

CITY OF VIRGINIA BEACH

"COMMUNITY FOR A LIFETIME"

CITY COUNCIL

MAYOR ROBERT M. "BOBBY" DYER, At Large
VICE MAYOR ROSEMARY WILSON – District 5
MICHAEL F. BERLUCCHI – District 3
BARBARA M. HENLEY – District 2
DAVID HUTCHESON – District 1
ROBERT W. "WORTH" REMICK – District 6
DR. AMELIA N. ROSS-HAMMOND – District 4
JENNIFER ROUSE – District 10
JOASHUA F. "JOASH" SCHULMAN – District 9
CHRIS TAYLOR – District 8
SABRINA D. WOOTEN – District 7



CITY COUNCIL APPOINTEES

CITY MANAGER – PATRICK A. DUHANEY
CITY ATTORNEY – MARK D. STILES
CITY ASSESSOR – SUE CUNNINGHAM
CITY AUDITOR – LYNDON S. REMIAS
CITY CLERK – AMANDA BARNES

CITY COUNCIL AGENDA

March 5, 2024

CITY HALL BUILDING 1
2401 COURTHOUSE DRIVE
VIRGINIA BEACH, VIRGINIA 23456
PHONE: (757) 385-4303
FAX (757) 385-5669
EMAIL: CITYCOUNCIL@VBGOV.COM

MAYOR ROBERT M. "BOBBY" DYER PRESIDING

- | | | |
|--|----------------------------|----------------|
| I. CITY COUNCIL'S BRIEFINGS | - Conference Room - | 1:00 PM |
| A. 2024 GENERAL ASSEMBLY UPDATE
Brent McKenzie, Legislative Affairs Liaison | | |
| B. TIDEWATER COMMUNITY COLLEGE | | 1:15 PM |
| MISSION, PROGRAMS, ENROLLMENT UPDATE
Dr. Marcia Conston, President – Tidewater Community College
(Requested by Vice Mayor Wilson and Council Members Berlucchi, and Hutcheson) | | |
| C. REINVESTMENT IN SPORTS STUDY IN CURRENT FACILITIES | | 1:45 PM |
| Brian Connolly, President – Victus | | |
| II. CITY MANAGER'S BRIEFING | | |
| A. SMART SCALE UPDATE | | 2:15 PM |
| Katie Shannon, Engineering Support Manager – Public Works | | |
| III. CITY COUNCIL LIAISON REPORTS | | 2:45 PM |
| IV. CITY COUNCIL DISCUSSION/ INITIATIVES/COMMENTS | | 3:00 PM |
| V. CITY COUNCIL AGENDA REVIEW | | 3:15 PM |
| VI. INFORMAL SESSION | - Conference Room - | 3:30 PM |
| A. CALL TO ORDER | | |
| B. CITY COUNCIL ROLL CALL | | |
| C. RECESS TO CLOSED SESSION | | |

VII. FORMAL SESSION

- City Council Chamber -

6:00 PM

A. CALL TO ORDER – Mayor Robert M. “Bobby” Dyer

B. INVOCATION

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

E. ROLL CALL OF CITY COUNCIL

F. CERTIFICATION OF CLOSED SESSION

G. MINUTES

- | | |
|--------------------------------|-------------------|
| 1. INFORMAL AND FORMAL SESSION | February 20, 2024 |
| 2. FORMAL SESSION | February 27, 2024 |

H. MAYOR’S PRESENTATION

1. PROCLAMATION – Women’s History Month
2. PROCLAMATION – Honoring Women in Public Safety

I. PUBLIC HEARINGS

1. DEDICATION OF PROPERTY

2750 Elbow Road (523 square feet of right-of-way) to the City of Chesapeake re public project

2. CAFÉ FRANCHISE AGREEMENTS

- a. Dunes Investment Association, LLC, t/a The Dunes Café re boardwalk café
- b. Seda Inc. t/a 21st Street Grill Café re sidewalk café
- c. Atlantic Lobsta, LLC, t/a Mason’s Famous Lobster Rolls Cafe re sidewalk café
- d. Colonial Inn VB, LLC, t/a Fishtails Café re boardwalk café
- e. Fogg’s Seafood Company, t/a Waterman’s Surfside Grille Cafe re boardwalk café
- f. Baja Taco’s, Inc., t/a Baja Cantina Café re sidewalk café
- g. Chix Sea Grille, LLC, t/a Chix Café re boardwalk café
- h. Fish-N-Bones, Inc., t/a Fish Bones Café re boardwalk café
- i. Dandrea, LLC, t/a IL Giardino Café re sidewalk café
- j. Jumpin Shrimp Inc. t/a Jumpin Shrimp Café re boardwalk café
- k. Scrambled Inc., t/a Scrambled Café re sidewalk café
- l. Gold Key/PHR Food Services, LLC, t/a Tortugas Café and Tiki Bar re boardwalk café
- m. Dunes Investment Associates, LLC, t/a Station 10 Café re boardwalk café

J. BID SUMMARY

1. MANAGEMENT OF CITY PROPERTY

2044 Landstown Centre Way/ Sportsplex and Field Hockey Center.

K. FORMAL SESSION AGENDA

1. CONSENT AGENDA

L. ORDINANCES / RESOLUTIONS

1. Ordinance to **AMEND** City Code Section 2-3-1 pertaining to the Attendance Policy and **AMEND** the Final Report to City Council of the Citizens Committee on Boards and Commissions re **Boards and Commissions**
2. Resolution to **AMEND** Student Members re **Flood Prevention Bond Referendum Oversight Board** (Requested by City Council)
3. Resolution to **ESTABLISH** a **Stormwater Management Implementation Advisory Group** (Requested by Mayor Dyer and Council Member Schulman)
4. Resolution to **AUTHORIZE** and **DIRECT** the City Manager to **EXECUTE** a **Mutual Aid Agreement** re **Fire and Rescue Services among localities in Hampton Roads**
5. Ordinance to **DECLARE** 9,833± square feet of City-owned property at **Ferry Point Road** to be in Excess of the City's Needs and **AUTHORIZE** the City Manager to convey to **Meador Properties, LLC** DISTRICT 7
6. Ordinance to **AUTHORIZE** temporary encroachments into the City-owned drainage, Maintenance and variable width impoundment easement at the rear of 5945 Glen View Drive re **maintain existing fence and construct and maintain rip rap revetment** DISTRICT 7
7. Ordinance to **AUTHORIZE** temporary encroachments into the City-owned property known as **Starboard Canal and Island Lake** at the rear of 2428 Windward Shore Drive re **construct and maintain a revetment encroaching variable distances, a timber pier, floating dock with aluminum gangway and a covered boat lift** DISTRICT 8
8. Ordinance to **AUTHORIZE** temporary encroachment into the City-owned property known as **Treasure Canal** at the rear of 2204 Windward Shore Drive re **maintain an existing bulkhead, construct and maintain a timber bulkhead with a return wall, sand backfill, and topsoil/turfgrass, timber open pile wharf, timber pile overhead beam boatlift and boatlift electrical cable** DISTRICT 8
9. Ordinance to **AUTHORIZE** temporary encroachment into the City-owned property known as **Chesapeake Bay** at the rear of 2810 Ocean Shore Avenue re **maintain existing wood steps with metal rails, moveable wood platform and wood retaining wall and construct and maintain a wood fence/retaining wall** DISTRICT 8
10. Ordinance to **ACCEPT** and **APPROPRIATE** \$290,000 from Dominion Energy Virginia for Section 106 Mitigation of Adverse Visual Effects to the FY 2023-24 Planning and Community Development Operating Budget re **Coastal Virginia Offshore Wind Commercial Project / historic preservation program priorities**
11. Ordinance to **ACCEPT** and **APPROPRIATE** \$19,446 from the Virginia Department of Criminal Justice Services to the FY 2023-24 Human Services Operating Budget re **salary increases in Community Corrections and Pretrial Services**

M. PLANNING

1. **RUFFIN 86, LLC** for a Variance to Section 4.4(c) of the Subdivision Regulations re **demolish three (3) dwelling units to construct one-single family dwelling** at 109 A & B 86th Street & 8600 Ocean Front Avenue DISTRICT 6 (Deferred from February 6, 2024)

RECOMMENDATION:

APPROVAL

2. **C THE JEMS, LLC / JONATHAN PROPERTIES, LLC** for a Modification of Proffers to a Conditional Change of Zoning and a Conditional Use Permit re **bulk storage yard – tow** at 2625 Horse Pasture Road DISTRICT 5 (Deferred from February 20, 2024)

RECOMMENDATION:

APPROVAL

N. APPOINTMENTS

90-DAY FESTIVAL TASK FORCE

ATLANTIC PARK COMMUNITY DEVELOPMENT AUTHORITY

BAYFRONT ADVISORY COMMISSION

BEACHES AND WATERWAYS ADVISORY COMMISSION

CLEAN COMMUNITY COMMISSION

COMMUNITY POLICY AND MANAGEMENT TEAM

COMMUNITY SERVICES BOARD

DEFERRED COMPENSATION BOARD

FLOOD PREVENTION BOND REFERENDUM OVERSIGHT BOARD

GREEN RIBBON COMMITTEE

HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION

HEALTH SERVICES ADVISORY BOARD

HUMAN RIGHTS COMMISSION

MILITARY ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

OLD BEACH DESIGN REVIEW BOARD

PERSONNEL BOARD

RESORT ADVISORY COMMISSION

SENIOR SERVICES OF SOUTHEASTERN VA BOARD

SHORT TERM RENTAL ENFORCEMENT TASK FORCE

STORMWATER APPEALS BOARD

TRANSITION AREA/ INTERFACILITY TRAFFIC AREA CITIZENS ADVISORY COMMITTEE

VIRGINIA BEACH CANNABIS ADVISORY TASK FORCE

VIRGINIA BEACH COMMUNITY DEVELOPMENT CORPORATION

VIRGINIA BEACH VA250 COMMITTEE

O. UNFINISHED BUSINESS

P. NEW BUSINESS

Q. ADJOURNMENT

OPEN DIALOGUE

Non-Agenda Items

Each Speaker will be allowed 3 minutes

If you are **physically disabled** or **visually impaired**

and need assistance at this meeting,

please call the **CITY CLERK'S OFFICE** at **385-4303**

The Agenda (including all backup documents) is available at <https://clerk.virginiabeach.gov/city-council> under the eDocs Document Archive. If you would like to receive by email a list of the agenda items for each Council meeting, please submit your request to TChelius@vbgov.com or call 385-4303.

Citizens who wish to speak can sign up either in-person or virtually via WebEx. Anyone wishing to participate virtually, must follow the **two-step process** provided below:

1. Register for the WebEx at:
<https://vbgov.webex.com/weblink/register/rec3193231d45737245dc4bfdd8768243>
2. Register with the City Clerk's Office by calling 757-385-4303 prior to 5:00 p.m. on March 5, 2024.

- | | | |
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6:00 PM

A. CALL TO ORDER – Mayor Robert M. “Bobby” Dyer

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1. INFORMAL AND FORMAL SESSION
2. FORMAL SESSION

February 20, 2024

February 27, 2024

H. MAYOR'S PRESENTATION

1. PROCLAMATION – Women's History Month
2. PROCLAMATION – Honoring Women in Public Safety



Proclamation

- Whereas:** Throughout our history, women have been pioneers in all areas of society, from the arts and sciences to medicine and public service; and
- Whereas:** Women have significantly influenced public policy and contributed to the building of viable institutions and organizations that continue to support our communities today; and
- Whereas:** The knowledge, skills, and abilities of women contribute to a more robust workforce and a more prosperous economy; and
- Whereas:** Women's History Month was first recognized in 1987 by Congress and enacted by the President after years of lobbying by the National Women's History Project; and
- Whereas:** In 1988, Meyera E. Oberndorf became the first female mayor for the City of Virginia Beach, and during her term in office, the Human Rights Commission was established to advocate and support human rights, diversity, and inclusion within Virginia Beach; and
- Whereas:** We remember the great American women who fought for suffrage and advanced our democracy and the extension of the centennial through 2021 allows groups, individuals, and institutions to continue the celebrations that were cut short due to the COVID-19 pandemic; and
- Whereas:** Virginian women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, emancipation movement, industrial labor movement, civil rights movement, peace movement, and more that aim to create a more fair and just society for all; and
- Whereas:** The 2024 Women's History Month theme is Women Who Advocate for Equity, Diversity, and Inclusion; and
- Whereas:** The theme "Inspire Inclusion" emphasizes the importance of understanding and valuing women's inclusion, which ultimately contributes to creating a better world. When women feel included, they experience a sense of belonging, relevance, and empowerment. It's a collective effort to forge a more inclusive world for women, where diversity in race, age, ability, faith, body image, and identity is openly embraced; and
- Whereas:** The City of Virginia Beach is committed to empowering women, recognizing, and celebrating the contributions that they make towards building and strengthening our Virginia Beach communities.

Now Therefore, I Robert M. Dyer, Mayor of the City of Virginia Beach, Virginia, do hereby proclaim:

March 2024 Women's History Month

In Virginia Beach, I call upon the citizens, government agencies, public and private institutions, businesses, and schools in Virginia Beach to recognize the contributions of women to the history and development of the city, state, and nation and to commemorate this month with appropriate activities.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Virginia Beach, Virginia, to be affixed this Fifth Day of March, Two Thousand Twenty-Four.



Robert M. "Bobby" Dyer
Mayor



Proclamation

- Whereas:** Throughout our history, women have been pioneers in all areas of society, from the arts and sciences to medicine and public service; and
- Whereas:** Women have significantly influenced public policy and contributed to the building of viable institutions and organizations that continue to support our communities today; and
- Whereas:** The knowledge, skills, and abilities of women contribute to a more robust workforce and a more prosperous economy; and
- Whereas:** In 1988, Meyera E. Oberndorf became the first female mayor for the City of Virginia Beach, and during her term in office, the Human Rights Commission was established to advocate and support human rights, diversity, and inclusion within Virginia Beach; and
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- Whereas:** Emergencies can occur at any time that require Police, Fire, or Emergency Medical Services; When an emergency occurs, the prompt response of Police Officers, Firefighters, and Paramedics is critical to the protection of life and preservation of property; and
- Whereas:** Virginian women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also securing the safety of our community. Therefore, this month we honor women in:
- EMS: Deputy Chief Amy Ward, Volunteer Deputy Chief Ellen McBride, Division Chief Brett Johnson, Brigade Chief Cat Watson, and Brigade Chief Liz Beatty.
 - VBPD: Deputy Chief Shannon Wichtendahl, Captain Michele Meister, Captain Michele Wyatt, Captain Marcie Fox, Lieutenant Jaqueline Geluso, Lieutenant Alicia Jones, Lieutenant Nicole Kosmas, and Lieutenant Rachel Wigand.
 - Virginia Beach Sheriff's Office: Chief Deputy Christina Mapes, Captain Lois Thompson, Captain Karen Johnson, Captain Kathy Vargas, and Captain Jane Harvey.
 - Virginia Beach Fire Department: Deputy Chief Amy Valdez and Assistant Chief Lorna Trent.
 - Department of Emergency Management: Deputy Director of Emergency Management Renee McKinnon and Mitigation Program Manager Danielle Spach; and
- Whereas:** The City of Virginia Beach is committed to empowering women, recognizing, and celebrating the contributions that they make towards building and strengthening our Virginia Beach communities.

Now Therefore, I Robert M. Dyer, Mayor of the City of Virginia Beach, Virginia, do hereby proclaim:

March 2024 Women's History Month Women in Public Safety Leadership

In Virginia Beach, I call upon the citizens, government agencies, public and private institutions, businesses, and schools in Virginia Beach to recognize the contributions of women to the history and development of the city, state, and nation and to commemorate this month with appropriate activities.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Virginia Beach, Virginia, to be affixed this Fifth Day of March, Two Thousand Twenty-Four.



Robert M. "Bobby" Dyer
Mayor

I. PUBLIC HEARINGS

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2750 Elbow Road (523 square feet of right-of-way) to the City of Chesapeake re public project

2. CAFÉ FRANCHISE AGREEMENTS

- a. Dunes Investment Association, LLC, t/a The Dunes Café re boardwalk café
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PUBLIC HEARING

DEDICATION OF PROPERTY

The Virginia Beach City Council will hold a **PUBLIC HEARING** on **Tuesday, March 5, 2024, at 6:00 p.m.** in the City Hall Building (Bldg. #1), at the Municipal Center, Virginia Beach, Virginia on the proposed disposition and dedication of 523 sq. ft. of right-of-way on City-owned property at 2750 Elbow Road to the City of Chesapeake for a public project.

If you are **physically disabled** or **visually impaired** and need assistance at this meeting, please call the **CITY CLERK'S OFFICE** at **385-4303**; **Hearing Impaired**, call **1-800-828-1120** (Virginia Relay -Telephone Device for the Deaf).

Any questions should be directed to the Department of Public Works/Real Estate Office at 2473 N. Landing Road, Building 23, at the Virginia Beach Municipal Center, (757) 385-4161.

If you wish to make comments virtually during the public hearing, please follow the **two-step process** provided below:

1. Register for the WebEx at:
<https://vbgov.webex.com/webex/join/register/rec3193231d45737245dc4bfd8768243>
2. Register with the City Clerk's Office by calling 757-385-4303 prior to 5:00 p.m. on March 5, 2024.

All interested parties are invited to participate.

Amanda Barnes
City Clerk

Pilot: February 25, 2024

awb



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance declaring a portion of City-owned property located at 2750 Elbow Road in Excess of the City's Needs and Authorizing the City Manager to Dedicate the Property to the City of Chesapeake for Bridge and Road Improvements

PUBLIC HEARING DATE: March 5, 2024

MEETING DATE: March 19, 2025

■ **Background:** The City of Virginia Beach (the "Virginia Beach") owns a parcel of land located at 2750 Elbow Road partially located in the City of Chesapeake ("Chesapeake"), and containing approximately 384 acres, which property is known as the Stumpy Lake property. The portion in Virginia Beach is known as 4797 Indian River Road (GPINs: 1464-78-8948 and 1465-70-4777) (all the Stumpy Lake property in both cities collectively, the "Property").

Chesapeake is undertaking the Elbow Road Bridge Replacement Project, UPC 113694 (the "Chesapeake Project") and needs to acquire 523 sq. ft. (0.012 acres) of the Property as right-of-way for bridge improvements for the Chesapeake Project (the "Dedication"). Chesapeake currently owns and maintains the bridge carrying Elbow Road over the Stumpy Lake Spillway outfall (the "Elbow Road Bridge"). Elbow Road and the Elbow Road Bridge are located at the Chesapeake – Virginia Beach City Boundary Line and serve the citizens and visitors of Chesapeake and Virginia Beach. Virginia Beach owns and maintains the public right-of-way known as Elbow Road in Virginia Beach up to the east abutment of the Elbow Road Bridge.

The proposed improvements on the Dedication will include a curb inlet drainage structure, concrete storm pipe, concrete curb and gutter, metal guardrail, wooden bollards, a metal gate, a concrete entrance, and earthwork along Elbow Road.

Separately, Virginia Beach is in the process of implementing improvements to Elbow Road as set forth in the Elbow Road Extended - Phase IIB & IIC Project, CIP 100529, UPC 15828, CIP 100159, UPC 112317 (the "Elbow Road Phase IIB & IIC Project") with its western project limit terminus approximately 675-linear feet (0.13-mile) east of Chesapeake's existing Elbow Road Bridge.

To coordinate their respective projects, Virginia Beach is partnering with Chesapeake for the replacement and raising of approximately 600 linear feet of Elbow Road (the "Elbow Road Grade Adjustment Project") between the Chesapeake Project's eastern bridge approach and the Elbow Road Phase IIB & IIC Project's western project area. The Elbow Road Grade Adjustment Project will also include the raising of the Stumpy Lake Dam crest from the east side of the Stumpy Lake spillway to the southbound lane of Elbow Road.

The combined Chesapeake Project and Elbow Road Grade Adjustment Project involve replacing the existing Elbow Road Bridge with a wider, higher, and longer bridge and raising and widening the approaching road surfaces to reduce bridge and roadway closures from flooding.

■ **Considerations:** The Chesapeake Project will improve safety for the general public. City staff recommends approving the Dedication for the Chesapeake Project.

The Chesapeake Project, the Elbow Road Grade Adjustment Project, and the Elbow Road Phase IIB & IIC Project have been designed to relieve congestion, improve traffic flow and improve safety for the residents of Chesapeake and Virginia Beach.

■ **Public Information:** An advertised public hearing will be held on March 5, 2024, and public notice will be provided via the normal City Council agenda process.

■ **Alternatives:** Deny approval of the Ordinance, or add conditions or modifications as desired by City Council.

■ **Recommendations:** Approval.

■ **Attachments:** Ordinance, Plat and Location Map

Recommended Action: Approval

Submitting Department/Agency: Public Works/Real Estate *huf*

City Manager: *AD*

1 AN ORDINANCE DECLARING A PORTION
2 OF CITY-OWNED PROPERTY LOCATED AT
3 2750 ELBOW ROAD IN EXCESS OF THE
4 CITY'S NEEDS AND AUTHORIZING THE
5 CITY MANAGER TO DEDICATE THE
6 PROPERTY TO THE CITY OF CHESAPEAKE
7 FOR BRIDGE IMPROVEMENTS
8

9 WHEREAS, the City of Virginia Beach (the "City") owns a parcel of land located
10 at 2750 Elbow Road in the City of Chesapeake ("Chesapeake") containing
11 approximately 384 acres, and known as the Stumpy Lake property (the "Property");
12

13 WHEREAS, Chesapeake has undertaken a bridge replacement project known as
14 the "Elbow Road Bridge Replacement Project, UPC 113694" (the "Chesapeake
15 Project");
16

17 WHEREAS, Chesapeake needs to acquire a 523 sq. ft. (0.012 ac.) portion of the
18 Property for improvements for the Chesapeake Project; and
19

20 WHEREAS, because the Chesapeake Project will improve the safety of the
21 general public, the City Council finds that it is in the best interest of the City to dedicate
22 the necessary right of way to Chesapeake for the Chesapeake Project.
23

24 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
25 VIRGINIA BEACH, VIRGINIA:
26

27 1. That City Council authorizes the dedication of 523 sq. ft. (0.012 ac.) of the
28 Property for right-of-way purposes as shown on the plat attached hereto as Exhibit A and
29 made a part hereof, to the City of Chesapeake for the Chesapeake Project.
30

31 3. That the City Manager, or his designee, is hereby authorized to execute
32 any and all documents necessary to complete the conveyance of said right-of-way, so
33 long as the documents are in substantial conformity with the terms hereof, and other
34 conditions or minor modifications as may be acceptable to the City Manager and in a
35 form deemed satisfactory by the City Attorney.
36

37 Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day
38 of _____, 2024.

APPROVED AS TO CONTENT:


Public Works / Real Estate

APPROVED AS TO LEGAL
SUFFICIENCY:


City Attorney

CA16267

\\Vbgov.com\dfs1\Applications\CityLaw\Cycom32\WPDOCS\D002\PO46\00935527.docx

R-1

February 21, 2024

001

NOW OR FORMERLY CITY OF VIRGINIA BEACH

D.B. 4302, PG. 495
D.B. 4302, PG. 490
M.B. 142, PG. 72 - CHESAPEAKE
M.B. 161, PG. 19 - CHESAPEAKE
PN 0390000000330
2750 ELBOW ROAD

PROPERTY TO BE DEDICATED FOR
RIGHT-OF-WAY PURPOSES
523 SQ. FT. OR 0.012 ACRES

CITY LINE
(M.B. 142, PG. 72 - CHESAPEAKE)
(M.B. 296, PG. 39 - VIRGINIA BEACH)

002

NOW OR FORMERLY
CITY OF VIRGINIA BEACH
D.B. 4438, PG. 294
M.B. 296, PG. 39 - VIRGINIA BEACH
GPIN 1465-70-4777

N=3,443,649.08
E=12,173,147.53

APPROX. 2.75 MILES TO
CENTERVILLE TURNPIKE

N=3,443,320.23
E=12,172,694.01



S 55°11'43" W 203.00'

N=3,443,348.73
E=12,172,779.31

25.19'
+16.71

MON.

22.42'
+00.00

MON.

18.90'
+46.26

L3

22.25'
+06.77

MON.

C4

C3

C1

1000+00

1001+00

1002+00

1003+00

1004+00

1005+00

1006+00

PT 1004+43.21

PC 1002+85.92

1003+00

1004+00

1005+00

1006+00

1007+00

1008+00

1009+00

1010+00

1011+00

1012+00

1013+00

1014+00

1015+00

1016+00

1017+00

1018+00

1019+00

1020+00

EXISTING R/W S 48°15'43" W
ELBOW ROAD CONSTRUCTION BASELINE
N 47°56'15" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 60°33'32" W	83.78'
L2	N 57°03'24" E	83.34'
L3	N 55°08'38" E	106.40'
L4	S 48°15'43" W	25.29'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	1,250.00'	157.29'	157.18'	N 51°32'32" E	7°12'34"	78.75'
C2	4,612.43'	46.17'	46.17'	S 53°09'05" W	0°34'25"	23.09'
C3	6,420.06'	202.94'	202.93'	S 51°09'31" W	1°48'40"	101.48'
C4	6,420.06'	142.70'	142.69'	S 50°53'23" W	1°16'25"	71.35'



REVISED: 10-24-2023 PER CITY COMMENTS, CHANGE TO "DEDICATED"
8-9-2023 TITLE REPORT
4-14-2023 PER CITY COMMENTS

BY: _____ DATE: _____
DIRECTOR OF PUBLIC WORKS, CITY OF CHESAPEAKE, VIRGINIA

PLAT SHOWING
PROPOSED RIGHT OF WAY
FOR

THE CITY OF CHESAPEAKE

TO BE DEDICATED FROM TAX PARCEL #0390000000330
OWNED NOW OR FORMERLY

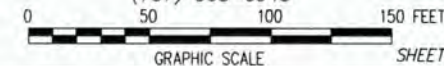
CITY OF VIRGINIA BEACH

ELBOW ROAD BRIDGE REPLACEMENT
CHESAPEAKE, VIRGINIA

SCALE: 1" = 50' DATE: DECEMBER 27, 2022

PRECISION MEASUREMENTS, INC.

WWW.PRECISIONMEASUREMENTS.COM
SURVEYORS • GPS • 3-D SCANNING • MAPPERS
770 LYNNHAVEN PARKWAY, SUITE 240
VIRGINIA BEACH, VIRGINIA 23452
(757) 368-0945




SEE SHEET 2 FOR NOTES, TABLES, CERTIFICATIONS AND LEGENDS.

AREA TABLE

EXISTING PARCEL AREA	16,728,042 SQ. FT. OR 384.023 ACRES
PROPERTY TO BE DEDICATED FOR RIGHT-OF-WAY PURPOSES	523 SQ. FT. OR 0.012 ACRES
RESIDUAL PARCEL	16,727,519 SQ. FT. OR 384.011 ACRES

LEGEND

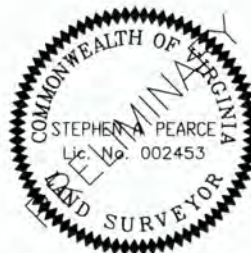
00.00' +00.00'	STATION AND OFFSET FOR PROPERTY TO BE DEDICATED FOR RIGHT-OF-WAY PURPOSES		DENOTES PROPERTY TO BE DEDICATED FOR RIGHT-OF-WAY PURPOSES
-------------------	---	---	--

MONUMENT LEGEND

■ MON.	CONCRETE MONUMENT SET
--------	-----------------------

NOTES:

1. THIS PLAT IS BASED ON VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 1983/ 1994 (HARN). COORDINATE VALUES SHOWN ARE EXPRESSED IN U.S. SURVEY FEET. THE CITY OF CHESAPEAKE CONTROL REFERENCE POINT USED TO ESTABLISH THE COORDINATE VALUES SHOWN HEREON IS STATION NUMBER 103.
2. PROPERTY LINE AND RIGHT-OF-WAY INFORMATION IS BASED ON PLATS, DEEDS OF RECORD, AND ACTUAL FIELD MEASUREMENTS. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY.
3. THIS PLAT IS INTENDED FOR DEDICATION PURPOSES ONLY AND DOES NOT CONSTITUTE A SUBDIVISION OF LAND.
4. PROPERTY TO BE DEDICATED BY DEED.
5. THIS PLAT WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT PREPARED BY JAMES E. RINEHART DATED MAY 15, 2023 AND DOES NOT SHOW ANY PHYSICAL IMPROVEMENTS.
6. SOURCE OF TITLE AND LAST PLACE OF RECORD: DEED BOOK 4302, PAGE 495 AND DEED BOOK 4302, PAGE 490, RECORDED IN THE CLERK'S OFFICE IN THE CIRCUIT COURT IN THE CITY OF CHESAPEAKE, VIRGINIA.
7. PARCEL AREA TAKEN FROM REAL ESTATE ASSESSOR WEB PAGE.



REVISED: 10-24-2023 PER CITY COMMENTS, CHANGE TO "DEDICATED"
8-9-2023 TITLE REPORT
4-14-2023 PER CITY COMMENTS

BY: _____ DATE: _____
DIRECTOR OF PUBLIC WORKS, CITY OF CHESAPEAKE, VIRGINIA

001

PLAT SHOWING
PROPOSED RIGHT OF WAY
FOR

THE CITY OF CHESAPEAKE

TO BE DEDICATED FROM TAX PARCEL #0390000000330
OWNED NOW OR FORMERLY

BY

CITY OF VIRGINIA BEACH

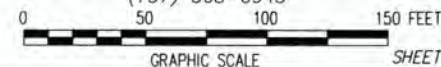
ELBOW ROAD BRIDGE REPLACEMENT
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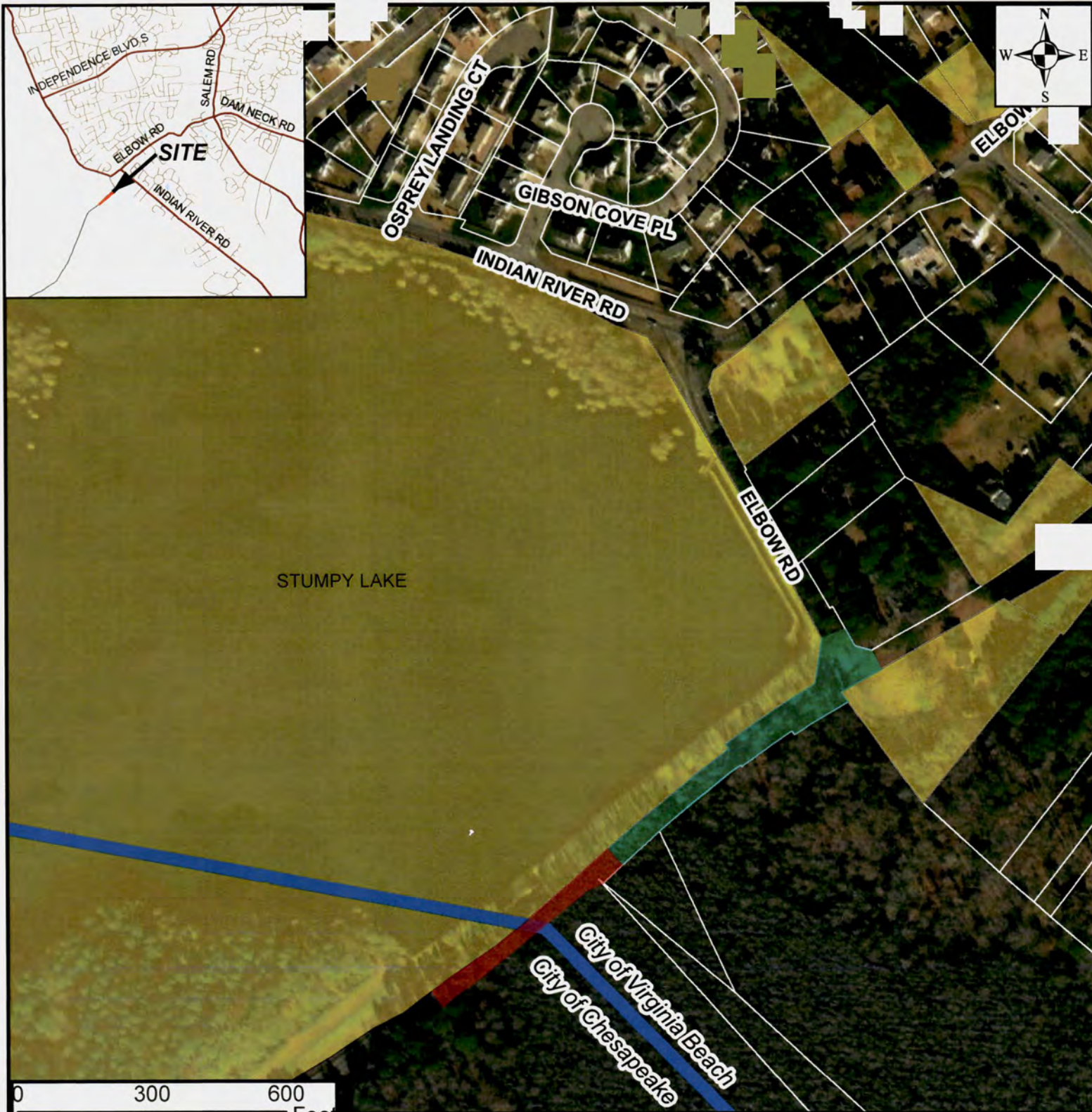
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SHEET 2 OF 2



Legend

-  City of Virginia Beach Elbow Road Grade Adjustments Project Area
-  City of Chesapeake Elbow Road Bridge Replacement Project Area
-  City of Virginia Beach Properties

CITY OF VIRGINIA BEACH ELBOW ROAD GRADE ADJUSTMENT PROJECT (CIP 100529.002) AND CITY OF CHESAPEAKE ELBOW ROAD BRIDGE REPLACEMENT PROJECT (UPC 113694) LOCATION MAP



PUBLIC NOTICE

The Virginia Beach City Council will hold a **PUBLIC HEARING** at 6:00 P.M. on Tuesday, March 5, 2024, in the City Council Chambers regarding proposed café franchise agreements for City-owned property located at the following locations:

1. 600 Atlantic Avenue, to Atlantic Lobsta, LLC, t/a Mason's Famous Lobster Rolls Cafe, for a Sidewalk Café.
2. 2809 Atlantic Avenue, to Colonial Inn VB, LLC, t/a Fishtails Cafe, for a Boardwalk Café.
3. 415 Atlantic Avenue, to Fogg's Seafood Company, t/a Waterman's Surfside Grille Cafe, for a Boardwalk Café.
4. 206 23 Street, to Baja Taco's, Inc., t/a Baja Cantina Café, for a Sidewalk Café.
5. 701 Atlantic Avenue, to Chix Sea Grille, LLC, t/a Chix Café, for a Boardwalk Café.
6. 1211 Atlantic Avenue, to Fish-N-Bones, Inc., t/a Fish Bones Café, for a Boardwalk Café.
7. 910 Atlantic Avenue, to Dandrea, LLC, t/a il Giardino Café, for a Sidewalk Café.
8. 1211 Atlantic Avenue, to Jumpin Shrimp Inc. t/a Jumpin Shrimp Café, for a Boardwalk Café.
9. 910 Atlantic Avenue, Scrambled Inc., t/a Scrambled Café, for a Sidewalk Café.
10. 901 Atlantic Avenue, Dunes Investment Association, LLC, t/a The Dunes Cafe, for a Boardwalk Café.
11. 3400 Atlantic Avenue, Gold Key/PHR Food Services, LLC, t/a Tortugas Café and Tiki Bar, for a Boardwalk Café.
12. 901 Atlantic Avenue, Dunes Investment Associates, LLC, t/a Station 10 Café, for a Boardwalk Café.
13. 200 21st Street, Seda Inc. t/a 21st Street Grill Café, for a Sidewalk Café.

anb

The purpose of the hearing will be to obtain public comment on the proposed franchise agreement on City property. Copies of the franchise agreements are on file in the City Clerk's office. The City Council Chamber is located on the second floor of the City Hall building (Building #1) at 2401 Courthouse Drive, Virginia Beach, Virginia 23456. Any questions concerning the above-referenced franchise should be directed to Lisa Bleakley, Resort Management Office, by calling (757) 385-4800.

If you wish to make comments virtually during the public hearing, please follow the **two-step process** provided below:

1. Register for the WebEx at:
<https://vbgov.webex.com/weblink/register/rec3193231d457372450c6b1d08768243>
2. Register with the City Clerk's Office by calling 757-385-4303 prior to 5:00 p.m. on March 5, 2024.

All interested parties are invited to participate.

Amanda Barnes
City Clerk

Pilot: February 25, 2024



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance Granting Thirteen Franchise Agreements for Outdoor Cafés in the Resort Area

PUBLIC HEARING: March 5, 2024

MEETING DATE: March 19, 2024

■ **Background:** The City Council adopted revised regulations for outdoor café franchises on October 20, 2020 ("Revised Regulations"). The Revised Regulations simplify the outdoor café franchise program and allow more flexibility for outdoor café owners and operators to keep pace with current standards in construction, design and materials. The City has developed a franchise agreement for the regulation of outdoor cafés, which the grantees are required to execute as a condition of the grant. The City Council has traditionally granted initial franchises for one-year terms. If an outdoor café is successfully operated during the initial one-year term, the franchisee may return to Council upon the expiration of the one-year term and request a five-year franchise agreement.

■ **Considerations:** The following two entities are seeking one-year franchise agreements: 1) Dunes Investment Association, LLC, t/a Dunes Café, for a boardwalk café; and 2) Seda Inc., t/a 21st Street Grill Café, for a sidewalk café.


The following eleven entities have successfully operated outdoor cafes pursuant to either one-year or five-year franchise agreements and are seeking franchise agreements for five-year terms: 1) Atlantic Lobsta, LLC, t/a Mason's Famous Lobster Rolls Cafe, for a sidewalk café; 2) Colonial Inn VB, LLC, t/a Fishtails Cafe, for a boardwalk café; 3) Fogg's Seafood Company, t/a Waterman's Surfside Grille Cafe, for a boardwalk café; 4) Baja Tacos, Inc., t/a Baja Cantina Café, for a sidewalk café; 5) Chix Sea Grille, LLC, t/a Chix Café, for a boardwalk café; 6) Fish-N-Bones, Inc., t/a Fish Bones Café, for a boardwalk café; 7) Dandrea, LLC, t/a Il Giardino Café; 8) Jumpin Shrimp Inc., t/a Jumpin Shrimp Café, for a boardwalk café; 9) Scrambled Inc., t/a Scrambled Café, for a sidewalk café; 10) Gold Key/PHR Food Services, LLC, t/a Tortugas Café and Tiki Bar, for a boardwalk café; and 11) Dunes Investment Associates, LLC, t/a Station 10 Café, for a boardwalk café.

■ **Public Information:** A public notice was published in *The Virginian Pilot* on February 25, 2024.

■ **Attachments:** Ordinance, Disclosure Forms, Café Location Maps and Photos, and Plans and Elevations

Recommended Action: Adopt Ordinance

Submitting Department/Agency: Resort Management Office

City Manager: 



1 AN ORDINANCE GRANTING THIRTEEN
2 FRANCHISE AGREEMENTS FOR OUTDOOR
3 CAFÉS IN THE RESORT AREA
4

5 WHEREAS, City Council adopted revised regulations for outdoor café franchises
6 on October 20, 2020 ("Revised Regulations"); and
7

8 WHEREAS, the Revised Regulations simplify the outdoor café franchise program
9 and allow more flexibility for outdoor café owners and operators to keep pace with
10 current standards in construction, design and materials; and
11

12 WHEREAS, the City has developed a franchise agreement for the regulation of
13 outdoor cafés, which the grantees are required to execute as a condition of the grant;
14 and
15

16 WHEREAS, the City Council has traditionally granted initial franchises for one-
17 year terms; and
18

19 WHEREAS, if an outdoor café is successfully operated during the initial one-
20 year term, the franchisee may return to Council and request a five-year franchise
21 agreement; and
22

23 WHEREAS, the following two entities are seeking one-year franchise
24 agreements: 1) Dunes Investment Association, LLC, t/a Dunes Café, for a boardwalk
25 café; and 2) Seda Inc., t/a 21st Street Grill Café, for a sidewalk café; and
26

27 WHEREAS, the following eleven entities have successfully operated outdoor cafes
28 pursuant to either one-year or five-year franchise agreements and are seeking franchise
29 agreements for five-year terms: 1) Atlantic Lobsta, LLC, t/a Mason's Famous Lobster
30 Rolls Cafe, for a sidewalk café; 2) Colonial Inn VB, LLC, t/a Fishtails Cafe, for a
31 boardwalk café; 3) Fogg's Seafood Company, t/a Waterman's Surfside Grille Cafe, for a
32 boardwalk café; 4) Baja Tacos, Inc., t/a Baja Cantina Café, for a sidewalk café; 5) Chix
33 Sea Grille, LLC, t/a Chix Café, for a boardwalk café; 6) Fish-N-Bones, Inc., t/a Fish
34 Bones Café, for a boardwalk café; 7) Dandrea, LLC, t/a Il Giardino Café, for a sidewalk
35 café; 8) Jumpin Shrimp Inc., t/a Jumpin Shrimp Café, for a boardwalk café; 9)
36 Scrambled Inc., t/a Scrambled Café, for a sidewalk café; 10) Gold Key/PHR Food
37 Services, LLC, t/a Tortugas Café and Tiki Bar, for a boardwalk café; and 11) Dunes
38 Investment Associates, LLC, t/a Station 10 Café, for a boardwalk cafe; and
39

40 WHEREAS, the Office of Resort Management recommends that the above-
41 named entities be granted outdoor café franchise agreements.
42

43 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
44 VIRGINIA BEACH:
45

46 That the City Council hereby grants one-year franchise agreements to: 1) Dunes
47 Investment Association, LLC, t/a Dunes Café, for a boardwalk café; and 2) Seda Inc.,
48 t/a 21st Street Grill Café, for a sidewalk café; and
49

50 That the City Council hereby grants five-year franchise agreements to: 1) Atlantic
51 Lobsta, LLC, t/a Mason's Famous Lobster Rolls Cafe, for a sidewalk café; 2) Colonial
52 Inn VB, LLC, t/a Fishtails Cafe, for a boardwalk café; 3) Fogg's Seafood Company, t/a
53 Waterman's Surfside Grille Cafe, for a boardwalk café; 4) Baja Tacos, Inc., t/a Baja
54 Cantina Café, for a sidewalk café; 5) Chix Sea Grille, LLC, t/a Chix Café, for a
55 boardwalk café; 6) Fish-N-Bones, Inc., t/a Fish Bones Café, for a boardwalk café; 7)
56 Dandrea, LLC, t/a Il Giardino Café, for a sidewalk café; 8) Jumpin Shrimp Inc., t/a
57 Jumpin Shrimp Café, for a boardwalk café; 9) Scrambled Inc., t/a Scrambled Café, for a
58 sidewalk café; 10) Gold Key/PHR Food Services, LLC, t/a Tortugas Café and Tiki Bar,
59 for a boardwalk café; and 11) Dunes Investment Associates, LLC, t/a Station 10 Café,
60 for a boardwalk café.
61

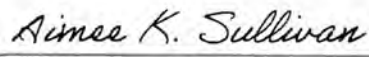
Adopted by the City Council of Virginia Beach, Virginia on this ____ day of
_____, 2024.

APPROVED AS TO CONTENT:



Resort Management
Teresa S. Blackley

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

APPLICANT'S NAME Dunes Investment Associates, LLC - d/b/a The Dunes

THE DUNES CAFE

DISCLOSURE STATEMENT FORM

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).

Page 1 of 7

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

- ☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Dunes Investment Associates, LI

If an LLC, list all member's names:

Lyons Family Asset Protection Trust, Octo, Inc./Thomas J. Lyons, Jr. Rev. Trust, Timothy J. Stiffler, Marcus B. Lewis, Fred & Patricia Russell

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

Coastal Hospitality Associates, LLC (Management Company)

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☐ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: _____
If an LLC, list the member's names:

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	BDO Norfolk, Virginia
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	WPL, & Saunder & Crouse, PC
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Hoy Construction, Inc. Norfolk, VA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	MSA Virginia Beach, VA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Towne Bank Norfolk
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Kaufman & Canoles, PLC Norfolk, VA
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE


YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	Christopher W. Brown	03/05/2024
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	BDO Norfolk, Virginia
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	WPL, Virginia Beach, VA Saunders & Crouse, PC VA. Beach
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Towne Bank Norfolk
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Kaufman & Canoles, PLC Norfolk, VA
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE


YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

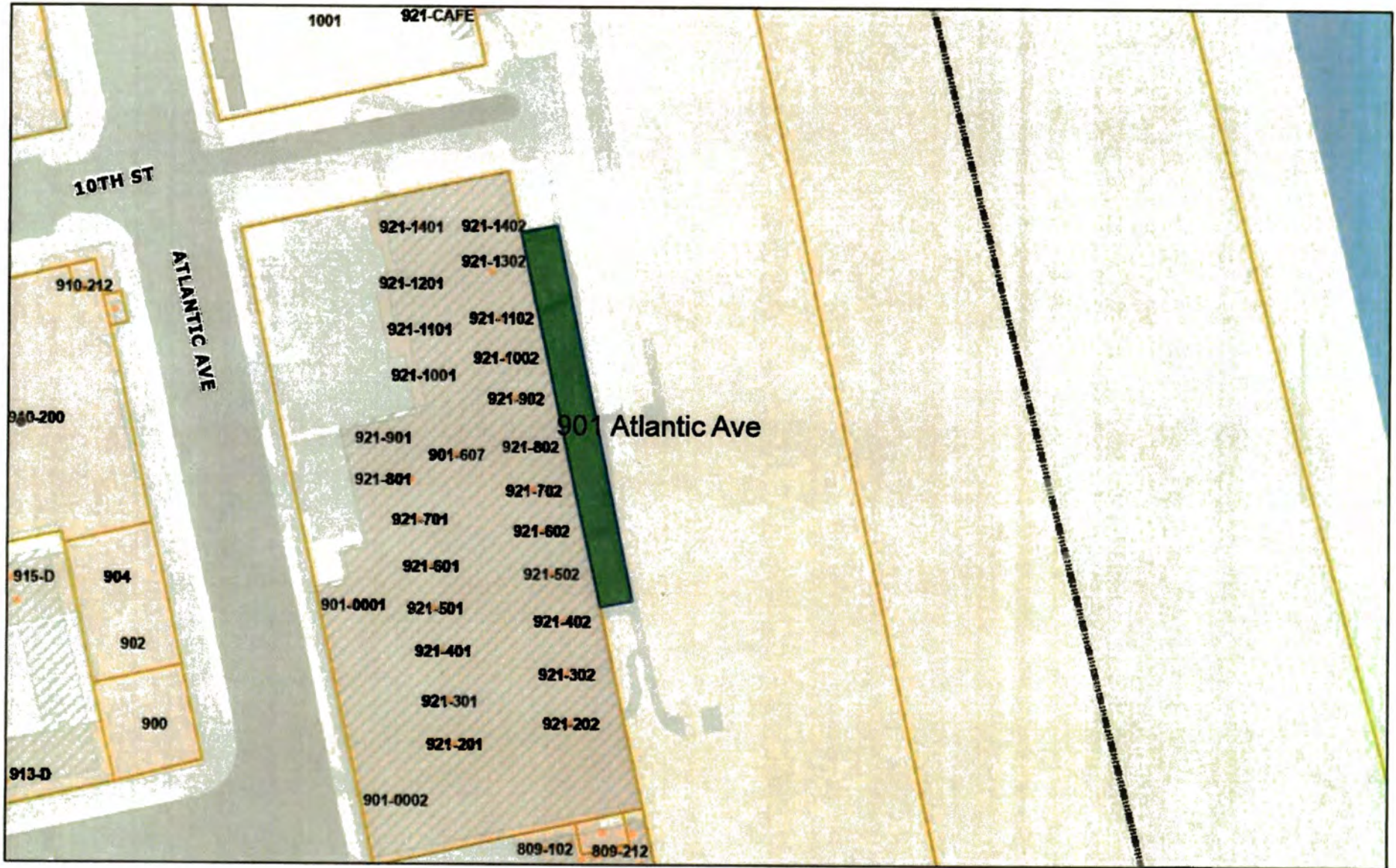
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I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	Christopher W. Brown	03/05/2024
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

901 Atlantic Ave, The Beach Club Café



1/29/2024, 4:30:58 PM

 City Boundary  Parcels
 Condos  Address Point
 Primary

Primary Address Point Label

1:1,128
0 0.01 0.01 0.03 mi
0 0.01 0.02 0.04 km
© City of Virginia Beach

City of Virginia Beach Center for GIS
© City of Virginia Beach |



1. ALL PLANT MATERIAL SHALL MEET THE MINIMUM SPECIFICATIONS AND STANDARDS DESCRIBED IN THE "AMERICAN STANDARD FOR HURSTY STOCK, 2014" (ANSI Z60.1-2014) PUBLISHED BY AMERICAN SOCIETY OF HURSTY STOCK, 2130 STELLA COURT, COLLEGE, OH 43015.
2. PLANTING SHOULD BE INSTALLED BETWEEN OCTOBER 15 AND MARCH 31 UNLESS OTHERWISE AUTHORIZED BY THE LANDSCAPE ARCHITECT. ALL CONDITION GRASS PLANTS SHALL BE INSTALLED BETWEEN SEPTEMBER 15 AND MAY 15 UNLESS OTHERWISE AUTHORIZED BY THE LANDSCAPE ARCHITECT.
3. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IN WRITING OF ANY CONFLICTS AND/OR DISCREPANCIES PRIOR TO INSTALLATION.
4. ALL TREE AND SHRUB LOCATIONS ARE TO BE SAVED OUT AND REVEALED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
5. VERIFICATION OF TOTAL QUANTITIES AS SHOWN IN THE "PLANT SCHEDULE" SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE PLANTING PLAN SHALL CONTROL.
6. ALL PLANTING PITS AND BEDS SHALL BE SHOVELLED WITH PREPARED SOIL MIXTURE TO THE REQUIRED DEPTH AS SPECIFIED IN THE METHOD BELOW. WHERE A SHOULDER OR GROUND COVER BED OCCURS AND FOR ALL BEDS, THE ENTIRE BED SHALL BE PREPARED CONTINUOUSLY WITH SOIL MIXTURE TO THE REQUIRED DEPTH AS SPECIFIED.
7. ALL PLANT BEDS SHALL BE TILLED TO A DEPTH OF 12 INCHES

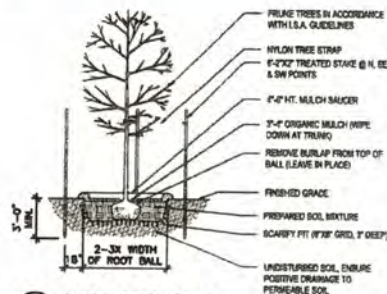
OR AS REQUIRED TO BRIDGE CONSTRUCTION CONTRACT AND TO ENSURE POSITIVE DRAINAGE INTO PERMANENT SOILS.

8. PREPARED SOIL MIXTURE SHALL BE COMPOSED OF THE FOLLOWING:
 - (3)-PARTS TOPSOIL
 - (1)-PART COVER SAND
 - (1)-PART PEAT
 - OR - ONE ORGANIC MATTER CONTENT FOR EACH CUBIC YARD OF PREPARED SOIL MIXTURE
9. FINISHED GRASSES ON GRASSING PLAN THAT OCCUR IN SHALL BEDS SHOULD BE TOP OF FINISHED MULCH GRASSES. LANDSCAPE ARCHITECT SHALL NOT EXCEED THESE GRASSES WHEN BEDS ARE COMPLETE WITH MULCH INSTALLED. IF LANDSCAPE ARCHITECT EXCEEDS DRAINAGE CONDITIONS THAT WILL RESULT IN FINISHED MULCH TREATMENT EXCEEDING GRASSES SPECIFIED ON GRASSING PLAN, THEN THE LANDSCAPE ARCHITECT SHALL NOTIFY THE GRASSING CONTRACTOR OF SUCH CONDITIONS. UNDER NO CIRCUMSTANCES SHALL FINISHED BED GRASSES INCLUDING TOP OF MULCH EXCEED THE GRASS ELEVATIONS AS PROVIDED FOR BY THE GRASSING PLAN.
10. TOP OF MULCH SHALL FINISH 1" BELOW ADJACENT PAVEMENT.
11. NEW PLANTING SHALL BE LOCATED AS SHOWN ON PLANS. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF

12. ALL DRAINS AND GROUND COVERS ARE TO BE MAINTAINED SO AS TO OPEN TOGETHER AND FORM A HOLE. PAVING (TERRACE, SIDEWALK, ETC.) SHALL BE LIFTED TO SHOWING AS NECESSARY. THE HOLE, GROUND AND FORM OF THE PLANT SHALL BE MAINTAINED WITHOUT DAMAGE TO PRIMARY AND SECONDARY DRAINAGE.
13. ALL TREES SHALL BE SHOWN LEADER SPECIFICATIONS UNLESS OTHERWISE NOTED.

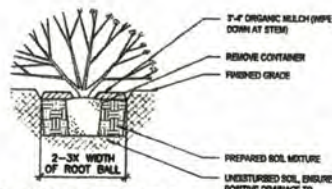
GENERAL PLANTING NOTES

L.A.D. NTS



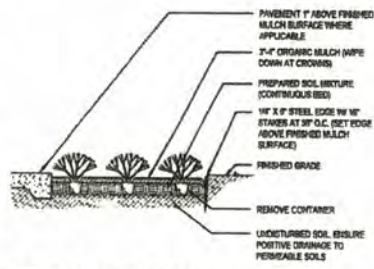
B PLANT METHOD 1

L.A.D. NTS



C PLANT METHOD 3

L.A.D. NTS



D PLANT METHOD 4 (STEEL EDGE)

L.A.D. NTS

PLANT SCHEDULE

TREES	QTY	SYMBOL NAME	COMMON NAME	SIZE	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	1	SYMBOL NAME	COMMON NAME	SIZE	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	2	SYMBOL NAME	COMMON NAME	SIZE	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	3	SYMBOL NAME	COMMON NAME	SIZE	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	4	SYMBOL NAME	COMMON NAME	SIZE	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	5	SYMBOL NAME	COMMON NAME	SIZE	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	6	SYMBOL NAME	COMMON NAME	SIZE	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	7	SYMBOL NAME	COMMON NAME	SIZE	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
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	100	SYMBOL NAME	COMMON NAME	SIZE	HEIGHT	SPREAD	SPACING	METHOD	REMARKS

PLANT PALETTE



PLANTING DETAILS

SPRINGHILL SUITES OPEN-AIR CAFE

901 ATLANTIC AVENUE, VIRGINIA BEACH, VIRGINIA 23451

COASTAL HOSPITALITY ASSOCIATES | WPL LANDSCAPE ARCHITECTS - LAND SURVEYORS - CIVIL ENGINEERS

223-0041
SEPTEMBER 22, 2023





SITE PLAN & ELEVATIONS

SPRINGHILL SUITES OPEN-AIR CAFE

901 ATLANTIC AVENUE, VIRGINIA BEACH, VIRGINIA 23451

COASTAL HOSPITALITY ASSOCIATES | WPL LANDSCAPE ARCHITECTS - LAND SURVEYORS - CIVIL ENGINEERS

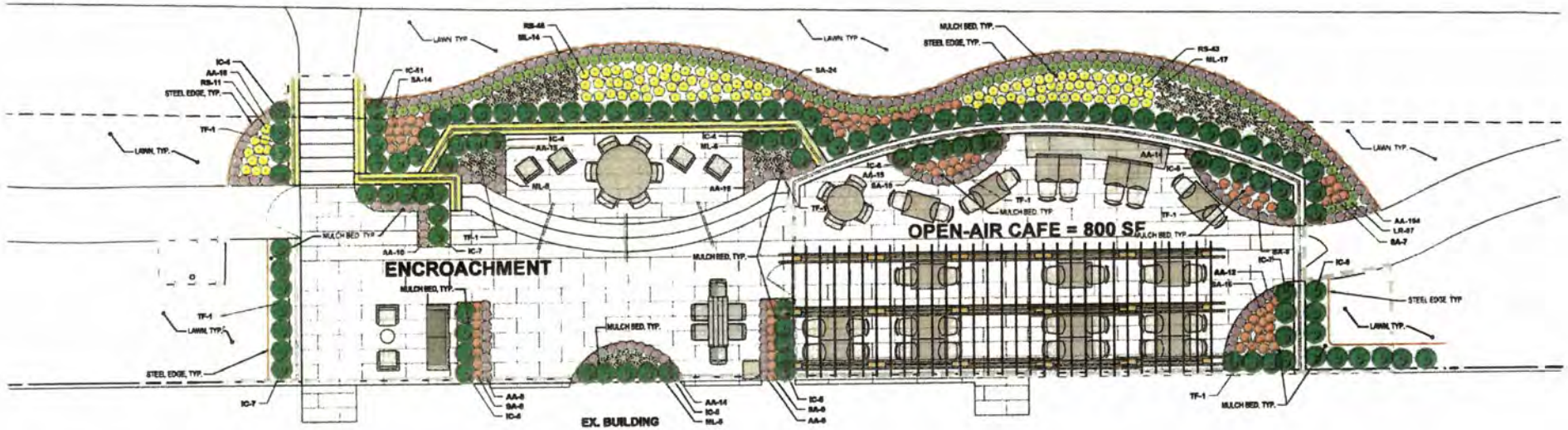
223-0041
SEPTEMBER 22, 2023










901 ATLANTIC AVENUE, VIRGINIA BEACH, VIRGINIA 23451

223-0041
SEPTEMBER 22, 2023

EX. BIKE PATH



PLANT SCHEDULE									
ITEM	QTY	BOTANICAL NAME	COMMON NAME	SEX	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	007	ROSBAYANUS FOYIENSE	BLACKBERRY	BB	FT. 10-15	—	PLAC. AT DESIGN	1	—
	009	ANEMONE, WHITE	COMMON ANEMONE	HER	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	005	SPRING-FALL ANEMONE	ANEMONE	9' FT	—	—	FT. 10 O.C.	—	ELAPSEOUS SPRING-FALL'S FALL
	011	EUCCALYPTUS	COMMON WOOD	HER	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	016	EUCCALYPTUS VICTORIAE	EUCCALYPTUS VICTORIAE	CONF. 8'6"	10' 10-12'	—	FT. 10 O.C.	—	COMMON WOOD
	02	LILIUUM BURGUNDIA TOTAL PURPLE	TOTAL PURPLE LILIUUM	CONF. 30"	—	—	FT. 10 O.C.	4	—
	007	ORNAMENTAL GRASSES	COMMON GRASS	HER	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	01	ORNAMENTAL GRASSES LITTLE WHITE	ORNAMENTAL GRASSES	CONF. 36"	10' 10-12'	—	FT. 10 O.C.	—	—
	007	POLEMONI	COMMON WOOD	HER	HEIGHT	SPREAD	SPACING	METHOD	REMARKS
	00	POLEMONI ALBA	BLACK-STAR WOOD	CONF. 30"	10' 10-12'	—	FT. 10 O.C.	4	—
	01	SEDUM S. NURSERY	ALUMINUM TREE SEDUM	CONF. 30"	10' 10-12'	—	FT. 10 O.C.	4	—

PLANT PALETTE



SUNPATIENTS/SPRING (AA)



PANSY'S/FALL (AA)



YAUPON HOLLY (IC)



ROYAL PURPLE LILYTURF (LR)



LITTLE KITTEN EULALIA G



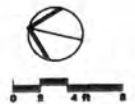
BLACK EYED SUSAN (RS)



AUTUMN FIRE SEDUM (SA)



WINDMILL PALM (TF)



Seda, Inc.



