



Planning Commission Agenda

March 10, 2021

VB City of
Virginia Beach

The Virginia Beach Planning Commission Public Hearing is carried LIVE on VBTv, which is available on Cox Cable Channel 48, Verizon Cable Channel 45 and on VBgov.com's Media Center webpage at <http://www.vbgov.com/media/pages/videos.aspx>. The meeting is recast on Cox Channel 48 and Verizon Channel 45 the following morning at 9 a.m. and on Cox Channel 47 and Verizon Cable Channel 47 at 7 p.m. on the two consecutive Fridays following the live meeting. The meeting will also be available on the Media Center webpage for two months beginning the Friday after the live hearing.

Planning Commission Hearing Procedures

In accordance with Virginia Code § 2.2-3708.2, Virginia Code § 15.2-1413 and the City's Continuity of Government Ordinance adopted on September 15, 2020, and Chapter 1289 of the 2020 Acts of Assembly as amended, a Public Hearing of the Virginia Beach Planning Commission will be held on Wednesday, March 10, 2021 at 12:00 p.m. The Planning Commission and required Staff members will meet in-person at the Convention Center, but at this time it is impractical and unsafe to allow other persons to attend the Planning Commission meeting due to physical distancing and safety precautions related to the pandemic. Members of the public will be able to observe the Planning Commission meeting through livestreaming on www.vbgov.com, broadcast on VBTV, and via WebEx. Citizens who wish to speak can sign up to speak either in-person at the Convention Center or virtually via WebEx by completing the two-step process below. Citizens signed up to speak in-person will wait in Suite 4 of the Convention Center until called into the meeting room to speak. In-person speakers will be required to follow physical distancing and safety protocols, including wearing a face covering while in the Convention Center. Citizens requiring accommodations to these requirements are encouraged to participate through electronic means or to contact the Planning Department at 757-385-4621 to discuss accommodations. A Staff briefing session will be held at 9:00 a.m. All interested parties are invited to observe.

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/vbgov/onstage/g.php?MTID=ee3699a4c6cff71f6dae790eab97429bd>
2. Register with the Planning Department by calling 757-385-4621 or via email at niGarrido@vbgov.com prior to 5:00 p.m. on March 9, 2021.

If you require a reasonable accommodation for this meeting due to a disability, please call the Planning Department at 757-385-4621. If you are hearing impaired, you can contact Virginia Relay at 711 for TDD service. The meeting will be broadcast on cable TV, www.vbgov.com and Facebook Live.

Due to the ongoing Covid-19 Pandemic, please check our website at www.vbgov.com/pc for the most updated meeting information.

- * Deferral
- ** Withdrawal

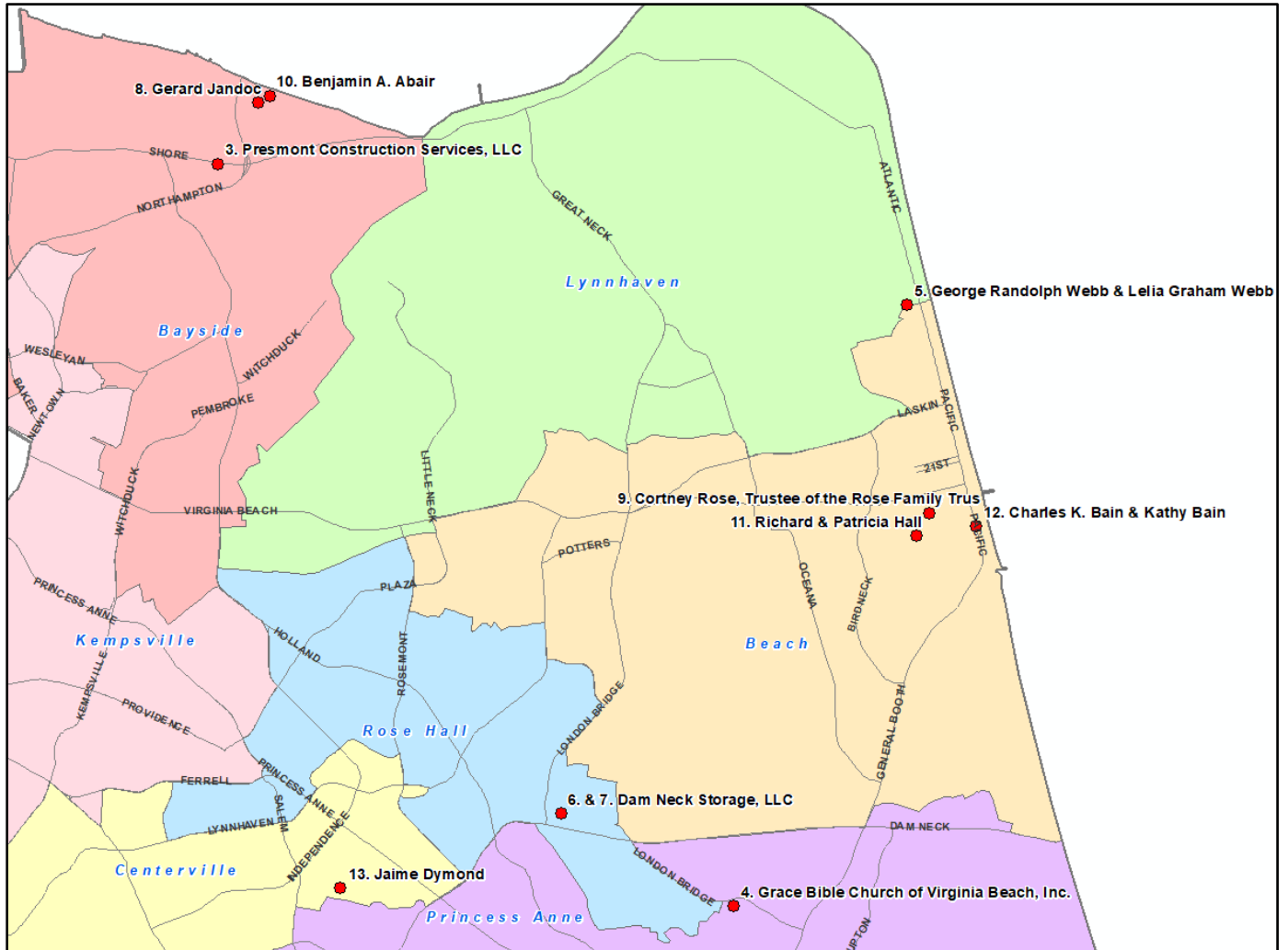
The following describes the order of business for the Public Hearing.

1. **Withdrawals and Deferrals:** The first order of business is the consideration of withdrawals or requests to defer an item. The Commission will ask those who are signed up to speak at the hearing if there are any requests to withdraw or defer an item that is on the agenda. **Please note the requests that are made, as one of the items being withdrawn or deferred may be the item that you have an interest in.** Please confine your remarks to the deferral or withdrawal request and do not address the issues of the application – in other words, please let the Commission know why deferring or withdrawing the application is unacceptable rather than discussing what your specific issue is with the application.
2. **Consent Agenda:** The second order of business is consideration of the “consent agenda.” The consent agenda contains those items that the Planning Commission believes are unopposed and which have a favorable Staff recommendation. If an item is placed on the Consent Agenda, that item will be heard with other items on the agenda that appear to be unopposed and have a favorable staff recommendation. The Commission will vote on all of the items at one time. Once the Commission has approved the item as part of the Consent Agenda, it is deemed approved and will not be discussed any further.
3. **Regular Agenda:** The Commission will then proceed with the remaining items on the agenda, according to the following process:
 - a. The applicant or applicant’s representative will have 10 minutes to present its case.
 - b. Next, those who wish to speak in support to the application will have 3 minutes to present their case.
 - c. If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
 - d. All other speakers not represented by the spokesperson in opposition will have 3 minutes.
 - e. The applicant or applicant’s representative will then have 3 minutes for rebuttal of any comments from the opposition.
 - f. There is then discussion among the Commission members. No further public comment will be heard at that point.
 - g. The Commission does not allow slide or computer generated projections other than those prepared by the Planning Department Staff.
 - h. The Commission asks that speakers not be repetitive or redundant in their comments. Petitions may be presented and are encouraged. If you are part of a group, the Commission requests, in the interest of time, that you use a spokesperson.

Planning Commission action is not a final determination regarding the application, but only a recommendation to the City Council of the viewpoint of the Planning Commission. Final determination of the application will be made by City Council at a later date after public notice in the Virginian Pilot/Beacon.

- * Deferral
- ** Withdrawal

MARCH 10, 2021 PLANNING COMMISSION AGENDA



* Deferral
** Withdrawal

MARCH 10, 2021
PLANNING COMMISSION AGENDA

A.
COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION

12:00 P.M. – PUBLIC HEARING

1. City of Virginia Beach – A Resolution to schedule monthly meetings of the Planning Commission of the City of Virginia Beach for April 2021 to December 2021.

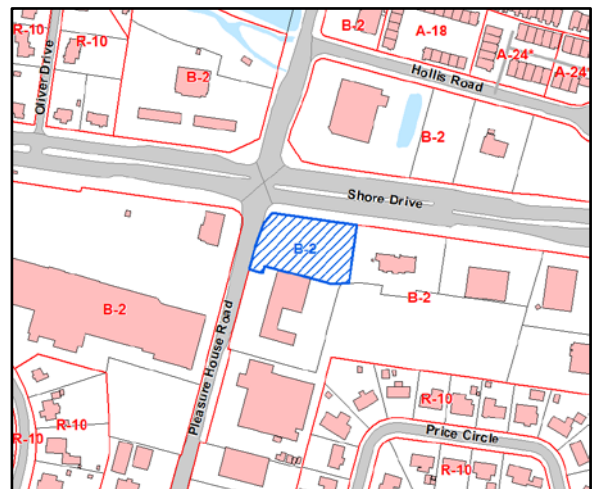
2. City of Virginia Beach - A Resolution to Amend the City Zoning Ordinance Pertaining to Short Term Rentals: To Amend Section 102 of the City Zoning Ordinance Establishing Short Term Rental Overlay Districts, East Shore Drive, North End, And Oceanfront Resort; To Add Article 23, Consisting of Sections 2300 To 2303, (Short Term Rental Overlay Districts) to The City Zoning Ordinance Establishing Regulations and Requirements Pertaining to Short Term Rentals in Each Overlay District; To Amend The Official Zoning Map by the Designation and Incorporation of Property Into Short Term Rental Overlay Districts-East Shore Drive, North End and Oceanfront Resort District; To Amend Sections 401, 501, 601, 901, 1110, 1125, 1521, and 2203 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code Pertaining to the Requirements and Use of Short Term Rentals and Overlays; Establishing Transitions Rules for the Review of Conditional Use Permits for Short Term Rentals in the Short Term Rental Overlays; To Amend Section 241.2 of the City Zoning Ordinance pertaining to Short Term Rentals and Establishing Additional Safety Requirements.

3.
Presmont Construction Services, LLC (Applicant)
KS Shore, LLC (Property Owner)

Conditional Use Permit (Automobile Service Station)

Address: 4769 Shore Drive
GPIN(s): 1479473214
Council District: Bayside
Accela Record: 2020-PCCC-00277
Staff Planner: Jonathan Sanders

Application for Fuel Sales in conjunction with a 7-Eleven convenience store. Four fuel dispensers and canopy planned along with a new 4,000 sf building.



- * Deferral
- ** Withdrawal

4.

Grace Bible Church of Virginia Beach, Inc.
(Applicant & Property Owner)

Modification of Conditions (Religious Use)

Address: Adjacent and south of 2285 London Bridge Road

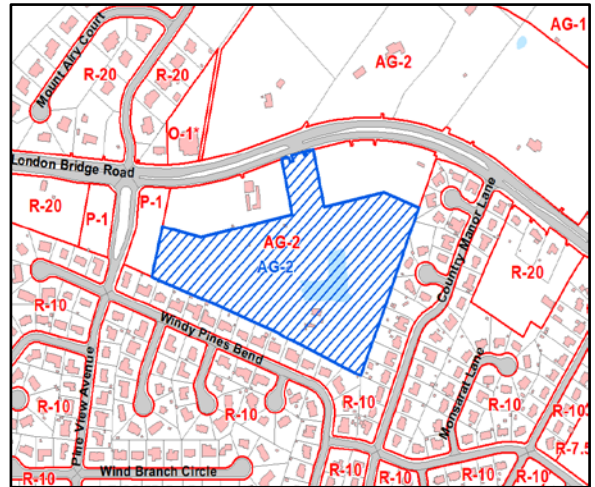
GPIN(s): 2405700297

Council District: Princess Anne

Accela Record(s): 2019-PCCC-00160

Staff Planner: Jonathan Sanders

A request to allow the development of the church parking lot to be at a higher grade to accommodate a redesign of the stormwater outfall, rather than the grade of the adjacent property as originally approved.



