Area Properties LLC, which is a McCluskey and Associates affiliate.

The subject property before you is 2.2 acres, with a street address of 3853 Shore Drive being the principal property, and then there are a couple of parcels directly to the southeast that you see as sort of a pie shape on the aerial. As Marchelle indicated in the informal session, the property is zoned PD-H1, which is Planned Unit Development District, and it is in the Shore Drive Corridor Overlay District. It's currently developed as a fenced bulk storage yard, principally storing boats, boat trailers, that type of thing. It's compacted gravel with a fence around it. Not a whole lot of green space and really no landscaping to speak of.

The applications are two. In this case, it's a request for a conditional rezoning from PD-H1 to B-4 SD, which is that mixed-use Shore Drive corridor overlay, and then being in the Shore Drive Corridor overlay district, we need a conditional use permit for the multifamily component of it.

How did we get here? When I started preparing for today, I realized that the last time we were here talking about this property was just about five years ago. On July 14, 2021, we were before the Planning Commission. That application was far different than this application. It involved additional properties across Clipper Bay and Ocean Tides, was six or so acres, and it was for 197 apartment units. So much bigger, much more dense.

Since that time, and specifically in the last two to three years, the applicants' representatives have been going along Shore Drive, meeting with community leaders, business leaders, civic league presidents, Bayfront Advisory Commission members. As it says in your staff report, over thirty meetings have occurred over the last couple of years. I tell you that so that you understand the level of outreach the applicant has done, but also the fact that after the last application, they went to the community to elicit that feedback and to find out what type of project the community thought would be compatible from a use and a scale perspective. That's how we got to the application before you today.

Two big comments: one, they heard we want this to be a for-sale, owner-occupied project, and not a for-rent project. The feeling was that an owner-occupied project would have a greater sense of community and stability, and that that would be an asset for the surrounding neighborhoods.

Through the course of those conversations, they reduced the number from sixty-two to the fifty-two units that you have in front of you today.

The current project, as I mentioned, is 52 for-sale units, that results in a density of just under 24 units per acre. If you look at the Shore Drive corridor overlay, that would be the recommended density for a mixed-use project. The number of bedrooms is two two-bedroom units, forty-two three-bedroom units, and eight four-bedroom units. Each of these will have a very large balcony, one-story balcony, ten feet by twenty feet, a large outdoor living space. There'll be green space in the center available as amenity for all of the owners, and then the property goes from the building itself, five stories down to three stories where it's adjacent to the residential.

This did go before the Bayfront Advisory Commission. There were several recommendations they made, and we've addressed virtually all of them. Two of them made it into the proffers: the pet relief area for the owners, and a proffer that was added that excluded certain uses from that 2,000 square feet of retail space. That's in the front corner right there at the intersection of Shore Drive and Marlin Bay. The other thing that we did, which took a little bit longer, was to address that horizontal articulation and the height at the corner. We've peeled back that direct corner piece. It's actually ten feet shorter than it was. It'll become a big patio unit for that particular condominium unit. Also, really does help to reduce the scale.

As I mentioned, the corner unit will be a commercial unit. We're envisioning a local market with complementary retail space. It'll have some outdoor space, again trying to engage pedestrians and the surrounding community. The building's been oriented to face the intersection, and there'll be a piece of artwork at the corner that provides a focal point for this very important gateway into the resort area. All the surface parking is located behind the building facade. 126 parking spaces are provided, which is actually in excess of what would be required.

I wanted to touch on stormwater. You should have in your packet a letter from Lynnhaven River Now. The short answer is there's no stormwater management today. It's a compacted gravel yard. The water that comes across in a storm sheet flows mostly into Shore Drive. There's no stormwater management, no pollution control. As Karen Forger says in her letter, this redevelopment project is really going to help the environmentally sensitive area by keeping the pollutants out of the creek, but also helping to manage that stormwater going into Shore Drive. So it significantly improves the current conditions. Stormwater will be managed underground, which is why you don't see the ponds and the facilities.

Staff is recommending approval. Your Bayfront Advisory Commission is recommending approval. And we respectfully request that you recommend approval to City Council as well. I'm happy to answer any questions.

Mr. Coston: Well, we'll have you back for questions after we hear from speakers. I believe we have some speakers on this one. Madam Clerk.

Clerk: Yes, our first speaker is Danny Murphy, followed by Dave Redman.

Mr. Murphy: Good afternoon, Chairman Coston, Commissioners, staff. My name is Danny Murphy. I am the president of the Ocean Park Civic League. I am here to formally state that the civic league has chosen not to take an official position for or against the Shore Drive Area Condo

Project application. Over the past five years, this site and adjacent parcels have been the focus of redevelopment plans. The civic league and community have strongly opposed those previous plans. We believe it is important to prioritize the residents' voices by stepping back and allowing them to present their individual perspectives directly to you.

According to the bylaws of the civic league, our mandate is to inform residents of issues of neighborhood importance, to provide forum for discussion and concerns, and to promote participation in public affairs such as this hearing. We operate for the mutual benefit and interest of the Ocean Park community.

I would like to thank the City of Virginia Beach Planning Department, particularly Deputy Director Bookholt and staff planner Marchelle Coleman, for dedicating an evening to come speak to our members about land use and redevelopment. The Q&A portion of that was exceptional, and I applaud them. They represent the city very well. I would also like to thank the developer, the McCluskey Organization, for addressing past concerns, working to mitigate them where possible, and continuing to seek input throughout the process.

Redevelopment is inevitable and necessary, and welcome. As a civic league observes the future of Shore Drive, we respectfully ask that you evaluate this application within the context of the long-term vision of Virginia Beach as adopted by the Shore Drive Corridor Plans. We emphasize that this project, if ultimately approved, must not set a precedent for other nearby redevelopment proposals. Several of which may arise. All of the projects must meet the standards of the Comprehensive Plan, Shore Drive Overlay District, Shore Drive Corridor Plans, and the design guidelines.

There are concerns, I think many of us share, regardless of the position on the project. I ask that these concerns accompany your recommendation to City Council, which will ultimately make the final decision. Scale, density and massing are significant documented concerns. To reach the nearly 24 units per acre, the applicant is requesting variances to reduce the 30-foot setback on Clipper Bay to 15 feet and lower the step down adjacent to the existing townhomes. Ask the Commission to consider these facts carefully before granting approval. Neighborhood character and corridor alignment: the key consideration is whether the project reflects Ocean Park's historic coastal community and aligns with the adopted city corridor plan. Parking and traffic: the trade-off between building height to have ground-level under-building parking is significant. Neighbors are concerned that residents and guests will still spill over into Marlin Bay Street for parking. Shore Drive already exceeds its capacity, and the Shore Drive Improvement Plan Phase Four project is not scheduled to even begin until 2032.

Stormwater management and the Lynnhaven Watershed: any new development must demonstrate that it will not increase runoff or drainage issues, nor hinder the possible need for the West Shore Drive Phase Four stormwater pump station. Pleasure House Point area: this adjacent property is the crown jewel of the city. The new 52 units will likely increase the use of this facility, and we just want to make sure that there are safeguards and protections for the habitat and trails.

We respectfully request, regardless of your recommendation, that these concerns are included in the record and forwarded to council. Thank you for your time.

Mr. Coston: Thank you, sir.

Clerk: Our next speaker is Dave Redman, followed by Terry Browning.

Mr. Redman: Good afternoon, Mr. Chairman, members of the commission. For the record, I'm Dave Redman. I've lived in District Nine for 44 years. In fact, I served on this body representing District Nine for 15 years, and then Mr. Coston took the baton. It's my home, so I travel this portion of Shore Drive virtually every day. And it's hard for me to express how strongly I support this superb renewal of an underutilized eyesore of a property.

I hope everyone interested has read the staff report, because the staff report very convincingly explains how completely this project fits within the Shore Drive Corridor guidelines, comports with the comprehensive plan, and incorporates genuinely exceptional planning principles and design guidelines. I'm a sucker for beautification, a sucker for landscaping. This project beautifies not just this property, but the entire bayfront. And I challenge anyone to show me a residential community on Shore Drive with better landscaping than what's proposed.

This project incorporates modern stormwater management on this site for the first time ever. Quit making excuses of flooding if you turn your nose up at stormwater improvements, particularly when the private sector initiates and pays for them. That's what we should be doing. With articulate architecture and high-end building materials, this project provides a more welcoming presence to the Pleasure House Point Natural Area. At fewer than twenty-four units per acre, this project is far less dense than many existing, older and less attractive properties in very close proximity. And only to Lilliputians is five stories a tall building in the Shore Drive corridor. There are far, far taller buildings within eyesight of this project.

This property, through no fault of the applicants, has been the skunk at the Shore Drive Garden Party for far too long, and now you can fix that. Look at the rendering of this beautiful bayfront community that's proposed compared to what's there today. It is a no-brainer. I urge you to support this application. Thank you for your time, and I will be happy to answer any questions.

Clerk: Our next speaker is Terry Browning, followed by Kim Mayo.

Mr. Browning: My name is Terry Browning. I'm the adjacent property owner to the project. I own 3829 Shore Drive. We're here in support of this project today because I feel it'll bring a nice area to the corner of Marlin Bay and Shore Drive. They've done an outstanding job. I was involved with them in the original project five years ago. The reason for my involvement? At that time, I had two brothers that were owners in the property with me, that were left to us from the demise of my parents. When we bought this property, there was nothing around us. There was no Marlin Bay. There were no condos. There were sand dunes and live oaks. Time marches on. Things need to be improved.

The main reason for me coming here today is I've heard a lot of conversation about my affiliation with them when we were trying to do the Marlin Bay project. I now am the owner of that property, and my son is now running Browning's Marine, which we've been in business since 1955. It cost me greatly to acquire this property from my brothers at a time in life when I'm 72 years old and I'm working seven days a week. But our intention is to take our property and move it forward.

Now that I can spend money on it and upgrade our properties and make it a lot better than it is now.

I just wanted to lay their fears aside that I'm not waiting for this to get passed and then I'm going to do something on my property. That is not going to happen. As long as my son wants to be in the boat business, we're going to be in the boat business. I am going to be impacted by it. And it's probably that some things are not going to be good because anytime you get residents next to a business, you have issues. But I do feel strongly that they're going to do a great job to improve this piece of property and make a nice community.

As a side note, my relatives developed Ocean Park in 1912. Some of the paper streets, which one of them has been saddle property, were still in the Newtons' name on the plats. So, we've been involved in Ocean Park for a very long time. All my children graduated from the local schools, Cox, John B. Dye, and I now have five grandchildren in school there. So, I'm there for the community. I want what's good for the community, and I support this project.

Mr. Coston: Thank you, sir. Your time has expired. Thank you. Somebody has a question? OK.

Mr. Camp: Thank you Mr. Chairman. Thank you, Mr. Browning, for being here today. Could you please tell us, does your business use the paper street Clipper Bay for access into your yard?

Mr. Browning: Yes, sir. We do.

Mr. Camp: Thank you very much.

Clerk: Our next speaker is Kim Mayo, followed by Wendy Crutchfield.

Ms. Mayo: Good afternoon. I'm speaking in opposition. My name is Kim Mayo. I'm a District Nine civic leader, and we live a few miles away from this site. The landowner, by right, can put in some housing and develop there within existing zoning rules. No upzones. Unfortunately for taxpayers and all impacted, Councilman Schulman does support this upzone. He's also taken campaign contributions from this developer.

The property we're discussing is adjacent to ecologically sensitive Pleasure House Point, our public land. Last March, Councilman Schulman put forth a CIP to bulldoze a maritime forest at a cost of approximately $12 million to taxpayers. There is now a federal lawsuit to hold all accountable and protect the rest of the park.

Furthermore, every zoning decision affects every resident. When the city makes a land use or zoning decision, it's easy to think it only matters to the people who live nearby. It doesn't. Every zoning approval sets a precedent. The next applicant points to the last approval and says, "Well, you already said yes to this one." One decision at a time, the character of Virginia Beach shifts.

Lastly, there's a local YIMBY organization who has members advocating for this upzone. I have experience with YIMBY groups. More housing does not mean lower rents. YIMBYs have a history of online bullying and clashing with housing justice advocates in displacing working class and people of color. Finally, as we all know, our City Council takes huge amounts of campaign

donations from the real estate industry. YIMBYism gives them political cover to deregulate land use protections and build more luxury housing, such as this, and generate huge profits at our expense. Thanks so much for your time.

Clerk: Our next speaker is Wendy Crutchfield, followed by John Moss.

Ms. Crutchfield: Good afternoon, commissioners, Chair Coston. My name is Wendy Crutchfield, and I am speaking as a property owner adjacent to this proposed development. Today, I would like to ask a simple question: why did Virginia Beach spend years creating the Shore Drive Corridor Design Guidelines if we are willing to ignore them when they matter most?

The property before you sits literally on the boundary between the green zone and the mixed zone at Marlin Bay Drive. That was not an accident. It was a result of extensive public planning, professional study, and taxpayer investment. According to these guidelines, the green zone's east boundary is Marlin Bay Drive, and is characterized by mature live oaks and pine forests of Pleasure House Point. Marlin Bay Drive then transitions to the mixed zone. The plan states that the homes, some dating back to the early 20th century, provide a defining design image for the area and the corridor, and recommends the Ocean Park neighborhood for residential land use at low and medium densities, which reflects the character of our coastal community.

This property fails to fill the bill. The proposed density increases what is currently allowed by six times. The building rises five stories in a location specifically intended to transition away from the environmental protections of the green zone. If a five-story building at this density belongs in a transition area, then what exactly is a transition area? If a six-fold increase in density is compatible in the mixed zone, then what does low to medium density mean?

This decision is about much more than one parcel. It's about whether our adopted plans have meaning. It's about whether residents can trust the rules they helped create will actually guide future development. The Shore Drive Corridor is one of Virginia Beach's greatest assets because it is different. It is not the oceanfront. It is not Town Center. It is a unique coastal community shaped by a deep and rich history, waterways, maritime forests, wildlife habitat, and neighborhoods that have evolved alongside them for generations. The purpose of planning is not simply to determine what can be built. The purpose of planning is to determine what should be built. Today, I respectfully ask that you uphold the vision established in the Comprehensive Plan and the Shore Drive Design Guidelines, protect the integrity of the green zone and mixed zone transition, and deny this rezoning request unless it is substantially reduced in density and intensity. Thank you for your time.

Clerk: Our next speaker is John Moss, followed by Martha Tharald.

Mr. Moss: Good afternoon, everyone. Chair and members of the Planning Commission, my name is John D. Moss. The case before you today seeks an upzoning, a conditional use, along with a variance. The applicant has no legal entitlement to receive a favorable recommendation, and the benefit of the doubt goes to a denial. In my judgment, the proffers offered by the applicant are overwhelmingly insufficient to overcome the points made by the community opposition. The community critiques, with supporting empirical evidence submitted by various individuals and civic leagues, makes an undisputable case for denial.

Why is that? A comparative analysis of the applicant's submission, the city staff analysis, the submitted public written comments, and the oral testimony today yield only one answer: a recommendation for denial. I see no need to revisit the evidentiary record. You have the opportunity today not to repeat the Windsong Apartments upzoning decision on Pleasure House Road. All the concerns raised in opposition to the Windsong Apartments, 36 units to the acre by 16 civic leagues, were discounted by the then city council majority. Those concerns cast aside in approving the Windsong upzoning have largely come to pass, a lesson you should heed.

The Marlin Bay application, like a data center, creates major profits for the applicant by imposing tangible and intangible cost on the immediate neighborhoods, the use of Shore Drive, and Virginia Beach taxpayers at large. I believe you have a duty to do no harm in making your recommendations. The speakers today, by their evidentiary assessments, have proven the Marlin Bay application items before you, if approved, will do harm. May God grant you the wisdom, the courage, the compassion, and humility to respond favorably to the community's petition to recommend denial of the Marlin Bay request in each of its agenda items. Thank you very much.

Mr. Coston: Thank you, sir.

Clerk: Our next speaker is Martha Tharald, followed by Mary Riesmeyer.

Ms. Tharald: Good afternoon. My name is Martha Tharald, and I respectfully ask that you recommend denial of this rezoning application. This request is not simply about one property; it is about flooding, public trust, environmental stewardship, and the precedent we set for future development along this corridor.

In September 2021, Virginia Beach City Council unanimously adopted a resolution urging citizens to approve the Stormwater Bond referendum. The voters kept their end of the bargain and approved it. One of the promises made to the public was clear: council committed to amending the comprehensive plan to recommend denial of projects that create a net increase in stormwater discharge demand beyond the capacity of the drainage system to handle it. That commitment was never honored. The language was omitted from the recently adopted comprehensive plan, despite repeated opportunities to include it.

Now we are being asked to approve a rezoning that would dramatically increase development intensity on this 2.2-acre site. The current zoning allows development generally consistent with the surrounding neighborhood. The proposed zoning would permit substantially greater density, taller buildings, greater lot coverage, and commercial uses. The site is located across from publicly owned natural land, recognized as environmentally sensitive and fragile, and along an already heavily traveled coastal corridor where residents regularly experience congestion and flooding concerns.

Most importantly, we still do not have a completed stormwater plan. We have been told that flooding may be significant enough that the city could ultimately need to acquire a portion of this very property for a future pump station. Think about that for a moment. If the city may need to purchase part of this property because flooding is already a concern, why are we being asked to approve a far more intensive use of the property before those flooding issues are resolved? How

can anyone determine that increasing lot coverage from approximately 40 percent to 75 percent will not worsen stormwater conditions when the drainage solution itself has not yet been finalized?

Approving this application would send a message that major increases in density can be moved forward before more critical infrastructure questions are answered. It would establish a precedent that other property owners along the corridor will undoubtedly cite in future zoning requests. The Planning Commission's responsibility is not merely to accommodate development; it is to protect the public interest, safeguard our natural resources, and ensure that growth occurs responsibly. The voters of Virginia Beach were promised that stormwater capacity would be a determining factor in development decisions. Before this property is upzoned, the public deserves proof that promise can be kept. For these reasons, I respectfully ask you to recommend denial of this application. Thank you.

Clerk: Our next speaker is Mary Riesmeyer, followed by Leslie Colbertson.

Ms. Riesmeyer: Good afternoon. My name is Mary Riesmeyer, and I'm here on behalf of the Baylake Pines Civic League. So, I should have 10 minutes, not three. The Baylake Pines Civic League represents 336 single-family homes adjacent to the Ocean Park neighborhood, and we appreciate the opportunity to be here today to comment on this rezoning application.

Representatives of Shore Drive Area Properties, LLC attended our March membership meeting and presented the proposal to our residents. We support the redevelopment of this eyesore, but we recognize the value of thoughtful reinvestment in the Shore Drive corridor. Our opposition is not to redevelopment itself, but to the unprecedented scale, density, and intensity of the project being proposed, especially considering key missing data, including traffic impact study on Marlin Bay and stormwater impacts on this flood-prone area.

We respectfully urge denial of the rezoning request because it conflicts with adopted policy, exceeds the intended scale of development for this location, and establishes a precedent that could permanently alter the character of the Bayfront Corridor. I want to repeat: we are not opposed to the development of this parcel of land. We are opposed to the proposed development for the following reasons, any one of which alone is the basis for denial.

First, inconsistency with the comprehensive plan. The staff report acknowledges that, per the 2026 Comp Plan, established neighborhood character should be preserved and protected, and future residential development should strive for the lowest reasonable density compatible with the existing neighborhood. 52 condos on 2.2 acres, which equals a density of 23.63 dwelling units per acre, is not consistent with the current neighborhood. There is absolutely nothing in the record that shows the applicant has demonstrated this is the lowest reasonable density.

Second, density and scale beyond the intended development pattern. The current PD-H1 zoning allows for 4.25 dwelling units per acre. The proposed is nearly six times that amount. The proposed project also includes a five-story building. Current zoning is 35 feet. The proposal exceeds the current zoning allowance by 77%.

Third, failure of the transitional design concept. Shore Drive Corridor Design Guidelines established that a deliberate transition between zones. Marlin Bay is an important boundary. The

proposed development, by its size and density, completely obliterates a transition area. Going from five stories down to three stories is not a transition area sufficient for this purpose.

Fourth, traffic, transportation, parking, and pedestrian safety. The city's analysis acknowledges that Shore Drive is already operating above its intended capacity. Shore Drive currently carries approximately 40,500 average daily trips. It has a roadway capacity for 36,900. The proposal is expected to add approximately 460 ADTs. It is unreasonable to approve a project that would add more ADT to a corridor that the city itself acknowledges is already carrying approximately ten percent more than it was ever intended to. The absence of current traffic counts on Marlin Bay Drive and lack of planned roadway improvements are also problematic.

Fifth, unresolved stormwater and public infrastructure issues. Per the staff report, preliminary engineering for Shore Drive Corridor Improvements Phase Four identifies a potential stormwater pump station on the northern portion of the property. No project on this land should be approved until the city determines if it is needed for future public drainage infrastructure. No preliminary stormwater analysis was required prior to the Planning Commission review. The applicant is to evaluate underground stormwater management systems later during the site plan stage. This is putting the cart before the horse.

Sixth, Bayfront Advisory Committee findings. The committee's support for this application was not unconditional, nor was it unanimous. There were several project modifications recommended. I recommend that the recommendations from the BAC be implemented and adapted into this program, just as they were for item 10, regarding building height, perceived scale and massing, evaluating permeable materials, restricting incompatible commercial uses, and establishing operational standards for the commercial component.

Seventh, corridor-defining precedent. As others have mentioned, this project cannot and should not be treated in a vacuum. Approval of this project will open the door and forever influence future development of the Shore Drive corridor west of the Lesner Bridge. It will dramatically and negatively change the character of this particular bayfront corridor.

In conclusion, this decision is larger than a single development project. At a minimum, we respectfully request the Planning Commission to defer this application until the unresolved transportation, stormwater, and public infrastructure issues identified in the staff report have been fully analyzed and presented to the public. Should the application proceed, we respectfully request the commission deny the rezoning as proposed unless substantial reductions in density, height, and overall intensity bring the project into alignment with the Comprehensive Plan, the Shore Drive Corridor Design Guidelines, and the surrounding neighborhood context. Thank you.

Mr. Coston: Commissioner Hippen.

Ms. Hippen: I have some questions for you.

Ms. Riesmeyer: Okay.

Ms. Hippen: So you said that your civic league supports development, just not this one. Am I correct?

Ms. Riesmeyer: Yes.

Ms. Hippen: Okay. So let me see if I've got correct what you said, because you said you wanted some conditions added, and I'm trying to make sure I understood which conditions you were talking about. You were talking about stormwater, correct? And you were talking about traffic, correct? You were talking about density.

Ms. Riesmeyer: Correct.

Ms. Hippen: Okay. Were you in on the discussions or the presentations from the prior application for this area?

Ms. Riesmeyer: I was aware of the bigger complex, more acres, more units, apartments versus owned condos. Yes, I was aware.

Ms. Hippen: Okay, so did your civic league disapprove of that as well?

Ms. Riesmeyer: Correct, we did.

Ms. Hippen: Okay, and that was because it was rentals, because it was over density, the whole shebang?

Ms. Riesmeyer: Too big, too much.

Ms. Hippen: So, what is not too big?

Ms. Riesmeyer: What's consistent with current would be ten to twelve units.

Ms. Hippen: So, your civic league is looking for single-family homes because that is what is predominant in this area?

Ms. Riesmeyer: Townhomes are on that side. The area immediately behind are townhomes. But what would be consistent with current zoning would be approximately ten to twelve.

Ms. Hippen: Okay. So, your objection is due to the current zoning. Because they are asking for a zoning change, which is why I'm making sure I understand.