APPLICANT'S NAME 21st Street Cafe Janet Yomusak

DISCLOSURE STATEMENT FORM

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Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
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Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / The applicant must bring filled out 2 weeks prior to the Planning Commission and City Council meeting that pertains to the application.

Page 1 of 7

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE	
<input type="checkbox"/>	NO CHANGES AS OF	DATE	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE	



- ☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: SAMET YUMUSAK - Seda, Inc.
If an LLC, list all member's names:
SAMET YUMUSAK

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: OCEAN HORIZON PROPERTIES
If an LLC, list the member's
names: NABIL D. KASSIR & DEBORAH M. KASSIR



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsidary¹ or affiliated business entity

² relationship with the Property Owner: *(Attach list if necessary)*

BRAVA, LLC, OCEAN HORIZON PROPERTIES OF FL, LLC, KASSIR INVESTMENT COMPANY, INC, MENU & MANAGEMENT CONSULTANTS, ALDO'S, INC, BIRDNECK ASSOCIATES, LLC, 620 19TH STREET, LLC, 29TH STREET ASSOCIATES, LLC

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	A-Z BOOK KEEPING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	REICH ARCHITECT
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WARREN&ASSOCIATES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (Include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

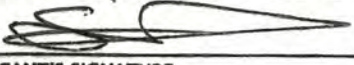
YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

**CERTIFICATION:**

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	SAMET YUMUSAK	03/05/24
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
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YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

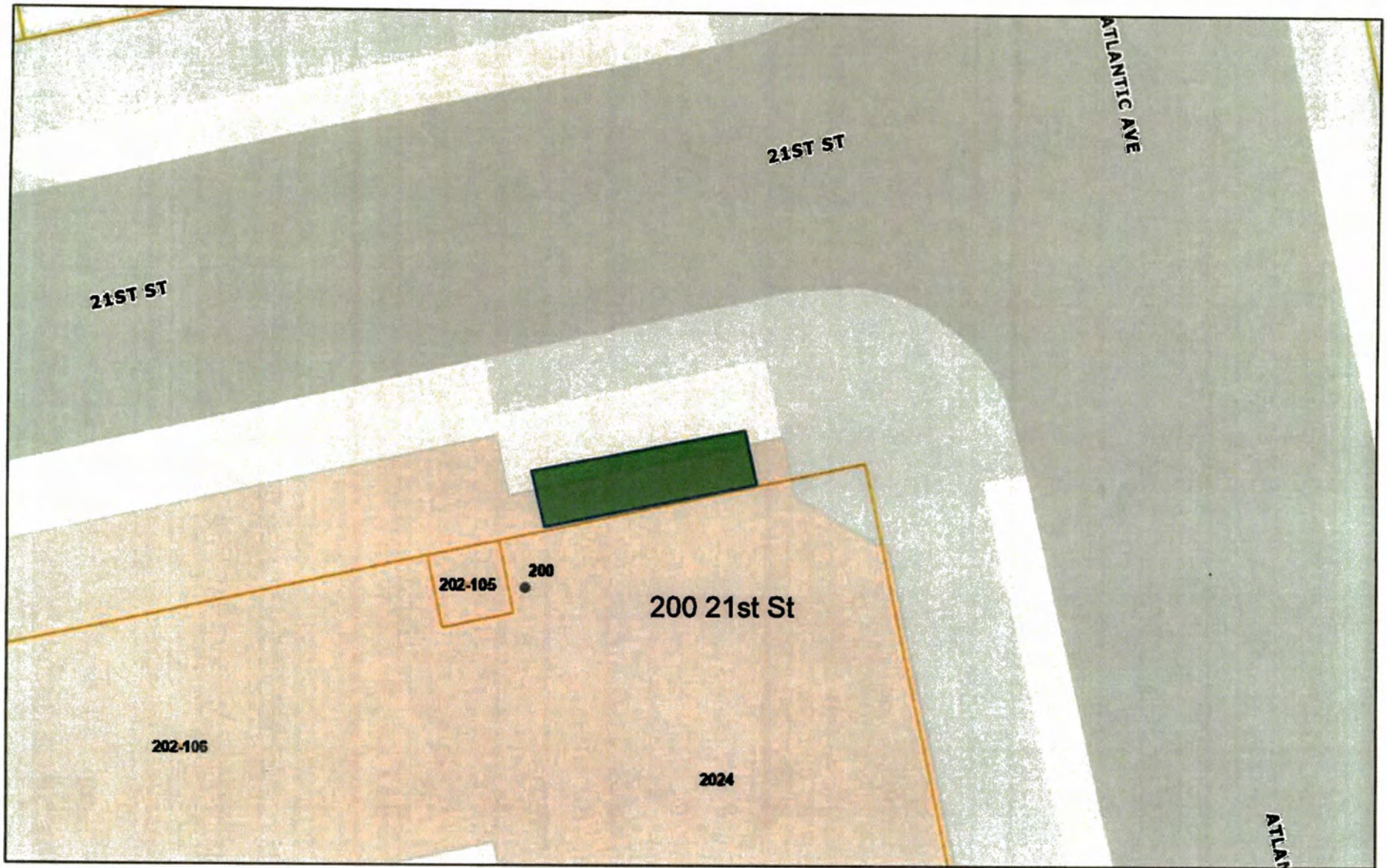
CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.






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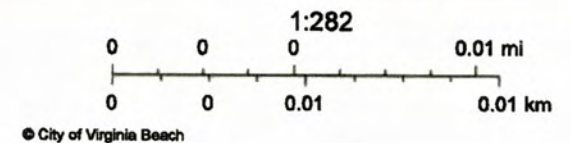
	NABIL D. KASSIR	3/5/2024
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

200 21st St, 21st Café

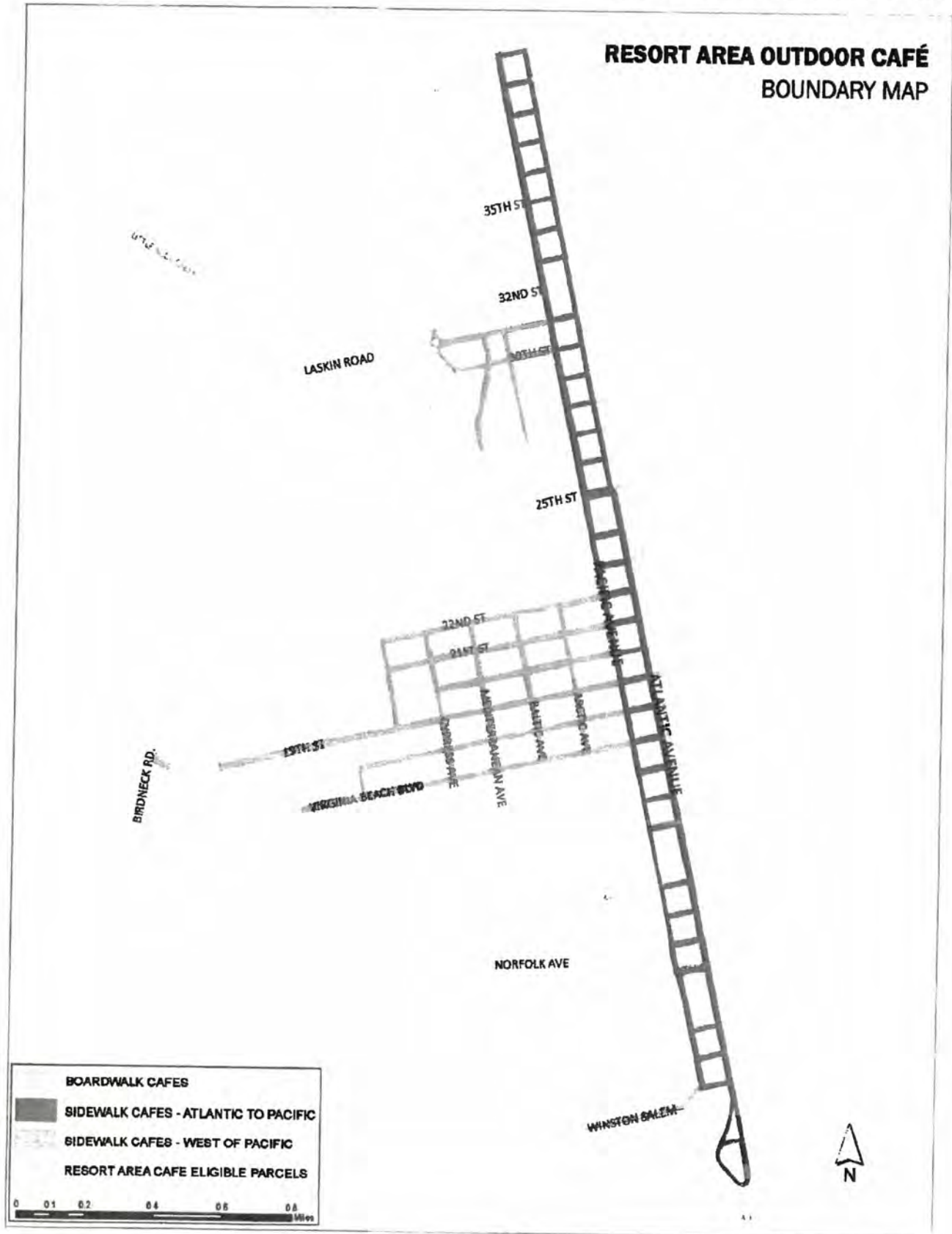


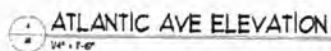
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-  City Boundary
-  Parcels
-  Address Point
-  Primary
-  Primary Address Point Label









reich	design	associates	plc
university	planning	interior design	
150 Madison Avenue	Virgin Road, 55	250 Aldgate	257 Aldgate

21st ST GRILL OUTDOOR COVERED PATIO EXPANSION
200 1st ST
VIRGINIA BEACH, VIRGINIA

REVISIONS	06/21/22 FOR BID/ITAL TO CITY
	SHEET AI OF

This is to certify that I on October 3, 2023 surveyed the property shown on this plat, and that the title lines and the walls of the buildings are shown on this plat. The buildings stand within the title lines and there are no encroachments of other buildings on the property except as shown.

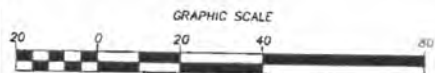
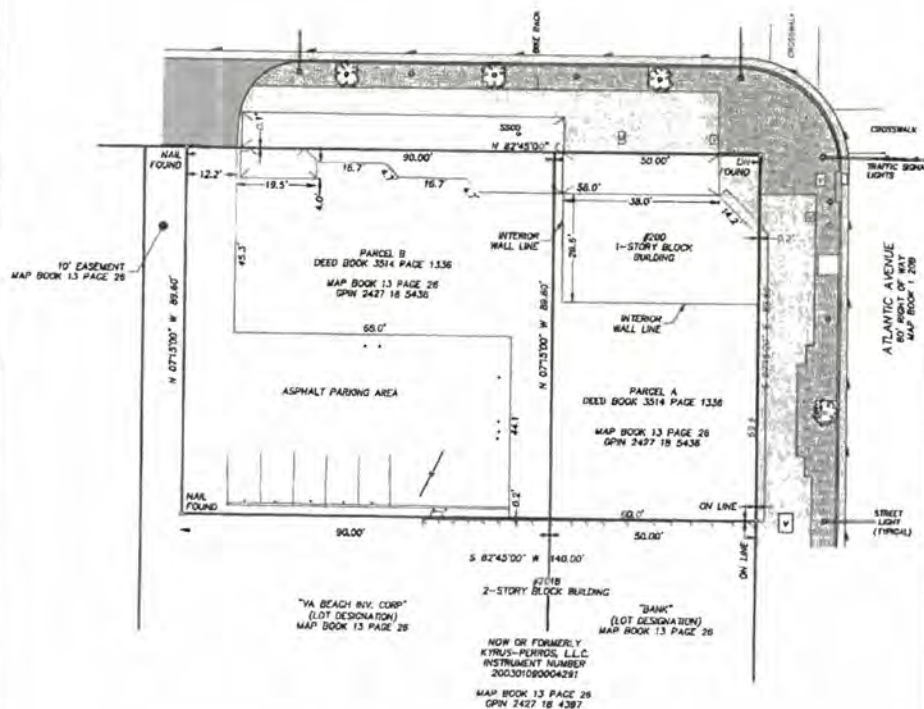
General Notes:

1. This survey is based on a plot recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Map Book 13 Page 26.
2. This survey was performed without the benefit of a current title report and does not attempt to depict all title matters and easements currently affecting this property.
3. The existence of wetlands, hazardous wastes, or underground utilities was neither investigated nor confirmed during the performance of this survey.
4. By scaled map location and graphic plotting only, the property shown hereon appears to lie within flood zone "X" as shown on the National Flood Insurance Program's, Flood Insurance Rate Maps, community number 915531, panel 0126-G, dated January 16, 2015.
5. This survey was performed for the sole and exclusive benefit of the entities listed hereon and shall not be relied upon by any other entity or individual whomsoever. No modification or reproduction of this document may be made without the written permission of Warren and Associates, PC.



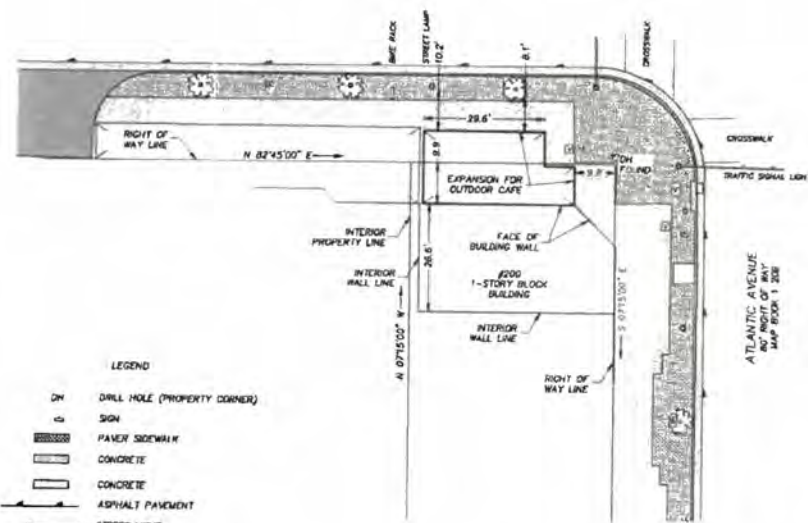
EXISTING CONDITIONS

21st STREET
FORMERLY DELAWARE AVENUE
80' RIGHT OF WAY
MAP BOOK 1 PAGE 208



PROPOSED OUTDOOR CAFE IMPROVEMENT

21st STREET
FORMERLY DELAWARE AVENUE
80' RIGHT OF WAY
MAP BOOK 1 PAGE 208



LEGEND

- DRILL HOLE (PROPERTY CORNER)
- SIGN
- ▨ PAVED SIDEWALK
- ▨ CONCRETE
- ▨ CONCRETE
- ▨ ASPHALT PAVEMENT
- STREET LIGHT
- STREET LAMP
- SANITARY SEWER CLEANOUT
- SURFACE UTILITY VAULT
- BOLLARDS
- STREET TREES (10' SYCAMORE)
- CHAIN LINK FENCE (DUMPSTER SCREENING)
- ▨ OUTDOOR AWNING
- ▨ PROPOSED OUTDOOR AWNING

EXISTING CONDITIONS PLAN SHOWING PROPOSED AWNING OF:

PARCEL A AND PARCEL B
DEED BOOK 3514 PAGE 1336
MAP BOOK 13 PAGE 26
VIRGINIA BEACH, VIRGINIA

EXCLUSIVELY FOR:

21st STREET GRILL
SEDA INC.

SCALE: 1"=20' OCTOBER 3, 2023

WARREN & ASSOCIATES, PC
LAND SURVEYORS

3933 Indian River Road
Virginia Beach, Virginia
757-471-0572



Atlantic Lobster

APPLICANT'S NAME Mason's Famous Lobster Rolls

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FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).

Page 1 of 7

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

- ☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Atlantic Lobsta LLC

If an LLC, list all member's names:

Deborah A. Leonard
Craig M. Leonard

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: (Attach list if necessary)

(B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Applicant: (Attach list if necessary)

Shore Lobsta LLC
Boston Lobsta Inc.

See next page for information pertaining to footnotes¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: Heritage Investments LLC
If an LLC, list the member's names:

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Stewart + Company
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Dunrite Construction
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Towne bank
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Inman + Strickler
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

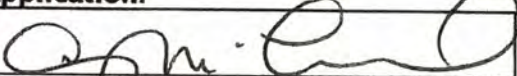
YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	Craig M Leonard	3/5/24
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

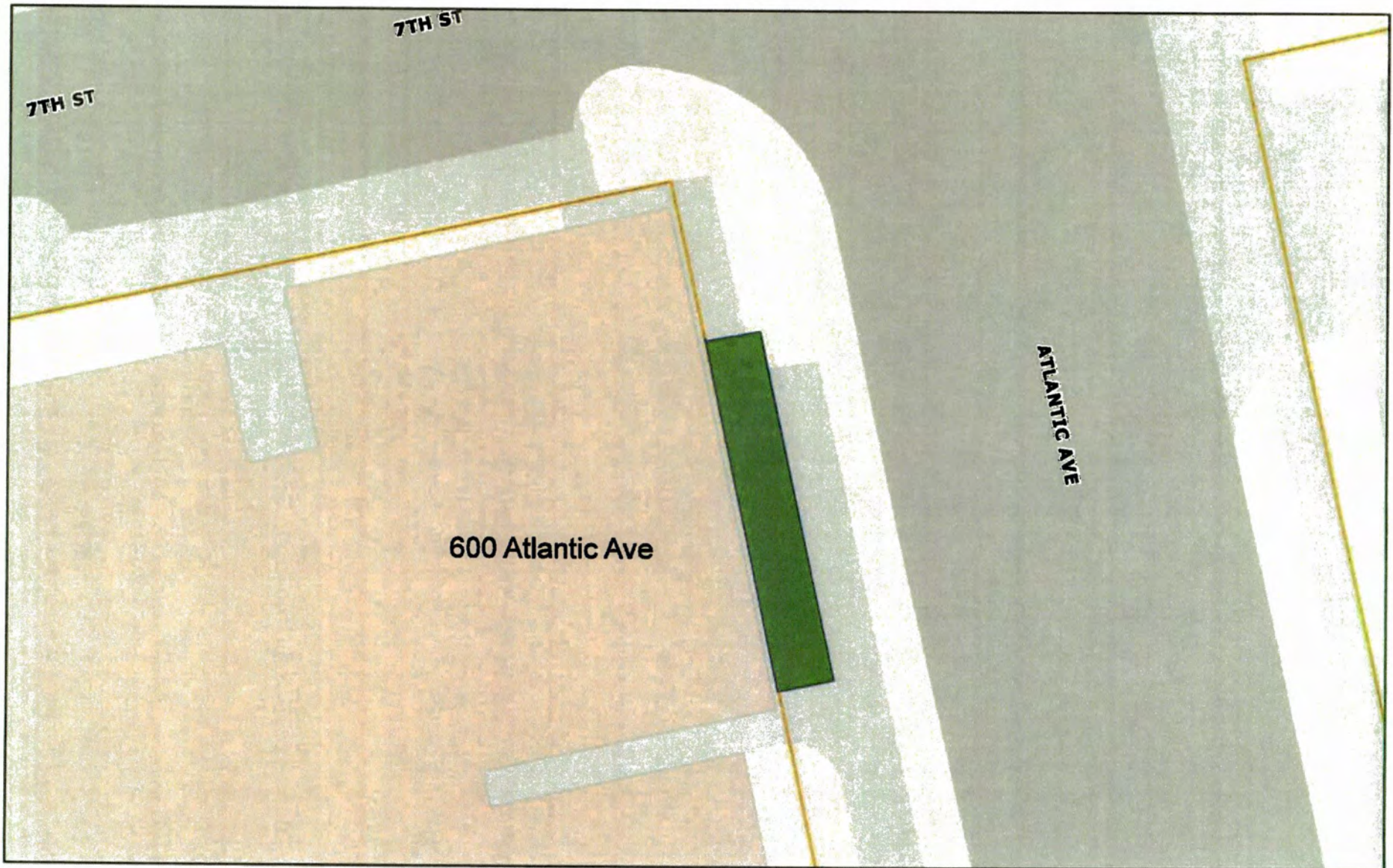
YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE


YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

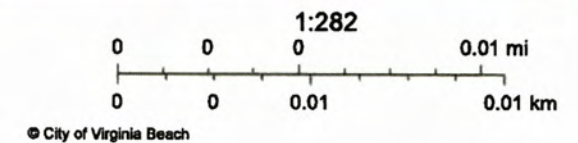
600 Atlantic Ave, Mason Famous Lobster Rolls



1/29/2024, 3:36:27 PM

 City Boundary

 Parcels





1/5/2024 12:58

201-235 Seventh St
Virginia Beach



APPLICANT'S NAME Colonial Inn VB LLC

Highlands Cafe

DISCLOSURE STATEMENT FORM

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Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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SECTION 1 / APPLICANT DISCLOSURE

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Page 1 of 7

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

Chix Sea Grille, LLC ; Foggs Seafood Company ; Crushfest LLC;
Festival LLC; Pacific Ave Company

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

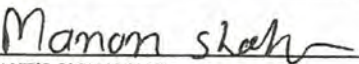
If yes, what is the name of the official or employee and what is the nature of the interest?



CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	MANAN Shah	3/5/24
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

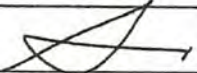
YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

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




	Michael J Standing Jr	3/5/2024
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

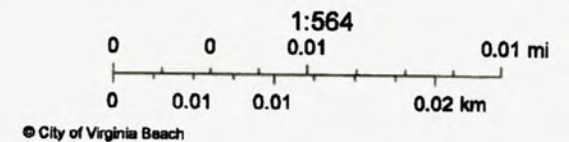
LEGAL NAME	BRANCH NAME	ADDRESS	Tax ID
Amar 138 Hotels LLC	Barclay Tower Management Company	809 Atlantic Ave. Virginia Beach, VA 23451	88-0579230
Atlantic Smoothies LLC	Tropical Smoothies	209 Laskin Rd Ste 108, Virginia Beach, VA 23451-3017	87-4442125
Barclay Towers (Towne)	Barclay Hotel Corporation	809 Atlantic Ave. Virginia Beach, VA 23451	88-0579230
Colonial Inn VB LLC	Ramada Plaza (New Account)	2809 Atlantic Ave Virginia Beach VA 23451	87-3207938
Colonial Inn VB LLC *	Ramada Plaza (Old Account)	2809 Atlantic Ave Virginia Beach VA 23451	87-3207938
Greenwich LLC (BRB)	Hampton Inn	5793 Greenwich Rd. Virginia Beach, VA 23462	88-2181710
Greenwich LLC (OPNB)	Hampton Inn	5793 Greenwich Rd. Virginia Beach, VA 23462	88-2181710
Heritage Union LLC	Ocean Resort	2417 Atlantic Avenue Virginia Beach, VA 23451	87-2667045
Manan Shah Irrevocable Insurance Trust	(Edgewater Condominiums)	200 Golden Oak Ct # 410 Virginia Beach VA 23452	46-1758273
Manan Hotels LLC	Aqua Vista Resort Hotel	1719 Atlantic Avenue Virginia Beach VA 23451	93-2850036
MKS HOTELS LLC	Sea View Hotel	2109 Atlantic Ave Virginia Beach VA 23451	85-3615806
Plaza Hotels LLC	Travelodge Bay Beach	2968 Shore Drive Virginia Beach, VA 23451	84-3956758
Plaza Hotels LLC		2802 Atlantic Ave Virginia Beach VA 23451	84-3956758
Sharanya Resorts LLC	Sand Castle Resorts	1307 Atlantic Avenue Virginia Beach, VA 23451	86-3793021
Sharanya Venture Inc	Beach Carousel Motel	1300 Pacific Ave Virginia Beach VA 23451	87-1824016
Sharanya Venture LLC (A/C Closed)		200 Golden Oak Ct Suite 410 Virginia Beach VA 23452	87-1814433
Tulsi Hotels LLC	Blue Marlins Inn & Sts	2411 Pacific Avenue Virginia Beach VA 23451	45-4698274
Tulsi Hotels LLC (CLOSED)	Blue Marlins Inn & Sts	2411 Pacific Avenue Virginia Beach VA 23451	45-4698274
	Travelodge 19th st	1909 Atlantic Avenue Virginia Beach VA 23451	54-2005267

2809 Atlantic Ave, Fishtails



1/29/2024, 3:42:03 PM

-  City Boundary
-  Address Point
-  Parcels
-  Primary
-  Primary Address Point Label



© City of Virginia Beach

City of Virginia Beach Center for GIS
© City of Virginia Beach |



1/5/2024 12:43
2707 Atlantic Ave
Virginia Beach



11/3/2023 11:16
2809 Atlantic Ave
Virginia Beach

APPLICANT'S NAME Foggs Seafood Company T/A Waterman's Surfside 1

DISCLOSURE STATEMENT FORM

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Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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SECTION 1 / APPLICANT DISCLOSURE

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<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

- ☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.
- (A) List the Applicant's name: Foggs Seafood Company T/A W.
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

Michael J. Standing, Jr. - President, 100% ownership

- (B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*
- See attached

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.
- (A) List the Property Owner's name: 415 Atlantic, LLC
If an LLC, list the member's names: Michael J. Standing, Jr. - Managing Member/Owner, 100% ownership

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Dixon Hughes Goodman (Forvis)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Poole Brooke Plumlee
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

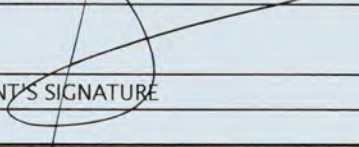
YES	NO	<p>Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

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	Michael J. Standing Jr.	03/05/24
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Dixon Hughes Goodman (Forvis)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	TowneBank
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE


YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

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	Michael J. Standing Jr.	03/05/24
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

Disclosure Statement Form – Affiliated Business Entity Relationship with Applicant

RE: Section 1, Page 2, Part B

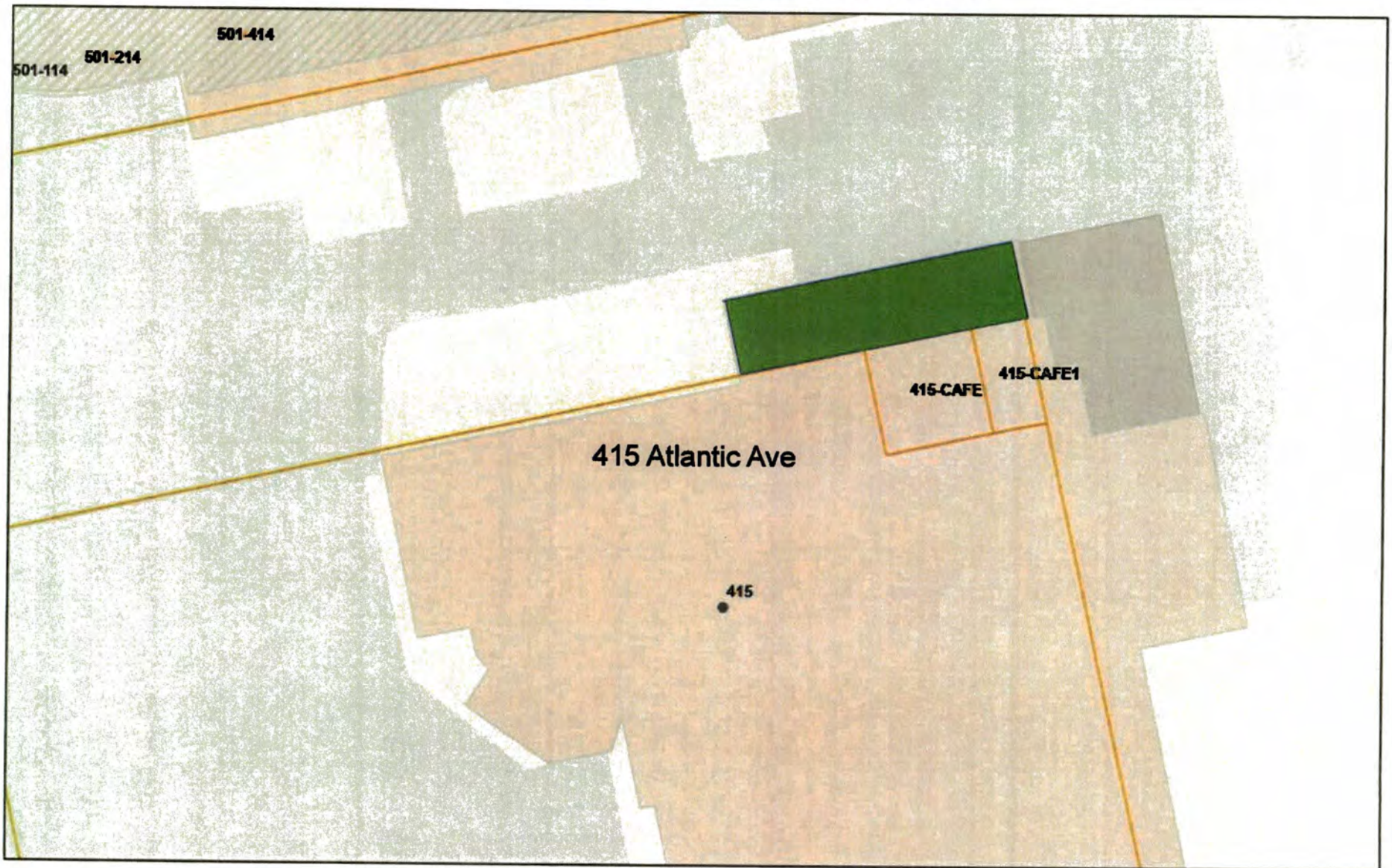
415 Atlantic, LLC
Best Kitty Hawk, LLC
Chix Land, LLC
Chix Sea Grille, LLC
Crushfest, LLC
Eighteenth Street, LLC
Festival, LLC
Forrest Holdings, LLC
Mid Atlantic Rockfish Classic, Inc.
Pacific Avenue Company
Parks Avenue, LLC
South Shores Management, LLC
South Shores, LLC
Standing Properties, LLC
Waffi, LLC

Disclosure Statement Form – Affiliated Business Entity Relationship with Property Owner






RE: Section 2, Page 3, Part B

Best Kitty Hawk, LLC
Chix Land, LLC
Chix Sea Grille, LLC
Crushfest, LLC
Eighteenth Street, LLC
Festival, LLC
Foggs Seafood Company dba. Waterman's Surfside Grille
Forrest Holdings, LLC
Mid Atlantic Rockfish Classic, Inc.
Pacific Avenue Company
Parks Avenue, LLC
South Shores Management, LLC
South Shores, LLC
Standing Properties, LLC
Waffi, LLC

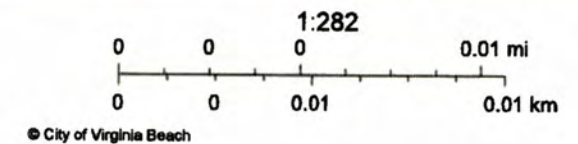
415 Atlantic Ave, Waterman's Surfside



1/29/2024, 3:47:59 PM

 City Boundary
 Parcels
 Condos
 Address Point
 Primary

Primary Address Point Label





1/5/2024 13:00
Boardwalk
Virginia Beach



APPLICANT'S NAME Boj, Geo Inc. T/A Boj, Conting

DISCLOSURE STATEMENT FORM

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Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

<input type="checkbox"/>	APPLICANT'S DISCLOSURE OF INTEREST		
<input type="checkbox"/>	APPLICANT'S DISCLOSURE OF INTEREST		
<input type="checkbox"/>	APPLICANT'S DISCLOSURE OF INTEREST		



☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Boys For Sea T/A Boys Cont'g
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

William D. Pender, President
Sheppard T. Pender, Vice President

(B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

☒ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: Boys Brothers
If an LLC, list the member's names:

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

William D. Ponder President
Sheppard T. Ponder Vice President

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

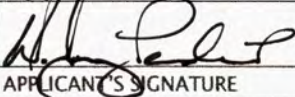
YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	William R. Pender	3/5/24
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

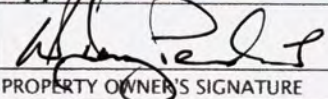
YES	NO	<p>Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

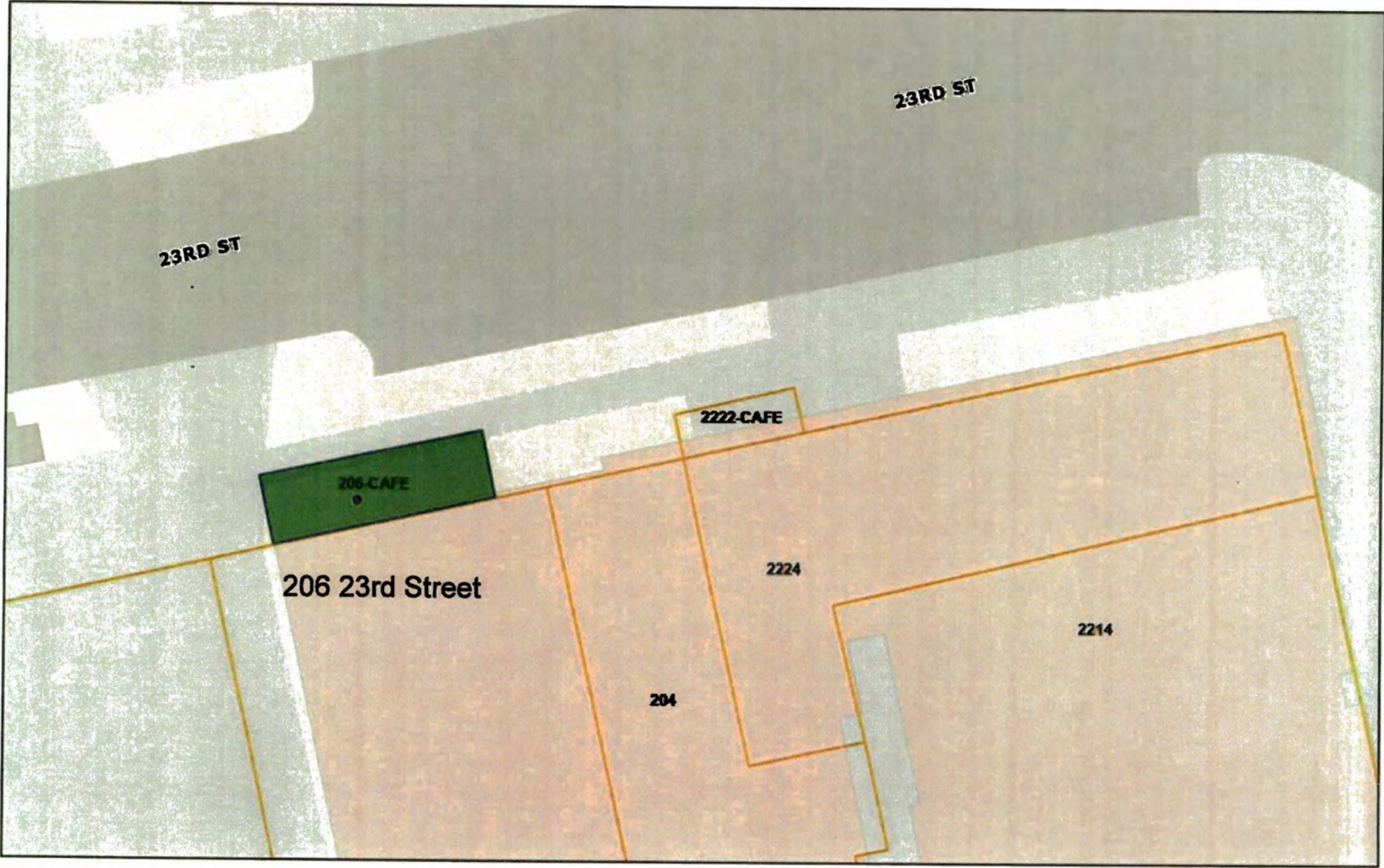
CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.





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	William D. Pender	3/5/24
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

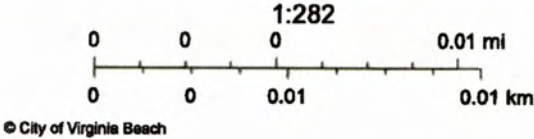
206 23rd St, Baja Cantina Café



1/29/2024, 4:36:02 PM

 City Boundary  Address Point
 Parcels  Primary

Primary Address Point Label



A photograph of the exterior of a restaurant named 'Baja Cantina'. The building has a blue facade with white trim around the windows and doors. A large, light-colored awning covers the entrance area. A sign above the entrance reads 'BAJA CANTINA' and 'HOME OF THE FRESH PEP TACO'. To the left, a vertical sign reads 'M BAR'. A blue wooden railing runs along the sidewalk in front of the building. A tree is visible on the left side of the frame.

BAJA CANTINA
HOME OF THE FRESH PEP TACO

DO DO & TACO SPECIAL

1/5/2024 12:36
208 23rd St
Virginia Beach

APPLICANT'S NAME Chix Sea Grille, LLC

DISCLOSURE STATEMENT FORM

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Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).			
<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

- ☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Chix Sea Grille, LLC
If an LLC, list all member's names:
Michael J. Standing Jr. - Managing Member/Owner, 100% ownership

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See attached

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: Chix Land, LLC
If an LLC, list the member's
names: Michael J. Standing, Jr. - Managing Member/Owner, 100% ownership

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

See attached

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Dixon Hughes Goodman (Forvis)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Poole Brooke Plumlee
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

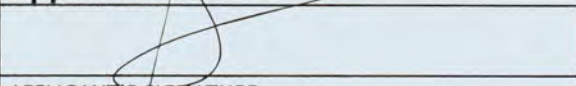
YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

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	Michael J. Standing Jr.	03/05/24
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Dixon Hughes Goodman (Forvis)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	TowneBank
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE


YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

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	Michael J. Standing Jr.	03/05/24
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

Disclosure Statement Form – Affiliated Business Entity Relationship with Applicant

RE: Section 1, Page 2, Part B

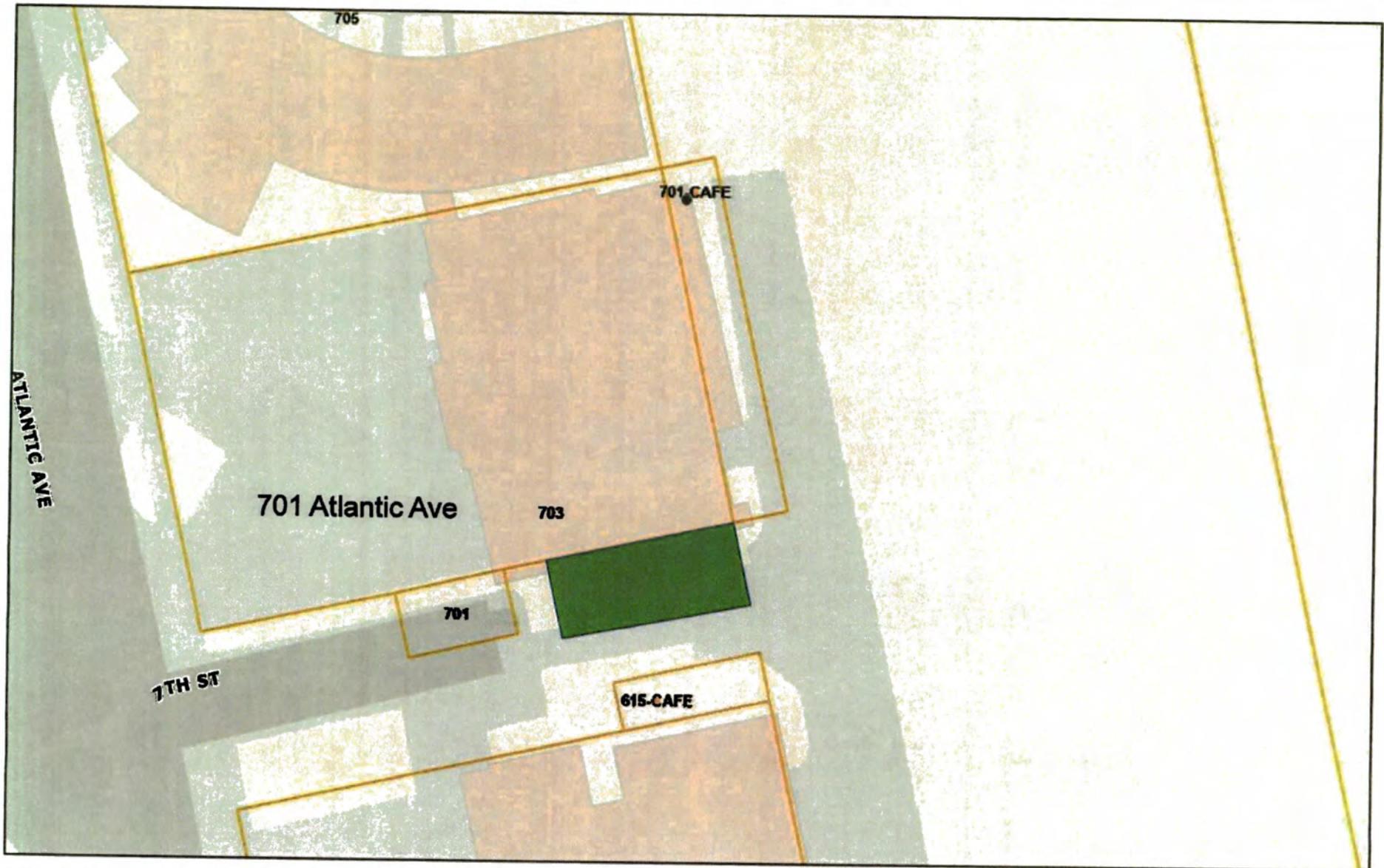
415 Atlantic, LLC
Best Kitty Hawk, LLC
Chix Land, LLC
Crushfest, LLC
Eighteenth Street, LLC
Festival, LLC
Foggs Seafood Company dba. Waterman's Surfside Grille
Forrest Holdings, LLC
Mid Atlantic Rockfish Classic, Inc.
Pacific Avenue Company
Parks Avenue, LLC
South Shores Management, LLC
South Shores, LLC
Standing Properties, LLC
Waffi, LLC

Disclosure Statement Form – Affiliated Business Entity Relationship with Property Owner





RE: Section 2, Page 3, Part B

415 Atlantic, LLC
Best Kitty Hawk, LLC
Chix Sea Grille, LLC
Crushfest, LLC
Eighteenth Street, LLC
Festival, LLC
Foggs Seafood Company dba. Waterman's Surfside Grille
Forrest Holdings, LLC
Mid Atlantic Rockfish Classic, Inc.
Pacific Avenue Company
Parks Avenue, LLC
South Shores Management, LLC
South Shores, LLC
Standing Properties, LLC
Waffi, LLC

701 Atlantic Ave, Chix Cafe



1/29/2024, 3:57:32 PM

 City Boundary  Address Point
 Parcels  Primary

Primary Address Point Label

1:564
0 0 0.01 0.01 mi
0 0.01 0.01 0.02 km
© City of Virginia Beach

City of Virginia Beach Center for GIS
© City of Virginia Beach |



1/5/2024 13:05
Boardwalk
Virginia Beach

Fish-N-Bones, Inc., t/a

Virginia Beach

APPLICANT'S NAME Fish Bones Restaurant

DISCLOSURE STATEMENT FORM

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Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).

Page 1 of 7

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: FISH-N-BONES INC
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

Michael Georgiou, Andrey Tsokanoff

(B) List the businesses that have a parent-subsidary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

☐ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: _____
If an LLC, list the member's names:

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary ¹ or affiliated business entity ² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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SECTION 3. SERVICES DISCLOSURE

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APPLICANT



YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Jones CPA
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Towne Bank
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES ☐ NO ☒

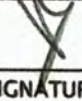
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

If yes, what is the name of the official or employee and what is the nature of the interest?

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	Andrey Tsokanoff	03/05/2024
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE


YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	Andrey Tsokanoff	03/05/2024
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE








12/13/2023 10:14
1301 Atlantic Ave
Virginia Beach

1211 Atlantic Ave, Fish Bones Café



1/29/2024, 4:06:56 PM

 City Boundary  Parcels
 Condos  Address Point
 Primary

Primary Address Point Label

1:564
0 0 0.01 0.01 mi
0 0.01 0.01 0.02 km
© City of Virginia Beach

City of Virginia Beach Center for GIS
© City of Virginia Beach |

Dandrea, LLC, T/A

APPLICANT'S NAME IL Giardino

DISCLOSURE STATEMENT FORM

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Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).

Page 1 of 7

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

- ☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Dan Clarkson
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☐ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: Ocean Horizon
If an LLC, list the member's names:

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (If other than the Applicant) - Identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (Identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES

☐

NO

☒

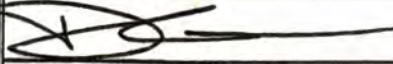
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	Dan Clarkson	3/5/24
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - Identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE


YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

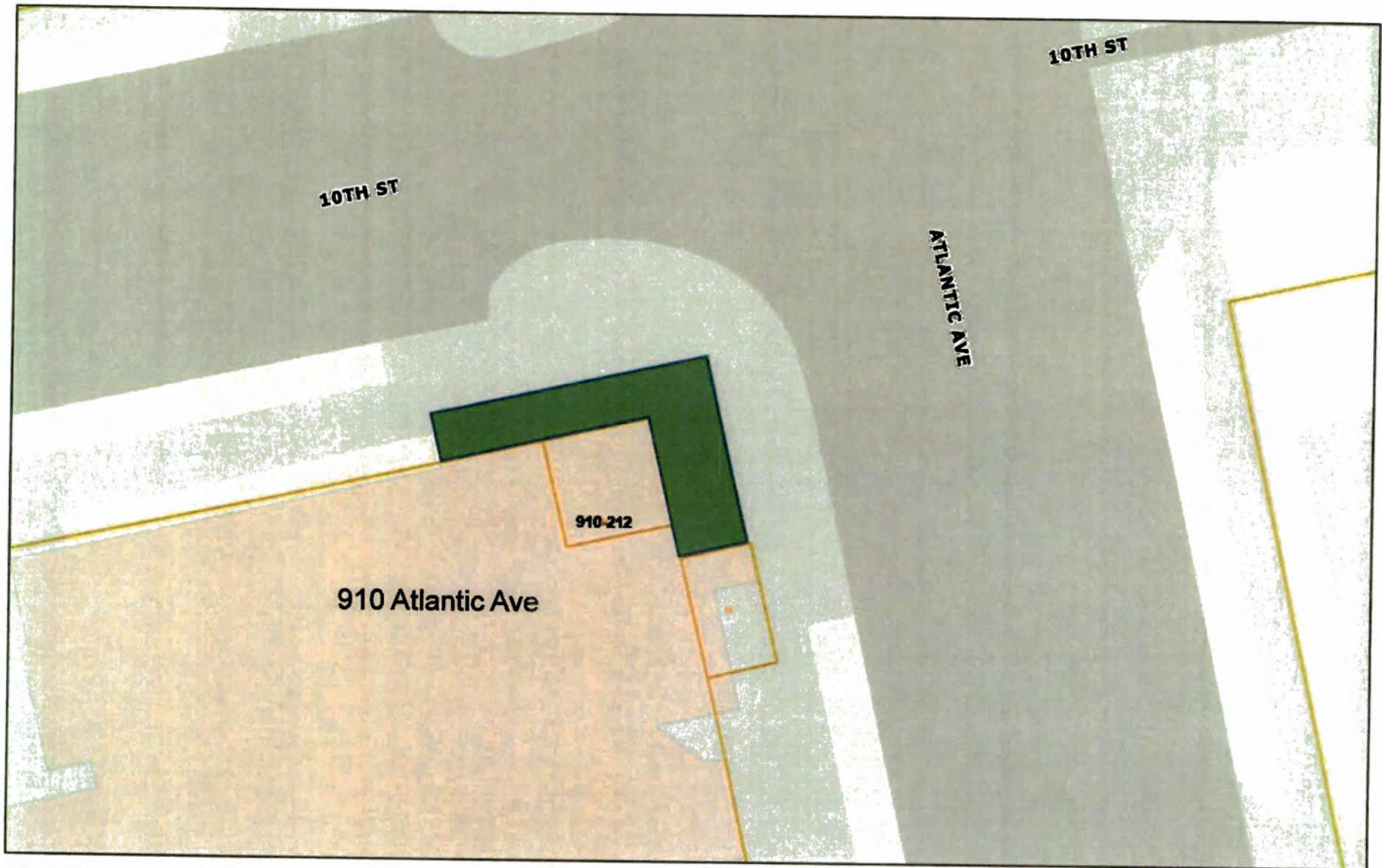
CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.






I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

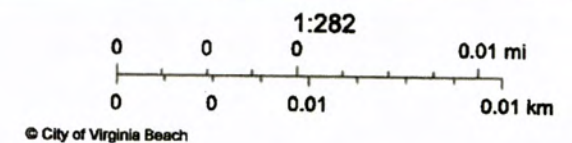
	Dan Clark	3/5/24
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

910 Atlantic Ave,



1/29/2024, 4:13:40 PM

-  City Boundary
-  Parcels
-  Primary
-  Primary Address Point Label
-  Address Point





1/5/2024 12:54
Tenth St
Virginia Beach

APPLICANT'S NAME JUMPIN SHRIMP INC.

DISCLOSURE STATEMENT FORM

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Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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SECTION 1 / APPLICANT DISCLOSURE

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<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE: _____
<input type="checkbox"/>	NO CHANGES AS OF	DATE: _____
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE: _____



- ☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Jumpin Shrimp Inc
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

Varshid Vachhani: President
Matthew Sereby: VP
Anjana Javia: Secretary Parul Vachhani: Treasurere

(B) List the businesses that have a parent-subsiadiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*
Surfside Resort Inc/ LLC : Landlord

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: Surfside Resort LLC / Inc
If an LLC, list the member's names: LLC: Anjana Javia, Neela Patel, Parul Vachhani, Hetal Vachhani

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

Inc: Varshid Vachhani: President
Anjana Javia: Secretary
Neela Patel: VP
Hetal Vachhani: Treasurer

- (B) List the businesses that have a parent-subsidary ¹ or affiliated business entity ² relationship with the Property Owner: *(Attach list if necessary)*
None

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Corbin & Company
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Cuboid Architecture
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE


YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

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	Varshid Vachhani	03/0/24
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Towne Bank
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Wolcott Rivers Gates
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

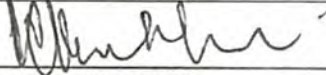
If yes, what is the name of the official or employee and what is the nature of the interest?



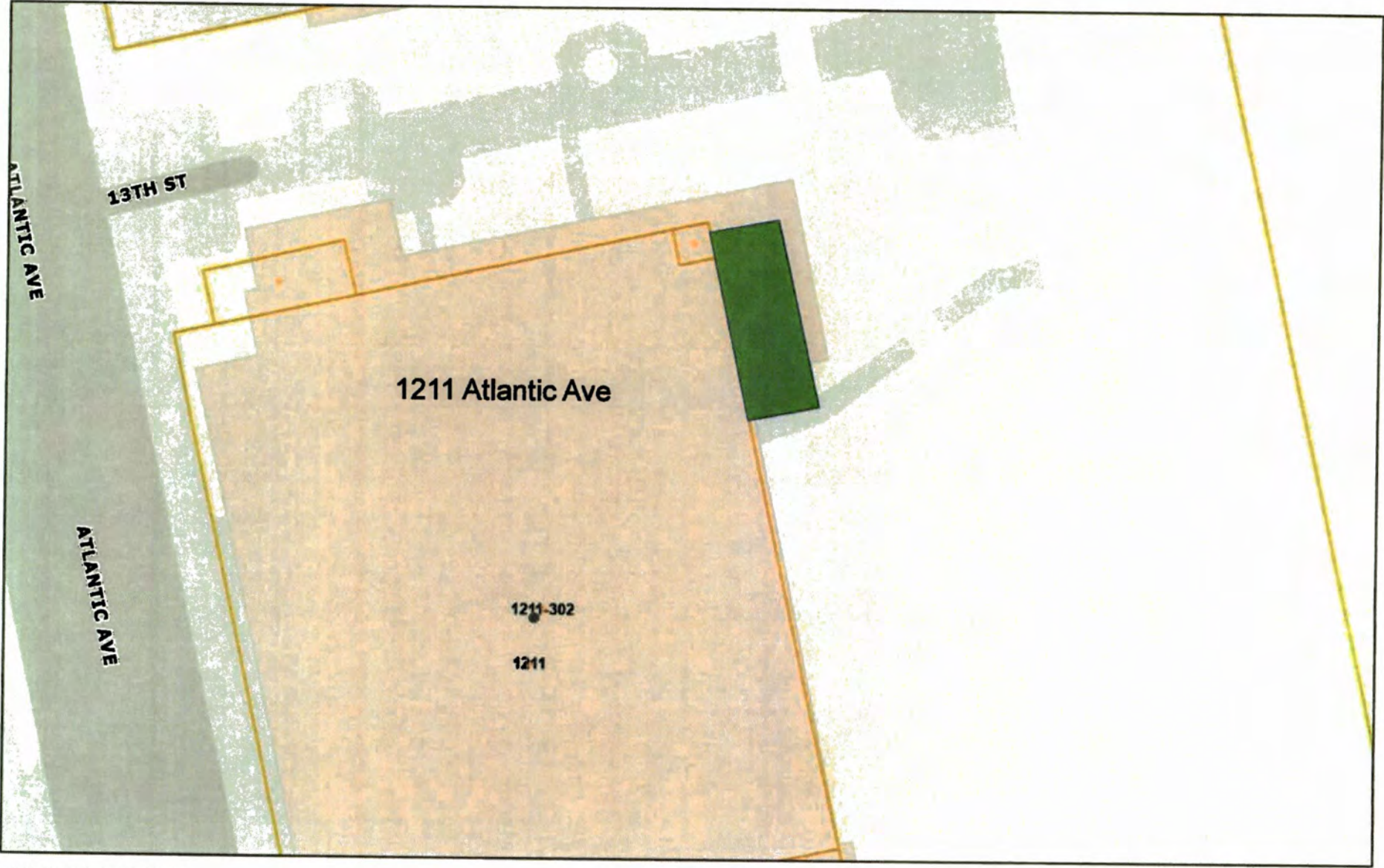
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	Varshid Vachhani	03/05/24
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

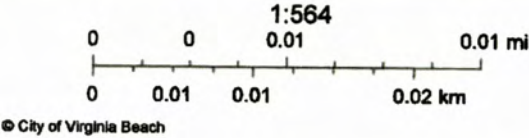
1211 Atlantic Ave, Jumpin Shrimp Café



1/29/2024, 4:03:58 PM

- City Boundary
- Parcels
- Condos
- Address Point
- Primary

Primary Address Point Label





1/5/2024 12:49
1211 Atlantic Ave
Virginia Beach

APPLICANT'S NAME Scrambled, Inc.