5.

George Randolph Webb & Lelia Graham Webb
(Applicants & Property Owners)

Street Closure

Address: 25-foot wide by 125-foot long portion of Holly Road adjacent to 401 49th Street

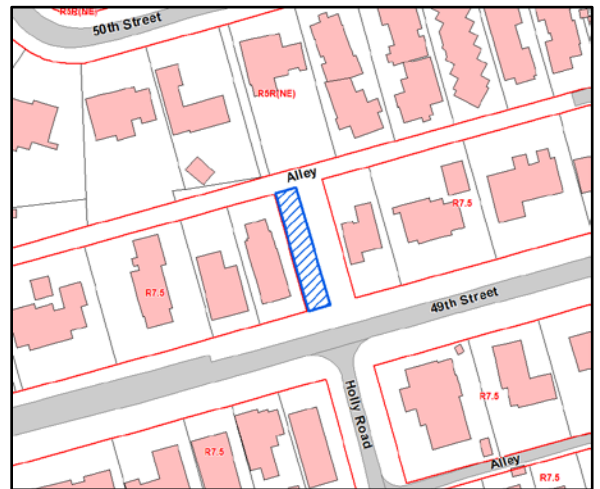
GPIN(s): Adjacent to 2418788383

Council District: Lynnhaven

Accela Record: 2020-PCCC-00024

Staff Planner: Marchelle Coleman

Proposed closure of 3,125 sf of unimproved right-of-way and combine with adjacent parcel.



6. & 7.

Dam Neck Storage, LLC (Applicant & Property Owner)

Conditional Use Permit (Bulk Storage Yard)
Modification of Proffers (Mini-Warehouse)

Address: 1441 London Bridge Road

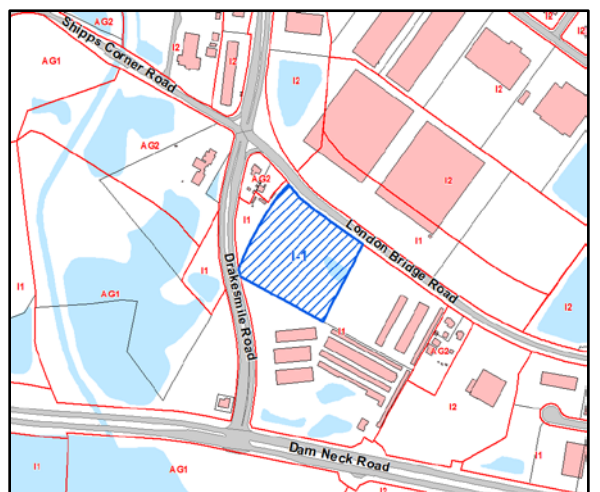
GPIN(s): 1495566421

Council District: Rose Hall

Accela Record(s): 2020-PCCC-00052, 2020-PCCC-00054

Staff Planner: Hoa N. Dao

Requests for an outdoor bulk storage yard and mini-warehouses.



- * Deferral
- ** Withdrawal

SHORT TERM RENTALS

8.

Gerard Jandoc (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 4503 Guam Street

GPIN(s): 15706181504503

Council District: Bayside

Accela Record(s): 2020-PCCC-00341

Staff Planner: Will Miller

Request for a 2-bedroom Short Term Rental.



DEFERRAL REQUESTED

9.

Cortney Rose, Trustee of the Rose Family Trust
(Applicant)

The Rose Family Trust (Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 721 13th Street

GPIN(s): 2417953139

Council District: Beach

Accela Record(s): 2020-PCCC-00342

Staff Planner: Will Miller

Request for a 3-bedroom Short Term Rental.



10.

Benjamin A. Abair (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 2513 Mortons Road

GPIN(s): 1570715567

Council District: Bayside

Accela Record(s): 2020-PCCC-00343

Staff Planner: Will Miller

Request for a 2-bedroom Short Term Rental.



- * Deferral
- ** Withdrawal

11.

Richard & Patricia Hall Revocable Living Trust
(Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 947 Indian Circle

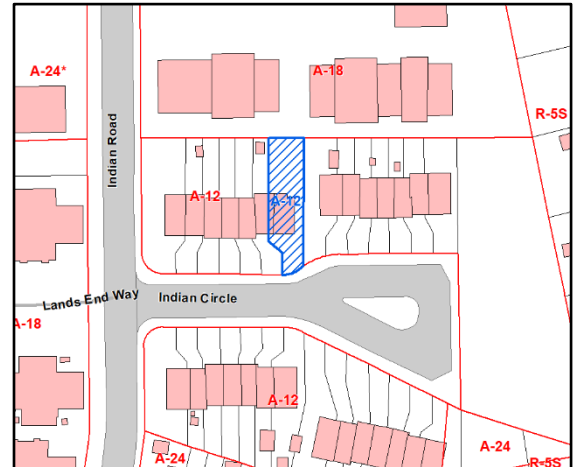
GPIN(s): 2417835706

Council District: Beach

Accela Record(s): 2020-PCCC-00346

Staff Planner: Will Miller

Request for a 3-bedroom Short Term Rental.



12.

Charles K. Bain & Kathy Bain (Applicants & Property Owners)

Conditional Use Permit (Short Term Rental)

Address: 915 Pacific Avenue Unit A

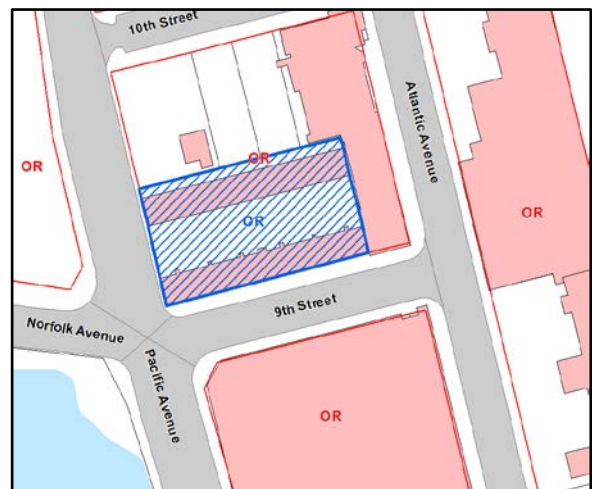
GPIN(s): 24272444111065

Council District: Beach

Accela Record(s): 2021-PCCC-00004

Staff Planner: Summer Peebles

Request for a 1-bedroom Short Term Rental.



13.

Jaime Dymond (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 3817 Daiquiri Lane

GPIN(s): 1485210479

Council District: Centerville

Accela Record(s): 2021-PCCC-00005

Staff Planner: Summer Peebles

Request for a 3-bedroom Short Term Rental.



- * Deferral
- ** Withdrawal

1 A RESOLUTION TO SCHEDULE MONTHLY
2 MEETINGS OF THE PLANNING
3 COMMISSION OF THE CITY OF VIRGINIA
4 BEACH FOR APRIL 2021 TO DECEMBER
5 2021
6

7 WHEREAS, the Planning Commission of the City of Virginia Beach regularly meets
8 on the second Wednesday of every month for its regularly scheduled meetings, and
9 applications on such agendas require advertising as required by law; and
10

11 WHEREAS, on occasion the Chairman, or in his absence the Vice-Chairman, may
12 find and declare that weather or other conditions are such that it is hazardous for
13 members to attend the regularly scheduled meeting; and
14

15 WHEREAS, such findings shall be communicated to the members and the press
16 as promptly as possible;
17

18 WHEREAS, the Planning Commission will in such a situation hear all of the
19 applications scheduled for the cancelled meeting at its next regularly scheduled meeting,
20 without further advertising in accordance with Virginia Code Section 15.2-2214; and
21

22 WHEREAS, a copy of this Resolution shall be published in a newspaper of general
23 circulation at least seven days before the March 2021 meeting date.
24

25 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF
26 THE CITY OF VIRGINIA BEACH, VIRGINIA:
27

28 That in accordance with Virginia Code Section 15.2-2214, the Planning
29 Commission Board establishes its regularly scheduled public hearing meetings at noon
30 on the second Wednesday of every month from April 2021 to December 2021, and its
31 informal hearings at 9:00 AM on the same dates listed here:
32

33 April 14, 2021

34 May 12, 2021

35 June 9, 2021

36 July 14, 2021

37 August 11, 2021

38 September 8, 2021

39 October 13, 2021

40 November 10, 2021

41 December 8, 2021
42

43 If a meeting is cancelled due to hazardous conditions, the applications thereon shall be
44 continued to the next regularly scheduled meeting without further advertising.

Adopted by the Planning Commission of the City of Virginia Beach, Virginia, on the 10th day of March 2021.

APPROVED AS TO CONTENT:



Robert Tajan, Director
Planning Department

APPROVED AS TO LEGAL SUFFICIENCY:



Victoria Eisenberg, Assistant City Attorney
City Attorney's Office



Applicant **City of Virginia Beach**

Planning Commission Public Hearing **March 10, 2021** (Deffered at the February 10, 2021 public meeting)

Short Term Rental Overlay District Amendment

Agenda Item

2

Request

A resolution referring to the Planning Commission ordinances to amends the City Zoning Ordinance, pertaining to Short Term Rentals: to amend Section 102 of the City Zoning Ordinance establishing Short Term Rental Overlay Districts - West Shore Drive (removed by City Council during the hearing), East Shore Drive, North End and Oceanfront Resort; to add Article 23, consisting of Sections 2300 through 2303 (Short Term Rental Overlay Districts), to the City Zoning Ordinance establishing regulations and requirements pertaining to Short Term Rentals in each Overlay District; to amend the official zoning map through the designation and incorporation of property into Short Term Rental Overlay Districts - West Shore Drive (removed by City Council during the hearing), East Shore Drive, North End and OR District; to amend Sections 401, 501, 506, 601, 901, 1110, 1125, 1521 and 2203 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code pertaining to the requirements and use of Short Term Rentals and Overlays; establishing transition rules for the review of Conditional Use Permits for Short Term Rentals in the Short Term Rental Overlays.

Summary of Referred Ordinances

City Council adopted the Short Term Rental Ordinance on January 15, 2019. Presently, amendments to the Ordinance, in combination with newly added Articles, Sections, and Subsections of the City Zoning Ordinance relating to Short Term Rentals, are being considered.

The following amendments to the City Zoning Ordinance pertaining to Short Term Rentals are noted below. Each of these five (5) proposals are itemized through the use of a lower case letter (a through e). These letters match the related summary sheets on the following pages (upper right corner of the page):

- a) Add three (3) additional Short Term Rental Overlay Districts; (*West Shore Drive Overlay was removed at the City Council formal hearing*) and
- b) Amend the official zoning map with three (3) proposed overlay districts; and
- c) Establish conditions for each overlay district; and
- d) Amend the Short Term Rental requirements in each zoning district (use tables); and
- e) Add transition rules.

This referral was requested by Vice-Mayor Wood and Councilman Jones.

This item was referred to the Planning Commission at City Council's October 20, 2020 formal public hearing.

Recommendation

In advance of their February public hearing, the Planning Commission held two virtual workshops on January 28, 2021 and Febraury 23, 2021 with the purpose of considering these proposed Ordinance revisions and additions during this

workshop. The Planning Commission discussed the proposed overlay districts and regulations to be set forth there within. A summary of those discussions are detailed in the following pages of this report.

**REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBERS JONES AND
TOWER**

1 A RESOLUTION REFERRING TO THE PLANNING
2 COMMISSION ORDINANCES TO AMEND THE CITY ZONING
3 ORDINANCE PERTAINING TO SHORT TERM RENTALS: TO
4 AMEND SECTION 102 OF THE CITY ZONING ORDINANCE
5 ESTABLISHING SHORT TERM RENTAL OVERLAY
6 DISTRICTS—WEST SHORE DRIVE, EAST SHORE DRIVE
7 NORTH END AND OCEANFRONT RESORT; TO ADD
8 ARTICLE 23, CONSISTING OF SECTIONS 2300 TO 2303,
9 (SHORT TERM RENTAL OVERLAY DISTRICTS) TO THE
10 CITY ZONING ORDINANCE ESTABLISHING REGULATIONS
11 AND REQUIREMENTS PERTAINING TO SHORT TERM
12 RENTALS IN EACH OVERLAY DISTRICT; TO AMEND THE
13 OFFICIAL ZONING MAP BY THE DESIGNATION AND
14 INCORPORATION OF PROPERTY INTO SHORT TERM
15 RENTAL OVERLAY DISTRICTS—WEST SHORE DRIVE,
16 EAST SHORE DRIVE, NORTH END AND OR DISTRICT; TO
17 AMEND SECTIONS 401, 501, 601, 901, 1110, 1125, 1521 AND
18 2203 OF THE CITY ZONING ORDINANCE AND SECTION 5.2
19 OF THE OCEANFRONT RESORT DISTRICT FORM-BASED
20 CODE PERTAINING TO THE REQUIREMENTS AND USE OF
21 SHORT TERM RENTALS AND OVERLAYS; ESTABLISHING
22 TRANSITIONS RULES FOR THE REVIEW OF CONDITIONAL
23 USE PERMITS FOR SHORT TERM RENTALS IN THE SHORT
24 TERM RENTAL OVERLAYS

25
26 WHEREAS, the public necessity, convenience, general welfare and good zoning
27 practice so require;

28
29 WHEREAS, concern has been expressed that the density of short term rentals is
30 increasing too rapidly and that the number of short term rentals will make the city appear
31 vacant during the off season; and

32
33 WHEREAS, the five (5) ordinances are to amend the City Zoning Ordinance to 1)
34 create four short term rental overlay districts, 2) to establish the conditions for each overlay
35 district, 3) to amend the official zoning map with the four overlays, 4) to amend the

36 requirements for short term rentals in each zoning district, and, 5) provide transition rules for
37 short term rental conditional use permit applications; and
38

39 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH,
40 VIRGINIA:
41

42 There are hereby referred to the Planning Commission, for its consideration and
43 recommendation the five (5) ordinances attached hereto.
44

45 BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA
46 BEACH, VIRGINIA:
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48 That the Planning Commission be, and hereby is, directed in accordance with Virginia
49 Code Section 15.2-2229 to transmit to the City Council its recommendations concerning the
50 aforesaid amendments no later than one hundred (100) days after the date of the adoption
51 of this Resolution.

Adopted by the City Council of the City of Virginia Beach, Virginia, on the ____ day of
_____, 2020.

APPROVED AS TO LEGAL SUFFICIENCY:


City Attorney's Office

CA15135
R-7
October 6, 2020



Applicant **City of Virginia Beach**

Planning Commission Public Hearing **March 10, 2021** (Deffered at the February 10, 2021 meeting)

Establish Three (3) Short Term Rental Overlay Districts

Agenda Item

2a

Request

An Ordinance to amend Section 102 of the City Zoning Ordinance establishing Short Term Rental Overlay Districts - East Shore Drive, North End and Oceanfront Resort.

Summary of Referred Ordinance

This Ordinance amends Section 102 of the City Zoning Ordinance to establish three (3) Short Term Rental Overlay Districts. The proposed Short Term Overlay Districts are: (1) East Shore Drive, (2) North End, and (3) Oceanfront Resort District (*West Shore Drive Overlay was removed from consideration at the City Council formal hearing*). Further descriptions of the metes and bounds of these areas are provided in the proposed ordinance amendment to the official zoning map.

Recommendation

At the Planning Commission workshop held on January 28, 2021, the Planning Commission discussed the areas of the City in which they felt Short Term Rental overlay districts were appropriate. These opinions were solidified further at the workshop held on February 23, 2021. It should be noted that no vote was taken; the purpose of the workshop was for discussion only. The information listed below reflects the discussions that occurred during the workshop and are not a formal recommendation by the Planning Commission.

Following in-depth discussions, the Planning Commission felt that a Short Term Rental overlay district is appropriate in the Oceanfront Resort (OR) District, as well as the remaining Resort Tourist (RT) zoned properties in the City. In these overlay districts, Short Term Rentals would be permitted by-right, provided they meet the requirements of Section 241.2 of the Zoning Ordinance.

Discussions regarding the proposed East Shore Drive overlay involved moving the southern boundary of the overlay from the Cape Henry Bike Trail to Shore Drive. All other boundaries would remain the same. Short Term Rentals would be permitted in this area by Conditional Use Permit only. There was also discussion about capping the density of Short Term Rentals in the area to ten-percent of the dwelling units in the overlay district.

Discussions regarding the proposed North End overlay included extending the boundary to also encompass "The Hollies" neighborhood, located between 45th and 49th Streets. Short Term Rentals would be permitted in this area by Conditional Use Permit only. There was also discussion about capping the density of Short Term Rentals in the area to 15-percent of the dwelling units in the overlay district.

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBERS JONES AND
TOWER

AN ORDINANCE TO AMEND SECTION 102
OF THE CITY ZONING ORDINANCE
ESTABLISHING SHORT TERM RENTAL
OVERLAY DISTRICTS – WEST SHORE
DRIVE, EAST SHORE DRIVE, NORTH END
AND OCEANFRONT RESORT

Section Amended: § 102 of the City Zoning
Ordinance

WHEREAS, the public necessity, convenience, general welfare and good zoning
practice so require;

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

That Section 102 of the City Zoning Ordinance is hereby amended and
reordained to read as follows:

Sec. 102. - Establishment of districts and official zoning maps.

....

(a1) There are hereby established the following overlay districts:

- (1) Shore Drive Corridor Overlay District ("SD");
- (2) North End Overlay District ("NE");
- (3) Old Beach Overlay District ("OB");
- (4) Historic Kempsville Area Overlay District ("HK");
- (5) Workforce Housing Overlay District ("WF"); and
- (6) Short Term Rental Overlay District ("STR").

- a. West Shore Drive ("STR-W")
- b. East Shore Drive ("STR-E")
- c. North End ("STR-NE")
- d. Oceanfront Resort ("STR-OR")

43 Such districts shall be designated on the official zoning map by an appropriate notation
44 following the designation of the underlying zoning district. As an illustration, property in
45 the Shore Drive Corridor Overlay District and in the B-4 Mixed Use District shall be
46 designated on the official zoning map as having the classification "B-4(SD)."

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48
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Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2020.

APPROVED AS TO CONTENT:



Planning Department

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA15136
R-3
October 6, 2020



Applicant **City of Virginia Beach**

Planning Commission Public Hearing **March 10, 2021** (Deferred at the February 10, 2021 meeting)

Ordinance to Amend the Official Zoning Map

Agenda Item

2b

Request

An Ordinance to amend the official zoning map by the designation and incorporation of property into Short Term Rental Overlay Districts - East Shore Drive, North End, and Oceanfront Resort District.

Summary of Referred Ordinance

This Ordinance amends the official zoning map to incorporate three (3) proposed Short Term Rental Overlay Districts. A brief description of the area encompassed by each of the proposed overlay districts are listed below.

1. East Shore Drive - East of the Lesner Bridge; Northern boundary is the Chesapeake Bay; Southern boundary is the Cape Henry bike trail; Eastern boundary First Landing State Park; and the Western boundary is the shopping center located at 2817 Shore Drive to the centerline of Shore Drive, then traveling west down centerline of Shore Drive to the eastern property line of the property located at 2800 Shore Drive and then north to the Chesapeake Bay.
2. North End - Entire existing North End Overlay District (Zoned R-5R (NE)) with the exception of the area located west of Holly Road from the intersection of Holly Road and 58th Street and the Pirate's Hill subdivision. Northern boundary is Fort Story; Southern boundary is 49 ½ Street; Eastern boundary is the Atlantic Ocean; and the Western boundary is First Landing State Park, then Holly Road south of 58th Street.
3. Oceanfront Resort - Overlay included the entire area currently zoned Oceanfront Resort (OR).
 - *West Shore Drive Overlay removed from consideration at the formal City Council hearing on October 20, 2020.*

Recommendation

The boundaries and inclusion of certain neighborhoods in the Short Term Rental overlay districts was discussed at the Planning Commission workshops held on January 28, 2021 and February 23, 2021. At these workshops, the proposed overlay districts considered were the Oceanfront Resort, East Shore Drive, and North End overlay districts; each reflecting the boundaries as referred by City Council. The Planning Commission discussed amending the southern boundary of the East Shore Drive District to be Shore Drive, rather than the Cape Henry Bike Trail. Additionally, the Planning Commission suggested the area known as "the Hollies," and the remaining properties in the City zoned Resort Tourist (RT), be included in proposed overlay districts.

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBERS JONES AND
TOWER

AN ORDINANCE TO AMEND THE OFFICIAL
ZONING MAP BY THE DESIGNATION AND
INCORPORATION OF PROPERTY INTO
SHORT TERM RENTAL OVERLAY
DISTRICTS—WEST SHORE DRIVE; EAST
SHORE DRIVE, NORTH END; AND OR
DISTRICT

WHEREAS, the public necessity, convenience, general welfare and good zoning
practice so require;

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

That the official zoning map of the City of Virginia Beach be, and hereby is,
amended by the designation and incorporation of the areas described below:

- 1) That property located in the Shore Drive Overlay District on the west side of
the Lesner Bridge and bounded as follows: Starting at the western terminus of
the Lesner Bridge heading west along Shore Drive to where the Shore Drive
North Eastern property line of the property known as 3336 Baylake Road
(GPIN: 14890972370000), heading Northwest along the property lines to the
southeast property corner of 2404 Indian Hill Road (14890918910000),
heading North 50 feet then heading west 82 feet to Indian Hill Road, then
heading North along the rear property lines of properties fronting on Rookery
Way to the Chesapeake Bay, heading East to the Lesner Bridge, as depicted
by the attached map labeled "Short Term Rental Overlay-West Shore Drive;"
- 2) That property located in the Shore Drive Overlay District on the east side of the
Lesner Bridge and bounded as follows: from the centerline of Cape Henry Drive
and its continuation north along the eastern property line of the property
addressed 2817 Shore Drive (GPIN: 15904016980000), to the centerline of
Shore Drive, west along the centerline of Shore Drive, then its continuation
north along eastern property line of the property addressed 2800 Shore Drive
(GPIN: 15903180160000) to the Chesapeake Bay; then its continuation east
along the Chesapeake Bay to the western property line of First Landing State
Park; then its continuation south along the western property line of First
Landing State Park; then it's continuation east along the centerline Cape Henry
Drive and depicted by the attached map labeled, "Short Term Rental Overlay-
East Shore Drive."

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- 3) That property located in the North End Overlay and depicted as such on the Official City Zoning Map, except for that area located west of the intersection of Holly Road and 58th Street; south to 49th Street as shown by the attached map labeled "Short Term Rental Overlay—North End;"
- 4) That property located in the City of Virginia Beach, zoned as Oceanfront Resort District and depicted as such on the Official City Zoning Map as shown on the attached map labeled "Short Term Rental Overlay—OR District;

Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day of _____, 2020.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:



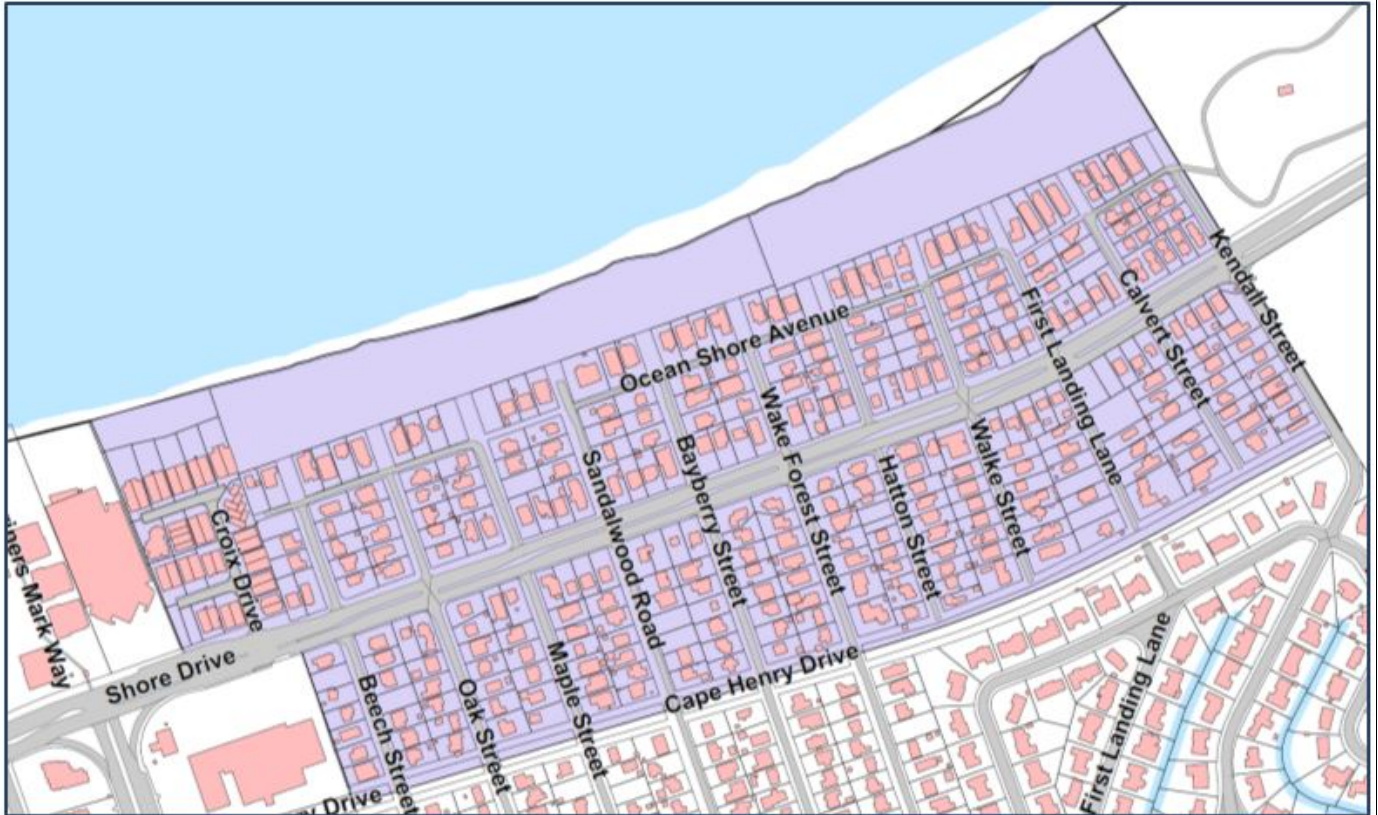
Planning Department



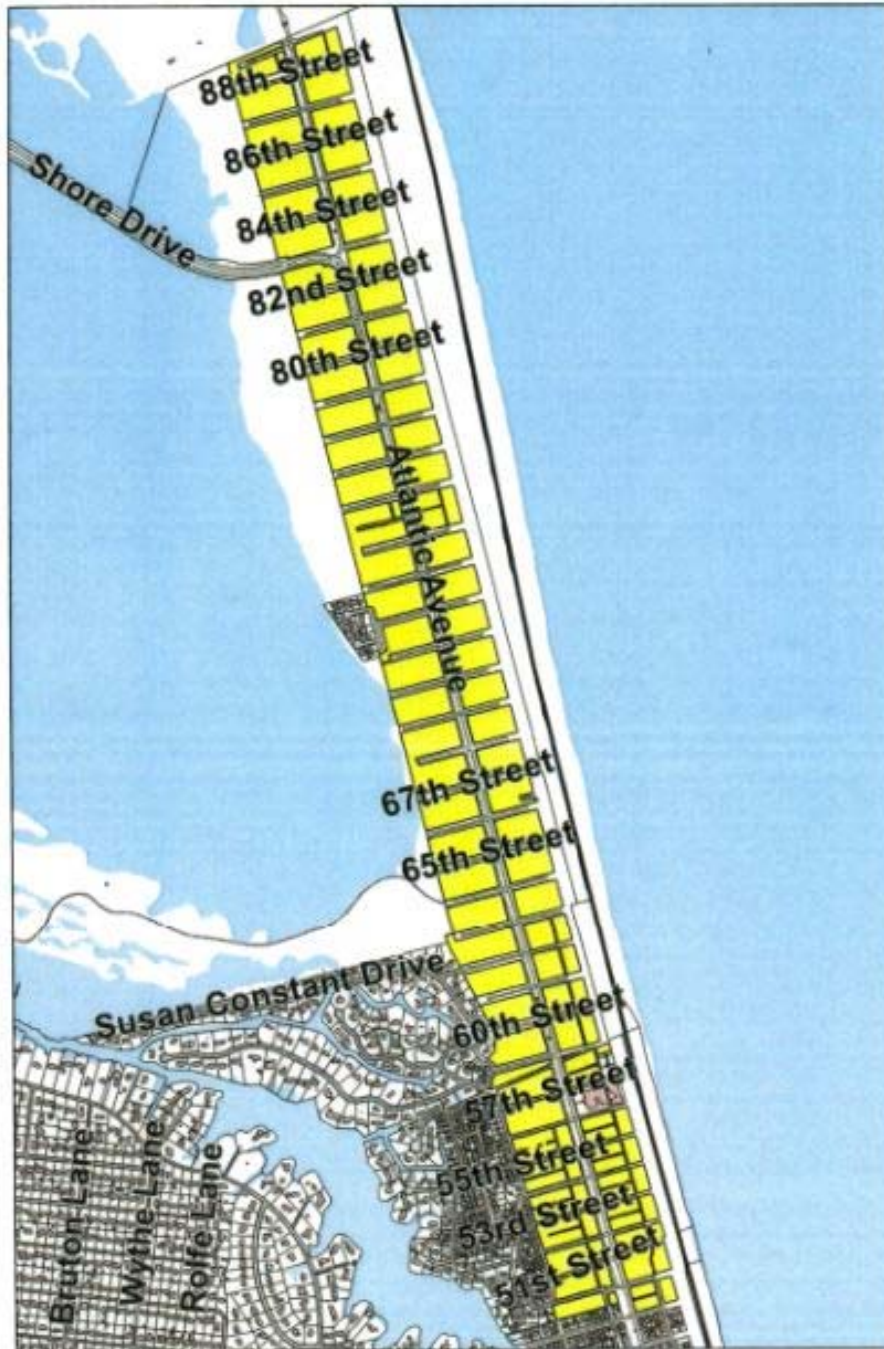
City Attorney's Office

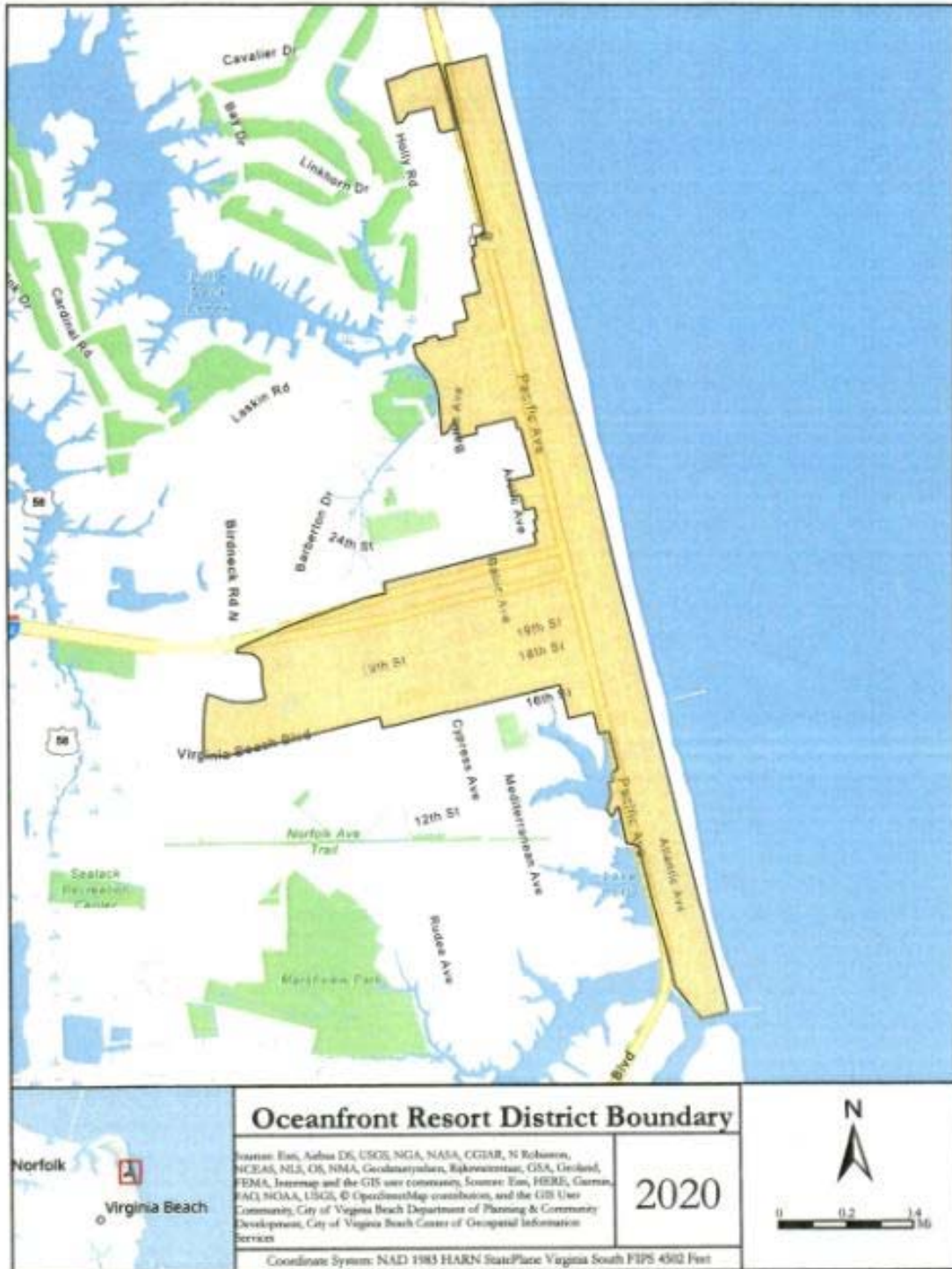
CA15117
R-4
October 6, 2020

PROPOSED EAST SHORE DRIVE STR OVERLAY DISTRICT



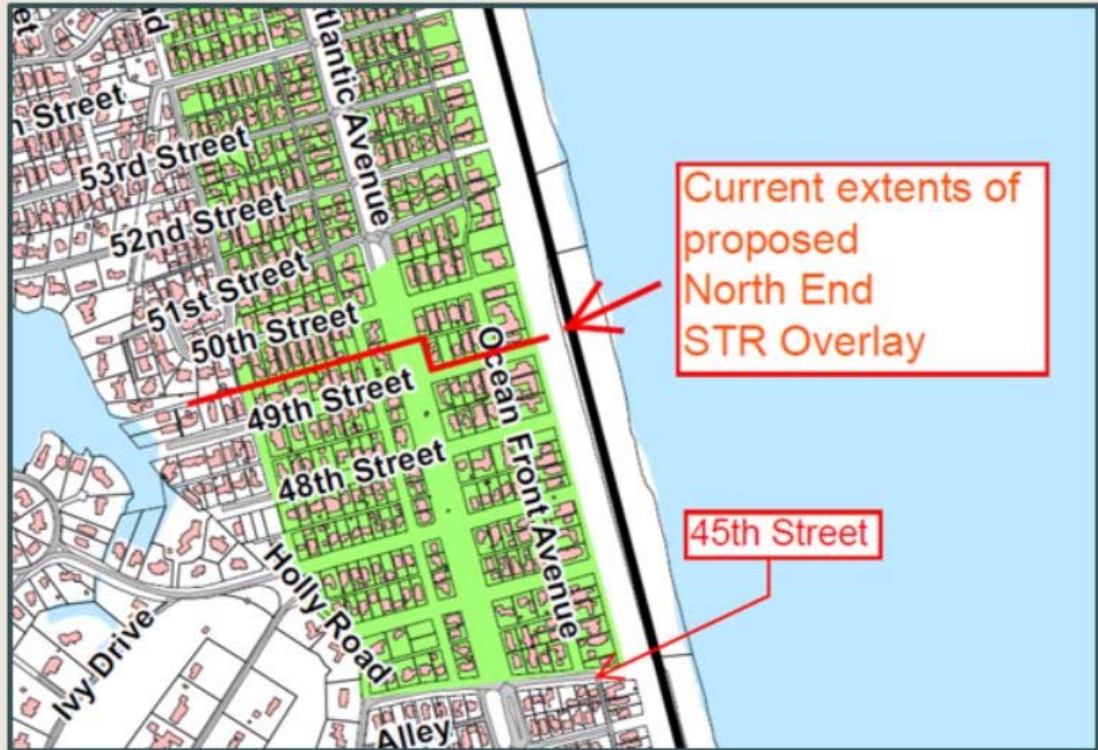
Short Term Rentals Overlay—North End



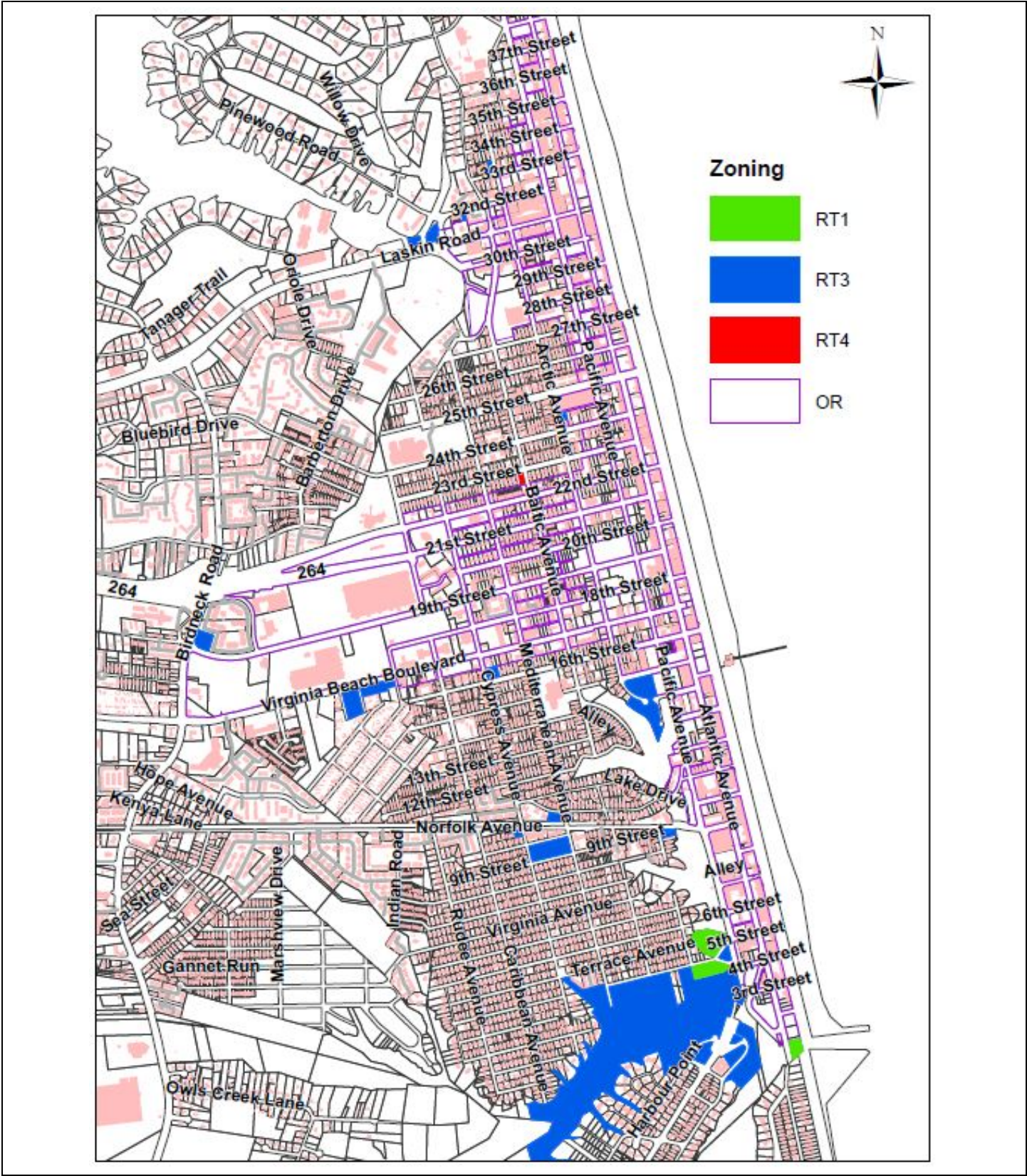


The Hollies

(Area currently not included in proposed North End STR Overlay district)



Proposed Overlay





Applicant **City of Virginia Beach**

Planning Commission Public Hearing **March 10, 2021** (Deferred at the February 10, 2021 meeting)

Amend Regulations and Requirements for Short Term Rentals in Overlay Districts

Agenda Item

2c

Request

An Ordinance to add Article 23, consisting of Sections 2300 through 2303 (Short Term Rental Overlay Districts), to the City Zoning Ordinance establishing regulations and requirements pertaining to Short Term Rentals in each overlay district.

Summary of Referred Ordinance

The establishment of Short Term Rental overlay districts would make Short Term Rentals a permitted use within the overlay districts, provided they meet the requirements of the City Zoning Ordinance. The existing regulations found in Section 241.2 of the City Zoning Ordinance remain in place. Article 23 is proposed to be added and specifically applies to Short Term Rental Overlay Districts as follows:

- i. Add to Condition (1) – Any parking spaces added to the site to meet the required parking shall not add impervious surface. One required space within a garage may be counted, provided it meets the dimensional requirements of a parking space. Driveway areas within the City right-of-way may be counted provided pedestrian or vehicular traffic is not impacted.
- ii. Replace Condition (2) – No events associated with the Short Term Rental are permitted with more persons than can stay overnight. No Special event Permits may be requested.
- iii. Replace Condition (3) – Name and contact of owner or representative must be provided that can respond and be capable of being physically at the site within 30 minutes to address an issue.
- iv. Replace Condition (8) – No more than fifty-two (52) rental contracts permitted per year.
- v. Replace Condition (11) – Maximum occupancy between the hours of 11 p.m. and 7 a.m. shall be the number of bedrooms times two. Minors, sixteen years or younger are not counted; however, in no case shall occupancy be greater than three times the number of bedrooms.
- vi. New Condition – If a Short Term Rental is located within the boundary of the Residential Parking Permit Program (RPPP), only two residential passes are permitted while Short Term Rental is in use. No temporary or guest RPPP passes are permitted.

An area not located in a Short Term Rental overlay district may petition City Council to create an overlay district, provided the area is a pre-established boundary and that the identified community is able to gather signatures in favor of the request from sixty (60) percent of the property owners within the community.

These amendments do not pertain to properties located within the Sandbridge Special Service District, as per legislation from the General Assembly.

If a property previously obtained a Conditional Use Permit for Short Term Rental use, that property could operate under the conditions of the use permit, or the homeowner may choose to relinquish the use permit and operate under the above listed regulations. Should these amendments be approved, a conditional use permit will not be able to be administratively renewed following its five year duration, and the property must meet the above requirements or will not be able to operate a Short Term Rental.

Recommendation

At the Planning Commission workshops held on January 28, 2021, each of these proposed amendments were discussed. There were no changes to the items listed below from the discussions at the first workshop at the Planning Commission's second workshop on February 23, 2021. Below is a description of the items discussed during the workshop.

- i. Parking – No change to the required number of off-street parking spaces, one space per bedroom was suggested. The Planning Commission agreed that any space added to the site to meet this requirement should be a permeable material, but suggested that the language be changed to be consistent with the definition for impervious cover listed in the Chesapeake Bay Preservation Area Ordinance. The amendment referred to Planning Commission allowed only one parking space within a garage to be counted toward the minimum number of off-street parking spaces required; however, the Planning Commission felt that garages large enough to accommodate more than one vehicle, should be allowed to do so.
- ii. Special Events – The Planning Commission agrees with the requirement in the ordinance referred to them by City Council.
- iii. Responsible Party – The Planning Commission agreed that the name and contact information of a responsible party must be provided and kept on file. In addition, the responsible party should be able to respond to any issue that arises within 30 minutes. The Planning Commission did not agree that the responsible party must be on-site within 30 minutes, instead, they suggested this time limitation be changed to one (1) hour.
- iv. Number of Rental Contracts - The Planning Commission felt that the number of rental contracts should be different depending on which overlay district the property is in. If a property is located in the proposed Oceanfront Resort or Resort Tourist overlay district, the Short Term Rental owner would be permitted two rental contracts per week. If the property is located within the proposed East Shore Drive, North End, or the Hollies overlay districts, the Short Term Rental owner would be permitted one rental contract per week.
- v. Occupancy - The Planning Commission agrees with the requirement in the ordinance referred to them by City Council.
- vi. Residential Parking Permit Program – The Planning Commission supports the addition of this requirement since it mirrors the condition already imposed on all properties within the boundaries of the Residential Parking Program Permit program, which limits the property to two residential passes when used as a Short Term Rental and no guest or temporary passes..

