Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Intro & Minutes Approval

Discussion

Mr. Coston: Good afternoon. I would like to call to order the September 9, 2026 Planning Commission public hearing. My name is John Coston, and I am the Chair of the Virginia Beach Planning Commission. Commissioner Anderson will not be in attendance today; he's out having big fun. Before we get started, I have asked Commissioner Mauch to lead us in the Pledge of Allegiance.

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

Mr. Coston: At this time, we will introduce the Planning Commissioners, beginning with our City Attorney, followed by our 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 1, Kempsville.

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

Ms. Byler: Kathryn Byler, Beautiful District 4, including Town Center, Burton Station, and all the way up to the Norfolk border.

Mr. Coston: John Coston, District 9.

Ms. Cuellar: Holly Cuellar, District 8.

Ms. Schoonover: Katherine Schoonover, District 5.

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

Ms. Hippen: Susan Hippen, District 7, Salem, Glenwood, Centerville, and happy first day of the NFL season.

Ms. Moorjani: Neena Moorjani, District 10.

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

Director Carrie Bookholt, Zoning Administrator Hannah Sabo. With our Planning Administration team, we have Marchelle Coleman, Alexis Bailey, Arianna Low, and then planners Laine Harrington, Kara McLean, and Kristin Bauer.

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. We request that cell phones be put on silent during this meeting. This is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission agenda, following the order of business for this public hearing. Withdrawals and deferrals. The chairperson will ask if there are any requests to withdraw or defer an item on the agenda. Consideration of these requests will be made first.

Consent agenda. The second order of business is the consideration of the consent agenda, which are those items that the Planning Commission believe are unopposed and which have favorable staff recommendation. Regular agenda. The Commission will then proceed with the remaining items on the agenda. When an agenda item has been called, we will recognize the applicant or the representative first. Following the applicant or the representative, in-person speakers will be called next, and then the speakers participating via WebEx. Speakers in support or opposition of an agenda item will have 3 minutes to speak per item, unless they are solely representing a large group, such as a civic league or homeowners association, in which case, they will have 10 minutes per item. If a speaker does not respond, or if a technical issue occurs, which renders 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 Virginia Beach City Council. The final decision to approve or disapprove an application will be made by the City Council. The Commission thanks you for your attendance, and we hope that your experience here today leaves you feeling that you've 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 10 items on the consent agenda. These are applications that are recommended for approval by staff, and the Planning Commission concurred, and there are no speakers signed up in opposition. The first items on the consent agenda today are three sets of Planning Commission minutes, and I have asked Commissioner Camp to read them into the record.

Mr. Camp: Thank you, Madam Vice Chair. This portion of the consent agenda consists of a motion to approve draft minutes as amended by the Commission for three Planning Commission meetings. Specifically, the informal and formal hearings held on August 12, 2026, with no abstentions, and the site visits held on September 3, 2026, with Commissioner Plumlee abstaining because he did not attend. That completes this item. So moved.

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: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda, three records of minutes, and Items number 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19. I make a motion that these matters be added.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Vice Chair Byler and seconded by Commissioner Cuellar. Is there anybody abstaining from this vote?

Mr. Plumlee: I'm abstaining from the single item of the minutes from the visit. The visits always happen before I am able to conduct my conflicts check, and therefore I do not attend them until I understand whether there's a conflict. Thank you.

Mr. Coston: Madam Clerk. Could you please open the vote?

Clerk: The vote is open. By a recorded vote of 10 to 0, with the aforementioned abstentions, all aforementioned minutes and Items 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19 have been recommended for approval by consent.

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

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 (*As noted above, Commissioner Plumlee abstained from the September 3, 2026, Site Visit Minutes)	X			
Hippen	X			
Cuellar	X			
Coston (Chair)	X			
Moorjani	X			
Mauch	X			

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #1 James M. Masters and Mary L. Osterhous
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our first item is Item 1: James M. Masters and Mary L. Osterhous.

Mr. Peeples: Okay. Good afternoon, Mr. Commissioner, and members of the Commission. My name is Brian Peeples. I'm an attorney representing the applicants, Jim Masters and Mary Osterhous. They're a married couple that own these parcels together, jointly. I did send in a letter yesterday in response to some of the objections that we've received from neighbors, and also objecting to recommended condition number five. And I know that you received that because I did listen in on the informal conference and heard you discussing it. But I just want to make sure that letter is part of the record.

I want to thank the staff for all the really hard and great work that they've done on this application. And I want to be clear that this is an administrative issue. That's intended to correct an error caused by a prior owner, several owners ago, in that the lots were sold via deed as separate lots, but there was not a correct subdivision approved by the city, and we're here to correct that. It's important to understand that we're not asking for any kind of exceptions or variances to build more houses or anything of that nature.

We understand that if this is granted, if these variances are granted, it's still one house per lot because it's an agricultural zoning district. We're not trying to subdivide the lots. We're not trying to have it rezoned. We're just trying to correct that administrative oversight. Because my clients are thinking about selling these lots, and they want to make sure that when they do so, they're conveying buildable lots to their buyers, so that this issue won't carry forward. There's two aspects to our application. The first is pertaining to the parcel to the north, which I've referred to in my letters, the 4.51 acre parcel. That's because if currently there, there are two little parcels there. There's a big parcel and there's a small, rectangular one. Appears to be part of 3553 Dawley Road.

We're asking to vacate that little rectangle that looks like it's part of 35, I'm sorry, 3953 Dawley Road, and combine it into one 4.51 acre lot. They're also seeking to increase the existing 20 foot wide easement that goes from Dawley Road along the northern boundary of Lot A1 to make it 30 feet wide instead of 20 feet wide. Important to understand that our clients, the applicants, own all these parcels. They own again the little rectangle that we're seeking to vacate and make part of the bigger parcel, and they also own the parcel to the west, which is Steadfast Aquarian Equestrians, usually, which is the access to which they're seeking to increase the width from 20 to 30 feet. As far as we know, there's no opposition to this. So, if there's no questions about that, I'm going to move forward to what I've called the 9.76 acre parcel, and again, the 9.76 acres is the aggregate size.

If you approve what we're requesting to do. So this is a pretty large farmland agricultural lot that's called X1, and there's an access way to X1 from Gum Bridge Road. The access way runs between two existing homes. And our clients own the northern part of that access way, which currently is a separate parcel, Parcel X. Elizabeth Ward, who we understand is going to speak here today, or have someone speak on her behalf, owns the southern part of that strip. But our clients own an 18 foot wide easement across the southern part of that strip. I heard in the informal meeting today that there was some confusion about the ownership of these parcels.

At some point, it was referred to as owned by multiple owners or jointly owned. So I want to be clear: that's not accurate. My clients, the applicants, own Parcel X1, which is the big one. They own Parcel X, which is the northern half of that access strip, and they own an easement across the parcel that Ms. Ward owns. Ms. Ward owns the southern half of that access strip. Now we've seen a lot of correspondence between Ms. Ward and the city staff over the last few weeks, and there's been some claims made. For example, Ms. Ward has claimed that this lot has been stolen from her. She's also claimed at various times that there is no easement across the southern part of the strip that she owns, and that is not accurate.

We've conducted a thorough title search. The ingress egress easement across Ms. Ward's property legally exists. It has existed for years, and we've put the chain of title in our letter. If Ms. Ward does want to dispute that, you know, to claim that some land has been stolen from her, or that an access easement doesn't exist, the proper venue for that, with respect, isn't here, but it's through the court. We also understand that the owners of the two houses that are on either side of that access easement, the one that Ms. Ward owns, might be here in objection. And one of the objections that we've seen is quite interesting.

The Harcourts, who own 1944 Gum Bridge Road have said you shouldn't approve this subdivision because they, the Harcourts, have placed a shed on our client's property and some electrical wiring to that shed and a fence on Parcel X, which again is owned in fee simple by our clients, and that's wrong for so many reasons. First, the shed has been put on our client's property without their permission, so it's trespass and it shouldn't be there, and we will be addressing that via separate venue, via the circuit court, if we have to. Secondly, the Virginia Beach Zoning Office has confirmed that the shed needs a 20-foot setback. So not only does it need to be moved off of Parcel X, it needs to be moved 20 feet off of Parcel X. They've also said the Harcourts have that part of their septic system is located on Parcel X or in the easement.

We've confirmed with the Virginia Department of Health that there are no septic lines or any part of the septic system that has been permitted to be on the easement or on our client's land. So if they're there, they are in violation of the permit that they've been issued by the Virginia Department of Health. We've also spoken to Marty Rollins, who is the person who installed the septic system, and he's confirmed that no part of it is on the Harcourts. I'm sorry, on our client's property. And again, those are civil matters, which are not in the Planning Commissions purview. The Harcourts also sent in a letter claiming that the 18-foot-wide ingress egress easement on which our clients own across Ms. Ward's property, not the Harcourts' property, but Ms. Ward's property is a violation of the fire code, and that's untrue. I addressed this in the letter that I sent. This is farmland, because it's exempted from the fire code.

The applicants, I'm sorry, the objectors, the Harcourts cited part of the Virginia Administrative Code, which is 13 VAC 552 170 B3, to say that the access needs to be 20 feet wide. That's not accurate. In fact, what that administrative code does is allow it to be 18 feet wide, as long as a home that's built there has a sprinkler system. There is no house there; it doesn't apply. But if in the future someone wants to build a house, all they have to do is build a house with a sprinkler system, and you don't have to take my word for this, because, as the staff report confirms, the fire marshal has seen this application and the fire marshal has no objection to it. We also received from affidavits some affidavits from Christopher Cardone and Elizabeth Ward, who say that there are trees growing along the easement, or maybe in the easement, and they don't want those trees to be cut.

First, let me just say that the applicants don't have any plans to cut those trees, because, in their opinion, those trees do not block the easement. But if the trees do block the easement, then that is illegal. Virginia Code 55.1305, says the owner of the Servient estate, which would be Ms. Ward, in this case, doesn't have the right to block an easement. I'm paraphrasing. Doesn't have the right to block an easement. And also under Virginia law, and this is very well settled case law, the owner of an easement, which in this case again is the applicants, have the duty and have the responsibility and the authority to maintain the easement. I cited a bunch of cases for that proposition in my letter, and I won't read those names again.

But again, that's a matter for the civil courts, and not for, not for the Planning commission. So, we appreciate the recommendation from the staff to approve this, and we agree with all of the recommended conditions, except for one. I addressed this in my letter as well. We ask that you delete condition number five. Condition number five says a new ingress egress easement with shared maintenance agreement must be recorded with the final subdivision plat. We think it's unfair to condition approval of this application on the actions of a third party. Because what you're requesting, there, what you're requiring, if you approve this, is that the owner of that Ms. Ward essentially grant another easement and enter into a maintenance agreement for that access way. There's already an easement across Ms. Ward's property. It's recorded in the chain of title. I don't think it's seriously disputed.

And again, I put the whole chain of title in my letter. As far as the maintenance agreement, it's not necessary. Because, again, the owner of the easement, which is my clients or whoever they sell their property to, they have the authority and they have the responsibility to maintain that easement, and they're willing to do so. Given the nature of the claims that have been called into the city staff over the last few weeks, and the letters that we've seen, we don't think it's realistic to expect that Ms. Ward is going to enter into a maintenance agreement or grant another easement. That, again, we believe, is not required because it's already recorded in the land records. And so we ask that you forward this application to the City Council with a recommendation to approve, but with condition five deleted. Thank you.

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

Clerk: Yes, we have two speakers. Our first speaker is Jack Harcourt, followed by Benjamin Tatum III.

Ms. Byler: Chair Coston, on reasons indicated in a letter I submitted to the Assistant City Attorney, I will not be commenting or voting on this matter.

Mr. Coston: Thank you. Please state your name, sir, for the record.

Mr. Harcourt: Jack Harcourt, and I'm here with my wife, Kathy Harcourt, and we're also representing Mary. I can't even speak. Chris Cardone and Elizabeth Ward. That was a mouthful. Good job, though. A couple questions. Anyway, I own the property adjoining this application, and we are opposed. The requested variances of Section 4.4(b) and (d) of the Subdivision Regulations for Mary Osterhous and James Masters. I'm also speaking in behalf of Mr. Cardone and Ms. Ward, who also adjourn property and share this. Their positions have been provided to you in affidavits and already submitted for record. Our first objection is an access to this proposed property X1 Parcel X, an 18-foot created right away, in 1971, the Tatum family were creating and plotting land off of Gum Bridge Road, hundreds of acres.

At that time, they created an 18-foot easement so he could run his tractor across as needed back to the agricultural land, which it was at that time. And it was deeded at that time as an ingress and egress for that, for the tractor stuff. Our home was originally placed next this ingress and egress in 1971. Before all the codes and things occurred in Virginia Beach about 1973, our home was. The scope of the easement reflects occasional seasonal farm traffic, not permitted, not the permanent burden of a single family resident, daily vehicle trips, construction traffic, and reliance on the access of emergency responders. Converting this property, converting this parcel X to residential use via access of Parcel X, substantially and unreasonably increases the burden of the right-of-way next to our home that has never been designed for.

Second, the applicant's parcel has been actively farmed for over 50 years. Parcel X has not been used at all for access in over 30 years, when the Tatum family, before he passed. Another access can be used to Parcel X via Dawley Road, with a joint access through the other property that they have. I believe it's listed as A1. They can create another shared driveway through their own property that they own at this time, with access to Dawley Road. We feel that Parcel X cannot be brought into compliance without infringing on the rights of Cardona Ward. As mentioned before, fourteen large pine trees straddle the boundary line between Cardone and Ward properties along Parcel X. Under common law doctrine, these boundary trees, jointly owned, have been confirmed in affidavit, and they do not grant permission to remove the trees. It was mentioned that, in some particular form, that these trees were blocking the egress.

When Mr. Tatum created Parcel X, he planted those trees back in the seventies. Around 71, he put them on the border. That's what he did. That was his land, and he created it. They have grown. It will not meet the 18-foot standard in Virginia Beach fire code. They would have to be removed, which they are not giving permission for them to remove. So, I see it's an argument there. But the original owner and creator put those trees there. In addition, there's drainage from this property that drains through my property. Residential land and properties cannot drain onto another property, and it's right next to my land, and that needs to be resolved. Also, there's mentions about sheds being placed in their property. They are absolutely right. When we moved there, we did not know that was our property line. That was a mistake on our part. We've been notified, and we do intend to move them. And that—that is our plan, and we're working on that as we speak. And as far as the sewage and septic, some communication error has occurred. I have the drawings.

There are two septic lines on the access in the back part, owned by Osterhous and Masters, and is on there. There are two lines. I didn't do it. Marty Built did it, but he did it with the plans of the company that does the drawings.

Now I've already researched, and I'll find a way to remove those two and cut those off and meet the codes for the state and health department. So, once again, we oppose approval, especially Parcel X1, unless they use access and create their own access with their own land off of Dahlia Road. Thank you.

Mr. Plumlee: Mr. Chair.

Mr. Coston: Excuse me, sir. Could you come back to some questions from the commissioners?

Mr. Plumlee: Mr. Harcourt, it may be in the materials that we have that I've not printed out for this hearing, and I'm just going to ask you to inform me with regards to the easement. Are you aware of any language that limited its scope to farm tractor use?

Mr. Harcourt: It did not. It did not.

Mr. Plumlee: It just simply says, ingress, egress. Is that fair?

Mr. Harcourt: In 1971, when it was agriculture and everything was agriculture at that time, I guess they didn't think of terminology. As far as the future and the assumption with the family, and speaking to the Tatum family and their ancestors, that that was used as a for a track for his tractor to go back there from time to time, and then he used Dawley Road and then further down the road to go to the land he farmed back there, which he stopped farming in around '91.

Mr. Plumlee: I appreciate your answer. I appreciate you coming in and explaining your position to us today. Thank you.

Mr. Harcourt: Thank you. Your call, Mr. Cromwell.

Mr. Cromwell: But you, you do say that there, that there is an 18-foot easement there that was established in 1970, 18-foot, with trees down it, which is about seventeen to seventeen and a half foot width. But the It was established in nineteen seventy, and it simply says ingress and egress.

Mr. Harcourt: Yes, it did. Yes, sir.

Mr. Coston: Thank you. Any more questions? Thank you, sir. You may be seated.

Clerk: Our final speaker is Benjamin Tatum III.

Mr. Tatum: Hey, I'm Bill.

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

Mr. Tatum: Benjamin Tatum III. The piece of property that we're discussing today was the house I grew up in. As far as the right-of-way egress, it never was used as farm entrance way. It was an area for my mother to park her school bus. She drove for the city of Virginia Beach for forty-

seven years. It was a place for her to park her school bus. About the same time that piece of land was granted, my father also purchased a little bit more land behind it that the egress did not cross.

Originally on the farm, my grandfather's house sat next door. You went in the driveway, you turned right, and you went back to the horse barn and the hay barn. You crossed over a canal ditch. The canal ditch was the end of the resident houses' property lines. The only access ever used to that piece of property out back was across my granddad's driveway, back to a piece of property where my mother's house sits at this time. And in the '70s, all of that was woods. I was with my grandfather, my dad. We cut all the trees down. We stumped it. We turned it into field. And it's never been used as a road, access to the back field. It was just a place for my mother to park her school bus.

You had to cross my granddad's property to get to the field to do what you needed to do. The piece on Dawley Road at that time was the Malbin's Hog Farm. Occasionally, we would use that piece if it was really wet, muddy, rainy, or something. But over here, where the people on Gum Bridge bought my old family home, it's never used to access the field. It was just a place for my mother to park her bus. That's about all I have to say about it.

Mr. Coston: Any questions for the speaker? Commissioner Plumlee?

Mr. Plumlee: Sir, tell me—I Ms. ed what you said. What parcel did you own, or you currently own?

Mr. Tatum: My parents owned the piece. That was the house I grew up in. Is where this gentleman owns, and I don't know him from Adam. The house has been sold several times, and as far as my parents were concerned, when they sold it, it was just sold as a lot for the house.

Mr. Plumlee: Okay.

Mr. Tatum: And it was no egress across it. If it was, it was an egress for my mother to park her bus, and, like I said. They have filled in a ditch behind that house, and there had been more land added to it. So there is a blank piece of property behind it, that has no egress to it.

Mr. Plumlee: But your interest is no longer in that parcel. Is that fair?

Mr. Tatum: No, we're not. We're on the piece to the right behind Ms. Ward's house.

Mr. Plumlee: Okay, thank you.

Mr. Tatum: Which is the old farm path that went to the field.

Mr. Plumlee: I see. Thank you.

Mr. Coston: Okay. We ready for discussion, or anybody want to make a motion? Oh, rebuttal. That's right.

Mr. Peeples: Thank you. Appreciate it. I just have a quick rebuttal. First, for the comments made by Mr. Harcourt, I just want to reiterate what he said, which is he does not actually own the

parcel, the southern part of the access way. He's speaking to some, in some regard, I guess, on behalf of Ms. Ward, who does own the easement. I don't believe he has standing to do that, to speak for another person. Furthermore. The venue, if he wants to challenge the easement, or if anyone wants to challenge the easement again, isn't here in the planning commission ion, But it's in the circuit court. Mr. Plumlee asked a question that I was going to hit before, so I'll reiterate it again. Although people might testify as to how they think the easement should be used and how it's been used, whether it's to park a school bus or for tractors, that is not what is in the deeds.

Okay, the deeds have an 18-foot ingress egress easement to this parcel, and it's not limited to farm use or anything like that. And again, if they want to challenge overburdening of easement, this is not the venue for that. The suggestion was made by Mr. Harcourt that perhaps our clients could just have an easement across, I'll say, the Pink property, you know, from Dawley Road across the Pink property into the Green property. That is not realistic at the current time. My clients do own both of those parcels, but they are thinking about selling it. And it's not realistic to burden a property with an easement that's not required, because there's already another easement which comes directly off Gum Bridge Road. We're not aware. I heard Mr. Harcourt mention a common law doctrine about joint tree ownership. I'm not aware of that. I work in the environmental law and property law field.

If that's a common law doctrine, then I can't say for sure that it isn't. But I certainly have never heard of anything like that. I want to point out, too, that there's one row of trees, and it's growing only on the left side of the easement. As you look down the easement between the houses, and it's right on the property line. It most, maybe it's a half foot onto the 18 foot easement. We don't think it blocks anything, but again, if it does, then that's not proper because you can't block an easement. Drainage was mentioned. That's the first time I've heard about that.

Of course, everybody knows that prior to any house being permitted or any development being permitted, of my client's lot, there would have to be an erosion and sediment control plan, and all kinds of plans that will address any easement. I mean, I'm sorry, any drainage concerns. So, we don't believe that's a valid concerns. And again, I'm confused about this, this argument that there's septic lines. We've talked to the TO Develop, to the person who installed the septic lines, who has told us they aren't there. But if they are there, they have to be removed, and it has nothing to do with whether or not these lots should be combined into one lot, and subject to your questions, that concludes my rebuttal.

Mr. Coston: Do we have any questions, Commissioner Cromwell?

Mr. Cromwell: Has the land been surveyed recently? Was a survey necessary, like for the installation of the septic field?

Mr. Peoples: Surveyed in June of this year, I believe, and that survey has been given to the city staff. And that is the survey that that we've used as part of this application. It's by Mr. Fox. I want to say it's June of 2026.

Mr. Mauch: February. On the survey we have here, it's February 27 of 2026.

Mr. Peeples: But if you look, there's actually a revision date on it. It's really hard to see, but I think it says June 26. But in any event, it's very recent.

Mr. Cromwell: And it shows ingress and egress.

Mr. Peeples: It does, clearly. Well, I'm trying to find the survey right now. Okay, yes, eighteen. It's part of the packet. Ingress, egress, easement.

Mr. Cromwell: Right. Thank you.

Mr. Peeples: And again, we just reiterate that we ask this to be recommended for approval with the elimination of condition number five, and for the reasons that I think have been made evident by the other speakers here today. Thank you.

Mr. Coston: Any other questions for the applicant before he leaves? Ready for discussion or vote?

Mr. Harcourt: Any speaking rebuttal to the statement?

Mr. Coston: No, sir. Out of order.

Mr. Plumlee: I'll make a motion to approve.

Ms. Schoonover: Second.

Mr. Plumlee: We are not a body to resolve private land disputes. We do have what appears to be a lawfully stamped survey. I noted the surveyor stamped it just four days before he lost his license or renewed it. I imagine, but. The reason we? We do have this ingress egress, which does burden the opponent's property, as it stated, it is not limited as ingress egress, And therefore, I think it's appropriate if there is some lawful reason that's not been presented to us. I would say this does not prevent challenges in court if there are legal rights that are being impinged through this process. So, with that being said, I move to approve it.

Ms. Schoonover: Second.

Mr. Coston: It has been moved by Commissioner Plumlee and seconded by commissioner Schoonover that this item be approved. Are there any abstentions?

Ms. Alcock: Just for clarification, does that motion include the removal of condition number 5ive?

Mr. Plumlee: Yes, the removal. We're not going to get an agreement. Thank you for clarifying.

Mr. Coston: Thank you.

Clerk: By a recorded vote of 9 to 0, with one abstention from Vice Chair Byler, Item 1, James M. Masters and Mary L. Osterhous has been recommended for approval as modified.

Vote Tally

Commission Member	AYE 9	NAY 0	ABS 1	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 lots shall be developed in substantial conformance with the conceptual subdivision plan entitled "Subdivision Exhibit of 18' Strip Parcel 'X' & 9.76 Acre Parcel" dated June 27, 2026, and prepared by Fox Land Surveying, 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. When redeveloped, a maximum of one (1) dwelling unit shall be permitted on each lot. The architectural design of any new dwelling shall be subject to the review and approval of the Planning Director.