DISCLOSURE STATEMENT FORM

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Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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Page 1 of 7

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

- ☒ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☐ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.
- (A) List the Applicant's name: Haim Markso
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

N/A

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

- (A) List the Property Owner's name: Ocean Horizon
If an LLC, list the member's names:

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

<i>Ha. m Marko</i>	<i>Ha. m Marko</i>	<i>3/05/2024</i>
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input type="checkbox"/>	

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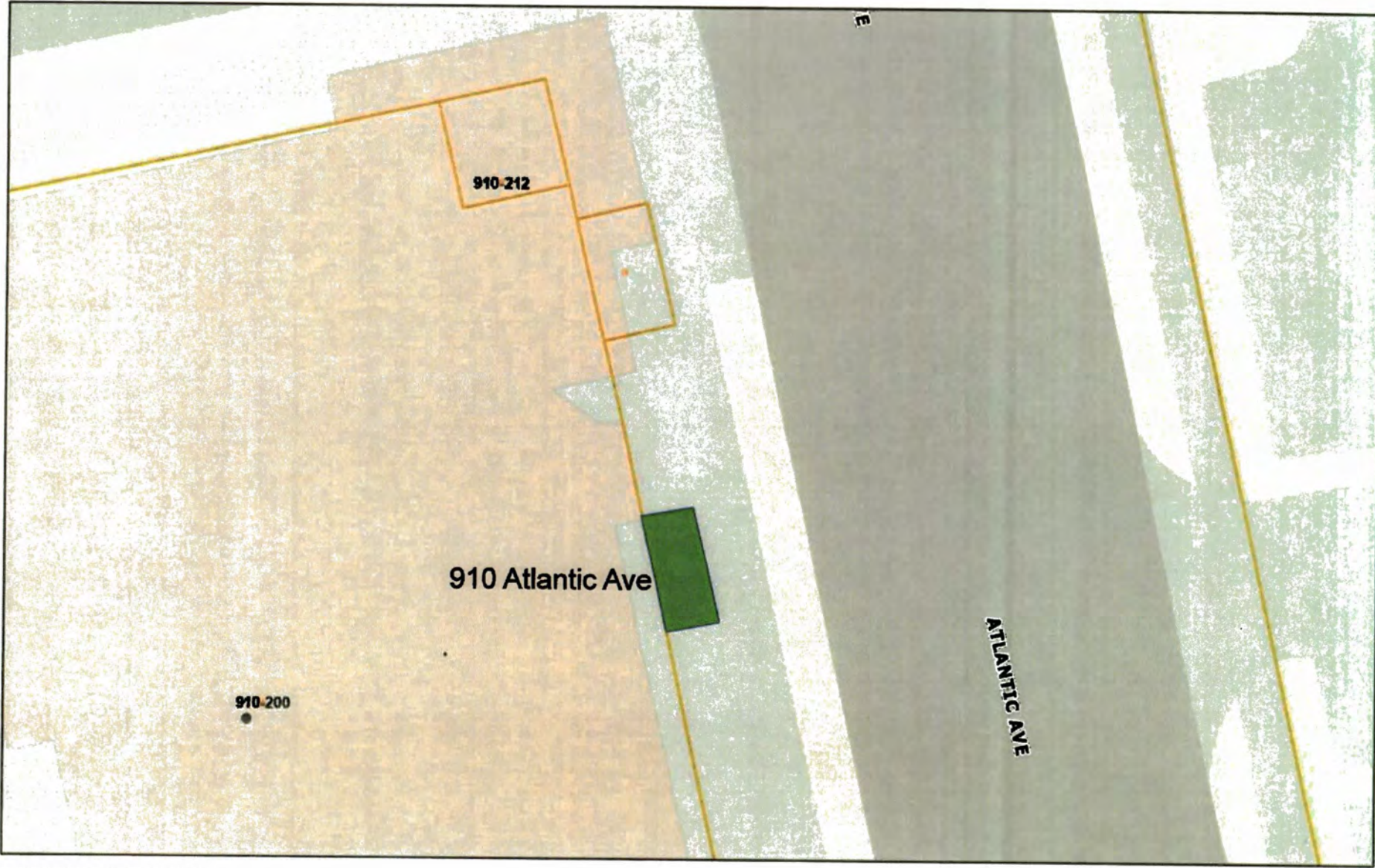
CERTIFICATION:

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<i>Haim Marko</i>	<i>Haim Marko</i>	<i>3/05/2024</i>
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE


910 Atlantic Ave, Scrambled Inc

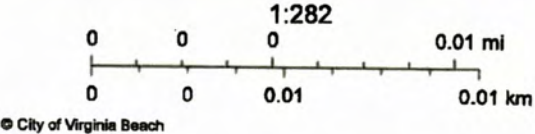


1/29/2024, 2:55:44 PM

-  City Boundary

 Address Point
-  Parcels

 Primary
- Primary Address Point Label



A photograph of the exterior of a restaurant named "Scrambled". The building features a large glass facade with the name "Scrambled" in large, bold, yellow letters. Below the name, there are two "OPEN" signs in red neon. To the left of the entrance, there are two menu boards displaying various food items and drinks. In front of the building, there are two long wooden counters supported by metal legs. The sky is clear and blue, and the ground is paved. An American flag is visible on the right side of the building.

Scrambled

1/5/2024 12:55
910 Atlantic Ave
Virginia Beach



APPLICANT'S NAME

Gold Key/PHR Food Services, LLC

DISCLOSURE STATEMENT FORM

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Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).		
<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE: _____
<input type="checkbox"/>	NO CHANGES AS OF	DATE: _____
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE: _____

Page 1 of 7

Rum



- ☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

- (A) List the Applicant's name: Gold Key/PHR Food Services, LLC
If an LLC, list all member's names: Trade Name: Tortugas Cafe & Tiki Bar
Professional Hospitality Resources, Inc. 100% Membership Interest

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

Professional Hospitality Resources, Inc.
Heritage Investments, LLC

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

- (A) List the Property Owner's name: Heritage Investments, LLC
If an LLC, list the member's names: Bruce L. Thompson
Edmund C. Ruffin



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*
Professional Hospitality Resources, Inc.

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

km



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (If other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (Identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors / Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

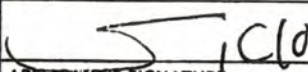
YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

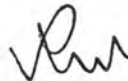
If yes, what is the name of the official or employee and what is the nature of the interest?

**CERTIFICATION:**

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	Robert M. Howard, Chief Investment Officer	3-5-2024
APPLICANT'S SIGNATURE	PRINT NAME	DATE
Gold Key/PHR Food Services, LLC		

A handwritten signature, possibly 'Rm', located below the page number.



OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

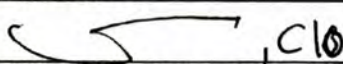
YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

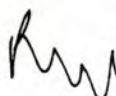
If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

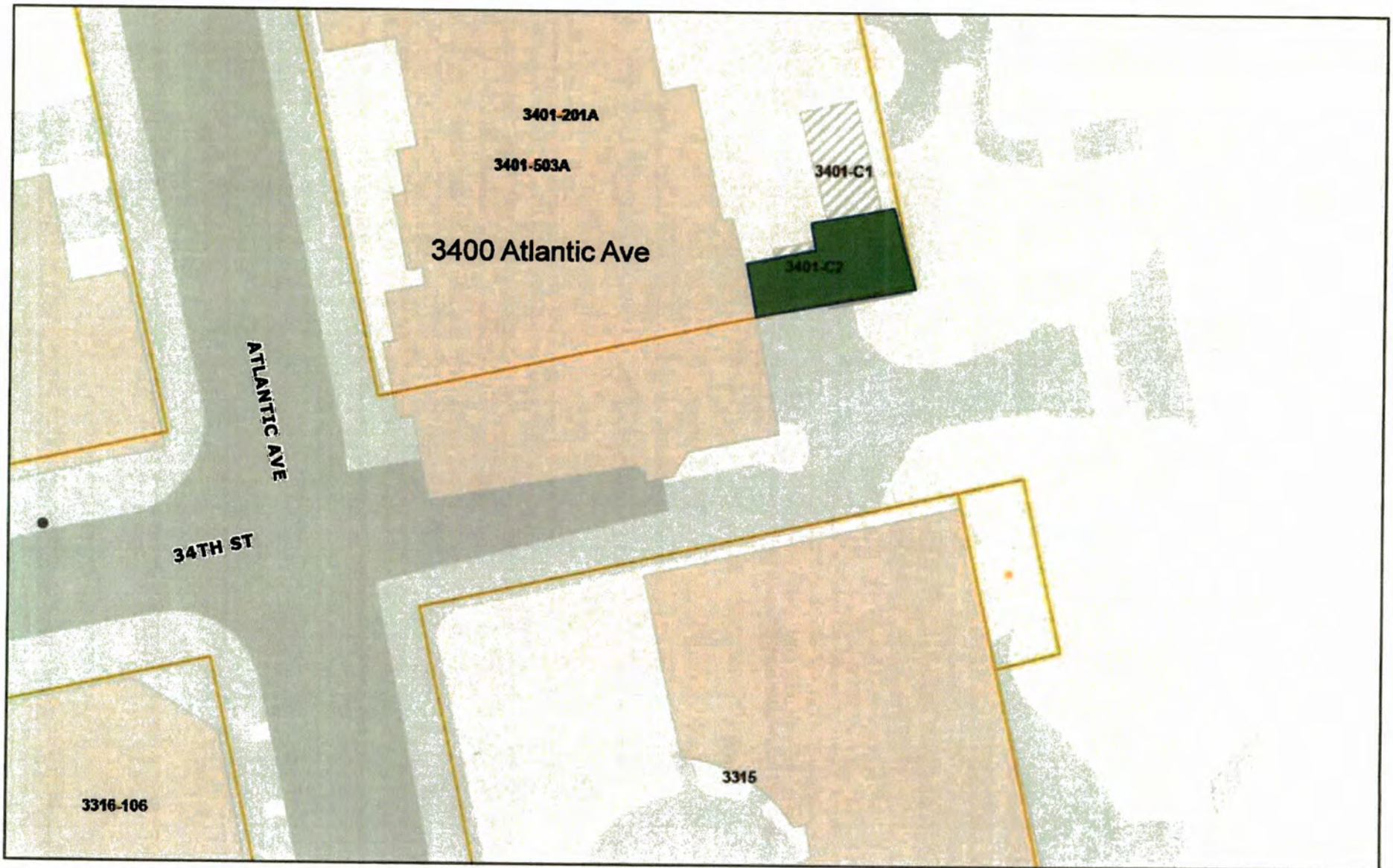
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.







 CIO	Robert M. Howard, Chief Investment Officer	3-5-2011
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE
Heritage Investments, LLC		



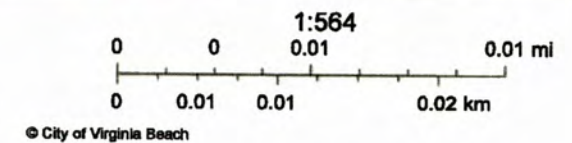
3400 Atlantic Ave, Tortugas Café



1/29/2024, 4:40:13 PM

-  City Boundary
-  Condos
-  Parcels
-  Address Point
-  Primary
-  Non-Primary

Non-Primary Address Point Label
Primary Address Point Label





1/5/2024 12:40
3401 Atlantic Ave
Virginia Beach



APPLICANT'S NAME Dunes Investment Associates, LLC

d/b/a STATION 10

DISCLOSURE STATEMENT FORM

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

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Page 1 of 7

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

- ☐ Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☒ Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Dunes Investment Associates, L

If an LLC, list all member's names:

Lyons Family Asset Protection Trust, Octo, Inc. Thomas J. Lyons, Jr.
Rev.Trust, Timothy J. Stiffler, Marcus B. Lewis, Fred R. & Patricia C. Russell

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

Coastal Hospitality Associates, LLC (Management Company)

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☐ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: _____

If an LLC, list the member's names:

If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	BDO Norfolk, Virginia
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	WPL, & Saunders & Crouse. PC
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Hoy Construction, Inc. Norfolk, VA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	MSA Virginia Beach, VA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Towne Bank Norfolk
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Kaufman & Canoles. PLC. Norfolk, VA
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE


YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	Christopher W. Brown	03/05/2024
APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	BDO Norfolk, Virginia
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	WPL Virginia Beach, VA Saunders & Crouse
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Hoy Construction, Inc. Norfolk, VA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	MSA - Virginia Beach, VA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Towne Bank Norfolk
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Kaurman & Caonoles PLC Norfolk, VA
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE


YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

CERTIFICATION:

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	Christopher W. Brown	03/05/2024
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

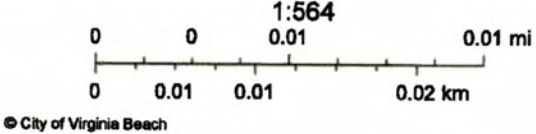
901 Atlantic Ave, Station 10 Café



1/29/2024, 4:26:06 PM

- City Boundary
- Parcels
- Condos
- Address Point
- Primary

Primary Address Point Label





1/5/2024 12:53
Tenth St
Virginia Beach

J. BID SUMMARY

1. MANAGEMENT OF CITY PROPERTY

2044 Landstown Centre Way/ Sportsplex and Field Hockey Center.

K. FORMAL SESSION AGENDA

1. CONSENT AGENDA

L. ORDINANCES / RESOLUTIONS

1. Ordinance to **AMEND** City Code Section 2-3-1 pertaining to the Attendance Policy and **AMEND** the Final Report to City Council of the Citizens Committee on Boards and Commissions re **Boards and Commissions**
2. Resolution to **AMEND** Student Members re **Flood Prevention Bond Referendum Oversight Board** (Requested by City Council)
3. Resolution to **ESTABLISH** a **Stormwater Management Implementation Advisory Group** (Requested by Mayor Dyer and Council Member Schulman)
4. Resolution to **AUTHORIZE** and **DIRECT** the City Manager to **EXECUTE** a **Mutual Aid Agreement** re **Fire and Rescue Services among localities in Hampton Roads**
5. Ordinance to **DECLARE** 9,833± square feet of City-owned property at **Ferry Point Road** to be in Excess of the City's Needs and **AUTHORIZE** the City Manager to convey to **Meador Properties, LLC** DISTRICT 7
6. Ordinance to **AUTHORIZE** temporary encroachments into the City-owned drainage, Maintenance and variable width impoundment easement at the rear of 5945 Glen View Drive re **maintain existing fence and construct and maintain rip rap revetment** DISTRICT 7
7. Ordinance to **AUTHORIZE** temporary encroachments into the City-owned property known as **Starboard Canal and Island Lake** at the rear of 2428 Windward Shore Drive re **construct and maintain a revetment encroaching variable distances, a timber pier, floating dock with aluminum gangway and a covered boat lift** DISTRICT 8
8. Ordinance to **AUTHORIZE** temporary encroachment into the City-owned property known as **Treasure Canal** at the rear of 2204 Windward Shore Drive re **maintain an existing bulkhead, construct and maintain a timber bulkhead with a return wall, sand backfill, and topsoil/turfgrass, timber open pile wharf, timber pile overhead beam boatlift and boatlift electrical cable** DISTRICT 8
9. Ordinance to **AUTHORIZE** temporary encroachment into the City-owned property known as **Chesapeake Bay** at the rear of 2810 Ocean Shore Avenue re **maintain existing wood steps with metal rails, moveable wood platform and wood retaining wall and construct and maintain a wood fence/retaining wall** DISTRICT 8
10. Ordinance to **ACCEPT** and **APPROPRIATE** \$290,000 from Dominion Energy Virginia for Section 106 Mitigation of Adverse Visual Effects to the FY 2023-24 Planning and Community Development Operating Budget re **Coastal Virginia Offshore Wind Commercial Project / historic preservation program priorities**
11. Ordinance to **ACCEPT** and **APPROPRIATE** \$19,446 from the Virginia Department of Criminal Justice Services to the FY 2023-24 Human Services Operating Budget re **salary increases in Community Corrections and Pretrial Services**



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance to Amend City Code Section 2-3.1 Pertaining to the Attendance Policy for Board and Commission Members

MEETING DATE: March 5, 2024

■ **Background:** The City Council previously adopted the Final Report to City Council of the Citizens Committee on Boards and Commissions. Among other things, the report provides that if a member of an appointive agency accumulates three or more unexcused absences in a calendar year, then the member will be removed. City Code § 2-3.1, however, prohibits a member from accumulating *more than* three unexcused absences. This inconsistency needs to be resolved. Additionally, both the City Code and the report currently provide for a member's removal if the member is absent from more than one-fourth of the meetings held in a calendar year (unless the absence is excused as detailed in the Code and the report). For the small number of boards that meet four or less times per year, the one-fourth threshold provides for removal of a member who may have missed only one or two meetings during a year.

■ **Considerations:** This ordinance amends the City Code to exclude boards that meet four or less times per calendar year from the prohibition against accumulating unexcused absences in excess of one-fourth of the meetings held in a calendar year. The ordinance also revises the Final Report by including the same exception for boards that meet four or less times per year, and it revises the report's text on page 17 to be consistent with the City Code's threshold of more than three unexcused absences.

■ **Public Information:** Public information will be provided through the normal Council agenda process.

■ **Attachments:** Ordinance; Revised Final Report to City Council of the Citizens Committee on Boards and Commissions

Recommended Action: Approval

Submitting Department/Agency: City Clerk

City Manager:

1 AN ORDINANCE (1) TO AMEND CITY CODE
2 SECTION 2-3.1 PERTAINING TO THE
3 ATTENDANCE POLICY FOR BOARD AND
4 COMMISSION MEMBERS; AND (2) TO AMEND THE
5 FINAL REPORT TO CITY COUNCIL OF THE
6 CITIZENS COMMITTEE ON BOARDS AND
7 COMMISSIONS

8
9 SECTION AMENDED: § 2-3.1

10 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH,
11 VIRGINIA:

12 That Section 2-3.1 of the Code of the City of Virginia Beach, Virginia, is hereby
13 amended and reordained to read as follows:

14 **Sec. 2-3.1. Boards and commissions generally.**

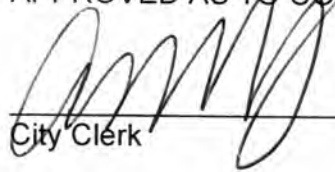
- 15 (a) Except as otherwise provided by law, attendance records shall be kept at each
16 meeting of every board and commission of the city, or other council-appointed
17 agency, which records shall be provided to the city council through the city clerk's
18 office at least forty-five (45) days prior to the scheduled term expiration date for the
19 members of each such board, commission or agency. No member of any such board,
20 commission or agency shall accumulate an annual total of more than three (3)
21 absences, or, for boards that meet more than four time per calendar year, be absent
22 from more than one-fourth of the total number of meetings held by such board,
23 commission or agency within a given calendar year, for reasons other than personal
24 illness, the illness or death of a relative, or other circumstances beyond the member's
25 control. If this limitation is exceeded, the chairperson of such board, commission or
26 agency shall forthwith report to the city clerk the name of the member whose
27 unexcused absences exceed the number allowed herein. The city clerk shall then
28 notify such member in writing, with a copy of such notification to the members of the
29 city council, that due to unexcused absences in excess of the number allowed herein,
30 his or her term of membership on the board, commission or agency has terminated.
- 31 (b) Notwithstanding the provisions of subsection (a), and except as otherwise provided
32 by law, all members of boards and commissions of the city, and other council-
33 appointed agencies, shall serve at the pleasure of the city council.

34
35 BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF
36 VIRGINIA BEACH, VIRGINIA:

37 That the Final Report to City Council of the Citizens Committee on Boards and
38 Commissions, which the City Council accepted on December 6, 2022, is hereby amended
39 to be consistent with the attendance requirements of City Code § 2-3.1, as set forth on
40 page 17 of the attached revised version of the report.

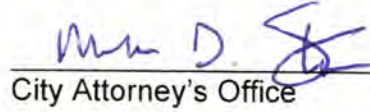
Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2024.

APPROVED AS TO CONTENT:



City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA16396
R-2
February 28, 2024



City of Virginia Beach

Final Report to City Council

CITIZENS COMMITTEE ON BOARDS AND COMMISSIONS

2024 Revised Version

EXECUTIVE SUMMARY

Dear Mayor Dyer, Vice Mayor Wilson, and Members of City Council,

In 2003 City Council appointed the first Citizens Committee on Boards and Commissions. That Committee made recommendations regarding all aspects of the City's Boards and Commissions, which Council adopted. In the nearly twenty years since, the City has taken great steps to implement many of those recommendations, but some were either not implemented or not uniformly enforced, new challenges arose, and the evolution of technology has significantly changed expectations and opportunities.

On November 19, 2019, City Council adopted the Resolution to "Re-establish the Citizens Committee on Boards and Commissions." Our Committee was tasked with identifying potential improvements to the appointment process and best practices for board operations and staffing, and advising City Council on these matters. Our assigned scope of work was limited to organizations with members appointed by City Council; Mayor's Commissions and committees convened by others were not addressed. Following an extensive review process beginning in November 2020 and culminating in May 2022, we respectfully provide the enclosed report and recommendations for City Council's consideration. We have also developed and included nine Exhibits containing forms and tools to accelerate implementation, rather than leaving that work to be performed later by City staff.

In developing these recommendations, our Committee met 29 times and logged over 500 volunteer hours. As a starting point, at our very first meeting the Committee was presented with a list of nearly 60 topics and questions compiled by the City Clerk's Office for evaluation. The Committee reviewed an extensive array of materials, including recommendations from the predecessor Committee, current City Ordinances, information from the City Clerk's website, print materials used to market opportunities on Boards and Commissions, and individual agency digital platforms. We examined procedures and materials from nearly 100 other localities from our neighboring localities in Hampton Roads to cities big and small all over the United States. In addition, we conducted two surveys: one among the chairs of the Boards and Commissions and one among the staff liaisons. Committee members also applied their extensive experience gathered from serving on numerous City Boards and Commissions.

Our Committee's work was not without its challenges. The COVID-19 pandemic delayed our first meeting by eight months and prolonged our efforts with virtual meetings and occasional cancellations. In addition, like many other City Boards and Commissions we were not immune to quorum and attendance issues. Indeed, our Committee started with eleven members and now concludes with seven members. The Court's Redistricting ruling also impacted the work of the Committee, causing us to re-examine some of our recommendations. Ultimately though, these challenges proved to be integral to many of our recommendations as they highlighted areas where City processes should be improved. Moreover, they suggested to us that consistent re-evaluation through a standing committee would be beneficial to the City and avoid recurrence of implementation problems the prior committee's work experienced.

During the course of our work the Committee also achieved a number of beneficial outcomes that have already impacted Boards and Commissions in the City. We assisted the Clerk's office

in revising the Boards and Commissions Pamphlet and revising the City website. We drafted and tested many proposed forms and procedures, including within our own Committee's operations. We efficiently engaged the City Attorney's Office to evaluate and assist with resolving policy concerns that have since been applied to multiple agencies. We also encouraged the addition of student members on Boards and Commissions and have seen several such opportunities added. Additionally, we significantly increased knowledge and best practices among staff, staff liaisons, and Board and Commission chairs.

Ultimately, the Committee identified three primary areas ripe for important improvements:

1. Public Engagement
2. Efficiency of Operation
3. Mission Fulfillment / Effectiveness

We believe the enclosed recommendations present significant opportunities for improving these three critical concerns. As you can imagine, after nearly two years of work, these recommendations were subjected to significant discussion and review wherein we weighed public interest, administrative simplicity, and sustainability. Our key recommendations include:

- Implementing software and new technologies to streamline many processes;
- Developing and providing simple, standard training for appointees and staff liaisons;
- Revamping attendance and quorum policies and providing for enforcement;
- Implementing easier and more effective Annual Report and work product methods; and
- Standardizing operating procedures.

Finally, we would be remiss not to recognize the work of the individual members of the Committee, Council Members Berlucchi and Henley who served as Council Liaisons and the staff liaisons who provided expertise and wisdom throughout the process:

Appointed Committee Members:

James B. (Jimmy) Wood, Chairman
Walter T. Camp, Vice Chairman
Lawrence (Larry) Dotolo
Douglas (Doug) McLiverty
Bernice Pope
Stacey Shiflet
Sylvia Nery-Strickland

Staff Liaisons:

Amanda Barnes, City Clerk
Terri Chelius, Chief Deputy City Clerk
Roderick Ingram, Deputy City Attorney
Neva White, Chief Strategy Officer
Melissa Zibutis, Asst. to the City Manager
Mary Katherine Zimmerman, Volunteer
Resources Administrative Technician

Without question, this process highlighted how many wonderful volunteers our city is fortunate to have and how lucky we are to have such a dedicated, efficient, and productive professional staff. Our recommendations should make their efforts easier and more effective.

We look forward to the opportunity to brief you on our work and recommendations.

Respectfully submitted,

James B. (Jimmy) Wood
Chairman

Walter T. Camp
Vice Chairman

CONTENTS

MISSION STATEMENT	5
GENERAL RECOMMENDATIONS	7
RECRUITING AND MARKETING	7
SOCIAL MEDIA POLICY	9
YOUTH INVOLVEMENT	10
PROSPECTIVE APPOINTEES	10
TALENT BANK APPLICATION	10
CONFLICT OF INTEREST REQUIREMENTS	11
BACKGROUND CHECK / BADGE ACCESS	11
PRE-APPOINTMENT INTERVIEWS AND RECOMMENDATIONS	11
TRAINING PROGRAMS	12
ATTENDANCE	14
EXPIRATION OF TERM / REAPPOINTMENTS	14
APPOINTMENTS HELD BY VIRTUE OF POSITION	16
CIRCUMSTANCES TO REMOVE AN APPOINTEE	16
Failure to Take Oath of Office (Lapse of Appointment)	16
Excessive Absences	17
Failure to File Financial Disclosure Form	17
Other Circumstances	18

RECOGNITION	19
COUNCIL LIAISONS	19
STAFF LIAISONS	20
ANNUAL REPORTS	21
APPOINTIVE AGENCY MISSION, ESTABLISHMENT AND SUNSETTING	22
TERMS OF OFFICE FOR ALL APPOINTIVE AGENCIES	23
BYLAWS	23
MEETING REQUIREMENTS	24
IMPLEMENTATION	25
EXHIBIT A – TALENT BANK APPLICATION	26
EXHIBIT B – STUDENT TALENT BANK APPLICATION	31
EXHIBIT C – TRAINING MODULES FOR APPOINTEES	36
EXHIBIT D – TRAINING MODULES FOR STAFF LIAISONS	37
EXHIBIT E – ATTENDANCE TEMPLATE	39
EXHIBIT F – REAPPOINTMENT REQUEST	40
EXHIBIT G – ANNUAL REPORT TEMPLATE	42
EXHIBIT H – BYLAWS TEMPLATE	44
EXHIBIT I – MEETING MINUTES TEMPLATE	46

MISSION STATEMENT



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: A Resolution to Reestablish the Citizens Committee on Boards and Commissions

MEETING DATE: November 19, 2019

■ **Background:** The City has been well-served by the hundreds of citizen volunteers who comprise the City's boards, commissions, committees, authorities, councils and other advisory bodies. In 2003, a City Council-appointed Citizens Committee on Boards and Commissions made recommendations regarding all aspects of the City's boards and commissions. Since then, most of the recommendations have been implemented, but the boards and commissions could benefit from a fresh look aimed at identifying potential improvements to the appointment process and best practices for board operations and staffing.

■ **Considerations:** The committee shall serve in an advisory capacity to the City Council, and the City Council shall appoint its members. The Committee shall consist of up to eleven members and should include residents who have served on a City board or commission, including a designee of the Process Improvement Steering Committee. Staff support shall be provided by the City Clerk's Office, the Office of Volunteer Resources, the STiR Office, and the City Attorney's Office.

■ **Public Information:** Via the normal Council agenda process.

■ **Attachments:** Resolution.

Requested by Mayor Dyer

REQUESTED BY MAYOR DYER

**A RESOLUTION TO REESTABLISH THE
CITIZENS COMMITTEE ON BOARDS AND
COMMISSIONS**

WHEREAS, the City has been well-served by the hundreds of citizen volunteers who comprise the City's boards, commissions, committees, authorities, councils and other advisory bodies;

WHEREAS, in 2003, a City Council-appointed Citizens Committee on Boards and Commissions made recommendations regarding all aspects of the City's boards and commissions. Since then, most of the recommendations have been implemented, but the boards and commissions could benefit from a fresh look aimed at identifying potential improvements to the appointment process and best practices for board operations and staffing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA, THAT:

1. The City Council hereby reestablishes the Citizens Committee on Boards and Commissions.


2. The committee shall serve in an advisory capacity to the City Council, and the City Council shall appoint its members.

3. The Committee shall consist of up to eleven members and should include residents who have served on a City board or commission, including a designee of the Process Improvement Steering Committee.

4. Staff support shall be provided by the City Clerk's Office, the Office of Volunteer Resources, the STiR Office, and the City Attorney's Office.

Adopted by the City Council of the City of Virginia Beach, Virginia on the 19th day of November, 2019.

APPROVED AS TO CONTENT:



City Clerk's Office

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA14929
R-1
November 8, 2019

GENERAL RECOMMENDATIONS

1. City Council should reaffirm that citizen input and participation with local government are critical to quality of life and to ensure Virginia Beach as a "Community for a Lifetime."
2. City Council and City Staff should stress the vital role of Appointive Agencies¹ in making certain that the voices of citizens are heard.
3. As many other localities its size have already done, the City of Virginia Beach should implement Appointive Agency software to significantly increase public engagement, efficiency, and agency effectiveness while reducing administrative burden.
4. To increase public engagement significantly, to allow more choices of meeting places and times, and to reduce staff burden the City should better equip more rooms to easily and effectively accommodate hybrid meetings of Appointive Agencies involving both in-person and remote participation. Such facilities would also benefit City agencies and staff.
5. Future legislative agendas of the City of Virginia Beach should continue to seek greater opportunities for local advisory Appointive Agencies and their individual appointees to participate in meetings remotely. This recommendation does not extend to Appointive Agencies that are quasi-judicial or grant-making in nature, that render decisions on property rights, or to independent or regional agencies.

RECRUITING AND MARKETING

1. City Council and City Staff shall make citizens aware of opportunities to serve on Appointive Agencies.
2. Membership on each Appointive Agency should reflect the geographic, gender, age, ethnic, and occupational diversity of the City. City Council should reaffirm a commitment to appoint Virginia Beach **residents**, except those appointed by virtue of their position, to the Appointive Agencies.
3. City Council should place an emphasis on public information outreach to inform the public and build interest in serving on Appointive Agencies.

¹ Please note, we have chosen to utilize the term "Appointive Agencies" throughout these recommendations in lieu of "Boards and Commissions," "Committees," "Authorities," "Councils," "Panels," "Task Forces," and other terms presently in use for organizations with one or more citizen-members appointed by the Virginia Beach City Council.

4. City Council shall direct the necessary stakeholders to develop and implement a public relations campaign to enhance participation and membership within the City of Virginia Beach Appointive Agencies.
5. The City Clerk shall work with the Communications Office to identify modern media and communication outlets to utilize for advertising volunteer opportunities with the City's Appointive Agencies.
 - a. The City Clerk shall periodically meet with the Communications Office to ensure the most current modern media and communication outlets are being effectively utilized.
 - b. As needed, the City Clerk shall utilize the Communications Office to advertise specific hard-to-fill Appointive Agency positions (e.g., those requiring specific educational backgrounds or specific licensure).
6. The City Clerk shall continue to maintain its Appointive Agencies pamphlet in hard copy. The City Clerk will also work to maintain an electronic version of the Appointive Agencies pamphlet easily accessible by the public.
 - a. Every City office with a public-facing desk should be provided with copies of the Appointive Agencies pamphlet including Libraries and Recreation Centers (or another document directing the public to the electronic version of the pamphlet).
 - b. Each year the City Clerk shall identify community organizations that may have members interested in serving on Appointive Agencies and ensure that these organizations are provided with the Appointive Agencies pamphlet.
 - c. Each year the City Clerk shall identify under-represented communities' organizations that may have members interested in serving on Appointive Agencies and ensure that these organizations are provided with the Appointive Agencies pamphlet.
 - d. The City Clerk shall ensure the Appointive Agencies pamphlets are made available to each member of City Council, so that City Council members may continue recruiting efforts at their community meetings and events.
7. The City's website should be enhanced to create a more vibrant, accessible, and informative "landing spot" for information on Appointive Agencies.
 - a. This should include at a minimum:
 - i. A full listing of all Appointive Agencies.
 - ii. Links to the individual webpages and other digital platforms for each specific Appointive Agency.
 1. The staff liaison for each Appointive Agency should maintain a current membership listing with appointed terms on their individual webpage including information on the meeting schedule and frequency.
 - iii. Vacancies for each Appointive Agency.
 1. The number of vacancies, including Student positions, should be listed at the beginning of each calendar year based on the number of open seats on each Appointive Agency, as

- well as the number of seats not specifically vacant, but whose term expires during that calendar year.
- iv. Adult and Student Talent Bank Application forms with online submittal capability, as described later in this report.
- v. Training materials described later in this report, enabling prospective applicants to become better prepared for service and providing convenient centralized access for current appointees.
- b. Adoption of Appointive Agency software would facilitate more efficient and standardized implementation of this recommendation and enable enhancements beyond the minimum, increasing public engagement.

SOCIAL MEDIA POLICY

1. Appointive Agencies should be encouraged to use existing departmental and City platforms for reaching the public rather than establishing new platforms.
2. Appointive Agencies should annually evaluate the utilization, effectiveness, and resources required to maintain social media platforms and make appropriate changes to ensure efficiency.
3. Staff liaisons shall report all existing Appointive Agency social media platforms to the offices of the City Attorney and City Clerk.
 - a. This recommendation is made at the request of the City Attorney's Office, which identified having a centralized registry of such sites as a best practice.
4. The City Clerk's webpage should include links to all Appointive Agency digital platforms.
5. Social media platforms for Appointive Agencies should be registered to the City of Virginia Beach following City procedures, and not be registered to private individuals.
6. Departments supporting Appointive Agencies should post social media content, which may be supplied by appointees, on their behalf.
7. Social media posts for Appointive Agencies should provide information, align with the agency's mission, and inform the public of meetings, events, and service opportunities.
8. The Commission's training recommendations include providing guidance for appointees on personal social media posts related to their City position.

YOUTH INVOLVEMENT

1. Appointive Agencies should be encouraged to identify and create opportunities for student involvement designed to support the agency's mission. This may include both formal participation on the Appointive Agency or informal participation on sub-committees, events, programs, etc.
 - a. In the event an Appointive Agency seeks formal student involvement on the Appointive Agency, then the membership status of the student members (e.g., voting member or non-voting member, term of office, etc.) should be decided by City Council on a case-by-case basis based on input from the requesting Appointive Agency.
2. The City Clerk shall ensure information regarding opportunities for student/youth involvement with the Appointive Agencies is maintained on the City's website.
3. The City Clerk shall work with local schools, including private schools, home school organizations, and the Virginia Beach City Public Schools, to provide information on opportunities for student/youth involvement and Student Talent Bank Applications to these groups.

PROSPECTIVE APPOINTEES

1. Prospective appointees should be encouraged to:
 - a. Attend Appointive Agency meetings to learn about the group's mission and operations;
 - b. Engage with the Appointive Agency by participating in its events and programs;
 - c. Consider any opportunities to support the Appointive Agency's mission through Volunteer Office programs; and
 - d. Prepare themselves for service by taking the online training proposed herein.

TALENT BANK APPLICATION

1. The City Clerk shall implement the standard Talent Bank Application and Student Talent Bank Application attached to these recommendations. Please find the proposed Talent Bank Application attached as Exhibit A and the proposed Student Talent Bank Application attached as Exhibit B.
2. The City should explore the utilization of a software-driven online system for collecting applications to serve on Appointive Agencies, increasing efficiency and enabling greater reporting capabilities.
 - a. In the interim, the City Clerk should implement a method to submit the Talent Bank Application electronically.

3. There should be no limit on the number of Appointive Agencies on which an individual can serve. Council should consider concurrent appointments, but they should not be the final decision criterion. A list of all Appointive Agencies on which a nominee currently serves should be provided to the Council before a new appointment or re-appointment is made. This is also incorporated into the (re)appointment application and request forms.

CONFLICT OF INTEREST REQUIREMENTS

1. All appointees shall comply with state laws related to conflict of interest filing if the Appointive Agency on which they serve is subject to such requirements under state law.
2. All members of Appointive Agencies shall be required to acknowledge "The Principles of Service" statement, which is incorporated into the Talent Bank Application, Student Talent Bank Application, and Reappointment Request Form (see Exhibits A, B and F).

BACKGROUND CHECK / BADGE ACCESS

1. In general, no background check should be required to serve on Appointive Agencies, except as specifically required by City Council, state law, or another governing authority.
2. Appointive Agencies should advise City Council of new circumstances that may warrant re-evaluation of specific background check requirements.
3. Appropriate access privileges for members of Appointive Agencies should be determined by professionals responsible for the security and safety of municipal facilities, rather than by a general ordinance.
 - a. Those currently holding access badges should continue until otherwise determined by City security and safety authorities.
 - b. Those desiring additional access privileges should make a request to the City Council liaison for evaluation by City security and safety authorities.

PRE-APPOINTMENT INTERVIEWS AND RECOMMENDATIONS

1. City Council shall decide whether pre-appointment interviews are a requirement for each Appointive Agency on an individualized basis. Ultimate authority to make appointments does and should continue to rest with City Council.
 - a. City Council may delegate authority to interview applicants for appointment to an Appointive Agency to the specific Appointive Agency.

2. If provided for by law or ordinance or with the consent of the appropriate City Council liaison, an Appointive Agency may conduct interviews to make recommendations for appointment to the Appointive Agency.
 - a. Interviews shall comply with applicable public meeting laws.
 - b. The Appointive Agency should seek guidance in advance from the City Attorney's Office on appropriate procedures for conducting interviews.
3. If an Appointive Agency, through its chair, wishes to make recommendations for appointment, the City Clerk may be consulted regarding interested applicants and for review of talent bank applications in the City Clerk's office.
 - a. The City Clerk may provide the chair with basic contact information for applicants to the Appointive Agency, but shall not distribute talent bank applications, unless otherwise provided for by ordinance.
 - b. Recommendations for appointment should be sent by the chair to the Appointive Agency's City Council liaison, or to the Vice Mayor if no liaison exists, with a copy to the City Clerk.
4. Changes in applicants' status.
 - a. Talent Bank applicants shall be responsible for updating their applications, particularly with regard to changes in residency, criteria required for appointment such as current licensure, and ongoing availability/interest in appointment.
 - b. Prior to appointment, and especially for Talent Bank applications on file for more than one year, efforts should be made either by the Clerk's Office, Appointive Agency chair, or staff liaison as appropriate, to contact the prospective appointee for confirmation of residency, required criteria, and ongoing availability/interest.

TRAINING PROGRAMS

1. Create Training Programs for Appointive Agency Members and Staff Liaisons
 - a. Take greater advantage of technology
 - b. Simplify training into topic modules rather than a single, long course
 - i. Easier for trainees to complete as time allows
 - ii. Easier for the City to update portions as needed
 - c. Enable training to be delivered online, preferably at a self-directed pace
 - d. Reduce key training points into corresponding Training Handbooks (digital)
 - e. Create a short introductory video from Mayor, Vice Mayor and/or City Manager
 - f. Review training topics bi-annually and modify as the City's needs evolve
 - g. To avoid burdensome administrative work, standard software (which the City may already use or which may be part of a municipal Appointive Agency package) should be considered to track training completion.
2. Appointive Agency Member Training
 - a. Four short modules, shown on Exhibit C, are suggested for initial training program
 - b. Timing of Training

- i. Until training tracking software is implemented, new Appointive Agency appointees should make reasonable efforts to take training prior to, or within 30 days after, appointment.
 - ii. Current Appointive Agency appointees should make reasonable efforts to take training prior to, or within 30 days after, re-appointment.
 - iii. Opportunities and encouragement should also be offered for current appointees to take training as it becomes available, rather than waiting until reappointment nears.
 - iv. These recommendations should be revisited when automated tracking solutions become available, or during the bi-annual training program review noted above.
 - c. Retraining or Supplemental Training
 - i. To be considered as new matters arise (e.g., adoption of new laws, ordinances, policies, or circumstances such as COVID)
 - ii. May be utilized as part of solutions for resolving appointee issues
 - d. Make training available digitally to the general public via website delivery
 - i. Talent Bank applicants may take early & note as a "Plus" factor
 - ii. Promote civic knowledge & engagement, including potential use by students
 - e. Information specific to the appointee's Appointive Agency should be provided soon after the chair and staff liaison are notified of the appointment. This orientation shall include times and places of meetings, ongoing projects, special events, operating procedures, and all related ordinances and resolutions.
- 3. Staff Liaison Training
 - a. Topics shown on Exhibit D are suggested for initial training program
 - b. Topics were determined in part from needs identified during surveys of Virginia Beach Appointive Agency staff liaisons
 - c. Staff liaison training should include Appointive Agency Member Training modules
 - i. To reduce creation of redundant materials
 - ii. To better enable staff liaisons to reinforce Appointive Agency Member Training
 - d. Timing of Training
 - i. Equipping staff liaisons with uniform administrative tools and training will greatly facilitate successful Appointive Agency operations
 - ii. Training should be implemented as a priority for all existing & new staff liaisons
 - e. Periodic refresher training in group setting of existing liaisons should be conducted in coordination with the City Clerk, City Attorney and Office of Volunteer Resources to:
 - i. Raise awareness of best practices and methods for resolving common challenges
 - ii. Identify issues to leadership

ATTENDANCE

1. To fulfill their duties, the City's Appointive Agencies rely upon the active participation of appointees. The chair of each Appointive Agency shall encourage attendance and enforce the City's Appointive Agency attendance policies.
2. Attendance at each Appointive Agency meeting shall be recorded in the Minutes.
3. The chair and staff liaison shall classify attendance according to the City's attendance policies.
4. When technology permits, meeting attendance should be promptly uploaded online by the staff liaison so the Clerk's office will have continuous access to current information.
5. Until technology allows ongoing reporting online, staff liaisons shall maintain a standard Appointive Agency Attendance Report (see Exhibit E) and promptly provide it to the chair, City Clerk, or Council liaison upon request. This Report should be provided to the City Clerk promptly after the last meeting of the calendar year, and it should also be included in the Appointive Agency's Annual Report.
6. City Council should consider attendance records when making (re)appointments.

EXPIRATION OF TERM / REAPPOINTMENTS

1. The staff liaison shall give 90 days advance notice to any member of an Appointive Agency whose term is expiring.
 - a. The staff liaison shall notify the member of their term expiration in writing (until technology permits a more streamlined process), including the Reappointment Request Form (see Exhibit F), with a copy to the chair and City Council liaison. The staff liaison shall inquire as to whether the member is interested in continuing their service with the appointive agency for an additional appointment period. The staff liaison shall also instruct the appointee to return the Reappointment Request Form at least 60 days in advance of their term's expiration.
 - b. The chair of such Appointive Agency should also communicate with the member to determine the member's interest in continuing to serve on the Appointive Agency.
 - c. The member should provide notice to the City Clerk as soon as possible (and at least 60 days in advance of the expiration of their term) regarding their desire to be re-appointed, utilizing the Reappointment Request form attached as Exhibit F.
 - d. If a member eligible for reappointment does not timely return the Reappointment Request form, then the City Clerk should provide that information to Council for their consideration in the reappointment process. While it would be helpful to have the form returned, a failure to do so should not disqualify an individual from reappointment.

2. The staff liaison shall provide the City Clerk and City Council liaison with all measurable information and data related to members who are up for reappointment, including attendance and other concurrent appointments.
3. The chair of an Appointive Agency may provide recommendations to the City Council liaison, or to the Vice Mayor if no liaison exists or is available, and to the City Clerk for appointments and reappointments to the Appointive Agency. The City Clerk will provide any recommendations made by the chair to City Council for the Council's consideration.
4. The City Clerk should provide City Council with a list of the various Appointive Agency members whose terms are expiring 60 days in advance of such expiration date.
5. Appointments and reappointments of members to Appointive Agencies should occur thirty (30) days prior to the expiration of terms.
6. Council should continue its recently adopted practice of considering appointments at the conclusion of its workshop sessions in addition to regular business meetings, which has been effective in minimizing Appointive Agency vacancies.
7. Appointments beyond term limits.
 - a. Staff liaison training recommendations described in this report shall include best practices related to communications with Appointive Agency members whose terms are expiring, and who have reached their maximum term limit, on the City Code provision allowing for additional terms in certain circumstances.
 - b. Retain the current City Code provision (City Code § 2-3(b)) that enables the City Council, by an affirmative vote of a majority of all Council Members, to reappoint a person to one or more additional terms beyond those permitted by City Code § 2-3(a) when, by virtue of the unique qualifications of the position or other extenuating circumstances, doing so would serve the best interests of the City.
 - c. City Council should provide a rationale when reappointing anyone beyond the term limits as set forth in Section 2-3(a).
8. Consider changing the term limits for Appointive Agencies that have specific membership requirements that are difficult to meet, as was done in City Code § 2-3(c) for appointees to the Board of Building Code Appeals. Such circumstances should be identified by the Clerk's Office, in Appointive Agency annual reports, and in the periodic procedural review process recommended elsewhere in this report.
9. An individual who previously served on an Appointive Agency shall not be deemed to have a consecutive appointment if three or more months have passed since the appointee's most recent term with the same Appointive Agency has concluded.
10. Letters of appointment and reappointment should include the appointee's obligation to self-report the loss of certification/license, change of residency, or other changes to factors upon which their appointment is conditioned.

APPOINTMENTS HELD BY VIRTUE OF POSITION

1. Government Positions. Unless otherwise specified by Ordinance, law, or bylaws approved by City Council, appointments of members to Appointive Agencies by virtue of concurrent service in a specific elected, appointed, or employed government position (Federal, State or local) shall terminate if an incumbent ceases to hold or is suspended from such position. Absent other action by City Council, their authorized successor in that government position, acting or permanent, shall also assume appointment to such Appointive Agency seats ordained as secondary assignments for their office, subject to subsequent confirmation by City Council.
2. Non-Government Positions. Unless otherwise specified by Ordinance, law, or bylaws approved by City Council, appointments of members to Appointive Agencies by virtue of concurrent service in a non-governmental position shall terminate if an incumbent ceases to hold or is suspended from such position. The Appointive Agency seat previously held by the incumbent shall be vacant until City Council appoints a successor.
3. Inter-Agency City Liaisons. When Council desires one Appointive Agency to coordinate with another, consideration should be given to allowing the agency providing a liaison to designate which of its members should serve rather than requiring Council itself to appoint a specific individual member as the liaison.
 - a. This recommendation is intended to increase attendance by inter-Agency liaisons by allowing more responsive designation changes as individual availability and workloads change.
 - b. Backup inter-Agency liaisons, which do not exist now, could also be readily designated by the Agency itself, furthering Council's goals by reducing attendance gaps, communications breakdowns, and failures to coordinate.

CIRCUMSTANCES TO REMOVE AN APPOINTEE

Failure to Take Oath of Office (Lapse of Appointment)

1. A limited number of appointees are required to take an Oath of Office, typically by State Law.
2. Appointment letters for such positions should indicate service is conditioned upon taking the Oath.
3. An appointee who fails to take an Oath as required allows their conditional appointment to lapse and forfeits the opportunity to serve.
4. The Clerk should promptly notify the appointee their appointment has lapsed and notify Council the position remains vacant and requires a new appointment.

Excessive Absences

1. Attendance is directly correlated to Appointive Agency participation and thereby to the success of the organization in furthering its mission. Creating and maintaining a culture that expects the participation of its members in productive meetings will increase the engagement of the Appointive Agency. Engaged appointees are an Appointive Agency's most valuable assets.
2. Recommended procedures for recording attendance, and thereby identifying excessive absenteeism, are noted elsewhere in this report.
3. The staff liaison will notify the Appointive Agency chair after a member has had two unexcused absences. The chair shall contact the member to determine why the member is missing meetings and remind the member of the City's attendance policy, and if applicable, the Agency's remote participation policy.
4. If a member accumulates more than three ~~or more~~ absences in a calendar year, or, for agencies that meet more than four times per calendar year, if a member is absent from more than one-fourth of the total number of meetings held during the calendar year, for any reason other than personal illness, the illness or death of a relative, or other circumstances beyond the member's control (as determined by the chair), the staff liaison shall notify the City Clerk's office in writing, with a copy to the chair, and advise the City Clerk of the name of the member of who has accumulated absences beyond those allowed by the City Code. The notification should reference the attendance policy set forth in City Code § 2-3.1 and indicate it was sent on behalf of the chair.
5. Given that City Code § 2-3.1 provides that absences due to personal illness, the illness or death of a relative, or other circumstances beyond the member's control are excused absences, and given the option for members of Appointive Agencies to participate in meetings from a remote location if the Appointive Agency has adopted a remote participation policy as authorized by the Virginia Freedom of Information Act and City Council Policy, **the City Code requirement and procedures for removal of appointees due to excessive unexcused absences should be strictly enforced.**

Failure to File Financial Disclosure Form

1. Recommendations elsewhere in this report significantly limit the number of appointees required to file a Financial Disclosure form.
2. In most cases, consequences for failure to file a Financial Disclosure form will be determined by State law.
3. If an appointee is required to file a Financial Disclosure but is not subject to State law consequences for failure to do so:
 - a. Their appointment letter should note filing is a requirement for continued service;
 - b. Failure to timely file should result in a prompt letter from the City Clerk allowing 30 additional days; and

- c. Failure to file by the extended deadline should result in automatic termination of the appointment, carried out by written notice from the City Clerk in the same manner provided in § 2-3.1 for termination due to excessive unexcused absences.
4. Given the limited number of positions impacted by this recommendation, the public transparency objective of the filing requirement, the well-communicated requirement to file, and provisions to remedy an initial lapse in timely filing, if allowed by state law, **this policy should be strictly enforced.**

Other Circumstances

1. A variety of other circumstances may impair an appointee's ability to serve effectively or may impair their Appointive Agency's ability to fulfill its mission.
2. When such circumstances arise the appointee should notify the chair, who in turn should notify the Council liaison or Vice Mayor (in the absence or unavailability of a Council liaison), as appropriate.
3. These situations should be evaluated on a case-by-case basis.
4. City Council should continue to exercise its authority to remove appointees as it determines best for the welfare of the City and the Appointive Agencies.
5. Circumstances which could, but would not necessarily, lead to Council's review for potential termination of an appointment may involve violation of the Principles of Service or certain criminal convictions.
6. Council should provide for an appointee Leave of Absence (LOA) where legally permissible as an intermediate step to facilitate Appointive Agency operations during such circumstances.
 - a. Such LOAs should be for a defined, limited term – perhaps up to three (3) months.
 - b. Such LOAs could be requested by the appointee or imposed.
 - c. Power to grant an LOA should vest in the agency's Council liaison, or the Vice Mayor in the absence or unavailability of a Council liaison.
 - d. Appointive Agency quorums should not include appointees on an LOA.
 - e. Appointee absences during a properly granted LOA should be considered "Excused."
 - f. Such LOAs would not be for personal medical or family medical reasons already addressed by City ordinance.

RECOGNITION

1. Appropriate opportunities for recognition of appointees should be identified using the City's Office of Volunteer Services as a resource.
2. The City Manager should be encouraged to recognize outstanding performance by staff liaisons supporting Appointive Agencies, as appropriate.
3. The nature and timing of such recognition should be periodically re-evaluated to ensure effectiveness and efficiency.

COUNCIL LIAISONS

1. City Council should consider selecting two of its own members to serve as Liaisons or Contacts to each Appointive Agency.
 - a. The second Council Liaison/Contact may choose to serve in a limited, backup capacity or in a full capacity.
 - b. For Appointive Agencies with quasi-judicial powers or other reasons why Council Members should not act as full liaisons or attend meetings, City Council Members should be designated as "City Council Contacts" with more limited roles.
 - c. If neither City Council Liaisons nor Contacts are currently designated for an Appointive Agency, the Vice Mayor shall serve as the agency's point of contact with City Council.
2. City Council's current practice of reviewing liaison/contact assignments annually and when the composition of Council changes is endorsed as a helpful practice.
3. Familiarity with the missions and work of the City's Appointive Agencies and attendance at their programs and special events should be encouraged for all Council Members.
4. City Council liaisons can help Appointive Agencies succeed and fulfill their missions in the following ways:
 - a. Refer relevant matters to Appointive Agencies, inform Appointive Agencies of Council initiatives, and advise Agencies of Council's perspectives on matters relevant to their mission.
 - b. Use Liaison Reports to inform Council and the public of Appointive Agency issues, achievements, and events.
 - c. Actively engage with assigned Appointive Agencies and be available to chairs for coordination.
 - d. Facilitate Appointive Agency communications to Council, including reports and presentations.
 - e. Provide guidance on desired work products and assignments from Council, and provide acknowledgement and feedback to the Appointive Agency after receiving and considering their reports.
 - f. Advise the City Manager of circumstances appropriate for his consideration and execution for facilitating the success of Appointive Agencies.

- g. When recruiting, filling, or reappointing to open seats on Appointive Agencies:
 - i. Give consideration to recommendations from the Appointive Agency;
 - ii. Coordinate with District Council Members on Appointive Agencies with geographic composition requirements.
- h. Promote coordination when advice from more than one Appointive Agency is sought, such as when the same or related issue is referred to both a geographic Appointive Agency such as RAC and a general government service Commission such as Parks & Recreation.
- i. Sponsor Appointive Agency recommendations for consideration by Council, including changes in size, composition, liaisons and student members.
- j. Provide fellow City Council Members with context and information when evaluating the Appointive Agency's Annual Report and other work products, as described elsewhere in these recommendations.

STAFF LIAISONS

- 1. Staff liaisons shall be expected to perform all duties identified in the Staff Liaison Training program.
- 2. The City Manager should be directed to ensure supervisors are aware of Appointive Agency staff liaison duties so workloads can be appropriately planned, performance can be evaluated, and provisions for staff liaison succession and backup can be made.
- 3. Staff liaisons shall maintain current and orderly files for assigned Appointive Agencies, including meeting agendas, meeting minutes, and attendance records.
- 4. Staff liaisons shall file all necessary public meeting notices for their assigned Appointive Agency.
- 5. Staff liaisons shall promptly notify the chair, City Council liaison, and City Clerk's office of any changes in appointee membership status, eligibility to serve, or contact information.
- 6. Staff liaisons should inform supporting department leaders and appropriate staff about matters being considered by the Appointive Agency.
- 7. Staff liaisons should coordinate with Appointive Agency chairs when opportunities arise for the City's professional staff to assist appointees with making informed evaluations and recommendations.
- 8. Staff liaisons shall promptly provide newly appointed members and all liaisons orientation materials.

9. Staff liaisons shall coordinate webpage postings and if applicable, social media postings, for the Appointive Agency

ANNUAL REPORTS

1. An Appointive Agency's Annual Report is perhaps the most important and underutilized tool for enabling City Council's evaluation of each agency's mission, effectiveness, and opportunities for service. Efforts should be prioritized to ensure Appointive Agency annual reports are easy to prepare and submit, standardized with key content valued by Council, and expected on a timely basis.
2. The chair of each Appointive Agency, other than Independent or Regional Agencies, shall file an Annual Report to City Council with the City Clerk's office no later than sixty (60) days after fiscal year-end, unless otherwise specified.
 - a. City Budget. Submission of Annual Reports on this timetable is intended to facilitate timely consideration of recommendations related to resources early in the City's budget development cycle, with all Agency requests presented at the same time. Council has often requested such timing.
 - b. City Policies. The timing is also intended to enable consideration of policy recommendations early in the development cycle for legislative agendas involving other levels of government.
3. The Annual Report shall cover the period July 1 – June 30 of the fiscal year just ended, unless otherwise specified.
4. A simple, standard Annual Report template showing minimum requirements is included as Exhibit G. Appointive agencies may choose to provide additional material, but all annual reports shall include each of the minimum required sections.
5. Appointive Agencies will differ in the types of information they report, depending on their mission.
 - a. Advisory Appointive Agencies may choose to focus on programs and projects.
 - b. Quasi-judicial Appointive Agencies may choose to focus on statistics and processes related to the matters they evaluate.
6. The chair and staff liaison should collaborate to draft the Annual Report.
7. Annual Reports should be approved by the Appointive Agency prior to filing with the City Clerk for distribution to Council.
8. An Annual Report should be filed even if no other meetings were held or no business was conducted in the prior year. The report should indicate the reason for these circumstances to assist City Council in their annual evaluation of the Appointive Agency and its mission.