Ms. Riesmeyer: We do not want. We do not support a zoning change.

Ms. Hippen: Roger that. Okay. Thank you.

Ms. Riesmeyer: Okay.

Clerk: Our next speaker is Leslie Colbertson, followed by our final speaker, Rhona Marsh.

Ms. Colbertson: My name is Leslie Colbertson. I'm a lifelong resident of Virginia Beach and a property owner in Baylake Pines, as well as Chesapeake Beach. I'm asking that you oppose the proposed zoning increase for the Marlin Bay condo lot from planned residential development to business/residential high density. This proposed development will detrimentally alter the character

of Shore Drive and any sense of special place. Shore Drive is a local corridor for residents, and is not the commercial tourist location like the oceanfront. Shore Drive does not have the capacity at this time to support current local traffic on this corridor, or to meet safety concerns for pedestrians or current beach visitors to the bay. Virginia Beach has historically done a poor job of protecting its history and any sense of community. In regards to this revised proposal, less bad doesn't make it a good proposal. Please oppose the zoning request. Thank you.

Clerk: Our final speaker is Rona Marsh via WebEx.

Ms. Marsh: Thank you. My name is Rona Marsh, and I am in favor of this being built out using the current zoning that it currently has, without rezoning. I believe fifty-two condos with a hundred and sixty-two bedrooms will result in three hundred and twenty-four allowed residents. I say that because HUD requires that you have two people per bedroom permitted. You cannot discriminate and tell people they can't have two people per bedroom. So having a hundred and sixty-two bedrooms means you're going to have three hundred and twenty-four allowed residents. This is something that no one ever wants to talk about because they don't want to talk about the density. But this is the Fair Housing Act.

I feel the rendering looks like a hospital, and that there should be valet parking, because there's not enough parking spaces. With 104 parking spaces for 324 allowed residents. The area has had traditionally heavy stormwater flooding, and I have sent you photos by email of the flooding most recently in 2025. All this flooding, tidal flooding, makes it dangerous when you have so many people on a roadway that is not designed to handle already more traffic. If you keep doing this and you don't have enough parking, you're going to have people who are going to be parking illegally. We don't need double parking or roadside parking. Where are the delivery trucks going to park? The third precinct is going to have to handle the illegal parking disputes.

There's more development right around the corner by this same developer who wants to build fourteen units on Marlin Bay Drive extension and Winston Place. So this is going to be cumulative, and you need to deny this and let the developer build as it's already zoned. Building is not the issue; it's just overbuilding, and density of 324 people is too much. Thank you very much.

Mr. Coston: Thank you, ma'am. And that was our last speaker.

Clerk: That was our last speaker.

Mr. Coston: Would the applicant like to come back for rebuttal?

Ms. Murphy: Thank you for the opportunity. I'll start with stormwater. While a stormwater analysis isn't required in the Chesapeake Bay watershed as part of the rezoning, as part of the site development and site plan approval process, the applicant absolutely has to go through a full-blown stormwater design and stormwater management plan. At this point, based on the prior stormwater analysis that was done, they know that to meet the current regulations, which the property does not meet right now, they will have to build underground storage chambers. So, this will absolutely improve the flooding situation on Shore Drive, because you'll take a gravel lot with no stormwater management and develop it to current, very detailed and very robust city standards. It will be detained on site. It will help not only with flooding, but with pollution.

The other thing that was added that addresses stormwater and the environment is the applicant worked with Lynnhaven River Now to identify plant species to incorporate as part of the landscaping, so that it does benefit the environment and fits more with the Pleasure House Point development.

The pump station came up. We were told that the pump station, which has nothing to do with this particular project and would not and could not serve this project, would be at the end of Clipper Bay Drive in that public street. There's no final determination.

As your staff report indicates, the additional trips per day for this particular development would be modest overall. This section of Shore Drive is in a CIP. It's the Phase Four CIP where they've got a design that would expand it to six lanes on either side with a bike path, with a sidewalk, which, incidentally, would be in addition to the 10-foot multi-use trail that we're showing. We could go to 11 feet if that was the body's will, but it will be next to a city sidewalk. So, ours is a multi-use trail that is not in the right of way. But in the right of way, next to it would be a city sidewalk. Just wanted to address that. You have a professional staff that analyzes every application. You have, in this case, also a Bayfront Advisory Commission that reviews the applications very specifically to make sure that your comprehensive plan and that the Shore Drive design guidelines and the Shore Drive corridor guidelines are all being met. As your staff report indicates, this well-planned development advances key concepts of the comprehensive plan and objectives of the Shore Drive corridor, including redevelopment of underutilized properties and the promotion of neighborhood enhancement. It avoids the overcommercialisation of the corridor, and, as the staff report indicates, protects and preserves the established neighborhoods.

The Bayfront Advisory Commission recommended approval. There were a number of items that were addressed in their recommendation. I think we've addressed all of those, but for one, and that was a suggestion that we incorporate permeable pavers throughout the project. Because this is an owned condominium structure, there will be an HOA, a condo owners association that will have to take care of the maintenance and the use. We're looking into the permeable pavers, but it's something that would increase maintenance costs for the owners association. And we have, as I said, incorporated significant landscaping with those native species.

The question about the use of the corner market—I think one of the speakers brought up—we have specifically added a proffer to proffer out noxious uses. Nobody wants to see it as a vape shop or a tattoo parlor, or some of those other commercial uses that frankly wouldn't be in keeping with the local neighborhood market, which is what the applicants intend. The applicants will be the owners of that unit, which will be a commercial unit. So, they will control that, as well as the owners' association. I'm happy to answer any other questions. But again, your staff, your professional staff, is recommending approval. The Bayfront Advisory Commission has recommended approval, and we have addressed nearly all of their recommendations and suggestions as far as ways to further enhance the project and the application.

Mr. Coston: Commissioner Hippen.

Ms. Hippen: Hi there. Okay, so I have a few questions for you. So, to let you know, I live over near Magnolia, on Magnolia Chase, Infinity and the Cascades, and all of the rest of the homes around there are single family homes. Okay, so I live across town from this. So, my questions.

First of all, let me give you some stats here. We had letters received. We had fifty-seven negatives, three neutrals, two positives. Okay, so that gives us sixty-two letters. We had nine speakers, of which two were positive, six were negative, and one was neutral. We've got one civic league that says we don't have a position, but we've got a civic league and Lynnhaven River Now saying yes, this is a good thing. Okay, so first question is proximity to Pleasure House Point. That is where Lynnhaven River Now's letter came in. Am I correct?

Ms. Murphy: Pleasure House Point. Yes.

Ms. Hippen: Okay, I just want to make sure. Talk about the upzone and the fact that the difference in the density from whence you came. One of the things you stated when you talked was that this started in 2021. Where you are now, and from whence you came, and how, if approved, this would fit in, to rebut that. And I have more after that, but you did answer one.

Ms. Murphy: Do you want me to start there? I would say, you know, by comparison to a project like West Neck or something like that, where you had a room full of people, the number of speakers and the letters really is representative of the fact that you have thousands and thousands of people who live in this corridor. And through my client's outreach over the last couple of years, they really have been able to work through a lot of the issues that have come up. I noticed several of the speakers are from Baylake Pines, which is on the other side of Shore Drive, and they have historically had concerns about people on their beach or people in their park. But if you go to the website for Pleasure House Point, it's a city park open to all residents of the city, and it specifically says parking is available along Marlin Bay Drive. So, these amenities are amenities, not just for the residents in direct proximity, but they are amenities for all citizens. I go to Pleasure House Point. I live close, but not in Ocean Park. So, I think it's difficult to say that this is something that's impacting them just on the basis of having more people come to the park or more people come to the beach.

Five years ago, as you mentioned, we started out with 227 units. That was reduced over time to 197, to get to just under 36 units per acre. That was more dense. You've had some of the speakers say that was big, it was more dense, and really, my clients have worked very hard to come up with something that's less dense, but that commercially makes sense, and from an economic standpoint, makes sense. So, they have addressed making sure this is less dense. The density that would be allowed, and we talked about this a little bit. It's PD-H1, right? PD-H1 implies that at one point there was a master plan for Ocean Park, which there was, and there was a mix of densities throughout Ocean Park, and there are sections of Ocean Park that were intended to be commercial. A lot of the frontage on Shore Drive was intended to be commercial. We don't have, nor can we find, that master plan. So, we don't know what the overall plan for this was. But the current density, which under the PD-H1 for this size property, would be 4.25 units to the acre. So, you're talking ten-ish units. And that's where that number comes up. So we feel that our rezoning request is in keeping with the Shore Drive Corridor guidelines, which, in this section, call for mixed use. So, you've got the mix of a neighborhood commercial that serves the neighborhood, but you also have some additional density.

The way the building is designed, it's five stories with a peel back at the corner, but then it steps down to the three stories as it gets closer to the residential behind it. There was a question that came up about the deviation. So, the building itself, that section of the building is only 33 feet.

But the stairwell enclosures that you can't see on this one, there's another view that shows the stairwell enclosures are just under 43 feet, so that's the deviation. It's for the stairwell enclosures.

Ms. Hippen: Okay, so it's not the entire building.

Ms. Murphy: Not the building. The building at that section is only 33 feet.

Ms. Hippen: Okay. Tell me about Clipper Bay. So, on Clipper Bay, there's also a setback deviation.

Ms. Murphy: Yeah. So, the deviation there. So, there's a 30-foot setback from the right of way, which the building meets at 30-foot setback. Those large patios, or the large balconies that we talked about—they extend into Clipper Bay. Not all of them, but as you see, there are sections that are extending. Then that's the request for the deviation there.

Ms. Hippen: Got it. I see it on mine. Okay. Let me make sure I have all my questions here. I'm going to ask some of the planning staff here to clarify for me the comp plan. I heard some folks say that this was not in line with the comp plan. Can you help me, please?

Ms. Warren: So, I would say it is. Now, we're dealing with two things. We're dealing with the former comprehensive plan of 2016, and now the newly adopted. So, because this application was submitted prior to the adoption of the 2040 Comprehensive plan, we are looking at the 2016. And Hank, can I ask you to come up and just clarify for us where this meets the goals of the 2016 Comprehensive plan?

Ms. Hippen: See, I saw you sitting over there.

Mr. Morrison: Good afternoon, Hank Morrison, Comprehensive Planning Administrator. So, this is in the 2016 plan. This is in the Shore Drive Suburban Focus area, which talks about mixed uses along Shore Drive, and also compatibility with the neighborhood. So, we talk about within the Shore Drive design guidelines as well. Their folks did bring up the green zone versus the mixed zone. Marlin Bay is that borderline. But the mixed zone does call for things like mixed uses, which this does provide.

Ms. Hippen: So, it's in the mixed zone portion. Is that what you're telling me?

Mr. Morrison: Yes, this property is fully in the mixed zone, but it is right on the border. That is correct, but it is in the mixed zone.

Ms. Hippen: Thank you.

Mr. Morrison: Sure.

Ms. Hippen: That's all. Commissioner Cromwell.

Mr. Cromwell: How does the B-4 overlay? That's something new, correct? In 2026.

Mr. Morrison: So, B-4 is the zoning, and there's always been a Shore Drive overlay. That's what the B-4 SD stands for. So that's been in existence for I don't know when it was adopted, but it predates the new comp plan.

Mr. Cromwell: Okay.

Mr. Coston: Commissioner Camp.

Mr. Camp: My question is not for Mr. Morrison, but I have questions if everyone else is done with him.

Mr. Coston: Yeah, you go ahead and go to your question.

Mr. Camp: Nobody else has a light on. Mr. Morrison this question isn't for you, it is for Mr. Hansen. All right, Mr. Hansen. For the record, would you please state your name and title?

Mr. Hansen: Yes, L.J. Hansen. I'm the Director of Public Works for the City of Virginia Beach.

Mr. Camp: Thank you again for making yourself available this afternoon to help us out. I have a couple of questions for you. One of the questions that was asked at the site visit of the planning commission last Thursday was with regard to Marlin Bay Drive itself. It is scheduled for milling and repaving, and a question was raised about the on-street parking, the possibility of bike lanes, and, of course, vehicular traffic. Are you able to tell us whether the current configuration on that pavement will be restored or whether there'll be any changes after it's milled and repaved?

Mr. Hansen: So, following your inquiry this morning, I did a little checking. It is scheduled to be milled and overlaid this summer season. It will be restriped at the conclusion. It'll look a little bit different, but function essentially the same. Our intent is to stripe a full 11-foot lane width for the travel lane, and then we'll stripe out the parking area so that there's an area for cars. There's an area between those two areas. It is not quite wide enough to make a designated bicycle lane, but as this is a 25 mile an hour zone, we don't typically create bike lanes in a 25 mile an hour zone. So, I think that goes to the heart of your question. Pertinent to this rezoning, there is on-street parking, though.

Mr. Camp: Thank you for clarifying that. Appreciate it. Moving on to other public works priorities, Shore Drive Phase Four has been mentioned, as well as what I'll term matters related to the Western Lynnhaven Drainage Basin Plan. That is the stormwater mitigation plan for this part of the city. It is my understanding that a pump station, at least at this point in the planning, has been identified as a need that would serve both of those functions. Is that generally correct?

Mr. Hansen: That is generally correct. There have been two ongoing assessments, as you just identified. One is a preliminary engineering report, which I'll come back to in just a moment for the Shore Drive Phase Four project, and the other is the stormwater master plan that governs this area. Both of those projects have identified the need for a pump station in this general vicinity. The preliminary engineering report, this is not a design level document. This is a document that we do first to make sure that we have an understanding of what all the constraints are on the project. There are some recommendations that are in that preliminary engineering report that identify this as a potential location, but it is not set in stone. We have not created any design documents

whatsoever that identify this space as being necessary or needed, and we certainly have not advanced the project to a place where, as I believe the counsel gave earlier, that it would be relevant to this rezoning at this point.

Mr. Camp: Well, I'd like to probe just a little more deeply there. I think it's fair to say that if a pump station is needed, it physically has to go somewhere. I have great faith in our engineers, and I know that they will solve to the best of their abilities almost any problem that they've been given, and they've sure been given some complex ones in this area. But I am concerned about making that job harder, more expensive, more time-consuming, or other things that impact the public interests. I'm also concerned about other private interests. It's one thing to say that needs to happen, just don't do it on my land. Well, it's going to happen on somebody's land, and the applicant has chosen to come forward now at this time, so we can kick the can down the road and say we'll figure it out later, perhaps at greater public expense or impairment of access, or whatever it may be, or we can start to talk generally about it now, and that's where I'm at. I want to make sure that I understand it, because the applicant has a right to develop what by-right is on the property zoning right now. But that's not what they're asking for. They're asking for a significant change, and if your department comes back and says, "Well, this is the optimum site after this is rezoned," then I would assume that the acquisition costs to impair it or take it back would therefore be higher, because they have a right to do more with it. Is that generally correct?

Mr. Hansen: Well, I think the optimum location is a difficult thing to answer at this stage, and I think that's part of if you're gathering that I'm equivocating a little bit. I am, and the reason I'm equivocating a little bit is because I'm trying to look at both the city's needs and the applicant's needs. It is incumbent upon us to preserve individual property rights. We are not at a stage yet where I could tell you with certainty how big the pump station is going to be, both in terms of capacity of pumping and in physical size. So, it would be difficult for me at this point to say that this is the optimum location. It is certainly a location that, if it were available to us when we come to design, we are actually in full-throated design that we would be looking at. But there are other opportunities. This is not our only opportunity to develop a pump station. Additionally, it is possible for us to work with the applicant after the rezoning. It might be potentially something that we could work with the applicant on. It has been pointed out we have some adjacent property with the adjacent street there, Clipper Bay Drive. Potentially, that's something we could work with them on. I guess what I'm trying to say today is that the Department of Public Works is not in a position to stand in the way of the rezoning. I don't have enough information to do that. If I did, I would. I promise.

Mr. Camp: Oh, I know that. But we are in a position of trying to weigh the same interests you just identified, the public interests, versus a private interest, and we are working with the same lack of information, or maybe even a greater lack of information than you, as a design professional working on these projects, have. So, I think it is incumbent on us to try to understand as best we can what may need to happen. We know that it's not definite. It is my understanding that some of the—and let me preface this out of respect for the many positions you hold here. Your department is vast. One of the things you're charged with, as I understand it, is real estate acquisition, and that means that there's some care given to not prejudice the city's position on other sites you might be looking at by giving very measured testimony today. Is that correct?

Mr. Hansen: Yes, sir.

Mr. Camp: All right. So, I'm trying to respect that, too. If engineers suggest that a site is preferred, it would suggest to me that other places have some type of space limitation, wetland impact, additional cost, something that makes them less than optimal. And that there would therefore be a difference that the taxpayer would have to pay if a less than optimal location was chosen. We just don't have the numbers to deal with it today. Correct.

Mr. Hansen: In theory, yes, sir. What I would like, what I'm trying not to say, I guess, is that when you're asking an engineer how valuable a piece of property is, they have only one metric to look at. When you are asking a planning body to look at how valuable a piece of property is, you are looking at a multitude of metrics. I have to say that when the preliminary engineering report was done, it was looking at solely one metric, and so that's why again, that's why you hear me equivocating up here. I recognize that you all have a difficult decision to make. If this piece of property is available, we'll be happy to talk to the applicant. If it's not, we will find another location. We feel confident that there is another solution here if this moves forward.

Mr. Camp: I appreciate what you just said. There's a reason I'm not asking engineering questions of the attorney for the applicant, and I'm not asking you legal questions. I get why you're here.

Mr. Hansen: Yes, sir.

Mr. Camp: One last question for you. When you look at the site plan, and you are saying that there are ways you may be able to work with the applicant after a rezoning, should it be granted, and I read the staff report, which says, in part, future coordination may be required if this is approved and the pump station is also needed on the site. Is that really possible? If the building is built as depicted here, I know you can't say how big the pump station is, but I think there's some indication, given how close he would put such a thing to a residential use, and the linear feet we have available. Is it really practical to say at this point that these things could coexist there, or are we talking about a different type of solution?

Mr. Hansen: I don't know the answer to that question. It's a great question. Do I think that they could coexist? I do think there's a potential that they could coexist. There would be some challenges, to be sure. For instance, if we had a diesel generator there to support the enterprise, that would be an imposition. But it likewise would be an imposition on the existing townhomes that exist there. So, we would have to work with the community, as we do on all of our projects. We try to reach out and make sure that we have an understanding. This project is still in design phase. I mean, I think you have some very good renderings, with some rather tacit projections and promises that have been put forward. But it's still not a designed building yet. It has not gone through the design review process. As you heard, stormwater is still yet to be discussed, and making sure that we have all that stuff covered. So, there is a design process that's left to be done on this. If it's at all possible, we could try to work with the applicant during that process.

Mr. Camp: And with regard to one of the earlier speakers, who owns an adjoining property and testified on the record that he uses the paper street for access to that property, if you're going to put a pump station in the paper street, I would assume that he would also need to be part of those conversations because it could impair his property rights.

Mr. Hansen: That seems reasonable, yes, sir.

Mr. Camp: All right. I don't want to call you back up because I know your time is extremely valuable. I just want to make sure that I've got it all here. The question has come up with regard to timing, that you reported to City Council about six weeks ago on the budget, the CIP in particular that was adopted, and in that CIP, if I recollect correctly, there are six roadways that currently are on hold. I believe it was said on April 21st to council that we lack approximately $116 million of funding, per the city manager. Is that generally correct?

Mr. Hansen: $116 million.

Mr. Camp: Yes, $116 million for six that are ready to go, and are on hold, generally for funding reasons. Correct.

Mr. Hansen: I think that's correct, sir.

Mr. Camp: And that there are another ten plus projects that we as a city have not yet identified more than four hundred million dollars to fully fund that are in the CIP. These are the outer years. The balance to fund, as currently depicted.

Mr. Hansen: Part of that, I think, is descriptive of the Independence 264 Interchange, which is not exactly one hundred percent. But the point being, yes, sir, there is a large, unfunded amount for roadway construction that we're still looking at, yes.

Mr. Camp: All right. And the reason I'm going through this point here is with regard to Shore Drive Phase Four. You're at an early stage of the design. As I look at this part of the CIP, and the CIP is how the city executes its portion of the comp plan. That's why I'm talking about it. It's part of our land use plan, the city's part that we have to build. When I look at this, I see Shore Four being no sooner than five years out, and I think that would be optimistic to find the funding, given the competing priorities, and finish out all of the preliminary type of steps that need to occur for a road project of that magnitude.

Mr. Hansen: You've caught me a little off guard because I don't have the planning documents at my disposal, but that does seem reasonable. I'm looking behind me as if Kathy knows the CIP better than I do, but that certainly seems reasonable.

Mr. Camp: All right, because as a planning commissioner, what I'm having to wrestle with here is something that isn't going to have a lot more of the definition we would really like for a couple years. It sounds like.

Mr. Hansen: Well, I do believe that we have funding that will allow us to move into the design phases. So, we hope to be able to put some numbers to it, but it's still probably a good 36 months or so.

Mr. Camp: You've been very indulgent with my questions. Thank you for bringing the rest of this information onto the record for us.

Mr. Hansen: Can I help anybody else with anything while I'm here? All right. Thank you.

Ms. Schoonover: Commissioner Schoonover. I just wanted to make a motion. I'll wait.

Ms. Cuellar: Oh, thank you for coming today. I'm not an engineer, and I'm concerned with tidal flooding, because I understand, of course, we want development, we want responsible development, but we must have the infrastructure to support it. And we received dozens and dozens of letters of opposition. I'm not sure I've ever, in my two and a half years on this commission, I'm not sure if I've ever received so much opposition as I have on this one. And the people who live there tell us we can't handle this because of flooding and because of traffic. So, I just appreciate if you could address that for me.

Mr. Hansen: Well, thank you for the opportunity. You mentioned tidal flooding. A big part of what we're looking at, and we're working on with the Army Corps of Engineers right now, is the Coastal Storm Risk Management project, or the CSRM. For folks in this area, they will have heard us talking about a barrier that we are proposing, in conjunction with the Army Corps of Engineers, to be constructed at the Lesner Bridge. That would affect the impacts of tidal flooding significantly. Imagine, if you would, when high tides—really high tides—due to offshore storms, coastal storms, were coming in. If we could close that gate and prevent that water from coming in, which would have a definite impact as it came up Pleasure House Creek and into this area.

The other part that we're doing for this area is, as part of the Shore Drive Four improvements, is to lift the road up itself. We're actually elevating it, and because we're doing that, when that water drains off, it will drain into a lower area. But because it's lower than the outfall, that's what we need the pump station for. So, we will have raised the road. We will have tried to intercept the water coming in from a coastal storm, and that should make a huge, significant difference. Now those are projects that are going to take several years ahead of us, but we're working diligently on them to make them happen now.

Ms. Cuellar: I appreciate your response. Raising the road and those kinds of things make sense to me. Fighting Mother Nature by putting up a wall makes very little sense to me. I don't think we're ever going to beat Mother Nature. Let's work with her instead of against her. So tell me, this project, particularly, does this project in your mind exacerbate the issues that the neighbors who live there now tell me they're overwhelmed with, and that's primarily flooding and traffic and safety? I've heard a lot of safety concerns about Shore Drive being the most dangerous road in Virginia Beach, and so many deaths.

Mr. Hansen: Well, I don't believe that Shore Drive is the most dangerous road. I'm sure we all have perceptions where we live, and the things that we see, and our perception is local. It is not the most dangerous road to the best of my knowledge. I will tell you that the Shore Drive Phase Four improvements will make a marked improvement to Shore Drive. They're not capacity enhancing significantly. So, there will be some minor improvements for capacity. Some of the work that we're doing, they will definitely improve the flow of traffic.