3. Approval from the Virginia Beach Department of Public Health shall be required for development on each lot.

4. A final subdivision plat shall be submitted to the Department of Planning/Development Services Center for review, approval and recordation for the lots being created. The final plat must be prepared in accordance with Section 6.3 of the Subdivision Regulations.

5. A new ingress/egress easement with shared maintenance agreement must be recorded with the final subdivision plat.

6. Fire Department access shall be provided in accordance with applicable Fire Code requirements. Fire apparatus access shall be located within 300 feet of all portions of any proposed building. All access drives shall be constructed of all-weather materials and designed to support a minimum fire apparatus loading capacity of 82,000 pounds.

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

including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

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

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #2 & 3 David B. Turton Revocable Trust
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next items are Items 2 and 3, David B. Turton Revocable Trust.

Mr. Sweeney: Good afternoon, members of the Planning Commission, Mr. Chairman, Assistant Chair, Byler. I'm attorney Mike Sweeney. My business address is 1105 Madison Plaza, Suite 120, Chesapeake. I'm now proud to say that I live and reside here in the city of Virginia Beach, and I'm very proud to present this application for Mr. and Mrs. David and Kathy Turton. And if I may, I'd like to introduce them to the Planning Commission. They're sitting in the very front row. And if you would just raise your hands, that's Dr. and Mrs. Turton. What is being requested today?

We are requesting an application for a conditional rezoning from AG-1 and AG-2 to R-15. We're also requesting a subdivision variance to comply with R-15. I'd also like to introduce our team. Bob Kellam is here. Bob, would you raise your hand as well? This project has been going on for quite some time. I'd like to say that Mr. and Mrs. Turton first reached out to the planning Department, and they had numerous meetings. They purchased this property. This property is located at 2512 Seaboard Road in the transition area of the city of Virginia Beach. It consists of a 3.85 acre parcel. They desire to subdivide this parcel into three lots. Their dream is to have three lot subdivision so that they can build a home on the property as well as their two sons.

Okay, why is it appropriate and how does it fit into the community? It is in the transition zone. And I know that each and every one of you have read the proffers, And according to the proffers, they desire to proffer that they will comply with the design guidelines of the transition zone. They also have agreed and proffered the one-foot no ingress egress along Seaboard Road. This property is located on a vacant parcel of land next to Princess Anne Elementary and across the street from the middle school. To the south, there's a vacant parcel. To the west, another vacant parcel. Let me grab the proffers if I may.

And, first of all, they are in agreement of proffering the site plan or conceptual plan that Mr. Kellum has prepared. And is that on the screen? Yes, it is. Okay. As you can see from the site plan, there'll be a private driveway from Seaboard Road, and that driveway will be along the northern section of the property and connect to Seaboard. The first lot will be lot one, and as you can tell from the site plan, that the homes will be oriented towards the private driveway. You will also see that at the very front of the property, along Seaboard Road, they are proffering a 50 foot vegetative easement, and I think, as Ms. Coleman mentioned at the pre meeting.

They're willing to keep it in a very natural state, but remove the underbrush and make it something very nice to look at. They're also proffering a 12-foot multi-use path, shared pathway. I mentioned the one-foot no ingress, egress. I mentioned the driveway that will connect to all of the homes. They're also willing and able to proffer that they will make sure that the driveway meets or exceeds

what the Fire Department is asking with regard to access for fire prevention. One of the things that I'd like to mention is the transition zone, and in the transition zone there is a goal, or in the comprehensive plan, I should say, and that goal is to support design of properties which would provide natural, quiet, and safe settings for single-family homes in the transition zone. Mr. and Mrs. Turton desire to be good neighbors to everyone in this seaboard area, and they desire to comply with the design standards for the transition zone.

I might mention that at the last meeting, we had 100% recommendation at the Transition Zone area meeting, which was three or four weeks ago. Today, they're asking for your support in regard to their application for conditional zoning from A1, A2 to R-15. They're asking for your support with regard to the subdivision variance, and I would just add and state that. This will be a project that the city of Virginia Beach can be proud of. Mr. and Mrs. Turton desire to build a home that conforms with the design guidelines for the transition zone. In closing, I'd like to thank Tori Eisenberg for helping us with the proffers. I'd like to thank Marsha Coleman. It's been great working with her, Alexis Bailey, as well as the planning department. And I thank each and every one of you. Thank you.

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

Clerk: We have one speaker, Vernon Dortch.

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

Mr. Dortch: Good afternoon. My name is Vernon Dortch. I'm not an attorney. I can't present a legal argument to you, but I am a property owner in Seaboard Forest, which is the subdivision that backs up to this parcel of property that is requesting a zoning change. I purchased my property, lot number nine in Seaboard Forest, back in 2002, And one of the factors that went into my decision to purchase the property, and also, I know, went into the decision of my neighbors, was that the property behind us was zoned agricultural, and that it was not going to be built on. I was told that the only way that that property would be built on was if it was an expansion of the Princess Anne Elementary School.

Other than that, the property would never be built on. Apparently, that was not true. Another concern that I have is that the subdivision that I live in, Seaboard Forest, has only one road access in and out. We do have a drainage problem at the intersection of Seaboard Road and Live Oak Trail, which is the street that goes in and out of the subdivision. When there's heavy rain, we have a lake down there, And there's been many times when I could not get a vehicle in or out of that street until the water recedes. And by putting more asphalt and more concrete in the area, it's just going to compound the problem. It's going to be worse.

My other point is that by changing, by changing the zoning from AG-1, AG-2 to R-15 on this parcel, there are also adjoining parcels right behind it to the east. I believe it is, which would be directly behind my home. I believe that if they allowed that zoning to be changed, it's going to set a precedent for those other parcels to be changed somewhere down the road, and I'm sure that that will happen. Because I saw surveyors behind my house two or three weeks ago, and I asked them, you know, what, what, why? They were surveying the area, and they said that they weren't allowed to tell me, but I'm sure that if that, the zoning gets changed on this parcel, that it will get changed

on those parcels as well. So that—that's my argument. Like I said, when I, when I purchased the house, that was a major consideration for me. That there wasn't going to be anything built behind us. And now that's in question here. That's all I have. Thank you for listening to me.

Mr. Coston: Just hold it for a second. Do we have any questions for the speaker?

Mr. Plumlee: Yes, Mr. Dortch. Thank you for bringing your concerns to us. So, your primary concern, as I understand it, is that the forested property closer to you and between you and this project would be developed further if we were to permit this.

Mr. Dortch: I think it would set a precedent to change the zoning, yes.

Mr. Plumlee: Okay, and, you mentioned drainage and traffic as your other concerns. We hear all of your concerns. I want to make sure we heard each and every one.

Mr. Dortch: I'm not really concerned about the traffic because it's just three homes, but the drainage is definitely a concern. Because the more concrete and asphalt that's put in the area, it's not going to be able to drain off into the wooded area the way it should be. So I think it's going to make the situation worse.

Mr. Plumlee: And you recently purchased your house, I take it, just from your comments, or no?

Mr. Dortch: 2002.

Mr. Coston: 2002. Okay. Thank you very much.

Mr. Dortch: Thank you.

Mr. Coston: Commissioner Schoonover. And I'll just check and see if they had any other questions. Then we're open for discussion or to entertain a vote. Yes, sir.

Mr. Sweeney: First of all, I'd like to assure the Planning Commission through our engineer, Mr. Kellum, and Mr. Kellum, could you come up, please? I don't mean to put people on the spot, but I do. Mr. Kellum, in terms of the stormwater runoff, will all storm water be contained within the site?

Mr. Kellum: It will be.

Mr. Coston: Please state your name, please, sir.

Mr. Kellam: We plan to develop the property. I'm sorry, Robert Kellam, President, Kellam Gerwitz Engineering. We plan to retain most of the water on site. We have not done soil testing as of yet, but this will be 1-acre-plus parcels with a single family home on it. Infiltration is probably the best solution for this property, so we will not be impacting any other properties.

Mr. Coston: Thank you.

Mr. Kellum: Does that answer?

Ms. Schoonover: Yes.

Mr. Sweeney: Okay. Thank you so much. One thing that I failed to mention earlier was public outreach. I wanted to let each and every one of you know that I sent letters to the adjoining property owners and did not receive any responses from any of the property owners. I also want to point out one other thing, and that is in the report, the report states low impact on traffic, low impact on schools, low impact on infrastructure. I know that Doctor and Mrs. Turton desire to be good neighbors, and I urge you to vote in favor of this application. Thank you.

Mr. Coston: Thank you. Discussion. Motion.

Ms. Schoonover: I move to approve the application.

Mr. Mauch: I'll second.

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

Clerk: The vote is open. Your vote, Commissioner Moorjani. Okay. By a recorded vote of 10 to 0, Items 2 and 3, David B. Turton Revocable Trust, has been recommended for approval.

Vote Tally

Commission Member	AYE 10	NAY 0	ABS 1	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			

Proffers

Proffer 1

When developed, the improvements on the Property shall be developed in substantial conformity with the conceptual site plan entitled, “Concept Development Plan for 2512 Seaboard Road for David B. Turton Revocable Trust, Virginia Beach, Virginia,” dated March 4, 2026 prepared by Kellam Gerwitz (the “Concept Plan”), a copy of which has been exhibit to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and which is incorporated by reference herein.

Proffer 2

The Property shall consist of no more than three (3) lots and the homes to be constructed at the Property will consist of a minimum of 2,500 square feet.

Proffer 3
The homes to be constructed at the Property shall be constructed in conformance with the Transition Area Design Guidelines and the materials used for construction of the homes at the Property shall be in conformance with the Transition Area Design Guidelines.

Proffer 4
The Property shall be served in substantial conformity with a variable width access easement for a driveway as shown on the Concept Plan on file with the City of Virginia Beach, Virginia.

Proffer 5
Lot 1 shall be served in substantial conformity with a 50' vegetative buffer along Seaboard Road as shown on the Concept Plan on file with the City of Virginia Beach, Virginia.

Proffer 6
Lot 1 shall be served in substantial conformity with a 12' shared use path along Seaboard Road as shown on the Concept Plan on file with the City of Virginia Beach, Virginia.

Proffer 7
Lot 1 shall be served in substantial conformity with a 1' no ingress/egress along Seaboard Road as shown on the Concept Plan on file with the City of Virginia Beach, Virginia.

Proffer 8
The deed restrictions and proffers as stated herein shall run with the land for the benefit of Grantor, Grantee and future owners of the Property.

Conditions

1. The lots shall be developed in substantial conformance with the conceptual subdivision plan entitled “Concept Development Plan for 2512 Seaboard Road for David B. Turton Revocable Trust, Virginia Beach, Virginia,” dated March 4, 2026, prepared by Kellam Gerwitz, 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. A final subdivision plat for the proposed lots shall be submitted for review, approval, and recordation in accordance with the requirements of the City of Virginia Beach Subdivision Regulations.
3. Prior to recordation of the final subdivision plat, a legal document establishing a private cross-access reciprocal easement between the proposed lots shall be recorded. The document shall also include provisions for a shared maintenance agreement.

4. A one-foot no-ingress/egress easement shall be established along the Seaboard Road frontage to limit access to a single shared driveway and to prevent the establishment of additional access points in the future.

5. Fire Department access shall be provided in accordance with applicable Fire Code requirements. Fire apparatus access shall be located within 300 feet of all portions of any proposed building. All access drives shall be constructed of all-weather materials and designed to support a minimum fire apparatus loading capacity of 82,000 pounds.

6. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #4 Ashley & Stephen Donnini
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on our agenda is Item 4, and that is the application by Ashley and Stephen Donnini. Is there anyone here on behalf of this application? Please come up, sir, and state your name for the record.

Mr. Harris: Chairman Coston, members of the Commission, Jerry Harris with Hanger Law, Virginia Beach, as the representative for the applicant. We've reviewed the staff report, and my clients are prepared to consent to the conditions. I thank you for being on the consent agenda today.

Ms. Byler: Thank you, sir. If you would have a seat and stay, in case there are any questions. Is there any opposition to this item being placed on the consent agenda? Hearing none, I've asked Commissioner Schoonover to read it into the record.

Ms. Schoonover: The applicants, Ashley and Steven Donnini, are requesting a street closure at 624 Surfside Avenue. This is a reasonable request and has been placed on the consent agenda.

Ms. Byler: Thank you.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda, three records of minutes, and Items number 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19. I make a motion that these matters be added.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Vice Chair Byler and seconded by Commissioner Cuellar. Is there anybody abstaining from this vote?

Mr. Plumlee: I'm abstaining from the single item of the minutes from the visit. The visits always happen before I am able to conduct my conflicts check, and therefore I do not attend them until I understand whether there's a conflict. Thank you.

Mr. Coston: Madam Clerk. Could you please open the vote?

Clerk: The vote is open. Commissioner Moorjani your vote. By a recorded vote of 10 to 0, with the aforementioned abstentions, all aforementioned minutes and Items 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19 have been recommended for approval by consent.

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

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			

Conditions

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

2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lots. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval. Said plat shall include the dedication of a 7.5-foot public drainage easement over the closed portion of the alley to the City of Virginia Beach, subject to the approval of the Department of Public Works, and the City Attorney's Office, which easement shall include a right of reasonable ingress and egress.
3. The applicant shall verify that no private utilities exist within the right-of-way proposed for the closures. If private utilities do exist, easements satisfactory to the utility company, must be provided and shall be recorded after the final resubdivision plat is recorded with the Clerk of Circuit Court.

4. The existing shed along the southern property line shall be removed from the site unless a variance is granted by the Board of Zoning Appeals.

5. The existing gazebo shall be removed prior to final street closure approval.

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

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

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

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

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #5 Jeffrey & Angela Foster & James P. Baker and Patricia O. Baker Revocable Living Trust
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is Item 5, and that is an application by Jeffrey and Angela Foster, James P. Baker and Patricia O. Baker Revocable Living Trust. Is there anyone here on behalf of that application?

Mr. Bourdon: Thank you, Madam Vice Chair, Chairman Coston, honorable members of the Commission, for the record, Eddie Bourdon, Virginia Beach Attorney, representing Mr. and Mrs. Foster, as well as the Baker Trust, appreciate Ariana's work on this application. All 4 conditions, as recommended in the staff report, are acceptable, and appreciate being on the consent agenda. Thank you.

Ms. Byler: Thank you, Attorney Bourdon. You may be seated. Is there anyone here in opposition to this matter being placed on the consent agenda? Hearing none, I have asked Commissioner Schoonover to read it into the record.

Ms. Schoonover: The applicants and property owners Jeffrey and Angela Foster and James Baker and Patricia O. Baker Revocable Living Trust at the adjacent address of 512 Vanderbilt Avenue and 613 South Atlantic Avenue are requesting a street closure. This is a written request and has been placed on the consent agenda. Kathryn, did we, did we catch two and three? There was just some confusion.

Ms. Byler: That's I'm sorry. That's been moved to the hearing.

Ms. Schoonover: Okay, just checking. Thank you. We've worked. That's why we're confused on here.

Ms. Byler: Yes, someone signed up to speak on that.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda, three records of minutes, and Items number 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19. I make a motion that these matters be added.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Vice Chair Byler and seconded by Commissioner Cuellar. Is there anybody abstaining from this vote?

Mr. Plumlee: I'm abstaining from the single item of the minutes from the visit. The visits always happen before I am able to conduct my conflicts check, and therefore I do not attend them until I understand whether there's a conflict. Thank you.

Mr. Coston: Madam Clerk. Could you please open the vote?

Clerk: The vote is open. Commissioner Moorjani your vote. By a recorded vote of 10 to 0, with the aforementioned abstentions, all aforementioned minutes and Items 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19 have been recommended for approval by consent.

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

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			

Conditions

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

2. The applicants shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lots. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval. Said plat shall include the dedication of a public drainage easement over the closed portion of the alley to the City of

Virginia Beach, subject to the approval of the Department of Public Works, and the City Attorney's Office, which easement shall include a right of reasonable ingress and egress.

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

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

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

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

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #6 Pitsilides Land Trust
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is Item 6, and that is Pitsilides Land Trust. Welcome back, Mr. Bourdon.

Mr. Bourdon: Good, good to be back again. Eddie Bourdon, Virginia Beach attorney, representing the Pitsilides Land Trust. I thank Alexis for her work on the application. The four conditions, as recommended in your staff report, are acceptable to my clients, and appreciate being on the consent agenda.

Ms. Byler: Thank you. You may be seated. Is there anyone here in opposition to this matter being placed on the consent agenda? Hearing none, I have asked Commissioner Plumlee to read it into the record.

Mr. Plumlee: Thank you. This is a request by Pitsilides Land Trust for street closure at 1945 Laskin Road, the street closure is for 2,679 square feet. It was viewed by city staff. It does not appear to interfere with any public use. Therefore, it's been recommended for the consent agenda.

Ms. Byler: Thank you, Commissioner Plumlee.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda, three records of minutes, and Items number 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19. I make a motion that these matters be added.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Vice Chair Byler and seconded by Commissioner Cuellar. Is there anybody abstaining from this vote?

Mr. Plumlee: I'm abstaining from the single item of the minutes from the visit. The visits always happen before I am able to conduct my conflicts check, and therefore I do not attend them until I understand whether there's a conflict. Thank you.

Mr. Coston: Madam Clerk. Could you please open the vote?

Clerk: The vote is open. Commissioner Moorjani your vote. By a recorded vote of 10 to 0, with the aforementioned abstentions, all aforementioned minutes and Items 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19 have been recommended for approval by consent.

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

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			

Conditions

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

2. The applicant, or the applicant's successors and assigns, shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lot. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval.

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

4. Closure of the right-of-way shall be contingent upon compliance with the above-stated conditions within 730 days of approval by City Council. If the conditions noted above are not

accomplished and the final plat is not approved for recordation within two years of the City Council vote to close the right-of-way this approval shall be considered null and void.

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

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

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #7 Tidewater Structures LLC
Recommendation: RECOMMENDED FOR 30-DAY DEFERRAL

Discussion

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

Mr. Plumlee: Mr. Chair, I believe Item 7. There's a request for a 30-day deferral for this item. I would move to grant that deferral request by the applicant for 30 days.

Mr. Coston: Does anyone have any objection to this item being deferred? Do I have a motion? It's been moved by Commissioner Hippen that this item be deferred. Has been seconded by Commissioner Mauch.

Clerk: The vote is open.

Mr. Coston: Thank you.

Clerk: By a recorded vote of 10 to 0, Item 7 has been recommended for 30-day deferral.

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			

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #8 & 9 Prime Storage Bells Ridge, LLC
Recommendation: RECOMMENDED FOR DENIAL
Discussion

Mr. Plumlee: Mr. Chair, I apologize for interrupting again, but I received a request from a local community leader whose mother-in-law passed away last night and has an emergency. They intended to come and address Items 8 and 9. I'm therefore going to recommend this item for deferral. Is there anyone here that came to discuss Items 8 and 9, which is Prime Storage, Bells Ridge Road? Okay. Is there any objection? I don't know if you want to ask them if they have an objection to a deferral of this item.

Mr. Coston: I don't think he could make that assumption.

Mr. Plumlee: Yeah, we should probably go ahead and proceed with the hearing. We've got that many speakers. Thank you. I'll wait until the hearing. Thank you.

(The following dialogue reflects the discussion to for agenda items 8 & 9, Prime Storage Bells Ridge, LLC, which may not have directly followed the above discussion in this document)

Clerk: Our next items are Items 8 and 9. Prime Storage, Bells Ridge, LLC.

Mr. Morales: Hello, Commission. My name is Kelvin Morales. I'm from AES Consulting Engineers. I'm the representative for Prime Storage, Bells Ridge, LLC. My application is asking for a conditional use permit to allow a bulk storage yard and a modification of proffers to allow for vehicle storage on that yard. I think there's a miscommunication with this application of bulk storage yard. That is what the city classifies this as. What it is a 68 space parking lot for commercial and recreational vehicles. These are per our client. Our operation hours are 7 to 7, Monday through Sunday. They are going to be key locked, and it's a self-sufficient site. They will be given a key code. They will come in. They will drop off their vehicle and they will leave. That is what we have done. We've, we've been asked to do here.

We have had some opposition, and I've been able to review that opposition. A lot of their comments seem to be interpreted as. We're going to be a bulk storage yard, as in we're going to hold materials on site. That is not what they are proposing for this site. They, they do not want to have commercial, large commercial vehicles. This is really for recreational boats, for RVs, things of that nature. We had some opposition from, I believe, 1053 Olds Road and 1049 Olds Road, which they. Had some questions about the drainage pattern on site. They expressed that there is a lot of flooding that happens on Olds Road and probably their backyard area. With this application, we should be improving that condition.

We are providing, we're going to provide stormwater per the state and local regulations for the site. And about half of the site currently drains to the back and. We are taking every from the building, from all the buildings forward to Bells Road rather than Olds Road, so the drainage

condition should be approved or improved from that. Additionally, we are providing landscaping along the back. There is an existing drainage easement there. That easement is meant to, we believe, is meant to take our what used to be a part a parcel. That was adjoining this one, to the Olds Road. There's a catch basin at the back end of 1049 Olds Road, Olds Lane, and that is what we believe.

That easement was to take that front parcel, which is currently a commercial lot, and take it to that that inlet. That commercial lot has taken, has done their own stormwater and has taken everything to the front of their site. So the easement is no longer needed. We're asking to they to vacate that easement and to provide a 5-foot easement for the drainage ditch that appears to be behind some of the residential homes there. And then we would like to extend a 30-foot landscape easement from that 5-foot easement. Allowing thirty-five feet. That landscaping should also assist with the drainage pattern, as the trees would assist in providing somewhere for the water to go. Additionally, we had some questions about the homes and some solar issues. They read the plan and saw that there was a thirty-5-foot allowed building height.

That is not what we are proposing. We are proposing. I believe the canopy piece would be 22 feet 10 inches. From that is about the same as a 2-story building. Their solar is on the second story of their house. I do not see there being any, any cause for that for them to be concerned that their solar would be blocked in any way.

The trees in the neighboring areas would probably be more likely to do that than the building itself. They're also. Was some pushback about saving some of the trees along the north east portion of the property. Our client is more than welcome, is more than willing to save those trees and to add additional buffer to that area. It would be this bottom portion to the to the right. Overall, we. Are looking for. We are okay with the conditions as provided to us by the city staff, and we are looking to hopefully develop a site plan that will help with the area and the drainage. We also worked very closely with the staff to make sure that we meet as much of the Seatack requirements. When it comes to the way, the fencing -- the look of the fencing and everything for the site. We're going to propose composite fencing, board on board, and everything will be gated and 7-foot tall fences.

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

Clerk: We have four speakers. Our first speaker is Scott Sonnier, followed by Robert Wilson.

Mr. Sonnier: Okay. Good afternoon. My name is Scott Sonnier, and thank you for the opportunity to speak on this issue. Myself and my extended family, my mother, live at 1049 Olds Lane, 1053 Olds Lane, And that would be at the north and northeast corner of their lot, basically. So I border the northeast, or, I'm sorry, the east side. Mom borders the north side. We are opposed to the request for the conditional use permit and the modifications to the proffers. This is my fourth time in a public setting doing this. The first time in 2016, when the Planning Commission denied the application, and then in 2017 the City Council approved it, and we had a formal meeting or an informal meeting with the Seatack Civic League, where the Planning Commission and the applicants were there as well.