9. Online completion and filing of Annual Reports should be part of the future City Appointive Agency software, significantly reducing preparation time, enabling tracking without administrative burden, and increasing access to information.
10. Appointive Agency Annual Reports should be made available to the public via online posting.
11. The opportunity for Appointive Agencies to periodically brief City Council should continue to be afforded as an important process for public awareness, fulfillment of the citizen-advisory role, and two-way engagement with the majority of Council who are often not otherwise focused on the agency.

APPOINTIVE AGENCY MISSION, ESTABLISHMENT AND SUNSETTING

1. City Council should consider assigning matters to Appointive Agencies in this order of preference and priority:
 - a. First, to one or more existing agencies, augmenting their mission if necessary;
 - b. Second, to a new temporary Appointive Agency with a defined sunset provision;
 - c. Third, to a newly established standing Appointive Agency.
2. The City Attorney's Office should maintain model ordinances for establishing new temporary and standing Appointive Agencies containing a list of elements for City Council to determine such as: mission, membership composition, terms of appointment and term limits, supporting City Department(s), budget (if any), sunset provision (if temporary), and any governance matters, powers or limitations that differ from default City standards for Appointive Agencies.
3. Each existing Appointive Agency shall review its mission statement and present any recommended changes to City Council in conjunction with its Annual Report.
4. City Council should direct the City Manager to maintain a current master organizational chart indicating the City Departments supporting each Appointive Agency, and to provide this chart to the City Clerk for public posting on the Appointive Agencies webpage.
5. When considering each Appointive Agency's Annual Report City Council should evaluate:
 - a. The Agency's own recommendations for changes to its mission;
 - b. New or changed issues City Council wishes the Appointive Agency to address;
 - c. The effectiveness of the Agency in accomplishing its mission;
 - d. Policy, Agency composition, or resource changes to improve Appointive Agency mission fulfillment. Inter-Agency liaisons should be considered as an alternative to appointing additional full voting members where appropriate;

- e. The balance of agency support workloads across City departments;
- f. Opportunities for consolidation or sunseting of Appointive Agencies.

TERMS OF OFFICE FOR ALL APPOINTIVE AGENCIES

1. The City Council should define the terms of office (period of time) for members serving on all Appointive Agencies. Specifically, the City Council should make this determination when establishing an Appointive Agency, or when adding new classes of members such as students, or when designating new liaison positions.
2. If City Council chooses not to define all terms of office, then the City should enact an appropriate ordinance to apply a default one-year term to those otherwise undefined.
3. The City Council should amend any current ordinance for any existing Appointive Agencies lacking established terms of office in order to establish appropriate terms.

BYLAWS

1. The majority of appointive Agencies are not required to maintain individual bylaws and generally should be discouraged from adopting bylaws to avoid conflicts with ordinances of general applicability subsequently adopted by Council, consumption of staff and volunteer resources required to train on and maintain unique bylaws rather than focusing on mission fulfillment, and redundancy with determinations made solely by Council.
2. In general, only Appointive Agencies that make grants, are independent or regional agencies, or are otherwise required to do so, should consider maintaining Bylaws. All other Appointive Agencies, including those who serve as advisory bodies to City Council, should consider alternatives to Bylaws.
3. Appointive Agencies should consider the utilization of policies in lieu of bylaws, including policies related to the election of officers.
4. Appointive Agencies that choose or are required to implement Bylaws should consider utilizing the standard template attached as Exhibit H.
5. Appointive Agencies that adopt Bylaws will be expected to follow, enforce, and maintain their Bylaws.
6. Appointive Agencies shall have all Policies, Bylaws, proposed Bylaws and/or amendments to Bylaws reviewed by the City Attorney's Office.
7. To provide uniform fallback procedures, to resolve subjects of frequent ambiguity, and to minimize adoption of separate Bylaws by multiple agencies, the following default policy should be adopted by Council for all City Appointive Agencies:

- a. Unless otherwise specified by Ordinance, law, or bylaws, Appointive Agencies shall elect a chair and a vice chair from among their members annually. The chair shall plan and conduct meetings of the Appointive Agency and perform other duties assigned and reserved to chairs by Council, ordinance, or law. The vice chair shall temporarily perform the duties of the chair when the chair is unavailable. Any subcommittee established by an Appointive Agency shall be advisory to the full agency and shall adhere to all laws governing public meetings including notice, attendance records, and minute-keeping.
 - b. In the absence of specific laws, ordinances, or bylaws to the contrary a majority of the Appointive Agency's current membership shall constitute a quorum, subject to a minimum quorum size of three.
8. Where appropriate for the uniform functioning of City government, Council should adopt ordinances of general applicability to Appointive Agencies, with exceptions if needed, rather than awaiting individual Appointive Agencies to individually adopt policies or bylaw amendments to achieve the same purpose.

MEETING REQUIREMENTS

1. Public notices for all Appointive Agency meetings shall be posted online, on the Public Notice Meeting Board near City Council Chamber, and in the office of the department that provides the Agency with staff support, and in any other designated places, in accordance with state law.
2. Staff liaisons and chairs should remind appointees about public meeting law compliance when subcommittees are formed and when gatherings outside of regular meetings are anticipated.
3. Appointive Agencies should meet a minimum of once per year to approve their Annual Report to City Council, confirm the status and availability of members, elect officers (if applicable), perform financial functions (if applicable), and perform other such duties, even if no other meetings were held or no business was conducted in the prior year.
4. Barriers should be reduced for individuals who may want to participate in or observe meetings, including if appropriate: diversifying meeting places and times, conducting hybrid in-person/online meetings, and streaming meetings via digital technology.
5. Training should inform appointees and liaisons that a properly-noticed public meeting may be called to order even if a quorum is not present, unless otherwise prohibited by law. No votes may be taken unless a quorum is present, but minutes and attendance shall be taken, unless the chair cancels the meeting prior to calling it to order.
6. Meeting agendas should be distributed to Appointive Agency members and liaisons at least three days prior to the meeting date. Appointive Agencies should adopt a process

to capture meeting minutes ensuring compliance with applicable laws and regulations. Please find a suggested template attached as Exhibit I.

IMPLEMENTATION

1. The City Council should establish a standing or permanent Appointive Agency to work with the City Clerk and the City Attorney to implement the recommendations embodied in this document.
2. The newly established Appointive Agency shall ensure that the proposals and recommendations in this document are prioritized correctly and amended as needed to comply with the spirit of the proposed recommendations. This new Appointive Agency shall also continue the mission of providing advice and recommendations to City Council regarding the City's various Appointive Agencies and the appointment processes.
3. City Code Section 2-451 which lists and categorizes Appointive Agencies is inaccurate and should be revised in a manner that reflects current directives by Council and does not render it frequently out of date in the future.

EXHIBIT A – TALENT BANK APPLICATION

Talent Bank Application

City Council Appointive Agencies

**Instructions**

You may attach your own resume or other supporting data. Each application is retained on file for five years and may be updated at any time by contacting the City Clerk at 385-4304 or 385-4036. Each applicant must be a resident of Virginia Beach.

Thank you for completing this application and for your interest in serving the City of Virginia Beach.

Contact Information

Name (last, first MI.)	
Provide previous names used	
Home Address	
City ZIP Code	
Phone	
E-Mail Address	
Applicant's District (circle one)	1 / 2 / 3 / 4 / 5 / 6 / 7 / 8 / 9 / 10 /
Registered Voter? (circle one)	Yes / No
How long have you been a resident?	
Are you currently serving on a City Council Appointed Agency (circle one)	Yes / No If Yes, list the name of City Council Appointed Agency:

Education

High School	
College	
Technical	
Military	
Graduate / Professional	
Degrees or Certifications	

Current Occupation

Firm Name	
Address	
Title	
Describe Duties	

Please state your interest and/or reason to seek City Council’s appointment to any Appointive Agency:

Please provide experience you have that relates to the Appointive Agency you wish to serve on:

Please share any volunteer or community service in your background that would make you a good candidate for appointment:

References (Optional)

1. Name (last, first MI.)	
Relationship to Applicant	
Phone	
E-Mail Address	
2. Name (last, first MI.)	
Relationship to Applicant	
Phone	
E-Mail Address	
3. Name (last, first MI.)	
Relationship to Applicant	
Phone	
E-Mail Address	

Interests:

Please rank up to five Appointive Agencies you are interested in (1 being most interested):

- ___ 2040 Vision to Action Community Coalition
- ___ Advertising Advisory Committee
- ___ Agricultural Advisory Committee
- ___ Arts and Humanities Commission
- ___ Audit Committee
- ___ Bayfront Advisory Commission
- ___ Beaches and Waterways Advisory Commission
- ___ Bikeways and Trails Advisory Committee
- ___ Board of Building Code Appeals
- ___ Board of Zoning Appeals
- ___ Chesapeake Bay Preservation Area Board
- ___ Clean Community Commission
- ___ Community Organization Grant Review and Allocation Committee (Minority Grants)
- ___ Community Policy and Management Team (CSA-At Risk)
- ___ Community Services Board
- ___ Development Authority
- ___ Eastern Virginia Medical School
- ___ Green Ribbon Committee
- ___ Health Services Advisory Board
- ___ Historic Preservation Commission
- ___ Historical Review Board
- ___ Housing Advisory Board
- ___ Human Rights Commission

- ☐ Military Economic Development Advisory Committee
- ☐ Minority Business Council
- ☐ Oceana Land Use Conformity Committee
- ☐ Old Beach Design Review Committee
- ☐ Open Space Advisory Committee
- ☐ Parks and Recreation Commission
- ☐ Personnel Board
- ☐ Planning Commission
- ☐ Process Improvement Steering Committee
- ☐ Public Library Board
- ☐ Resort Advisory Commission
- ☐ Senior Services of Southeastern Virginia (Regional)
- ☐ Social Services Advisory Board
- ☐ Southeastern Tidewater Opportunity Project (Regional)
- ☐ Stormwater Appeals Board
- ☐ Tidewater Community College Board (Regional)
- ☐ Tidewater Youth Services Commission (Regional)
- ☐ Transition Area/Interfacility Traffic Area Citizens Advisory Committee
- ☐ Towing Advisory Board
- ☐ Urban Agricultural Advisory Committee
- ☐ Virginia Beach Community Development Corporation
- ☐ Wetlands Board

Agreement and Signature

By my signature to this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal. I affirm my willingness to complete the City of Virginia Beach Board and Commissions Training Program and I acknowledge the Principles of Service. I further affirm my willingness to fulfill my commitment to actively attend and participate if appointed and to comply with the Virginia Financial Disclosure requirements, if applicable.

Full Name (printed)	
Signature	
Date	

Please submit this application via U.S. Mail or Email to:

Amanda Barnes, MMC, City Clerk
 2401 Courthouse Drive, Suite 281
 Virginia Beach, VA. 23456
abarnes@vb.gov

City of Virginia Beach Principles of Service

These principles shall guide appointees to Boards and Commissions while acting in their official capacity:

- To place the best interests of the City above all other interests.
- To uphold all laws, regulations, and policies.
- To take no action for personal benefit.
- To make every effort to avoid a real or perceived conflict of interest.
- To avoid disclosure of confidential information obtained in the performance of my duties or in my official capacity.
- To exercise prudence and good judgment at all times.
- To faithfully and impartially perform my duties, acting with integrity and accountability.
- To treat other officials, staff, and the public with respect.
- To ensure City resources are used solely for the benefit of the City, and City staff are not given unauthorized directives.
- To participate in training and adhere to guidance provided for my role by the City.

EXHIBIT B – STUDENT TALENT BANK APPLICATION

High School Student Talent Bank Application City Council Appointive Agencies



Instructions

You may attach your own resume or other supporting data. Each application is retained on file for one year and may be updated at any time by contacting the City Clerk at 385-4036 or 385-4303. Each applicant must be a resident of Virginia Beach.

Thank you for completing this application and for your interest in serving the City of Virginia Beach.

Contact Information

Name (last, first MI.)	
Street Address	
City Zip Code	
Phone	
E-Mail Address	
Applicant's District (circle one)	1 / 2 / 3 / 4 / 5 / 6 / 7 / 8 / 9 / 10 /

Academic Information

Name of High School	
Current Grade	
Graduation Date	

Please list any extracurricular activities you are involved in

--

Please state your interest and/or reason to seek City Council’s appointment to any Appointive Agencies:

References (Optional)

1. Name (last, first MI.)	
Relationship to Applicant	
Phone	
E-Mail Address	
2. Name (last, first MI.)	
Relationship to Applicant	
Phone	
E-Mail Address	
3. Name (last, first MI.)	
Relationship to Applicant	
Phone	
E-Mail Address	

Interests:

Please rank up to five Appointive Agencies you are interested in (1 being most interested):

— **CLEAN COMMUNITY COMMISSION**

Responsible for promoting litter prevention, recycling, beautification and general environmental awareness through educational projects designed to reach all segments of the community.

Meetings are held the second Thursday each month at 6:30 pm

— **GREEN RIBBON COMMITTEE**

Serves in an advisory capacity to City Council on matters relating to the improvement of water quality in the City's waterways, including means of developing property and supporting infrastructure that minimize the use of natural resources, reduce harmful effects on water quality and create healthier environments for people.

Meetings are held the fourth Thursday each month from 2:30 to 4 pm

— **HISTORIC PRESERVATION COMMISSION**

Advises City Council on issues related to the preservation of historic buildings, structures and sites located in the City of Virginia Beach. Members work to preserve, protect and maintain the historic identity of Virginia Beach and the former Princess Anne County.

Meetings are held the first Wednesday each month at 5 pm

— **HUMAN RIGHTS COMMISSION**

Serves as an advisory agency to the City Council with the following duties, powers and functions: (1) to institute, conduct, and engage in educational programs; (2) to serve as a forum for the discussion of human rights issues, and to conduct studies and propose solutions for the improvement of human relations in the city; and (3) to provide assistance to persons who believe their rights have been violated by identifying the appropriate federal, state or local agency to address the complaint and referring such persons to that agency.

Meetings are held the second Thursday each month at 4 pm

— **PARKS AND RECREATION COMMISSION**

Serves as an advisory body by acting as a liaison between City Council, City Manager and Director of the Department of Parks and Recreation and citizens of the City concerning matters affecting parks and recreation policies, programs, finances and the acquisitions and disposal of lands and properties and holding public meetings and exercising influence throughout the City to improve and expand recreational opportunities.

Meetings are held the first Thursday each month at 3 pm

— **PUBLIC LIBRARY BOARD**

The Public Library Board has been in existence since the incorporation of the City of Virginia Beach in 1965. The Board is responsible for making recommendations to the Director of Libraries and also to City Council on all phases of library strategic planning, policies and issues critical to community goals and aspirations.

Meetings are held the second Monday each month at 5 pm

Agreement and Signature

By my signature to this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal. I affirm my willingness to complete the City of Virginia Beach Board and Commissions Training Program and I acknowledge the Principles of Service. I further affirm my willingness to fulfill my commitment to actively attend and participate if appointed and to comply with the Virginia Financial Disclosure requirements, if applicable.

Full Name (printed)	
Signature	
Date	

Please submit this application via U.S. Mail or Email to:

Amanda Barnes, MMC, City Clerk
2401 Courthouse Drive, Suite 281
Virginia Beach, VA. 23456
abarnes@vbgov.com

City of Virginia Beach Principles of Service

These principles shall guide appointees to Boards and Commissions while acting in their official capacity:

- To place the best interests of the City above all other interests.
- To uphold all laws, regulations, and policies.
- To take no action for personal benefit.
- To make every effort to avoid a real or perceived conflict of interest.
- To avoid disclosure of confidential information obtained in the performance of my duties or in my official capacity.
- To exercise prudence and good judgment at all times.
- To faithfully and impartially perform my duties, acting with integrity and accountability.
- To treat other officials, staff, and the public with respect.
- To ensure City resources are used solely for the benefit of the City, and City staff are not given unauthorized directives.
- To participate in training and adhere to guidance provided for my role by the City.

EXHIBIT C – TRAINING MODULES FOR APPOINTEES

City of Virginia Beach

Citizens Committee on Boards and Commissions

Proposed Training Modules for Appointive Agency Members

The CCBC has identified topics where training would increase the effectiveness of the City's Appointive Agencies. Surveys of Agency chairs, liaisons, and of localities across the nation, and especially those similar in population size to Virginia Beach, have generated topics that are needed or commonly the subject of such training. Modular training units, often offered online, group related topics together and break the overall training into short sessions.

The following outline is a starting point for implementing such a program in Virginia Beach. Whether ultimately delivered via live presentation, online using PowerPoint and/or recorded video, digitally or in writing as a Handbook, or by other methods, the outline may assist City staff in developing content (or repurposing existing materials) by organizing the CCBC's recommendations for training modules, rather than leaving work to begin from a blank slate. Over time sub-topics may be added, changed, or eliminated as the City's needs evolve.

a. Virginia Beach Appointive Agency Orientation

1. City Organization
2. Roles of Appointive Agencies (*including types*)
3. Interacting with City Council
4. Interacting with City Staff & Staff Liaison Role
5. Interacting with the Public

b. Public Information

1. Freedom of Information Act
2. Open Meetings
3. Public Records
4. Confidential Information
5. Board advice, City positions & personal opinions (*i.e. Media & Social Media*)

c. Serving with Integrity

1. Ethics Pledge
2. Conflicts of Interest (*perceived & actual*), and Gifts
3. Disclosures & Abstention
4. City Resources (*including use of City Indicia*)
5. Solicitation & Nonprofit Supporting Organizations
6. How to Obtain Guidance

d. Responsibilities & Procedures

1. Completing Pre-Service Requirements
2. Attendance (*in-person and remote participation*)
3. Engagement and Preparation
4. Effective Meeting Conduct (*including expression of divergent views*)
5. Roles reserved to the Chair
6. Required Periodic Filings, and Reporting Changes (*contact info, residency, loss of certification/licensure, etc.*)
7. Terms of Service, Reappointment, and Ending Service

EXHIBIT D – TRAINING MODULES FOR STAFF LIAISONS

City of Virginia Beach

Citizen's Committee on Boards and Commissions

Proposed Training Topics for Appointive Agency Staff Liaisons

City personnel designated to serve as Staff Liaisons to Appointive Agencies shall participate in training provided by the City Clerk and the City Attorney. The following are examples of training topics:

- A. The same training given to Appointive Agency appointees, including these modules:
 - a. Orientation to Virginia Beach Appointive Agencies
 - b. Public Information
 - c. Serving with Integrity
 - d. Responsibilities and Procedures for Appointees
- B. Roles & Duties
 - a. Clerk's Office
 - b. Appointive Agency Chair
 - c. Council Liaison or Contact
 - d. Liaisons to Other Appointive Agency
 - e. Staff Liaison (incl coordination with supporting Department leadership)
- C. Meetings & Events
 - a. Public Notice
 - b. Agendas & Standard Meeting Elements
 - c. Quorums
 - d. Minutes
 - e. Procedures for Appointive Agency events other than business meetings
- D. Appointive Agency Recordkeeping
 - a. Council Ordinances for Appointive Agency (incl Mission & Special Requirements)
 - b. Bylaws & Policies Adopted by Appointive Agency
 - c. Maintaining Complete and Orderly Files (incl presentations & handouts)
 - d. Record Retention & Destruction Policies
 - e. Attendance
 - i. Policy Review (incl Remote Participation)
 - ii. Standard Attendance Record Chart & Data to be in Minutes
 - iii. Assisting the Chair with Policy Enforcement
 - f. Volunteer Hours
- E. Annual Report
 - a. Due Date
 - b. Format
 - c. Delivery Procedures
 - d. Council Presentations

- F. Correspondence and Recommendations (formats, cc's, delivery method, etc.)
 - a. to City Council
 - b. to City Departments, Offices, or other Appointive Agency
 - c. to External Agencies
- G. Appointment Lifecycle
 - a. Recruiting Applicants & Talent Bank Application
 - b. Chair Recommendations of Nominees
 - c. Council Appointment Process
 - d. Post-Appointment Requirements (Oath, Financial Disclosure, etc.)
 - e. Orienting A New Appointee
 - f. Term Lengths, Term Limits & Re-appointment Procedures
 - g. Resignation Procedures
 - h. Student Appointees
 - i. Appointed Liaisons
- H. Best Practices & Resolving Common Challenges
- I. Specialized Matters Pertaining to their Specific Appointive Agency
- J. Obtaining Guidance & Assistance
 - a. City Clerk's Office
 - b. City Attorney's Office
 - c. Other Resources

City of Virginia Beach
[Board/Commission Name]
2021 Attendance Record

Name	Term Expires on:	Jan 11th	Feb 25th	Mar 8th	Apr 22nd	May 15th	Jun 22nd	Jul 5th	Aug 10th	Sep 24th	Oct 14th	Nov 28th	Dec 12th	Total Present
Commissioner	5/31/2022	P	P	C	A	A	P	P/V	P/V	P	P	P	P	9/11
Commissioner	5/31/2022	P	P	C	P/V	P/V	P	A	A	P	P	P	E	8/11
Commissioner	5/31/2024	P	P	C	P	P/V	P	E	P	P	P	P	P	10/11
Commissioner	5/31/2021	P	P	C	P	A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3/4
Commissioner	5/31/2024	P	P	C	P	P	P	A	P	P/V	P/V	P/V	A	9/11
Commissioner	5/31/2023	A	P	C	P	P	P	P/V	P	P	P	P/V	P	10/11
Commissioner	5/31/2026	N/A	N/A	C	N/A	P	P	P	P	P	P	P	P	8/8
Commissioner	5/31/2026	P	P	C	P	P	P	P	P	E	P	P	P	10/11
This row indicates if there was a quorum; total number of members in person/total number of appointed members		6/7	7/7	C	5/7	4/8*	7/7	2/7*	5/7	5/7	6/7	5/7	5/7	
City Council Liaisons/Department Staff Liaisons														
Council Member Liaison	P		C	P/V	P/V	P/V		P/V	P/V					6
Council Member Liaison	P	P	C	P	P/V									4
Staff Liaison	P	P/V	C	P	P	P	P	P	P	P	P	P	P	10
Staff Liaison	P	P	C	P	P	P	P	P				P	P	9
Staff Liaison	P/V	P/V	C	P/V				P/V	P/V	P/V	P/V	P		8

Key: Present (P) Present/Virtually (P/V) Absent (A) Resigned (R) Excused Absence (E) Cancelled (C)

City Council and Staff Liaisons should be marked either P or P/V, if not in attendance, the block should be blank

If Commissioners participate P/V, it must be annotated in the Minutes where they remotely participated from and the reason – does not apply to City Council or Staff Liaisons.

Meetings lacking a quorum of Members attending in-person should be designated with an asterisk (*)

EXHIBIT F – REAPPOINTMENT REQUEST

City Council Appointive Agencies Reappointment Request



Instructions

The Reappointment Request ensures your desire to serve an additional term is known to City Council for their consideration. This request is due to the City Clerk 60 days prior to the expiration of your current term and should be completed entirely.

Contact Information

Name (Last, First MI): _____

Residential Address: _____

Voting District you live in (1-10): _____

Cell Phone: _____ Email: _____

City Council Appointed Agency Information

Are you seeking reappointment? Yes ☐ No ☐ If yes, please complete questions below:

Name of City Council Appointive Agency you are seeking reappointment to:

Are you currently serving on any other City Council Appointive Agency? If so, provide the name:

If your appointment requires you to have a specific certification/license, residential district, position or role, do you still maintain that requirement?

What is the specific requirement? (i.e., licensed engineer/architect, president or member of a specific association or organization, residential district, employment, citizen, specific knowledge/experience)

Agreement and Signature

By my signature to this form, I affirm that the facts set forth in it are true and complete. I understand that if I am reappointed, any false statements, omissions, or other misrepresentations made by me may result in my immediate dismissal. I affirm my willingness to complete the City of Virginia Beach Appointive Agency Training Program and I acknowledge the Principles of Service. I further affirm my willingness to fulfill my commitment to actively attend and participate and comply with the Virginia Financial Disclosure requirements, if applicable.

Signature: _____ Date: _____

City of Virginia Beach Principles of Service

These principles shall guide appointees to Boards and Commissions while acting in their official capacity:

- To place the best interests of the City above all other interests.
- To uphold all laws, regulations, and policies.
- To take no action for personal benefit.
- To make every effort to avoid a real or perceived conflict of interest.
- To avoid disclosure of confidential information obtained in the performance of my duties or in my official capacity.
- To exercise prudence and good judgment at all times.
- To faithfully and impartially perform my duties, acting with integrity and accountability.
- To treat other officials, staff, and the public with respect.
- To ensure City resources are used solely for the benefit of the City, and City staff are not given unauthorized directives.
- To participate in training and adhere to guidance provided for my role by the City.

EXHIBIT G – ANNUAL REPORT TEMPLATE

ANNUAL REPORT TEMPLATE



City of Virginia Beach

_____**[Appointive Agency Name]**

20____-20____ Annual Report to City Council

Chair: _____[Name]

Date: _____[Date – due by August 31, unless otherwise specified]

Executive Summary

During the fiscal year covering the period of July 1, [YEAR] – June 30, [YEAR] the [Appointed Agency] volunteers and liaisons

- met _____[number] times
- [if applicable] held _____additional events and activities

Our most significant accomplishments are detailed below, along with recommendations for your consideration.

Mission Statement

[insert the agency's mission statement here].

Accomplishment of Goals and Objectives

Over the past fiscal year the agency, through its appointed volunteers and its liaisons, worked on the following key matters in furtherance of its mission: *[include all assignments from Council and a summary of duties performed as required by law]*

1. Insert Topic #1
 - a. Insert data about the plan/project/program, its goal, and its relation to the mission
 - b. If incomplete, explain the status and reasons
 - c. Attach any reports or supplemental materials as an exhibit
2. Insert Topic #2
 - a. Insert data about the plan/project/program, its goal, and its relation to the mission
 - b. If incomplete, explain the status and reasons
 - c. Attach any reports or supplemental materials as an exhibit

3. Insert Topic #3

- a. Insert data about the plan/project/program, its goal, and its relation to the mission
- b. If incomplete, explain the status and reasons
- c. Attach any reports or supplemental materials as an exhibit

Membership and Attendance

[Insert the standard membership roster here, including all who served during the Fiscal Year and all liaisons]

[insert the standard attendance reports here for the two calendar years covering this reports Fiscal Year]

[Insert volunteer hours report]

Financial Report (if applicable)

[insert the fiscal year financial report here]

Goals and Objectives for the Coming Year

[insert bullet points & relate to the Mission]

Recommendations to City Council

[insert bullet points listing specific actions your agency wants City Council to consider regarding your agency, its mission, its effectiveness, addressing its challenges, serving the public in a better manner, changes to laws or regulations, specific plans or projects, and opportunities for consolidation or sunseting. Include a brief reason for each recommendation.]

Additional Information (if desired)

[Insert anything else your agency wishes City Council and the public to know.]

Closing

Should you have any questions or desire a formal City Council briefing from our agency, please contact [INSERT CHAIR and STAFF LIAISON CONTACT INFO].

EXHIBIT H – BYLAWS TEMPLATE

BY-LAWS

INSERT APPOINTIVE AGENCY NAME

ARTICLE I NAME

The Name of the Organization shall be **_____** as established by Section **_____** of the City Code of the City of Virginia Beach.

ARTICLE II

PURPOSE

INSERT PURPOSE ESTABLISHED BY CITY COUNCIL

ARTICLE III

OFFICERS

INSERT INFORMATION ON OFFICERS OF ORGANIZATION AND THEIR DUTIES

ARTICLE IV

ELECTIONS

INSERT INFORMATION ON NOMINATION AND ELECTION PROCESS FOR OFFICERS. ALSO INCLUDE INFORMATION ON TERMS OF OFFICE AND HOW VACANCIES ARE FILLED.

ARTICLE V

QUORUM

INSERT INFORMATION ON THE QUORUM REQUIREMENTS.

ARTICLE VI

AMENDMENT OF BY-LAWS

INSERT INFORMATION ON THE AMENDMENT PROCESS.

ARTICLE VII

OPERATIONS AND AUTHORITY

INSERT INFORMATION ON THE OPERATIONS FOR THE ORGANIZATION

Adopted _____

Approved by City Council _____

EXHIBIT I – MEETING MINUTES TEMPLATE

MEETING MINUTES TEMPLATE

The regular meeting of the Insert Name of Agency was held on Insert Date at Insert Time a./p.m., at the Insert Location of the Meeting.

MEMBERS PRESENT: Insert Names

MEMBERS ABSENT: Insert Names

LIAISONS PRESENT: Insert Names & Titles

CITY STAFF PRESENT: Insert Names & Titles

COUNCIL and AGENCY LIAISONS PRESENT: Insert Names

CALL TO ORDER

Insert name and title called the meeting to order at Insert time.

****MINUTES SHOULD BE PREPARED AND FOLLOW IN SAME ORDER AS THE AGENDA**

MOTION TO APPROVE THE MINUTES FROM INSERT DATE(S) MEETING

A motion was made by Insert Member Name, seconded by Insert Member Name, to approve the minutes from the INSERT DATE(S) meeting.

The motion passed Insert Vote count or "unanimously".

**if vote was not unanimous list members grouped by how they voted*

Members Voting Aye: Insert Members Voting Aye

Members Voting Nay: Insert Members Voting Nay

Members Abstaining: Insert Members Abstaining

A motion was made by Insert Member Name, seconded by Insert Member Name, to Insert Action of Motion.

The motion passed Insert Vote count or "unanimously".

**if vote was not unanimous list members grouped by how they voted*

Members Voting Aye: Insert Members Voting Aye

Members Voting Nay: Insert Members Voting Nay

Members Abstaining: Insert Members Abstaining

CONTINUE MINUTES IN SAME ORDER AS THE AGENDA

ADJOURNMENT

There being no further business, the meeting was adjourned at Insert time.

Insert Signature

Insert Signature

Type Name of who calls meeting to order Type Name of who prepares Minutes

Title

Title

ATTACHMENTS

Attach a copy of any presentations, policies or resolutions that were discussed or approved, and any disclosure or abstention letters submitted by a member (see below).

ADDITIONAL INFORMATION TO BE INCLUDED IN THE MINUTES IN CERTAIN CIRCUMSTANCES

ABSTENTIONS AND DISCLOSURES

If a member **abstained from a vote or made a disclosure** about his or her interest in a matter that was the subject of a vote, the minutes should include information about the abstention or disclosure. If the member contacts the City Attorney's Office in advance or within 24 hours of the vote, the City Attorney's Office may prepare a disclosure or abstention letter for the member. If the member submits such a letter, the letter should be referenced in the minutes and included as an attachment. If instead the member orally discloses, for example, that she is abstaining because she has a financial interest in the business or land that is the subject of the vote, the minutes need to include the address of the company's primary business location or the address or GPIN of the land.

REMOTE PARTICIPATION

If the agency has adopted a remote participation policy that enables a member to participate in a meeting via video conferencing or conference call, and a member participates remotely pursuant to that adopted policy, the minutes must include all the information required by the policy, including but not limited to the location from which the member spoke and the reason for the remote participation.

VIRTUAL MEETINGS

Fully virtual meetings (without a quorum of the membership assembled in a meeting room open to the public) only are allowed by the Virginia Freedom of Information Act in limited circumstances. If the City Attorney's Office has advised that a meeting may be conducted virtually, ensure that the minutes contain all the information that is required by the law(s) that authorized the virtual meeting. Questions may be directed to the Public Policy Attorney or the attorney who advises the agency.





CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: A Resolution Regarding Student Members of the Flood Prevention Bond Referendum Oversight Board

MEETING DATE: March 5, 2024

■ **Background:** On November 2, 2021, the citizens of Virginia Beach approved a referendum regarding the issuance of bonds to fund the design and construction of flood mitigation measures, with 72% voting to support the bond issuance. Two weeks later, City Council established the seven-member Flood Prevention Bond Referendum Oversight Board to provide citizen oversight of the City's comprehensive flood mitigation program and the 21 projects listed in the bond referendum question. In January 2024, at the request of the Flood Prevention Bond Referendum Oversight Board, the City Council adopted a resolution to add two high school students to their membership, and the resolution specified that one student would be a junior, and one would be a senior.

■ **Considerations:** The City Council would have more flexibility in making appointments of student members if the requirement that one student be a junior and one be a senior was removed. This resolution provides that the board membership will continue to include two high school students as nonvoting members, but it repeals the requirement that one member be a senior and the other be a junior.

■ **Public Information:** Public information will be provided through the normal Council agenda process.

■ **Attachments:** Resolution

Requested by the City Council

REQUESTED BY THE CITY COUNCIL

**A RESOLUTION REGARDING STUDENT MEMBERS OF
THE FLOOD PREVENTION BOND REFERENDUM
OVERSIGHT BOARD**

WHEREAS, on November 2, 2021, the citizens of Virginia Beach approved a referendum regarding the issuance of bonds to fund the design and construction of flood mitigation measures, with 72% voting to support the bond issuance;

WHEREAS, two weeks later, the City Council City Council established the seven-member Flood Prevention Bond Referendum Oversight Board to provide citizen oversight of the City's comprehensive flood mitigation program and the 21 projects listed in the bond referendum question; and

WHEREAS, in January 2024, at the request of the Flood Prevention Bond Referendum Oversight Board, the City Council adopted a resolution to add two high school students to their membership, and the resolution specified that one student would be a junior and one would be a senior;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA, THAT:

The membership shall continue to include two high school students as nonvoting members, but the requirement that one member be a senior and the other be a junior is hereby repealed. A quorum of the membership shall continue to be determined based solely on the number of voting members present (and thus will not include the student members).

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day of _____, 2024.

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA16439
R-2
February 28, 2024



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: A Resolution Establishing a Stormwater Management Implementation Advisory Group

MEETING DATE: March 5, 2024

■ **Background:** The City Council created the Process Improvement Steering Committee ("PISC") to provide recommendations to improve various aspects of the City's government. The Council referred the "Resolution to Adopt and Amend the Virginia Beach Comprehensive Plan 2016 regarding the Stormwater Impacts for Discretionary Land Use Applications" to the PISC, and the PISC recommended the establishment of a "work group to provide recommendations regarding how best to balance the need for stormwater management and flooding protection with development and redevelopment opportunities." This resolution establishes the recommended work group.

■ **Considerations:** The Stormwater Management Advisory Group ("Advisory Group") will serve in an advisory capacity to the City Council and consist of no more than 19 voting members, including residents, environmental professionals, and industry stakeholders. In addition to the voting members, the Advisory Group will include a Planning Commission liaison and two high school students as nonvoting members.

The duties of the Advisory Group will be to: further review the topic of stormwater management and its impact and consequences on land use and redevelopment issues; identify whether there are any opportunities, advantages, or disadvantages to strengthening regulation alignment and specificity based on the City's varied drainage basin, and a property's land use and zoning characteristics; formalize a cost-sharing program relative to stormwater infrastructure and policy to include developing criteria for cost-sharing eligibility; and determine whether there are any opportunities to advance/incentivize Council-adopted policy and/or planning objectives, such as affordable housing, the preservation and enhancement of our City's tree canopy and open spaces, enhanced water quality, more sidewalks and paved paths, utilization of nature-based stormwater management practices in addition to grey infrastructure solutions, implementation of regional stormwater solutions, strategic and resilient approaches to redevelopment, and other preferred land use approaches, through stormwater management.

■ **Public Information:** This item will be advertised in the same manner as other agenda items.

■ **Attachment:** Resolution

Requested by Mayor Dyer and Councilmember Schulman

**REQUESTED BY MAYOR DYER AND COUNCILMEMBER
SCHULMAN**

**A RESOLUTION ESTABLISHING A STORMWATER
MANAGEMENT IMPLEMENTATION ADVISORY
GROUP**

WHEREAS, the City Council created the Process Improvement Steering Committee ("PISC") to provide recommendations to improve various aspects of the City's government;

WHEREAS, the City Council referred the "Resolution to Adopt and Amend the Virginia Beach Comprehensive Plan 2016 regarding the Stormwater Impacts for Discretionary Land Use Applications" to the PISC, and the PISC has recommended the establishment of a "work group to provide recommendations regarding how best to balance the need for stormwater management and flooding protection with development and redevelopment opportunities;" and

WHEREAS, the City Council agrees that such a work group would be beneficial;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

1. That the City Council hereby establishes the Stormwater Management Implementation Advisory Group ("Advisory Group").

2. That the Advisory Group shall serve in an advisory capacity to the City Council, and the City Council shall appoint its members.

3. That the Advisory Group shall consist of a total of no more than 19 voting members, as follows:

- a. No more than 11 subject matter experts and industry representatives (such as environmental professionals, engineering consultants, land use and/or environmental attorney(s), members of the real estate development community, and representatives from conservation organizations).
- b. No more than 2 resident representatives for the Elizabeth River Watershed who reside in either District 1 or District 4, appointed with the concurrence of the Councilmembers representing Districts 1 and 4;
- c. No more than 2 resident representatives for the Thalia Creek and London Bridge Creek drainage basins (to include areas such as Windsor Woods, Princess Anne Plaza, Green Run and Bow Creek) who reside in either District 3 or District 10, appointed with the concurrence of the Councilmembers representing Districts 3 and 10.
- d. No more than 2 resident representatives for the Chesapeake Bay

44 Watershed and who reside in District 6, District 8, or District 9, appointed
45 with the concurrence of the Councilmembers representing Districts 6, 8,
46 and 9.

- 47 e. No more than 2 resident representatives for the Southern Rivers
48 Watershed who reside in District 2, District 5, or District 7, appointed
49 with the concurrence of the Councilmembers representing Districts 2, 5,
50 and 7.

51
52 4. That, in addition to the above-described voting members, the Advisory Group
53 shall include a nonvoting Planning Commission liaison and two high school students as
54 nonvoting members. A quorum of the membership shall be defined as a majority of the
55 then-appointed voting members, but no less than five.

56
57 5. That the duties of the Advisory Group shall be to:

- 58
59 • Further review the topic of stormwater management and its impact and
60 consequences on land use and redevelopment issues;
61 • Identify whether there are any opportunities, advantages, or disadvantages
62 to strengthening regulation alignment and specificity based on the City's
63 varied drainage basins, and a property's land use and zoning
64 characteristics;
65 • Formalize a cost-sharing program relative to stormwater infrastructure and
66 policy to include developing criteria for cost-sharing eligibility; and
67 • Determine whether there are any opportunities to advance/incentivize
68 Council-adopted policy and/or planning objectives, such as affordable
69 housing, the preservation and enhancement of our City's tree canopy and
70 open spaces, enhanced water quality, more sidewalks and paved paths,
71 utilization of nature-based stormwater management practices in addition to
72 grey infrastructure solutions, implementation of regional stormwater
73 solutions, strategic and resilient approaches to redevelopment, and other
74 preferred land use approaches, through stormwater management.

75
76 6. That the City Manager shall provide staff support on an as-needed basis (from
77 the Economic Development Department, Planning Department, the Department of Public
78 Works, the Office of Performance and Accountability, and any other relevant department)
79 and other support to the Advisory Group, including a professional facilitator to guide group
80 meetings, and the City Attorney shall also provide staff support.

81
82 7. That the Advisory Group may begin to meet upon the appointment of its 11th
83 voting member. The Advisory Group shall provide its recommendations to the City
84 Council within six months of the appointment of its 11th voting member.

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day of
_____, 2024.

APPROVED AS TO LEGAL
SUFFICIENCY:



City Attorney's Office

CA16215
R-5
February 28, 2024



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: A Resolution Authorizing and Directing the City Manager to Execute a Mutual Aid Agreement for Fire and Rescue Services Among Localities in Hampton Roads

MEETING DATE: March 5, 2024

■ **Background:** In August 2011, the City Council passed an ordinance authorizing the City Manager to execute a Regional Mutual Aid Agreement for Fire and Emergency Medical Services between the cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, Williamsburg, and the counties of James City, Gloucester, Isle of Wight, Southampton, Surry and York. The updated Mutual Aid Agreement contains no material changes in terms.

■ **Considerations:** By executing this agreement, the City ensures its inclusion in this multi-jurisdictional Mutual Aid Agreement. This agreement is separate and distinct from the Statewide Mutual Aid agreement to which the City is also a party, as the statewide agreement is triggered when a state of emergency is declared, and aid is administered and coordinated through the State Emergency Operation Center.

■ **Public Information:** This item will be advertised in the same manner as other items on Council's agenda.

■ **Recommendations:** Adopt Resolution

■ **Attachments:** Resolution, Mutual Aid Agreement and Summary of Terms

Recommended Action: Approval

Submitting Department/Agency: Departments of Fire and EMS

City Manager: *PAD*

1 A RESOLUTION AUTHORIZING AND DIRECTING THE
2 CITY MANAGER TO EXECUTE A MUTUAL AID
3 AGREEMENT FOR FIRE AND RESCUE SERVICES
4 AMONG LOCALITIES IN HAMPTON ROADS, VIRGINIA
5

6 WHEREAS, Virginia law authorizes local governments to enter into reciprocal
7 agreements for mutual aid and for cooperation in the furnishing of fire and rescue
8 services; and
9

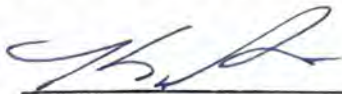
10 WHEREAS, it is deemed mutually beneficial to the Cities of Chesapeake,
11 Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia
12 Beach, Williamsburg, and the Counties of Accomack, Gloucester, James City, Isle of
13 Wight, Southampton, Surry, and York to enter into a regional agreement concerning
14 mutual aid and cooperation with regard to fire and rescue services, increasing the ability
15 of the local governments to promote the safety and welfare of the entire area.
16

17 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
18 VIRGINIA BEACH, VIRGINIA:
19

- 20 1. That the Mutual Aid Agreement for fire and rescue services (the "Agreement")
21 is hereby approved.
22
- 23 2. That the City Manager is hereby authorized and directed to execute said
24 Agreement on behalf of the City of Virginia Beach in accordance with the
25 Summary of Terms attached hereto.
26

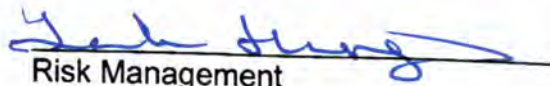
27 Adopted by the Council of the City of Virginia Beach, Virginia on the _____ day of
28 _____, 2024.

APPROVED AS TO CONTENT:



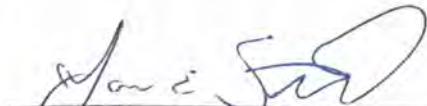
Fire Department

APPROVED AS TO CONTENT:



Risk Management

APPROVED AS TO CONTENT:



Emergency Medical Services

APPROVED AS TO LEGAL
SUFFICIENCY:



City Attorney's Office

CA16435

R-2

February 16, 2024

AGREEMENT FOR MUTUAL AID FIRE AND RESCUE SERVICES
Among
Localities in Hampton Roads Virginia

This Agreement is made and entered into this 18th day of March, 2024 by and among the cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg and the counties of Gloucester, James City, Isle of Wight, Southampton, Surry, and York, all within the Hampton Roads region of the Commonwealth of Virginia (each, a “Fire Department” or “Party,” and together, the “Fire Departments” or “Parties”).

WHEREAS, the Parties hereto desire to secure to each other the benefits of mutual aid in situations involving fire and rescue services and emergency medical services; and

WHEREAS, the parties hereto are authorized to enter into this agreement by §§ 27-1 et seq., and § 44-146.20 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, it is mutually agreed as follows:

- a. Each Fire Department may request and receive assistance, including but not limited to, equipment and personnel (“Aid”), from another Fire Department, at any point within the area for which the requesting Fire Department normally provides services.
- b. Each Fire Department may provide Aid to another Fire Department upon request.
- c. Any two or more Fire Departments may designate Automatic Aid Response Areas where Aid may be dispatched from a Fire Department without a specific request from another Fire Department.
- d. The rendering of Aid under the terms of this Agreement shall not be mandatory, but the Fire Department receiving the request for Aid should immediately inform the requesting Fire Department if Aid cannot be rendered.
- e. Any dispatch of Aid pursuant to this Agreement is subject to the following conditions:
 - (1) Any request for Aid hereunder shall include a statement of the amount and type of equipment and personnel requested, and shall specify the location and assigned radio channel to which the

equipment and personnel are to be dispatched, however, the amount and type of equipment and number of personnel to be furnished shall be determined by the responding Fire Department.

- (2) The personnel of the responding Fire Department shall report to the officer in charge from the requesting Fire Department at the location to which the equipment is dispatched, and shall be subject to the orders of that officer in charge. However, the chain of command of the responding Fire Department shall exercise final decision-making authority for its own equipment and personnel. Personnel shall continue to be subject to the applicable rules of conduct, regulations, and policies of their own Fire Department while acting pursuant to this Agreement.
 - (3) The personnel and equipment of the responding Fire Department shall be released by the requesting Fire Department when the Aid from the responding Fire Department is no longer required or when the responding Fire Department is needed within the area for which it normally provides services.
 - (4) Aid shall be provided as determined at the time of need and/or as agreed to for certain Automatic Aid Response Areas.
 - (5) Any equipment used by a requesting Fire Department will be returned to the responding Fire Department in substantially the same condition as it was received. The requesting Fire Department shall be responsible for damage to equipment while in its care, custody, or control.
- f. Each Party waives all claims against the other Parties for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement.
 - g. Each Party shall be responsible for the actions of its respective personnel and each shall at all times maintain insurance on its respective personnel and equipment.
 - h. All equipment used by a responding Fire Department in carrying out this agreement will, at the time of action hereunder, be owned by it; and all personnel acting for a responding Fire Department under this Agreement

will, at the time of such action, be employees or volunteer members of the responding Fire Department.

- i. Actions taken and expenditures made pursuant to this Agreement shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a Party when acting through its fire fighters or emergency medical technicians for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such Party is so acting, under this Agreement, beyond its territorial limits.
- j. The personnel of any Party to this Agreement, when acting hereunder, or under other lawful authority, beyond the territorial limits of their jurisdictions, shall have all the immunities from liability and exemptions from laws, ordinances and regulations, enjoyed by them while performing their respective duties.
- k. All compensation, retirement, disability, worker's compensation, life and health insurance, and other benefits to which said personnel are legally entitled shall extend to the services they perform under this Agreement. Each Party agrees that it shall be responsible for the provisions of all such benefits for its own personnel.
- l. This Agreement rescinds and supersedes all previous written agreements and oral understandings relating to the provision of mutual aid for fire and rescue and emergency medical services between and among the Parties.
- m. Any of the Parties hereto may withdraw from this Agreement by giving thirty (30) days written notice to that effect to the other Parties at the addresses shown on the signature pages of each Party.

This Agreement shall be in effect from and after March 18, 2024 and shall remain in effect until superseded, amended, or rescinded in writing by one or more participating signatory Parties. However, it shall remain in effect for all remaining signatory Parties unless or until it is terminated in writing by the parties.

CITY OF CHESAPEAKE

By: _____
City Manager

ATTEST:

City Clerk

Contents Approved:

Address for Notice:

Chesapeake City Manager
306 Cedar Road
Chesapeake, Virginia 23322

Fire Chief
Chesapeake Fire Department

Form & Correctness Approved:

City Attorney

CITY OF FRANKLIN

By: _____
City Manager

ATTEST:

City Clerk

Address for Notice:

Franklin City Manager
207 W. 2nd Avenue
Franklin, Virginia 23851

Contents Approved:

Fire Chief
Franklin Fire & Rescue

Form & Correctness Approved:

City Attorney

CITY OF HAMPTON

By: _____
City Manager

ATTEST:

City Clerk

Contents Approved:

Address for Notice:

Hampton City Manager
8th Floor, City Hall
22 Lincoln Street
Hampton, Virginia 23669

Fire Chief
Hampton Fire & Rescue

Form & Correctness Approved:

City Attorney

CITY OF NEWPORT NEWS

By: _____
City Manager

ATTEST:

City Clerk

Contents Approved:

Address for Notice:

Newport News City Manager
2400 Washington Avenue
Newport News, Virginia 23607

Fire Chief
Newport News Fire Department

Form & Correctness Approved:

City Attorney

CITY OF NORFOLK

By: _____
City Manager

ATTEST:

City Clerk

Address for Notice:

Norfolk City Manager
810 Union Street, Suite 1101
Norfolk, Virginia 23510

Contents Approved:

Interim Fire Chief
Norfolk Fire & Rescue

Form & Correctness Approved:

City Attorney

CITY OF POQUOSON

By: _____
City Manager

ATTEST:

City Clerk

Contents Approved:

Address for Notice:

Poquoson City Manager
500 City Hall Avenue
Poquoson, Virginia 23662

Fire Chief
Poquoson Fire & Rescue

Form & Correctness Approved:

City Attorney

CITY OF PORTSMOUTH

By: _____
City Manager

ATTEST:

City Clerk

Address for Notice:

Portsmouth City Manager
801 Crawford Street
Portsmouth, Virginia 23704

Contents Approved:

Fire Chief
Portsmouth Fire, Rescue & Emergency Services

Form & Correctness Approved:

City Attorney

CITY OF SUFFOLK

By: _____
City Manager

ATTEST:

City Clerk

Contents Approved:

Address for Notice:

Suffolk City Manager
442 W. Washington Street
Suffolk, Virginia 23434

Fire Chief
Suffolk Fire & Rescue

Form & Correctness Approved:

City Attorney

CITY OF VIRGINIA BEACH

By: _____
City Manager

ATTEST:

City Clerk

Contents Approved:

Address for Notice:

Virginia Beach City Manager
2401 Courthouse Drive, Building 1
Virginia Beach, Virginia 23456

Fire Chief
Virginia Beach Fire Department

Form & Correctness Approved:

City Attorney

CITY OF WILLIAMSBURG

By: _____
City Manager

ATTEST:

City Clerk

Contents Approved:

Address for Notice:

Williamsburg City Manager
401 Lafayette Street
Williamsburg, Virginia 23185

Fire Chief
Williamsburg Fire Department

Form & Correctness Approved:

City Attorney

GLOUCESTER COUNTY

By: _____
County Administrator

ATTEST:

County Clerk

Contents Approved:

Address for Notice:

Gloucester County Administrator
6489 Main Street, Building 2
Gloucester, Virginia 23061

Emergency Management Coordinator
Gloucester County Emergency Management

Form & Correctness Approved:

County Attorney

JAMES CITY COUNTY

By: _____
County Administrator

ATTEST:

County Clerk

Contents Approved:

Address for Notice:

James City County Administrator
101 Mounts Bay Road, Building D
Williamsburg, Virginia 23185

Fire Chief
James City County Fire Department

Form & Correctness Approved:

County Attorney

ISLE OF WIGHT COUNTY

By: _____
County Administrator

ATTEST:

County Clerk

Contents Approved:

Address for Notice:

Isle of Wight County Administrator
17090 Monument Circle, #138
Isle of Wight, Virginia 23397

Chief
Isle of Wight Fire & Rescue

Form & Correctness Approved:

County Attorney

SOUTHAMPTON COUNTY

By: _____
County Administrator

ATTEST:

County Clerk

Address for Notice:

Southampton County Administrator
26022 Administration Center Drive
Courtland, Virginia 23837

Contents Approved:

President
Southampton County Fire & Rescue Association

Form & Correctness Approved:

County Attorney

SURRY COUNTY

By: _____
County Administrator

ATTEST:

County Clerk

Contents Approved:

Address for Notice:

Surry County Administrator
45 School Street
Surry, Virginia 23883

Chief of Emergency Management
Surry County

Form & Correctness Approved:

County Attorney

YORK COUNTY

By: _____
County Administrator

ATTEST:

County Clerk

Contents Approved:

Address for Notice:

York County Administrator
224 Ballard Street
York, Virginia 23690

Fire Chief
York County Fire & Life Safety

Form & Correctness Approved:

County Attorney

SUMMARY OF TERMS

1. **Event** – an incident requiring Fire or EMS responses that exceeds the equipment and/or personnel resources of the member's Fire and Rescue/EMS Departments.
2. **Mutual Aid Agreement** – An agreement between sixteen localities to provide emergency services in the event an incident occurs that requires resources beyond those of the requesting locality's Fire and Rescue/EMS departments.
3. **Nature** – Outlines the procedures for the City of Virginia Beach to provide and receive Fire and Rescue/EMS manpower and equipment, if available, in an effort to effectively respond to emergency incidents.
4. **Term** – This Agreement is effective upon execution and may be terminated without cause upon thirty (30) days written notice to all other parties. This Agreement mirrors and will rescind the 2011 Agreement upon execution.
5. **Insurance** – Insurance requirements are met through the City of Virginia Beach's self-insurance program administered by Risk Management.



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance to Declare 9,833± Sq. Ft. of City-Owned Property Located at Ferry Point Road to be in Excess of the City's Needs and Authorizing the City Manager to Convey to Meader Properties, LLC

PUBLIC HEARING DATE: February 20, 2024

MEETING DATE: March 5, 2024

- **Background:** The City of Virginia Beach (the "City") owns two parcels of land located at the intersection of Ferry Point Road and Indian River Road, commonly known as GPINs: 1465-19-4298 & 1465-19-4242 (the "Properties"). The Properties are residual parcels from larger parcels that were acquired by condemnation for the Indian River Road – Phase V Project (CIP 2-080) in March 1992, which project is complete. The Properties consist of 9,833± sq. ft.

Meader Properties, LLC (the "Applicant") owns an adjacent property located at 5505 Indian River Road (GPIN: 1465-19-4354). The Applicant desires to purchase the Properties and resubdivide them into its adjacent property to accommodate more parking, a new monument sign, and a dumpster enclosure. The Applicant has been advised that even if the City conveys the Properties, nothing obligates the City to any land use, rezoning, or other government approvals required for the Applicant's proposed use of the Properties.

City staff has no objection to the conveyance, subject to the reservation of a 10' drainage easement along Ferry Point Road. Additionally, if the City conveys the Properties, the proceeds will be deposited in a transportation-related CIP, Traffic Safety Improvements IV – CIP 100423, because the Properties were acquired as part of a state-funded transportation project.

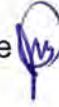
- **Considerations:** Because the Properties were acquired by condemnation and previously put to a public use, an affirmative vote of three-fourths of all members of City Council is required to authorize the sale.
- **Public Information:** A public hearing as required by Section 15.2-1800 Code of Virginia was advertised in The Virginian-Pilot on February 11, 2024, and will be held on February 20, 2024. Public information will also be provided through the normal City Council agenda process.
- **Alternatives:** Deny the request or add conditions as desired by Council.
- **Recommendations:** Approval.