As it relates to this project and the flooding as a result of this development, as has been stated both by Ms. Murphy and by myself, in the design process, they are required to meet the city's very stringent stormwater standards in order to move forward in the design process. And so, it will not be discharging more water than it does today, and it will be discharging it in a cleaner fashion than it is today. As has been pointed out, it's an undeveloped parcel; really, it's dirt, and when the water hits it, it's just running off. So, we would anticipate an improvement over what runs off the site today. I hope that's helpful. Thank you.

Mr. Cromwell: Commissioner Cromwell. Two quick questions about what you were just talking about: if they develop the ten single-family units or the ten townhouses with the PD-H1 that's there now, or if they do the 52-unit condominium, as far as stormwater and the systems between the two, which is more efficient?

Mr. Hansen: The requirement is the same, sir. They're not allowed to increase the flow off the property.

Mr. Cromwell: So equal with both, then.

Mr. Hansen: Well, yes. I mean, ostensibly, yes. How they would get there might be different. There might be a plus or minus, depending upon how they got there. But yes, sir.

Mr. Cromwell: I see. All right.

Mr. Hansen: Thank you.

Ms. Schoonover: Thank you.

Mr. Coston: Commissioner Schoonover. Back to you again.

Ms. Schoonover: I move that we approve this project. I love it. I think it's a vast improvement for this area. I think it's going to solve some of the stormwater problem. I love that it's mixed use. I can't wait to see this go through.

Mr. Coston: It's been moved by Commissioner Schoonover and seconded by Commissioner Anderson that we approve.

Mr. Plumlee: Chairman, if I may, I'm abstaining from this matter for reasons set forth in a letter with the City Attorney's Office.

Mr. Coston: Yes, sir.

Mr. Camp: Will we have discussion now that there's a motion on the table?

Mr. Coston: If you...

Mr. Camp: Is discussion open now?

Mr. Coston: Okay, yes, yes, sir. If you want to discuss.

Mr. Camp: Yes. I have had fifteen hours of phone calls, dozens of emails, read hundreds of pages of reports, listened to all the speakers, been on site. I've tried to take it all in here. It doesn't matter a bit to me for the thing that we're voting on all of the prior variations, we're dealing with what's here today. But I do appreciate that the applicant has engaged with the community and has tried to modify their proposal to accommodate the community in the current iteration.

It is my assessment that I have to hold the public interest higher than a private interest. When City Council has raised it to the magnitude that we have with stormwater mitigation and our primary

roads, these are not incidental factors; these are major factors that involved a bond referendum, and, as we went through earlier, hundreds of millions of tax dollars and priorities. Taking an option off the table for our engineers, making their work harder, is not in the public interest.

Now, that does have to be weighed against the private interest. Had the applicant come forward today to say that they wanted to build what they can build by-right, that could be weighed very easily. But that's not what they're asking. They're asking to intensify the use by five times. And I can't support that. I cannot support taking options off the table that we may need to execute major public initiatives for the public good. It floods there now. The traffic is impaired now with a level D service. We just heard the Public Works director say, even after Shore Four is done, it's not going to change the capacity that much. And this is going to add another ten percent to the overage that's already there. For these reasons, among many others, I cannot support this motion.

Mr. Coston: Any further discussion? Yes. Vice Chair.

Ms. Byler: This is a really difficult application for me, as Commissioner Camp just said. I've spent dozens of hours looking at this and listening to people, talking with concerned citizens, some of whom are my very close friends, and I am very compassionate for the problems of Shore Drive. I'm a big supporter of mixed-use buildings because it's what we've just spent a lot of time on, a new comprehensive plan coming up with, and it's supposedly going to be part of the fix of the new vision, and it's what's going to make it all work and take some of the cars off the road, and to make our communities more walkable and more livable, and I know that's something that we all want.

I very much appreciate the applicant's approach to this and that everything has been done first class, and all of the outreach. I have to admit, I'm very surprised, after all that outreach, that we still have so many people opposed to it. So, after all those meetings, I would have thought that there had been more compromise or somehow reached a project that more people were in favor of. So there's still a lot of people opposed to this.

While I'm in favor of responsible development, the city must meet that with infrastructure that is balanced. We can't build things where there are no roads, where there are inadequate roads. We can't allow things that don't have the support they need. So, again, this is a real difficult one for me. I'm inclined at this point, and now that we're calling for the vote, I'm inclined to favor it. But I will say that I hope before it gets to City Council, some of these other issues are worked out. Thank you.

Mr. Coston: Ms. Hippen.

Ms. Hippen: As I stated earlier, I live over near Magnolia Run, Magnolia Chase, the Cascades, and Infinity. When Magnolia Chase was put in, I used to have to go up and down Centerville Turnpike because Lynnhaven Parkway did not go through to Volvo, nor did Volvo go through to Kempsville Road. Magnolia Run was then put in, and there was a cul-de-sac just on the other side of that. We do need to ensure that infrastructure meets the needs of the community. However, Shore Drive gets a lot more attention than Centerville Turnpike. Shore Drive is scheduled to be widened. Unfortunately, we've got budgetary concerns that are difficult for the city to meet because the state is having trouble, because the federal government is having trouble. Mixed use is pretty good. I'm glad that this design says no noxious uses for that business. The only thing

that I don't think that I heard was the impact on schools. I think that's the one thing I didn't hear. And over in my neck of the woods, there is an apartment complex being planned, and that was one of the first things that was asked. So, there was a lot of outreach, from what I am hearing. I am disappointed that there are a lot of folks here, including some friends, who do not like this. And that's all I'm going to say.

Ms. Moorjani: I was going to say something. I believe the applicant has done a very good job. I sit on the Bayfront Advisory Commission; they've been incredibly responsive. One thing that we're not talking a lot about that is a priority for our city council is that we do have a housing crisis. No project is perfect. I do believe, with the stormwater regulations that we have, that this will be managed by the applicant, and it will have an opportunity to increase our housing allotment for our residents, so that we can continue to grow our economies. So, I'm going to be supporting this application.

Mr. Coston: Are we ready for the vote? Call for the vote. Madam Clerk.

Clerk: The vote is open.

Mr. Coston: Yes.

Clerk: Commissioner Mauch.

Mr. Mauch: Aye.

Clerk: Commissioner Camp.

Mr. Camp: Nay.

Clerk: Commissioner Cromwell.

Mr. Cromwell: Aye.

Clerk: Commissioner Anderson.

Mr. Anderson: Aye.

Clerk: Vice Chair Byler.

Ms. Byler: Aye.

Clerk: Chair Coston.

Mr. Coston: Aye.

Clerk: Commissioner Cuellar.

Ms. Cuellar: Aye.

Clerk: Commissioner Schoonover.

Ms. Schoonover: Aye.

Clerk: Commissioner Plumlee.

Mr. Plumlee: Abstain.

Clerk: Commissioner Hippen.

Ms. Hippen: Aye.

Clerk: Commissioner Moorjani.

Ms. Moorjani: Aye.

Clerk: By a recorded vote of nine to one, with one abstention from Commissioner Plumlee, items thirteen and fourteen, Shore Drive Area Properties LLC, has been recommended for approval. Our next item is item twenty, Charlene Livers.

Mr. Coston: We need a break before we get started.

Ms. Cuellar: Yes. Can we just like do a little exercise? We've all been sitting for so long.

Mr. Coston: Well, I have a request for about a five-minute break. So, give us about five or ten minutes, and we'll be right back with you. Thank you.

Vote Tally

Commission Member	AYE 9	NAY 1	ABS 1	ABSENT 0
Camp		X		
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee			X	
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Proffers

Proffer 1

The Property shall be developed in substantial conformity with the conceptual site plan entitled "SHORE DRIVE CONDOMINIUM PROJECT CONCEPTUAL SITE DEVELOPMENT PLAN", prepared by Timmons Group dated May 12, 2026 ("Conceptual Site Plan"), which has been exhibited to the Virginia Beach City Council ("City Council"), is on file with the Virginia Beach Department of Planning & Community Development ("Planning Department") and is included herein by this

reference. Significant changes to the Conceptual Site Plan may be made to accommodate environmental, engineering, topographical or other development conditions or site/subdivision plan requirements as required by the law and/or regulations or in connection with a fully engineered site plan and subject to reasonable approval of the Director of the Planning Department.

Proffer 2

The architectural design, appearance and exterior building materials of the building to be built on the Property shall be substantially compatible with the architectural design, appearance and exterior building materials depicted on the building renderings entitled "SHORE DRIVE CONDOMINIUM PROJECT CONCEPTUAL RENDERINGS", dated December 19, 2025, prepared by Cox, Kliewer & Company, P.C. and the building elevations entitled "SHORE DRIVE CONDOMINIUM PROJECT MATERIAL SAMPLE ELEVATION", dated January 28, 2026, prepared by Cox, Kliewer & Company, P.C., which have been exhibited to City Council, are on file with the Planning Department and are included herein by this reference.

Proffer 3

The Property shall be landscaped in substantial conformity with the conceptual landscape plan entitled "SHORE DRIVE CONDOMINIUM PROJECT CONCEPTUAL LANDSCAPE PLAN" prepared by Timmons Group dated May 12, 2026 ("Landscape Plan"), which has been exhibited to City Council, is on file with the Planning Department and is included herein by this reference. Significant changes to the Landscape Plan may be made to accommodate environmental, engineering, topographical or other development conditions or site/subdivision plan requirements as required by the law and/or regulations or in connection with a fully engineered site plan and subject to reasonable approval of the Director of the Planning Department.

Proffer 4

All lighting on the Property shall be limited to that necessary for security purposes and to comply with applicable laws and shall be shielded to prevent glare and spillover onto adjacent properties.

Proffer 5

All onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals. The proposed sign package will be submitted to the Zoning Administrator for review and approval prior to the issuance of a sign permit.

Proffer 6

A designated pet relief area will be provided on the Property for residents.

Proffer 7

Prior to final site plan approval, GRANTOR will convey to GRANTEE a public access easement for portions of the multi-use trail along Shore Drive that are located outside the existing public right-of-way.

Proffer 8

The following uses will be prohibited on the Property whether by right or with a conditional use permit: bars and nightclubs; liquor stores and the sale of vape products.

Proffer 9

The Effective Date of this Agreement shall be the date this Agreement is approved by City Council; provided, however, in the event that this proposed amendment to the Zoning Map with respect to the Property is overturned by subsequent judicial determination, this Agreement shall be null and void.

Conditions

1. There shall be a 15-foot setback for portions of the building and associated balconies along Clipper Bay Drive. This 15-foot setback is a deviation from the 30-foot setback required by the City Zoning Ordinance.

2. There shall be an approximate 8-foot increase (43 feet in height) above the maximum permitted height within 100 feet of a residential dwelling solely to accommodate localized stairwell projections that provide rooftop access at the southern end of the building. This 43-foot height is a deviation from the 35-foot height maximum required by the City Zoning Ordinance.

3. The site shall be developed in substantial conformance to the conceptual site plan entitled " SHORE DRIVE CONDOMINIUM PROJECT CONCEPTUAL SITE DEVELOPMENT PLAN", prepared by Timmons Group, dated May 12, 2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

4. The site shall be developed in substantial conformance to the conceptual landscape plan entitled "SHORE DRIVE CONDOMINIUM PROJECT CONCEPTUAL LANDSCAPE PLAN", prepared by Timmons Group, dated May 12, 2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

5. The architectural design, appearance and exterior building materials of the building shall be developed in substantial conformance to the building renderings entitled "SHORE DRIVE CONDOMINIUM PROJECT CONCEPTUAL RENDERINGS", dated December 19, 2025, prepared by Cox, Kliewer & Company, P.C. and the building elevations entitled "SHORE DRIVE CONDOMINIUM PROJECT MATERIAL SAMPLE ELEVATION", dated January 28, 2026, prepared by Cox, Kliewer & Company, P.C., which have been exhibited to City Council, are on file with the Planning Department and are included herein by this reference.

6. An eight-foot-tall privacy fence shall be installed and maintained along the southern property line. The fence shall be constructed of a wood-like, low-maintenance material and finished in an earthtone color, as depicted on the building renderings referenced in Condition 5.

7. All on-site signage must meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.

8. All outdoor lights shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet. A Photometric Lighting Plan shall be submitted for review and approval during the final site plan review.

9. City Ordinances and Standards remain applicable to this property. Any site plan submitted with this application must meet all applicable City Codes and Standards before site plan 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 June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #15 & 16 Emmanuel B. Platon
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next items are agenda items fifteen and sixteen. Is there a representative here to speak on these? Welcome, sir. Please state your name for the record.

Mr. Bourdon: Thank you, Madam. Eddie Bourdon, Virginia Beach Attorney, representing Mr. Emmanuel Platon on the application. All ten conditions, as recommended on the conditional use permit, are acceptable. Obviously, the proffers speak for themselves. We proffered them, and greatly appreciate Marchelle's work on this application. Thank you.

Ms. Byler: Thank you. You may be seated. Is there anyone here with opposition to these items being added to the consent agenda? Hearing none, I have asked Commissioner Moorjani to read them into the record.

Ms. Moorjani: Application number fifteen by Emmanuel B. Platon is for conditional rezoning on 3288 Dam Neck Road from a residential district to an industrial district. Application number sixteen is by the same applicant for the same location for a conditional use permit to operate an automobile repair garage to construct an eight series auto services business. The business has outgrown its current location and is seeking to relocate to construct a larger facility. We have not received any opposition, and therefore request that it be added to the consent agenda.

Ms. Byler: Thank you, Commissioner Moorjani.

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

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either verbally, 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. A 10-foot-wide Category VI landscape buffer is proposed along the east property line. This landscape buffer is a deviation from the 25-foot-wide Category II buffer required by the City Zoning Ordinance.
2. The site shall be developed in substantial conformance to the exhibits entitled "CONCEPTUAL SITE LAYOUT 8 SERIES AUTO 3288 DAM NECK RD, VIRGINIA BEACH, VIRGINIA", Sheet G-100 and "ENHANCED VIEW OF CONCEPTUAL LAYOUT 8 SERIES AUTO" Sheet G-101, dated 02/24/2026, prepared by John Sandow Engineering, LLC", dated February 24, 2026, prepared by John Sandow Engineering, LLC which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
3. The architectural design of the building shall be developed in substantial conformance to the exhibits entitled "NEW 8 SERIES AUTOMOTIVE FACILITY 3288 DAM NECK ROAD - ELEVATIONS" (Sheet l of 2) and "NEW 8 SERIES AUTOMOTIVE FACILITY 3288 DAM NECK ROAD - FOUR RENDERINGS" (Sheet 2 of 2) with attached color palette, dated March 18, 2026, prepared by Ivy Architectural Innovations, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.

4. The design of the fencing, dumpster enclosure, freestanding signage, and building-mounted sign shall be developed in substantial conformance to the exhibit entitled "PRELIMINARY DETAILS AND RENDERINGS - 8 SERIES AUTO" dated 02/24/2026, prepared by Ivy Innovations Inc., which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
5. The hours of operation shall be from 8:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 4:00 p.m., on Saturdays.
6. There shall be no storage of tires, equipment, parts, or debris of any kind outside of the building.
7. No outside paging or amplified music system shall be permitted.
8. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display, or similar signage installed on the exterior of the building or in any window or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.
9. The applicant shall obtain a Certificate of Occupancy for the change of use from the Permits and Inspections division of the Department of Planning & Community Development if one is required after their review, before the business license is issued.
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.

Virginia Beach Planning Commission June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #17 & 18 Diane J Davis
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next items are collectively agenda items 17 and 18. Is there a representative here to speak on this?

Ms. Davis: Yes. Diane Davis.

Ms. Byler: Ms. Davis, are the conditions acceptable to you?

Ms. Davis: Yes.

Ms. Byler: Is there anyone here today who has opposition to these items being added to the consent agenda? Hearing none, I have asked Commissioner Mauch to read it into the record.

Mr. Mauch: The applicant, Diane Davis, is requesting a conditional use permit to operate an adult daycare facility. The adult daycare facility will provide day support services to adults with disabilities, focusing on communication skills, skill acquisition, and functional independence. Overall, the facility provides valuable support services for adults with disabilities, which promotes the general welfare of the community. This request for a conditional use permit to operate an adult daycare facility is acceptable to the commission. Hearing no opposition to it, we decided to put it on the consent agenda.

Ms. Byler: Thank you, Commissioner Mauch.

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

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either verbally, 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 for 215 Expressway Court

1. The Conditional Use Permit for the Adult Daycare facility shall be limited to the following address: 215 Expressway Court.

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

3. The maximum number of individuals within the facility shall not exceed 10 or the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.

4. All signage on the site must be in accordance with sign regulations of the Zoning Ordinance.

5. City Ordinances and Standards remain applicable to this property. Any site plan submitted with this application must meet all applicable City Codes and Standards before site plan 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 241 Expressway Court

1. The Conditional Use Permit for the Adult Daycare facility shall be limited to the following address: 241 Expressway Court.

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

3. The maximum number of individuals within the facility shall not exceed 10 or the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.

4. All signage on the site must be in accordance with sign regulations of the Zoning Ordinance.

5. City Ordinances and Standards remain applicable to this property. Any site plan submitted with this application must meet all applicable City Codes and Standards before site plan 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 June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #19 Andale Guey Tacos LLC/Estela Gomez
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item is item 19. Is there anyone here to speak on this? Welcome, sir. Please state your name for the record.

Mr. Palacios: Duay Palacios.

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

Mr. Palacios: Yes.

Ms. Byler: Okay. Thank you. You may be seated. Is there any opposition to this item being added to the consent agenda? Hearing none, we have asked Commissioner Hippen to read it into the record.

Ms. Hippen: The applicant is requesting a conditional use permit for an open air market to allow the continued operation of a food truck on a portion of a 64,490 square foot B-2 Community Business District zoned parcel, which contains the Newtown Plaza shopping center. The applicant, who has operated on the site with an approved peddler's permit, which expired in May 2026, is seeking a conditional use permit to allow continued operation at the site. The applicant's food truck, Andale Guey Tacos, is a standalone food truck located in the southeastern portion of the parcel. The typical hours of operation for the food truck are 11 a.m. to 8 p.m. daily. Two employees are anticipated per shift. Per the Fire Marshal's Office, an annual inspection and permit from the Virginia Beach Fire Department Prevention Bureau is required. Per Section 203 of the Zoning Ordinance, parking for open air markets is required at a rate of one space per 250 square feet of floor area. The approximately 600 square foot food truck requires four parking spaces, thereby satisfying the parking requirement. Having no objections, this item has been placed on the consent agenda.

Ms. Byler: Thank you, Commissioner Hippen. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda: the minutes as presented by Commissioner Camp, and twelve items known as agenda items: one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen.

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

Ms. Hippen: So moved.

Mr. Mauch: Second. Noting the modification to Agenda item number eight.

Mr. Coston: Okay. It's moved by Commissioner Hippen and seconded by Commissioner Mauch. Are we ready for the question?

Clerk: The vote is open. By a recorded vote of eleven to zero, with all aforementioned abstentions, all aforementioned minutes and items one, two, three, four, five, six, eight, fifteen, sixteen, seventeen, eighteen, and nineteen have been recommended for approval by consent.

Mr. Coston: Thank you. If you had an application on the consent agenda, your request will now be scheduled for an upcoming city council meeting. Staff will contact you about the date. For those applicants on the consent agenda, thank you for your participation, and you may remain in the meeting either verbally, 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 Open-Air Market shall be limited to one (1) food truck.

2. The Open-Air Market (food truck) shall be located in substantial conformance to the location depicted on the site plan entitled “Site Plan for Andale Guey Tacos,” dated 04/04/2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

3. There shall be no less than one (1) trash receptacle per one thousand (1,000) square feet of the sales area. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall not be allowed to accumulate.

4. The placement of the food truck shall not obstruct drive aisles or designated fire lanes at any time.

5. The proposed hours of operation shall be from 11:00 a.m. to 8:00 p.m., daily.

6. There shall be no amplified music associated with the Open-Air Market (food truck).

7. The operator shall maintain a valid Virginia Beach Fire Department Fire Prevention Bureau Inspection Sticker.

8. City Ordinances and Standards remain applicable to this property. Any site plan submitted with this application must meet all applicable City Codes and Standards before site plan 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 June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #20 Charlene Livers
Recommendation: RECOMMENDED FOR DENIAL

Discussion

Mr. Coston: Madam Clerk, could you please call our next item?

Clerk: Our next item is item twenty, Charlene Livers.

Ms. Livers: Good afternoon, Mr. Chairman, members of the Planning Commission, city staff, and neighbors. My name is Charlene Livers. I'm the owner of Living Well Assisted Living, located at 2600 Shorehaven Drive, in the Great Neck area of Virginia Beach. Thank you for giving me the opportunity to speak today. I am here to respectfully request approval of my conditional use application, so that I can expand the community from holding eight residents to fourteen residents.

This home currently serves elderly residents with disabilities. These are people who need help with daily living, meals, medications, mobility, safety, and companionship. More than anything, they need a safe and caring place to live. For the past five years, I have operated this home in this neighborhood. This is not for a new use. This is not an experiment. This is an existing home with an existing record of service, care, and stability.

The request before you today is modest. I'm asking to build 1,272 square feet as an addition, so that I can provide appropriate space for six additional elderly residents. The home would continue to operate as a small residential assisted living. It would not become a large facility. It would not change the residential nature of the property.

There is a real need in our community for safe, home-like housing for elderly people with disabilities. Many seniors cannot live alone safely anymore. They may need help getting dressed, taking medications, preparing meals, bathing, moving around, or even remembering their daily routines. But that does not mean they should not have a place to live, and that they should have to live in a large institution. Small assisted living homes provide another option. They allow elderly residents to live in a real home, in a real neighborhood, with personal care and familiar routines. This is what my home provides.

This is not just a business to me. These residents become like family. We celebrate birthdays, we celebrate holidays, we sit together at meals, we help residents stay connected to their families. We comfort them when they are sad. We make sure they are clean, safe, fed, and cared for. Every day, that is 24 hours a day, 365 days a year.

As an example, Ms. Shirley came to us last September from the hospital, weighing 74 pounds. She stayed alive in the hospital for two weeks by IV fluids. She had no appetite, so that's why she didn't eat while she was in the hospital. I didn't even sign a long-term contract with the family because it didn't look good for her. After a couple days, she decided she wanted to live. We helped

her on that journey. She moved out on January 31st, having gained 50 pounds to go back to her home to live with her husband.

The proposed project includes expanding the home from eight to 14 residents, operating with three staff members during the day, and two staff members at night, which would be one additional staff member during the hours of seven in the morning and eleven at night. And we would continue to use the existing circular driveway for parking, and we're looking also at adding two additional spaces off that circular driveway.

This project will have a positive impact on the community in several ways. First of all, it's going to allow six additional elderly residents with disabilities to live in a safe, supported, home-like setting. It will help families in Virginia Beach who are struggling to find appropriate care for aging parents, grandparents, spouses, and loved ones. It will also allow residents to remain in a neighborhood environment instead of being placed in a larger institutional facility. Additionally, it will allow an existing experienced operator, myself, to expand a service that is already being provided successfully at this location.

Ms. Maureen is with us now, and she came to us from a larger community whose family felt she wasn't getting the care she deserved. Her family is very appreciative of the care she receives now. And Maureen and her family are not unique to us. Many of our residents have moved from larger communities to receive more intimate care at Living Well Assisted Living.