So at the this proposed pre or re-proffering to now allowed for bulk, bulk storage and or commercial vehicles for RVs, boats, bulk materials. I understand what he's saying, but if it's not

in writing, it wasn't said, right? So it wasn't in writing -- would alter the existing plan, which was approved with the Proffers in 2017. As you are aware, the original rezoning of the land was not approved, and then was subsequently overturned by the City council, and it was approved. And so, according to the, as you're aware, the Comprehensive Plan 2040 approved in April of 2026. The Seatack community has been now designated as Seatack Historical District, And in there, there's a lot of recommendations for abutting type structures. New development should respect the historic settlement of this area and should be compatible with the neighborhood.

A careful mix of compatible land uses should encourage, as new land uses are proposed, so as to contribute to the day-to-day life of the community residents. Use is incompatible with existing residential should be discouraged to minimize the impact of adjacent residential neighborhoods. Building and design should be visually interesting, encourage greater social interaction, and provide memorable character. All new development should be designed such that site drainage and stormwater does not negatively impact adjacent properties. The proffers that are in question, I believe, are proffer number one and two, which addresses the accepted structure elevations to be followed. Currently, these Mr. Bourdon, the other attorney from earlier, he was the attorney involved in the original, and these are the original elevations for what is currently acceptable.

So, Mr. Bourdon and I, we talked a lot, and he said, "Hey, it's going to happen. Is this acceptable?" And we said, "Yes. You know, if it's got to happen, the least amount, let's mitigate those impacts." I'll get to further to those later on. Propers at this time, access with the current propers at this time, the access, parking setbacks, and building locations were noted in the various exhibits. The applicant is now proposing bulk storage, commercial parking lot. The original buildings had a back side with no entrance or egress, and they were set at thirteen and a half feet high. Now we're looking at so that would block what was happening on the property. Now, now, we're proposing. It says up to thirty-five feet. He's proposing twenty-two feet. I can tell you, a 2-story house. I just measured it today 25 feet. So basically, the roof is as high as the house. And so you're gonna. That's all you're gonna see out the back doors of, ten fifty, ten fifty three, and ten fifty seven Olds Lane. Those are both two stories.

Proffer number four. Addresses, access times. Currently, the proper says 7 to 9 p.m. On weekdays, 8 to 8 on weekends, And so that was a big concern for the property owners as far as unencumbered family time, right? So basically, if you think of the winter, there's no unencumbered family time during daylight hours. Even in the winter, if they're proposing 6 a.m. To 10 p.m., So what if a guy comes in with a boat at 11 o'clock after striper fishing in the winter? He's going to want to put his boat away, Or if a an RV comes in, and RVs are typically what thirteen feet high, boats can be that high or higher, depending on the superstructure they have. So we're still at no encumbered time without the possibility of people being in our business. Proffer number six addresses lighting and overspill, with roofing up to 35 feet, 22 feet or 23, and the large footprints of these structures.

I think it would be naive to think that no light would come into to the neighboring, you know, houses and areas like that. And then, proffer number eight. When the property is developed, now this is the big one. I think because this is one that Mr. Bourdon and I really worked on. When the property is developed, the property shall be used only for the storage of goods. It shall not be used for office purposes, band rehearsals, residential dwellings, auto repair, or any purposes not consistent with the storage of goods. There shall be no exterior outside storage of motorized

vehicles on this property. And so that that was in accordance to help with the Civic League and help with the Seatack community, and now we're looking at 68 possible spots for this. I think that's kind of unacceptable.

Mr. Coston: Excuse me, sir. Your time is expired. If you got anything to close,

Mr. Sonnier: Seven seconds.

Mr. Coston: Okay.

Mr. Sonnier: Yeah.

Mr. Plumlee: Mr. Chair, I do have a question. If that was a good time? Okay. Was it, Mr. Sonnier? Did I have your name, right?

Mr. Sonnier: Sonnier. Yes.

Mr. Plumlee: Okay. I had said earlier in that hearing that there was a community leader from Seatack that's not able to attend, and they intended to come here and speak in opposition. At the informal, I suggested that we defer this 30 days to allow them the opportunity to appear because they had a family emergency last night. Is that something you would object to? I know you've been here a number of times, and you've, you've put in the record now your objections. But I just want to understand. You know, I'm being asked for that. I didn't know if that's something that you would object to.

Mr. Sonnier: Sure. I mean, I think that's probably the best way to go. I, you know, I would certainly like for it to be decided today. But I understand the power of the Civic league, and unfortunately, Mr. Menz has since passed, and he was our chairperson of the Civic League or president. And Mr. Mr. Jackson, He, I don't know if he's still with us, but they were very vocal on this issue.

Mr. Plumlee: Well, I think, and I asked that question only as a matter of convenience. Now to let you know that, I mean, it's. It would be my preference that this community leader be permitted to come and speak their piece, and that we not have a vote. And on the merits of the case until that time. It also may provide an opportunity for the applicant to reach out and see if there's more that can be done with this application. There may not be anything that's. That's attractive to you all, and I understand that entirely. And I'm not suggesting there would be, but I have that sense that it should be. We should afford them that opportunity to come and be heard.

Mr. Sonnier: Right. Yeah, and I agree. I think we -- my big question would be: we? We've already battled this issue. Why are we battling it again? This, this has already been discussed and done, and here we are back again.

Mr. Plumlee: As I've always learned, land goes nowhere. It's right there.

Mr. Sonnier: That's it.

Mr. Plumlee: It's there to greet us the next day. So, but I appreciate very much your patience for that. I don't know if the other speakers are here with you or they're separate, with separate groups. But we'll hear them all today if they want to be heard today.

Mr. Sonnier: Right on. Thank you so much.

Mr. Plumlee: Thank you.

Ms. Schoonover: Could I ask a quick question before you go?

Mr. Sonnier: Absolutely.

Ms. Schoonover: If the project is in fact, as the applicant has described, where it's just RVs, people are probably not in and out too much. And if it's as described, when we were at the site visit, because I asked about noise and light and things like that, if it really isn't that active and it's not causing any kind of obstruction in terms of light and so forth, would you object to it then?

Mr. Sonnier: Absolutely. Yeah, I think, and there's more issues aesthetically. It, it doesn't meet with what's currently there. Not, not that storage units would, but I think they're less invasive. And then if you just think of vehicles being on site, let's say they get all the vehicles on site, 68 RVs, boats, whatever, tractor, trailer. What's the average gas that's going to be in that? Twenty, thirty gallons times 68. That's eighteen hundred gallons. What happens if a fire happens? Right, that spreads. It'll be like the boatel over off, Great Neck and. You know, a fire of that extent—not that the fire Department couldn't put it out—but there's issues there. What about people working on their vehicles? And that's why that was one of the things that, when we first came up with this, that no vehicles, no bans, is because when you work on vehicles, of course, you got—you might have waste there or something of that nature. You're gonna. People are going to be out there all the time for, and with the community, that's going to be in the business of the community all the time.

Ms. Schoonover: Are you aware that they're not supposed to do that? It's not allowed with this project. You're just, you're just thinking, it's going to happen anyway.

Mr. Sonnier: Absolutely. You know, human nature. Yeah, not supposed to do it. Not supposed to speed, but we all do it.

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

Mr. Sonnier: Thank you.

Clerk: Our next speaker is Robert Wilson, followed by Brian Keel.

Mr. Wilson: Good afternoon, Commissioners.

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

Mr. Wilson: I'm sorry. My name is Robert Wilson. I'm a resident at 1056 Bells Road on the east side of the applicant's property. So first, I just want to say that. I listened to the hearing this

morning and I heard Commissioner Plumlee's point about deferring to allow the Seatack Civic League to state their case. I think that's a good idea. Of course, Historic Seatack got designated as a national Historic community in 2023, and, you know, in line with the city's planning and the historic preservation documents that the city has, I think it's important that we hear from the civic leaders. We made multiple attempts to reach out, but apparently there's, there's family issues. So I'd be in favor of a deferral. I think I want to echo first some.

Important points in addition to the historic district, not just the landscaping components, but that allowing this use, this type of use for this piece of land, does set a precedent for the continuing industrialization of historic area land, which can be a problem. Additionally, Commissioner Schoonover, one thing that you asked was, okay, if the applicant met the terms as they were, would the adjacent landowners be still in opposition, and I think that's yes for most of us, if not all, to the points that Mr. Sonnier's already delivered. But also that RV storage, you know, you think RV is essentially a mobile home. Bells Road is pretty widely known in law enforcement second precinct as an area that attracts homeless encampments.

We've had residential and business problems with crime that includes attempted entry of homes, attempted assaults, entry into businesses. What's to stop any illegal action from taking place on that land? And I know what's not supposed to happen, but of course, policing happens after the fact. If this storage unit or this storage facility has recreational vehicles on it. And it's key code only, and there's no persons who can police. What's to stop individuals who are motivated from going in there and causing crime. So that's another issue that's been raised among both residents and businesses. In addition to the points that have already been explained by Mr. Sonnier's and the historical area, because Bells Road, of course, is a border for historic Seatack.

Mr. Coston: Any questions, Mr. Speaker? Thank you, sir. You're very seated.

Clerk: Our next speaker is Brian Keel, followed by Tommy Gill.

Mr. Keel: Hi, my name is Brian Keel. I am a property association officer as well as an owner and tenant in the approximately 75,000-square-foot office condominium development, which includes four structural phases, comprising Bells Road Commerce Park, immediately to the east of the property under consideration. The proposed boat, trailer and RV parking lot would be adjacent to our 100% leased, majority owner occupied office Center that includes, amongst other businesses, a financial advisory services firm, a production, art studio and classroom, professional dietitian and clinical services, an ERP and CRM software advisory firm, distributors and light manufacturers of tactical gear, specialty foods, and tethered drones, as well as our largest owner tenant, which is the East Coast hub for a health and wellness facility designed for and catering to some of America's bravest combat warriors, both active duty and retired. I'm standing here for all of us concerned that the outdoor boat trailer and RV storage lot is not compatible with the professional office environment that currently exists adjacent to this lot. Our concerns are similar to those of our residential neighbors here today, and those of the greater historic Seatack community, whose voices on this matter are pretty well known and documented.

These concerns include, but are not limited to, the compatibility of the surrounding uses, the visual impacts, property values and investments, traffic and maneuvering, stormwater, environmental impact, noise, and hours of operations, which seem to vary from different proffers and statements

today. Security concerns, gentlemen, just before we spoke of, particularly the potential for such a development becoming a habitat for the nearby. Homeless and related property crimes that the city can't seem to get a handle on already in the Bells Road corridor. If the city fails to yield to some very reasonable historic objections to this site's development and those presented from speakers today, we respectfully request stronger proffers requiring substantially enhanced screening and landscaping, far more reasonable property line setbacks, security measures limits on operating hours, restrictions with enforceable penalties for any mechanical repair activities.

We ask the council to carefully consider whether the use is appropriate next to existing office condominiums, and whether it aligns with the long-term vision for the historic Seatack community keeping in mind, the lot currently acts as a nice buffer from our business park to the east and the existing residential housing to the west and directly to the north. I certainly yield to any follow-up questions. I just learned at the meeting today, I was entitled 10 minutes as a property owner representative of the association, but I will give up at three.

Mr. Coston: Commissioner Camp.

Mr. Camp: Yes, sir. Thank you for coming today. Can you tell us the hours of operation of your office park?

Mr. Keel: The offices in the Office park are typically business hours, so generally 8 to 6. I would say is the higher volume activity. There's certainly some early, you know, and late, but no, that's about it. I watched the session this morning as well, and I think you asked a question about the R-10 zoning just to the south of that lot. I think there's several here today that would say that lot is already residential. Certainly, some encampments there that would gladly move across the street, like was suggested today, in some of these vacant boats or motorhomes.

Mr. Camp: Is your office park, and I understand they're owner-tenants, primarily business week or weekend hours?

Mr. Keel: It is mostly business week, yes.

Mr. Camp: Okay. Thank you so much.

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

Clerk: Our final speaker is Tommy Gill.

Ms. Gill: Hello, my name is Tommy Gill. I'm here to oppose the proposed use of 1050 Bells Road as a vehicle storage yard. The project would run along the entire east boundary of my property. The East, it would be the top part. So all of the where you saw, all the trees that they propose and everything. I'm in the property on Bells Road, that's R10. There's one more property in front of me, but they're not here today. But before addressing the merits, I would like to also respectively request a deferral of the decision on this matter because the Seatack Civic League is unable to attend. Given the magnitude of the proposed change and its impact on the surrounding neighborhood, I believe the residents deserve to have their civic organization present and represented.

I also would like to address the applicant's proposed proffers, including fencing, landscaping, lighting, and other site controls. Those measures may reduce some impacts, but they do not change the fundamental intensity or character of the proposed use. Most importantly, this type of use was previously identified in the existing proffers as non-compatible. Those protections were put into place to protect the surrounding homes and to preserve the residential character of the area. So the question is, what has changed? The homes are still there. The residents are still here. Their investments are still here. And the need to protect the neighborhood from incompatible use has not disappeared. When we moved into this neighborhood, the property was zoned R10 and contained three homes.

We made our investment in our home based on the residential character of the land uses that existed there. The scale of this proposal is significant: 68 large vehicles on roughly 2 acres of pavement, buildings approximately 23 feet tall, approximately three quarters of an acre of roofing, and extensive pavement. A seven-foot fence does not change that scale. It cannot screen a 22-foot building. A newly planted landscaping cannot provide a mature visual buffer immediately. The proposed hour of operation were previously listed to us as 6 a.m. to 10 p.m.

When we received a letter, we're now hearing 7 a.m. to 7 p.m., But that still creates concern. That allows for vehicle movement, engines, alarms, stores, and other operational activity, beginning early in the morning and continuing into the evening. Immediately beside our established home, with no unencumbered time. Homes are located on two of the three sides of this property. This is not an isolated commercial site. Is directly adjacent to people's home, where they live, sleep, and invest their money.

There's also the environmental concerns of the paving, water, water movement, which has been addressed. It looks like also oil and other runoffs from the vehicles. There's concerns about with traffic circulation. Also, there at the beginning of the road, on Bells Road, there's a facility that has large trucks, and they don't really have any excess room to maneuver. They do block the road very often, trying to get into the building that they go to. No single one of these impacts tells the entire story. It's the cumulative effect of them all: the vehicles, the buildings, the paving, roofing, Extended operating hours, increased stormwater runoff, traffic noise, and large-scale commercial operation immediately in a residential area. This is a fundamental change to the character of the property. Ultimately, I ask that you deny the requested approval because this proposed use is incompatible with the surrounding historical residential neighborhood and undermines the protections previously established for the surrounding residents.

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

Mr. Gill: Thank you.

Mr. Coston: Commissioner Plumlee.

Mr. Plumlee: Yes, I'm going to move to defer this item. Now I know we haven't heard from the applicant rebuttal, but let me, since I'm proposing that defer, let me ask the applicant. If there would be any objection from the applicant to a deferral for 30 days,

Mr. Morales: I would object to that. I don't necessarily think it's necessary. When it comes to light, I heard there is concern about lighting. When it comes to the ordinance, the ordinance is

clear that we need to provide shields for all lighting. The lighting will not leave our site. All the lighting should be facing the pavement sections. Those would be the only places that would be lit. Up to probably a little bit of the landscape, but for the most part, everything needs to be shielded. Circulation—we're doing—we have gone one way in, one way out.

So they come in through this, this as you look at it, the southern portion, and they come out through the northern portion. Additionally, this is an I-1 zoning district, so it is for commercial use or warehouse use. So from what I know, warehouses can start as early as 5:00 in the morning. If this becomes some sort of warehouse building, they would still be hearing doors. They would still be hearing cars. It is something that happens, unfortunately. Security, similarly, we can do as much as we can on site to make sure that the site is secure. However, crime—if crime's going to happen, crime's going to happen. I don't necessarily think we can put as many security measures in. If someone's going to try to do something, someone can try to do it to the neighboring site. Someone can try to do it to the site at the corner. Those are two commercial sites.

I understand their concerns. We will do the best we can. I'm pretty sure my client is going to do the best he can. He, he owns the, or they own the portion, the prime storage that's on the opposite corner of Bells Road and South Bird Neck. They will do what they can security-wise. However, I don't necessarily think any measure can stop crime if someone's trying to do that.

Mr. Coston: Commissioner Camp.

Mr. Camp: Yes, sir. Would you please clarify, at this time, what your intended operating hours and days of the week are?

Mr. Morales: When I discuss this with the client last week, he had said and had wrote in writing in an email that it was 7 a.m. to 7 p.m. seven days a week, Monday through Sunday.

Mr. Camp: 7 to 7, seven.

Mr. Coston: Commissioner Plumlee.

Mr. Plumlee: Thank you, Chair. How many times have you met with Mr. Sonnier and the others that have come here today to discuss some of their concerns?

Mr. Morales: The attorney, Grady Palmer, has reached out to them. We did provide additional information to them to show them drainage patterns, to show them. We were willing to work on the trees that they wanted to keep, and discussed the height of the building in opposition to their solar. From what I know, as of yesterday, no one has reached out to him on those matters, and he has asked them that they can come in and meet with him at any time.

Mr. Plumlee: But, but you've not met with them.

Mr. Morales: I have not. But if Grady, if Grady Palmer were to come in, I would be there.

Mr. Coston: Commissioner Hippen.

Mr. Plumlee: I have a new motion that I would like to make.

Ms. Hippen: I have a question. You just had someone state that the letter that they received at their home said one set of work hours. You, said another. There is nothing in the package here that describes the hours or states the hours of the business.

Mr. Morales: I mean, that could be provided to you if, if needed. From what I got, in an email from the client on the September 4th, he states that with customer access generally anticipated between 7 a.m. and 7 p.m. Monday through Sunday.

Ms. Hippen: Okay, because I believe that should be a condition, regardless of when we vote on it now or 30 days.

Mr. Plumlee: I was going to modify my motion, but I don't know if Mr. Mauch needs to be asking another question he might have.

Mr. Mauch: Yeah, just one question. What type of outreach have you, have you done with the Historic Seatack Civic League?

Mr. Morales: From what I know, Mr. Grady has met with them and we have sent letters to them. I have not personally received any letters from Seatack other than the opposition letter I received from the city prior to this meeting,

Mr. Mauch: My fear is that in in the past, and I think that things have gone in a better direction in the most recent past. But in the past, the Civic League has sometimes been overlooked, and this is a historic area, and it has a lot of meaning to the people that live there and have lived there forever, and we haven't heard from them. I struggle to make a decision today, and I would feel much more comfortable had this had they been contacted and be here to speak for themselves. So I'll defer my final comments until Commissioner Plumlee makes a motion.

Mr. Plumlee: I was going to make a motion to defer, and I thought I'd have the cooperation of the applicant for a 30-day deferral. Quite honestly, I've heard nothing but negatives about this project. I don't think he's rectifying with his statements that he's made about crime will happen, and some other things that are very curious to me. He's not extended himself to the people in this community to give them an opportunity to exchange information. So I make a motion to deny, recommend denial of this project at this juncture.

Ms. Byler: And I second that motion. And I will add to Commissioner Plumlee's comments that it appears that the conditions controlling this lot were fully considered not long ago, as part of a bigger package, and the conditions were set. So now you're coming back, trying to modify them, and I find that distasteful. And to do that, in spite of the fact that it's been well stated that Historic Seatack is unable to be represented today, I think speaks negatively to the applicant's position.

Mr. Coston: So I have a motion. I have motion by Commissioner Plumlee and a second by Vice Chair Byler that this item be disapproved.

Clerk: The vote is open by a recorded vote of 10 to 0. Items 8 and 9, Prime Storage Bells Ridge, LLC. Has been recommended for denial.

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			

Proffers

Proffer 1

Upon development, the Property shall adhere to the site layout, parking configuration, building design, setbacks, dimensions, sidewalk, and landscaping as generally shown and described in the exhibit titled "Prime Storage Commercial Vehicle Parking," dated March 2, 2026 prepared by AES (the "Concept Plan"). This Concept Plan has been presented to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development, incorporated herein by reference.

Proffer 2

When the Property is developed, the parking structures depicted on the Concept Plans shall have the general architectural design, appearance, height and exterior building materials as depicted on the exhibit labeled "Site Plan & Elevations VA20 Bells Rd. RV Storage- Bells Rd, VA" dated July 22, 2026 which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (hereinafter the "Elevations").

Proffer 3

When the Property is developed, the freestanding sign depicted on the Concept Plan shall be an externally lit, monument style sign not exceeding eight feet (8') in total height, which will be constructed using materials of a color and quality that is substantially similar and compatible with that used on the exterior of the buildings developed on the Property. An elevation depicting and describing the monument style sign shall be submitted to the Planning Director for approval prior to issuance of a permit for its construction or installation. A permit shall be obtained from the Planning Department, Zoning Division, for any signage located on the Property.

Proffer 4

When the Property is developed, there will be no permanent dumpster location on the Property.

Proffer 5
When the Property is developed, a photometric (i.e. lighting) plan shall be submitted for review and approval with the Site Plan to confirm that all lighting will be shielded and directed downward to limit the amount of light overspill outside the property boundary.

Proffer 6
When the Property is developed, a detailed landscape plan shall be submitted for review and approval with the Site Plan which is reflective of the plantings depicted on the Concept Plan.

Proffer 7
When the Property is developed, the property shall be used only for the covered parking of recreational and commercial vehicles. No repair or maintenance of vehicles shall occur on the Property.

Proffer 8
Further conditions lawfully imposed by applicable development ordinances may be required by the Grantee during detailed site plan and/or subdivision review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Conditions

1. The site shall be developed in substantial conformance with the conceptual plan entitled "Prime Storage Commercial Vehicle Parking," dated March 2, 2026, prepared by AES (the "Concept Plan"), 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. The site shall be developed in substantial conformance with the conceptual landscape plan entitled, “Conceptual Landscape & Lighting Plan for Prime Storage Commercial Vehicle Parking,” dated March 2, 2026 prepared by AES, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development and incorporated herein by this reference.

3. The covered parking structures shall be developed in substantial conformance with the exhibit labeled "Site Plan & Elevations VA20 Bells Rd. RV Storage- Bells Rd, VA” dated July 22, 2026, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (hereinafter the "Elevations").

4. The fencing shall be developed in substantial conformance with the exhibit entitled “Site Details VA20 Bells Rd RV Storage – Bells Road, VA” dated August 13, 2026, prepared by bwd architects which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

5. All outdoor lights shall comply with the following:

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

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

6. 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.

7. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

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

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #10 Daniel Ruby, Timmons Group
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is Item 10. Daniel Ruby Timmons Group. Is there a representative here today? Thank you. Please state your name for the record.

Mr. Ruby: Good afternoon, Commissioners. My name is Daniel Ruby. I am with Timmons Group, representing Catholic High School.

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

Mr. Ruby: Yes, ma'am.

Ms. Byler: Thank you. You may be seated. Is there anyone here in opposition to this matter? Hearing none, I've asked Commissioner Camp to read it into the record.

Mr. Camp: Thank you, Madam Vice Chair. This is an application for modifications of conditions for property at 4552 Princess Anne Road, the site of Bishop Sullivan Catholic High School. The applicant is seeking to construct a 20,000 square foot field house on this 31.4 acre R-10 Residential District and PD-H1 Planned Unit Development District zoned parcel. A conditional use permit for a private school was granted for the site by City Council April 28, 1992, with a subsequent modification in 2013. The conditions specified that the site be developed in conformance with the concept plan. The field house was not shown on the concept plan, therefore this modification is being requested. The building will be 28 foot tall at the highest point, with a brick veneer, metal wall panels, and a metal roof. Proposed hours from 7 a.m. to 10 p.m. The Commission is unaware of any objections and therefore finds this application in order for consent.

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: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda, three records of minutes, and Items number 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19. I make a motion that these matters be added.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Vice Chair Byler and seconded by Commissioner Cuellar. Is there anybody abstaining from this vote?