- **Attachments:** Ordinance, Exhibit A (Legal Description), Exhibit B (Summary of Terms), Location Map and Disclosure Statement
-

Recommended Action: Approval of the Ordinance

Submitting Department/Agency: Public Works/Real Estate

City Manager:



1 AN ORDINANCE TO DECLARE 9,833± SQ.
2 FT. OF CITY-OWNED PROPERTY
3 LOCATED AT FERRY POINT ROAD TO BE
4 IN EXCESS OF THE CITY'S NEEDS AND
5 AUTHORIZING THE CITY MANAGER TO
6 CONVEY TO MEADER PROPERTIES, LLC
7

8 WHEREAS, the City of Virginia Beach (the "City") is the owner of two parcels
9 of land located at the intersection of Ferry Point Road and Indian River Road, commonly
10 known as GPINs: 1465-19-4298 & 1465-19-4242 (the "Properties"), and more particularly
11 described on Exhibit A, attached hereto and made a part hereof;
12

13 WHEREAS, the Properties are residual parcels from larger parcels acquired
14 by condemnation for the Indian River Road – Phase V Project, CIP 2-080 (the "Project"),
15 which was a Virginia Department of Transportation (VDOT) funded project;
16

17 WHEREAS, Meader Properties, LLC, a Virginia limited liability company (the
18 "Applicant"), owns the parcel of land located at 5505 Indian River Road (GPIN: 1465-19-
19 4354), which is adjacent to the Properties;
20

21 WHEREAS, the Project is complete and the Applicant has requested to
22 purchase the Properties in order to resubdivide them into its adjacent property in
23 accordance with the terms and conditions set forth in the Summary of Terms, attached
24 hereto as Exhibit B and made a part hereof; and
25

26 WHEREAS, the City Council is of the opinion that the Properties are in excess
27 of the needs of the City.
28

29 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY
30 OF VIRGINIA BEACH, VIRGINIA:
31

32 That the Properties are hereby declared to be in excess of the needs of the
33 City of Virginia Beach and that the City Manager is hereby authorized to execute any
34 documents necessary to convey the Properties to Applicant in accordance with the
35 Summary of Terms, attached hereto as Exhibit B, and such other terms, conditions or
36 modifications as may be acceptable to the City Manager and in a form deemed satisfactory
37 by the City Attorney.
38

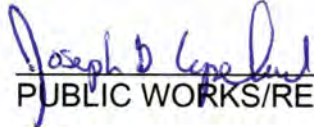
39 This Ordinance shall be effective from the date of its adoption.
40

41 Adopted by the Council of the City of Virginia Beach, Virginia, on the _____
42 day of _____, 2024.

**THIS ORDINANCE REQUIRES AN AFFIRMATIVE VOTE OF THREE-FOURTHS
OF ALL COUNCIL MEMBERS ELECTED TO CITY COUNCIL**

CA16262
R-1
Prepared: 2/7/24

APPROVED AS TO CONTENT:


PUBLIC WORKS/REAL ESTATE

**APPROVED AS TO LEGAL
SUFFICIENCY AND FORM:**


CITY ATTORNEY

APPROVED AS TO CONTENT:


Budget & Management Services

EXHIBIT A
LEGAL DESCRIPTION

FERRY POINT ROAD; GPIN: 1465-19-4298:

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, situate in the City of Virginia Beach, Virginia, and being more particularly bounded as follows.

BEGINNING at a point on the southern right-of-way line of Indian River Road and the common corner between the parcel of land designated and described as "GPIN: 1465-19-4354 PROFESSIONAL CENTER ASSOCIATES (D.B. 2376, PG. 1332)" and the parcel of land designated and described as "009 GPIN: 1465-19-5236 INDIAN RIVER ROAD ASSOCIATES (D.B. 1874, PG 371) (D.B. 2776, PG. 458)" on that certain plat entitled "PLAT OF PROPERTY BEING ACQUIRED FROM INDIAN RIVER ASSOCIATES PARCEL 009, BY THE CITY OF VIRGINIA BEACH FOR C.I.P. 2-080 INDIAN RIVER ROAD - PHASE V", DATED January 22, 1991, prepared by Engineering Services Inc., and recorded in the Office of the Clerk of the Circuit Court of the City of Virginia Beach, Virginia, in Map Book 218, Page 91; thence leaving said POINT OF BEGINNING and running with said southern right-of-way line S. 59° 55' 45" E. a distance of 4.87' to a point at the intersection of the western right-of-way of Ferry Point Road and the said southern right-of-way of Indian River Road; thence leaving Indian River Road and running along the western right-of-way of Ferry Point Road, S. 18° 11' 23" E. a distance of 52.50' to a point; thence continuing with said Ferry Point Road along a curve to the right having a radius of 1403.90' an arc length of 66.11' and a delta angle of 02° 41' 54" to a point; thence continuing along the said right-of-way of Ferry Point Road, S. 29° 58' 42" W. a distance of 95.34' to a point; thence leaving the western right-of-way of Ferry Point Road and running N. 60° 04' 54" W. a distance of 44.50' to a point; thence running N. 29° 40' 32" E. a distance of 196.50' to the POINT OF BEGINNING, containing 8,071 Sq. Ft. or 0.18529 Acres.

LESS AND EXCEPT AND RESERVING UNTO THE CITY a 10' public drainage easement along the entire eastern boundary of the property abutting Ferry Point Road.

RESERVING UNTO THE CITY all right, title and interest of the City in and to any and all easements, rights of way, private roads and other rights of access, ingress and/or egress adjacent to appurtenant to or in any way benefiting the City and/or public.

IT BEING a portion of the same property acquired by the City of Virginia Beach from Indian River Road Associates, a Virginia general partnership, by Certificate

of Take, dated January 22, 1992, recorded in the aforesaid Clerk's Office in Deed Book 3070, at page 1379, and confirmed by that Order Confirming Commissioner's Report entered on November 1, 1993 and recorded in the aforesaid Clerk's Office in Deed Book 3295, at page 1053.

FERRY POINT ROAD; GPIN: 1465-19-4242

ALL THAT certain lot, piece or parcel of land, being known, designated and described as "PARCEL 009A-1 NOT A BUILDALBE SITE CITY OF VIRGINIA BEACH 1465-19-4242" and further described as "009A-1 2,949 SQ. FT. 0.068 ACRES," as shown on that certain plat entitled "RESUBDIVISION OF PARCEL A-2 (INST. NO. 200310150167649), PART OF PARCEL 009A (M.B. 218 PG. 92) & PART OF PARCEL 011 (M.B. 218, PG. 85) VIRGINIA BEACH, VIRGINIA", Scale: 1" = 20', dated May 25, , 2010, prepared by Ward M. Holmes, Land Surveyor, P.C. and recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia as Instrument Number 20100611000575200.

LESS AND EXCEPT AND RESERVING UNTO THE CITY a 10' public drainage easement along the entire eastern boundary of the Property abutting Ferry Point Road.

RESERVING UNTO THE CITY all right, title and interest of the City in and to any and all easements, rights of way, private roads and other rights of access, ingress and/or egress adjacent to appurtenant to or in any way benefiting the City and/or public.

IT BEING a portion of the same property acquired by the City of Virginia Beach from Indian River Road Associates, a Virginia general partnership, by Certificate dated January 22, 1992, recorded in the aforesaid Clerk's Office in Deed Book 3070, at page 1379, and confirmed by Order Confirming Commissioners' Report entered on November 1, 1993 and recorded in the aforesaid Clerk's Office in Deed Book 3295, at page 1053.

EXHIBIT B

SUMMARY OF TERMS

SELLER: City of Virginia Beach ("City")

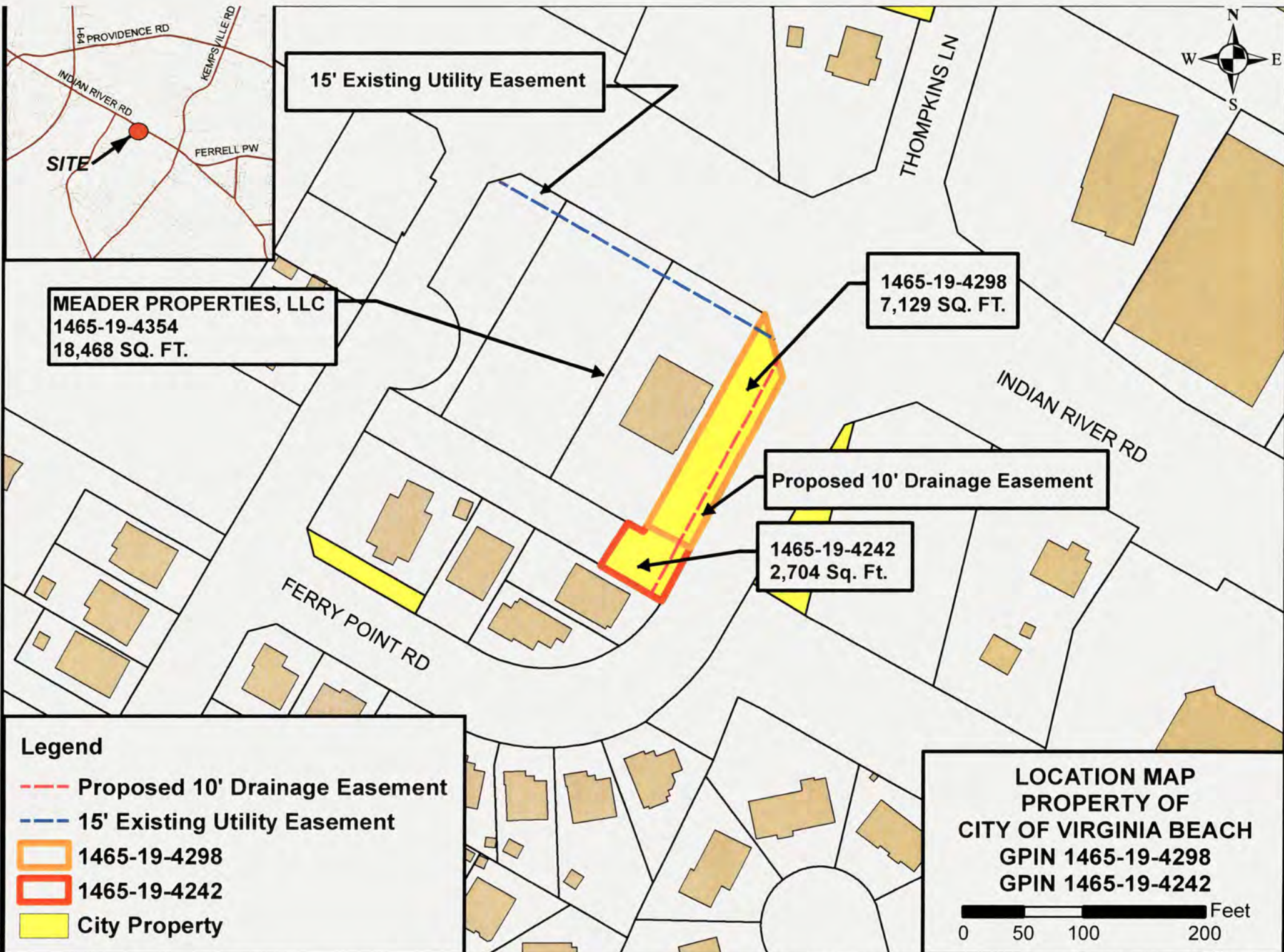
BUYER: Meader Properties, LLC

**CITY PROPERTIES
TO BE CONVEYED:** 9,833± Sq. Ft. (0.225 acre) of City property located on Ferry Point Road (GPIN: 1465-19-4298 & 1465-19-4242), more particularly described on **Exhibit A**

SALE PRICE: \$20,000.00

CONDITIONS OF SALE:

- The Properties are conveyed "AS IS, WHERE IS," by Special Warranty Deed, subject to all existing easements and restrictions of record.
- Buyer shall adhere to all zoning ordinances and City Code requirements to develop the Properties.
- City will reserve a 10-foot public drainage easement along Ferry Point Road.
- Buyer shall resubdivide the Properties into the adjacent property located at 5505 Indian River Road and vacate interior lot lines.
- Buyer shall be responsible for its own closing costs, recording fees, and attorney's fees.
- The City has the right to terminate the sale if closing has not occurred on or before December 31, 2027.

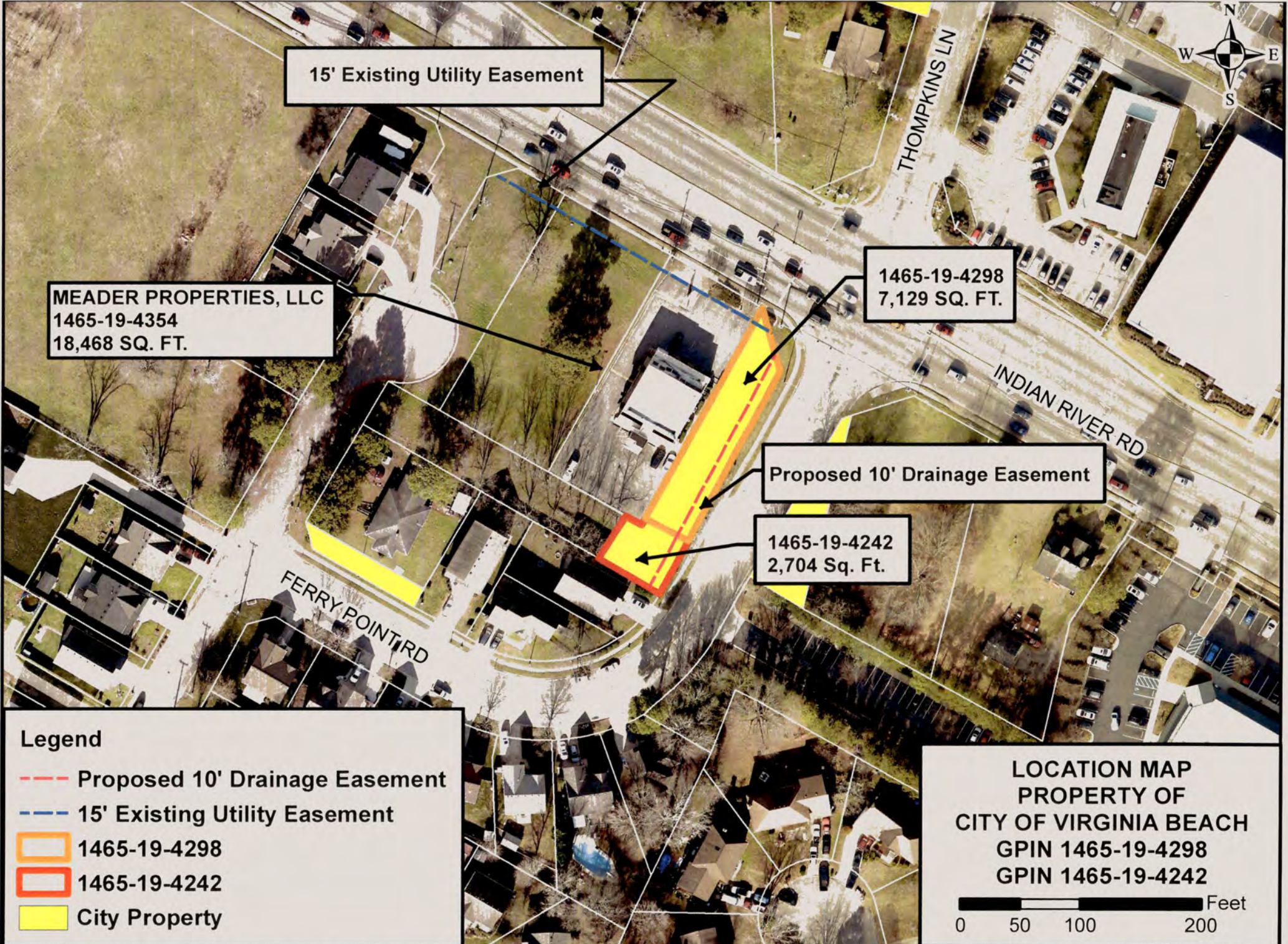


Legend

- Proposed 10' Drainage Easement
- 15' Existing Utility Easement
- 1465-19-4298
- 1465-19-4242
- City Property

**LOCATION MAP
PROPERTY OF
CITY OF VIRGINIA BEACH
GPIN 1465-19-4298
GPIN 1465-19-4242**

0 50 100 200 Feet



Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name Meader Properties, LLC a Virginia limited liability company

Does the applicant have a representative? ☐ Yes ☒ No

- If **yes**, list the name of the representative.

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? ☒ Yes ☐ No

- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

Lon B. Meader & Lucy Meader

- If **yes**, list the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

Meader Properties LLC, Meader Family Dentistry

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?
-

Applicant Services Disclosure

1. Does the applicant have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?

☒ Yes ☐ No

- If **yes**, identify the financial institutions providing the service.

Southern Bank & Trust Company

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

☐ Yes ☒ No

- If **yes**, identify the company and individual providing the service.
-

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No

- If **yes**, identify the firm and individual providing the service.

Zuckerman and Associates

4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the firm and individual providing the service.
-

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☒ No

- If **yes**, identify the purchaser and purchaser's service providers.
-

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the company and individual providing the service.

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the firm and individual providing the service.

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the firm and individual providing the service.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, **I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.**

Applicant Signature

Lon B. Meader

A handwritten signature in blue ink, appearing to read 'Lon B. Meader'.

Lucy Meader

A handwritten signature in blue ink, appearing to read 'Lucy Meader'.

Print Name and Title

February 2, 2024

February 2, 2024

Date

Is the applicant also the owner of the subject property? ☐ Yes ☐ No

- If **yes**, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	

Disclosure Statement



Continue to Next Page for Owner Disclosure

Disclosure Statement



Owner Disclosure

Owner Name City of Virginia Beach

Applicant Name Meador Properties, LLC a Virginia limited liability company

Is the Owner a corporation, partnership, firm, business, trust or an unincorporated business? ☐ Yes ☒ No

- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If **yes**, list the businesses that have a parent-subsidary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary)

Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?

³ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

⁴ "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Owner Services Disclosure

1. Does the Owner have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?
☐ Yes ☒ No
 - If **yes**, identify the financial institutions providing the service.

2. Does the Owner have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?
☐ Yes ☒ No
 - If **yes**, identify the company and individual providing the service.

3. Does the Owner have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

4. Does the Owner have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☒ No
 - If **yes**, identify the purchaser and purchaser's service providers.

6. Does the Owner have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the company and individual providing the service.

7. Does the Owner have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

Disclosure Statement



8. Is the Owner receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If **yes**, identify the firm and individual providing legal the service.

Owner Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, **I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.**

Owner Signature

Lon B. Meader

A handwritten signature in blue ink, appearing to read 'Lon B. Meader'.

Lucy Meader

A handwritten signature in blue ink, appearing to read 'Lucy Meader'.

Print Name and Title

February 2, 2024

February 2, 2024

Date



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance to authorize Temporary Encroachments into a City-owned Drainage, Maintenance and Variable Width Impoundment Easement, located at the rear of 5945 Glen View Drive

MEETING DATE: March 05, 2024

■ **Background:**

Laarni Hinze (the "Applicant") has requested permission to maintain an existing fence and to construct and maintain a rip rap revetment (collectively, the "Temporary Encroachment") into a City-owned 10' and 20' drainage easement, a 15' maintenance easement and variable width impoundment easement, located at the rear of 5945 Glen View Dr (GPIN: 1454-86-6968).

■ **Considerations:**

City staff reviewed the Temporary Encroachment and have recommended approval of same, subject to certain conditions outlined in the Agreement.

■ **Public Information:**

Public notice will be provided via the normal City Council agenda process.

■ **Alternatives:**

Deny the Temporary Encroachment or add conditions as desired by Council.

■ **Recommendations:**

Approve the request subject to the terms and conditions of the Agreement.

■ **Attachments:**

Ordinance, Agreement, Exhibit, Photos, Location Map and Disclosure Statement.

Recommended Action: Approval

Submitting Department/Agency: Public Works/Real Estate 

City Manager: 

1 Requested by Department of Public Works

2
3 AN ORDINANCE TO AUTHORIZE
4 TEMPORARY ENCROACHMENTS INTO A
5 CITY-OWNED DRAINAGE, MAINTENANCE
6 AND VARIABLE WIDTH EASEMENT,
7 LOCATED AT THE REAR OF 5945 GLEN
8 VIEW DRIVE
9

10
11 WHEREAS, Laarni Hinze requests permission to maintain 225 LF of a 6' tall
12 vinyl privacy fence and to construct and maintain 167 LF of a riprap revetment (collectively,
13 the "Temporary Encroachment") into City-owned easements known as a 10' and a 20'
14 drainage easement, a 15' maintenance easement and a variable width easement, located
15 at the rear of Glen View Drive (GPIN: 1454-86-6968); and
16

17
18 WHEREAS, City Council is authorized pursuant to §§ 15.2-2009 and 15.2-
19 2107, Code of Virginia, 1950, as amended, to authorize temporary encroachments upon
20 the City's easements subject to such terms and conditions as Council may prescribe.
21

22 NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
23 VIRGINIA BEACH, VIRGINIA:
24

25 That pursuant to the authority and to the extent thereof contained in §§ 15.2-
26 2009 and 15.2-2107, Code of Virginia, 1950, as amended, Laarni Hinze, her heirs, assigns
27 and successors in title are authorized to construct and maintain the Temporary
28 Encroachment within the City's easements as shown on the map entitled: "EXHIBIT 'A' –
29 ENCROACHMENT REQUEST FOR AN EXISTING FENCE, TO REMOVE EXISTING
30 PLYWOOD RETAINING WALL AND FILL AND PROPOSED RIP RAP REVETMENT FOR:
31 LAARNI HINZE, 5945 GLEN VIEW DRIVE LOT 999, SECTION 5B, ALEXANDRIA, M.B.
32 211, PG 79 & 80," Scale: 1" = 30', dated July 28, 2023, prepared by Stone Green
33 Consulting, LLC, a copy of which is attached hereto as Exhibit "A" and on file in the
34 Department of Public Works and to which reference is made for a more particular
35 description;
36

37 BE IT FURTHER ORDAINED, that the Temporary Encroachment is expressly
38 subject to those terms, conditions and criteria contained in the agreement between the City
39 of Virginia Beach and the Applicant (the "Agreement"), an unexecuted copy of which has
40 been presented to the Council in its agenda and will be recorded among the records of the
41 Clerk's Office of the Circuit Court of the City of Virginia Beach.
42

43 BE IT FURTHER ORDAINED, that the City Manager or his authorized
44 designee is hereby authorized to execute the Agreement; and
45

44 BE IT FURTHER ORDAINED, that this Ordinance shall not be in effect until
45 such time as Laarni Hinze and the City Manager or his authorized designee execute the
46 Agreement.

47 Adopted by the Council of the City of Virginia Beach, Virginia, on the _____
48 day of _____, 2024.

APPROVED AS TO CONTENT:


PUBLIC WORKS / REAL ESTATE

**APPROVED AS TO LEGAL
SUFFICIENCY AND FORM:**


DANA R. HARMeyer
SENIOR CITY ATTORNEY

CA16249

R-2

Prepared: January 11, 2024

c:\users\lanegronrodriguez\appdata\local\microsoft\windows\inetcache\content.outlook\mtigeki0\ord revised.doc

ver

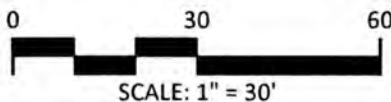
HINZE ENCROACHMENT EXHIBIT



1. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THIS EXHIBIT IS INTENDED FOR AN ENCROACHMENT REQUEST ONLY.
3. THIS EXHIBIT IS A RESULT OF FIELD TIES TO EXISTING MONUMENTS COMBINED WITH THE COMPILATION OF DEEDS AND PLATS SHOWN HEREON AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.
4. THE CITY OF VIRGINIA BEACH IS NOT RESPONSIBLE FOR THE VERIFICATION OF THE RESTRICTIONS REQUIRED BY OTHER ASSOCIATIONS OR AGENCIES.

M.B. 211 PG. 80

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	200.00'	192.70'	185.33'	N 82°01'44" W	55°12'17"



ENGINEERING SERVICES PROVIDED BY:
STONE GREEN CONSULTING, LLC
4014 MEDINA ROAD #1015, AKRON, OH 44333
(330) 883-2117

EXHIBIT 'A' - ENCROACHMENT REQUEST FOR AN EXISTING
FENCE, TO REMOVE EXISTING PLYWOOD RETAINING WALL
AND FILL AND PROPOSED RIP RAP REVETMENT

FOR: LAARNI HINZE
5945 GLEN VIEW DRIVE
LOT 999, SECTION 5B, ALEXANDRIA, M.B. 211, PG. 79 & 80
JULY 28, 2023 PAGE 1 OF 3

✓✓✓

HINZE ENCROACHMENT EXHIBIT



1. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THIS EXHIBIT IS INTENDED FOR AN ENCROACHMENT REQUEST ONLY.
3. THIS EXHIBIT IS A RESULT OF FIELD TIES TO EXISTING MONUMENTS COMBINED WITH THE COMPILATION OF DEEDS AND PLATS SHOWN HEREON AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.
4. THE CITY OF VIRGINIA BEACH IS NOT RESPONSIBLE FOR THE VERIFICATION OF THE RESTRICTIONS REQUIRED BY OTHER ASSOCIATIONS OR AGENCIES.

M.B. 211 PG. 80

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	200.00'	192.70'	185.33'	N 82°01'44" W	55°12'17"



LOT 985
NOW OR FORMERLY
SILVIA BASS
GPIN: 1454-87-7048
INST# 20150224000154570
M.B. 207 P. 74 & 75

VARIABLE WIDTH IMPOUNDMENT
EASEMENT (M.B. 211, PG. 80)

20' DRAINAGE EASEMENT
(M.B. 211, PG. 80)

APPROXIMATE PREVIOUS EDGE OF
WATER SCALED FROM GOOGLE
EARTH 2021 AERIAL IMAGE

LAKE
N 35°34'16"E
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OHW @ PLYWOOD
RETAINING WALL

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NOW OR FORMERLY
DEQING ZHU & YI CHEN
GPIN: 1454-87-5092
INST# 202303026052
M.B. 211 P. 80

10' DRAINAGE
EASEMENT
(M.B. 211, PG. 80)

EX. VINYL FENCE

LOT 999
NOW OR FORMERLY
LAARNI HINZE
GPIN: 1454-86-6968
INST# 20200423000352970
M.B. 211 P. 79 & 80

LOT 998
NOW OR FORMERLY
HENRY J. & MONICA CORDERO
GPIN: 1454-86-8956
D.B. 3912 P. 2009

18" FLARED
DRAIN PIPE

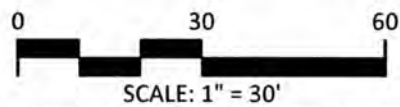
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EASEMENT
(M.B. 211, PG. 80)

GLEN VIEW DRIVE
50' RIGHT-OF-WAY
M.B. 211, PG. 80

50' TO INTERSECTION
WITH WYNDHAM COURT

EXISTING FENCE EXHIBIT



ENGINEERING SERVICES PROVIDED BY:
STONE GREEN CONSULTING, LLC
4014 MEDINA ROAD #1015, AKRON, OH 44333
(330) 883-2117

EXHIBIT 'A' - ENCROACHMENT REQUEST FOR AN EXISTING
FENCE, TO REMOVE EXISTING PLYWOOD RETAINING WALL
AND FILL AND PROPOSED RIP RAP REVETMENT

FOR: LAARNI HINZE
5945 GLEN VIEW DRIVE
LOT 999, SECTION 5B, ALEXANDRIA, M.B. 211, PG. 79 & 80
JULY 28, 2023 PAGE 2 OF 3

red ✓

HINZE ENCROACHMENT EXHIBIT

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M.B. 211 PG. 80

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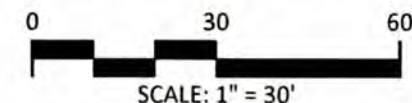
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FOR: LAARNI HINZE

5945 GLEN VIEW DRIVE

LOT 999, SECTION 5B, ALEXANDRIA, M.B. 211, PG. 79 & 80

JULY 28, 2023 PAGE 3 OF 3



ENGINEERING SERVICES PROVIDED BY:
STONE GREEN CONSULTING, LLC
4014 MEDINA ROAD #1015, AKRON, OH 44333
(330) 883-2117

PREPARED BY VIRGINIA BEACH
CITY ATTORNEY'S OFFICE (BOX 31)

EXEMPTED FROM RECORDATION TAXES
UNDER SECTION 58.1-811(C) (4)

THIS AGREEMENT, made this 10 day of February, 2024, by and between the **CITY OF VIRGINIA BEACH, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, Grantor, "City", and LAARNI **HINZE**, HER HEIRS, ASSIGNS AND SUCCESSORS IN TITLE, "Grantee".

WITNESSETH:

WHEREAS, the Grantee is the owner of that certain lot, tract, or parcel of land designated and described as Lot "999", as shown on that certain plat entitled: "SUBDIVISION OF ALEXANDRIA SECTION FIVE-B KEMPSVILLE BOROUGH VIRGINIA BEACH, VIRGINIA," SCALE: 1"= 60', dated August, 1990, prepared by Basgier and Associates, which plat is recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Map Book 211, at page 79, 80 and 81 respectively, and being further designated, known, and described as 5945 Glen View Drive, Virginia Beach, Virginia 23464;

WHEREAS, it is proposed by the Grantee to maintain an existing 225 LF of a 6' tall vinyl privacy fence, and to construct and maintain 167 LF of rip rap revetment, collectively, the "Temporary Encroachment", in the City of Virginia Beach; and

WHEREAS, in constructing and maintaining the Temporary Encroachment, it is necessary that the Grantee encroach into City-owned easements known as a 10' and a 20' drainage easement, a 15' maintenance easement, and a variable width impoundment easement, collectively, the "Encroachment Area"; and

**GPIN: NO GPINS ASSIGNED (CITY-OWNED DRAINAGE, MAINTENANCE AND
VARIABLE WIDTH EASEMENTS)
1454-86-6968 (5945 GLEN VIEW DRIVE)**

WHEREAS, the Grantee has requested that the City permit the Temporary Encroachment within the Encroachment Area.

NOW, THEREFORE, for and in consideration of the premises and of the benefits accruing or to accrue to the Grantee and for the further consideration of One Dollar (\$1.00), cash in hand paid to the City, receipt and sufficiency of which are hereby acknowledged, the City hereby grants to the Grantee permission to use the Encroachment Area for the purpose of constructing and maintaining the Temporary Encroachment.

It is expressly understood and agreed that the Temporary Encroachment will be constructed and maintained in accordance with the laws of the Commonwealth of Virginia and the City of Virginia Beach, and in accordance with the City's specifications and approval and is more particularly described as follows, to wit:

A Temporary Encroachment into the Encroachment Area as shown on that certain exhibit plat entitled: "EXHIBIT 'A' – ENCROACHMENT REQUEST FOR AN EXISTING FENCE, TO REMOVE EXISTING PLYWOOD RETAINING WALL AND FILL AND PROPOSED RIP RAP REVETMENT FOR: LAARNI HINZE 5945 GLEN VIEW DRIVE LOT 999, SECTION 5B, ALEXANDRIA, M.B. 211, PG. 79 & 80," Scale: 1" = 30', dated JULY 28, 2023, prepared by Stone Green Consulting, LLC., a copy of which is attached hereto as Exhibit "A" and to which reference is made for a more particular description.

Providing however, nothing herein shall prohibit the City from immediately removing, or ordering the Grantee to remove, all or any part of the Temporary Encroachment from the Encroachment Area in the event of an emergency or public necessity, and Grantee shall bear all costs and expenses of such removal.

It is further expressly understood and agreed that the existing City-owned 24' storm drain outfall at the east end of the property must remain undisturbed during construction, maintenance, and duration of the revetment.

It is further expressly understood and agreed that the Temporary Encroachment herein authorized terminates upon notice by the City to the Grantee, and that within thirty (30) days after the notice is given, the Temporary Encroachment must be removed from the Encroachment Area by the Grantee; and that the Grantee will bear all costs and expenses of such removal.

It is further expressly understood and agreed that the Grantee shall indemnify, hold harmless, and defend the City, its agents, and employees, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, in case it shall be necessary to file or defend an action arising out of the construction, location or existence of the Temporary Encroachment.

It is further expressly understood and agreed that nothing herein contained shall be construed to enlarge the permission and authority to permit the maintenance or construction of any encroachment other than that specified herein and to the limited extent specified herein, nor to permit the maintenance and construction of any encroachment by anyone other than the Grantee.

It is further expressly understood and agreed that the Grantee agrees to maintain the Temporary Encroachment so as not to become unsightly or a hazard.

It is further expressly understood that any existing encroachments referenced in the attached Exhibit or in this Agreement are the ongoing maintenance obligation of the Grantee and the City disclaims any ownership interest or maintenance obligation of such encroachments.

It is further expressly understood and agreed that the Grantee must obtain and keep in effect liability insurance with the City as a named insured in an amount not less than \$500,000.00, per person injured and property damage per incident, combined. The company providing the insurance must be registered and licensed to provide insurance in the Commonwealth of Virginia. The Grantee will provide endorsements providing at least thirty (30) days written notice to the City prior to the cancellation or termination of, or material change to, any of the insurance policies. The Grantee assumes all responsibilities and liabilities, vested or contingent, with relation to the construction, location, and/or existence of the Temporary Encroachment.

It is further expressly understood and agreed that the Temporary Encroachment must conform to the minimum setback requirements, as established by the City.

It is further expressly understood and agreed that the City, upon revocation of such authority and permission so granted, may remove the Temporary Encroachment and charge the cost thereof to the Grantee, and collect the cost in any manner provided by law for the collection of local or state taxes; may require the Grantee to remove the Temporary Encroachment; and pending such removal, the City may charge the Grantee for the use of the Encroachment Area, the equivalent of what would be the real property tax upon the land so occupied if it were owned by the Grantee; and if such removal shall not be made within the time ordered hereinabove by this Agreement, the City may impose a penalty in the sum of One Hundred Dollars (\$100.00) per day for each and every day that the Temporary Encroachment is allowed to continue thereafter, and may collect such compensation and penalties in any manner provided by law for the collection of local or state taxes.

IN WITNESS WHEREOF, LAARNI HINZE, the said Grantee, has caused this Agreement to be executed by her signature. Further, that the City of Virginia Beach has caused this Agreement to be executed in its name and on its behalf by its City Manager and its seal be hereunto affixed and attested by its City Clerk.

(THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK)

CITY OF VIRGINIA BEACH

By: _____ (SEAL)
City Manager/Authorized
Designee of the City Manager

STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by _____, CITY MANAGER/AUTHORIZED DESIGNEE OF THE CITY MANAGER OF THE CITY OF VIRGINIA BEACH, VIRGINIA, on its behalf. He/She is personally known to me.

Notary Public (SEAL)

My Notary Registration Number: _____
My Commission Expires: _____

(SEAL)
ATTEST:

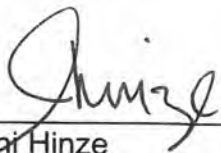
City Clerk/Authorized
Designee of the City Clerk

STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by _____, CITY CLERK/AUTHORIZED DESIGNEE OF THE CITY CLERK OF THE CITY OF VIRGINIA BEACH, VIRGINIA, on its behalf. She is personally known to me.

Notary Public (SEAL)

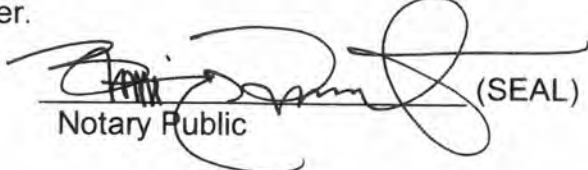
My Notary Registration Number: _____
My Commission Expires: _____



Laarni Hinze

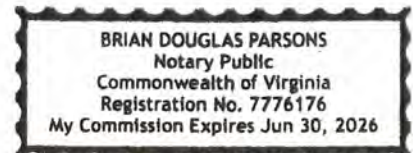
STATE OF VIRGINIA
CITY/COUNTY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this 10th day of
FEBRUARY, 2024, by Laarni Hinze, owner.



Notary Public (SEAL)

My Notary Registration Number: 7776176
My Commission Expires: 30 JUNE 2026

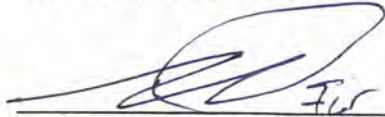


APPROVED AS TO CONTENTS



PUBLIC WORKS - REAL ESTATE

**APPROVED AS TO LEGAL
SUFFICIENCY AND FORM**



DANA HARMEYER
SENIOR CITY ATTORNEY

ver

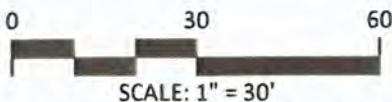
HINZE ENCROACHMENT EXHIBIT



M.B. 211 PG. 80

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STONE GREEN CONSULTING, LLC
4014 MEDINA ROAD #1015, AKRON, OH 44333
(330) 883-2117

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FOR: LAARNI HINZE
5945 GLEN VIEW DRIVE
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JULY 28, 2023 PAGE 1 OF 3

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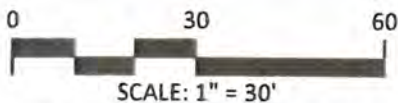
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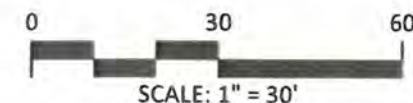
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Hinze Encroachment Picture Exhibit



View Looking Northwest (Picture taken May 2023). Applicants' residence is the nearest (white) house.



View looking Southeast (Picture taken August 2023)

Hinze Encroachment Picture Exhibit



View looking North (Picture taken August 2023)

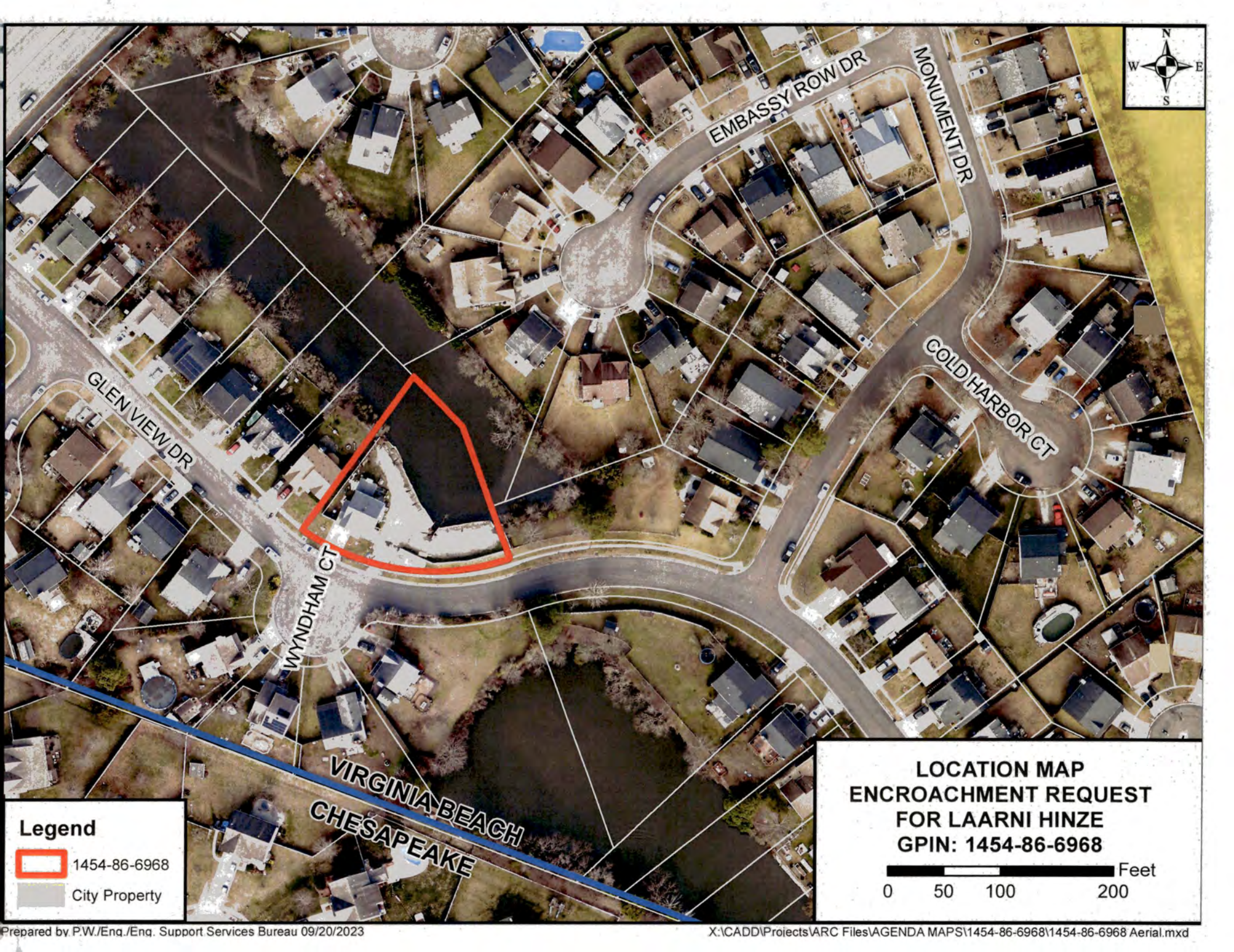


View looking Northeast from top of bank (picture taken August 2023)


Hinze Encroachment Picture Exhibit




Overhead view (picture taken May 2023)




Legend

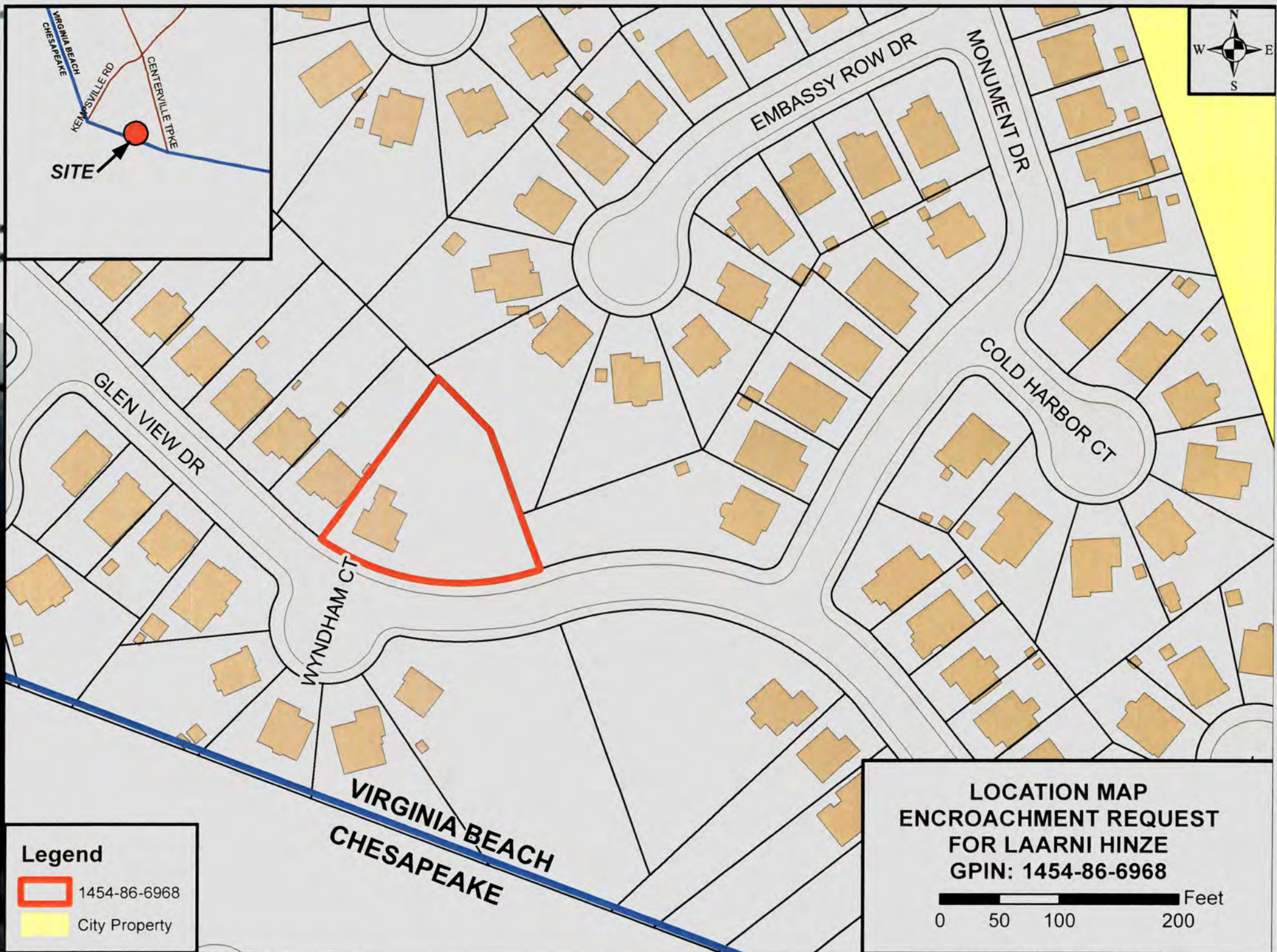
 1454-86-6968

 City Property

**LOCATION MAP
ENCROACHMENT REQUEST
FOR LAARNI HINZE
GPIN: 1454-86-6968**

 Feet

0 50 100 200



Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name Laarni Hinze

Does the applicant have a representative? ☒ **Yes** ☐ **No**

- If **yes**, list the name of the representative.

Robert Simon - Waterfront Consulting, Inc.

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? ☐ **Yes** ☒ **No**

- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If **yes**, list the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?
-

Applicant Services Disclosure

1. Does the applicant have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc)** or are they considering **any financing** in connection with the subject of the application or any business operating or to be operated on the property?

☐ Yes ☒ No

- If **yes**, identify the financial institutions.

No

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

☐ Yes ☒ No

- If **yes**, identify the real estate broker/realtor.
-

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the firm or individual providing the service.

No

4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the firm or individual providing the service.
-

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☒ No

- If **yes**, identify the purchaser and purchaser's service providers.
-

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the construction contractor.

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No

- If **yes**, identify the engineer/surveyor/agent.

Agent - Robert Simon, Waterfront Consulting, Inc. Engineer - Sean Green, P.E.

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the name of the attorney or firm providing legal services.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.



Applicant Signature

Laarni Hinze

Print Name and Title

2/10/2024

Date

Is the applicant also the owner of the subject property? ☒ Yes ☐ No

- If **yes**, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance to authorize Temporary Encroachments into a portion of City-owned property known as Starboard Canal and Island Lake, located at the rear of 2428 Windward Shore Drive

MEETING DATE: March 5, 2024

■ **Background:**

Niklas Oskarsson and Annemijn Van Der Bijl (the "Applicants") request permission to construct and maintain a revetment encroaching variable distances, a timber pier, a floating dock with an aluminum gangway and a covered boat lift (collectively, the "Temporary Encroachment") into City-owned property known as Starboard Canal and Island Lake (No GPINS assigned), located at the rear of 2428 Windward Shore Drive (GPIN: 1499-88-7535).

■ **Considerations:**

City staff reviewed the Temporary Encroachment and have recommended approval of same, subject to certain conditions outlined in the Agreement.

There are similar encroachments into Starboard Canal and Island Lake, which is where the Applicants have requested to encroach.

■ **Public Information:**

Public notice will be provided via the normal City Council agenda process.

■ **Alternatives:**

Deny the Temporary Encroachment or add conditions as desired by Council.

■ **Recommendations:**

Approve the request subject to the terms and conditions of the Agreement.

■ **Attachments:**

Ordinance, Agreement, Exhibit, Photos, Location Map and Disclosure Statement.

Recommended Action: Approval

Submitting Department/Agency: Public Works/Real Estate

City Manager:

PAD

fn

1 Requested by Department of Public Works

2
3 AN ORDINANCE TO AUTHORIZE
4 TEMPORARY ENCROACHMENTS INTO
5 A PORTION OF CITY-OWNED
6 PROPERTY KNOWN AS STARBOARD
7 CANAL AND ISLAND LAKE, LOCATED
8 AT THE REAR OF 2428 WINDWARD
9 SHORE DRIVE

10
11 WHEREAS, Niklas Oskarsson and Annemijn Van Der Bijl (the "Applicants")
12 request permission to construct and maintain a 4.5' wide quarry stone sill, a 7.5' and a
13 201.17' revetment, a 10' x 24' timber pier, a 10' x 16' timber floating dock with a 3' x 15'
14 aluminum gangway, a 14' x 26' covered timber boat lift, and a 2,581 square foot planted
15 marsh (collectively, the "Temporary Encroachment"), into City-owned property known as
16 Starboard Canal and Island Lake, located at the rear of 2428 Windward Shore Drive (GPIN:
17 1499-88-7535); and

18
19 WHEREAS, City Council is authorized pursuant to §§ 15.2-2009 and 15.2-
20 2107, Code of Virginia, 1950, as amended, to authorize temporary encroachments upon
21 City-owned property subject to such terms and conditions as Council may prescribe.

22
23 NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
24 VIRGINIA BEACH, VIRGINIA:

25
26 That pursuant to the authority and to the extent thereof contained in §§ 15.2-
27 2009 and 15.2-2107, Code of Virginia, 1950, as amended, Niklas Oskarsson and Annemijn
28 Van Der Bijl, their heirs, assigns and successors in title are authorized to construct and
29 maintain the Temporary Encroachment into City-owned property known as Starboard Canal
30 and Island Lake, as shown on the map entitled: "Exhibit 'A' ENCROACHMENT REQUEST
31 FOR QUARRY STONE SILL, REVETMENT OR RIP RAP, PIER, FLOATING DOCK,
32 GANGWAY, AND COVERED BOAT LIFT FOR NIKLAS OSKARSSON AND ANNEMIJN
33 VAN DER BIJL LOT 36, SECTION 1, BAY ISLAND, M.B.45 PG. 37 GPIN: 1499-88-7535,"
34 Scale: 1" = 40', dated January 4, 2024, prepared by Gaddy Engineering Services, LLC, a
35 copy of which is attached hereto as Exhibit "A" and on file in the Department of Public
36 Works and to which reference is made for a more particular description;

37
38 BE IT FURTHER ORDAINED, that the Temporary Encroachment is expressly
39 subject to those terms, conditions and criteria contained in the agreement between the City
40 of Virginia Beach and the Applicants (the "Agreement"), an unexecuted copy of which has
41 been presented to the Council in its agenda, and will be recorded among the records of the
42 Clerk's Office of the Circuit Court of the City of Virginia Beach;

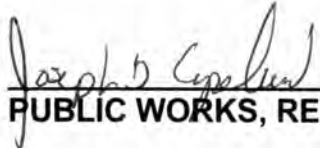
43
44 BE IT FURTHER ORDAINED, that the City Manager or his authorized
45 designee is hereby authorized to execute the Agreement; and

46
47 BE IT FURTHER ORDAINED, that this Ordinance shall not be in effect until
48 such time as the Applicant's and the City Manager or his authorized designee execute the
49 Agreement.
50

51 Adopted by the Council of the City of Virginia Beach, Virginia, on the _____
52 day of _____, 2024.
53
54

CA16070
R-1
Prepared: 2/5/24

APPROVED AS TO CONTENT:


PUBLIC WORKS, REAL ESTATE

APPROVED AS TO LEGAL
SUFFICIENCY AND FORM:


DANA R. HARMeyer
SENIOR CITY ATTORNEY

1. THIS EXHIBIT IS INTENDED FOR AN ENCROACHMENT REQUEST ONLY
2. THIS EXHIBIT IS A RESULT OF FIELD TIES TO EXISTING MONUMENTS COMBINED WITH THE COMPILATION OF DEEDS AND PLATS SHOWN HEREON AND DOES NOT CONSTITUTE A BOUNDARY SURVEY
3. THE CITY OF VIRGINIA BEACH IS NOT RESPONSIBLE FOR VERIFICATION OF RESTRICTIONS REQUIRED BY OTHER ASSOCIATIONS OR AGENCIES

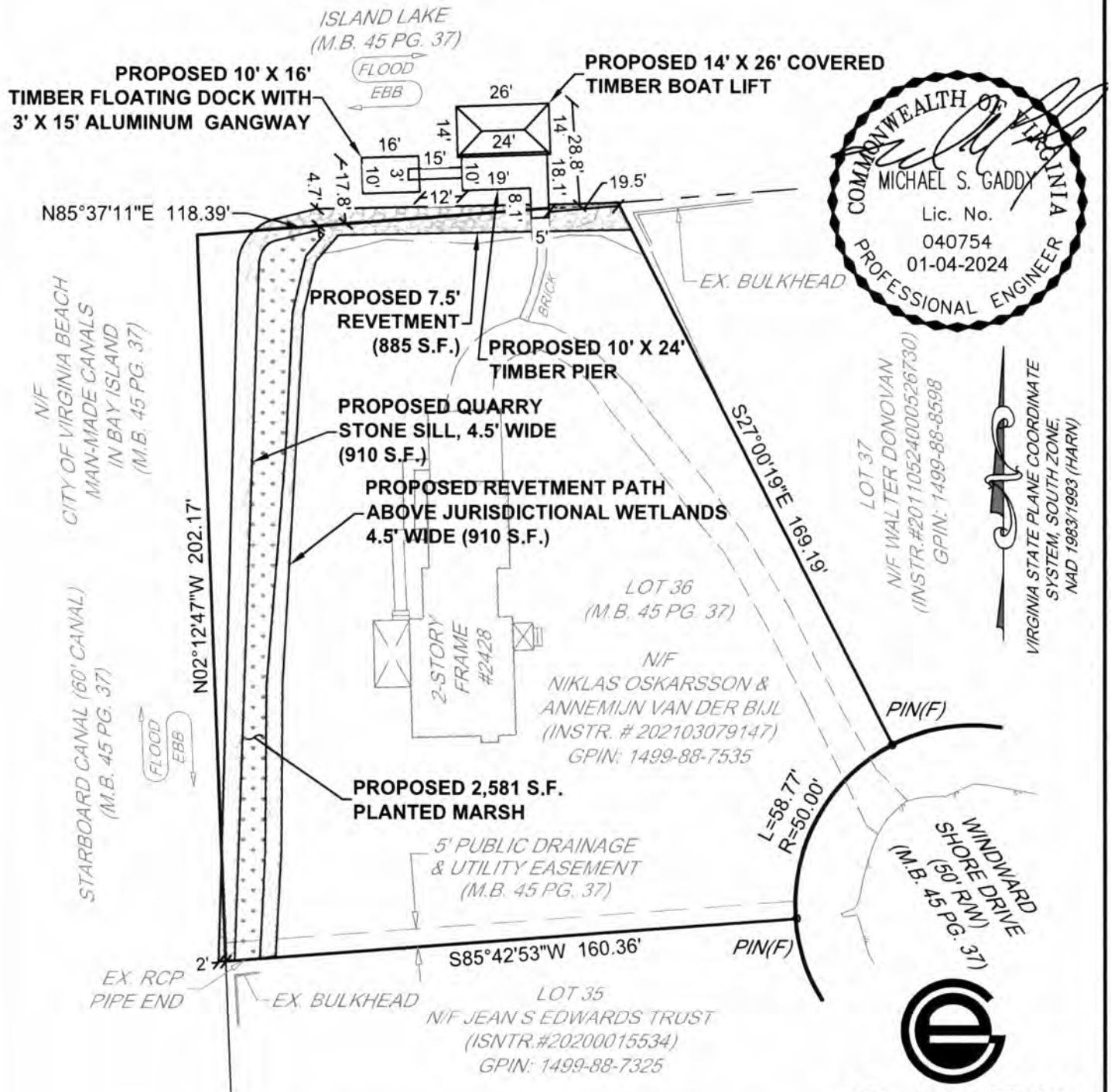
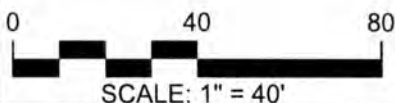


EXHIBIT "A"
ENCROACHMENT REQUEST FOR QUARRY STONE
SILL, REVETMENT OR RIP RAP, PIER, FLOATING
DOCK, GANGWAY, AND COVERED BOAT LIFT
FOR NIKLAS OSKARSSON AND
ANNEMIJN VAN DER BIJL
LOT 36, SECTION 1, BAY ISLAND, M.B. 45 PG. 37
GPIN: 1499-88-7535



GADDY
ENGINEERING SERVICES, LLC

CONTACT:
MICHAEL S. GADDY, PE, LS
757-289-5933
508 N. BIRDNECK RD., SUITE D
VIRGINIA BEACH, VA, 23451



PREPARED BY VIRGINIA BEACH
CITY ATTORNEY'S OFFICE (BOX 31)

EXEMPTED FROM RECORDATION TAXES
UNDER SECTION 58.1-811(C) (4)

THIS AGREEMENT, made this 19th day of January, 2024, by and between the **CITY OF VIRGINIA BEACH, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, Grantor, "City", and **NIKLAS OSKARSSON** and **ANNEMIJN VAN DER BIJL**, THEIR HEIRS, ASSIGNS AND SUCCESSORS IN TITLE, collectively "Grantee", even though more than one.

WITNESSETH:

WHEREAS, the Grantee is the owner of that certain lot, tract, or parcel of land designated and described as Lot "36", as shown on that certain plat entitled: "SUBDIVISION OF BAY ISLAND SECTION ONE PRINCESS ANNE CO., VA. LYNNHAVEN MAGISTERIAL DISTRICT," Scale: 1" = 100', dated February 1958, prepared by Frank D. Tarrall, Jr. & Associates, which plat is recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Map Book 45, at page 37, and being further designated, known, and described as 2428 Windward Shore Drive, Virginia Beach, Virginia 23451;

WHEREAS, it is proposed by the Grantee to construct and maintain a revetment encroaching variable distances, a 10' x 24' timber pier, a 10' x 16' timber floating dock with a 3' x 15' aluminum gangway, and a 14' x 26' covered timber boat lift(collectively, the "Temporary Encroachment") in the City of Virginia Beach; and

**GPIN: NO GPIN ASSIGNED (CITY PROPERTY KNOWN AS STARBOARD CANAL
AND ISLAND LAKE)
1499-88-7535 (2428 WINDWARD SHORE DRIVE)**

WHEREAS, in constructing and maintaining the Temporary Encroachment, it is necessary that the Grantee encroach into City-owned property known as Starboard Canal and Island Lake, collectively, the "Encroachment Area"; and

WHEREAS, the Grantee has requested that the City permit the Temporary Encroachment within the Encroachment Area.