Additionally, the Planning Commission discussed two other amendments involving life safety requirements, as referred to them by Councilwoman Henley. This ordinance was not advertised for the February Planning Commission meeting, so it will not be voted on; however, it will be considered at the March public hearing. These proposed amendments are listed below and are accompanied by the Planning Commission's suggestions. These proposed changes will also apply to Sandbridge.

1. Life Safety – The referred Ordinance requires that an affidavit, signed by the property owner or representative, be submitted to the Planning Department annually. This affidavit must state that the smoke alarms and carbon monoxide detectors are in good working order, that they have been inspected in the past year, and that there is a fire extinguisher on-site and in plain sight. The Planning Commission suggested this ordinance move forward as referred.

2. Deck Safety – The ordinance referred by City Council requires a safety inspection to be done annually by a construction professional or engineer. A report must be submitted and maintained with the zoning office. The report must indicate that all exterior decks, stairs and patios are safe for occupancy. In addition, a placard identifying the number of occupants permitted on all exterior decks and patios must be posted on each level of the structure. The Planning Commission supported this ordinance; however, they suggested that a report be submitted every five years instead of annually. The Planning Commission also noted that Commonwealth of Virginia Registered Design Professional's (architects and engineers) are qualified to generate and certify such a safety report. Furthermore, the Planning Commissioners felt that a Commonwealth of Virginia Class A Contractor could also generate and certify the safety report.

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBERS JONES AND
TOWER

AN ORDINANCE TO ADD ARTICLE 23,
CONSISTING OF SECTIONS 2300 THROUGH 2303,
(SHORT TERM RENTAL OVERLAY DISTRICTS) TO
THE CITY ZONING ORDINANCE ESTABLISHING
REGULATIONS AND REQUIREMENTS
PERTAINING TO SHORT TERM RENTALS IN EACH
OVERLAY DISTRICT

Sections Added: City Zoning Ordinance Sections
2300 - 2303

WHEREAS, the public necessity, convenience, general welfare and good zoning
practice so require;

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

That Article 23 of the City Zoning Ordinance, consisting of Sections 2300 through
2303, is hereby added and ordained to read as follows:

ARTICLE 23. SHORT TERM RENTAL OVERLAY DISTRICTS

Sec. 2300. Findings; intent.

The Virginia General Assembly has directed that short term rentals shall be
permitted as a principal use in the area defined as the Sandbridge Special Service
District. In addition, the City Council hereby finds that there are certain areas of the City
in which residential dwellings are, and historically have been, rented to vacationers or
others on a short term basis. In these areas, the City Council finds that such use, when
appropriately regulated, may be carried on without adversely affecting the adjacent
residential neighborhoods. In other areas of the City, short term rentals are not
compatible with the residential use of the surrounding properties and are often the
cause of excessive noise, illegal or improper parking, traffic violations, congestion and
litter, thereby interfering with the quiet enjoyment of the residential neighborhood in
which they occur. The provisions of this Article allow short term rentals, with appropriate
restrictions, only in those areas directed by the General Assembly and/or in such other

37 areas in which short term rentals may be carried on without adversely affecting the quiet
38 enjoyment of neighboring properties.

39 The East Shore Drive and West Shore Drive Overlays are an area where multi-
40 family dwellings are common and are located very close to the Chesapeake Bay, where
41 rentals have been long established. Other areas of the Shore Drive Overlay contain
42 more single-family dwellings and are not as compatible with the activities of a short term
43 rental. The North End Overlay is also an area on the Atlantic Ocean that has seen a
44 proliferation of rentals for many years, and where rental of property during the summer
45 is a common experience, that does not increase the problems of strangers in a
46 neighborhood. The OR Overlay is in an area of the City that is more urbanized than
47 other areas. Commercial property and establishments are common, and there are few
48 neighborhoods that would be adversely impacted by short term rentals.

49
50 **Sec. 2301. District boundaries.**

51
52 (a) The Short Term Rental Overlay Districts boundaries shall be as
53 designated on the official zoning map of the city (STR).

54
55 (b) Other identified areas of the City may petition the City Council for an
56 overlay to be created if the identified community is able to gather the signatures of sixty
57 (60) percent of the owners of the properties in the community. Such communities shall
58 be pre-existing, and new community boundaries may not be created for the purpose of
59 meeting the requirements of this section for creation of a short term rental overlay.
60 Nothing in this section shall prohibit a member of the City Council from offering a
61 resolution proposing the creation of an overlay district.

62
63 **Sec. 2302. Application of regulations.**

64
65 The designation of any property as lying within a Short Term Rental Overlay
66 District shall be in addition to, and not in lieu of, the underlying zoning district
67 classification of such property, such that any property situated in a Short Term Rental
68 Overlay District shall also lie within one or more of the zoning districts enumerated in
69 Section 102(a) of this ordinance. All such property shall be subject to the requirements
70 of this Article as well as to all other regulations applicable to it, and to the extent that
71 any provision of this Article conflicts with any other ordinance or regulation, the
72 provision of this Article shall control.

73
74 **Sec. 2303. Use regulations.**

(a) Subject to general requirements and to the regulations of the underlying zoning district, all uses and structures permitted as principal, conditional or accessory uses in the underlying zoning district in which they are located shall be permitted within the Short Term Rental Overlay Districts.