I understand that some neighbors have concerns about parking and traffic. I respect those concerns, and I desire to be the best neighbor possible. That's why I plan to add those two new parking spaces off the driveway. This will provide sufficient space for both staff and visitors. I'm also willing to work with the city staff on reasonable conditions to make sure the home continues to operate responsibly.

This home has already been part of the neighborhood for five years. The expansion will not change the basic nature of the home. It will still be a residential care home for elderly people with disabilities. It will still be quiet, supervised, and professionally operated. The zoning code already recognizes that this type of home can be appropriate in a residential neighborhood. Homes with up to eight residents are allowed, and homes with more residents may be approved through the conditional use process. That's what we're here today about. I'm not asking for special treatment. I am asking for the opportunity to continue serving elderly residents in a way that is safe, compassionate, and compatible with the community.

When we talk about zoning, parking, traffic, and other issues, it's easy to lose sight of the people at the center of this application. The people who live in my home are elderly residents with disabilities. They are mothers, fathers, grandparents, veterans, former teachers, workers, neighbors, and friends. They have lived full lives. Now they need support, patience, and care. Approving this application means six more people can have that kind of home. It means six more families can know their loved one is cared for. It means our community is making room for elderly residents with disabilities to live with dignity.

I also understand that there is concern about our building being sold to another type of group home in the future. I am requesting a condition to be added that the sale of the property would only be to assisted living operators.

In closing, I respectfully ask for approval of this conditional use application. This is a modest expansion of an existing assisted living home with a five-year operating history. The project includes appropriate staffing, additional parking, and a residential addition designed to support safe care. I care deeply about my residents, my staff, and the neighborhood where we're located. I want to continue providing a safe, peaceful, and loving home for elderly people who need support. Thank you for your time and consideration, and I respectfully ask that you approve this application.

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

Clerk: Yes. Our first speaker is Sharon Davis, followed by Judy Jessen.

Ms. Davis: Hello, and thank you for having me. I'm Sharon Davis, and I'm going to tell you about my mother, who is a resident at Living Well Assisted Living. I am in favor of the proposed expansion. My mother, Barbara Bunting, has been a resident of Living Well Assisted Living since January 2025. Ever since my mother was diagnosed with severe short-term memory loss, I was advised by medical professionals to find her a place to live as soon as possible that would provide loving and consistent care while helping her to age in place in a safe environment. I immediately began looking for such a place, preferably in a home setting in a nice neighborhood.

At that time, we were unable to find a home setting that was suitable for my mother's needs. She moved into a beautiful assisted living facility near us, but it soon became clear that it was not the right fit. We then moved her to a memory care facility. Yet there, simply, were not enough caregivers available to provide the level of attention she needed. While there, she suffered multiple falls and was hospitalized several times. She fractured both legs and endured repeated rounds of rehabilitation to regain her ability to walk.

During her last stay at the rehab facility, we heard about Living Well Assisted Living. Living Well was highly recommended by a professional advocate for people looking for the best and safest environment for their loved one. Their confidence in Living Well gave us hope when we desperately needed it. My mother had lived with me for four years before we began searching for a care facility. During those years, I became intimately familiar with her needs, her routines, and the kind of support that helped her thrive. I had high expectations for anyone entrusted with her care.

Like so many families navigating the challenges of aging and memory loss, I discovered how difficult it can be to find consistently excellent caregivers. By the time we found Living Well, we were at a crossroads. I truly believe God opened that door for us at exactly the right time. For the first time in a long while, I feel a sense of peace, knowing my mother is in a place where she is not just cared for, but genuinely known, valued, and loved. And the smiles she greets me and others with every time we see her lets me know she is blessed with contentment.

Truly, our city needs more places like Living Well. The consistent demand for services reflects the trust families place in Living Well and the growing need for quality assisted living options in

our community. It is my hope and prayer that the Planning Commission and City Council will view Living Well Assisted Living's proposed expansion as a forward-thinking investment in meeting the needs of our aging population. By supporting this expansion, more families will have access to the compassionate care, dignity, and sense of home that Living Well strives to provide every day. Thank you so much.

Mr. Camp: Thank you. I'd like to ask a question, Mr. Chair.

Mr. Coston: Excuse me, ma'am. One of the commissioners would like to ask you a question.

Ms. Davis: Sure.

Mr. Camp: Ma'am, thank you so much for coming before us today. I was the caregiver for my mom for sixteen years, through memory loss, through falls, through the things that you're talking about. I appreciate the emotional moment.

Ms. Davis: I'm sorry.

Mr. Camp: No, don't be sorry.

Ms. Davis: I practiced a lot, I didn't cry.

Mr. Camp: I felt the same way, and it's hard to talk about it. And I appreciate that you came down and did a difficult thing in doing that. We ask some questions that are very hard, and some that are easy. And you're not here as a design professional or an attorney or some of the other folks. You're someone who's actually lived this experience. I just have one question for you. Since your mom is there now, and you go and see her, tell me about the parking from your perspective.

Ms. Davis: Okay, so depending on the time of day, when you arrive, and who might be there, whether it be a caregiver, there's usually always at least two caregivers, and so there's always two cars. Well, sometimes there's only one, but yes, two caregivers, but one car, sometimes. But there's, let's see, one, two, three, four, five, six, seven places you can park right now. And across the street, there is about four more spots that you can park on the grass at the side of the street. On the grass, on the side of the street. It's not designated as Living Well parking, but people do park there. Most people, like myself, who come to visit, we don't stay very long, but we are there.

Mr. Camp: And do you turn around in the adjoining driveway?

Ms. Davis: Pardon me?

Mr. Camp: When you have to turn your car around, do you turn around in the adjoining driveway?

Ms. Davis: Sometimes we do not. We turn around in her driveway, or I mean, there's always room to turn around. I have gone down to the street and turned around in a cul-de-sac before, if I needed to.

Mr. Camp: Thank you for answering my questions, ma'am.

Ms. Davis: Anybody else? Any other questions?

Clerk: Our next speaker is Judy Jessen, followed by Micah Cummings.

Ms. Jessen: Hello. Good afternoon. My name is Judy Jessen, and I'm speaking on behalf of myself and my husband, Bob Peterson. We are residents of 2677 Blue Heron Court in the Shorehaven neighborhood of Virginia Beach. We are here to express our opposition to the conditional use permit by Living Well Assisted Living to expand their facility at 2600 Shorehaven Drive from eight residents to 14 residents, along with a 1,272 square foot building addition. We want to be clear from the onset: we do not question the mission or the quality of care provided by Living Well Assisted Living. Our concern is solely about the appropriateness of this expansion in our residential neighborhood.

I'd like to raise two specific points for your consideration. Number one, a commercial business operating in a residential neighborhood. When this facility opened in 2022, it operated within the protections afforded under the Virginia State Code, eight or fewer residents, consistent with the single-family residential use. That threshold is not arbitrary. It is the line that the law draws between a residential group home and a commercial business. The proposed expansion from eight to 14 residents represents a 75 percent increase in both resident capacity and the scale of the business operating on the property. That is not a modest adjustment. It is fundamentally transforming the nature of the operation.

Here is a critical issue: if this facility were already operating at 14 residents, it would not be permitted to operate in a residential zone at all. The Commission is being asked to grant an expansion that would, at its proposed size, be prohibited from day one in this same neighborhood. Approving this application does not just expand the facility; it establishes a commercial operation in a residential setting that would never have been located under the current code. That simply just doesn't make sense.

Point number two: future implications. What happens next? We ask the commission to look beyond today's application and consider what this approval means for the future of the neighborhood. Businesses change, ownerships change. What happens if Living Well Assisted Living closes or sells this property? A conditional use permit granted for a 14-resident facility does not disappear with the current operator. The permitted use, a commercial-scale care facility, remains attached to the property. What protections would our neighborhood have if a new owner or different type of commercial business sought to occupy this expanded permitted facility? Once the commission approves the use at this scale, the precedent set, and our neighborhood's ability to preserve this residential character is permanently diminished. We urge the Planning Commission to deny this application and preserve the residential character of our neighborhood. Thank you.

Mr. Coston: Thank you. Commissioner Plumlee.

Mr. Plumlee: It's Ms. Jessen, is that correct?

Ms. Jessen: Yes.

Mr. Plumlee: Tell me where you and your husband live in relationship to the proposed location, if you can, just help me. There's very little I know in our application material.

Ms. Jessen: Shorehaven Drive comes in from Cox High School, goes around the ball fields, and ends up in the back there. We are in the back end of the neighborhood, so you go down Shorehaven, it curves around, and I'm in the back of the neighborhood. But we are, of course, driving back and forth, walking, biking past this quarter of a mile, half a mile, something like that.

Mr. Plumlee: Quarter mile. And your, what I was hearing, as far as your objection was concerned, was it because the commercial activity devalued your property in some way? You say it's inappropriate. We have the ability to grant an approval here that's under the law, but you're saying it's inappropriate because of the commercial nature. Is that because you believe it's just the intensity of that use interferes with the architectural nature of this community, or is it that by having this commercial activity there, you're devaluing the residential community? I want to make sure I understand the motive behind making that point.

Ms. Jessen: Well, I think you make a valid point, and I'm glad you asked that question. I think the commercial facility operating, the expansion, that size and scope, has a number of implications in the community. It's going to increase traffic, deliveries, visitors. You have that implication. You also have the other implications with the safety within the neighborhood. You have the school bus stop across the corner. The adjacent street, Back Cove Court, is about a—it's not even a two lane road. It's a lane and a half. And Shorehaven is barely a two lane road. And I do think that there, I'm sure, especially for immediate residents as well as in the neighborhood, that there is a concern it would devalue the homes. That that would be a negative consequence, potentially.

Mr. Plumlee: Thank you. I appreciate you.

Ms. Jessen: Sure.

Clerk: Our next speaker is P.J. Cummings, followed by Frank Wetmore.

Mr. Cummings: Hi, I'm P.J. Cummings. My wife, Micah, had to go on a flight for an out-of-town event, so I'm just going to take over for her. I'm going to read a little bit of what she did have presented as well. Again, P.J. Cummings. I'm a resident on Back Cove Road. So if you look at that going down here, the very narrow, tight road that goes right by this specific property that we're talking about. My wife is a realtor. She's transacted or helped transact ten properties in this specific neighborhood. To your point, potential buyers who are made aware of this, it has drawn concern. I wouldn't say it would be a deal breaker, but it was specifically on a negative end of that.

At its current capacity of eight, as someone who lives here, at its current capacity of eight, this is a great service to have. But I think it's important to consider Virginia law establishes that number eight. That is an appropriate level. Not nine, not ten, certainly not fourteen. This is significant. This is almost double, seventy-five percent higher than you would normally have per the law. Granted, you could accept that. I would say it's currently acting at its capacity as far as a non-impact on the neighborhood. Anecdotally, someone said, "Oh, there's always two spots available." That's not always the case. As someone who lives there full time, there are times when it's exceeded that. There are times when cars park on that Back Cove Road. That's very narrow, and

that significantly impacts access. That's not a road with a center line marked yellow. You wouldn't be able to do that. You have to get almost frequently, sometimes into someone else's yard to have two cars pass. My daughter is significantly disabled. She has curbside bus service for school, for ESY, for other activities that she needs. And if someone's parked along that road, there's no way they're getting down there.

Also to mention, emergency services for many of the elderly people down here. At eight, I think this is a good idea to have this thing here, eight capacity. Doubling that, it changes the nature. We have a commercial entity now. We have something semi-institutional, as opposed to what Virginia State would say is like a residential. It's not residential anymore. Certainly, we need to have this. And again, talk about blind corner there. It's very difficult to see around plants and stuff in that corner. There's a bus stop right at that corner. Adding that double capacity, it's already at max now. You're going to have a lot more there. They can say that, hey, the residents don't drive. Granted, but there's still a lot of activity that is going there, it impacts the neighborhood. It's no longer a residential equivalent above eight, and so I'd like you to address that.

Mr. Coston: Excuse me, sir. The red light is on. Means your time has expired.

Mr. Cummings: It's expired. I apologize. Thank you so much for your time.

Mr. Coston: Well, let's see if anybody has any questions.

Ms. Hippen: Briefly, tell me about the parking issue that you are about to highlight.

Mr. Cummings: Yes, they can frequently shoehorn in a lot of spots in there. I would say that it's not something that if someone was in a commercial area that you would zone for that many spots. They talked about adding to, but you see sometimes if overflowing out. My concern is they originally wanted parking places along Back Cove. They rescinded that, but I think that's a natural place for people to just take on themselves, to extend over there. That significantly impacts that. We can say they won't. They're going to. And again, it impacts my family as far as access to services we need. It impacts the bus stop that's there. The staff in the proposal that the staff looked at said that they could accommodate 14 cars. I would question how much they actually looked at that spot to say that's true. I would say that's clearly false. It's not even close to that number. Did I answer the question, ma'am? I'm sorry.

Mr. Coston: Yes.

Mr. Cummings: Okay. Thank you.

Mr. Coston: Thank you, sir.

Clerk: Our next speaker is Frank Wetmore, followed by Nancy Garrett.

Mr. Wetmore: Good afternoon. My name is Frank Wetmore, and I live on Shorehaven Drive. I oppose the Livers' application for a conditional use permit. I also disagree with the planning staff's valuation that the expansion will be acceptable and compatible with the surrounding properties. I think it fails to address dangerous changes these will have on the area. The location is a peaceful neighborhood that does not coincide with making it a commercial enterprise. The increased traffic

and business activities are not what homeowners bought into, and I think it's unjust to change it now.

The facility is in an intersection that is immediately preceded by a blind curve. This alone makes it a horrible location for a business to begin with. Making matters worse, their landscaping is overgrown and does not provide adequate visibility when pulling onto Shorehaven from Back Cove Road. Cars have to nose into traffic to see what's coming down Shorehaven Road as those vehicles are exiting the Shorehaven neighborhood. Additionally, the same intersection is a lower school bus stop. There are no sidewalks or safe zones within the area, other than two neighborhood corner benches that sit there about 65 inches off the corner. Students should not have to contend with employees and visitors arriving and departing in a restricted visibility environment.

Current parking is also inadequate. Someone has filled in the drainage swale across the street, part of Great Neck Park, to provide extra parking, as has been testified, that people are parking there. The cars using these spaces hang over onto the road, making conditions more hazardous at the narrowest part of Shorehaven Drive. I did learn today that an 11-foot travel lane is a standard travel lane. Back Cove Road is 16 feet wide from one side of the pavement to the other. Shorehaven at this point is 21 feet wide. Moreover, there's no space for construction vehicles and workers to park. There are no off-road sites for site access. Delivery of construction materials is going to block access for residents, school buses, and emergency vehicles.

The Shorehaven neighborhood currently coexists with Cox High School, Great Neck Rec Center, the Great Neck Park and its new event venue, and the Great Neck Baseball League. The additional traffic brought by the commercialization of this residence in the middle of our neighborhood will further diminish the quality of life that our homeowners deserve. I urge you to oppose this application. Thank you.

Mr. Coston: Excuse me, sir. One question.

Mr. Camp: Yes, sir. You referenced the baseball league and the park. Do folks who are using those facilities park on Shorehaven, cut through the back?

Mr. Wetmore: Oftentimes, they'll park, and I believe it's posted no parking on that side of the road, all the way from the left turn at the Great Neck Park and baseball entry, all the way around to the pump house at the far side.

Mr. Camp: I understand how it's posted, but as a resident, you're saying that people are parking there and using it.

Mr. Wetmore: Yes. Oh, well, not on weekdays, but when Great Neck Park fills up and the Great Neck Baseball League and Cox High School or the Rec Center, not everybody parks down at the standby next to the tennis courts on Cox. They come around and then they hike over the berm.

Mr. Camp: All right, this is new information to us because I've taken a visit over there at different times of the day, but I haven't seen that. And I thank you for your testimony.

Mr. Wetmore: It's mostly on the weekends. Thank you, sir.

Mr. Camp: Thank you, sir.

Clerk: Our next speaker is Nancy Garrett, followed by Scott Morin.

Ms. Garrett: Hello, I'm Nancy Garrett, and I live at 1524 Shorehaven Court, which is two streets down from this property. I oppose the request for the conditional use permit for this property. My concern is not with the residents, but with the commercial enterprise in a residential neighborhood. Again, the group home will change from a residential entity to a commercial business, and that's because they're getting a conditional use permit, they have to get that when that changes. This neighborhood does not have any commercial businesses right now, and it consists mostly of one acre lots, which means low density, and it's very wooded in there as well. It's very low traffic, so there is nothing. This has nothing to do with the type of business that it is. But it's going to change into a commercial enterprise in a residential neighborhood.

We've been talking a little bit about parking. You have approved 14 cars, and what I heard her say this morning, she wants two more spaces. That means there are 16 cars in there. If there were 16 cars in there, only the four cars parked closest to Shorehaven would actually be able to leave without maneuvering all the cars around. So they have consistently been using the city property across the street as parking. I do have photos, and somebody gave me a photo this morning of when you all came to visit the property. You all parked across the street because there wasn't parking for you at the facility.

This is also at around a blind curve, a ninety-degree blind curve, and then you come to the corner of Back Cove. There is a children's bus stop there, a fire hydrant, a no parking sign, a roadside ditch which runs on the side of their property. That's why nobody can park there. An intersection and no sidewalks. We have no sidewalks in the area, so adding additional cars on both sides of the street and the attendant traffic will be a danger for people walking, biking, walking their dogs, moms walking with babies, etc. All of whom use the street because we do not have sidewalks.

I respectfully ask the Commission to carefully evaluate approving a commercial enterprise in a residential neighborhood. This will change the original plan of the neighborhood, and it will impact safety for the residents that live there. And I do have some photos that I can show you with no parking signs. And apparently there were no parking signs all the way down that road, and they came down with the hurricane, and the city has never put them back up. But it is city property, and you're not allowed to park there. And there is a fire hydrant, bus stop, and I have their driveway of everything there. If you want, I don't know if you want to see these.

Mr. Coston: Any questions?

Mr. Camp: I was just going to suggest, ma'am, if you could submit -- you're welcome to share your photographs with us, maybe hand them to the clerk over here -- but to complete the record, if you would like to submit any of those via email to the staff planner, then those would become part of the record that city council could consider as well.

Ms. Garrett: Okay, I'll do that.

Clerk: Our next speaker is Scott Morin, followed by Zeb Holt.

Mr. Morin: Good afternoon. My name is Scott Morin. I'd like to thank the Commission for giving us the opportunity to express our concerns about the proposed change at the property at 2600 Shorehaven Drive. I'm not going to revisit the parking and the hazardous location. You can see on the photograph or the map actually how close it is to that very sharp right angle turn, which is always hazardous to begin with, and becomes much more hazardous when you have people encroaching on the roadway by parking there. I agree with Nancy. There were no parking signs up there for many years on that side of the road. They came down and were never put back up by the city.

The request, the thing that I wanted to really kind of make a point about is that the request really simplifies the estimated need for parking. They only mention a few extra staff, but they fail to mention, and as a physician, I know about this, they fail to mention all the ancillary care providers that oftentimes come and are parked about in the area. This includes hospice people, home health, physical therapy, medical providers, clergy, and family, and they frequent the facility in order to visit each resident, either as a patient or as a family member. In addition, not all the residents share the same provider. So when the provider is there, they're going to double up, and the parking is going to be untenable at that particular location because of the nature of the confluence of streets and corners.

In reality, the facility will not function as a 14-member family household. It's going to be more akin to a 14-family household, and what I mean by that is that each one of those members, each one of those residents, will have family members, professionals, and other folks that will need to have parking. And as it is, the parking, as a resident, as somebody who walks there all the time, there are almost always cars parked along the side of the road there, as well as in the driveway. So I don't think that two extra spots is going to make a significant impact when you're increasing the size of the facility by seventy-five percent.

Additionally, what most folks have not mentioned yet is the property is in the Chesapeake Bay watershed, specifically on the Woodhouse Canal of Back Bay Cove. There is going to be an introduction of impermeable surface. This was more of an issue when they had the extra four parking spaces in the deck, but they're still going to put two more in the front yard. In addition, there's going to be a removal of old growth, hardwood and pine tree in order to make the addition possible, and that will have an environmental impact. The commission is charged with an effort to maintain or enhance neighborhoods, and this proposal does neither. So I do ask and submit as an opposition, my voice to this meeting. Thank you.

Mr. Coston: Thank you, sir.

Clerk: Our next speaker is Zeb Holt, followed by Monica Dustman.

Mr. Holt: Good afternoon. My name is Zeb Holt. We live at 2717 Shorehaven Drive. We've lived there for twenty-six years now. I'm here to speak in opposition, and most of the points that I'm going to make or want to make have already been made. I will just try to emphasize a couple of those.

When that property was bought five years ago, we were walking by and we stopped and we talked to the owner, thinking it'd be nice to meet our new neighbor. And we found out it's going to be an

assisted living facility. We were surprised, frankly shocked, and did find out from her and others that it was legal to operate a facility in a residential neighborhood. At the time, we expressed concerns about the parking. I said, "You have this little U driveway. You've got eight residents and employees. You don't have enough parking." She said, "Well, we do. Our residents don't drive." I said, "Of course they don't, but they have family and they visit." And you have vendors, and you have workers. And I said, you have a parking issue. And she said, "Well, we'll try to address it." It's been a problem since the day that the facility opened.

There are times of day that you drive by. There is plenty of parking. There are times when you drive and the driveway is absolutely slammed full, and no way for a car to get in and out because it's sandwiched. There's cars down Shorehaven Drive. Now, that's only exacerbated by the fact that two days a week, there are two to four trash cans sitting in the driveway on Shorehaven Drive, across from where the cars are parked. Shorehaven Drive, major thoroughfare, entire neighborhood turns into a one-lane road. That can be further exacerbated by EMS vehicles coming to and from the facility, bringing patients, usually accompanied by a fire truck. Then we have normal vendor traffic in and out. So, that's the way it has been.

Let's think for a minute about increasing the capacity by seventy-five percent. That means seventy-five percent more traffic, more parking, more employees, and trash, moving from four to eight cans now, sitting in the road. So, we perceive it to be a problem today. We're living there. We're existing with the facility. If you allow this facility to expand by seventy-five percent, you're taking it to an entirely different category. One that should be in an industrial or medical park, and not in the middle of a residential neighborhood.

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

Mr. Holt: And I am through. And I really do appreciate you listening. Any questions?

Mr. Coston: Doesn't seem to be any questions.

Mr. Holt: Thank you.

Mr. Coston: Thank you.

Clerk: Our next speaker is Monica Dustman, followed by Thomas Frey.

Ms. Dustman: I am a bit slow. I was asked to bring multiple copies of my testimony. I will be speaking for both myself and my husband. He was called away. And much of what I will say is repetitive, but I feel it's important to say that. Thank you for the opportunity to be here. My name is Monica Dustman. We are the owners of 1412 Back Cove Road, which is at the very end of Back Cove Road. We've lived there since 1990. I am echoing the fact that it is a unique, quiet residential area. I have a 97-year-old mother. She spends half her time with me and half the time in a residential area.

I am going to focus on the topic of parking. About a month and a half ago, my mother fainted in my house. The ambulance was unable to come down the street because of the parking situation at the front of Back Cove Road. We dispute the statement that the traffic impact will be low. The current driveway cannot possibly house the number of cars it is housing now. You have heard

people say that Shorehaven is packed. Well, I will tell you that Back Cove Road is packed, too. It is essentially a small commercial parking lot in a residential area. We see constant shuffling of cars parked on both Shorehaven and Back Cove. You've heard that Back Cove is a narrow street. I cannot tell you the number of times that I have made the turn from Shorehaven down to Back Cove Road in the evening, in the dark, and suddenly I'm looking at the back end, rear end of a truck or other cars. I've had to back my car back out into Shorehaven so that I can swing around the parked cars that are blocking Back Cove Road, and as you've heard me say, it turned into an urgent situation about a month and a half ago. Totally untenable.