NOW, THEREFORE, for and in consideration of the premises and of the benefits accruing or to accrue to the Grantee and for the further consideration of One Dollar (\$1.00), cash in hand paid to the City, receipt and sufficiency of which are hereby acknowledged, the City hereby grants to the Grantee permission to use the Encroachment Area for the purpose of constructing and maintaining the Temporary Encroachment.

It is expressly understood and agreed that the Temporary Encroachment will be constructed and maintained in accordance with the laws of the Commonwealth of Virginia and the City of Virginia Beach, and in accordance with the City's specifications and approval and is more particularly described as follows, to wit:

A Temporary Encroachment into the Encroachment Area as shown on that certain exhibit plat entitled: "Exhibit 'A' ENCROACHMENT REQUEST FOR QUARRY STONE SILL, REVETMENT OR RIP RAP, PIER, FLOATING DOCK, GANGWAY, AND COVERED BOAT LIFT FOR NIKLAS OSKARSSON AND ANNEMIJN VAN DER BIJL LOT 36, SECTION 1, BAY ISLAND, M.B. 45, PG. 37 GPIN: 1499-88-7535," Scale: 1" = 40', dated January 4, 2024, prepared by Gaddy Engineering Services, LLC, a copy of which is attached hereto as Exhibit "A" and to which reference is made for a more particular description.

Providing however, nothing herein shall prohibit the City from immediately removing, or ordering the Grantee to remove, all or any part of the Temporary

Encroachment from the Encroachment Area in the event of an emergency or public necessity, and Grantee shall bear all costs and expenses of such removal.

It is further expressly understood and agreed that the Temporary Encroachment herein authorized terminates upon notice by the City to the Grantee, and that within thirty (30) days after the notice is given, the Temporary Encroachment must be removed from the Encroachment Area by the Grantee; and that the Grantee will bear all costs and expenses of such removal.

It is further expressly understood and agreed that the Grantee shall indemnify, hold harmless, and defend the City, its agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, in case it shall be necessary to file or defend an action arising out of the construction, location or existence of the Temporary Encroachment.

It is further expressly understood and agreed that nothing herein contained shall be construed to enlarge the permission and authority to permit the maintenance or construction of any encroachment other than that specified herein and to the limited extent specified herein, nor to permit the maintenance and construction of any encroachment by anyone other than the Grantee.

It is further expressly understood and agreed that the Grantee agrees to maintain the Temporary Encroachment so as not to become unsightly or a hazard.

It is further expressly understood that any existing encroachments referenced in the attached Exhibit or in this Agreement are the ongoing maintenance obligation of the Grantee and the City disclaims any ownership interest or maintenance obligation of such encroachments.

It is further expressly understood and agreed that the Grantee must obtain and keep in effect liability insurance with the City as a named insured in an amount not less than \$500,000.00, per person injured and property damage per incident, combined. The company providing the insurance must be registered and licensed to provide insurance in the Commonwealth of Virginia. The Grantee will provide endorsements providing at least thirty (30) days written notice to the City prior to the cancellation or termination of, or material change to, any of the insurance policies. The Grantee assumes all responsibilities and liabilities, vested or contingent, with relation to the construction, location, and/or existence of the Temporary Encroachment.

It is further expressly understood and agreed that the Temporary Encroachment must conform to the minimum setback requirements, as established by the City.

It is further expressly understood and agreed that the City, upon revocation of such authority and permission so granted, may remove the Temporary Encroachment and charge the cost thereof to the Grantee, and collect the cost in any manner provided by law for the collection of local or state taxes; may require the Grantee to remove the Temporary Encroachment; and pending such removal, the City may charge the Grantee for the use of the Encroachment Area, the equivalent of what would be the real property tax upon the land so occupied if it were owned by the Grantee; and if such removal shall not be made within the time ordered hereinabove by this Agreement, the City may impose a penalty in the sum of One Hundred Dollars (\$100.00) per day for each and every day that the Temporary Encroachment is allowed to continue thereafter, and may collect such compensation and penalties in any manner provided by law for the collection of local or state taxes.

IN WITNESS WHEREOF, NIKLAS OSKARSSON and ANNEMIJN VAN DER BIJL, the said Grantees, have caused this Agreement to be executed by their signatures. Further, that the City of Virginia Beach has caused this Agreement to be executed in its name and on its behalf by its City Manager and its seal be hereunto affixed and attested by its City Clerk.

(THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK)

CITY OF VIRGINIA BEACH

By: _____ (SEAL)
City Manager/Authorized
Designee of the City Manager

STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by _____, CITY MANAGER/AUTHORIZED DESIGNEE OF THE CITY MANAGER OF THE CITY OF VIRGINIA BEACH, VIRGINIA, on its behalf. He is personally known to me.

Notary Public (SEAL)

My Notary Registration Number: _____
My Commission Expires: _____

(SEAL)
ATTEST:

City Clerk/Authorized
Designee of the City Clerk

STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by _____, CITY CLERK/AUTHORIZED DESIGNEE OF THE CITY CLERK OF THE CITY OF VIRGINIA BEACH, VIRGINIA, on its behalf. She is personally known to me.

Notary Public (SEAL)

My Notary Registration Number: _____
My Commission Expires: _____

Niklas Oskarsson
Niklas Oskarsson

Annemijn Van Der Bijl
Annemijn Van Der Bijl

STATE OF Virginia
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 10th day of January, 2024, by Niklas Oskarsson.

Ashley R. Janeczek (SEAL)
Notary Public

My Notary Registration Number: 7770977
My Commission Expires: 05/31/2026

ASHLEY RENEE JANECEK
NOTARY PUBLIC
REG. #7770977
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 05/31/2026

STATE OF Virginia
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 19th day of January, 2024, by Annemijn Van Der Bijl.

Ashley R. Janeczek (SEAL)
Notary Public

My Notary Registration Number: 7770977
My Commission Expires: 05/31/2026

ASHLEY RENEE JANECEK
NOTARY PUBLIC
REG. #7770977
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 05/31/2026

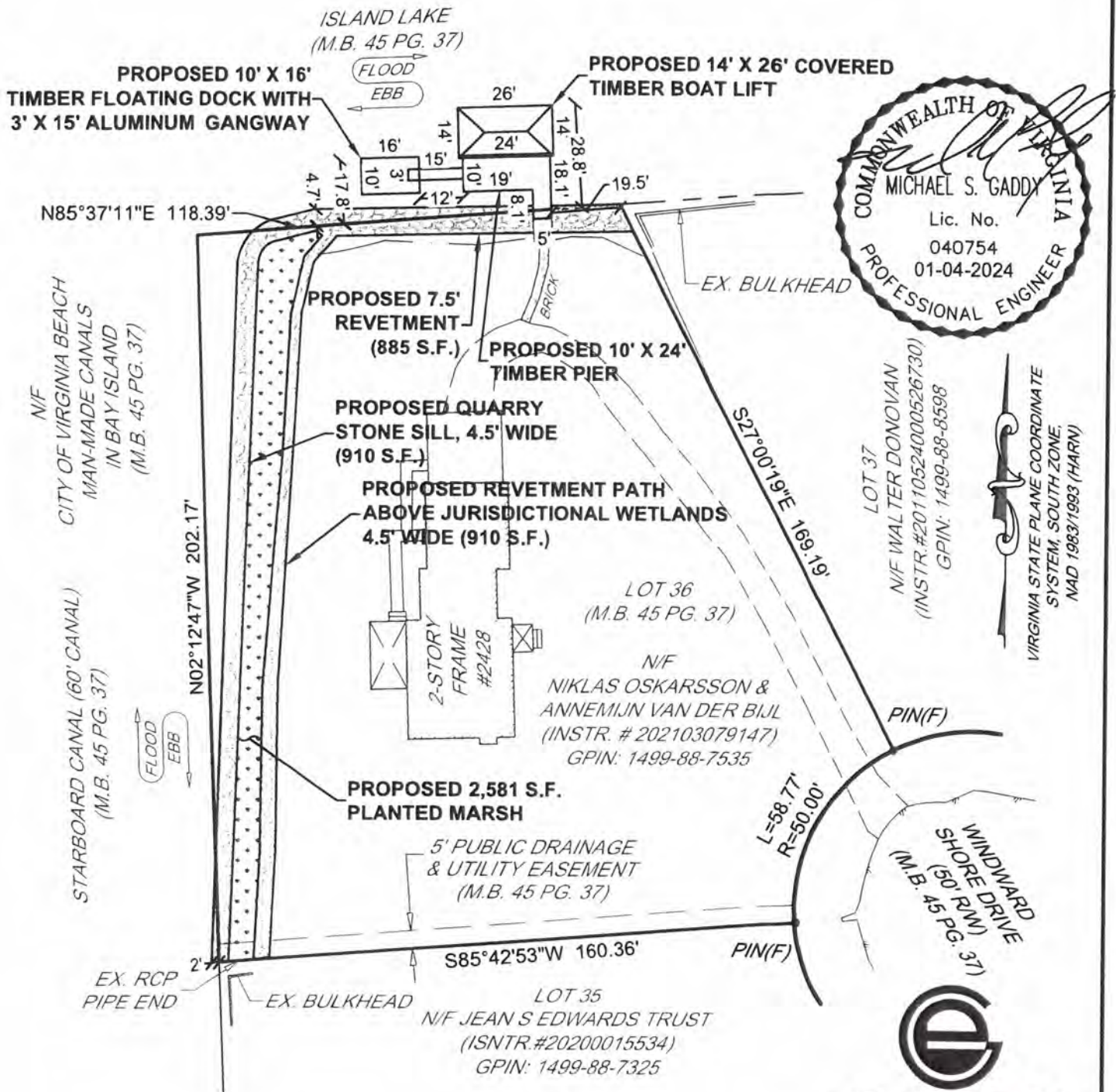
APPROVED AS TO CONTENTS

Joseph B. Capaldi
PUBLIC WORKS - REAL ESTATE

APPROVED AS TO LEGAL
SUFFICIENCY AND FORM

Dana R. Harmeyer
DANA R. HARMeyer
SENIOR CITY ATTORNEY

1. THIS EXHIBIT IS INTENDED FOR AN ENCROACHMENT REQUEST ONLY
2. THIS EXHIBIT IS A RESULT OF FIELD TIES TO EXISTING MONUMENTS COMBINED WITH THE COMPILATION OF DEEDS AND PLATS SHOWN HEREON AND DOES NOT CONSTITUTE A BOUNDARY SURVEY
3. THE CITY OF VIRGINIA BEACH IS NOT RESPONSIBLE FOR VERIFICATION OF RESTRICTIONS REQUIRED BY OTHER ASSOCIATIONS OR AGENCIES



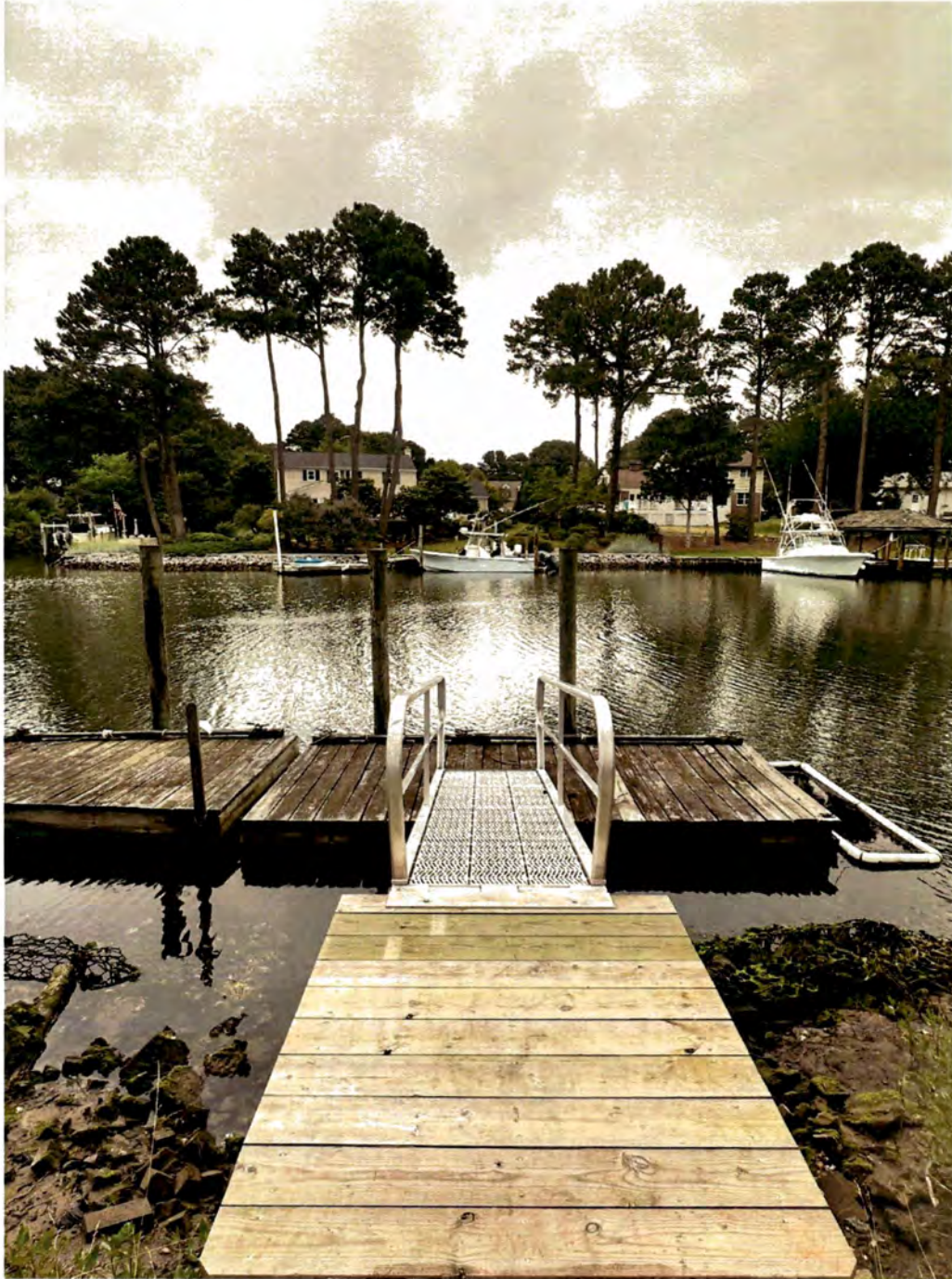
GADDY
ENGINEERING SERVICES, LLC

CONTACT:
MICHAEL S. GADDY, PE, LS
757-289-5933
08 N. BIRDNECK RD., SUITE D
VIRGINIA BEACH, VA. 23451

Existing dock & waterfront on northern side of property:



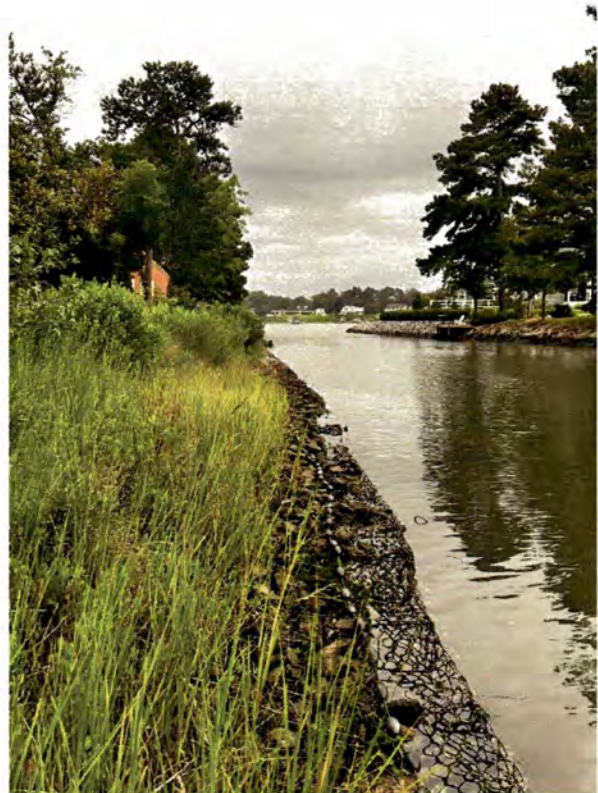
Neighbor across canal on north side with similar rip rap, pier and covered boat lift:



Neighbor to the east on north side with similar pier encroaching into the canal:



Waterfront on western side of property:



Neighbor across the canal and adjacent on western side of property with similar rip rap:







Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name Niklas Oskarsson & Annemijn van der Bijl

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? ☐ Yes ☒ No

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If yes, list the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Known Interest by Public Official or Employee

Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If yes, what is the name of the official or employee and what is the nature of the interest?
-

Applicant Services Disclosure

1. Does the applicant have any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing in connection with the subject of the application or any business operating or to be operated on the property?

☐ Yes ☒ No

- If yes, identify the financial institutions providing the service.
-

2. Does the applicant have a real estate broker/agent/realtor for current and anticipated future sales of the subject property?

☐ Yes ☒ No

- If yes, identify the company and individual providing the service.
-

3. Does the applicant have services for accounting and/or preparation of tax returns provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If yes, identify the firm and individual providing the service.
-

4. Does the applicant have services from an architect/landscape architect/land planner provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If yes, identify the firm and individual providing the service.
-

5. Is there any other pending or proposed purchaser of the subject property? ☐ Yes ☒ No

- If yes, identify the purchaser and purchaser's service providers.
-

Disclosure Statement



6. Does the applicant have a construction contractor in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the company and individual providing the service.

7. Does the applicant have an engineer/surveyor/agent in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the firm and individual providing the service.

8. Is the applicant receiving legal services in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the firm and individual providing the service.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.



Applicant Signature

Niklas Oskarsson & Annemijn van der Bijl

Print Name and Title

6/21/23 Jan 19th 2024

Date

- Is the applicant also the owner of the subject property? ☒ Yes ☐ No

- If yes, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance to authorize a Temporary Encroachment into a portion of City-owned property known as Treasure Canal, located at the rear of 2204 Windward Shore Drive

MEETING DATE: March 5, 2024

■ **Background:**

David L. Bass, Jr. and Melissa Bass have requested permission to maintain an existing bulkhead and to construct and maintain a timber bulkhead with a return wall, sand backfill and topsoil/turfgrass, a timber open pile wharf, a timber pile overhead beam boatlift and a boatlift electrical cable (collectively, the "Temporary Encroachment") into City-owned property known as Treasure Canal, located at the rear of 2204 Windward Shore Drive (GPIN: 2409-19-8185).

■ **Considerations:**

City staff reviewed the Temporary Encroachment and have recommended approval of same, subject to certain conditions outlined in the Agreement.

There are similar encroachments in Treasure Canal, which is where the Applicants are requesting to encroach.

■ **Public Information:**

Public notice will be provided via the normal City Council agenda process.

■ **Alternatives:**

Deny the Temporary Encroachment or add conditions as desired by Council.


■ **Recommendations:**


Approval

■ **Attachments:**

Ordinance, Exhibit, Agreement, Photos, Location Map and Disclosure Statement.

Recommended Action: Approval

Submitting Department/Agency: Public Works/Real Estate 

City Manager: 

1 Requested by Department of Public Works

2
3 AN ORDINANCE TO AUTHORIZE A
4 TEMPORARY ENCROACHMENT INTO A
5 PORTION OF CITY-OWNED PROPERTY
6 KNOWN AS TREASURE CANAL,
7 LOCATED AT THE REAR OF 2204
8 WINDWARD SHORE DRIVE
9

10 WHEREAS, David L. Bass, Jr. and Melissa Bass (the "Applicants") request
11 permission to maintain 107' of an existing bulkhead and to construct and maintain 126' of a
12 timber bulkhead with a 2' return wall, sand backfill and topsoil/turfgrass between walls, a
13 5.3' x 31' timber open pile wharf, a 12.5' x 12' timber pile overhead beam boatlift and a
14 boatlift electrical cable (collectively, the "Temporary Encroachment") into a portion of the
15 City-owned property known as Treasure Canal, located at the rear of 2204 Windward
16 Shore Drive; and
17

18 WHEREAS, City Council is authorized pursuant to §§ 15.2-2009 and 15.2-
19 2107, Code of Virginia, 1950, as amended, to authorize temporary encroachments upon
20 the City's property subject to such terms and conditions as Council may prescribe.
21

22 NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
23 VIRGINIA BEACH, VIRGINIA:
24

25 That pursuant to the authority and to the extent thereof contained in §§ 15.2-
26 2009 and 15.2-2107, Code of Virginia, 1950, as amended, the Applicants, their heirs,
27 assigns and successors in title are authorized to construct and maintain the Temporary
28 Encroachment as shown on the map entitled: "EXHIBIT A MAINTAIN EXISTING
29 BULKHEAD ENCROACHMENT REQUEST FOR BULKHEAD, WHARF, BOATLIFT AND
30 ELECTRICAL CABLE, SAND BACKFILL & TOPSOIL/TURFGRASS LOCATED IN
31 TREASURE CANAL IN BAY ISLAND," Scale: 1" = 30', dated December 27, 2022,
32 prepared by Marine Engineering LLC, a copy of which is attached hereto as Exhibit A and
33 on file in the Department of Public Works and to which reference is made for a more
34 particular description;
35

36 BE IT FURTHER ORDAINED, that the Temporary Encroachment is expressly
37 subject to those terms, conditions and criteria contained in the agreement between the City
38 of Virginia Beach and the Applicants (the "Agreement"), an unexecuted copy of which has
39 been presented to the Council in its agenda, and will be recorded among the records of the
40 Clerk's Office of the Circuit Court of the City of Virginia Beach;
41

42 BE IT FURTHER ORDAINED, that the City Manager or his authorized
43 designee is hereby authorized to execute the Agreement; and
44

45 BE IT FURTHER ORDAINED, that this Ordinance shall not be in effect until
46 such time as the Applicants and the City Manager or his authorized designee execute the
47 Agreement.

48
49 Adopted by the Council of the City of Virginia Beach, Virginia, on the _____
50 day of _____, 20__.

51
52
53
CA16057
R-1
Prepared: 2/9/24

APPROVED AS TO CONTENT:

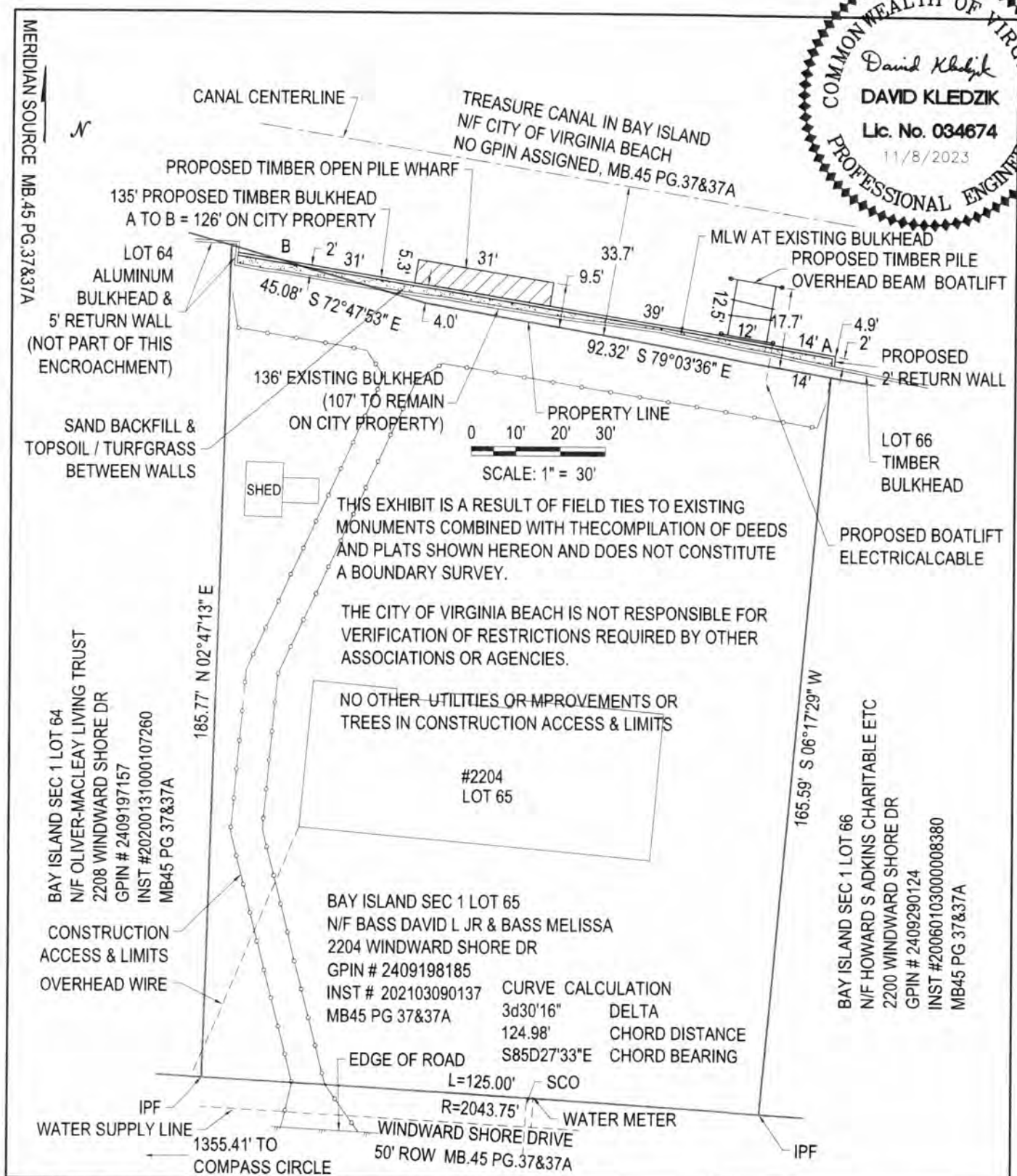


PUBLIC WORKS, REAL ESTATE

**APPROVED AS TO LEGAL
SUFFICIENCY AND FORM:**



DANA R. HARMeyer
SENIOR CITY ATTORNEY



APPLICATION FOR ENCROACHMENT BY: DAVID L BASS JR & MELISSA BASS GPIN 2409198185 2204 WINDWARD SHORE DR VIRGINIA BEACH, VA 23451	EXHIBIT A MAINTAIN EXISTING BULKHEAD ENCROACHMENT REQUEST FOR BULKHEAD, WHARF, BOATLIFT AND ELECTRICAL CABLE, SAND BACKFILL & TOPSOIL/TURFGRASS LOCATED IN TREASURE CANAL IN BAY ISLAND	PREPARED BY: MARINE ENGINEERING LLC 1932 CHARLA LEE LN VIRGINIA BEACH, VA 23455 SHEET 1 OF 1 DATE: DECEMBER 27, 2022 REV -
--	---	--

PREPARED BY VIRGINIA BEACH
CITY ATTORNEY'S OFFICE (BOX 31)

EXEMPTED FROM RECORDATION TAXES
UNDER SECTION 58.1-811(C) (4)

THIS AGREEMENT, made this 15TH day of DECEMBER, 2023, by and between the **CITY OF VIRGINIA BEACH, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, Grantor, "City", and DAVID L. **BASS, JR.** and MELISSA **BASS**, husband and wife, THEIR HEIRS, ASSIGNS AND SUCCESSORS IN TITLE, collectively "Grantee", even though more than one.

WITNESSETH:

WHEREAS, the Grantee is the owner of that certain lot, tract, or parcel of land designated and described as Lot "65" as shown on that certain plat entitled: "SUBDIVISION OF BAY ISLAND SECTION ONE PRINCESS ANNE CO., VA. LYNNHAVEN MAGISTERIAL DISTRICT," Scale: 1" = 100', dated February, 1958, prepared by Frank D. Tarrall, Jr. & Associates, which plat is recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Map Book 45, at pages 37 and 37A, respectively, and being further designated, known, and described as 2204 Windward Shore Drive, Virginia Beach, Virginia 23451;

WHEREAS, it is proposed by the Grantee to maintain 107' of an existing bulkhead and to construct and maintain 126' of a timber bulkhead with a 2' return wall, sand backfill and topsoil/turfgrass between walls, a 5.3' x 31' timber open pile wharf, a 12.5' x 12' timber pile overhead beam boatlift and a boatlift electrical cable, collectively, the "Temporary Encroachment", in the City of Virginia Beach; and

GPIN: CITY PROPERTY KNOWN AS TREASURE CANAL (NO GPIN ASSIGNED)
2409-19-8185 (2204 WINDWARD SHORE DRIVE)

WHEREAS, in constructing and maintaining the Temporary Encroachment, it is necessary that the Grantee encroach into a portion of City-owned property known as Treasure Canal, the "Encroachment Area"; and

WHEREAS, the Grantee has requested that the City permit the Temporary Encroachment within the Encroachment Area.

NOW, THEREFORE, for and in consideration of the premises and of the benefits accruing or to accrue to the Grantee and for the further consideration of One Dollar (\$1.00), cash in hand paid to the City, receipt and sufficiency of which are hereby acknowledged, the City hereby grants to the Grantee permission to use the Encroachment Area for the purpose of constructing and maintaining the Temporary Encroachment.

It is expressly understood and agreed that the Temporary Encroachment will be constructed and maintained in accordance with the laws of the Commonwealth of Virginia and the City of Virginia Beach, and in accordance with the City's specifications and approval and is more particularly described as follows, to wit:

A Temporary Encroachment into the Encroachment Area as shown on that certain exhibit plat entitled: "EXHIBIT A MAINTAIN EXISTING BULKHEAD, ENCROACHMENT REQUEST FOR BULKHEAD, WHARF, BOATLIFT AND ELECTRICAL CABLE, SAND BACKFILL & TOPSOIL/TURF GRASS LOCATED IN TREASURE CANAL IN BAY ISLAND," Scale: 1" = 30', dated December 27, 2022, prepared by Marine Engineering LLC, a copy of which is attached hereto as Exhibit "A" and to which reference is made for a more particular description.

Providing however, nothing herein shall prohibit the City from immediately removing, or ordering the Grantee to remove, all or any part of the Temporary

Encroachment from the Encroachment Area in the event of an emergency or public necessity, and Grantee shall bear all costs and expenses of such removal.

It is further expressly understood and agreed that the Temporary Encroachment herein authorized terminates upon notice by the City to the Grantee, and that within thirty (30) days after the notice is given, the Temporary Encroachment must be removed from the Encroachment Area by the Grantee; and that the Grantee will bear all costs and expenses of such removal.

It is further expressly understood and agreed that the Grantee shall indemnify, hold harmless, and defend the City, its agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, in case it shall be necessary to file or defend an action arising out of the construction, location or existence of the Temporary Encroachment.

It is further expressly understood and agreed that nothing herein contained shall be construed to enlarge the permission and authority to permit the maintenance or construction of any encroachment other than that specified herein and to the limited extent specified herein, nor to permit the maintenance and construction of any encroachment by anyone other than the Grantee.

It is further expressly understood and agreed that the Grantee agrees to maintain the Temporary Encroachment so as not to become unsightly or a hazard.

It is further expressly understood that any existing encroachments referenced in the attached Exhibit or in this Agreement are the ongoing maintenance obligation of the Grantee and the City disclaims any ownership interest or maintenance obligation of such encroachments.

It is further expressly understood and agreed that the Grantee must obtain and keep in effect liability insurance with the City as a named insured in an amount not less than \$500,000.00, per person injured and property damage per incident, combined. The company providing the insurance must be registered and licensed to provide insurance in the Commonwealth of Virginia. The Grantee will provide endorsements providing at least thirty (30) days written notice to the City prior to the cancellation or termination of, or material change to, any of the insurance policies. The Grantee assumes all responsibilities and liabilities, vested or contingent, with relation to the construction, location, and/or existence of the Temporary Encroachment.

It is further expressly understood and agreed that the Temporary Encroachment must conform to the minimum setback requirements, as established by the City.

It is further expressly understood and agreed that the City, upon revocation of such authority and permission so granted, may remove the Temporary Encroachment and charge the cost thereof to the Grantee, and collect the cost in any manner provided by law for the collection of local or state taxes; may require the Grantee to remove the Temporary Encroachment; and pending such removal, the City may charge the Grantee for the use of the Encroachment Area, the equivalent of what would be the real property tax upon the land so occupied if it were owned by the Grantee; and if such removal shall not be made within the time ordered hereinabove by this Agreement, the City may impose a penalty in the sum of One Hundred Dollars (\$100.00) per day for each and every day that the Temporary Encroachment is allowed to continue thereafter, and may collect such compensation and penalties in any manner provided by law for the collection of local or state taxes.

IN WITNESS WHEREOF, DAVID L. BASS, JR. and MELISSA BASS, the said Grantees, have caused this Agreement to be executed by their signatures. Further, that the City of Virginia Beach has caused this Agreement to be executed in its name and on its behalf by its City Manager and its seal be hereunto affixed and attested by its City Clerk.

CITY OF VIRGINIA BEACH

By: _____ (SEAL)
City Manager/Authorized
Designee of the City Manager

STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, CITY MANAGER/AUTHORIZED DESIGNEE OF THE CITY MANAGER OF THE CITY OF VIRGINIA BEACH, VIRGINIA, on its behalf. He/She is personally known to me.

Notary Public (SEAL)

Notary Registration Number: _____
My Commission Expires: _____

(SEAL)
ATTEST:

City Clerk/Authorized
Designee of the City Clerk

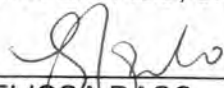
STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, CITY CLERK/AUTHORIZED DESIGNEE OF THE CITY CLERK OF THE CITY OF VIRGINIA BEACH, VIRGINIA, on its behalf. She is personally known to me.

Notary Public (SEAL)

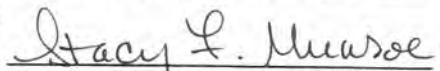
Notary Registration Number: _____
My Commission Expires: _____


DAVID L. BASS, JR.


MELISSA BASS

STATE OF VIRGINIA
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 15th day of
December, 2023, by DAVID L. BASS, JR.

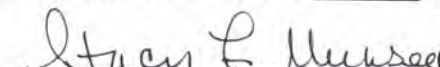
 (SEAL)
Notary Public

Notary Registration Number: 7057767
My Commission Expires: November 30, 2027



STATE OF VIRGINIA
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 15th day of
December, 2023, by MELISSA BASS.

 (SEAL)
Notary Public

Notary Registration Number: 7057767
My Commission Expires: November 30, 2027

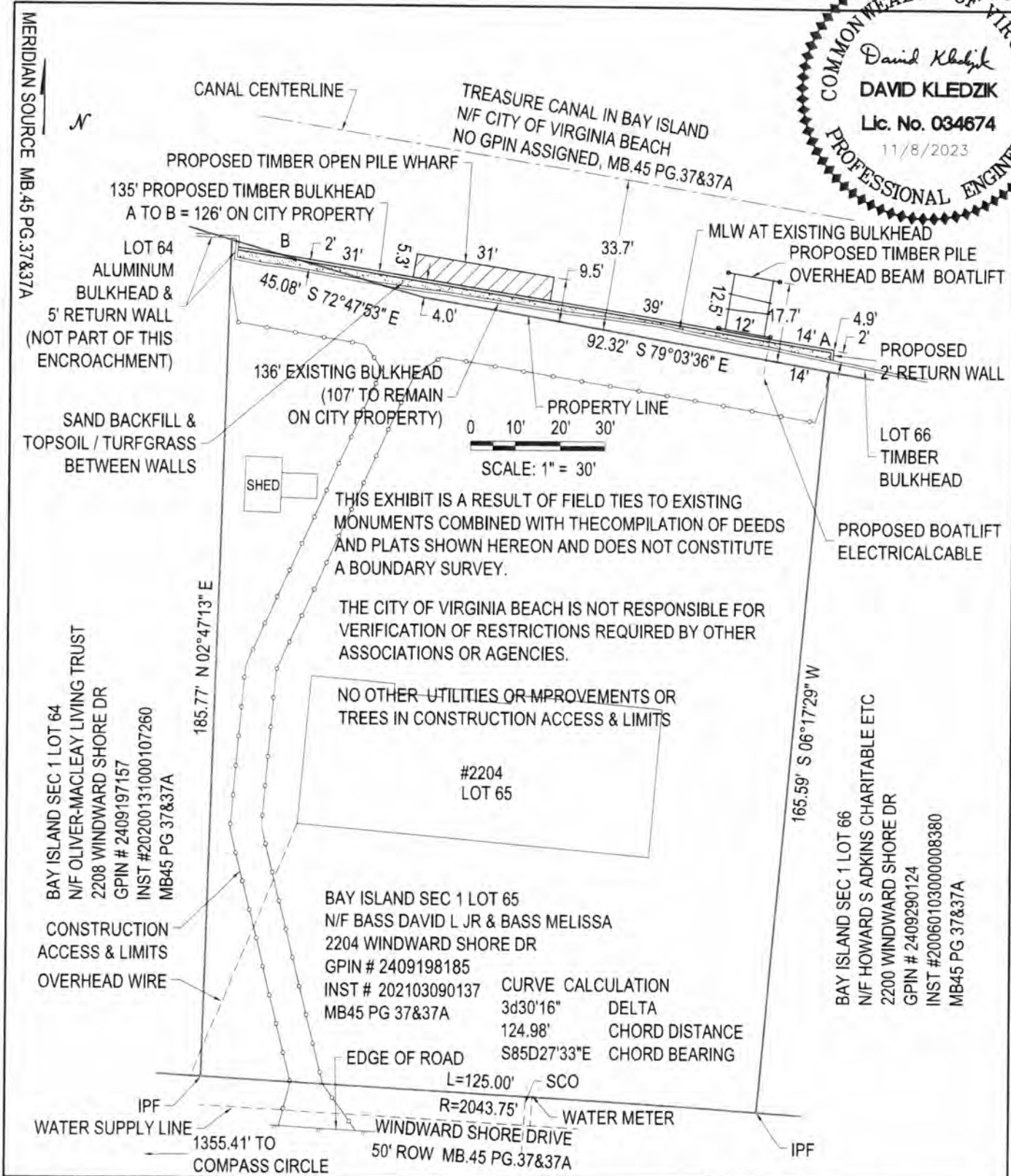


APPROVED AS TO CONTENTS

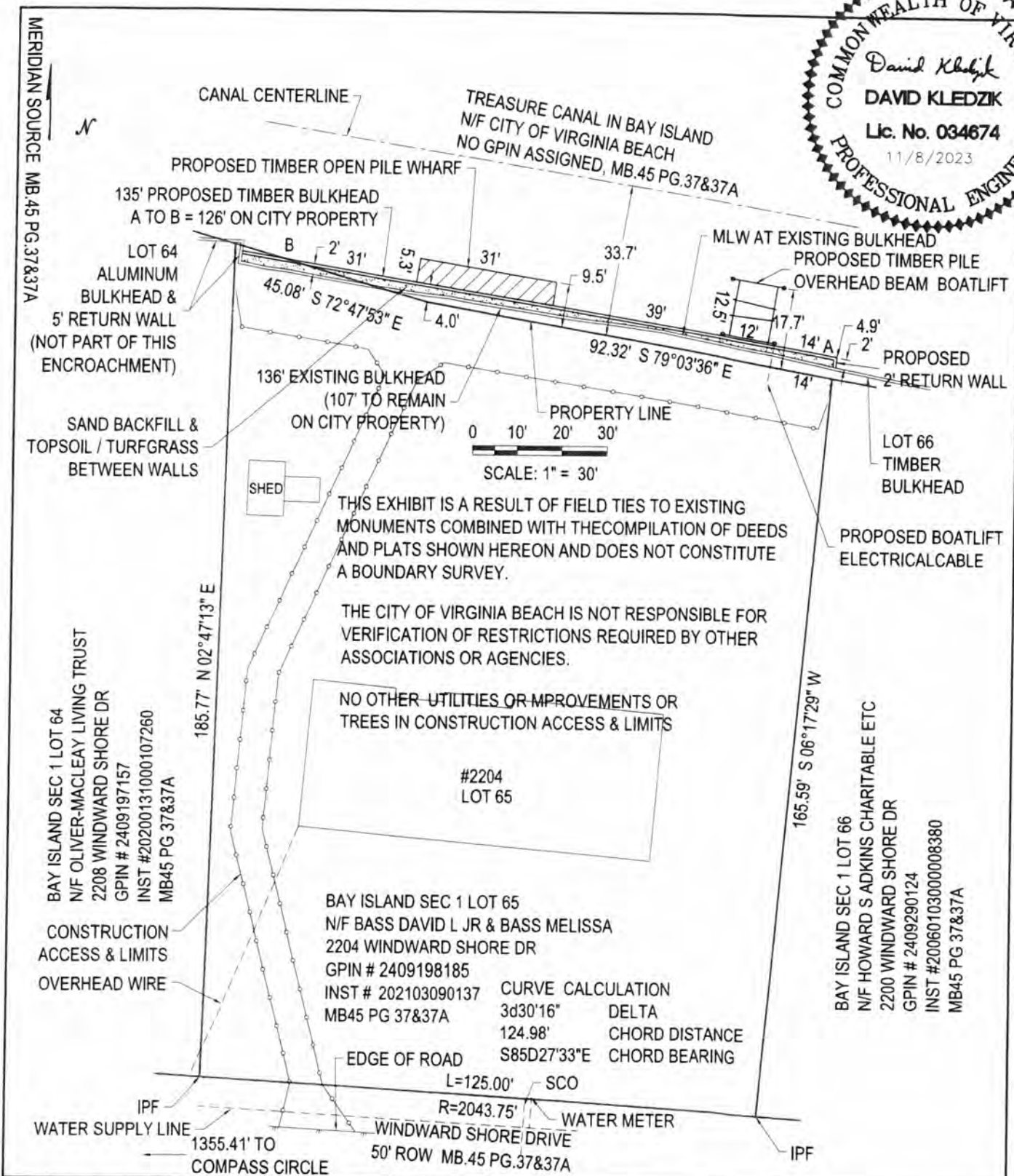
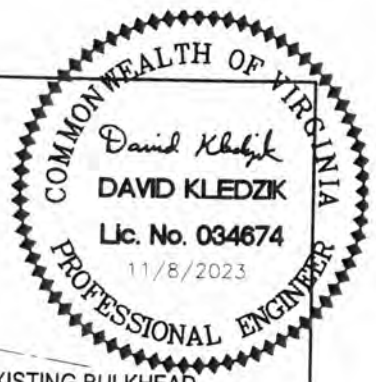

PUBLIC WORKS / REAL ESTATE

APPROVED AS TO LEGAL
SUFFICIENCY AND FORM


DANA R. HARMeyer
SENIOR CITY ATTORNEY



<p>APPLICATION FOR ENCROACHMENT BY: DAVID L BASS JR & MELISSA BASS GPIN 2409198185 2204 WINDWARD SHORE DR VIRGINIA BEACH, VA 23451</p>	<p>EXHIBIT A MAINTAIN EXISTING BULKHEAD ENCROACHMENT REQUEST FOR BULKHEAD, WHARF, BOATLIFT AND ELECTRICAL CABLE, SAND BACKFILL & TOPSOIL/TURFGRASS LOCATED IN TREASURE CANAL IN BAY ISLAND</p>	<p>PREPARED BY: MARINE ENGINEERING LLC 1932 CHARLA LEE LN VIRGINIA BEACH, VA 23455 SHEET 1 OF 1 DATE: DECEMBER 27, 2022 REV -</p>
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APPLICATION FOR ENCROACHMENT BY: DAVID L BASS JR & MELISSA BASS GPIN 2409198185 2204 WINDWARD SHORE DR VIRGINIA BEACH, VA 23451	EXHIBIT A MAINTAIN EXISTING BULKHEAD ENCROACHMENT REQUEST FOR BULKHEAD, WHARF, BOATLIFT AND ELECTRICAL CABLE, SAND BACKFILL & TOPSOIL/TURFGRASS LOCATED IN TREASURE CANAL IN BAY ISLAND	PREPARED BY: MARINE ENGINEERING LLC 1932 CHARLA LEE LN VIRGINIA BEACH, VA 23455 SHEET 1 OF 1 DATE: DECEMBER 27, 2022 REV -
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Legend

 2409-19-8185

 City Property

**LOCATION MAP
ENCROACHMENT REQUEST
FOR
DAVID L. BASS JR.
AND
MELISSA BASS
GPIN: 2409-19-8185**

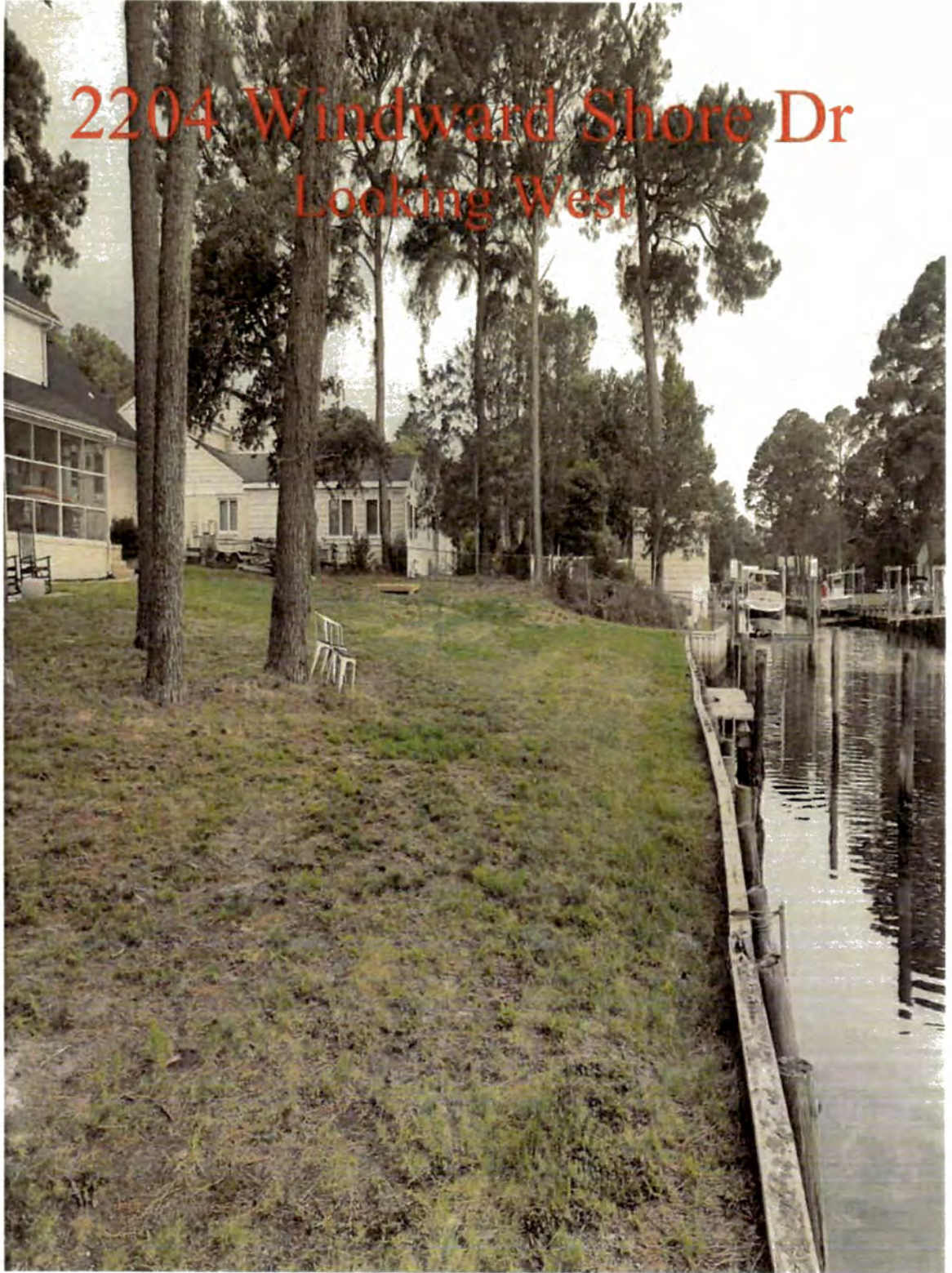
 Feet

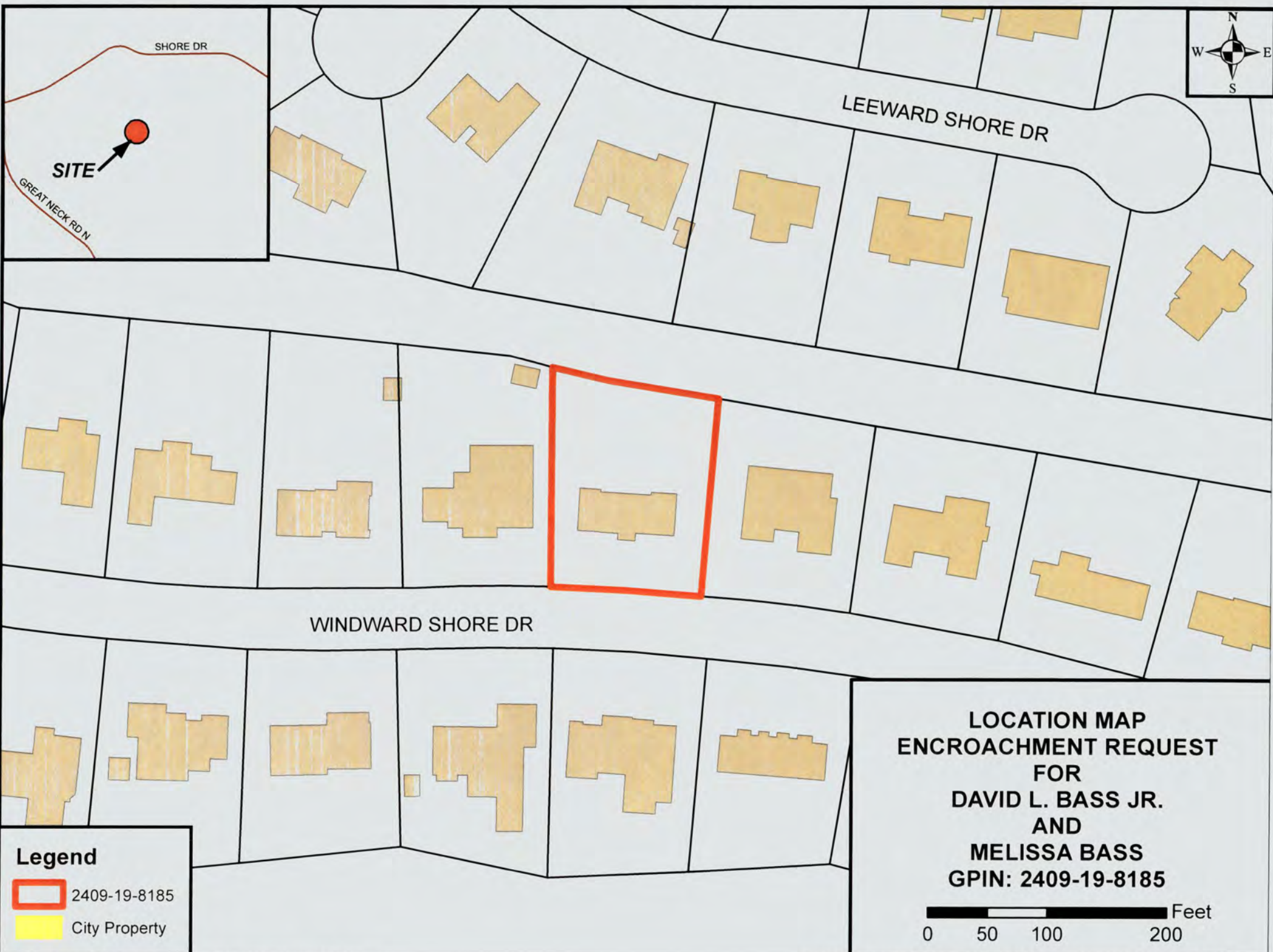
0 50 100 200

2204 Windward Shore Dr
Looking East



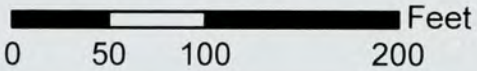
2204 Windward Shore Dr
Looking West





- Legend**
- 2409-19-8185
 - City Property

**LOCATION MAP
ENCROACHMENT REQUEST
FOR
DAVID L. BASS JR.
AND
MELISSA BASS
GPIN: 2409-19-8185**



Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name DAVID L BASS JR & MELISSA BASS

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

DAVID KLEDZIK

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? ☐ Yes ☒ No

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If yes, list the businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement

**Known Interest by Public Official or Employee**

Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If yes, what is the name of the official or employee and what is the nature of the interest?

Applicant Services Disclosure

1. Does the applicant have any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing in connection with the subject of the application or any business operating or to be operated on the property?

☒ Yes ☐ No

- If yes, identify the financial institutions providing the service.

Fulton Bank mortgage N.A.

2. Does the applicant have a real estate broker/agent/realtor for current and anticipated future sales of the subject property?

☐ Yes ☒ No

- If yes, identify the company and individual providing the service.

3. Does the applicant have services for accounting and/or preparation of tax returns provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If yes, identify the firm and individual providing the service.

4. Does the applicant have services from an architect/landscape architect/land planner provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If yes, identify the firm and individual providing the service.

5. Is there any other pending or proposed purchaser of the subject property? ☐ Yes ☒ No

- If yes, identify the purchaser and purchaser's service providers.

Disclosure Statement



6. Does the applicant have a construction contractor in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No

• If yes, identify the company and individual providing the service.

TIDEWATER DOCKS & MARINE CONSTRUCTION

7. Does the applicant have an engineer/surveyor/agent in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No

• If yes, identify the firm and individual providing the service.

MARINE ENGINEERING LLC DAVID KLEDZIK

8. Is the applicant receiving legal services in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

• If yes, identify the firm and individual providing the service.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

Applicant Signature
DAVID BASS JR.

Print Name and Title

3-8-2023

Date 2-7-2024

Melissa Bass

- Is the applicant also the owner of the subject property? ☐ Yes ☒ No

• If yes, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY: All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications.

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	

Disclosure Statement



Continue to Next Page for Owner Disclosure

Disclosure Statement



Owner Disclosure

Owner Name CITY OF VIRGINIA BEACH

Applicant Name DAVID L BASS JR & MELISSA BASS

Is the Owner a corporation, partnership, firm, business, trust or an unincorporated business? ☐ Yes ☒ No

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If yes, list the businesses that have a parent-subsidary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary)

Known Interest by Public Official or Employee

Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If yes, what is the name of the official or employee and what is the nature of the interest?

³ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

⁴ "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement

**Owner Services Disclosure**

1. Does the Owner have any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing in connection with the subject of the application or any business operating or to be operated on the property?

☐ Yes ☒ No

- If yes, identify the financial institutions providing the service.

2. Does the Owner have a real estate broker/agent/realtor for current and anticipated future sales of the subject property?

☐ Yes ☒ No

- If yes, identify the company and individual providing the service.

3. Does the Owner have services for accounting and/or preparation of tax returns provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If yes, identify the firm and individual providing the service.

4. Does the Owner have services from an architect/landscape architect/land planner provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If yes, identify the firm and individual providing the service.

5. Is there any other pending or proposed purchaser of the subject property? ☐ Yes ☒ No

- If yes, identify the purchaser and purchaser's service providers.

6. Does the Owner have a construction contractor in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No

- If yes, identify the company and individual providing the service.

TIDEWATER Poles and Marine Construction

7. Does the Owner have an engineer/surveyor/agent in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If yes, identify the firm and individual providing the service.


Disclosure Statement



8. Is the Owner receiving legal services in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the firm and individual providing legal the service.

Owner Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.



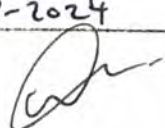
Owner Signature

DAVID BASS JR.

Print Name and Title

1-23-24 / 2-7-2024

Date





CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance to authorize Temporary Encroachment into a portion of City-owned property known as Chesapeake Bay, located at the rear of 2810 Ocean Shore Avenue

MEETING DATE: March 5, 2024

■ **Background:**

Charles H. Bonner and Kristina H. Bonner (the "Applicants") have requested permission to maintain existing wood steps with metal rails, a moveable wood platform, and a wood retaining wall, and to construct and maintain a wood fence/retaining wall (collectively, the "Temporary Encroachment") into a portion of City-owned property known as "Chesapeake Bay" (GPIN: 1590-41-5731), located at the rear of 2810 Ocean Shore Ave (GPIN: 1590-41-1491).

■ **Considerations:**

City staff reviewed the Temporary Encroachment and have recommended approval of same, subject to certain conditions outlined in the Agreement.

There are similar encroachments into Chesapeake Bay, which is where the Applicants have requested to encroach.