Mr. Plumlee: I'm abstaining from the single item of the minutes from the visit. The visits always happen before I am able to conduct my conflicts check, and therefore I do not attend them until I understand whether there's a conflict. Thank you.

Mr. Coston: Madam Clerk. Could you please open the vote?

Clerk: The vote is open. Commissioner Moorjani your vote. By a recorded vote of 10 to 0, with the aforementioned abstentions, all aforementioned minutes and Items 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19 have been recommended for approval by consent.

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

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			

Conditions

1. All previous conditions attached to the Modification of Conditions for the property located at 4552 Princess Anne Road of May 28, 2013, shall be voided and replaced with the following conditions below.

2. The field house shall be developed in substantial conformance to the conceptual site plan entitled “Catholic HS Existing Proposed Modification”, prepared by Timmons Group, dated June 30, 2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

3. The architectural design and materials of the field house shall be developed in substantial conformance to the elevations entitled "Catholic High School Fieldhouse", prepared by RRMM Architects, dated July 31, 2026, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

4. 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.

5. The property owner shall obtain a cross-access easement for the proposed access point shown on the Brennaman Farms Shopping Center property prior to the approval of a site plan.

6. The additions to the school shall be developed in substantial conformance with the submitted Site Plan entitled "BISHOP SULLIVAN CATHOLIC HIGH SCHOOL SITE PLAN" prepared by Langley & McDonald, Inc., dated December 19, 2012. Said Plan has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Planning Department.

7. The proposed additions shall be constructed substantially in accordance with the submitted building elevations entitled "ATHLETIC FACILITY EXPANSION BISHOP SULLIVAN CATHOLIC HIGH SCHOOL" prepared by Hanbury Evans Wright Vlattas, undated. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Planning Department.

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 September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #11 Bonney Rd Apartments, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is Item 11, Bonney Rd Apartments, LLC.

Ms. Murphy: Good afternoon again, 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, Bonney Road Apartments, LLC. With me today are Tuck Bowie, the Bowie, the president of the Terry Peterson Companies, and Henry Sills of Timmons Group, who are also available to answer any questions that you might have that I'm not able to answer. Just really briefly, wanted to go over the general specifics of the application.

The applicant is seeking to conditionally rezone an 11.8-acre parcel, known as 4576 Bonney Road, and it's currently I-1 Light Industrial, and the proposal is to conditionally rezone to A-24, in order to develop a 209-unit multifamily residential apartment community. The proposed development consists of, as I said, a 209-unit luxury apartment community, and it's designed as two buildings. So, you've got two 4-story residential buildings. One of the buildings, the larger building, is organized around a private, resort-style amenity courtyard, and that building faces Bonney Road.

The second building is oriented toward the recently completed Salia Creek Greenway, that, as you all know, is a major pedestrian and bicycle corridor that connects Bonney Road with the Virginia Beach town Center. Parking between the front of the building and Bonney Road is limited, and the remaining parking spaces are located along the side and interior portions of the site. This particular configuration allows the development to maintain a more prominent building presence along the roadway, which is one of the design requirements of the SGA, while responding to the site's unique characteristics.

There'll be a primary entrance on Bonney Road, with a separate gated emergency access as well. Proffered right away improvements include, and I think this is important to point out, an eleven-foot sidewalk along Bonney Road, As well as a right-turn lane with 100 feet of storage and 100 feet of taper, and a left-turn lane with 100 feet of storage and 100 feet of taper. As Marchelle mentioned this morning, if the left-turn lane can't be designed to VDOT and public work standards, then the proffer indicates that there would be no left turn lane into the property. Proffered landscaping includes street frontage and building foundation plantings along Bonney Road, as well as parking lot landscaping throughout the site. Wanted to touch on the site characteristics, especially the environmental.

So, although this is an 11.7-acre site, 2 acres of the property are not developable. You've got the existence of Chesapeake Bay resource protection Areas, the Thalia Creek Greenway, forested wetlands, and associated buffers and environmental preservation requirements, as well as the fact that, as you see on the screen, this is a very strangely shaped parcel. The proposed site layout

balances environmental protection with redevelopment objectives and your zoning ordinance requirements. We still have setbacks. That we have to meet, as well as the efficient layout of the project, The far eastern portion of the property, which contains forested wetlands, will remain undeveloped, so that will stay in its natural state.

A Chesapeake Bay variance was previously granted for the development of the property, that would have allowed for 18,000 square feet of encroachment into the resource protection area. The proposed development, as Marchelle mentioned this morning, reduces that by 50 percent, so it's a much lesser impact on that. CBPA Resource Protection area, Thalia Creek Greenway. So obviously, the building fronting the Thalia Creek Greenway has been intentionally designed to activate the public realm and to support this safe, engaging pedestrian environment. Our clients fully intend that their residents will utilize that Thalia Creek Greenway, that, as you see, runs along the northeastern part of the property, as well as along the western property line, which is the area of concern that was addressed this morning.

Residential units and interior walkways are oriented towards the greenway to provide continuous activity along the corridor, creating sort of an eyes on the greenway approach that enhances the passive surveillance, the safety, and the overall user experience. Most of you all went out for the site visit. This is an empty lot. There may or may not be homeless people living at the rear of the property, but in its undeveloped state, it really is not enhancing the greenway at all. But it's also not doing anything for this important SGA. So, this design really reinforces the city's investment in the greenway system, and supports its function as a recreational amenity and a functional transportation corridor.

As was discussed, there's an existing 25-foot public access easement that runs along the Western property line. Outside of this easement is a city drainage ditch that encroaches on the property. Prior to filing this application. In recognizing all of the unique characteristics and constraints of this property, About 9 months ago, the applicant met with the City Attorney's office, public works, planning staff, various city departments to talk about. What are the options for being able to fully utilize this site with the existence of this 25-foot public access easement.

As a result, staff came up with three options. There were two options that involved completely relocating this section of the trail to other portions of the property, and there was a third option, which really was staff's preferred option, and that was leave the trail where it is, or leave the easement where it is, where you've got the existing ten-foot trail currently, and allow for a slight modification to that existing paved area. That's the 150 linear foot modification that's discussed in the SAF report. It may not be that much, but that's the area that may have to be adjusted. And then the last thing would be a 50, sorry, a 5-foot reduction in the width of that easement. So, even with a 20-foot easement, you have the 10-foot improved multi use trail, and then you have five feet of shoulder on either side.

This satisfies VDOT's requirements because all they require is two feet of shoulder on either side and a 10-foot multi-use trail. To Mr. Camp's point, if the city came back and wanted to make this a 14-foot trail, they could certainly come back and improve or add to the trail two feet on either side, and still have sufficient width to meet VDOT's shoulder requirements. So, it's still possible. There was concern about losing potentially light poles and landscaping. Obviously, there will be landscaping on the western side of the property, adjacent to the easement and the trail. There'll be

lighting in the parking lot, and to the extent any lights need to be relocated. The client is happy to relocate those lights. In addition, in exchange for reducing the width of this section of the Public Access easement, that, as I mentioned, runs along the Western property line, the applicant is proffering to design for and accommodate the stormwater from the existing ten-foot trail and the improvements, and to increase that to include additional improvements that the city might require, which I think is an important point.

As an added benefit, on-street parking lot lighting, as I mentioned, will be there. Canopy trees along the western portion of the property will enhance trail safety and overall user experience. In a way that, as I mentioned, an undeveloped lot really doesn't achieve any of those things. This is a high-quality exterior elevation. The elevations that have been proffered, obviously, high-quality architectural design. You've got premium amenities, as Marcel indicated. The because of the pitch of the roof and this nice design that has been proposed, we are requesting a height deviation, which was covered at the informal session.

The proposed development advances key planning goals related to infill development. This is where you want infill development. This is where you want density. It also enhances your goals of multimodal connectivity, urban design quality, and efficient land use, while transforming a transitional office and industrial site into a high-quality residential community. That's really going to strengthen the Bonney Road corridor and support continued growth of this critical urban core. I'm happy to answer any questions that you have. Staff is recommending approval. We respectfully request that you also recommend approval to City Council. I'm happy to address questions.

And one more time, I think it's important to point out that this proposal has to go to council for the five-foot easement adjustment, But also, it is a proposal that's been fully vetted by public works staff, VDOT staff. City Attorney's Office and other city departments. Thank you for your time.

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

Clerk: We have one speaker, Josh McDonald, via WebEx. Josh McDonald. That was our only speaker.

Mr. Coston: I guess you can come back, ma'am. Commissioner Hippen.

Ms. Hippen: Okay, I heard everything you said. I heard everything that was said at the informal. But when you guys purchased this parcel of land, you knew that that trail was there, the Thalia Creek Greenway.

Ms. Murphy: It's under contract. It's it hasn't been purchased yet.

Ms. Hippen: Okay. You went into, your client went into purchasing this property, knowing that path was there, that the greenway was there. So according to what is in the application according to what's in here, what staff wrote, you have still exceeded the number of parking spaces. So why can't that corner be redesigned to maintain what we have? I understand everybody's given the green light, but why do we need to tear up something that's already there that was planned for a long, long time? We had to wait to get that money. It's an established thing, and that's my question.

Ms. Murphy: Let me start with the second part of your question, because we're not proposing to tear up what's there now. So, the existing 10-foot trail would remain. The request is the 5-foot easement vacation. But as far as parking, the operator or the developer, as is the case with most of the apartment community developers in town, they know how much parking typically is required, and in a normal situation, and when we filed this, it was before the reduction in parking that was approved.

We give that to Hannah, the zoning administrator, and she looks at, okay, is this a reasonable amount of parking? So, the developer is comfortable with the amount of parking that was in their parking study, which, you're correct, is now more than the requirement, although it was less than the requirement earlier in the year. So that parking aspect of it. Based on their studies and their other properties in the area, that is the amount of parking they need. It's based on the mix of one-story, two-story, one-bedroom, three-bedroom units. It's based on the type of units.

They've already adjusted the design and tweaked it in a way that they can leave the multi-use trail where it is. They're just seeking to reduce a five-foot section. And in turn, they're going to provide stormwater management for the whole trail, which currently there is not stormwater management. So that would be incorporated as part of their overall project design.

Ms. Hippen: Okay, so then what we were told at the site visit and everything about moving part of the trail is not correct.

Ms. Murphy: There was a part of the request, which now they don't think they need to do, is adjust a section up towards the end of the property, so that it lines up straight with the property line. They now think that they're not going to need the 150 feet or anywhere near 150 feet.

Ms. Hippen: That's what I want.

Ms. Murphy: So, they're, yeah, two separate issues.

Mr. Camp: Thank you, thank you, Attorney Murphy. Appreciate you being here to explain this. With regard to the part that you last spoke to, is there a new exhibit illustrating this reduced impact to the pedestrian corridor, the pedestrian easement?

Ms. Murphy: No, what they submitted, and actually what they've submitted as part of the application to City Council to reduce the width of the easement, incorporates a smaller reduction or a smaller relocation area, if any. And again, they still have to go through the design, but they think they now can work with the existing trail and not have to have that. I guess that would be the northwestern or northeastern end line up with the property line.

Mr. Camp: This public amenity is called the Thalia Creek Greenway. The greenway consists of an asphalt trail, natural and intentional planted landscaping, space on either side that is open space, part of the viewshed, as well as lighting. To talk about just the asphalt path, as if that is the amenity, minimizes the 25-year plan that has been executed here by private developers, by the city, with state and federal dollars in it. It is an intentional corridor that is much more than an asphalt path.

I believe, and I think you, as an applicant, would agree, it's highly attractive for the very uses that you want to put here. I like most of what is in your application. My questions here: when you talk

about VDOT requirements, I'd like to put a finer point on that. Do you really mean this is the limit at which we could reduce the amenity without them having, without the city having to give back the grant money that paid for it? Is that really the standard you're talking about?

Ms. Murphy: So, because, and we discussed this fact, this sort of stub section of the trail. Because if you look at it, the main portion of the trail runs along the northern property and then goes back over the brand new bridge. This stub to Bonney Road, as I understand it, was a VDOT requirement. So, any change to the easement or any adjustments require not only public works approval, but also VDOT's approval. So, this has been vetted through VDOT, and VDOT has indicated that their requirement is a 10-foot paved trail for the funding they provided the city, and that that trail have a shoulder of 2 feet in width on either side. Those are the VDOT requirements, as I understand them. So, this would, having five feet of shoulder on either side, would exceed the VDOT requirements for the trail.

Mr. Camp: But the point about the VDOT requirements, this is a greenway that was built to exceed the mere VDOT requirements. It's a public amenity that's wider and has more in it. That the VDOT requirements are only a concern here because the city would have to give back a couple million dollars if so much alteration occurred that VDOT objected. It is my belief that our city standard, once we create a public amenity of this nature, is not to see how much we can reduce it before we have to give back money to a granting agency. It's to try to find a way to accommodate all of the uses, which I think is possible here.

So, to that point, my next question. With regard to the parking, I had the benefit of conversation with Mr. Bowie, who went through each type of apartment and how many parking spaces. It was a good little bit of math, and I applaud you for not trying to overly reduce the parking on this site. That you are trying to have adequate parking. I believe, though, that the way that it is laid out, and Commissioner Hippen's point. In that corner where you're choosing to impact the pedestrian easement, I believe there are 17 parking spaces that are deadheaded toward the trail. In the area of potential impact, I believe you could realign those to be not vertical in, but either angled or sidled in. You might lose about eight of them, and you have enough room on the back of this parcel facing the greenway without hitting the RPA where you could slide in eight more parking spaces, It's all just marks on a paper now, and they cost money to produce. I appreciate that, but it seems to me that with a sharper pencil, you can not impact some of these important lands, get all the parking that you're seeking to get, and not bother the 25-foot greenway. Has your applicant explored that?

Ms. Murphy: So, as I mentioned, this process started over 9 months ago, and all of the options that city staff and VDOT presented were explored. I think, to the extent that you're saying the relocation of the, I guess that would be the northern portion, may not be necessary. That 150 linear feet, I think we would agree with you, and I think the engineer can probably address the fact that we don't need that 150 linear feet. But if you're really, what you're addressing is the 5-foot reduction in the public access easement, which, frankly, is an action that council is going to have to take. This is the layout in the design through the over the last year or so has been the one that meets all of the technical requirements, right?

You've got the setback and the zoning ordinance and parking. You've got your landscaping, your open space, in addition to these environmental constraints. So, this is the threading of the needle

that the engineers who are far more capable than I am of coming up with a design that threads the needle and meets all those requirements. This is the result of extensive work.

Mr. Camp: I don't doubt that it's the result of extensive work. And I don't doubt that it meets all of these other requirements, including encroaching on a public amenity. My question was whether it had been looked at since this issue was raised. And as I understand it, I was the first person to raise it about the potential expansion of the trail within the pedestrian easement once it hooks up to the VB trail, and far more people are using this thing. Has someone gone back and looked? Can we adjust a couple parking spaces here and not impact, not encroach upon the easement?

Ms. Murphy: That wouldn't fix the easement issue. I think the two issues are the reduction in the overall size of the easement, and then whether or not a section, a small section of the existing trail, needs to be adjusted or realigned. They've addressed the issue of probably don't need the 150 linear foot realignment. Whether or not the easement reduction is necessary is part of this engineered and designed plan that the engineers came up with.

Mr. Camp: This is very difficult, and I'm going to stop belaboring this because I'm just not getting an answer. I asked, "Have you looked at adjusting it?" I've asked it a couple times, so I'll just leave the record show that I didn't get an answer to, "was it adjusted?" Has the city already invested $625,000 into this parcel, initially through an EDP grant through the VBDA, later, converted into a reduction in the purchase price of public property?

Ms. Murphy: City Council has taken two actions with regard to this property. One, I believe, in 2019, was the authorization to sell the property for a specified amount, and then a second action in 2021, which I believe was to reduce the purchase price and to offer a credit. That relates to the owner of the property and not the developer and the applicant, And I'm not sure that the price at which City Council decided to sell the land, or subsequent discounts, or subsequent council actions, how that would bear upon this planning activity. And as I mentioned, City Council will again have to address the width of that easement. Looking at the totality of the benefits, including the stormwater management, as we discussed, which is not currently provided within the easement, nor could it be provided within the confines of that easement.

So, ultimately, the sale and the discount and the credits and all of that—that's a city council action. And frankly, that's why the reduction in the easement, which is also a City council action, is going to be heard by City council before this application gets to City Council. So, it was our understanding that it would be heard this month, But it can still be heard at the first meeting in October if we go to the second October meeting.

Mr. Camp: Well, I'll just tidy up my question then, to me, the reason that this all ties together with this development application is that the public has already invested in this through the creation of a public amenity, which is now proposed for diminishment, and through the investment in a reduced purchase price for public land, where these easements and eventually, the amenity were already present and known to those who acquired it, and known in advance to those who now propose to develop it. I have to say that I am disappointed that the design over the course of 11.8 acres, nine of which are developable, couldn't accommodate five feet here to leave the public amenity alone, but thank you.

Mr. Coston: Good, Mr. Plumlee.

Mr. Plumlee: Thank you, Chair. With the Chesapeake Bay Preservation Area Ordinance, it was discussed at the informal and in the report. And if you could take us through, what is the current approval with regards to this site and the disturbance that could be done at this location. If it was to go forward,

Ms. Murphy: The current approval, that was for the prior development. That included not only these two pieces that you see, but the portion that you can't really see to the east that connects would provide another connection with Bonney Road. That's the other part of the property, on the other side of Dragas, between Dragas and the funeral home. That's the other part of it. The CBPA variance that was granted previously was for 18,000 square feet of encroachment into the RPA, which is, you know, is a very sensitive area. This current proposal allows us to reduce that by more than 50%.

Mr. Plumlee: I would just lecture, Having spent nine years on the Wetlands Board, if we're not going to stare at anything on our trail other than phragmites, we might want to pull our structures off the waterfront. So that we can have this look like something other than a sidewalk going through parking lots, is there anything else? There were a number of conditions placed on that approval. Is my understanding?

Ms. Murphy: Which approval?

Mr. Plumlee: The CBPA. That's right.

Ms. Murphy: Yeah, that's my understanding. There were a number of conditions, and that prior application would have involved an impact to that the forested Wetland area, which is the you see the white area with the dots next to the landscaping on that eastern side of the property. So, yeah, it would have been a significant impact.

Mr. Plumlee: So, the current owner, at my understanding, is an office builder, and has held this property for some time. And could build just that at this location, digging straight into this area. That is my understanding. The current approval.

Ms. Murphy: Correct. There's not demand currently for office, right?

Mr. Plumlee: I mean, frankly, I was looking for higher density on 12 acres in the middle of our city, than what you're able to produce with the parking limitations that we have already, and this variance, as I understand it, was done specifically to try to accommodate at least 200 units, when we're desperate for housing in this part of the city, is that fair?

Ms. Murphy: Correct. Right.

Mr. Coston: Thank you. Any other questions? Thank you. Open the floor for discussion or a motion.

Ms. Byler: Chair Coston, I move that the application be approved. I would say that I very much appreciate the comments that I heard today and the alterations that have been made, just even this

week since we met last week. I heard you say you probably don't need the 150-foot realignment. I would like to know if that could be removed from this application somehow, so that we know that's been taken care of. And regarding the 25-foot, or the 10-foot reduction in the easement, I recognize that's not a question for us. That's a matter that council is taking rather, the 5-foot reduction and the 25-foot easement is not a matter for us. So, I won't address it. I would just say, this is my district. I live there. I work there. I walk there. I jog there. I ride my bicycle. It's a highly used trail. It's a very valuable public amenity. Diminishing that public amenity in any way, in my opinion, would be a very bad idea. Embracing it and seeing it as a wonderful amenity to this new luxury apartment complex is a good idea. Because people renting these apartments will come to work at town Center, and they're going to be using that trail. It's already highly used. Every time I go there, I see other people using it: baby carriages, joggers, walkers—you name it. So, long-winded way of saying that I make a motion that the application be approved.

Mr. Coston: Second. Who was that second?

Mr. Mauch: Mauch.

Mr. Coston: Okay. It has been moved by Vice Chair Byler, and seconded by Commissioner Mauch, that this item be approved.

Clerk: The vote is open. By a recorded vote of 9 to 1, Item 11, Bonney Rd Apartments, LLC, has been recommended for approval.

Vote Tally

Commission Member	AYE 9	NAY 1	ABS 1	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			

Proffers

Proffer 1

The Property shall be developed in substantial conformity with the conceptual site plan entitled "BONNEY ROAD Conceptual Development Plan", prepared by Timmons Group dated August 1, 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, exterior building materials and height of the buildings to be built on the Property shall be substantially compatible with the architectural design, appearance, exterior building materials and heights depicted on the building renderings and elevations entitled "BONNEY ROAD", dated June 26, 2026, prepared by HEFFNER ARCHITECTS PC, 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 "BONNEY ROAD Conceptual Landscape Plan" prepared by Timmons Group dated August 1, 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

When developed, a maximum of 209 multi-family residential units will be developed on the Property.

Proffer 6

Freestanding signage located on the Property shall be monument-style, no larger than eight feet (8') in height, and shall be constructed of materials compatible with those used for the buildings located on the Property.

Proffer 7

The Applicant will construct the following road improvements within the right of way of Bonney Road: (i) a right turn lane into the Property with 100 feet of storage and 100 feet of taper; and (ii) a left turn lane into the Property with 150 feet of storage and 150 feet of taper. The location and symmetry of the proposed road improvements will be determined in consultation with Traffic Engineering and the Virginia Department of Transportation during site plan review. If insufficient right of way or design limitations prevent the construction of the required left turn

lane, the Property will be developed in such a way as to prevent vehicles from turning left into the Property from Bonney Road.

Proffer 8

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

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.

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #12, 13, 14 Sectorsite Tower Assets, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next three items will be heard together. They are Items 12, 13, and 14 and that is the Sectorsite Tower Assets, LLC. Is there a representative here today? Welcome, Attorney Murphy. Please state your name for the record.

Ms. Murphy: Good afternoon, Chair, Vice Chair, members of the Planning Commission, and staff. For the record, my name is Lisa Murphy, local zoning attorney. I'm here today on behalf of the applicant, Sectorsite Tower Assets, LLC. We appreciate all of Alexis Bailey's work on this and being placed on the consent agenda, with the 2 slight modifications to the conditions that Alexis mentioned. One is with regard to the date of the concept plan for the bulk storage yard, conditional use permit, and that just lines up the conditional rezoning, conditional use permit for mini warehouse and bulk storage. So they all have the same date. And the other was just a clarification that operable vehicles can also be stored or parked at the storage bulk storage yard. Happy to answer any questions.

Ms. Byler: Thank you. You may be seated. Is there anyone here in opposition to this matter? All three of these matters being placed on the consent agenda. Hearing none, I have asked Commissioner Moorjani to read it into the record.

Ms. Moorjani: The applicant, Sectorsite Tower Assets, LLC, is requesting 3 items: one, a conditional rezoning from office district to conditional community business district; two, a conditional use permit for a mini warehouse; and three, a conditional use permit for a bulk storage yard in order to develop and operate a mini warehouse facility. That includes fully enclosed storage units, covered storage units for boats and RVs, and surface storage spaces. The Planning Commission recommends approval of the request with the following modifications: one, updating condition number one for the bulk storage yard to reflect a concept Plan date of August 14, 2026, and two, updating Condition number six for the bulk storage yard to allow storage of operable vehicles in addition to the boats and RVs. We have received no opposition. Therefore, we have placed it on the consent agenda.

Ms. Byler: Thank you, Commissioner Moorjani.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda, three records of minutes,

and Items number 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19. I make a motion that these matters be added.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Vice Chair Byler and seconded by Commissioner Cuellar. Is there anybody abstaining from this vote?