I'm not going to cover the things that have already been covered. This proposed expansion will transform that home into a commercial establishment. The increased traffic, with associated support vehicles, visitors, additional traffic, will make the area untenable in terms of transit between housing in and out of the neighborhood. It is just undisputable that the traffic situation is currently unacceptable because of the traffic. Now, we fully support the home as configured. There are things we have to live with. But I do agree with the fact that our whole community needs additional housing. That's my experience with my mother. I am fully sympathetic to that, but not an expansion to this level. We chose to live on a quiet street, and this expansion will dramatically change the nature of the neighborhood. I do believe also that it will minimize and decrease the value of our homes. Thank you very much for listening to my testimony.

Mr. Coston: Thank you.

Ms. Dustman: Are there any questions?

Mr. Coston: Commissioner Camp.

Mr. Camp: Yes, ma'am. With regard to the incident with your mom, if the ambulance couldn't get to your home, what happened?

Ms. Dustman: They drove onto the side. If you look at that layout that is on the screen, they came down Shorehaven from Great Neck. There were cars parked right on as you're going down Back Cove Road. The cars were parked along the right. Fortunately for us, I'm sorry. Unfortunately for the neighbor on the left-hand side of Back Cove Road, they pulled onto the grassy area and the property of that first home on Back Cove Road. I am eternally grateful to them because they chose to drive in soft dirt and to come to the aid of my mother. But things could have been different. They came down Back Cove Road and they were delayed. They just kept plowing. The next day, I could see the tire marks where they had come through. But what if that particular property did not have that grassy dirt area for them to swing into and proceed?

Mr. Camp: Thank you very much for completing the story. I'm sorry for what your family went through.

Ms. Dustman: I appreciate the fact that you asked the question. Thank you very much. Anything else? Thank you for listening.

Mr. Plumlee: Ma'am, yes, sir. I'm sorry to trouble you more with the questioning on the subject, but I'm just curious. So you went down and you identified those vehicles as being vehicles associated with this use? I want to be clear with that.

Ms. Dustman: I don't think I understand your question. If you're speaking about the incident with the ambulance.

Mr. Plumlee: Yes, that's what I'm talking about.

Ms. Dustman: When they arrived, they apologized. I keep moving away from the microphone. I'm sorry. When they arrived, they apologized for being late, and I said, "I'm so glad you're here." And then, after the initial hubbub of, I won't go into the medical details, they apologized again and told me they were delayed because of the cars on Back Cove.

Mr. Plumlee: They didn't say what residence the cars were from?

Ms. Dustman: Oh, no, they did. They did. And they knew that to be the case. I come home usually at about nine, nine-thirty, because I take care of my mother in the evenings. Sometimes through the night, I come back. And as you turn down coming Shorehaven, you turn down this home, this residential home, that we're talking about now. There are usually cars parked on the right-hand side in the first 50 feet. And the ambulance people told me, "Yeah, there was a car right there as you make the turn." I've made that turn at times in the night, and suddenly I'm looking at the rear end of a vehicle. And that's what they told me. And I said, "Where were the cars parked?" Because it is irritating to have that parking situation. I understand the mission of the home. I'm sympathetic. I have a 97-year-old mother, but we have conditions that the rest of us have to live with. And the ambulance people told me, "Yeah, we got around because we went down around them into the dirt." And I asked specifically, "Where were they?" Because we do not have that problem down the rest of Back Cove Road.

Mr. Plumlee: I just ask out of personal curiosity. You know, we had a party at our house that was unscheduled. My brother-in-law decided to welcome us to our new house, and I had a neighbor across the street became furious that a car was parked on her right of way, and she not only ran onto our property, she ran into the party, and she thought it was my brother-in-law's car. It wasn't a car associated with the party. So I'm just saying, we make assessments and assertions. Sometimes we're accurate, and I'm not questioning your judgment. I'm just suggesting. Unless you can identify it with this use, we cannot fairly attribute it to this use without something more clarifying. That's my point.

Ms. Dustman: I am here to tell you that I will confirm that. Following that incident, my husband drove down to the end of Back Cove Road to see what she was talking about. If he were here, he'd have the picture on his cell phone with the date.

Mr. Plumlee: Thank you. I appreciate you following up.

Ms. Dustman: So, because I was, once we got over the immediate shock of the incident, confirmed that my mother. You can't say that she was all right, but we confirmed the immediate emergency had passed. Then I was furious.

Mr. Plumlee: Do you think you'd ever see any neighborhood in this city being permitted to have a residence like this?

Ms. Dustman: Did you ask? Did I see this?

Mr. Plumlee: Do you see that as a benefit to the city?

Ms. Dustman: I think that, and a couple of other speakers have said that we do have a need for this type of facility. I do not personally have an objection to these homes. I think they're needed. We do not have adequate housing. When my mother was moving here, I did the same thing. I looked. I ultimately went in a completely different direction, but I realized the dearth of housing for senior citizens. I'm no spring chicken myself. I'm coming up to those years. I think we need it, but as other speakers have said, of a certain size, a certain convenient size. If you want to house it in a residential neighborhood, because by its very nature, this is a home for people who need additional help in a home environment, fine. But there should be a size limitation that fits into a residential community, which does not cause an impact, indeed becomes a welcome addition. At present, I have focused on parking. Other people have focused on different topics, but from the standpoint of parking, and I do believe that there is a value, home value consequence. It is a nice area. We all moved in there some time ago, and this is going to be a—it is really already with that parking, semi-commercial. You expand it to this extent. It is going to bring our home values down. But again, I said at the onset, I'm fully sympathetic to this type of housing, and we do need more of it.

Mr. Plumlee: Very eloquent. Thank you.

Ms. Dustman: Thank you. Yes, ma'am.

Ms. Hippen: Have you ever knocked on the door or reported them to the police, just out of curiosity?

Ms. Dustman: Oh, it's not my nature to do that. The ambulance people for this particular incident were quite direct. They said that I ought to try and do something about that. But we're not, by nature, combative or confrontational people. We try to be very laissez-faire. You live here, conduct your life. We live here. We all live by the rules. We try not to disturb each other. That's fine. It's not my nature to do that.

Ms. Hippen: Okay.

Ms. Dustman: I had the. I probably could have, but I chose not to.

Ms. Hippen: Thank you.

Ms. Dustman: Anything else?

Ms. Hippen: Amen.

Ms. Dustman: Thank you very much.

Clerk: Our next speaker is Thomas Frey, followed by Kristen Meredith.

Mr. Frey: Good afternoon, evening, Mr. Chairman and members of the Planning Commission. Thank you for taking the time and your interest at this late hour. My name is Thomas Frey, and I respectfully oppose the proposed conditional use permit for 2600 Shorehaven Drive. Before I

begin, I'd like to acknowledge that I do not believe anyone here questions the importance of caring for elderly residents or the work that Ms. Livers is doing. However, that is not the question before the commission. The question before the commission is whether this particular proposal satisfies the requirements of the ordinance under which approval is being requested.

The record must resolve one threshold issue before the commission can properly evaluate whether approval is warranted. Whether the proposed use has been correctly classified under Sections 500 and 501 of the Virginia Beach City Zoning Ordinance, referencing the definitions contained in Section 111. Sections 500 and 501 assign different zoning treatment to various categories of use. This demonstrates that the city recognizes the different impacts that these have on residential neighborhoods. Section 111 serves to explicitly define these cases, often in detailed terms of character and scope.

The applicant seeks approval to expand beyond the eight-resident threshold afforded by the city's definition of family, and they seek to expand to fourteen residents—a seventy-five percent increase in occupancy. Accordingly, the question before the commission is what use classification governs the proposed expanded operation. The applicant has selected the Group Home category as the basis for this application. However, the commission has an obligation to determine if this is in fact accurate. Of note, there is no definition for group home in Section 111.

The staff report repeatedly characterizes the proposed operation as a 14-resident assisted living facility, with three staff members on site, a full time nurse, visiting physicians and services including home healthcare, provided meals, activities, and therapy. This is significant because these are the very characteristics that the ordinance specifically identifies with assisted living facilities, which Section 111 expressly includes within the category of housing for seniors and disabled persons. The record does not explain what objective characteristics distinguish the proposed operation from another for which there is a clear definition, which closely mirrors the description contained within the application. For that reason, until that classification issue is resolved, I respectfully submit that the findings necessary for approval cannot properly be made. Thank you for your time.

Mr. Coston: Thank you, sir.

Clerk: Our next speaker is Kristen Meredith, followed by Brooks McLean.

Ms. Meredith: Hello, thank you for having me. My name is Kristen Meredith, and I live at 1528 Back Cove Road. That's the long rectangle right across the street. So if you have any questions, please let me know. I just wanted to start with a couple statistics. In Hampton Roads, there are over fifty pedestrian incidents involving children every year for the last five years. Virginia Beach has the highest percentage of those pedestrian incidents that involve children. I have a three-year-old son that lives in there. There is a bus stop on that right corner. Before I moved in, my grandmother had been living in that house for over fifty years. She built it in 1971, and she is now in a facility. That is not the facility across the street, and I had to go in and build an area on the property to hold the children when the bus comes and picks them up for school. I did that because I saw the blind turn; it was a danger to the children. So I went ahead and I did that myself. The home across the street has done nothing to help with the safety of the children on that corner. That's what I have to say. If you have any questions about how busy the street is, I will say it is

very busy, and I think it's at the capacity that is able to hold today. I do not believe it will be safe any longer if that capacity decides to increase. Thank you for your time. If you have any questions, please let me know.

Mr. Coston: Excuse me, we have one question, Mr. Camp.

Mr. Camp: As a resident on Back Cove, across from the facility.

Ms. Meredith: Yes, sir.

Mr. Camp: We have heard testimony from others about parking on that street. I would like to invite you to add any comments you have about parking on Back Cove related to this applicant, this facility.

Ms. Meredith: I will say there are parking issues. I would not say that it's a detriment to the neighborhood and the street as of today, but I will say it will become a detriment in an emergency situation if they decide to expand, because they're going to increase to seventy-five percent. I mean, people come into my yard all the time. There's dirt there. I've put up logs so people don't run into my yard. People turn around in my driveway all the time. I've had to re-rock it probably three or four times. But I wouldn't say currently that it's at a state of danger to anybody right now. But I do believe if they increase it to that seventy-five percent, if the plan was actually shown on the screen, which we actually haven't seen, I think they said there's supposed to be four new parking spots instead of two. So that would make it. That's not the plan, though. That's just the building as it is now. If you look at the plan, it has a whole new side that's not up there. So I don't know if you guys have seen that or not. But it would make it so it's very congested on that right-hand side, which is Back Cove Road. And so, I believe that if they do decide to develop the way that they have it planned, it will become a major issue of safety and parking.

Mr. Camp: So, if I may summarize, I'm not asking you to make a future traffic assessment, although I appreciate everything you said. What I'm getting at is at the current operation. If I heard you correctly, people associated with the facility attempt to park in your yard, and you've taken some mitigating measures to prevent that or make that harder. And that people associated with the facility are turning around in your driveway with a frequency that has caused you to have to maintain the driveway more often than you would otherwise. Are those factual statements?

Ms. Meredith: That is correct.

Mr. Coston: Thank you very much.

Ms. Meredith: Thank you.

Mr. Coston: Wait a minute. Hold up.

Ms. Meredith: Hold up. Hi. Yes.

Mr. Plumlee: I always let Walter go first, and then I follow him. So, I want to follow up on that point, though. If we could go back to the overview, the aerial.

Ms. Meredith: There's like a red. It's like, it's red.

Mr. Plumlee: I have that in front of me. I'm kind of looking at both of them. So, tell me again. Where the bus picks up the children, looking at that. Looking at your lot is a long, rectangular lot, correct?

Ms. Meredith: On the right-hand side of the picture, yes.

Mr. Plumlee: And on the right side of Back Cove Road, and so is it near Shorehaven, or is it further away, down towards the bottom of your lot where the children are picked up? Just to give me a sense.

Ms. Meredith: It's right at the blind spot, at the very top of the property by Shorehaven.

Mr. Plumlee: So the children are lining up there, or whatever you're accommodating for them. These are neighborhood kids congregating there with your son.

Ms. Meredith: My son is three. He will be there.

Mr. Plumlee: So they're picking him up there at the top of that rectangle. Is that fair?

Ms. Meredith: Yes, that is fair. But it's not really the transit that's the problem. It's when people are coming around that corner. It's very blind. And if you're going to have parking on Back Cove now, you're creating more people coming around that blind curve when children are trying to walk up the street with no sidewalk to get to the bus stop.

Mr. Plumlee: So I am looking at the design, which shows that the parking is towards the bottom end of the lot, as shown on Back Cove Road. So your concern is, if those cars are parked there, it adds to the blind aspect of the road. Is that accurate? And getting that from you.

Ms. Meredith: Yes. And I'd say there's probably ten or so, ten to fifteen children that live on Back Cove Road.

Mr. Plumlee: Okay.

Ms. Bailey: If I could just make one point of clarification, the applicant had proposed those four additional spaces on Back Cove Road. That's not something that the city would permit. So she has removed those and is moving forward with the spaces just in her driveway.

Mr. Plumlee: So that got removed from the plan. So where are they going to park? Everything is proposed in. I just want to make sure I understand what's floating in the air. And then we can also try to get on the same page together. So it's only going to be within the circular drive, correct? As opposed to anything on Back Cove Road.

Ms. Meredith: Correct.

Mr. Plumlee: That has been removed from the plan.

Ms. Meredith: Okay, so there'll be even less parking.

Mr. Plumlee: Well, there's less activity on Back Cove Road.

Ms. Meredith: Very true.

Mr. Plumlee: Okay.

Ms. Meredith: Thank you, sir. Appreciate your time.

Clerk: Our next speaker is Brooks McLean, followed by George Wong.

Mr. McLean: A long day. My name is Brooks McLean. I'm a resident of Shorehaven. I'm just here to oppose this zoning application. Thank you.

Mr. Camp: Could you please clarify? You are president of what?

Mr. McLean: Shorehaven.

Mr. Camp: Is that a homeowner association, a civic league, a what?

Mr. McLean: No, I've just—that's the neighborhood.

Mr. Camp: Oh, you're a resident. "Resident." I thought you said you're the "President." Okay, I didn't mean to upgrade you. Sorry for my hearing problem. Go on.

Mr. McLean: Thank you.

Clerk: Our next speaker is George Wong, followed by Chuck Best.

Mr. Wong: Afternoon, my name is George Wong. I am the president. No, I'm not. I spent two days writing what everybody has already told you. So I'd like to again thank the Commission for being patient, listening to all those who are stepping forward, and I still want to congratulate the applicant for a wonderful service. But the business model does not work for residential. And to me, it's all about safety. On the way to the hearing today, about 10:30 to 11:00, we're driving down. There were two cars on the shoulder in front of the assisted living. There were four cars in the circular drive. If you think you can get ten or twelve cars in the circular drive, you better have valet parking. It's not going to happen. I couldn't park there. I'm a retired family physician, and I have great empathy for this effort. Heck, my 95-year-old mother is in assisted living. My grandmother, who passed, who was 100, was in assisted living, and there's a need. So I don't fault her for her effort, but it's the wrong location.

Just yesterday, I was driving about, and I found a young couple walking a dog with a stroller with a baby going around the curve, going to the rec center. There were four or five kids on bikes riding into the neighborhood from the rec center. That area is the bottleneck, so I think it's a safety issue. Now, if you increase your residents by six, again, as Scott mentioned, you have six new families, six new relatives, six new providers, six new possible physical therapists. I have ordered those services for people who live in assisted living. I think the neighborhood has tried to be good neighbors to assisted living. We don't go march up and everything. We want them to be good neighbors. Please tell your visitors to stay off the berm, stay off the soft shoulder, and they need

to do something different. But I oppose this effort, not because of her sentiment, but it's just too dangerous. I see too many kids walking. They have these motorized scooters now, so I worry about them going around that curve. If you have all been there, you know what I'm talking about. Thanks for your time. Any questions, please?

Mr. Coston: You're good. Thank you.

Mr. Wong: Thank you.

Clerk: Our next speaker is Chuck Best, followed by Nick Wagner.

Mr. Best: I'm here. Oh, sorry about that! What a treat for you guys, ladies and gentlemen. Thanks for having me here. It's been a long day, so I'm going to be brief. Somebody's going to get hurt here. I live at the end of Back Cove Road. When you take that turn off of Shorehaven onto Back Cove Road, and people park there under this existing use, they just do. Especially on holidays, Father's Day, Mother's Day, Christmas, Thanksgiving, etc. When you come around that turn, you are startled when people park there. Back Cove is, I think, 16 feet wide. That's like a lane and a half. I've had delivery drivers seeking to deliver things at my house—they can't make the turn when a car is there. I've gotten called, had to drive my lawn tractor up to the end of the street, which is half a mile up the road. But that's really not a big concern. The real concern is, somebody's going to get hurt here. That's under the existing use. I can't imagine what's going to happen if we have six more people there, with all the ancillary people that support that. I just think it's crazy to grant this conditional use permit. Happy to answer any questions.

Mr. Plumlee: Thank you, sir.

Mr. Best: Okay.

Mr. Plumlee: I've got one point. Chuck, before we let you go. Do you throw any parties down at that house?

Mr. Best: Pardon me?

Mr. Plumlee: Throw any big parties down at your house?

Mr. Best: Yes, and everybody parks within my property.

Mr. Plumlee: So you can get them on your property.

Mr. Best: I can get them on my property.

Mr. Plumlee: All right. That was my question. Thank you very much.

Clerk: Our final speaker is Nick Wagner via WebEx.

Mr. Wagner: Good afternoon. My name is Nick Wagner. I am a resident at 1508 Back Cove Road, along with my wife Tracy, who is there in the room. She's the most beautiful girl in that room. We are here today in opposition of the requested CUP. We echo our neighbors' comments

that, look, we support the mission of that home. We were hesitant to support it when it first came up five years ago, but we did so, and we feel like what we're experiencing now is a bit of mission creep. Promises were made around parking, what would and would not take place. Those promises have not been kept. I would ask you on the commission to even ask yourselves, why did we not park in the driveway when we visited the site? I think it's easy to make a lot of promises now when requesting this CUP that, once it's approved, just will not be held up. I respect the owner of the business. The owner does not live, has never lived in that neighborhood. It's a business. This is a business opportunity. Again, with a great mission, I agree with the mission. But I think it's a business opportunity that's easy to sell when you are not living in that neighborhood. I have three kids, all who are very active out and about in the neighborhood. I echo Chuck's comments about safety. This is not a hardship request. There's not a problem. There's not a reason this owner is saying I have to expand, because if I don't, this will happen. So I don't think there's a real need to do this. If there's a need in the future to relook at it, maybe, but not now.

I do agree there's a need for residential homes for elderly people in Virginia Beach. I think there are neighborhoods that can support that, that have the width of the street, shoulders on the road, sidewalks and curbs. Our neighborhood is not that. The "No Parking" signs along Shorehaven Drive have been removed because of hurricane removal. There have been requests from the Virginia Beach PD to put the "No Parking" signs back up. Virginia Parks put in a request to have them put back up, and nothing has happened. So the city also has not done their part in protecting our neighborhood and protecting that park. That berm has been cared for by one of our neighbors, Barry, who lives right next to the young lady who just spoke earlier. His driveway kind of backs up to Shorehaven. He puts in a lot of hours caring for that corner and the entire berm along Shorehaven to try to keep cars off of it, to make it a safe place for people to walk. But it is not being respected now. We have no reason to believe it will be respected in the future.

Mr. Coston: Thank you, sir. Hold on. I think someone has a question for you. Commissioner Plumlee.

Mr. Plumlee: Yes, sir. Thank you very much for calling in. Have you witnessed yourself six or more vehicles at this location?

Mr. Wagner: Yes, and not all up in the driveway.

Mr. Plumlee: How many cars would you say you saw at the highest number?

Mr. Wagner: I've seen three along Shorehaven. I've seen at least two parked on Back Cove at that corner.

Mr. Plumlee: I'm sorry, I'm misunderstanding you. I'm asking, what is the largest or the biggest total of cars that you've seen associated with that current operating facility?

Mr. Wagner: I'm not sure I could answer that question properly. I can just say that I know that the driveway has not been full, and there have been cars along Shorehaven and along Back Cove associated with that property.

Mr. Plumlee: Thank you.

Mr. Wagner: Yeah, you're welcome. At times requested speed bumps in that neighborhood, which might alleviate some safety issues. We've been denied multiple times the ability to put speed bumps in, I think mainly because of emergency vehicles needing to get back there. But let's see. Yeah, at least eight vehicles, as I remember.

Mr. Plumlee: So you remember there being at least eight vehicles associated with that property?

Mr. Wagner: Oh, yes.

Mr. Plumlee: Okay. Thank you.

Mr. Coston: Question for staff. Okay, vice chair has a question for Kathy.

Ms. Byler: Director Warren, or perhaps Alexis. Could you please speak to the issue that one of the speakers raised regarding proper classification of the application as a group home? Thank you.

Ms. Sabo: Yes, absolutely. The group home is—there are different uses in each of the districts, and within the residential district, the group home category is listed as permitted with a conditional use permit. Housing for seniors and disabled persons, that is a different use, that is within a different use table in a different district. The housing for seniors and disabled people is for a project that has multiple dwellings, where you would have a senior that lives in a dwelling and then a different dwelling and a different senior. Maybe they live with their families. A group home is where multiple people live together in one home, and so that is intended to be in more of a residential structure where they live together. It's in a single family home.

Ms. Byler: So, in this case, was the classification proper?

Ms. Sabo: Yes, it is a group home. That is what this use is. That's correct.

Ms. Byler: Thank you.

Ms. Hippen: I have a question for you, as well. How many group homes do we have? Do we have other group homes with fourteen people in them? In other words, we have youth group homes. We have group homes for adults. Do you know of any others that have fourteen?

Ms. Sabo: I don't have that information. I'm sorry. We'd have to look. We would need to research that.

Ms. Bailey: We have approved other group homes, but we wouldn't know, without doing research, how many residents they were conditioned for.

Ms. Hippen: Well, I know over three years, I haven't seen more than four or five. That's why I'm asking.

Ms. Bailey: More than four or five applications?

Ms. Hippen: Four or five people, or about residents. Four or five occupants.

Ms. Bailey: So you can have up to eight without the CUP.

Ms. Hippen: Okay. Yes.

Ms. Bailey: They wouldn't be at this body if they had fewer than eight residents.

Ms. Hippen: Okay, but all of the ones that I have seen, all of the applications I have seen, have never exceeded that. That's why I'm asking.

Mr. Coston: Commissioner Plumlee.

Ms. Hippen: Thank you.

Mr. Plumlee: Currently, what is the limit on the number of vehicles that can park at this location?

Ms. Bailey: Are you asking that of staff or of the applicant?

Mr. Plumlee: Of staff. I mean, this is a residential neighborhood. This is a house. How many cars can park in a residential neighborhood at the house?

Ms. Bailey: So they'd be required to have a minimum of two, or to have two parking spaces. That would be the parking requirement. I believe it was based on information we received from the applicant that the driveway could accommodate ten to twelve or twelve to fourteen vehicles. Granted, I think that was.

Mr. Plumlee: I guess the answer to the question is there is no limit other than the physical accommodation of the lot. Is that fair under the current zoning?