■ **Public Information:**

Public notice will be provided via the normal City Council agenda process.

■ **Alternatives:**

Deny the Temporary Encroachment or add conditions as desired by Council.

■ **Recommendations:**

Approve the request subject to the terms and conditions of the Agreement.

■ **Attachments:**

Ordinance, Agreement, Exhibit, Photos, Location Map and Disclosure Statement.

Recommended Action: Approval

Submitting Department/Agency: Public Works/Real Estate

City Manager:

A blue ink signature, likely of the City Manager, written over the text "City Manager:".

A blue ink signature, likely of the Public Works/Real Estate department, written over the text "Public Works/Real Estate".

1 Requested by Department of Public Works

2
3 AN ORDINANCE TO AUTHORIZE
4 TEMPORARY ENCROACHMENT INTO A
5 PORTION OF CITY-OWNED PROPERTY
6 KNOWN AS CHESAPEAKE BAY,
7 LOCATED AT THE REAR OF 2810
8 OCEAN SHORE AVENUE
9

10 WHEREAS, CHARLES H. BONNER and KRISTINA H. BONNER (the
11 "Applicants") have requested permission to maintain 17 square feet of existing wood steps
12 with 6.2' x 2.8' metal rails, a 2.2' x 2.6' moveable wood platform, an 8" wood retaining wall,
13 and to construct and maintain a 4' – 6" wood fence/retaining wall (collectively, the
14 "Temporary Encroachment") into City-owned property known as Chesapeake Bay (GPIN:
15 1590-41-5731), located at the rear of 2810 Ocean Shore Ave (GPIN: 1590-41-1491); and
16

17 WHEREAS, City Council is authorized pursuant to §§ 15.2-2009 and 15.2-
18 2107, Code of Virginia, 1950, as amended, to authorize temporary encroachments upon
19 the City-owned property subject to such terms and conditions as Council may prescribe.
20

21 NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
22 VIRGINIA BEACH, VIRGINIA:
23

24 That pursuant to the authority and to the extent thereof contained in §§ 15.2-
25 2009 and 15.2-2107, Code of Virginia, 1950, as amended, Charles H. Bonner and Kristina
26 H. Bonner, their heirs, assigns and successors in title are authorized to construct and
27 maintain the Temporary Encroachment within the City's property as shown on the map
28 entitled: "EXHIBIT 'A' ENCROACHMENT REQUEST FOR STEPS, RAILS, MOVEABLE
29 PLATFORM, RETAINING WALL AND PROPOSED FENCE/RETAINING WALL LOT 552,
30 CAPE STORY BY THE SEA PLAT NO. 2 (MAP BOOK 32, PAGE 8) FOR CHARLES H. &
31 KRISTINA H. BONNER GPIN 1590-41-1491," Scale: 1" = 30', dated December 1, 2023,
32 prepared by WPL, a copy of which is attached hereto as Exhibit "A" and on file in the
33 Department of Public Works and to which reference is made for a more particular
34 description;
35

36 BE IT FURTHER ORDAINED, that the Temporary Encroachment is expressly
37 subject to those terms, conditions and criteria contained in the agreement between the City
38 of Virginia Beach and Charles H. Bonner and Kristina H. Bonner (the "Agreement"), an
39 unexecuted copy of which has been presented to the Council in its agenda, and will be
40 recorded among the records of the Clerk's Office of the Circuit Court of the City of Virginia
41 Beach;
42

43 BE IT FURTHER ORDAINED, that the City Manager or his authorized
44 designee is hereby authorized to execute the Agreement; and
45

45 BE IT FURTHER ORDAINED, that this Ordinance shall not be in effect until
46 such time as Charles H. Bonner and Kristina H. Bonner and the City Manager or his
47 authorized designee execute the Agreement.

48
49 Adopted by the Council of the City of Virginia Beach, Virginia, on the ____
50 day of _____, 2024.
51
52
53
54

CA15281

R-1

Prepared: 2/21/24

APPROVED AS TO CONTENT:



PUBLIC WORKS, REAL ESTATE

**APPROVED AS TO LEGAL
SUFFICIENCY AND FORM:**



**DANA R. HARMeyer
SENIOR CITY ATTORNEY**

LOT C
N/F
PORPOISE PEN
CONDOMINIUM
ASSOCIATION
(D.B. 2265, PG. 1084)
GPIN: 1590-41-0578

EXISTING 8" WOOD
RETAINING WALL
(BELONGING TO LOT C)
5' PEDESTRIAN
ACCESS ESMT
(M.B. 147, PG. 7)

10' UTILITY ESMT
(M.B. 147, PG. 7)

5' INGRESS-
EGRESS ESMT
(M.B. 147, PG. 7)

5' PEDESTRIAN
ACCESS ESMT
(M.B. 147, PG. 7)
5' UTILITY &
DRAINAGE ESMT
(M.B. 89, PG. 30)

LOT B
N/F
CROIX CONDOMINIUM
UNIT OWNERS'
ASSOCIATION
(D.B. 2213, PG. 155)
GPIN: 1590-41-1318

CHESAPEAKE

BAY

SEE INSET
SHEET 2

TOP OF DUNE

PROPOSED 4'-6"
WOOD FENCE/
RETAINING WALL

N/F
CITY OF VIRGINIA BEACH
(IN. 200501200010596)
(GPIN:1590-41-5731)

TOE OF
SLOPE

EXISTING
WOOD
STEPS

EXISTING
MOVEABLE
WOOD
PLATFORM

8" BLOCK
RTW
(BELONGING
TO LOT 551)

N 76°53'30" E
55'

WOOD DECK

#2810

36" METAL
RAILING ON
WOOD DECK

LOT 552

GPIN: 1590-41-1491

N/F
CHARLES H. BONNER
& KRISTINA H. BONNER
(D.B. 2914, PG. 1144)

S 76°53'30" W 55'

OCEAN SHORE AVENUE

(20' PUBLIC RIGHT-OF-WAY)
(FORMERLY 20' LANE)
(M.B. 32, PG. 8)

NOTES

- THE CITY OF VIRGINIA BEACH IS NOT RESPONSIBLE FOR VERIFICATION OF RESTRICTIONS REQUIRED BY OTHER ASSOCIATIONS OR AGENCIES.
- THIS EXHIBIT IS A RESULT OF FIELD TIES TO EXISTING MONUMENTS COMBINED WITH THE COMPILATION OF DEEDS AND PLATS SHOWN HEREON AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.

LOT 551
N/F
DONNA M. CUMMINGS
(I.N. 202000105542)
GPIN: 1590-41-2442



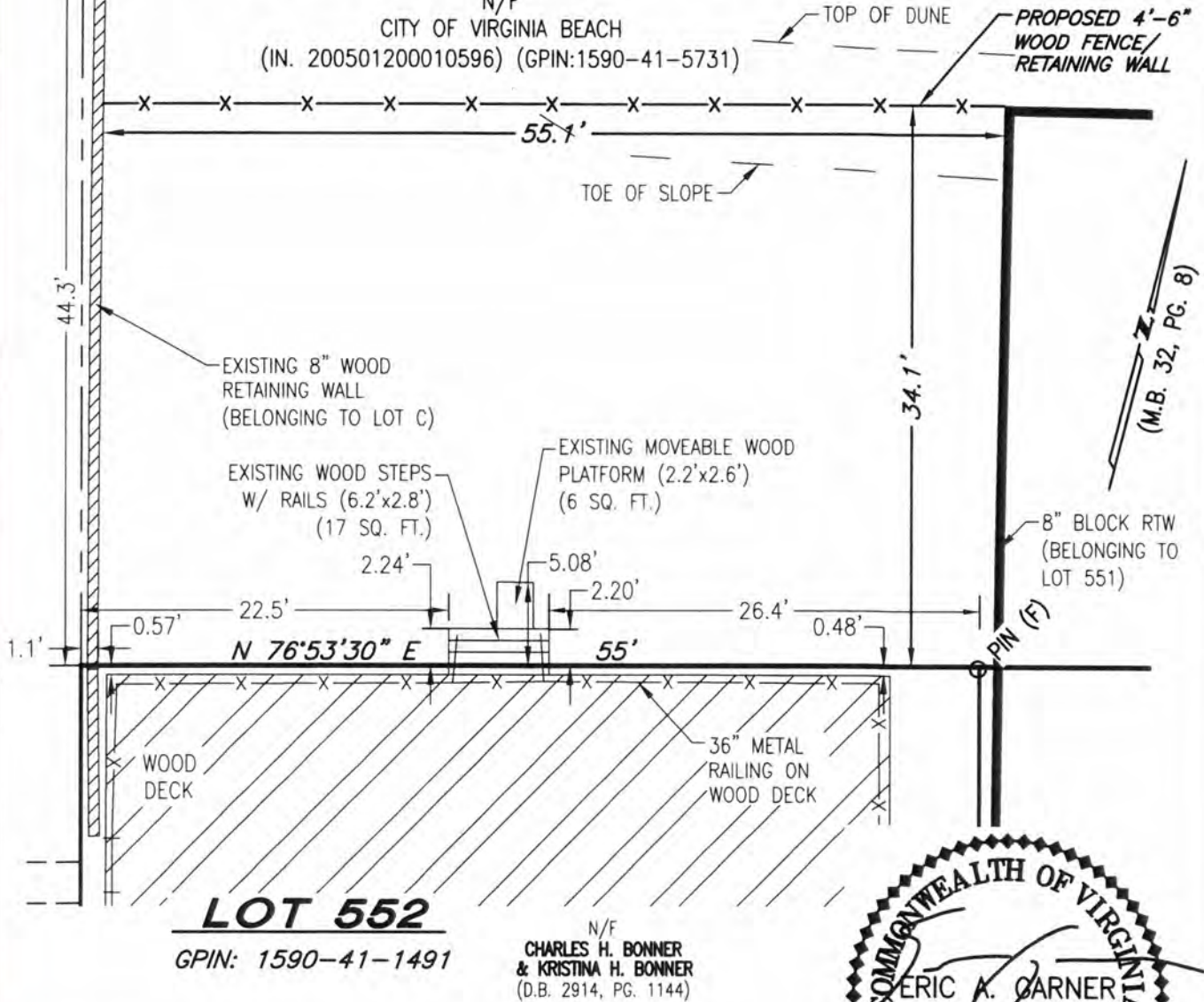
Landscape Architecture
Land Surveying
Civil Engineering
wplsite.com 757.431.1041
242 MUSTANG TRAIL STE 8 VIRGINIA BEACH, VA 23452

SHEET 1 OF 2
EXHIBIT 'A'
ENCROACHMENT REQUEST FOR
STEPS, RAILS, MOVEABLE PLATFORM, RETAINING WALL
AND PROPOSED FENCE/RETAINING WALL
LOT 552, CAPE STORY BY THE SEA
PLAT NO. 2 (MAP BOOK 32, PAGE 8)
FOR
CHARLES H. & KRISTINA H. BONNER
GPIN 1590-41-1491

date: 12/01/2023	fb/pg.: 1082/75 & 76	proj. no.: 222-0295
file: 222-0295_Encroachment ex.dwg	plat ref.: C-166	CAD/chk: BKM/eag

CHESAPEAKE BAY

N/F
CITY OF VIRGINIA BEACH
(IN. 200501200010596) (GPIN:1590-41-5731)



GRAPHIC SCALE
SCALE: 1"=10'



WPL
Landscape Architecture
Land Surveying
Civil Engineering
wplsite.com 757.431.1041
242 MUSTANG TRAIL STE 8 VIRGINIA BEACH, VA 23452

SHEET 2 OF 2
EXHIBIT 'A'
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PREPARED BY VIRGINIA BEACH
CITY ATTORNEY'S OFFICE (BOX 31)

EXEMPTED FROM RECORDATION TAXES
UNDER SECTION 58.1-811(C) (4)

THIS AGREEMENT, made this 18th day of February, 2024, by and between the **CITY OF VIRGINIA BEACH, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, Grantor, "City", and **CHARLES H. BONNER and KRISTINA H. BONNER**, husband and wife, THEIR HEIRS, ASSIGNS AND SUCCESSORS IN TITLE, collectively "Grantee", even though more than one.

WITNESSETH:

WHEREAS, the Grantee is the owner of that certain lot, tract, or parcel of land designated and described as Lot "552" as shown on that certain plat entitled: "CAPE STORY BY THE SEA PLAT NO. 2 PRINCESS ANNE COUNTY, VA," Scale: 1" = 100', dated April 24, 1952, prepared by S.W Armistead, CE., which plat is recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Map Book 32, at page 8A and being further designated, known, and described as 2810 Ocean Shore Ave, Virginia Beach, Virginia 23451;

WHEREAS, it is proposed by the Grantee to maintain 17 square feet of existing wood steps with 6.2' x 2.8' metal rails, an existing 2.2' x 2.6' moveable wood platform, an existing 8" wood retaining wall, and to construct and maintain a 4' - 6" wood fence/retaining wall, collectively, the "Temporary Encroachment", in the City of Virginia Beach; and

GPIN: 1590-41-5731 (CHESAPEAKE BAY)
GPIN: 1590-41-1491(2810 OCEAN SHORE AVENUE)

WHEREAS, in constructing and maintaining the Temporary Encroachment, it is necessary that the Grantee encroach into a portion of City-owned property known as Chesapeake Bay (GPIN: 1590-41-5731), the "Encroachment Area"; and

WHEREAS, the Grantee has requested that the City permit the Temporary Encroachment within the Encroachment Area.

NOW, THEREFORE, for and in consideration of the premises and of the benefits accruing or to accrue to the Grantee and for the further consideration of One Dollar (\$1.00), cash in hand paid to the City, receipt and sufficiency of which are hereby acknowledged, the City hereby grants to the Grantee permission to use the Encroachment Area for the purpose of constructing and maintaining the Temporary Encroachment.

It is expressly understood and agreed that the Temporary Encroachment will be constructed and maintained in accordance with the laws of the Commonwealth of Virginia and the City of Virginia Beach, and in accordance with the City's specifications and approval and is more particularly described as follows, to wit:

A Temporary Encroachment into the Encroachment Area as shown on that certain exhibit plat entitled: "EXHIBIT 'A' ENCROACHMENT REQUEST FOR STEPS, RAILS, MOVEABLE PLATFORM, RETAINING WALL, AND PROPOSED FENCE/RETAINING WALL LOT 552, CAPE STORY BY THE SEA PLAT NO. 2 (MAP BOOK 32, PAGE 8) FOR CHARLES H. & KRISTINA H. BONNER GPIN 1590-41-1491," Scale: 1" = 30', dated December 1, 2023, prepared by WPL, a copy of which is attached hereto as Exhibit "A" and to which reference is made for a more particular description.

Providing however, nothing herein shall prohibit the City from immediately removing, or ordering the Grantee to remove, all or any part of the Temporary

Encroachment from the Encroachment Area in the event of an emergency or public necessity, and Grantee shall bear all costs and expenses of such removal.

It is further expressly understood and agreed that the Temporary Encroachment herein authorized terminates upon notice by the City to the Grantee, and that within thirty (30) days after the notice is given, the Temporary Encroachment must be removed from the Encroachment Area by the Grantee; and that the Grantee will bear all costs and expenses of such removal.

It is further expressly understood and agreed that the Grantee shall indemnify, hold harmless, and defend the City, its agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, in case it shall be necessary to file or defend an action arising out of the construction, location or existence of the Temporary Encroachment.

It is further expressly understood and agreed that nothing herein contained shall be construed to enlarge the permission and authority to permit the maintenance or construction of any encroachment other than that specified herein and to the limited extent specified herein, nor to permit the maintenance and construction of any encroachment by anyone other than the Grantee.

It is further expressly understood and agreed that the Grantee agrees to maintain the Temporary Encroachment so as not to become unsightly or a hazard.

It is further expressly understood that any existing encroachments referenced in the attached Exhibit or in this Agreement are the ongoing maintenance obligation of the Grantee and the City disclaims any ownership interest or maintenance obligation of such encroachments.

It is further expressly understood and agreed that the Grantee must obtain and keep in effect liability insurance with the City as a named insured in an amount not less than \$500,000.00, per person injured and property damage per incident, combined. The company providing the insurance must be registered and licensed to provide insurance in the Commonwealth of Virginia. The Grantee will provide endorsements providing at least thirty (30) days written notice to the City prior to the cancellation or termination of, or material change to, any of the insurance policies. The Grantee assumes all responsibilities and liabilities, vested or contingent, with relation to the construction, location, and/or existence of the Temporary Encroachment.

It is further expressly understood and agreed that the Temporary Encroachment must conform to the minimum setback requirements, as established by the City.

It is further expressly understood and agreed that the City, upon revocation of such authority and permission so granted, may remove the Temporary Encroachment and charge the cost thereof to the Grantee, and collect the cost in any manner provided by law for the collection of local or state taxes; may require the Grantee to remove the Temporary Encroachment; and pending such removal, the City may charge the Grantee for the use of the Encroachment Area, the equivalent of what would be the real property tax upon the land so occupied if it were owned by the Grantee; and if such removal shall not be made within the time ordered hereinabove by this Agreement, the City may impose a penalty in the sum of One Hundred Dollars (\$100.00) per day for each and every day that the Temporary Encroachment is allowed to continue thereafter, and may collect such compensation and penalties in any manner provided by law for the collection of local or state taxes.

IN WITNESS WHEREOF, CHARLES H. BONNER AND KRISTINA H. BONNER, the said Grantees, have caused this Agreement to be executed by their signatures. Further, that the City of Virginia Beach has caused this Agreement to be executed in its name and on its behalf by its City Manager and its seal be hereunto affixed and attested by its City Clerk.

(THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK)

CITY OF VIRGINIA BEACH

By: _____ (SEAL)
City Manager/Authorized
Designee of the City Manager

STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by _____, CITY MANAGER/AUTHORIZED DESIGNEE OF THE CITY MANAGER OF THE CITY OF VIRGINIA BEACH, VIRGINIA, on its behalf. He is personally known to me.

Notary Public (SEAL)

My Notary Registration Number: _____
My Commission Expires: _____

(SEAL)
ATTEST:

City Clerk/Authorized
Designee of the City Clerk

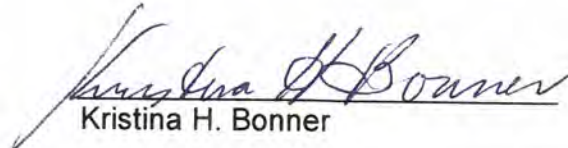
STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by _____, CITY CLERK/AUTHORIZED DESIGNEE OF THE CITY CLERK OF THE CITY OF VIRGINIA BEACH, VIRGINIA, on its behalf. She is personally known to me.

Notary Public (SEAL)


My Notary Registration Number: _____
My Commission Expires: _____


Charles H. Bonner


Kristina H. Bonner

STATE OF Virginia
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 1 day of
February, 2024, by Charles H. Bonner and Kristina H. Bonner.

 (SEAL)
Notary Public

My Notary Registration Number: 7770977
My Commission Expires: May 31, 2026

ASHLEY RENEE JANECEK
NOTARY PUBLIC
REG. #7770977
COMMONWEALTH OF VIRGINIA
COMMISSION EXPIRES 05/31/2026

APPROVED AS TO CONTENTS


PUBLIC WORKS - REAL ESTATE

APPROVED AS TO LEGAL
SUFFICIENCY AND FORM


DANA R. HARMeyer
SENIOR CITY ATTORNEY

LOT C
N/F
PORPOISE PEN
CONDOMINIUM
ASSOCIATION
(D.B. 2265, PG. 1084)
GPIN: 1590-41-0578

EXISTING 8" WOOD
RETAINING WALL
(BELONGING TO LOT C)
5' PEDESTRIAN
ACCESS ESMT
(M.B. 147, PG. 7)

10' UTILITY ESMT
(M.B. 147, PG. 7)

5' INGRESS-
EGRESS ESMT
(M.B. 147, PG. 7)

5' PEDESTRIAN
ACCESS ESMT
(M.B. 147, PG. 7)
5' UTILITY &
DRAINAGE ESMT
(M.B. 89, PG. 30)

LOT B
N/F
CROIX CONDOMINIUM
UNIT OWNERS'
ASSOCIATION
(D.B. 2213, PG. 155)
GPIN: 1590-41-1318

CHESAPEAKE

BAY

N/F
CITY OF VIRGINIA BEACH
(IN. 200501200010596)
(GPIN:1590-41-5731)

SEE INSET
SHEET 2

TOP OF DUNE

PROPOSED 4'-6"
WOOD FENCE/
RETAINING WALL

TOE OF
SLOPE

8" BLOCK
RTW
(BELONGING
TO LOT 551)

EXISTING
WOOD
STEPS

EXISTING
MOVEABLE
WOOD
PLATFORM

N 76°53'30" E
55'

WOOD DECK

#2810

36" METAL
RAILING ON
WOOD DECK

NOTES

- THE CITY OF VIRGINIA BEACH IS NOT RESPONSIBLE FOR VERIFICATION OF RESTRICTIONS REQUIRED BY OTHER ASSOCIATIONS OR AGENCIES.
- THIS EXHIBIT IS A RESULT OF FIELD TIES TO EXISTING MONUMENTS COMBINED WITH THE COMPILATION OF DEEDS AND PLATS SHOWN HEREON AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.

LOT 551

N/F
DONNA M. CUMMINGS
(I.N. 202000105542)
GPIN: 1590-41-2442

LOT 552

GPIN: 1590-41-1491

N/F
CHARLES H. BONNER
& KRISTINA H. BONNER
(D.B. 2914, PG. 1144)

S 76°53'30" W 55'
OCEAN SHORE AVENUE 0

(20' PUBLIC RIGHT-OF-WAY)
(FORMERLY 20' LANE)
(M.B. 32, PG. 8)



30 60 FT
GRAPHIC SCALE
SCALE: 1"=30'



Landscape Architecture
Land Surveying
Civil Engineering
wplsites.com 757.431.1041
242 MUSTANG TRAIL STE 8 VIRGINIA BEACH, VA 23452

SHEET 1 OF 2
EXHIBIT 'A'

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FOR
CHARLES H. & KRISTINA H. BONNER
GPIN 1590-41-1491

date: 12/01/2023

fb/pg.: 1082/75 & 76

proj. no.: 222-0295

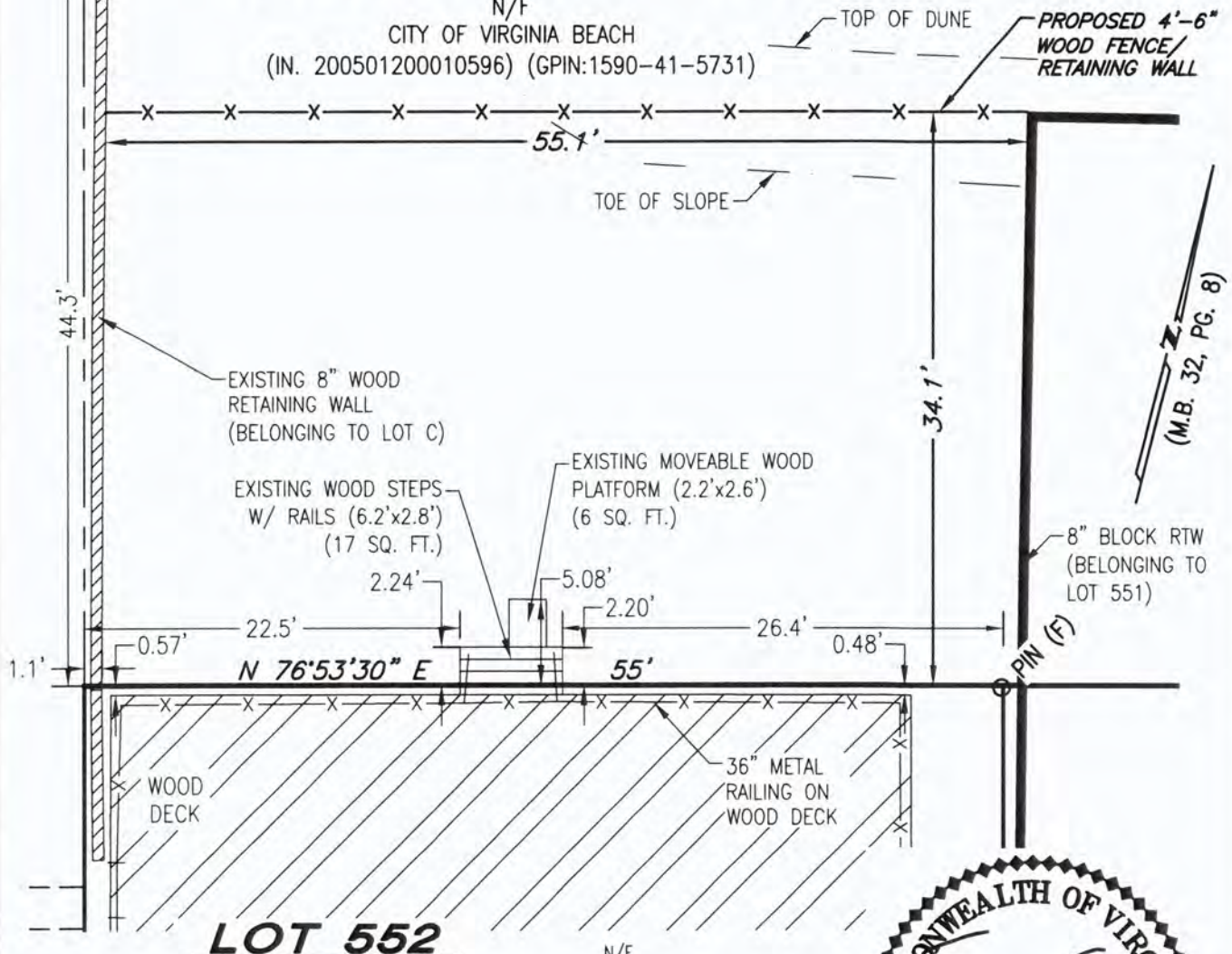
file: 222-0295_Encroachment ex.dwg

plat ref.: C-166

CAD/chk: BKM/eag

CHESAPEAKE BAY

N/F
CITY OF VIRGINIA BEACH
(IN. 200501200010596) (GPIN:1590-41-5731)



LOT 552
GPIN: 1590-41-1491

N/F
CHARLES H. BONNER
& KRISTINA H. BONNER
(D.B. 2914, PG. 1144)



0 10 20 30 Feet
GRAPHIC SCALE
SCALE: 1"=10'



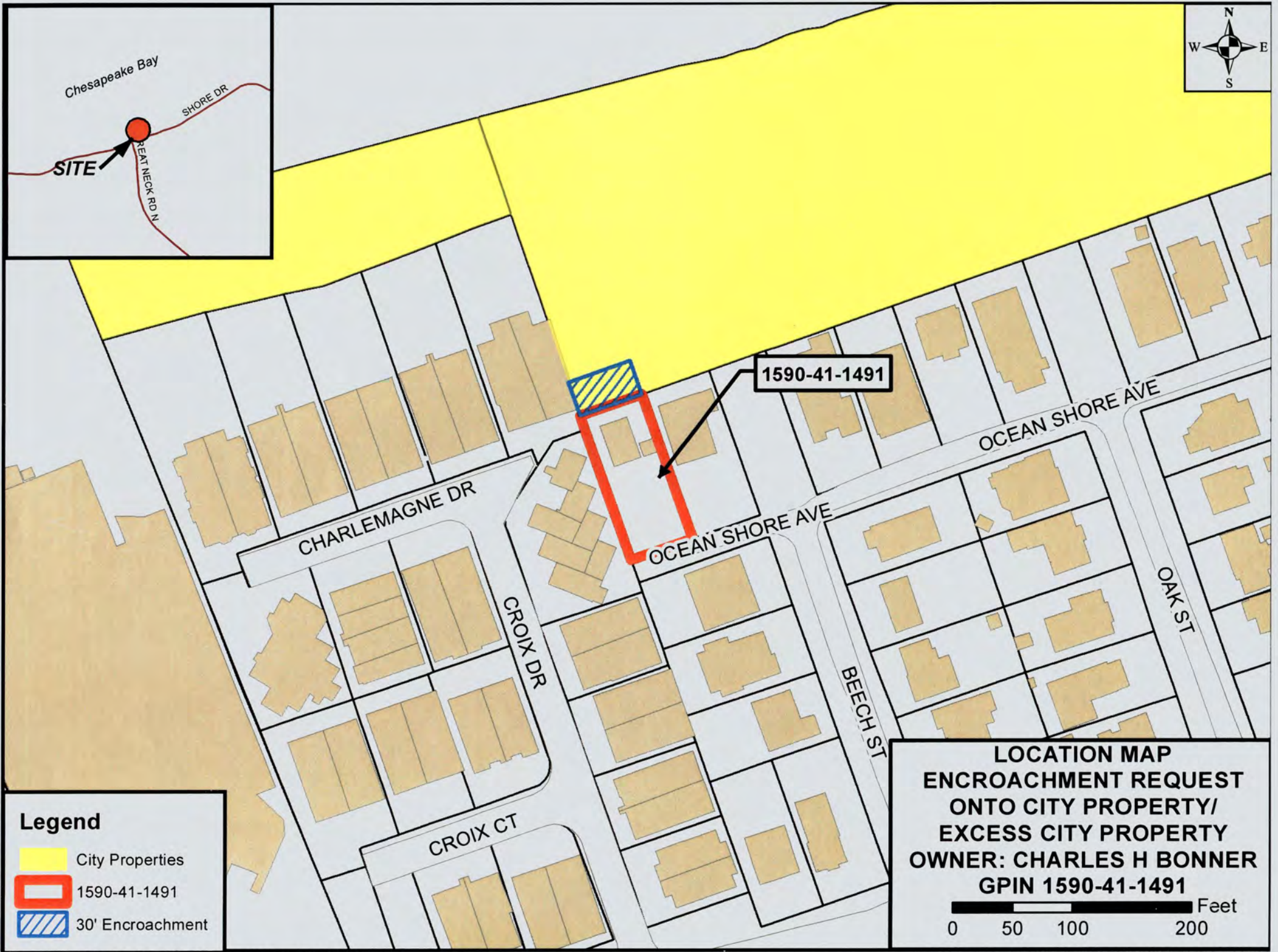
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SHEET 2 OF 2
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Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name CHARLES H. BONNER, MD & KRISTINA H. BONNER

Does the applicant have a representative? ☐ Yes ☒ No

- If **yes**, list the name of the representative.

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? ☐ Yes ☒ No

- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If **yes**, list the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?
-

Applicant Services Disclosure

1. Does the applicant have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?

☐ Yes ☒ No

- If **yes**, identify the financial institutions providing the service.
-

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

☐ Yes ☒ No

- If **yes**, identify the company and individual providing the service.
-

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the firm and individual providing the service.
-

4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the firm and individual providing the service.
-

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☒ No

- If **yes**, identify the purchaser and purchaser's service providers.
-

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the company and individual providing the service.

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No

- If **yes**, identify the firm and individual providing the service.

WPL

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the firm and individual providing the service.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, **I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.**

A handwritten signature in blue ink, appearing to be 'Charles H. Bonner'.

Applicant Signature

CHARLES H. BONNER

A handwritten signature in blue ink, appearing to be 'Kristina H. Bonner'.

KRISTINA H. BONNER

Print Name and Title

February 1, 2024

February 1, 2024

Date

- Is the applicant also the owner of the subject property? ☒ Yes ☐ No

- If **yes**, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	

Disclosure Statement



Continue to Next Page for Owner Disclosure

Disclosure Statement



Owner Disclosure

Owner Name CHARLES H. BONNER, MD & KRISTINA H. BONNER

Applicant Name CHARLES H. BONNER, MD & KRISTINA H. BONNER

Is the Owner a corporation, partnership, firm, business, trust or an unincorporated business? ☐ Yes ☒ No

- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If **yes**, list the businesses that have a parent-subsidary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary)

Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?

³ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

⁴ "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Owner Services Disclosure

1. Does the Owner have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?
☐ Yes ☒ No
 - If **yes**, identify the financial institutions providing the service.

2. Does the Owner have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?
☐ Yes ☒ No
 - If **yes**, identify the company and individual providing the service.

3. Does the Owner have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

4. Does the Owner have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☒ No
 - If **yes**, identify the purchaser and purchaser's service providers.

6. Does the Owner have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the company and individual providing the service.

7. Does the Owner have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

Disclosure Statement



8. Is the Owner receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If **yes**, identify the firm and individual providing legal the service.

Owner Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, **I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.**

A handwritten signature in blue ink, appearing to be 'CB' or 'Charles H. Bonner'.

Owner Signature

CHARLES H. BONNER

A handwritten signature in blue ink, appearing to be 'Kristina H. Bonner'.

KRISTINA H. BONNER

Print Name and Title

February 1, 2024

February 1, 2024

Date



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance to Accept and Appropriate Funding from Dominion Energy Virginia for Section 106 Mitigation of Adverse Visual Effects to Historic Resources Related to the Coastal Virginia Offshore Wind Commercial Project

MEETING DATE: March 5, 2024

■ **Background:** The Bureau of Ocean Energy Management (BOEM) has approved construction and operation of the Coastal Virginia Offshore Wind Commercial Project (CVOW-C) off the Atlantic Coast of Virginia Beach in Lease Area OCS-A 0483. BOEM has determined that approval of the CVOW-C project constitutes an undertaking subject to Section 106 of the National Historic Preservation Act. BOEM has determined the construction, installation, operations, and maintenance of the CVOW-C project has the potential to adversely affect historic properties.

BOEM has prepared an Environmental Impact Statement (EIS) for the CVOW-C project. Within the range of project alternatives analyzed in the EIS, BOEM determined that there are 23 historic above-ground resources in the Area of Potential Effects in Virginia Beach that would be visually adversely affected by the offshore wind turbine component of the project. Mitigation funding (\$290,000) is intended to cover 22 of the properties; the Cape Henry Lighthouse will receive its own mitigation funding.

A Memorandum of Agreement (MOA) has been executed among BOEM, the State Historic Preservation Officers of Virginia and North Carolina, and the Advisory Council on Historic Preservation regarding the CVOW-C project. Dominion Energy Virginia and the City are signatory parties. The MOA provides for mitigation funding through the Section 106 process to address the adverse visual effects on historic resources.

Mitigation funds in the amount of \$290,000 have been awarded by Dominion Energy Virginia to the City to be used to support projects that address some of the local historic preservation program's priorities, including:

- Development of a Sea Level Rise and Disaster Mitigation Plan for historic resources
- Preparation of National Register of Historic Places (NRHP) nominations for gunning and hunting clubs in Virginia Beach
- Survey and documentation of the historically African American neighborhoods of Doyletown and Queen City, and support of the production of NRHP nominations for them and/or for historic mid-century hotels in Virginia Beach
- Production of a pattern book for the Cavalier Shores Historic District
- Educational programs and interpretation of the Virginia Beach Surf and Rescue Museum and the Atlantic Wildfowl Heritage Museum/deWitt Cottage

■ **Considerations:** If approved, the funding will be provided to the Department of Planning for the above activities. No local match is required. The City has five years to expend the funds.

■ **Public Information:** Normal City Council agenda process.

■ **Attachments:** Ordinance

Recommended Action: Approval

Submitting Department/Agency: Planning and Community Development

City Manager:

1 AN ORDINANCE TO ACCEPT AND APPROPRIATE
2 FUNDING FROM DOMINION ENERGY VIRGINIA FOR
3 SECTION 106 MITIGATION OF ADVERSE VISUAL EFFECTS
4 TO HISTORIC RESOURCES RELATED TO THE COASTAL
5 VIRGINIA OFFSHORE WIND COMMERCIAL PROJECT
6

7 WHEREAS, the Bureau of Ocean Energy Management is in the process of
8 authorizing construction and operation of the Coastal Virginia Offshore Wind Commercial
9 Project;
10

11 WHEREAS, the Bureau of Ocean Energy Management determined that there are 23
12 historic above-ground resources that would be visually adversely affected by the offshore
13 wind turbine component of the project;
14

15 WHEREAS, mitigation funds in the amount of \$290,000 have been awarded by
16 Dominion Energy Virginia to the City to address local historic preservation program priorities
17 and to cover mitigation for 22 of the 23 affected properties (Cape Henry Lighthouse will
18 receive its own funding);
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
21 VIRGINIA BEACH, VIRGINIA, THAT:
22


23 \$290,000 is hereby accepted from the Dominion Energy Virginia and appropriated,
24 with miscellaneous revenues increased accordingly, to the FY 2023-24 Operating Budget
25 of the Department of Planning and Community Development for local historic preservation
26 program priorities.

Adopted by the Council of the City of Virginia Beach, Virginia on the _____ day
of _____, 2024.

Requires an affirmative vote by a majority of all of the members of the City Council.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:



Budget and Management Services



City Attorney's Office



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance to Accept and Appropriate State Funds for Salaries in Community Corrections and Pretrial Services

MEETING DATE: March 5, 2024

■ **Background:** The City receives funding from the Comprehensive Community Corrections and Pretrial Services Act FY2024 Grant. The previous estimate of this grant was \$1,319,444. On January 24, 2024, \$19,446 in additional funds were added to the grant for a salary increase for full-time state-funded local positions. The salary increases were effective July 1, 2023, and can be retroactively applied to that date. With this increase, the new total grant amount is \$1,338,890.

This is the second adjustment to the Comprehensive Community Corrections and Pretrial Services Act FY2024 Grant. On January 16, 2024, the City Council appropriated an additional \$46,300.

■ **Considerations:** Additional funding of \$19,446 will provide salary increases for full-time state-funded local positions. As a grant, the funding is not guaranteed to be provided in future fiscal years.

■ **Public Information:** Normal Council Agenda process.

■ **Recommendations:** Adopt the attached ordinance.

■ **Attachments:** Ordinance

Recommended Action: Approval

Submitting Department/Agency: Department of Human Services

City Manager: 

1 AN ORDINANCE TO ACCEPT AND APPROPRIATE STATE
2 FUNDS FOR SALARIES IN COMMUNITY CORRECTIONS
3 AND PRETRIAL SERVICES
4

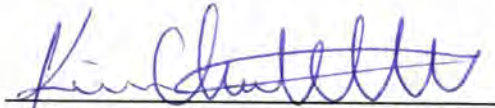
5 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH,
6 VIRGINIA THAT:
7

8 \$19,446 is hereby accepted from the Virginia Department of Criminal Justice
9 Services and appropriated, with revenue from the Commonwealth increased accordingly,
10 to the FY 2023-2024 Department of Human Services Operating Budget for salary
11 increases in Community Corrections and Pretrial Services.

Adopted by the Council of the City of Virginia Beach, Virginia on the ____ day of
_____, 2024.


Requires an affirmative vote by a majority of all the members of City Council.

APPROVED AS TO CONTENT:



Budget and Management Services

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

M. PLANNING

1. **RUFFIN 86, LLC** for a Variance to Section 4.4(c) of the Subdivision Regulations re **demolish three (3) dwelling units to construct one-single family dwelling** at 109 A & B 86th Street & 8600 Ocean Front Avenue DISTRICT 6 (Deferred from February 6, 2024)

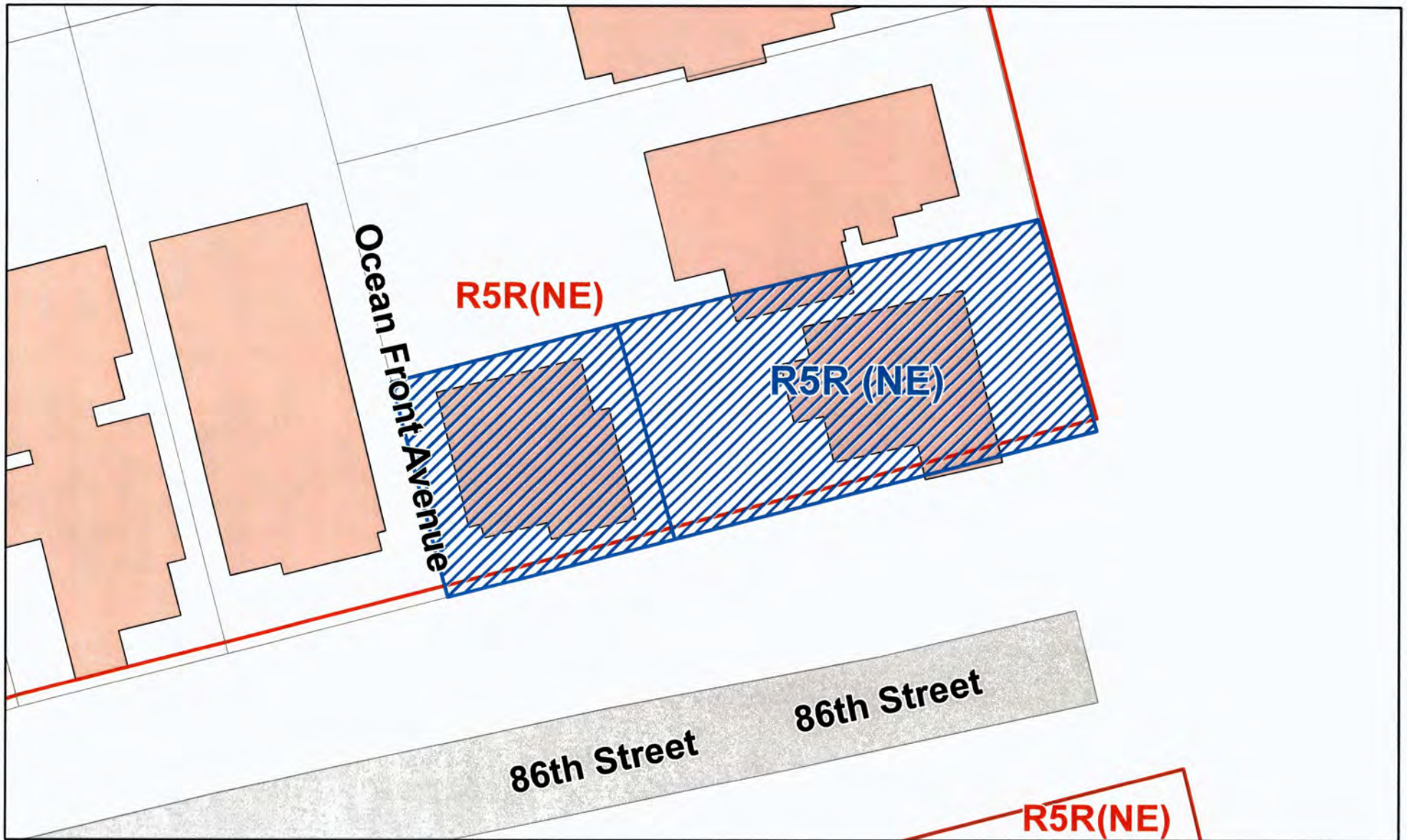
RECOMMENDATION:

APPROVAL

2. **C THE JEMS, LLC / JONATHAN PROPERTIES, LLC** for a Modification of Proffers to a Conditional Change of Zoning and a Conditional Use Permit re **bulk storage yard – tow** at 2625 Horse Pasture Road DISTRICT 5 (Deferred from February 20, 2024)

RECOMMENDATION:

APPROVAL



-  Site
-  Property Polygons
-  Zoning
-  Building

Ruffin 86, LLC
109A & 109B 86th Street, 8600 Ocean Front Avenue



0 5 10 20 30 40 50 60 Feet



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: RUFFIN 86, LLC [Applicant & Property Owner] Subdivision Variance (Section 4.4(c) of the Subdivision Regulations) for the property located at 109 A & B 86th Street & 8600 Ocean Front Avenue (GPINs 2510517095, 2510518047). COUNCIL DISTRICT 6

MEETING DATE: March 5, 2024 (Deferred on December 12, 2023, January 2, 2024, & February 6, 2024)

■ **Background:**

On May 25, 1925, Lot 6 was recorded as a 50-foot by 150-foot parcel. The parcel was subdivided into two lots by deed in 1944 and again in 1960. The property is currently developed with three dwelling units, one duplex (109 A & B 86th Street) and one single-family dwelling (8600 Ocean Front Avenue). The applicant is requesting to vacate the interior property lines, demolish the three dwelling units, and construct one single-family dwelling. The lot will be restored to the original 50-foot by 150-foot lot, as recorded in 1925. As the current Ordinance would require a minimum lot width of 60 feet for the corner parcel, a Subdivision Variance is required. A Board of Zoning Appeals (BZA) variance will be required for the single-family dwelling as proposed since it does not meet the building setbacks and height requirements established in the Zoning Ordinance. Condition 3 has been recommended to address this requirement.

■ **Considerations:**

The Planning Commission agreed with Staff that granting the requested variance will not adversely affect the character of the neighborhood and is consistent with the principles of the Comprehensive Plan for the North End of the City. As proposed, the development will decrease the number of lots from two to one, reducing the existing nonconformities. Except for lot width, the proposed parcel meets all other dimensional requirements.

Further details pertaining to the application, as well as Staff's evaluation, are provided in the attached Staff Report. While staff has not received any opposition to the request, a letter was sent to Councilmembers from the North Virginia Beach Civic League Zoning Review Committee (NVBCL ZRC). While supportive of the subdivision variance request, the NVBCL ZRC did express opposition to allowing the private parking to remain within the public right-of-way. The applicant has worked with the Civic League and Staff to revise the plan to reflect one 18-foot wide driveway for the residence and the conversion of the existing driveway to the

east to public parking. Per the applicant, the Civic League is in support of the revised exhibit and Staff also finds the revisions to be acceptable.

■ **Recommendation:**

On November 8, 2023, the Planning Commission passed a motion to recommend approval of this item on the Consent Agenda, by a recorded vote of 8-0.

1. When the Property is developed, it shall be developed substantially as shown on the exhibit entitled "SUBDIVISION VARIANCE EXHIBIT – LOT 6, BLOCK 3, CAPE HENRY SYNDICATE, SECTION "D" (M.B. 1, PG. 8b), VIRGINIA BEACH, VIRGINIA FOR RUFFIN 86, LLC", prepared by WPL, dated April 19, 2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
2. The existing driveways on 86th Street shall be redesigned in a manner deemed acceptable to the Department of Public Works.
3. The proposed single-family dwelling shall meet the minimum dimensional requirements of the R-5R Residential (NE) North End Overlay zoning district, unless a BZA Variance is granted by the Board of Zoning Appeals. If a BZA Variance is required, the variance shall be granted on the property prior to the site plan approval for the proposed single-family dwelling.

■ **Attachments:**

Staff Report and Disclosure Statements
Location Map
Minutes of Planning Commission Hearing
REVISED Driveway Exhibit dated 01/17/2024

Recommended Action: Staff recommends Approval. Planning Commission recommends Approval.

Submitting Department/Agency: Planning Department

City Manager:

PAV

CUB

Request

Subdivision Variance (Section 4.4 (c) of the Subdivision Regulations)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

109 A & B 86th Street & 8600 Ocean Front Avenue

GPINs

2510517095, 2510518047

Site Size

7,500 square feet

AICUZ

Less than 65 dB DNL

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Duplex, Single-family Dwelling / R-5R Residential (NE) North End Overlay

Surrounding Land Uses and Zoning Districts

North

Single-family Dwelling / R-5R Residential (NE) North End Overlay

South

86th Street

Single-family Dwellings / R-5R Residential (NE) North End Overlay

East

150-foot unimproved right-of-way

West

Ocean Front Avenue

Single-family Dwelling / R-5R Residential (NE) North End Overlay




Background & Summary of Proposal

- Lot 6 was recorded on May 25, 1925 in M.B. 1, PG. 8b as a 50-foot by 150-foot parcel. In 1944, Lot 6 was subdivided by deed into two lots, consisting of a 50-foot by 54-foot lot and a 50-foot by 96-foot lot. In 1960, the lots were subdivided again into the current configuration, including a 50-foot by 50-foot lot (duplex lot) and a 50-foot by 100-foot lot (single-family lot). In 2021, the Zoning Administrator determined the lot was improperly subdivided by deed in 1960, as the parcels were not created by a plat as required by the Princess Anne County subdivision ordinance in place at that time, thus resulting in loss of the nonconforming development rights.
- The applicant now seeks to vacate the interior property lines to restore the R-5R (NE) Residential (North End Overlay) parcels to the original 50-foot by 150-foot lot, as was recorded prior to 1944. By doing so, the proposed Lot 6A will not meet the current regulations for lot width for corner lots.
- Per Section 4.4(c) of the Subdivision Regulations, corner lots shall be platted not less than ten feet wider than the minimum required by the Zoning Ordinance for interior lots in the district. A Subdivision Variance is required as proposed Lot 6A will have a width of 50 feet, rather than the required 60 feet.
- Three dwelling units exist on these two lots: a duplex, constructed in 1935, located at 109 86th Street, and a single-family dwelling, constructed in 1934, located at 8600 Ocean Front Avenue. The applicant intends to remove the three units, vacate the interior property lines, and develop the lot with one single-family dwelling.
- The applicant will be attending the Board of Zoning Appeals (BZA) to request variances to the building setback and building height for the proposed single-family dwelling. Condition 3 has been added to address this requirement.

	Required Lot Width for Corner Lots in R5R(NE) (feet)	Proposed Lot Width for Corner Lots in R5R(NE) (feet)	Required Street Line Frontage in R5R(NE) (feet)	Proposed Street Line Frontage in R5R(NE) (feet)	Required Lot Area in R5R(NE) (feet)	Proposed Lot Area in R5R(NE) (acre)
Parcel Lot 6A	60 feet	50 feet*	40 feet	50 feet	5,000 feet	7,500 feet

*Variance required

	<p>No Zoning History to Report</p>
Application Types	
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MDC – Modification of Conditions MDP – Modification of Proffers NON – Nonconforming Use STC – Street Closure FVR – Floodplain Variance ALT – Alternative Compliance SVR – Subdivision Variance LUP – Land Use Plan STR – Short Term Rental

Evaluation & Recommendation

Section 9.3 of the Subdivision Regulations states:

No variance shall be authorized by the Council unless it finds that:

- A. Strict application of the ordinance would produce undue hardship.
- B. The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the neighborhood will not be adversely affected.
- C. The problem involved is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance.
- D. The hardship is created by the physical character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a variance.
- E. The hardship is created by the requirements of the zoning district in which the property is located at the time the variance is authorized whenever such variance pertains to provisions of the Zoning Ordinance incorporated by reference in this ordinance.

This request for a Subdivision Variance to Section 4.4 (c) of the Subdivision Regulations for a reduction in lot width for this corner lot is acceptable, as Staff finds the proposal to be consistent with the principles of the Comprehensive Plan for the North End of the City.

The current Zoning Ordinance requires that corner lots be platted not less than ten feet wider than the minimum required by the Zoning Ordinance for interior lots in the district; however, this was not required when this lot was originally created, and the applicant is seeking to restore the dimensions as platted prior to 1944. As mentioned previously, lot width is the only deficiency; all other dimensional standards will be met. Since this request will decrease the number of lots from two to one, reduce the existing nonconformities, will not create any new nonconformities, and will restore the property back to its originally recorded parcel size (M.B.1, PG 8b) of 50-foot by 150-foot, Staff is amenable to this request as it will not change the character of the neighborhood, nor will it have any adverse impacts to the surrounding area.

Currently, there are two units on one of the existing lots and one single-family dwelling on the other. All units will be demolished, and a new home will be constructed that will be compatible with the surrounding area. The exterior design of the proposed home reflects the character of the area and incorporates attractive, high-quality materials and a design that is capable of withstanding severe weather events as is recommended by the Comprehensive Plan. Condition 2 has been recommended to ensure that the proposed single-family dwelling substantially adheres to the proposed elevations submitted with this application.

In the early 2000s, the City Council directed the Department of Public Works to review parking within the North End of the City in an attempt to provide additional public parking within the public right-of-way. Driveways for new developments in the North End must meet the regulations identified in the Public Works Design Standards Manual, Section 3.9.E, Residential Entrances in the North Beach Area. As such, Staff is recommending Condition 2 to address this requirement which will be further reviewed during the site plan review process.

Based on these considerations, Staff recommends approval of this request subject to the conditions listed below.

Recommended Conditions

1. When the Property is developed, it shall be developed substantially as shown on the exhibit entitled "SUBDIVISION VARIANCE EXHIBIT – LOT 6, BLOCK 3, CAPE HENRY SYNDICATE, SECTION "D" (M.B. 1, PG. 8b), VIRGINIA BEACH, VIRGINIA FOR RUFFIN 86, LLC", prepared by WPL, dated April 19, 2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
2. The existing driveways on 86th Street shall be redesigned in a manner deemed acceptable to the Department of Public Works.
3. The proposed single-family dwelling shall meet the minimum dimensional requirements of the R-SR Residential (NE) North End Overlay zoning district, unless a BZA Variance is granted by the Board of Zoning Appeals. If a BZA Variance is required, the variance shall be granted on the property prior to the site plan approval for the proposed single-family dwelling.

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.

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as being located in the North End Suburban Focus Area. The Comprehensive Plan recommends that parcels in the North End should be consolidated only when best management practices for stormwater control are included in the reconstruction. The inclusion of porous materials for driveways, walkways, and other similar surfaces should be used to reduce net impervious coverage wherever feasible. Materials for this proposed home shall be attractive, high quality, and capable of withstanding severe weather events. Staff recommends incorporation of standards and guidelines found in the recently adopted Flood Resiliency Toolkit to prepare and mitigate for flooding and storm surges. Existing natural features should be considered early in the

development process, especially with such close proximity to the Atlantic shoreline and dunes. Natural drainage patterns and unusual topography that would support environmental and human health should be preserved to the highest degree possible.

Natural & Cultural Resources Impacts

The site is located in the Atlantic Ocean Watershed.

8600 Ocean Front Avenue is known as the Faulkner House. It was listed in the Virginia Beach Historical Register in 2003. Demolition of the building will result in its delisting from the local register. The site was recommended not eligible for listing in the National Register in the 2018 survey update of the northern half of the City. The property was presented to the Historic Preservation Commission on September 6, 2023. When a building is listed in the Virginia Beach Historical Register, the committee prefers that if it is in good condition that it be preserved. After deliberation, it was determined that there were not sufficient preservation incentives to present to the property owner to retain this historic structure.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
86th Street	No Data Available	9,900 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 30 ADT Proposed Land Use ³ – 10 ADT
¹ Average Daily Trips	² as defined by a single-family dwelling and a duplex	³ as defined by a single-family dwelling	⁴ LOS = Level of Service

Master Transportation Plan (MTP) and Capital Improvement Program (CIP)

86th Street is a two-lane local neighborhood street. There are currently no CIP projects scheduled to upgrade this roadway.

Public Utility Impacts

Water

The site currently connects to City water. Any unused services must be abandoned. There is an existing four-inch City water main along 86th Street.

Sewer

The site currently connects to City sanitary sewer. Any unused services must be abandoned. There is an existing eight-inch City sanitary sewer gravity main along 86th Street.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 9, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, October 25, 2023 and November 1, 2023.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 23, 2023.

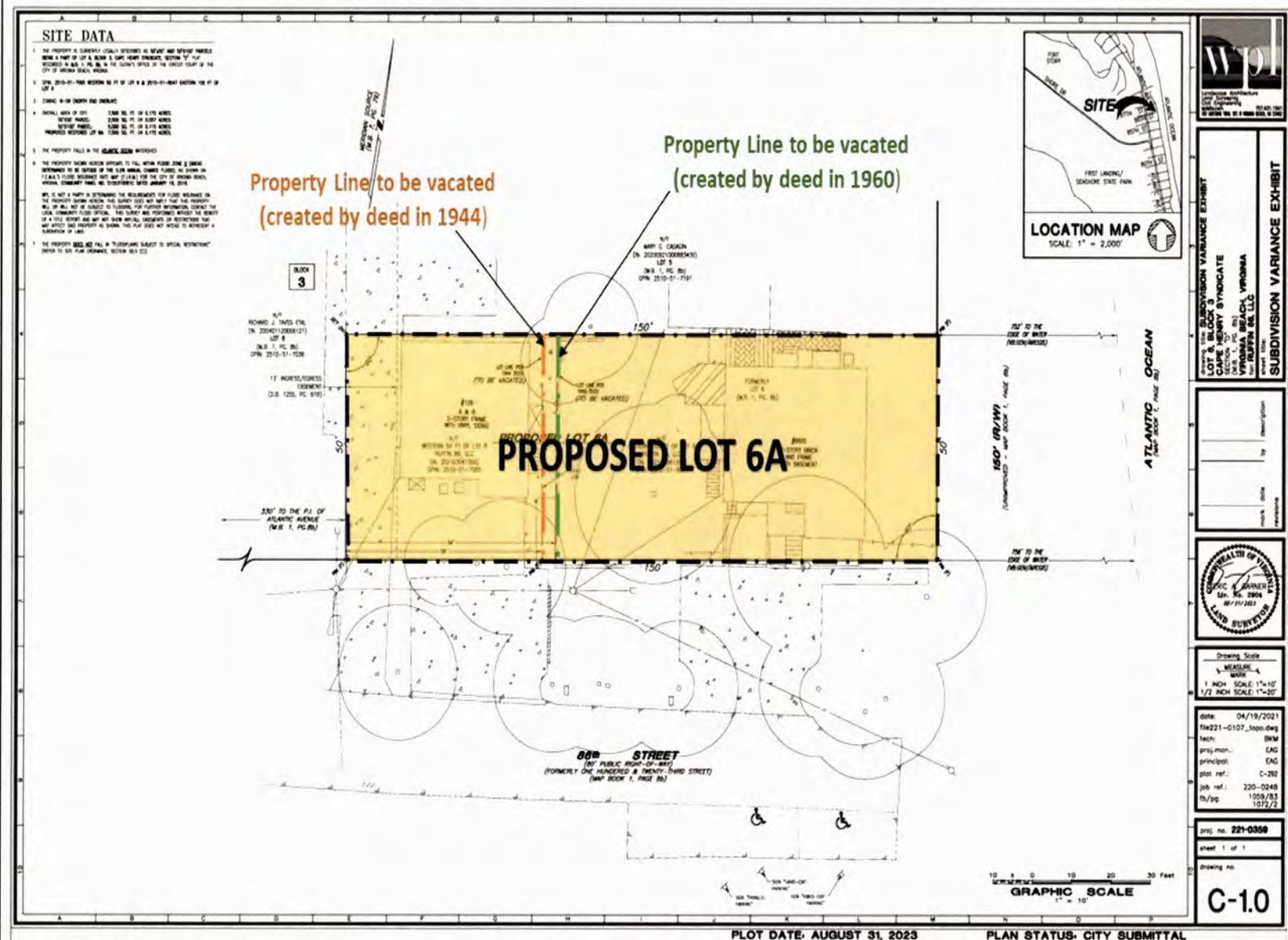
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.viriniabeach.gov/pc on November 2, 2023.