Mr. Plumlee: I'm abstaining from the single item of the minutes from the visit. The visits always happen before I am able to conduct my conflicts check, and therefore I do not attend them until I understand whether there's a conflict. Thank you.

Mr. Coston: Madam Clerk. Could you please open the vote?

Clerk: The vote is open. Commissioner Moorjani your vote. By a recorded vote of 10 to 0, with the aforementioned abstentions, all aforementioned minutes and Items 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19 have been recommended for approval by consent.

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

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			

Proffers

Proffer 1

The Property shall be developed in substantial conformity with the conceptual site plan entitled "GENERAL DEVELOPMENT PLAN FOR HOLLAND RD RV STORAGE, 3386 HOLLAND ROAD, VIRGINIA BEACH, VIRGINIA", prepared by Civil Engineering and Construction Services dated August 14, 2026 ("Conceptual Site Plan"), which has been exhibited to the Virginia Beach City Council ("City Council") and is on file with the Virginia Beach Department of Planning &

Community Development ("Planning Department"). 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 Access Road will remain in its current state, except for modifications made to the entrance as depicted on the Conceptual Site Plan and it will continue to provide ingress, egress and access to the SECTORSITE Property over the GREAT EASTERN Property and to serve the conditional and permitted uses on each. The portions of the GREAT EASTERN Property outside the Access Road will remain 0-2 Office District.

Proffer 3

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 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

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 for Mini-Warehouse

1. The Property shall be developed in substantial conformity with the conceptual site plan entitled "GENERAL DEVELOPMENT PLAN FOR HOLLAND RD RV STORAGE, 3386 HOLLAND ROAD, VIRGINIA BEACH, VIRGINIA", prepared by Civil Engineering and Construction Services dated August 14, 2026 ("Conceptual Site Plan"), which has been exhibited to the Virginia Beach City Council ("City Council") and is on file with the Virginia Beach Department of Planning & Community Development ("Planning Department"). 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.

2. The enclosed and covered storage shall be developed in substantial conformance with the elevations entitled "Enclosed Storage and Covered Storage", dated March 17, 2026, which

have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning & Community Development.

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

4. All outdoor lights shall comply with the following:

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

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

5. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

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

Conditions for Bulk Storage Yard

1. The Property shall be developed in substantial conformity with the conceptual site plan entitled “GENERAL DEVELOPMENT PLAN FOR HOLLAND RD RV STORAGE, 3386 HOLLAND ROAD, VIRGINIA BEACH, VIRGINIA”, prepared by Civil Engineering and Construction Services dated February 25, 2026 (“Conceptual Site Plan”), which has been exhibited to the Virginia Beach City Council (“City Council”) and is on file with the Virginia Beach Department of Planning & Community Development (“Planning Department”). 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.

2. The enclosed and covered storage shall be developed in substantial conformance with the elevations entitled "Enclosed Storage and Covered Storage", dated March 17, 2026, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning & Community Development.

3. The fence shall be developed in substantial conformance with the exhibit on page 14 of this Staff Report which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning & Community Development.

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

5. All outdoor lights shall comply with the following:

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

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

6. Storage within the outdoor bulk storage yard shall be limited to boats and RVs.

7. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

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

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #15 Genesis Holdings of Hampton Roads, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item on the consent agenda is Item 15, Genesis Holdings of Hampton Roads, LLC. Is there a representative here? Welcome back.

Mr. Bourdon: Thank you again, Madam Vice Chair, Chairman Coston, Honorable Commission Members. For the record, Eddie Bourdon, Virginia Beach Attorney, representing Genesis Holdings of Hampton Roads, LLC. 7 conditions set forth in the staff report are acceptable for my client, and we appreciate Marchelle's work on an easy one for a change. Thank you.

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

Mr. Cromwell: This application is for conditional use permit for a bulk storage yard on a parcel south of Dam Neck Road, directly northeast of 3024 Holland Road. The applicant is seeking a Conditional use permit for bulk storage yard to develop a multi-purpose motor vehicle storage yard limited to operable licensed vehicles, including trucks, RVs, trailers, and boats, on trailers and boats on trailers, on a 3.89-acre portion of the 31.84-acre site, zoned I-1 Light Industrial district. A small 300 square foot office building is also proposed to support the bulk storage yard. Hearing no opposition, we recommended this for the consent agenda.

Ms. Byler: Thank you, Commissioner Cromwell.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda, three records of minutes, and Items number 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19. I make a motion that these matters be added.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Vice Chair Byler and seconded by Commissioner Cuellar. Is there anybody abstaining from this vote?

Mr. Plumlee: I'm abstaining from the single item of the minutes from the visit. The visits always happen before I am able to conduct my conflicts check, and therefore I do not attend them until I understand whether there's a conflict. Thank you.

Mr. Coston: Madam Clerk. Could you please open the vote?

Clerk: The vote is open. By a recorded vote of 10 to 0, with the aforementioned abstentions, all aforementioned minutes and Items 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19 have been recommended for approval by consent.

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

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			

Conditions

1. The site shall be developed in substantial conformance to the concept plan entitled "Preliminary Layout for Affordable Towing Storage Yard", dated July 1, 2026, prepared by CECS, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

2. The outdoor storage materials shall not be stacked higher than the privacy fence.

3. The required Category VI screening surrounding the Bulk Storage Yard shall be installed and maintained for the duration of the use of the site as a Bulk Storage Yard.

4. The storage on the site shall be limited to operable, licensed vehicles including trucks, RVs, trailers, and boats.

5. Edge treatment shall be installed along the perimeter of all gravel areas to prevent gravel from migrating onto adjacent paved surfaces, internal drive aisles, or travel lanes. The edge treatment shall be shown on the final site plan and maintained for the duration of the use.

6. Prior to the issuance of any land disturbance permit, the applicant shall obtain all required permits and approvals associated with impacts to non-tidal wetlands, including approval of a Joint Permit Application by the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality (DEQ).

7. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

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

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #16 Southside Barbell, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: The next item is number 16. Southside Barbell, LLC. Is there a representative here today? Welcome. Please state your name for the record.

Mr. Dickhut: Good afternoon, ladies and gentlemen. Kevin Dickhut. I'm the applicant and representative.

Ms. Byler: Thank you, sir. Have you reviewed the conditions, and are they acceptable to you?

Mr. Dickhut: Yes, I have, and yes, they are.

Ms. Byler: Okay. Thank you. Please be seated. Is there any opposition to this matter being placed on the consent agenda? Hearing none. I've asked Commissioner Mauch to read it into the record.

Mr. Mauch: The applicant, Southside Barbell LLC, is requesting a conditional use permit to continue to operate an indoor recreational facility in a 9,482 square foot space. The property is zoned B2 Community Business District. A parking study has been conducted by a certified engineer, and it was submitted to request that the parking requirement for the overall site be reduced to a total of 68 parking spaces from the required 92 parking spaces. The request for a conditional use permit for an indoor recreational facility is consistent with comprehensive plans, land use policies for special use, business place types, and with the commercial nature of the surrounding properties. Hearing no opposition, and in fact having quite a few letters of support, staff, as well as the Planning Commission, have chosen to put this on the consent agenda.

Ms. Byler: Thank you, Commissioner Mauch.

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

Ms. Byler: Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda, three records of minutes, and Items number 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19. I make a motion that these matters be added.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Vice Chair Byler and seconded by Commissioner Cuellar. Is there anybody abstaining from this vote?

Mr. Plumlee: I'm abstaining from the single item of the minutes from the visit. The visits always happen before I am able to conduct my conflicts check, and therefore I do not attend them until I understand whether there's a conflict. Thank you.

Mr. Coston: Madam Clerk. Could you please open the vote?

Clerk: The vote is open. By a recorded vote of 10 to 0, with the aforementioned abstentions, all aforementioned minutes and Items 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19 have been recommended for approval by consent.

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

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			

Conditions

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

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

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

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

3. Any equipment used and stored outdoors shall not obstruct designated parking spaces and shall be stored in a designated area, as highlighted on the conceptual site plan entitled “Site Plan for Southside Barbell, 03/23/2026”, dated 3 March 2026, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
4. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

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

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #17 Real Estate Pursuits, LLC
Recommendation: RECOMMENDED FOR DENIAL

Discussion

Clerk: Our next item is Item 17, Real Estate Pursuits, LLC.

Mr. Coston: Excuse me. I think, I'm hearing a request for a 5-minute break.

Mr. Rosa: I can sit down, right?

Mr. Coston: Yes.

Mr. Rosa: Good afternoon, Chairman Coston, Madam Vice Chair Byler, members of the Commission. My name is Tyler Rosa. I'm a local land use attorney with the law firm Williams Mullin. Here today on behalf of the applicant and the project, The Shops, Laskin Road. We deferred the matter from the August 12th Planning Commission meeting to conduct additional public outreach and to respond to comments that we received from the public and the city. During the deferral period, we conducted an additional community meeting on September 3rd. In preparation for that community meeting, we sent letters to all the adjacent property owners and businesses.

I personally called the Salt Meadow Bay Apartments and the Woodbury Forest Apartments to confirm the receipt of the letter and that they were making the residents aware of the meeting. I emailed everyone that had submitted a letter of opposition to the city as of the date of the meeting, to give them notice of the public meeting, And the meeting was also published on the Planning Commission's website, making them aware and providing my contact information if there were any questions. So, although we wish there were greater attendance at that meeting, we do believe we made every effort to engage with the community, make them aware of the meeting, and have an opportunity to discuss their questions and concerns regarding the project.

So, additionally, during the deferral period, we did update our plans and submitted those to the city. We do recognize that those plans did not make it into the staff report, unfortunately, and acknowledge that it creates a bit of an awkward position in terms of the discrepancy. However, we don't believe the changes made during the deferral period submitted to the city preclude full consideration of the project from the Commission and the public. The scope of the changes were to update the color palette on the building to add more blues and coastal-inspired tones to better integrate into the resort area in the oceanfront corridor. We added 2,000 square feet of retail to bring the total to 8,000 square feet, and that's not up to. It is 8,000 square feet of retail. That is the maximum we believe the project can accommodate, based on the parking of the property, and we slightly changed the subdivision line in response to feedback from the city Fire department during this subdivision plat review, which is going on concurrently with this application.

So, for purposes of planning and public consideration, we believe the project is fundamentally the same as what's in the staff report, and it is a mixed-use project with ground floor retail and self-storage. And believe that the comments we have received to date from the public reflect a full understanding of the project, despite the staff report's findings and recommendation of denial. We do believe the project is consistent with the comprehensive plan. Reviewing the staff report shows that the two primary conclusions in the recommendation are that the self-storage use do not align with the vision of the Resort SGA, and the self-storage use do not align with the goal of the Laskin Road corridor.

The report continues and says that the vision for the resort SGA is for buildings to have an active, engaging, and pedestrian-oriented frontage, and we believe this project meets that vision. We have 8,000 square foot of retail, targeting a variety of tenants. We have high-end design and architecture, and we have a proposed pedestrian path. And the report further acknowledges that the project's thoughtful design works to create a more active street-facing edge, as recommended by the comprehensive plan. The report also says that the goal of the Laskin Road corridor is to serve as a gateway to the oceanfront for both residents and visitors, and we believe we meet this goal as well.

We're transforming a vacant parking lot into a class A modern building with attractive design and retail options. The building is intentionally designed not to look like a storage facility. If you drive by, you would not know that it is a storage facility. It would be a Class A building with ground floor retail. There is no large signage on the building you may see in some other facilities. There is discreet signage on the far right corner of the building, over the office, and then some signage on the monument sign. But that really is the only indication that it's a storage facility. And the loading facility and the dock is at the rear of the building. So we believe we meet that goal as well.

So we also believe we're consistent with the business special use place type, the goal of which is to provide an attractive, attractively designed setting for groups and businesses and service uses, and to provide services for surrounding local communities. And to quote a staff report from a recently approved storage facility just up the road, quote: "The storage facility will provide a service to surrounding businesses and residences, and we believe this facility will as well. Plus, provide additional retail to provide additional services to the community." And further regarding the other project up the road that was recently approved and found consistent with the comprehensive plan.

Although we recognize that those two projects were evaluated under different comprehensive plans, when you review the 2016 and the 2040 comprehensive plans with respect to the resort SGA, the both have very similar goals with respect to unique senses of arrival and pedestrian-oriented environments. So, we believe that this project is substantially similar in terms of comprehensive plan and Resort SGA compliance as the recently approved project up the road, but we have an additional pedestrian-oriented retail component.

So we believe that this project should receive similar consideration for compliance with comprehensive plan. And not only do we believe this is a consistent use, but we believe this is the highest and best use for this property. Given the zoning and development restrictions on the property. The property, the uses on the property are restricted for underlying zoning and overlay

restrictions. It's in the B2 district, the AICUZ Noise zone of the APZ2 zone, And that really limits a lot of the uses, especially alternative uses that people have asked us about, including multifamily, residential, high-capacity restaurants, hospitals, nursing homes, and daycare facilities.

And further, the unique shape of the parcel to be when it's subdivided, it's a bit of an angular parcel. Further constrains a lot of the development considerations for the property in terms of building placement, setbacks, access, parking layout, as well. So, we believe that self-storage with the ground-floor retail is one of the few viable uses that are allowed under this property and the combined zoning restrictions, and also provides the maximum value and tax revenue for the property. Additionally, one of the comments we've received is with respect to traffic. Self-storage, by nature, is a low-traffic generator.

Most customers only visit their units once a month, and we've conducted a traffic impact study, And which accounts for the entire property—the padel facility to be developed, the storage facility, and the 8,000 square feet of retail—and it results in an overall 65% reduction in traffic with relative to the prior movie theater use there. So, we don't believe there will be substantial traffic impacts related to the project. We also received comments from the community regarding the potential environmental impacts regarding the project.

So, during the deferral period, we Commissioned an environmental study, and that study found that there would be no adverse impacts to wetlands, RPA, stormwater, threatened or endangered species. The project will reduce the overall impervious coverage on the property and improve the stormwater quality on the property by redirecting the stormwater into the existing treatment pond. Rather than just running off the parking lot into the surrounding marshlands and storm, or in wetlands and marshlands adjacent to the property, we've also received several questions of why another storage facility and is this really needed in this area? So, the market demand for this type of facility at the oceanfront, surrounding communities in the city, as at large, remains strong, and when defining a particular demographic and market for a storage facility. There's usually a two-mile radius that is kind of accounted for.

Within two miles of this project, there are a number of new multifamily, senior housing, infill developments that are proposed and that have recently been developed. So, which will increase the demand and population going forward. Virginia Beach, as a whole, has a transient military population and a very seasonal visitor population, too. That provides additional demand that is unique to this area. Small businesses account for about 20% of the customers in these type of facilities, and then a lot of the facilities in the area are older facilities that don't have a lot of the modern amenities, safety control measures, and climate control. And some of the more recent facilities that have been built, We believe, by the time this comes online, that those would be either leased up or close to leased up. So, in terms of market demand, by the time this project comes online, and the increased population that's anticipated, we think there will be strong market demand at that time as well.

So, in conclusion, we believe this is a great project for this property, representing its highest and best use. It's going to be a class A commercial building that will not look like a storage facility. Has been purposely designed for that purpose, we believe, is consistent with the zoning restrictions, the comprehensive plan, and city precedent for other facilities in this corridor. So, we would respectfully request a recommendation of approval. With that approval, accounting for the

plans that are in your supplemental materials, which I believe would effectively require the update of the dates on conditions one through four. So, I'll stand by for any questions you may have. But thank you for your time and consideration this afternoon.

Mr. Coston: Thank you, sir. Madam Clerk, do we have any speakers?

Clerk: We have one speaker, Jackie Schilberg.

Ms. Schilberg: Greetings, Commissioners. My name is Jackie Schilberg. I'm a 26-year resident and taxpayer of Virginia Beach, a business owner, and a single mother. For the last nine years, I've raised my son at Woodbury Forest Apartments. We are directly behind and on the side of the proposed site. Behind this site is our beautiful Salt Meadow Bay Marsh. We have enjoyed watching the marsh, the ducks, the babies arrive every spring, and get peace and harmony with living with the marsh. This is a fragile marsh, an ecosystem that supports hundreds of different birds, turtles, water wetlands, and connects eventually into Rudy Inlet, Lake Wesley, and into the ocean.

We, the people, are opposed to this project site for many reasons. We have an online petition that was started 30 days ago, and we have now 1,188 signatures against this. We understand that they want to incorporate restaurants, but don't be fooled. This is a metal storage facility. There's great feedback on the petition on the site at change.org, and you can read that as well online. We are not opposed to development, but we are, we are in, looking forward to green, future forward development for our city. One, we the reasons why we are opposed. There are already two storage unit facilities on our street, within less than a half of mile of my home. Last year, two years ago, you approved Ocean Storage to build another storage facility on Bird Neck and Laskin Road, which increases traffic, and they have 24-hour access.

Three, there are over 71 storage units within the facilities and boundaries of Virginia Beach city limits, with many vacancies. Four. There are plenty of lots to build on that are not next to our precious and sensitive marsh. Five. The property has been a parking lot with in the movie theater since 1972, vacant most of the late hours in the daytime hours. We have seen and done a lot of building census, and we feel anything that is allowed to be built there must have an environmental impact study, which they did not have at their original public meeting. Six, But instead of asking what can we build here, I believe we should be asking, what should the gateway of Virginia Beach, the boardwalk, become and look like for the next hundred years. This is prime real estate. We must slow down and think and consider. We want, and the people want, to represent nature, education, culture, tourism, made in America, commerce. The city could and has the opportunity to purchase this and make a great, welcoming park and make plenty of revenue well into the future.

Seven, the city's Owns 2040 Comprehensive Plan calls for an environmental Sustainability improvement on flood and Sea Level rise, resilience, wildlife habitat, ecological diversity, and great public enjoyment of nature. This lot can do that. This is a site and opportunity for forward-thinking green building, not a giant metal storage facility with vision.

Mr. Coston: Excuse me, ma'am.

Ms. Schilberg: Yes.

Mr. Coston: Your time is out. Can you wrap up?

Ms. Schilberg: Sure. Let's think about our children. Let's think about our generations from now. Do we want to get another storage facility off Laskin Road? No, thank you. And please read the comments on the petition. Thank you for your time.

Ms. Hippen: I have a question.

Ms. Schilberg: Yes.

Ms. Hippen: Did you go to the meeting?

Ms. Schilberg: All of them, yes.

Ms. Hippen: You went to all of them.

Ms. Schilberg: And the reason he made deferment? Because I brought up the fact that they did not give public awareness for the original public meeting. It was only given to business owners. There was not a direct connection with the residents and the people that live here. And that's why I'm here, because we are a working class community that lives and resides around that, and we have to go to work, and we can't always make a noon meeting on a Wednesday, and that's not okay.

Ms. Schoonover: But before you go, sorry, I have a question to you. Are you aware? This is something I had learned more recently about these self-storage units. Are you aware of how malleable these buildings are? And I ask because, for example, this particular building. If in the future we find that there is a market demand for something else there, because they did work to try to find something that would work there, that would meet the criteria we were looking for.

Ms. Schilberg: right?

Ms. Schoonover: If in the future there is a market for something different there, they can completely redo this building and put something else there. Do you still object to the building, knowing that it is so malleable?

Ms. Schilberg: Absolutely. I think this site just came up recently, with, you know, as the new owner sold it, with the padel facility being offered. I think we have to slow down and take our time. We are directly connected to the marsh and all those animals. For forty years, there has not been anything in this parking lot. Why are we going to jump the gun and put this giant building there? We have enough storage units, and I think we need to slow down. Almost 1,200 people agree this is not the vision.

Ms. Schoonover: What kind of building did you have in mind there?

Ms. Schilberg: It doesn't even have to be a building. It could be a recreational park. It could be conservation, education. It could be walkways into the boardwalk and drivable passes, pathways with golf carts, we could slow down the amount of traffic. You're going to be putting 24-hour access into a building with more traffic and more impact on that area.

Ms. Schoonover: So, am I understanding it correctly that you prefer that it not be a revenue-generating development. You'd rather it be preservation land of some.

Ms. Schilberg: Absolutely.

Ms. Schoonover: Is that also the view of the other people who have submitted this?

Ms. Schilberg: We they are opposed to a storage unit, and their majority of the people on there. I didn't talk to every single one of them want conservation? They want to go with your city's 2040 agenda of eco-friendly, environmental, and education. When we're building, we need to incorporate that we're not doing a great job at as a city, and we need to slow down.

Ms. Schoonover: Okay, so broadly speaking, you really prefer no development of any kind there.

Ms. Schilberg: No, we are open to development, but not this quickly and not at this level in the size and the impact, and, like I said, the majority.

Ms. Schoonover: I've got you.

Ms. Schilberg: Yeah.

Ms. Schoonover: So knowing that there isn't much of a demand for the things we'd prefer to have there, do you still object to the development of this property for some other use in the meantime?

Ms. Schilberg: No. I'm open. It has to make sense environmentally, and also for the people that live there and pay taxes, not just for a business owner to make a lot of money. I believe there's not enough public awareness and conversation about what is going to go there. It is one of the last beautiful lots that we have coming into our boardwalk, and it's connected to the marsh, and we have to slow down and think consciously more about what we're building and how we're building it, and what we want to see as people, food trucks that could come in and out. We're looking at tourism, things that represent Virginia Beach people, our sea life, high-end American-made crafts, people that live here, not another commercial storage unit with a fancy name and a fancy restaurant.

Ms. Schoonover: Okay, thank you.

Ms. Schilberg: Thank you.

Mr. Coston: The applicant. Please come back for rebuttal.

Mr. Rosa: Thank you, Commissioners, and thank you, Ms. Schilberg, for your comments. Been one of the constituents who've been communicating with this project, so definitely understand we're the scope for comments. So, in terms of the items you raised here, in terms of slowing down with respect to this development, my understanding is that this property has been on the market in terms of leasing activity for several years, and in terms of a lot of either the use restrictions or the nature of the property, there has been not a lot of demand in terms of some of the alternative uses. And this has been a project that meets a lot of the requirements.

So, in terms of slowing down, this has been a longer process than, notwithstanding the fact that property owner just acquired the property, but, you know, this property has been under consideration for leasing activity for a while. In terms of turning it into a city park, obviously that would require the city buying the property from the from the private property owner. Don't know if that's something that the city would be inclined to do at this point, but that would. It's not as simple as a private developer turning it into a city park, either. In terms of the notice for the original community meeting, we did send the same notices to adjacent property owners. There were people that were made aware of it; they either just didn't attend. But in terms of sending the notices to the apartments, we sent them to the front office and the property manager and asked them to make folks be aware of the community meeting.

So obviously, we didn't knock doors, but in in terms of if a particular resident wasn't made available of that, you know, there were some limitations in terms of the notices that you were providing to an apartment complex like that. Additionally, this will not be a 24-hour facility. It cuts off at 10 p.m., So the hours of operation would be from 6 a.m. to 10 p.m. For the warehouse facility. The office would be open from 9:30 to 6 p.m. Monday through Friday, and then 8:30 to 5 p.m. on Saturdays. So it would not be a 24-hour facility, as stated. So again, we believe that, you know, in terms of environmental impacts, we have evaluated those. We do think it will be an overall improvement in terms of the stormwater runoff to the marsh and the stormwater treatment going into the treatment pond. The study found that there would be no adverse impacts in terms of the endangered species that may or may not be present or the marshlands in general. So we have believed that we've done everything we can to evaluate the environmental impacts or lack thereof.

But so I would just close with that. We maintain that, you know, this is a great project for this parcel, and we believe that we've addressed all the impacts and have listened to the community that and the issues that they've raised, and we've done everything we can to evaluate those issues and believe we've addressed those here today. But I'll stand by for any additional questions you may have. Thank you again.