(b) Short term rental overlay – West Shore Drive, East Shore Drive, North End and OR

a. Short term rental shall be a principal use if it complies with the requirements of Section 241.2 as modified as follows:

i. Add to condition (1): Parking spaces created to comply with this condition shall not add additional impervious area to the site. Area within a residential garage may be used for no more than one (1) required space provided the available area within the garage meets the dimensional requirements of this ordinance. Driveway area located within the city right of way may be utilized to meet the parking requirement provided there is no traffic impact and the location of the parking space does not block an existing sidewalk.

ii. Replacing condition (2): No events associated with the short term rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the short term rental is located. This short term rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).

iii. Replacing Condition (3): The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the short term rental within thirty (30) minutes. The owner or agent must be capable of physically responding to the site of the short term rental within thirty (30) minutes at all times while the property is rented.

iv. Replacing condition (8): A short term rental shall have no more than fifty-two (52) rental contracts during a calendar year.

v. Replacing condition (11): The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided

116 that in no event may the total number of persons staying
117 overnight at the property exceed the number of approved
118 bedrooms multiplied by three (3).
119 vi. While the short term rental use is active, parking passes issued
120 for the subject dwelling unit(s) through the Residential Parking
121 Permit Program (RPPP) shall be limited to two resident passes
122 only. Guest and temporary passes through the RPPP shall not
123 be permitted.
124
125 (c) The use regulations of this section shall not apply to short term rentals
126 within a Short Term Rental Overlay District that were grandfathered at the
127 time of adoption of the short term rental ordinance, which properties shall be
128 subject exclusively to the provisions of section 241.2. The use regulations
129 of this section shall also not apply to short term rentals within a Short Term
130 Rental Overlay District that are operating under the provisions of a
131 conditional use permit, which properties are governed by the provisions of
132 section 241.2 and the conditions of the permit.

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2020.

APPROVED AS TO CONTENT:



Planning Department

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA15116
R-6
October 6, 2020



Applicant **City of Virginia Beach**

Planning Commission Public Hearing **March 10, 2021** (Deferred at the February 10, 2021 meeting)

Amend the Use Tables for Short Term Rental use

Agenda Item

2d

Request

An Ordinance to amend Sections 401, 501, 601, 901, 1110, 1125, 1521 and 2203 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code pertaining to the requirements and use of Short Term Rentals and overlays.

Summary of Referred Ordinance

This Ordinance amends the use tables in the City Zoning Ordinance pertaining to Short Term Rentals. In all districts where Short Term Rentals require a Conditional Use Permit, such designation is removed. In these districts, Short Term Rental is replaced with a new use identifying them as permitted by-right, provided all requirements of Section 241.2, and where applicable Section 2303, are met.

Recommendation

At the Planning Commission workshops held on January 28, 2021 and February 23, 2021, the boundaries and requirements of potential Short Term Rental overlay districts were discussed. The Planning Commission felt the requirement for a Conditional Use Permit should depend on what potential overlay district the property is in. If a property is in the Oceanfront Resort or Resort Tourist districts, Planning Commission felt that Short Term Rentals should be permitted as a matter of right, provided they meet the requirements of Section 241.2 and the proposed section 2303 of the Zoning Ordinance. They felt that properties located in the other proposed overlay districts, East Shore Drive, North End and the Hollies, should require a Conditional Use Permit for Short Term Rental uses. Any property located outside a proposed overlay district, should not be permitted to operate a Short Term Rental unless grandfathered. No new Conditional Use Permits may be applied for outside of the overlay districts.

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBERS JONES AND TOWER

AN ORDINANCE TO AMEND SECTIONS 401, 501, 601, 901, 1110, 1125, 1521 AND 2203 OF THE CITY ZONING ORDINANCE AND SECTION 5.2 OF THE OCEANFRONT RESORT DISTRICT FORM-BASED CODE PERTAINING TO THE REQUIREMENTS AND USE OF SHORT TERM RENTALS AND OVERLAYS

Sections Amended: City Zoning Ordinance Sections 401, 501, 601, 901, 1110, 1125, 1521, and 2203 and Oceanfront Resort District Form-Based Code Section 5.2

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require;

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

That Sections 401, 501, 601, 901, 1110, 1125, 1521, and 2203 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code are hereby amended and reordained, to read as follows:

ARTICLE 4. - AGRICULTURAL DISTRICTS

Sec. 401. Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the AG-1 and AG-2 Agricultural Districts. Those uses and structures in the respective agricultural districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

Use	AG-1	AG-2
....		
Short term rental	C-X	C-X
Short term rental within the Sandbridge Special Service District,* <u>meeting all of the requirements of Section 241.2</u>	P	P

Short term rental within an STR Overlay District, meeting all of the requirements of Section 241.2 and, where applicable, Section 2303

P

P

ARTICLE 5. RESIDENTIAL DISTRICTS.

....

Sec. 501. Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the R-40 through R-2.5 Residential Districts. Those uses and structures in the respective residential districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

Use	R-40	R-30	R-20	R-15	R-10	R-7.5	R-5D	R-5R	R-5S	R-2.5
....										
Short term rental	C X	C X	C X	C X	C X	C X	C X	C X	C X	C X
Short term rental within the Sandbridge Special Service District,* <u>meeting all of the requirements of Section 241.2</u>	P	P	P	P	P	P	P	P	P	P
Short term rental within an STR Overlay District, <u>meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	P	P	P	P	P	P	P	P	P	P
....										

....

ARTICLE 6. - APARTMENT DISTRICTS

....

Sec. 601. - Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the A-12 through A-36 Apartment Districts. Those uses and structures in the respective apartment districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

Use	A-12	A-18	A-24	A-36
Short term rental	C X	C X	C X	C X
Short term rental within the Sandbridge Special Service District,* <u>meeting all of the requirements of Section 241.2</u>	P	P	P	P
Short term rental within an STR Overlay District, <u>meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	P	P	P	P
....				

ARTICLE 9. - BUSINESS DISTRICTS

Sec. 901. - Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the B-1 through B-4K Business Districts. Those uses and structures in the respective business districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

Use	B-1	B-1A	B-2	B-3	B-4	B-4C	B-4K
....							
Short term rental	X	X	X	X	C X	C X	C X

Short term rental within the Sandbridge Special Service District,* <u>meeting all of the requirements of Section 241.2</u>	P	P	P	P	P	P	P
Short term rental within an STR Overlay District, <u>meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	X	X	X	X	P	P	P
....							

ARTICLE 11. - PLANNED DEVELOPMENT DISTRICTS

Sec. 1110. - Land use regulation.

....

(c) Within a PD-H1 District, all of the principal uses and structures permitted within an A-12 Apartment District other than hospitals and sanitariums, together with the following enumerated uses and structures, shall be permitted:

- (1) Fraternity and sorority houses, student dormitories and student centers;
- (2) Housing for seniors and disabled persons, with a conditional use permit;
- (3) Marinas;
- (4) Private clubs or social centers provided that clubs where conduct of commercial affairs is a principal activity shall not be permitted; and
- (5) Residential care for seniors, provided that no more than two (2) employees including a bona fide resident of the dwelling shall be permitted; and
- (6) Home sharing meeting the requirements of section 209.6.

(d) Within a PD-H1 District, the following uses shall be allowed as conditional uses:

- (1) Communication towers;
- (2) Family day-care homes;
- (3) Group homes;
- (4) Kennels, residential;
- (5) Religious uses;
- (6) Wind energy conversion systems, free standing and roof-mounted; and

- (7) Home-based wildlife rehabilitation facilities, provided that the principal structure is a single-family dwelling and the lot is greater than two thousand five hundred (2,500) square feet; and

~~(8) Short term rental.~~

B. - PD-H2 PLANNED UNIT DEVELOPMENT DISTRICT

....

Sec. 1125. - Allowed uses.

Within the PD-H2 District, only the following uses and structures shall be permitted:

(a) *Principal uses and structures.*

- (1) Dwelling units of the types specified in the land use plan;
- (2) Public buildings, structures, and other public uses;
- (3) Recreational facilities of the type described in the plan;
- (4) Child care education centers, in connection with public or private elementary schools or churches, provided that such uses shall not be eligible for residential density credit;
- (5) Day-care centers, provided that such uses shall not be eligible for residential density credit;
- (6) Public utilities installations and substations; provided offices or storage or maintenance facilities shall not be permitted; and provided, further, that utilities substations, other than individual transformers, shall be surrounded by a wall, solid except for entrances and exits, or by a fence with a screening hedge five (5) to six (6) feet in height; and provided also, transformer vaults for underground utilities and like uses shall require only a landscaped screening hedge, solid except for access opening; and
- (7) Home sharing meeting the requirements of section 209.6; and
- (8) Short term rental within a STR Overlay District meeting all of the requirements of Section 241.2 and, where applicable, Section 2303.

(c) *Conditional uses.*

- (1) Religious uses, provided that such use shall not be eligible for residential density credit;

- 163
164 (2) Family day-care homes; foster homes and group homes, provided that such
165 uses shall not be eligible for residential density credit;
166
167 (3) Home occupations; and
168
169 (4) Housing for seniors and disabled persons; ~~and~~
170
171 ~~(5) Short-term rental.~~

172
173

174
175 **C. RT-3 RESORT TOURIST DISTRICT**

176
177

178
179 **Sec. 1521. Use regulations.**

180
181 (a) The following chart lists those uses permitted within the RT-3 Resort Tourist District
182 as either principal uses, as indicated by a "P" or as conditional uses, as indicated by a
183 "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section
184 220 et seq.). Except for single-family, duplex, semidetached and attached dwellings,
185 buildings within the RT-3 District may include any principal or conditional uses in
186 combination with any other principal or conditional use. No uses or structures other than
187 those specified shall be permitted. All uses, whether principal or conditional, should to
188 the greatest extent possible adhere to the provisions of the Special Area Design
189 Guidelines (Urban Areas) set forth in the Reference Handbook of the Comprehensive
190 Plan.

Use	RT-3
. . . .	
Short term rental	C -X
Short term rental within an STR Overlay District, <u>meeting all of</u> the requirements of Section 241.2 and, where applicable, Section 2303	P

191

192 **ARTICLE 22. - CENTRAL BUSINESS CORE DISTRICT**

193

194

195

196 **B. - DEVELOPMENT REGULATIONS**

197

198

199

200 **Sec. 2203. - Use regulations.**

201

202 (a) The following chart lists those uses permitted within the Central Business Core
 203 District. Uses and structures shall be allowed either as principal uses, indicated by a
 204 "P", or as conditional uses, indicated by a "C." Uses and structures indicated by an "X"
 205 shall be prohibited, unless allowed by special exception for Alternative Compliance
 206 pursuant to Section 2205. No uses or structures other than as specified herein or as
 207 allowed pursuant to subsection (b) shall be permitted.

208

Use	District CBC
Short term rental	C X
Short term rental within an STR Overlay District, <u>meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	P

209

210 **APPENDIX 1. - OCEANFRONT RESORT DISTRICT FORM-BASED CODE**

211

212

213

214 **Sec. 5.2. Permitted Use Table.**

215

	MIXED-USE BUILDING		COMMERCIAL BUILDING	APARTMENT BUILDING	ROW HOUSE		DETACHED HOUSE	CIVIC BUILDING	
USE	Ground Floor	Upper Floors	Ground Floor	All Floors	Ground Floor	Upper Floors	All Floors	All Floors	Use Standard /Notes
LODGING									
. . . .									
Short term rental	--	C--	--	--	C--	C--	C--	--	See Sec. 241.2
Short term rental within an STR overlay District meeting the requirements of section 241.2 and, where applicable, Section 2303		P			P	P	P		See Sec. 241.2 and 2303 (c).
. . . .									

Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day
 of _____, 2020.

APPROVED AS TO CONTENT:



Planning Department

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA15115
R-3
October 6, 2020



Applicant **City of Virginia Beach**

Planning Commission Public Hearing **March 10, 2021** (Deferred at the February 10, 2021 meeting)

Transition Rules for Short Term Rental Overlays

Agenda Item

2e

Request

An Ordinance establishing transition rules for the review of Short Term Rental Conditional Use Permit applications submitted before and after the City Council date of referral.

Summary of Referred Ordinance

This Ordinance establishes transition rules for conditional use permit applications that are submitted and considered prior to the adoption of this amendment. The transition rules are as follows:

Any application for a conditional use permit for a Short Term Rental accepted prior to the date of referral shall be processed based upon the law existing at the time of submission. Any application accepted after the date of referral shall be considered based upon the law applicable at the time of City Council consideration. No application shall be unnecessarily delayed.

The date of referral referenced above is October 20, 2020.

Recommendation

At the Planning Commission workshops held on January 28, 2021 and February 23, 2021, the Planning Commission suggested no changes to this proposed ordinance referred to them by City Council.

**REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBER JONES AND
TOWER**

**AN ORDINANCE ESTABLISHING TRANSITION RULES
FOR THE REVIEW OF CONDITIONAL USE PERMITS FOR
SHORT TERM RENTALS IN THE SHORT TERM RENTAL
OVERLAYS**

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require;

WHEREAS, the City Council has referred to the Planning Commission ordinances creating the West Shore Drive Short Term Rental Overlay, East Shore Drive Short Term Rental Overlay, North End Short Term Rental Overlay and Oceanfront Resort Short Term Rental Overlay and providing new regulations that would be applicable to a short term rental use within those overlays; and

WHEREAS, the referred ordinances would allow the short term rental use only in those areas mandated by the General Assembly and in Short Term Rental Overlays;

WHEREAS, the short term rental use would no longer be authorized through the granting of a conditional use permit if the referred ordinances are adopted; and

WHEREAS, it is the sense of the City Council that special transition rules should be adopted to govern applications for conditional use permits for short term rentals that are filed but not approved prior to the referral date of the ordinances.

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

Any application for a conditional use permit for a short term rental accepted prior to the date of referral shall be processed based upon the law existing at the time of submission. Any application accepted after the date of referral shall be considered based upon the law applicable at the time of City Council consideration. No application shall be unnecessarily delayed.

**BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA
BEACH, VIRGINIA:**

That nothing in this ordinance shall be construed to affect any vested rights which existed as of the effective date of the ordinance.

Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day
of _____, 2020.

APPROVED AS TO CONTENT:



Planning Department

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA15137
R-5
October 6, 2020



Short Term Rental Workshops Summary

January 28 and February 22, 2021

Prepared by: Kevin Kemp, *Zoning Administrator*

Ordinances referred to Planning Commission by City Council on October 21, 2021:

1. Create three Short Term Rental overlay districts:
 - a. East Shore Drive
 - b. North End
 - c. Oceanfront Resort
2. Amend the official zoning map to include the overlay districts
3. Establish conditions for each overlay district
4. Amend the requirements for Short Term Rentals in each zoning district (use tables)
5. Establish transition rules



EXISTING REGULATIONS WITH NO PROPOSED CHANGES				
ITEM	EXISTING ORDINANCE	REFERRED ORDINANCE REVISIONS	Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)	Consensus / direction to Staff following the PC workshop on 2/22/2021
Definition of Home Sharing	<ul style="list-style-type: none"> Permitted Use. Must pay taxes and register with Commissioner of Revenue (COR), not Zoning Office. Must be operator's principal residence; operator must be present during rental period. 	<ul style="list-style-type: none"> Same as existing ordinance 	<ul style="list-style-type: none"> No change 	<ul style="list-style-type: none"> No Change
Sign posted on home	<ul style="list-style-type: none"> One sign permitted, not to exceed 4 square feet in size. Sign must be attached to home. Architectural signs naming the home are exempt. 	<ul style="list-style-type: none"> Same as existing ordinance 	<ul style="list-style-type: none"> Require posting of contact phone number of operator/representative visible from the street (Including Sandbridge) 	<ul style="list-style-type: none"> No Change from first workshop discussion

Planning Commission STR Workshops Summary



DEPARTMENT OF PLANNING

Registration and taxes	Must be maintain with the COR and all applicable taxes paid.	Same as existing ordinance	Per Council Direction, create yearly Zoning permit/license required to be renewed yearly with user fee each year. (Including Sandbridge)	Per Council Direction, create yearly Zoning permit/license required to be renewed yearly with user fee each year. (Including Sandbridge)
Summary of City Code Sections: [fires on beach, fireworks, trash disposal, noise, and the parking plan]	<ul style="list-style-type: none"> Summary of code section must be posted in home. Summary provided by the Zoning Administrator. 	Same as existing ordinance	No change	No Change
Trash	<ul style="list-style-type: none"> Trash must be kept in automated refuse receptacles. 	Same as existing ordinance	No change	No Change
Insurance Requirement	<ul style="list-style-type: none"> \$1,000,000 liability insurance required. Proof of insurance must be provided and kept with the Zoning Office. 	Same as existing ordinance	No change	No Change
Noise	<ul style="list-style-type: none"> No outdoor amplified sound after 10 p.m. or before 10 a.m. 	Same as existing ordinance	No change	No Change

Planning Commission STR Workshops Summary



DEPARTMENT OF PLANNING

Criteria to be Grandfathered	<ul style="list-style-type: none"> Must be registered with the Commissioner of Revenue and pay TOT taxes prior to July 1, 2018. Grandfathering runs with the land and is valid until STR use ceases to exist on property. Revocation of grandfathering only if overall square footage of the structure is increased by 25% or 1,000 square feet (whichever is less). 	<ul style="list-style-type: none"> Staff proposed to administratively remove any grandfather status if the property not used as STR for a two year period. <i>This change was not included in referred amendment.</i> 	<ul style="list-style-type: none"> No change 	<ul style="list-style-type: none"> No Change
Use of Accessory Structures as STRs	<ul style="list-style-type: none"> Accessory structures shall not be used as short term rentals. 	<ul style="list-style-type: none"> Same as existing ordinance 	<ul style="list-style-type: none"> No change 	<ul style="list-style-type: none"> No Change



Violations	<ul style="list-style-type: none">Violations are a civil penalty.Fines/summons issued, \$200 for first violation, \$500 for each subsequent violation.	<ul style="list-style-type: none">This was included in the Old Beach Overlay proposal; however, was adopted by City Council.	<ul style="list-style-type: none">No change	<ul style="list-style-type: none">No Change
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DEPARTMENT OF PLANNING

PROPOSED AMENDMENTS TO EXISTING REGULATIONS				
ITEM	EXISTING ORDINANCE	REFERRED ORDINANCE REVISIONS	Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)	Consensus / direction to Staff following the PC workshop on 2/22/2021
Establish Overlay Districts	<ul style="list-style-type: none"> No overly districts currently exist 	<ul style="list-style-type: none"> Establish three overlay districts: East Shore Drive, North End, and Oceanfront Resort 	<p>Consensus</p> <ul style="list-style-type: none"> Permit STRs in OR and RT zoning districts by-right <p>Other PC discussion</p> <ul style="list-style-type: none"> In proposed Shore Drive East and Proposed North End (including the Hollies area) STR overlays require CUP with staff reviewing a maximum density requirement. STRs not permitted and not by CUP in areas outside of STR-Overlays Overlays as referred by City Council 	<p>Consensus</p> <ul style="list-style-type: none"> Permit STRs in OR and RT zoning districts by-right. New STRs prohibited outside of overlay districts <p>Other Discussions</p> <ul style="list-style-type: none"> East Shore Drive overlay's southern boundary changed to Shore Drive. Allow STR by CUP. Cap the density of STRs at 10%. Include Hollies in North End STR Overlay. STR requires a CUP. Cap density of STR at 15%.

Planning Commission STR Workshops Summary



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Requirement for a Conditional Use Permit (CUP)	<ul style="list-style-type: none"> CUP required for any STR that is not 'grandfathered' or located in the Sandbridge SSD (State legislation). Must meet standards of section 241.2. Must pay taxes and register with COR. 	<ul style="list-style-type: none"> CUPs will no longer be considered for STR use. STRs permitted only if located in a proposed overlay district. 	<ul style="list-style-type: none"> Allow administrative approval and review every 5 years If violations are found to be detrimental to neighborhood, brought to CC for revocation by Planning Director 	<ul style="list-style-type: none"> No Change from first workshop discussion
Parking Requirement	<ul style="list-style-type: none"> Required: One space per bedroom. If minimum cannot be met, parking plan needs to be approved by the Zoning Administrator. No street parking may be used. 	<ul style="list-style-type: none"> One off-street per bedroom required. Space within garage (meeting dimensional criteria) may count. Any spaces added on-site shall be pervious material. No street parking may be used. 	<ul style="list-style-type: none"> No change in parking requirement Allow all parking that is available and meets dimension requirements to count towards parking including spaces inside garages Parking added shall not be impervious 	<ul style="list-style-type: none"> No Change from first workshop discussion



DEPARTMENT OF PLANNING

Inclusion in the Residential Permit Program (RPPP)	<ul style="list-style-type: none"> Not included in the existing ordinance, <i>[included as a condition on all applicable properties.]</i> 	<ul style="list-style-type: none"> While STR is in use, dwelling limited to 2 residential passes only. <ul style="list-style-type: none"> Guest and temporary passes shall not be permitted. 	<ul style="list-style-type: none"> Move forward as proposed 	<ul style="list-style-type: none"> No Change from first workshop discussion
Special Events	<ul style="list-style-type: none"> Special event permit required for gathering with more than 50 people. (Permit through Resort Management Office) <ul style="list-style-type: none"> No event may exceed than 100 persons. 3 events allowed per year. 	<ul style="list-style-type: none"> No events associated with STR with more persons than maximum occupancy. <ul style="list-style-type: none"> STR may not request a Special Event Permit. 	<ul style="list-style-type: none"> Move forward as proposed 	<ul style="list-style-type: none"> No Change from first workshop discussion

Planning Commission STR Workshops Summary



DEPARTMENT OF PLANNING

<p>Identification of a Responsible Party</p>	<ul style="list-style-type: none"> Provide name and telephone number of contact person. <ul style="list-style-type: none"> Contact person must be available to address problem within 30 minutes. Not required to physically go to STR. 	<ul style="list-style-type: none"> Provide name and telephone number of responsible person available to be contacted and address problem within 30 minutes. <ul style="list-style-type: none"> Responsible party must be able to physically respond to site within 30 minutes. 	<ul style="list-style-type: none"> Name and Contact information/number or responsible person must be posted on property and legible from right of way <ul style="list-style-type: none"> Responsible party must respond to complaints within 30 minutes Responsible party must also physically respond within 1 hour to complaints 	<ul style="list-style-type: none"> No Change from first workshop discussion
<p>Number of Rental Contracts</p>	<ul style="list-style-type: none"> No more than 2 contracts permitted within 7 consecutive days. <ul style="list-style-type: none"> <i>[Conditional that has been used as per City Council Guidance: No more than one rental contract per seven day period.]</i> 	<ul style="list-style-type: none"> No more than 52 rental contracts during a calendar year. 	<ul style="list-style-type: none"> Within the RT and OR zoning districts – 2 rentals per 7-day period <ul style="list-style-type: none"> All other STR overlays – 1 rental per 7-day period. 	<ul style="list-style-type: none"> No Change from first workshop discussion



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Maximum Occupancy permitted	<ul style="list-style-type: none"> Total occupancy of the home between the hours of 11 p.m. and 7 a.m. shall not exceed 3 persons per bedroom. (Example: 3 bedroom home = max occupancy of 9.) <i>[Conditional that has been used as per City Council Guidance: Total occupancy not to exceed two persons per bedroom (Example: 3 bedroom home = max occupancy of 6.)]</i> 	<ul style="list-style-type: none"> Total occupancy of the home between the hours of 11 p.m. and 7 a.m. shall not exceed 2 persons per bedroom. Persons under the age of 16 shall not be included in calculation above; however, in no case shall the total number of persons exceed 3 per bedroom. 	<ul style="list-style-type: none"> Move forward as proposed 	<ul style="list-style-type: none"> No Change from first workshop discussion
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City of
Virginia Beach

DEPARTMENT OF PLANNING

Life Safety requirements	<ul style="list-style-type: none"> To the extent permissible under state law, interconnected smoke detectors and CO detectors (where applicable) required. 	<ul style="list-style-type: none"> Owner/representative provide Zoning with signed affidavit (annually) stating the following: <ul style="list-style-type: none"> Fire extinguisher installed and location; Smoke detectors and CO2 detectors in compliance with Building Code (if prior to interconnect req., min. of one per floor) Smoke detectors and CO2 detectors inspected annually. 	<ul style="list-style-type: none"> Move forward as proposed including Sandbridge 	<ul style="list-style-type: none"> No Change from first workshop discussion
Deck Safety	<ul style="list-style-type: none"> No regulations regarding deck safety are present in the existing ordinance 	<ul style="list-style-type: none"> Structural report must be submitted annually to the zoning office Must indicate all exterior stairs, decks, porches and balconies are safe. Inspection done by licensed engineer or construction professional. Occupant load must be noted and put on a 	<ul style="list-style-type: none"> Structural report must be submitted every 5 years to the zoning office Must indicate all exterior stairs, decks, porches and balconies are safe. Inspection done by licensed design professional or licensed construction 	<ul style="list-style-type: none"> No Change from first workshop discussion

Planning Commission STR Workshops Summary



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		placard displayed at the property.	professional (Class A or B).	
Time limitations for Conditional Use Permits	<ul style="list-style-type: none"> CUP shall expire after 5 years. CUP may be administratively renewed by the Planning Department. Zoning will notify City Council in writing of any complaints related to STR use. 	<ul style="list-style-type: none"> Same as existing ordinance. CUP may not be renewed administratively by the Planning Department because no longer an approved use. 	<ul style="list-style-type: none"> Occupant load must be noted and put on a placard displayed at the property. Allow administrative approval and review every 5 years If violations are found to be detrimental to neighborhood, brought to CC for revocation by Planning Director 	<ul style="list-style-type: none"> No Change from first workshop discussion
Maximum Density	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> Not referred 	<ul style="list-style-type: none"> Discussed maximum density of STRs within a "neighborhood" Staff asked to research what is permissible 	<ul style="list-style-type: none"> Density requirements noted in proposed overlays



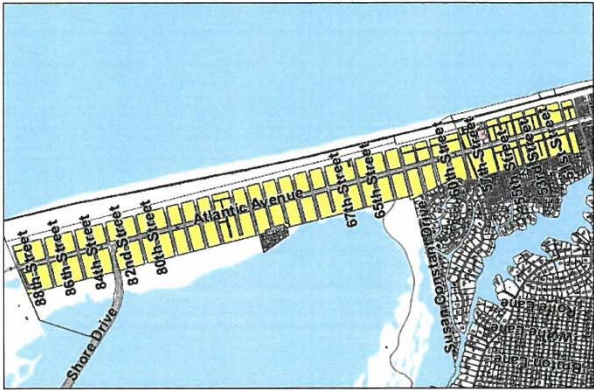
PROPOSED EAST SHORE DRIVE STR OVERLAY DISTRICT



<u>OVERLAY DISTRICT</u>	<u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u>	<u>Consensus / direction to Staff following the PC workshop on 2/22/2021</u>
East Shore Drive STR		<ul style="list-style-type: none">Change southern boundary of proposed overlay to Shore Drive.Cap density at 10% of dwelling units in overlay.Allow STR by CUP only.