Ms. Bailey: That's correct.

Mr. Plumlee: That's what I'm trying to understand. In other words, we can condition them to five cars, but if they don't get the conditional use permit, there's no limitation. So that's why it's critical to understand, because if they get a conditional use permit, we say you're limited to six cars, or seven, or eight. And they violate it; they lose their conditional use permit. But right now, there doesn't appear to be any limit under the zoning that could at all work. So I'm just trying to understand, under this current regime that we have, there is no limit to vehicles. If they wanted to have every family member of every resident come to visit them, if they could all physically fit on the lot, they could do it. That's what I'm hearing. I just want to make sure I'm understanding that point.

Ms. Bailey: Yes, that's correct. The only thing we would have limits on are maybe the driveway apron size, where it connects to the right of way, but not how many cars.

Mr. Plumlee: Thank you very much.

Ms. Cuellar: Can I just clarify? Because in the informal, when I asked that question, I thought it was one space for every three beds. So, is there a different classification?

Ms. Bailey: Right, the minimum parking requirement for this would be—there is no minimum parking requirement for a group home. We thought you were looking for something comparable, but there's no minimum parking requirement for the group home.

Ms. Cuellar: Thank you. I just needed clarification.

Mr. Coston: Commissioner Camp.

Mr. Camp: Mr. Chair, I have questions of staff also, but the applicant has not been afforded an opportunity to rebut the questions that have been asked. What order would you entertain this? Do you want questions from us of staff, or do you want to allow the applicant the opportunity to rebut first?

Mr. Coston: I want her to rebut after, so that she has a chance to hear.

Mr. Camp: And then I have some questions for the applicant as well.

Mr. Coston: All right, very good.

Mr. Camp: Thank you, sir. So my question is for the City's Traffic Engineer, Mr. Ric Loman, if he's available.

Mr. Loman: Hi, Ric Loman, Public Works City Traffic Engineer.

Mr. Camp: Thank you, sir, for making yourself available today. Can you tell us whether it is legal to park on the side of Shorehaven Drive, in the vicinity of the site in question?

Mr. Loman: So, I did some research while these conversations were going on, and I talked with somebody from my staff about this. So, from Shorehaven, where it kind of goes by the ball fields, to the curve part, to right here, to Back Cove, there are "No Parking" signs up and down both sides of it. And I believe the history was that these signs were put up because of the baseball fields. I guess there was overflow parking from the baseball fields, and they were clogging up Shorehaven, so we restricted parking a number of years back. And it looks like those signs are in place up to Back Cove Road. Based on what I saw going back to 2007, there haven't been any signs on Shorehaven that restrict parking west of Back Cove Road. Roads like that sometimes self-police themselves because, except if there's a party where there's an abnormal number of cars parked there, usually they'll park where drivers feel like it's safe to park, which is generally in their driveway. And if they need to, off the pavement. But we will go out and take a look to see exactly in this area what we feel is safe, and where we should restrict parking based on safety reasons and based on the width of the road and the condition of the off pavement, because as long as it's city right of way and it's hard packed and it's safe to park off the pavement, we do sometimes allow that. But I can't say for a fact what we'll do there on Shorehaven by Back Cove. I can tell you that on Back Cove, there is a "No Parking" sign on one side of the street, and we will be putting up another "No Parking" sign on the side closest to the property in question. There shouldn't be any parking allowed there at all, at least down to Lynnhaven Court. We'll be putting up "No Parking" signs on both sides.

Mr. Camp: So that was a lot of information, and I appreciate it. Let me make sure that I got it straight. My first question was, "What is currently legal?" And if I understand correctly, from Back Cove to the east along Shorehaven, it is signed "No Parking," and so parking on the street there is illegal.

Mr. Loman: Correct.

Mr. Camp: Currently, from Back Cove to the west, there are no signs, so it is currently legal.

Mr. Loman: Currently, it's legal. And like I said, there aren't any big generators there, which I understand.

Mr. Camp: I'm just doing baby steps here.

Mr. Loman: Right.

Mr. Camp: The second thing that I heard is, based on testimony today, your office is aware that there are concerns. Your office is going to do a field investigation and reappraise Shorehaven Road in the area that currently is unsigned. Is that correct?

Mr. Loman: Correct. With or without this being approved, we'll take a look at that.

Mr. Camp: The fourth thing that I heard was on Back Cove. You have already made a determination that parking along that section of the street is inappropriate, and if signs are lacking, your office intends to sign that area accordingly.

Mr. Loman: Yeah, I feel pretty good about that one.

Mr. Camp: And then the fifth thing that I heard in the testimony today that I've not heard answered yet is that there is apparently vegetation on that corner, which several people had testified as obstructing the view. Is that something that your office would consider in your field evaluation?

Mr. Loman: That is something our office will go out and take a look at while we're out there.

Mr. Camp: Thank you for your testimony on these points.

Mr. Loman: Sure.

Mr. Camp: Mr. Chair, I have additional questions for the applicant when she's available for rebuttal and such.

Ms. Moorjani: Really quick, while you are—you haven't sat down yet. Safety was a concern as far as pedestrian accidents and the potential for. Just want to know if you know of any pedestrian accidents that have happened on Shorehaven in that stretch, because it is a blind curve.

Mr. Loman: Right. I don't know of any. That's not to say that there haven't been any. So I can tell you that the curve is pretty well signed. We've got chevrons, we have warning signs with the lower recommended speed through the curve. So this is one of these older neighborhoods. There's a lot of them in the city where sidewalks weren't built, and there are 20-foot, 21-foot wide streets.

So we do take that into account when we consider parking and whether parking should be allowed, because bikes and pedestrians have to walk in the street or on that soft area right off the street. So we do take that into account. I don't know that this is a hot spot necessarily for crashes, but we can take a look at that. Thank you.

Mr. Coston: Okay, this time we'll have the applicant come back. Ms. Livers, if you would come back to rebut or give any further information.

Ms. Livers: I'm on WebEx.

Mr. Coston: Well, where's the person?

Ms. Livers: She's on WebEx.

Mr. Coston: Oh, okay. I think you might want to be up here.

Ms. Livers: Okay, that's fine.

Ms. Pinkowski: Hello, commissioners. Can you hear me?

Mr. Camp: Yes. Yes, we can.

Ms. Pinkowski: Okay. Thank you very much. My name is Michelle Pinkowski. I'm an attorney in Boulder, Colorado. I'm not representing Ms. Livers in this hearing. I'm just on her team as a special consultant for assisted living and fair housing, and she's asked me to address a couple of points that were raised.

First, I think that we should talk about the nature of the use. And the fact that just having six additional people in this home, residents and one staff, does not turn this into a commercial activity. Just to reassure the neighbors about that. Not only is it recognized under the zoning code as a group home, as staff has competently described just a few minutes ago, but there are a lot of fair housing cases around the country that recognize this type of use is, in fact, inherently residential. And that makes sense if we look at it from the perspective of the people who live there. This is their home. This is where they live every day. They take their meals. They vote if they're still voting. They socialize with others. This is their home. The fact that there are a few more residents there does not turn it into a commercial activity.

So it is interesting under the zoning code that group home is not specifically defined. But as staff mentioned, the commission certainly can go with the normally accepted definition of multiple people living in one home, which is very, very different from the big assisted living facilities that are apartment style.

Also, what we've seen around the country, and I have represented dozens, or maybe hundreds, of these homes, this is pretty much all we do. Having just eight people is difficult in this day and age. Staffing costs have increased dramatically, and it's just very, very difficult, especially after COVID, to make the numbers work for eight. So this is why more homes actually are turning to a small increase in the number of residents.

Now, if we talk about parking and traffic. I do think the point that was raised about there being no minimum parking requirement, and one of the commissioners noted that for any other home in the neighborhood, there are no limitations on parking. That's important, especially under the Fair Housing Act. We do have to keep in mind that the residents that live in this home are protected by the Fair Housing Act because they are people with disabilities. So it's important to have that fairness consideration. And thank you for raising it.

As to the testimony about parking on Back Cove, I think Ms. Livers would like you to hear from her on this, but we've been in touch during this hearing, and there's just no evidence that it's related to this home. And in fact, she will tell you herself that she has no knowledge that anybody related to her home, and certainly not her or her staff, uses Back Cove for parking. They either park in her circular driveway, or some of them do park on the shoulder of Shorehaven. So we appreciate the perspective of the neighbors, but there simply is no—it is speculative at this point for them to say that it's associated with our home, and I think it's persuasive that Ms. Meredith, who is living right next door, confirms that parking is not currently an issue at this time.

And also that the additional parking that we originally proposed off of that lot, now, in working with the city, we understand that that's not a possibility. But Ms. Livers is willing to work with the city to find other solutions, as she testified, to create additional parking. This is a large lot, so whether we create the additional parking off the circular driveway or otherwise, we're certainly willing to work with the city on that.

What we can also do is work on operational issues to better educate family members and other people visiting the home to park in the circular driveway first, as the first option. And ancillary care providers—I do appreciate the testimony of the two doctors that mentioned ancillary care providers. They do come, but that care can be coordinated. They don't have to come for individual residents; they can come, and that's a wonderful thing about living in a group environment—is that these ancillary care providers can make multiple visits while they're in one home. So that's a great benefit for everybody involved.

One thing that we don't talk about a lot in present company or polite company, but we do talk about it in the industry—it's a little uncomfortable to note—but I think those of you who have experience with family members who are suffering from Alzheimer's or dementia, you know it's difficult to have long visits with them. It's difficult for them, and it's also difficult for the family members. It's a hard thing to confront. So what we see industry-wide with memory care homes like this is shorter visits from family members. That means if they do come to visit, they're spending less time there and taking up a parking space for less time. So, even if there are six additional residents, it doesn't necessarily translate into a 75 percent increase in traffic. It just doesn't. It's an unfortunate thing about memory care, but it's just the way things are.

I do want to also note that your professional staff of the city, through their careful consideration, have opined that there are adequate parking spaces for staff and visitors on site within the existing driveway. So I would give great deference to their opinions, and just also reemphasize we're only talking about one additional staff member. So I think that's all that I want to say on parking.

I do want to address the property valuation issue that was raised by a number of people. In the packets that we've circulated with you, we've given you a long list of study after study that shows

there is no change in the valuation of nearby property owners from a group home being in the neighborhood. It's just been studied over and over again, and there is just no indication that it reduces property values. In fact, the Fair Housing Act prohibits realtors from making any negative comments or even informing potential buyers about the existence of a group home, and that is based on the Federal Fair Housing Act. And I don't know, I can't testify for Virginia specifically, but in every other case I've looked at, the rules for realtors under their licensing statute, they are legally prohibited from saying anything negative about the existence of group homes in a neighborhood. So I certainly hope that that's not happening. But even if it was, the studies show that not only is there no decrease in property value, but in many cases, there is an increase because the home itself is more valuable.

So, just in summary. This is a modest increase, a modest request—only six additional residents, one additional staff. Everybody that's spoken today agrees that it's needed. We see that. We just have an aging population throughout this country, and more homes like this are absolutely needed. It's not uncommon in other areas. As I mentioned, eight is very, very small, and 14 is even small. A lot of places, like where I live in Colorado, California, Texas, we have sixteen-person homes, so this is definitely not unheard of in the country today. Given the recognition that these homes really do confer a lot of benefit for residents, we just respectfully ask that you grant this request, and we certainly are available for additional questions.

Ms. Hippen: Did you want to rebut before we ask questions?

Ms. Livers: That was my rebuttal.

Ms. Hippen: That was your rebuttal. Okay. So I want to ask you about something that's not got to do with parking.

Ms. Livers: Thank you.

Ms. Hippen: Oh, I'm going to get to parking. So I like to put in what the community talks about because community is important. We got twenty-nine letters for this proposal, of which twenty-three were negative or non-supporting. We had thirteen speakers, of which twelve were non-supportive. Now I'm going to tell you my history. My stepfather was in a home in Philadelphia, and he got out of the home more than once, even though they had alarms and stuff. And he was suffering from dementia. And he drowned in the Schuylkill River. I'm sorry. So my question to you—I had to go looking for him in rainstorms, on leave from overseas. So my first question is, what are your procedures for security and exiting patients because of where you are? That's my first question.

Ms. Livers: We have a security system that prevents. It's a secured facility.

Ms. Hippen: So did the place that he died from.

Ms. Livers: Right. I can't speak for that community, but we have never had anyone elope from our community in five years.

Ms. Hippen: Okay. So the lawyer—that kind of sounds to me like she's representing you, but she says she's not—stated that the doctors and the therapists could do multiple patients while they're there.

Ms. Livers: When our physician comes, she sees everybody in the community. She makes one visit once a month.

Ms. Hippen: Okay. The reason I'm asking is because I've got doctors at the VA. I've got doctors at Sentara. And all those doctors, I don't get appointments at the same time. So that was my question. One of your neighbors said that the landscaping is unkempt. What is your response to that?

Ms. Livers: So the bushes on Back Cove are tall, and I think that's what that neighbor was referring to. The front of the property—I have a landscaper that comes in every week.

Ms. Hippen: Yes, okay. So I do feel that you, as the property owner—let me ask another question before I get there. You bought this home specifically to do a group home, never to live in. Is that correct?

Ms. Livers: That's correct.

Ms. Hippen: Okay, all right. So my question is: would your staff be receptive if neighbors come and tell you there's a problem? Because, you know, I'm one that if there's something wrong, you know, if a tree falls on my fence from the neighbor, they're going to pay for my fence. If somebody is parked and I can't get out of my driveway, they're going to move their car. I'm going to knock on the door. I'm going to bang on that car until the alarm goes off.

Ms. Livers: I gotcha.

Ms. Hippen: Okay.

Ms. Livers: So if there's a problem and my staff knows about it, they let me know about it. We take care of it.

Ms. Hippen: Okay. So now, are you amenable that—there was a lot on parking, and I'm looking at this lot, and it is a huge lot.

Ms. Livers: It is.

Ms. Hippen: You cannot put any parking from Back Cove. We understand that. But you do have a circular drive that comes in. Is the lot able to accommodate where you could pull off a little bit more parking off of that circular drive?

Ms. Livers: Yes, there is. So when you're coming to the second exit on the right-hand side, there's some wooded area there that we could create parking.

Ms. Hippen: So are you amenable to us adding that if we were to approve that?

Ms. Livers: Yes, I am.

Ms. Hippen: Okay.

Ms. Livers: It's all right.

Ms. Hippen: Do you have rules for your visitors and your staff for where they park when they come? Written rules?

Ms. Livers: No, we don't.

Ms. Hippen: Okay, do you have posted rules?

Ms. Livers: So it's a verbal request.

Ms. Hippen: So the answer to my question is no. It's okay. Are you amenable to adding a condition to do that?

Ms. Livers: We absolutely are.

Ms. Hippen: Okay, because what I hear sounds to me like your neighbors—and I'm going to say it in sailor talk—your neighbors are pissed off about the parking.

Ms. Livers: But nobody has expressed that until now. So I can't address something I'm not aware of. So we're happy to do that.

Ms. Hippen: Understood. Understood. Okay, you're now aware. So the question is—and every one of them said, "This is something we need. This is something that's important." You've got this nice lady who says that you guys did wonderful with her mother. I took care of my mother until the day she died. So I understand taking care of parents, I do.

Ms. Livers: It's a real hardship when you do it on your own.

Ms. Hippen: Oh, it is. Her and the dog. They were a lot. But my point is, yes, these neighbors feel that what you're doing is important. But they are telling me—this is my opinion—they are telling me that you're not a good neighbor. That's what they're telling me with what they're saying. And I don't mean to disparage you or anything. I'm just telling you that's the gist that I get. So the parking has to be there. There's got to be another way to put parking in here. That's a big thing. My other question is to staff. So right now, you have two staff at 24 hours.

Ms. Livers: Two caregivers, twenty-four hours a day.

Ms. Hippen: So that's one person for every four people.

Ms. Livers: Correct.

Ms. Hippen: And you're going to add six more, but you're only going to add one person for six more people, when it would seem to me that you should be adding one and a half, which rounds up to two. I know there's guidelines for how many people you're...

Ms. Livers: We're way above the guidelines. The guidelines are one to ten.

Ms. Hippen: Oh, geez. See, that's why my sister and brother retired from nursing.

Ms. Livers: Yes.

Ms. Hippen: Okay. So it's one to ten. So you are going above. That was the other question.

Ms. Livers: And I just want to add that I'm also a licensed RMA, so when I'm in the building, I can also be giving care and do that.

Ms. Hippen: Okay. Thank you. You answered my questions satisfactorily. I appreciate it.

Ms. Livers: Thank you.

Mr. Camp: Thank you for your willingness to entertain our questions. So I've got several. You are the applicant here personally?

Ms. Livers: I am, correct.

Mr. Camp: Who owns the house?

Ms. Livers: My husband and I own the house under a holdings company—it's called Livers Holdings.

Mr. Camp: I saw the name, but what is it? Is it an LLC?

Ms. Livers: In the state of Virginia, I understand, holdings is an entity of its own.

Mr. Camp: All right. Who is, or has already applied to the Department of Social Services for licenses associated with the care that's given here?

Ms. Livers: I have, personally.

Mr. Camp: What is Living Well Assisted Living, LLC?

Ms. Livers: That is a company that I operate.

Mr. Camp: Help me out here.

Ms. Livers: It's a...

Mr. Camp: Is that company doing something on the premises here?

Ms. Livers: That's what the building is—Living Well Assisted Living—and I just happen to be the owner-operator of Living Well Assisted Living, LLC.

Mr. Camp: So the LLC doesn't own the building. The LLC isn't licensed to give the care with the social services.

Ms. Livers: We are licensed with social services.

Mr. Camp: The LLC holds the license?

Ms. Livers: Yes, but my name is on the Department of Social Services license. My personal name, as the operator.

Mr. Camp: As a representative of the LLC?

Ms. Livers: Yes, owner of the LLC.

Mr. Camp: Okay, thank you. Is this a business?

Ms. Livers: It is a business, yes, sir.

Mr. Camp: Okay, so it has a business license issued by the City of Virginia Beach.

Ms. Livers: That's correct.

Mr. Camp: It files a business tax return.

Ms. Livers: We do.

Mr. Camp: Okay, great. Thank you. That part was easy.

Ms. Livers: Yeah.

Mr. Camp: All right, and that's fine. So, when I went to the site, I did not see a dumpster. How does trash get removed from the site?

Ms. Livers: Sorry.

Mr. Camp: How does trash get removed from the site? I didn't see a dumpster.

Ms. Livers: We put it on the street. We have city black cans.

Mr. Camp: You're using residential waste removal service for a business?

Ms. Livers: We are.

Mr. Camp: Do you anticipate still using residential service if this is granted and your business increases in size?

Ms. Livers: I would like to hire a private company to come and get our refuse.

Mr. Camp: So I did not see a dumpster location on the site plan, and I'll be honest, I have difficulty understanding where it would go in a manner that would meet the city's requirements for screening, for visibility, and the ability of a truck to come onto your premises and empty that dumpster. Could you suggest just generally where that might occur?

Ms. Livers: To the right of the property, there is a little dry parking area, and behind that, there is a storage area.

Mr. Camp: Yes.

Ms. Livers: It would probably go right in front of that storage area, which would have access to the driveway.

Mr. Camp: Right. So the truck to remove the trash would have to get onto the driveway, get to that place to get to the dumpster, which suggests there couldn't be cars parked there at the time the trash is being removed.

Ms. Livers: Correct.

Mr. Camp: Okay. I see a couple of problems here. I'll just be honest. Using residential trash removal for a business for one. And second, I don't think that the staff report or any discussion to date has adequately addressed this issue of what you're going to have to do to service the waste removal there.

Ms. Livers: Right, and that hasn't been brought up at all. So thank you.

Mr. Camp: Thanks. So let's pursue this a little further on the front end. Do you get deliveries at the site?

Ms. Livers: We get UPS, Amazon, Walmart comes once a week with our groceries.

Mr. Camp: Okay, thank you. So the food that's provided to the residents comes in a Walmart delivery once a week. And does that truck park on the street?

Ms. Livers: It's usually a car. It's usually an individual who's working for Walmart. They park in the driveway, right in front of the entrance.

Mr. Camp: So the driveway is used for drop off of deliveries.

Ms. Livers: For Walmart, it is.

Mr. Camp: Yeah. Okay. So again, if we're parking in the driveway, and we're getting deliveries in the driveway, we have a potential conflict.

Ms. Livers: I'm just going to point out, on Friday mornings, when they come, there's usually two staff members parked in the driveway. That's it.

Mr. Camp: Understand, but now you're going to have three. And I think that we'd all be in agreement that there are other types of care professionals who are periodically coming to the facility.

Ms. Livers: Yeah.

Mr. Camp: People come and go when you have this kind of care. I have a question with regard to your special consultant, who we heard on WebEx, and I can ask this of her if that's all right with you.

Ms. Livers: That's fine.

Mr. Camp: She stated that she is an attorney. Are you an attorney licensed to practice in Virginia?

Ms. Pinkowski: No, I'm not. That's why I'm not acting as an attorney in this hearing.

Mr. Camp: So, if I heard you correctly during your testimony, you opined on Virginia law with regard to the zoning code.

Ms. Pinkowski: I mentioned the zoning code just to rebut some of the statements that were made and to reaffirm the staff's opinion. But my legal input was primarily on the Federal Fair Housing Act.

Mr. Camp: I am aware of the federal things that you were talking about. But what I thought I heard was you applying facts in Virginia to laws in Virginia when you're not licensed to practice in Virginia. But as a private citizen, you're welcome to do those things. But when you're testifying as a representative in a Virginia tribunal, I am concerned about that. Because now we're on a record that's being transcribed, being handed up to our city council members, looking at you as an attorney opining on the law.

Ms. Plumlee: Walter, you need to let her know that you are an attorney.

Mr. Camp: Do I? Okay. Well, there are three attorneys who happen to be among the citizen volunteers appointed up here.

Ms. Pinkowski: I appreciate that, and that's why I hope that I was very careful. I'm not opining on Virginia law. I was reaffirming the staff's statements about group home and the fact that group home can be found in any dictionary definition. So I think that's all that I said about the zoning code.

Mr. Camp: Well, I think I appreciate your answer to my question there. I'm just going to take the position that anything on the record, as I reread it, that has to do with an interpretation of Virginia law by an attorney who's not licensed in Virginia would be regarded as a personal statement rather than a legal opinion.

Ms. Pinkowski: That's very correct. Thank you.

Mr. Camp: All right. Thank you so much, ma'am. That completes my questioning.

Ms. Pinkowski: Okay. Thank you.

Mr. Coston: Commissioner Cromwell.

Mr. Cromwell: I guess this question is for staff. If this original business was established with, as I understand it, there can be eight members in the family. There's no family there. She doesn't live there.

Ms. Sabo: The definition of family within our zoning ordinance—if you excuse me, one moment, let me check. Pull it up so I could read it verbatim. But that's what it's referring to: the zoning definition of family, which may not be what you think of as family, and it extends to groups of eight, not more than eight people, if licensed through the state.

Ms. Eisenberg: Hannah, if I may. Our ordinance is using the definition of family to enact and not contradict what we are mandated by the state to do. And that statute that I will reference for you all is Virginia State Code 15.2-2291. And it's that authority that tells us that we have to treat a group home of eight individuals who are elderly or disabled, eight individuals or less, no differently than a family who can reside in a residence. So that is why our definition reflects that definition.

Mr. Cromwell: So there's—I mean, when I think of family, I think of a husband and wife and siblings. So that's not the case.