Mr. Coston: Commissioner Hippen, then Commissioner Plumlee, and Commissioner Camp.

Ms. Hippen: Okay, so this is the third time that this property has come before this board. Okay, the first time was for a church; they got deferred for 30 days because of lack of community contact. You deferred last month because you wanted to get with the community. How many people were at your meeting, not including people doing the project? I mean, how many community members were there?

Mr. Rosa: So there were two. I think there was two community members, and then an individual who I think was with the Chesapeake Bay Board. So I don't know if he was in there in a capacity, private capacity, or the board capacity, but either two or three.

Ms. Hippen: What time of the day was the meeting, and where was it?

Mr. Rosa: It was from 5:00 to 6:30 at the Virginia Beach Oceanfront Library, the community room.

Ms. Hippen: Okay, all right. So this area here, you've seen the 2040 Comprehensive plan. Okay, and this is not what the comprehensive Plan calls for. You, you do understand that?

Mr. Rosa: Well, I believe that the comprehensive plan is really more design driven and goal oriented. I don't believe it actually calls for particular uses, and I think the way that we've designed the project to make it look like a class A commercial building, to have an active frontage, to have retail, to have pedestrian-oriented uses. I think that we do meet a lot of the goals that are in the new comprehensive plan. I don't believe that it lists particular uses which are governed by the zoning ordinance, but, you know, in terms of reading a comprehensive plan, and the vision and the goals of the comprehensive plan. you know, obviously, happy to agree to disagree. But I think that there's. We would meet a lot of the vision and the goals and the aspects of the comprehensive plan that are stated in the current comprehensive plan.

Ms. Hippen: And why do you think staff recommended denial?

Mr. Rosa: Well, I think it's, I think it's primarily maybe a oversaturation of or a perceived oversaturation of storage facilities in this area. When you look at the evaluation for our use, it's really use-driven. In terms of the self-storage facility itself is not a pedestrian-oriented use, which is inconsistent with the vision of the resort SGA and the goal of the Laskin corridor. I think that that does not account for the mixed-use nature of the project. We do have pedestrian elements, with a retail component to it, a proposed pedestrian path, and when reviewing the staff report for the other facility up the road, that one was found to be consisted primarily on design aspects and the architectural aspects, and so the ours was more use-driven and oriented, whereas that one appeared to be more design and elementally driven for consistency with the comprehensive plan, so obviously, I can't speak.

I can only speak to what the report says and how it's been evaluated. But reading the report, I believe it was more of a use-driven oriented, use-driven analysis here, whereas previously, it was more of an architecturally driven analysis, which I believe is how the comprehensive plan is written. And in terms of the goals associated with the comprehensive plan, are more aesthetic and cohesive in nature, and having developments be more cohesive with surrounding uses and the corridor there, which I believe that we satisfy.

Ms. Hippen: Okay, so I think you kind of agreed with why they disapproved it, and part of your answer. But I'll let it go at that. I'll let it go at that.

Mr. Coston: Okay.

Mr. Plumlee: Okay, Mr. Rosa, I don't want to catch you unprepared on any items, but I'm curious. What is the loading side for the storage facility? Based on the, I don't know if you can go back to the other slide.

Mr. Rosa: It would be on the concept plan. In the very rear of the property, if you see that rectangle at the top there, where the kind of arrow, the back of the property, that's the loading dock.

Mr. Plumlee: So that's the loading dock, and that areas anticipated to be clear for trucks to come and go from that side, or vehicles to come and go from that side.

Mr. Rosa: Correct.

Mr. Plumlee: And then, it's my understanding from looking at the report, that only two parking spaces are required for the mini storage for employees to park. Is that fair? That hadn't changed from the most recent plan.

Mr. Rosa: Correct. Yeah. No, we still satisfy parking. It may be one space. I think it's one space per employee working for the mini warehouse facility.

Mr. Plumlee: And then it's -- the rest of the parking is to be dedicated to the retail use. Is that fair? How many storage units are proposed?

Mr. Rosa: Based on the square footage on the revised plan, I believe it's approximately 800 units. I think would be able to fit into that building.

Mr. Plumlee: So 800 individual units of 500 square feet, or what are we saying? Square footage wise.

Mr. Rosa: Well, so there's a variety of types of units that, and the calculation really is driven based on kind of the square footage, and it is an approximation. I don't believe there's been a floor plan generated with respect to particularly units, but it's usually square footage driven, and the type of units that generally are seen in these type of facilities,

Mr. Plumlee: Have the aisleways or the drive lanes been designed to accommodate the level of traffic that could be called upon to enter and exit that number of storage locations. Is this elevation engineered to that?

Mr. Rosa: My understanding it is. I do have the project engineer in the audience. If you would like a more technical answer on that particular question,

Mr. Plumlee: We looked at a church use at this site, as we've already talked about, and a big deal to us was the amount of traffic volume addressed. And I've heard from a lot of folks who don't want a lot of traffic coming out of there. Well, then I look at a 4-story storage unit facility, and I have a lot of folks that don't want a 4-story storage unit facility with a lot less traffic. So I'm trying to gauge: is this when we? When we look at the parking area, it's very small, but when we actually look at traffic impacts for 800 potential locations, have we, have we designed this to that criteria? And what do we anticipate? That's important.

Mr. Rosa: Yeah, my understanding that it has been evaluated in anticipation of that number of units. The store, the traffic impact analysis accounts for that size of a storage facility, in addition to the retail and the Padel facility. So, in terms of the type of traffic generation, it will remain a low traffic generating use by nature. But then also the circulation and the parking on site, and then any kind of traffic impacts have been fully evaluated based on that square footage of the facility and the anticipated number of units associated with that square footage.

Mr. Plumlee: The other issue, I'm not sure the engineer is required for this. You know. It's important to understand there's sheet flow occurring right now off this parking lot. It's been going on since the parking lot was constructed there. It's been impacting the wetlands every day that that parking lot is there. It's a parking lot and it's not going anywhere unless something else replaces it. Can you explain, with a little more particularity, where is that water going to be diverted? Are

tanks required? Are you going to have to disturb this cap? That's there. Raise or lower the elevation. You know, that sort of data. Do you have that ability to explain that?

Mr. Rosa: I'm going to do my best. My understanding is there is an existing dry pond on the property that is on the kind of other side of the property on the former beach cinema side. See that the transparent building. My understanding is there's a dry pond back there. That was sufficient in terms of the water, stormwater quantity, and in terms of having sufficient treatment of that stormwater. So the stormwater and will be redirected back to that dry stormwater pond back there for treatment, and then it will, you know, go treated into the Marshlands and in the surrounding Wetland areas rather than just.

Mr. Plumlee: So the sediment will be held within the storage pond before the water is released into the wetland.

Mr. Rosa: Correct. Yeah, and my understanding is the pond is sufficient to handle the current pond configuration.

Mr. Plumlee: Now, have you considered, or was it considered, to have more retail on the 1st floor than this 8,000 square feet in the most recent plan? And why isn't there more retail planned for the first floor?

Mr. Rosa: Yeah, we have, and we've been considering. Just kind of, your answer is yes, and really, the limitation is the number of parking associated. I think it's one space per 250 square feet of retail. So, given the site constraints and the availability of parking, 8,000 square feet was the maximum amount of retail that we were able to accommodate for the project.

Mr. Plumlee: And even with the shared arrangement with the padel facility next door, you couldn't get more parking to add more retail. Is that fair?

Mr. Rosa: That would be fair. Yeah, that hasn't, really. That will be a shared, joint access agreement, but I believe that they have their own parking considerations associated with their project, too.

Mr. Plumlee: So you mentioned the site had been on the market for 5 or 6 years, I think.

Mr. Rosa: Yeah, my understanding, speaking with some of the retail broker associated with the site, in some conversations, he said that they've been marketing this property for, you know, several years, and you know, again, so in terms of, it's slowing down the process. This project just happened to come along. It's consistent with all the restrictions, and it's a project that can be built on the site, and, you know, will provide a, you know, a really class a project for this property. So there have been other projects that have been considered, but for one reason or the other, either market demand or use restrictions, those haven't come to fruition.

Mr. Plumlee: But my recollection is the movie theater was operating up until maybe about a year plus ago, something like that.

Mr. Rosa: Just shortly before the Padel facility.

Mr. Plumlee: So the lease was coming to an end. They've been shopping this around for other uses. Is that fair?

Mr. Rosa: Correct. Yeah, and I believe there was some activity even kind of at a prior point, that prior to that lease expiration, and maybe anticipation of that lease expiration as well. But yeah, there was some additional retail advertisement of the property shortly before the lease expired.

Mr. Plumlee: I guess, you know, in looking at the opposition of this, and by the way, that petition made it to my house last night, and my marital privilege will keep me from disclosing the response to it. But I think, you know, we have got a concern for the wetlands. I have a concern for the wetlands right now. We have a parking lot. Water just washes into them without treatment. You know, and takes everything off that, off that, everything that settles on that parking lot goes straight into it. That's the current situation we have. You know, I know, we always look at profitability as number one goal in these projects because we want business. Tell us about the overlay and the restrictions of this overlay, and what can be done. Can we put a hotel there?

Mr. Rosa: No.

Mr. Plumlee: Can we put residential development there?

Mr. Rosa: Cannot put multifamily residential.

Mr. Plumlee: And why is that?

Mr. Rosa: It is restricted under the APZ-2 zone. It would be an incompatible use.

Mr. Plumlee: And so, right now, we're limited to retail. Is that fair? Broadly speaking.

Mr. Rosa: Yeah, broadly speaking.

Mr. Plumlee: We could have had the assembly hall for the church that was there. That would have been allowable.

Mr. Rosa: I don't believe, yeah, I don't believe, you can have assembly uses.

Mr. Plumlee: If I may, under the, and you can ask and you can follow up and contradict me later on your own time. But I guess what I'm asking is, the assembly use was available under the Navy overlay. That was we didn't vote for. I understand that, but the overlay, it was permitted for assembly use. But we're fairly limited and restricted on what we can do at this location.

Mr. Rosa: Correct.

Mr. Plumlee: All right. Thank you very much for that, for that cross examination. I appreciate it.

Mr. Rosa: No problem. Been a while,

Mr. Coston: Commissioner Camp.

Mr. Camp: I'm hopeful this will be easier. Two questions. With regard to the site plan along Laskin Road, and condition number five states that the applicant shall install a pedestrian facility sidewalk along Laskin Road. Details to be determined. In order to do that and reach the next street over to the east, you are going to have to cross that wet area over there. Even if everything else about this site is fine and easy, I think that's going to be a challenge. I mentioned this to you earlier. Have you had a chance to look at that? Do you anticipate that that is a condition you will be able to comply with?

Mr. Rosa: So, the engineers have evaluated that. We have evaluated the prior project, evaluated on this project, the same site constraints. So, in the proposed condition that the city has provided, the location and scope of the use path would be determined at site plan review. My understanding and reading that condition that it's as determined by the director of planning as well. So there is a feasibility component to that, with based on the site constraints. So it may not even be the location and width of the use path, but if it, if the environmental impacts outweigh the pedestrian use path. At this point, I believe that the "as-determined" language would allow for kind of a feasibility determination at the site plan review as well.

Mr. Camp: So it is your understanding that, potentially the word "shall" doesn't mean "you shall." That there could be something extending from the driveway over toward the east, only so far as it's economic to build it, even if it doesn't go anywhere or connect to anything. Is that your understanding?

Mr. Rosa: So my understanding was that it shall, as will, be dependent upon any site constraints. So it would be kind of a conditional, and that was my understanding of the condition. I've, you know, we can discuss that.

Mr. Camp: Okay. Well, that was the question I asked you. I thank you for answering it, and you've generated, if I may, a question to staff after my second question. My second question is along the theme that some of the other Commissioners have mentioned. This site has been here with your advocacy, I think, three times, not counting deferrals. Three different concepts for this land. Do you envision challenges in executing what you're seeking to execute here that could potentially bring you back a fourth time, or are you only here because the mini storage requires a conditional use permit, and otherwise, you would just fall back on the underlying B2 to figure out what to do with it?

Mr. Rosa: So, to so, I guess in terms of if there was a different use that came before the -- if I was, if the property owners were approached with a different use to build on that property that didn't require a conditional use permit, then I believe that would obviously not require the legislative action that we're here for. If it was, if the conditional use, if the storage facility did not require a conditional use permit, then I believe that this project still would be the highest and best use for this property in terms of traffic impact, especially the design on the building, the retail component to it, the mixed use nature of it. So, the fact, it requires a conditional use permit is obviously why we're here.

Mr. Camp: I'm obviously not asking you to advocate against your own project. That's not what I'm doing, But it is recommended for denial by staff. There is public opposition. There are questions and concerns among the Commission. So potentially, Council might turn this down. I

guess, I'm asking -- well, I'm going to just knock that off, because if you come back, we'll ask it then. I do have a question for staff, though, if I may, to the planning staff. When condition five was written, “shall install”, with some flexibility as to, as I take it, the dimensions of what's going to work there, was it your intent that it would actually go somewhere and get to the adjoining street?

Staff: Yes, sir. It was our intention that, and I do need to commend the applicant because before that was even shown on the plan, they asked us what they could do to improve their project, and one was the design of the building, and two was putting this walkway in place. And so, yes, the intent is to build this walkway and have it connect.

Mr. Camp: Thank you. So, what I would call a logical termini—that is, it actually takes you somewhere, not just into open property or street. So, with that clarification, I'm going to ask you the question again: Do you think that you can comply with Condition 5, as staff has now clarified it?

Mr. Rosa: Well, yeah. Again, our understanding was, and obviously, we have been discussing this particular piece of property and the feasibility of the use path, and then also the future VDOT plans coming in. So our understanding was that, you know, we would do everything we can to develop the use path without causing more second and third order issues related to stormwater impacts and city infrastructure. So our reading of the and will be dependent upon any site constraints, was that we shall install it. The location to be determined at site plan, but the path as a whole would be dependent upon any site constraints, subject to review and a determination by the planning director. If the overall impacts were just so great that it didn't make sense to actually to develop the path. But if there was confusion there, then I, you know, happy to have that further discussion with staff.

Mr. Camp: I thank you for answering my question.

Ms. Hippen: One more. You said that there is a pond behind where the current theater building sits.

Mr. Rosa: Yeah.

Ms. Hippen: Okay, I see. I'm looking at Google Maps.

Mr. Rosa: Yeah. It's a dry pond.

Ms. Hippen: Excuse me.

Mr. Rosa: It's a dry pond. So it's not what.

Ms. Hippen: There's a whole bunch of trees back there, and then I see the marsh that the that the lady was talking about. So are you looking at drainage going into that marsh? Or am I just not seeing the -- you said there is a pond back there.

Mr. Rosa: Correct. I don't. Since the property has been vacant, I don't believe it's. I think there is some overgrowth in that pond. But there, if you on the if you're looking at the movie theater on

the right side, you go back. So it's kind of recessed down in, kind of a ditch, but it's. It's a dry pond. There's grass back there, maybe overgrown, but it's there. It may not be visible given the tree coverage on Google Maps, but there is a dry pond there that has been evaluated by the engineers, and I've been out there and seen it personally as well.

Ms. Hippen: Okay, I just want to make sure that that again, the natural habitat around that area is coming to mind, and when I look at this, I'm seeing that. If a lot of drainage happens, you're going to be messing with that marsh, that natural habitat. And, by the way, shall means you will. Just thought I'd add that.

Mr. Plumlee: Is there a drainage engineer, erosion, sediment control engineer that helps us address it?

Ms. Hippen: Come on up. Well, you could have come up when I asked the question.

Staff: Staff has some information as well. If you would like information about the stormwater management, what's there now. We haven't seen what's planned, so the applicant can speak to what's planned. But we definitely, we pulled the plans from the late 80s, so there is a stormwater management system in place. It doesn't just sheet flow into the marsh. There is an extended dry detention basin behind the building. There are stormwater pipes within the parking lot now, so there is stormwater management, although to a lesser degree, on the property.

Ms. Hippen: Thank you very much.

Mr. Music: Hello, and for the record, my name is Brandon Music. I am with Timmons Group, the civil engineer.

Ms. Hippen: Well, she just answered the question.

Mr. Music: Here to answer questions.

Mr. Plumlee: I have an additional question. Understanding what's there now, what is planned as any kind of improvement to what's already there?

Mr. Music: So it's definitely overgrown. I've been back there. I've taken pictures of it. It needs a lawnmower and a weed eater, some fierce, but the city and DEQ both classify it as a infiltracin basin, so water goes in; it infiltrates into the ground. There's a outfall structure that water will stage up, get to a, you know, attenuate the flow before it goes down into the marsh. All of that was designed years ago. So, for this project, and really the padel project next door, the bulk of the stormwater runoff is generated from impervious surfaces. I'm not telling you anything you don't already know, but this project and the Padel project are cumulatively decreasing the impervious surface. So by that in itself, we are reducing the amount of runoff and volume going to that basin today. So in whatever capacity it's working today, it's going to be a betterment. In the proposed condition, after it gets cleaned up.

Mr. Plumlee: Where is the reduction in impervious surface coming from? Is it just in the buffer that you're proposing?

Mr. Music: So, no, it's kind of all throughout the site. So, right now, it's a big, just, I mean, concrete parking lot. There's not a lot of tree islands out there. But with this project, we're going to be carving out, and the padel project, we're going to be carving out those impervious areas and introducing more green area than what's out there today. Particularly, I know it's kind of hard to see, but in the bottom left corner of the site plan, that's probably where most of your credit is happening. But it's, you know, the parking lot today goes very much at a point, and we're carving all that back out and giving it back to the marsh and putting more turf in.

Ms. Hippen: Thank you.

Ms. Schoonover: I'd like to make a motion, if I may.

Ms. Schoonover: Okay. I move that we approve this application. I was initially hesitant about this multi-use retail and self-storage project, as it was not our preferred use for the space. However, after reviewing this matter, I'm not no longer concerned. One, there does not appear to be a market interest in our preferred use at this time. Two, it is not an easy location to put other uses there. It is as a mini-storage space. It is so malleable; it can be converted at any time in the future. So, if there's ever a time when there is market for our preferred use, then that space could be easily converted. There is a market demand for self-storage. I personally have two, two storage units, and I kind of need another one. So, I do know that there is a high demand for self-storage in the city. In addition to support the city's preference, the applicant has designed the facade to resemble office space and included usable retail space below, making it the multi-use space the city would, in fact, prefer. And lastly, they have provided the maximum retail space below allowable based on parking restrictions. As a result, I am now in support of this application due to its extreme malleability.

Mr. Coston: Ms. Alcock.

Staff: Yeah, I just want to get one porting clarification, Commissioner Schoonover. Are you doing that as submitted and included in the staff report, or as revised and presented by the applicant? If you could just make that clarification.

Ms. Schoonover: The revised application they have submitted.

Mr. Coston: Second?

Ms. Moorjani: Second.

Mr. Coston: Okay, I have motion by Commissioner Schoonover and a second by Commissioner Moorjani.

Mr. Plumlee: Can I be heard prior to the vote, Mr. Chair? I'm only explaining my vote a little bit, and I don't mean to elaborate, but so much today, I apologize. You know, I think it's just a little too much. I think it could be pulled back a little more. I don't that this number quite meets what needs to be at this location. I know the struggle for finding uses at this location, and the perfect often is to the detriment of the good, but this is a special site. I think it could be pulled back, and so I'm going to vote against it.

Ms. Byler: So, I also am not in favor of this, in spite of the excellent presentation by Attorney Rosa and the engineers, and I do respect a lot of work has gone into this. I will say your very comments. That you're trying to make it look like, or you're trying to alter the appearance, is substantiation that it's the wrong use for this site. We're trying to disguise it because it is the wrong use for this site. That's what the comprehensive Plan says, and that's what the staff says, and that's what I say.

I would say to respectfully to my fellow Commissioners' comments, that it could be easily converted to something down the road. That is incorrect because the size of this building is taking up almost the entire lot, so there's no room for parking, and there will be no ability to convert this to anything else except for what it is now, and that's a warehouse. You wouldn't put a warehouse on Atlantic Avenue, and you shouldn't put a warehouse on the gateway to the beach. This is a very unique site, and it's an inappropriate use. In my opinion.

Mr. Coston: Commissioner Camp?

Mr. Camp: I am concerned that this came back fairly quickly from the last time that this property was before us, and the particular issue with condition Five. I commend you for attempting to put that pedestrian walkway in. I think if once it eventually exists, however, it gets there, it will serve this site, all of the occupants of the site, and the surrounding community. I am not sure you're going to be able to do it, and I'm not sure that there is a sound understanding between the staff and the applicant of what you're actually agreeing to here. And I would hate to see that be a sticking point. In addition, I concur with the Vice chair and with the staff on their overall assessment of the fit with the Comprehensive Plan.

Mr. Coston: Ms. Hippen.

Ms. Hippen: So this site, this site is. Way across town from where I live. However, the area that you want to put this storage facility in, this is not the land use that is prescribed in this area. And I'm sure you already know where I'm headed with this. It's a business decision. How many storage units are around you, and whether or not it's profitable. That's we're here for land usage. We're not here for business decisions. It's very clear to me that, and I have to echo what the Vice Chair said. You trying to disguise what the building looks like, because you know it ain't supposed to be there, and I'm just gonna leave it at that. Sir, you are very eloquent with what you say. I was just messing with you. Thank you for your input, but this is not the place for that facility.

Mr. Coston: Are we ready for the vote?

Clerk: The vote is open. By a recorded vote of 3 to 7, Item 17, Real Estate Pursuits LLC, has been recommended for denial.

Vote Tally

Commission Member	AYE 3	NAY 7	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. When the Property is developed, it shall be developed substantially as shown on the exhibits entitled, "Laskin Road Self Storage Conceptual Development Plan", dated June 24, 2026, prepared by Timmons Group, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and incorporated herein by this reference.

2. The site shall be developed in substantial conformance to the landscape plan entitled "Laskin Road Self Storage Conceptual Planting Plan", dated June 24, 2026, prepared by Timmons Group, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and incorporated herein by this reference.

3. The exterior of the building depicted on the Site Plan shall be substantially similar in appearance, architectural features and materials as depicted on the exhibit entitled, "Conceptual Elevations Laskin Road Self Storage", dated July 27, 2026, prepared by BWD Architects, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and are incorporated herein by this reference.

4. The exterior building signage and monument sign shall be substantially similar in appearance, architectural features and materials as depicted on the exhibit entitled, "Signage Sheet Laskin Road Self Storage", dated July 27, 2026, prepared by BWD Architects, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and are incorporated herein by this reference.

5. The applicant shall install a pedestrian facility (sidewalk) along Laskin Road the specific location and dimensions will be determined during site plan review and will be dependent

upon any site constraints subject to the review and approval of the Director of the Department of Planning and Community Development.

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

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

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

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

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

9. The first floor of the new building and all mechanical equipment serving the building will need to be elevated with at least 2 feet of freeboard, with a Finished Floor Elevation (FFE) of 9 feet or higher.

10. A final subdivision plat must be submitted for review, approval and recordation to create the proposed parcels.

11. The final plat must be prepared in accordance with Section 6.3 of the Subdivision Regulations

12. 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 September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #18 446 Oceana Blvd, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next item is Item 18, 446 Oceana Blvd, LLC.