City Council

- As required by City Code, this item was advertised in the Virginian-Pilot on Tuesdays, **February 20, 2024** and **February 27, 2024**.
- As required by City Code, the adjacent property owners were notified regarding both the request and the date of the City Council's public hearing on **February 19, 2024**.
- The City Clerk's Office posted the materials associated with the application on the City Council website of <https://clerk.viriniabeach.gov/city-council> on **March 1, 2024**.



Subdivision Variance Exhibit



Proposed Building Elevations



PROPOSED NORTH ELEVATION

RUFFIN RESIDENCE MASTER PLAN - 10/1/2020

0 10 20 30 40 50 60 70 80 90 100



PROPOSED SOUTH ELEVATION

RUFFIN RESIDENCE MASTER PLAN - 10/1/2020

0 10 20 30 40 50 60 70 80 90 100



Proposed Building Elevations



EAST ELEVATION

PROPOSED EAST ELEVATION

PROPOSED EAST ELEVATION

0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46 48 50 52 54 56 58 60 62 64 66 68 70 72 74 76 78 80 82 84 86 88 90 92 94 96 98 100



WEST ELEVATION



WEST ELEVATION

PROPOSED WEST ELEVATIONS

PROPOSED WEST ELEVATIONS

0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46 48 50 52 54 56 58 60 62 64 66 68 70 72 74 76 78 80 82 84 86 88 90 92 94 96 98 100



Site Photos



Site Photos



Disclosure Statement

Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name Ruffin 86, LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Billy Garrington, GPC, Inc

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? ☒ Yes ☐ No

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

The Dare Marie Ruffin Irrevocable Trust is the Sole Member of Ruffin 86, LLC.

Clark L. Davidson is the Trustee of the Trust. John Babb is the Manager of Ruffin 86, LLC

- If yes, list the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement

Disclosure Statement



Known Interest by Public Official or Employee

Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If yes, what is the name of the official or employee and what is the nature of the interest?

Applicant Services Disclosure

1. Does the applicant have any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing in connection with the subject of the application or any business operating or to be operated on the property?

☐ Yes ☒ No

- If yes, identify the financial institutions providing the service.

2. Does the applicant have a real estate broker/agent/realtor for current and anticipated future sales of the subject property?

☐ Yes ☒ No

- If yes, identify the company and individual providing the service.

3. Does the applicant have services for accounting and/or preparation of tax returns provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If yes, identify the firm and individual providing the service.

4. Does the applicant have services from an architect/landscape architect/land planner provided in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No

- If yes, identify the firm and individual providing the service.

3North, Erin Webb

5. Is there any other pending or proposed purchaser of the subject property? ☐ Yes ☒ No

- If yes, identify the purchaser and purchaser's service providers.

Disclosure Statement

Disclosure Statement



6. Does the applicant have a construction contractor in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the company and individual providing the service.

7. Does the applicant have an engineer/surveyor/agent in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No
- If yes, identify the firm and individual providing the service.

WPL, Eric Garner

8. Is the applicant receiving legal services in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the firm and individual providing the service.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

A handwritten signature in blue ink, appearing to read 'John Babb', written over a horizontal line.

Applicant Signature

John Babb, Manager

Print Name and Title

7/3/23

Date

- Is the applicant also the owner of the subject property? ☒ Yes ☐ No

- If yes, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input checked="" type="checkbox"/>	No changes as of	Date	2/16/2024	Signature	
				Print Name	Marchelle L. Coleman

Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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
November 8, 2023, Public Meeting
Agenda Item # 5

Ruffin 86, LLC

RECOMMENDED FOR APPROVAL- CONSENT

Mr. Horsley: Thank you. Is there any opposition to this ordinance? All right. Next item is item number five Ruffin 86, LLC subdivision variance. Mr Garrington.

Mr. Garrington: Good afternoon, Mr Chairman, ladies and gentlemen of the Planning Commission for the record, Billy Garrington on behalf of the applicant. Applicant in this case is Ruffin 86, LLC property known as 109 A & B 86th Street and 8600 Oceanfront Avenue. Property in question is subdivided lots that were created by deed back in the forties that we're going to vacate the interior lot line between the two of them create one less non-conforming lot upon which will be built a single-family dwelling, not four duplexes that two duplexes one on each lot that could be built otherwise. A lot still one will not meet all of the requirements of the zoning ordinance because it's a corner lot. It doesn't have the additional 10 feet of width, but it will be a significant less non-conforming over that which is there now and the new use for the property will be one single family dwelling. In the staff, there are three conditions as a part of this request when total agreement with all three those conditions and Thank Marchelle Coleman very much for working with us on this request.

Mr. Horsley: Thank you, Mr. Garrington. Is there any opposition to this? Hearing none. I asked Mr. Plumlee if he'd read this into the record.

Mr. Plumlee: Just briefly, the commission has allowed this matter to be placed on the consent agenda. This is for the vacation of an interior lot line at 86th Street in the Oceanfront. As the applicant's agent pointed out, this will require a variance be obtained by the board of zoning appeals, which staff has agreed is acceptable under the current ordinance. We've been shown plans that are quite attractive for the construction, and it should reduce some of the activity in that area. I've received nothing but positive comments.

Mr. Horsley: Thank you, sir. So, we have four items to be placed, make a motion that we approve the item number one City of Virginia Beach, item number two City of Virginia Beach, item number five Ruffin 86 LLC and item number seven Anna Costello-Lora Windsor Oaks West Parcel 3.

Mr. Alcaraz: All right. Thank you, Mr. Vice Chair. We have a motion. Do I have a second?

Mr. Parks: Yes, second.

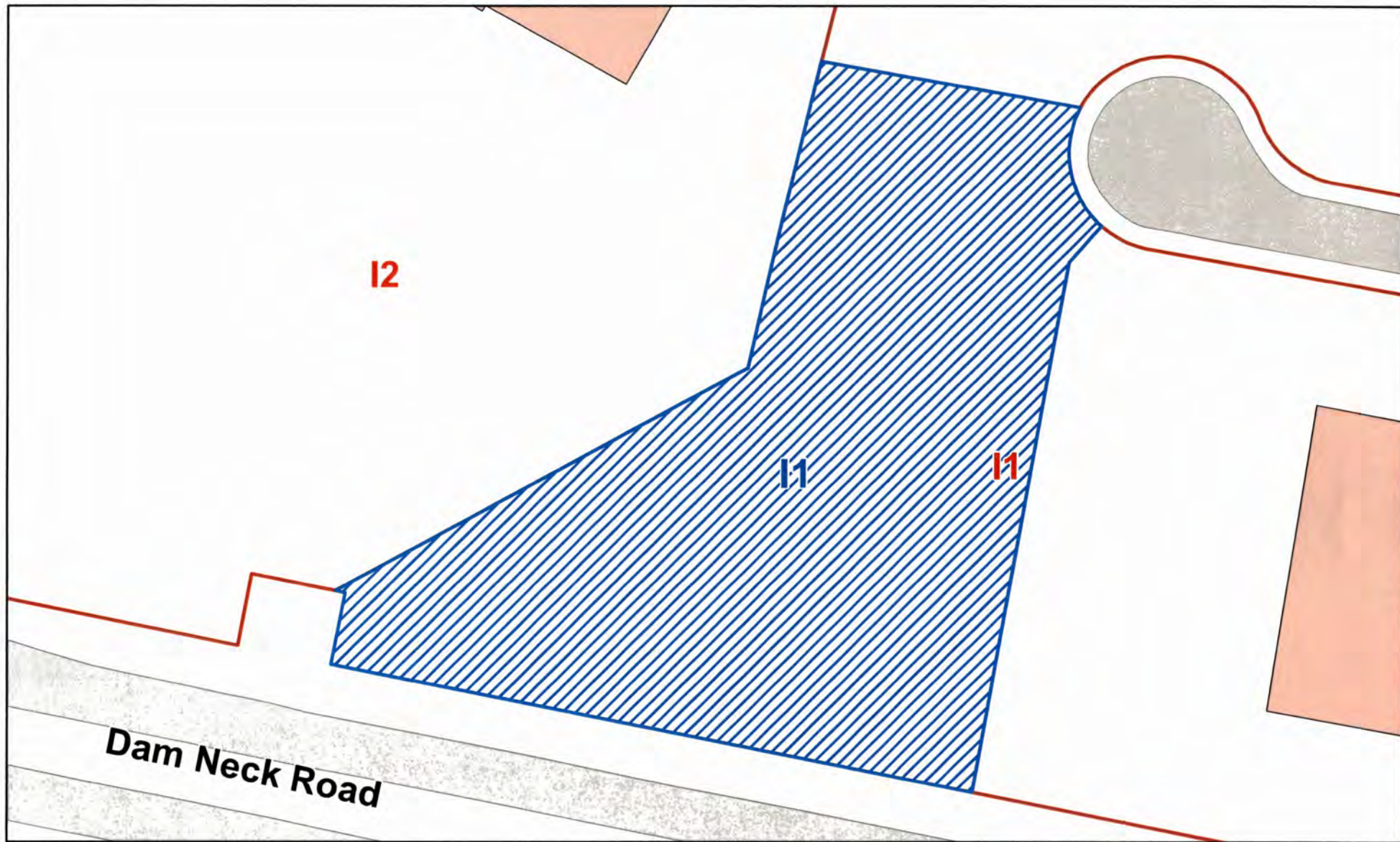
Mr. Alcaraz: Second by Mr. Parks.

Madam Clerk: Mr. Horsley, can you make that motion on your iPad? Thank you, Mr. Parks. All right, the vote is now open. By a vote of eight to zero, items number one, two, five, and seven have been recommended for approval.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Anderson				ABS
Byler	AYE			
Clemons	AYE			
Coston				ABS
Cuellar	AYE			
Estaris				ABS
Hippen	AYE			
Horsley	AYE			
Parks	AYE			
Plumlee	AYE			

CONDITIONS

1. When the Property is developed, it shall be developed substantially as shown on the exhibit entitled "SUBDIVISION VARIANCE EXHIBIT – LOT 6, BLOCK 3, CAPE HENRY SYNDICATE, SECTION "D" (M.B. 1, PG. 8b), VIRGINIA BEACH, VIRGINIA FOR RUFFIN 86, LLC", prepared by WPL, dated April 19, 2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
2. The existing driveways on 86th Street shall be redesigned in a manner deemed acceptable to the Department of Public Works.
3. The proposed single-family dwelling shall meet the minimum dimensional requirements of the R-5R Residential (NE) North End Overlay zoning district, unless a BZA Variance is granted by the Board of Zoning Appeals. If a BZA Variance is required, the variance shall be granted on the property prior to the site plan approval for the proposed single-family dwelling.



-  Site
-  Property Polygons
-  Zoning
-  Building

C the Jems, LLC
2625 Horse Pasture Road



0 15 30 60 90 120 150 180 Feet



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: C THE JEMS, LLC [Applicant] JONATHAN PROPERTIES, LLC [Property Owner] Modification of Proffers to a Conditional Rezoning (Amend Proffers from 2004) and Conditional Use Permit (Bulk Storage Yard – Tow Lot) for the property located at 2625 Horse Pasture Road (GPIN 1495656521). COUNCIL DISTRICT 5

MEETING DATE: March 5, 2024 (Deferred on February 20, 2024)

■ **Background:**

The 2.44-acre parcel zoned I-1 Light Industrial is part of the Taylor Farm Commerce Park was conditionally rezoned in 2002 and amended in 2004. The applicant seeks to modify the 2004 amended proffers to allow vehicular parking and outdoor storage to be located between the building and Dam Neck Road. The remaining parcels in this Commerce Park will remain subject to the 2002 and the amended 2004 proffers. In conjunction with this request, the applicant also seeks a Conditional Use Permit to construct and operate a tow/impound lot for motor vehicles, which is classified as a Bulk Storage Yard in the Zoning Ordinance.

The development includes a 300 square foot office building which will conform to the original and amended proffers for building design and materials.

■ **Considerations:**

The Planning Commission concurred with Staff, finding the request for a bulk storage yard to store motor vehicles outdoors within the Taylor Farm Commerce Park to be acceptable. As proposed, the storage yard will not be visible from Dam Neck Road; it will be screened by an eight-foot privacy fence with Category VI landscaping. In addition, the bulk storage yard is proposed to be setback 164 feet from Dam Neck Road with an existing 50-foot wide landscape buffer running parallel to Dam Neck Road.

Stormwater runoff from the proposed building and storage yard will be collected into an underground detention system that will treat for both water quality and water quantity before discharging into the existing public wet pond to the south.

Further details pertaining to the application, as well as Staff's evaluation, are provided in the attached staff report. There is no known opposition to these requests.

■ **Recommendation:**

On January 10, 2024, the Planning Commission passed a motion to recommend approval of these items on the Consent Agenda, by a recorded vote of 11-0.

Modification of Proffers:

Proffer 1:

Subsection "g" of amended proffer numbered 2 as contained in the 2004 Amended Proffer recorded in the above referenced Clerk's Office as Instrument Number 200409220151888 is hereby modified and replaced with the following:

- g) No onsite vehicular parking, outdoor storage, loading docks, or loading areas shall be permitted between Dam Neck Road and any building on a parcel adjacent to Dam Neck Road unless the use is setback no less than 140 feet from Dam Neck Road and screened by Category VI Landscape Buffer.

Proffer 2:

Except as expressly modified herein, with respect to the Property, all of the proffers, covenants, restrictions and conditions set forth in the Original Proffers as modified by the 2004 Amended Proffer are ratified, affirmed and remain binding upon the Property and upon any party holding title under, by or through the Grantor.

Conditional Use Permit:

1. Development of the site shall be in substantial conformance to the submitted exhibit entitled, "Preliminary Layout for Affordable Towing Storage Yard", dated October 16, 2023, prepared by CECS, copy of which have been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning & Community Development.
2. When developed, the office building shall be in substantial conformance to the submitted exhibit entitled, "2625 Horse Pasture Rd Elevations", dated December 1, 2023, copy of which have been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning & Community Development.
3. The fencing shall be installed at a minimum height of 8 feet, earth-tone in color, and be of a maintenance-free material approved by the Planning Director.
4. The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the Preliminary Drainage Study and shall comply with the Stormwater Management Ordinance.
5. Prior to final site plan approval, a Lighting Plan in accordance with Sections 252 and 254 of the Zoning Ordinance, or as amended, shall be submitted for review and approval by the Department of Planning and Community

Development. Outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

- **Attachments:**
 - Staff Report and Disclosure Statements
 - Location Map
 - Proffer Agreement
 - Minutes of Planning Commission Hearing

Recommended Action: Staff recommends Approval. Planning Commission recommends Approval.

Submitting Department/Agency: Planning Department

City Manager:



Requests

#4 - Modification of Proffers (Amend Proffers from 2004)

#5 - Conditional Use Permit (Bulk Storage Yard – Tow Lot)

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

2625 Horse Pasture Road

GPIN

1495656521

Site Size

2.44 acres

AICUZ

Greater than 75 dB DNL; APZ-1

Watershed

Southern Rivers

Existing Land Use and Zoning District

Vacant lot / I-1 Light Industrial

Surrounding Land Uses and Zoning Districts

North

Horse Pasture Road

Office/warehouse / I-1 Light Industrial

South

Dam Neck Road

Single-family dwellings, cultivated field / AG-1

Agricultural

East

Office/warehouse / I-1 Light Industrial

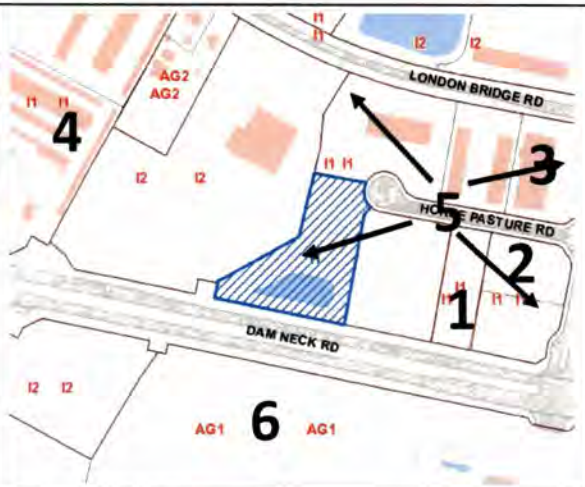
West

Office/warehouse / I-1 Light Industrial



Background & Summary of Proposal

- The subject site is located within the Taylor Farm Commerce Park and was rezoned to Conditional I-1 Light Industrial on May 14, 2002. In 2004, the proffers were amended to require a minimum side yard setback of 30 feet for lots that abut Dam Neck Road.
- The applicant seeks a Modification of Proffers to amend Subsection G of Proffer 2 from the 2004 amended proffers to allow vehicular parking and outdoor storage to be located between the building and Dam Neck Road. The amendment to Subsection G will only be applicable to this parcel. The remaining parcels in this Commerce Park will remain subject to the 2004 amended proffers. In conjunction with this request, the applicant also seeks a Conditional Use Permit to construct and operate a tow/impound lot for motor vehicles, which is classified as a Bulk Storage Yard in our Zoning Ordinance.
- The property is located within the greater than 75 dB DNL and APZ-1 of the AICUZ. The proposed use of a tow lot is compatible within both the noise and accident potential zones.
- The development includes a 300 square foot office building consisting of wood or cement siding, architectural asphalt shingles, vinyl clad windows, and shutters.
- Parking surfaces are required to be constructed of concrete, asphalt, or of a suitable material approved by the Planning Director per Section 203(b)(5). The applicant seeks to be allowed to use gravel as a parking surface.

		<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>MDP Approved 02/15/2022</td></tr><tr><td>2</td><td>MDP Approved 05/18/2021</td></tr><tr><td>3</td><td>CUP (Craft Brewery) Approved 03/20/2018</td></tr><tr><td>4</td><td>CUP (Bulk Storage Yard) Approved 07/02/2013 CRZ (AG-1 & AG-2 to Conditional I-1) Approved 01/11/2005</td></tr><tr><td>5</td><td>MDP Approved 09/14/2004 CRZ (AG-1 & AG-2 to Conditional I-1) Approved 05/14/2002</td></tr><tr><td>6</td><td>CUP (Outdoor Recreational Facility) Approved 09/23/1997</td></tr></table>		#	Request	1	MDP Approved 02/15/2022	2	MDP Approved 05/18/2021	3	CUP (Craft Brewery) Approved 03/20/2018	4	CUP (Bulk Storage Yard) Approved 07/02/2013 CRZ (AG-1 & AG-2 to Conditional I-1) Approved 01/11/2005	5	MDP Approved 09/14/2004 CRZ (AG-1 & AG-2 to Conditional I-1) Approved 05/14/2002	6	CUP (Outdoor Recreational Facility) Approved 09/23/1997
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<h3>Application Types</h3>																	
CUP – Conditional Use Permit	MDC – Modification of Conditions	STC – Street Closure	SVR – Subdivision Variance														
REZ – Rezoning	MDP – Modification of Proffers	FVR – Floodplain Variance	LUP – Land Use Plan														
CRZ – Conditional Rezoning	NON – Nonconforming Use	ALT – Alternative Compliance	STR – Short Term Rental														

Evaluation & Recommendation

In Staff's opinion, the applicant's request for a bulk storage yard to store motor vehicles outdoors within the Taylor Farm Commerce Park is acceptable. The storage yard will be screened by an eight-foot privacy fence with Category VI landscaping. In addition, the bulk storage yard is proposed to be setback 164 feet from Dam Neck Road. Furthermore, there is an existing 50-foot wide landscape buffer running parallel to Dam Neck Road and an stormwater management pond that will further screen the site from Dam Neck Road.

Through Section 203(b)(5) of the Zoning Ordinance, the applicant seeks to utilize gravel as an alternative parking surface for the bulk storage area. The Planning Director has considered and approved the use of gravel as an alternative parking surface for this use.

As the site drains into the Southern Rivers Watershed, a conceptual stormwater management strategy was submitted and reviewed by Staff. Staff agrees it can successfully comply with the stormwater requirements. Final design and detailed updates will be made during site plan submittal to ensure conformance with all requirements set forth in the Public Works Design Standards Manual.

As proposed, the storage yard will be well-screened from the public right-of-way. Based on these considerations, Staff recommends approval of these requests subject to the proffers and conditions listed below.

Proffers

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to "offset identified problems to the extent that the proposed rezoning is acceptable," (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:

Subsection "g" of amended proffer numbered 2 as contained in the 2004 Amended Proffer recorded in the above referenced Clerk's Office as Instrument Number 200409220151888 is hereby modified and replaced with the following:

- g) No onsite vehicular parking, outdoor storage, loading docks, or loading areas shall be permitted between Dam Neck Road and any building on a parcel adjacent to Dam Neck Road unless the use is setback no less than 140 feet from Dam Neck Road and screened by Category VI Landscape Buffer.

Proffer 2:

Except as expressly modified herein, with respect to the Property, all of the proffers, covenants, restrictions and conditions set forth in the Original Proffers as modified by the 2004 Amended Proffer are ratified, affirmed and remain binding upon the Property and upon any party holding title under, by or through the Grantor.

Staff Comments: Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

Recommended Conditions

1. Development of the site shall be in substantial conformance to the submitted exhibit entitled, "Preliminary Layout for Affordable Towing Storage Yard", dated October 16, 2023, prepared by CECS, copy of which have been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning & Community Development.
2. When developed, the office building shall be in substantial conformance to the submitted exhibit entitled, "2625 Horse Pasture Rd Elevations", dated December 1, 2023, copy of which have been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning & Community Development.
3. The fencing shall be installed at a minimum height of 8 feet, earth-tone in color, and be of a maintenance-free material approved by the Planning Director.

4. The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the Preliminary Drainage Study and shall comply with the Stormwater Management Ordinance.
5. Prior to final site plan approval, a Lighting Plan in accordance with Sections 252 and 254 of the Zoning Ordinance, or as amended, shall be submitted for review and approval by the Department of Planning and Community Development. Outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

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

2004 Amended Proffers

1. Proffer numbered "2" is amended to read:

The parcels shall be subject to the following mandatory site development guidelines:

- a) A fifty-foot (50') landscape setback from Dam Neck Road shall be maintained by the Property Owners Association and no improvements shall be located within the landscape setback.
- b) A twenty-foot (20) landscape setback from London Bridge road shall be maintained by the Property Owners Association and no improvements shall be located within the landscape setback.
- c) A minimum fifty-foot (50') building setback shall be required from London Bridge Road.
- d) A minimum thirty-foot (30') side yard building setback shall be required on those lots with a rear property line which abuts Dam Neck Road.
- e) A minimum fifteen foot (15') side yard building setback shall be required on those lots which do not have a property line abutting Dam Neck Road, provided a ten foot (10') wide Category II Landscape Buffer is maintained along the entire length of the side property line from which the fifteen foot (15') setback is measured.
- f) No freestanding signage shall be permitted adjacent to either Dam Neck Road or London Bridge Road and all signage shall comply with the "SIGN CRITERIA FOR TAYLOR FARM CORPORATE PARK", dated March 15, 2002 which are included in the Deed Restrictions described in Proffer number 3.
- g) No onsite vehicular parking, outdoor storage, loading docks or loading areas shall be permitted between Dam Neck Road and any building on a parcel adjacent to Dam Neck Road.
- h) No building shall exceed forty-five feet (45') in height and the primary exterior surface of all buildings shall be either brick, split face block, painted block, concrete panel, stone, wood, EIFS, or metal and shall be an earth-tone color or colors. The exterior surface of any building on parcels numbered 8 through 14 on the site plan, which are visible from Dam Neck Road shall be either brick, split face block or stone." The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA).

2002 Proffers

1. When the Property is developed, it shall be developed into no more than fourteen (14) parcels substantially as shown on the exhibit entitled **"TAYLOR FARM CORPORATE PARK SITE PLAN Virginia Beach, Virginia"**, dated 03/11/02 and prepared by Spectra Group, which has been exhibited to the Virginia Beach City WOMACK – CHAPPEL Agenda Item # 19 Page 3 Council and is on file with the Virginia Beach Department of Planning (hereinafter **"Site Plan"**).
2. The parcels shall be subject to the following mandatory site development guidelines:
 - a) A fifty-foot (50') Landscape setback from Dam Neck Road shall be maintained by the Property Owners Association and no improvements shall be located within the Landscape setback.
 - b) A twenty-foot (20') Landscape setback from London Bridge Road shall be maintained by the Property Owners Association and no improvements shall be located within the Landscape setback.
 - c) A minimum fifty-foot (50') building setback shall be required from London Bridge Road
 - d) A minimum thirty-foot (30') side yard building setback and rear yard building setback (on non-through lots) shall be required.
 - e) No freestanding signage shall be permitted adjacent to either Dam Neck Road or London Bridge Road and all signage shall comply with the **"SIGN CRITERIA FOR TAYLOR FARM CORPORATE PARK"** dated March 15, 2002 which are included in the Deed Restrictions described in Proffer #3.
 - f) No onsite vehicular parking, outdoor storage, loading docks or loading areas shall be permitted between Dam Neck Road and any building on any parcel adjacent to Dam Neck Road.
 - g) No building shall exceed forty-five feet (45') in height and the primary exterior surface of all buildings shall be either brick, split face block, painted block, concrete panel, stone, wood, EIFS or metal and shall be an earth-tone color or colors. The exterior surface of any building on parcels numbered 8 through 14 on the site plan, which is visible from Dam Neck Road shall be either brick, split face block or stone.
3. When the property is subdivided it shall be subject to a recorded Declaration of Protective Covenants, Conditions and Restrictions (**"Deed Restrictions"**) administered by a mandatory membership Property Owners Association. In addition to the requirements set forth herein, the Deed Restrictions shall include Articles requiring mandatory assessments for maintenance of the landscape buffers and entrance features as well as Architectural Controls. The Deed Restrictions have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning.
4. Further conditions 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.

Comprehensive Plan Recommendations

The subject property is located within the South Oceana Special Economic Growth Area (SEGA), which the Comprehensive Plan identifies as having significant economic value and growth potential. Developments along key roadways are desired to have attractive and high-quality architectural building materials and designs. This particular portion of the SEGA is designated for a mix of light industrial, low-rise office, and limited retail use. As such, the proposed bulk storage yard would be considered a compatible use.

Natural & Cultural Resources Impacts

The site is within the Southern Rivers watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high-water surface elevations in downstream receiving waters. There does not appear to be any significant natural or cultural resources associated with the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Horse Pasture Road	No Data Available	9,900 ADT ¹ (LOS ⁴ "D")	Existing Land Use ^{2a} – 0 ADT Existing Zoning ^{2b} – 182 ADT Proposed Land Use ³ – No Data Available
¹ Average Daily Trips	^{2a} as defined by a vacant lot ^{2b} as defined by a 2.44-acre parcel zoned I-1	³ No information available in the ITE Trip Generation Manual for a tow lot	⁴ LOS = Level of Service

Master Transportation Plan (MTP) and Capital Improvement Program (CIP)

This portion of Horse Pasture Road is considered a two-lane collector roadway. There are no CIP roadway projects planned for this area.

Stormwater Impacts

Project Stormwater Design Staff Summary

This project consists of a storage yard for towed vehicles. In addition to the storage yard, this project will include a small building, and an underground stormwater management facility to support the proposed development.

Stormwater runoff from the site currently sheet flows in two directions, towards the public wet pond to the south, and towards the drainage ditch to the west. Stormwater runoff from the proposed building and storage yard will be collected into an underground detention system that will treat for both water quality and water quantity before discharging into the existing public wet pond to the south. The purchase of offsite nutrient credits will be utilized for any remaining water quality pollutant load reduction requirements not treated by the underground detention system.

Based on the information provided by Civil Engineering and Construction Services in the Preliminary Drainage Study, the DSC agrees that the proposed conceptual stormwater management strategy can successfully comply with the stormwater requirements. Final design and detailed updates will be made during site plan submittal to ensure conformance with all requirements set forth in the Public Works Design Standards Manual. More detailed project stormwater information is listed below.

Project Information

Total project area: 0.76 acres

Pre-Development impervious area: 0.03 acres

Post-Development impervious area: 0.55 acres

Stormwater Management Facility Design Information

Type of facility proposed: Underground Detention

Description of outfall: Stormwater runoff from the site that enters into the Stormwater Management Facility will discharge into an onsite public storm pipe that discharges into the existing public pond..

Downstream conveyance path: This site is part of the Upper West Neck Creek Drainage Basin. Drainage from this site drains from the onsite pond into a large public drainage ditch, which crosses south under Dam Neck Road, then into West Neck Creek, through the North Landing River, and ultimately into Back Bay. Back Bay drains through the Currituck Sound and into the Atlantic Ocean.

Public Utility Impacts

Water & Sewer

City water and sanitary sewer services are available for connection. There is a 10-inch City water main and an 8-inch City sanitary sewer gravity main along Horse Pasture Road.

Public Outreach Information

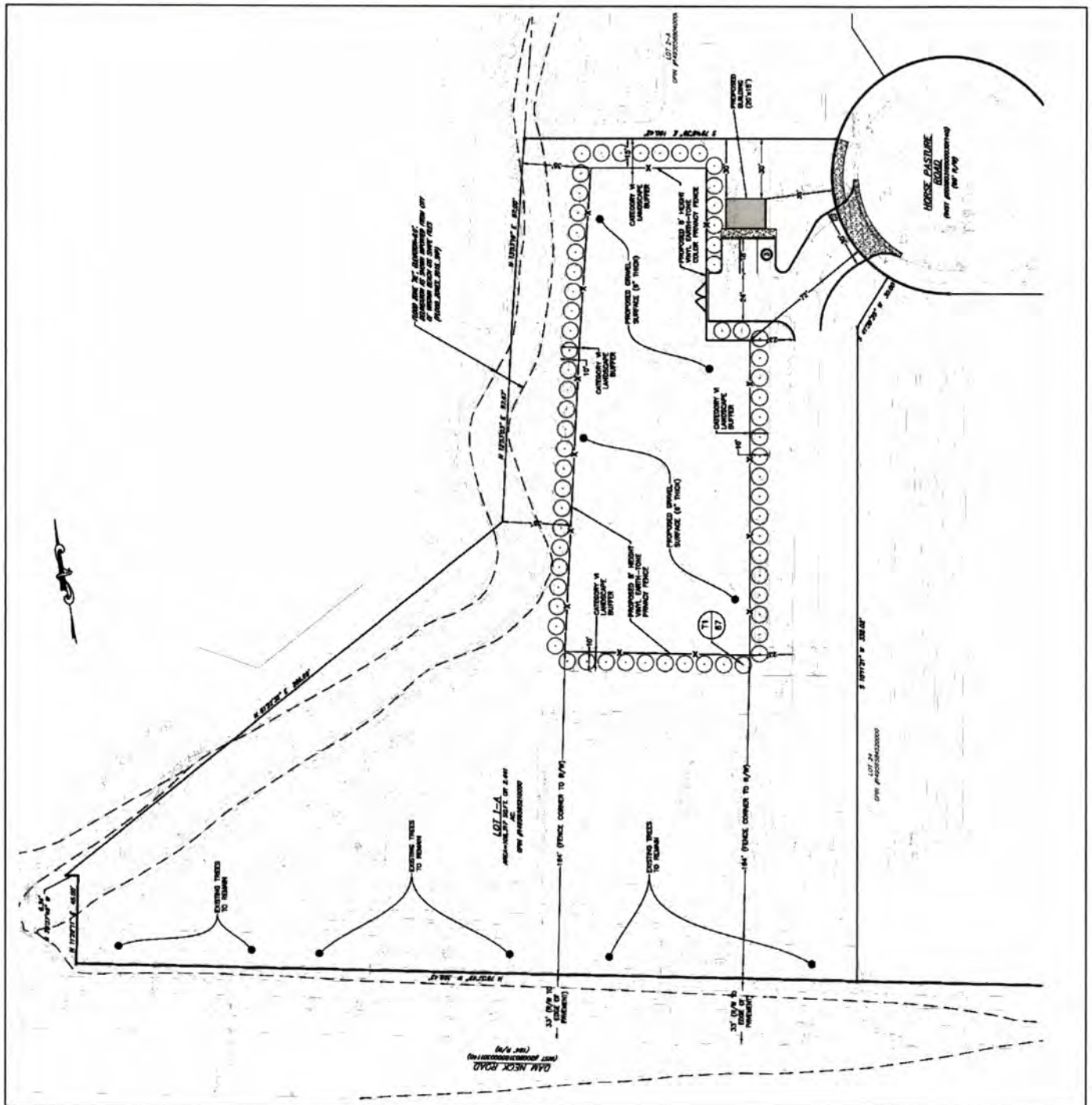
Planning Commission

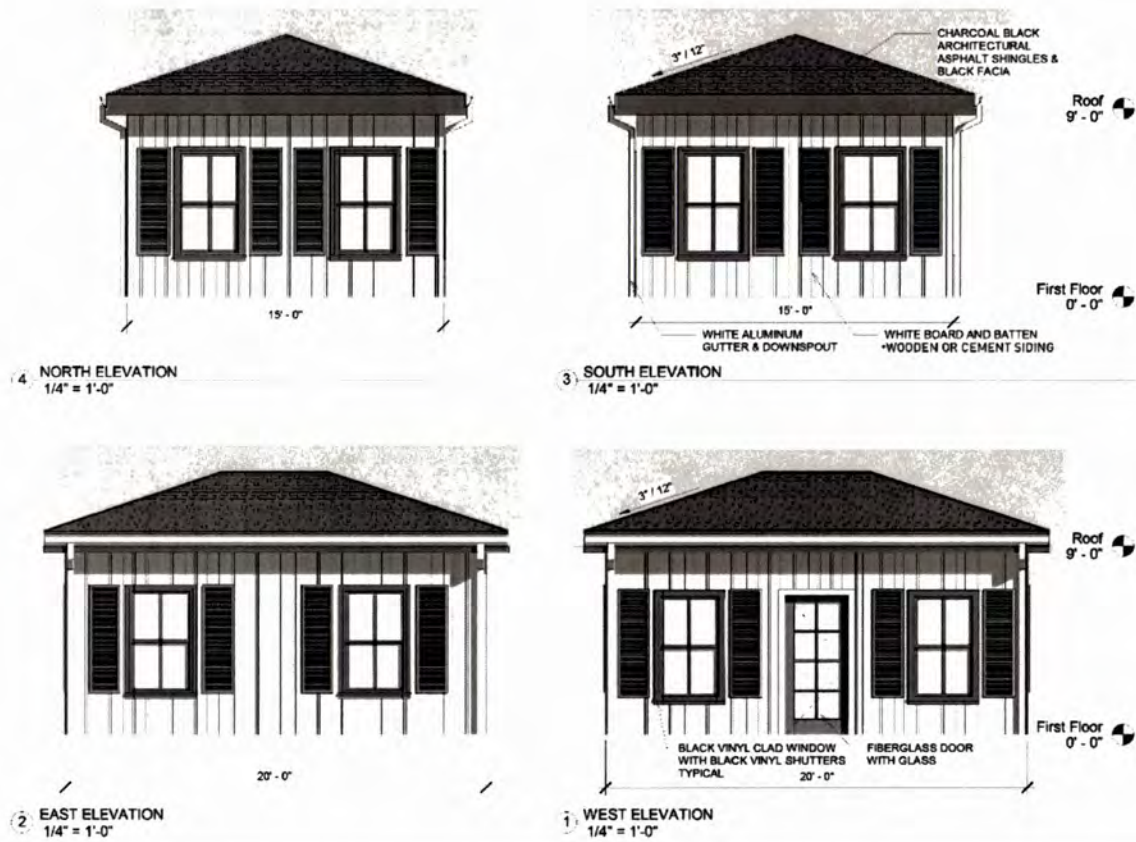
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.viriniabeach.gov/pc on January 4, 2024.

City Council

- As required by City Code, this item was advertised in the Virginian-Pilot Beacon on Tuesdays, February 20, 2024 and February 27, 2024.
- As required by City Code, the adjacent property owners were notified regarding both the request and the date of the City Council's public hearing on February 19, 2024.
- The City Clerk's Office posted the materials associated with the application on the City Council website of <https://clerk.viriniabeach.gov/city-council> on March 1, 2024.

Proposed Site Layout





2625 HORSE PASTURE RD
VIRGINIA BEACH VA 23463
ELEVATIONS
A0
JEMS LLC
12/01/2023
1/4" = 1'-0"

Site Photos



Disclosure Statement

Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name C the Jems, LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If **yes**, list the name of the representative.

R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? ☒ Yes ☐ No

- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

Stacie Lane Sawyer & Jonathan Mark Sawyers, Members & Managers

- If **yes**, list the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement

Disclosure Statement



Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?

Applicant Services Disclosure

1. Does the applicant have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the financial institutions providing the service.

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property? ☒ Yes ☐ No

- If **yes**, identify the company and individual providing the service.

Stacie Sawyers, Wainwright Real Estate

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No

- If **yes**, identify the firm and individual providing the service.

Zukerman & Associates

4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- If **yes**, identify the firm and individual providing the service.

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☒ No

- If **yes**, identify the purchaser and purchaser's service providers.

Disclosure Statement

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☒ **Yes** ☐ **No**

- If **yes**, identify the company and individual providing the service.

Applicant

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☒ **Yes** ☐ **No**

- If **yes**, identify the firm and individual providing the service.

Robert Sawyer/Sam Baraki, CECS

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☒ **Yes** ☐ **No**

- If **yes**, identify the firm and individual providing the service.

Robert Roussos, Esq.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am **responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.**

C the JEMS, LLC

By:

Applicant Signature

Jonathan Mark Sawyers, Manager

Print Name and Title

10-31-23

Date

- Is the applicant also the owner of the subject property? ☐ **Yes** ☒ **No**

- If **yes**, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input checked="" type="checkbox"/>	No changes as of	Date	02.21.2024	Signature	
				Print Name	Marchelle L. Coleman

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name Jonathan Properties, LLC

Applicant Name C the Jems, LLC

Is the Owner a corporation, partnership, firm, business, trust or an unincorporated business? ☒ Yes ☐ No

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

Jonathan Guion, Sole Member/Manager

- If yes, list the businesses that have a parent-subsidary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary)

Known Interest by Public Official or Employee

Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

- If yes, what is the name of the official or employee and what is the nature of the interest?

³ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

⁴ "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement

Disclosure Statement



Owner Services Disclosure

1. Does the Owner have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc)** or **are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?
☐ Yes ☒ No
 - If **yes**, identify the financial institutions providing the service.

2. Does the Owner have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?
☒ Yes ☐ No
 - If **yes**, identify the company and individual providing the service.
Jonathan Commercial Properties: Jonathan Guion, Broker

3. Does the Owner have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

4. Does the Owner have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☒ No
 - If **yes**, identify the purchaser and purchaser's service providers.

6. Does the Owner have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the company and individual providing the service.

7. Does the Owner have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

Disclosure Statement

Disclosure Statement



8. Is the Owner receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No

- If **yes**, identify the firm and individual providing legal the service.

Coleman & Coleman, P.C.

Owner Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, **I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.**

Jonathan Properties, LLC

By: _____

Owner Signature

Jonathan Guion, Manager/Sole Member

Print Name and Title

Jonathan Guion, Manager / Sole Member 10-30-23

Date

Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-5692.
- Please note that 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.



CITY OF VIRGINIA BEACH
INTER-OFFICE CORRESPONDENCE

In Reply Refer To Our File No. DF-11133

DATE: February 9, 2024

TO: Mark D. Stiles

DEPT: City Attorney

FROM: B. Kay Wilson

DEPT: City Attorney

RE: Conditional Zoning Application; Jonathan Properties, LLC

The above-referenced conditional zoning application is scheduled to be heard by the City Council on February 20, 2024. I have reviewed the subject proffer agreement, dated December 5, 2023 and have determined it to be legally sufficient and in proper legal form. A copy of the agreement is attached.

Please feel free to call me if you have any questions or wish to discuss this matter further.

BKW/ka
Enclosure

cc: City Manager

AMENDMENT TO PROFFERED COVENANTS, RESTRICTIONS AND CONDITIONS

JONATHAN PROPERTIES, LLC, a Virginia limited liability company

TO (PROFFERED COVENANTS, RESTRICTIONS AND CONDITIONS)

CITY OF VIRGINIA BEACH, a municipal corporation of the Commonwealth of Virginia

THIS AGREEMENT, made this 5th day of December, 2023, by and between JONATHAN PROPERTIES, LLC, a Virginia limited liability company, Grantor; and THE CITY OF VIRGINIA BEACH, a municipal corporation of the Commonwealth of Virginia, Grantee.

WITNESSETH:

WHEREAS, the Grantor is the owner of that certain parcel of property located in District #5 of the City of Virginia Beach, containing approximately 2.441 acres and described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Grantor has initiated a modification to a conditional amendment to the Zoning Map of the City of Virginia Beach, Virginia, by Petition addressed to the Grantee so as to modify a condition applicable to the Property that is zoned Conditional I-1 Industrial District; and

WHEREAS, the Grantor has requested the Grantee to permit this modification of the Proffered Covenants, Restrictions and Conditions dated January 14, 2002, and recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Deed Book 4698, at Page 0794 (hereinafter "Original Proffers") as amended by FIRST AMENDMENT TO PROFFERED COVENANTS, RESTRICTIONS AND CONDITIONS dated April 30, 2004 and recorded in the afore referenced Clerk's Office as Instrument Number 200409220151888 (hereinafter "2004 Amended Proffer") applicable to the Property; and

GPIN: 1495-65-6521-0000

PREPARED BY:

**SYKES, BOURDON,
AHERN & LEVY, P.C.**

Prepared By: R. Edward Bourdon, Jr., Esq., VSB #22160
Sykes, Bourdon, Ahern & Levy, P.C.
4429 Bonney Road
Suite 500
Virginia Beach, Virginia 23462

WHEREAS, the Grantee's policy is to provide only for the orderly development of land for various purposes through zoning and other land development legislation; and

WHEREAS, the Grantor acknowledges that the competing and sometimes incompatible development of various types of uses conflict and that in order to permit differing types of uses on and in the area of the Property and at the same time to recognize the effects of change that will be created by the Grantor's proposed proffer modification, certain reasonable conditions governing the use of the Property for the protection of the community that are not generally applicable to land similarly zoned are needed to resolve the situation to which the Grantor's proffer modification application gives rise; and

WHEREAS, the Grantor has voluntarily proffered, in writing, in advance of and prior to the public hearing before the Grantee, the following amendment to the previously proffered conditions related to the physical development, operation, and use of the Property to be incorporated as a part of the previously adopted amendment to the Zoning Map applicable to the Property.

NOW, THEREFORE, the Grantor, its successors, personal representatives, assigns, grantees, and other successors in title or interest, voluntarily and without any requirement by or exaction from the Grantee or its governing body and without any element of compulsion or quid pro quo for zoning, rezoning, site plan, building permit, or subdivision approval, hereby makes the following amended and modified declaration of covenants, conditions and restrictions governing the physical development, operation, and use of the Property and hereby covenants and agrees that this declaration shall constitute covenants running with the Property, which shall be binding upon the Property and upon all parties and persons claiming under or through the Grantor, its successors, personal representatives, assigns, grantees, and other successors in interest or title:

1. Subsection "g)" of amended proffer numbered 2 as contained in the 2004 Amended Proffer recorded in the above referenced Clerk's Office as Instrument Number 200409220151888 is hereby modified and replaced with the following:

g) No onsite vehicular parking, outdoor storage, loading docks, or loading areas shall be permitted between Dam Neck Road and any building on a parcel adjacent to Dam Neck Road unless the use is setback no less than 140 feet from Dam Neck Road and screened by Category VI Landscape Buffer.

PREPARED BY:

SB SYKES, BOURDON,
AL AHERN & LEVY, P.C.

2. Except as expressly modified herein, with respect to the Property, all of the proffers, covenants, restrictions and conditions set forth in the Original Proffers as modified by the 2004 Amended Proffer are ratified, affirmed and remain binding upon the Property and upon any party holding title under, by or through the Grantor.

All references hereinabove to the I-1 Industrial Zoning District and to the requirements and regulations applicable thereto refer to the Comprehensive Zoning Ordinance and Subdivision Ordinance of the City of Virginia Beach, Virginia, in force as of the date of approval of this Agreement by City Council, which are by this reference incorporated herein.

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

The Grantor covenants and agrees that:

(1) The Zoning Administrator of the City of Virginia Beach, Virginia, shall be vested with all necessary authority, on behalf of the governing body of the City of Virginia Beach, Virginia, to administer and enforce the foregoing conditions and restrictions, including the authority (a) to order, in writing, that any noncompliance with such conditions be remedied, and (b) to bring legal action or suit to insure compliance with such conditions, including

PREPARED BY:

SB SYKES, BOURDON,
AL AHERN & LEVY, P.C.

mandatory or prohibitory injunction, abatement, damages, or other appropriate action, suit, or proceeding;

(2) The failure to meet all conditions and restrictions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate;

(3) If aggrieved by any decision of the Zoning Administrator, made pursuant to these provisions, the Grantor shall petition the governing body for the review thereof prior to instituting proceedings in court; and

(4) The Zoning Map may show by an appropriate symbol on the map the existence of conditions attaching to the zoning of the Property, and the ordinances and the conditions may be made readily available and accessible for public inspection in the office of the Zoning Administrator and in the Planning Department, and they shall be recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, and indexed in the names of the Grantor and the Grantee.

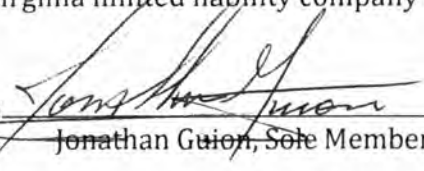
PREPARED BY:

S.B. SYKES, BOURDON,
N.L. AHERN & LEVY, P.C.

WITNESS the following signature and seal:

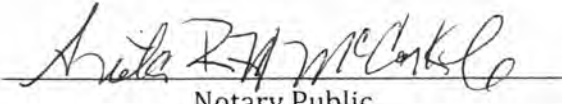
Grantor:

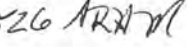
Jonathan Properties, LLC,
a Virginia limited liability company

By:  (SEAL)
Jonathan Guion, Sole Member/Manager

STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this 5th day of December, 2023, by Jonathan Guion, Sole Member/Manager of Jonathan Properties, LLC, a Virginia limited liability company, Grantor.


Notary Public

My Commission Expires: August 31, 2023 
Notary Registration Number: 192628



PREPARED BY:

 SYKES, BOURDON,
AHERN & LEVY, P.C.

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH ALL IMPROVEMENTS THEREON AND THERETO BELONGING, LYING AND BEING IN THE CITY OF VIRGINIA BEACH, VIRGINIA, KNOWN AS PARCEL 1-A, TAYLOR FARM COMMERCE PARK, CONTAINING 2.4407 ACRES, AS SHOWN ON A RESUBDIVISION PLAT ENTITLED "RESUBDIVISION OF LOTS 1 & 2 TAYLOR FARM COMMERCE PARK, PROPERTY OF WOMACK CHAPPELL, LLC, A VIRGINIA LIMITED LIABILITY COMPANY, VIRGINIA BEACH, VIRGINIA" AND PREPARED BY THE SPECTRA GROUP, DATED 11/13/07, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH, VIRGINIA, AS INSTRUMENT NUMBER 20080318000301140. REFERENCE IS HEREBY MADE TO SAID PLAT FOR MORE PARTICULAR DESCRIPTION OF THE PROPERTY.

GPIN: 1495-65-6521-0000

H:\AM\~Mod of Proffers\~C the JEMS\Amended Proffer.docx

PREPARED BY:

B SYKES, BOURDON,
L AHERN & LEVY, P.C.

**Virginia Beach Planning Commission
January 10, 2024, Public Meeting
Agenda Items # 4 & 5**

C the Jems, LLC

RECOMMENDED FOR APPROVAL- CONSENT

Ms. Cuellar: Thank you very much. Application number four and five C the Jems, LLC and Jonathan Properties, LLC. Welcome back.

Mr. Bourdon: Thank you, Ms. Cuellar. Again, for the record, Eddie Bourdon, Virginia Beach Attorney representing both applicants as well as I also have consent from the owner of the industrial park, Ms. Chapel. The application, the modification of proffers is acceptable to both the applicant and Jonathan Properties, the owner of the property. I want to put that in the record and the five conditions as recommended by staff are acceptable to C the Jems, LLC, Mark Sawyer's. The principal is here in attendance this afternoon and appreciate again was efforts and those on the Commission for putting on the consent agenda. Thank you.

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

Mr. Plumlee: Yes, thank you. This application is for 2625 Horse Pasture Road, where the applicant seeks to modify proffers to amend subsection G from 2004 to allow for vehicular parking outdoor storage to be located. The remaining part of the parcel will remain subject to the aforementioned proffers. The applicant also seeks a conditional use permit to construct an operated toe and pound lot for motor vehicles classified as a bulk storage yard in our zoning ordinance. Because of the excellent work of the council for the applicant, the applicant and our wonderful planning staff. There have been no objections to this application and therefore it's suitable for the consent agenda.

Ms. Cuellar: I move that these items be approved by consent.

Mr. Alcaraz: Alright and second by Mr. Clemons, it's your day.

Madam Clerk: We're going to go ahead and do a verbal vote again since the system isn't working. Mr. Anderson?

Mr. Anderson: Yes.

Madam Clerk: Ms. Byler?

Ms. Byler: Yes.

Madam Clerk: Mr. Clemons?

Mr. Clemons: Yes.

Madam Clerk: Mr. Coston?

Mr. Coston: Yes.

Madam Clerk: Mrs. Estaris?

Ms. Estaris: Yes.

Madam Clerk: Ms. Hippen?

Ms. Hippen: Yes.

Madam Clerk: Mr. Mauch?

Mr. Mauch: Yes.

Madam Clerk: Mr. Parks?

Mr. Parks: Yes.

Madam Clerk: Mr. Plumlee?

Mr. Plumlee: Yes.

Madam Clerk: Vice Chair Cuellar?

Ms. Cuellar: Yes.

Madam Clerk: And Chairman Alcaraz?

Mr. Alcaraz: Yes.

Madam Clerk: By a vote of 11 to 0, items 1, 2, 4 and 5, 6, 7, 10, and 11 have been recommended for approval.

	AYE 11	NAY 0	ABS 0	ABSENT 0
Alcaraz	AYE			
Anderson	AYE			
Byler	AYE			
Clemons	AYE			
Coston	AYE			
Cuellar	AYE			
Estaris	AYE			
Hippen	AYE			
Mauch	AYE			
Parks	AYE			
Plumlee	AYE			

PROFFERS:

Proffer 1:

Subsection "g" of amended proffer numbered 2 as contained in the 2004 Amended Proffer recorded in the above referenced Clerk's Office as Instrument Number 200409220151888 is hereby modified and replaced with the following:

- g) No onsite vehicular parking, outdoor storage, loading docks, or loading areas shall be permitted between Dam Neck Road and any building on a parcel adjacent to Dam Neck Road unless the use is setback no less than 140 feet from Dam Neck Road and screened by Category VI Landscape Buffer.

Proffer 2:

Except as expressly modified herein, with respect to the Property, all of the proffers, covenants, restrictions and conditions set forth in the Original Proffers as modified by the 2004 Amended Proffer are ratified, affirmed and remain binding upon the Property and upon any party holding title under, by or through the Grantor.

CONDITIONS:

1. Development of the site shall be in substantial conformance to the submitted exhibit entitled, "Preliminary Layout for Affordable Towing Storage Yard", dated October 16, 2023, prepared by CECS, copy of which have been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning & Community Development.
2. When developed, the office building shall be in substantial conformance to the submitted exhibit entitled, "2625 Horse Pasture Rd Elevations", dated December 1, 2023, copy of which have been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning & Community Development.
3. The fencing shall be installed at a minimum height of 8 feet, earth-tone in color, and be of a maintenance-free material approved by the Planning Director.

4. The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the Preliminary Drainage Study and shall comply with the Stormwater Management Ordinance.
5. Prior to final site plan approval, a Lighting Plan in accordance with Sections 252 and 254 of the Zoning Ordinance, or as amended, shall be submitted for review and approval by the Department of Planning and Community Development. Outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

N. APPOINTMENTS

90-DAY FESTIVAL TASK FORCE
ATLANTIC PARK COMMUNITY DEVELOPMENT AUTHORITY
BAYFRONT ADVISORY COMMISSION
BEACHES AND WATERWAYS ADVISORY COMMISSION
CLEAN COMMUNITY COMMISSION
COMMUNITY POLICY AND MANAGEMENT TEAM
COMMUNITY SERVICES BOARD
DEFERRED COMPENSATION BOARD
FLOOD PREVENTION BOND REFERENDUM OVERSIGHT BOARD
GREEN RIBBON COMMITTEE
HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION
HEALTH SERVICES ADVISORY BOARD
HUMAN RIGHTS COMMISSION
MILITARY ECONOMIC DEVELOPMENT ADVISORY COMMITTEE
OLD BEACH DESIGN REVIEW BOARD
PERSONNEL BOARD
RESORT ADVISORY COMMISSION
SENIOR SERVICES OF SOUTHEASTERN VA BOARD
SHORT TERM RENTAL ENFORCEMENT TASK FORCE
STORMWATER APPEALS BOARD
TRANSITION AREA/ INTERFACILITY TRAFFIC AREA CITIZENS ADVISORY COMMITTEE
VIRGINIA BEACH CANNABIS ADVISORY TASK FORCE
VIRGINIA BEACH COMMUNITY DEVELOPMENT CORPORATION
VIRGINIA BEACH VA250 COMMITTEE

O. UNFINISHED BUSINESS

P. NEW BUSINESS

Q. ADJOURNMENT

OPEN DIALOGUE

Non-Agenda Items

Each Speaker will be allowed 3 minutes

If you are **physically disabled** or **visually impaired**
and need assistance at this meeting,
please call the **CITY CLERK'S OFFICE** at **385-4303**

The Agenda (including all backup documents) is available at <https://clerk.virginiabeach.gov/city-council> under the eDocs Document Archive. If you would like to receive by email a list of the agenda items for each Council meeting, please submit your request to TChelius@vbgov.com or call 385-4303.

Citizens who wish to speak can sign up either in-person or virtually via WebEx. Anyone wishing to participate virtually, must follow the **two-step process** provided below:

1. Register for the WebEx at:
<https://vbgov.webex.com/weblink/register/rec3193231d45737245dc4bfdd8768243>
2. Register with the City Clerk's Office by calling 757-385-4303 prior to 5:00 p.m. on March 5, 2024.

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PAGE: 2

ITEM #

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PAGE: 3

AGENDA

ITEM #

SUBJECT

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<p><i>CITY OF VIRGINIA BEACH</i> <i>SUMMARY OF COUNCIL ACTIONS</i></p>														
<p>DATE: 02/20/2024</p>				<p>PAGE: 4</p>										
<p>AGENDA</p>														
ITEM #	SUBJECT	MOTION	VOTE	B E R L U C C H I	D Y E R	H E N L E Y	H U T C H E S O N	R E M I C K	R O S S - H A M M O N D	R O U S E	S C H U L M A N	T A Y L O R	W I L S O N	W O O T E N

PAGE: 4

ITEM #

SUBJECT

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