Ms. Sabo: So our definition of family actually includes six different categories of what could be considered a family. One of which is two people related by blood, marriage, adoption, or approved foster care, which I think is what people will think of as family. Another is a group of not more than four people who need not be related by blood or marriage. If you have four roommates, that also constitutes a family under the zoning ordinance. And then that's when it gets into the third category, which is a group of not more than eight persons with mental illness, intellectual disability, or developmental disabilities, residing with one or more resident or non-resident staff persons in a facility whose licensed authority is the Department of Behavioral Health and Developmental Services. And then number four goes on to do the group home for aged, infirm, or disabled persons. And those two groupings under our definition of family are what brings us into compliance with the state code that Attorney Eisenberg referenced. So there are six different types of family in the zoning ordinance.

Mr. Cromwell: Okay, all right. Let me ask you, how many times would you say that you called emergency services more than a normal resident?

Ms. Livers: We don't call often, but it's probably more than a family with young people. We have old people, and they develop conditions where the doctor has recommended that we send them out to the hospital.

Mr. Cromwell: So, what would you say? Once a week? Once every two weeks?

Ms. Livers: Like once every six weeks.

Mr. Cromwell: Once every six weeks. Okay. Perhaps this is not relevant, but do you accept Medicaid and insurance payments?

Ms. Livers: Medicare is used for the physicians who come to the house, the podiatrist, and the physician charge Medicare for their services. And then Home Health also charges Medicare, and so does hospice.

Mr. Cromwell: So, how are you paid?

Ms. Livers: We're private pay only.

Mr. Cromwell: Private pay. Okay. Thank you.

Ms. Livers: You're welcome.

Mr. Coston: Commissioner Schoonover.

Ms. Schoonover: I'll be really quick. How often do the residents themselves leave the facility through the front of the facility, outside of an emergency service?

Ms. Livers: We have a ramp in the back. So if they leave the house, they're using the ramp in the back.

Ms. Schoonover: I mean, how often are they leaving, in general? Are they mostly just there?

Ms. Livers: Not often. They'll go outside when it's a nice day through the back.

Ms. Schoonover: Is there a reason that you have decided to not create an actual commercial facility that resembles a home somewhere else in a commercial location, as opposed to specifically in the neighborhood? It doesn't sound like they're interacting with the neighbors per se, and so it doesn't sound like they're leaving. So they're in a space where you just seem to want to have a very homelike experience, which you could, in theory, have elsewhere. Does it need to be here specifically, or specifically a neighborhood, for their experience to be like this?

Ms. Livers: My training is in residential assisted living, but that doesn't mean I couldn't operate in an old commercial building. I just haven't located anything like that.

Ms. Schoonover: I'm wondering because it's sounding like you're already at capacity here in terms of what the neighborhood can accept, just because of what the amenities are in the area. And it might be worth looking into making a different choice if it's no longer financially viable to maintain this business with this number of residents in this specific location. That's it.

Mr. Plumlee: Mr. Chairman. We got off onto other subjects after the primary focus had been traffic and parking for the vast majority of this discussion. Otherwise, people appear not to be offended by elderly folks suffering from conditions being in their presence or living in their neighborhood. They don't have problems with that, from what I hear. If you—you're applying for a conditional use permit, correct?

Ms. Livers: I understand that.

Mr. Plumlee: And it comes with conditions.

Ms. Livers: I understand that.

Mr. Plumlee: And those conditions, if violated, would take away your right to operate under that conditional use permit.

Ms. Livers: You understand that now? Yes.

Mr. Plumlee: Your use in its current form is by right. You understand? You can park across the street. I think Mr. Commissioner Camp made it, walking Ric through the questions, made it clear you can park over there on Shorehaven Drive. There are other areas you can park. But if we said you can park nowhere else but on your own lot, with all vehicles associated with your facility, you have to do it.

Ms. Livers: I understand.

Mr. Plumlee: You cannot do anything else. And if you were—and you seem to have very vigilant residents—if you were doing so and reported, you would be back before the City Council on a request to revoke your conditional use permit for its violation. So you understand that is the process you're subjecting yourself to, that you don't have to. My question was, I wanted to make sure you understood that that could be a condition. Would you agree to a condition where all vehicles would have to be parked on your lot?

Ms. Livers: I would have to.

Mr. Coston: Good, because that was one suggestion.

Mr. Plumlee: Hold on, I'm sorry. I had a few more requests. And so, if it were dumpsters, or delivery folks, you would have to accommodate it on your lot. If it's affiliated with your activity, and if someone came for a family member, they would have to be on your lot with the vehicle. They could park nowhere else.

Ms. Livers: I understand.

Mr. Plumlee: And you would accept that as a limitation.

Ms. Livers: I'm going to have to be making a big accommodation to that driveway. Yes, and I will do that first.

Mr. Plumlee: Well, that's interesting, because your application says, or the write-up says, that staff and visitor parking will be accommodated within the existing driveway, which can accommodate approximately twelve to fourteen vehicles. So, if that turned out not to be so, that it wasn't accommodated on your lot, and your neighbors reported you, then you would lose your use.

Ms. Livers: I understand.

Mr. Plumlee: Okay. Thank you.

Ms. Pinkowski: I'm so sorry. Can I just jump in on behalf of Charlene just for a moment? I'm not saying that this is what the questions were heading towards, but just a very gentle suggestion that any conditions would have to be still consistent with the Fair Housing Act. So I'm not trying to be adversarial here, but just very carefully crafted conditions that didn't violate the Fair Housing Act by imposing conditions on a home for people with disabilities that, as one commissioner pointed out, would not be imposed on a different home. Even though this is a conditional use permit and conditions can be imposed, they still have to be consistent with the Fair Housing Act.

Mr. Plumlee: Well, those will rely on our own counsel—those types of questions to answer for us. But I'm asking the person requesting that we use our discretion to grant her this right, if she would be agreeable to that condition. I force nothing on her. So I think it's important. I'm not going to debate the Fair Housing Act with you at this moment. But I think what's important is to understand what she is requesting and what she's willing to accept as conditions. That was the question I asked her. Thank you.

Mr. Coston: Commissioner Moorjani.

Ms. Moorjani: How many of your current residents have families that are in the neighborhood? Are there any?

Ms. Livers: Going through the list here. Sorry. I have one moving in next week, so that will be a total of two.

Ms. Moorjani: Okay, and then you have a wait list of other people, possibly? Because I'm just so amazed by this whole time here that there's so much criticism of what's going on, but what you're doing is just so amazing that you're in a residential community, and there's so much opposition to group homes for troubled kids. But I would think that something like this would be more amenable to residents in various parts of the city because I'm sure there are a lot of families there who have older parents who need to be in facilities like yours, but can't travel so far. So I could see this happening many places throughout the state and the country, actually having your kind of facility within neighborhoods, so families can just have their parents be close by and just walk over. So I'm so sorry for all the criticism you're dealing with. I just think what you're doing is wonderful.

Ms. Livers: We've had some in the past as well that have passed on. So you asked for the current, so that's why.

Ms. Moorjani: Yeah, that's true, and I just think that I could see this happening more and more. So thank you for what you're doing.

Ms. Livers: Thank you.

Mr. Coston: Ms. Cuellar.

Ms. Cuellar: Ms. Livers, could you clarify how many residents do you currently have at your property, and how many bedrooms?

Ms. Livers: We have seven bedrooms. We currently have seven residents. One of those bedrooms is a double. We have an eighth resident moving in on Monday.

Ms. Cuellar: So then we'd be going from seven bedrooms to thirteen bedrooms.

Ms. Livers: That's correct. Yes, thank you for helping me out. It's been a long day.

Ms. Cuellar: I know. I wanted to confirm that myself. I'm ready to call the question. I'd like to make a motion on this. One thing that I'm hearing today a lot is, and I want to thank you, Ms. Livers, for the care that you're providing in our community for our elderly residents at your business. I also want to thank all the residents who came out today and for their engagement on this. It's very clear to me that they support the mission of your business. It's also very clear to me that they've been incredibly accommodating and showing you grace in the neighborhood. One thing, when we look at land use, we look at the characteristics of neighborhoods and whether or not this application would meet that need. There are definitely challenges when it comes to transportation, the narrowness specifically of this corridor for Shorehaven and Back Cove. And I believe that if you increase, your neighbors are going to be absorbing that burden of the expansion. And so, I'm not in a position at this time to support. I'm asking for a motion for denial.

Mr. Coston: I'll second.

Ms. Cuellar: Discussion.

Mr. Coston: Commissioner Byler, Vice Chair.

Ms. Byler: Ms. Livers, regrettably, I'm going to support the motion. My colleague lives in your area, and she's responsible for that district. I am not. I've never been on your street before. We inspected it, but I will say it was lovely, and your hydrangeas were spectacular. So beautiful. So thank you for everything you're doing. But, regrettably, I will be supporting this motion.

Ms. Hippen: So I would like to know if you would like to maybe defer this and get a little bit more, and square away the parking issue, because like my colleagues said, I heard no one say that they didn't like what you were doing, but I heard almost every one of them talk about parking. And that's just because you have no written instructions on parking. You have no signage inside. So you are not requiring your employees or the medical personnel coming to treat your people that you're attending to, or their families. You're not requiring them. And their point is that you are operating almost—it's not a business by code, but it is a business, if you understand what I'm saying. I again understand the issue with having dementia patients because of my stepfather and one of my aunts. And in fact, one of my aunts did live in a home like yours in Michigan. So I think you need to think very heavily, because otherwise you're going to get turned down.

Ms. Livers: All right, can I ask a question?

Ms. Hippen: By all means.

Ms. Livers: I'm going to process putting in more parking and go ahead and do that. And so, after a certain period of time, can I come back after we've got the parking situation under control?

Mr. Plumlee: Are you asking to withdraw your application?

Ms. Livers: I am, defer it.

Ms. Cuellar: I'd ask for a point of order. We have a motion on the table, and I'm going to go on the record that I will not support a deferral. You've been operating for five years. And it's obvious there has been a parking challenge for five years. It didn't just happen overnight, and that's one of the reasons that I don't think this is the best fit at 2600 Shorehaven. If you add six additional residents, we're now looking at 14 family members coming to visit. Ancillary services, emergency services, and looking at the narrowness for the walkers in the community and all the neighbors coming by on the blind corner.

Mr. Plumlee: Let me just do this. I'm just going to make a comment about your motion, and I will say this: I did not like the one comment I heard, and I thought the neighbors were very thoughtful in their comments. This does enhance the community. I think someone said, and it may just have been a throwaway comment, that it doesn't, but it does. But we're missing one point, and I'm trying my best to make it. We can condition this request. What is currently occurring, we cannot condition. So we have a lot of problems in our society, and we have trouble dealing with them. And this is a solution for a lot of these issues. Anyway, those are my comments.

Mr. Coston: Thank you. So we have a motion that is placed by Commissioner Cuellar, and seconded by Commissioner Cromwell. Are we ready for the question?

Mr. Camp: I would like to make one comment, Mr. Chair. I would also like to commend you [*speaking to Ms. Livers]* for the service that you provide to the community. In the same spirit that Commissioner Plumlee did, what you've achieved in a beautiful setting, with compassionate, incredibly personalized care, is a tremendous asset to our community—not just to the individuals who are receiving that care. I want you to understand that. I think what's happened here is that you have reached too far, and that the things that the community can generally work with, with some tweaking about the road and the parking, which it sounds like some of that's going to happen anyway, and maybe just some more mindfulness—there's been a tolerance there that's worked. But in reaching for these higher aspirations, it's too much for the site, and that's what I would like you to take away from, at least my perspective here. It is not a criticism one bit of the care being provided or the service you're providing. I think you're just asking for more than the site can support. Thank you.

Mr. Coston: Commissioner Mauch.

Mr. Mauch: Thank you. This has been quite a hearing on this item. I want to make sure that you understand that we're not the final decision makers. And if you do feel uncomfortable moving forward, you do have the ability to defer to council, rework it, or, if you wanted to just kind of start over again, you could withdraw it and come back through that same process. It did sound like you might want to do something different. We do have a motion on the table, and that's what we're going to entertain. However, it goes for you as approval or denial. We're not the end-all, be-all. So, if you didn't want to do something different after this day, you have that ability, too. And I didn't want you to feel like it's getting taken away from you if we take action today.

Ms. Cuellar: Thank you.

Mr. Mauch: You're welcome.

Mr. Coston: So we're ready.

Ms. Schoonover: Just really quickly, I'm always inclined to give a lot of leeway to property owners, and I do have multiple family members and have had multiple family members who have had significant needs. There just really does seem to be a problem in the neighborhood at this specific capacity, and I really think you should look into something. Considering this is very specifically a business, I don't want to deter it from being in a neighborhood, but if you can't make it at the current number, then it sounds like it's going to be a bigger problem for you going forward. And you are providing services there, so I mean, you've got an LLC, a holding company, and this is very specifically a business. But I do love what you're doing. I really don't want you to feel like I don't support the concept of what you're doing. But I'm just not sure how you're going to be able to put something this size in this neighborhood, in this specific location, where it's so problematic. But please do understand, I really do support what you're trying to do. Thank you.

Mr. Coston: Mr. Cromwell, did you?

Clerk: The vote is open. By a recorded vote of seven to four, item twenty, Charlene Livers, has been recommended for denial.

Vote Tally

Commission Member	AYE 7	NAY 4	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 June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #21 Craig & April Dean
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: The vote is open. By a recorded vote of seven to four, item twenty, Charlene Livers, has been recommended for denial. Our next item is item twenty-one, Craig and April Dean.

Mr. Dean: Yeah.

Ms. Byler: Good afternoon.

Mr. Coston: Afternoon. Could you please state your name for the record?

Mr. Dean: Craig Dean and April Dean.

Mr. Coston: Okay. Can you tell us what y'all are trying to do?

Mr. Dean: Yeah. We're requesting Airbnb at 404 21st Street and 513 20th Street.

Mr. Coston: Do we have any questions? Commissioner Plumlee.

Mr. Plumlee: So, currently, you have a conditional use permit for a short-term rental on this lot, correct?

Mr. Dean: That is correct, sir.

Mr. Plumlee: And you have multiple dwellings on this lot.

Mr. Dean: That's correct.

Mr. Plumlee: And so these are separated dwellings, but they're all on one parcel. Is that fair?

Mr. Dean: It's four apartments on one lot.

Mr. Plumlee: Okay. So, if I understand right, there's an A, B, and C apartment, and we're considering today—is that what your correct conditional use permit?

Ms. Dean: Yes, yes, sir.

Mr. Plumlee: And you've had in the past a conditional use permit for—is it both B and C?

Mr. Dean: Currently, just for C.

Mr. Plumlee: So you're not requesting a permit.

Mr. Dean: Just one more. There's going to be total two.

Mr. Plumlee: There's just a total of two. There are three.

Mr. Dean: There's four units, but we're only requesting two. Well, only requesting one now. We already have one.

Mr. Plumlee: You have one.

Mr. Dean: Yeah, we have one already.

Mr. Plumlee: And you got the conditional use permit for this current one that you have in 2025. Is that fair?

Mr. Dean: I thought it was 2024. Somewhere around there. I'm not exactly sure.

Mr. Plumlee: But what was interesting to me is that there had been a violation, a notice of violation, for advertisement at this current location that you're seeking a conditional use permit for.

Ms. Dean: For what unit?

Mr. Plumlee: It says here, and this is on the staff report. Have you seen this that came out?

Ms. Dean: I'm surprised, because we haven't used that as an Airbnb in a couple of years.

Mr. Plumlee: It says a notice of violations issued by staff in 2026 for short-term rental without a conditional use permit. That's in 2026.

Mr. Dean: So what happened was my son, without us knowing, he lives there, and he was renting it out to some of his surfer buddies. And so we told him he had to stop until we got this done legally, and so he stopped since then, and he stopped like four months ago.

Mr. Plumlee: Okay.

Mr. Dean: And that's why we came down here.

Ms. Dean: Are you talking about Unit A?

Mr. Plumlee: It says here a notice of violation was issued in 2026 for the unit that you're applying for today, and I'm getting nods behind you from staff.

Mr. Dean: That's correct.

Mr. Plumlee: Okay.

Ms. Dean: Okay.

Mr. Plumlee: That's why—helps me just to get it smooth. If you can give it to me, do you see the picture that I'm looking at on the screen? Is the unit that you're seeking approval for on the left or the right?

Mr. Dean: It's on the right.

Mr. Plumlee: Okay. So that is—that doorway entry is gone at the moment? Is that what you said?

Mr. Dean: So on the bottom there, that's where our washer and dryer is. The actual front of the house is facing 21st Street.

Mr. Plumlee: So the front of the house is there, but the parking that's for this location is here, on 20th and a Half Street. Is that fair? Okay. And I tell you, quite honestly, I've received a number of comments on short-term rentals. It's a lot. I don't get a lot of comments typically on short-term rentals, quite honestly. But I've received a number of them objecting to additional traffic on 20th and a Half Street, and it appears to me, for this access, you're coming from 20th and a Half, is what you're telling me, to get in and out. I just want to make sure I understand that's what is requested.

Mr. Dean: But there will be no more traffic because in the off season, we rent that out for nine months, and then there would be no more traffic than there is now at any time.

Mr. Plumlee: I see. And the other unit, you use parking from the adjacent parking lot?

Mr. Dean: So we have a lease agreement for three spots from Keith, who owns the hotel right there, in his big parking lot across the alley.

Mr. Plumlee: All right. Thank you very much. I appreciate it.

Mr. Dean: You're welcome.

Mr. Camp: Mr. Dean, thank you for coming down. How many short-term rentals do you operate in Virginia Beach?

Mr. Dean: Right now, we are licensed for five.

Mr. Camp: Five. Okay.

Ms. Dean: We have one that we just rented out to a regular tenant because we liked him so much, and we decided not to Airbnb, and that's the Blue property. So it's approved, but it's not an Airbnb right now.

Mr. Camp: Very good. And are you running this business yourself or personally?

Mr. Dean: I'm the maintenance man and owner.

Mr. Camp: I believe it.

Mr. Coston: Any further discussion? Are there any speakers on this one?

Clerk: There are no speakers on this item.

Mr. Coston: Does someone want to make a motion?

Ms. Schoonover: I can make a motion. We should approve the request.

Mr. Mauch: A second.

Mr. Coston: A second. Okay. It's been moved by Commissioner Schoonover and seconded by Commissioner Mauch that we approve this item.

Ms. Schoonover: Let the record reflect that.

Mr. Plumlee: I do want to make a comment. I'm not going to vote for this, and I'm not trying to sway my fellow commissioners. I know they probably feel differently than I do. But there has been an issue on 20th and a Half Street. I understand, and I'm glad you're leasing that out now that I've learned this. The other Airbnb that you have, you're leasing it long term. But at this point, there has been a lot of disturbances along that corridor, and with traffic. So I'm opposing it, but that's why I wanted you to know why.

Mr. Dean: Okay.

Ms. Dean: Okay. Thank you.

Clerk: The vote is open.

Mr. Dean: Is this for 513 also?

Ms. Alcock: No, one at a time. This is just 404.

Clerk: By a recorded vote of ten to one, item twenty-one, Craig and April Dean, has been recommended for approval.

Mr. Coston: Thank you. Have a nice evening.

Vote Tally

Commission Member	AYE 10	NAY 1	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee		X		
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 404 21st Street, Unit A, and the Short Term Rental use shall only occur in the principal structure.

2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.

3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.

4. All required parking spaces, including off-site spaces, shall be subject to review and approval by the Zoning Administrator and shall be available for use by the Short Term Rental occupants at all times.

5. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.

6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.

9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and

b) Copies of the Commissioner of Revenue's Office receipt of registration; and

c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

13. Accessory structures shall not be used or occupied as Short Term Rentals.

14. No signage, except architectural signs naming the structure or other signs as permitted under Sec. 211 shall be permitted on-site, except that each short term rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street. The sign required by this section shall include the owner or property manager's contact information.

15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.

16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars ($1,000,000) underwritten by insurers acceptable to the City.

17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).

19. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property at any time or times during the permitting process. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the time of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order, and 4) a document showing the required parking approved by the zoning administrator posted in the unit.

    a) A property inspection is required when an operator first applies for a short term rental permit and a subsequent inspection shall occur every five (5) years. In years when an inspection is not required, the property owner or their representative shall submit an attestation to the Department of Planning and Community Development confirming that the short term rental is in compliance with the requirements set forth in this section. If the planning department has good cause to believe that a safety violation exists on the property, it shall conduct an inspection prior to renewing the permit.

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

20. A structural safety inspection report shall be provided to the city every five (5) years indicating all exterior stairways, decks, porches, and balconies with a finished height more than 30 inches above ground level have been inspected by either a licensed design professional, or a licensed and insured Class A, B, or C general contractor qualified to perform such inspection and are safe for use. The report must confirm the structure has been built to the applicable residential building code standards and are free of observable damage that would render the structure unsafe for use. However, said report shall not be required for an initial period of five (5) years for new construction inspected at the time of completion by the City's Permits and Inspections Division.

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

of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

The applicant shall prepare and maintain, to the satisfaction of the City of Virginia Beach's Fire Marshal's Office, a fire safety and evacuation plan in accordance with Chapter 4 of the Virginia Statewide Fire Prevention Code.

Virginia Beach Planning Commission June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #22 Craig & April Dean
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is item twenty-two, Craig and April Dean.

Mr. Coston: Tell us about that one, then.

Mr. Dean: The second one, right now, it's a duplex. My daughter is living in it with her husband, and she's getting ready to go in the Navy. Wants to fly jets. But yeah, this is basically for next year. She's going to be in there till October, November, and this will be for next year. And again, it doesn't increase any traffic because we have it rented out during the off season, and then we just Airbnb for three months in the summertime, and that's it. Has been fully renovated. Has the electrical, fire alarm, carbon monoxide, fire extinguisher, and I know all the rules.

Ms. Dean: And there's plenty of parking there.

Mr. Plumlee: Is this one? Do we have a speaker?

Clerk: Yes, we have two speakers.

Mr. Coston: Okay, y'all can be seated for a moment while we get the other speakers to come.

Mr. Dean: Can we go sit down?

Mr. Coston: Yes.

Clerk: Our first speaker is Sarah Welch, followed by Sandra Diedrich.

Mr. Coston: Good afternoon.

Ms. Welch: Good long afternoon. My name is Sarah Welch, and I reside at 522 20th and a Half Street. And we actually have the other two proposals after this, I believe, are on our street. So we have three in a row that are all proposing short-term rentals. I stand in opposition of these short-term rentals and the conditional use permit. And the rationale for my opposition is that we are already active with several homes that are either legally permitted or unpermitted on our street.

I consider our street—the 35 homes between Mediterranean and Baltic, north of 20th Half, and south of 21st Street. And on each end of Mediterranean and Baltic, there are also short-term rentals. So when you're coming down our street, turning onto Mediterranean, there's a short-term rental, and when it's full, it's really hard to see to pull out onto Mediterranean. We've had situations of just in general, loud tenants, parking issues, lawns unkempt. And with the new Atlantic Park, which is a great facility, we've become more of a thoroughfare than we had in the past.

Regularly, especially through the hundred days of summer that Mr. and Mrs. Dean have already commented on, there are parking issues on move-in, move-out days. Those are typically on the weekends, when more of us are home. I still work full time, and I believe based on the code of one parking space per bedroom, there's just not ample parking on this half street. In this situation, these three addresses all in a row.