Mr. Fine: Compared to the previous applicant, I'm going to be short. I'm Morris Fine. I'm an attorney. I've been practicing. I think, by all, I ask me, 72 years now. This is an application for a use permit. After the fact, and I acknowledge that my client, I think, wrongly thought that he could grandfather his addition onto this little piece of property that's over here on Oceana Boulevard. It was grandfathered when he bought it from a conditional use permit. So he added a little pool room and he added a couple little storage rooms, and that is the long and short of the whole thing what he did since he has been the owner, he and his mother owned the property. They bought the property, I think, in 2003, and they had some difficulty early on. And after that, they worked with the Navy. They changed the image. They changed the name on the property, and with the Navy's aid and assistance and some security issues, they've overcome all of those problems.

I believe we've had no police, we've had no health, we've had no ABC issues, no Navy issues, for many years. I would suggest to you that your planning department has investigated. We've cooperated in every way with the planning department. Ms. Coleman has worked with us, and we have worked with her. And we submit that that plan that she approves should be granted to my client. And I'm happy to answer any questions you might have about this matter, But it seems like to me that the planning department, having investigated it and recommended it, that should be sufficient for you.

Mr. Coston: Do we have any speakers?

Clerk: Yes, we have one speaker, Jake Lewis.

Mr. Lewis: Good afternoon, councilmen and council members. My name is Jake Lewis. I'm a concerned citizen speaking on behalf of other concerned citizens in opposition of Agenda 18. We have come to this hearing to give our input of concern for the application of the conditional use permit for Minx Gentlemen's Club, 446 Oceana Boulevard herein referred to as minks, we have submitted documents of information which the councilmen, the Council and council members received by email correspondence.

There are three documents which describe in detail the concerns of myself, my friends, family, and business associates in the majority of jurisdictions. In the Hampton Roads, there is a concern of the impact of adult entertainment within our communities. The general consensus is that fewer of these establishments, the better and safer it is for the community in general. Minx is applying for a conditional use permit as a bar and nightclub, for which is currently operating under a grandfathered nonconforming use. Minx has been cited for violating its nonconformity by

expanding its building structure square footage against the terms of Section 105 of the Virginia Beach Municipal Code, entitled Nonconformity.

It is now attempting to apply for a conditional use permit to conform to city standards. The issue is that Minx is operating under a unique grandfathered use, most commonly known as adult use. Virginia Beach has not dictated a specific use for adult establishment, as stated previously, that it does not issue or allow new establishments to apply or operate as an adult use. This leads to a unique issue, with Minx applying for a conditional use permit. Minx already operates as an adult use; therefore, the only advantage to applying for a new conditional use permit is to allow for the expansion of the building, as it has already done in violation of city code.

This goes against the intended goal of most jurisdictions of trying to reduce the amount of adult use within the communities. Phone conversations with city officials has revealed there is great confusion on how to handle this unique situation. We ask that the City to review all submitted documents and to please allow additional time to review all information pertaining to this matter before coming to a decision on the application in question. Our goal for today is the city to defer Agenda 18 for 30 days to review. Excuse me,

Mr. Coston: sir. Your time has expired. Could you please?

Mr. Lewis: Thank you. God bless.

Mr. Coston: Thank you.

Ms. Hippen: I have a question for you.

Mr. Coston: Okay. Yes.

Ms. Hippen: Is your objection to the establishment being there because it is an adult club?

Mr. Lewis: The objection is that it will affect small business growth within the Hampton Roads.

Ms. Byler: So, is that a yes or no, sir?

Mr. Lewis: Yes.

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

Mr. Lewis: Thank you.

Mr. Coston: We ready for discussion, or?

Ms. Byler: I have a question for staff.

Mr. Fine: Yes, ma'am.

Mr. Coston: Do you want to rebut what the gentleman just said? Do you want to speak on your behalf?

Mr. Fine: I'm sorry, I can't hear very well.

Ms. Schoonover: He's saying, "Would you like to respond to what that gentleman just said? Would you want to rebut what he just said?"

Mr. Fine: As I understand it, he may be a competitor. Some -- has a business about maybe a half mile away. I don't know. I've just hastily looked up the name Mermaid, and my colleague of Joel Kenny here looked it up, and Mermaid is somewhere about a half a mile away, I don't know exactly what business they're in. The only thing I know is that it's been there for 50 years or more. That adjacent to the property is a welding shop, and I'm told that they appreciate what he is doing there.

Then Virginia Beach owns a pit there. So there's no other businesses affected, nothing affected, at all, by this conditional use permit. It seems to me that we've investigated it thoroughly. He's now asking for another postponement, and it's been investigated thoroughly by the staff. The staff recommends it. I don't think the opposition is such that it should be given such weight to override the recommendation of the staff.

Mr. Coston: Okay, thank you.

Ms. Hippen: So, being the only sailor up here, I said, being the only sailor up here. I first got stationed at Oceana in 1992, and the club was then off limits. But that was not your club, right? Is that gentleman a competitor? You said, you looked him up.

Mr. Fine: We believe him to be here representing a competitor.

Ms. Hippen: Okay. Well, he stated that he objected solely because it was an adult entertainment club. That's what I understood. I'm glad that you got the place cleaned up, so that you are no longer on the black list. I just verified that you are not. I am concerned that you did add an addition without the appropriate permits. I want to make sure that you do understand that that is not appropriate, and that you do not do it again.

Mr. Fine: He understands it. He's been punished.

Ms. Hippen: I don't want to ask. Any further questions?

Mr. Fine: Yes, sir.

Mr. Camp: May I ask a question of the zoning administrator, please?

Ms. Sabo: Do we ask, Mr. Fine to say anything?

Mr. Camp: I have no questions for Attorney Fine.

Mr. Fine: Thank you.

Mr. Camp: So, in the prior testimony, we heard comment about the classification of the use. We understand that the use predates the zoning code, so you had to determine what is it and assign a

use that, in this case, requires a conditional use permit. Could you please discuss that for a moment with us? Were there other choices you could have made?

Ms. Sabo: I will, if it's all right with you, I will read the definition of a bar nightclub that is specifically defined within our ordinance. A bar or nightclub is an establishment, including a private club, as defined by this ordinance, that serves alcoholic beverages or where alcoholic beverages are consumed. At any time between midnight and 6 a.m., Except establishments in which the service of alcoholic beverages is incidental to a wedding. Other accessories, and in which both of the following conditions are met: the combined area of the dance floor and any other standing space exceeds 15% of the public floor area of the establishment, and amplified music other than pre-recorded background music, intended solely as an accompaniment to dining, is provided between midnight and 6 a.m.

So, what we're looking at is if is the area of the dance floor, and that alcohol is served between midnight and 6 a.m., and that's what pushes this outside of what would otherwise be a restaurant, where they serve food and drink. But because of the area of dance floor, and it does not specify if that dance floor is for the patrons or for employees of the establishment. But we're looking at the area of the dance floor, and that alcohol is served, and so meets that definition of a bar nightclub.

Mr. Camp: Thank you. So, as I understand it, Virginia Beach does not have a use classification of adult use, for example?

Ms. Sabo: That's correct. It has an adult bookstore, which it goes on to specify what adult materials are within that use of an adult bookstore, but it includes showing portions of the anatomy, which is different than would otherwise be permitted.

Mr. Camp: So would I be correct then, in summarizing part of what I've heard today, perhaps this way: that while there may be aspirations to modify our zoning code to include other categories that could then be treated in a different fashion, at this time, the application that came forward had to land on what we currently have, and among the choices that you had to choose between, you looked at the dance floor, the other aspects of the physical site in order to pick the category you felt fit best.

Ms. Sabo: That is correct.

Mr. Camp: Thank you very much.

Ms. Hippen: I have a question. Is that the only? That's not the only adult club in in the city, is it? I didn't think it was. That's just the one by Oceanna. Okay, that's what I thought.

Mr. Coston: Ms. Byler, Vice Chair.

Ms. Byler: Thank you, Hannah. I'm sorry. I'm a little ignorant on this, but I want to understand if we deny this application. Then they will no longer be allowed to have a dance floor greater than 50% of the space, and they'll no longer be allowed to have sale of alcohol up to 6 a.m.

Ms. Sabo: The use is legally non-conforming, so it's been in operation since prior to the ordinance. So at this point, if they were to remove, they have expanded that non-conforming use without a permit.

Ms. Byler: Right.

Ms. Sabo: They would be able to -- they would have to remove this expansion and go back to the original size, but the structure is not non-conforming; it's the use that's non-conforming, because it has been less than -- they would be able to remove the addition and go back to the original square footage of illegally non-conforming use, and they could continue to operate with that non-conforming use.

Ms. Byler: They could leave the extension and turn it into a regular restaurant bar. Is that correct?

Ms. Sabo: Yes, they. I believe they could go back. I'd have to just double check to make sure, but go in and become a regular restaurant, right without an increased dance floor, are they would either have to limit the hours they're serving alcohol or limit the dance floor area.

Ms. Byler: Right. At this time, we're asking—they're asking us to approve the entire thing, with the addition for alcohol sales starting at 6 a.m. and to have a dance for more than 50%. If we deny that, then they still have the right to have to leave the addition, but they'd have to operate as a regular restaurant and abide by other constraints. Every other restaurant bar has to go by, is that correct?

Ms. Sabo: Yes.

Mr. Coston: Commissioner Schoonover?

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

Ms. Hippen: Second.

Mr. Camp: I'm sorry, we couldn't hear the motion at this end of the dais. Could you repeat the motion?

Ms. Schoonover: Yes, I said, I move that we approve this application.

Ms. Hippen: And I said, second.

Clerk: The vote is open. By a recorded vote of 9 to 1, Item 18, 446 Oceana Blvd, LLC, 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 site shall be developed in substantial conformance with the conceptual plan entitled "Physical Survey of Lots A & B Property of D.S. Potter Estate – Virginia Beach, Virginia for 446 OCEANA BLVD, LLC" dated May 14, 2026, REVISED: May 28, 2026, prepared by Rouse-Sirine Associates, LTD., 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. The applicant shall maintain a current and approved liquor license with the Virginia Alcoholic Beverage Control (ABC) Authority.

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

4. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #19 Birchwood Mall Associates, LLP
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Ms. Byler: And the last item on the consent agenda is Item 19, Birchwood Mall Associates LLP. Welcome. Please state your name for the record.

Ms. Shepard: Thank you, Madam Vice Chair, Chairman, and other members of the Planning Commission. My name is Kim Shepard. I'm an attorney at Troutman Pepper, representing the applicant here today. All conditions are acceptable to our applicant, and thank you to staff, especially Ariana, for her diligent assistance with this matter.

Ms. Byler: Thank you. You may be seated. Is there anyone here in opposition to this matter being placed on the consent agenda? Hearing none, I have asked Commissioner Cuellar to read it into the record.

Ms. Cuellar: Thank you very much. Birchwood Mall Associates LLP is requesting a conditional use permit for an indoor recreational facility to operate a fitness facility within a vacant, 20,000 square foot portion of an indoor shopping center on this 12.23 acre B2 Business, excuse me, B2 Community Business District Zone parcel. The site is located within the Rosemont Strategic Growth area, and the new tenant will be Iron Asylum. There are no known speakers with objection. Staff is recommended for approval, and the Commission concurs and has asked for it to be on the consent agenda.

Ms. Byler: Thank you, Commissioner Cuellar. Chair Coston, that was the last item on the consent agenda. The Planning Commission places the following applications on the consent agenda, three records of minutes, and Items number 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19. I make a motion that these matters be added.

Ms. Cuellar: Second.

Mr. Coston: It has been moved by Vice Chair Byler and seconded by Commissioner Cuellar. Is there anybody abstaining from this vote?

Mr. Plumlee: I'm abstaining from the single item of the minutes from the visit. The visits always happen before I am able to conduct my conflicts check, and therefore I do not attend them until I understand whether there's a conflict. Thank you.

Mr. Coston: Madam Clerk. Could you please open the vote?

Clerk: The vote is open. Commissioner Moorjani your vote. By a recorded vote of 10 to 0, with the aforementioned abstentions, all aforementioned minutes and Items 4, 5, 6, 10, 12, 13, 14, 15, 16, and 19 have been recommended for approval by consent.

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

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			

Conditions

1. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development Permits and Inspections Division, the Health Department, and the Fire Department. The applicant shall obtain a Certificate of Occupancy prior to commencing operation.

2. No change of occupancy shall be made in any building or structure unless such building or structure is made to comply with the requirements of the USBC as determined by the building official. A Certificate of Occupancy and an Occupancy Load is required for the building to be used as a place of Assembly and shall be obtained from the Virginia Beach Permits and Inspections Office with approval from Zoning. The Occupancy Load shall be posted in a conspicuous place near the main exit for every room or space that is an assembly occupancy and where the occupant load of that room or space is 50 or more.

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

4. A bike rack shall be installed at or near the main entrance of the property.

5. All exterior building signage shall comply with the requirements of the City Zoning Ordinance unless authorized by the Board of Zoning Appeals.

6. City Ordinances and Standards remain applicable to this property. Any site plan/plat submitted with this application must meet all applicable City Codes and Standards before site plan/plat approval will be granted. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

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

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Item #20 Chartway Credit Union
Recommendation: RECOMMENDED FOR WITHDRAWAL
Discussion

Mr. Coston: The next order of business is the consideration of requests to withdraw or defer an item. We will first consider any items to be withdrawn. Please come forward if you have any items to be withdrawn.

Mr. Plumlee: Mr. Chair, I believe Item 20. There's a request pending for the withdrawal of Item 20, and therefore I'd move for its withdrawal to be granted.

Mr. Coston: Thank you. It has been moved by Commissioner Plumlee and seconded by Commissioner Mauch that this item be withdrawn. Are there any abstentions? Hearing none. The motion for withdrawal has been made and accepted. And Madam Clerk, could you please open the vote?

Clerk: One second. We are trying to get the vote open. The vote is open, Commissioner Camp. Your vote.

Mr. Camp: It's not appearing in my screen. You have my verbal vote in favor.

Clerk: By a recorded vote of 10 to 0, Item 20 has been recommended for withdrawal.

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			

Virginia Beach Planning Commission September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

Public Meeting Items #21 – 26 Beach Vibe Stays, LLC
Recommendation: RECOMMENDED FOR APPROVAL

Discussion

Clerk: Our next items are Items 21 through 26, Beach Vibe Stays, LLC.

Mr. Lancaster: Good afternoon. My name is Mike Lancaster. This is my second time here. The first time, obviously, we were denied. What I'm trying to understand is, my client purchased a property on Cypress Avenue. She has all the required parking. She currently has a BMP that sits in front of her property. She's not asking to go outside the current footprint to get the short-term rentals, but for some reason, we keep getting denied. The this body has approved a developer that has probably built maybe 12 to 14 3-story condos behind her, along with commercial building going up, and it's a concrete jungle. So I've been over there when it's rained, and I've watched that water just shed onto her property to try to make it to that BMP. If she was in full operational use, she would be conflicting, or he would be conflicting with her operation. But he was approved for short-term rental. He's got all the buildings going up.

Mr. Plumlee: Chair, may I interrupt this gentleman just quickly, just a redirection. Because you didn't come for an approval of a specific project, what you came here before was to object to a reduction. My understanding, a reduction, and I may be getting confused, so you can correct me. A reduction in the overlay. That was the last proceeding. Was that the one you were talking about?

Mr. Lancaster: I just want to make sure that overlay was changed after the gentleman, the developer, behind us. You guys gave him that green pass.

Mr. Plumlee: But let me, let me make sure I'm understanding you. Did you come and object to the reduction in the overlay? That was my understanding. Has this appeared before this exact plan or not?

Mr. Lancaster: No.

Mr. Plumlee: Okay. So you said you've been rejected before, and I'm looking at a plan. And I believe the last time you appeared, you did not submit a plan to this board. Am I correct?

Mr. Lancaster: The plan was submitted. I don't know if you received.

Mr. Plumlee: There had been a plan submitted before. I just want to make sure I'm understanding.

Mr. Lancaster: If you're able to pull up and look at the far side of that property, it doesn't look that anymore, the building does.

Mr. Plumlee: One second, please. Have this appeared before us before?

Ms. Eisenberg: This is the first time this application is before this body.

Mr. Plumlee: Okay.

Ms. Eisenberg: There hasn't been action on this.

Mr. Plumlee: So I just want to make sure I'm what you're asking for. I'm understanding. You said you've been turned down before for this. Is that accurate, or is that inaccurate?

Mr. Lancaster: Well, that's inaccurate because you guys removed that.

Mr. Plumlee: So maybe you can explain what you're here to receive approval for.

Mr. Lancaster: Yes, we'll do. So what's happened is, during this process, the gentlemen who developed behind this, I'm pretty sure a lot of folks are familiar with that building. It's a very nice building. It sits right over by WRV. It probably stayed vacant for a couple years. She went in attention. She purchased the vehicle. I mean, the building, and trying to find a proper use for it, which is not going outside that footprint, which does not require any additional parking. We're just asking to be approved for the short term rental.

Mr. Plumlee: So I'm just if you could begin by telling us what this is an application for. It's my understanding, this is an application for six separate units within this 20006 foot structure. One having two bedrooms and the others having one bedroom. Is that fair?

Mr. Lancaster: Yeah, it's one bedroom. The one at the very end is a little larger, which we could reduce to make it.

Mr. Plumlee: Because I think you came to argue with us, and what I'm asking for is that you explain what it is you're seeking approval for, just to begin.

Mr. Lancaster: We're seeking approval for short-term rental. That's what we're seeking.

Mr. Plumlee: In what space? This is an office space, correct?

Mr. Lancaster: Correct.

Mr. Plumlee: So how is this going to be converted to be an appropriate location for people to sleep?

Mr. Lancaster: Well, we're going to have to do some work. We already hired an architect, which you're seeing concept drawings. I actually have part of the building design now, but we don't want to keep spending money if, if it's not going to make it.

Mr. Plumlee: Well, can you tell me, for instance, what are the various sizes of these STRs? I thought there was, in fact, one that was two-bedroom because I was looking at the breakdown. The one that there was one was two bedrooms, and the other were single bedrooms. So, having the detail is as important as having the argument. Okay, so I'm just really asking you to describe what

are what is, what are these going to look like? How are they going to be laid out? What is the idea?

Mr. Lancaster: Basically, they're going to be a lot nicer than a lot of the folks that are out there. It's all, it'll be all tiled, one bathroom. It'll have the amenities of a microwave. It'll have refrigerators. It's ceramic tile, LVP flooring, nice furniture. Everything is brand new, everything is completely new.

Mr. Plumlee: So they have, they have one common hallway between them. Is that fair?

Mr. Lancaster: Yes.

Mr. Plumlee: With separately locked doors.

Mr. Lancaster: Correct.

Mr. Plumlee: As you're sort of going down the hallway of a hotel. Is that fair?

Mr. Lancaster: Yes.

Mr. Plumlee: And then is there access ways from the exterior entrance and access, or is it one single entry coming in and then you go to your single apartment or whatever?

Mr. Lancaster: We have options right now to do either or. So that's kind of why we're still sitting in this space because we have the ability to bring people into the back, the one door, we have the ability to bring them through the front. Whatever is going to satisfy, you know, building codes, zoning, and so forth, is what we're going to adhere to.

Mr. Plumlee: And these are all on one level or they're multiple.

Mr. Lancaster: It's they would be on 2nd floor. That is correct.

Mr. Plumlee: Okay. And what is on the 1st floor?

Mr. Lancaster: It's pretty much open office space. It was an old architect's building. It's just office. It'll be offices on the on the 1st floor, possibly, maybe the future, maybe try to sell coffee or something out of there, but office use.

Mr. Plumlee: So at this point, it would be retail or office on the 1st floor, and then STRS on the 2nd floor. Is that fair?

Mr. Lancaster: Yes.

Mr. Plumlee: So this is the kind of explanation I'm trying to get, you know, of what, what you're asking for, because I see just the footprint, or the blueprint for this STR out layout, but I don't see much in the way. I don't see side elevations or other things to give us a clue as to how this would look. I see a photograph of the building as it is in its current condition in the parking lot.

Mr. Lancaster: We do have a. I thought the planning department had it. We do have a elevation of the building showing the dormers that would be added. The building is currently constructed out of brick, and the roof is currently a metal roof. So, yeah, we would have to add the dormers to the top to meet the egress requirement for the fire department and code.

Ms. Schoonover: Is the office space below part of your project? Because now I'm looking at this and I'm thinking, maybe it's a little different than I thought. I mean, that's part of your project, or is it somebody else's project?

Mr. Lancaster: First floor, second floor.

Ms. Hippen: Okay, so I do remember you, and you were one of the people when we were talking about the overlay. You were one of the people who had submitted your project. It had not come to us, and because I asked the question, is there anybody who submitted, and it hasn't gone through, and you were one of the ones. So that's why the Commissioner was asking you those questions. There is elevation at all. I'm looking at this, so I see that one of them has a separate bedroom, and the rest are studios. Am I correct?

Mr. Lancaster: Yes, ma'am.

Ms. Hippen: Okay, all right, and at this point in time, there is only one entrance, a stairway up. Correct?

Mr. Lancaster: Yes.

Ms. Hippen: Okay. All right. And so you've got studios. Okay. All right. Okay. That's what I was trying to figure. But I do remember. Because, like I said, I asked the question: who has stuff in the pipeline that would get disapproved? And this is outside that overlay. Am I correct?

Mr. Lancaster: Correct.

Ms. Hippen: Okay. Thanks.

Mr. Lancaster: I'm a product of Virginia Beach. I've lived in this area since 1980. One of the first places I got my haircut at was right around the corner. So, this area kind of sits where the old pavilion was located. These other little, like Washington Street. So, I know that area because I grew up here. You know, I spent my whole life. You know, from 12 years old, working at that Oceanfront Chester Rodeo. This was back when Bruce Thompson was running Beach Quarter. So, I know the palm. I know the beach very well. I went to Virginia Beach Middle School. A lot of folks that are going to be working me in this facility, in this building actually reside in the Seatack, so we're just asking for your support. We don't need any parking. We have a BMP.

It's going to enhance the look of that area, and keep the -- unfortunately, right now, we do have homeless people that are. They gather there all the time, just to sleep in front of this building. So hopefully we can convert those people into maybe short-term rentals or something. But we're just asking for you guys to, you know, to allow us to do that. As long as we meet all the other requirements for building code, it's not a problem.

Ms. Hippen: So are there windows in any of these?

Mr. Lancaster: I did submit an elevation for the front. I guess you guys don't have it, But it shows the dormers that meet egress, leaving that facility.

Ms. Hippen: Okay, because I'm looking to see. The picture that we have, and I don't know if you can see it.

Mr. Lancaster: That's a very old picture. It looks nothing. I mean, the buildings stay the same, but that whole area is different now. But the building would have dormers, that would obviously be the Egress points to get out in every room.

Ms. Hippen: Okay. So you are looking --

Mr. Lancaster: Imagine a little hut or a little house with the dormer for that window to sit, you know, for fire code reasons, and so forth. I do have that elevation. I did send it. Unfortunately, I thought you folks had it, too.

Ms. Schoonover: Are you able to email it to the staff?

Mr. Lancaster: Alexis has a copy of that. She does have a copy of it.

Mr. Coston: Commissioner Camp,

Mr. Camp: Thank you, Mr. Chair. Thank you. I remember you from last time, and I remember speaking with you outside after last time. I have two questions. One for you and one for staff. My question to you is: under the potential change for the STR overlay, as I understand it, this property was proposed to not be eligible for STR use if that had advanced?

Mr. Lancaster: Yes, sir.

Mr. Camp: Is that part of your concern in trying to secure this approval?

Mr. Lancaster: Yes, sir. Yes.

Mr. Camp: Okay. Thank you for your honesty on that.

Mr. Lancaster: We have spent a lot of money so far to. You guys understand, but I've already hired the architect. A lot of the work has been done, and I actually didn't think it was going to be -- it's more challenging than I thought to get something approved. I look around. I'm very pro Virginia Beach. I don't like to stop anyone from doing their development or what they're doing. I see the variance signs, and I like progress here. I kind of know a little bit how things work. I served on the Virginia Beach Minority Business Council, so I kind of know how things function behind closed doors. We're just trying to do good business with the folks. That's it. That's all we're looking for. I've been in a lot of situations working with the city, where sometimes I was always pushed out away because a large developer would come in, and we've had one take a job from me, which this was back when Mr. Sessoms was a mayor, and Patty Phillips was involved.

They positioned me with a guy, a large prime contractor, who took my job. Then I tried to purchase property near Rudy Inlet. I couldn't get that. Sir, I've been kind of --

Mr. Camp: I'm going to bring you back a sec here. And that's not to minimize your personal journey, but we've got to deal with the thing in front of us here. My question for staff: we don't have a lot here in this application, but when I look at what I now understand to be a second floor set of sleeping spaces, and I see one means of egress, reference was made to compliance with building code, other codes, is what we've shown is this acceptable, or how does that work?

Staff: So we did have a preliminary review by the building official, and it's to date, and again on a very preliminary level, it does meet the requirements.

Mr. Camp: Okay, thank you for answering my question. Thank you, sir.

Ms. Hippen: Okay, so my next question is for staff. I understand what you're trying to do on the 2nd floor. But well, let me ask you first: what will the first floor be?

Mr. Lancaster: Offices.

Ms. Hippen: Okay. Now, my question for staff: this sounds like a mixed use, and not just a an STR. So, how come we -- and I'm, I'm not, like, accusatory asking, but should this not be a mixed use project here because the STRS that we had before, that were built from the from the ground up, were only used for STRs. The applicant is stating that he's going to put offices on the bottom floor, so.

Ms. Sabo: So we will look at all of the uses for this building, but short-term rentals are a use that goes into an existing or would go into a dwelling, whether it's a single-family dwelling or an apartment. So, in order for that apartment or single-family dwelling to be utilized as a short-term rental, they would have to get this STR application. **Y**ou conditional use permit.

Ms. Hippen: So he's been through a lot. Okay, he's, he's frustrated. I can tell that, and that's okay. I don't want to see him, you know, lose use of the bottom of the building because it's another use. You get what I'm saying? He's got to submit another application for that, correct?

Ms. Coleman: No, the office can, the office can stay by, right. Well, what the next steps will be will be to submit their building plans to the Permits and Inspections Office to make sure everything can be done per the building code, and then they will apply for their annual short-term rental use permits once the CUP is approved, and then that's when we'll come in, we'll do safety inspections, we'll make sure everything is up to snuff. That they've met all the conditions of the conditional use permit prior to issuing them an operating permit.

Ms. Hippen: Okay. Are these offices going to be connected with the short-term rentals, or are these offices going to be used by somebody else?

Mr. Lancaster: Someone else. Some people. They're not going to be connected for those folks, unless they choose to.

Ms. Hippen: So you see my confusion, staff?

Ms. Sabo: So a mixed-use building is permitted here.

Mr. Plumlee: That because it allows both residential and office in the same structure. Is that what you're saying?

Ms. Hippen: See, you saw those bright lights flash, right?

Mr. Coston: Commissioner Schoonover, did you have your light on a minute ago?

Ms. Schoonover: Well, I did, but I think it's a little bit more clear. I'm just trying to, I was trying to, I guess, figure out if we needed to get more information before we did anything. Because I'm not saying no at all. I just, it was a little unclear. But now that we're we've gotten some clarity to this mixed use aspect, it's a little bit different. I'm just not sure. Are we feeling like we need more information before we proceed?

Mr. Plumlee: My question: You've got laundry on -- is that downstairs or upstairs? The laundry?

Mr. Lancaster: Right now, we're if you're possibly upstairs or downstairs. The architect is still currently designing this. We're going to find, like the, you know, obviously, the best position to put that in. But right now, we will put that upstairs.

Mr. Plumlee: The laundry is upstairs. And what says in deposit? Tell me what that means. One of the rooms is marked deposit. I don't know what that means.

Mr. Lancaster: I'm not looking at what you're looking at.

Ms. Hippen: It's right across from the from the large one-bedroom. This is the whole application.

Mr. Plumlee: Yeah, you can see it. Yeah, it's up behind you as well. Do you see at the top left? It says deposit. I believe that's what it says. I can still see.

Mr. Lancaster: That's not a room. I don't know why it's labeled that way, but that's not a room or anything.

Mr. Plumlee: And so, do you know what each unit square footage is?

Mr. Lancaster: Yeah, I want to say it'd be roughly, about a 100 something.

Mr. Plumlee: I mean, I could try to do the math myself, but I think you'd rather tell me, since you, you were going to build this.

Mr. Lancaster: Yeah, they are roughly, they're a little bit over a 100 square feet each unit, each unit.

Mr. Plumlee: Each unit is what?

Mr. Lancaster: I believe each unit is over a 100 square feet.

Mr. Plumlee: Well, I bet they're a lot bigger than that, aren't they? So, we've got a building that's 26,000 square feet, half of it's dedicated to the STR, so that's 13,000 square feet. We've got six, six units, right? Or are we saying seven?

Ms. Hippen: Six units.

Mr. Plumlee: So are they averaging, you know, 1,500 square feet or something? A 1000 square feet, at least more than that.

Ms. Hippen: This is 10 by 11.

Mr. Plumlee: Yeah, I'm just confused by these drawings. I'm not sure.

Ms. Hippen: And the other one is bigger.

Mr. Lancaster: That's just a concept, meaning that's not. That's just a concept drawing. But obviously, we have to submit the correct, you know, architectural plans to the planning department to get approved, which will meet those requirements.

Mr. Mauch: Sure. The downstairs, the building as it stands, how many square? How, how, how much square footage is in that building?

Mr. Lancaster: It's about 10.

Mr. Mauch: 10,000. Okay, that's a little helpful, just to get the size of what would be enough.

Mr. Lancaster: It might be a little less. I want to say the initial folks were using the second floor for storing purposes and so forth. So what we're trying to do is make sure we meet all the requirements that zoning is going to give us. And that's how this will be obviously addressed and make sure it meets code, zoning, so forth. Right. We can't make it without those folks approving the plans to get the alterations done.

Mr. Mauch: I don't know if you remember last meeting when we had approved and sent forward to City council, I did ask that there be consideration for anything that's in the pipeline. So, I understand the rush to get this done, but I hope that consideration was taken into consideration.

Mr. Lancaster: I apologize. I am a little behind. My wife and son just got back in from Columbia, so I just got in from Dallas. My wife and son were caught in the earthquake, so it's been a little challenging. So that's why I'm a little unprepared this morning, and I apologize for that.

Mr. Coston: Commissioner Byler has a question.

Ms. Byler: Thank you, sir. I think my question is for staff. I'm not sure what the difference in a hotel or apartment complex or short-term rental is, so I'm finding that a little confusing. Also, I want to be clear: This appears to be in the area where short-term rentals are currently allowed, but with the new overlay, will be prohibited. Is that correct?

Staff: So, yes, that's correct. This would be mapped out, but it's important for everyone to know that City Council has indefinitely deferred that item.

Ms. Byler: Interesting. All right.

Staff: To adjust the boundary for short-term rentals.

Ms. Byler: Okay. Thank you.

Staff: So to answer your question, it's a completely reasonable question. A hotel is a building, and I apologize again, I will read this to you, but it is a building or group of attached or detached buildings containing dwelling or lodging units in which 50 or more of the units are lodging units, but so, essentially, a hotel includes a lobby, a clerk's desk or counter, and then facilities for registration and keeping of records relating to hotel guests. So it is, and this definition was made, I think, before short-term rentals became a thing. Short-term rentals are residential dwellings, so either a single-family dwelling or an apartment that are built to be for residential use, that are then used as short-term rentals. So rather than having a long-term rental or owner live there, they have a short-term rental. Somebody that stays there only 30 days, or, you know, 30 days or less. And short-term rentals are for dwellings that have a bedroom, a kitchen, and a bathroom, and they don't have to have a check-in registration area. So there are some apartment complexes that could be have a bunch of those units converted to short-term rentals. If they get conditional use permits for that, or if they wanted to do whatever building code requirements there are, an apartment complex could also be converted into a hotel for the zoning ordinance. As long as they had facilities for registration and a lobby, clerk's desk that could be converted into a hotel. Again, as long as that use is permitted there, but the big difference here is having that lobby, clerk's desk, and then a facility for registration.

Mr. Plumlee: I may ask another question, Mr. Lancaster. Ms. Marva Gutierrez, she appeared with you at the last proceeding, if am remembering correctly, and I believe she indicated that she had purchased this property about a year prior to. Is that fair?

Mr. Lancaster: Yes, sir.

Mr. Plumlee: Okay. Thank you very much.

Mr. Coston: I don't know, but I think in the past, so this is for staff. We have approved plans, and I don't know if they've already been to the to the planning department. I mean to the --

Staff: Approved construction plans?

Mr. Coston: Yes.

Staff: No, we do not. We've just taken a preliminary review of these, but we have not gone through a detailed plan review for construction.

Mr. Coston: Okay. Any more discussion? Motion?

Ms. Byler: I have, by way of discussion, I have a question for my fellow Commissioner Plumlee, Brian, you appear to be the expert on short-term rentals at the Oceanfront. You

and Commissioner Mauch, actually, both of you are very knowledgeable on this, and I appreciate that because I'm struggling to keep up. But the potential overlay that right now is, you know, in abeyance and not moving forward, that was brought about due to serious concerns at the beach. So now we're thinking of adding something expressly in the area that was of serious concern. Do either of you have any concerns about that that I should know before I cast my vote?

Mr. Plumlee: I think that's a great point. Commissioner Byler, I will tell you. I think, I have great respect for people that own property, that want to make the best of their property, and I sense very much that this is. Let's try to get this under the wire. I worry about the drawings, the presentation, and the plans, and I ask that question, Mr. Lancaster, because I asked it of her when she came. She purchased the property a year before. We considered this change in the overlay, and I felt as though we had to draw a line then. This application may technically be on time, while things are pending. But I think, you know, quite honestly, I haven't seen enough to satisfy myself with regards to the layout, and all those other factors that we'd want to see. This is my district. I take very seriously people's ability to develop the property to the greatest, not just the greatest use, as determined by some governmental agency, but to their own profitability and their own ability to express themselves. I feel that very deeply, and so it bothers me, quite honestly, that I cannot feel supportive of this in its current form. I do appreciate very much the time that you've put into this and the money, but that's my position as I see it.

Ms. Byler: Thank you, Brian. If I could hear from Commissioner Mauch, please, regarding short term rentals in this location.

Mr. Mauch: Yeah, I mean, my opinion at this moment doesn't really matter. Because we have an overlay that states that that short term rentals are acceptable in this area. I say that, and I also share some of the sentiment that Commissioner Plumlee has. Where the plans that I see in front of me, I can't visualize how it actually looks to be able to make a well-informed decision. I think because I do know you had mentioned that if somebody wanted to join the bottom and the downstairs, they may have the ability to. I don't know how that looks when it comes to building code, because if there's a business downstairs, and would that be considered a mezzanine?

Would they have to sprinkler their building now? I think there's a lot of unanswered questions that maybe a little bit further advanced plan could probably answer for us. And at this time, I mean, I would prefer to allow for him to come back with those, but. You know, if we were, if we were doing a yes or no at this moment, I could. I couldn't support it just because I don't feel like I have enough information in order to support whether it's a good, good plan or not. And I understand that it's going to go for further design and review when it comes to passing through this body and passing through the next. But generally, we have a little bit more of an idea of what we're, what we're saying. Yes, this can be here forever, or no, this can't.

Staff: Thank you, Chair. Can I ask a quick question, please? Just point of clarification: what it is that you're looking for? What would make you feel more comfortable? We do have the elevations that were provided. If we could pull those up on the screen really quick, it'll be a little clunky because we'll have to kind of work through the PowerPoint. But if we can get that done

really quick, I don't know if that's really all the what you're looking at to give you more clarity beyond the floor plan.

Ms. Schoonover: Well, part of the issue is that the numbers don't make sense, and we're trying to figure out what's happening. So, you know, we have things that are labeled maybe incorrectly. We have numbers that are not quite correct, that don't make sense for the building. We didn't know that it was mixed use at all. I mean, there's just there's just so much that that we've been trying. We've been having to kind of figure out as we go through. And I think everybody's uncomfortable trying to assess what's happening with so little on paper.

Staff: Understood. And I will point out because I know this is part of the conversation. So yeah. Page two of the staff report, Third bullet, It does say the proposed 6292 square foot office, and it states the parking that's required for that. So that was included with the staff report to give you a feel for the square footage of the office space. And like I said, we'll pull up the elevations, and then I can't speak to the numbers on the floor plan, other than that's all included on page 12 of your staff report.

Ms. Schoonover: Were these numbers that you put in here on the one picture we had? Were these meant for this building, or these accurate? Because it says things like you can see the same page, you've got six point, five feet. I mean, we were just looking at this, and it didn't make sense for the square footage of the of the building. Were these designs for the specific building or something else?

Mr. Lancaster: That we actually have another drawing which you may not have that goes along with the elevation. That was, I think, that's the original concept that came in. But you probably, you folks probably haven't seen the elevation. There's work that's been put into this. The exterior of the building will built will be built the same as what you see currently at that building, brick with the metal roof to match. So it's not going to be an odd. So it's actually a very nice looking building, and it will continue to look that way.

Ms. Schoonover: Gotcha. I don't think you're getting a no per se. I think we're getting is we're just not sure how to make a decision based on the little information that we have. That doesn't seem to be quite clear, and that doesn't seem to be quite accurate. And, you know, typically, if you look at the other staff reports that we have for the different projects, you see how much detail there is, and it gives us a sense of what's happening. And you say, we are pulling up those pictures. Is that what we're saying?

Ms. Hippen: So, everybody is not confused. I realize that this is a concept drawing. You've answered the questions that I had. You were a little rough at the beginning. But you, you cool now, and I am supportive of this. I trust that the staff has gone through. Oh, that looks nice. There you go. That's what we're looking for. I think, you know, now that we've gotten the questions answered, I trust in what the staff has put forward. I just put it that way. I'd like to move to approve this project.

Mr. Coston: Any further discussion? Ready for a vote? It has been moved by Commissioner Hippen and seconded by Commissioner Moorjani.

Ms. Byler: Mauch has a comment.

Mr. Coston: You have a comment, sir?

Mr. Mauch: It's beautiful, but it still doesn't -- it still doesn't give me the information that I need, as far as how it is going to be set up. I want to make sure that you get a fair shake because I just don't feel like I have the information. If we're doing a yes or no, I can't say yes to it at the moment. I would prefer to defer it. But if it's the will of the body to just to give you more time to be able to bring us the information. I mean, we didn't even have this in our in our packet. I mean, is maybe a question for staff? Is Council -- it's deferred indefinitely, so they're not taking action immediately? Would it?

Staff: I do not know the answer to that question. We're waiting to hear from City Council on what the next steps are. I can say for this project, I'm not sure what happened with the elevations. Obviously, you're getting to see them now. But these are studio apartments. We do currently have studio apartment STRS in our inventory in the resort, so that's really nothing new. It's a mixed use project. It's permitted in the OR. The 1st story is office. Second story is going to be STRs. So, yes, we don't have the square footage of each unit. That might be a question still, but it's going to have to go through all of the review and approval processes.

Mr. Coston: Are we ready for the vote?

Mr. Plumlee: One follow-up question. I'm sorry to interrupt you, Kathy. So we have half of the building is office, and the and so the calculation for parking was done for those, correct?

Staff: Yes, I believe it's on page two.

Mr. Plumlee: Short term is seven, and then the office requires nineteen, but they have 30 spaces, so there are 4 above the required parking for a total of them. Okay, thank you very much.

Ms. Byler: I believe the comprehensive plan encourages mixed use in this area and encourages building up instead of out, and I think this design meets the comprehensive plan, and I respect staff's recommendation. For those two reasons, I'm going to support it. Regarding the short-term rental aspect, on which we are actually voting today, I am not really in a position to say whether or not they're going to be allowed in this area, and I don't think any of us is. So you're going forward whether or not your short-term rental is renewed in the future, at some point, it might be revoked. I have no idea how that's going to work. But I guess that would just make your second floor just studio apartments to rent long-term instead of short term, and if you're okay going with that, you know, God bless you.

Ms. Schoonover: I really don't want to say no. I would really prefer that we defer this because I don't. Feel like I have enough, to be sure. You know, we're so careful of making these demands of people and putting things on record. I feel like there's just so little on record here for me to say anything. I just would really prefer that we defer this because I don't want to say no to you, but I don't feel like I can say yes yet.

Mr. Coston: Ready for the vote?

Clerk: The vote is open. By a recorded vote of 6 to 4, Items 21 through 26, Beach Vibe Stays, LLC has been recommended for approval.

Mr. Lancaster: Thank you, folks, so very much.

Mr. Coston: Thanks, everybody, for your participation today.

Vote Tally

Commission Member	AYE 6	NAY 4	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 6 proposed dwellings at 1909 Cypress Avenue to include 1 two-bedroom unit and 5 one-bedroom units, as shown on the concept plan, 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 September 9, 2026
City Council Chambers
Formal Hearing, 12:00 P.M.

New Business Item Speaker Policy Amendment
Vote: APPROVED

Discussion

Mr. Camp: Mr. Chair. New business.

Mr. Coston: New business. That's right. Commissioner Camp.

Mr. Camp: Mr. Chairman, I move to amend Sections 5 and 6 of the Planning Commission's Rules of Procedure to hear from speakers in the order that they signed up during public hearings on our regular agenda, rather than hearings from all in favor while opponents wait, and then vice versa. This motion was sent out in advance. There is a copy of it before the Commission today. It is in two pieces. The reasons that I am bringing this forward are that I believe it is more fair to the public. I've been a mediator for most of my commercial, my professional life, and I believe that being heard is a big element of accepting outcomes you don't like. I believe that being told to wait at times an hour or more while your opponents have free run of the floor frustrates people.

I believe the random order of sign-ups is perceived as more fair and equitable. I believe that people listening and people later reading a transcript will find it more interesting and not tune out if each particular sentence, paragraph, and speaker might contain something different. I believe that each side will hear some views that they agree with and some they disagree with, but it'll become more engaging. They will tune in; they won't tune out, waiting for their side to be heard.

I also believe that this is helpful to us as Commissioners and ultimately to City Council, because when there is an exchange of ideas, people who are later down the list often choose to modify the remarks they thought they were going to say, because they would like to counter something that an earlier speaker said, or to add weight to something they think is important but wasn't emphasized enough. So the quality of the discourse that we hear from the public, I believe, is better if we allow them to alternate in the random order that they signed up, rather than choosing an order based on the content of their remarks in advance.

I also believe that the attrition we have seen during the few nights we've had a packed room, and some people couldn't stay. I think that that's unfair if you've already predetermined which side that's going to affect more.

That all the people with one point of view are probably going to be heard because it's earlier in the evening, and people with a different point of view have to hang in there, and in some cases, they may not be able to. And I say that because we've seen it happen. In my opinion with West Neck, where senior citizens were asked to wait until late in the evening for their turn to share their views with us. I also believe that those who need to leave early can plan by signing up early. And then, lastly, I believe it is not in the best interest of this motion to allow lists of speakers to be submitted all at once, because it would defeat the purpose. If you want to have some random mix of people

based on sign up, they need to sign up individually. So that's a part of the motion. So that's my motion and reasons. I'll step back and see if there's a second.

Mr. Mauch: I'll second.

Clerk: Discussion?

Mr. Coston: We have a first and a second. Do we need any discussion, Commissioner Plumlee?

Mr. Plumlee: Yeah, I do oppose the motion to change how we've been doing this work. It's been essentially the method that I've seen throughout my time, coming before boards, appearing before councils and Commissions. And quite honestly, if we're going to change anything to encourage participation, we should be starting our proceeding at 5:00. To try to get people who are coming out of work. We're holding business during the day. It's where this, when this body works. People have an opportunity to hear and participate. I think having an orderly process coming to, you know, support and oppose, makes clear what we're hearing when we're hearing it. It does allow us to go back in the record more cleanly and find things.

So, I see no urgent reason to change what has been working pretty nicely throughout the time that I've been on this body, and I've not seen. There's been meetings at times, people have had to leave, but that happens. We're not going to stop that from happening by rearranging the order in which people appear. There are going to be times when they have to leave, times when they can stay. We can't control that. We could get far more participation if we were to hold our meetings after 5:00 at night. I do know that.

Mr. Coston: Commissioner Schoonover.

Ms. Schoonover: Well, broadly speaking, I would prefer to have the topics clustered because I can distinguish a little bit better the differences between the two issues. You can tell what's the consistent thought on one side and then the consistent thought on the other. So, broadly speaking, I do prefer to keep it the way it is. Second, I would prefer that we keep our system. So that aligns with what council is doing. I don't really want to distance ourselves from that, but I do agree with Susan as we were discussing in the informal hearing. I really would prefer to discuss this at greater length and with the other pieces of this issue at another time. I'm happy to discuss it now, but I really don't want to vote today. So if we do get to a point where we are discussing actually voting, I would like to defer this indefinitely to give ourselves more time.

Ms. Byler: So I do support this. I think if you, if you set it up where all of the advocates go first and then the opponents go last, I think it's disadvantageous to the opponents, or at least potentially, it gives the appearance of that. And in this day and age of such division and anger and short tempers—we don't need to do anything to encourage people to feel alienated or have a reason to be angry. So I just think it's more equitable to have as they arrive when they sign up, and that's the way it used to be done. It changed here a couple years ago. I'm not sure exactly when or why, but I think we need to go back to an order of when they arrive.

Ms. Hippen: It's been that way for at least three years because I've been on the board for three years, and that's the way it was.

Ms. Cuellar: So it's been my observation when John and I were on the board when I first came on that -- that's how, that's how the speakers were, and then there was the switch, and so I've had the opportunity to see both ways, and from an observation, it to me, it's more balanced on a first come, first serve sign up.

Mr. Coston: Commissioner Cromwell.

Mr. Cromwell: I would agree with Walter. We're here, basically, we're here for debate, for and against, and it lets the conversation ebb and flow. That the tide's not going one way all the time, and then shifts and goes the other way. It ebbs and flows, and that's why we're here. We want to, we want to hear the ebb and flow of a conversation, just like you're sitting at the kitchen table, so to speak. That's what it's all about.

Mr. Coston: I'll weigh in as I would support it too. My first month, my first couple of months within this, on serving on this Commission, we had 60 people speak, and we alternated and the tenor of people is a lot easier to deal with. You don't have as many people grumbling and complaining or being loud because of something was said, and you kind of keep a lid on it a little bit better, I think.

Mr. Camp: Mr. Chair, thank you, and to my fellow Commissioners, thank you for expressing your opinions. I'd like to call the question.

Mr. Coston: Thank you.

Clerk: The vote is open. Commissioner Schoonover?

Ms. Schoonover: I'm just debating. I'm just debating because I would really prefer that we not vote on this now. Do you do you have no objection, Susan? Well, I would prefer to make a substitute motion and defer the actual vote on this matter.

Mr. Coston: We've already open to vote.

Ms. Schoonover: I know, and I told you what I intended to do. I was trying to give people a chance to discuss it before I was disrupting the conversation. Are you sure?

Clerk: By recorded vote of 7 to 3, the Speaker Policy amendment, has been approved.

Mr. Mauch: Any other business?

Mr. Coston: Meeting adjourned. Thank you for your participation today.

Vote Tally

Commission Member	AYE 7	NAY 3	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			