I personally experienced a situation where I had a renter from one of the other homes knock at my door and ask if they could pay to park in my driveway. I moved to Virginia Beach in 2019. I moved here for personal hardship. I purposely bought my house where I did because it was a neighborhood. I looked from Sandbridge to East Beach, and I ended up in the Vibe District because it was walkable and it seemed like a neighborhood. And I didn't buy in other parts of Virginia Beach because of the higher concentrations of investor real estate. And as a homeowner, I'm concerned with the potential of too much investor real estate on my street. I'm also concerned about property value, home upkeep, safety—a lot of the things you've heard about today.

So I'm requesting you consider not approving for this short-term rental because we know it's the address that gets the STR approval, not the owner. So they can sell the property, and it's still the address. If we continue to have investor real estate, I think zoning really needs to think about a density cap. I've talked a lot to Worth Remick about this, Councilman Remick. So I respectfully request my feedback into consideration. Thank you.

Mr. Coston: Commissioner Plumlee.

Mr. Plumlee: Just one question. With regards to the condition of 20th and a Half Street and using this half street for parking, try to help describe if you could a little more. What's happening in the summertime? And if you could give us some detail, what's going on there that's disruptive in particular?

Ms. Welch: Sure. Move in, move out. Right. There's usually a couple parking spots per house that are in front of the home, and then people will pull up behind the two cars that are in the driveway on our half street, unload stuff. They have their flashers on. They have somebody standing there waiting. They unload their stuff and then they park wherever they have to park. But when I pull out of my driveway to go to the grocery store, go to my sister's, go anywhere, I either have to not pull out and go down Mediterranean, or pull out left to go down Baltic. It's just inconvenient. It's inconvenient, and it's transient neighbors.

Mr. Plumlee: And it's commercial, is it not?

Ms. Welch: That's not my neighborhood.

Mr. Plumlee: Thank you. I appreciate that.

Ms. Welch: Yep.

Mr. Camp: Ma'am, may I ask you a question?

Ms. Welch: It's okay.

Mr. Camp: Are you aware that City Council has considered changing the boundaries for where short-term rentals may occur?

Ms. Welch: I didn't get there in my talking points because I was running out of time.

Mr. Camp: So you are aware of that?

Ms. Welch: I was told, neighborhood grapevine, that city council had decided to revoke the overlay change.

Mr. Camp: Well, if I may correct that understanding, City Council has sent that issue to us, and at our morning conversation, which you may want to play the tape back on, we talked about what we're going to do with that and when. It will be scheduled for a future hearing. And to the extent that you have strong opinions—

Ms. Welch: I do

Mr. Camp: ... about investor activity where you live—I would invite you to please engage and share those opinions when that topic is back before us.

Ms. Welch: I certainly will. Thank you.

Mr. Coston: Before you go, one more comment from me. Have you ever called 311?

Ms. Welch: I haven't needed to call. But I will say that, and this is information I've shared when I've been in front of this council or city council in the past. We had a neighbor who did rent their house. They ended up selling it because the first time they rented it, it was out of control, and so that time it was called.

Mr. Coston: Well, you can call anytime there's any type of disturbance where you might need some assistance.

Ms. Welch: I understand.

Mr. Coston: And it also documents what's going on there.

Ms. Welch: Fair enough. Thank you.

Mr. Coston: You're welcome.

Clerk: Our final speaker is Sandra Diedrich.

Ms. Diedrich: Hi, my name is Sandra Diedrich, and my husband and I live at 518 20th and a Half Street, and we are in opposition to this property being given a short-term rental permit. We've been having a lot of difficulty. In fact, the next two that will be presented, they haven't even gotten approval, and the properties are already being rented as short-term rentals. And I think one of my perceptions is that owners are renting properties prior to receiving approval for short-term rental permits. They have the attitude that they will automatically get approved. So they purchase them; they're kind of told, yes, you could get—you're in the district. You get your approvals, but we're

never really heard. The expansion of short-term rentals continues on a street. I don't feel like it's a neighborhood. It's just a vacation area.

Recently, in the Virginian-Pilot article, it stated approximately 40% of short-term rentals are operating illegally. This is discouraging. With at least two properties—505 and 524 on our block—are operating illegally without STR permits. Nothing is being done regarding these properties. There is no oversight or recourse. We feel there are no consistent regulations regarding short-term rentals or enforcement.

Our street is an alley. It's not a road. It's an alley, and barely two cars can pass. And on April 13th of this year, there was a significant garage fire with multiple fire trucks and emergency vehicles on our street managing the fire to ensure it was contained to just the single structure. Again, it was very difficult for anyone to pass through, and we understand that we did not want that to happen. We cannot accommodate all the extra cars due to short-term rentals, especially during the summer months, with concerts at the Dome. We have experienced even heavier traffic looking for vacant parking spots, causing unnecessary congestion.

We retired and moved to Virginia Beach in 2018 with the anticipation of enjoying a beach lifestyle and friendly street with other families, not a community of vacationers coming and going, with no attachment to our neighborhood. We are equally concerned with maintaining our property value with the increase of short-term rentals on our street. We respectfully request that you consider not allowing these three addresses to become short-term rentals as you make your upcoming decisions. Thank you very much.

Mr. Coston: Commissioner Camp.

Mr. Camp: It's a question based on her testimony for staff. Were the addresses that she just mentioned stating that there are illegal short-term rentals noted? Was staff aware of that? And does staff want to respond to the comment that we just heard on testimony that nothing's being done about it?

Ms. Sabo: So I looked at 511 20th and a Half Street, and I'm not showing where we've received any complaints about that one. It does show that there was an application for an STR from a couple of years ago, but that it was withdrawn. But I'm not showing any complaints for that property. For the other one, 524 20th and a Half Street, I am showing a couple of complaints here, and I'll have to do a little more investigating to see where we are with those.

Mr. Camp: So, Ms. Sabo, would you be willing to speak to the witness about these other properties and make sure that you've got the information? You said you don't have a complaint on file, but it sounds like she's forming a complaint.

Ms. Sabo: Yes, we can. I will log that as a complaint and have an inspector look into that one.

Ms. Diedrich: Also, we've also met with Worth Remick, and he's aware of both of these addresses being not permitted.

Mr. Camp: I appreciate that. I'm trying to get you right to the folks who are enforcing these regs. All right. Thank you so much.

Ms. Diedrich: Thank you very much.

Ms. Moorjani: Just for clarification, the property in question at the moment of the applicant is there. Has there been any complaints on this property?

Ms. Sabo: Not for this property.

Mr. Coston: Okay. Was that the last speaker?

Clerk: That was our last speaker.

Mr. Coston: Okay, applicants, if you would return to the podium so that you may rebut.

Mr. Dean: It doesn't increase any traffic at all. Because if there's not a tenant in there, it's still only two cars per unit, and we have room for five parking spots in our space there.

Mr. Coston: Any questions? Do I hear a motion?

Mr. Plumlee: Well, I'll make a motion, but it's not to approve it. I'll just tell a quick story because we have plenty of time. I served on the Wetlands Board, and I voted against every single bulkhead improvement on Sandbridge. And I don't think I ever got a single voter with me. But it was the only way I could say, "you're ruining this beach. You're never going to stop the sand from moving anyway."

Mr. Plumlee: At some point, I've been looking when I'm going to dig in and say no to these things. I'm a little tired of them, quite honestly, and it's nothing personal to the two of you. We're hearing complaints from residents. We are a car society. It's not Rome, where we walk everywhere. Everything requires a parking space, and two bedrooms requires two parking spaces. So, this is a half street where all this activity back and forth is occurring, and it's gotten to me. I don't know how many dozens of these I've approved, but this one I'm not going to support. So, in the way it works in reverse, if they go against me, you win and I lose. They don't need to pass it. They can vote against me. So I'm making a motion. I may not get a second. I'm making a motion to deny or to recommend denial of this application for short-term rental.

Mr. Dean: Can I say something? I'm just—hearing is over. Oh, I'm sorry. Sorry.

Mr. Coston: Is there a second? Well, do I hear another motion?

Mr. Mauch: I'll make a motion to approve.

Ms. Moorjani: I'll second it.

Mr. Coston: It has been moved by Commissioner Mauch and seconded by Commissioner Moorjani that this item be approved. Thank you for discussion.

Mr. Mauch: I can appreciate Commissioner Plumlee's want and desire to kind of limit the amount, but we're kind of stuck with an overlay that some people like, some people don't. And in

my opinion, to deny this application, there being no complaints on this property, I just don't see how it could work.

Mr. Plumlee: I just want to address the no complaints, and I don't want to interrupt you, Commissioner Mauch. But they don't have it yet.

Mr. Mauch: Correct. Which means they're not doing it illegally.

Mr. Plumlee: Well, on this one, but the last one they did.

Mr. Mauch: Correct.

Mr. Plumlee: And I'm only going to—I don't want to parry with you. We're waiting for the equipment to be fixed. But yes, I do. This is my point, and these are conditional use permits. So we grant them still, even in the overlay. So I just want to make those points since you brought them up.

Mr. Mauch: Yeah, I think that's fair. I just think that to deny one without anything that's really substantial, I just—I did the same thing. Would put us as a city in a bind, but I could be wrong.

Mr. Plumlee: It did. It was on the same street.

Clerk: Can I say something?

Mr. Coston: Okay, say something.

Clerk: We have the movers logged in. I was just waiting to see. Are we still having discussion or no? No, the vote is open. By a recorded vote of ten to one, item twenty-two, Craig and April Dean, has been recommended for approval.

Mr. Dean: Thank you very much.

Mr. Coston: Have a nice day.

Vote Tally

Commission Member	AYE 10	NAY 1	ABS 0	ABSENT 0
Camp	X			
Cromwell	X			
Anderson	X			
Byler (Vice Chair)	X			
Schoonover	X			
Plumlee		X		
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 513 20th Street, and the Short Term Rental use shall only occur in the principal structure.

2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.

3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.

4. All required parking spaces, including off-site spaces, shall be subject to review and approval by the Zoning Administrator and shall be available for use by the Short Term Rental occupants at all times.

5. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.

6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physically 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 June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #23 Adarsh Jain
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is item twenty-three, Adarsh Jain.

Ms. Norris: Hi, my name is Sarah Norris. I'm the representative of this home. I am the Director of Operations for Host My Home, a professional short-term management company. We manage about 85 short-term rentals total, about 35 in Virginia Beach. I do want to clear up, and I do have evidence of it here, that we are not operating illegally. We do have a guest in both of the homes that are coming up, both over thirty days. I have proof of that here in the reservations. It is one of the things that's concerning that it's so easy to make a false complaint, and I just want to clear that up. We take this very seriously. All of our homes are legal. We operate legally. These owners of this and the next one just bought these homes within the last two months. They have taken the time to get it ready, invested in within the overlay in a tourist area. And I just do want to clear up that our team and our company—I'm born and raised here. I know it's a great place to come and visit. We take it seriously, and I want to clear up that for both of those homes, they are not operating illegally. And if anybody would like to see that, I have that here for you. If you have any other questions, I'd be happy to answer.

Mr. Plumlee: I'm sorry. Was there anything in the staff report about violations on this site?

Ms. Norris: Yes.

Mr. Plumlee: Okay.

Ms. Warren: There are none.

Mr. Plumlee: But that was the comment that there are none.

Ms. Warren: That's correct. It's in your staff report that there are no violations.

Ms. Hippen: But it says known short-term rental activity. The last bullet says this site has no prior... then it says, then there's another bullet, and then it says known short-term rental activity as of April 13.

Ms. Warren: Right, but then the chart says none for all.

Ms. Hippen: I know. That's why it's confusing.

Ms. Warren: But if you see the bullet above it, this site has no prior zoning complaints or violations. Maybe it's just missing.

Mr. Plumlee: It should say no known short-term.

Ms. Warren: Well, that's what the table says.

Ms. Hippen: Right. I was just explaining why she was saying they operated legally.

Mr. Coston: Any questions? Anybody want to make? Oh, Commissioner Camp.

Mr. Camp: We have speakers. Then I'll hold the questions.

Mr. Coston: Okay.

Clerk: We have speakers. Sarah Welch and Sandra Diedrich, if they'd like to come up again.

Ms. Welch: Thank you. And I won't bore the commission with the same information again, but I will share that this quad was just built. I believe the homeowners who built it or who bought these two properties do not live in Virginia Beach. They will be managed. They are not neighbors. I will go on to say that I bought in this area to be a neighborhood. Thank you.

Clerk: Sandra Diedrich.

Ms. Diedrich: Thank you. Our concern with these two side by side duplexes is that they are identical duplexes attached. Behind them are on 20th Half Street, and their parking is in front of these units. So each of these two units have two parking spaces, yet they're four bedrooms. It looks like they have four spots; they do not. Because on 20th Street, their parking is also in front of 20th and a Half Street. So these two duplexes, even though they're four bedrooms, only have two parking spaces in front of their houses. Because the units behind them on 20th Street also park on those concrete driveways. So that is our concern: where, if you only have four bedrooms and two dedicated parking spaces, where are the other two cars going to park? So that is one of our big objections. There's not enough parking. If you're going to allow one car per bedroom, there is not enough parking spaces for those two units.

Mr. Coston: Okay, thank you. Applicant, if you would like to come back and answer the discrepancy.

Ms. Norris: Hi, thank you. We do have the two parking spaces, and mind you, one of the homes within the quad is for sale, and then there's a neighbor directly behind, 511, who the owners myself have spoken with, and he had to sign off for approval on this. We also have two additional parking spaces, per the city's requirement, at a nearby lot. We also, since we're a bigger property management company, we have software systems and we have messages that are very clear in regards to the fact that there are only two parking spaces on site. With any homes where there may be concerns with parking, we make that very clear with check-in instructions to let them know where to park and how many spaces are on site. Of course, I respect their opinions and their concerns. But again, these owners have done everything that they are supposed to do. They're within the overlay. There have been no issues. We have not had violations. I have about 15 years of property management experience. We have a team who has lots of property management experience. I will gladly give them my business card so they can email me directly if there's concerns. We love to work with the neighbors, and we all want the same thing.

Mr. Coston: Any questions? Commissioner Camp.

Mr. Camp: Yes, ma'am. So this is another one. I'm trying to sort out the who's who here.

Ms. Norris: Sure.

Mr. Camp: The owner of the property is A&A Vacation Homes LLC.

Ms. Norris: Well, we have two of them back to back. 511, I think, is the one we're on right now.

Mr. Camp: Am I on the wrong application?

Ms. Norris: Yeah, that's the next one, 509.

Mr. Camp: Who owns the property that we're now talking about?

Ms. Norris: Adarsh Jain is the name of the applicant.

Mr. Camp: I'm sorry. It says Shells and Pearls?

Ms. Norris: That's the LLC that is under, yes.

Mr. Camp: Shells and Pearls LLC owns the property.

Ms. Norris: Yes.

Mr. Camp: The applicant for the short-term rental is Adarsh Jain.

Ms. Norris: Yes.

Mr. Camp: How is Adarsh Jain related to Shells and Pearls LLC?

Ms. Norris: That's his LLC.

Mr. Camp: Well, it says that the applicant is not a business because it's this individual who's applying for it. Correct.

Ms. Norris: He filled out the application personally. I didn't see how he filled it out.

Mr. Camp: All right, and who are you with?

Ms. Norris: I'm with Host My Home. We're a representative. I signed up as a representative on behalf. We will be managing the home.

Mr. Camp: And how many short-term rentals does this owner have in Virginia Beach?

Ms. Norris: This owner, this would be the only one. Host My Home manages about thirty-five.

Mr. Camp: Very good. Thank you so much.

Ms. Norris: Thank you.

Mr. Plumlee: I have a question. So you essentially are signed up to act as the representative, and so everything you're representing to us is attributable to this applicant. Fair?

Ms. Norris: That is fair.

Mr. Plumlee: Okay. Thank you.

Ms. Norris: Thank you.

Mr. Coston: Discussion. Motion.

Ms. Schoonover: I'll do it. I move to approve.

Ms. Hippen: Second.

Mr. Coston: It has been moved by Commissioner Schoonover and seconded by Commissioner Hippen that we approve the site.

Clerk: The vote is open. By a recorded vote of nine to one, item twenty-three, Adarsh Jain, has been recommended for approval.

Vote Tally

Commission Member	AYE 9	NAY 1	ABS 0	ABSENT 1
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 511 20th ½ Street, and the Short Term Rental use shall only occur in the principal structure.

2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.

3. 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.

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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 physically 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.

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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 June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #24 Amrish Jain
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: The vote is open. By a recorded vote of nine to one, item twenty-three, Adarsh Jain, has been recommended for approval. Our final item is item twenty-four, Amrish Jain.

Ms. Norris: Hi, Sarah Norris. Pretty much the same spiel. It's the same thing. These are brothers. They've purchased at the same time. They closed at the same time. This also has a 30-plus day rental currently in it. We will be managing it. If there's any further questions, I'm happy to answer.

Mr. Plumlee: I have a question. What is the average rental per night to stay in one of these locations?

Ms. Norris: This one, it depends on the time of year.

Mr. Plumlee: Let's say high summer.

Ms. Norris: High summer, probably between four to five hundred a night.

Mr. Coston: Okay. Thank you.

Ms. Norris: Yes.

Mr. Coston: Always have the speakers coming back. All right, you can be seated.

Ms. Welch: Thank you.

Clerk: Yes, Sarah Welch.

Ms. Welch: I'll just come in as I did before. These houses haven't even been built a year, and they're already being turned into a short-term rental.

Clerk: Sandra Diedrich.

Ms. Diedrich: Well, I know same thing. But in the Virginian-Pilot, in the same article, they said that city is considering changing, prohibiting owners from leasing public parking spaces and city garages to meet the parking requirements of one space per bedroom. So, based on those guidelines, if they go through, this property would not have adequate parking spaces.

Mr. Plumlee: I have a question, if I may, if she's finished. So, what are you doing to get people to look into this issue? You know, one commissioner is not going to do a lot.

Ms. Diedrich: Well, I attend the civic associations, and we talked to Worth Remick, our councilman. Talked to neighbors. I think some other neighbors may have written objection letters.

Mr. Plumlee: Other than that's a lot of money, $500 a night, to stop it.

Ms. Diedrich: And it's not like we haven't had issues. And like I say, we're getting a lot more traffic on our street due to the Dome. And I'm not saying the Dome is a bad thing. It's just we're a block and a half from the garage, or people just don't want to pay for parking and that type of thing. We have had some issues with parties and things going on at different ones. So I think we're doing all we can respectfully.

Mr. Coston: Thank you. Do I hear a motion? I don't think we need it really. So do I hear a motion?

Mr. Camp: I have one question for staff.

Mr. Coston: Okay.

Mr. Camp: If I understand correctly, to satisfy the parking requirement, a space in a commercial parking lot is being utilized. Is that correct?

Ms. Bailey: That's correct.

Mr. Camp: And so, is it correct that if the matter referred to us by City Council is adopted, it will actually have no effect on this because that only applies to city garages and lots?

Ms. Sabo: That's correct.

Mr. Camp: Okay, thank you for clarifying that.

Ms. Hippen: Motion to approve.

Ms. Moorjani: Second.

Mr. Coston: Second. It is moved by Commissioner Hippen and seconded by Commissioner Moorjani that this item be approved.

Clerk: By a recorded vote of nine to one, item twenty-four, Amrish Jain, has been recommended for approval. That is our final item.

Mr. Coston: Thank you for participating today.

Vote Tally

Commission Member	AYE 9	NAY 1	ABS 0	ABSENT 1
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 509 20th ½ Street, and the Short Term Rental use shall only occur in the principal structure.

2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.

3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.

4. All required parking spaces, including off-site spaces, shall be subject to review and approval by the Zoning Administrator and shall be available for use by the Short Term Rental occupants at all times.

5. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.

6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on

the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.

9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
   a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
   b) Copies of the Commissioner of Revenue's Office receipt of registration; and
   c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

13. Accessory structures shall not be used or occupied as Short Term Rentals.

14. No signage, except architectural signs naming the structure or other signs as permitted under Sec. 211 shall be permitted on-site, except that each short term rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street. The sign required by this section shall include the owner or property manager's contact information.

15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.

16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars ($1,000,000) underwritten by insurers acceptable to the City.

17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).

19. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property at any time or times during the permitting process. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the time of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order, and 4) a document showing the required parking approved by the zoning administrator posted in the unit.

    a) A property inspection is required when an operator first applies for a short term rental permit and a subsequent inspection shall occur every five (5) years. In years when an inspection is not required, the property owner or their representative shall submit an attestation to the Department of Planning and Community Development confirming that the short term rental is in compliance with the requirements set forth in this section. If the planning department has good cause to believe that a safety violation exists on the property, it shall conduct an inspection prior to renewing the permit.

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

20. A structural safety inspection report shall be provided to the city every five (5) years indicating all exterior stairways, decks, porches, and balconies with a finished height more than 30 inches above ground level have been inspected by either a licensed design professional, or a licensed and insured Class A, B, or C general contractor qualified to

perform such inspection and are safe for use. The report must confirm the structure has been built to the applicable residential building code standards and are free of observable damage that would render the structure unsafe for use. However, said report shall not be required for an initial period of five (5) years for new construction inspected at the time of completion by the City's Permits and Inspections Division.

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

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

The applicant shall prepare and maintain, to the satisfaction of the City of Virginia Beach's Fire Marshal's Office, a fire safety and evacuation plan in accordance with Chapter 4 of the Virginia Statewide Fire Prevention Code.

Virginia Beach Planning Commission June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #25 Nancy Rodio Davis
Recommendation: RECOMMENDED FOR INDEFINITE DEFERRAL

Discussion

Mr. Coston: Do I have any motions for any items to be deferred indefinitely?

Ms. Byler: Mr. Chair, agenda items twelve and twenty-five have requested indefinite deferrals.

Mr. Coston: Thank you.

Mr. Plumlee: I don't know if there's anyone here to speak on those requests, but I do move that we grant the request to defer all three: item seven for 30 days, item twelve indefinitely, and item twenty-five indefinitely.

Mr. Coston: I have a motion to defer these items. Do I have a second? Second. Having a second, and having been moved by Commissioner Plumlee and seconded by Commissioner Anderson, are we ready for the vote?

Clerk: The vote is open. By a recorded vote of eleven to zero, item seven has been recommended for thirty-day deferral, and items twelve and twenty-five have been recommended for indefinite deferral.

Vote Tally

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

Virginia Beach Planning Commission June 10, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Extension Request to City Council

Discussion

Clerk: Excuse me, Chair Coston. I understood we still have new business. A new business item.

Mr. Camp: An item got added to the agenda. New business.

Mr. Coston: Oh my goodness.

Mr. Plumlee: Making a motion to request council that it extend the period of time for us to consider the item. But we're going to proceed to hear the issue of parking at the July meeting, and we're asking for an extension of time on the issue of the boundary of the district. And the ordinances related to it, and the ordinance therefore therein related. Got it. There it is. Okay. Any seconds?

Ms. Byler: I second that.

Mr. Coston: Okay. Moved by Commissioner Plumlee. Seconded by Vice Chair Byler. To approve this item.

Clerk: We're going to do a verbal vote. Commissioner Camp.

Mr. Camp: Aye.

Mr. Cromwell: Aye.

Mr. Anderson: Aye.

Ms. Byler: Aye.

Mr. Coston: Aye.

Ms. Cuellar: Aye.

Ms. Schoonover: Aye.

Mr. Plumlee: I made the motion.

Ms. Hippen: Aye.

Ms. Moorjani: Aye.

Clerk: And I'll note for the record, Commissioner Mauch has left. By a recorded vote of ten to zero, the extension has been approved.

Mr. Coston: Thank you, everybody, for participating today. Meeting adjourned.**Vote Tally**

Commission Member	AYE 10	NAY 0	ABS 0	ABSENT 1
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