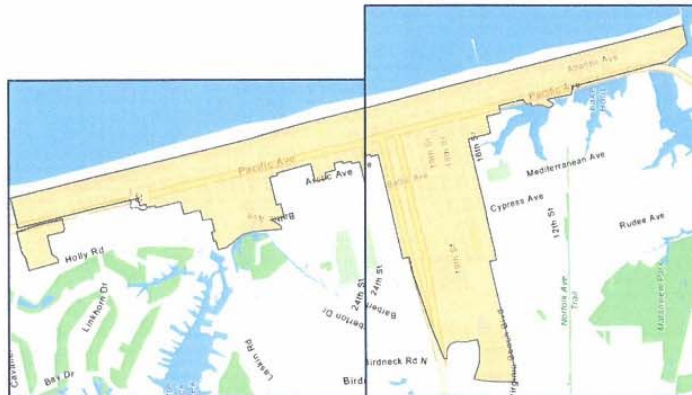
PROPOSED NORTH END STR OVERLAY



<u>OVERLAY DISTRICT</u>	<u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u>	<u>Consensus / direction to Staff following the PC workshop on 2/22/2021</u>
North End STR	Include area known as "The Hollies" bounded by Holly Road, 49 th Street and 45 th street into North End STR Overlay	<ul style="list-style-type: none">▪ Include "The Hollies" .▪ Allow STR by CUP only.▪ Cap density of STRs to 15% of dwelling units in overlay district.



PROPOSED OCEANFRONT RESORT STR OVERLAY DISTRICT



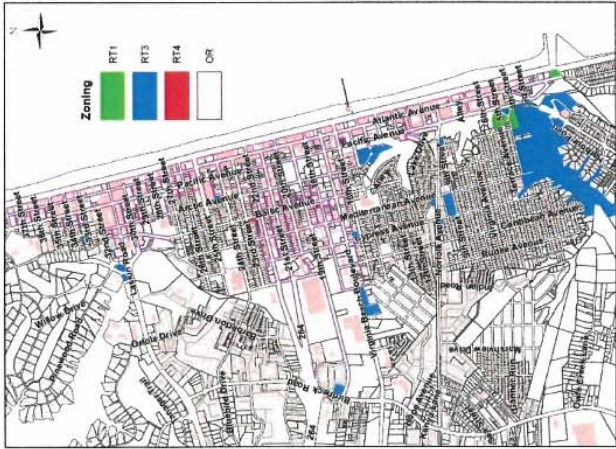
<p><u>OVERLAY DISTRICT</u></p>	<p><u>Direction per PC on 1/28/2021 meeting (No changes to Sandbridge STRs unless noted)</u></p>	<p><u>Consensus / direction to Staff following the PC workshop on 2/22/2021</u></p>
<p>Ocean Front Resort (OR) STR</p>	<ul style="list-style-type: none"> ▪ STR permitted by-right. ▪ Allow 2 rental contracts per 7-day period. 	<ul style="list-style-type: none"> ▪ No Change from first workshop discussion

Map of the North End STR Overlay area in Seattle. The map shows a grid of streets including Atlantic Avenue, Ocean Front Avenue, 1st Street through 10th Street, and My Drive. A red line indicates the 'Current extents of proposed North End STR Overlay' from 1st Street to 10th Street. A red arrow points to the '43rd Street' label, which is highlighted in a red box.

<p><u>OVERLAY DISTRICT</u></p>	<p><u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u></p>	<p><u>Consensus / direction to Staff following the PC workshop on 2/22/2021</u></p>
<p>The Hollies not currently included in an overlay</p>	<p>Include in the North End STR Overlay district</p>	<ul style="list-style-type: none"> ■ To be included in the "North End STR Overlay." ■ Subject to density requirement of entire overlay



AREAS OF THE CITY CURRENTLY ZONED “RT” RESORT TOURIST



<u>OVERLAY DISTRICT</u>	<u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u>	<u>Consensus / direction to Staff following the PC workshop on 2/22/2021</u>
RT Zoning Districts not currently included in a STR overlay	<ul style="list-style-type: none">STR permitted by-right.2 rental contracts permitted per 7-day period.	<ul style="list-style-type: none">No Change from first workshop discussion

Request

Conditional Use Permit (Automobile Service Station)

Staff Recommendation

Approval

Staff Planner

Jonathan Sanders

Location

4769 Shore Drive

GPIN

1479473214

Site Size

35,235 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Undeveloped lot / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Shore Drive

Retail / B-2 Community Business

South

Mixed retail / B-2 Community Business

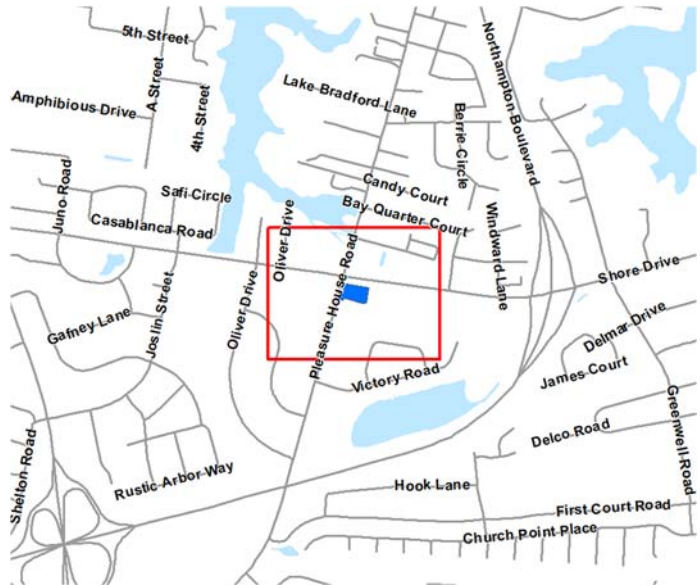
East

Restaurant / B-2 Community Business

West

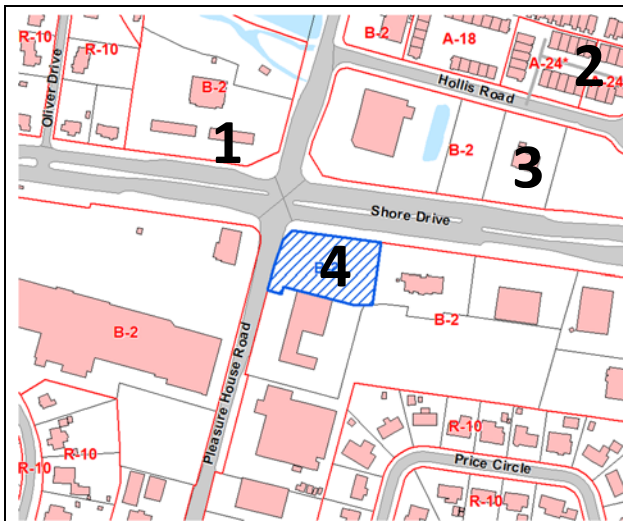
Pleasure House Road

Shopping Center / B-2 Community Business



Background & Summary of Proposal

- The subject site is zoned B-2 Community Business and is located within the Shore Drive Corridor in the Bayside District. The 35,235 square foot site is currently undeveloped. A previous gas station was on the site and a Conditional Use Permit for Gasoline Supply Station was approved on November 25, 1968.
- The applicant seeks to redevelop the site with a 4,088-square foot, 24-hour/seven days per week convenience store with eight fuel pump stations. The fuel sales require a Conditional Use Permit for an Automobile Service Station.
- A 12-foot right-of-way dedication is proposed along Pleasure House Road. Pedestrian connectivity is currently provided on Shore Drive. However, the sidewalk will be redeveloped with a new five-foot sidewalk and a five-foot sidewalk is proposed along Pleasure House Road.
- The proposed convenience store features coastal-style architecture with exterior building materials of fiber cement lap and shake siding, brick veneer and a standing seam metal roof. The fuel canopy and dumpster enclosure match the architectural materials of the convenience store building.
- The submitted landscape layout depicts plantings along Pleasure House Road, Shore Drive, and within the parking lot. The landscaping will be reviewed in more detail at final site plan review.
- An eight-foot tall, monument-style freestanding sign that will match the existing building's materials is proposed near the intersection of Shore Drive and Pleasure House Road.
- Per Section 203 of the Zoning Ordinance, 21 parking spaces are required for the proposed use. The submitted layout shows 28 parking spaces, exceeding the parking requirement by seven.
- The proposed redevelopment of the property includes a reduction in the number of entrances along Shore Drive and Pleasure House Road from four to two.



Zoning History

#	Request
1	CUP (Gasoline Sales) Approved 03/14/2000
2	CRZ (R-5R to Conditional A-24) Approved 11/09/2004
3	CUP (Motor Vehicle Sales) Approved 02/25/2003
4	CUP (Gasoline Supply Station) Approved 11/25/1968

Application Types

CUP – Conditional Use Permit
 REZ – Rezoning
 CRZ – Conditional Rezoning

MOD – Modification of Conditions or 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

Staff finds the proposal to construct a convenience store with eight fuel pump stations to be acceptable. The request is consistent with the recommendations of the Comprehensive Plan that identify the Shore Drive Corridor is primarily a residential neighborhood area with commercial uses to support the residents. The Plan recommends the reuse and revitalization of existing commercial properties and preserve and protect the character of the established neighborhood. The convenience store and fuel stations offer the surrounding community a necessary service within a coastal-style building in keeping with the character of the Bayfront area and designed with the elements of the Shore Drive Design Guidelines. Specific guidelines being met with this proposal include the use of neutral colors, high-quality architectural style and building materials that are compatible with the character of the community.

The Bayfront Advisory Commission (BAC) reviewed the application and recommended design changes to the building to incorporate the Shore Drive Design Guidelines using high-quality coastal design features such as a standing seam metal roof, hipped and gable roofs, shake siding and high quality materials. The applicant worked diligently with the BAC to improve the original design submission and achieve a design that is compatible with the plan and design guidelines of the corridor. The BAC reviewed the building's design revisions and is supportive of the request.

During final site plan review, Traffic Engineering Staff will review the intersection and signalization in more detail and changes may need to be made. Such changes may include restricting the left turn from southbound Pleasure House Road into the site if traffic on northbound Pleasure House Road queued from the Shore Drive traffic signal regularly blocks the proposed access point and causes left turning site traffic to queue into the Shore Drive intersection.

Based on the considerations above, Staff recommends approval of this request subject to the conditions noted below.

Recommended Conditions

1. When the property is developed, it shall be in substantial conformance with the submitted Concept Plan entitled, "CUP CONCEPT PLAN," dated 10-05-20 and prepared by Blakeway, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. A Landscape Plan shall be submitted at the time of final site plan review reflective of the plant material depicted on submitted Landscape Plan entitled, "Landscape Plan," dated 01-30-19 and prepared by Blakeway, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. The exterior of the proposed building and fuel canopy shall substantially adhere in appearance, size and materials to the elevations entitled, "REVIEW BOARD ELEVATIONS," dated 01/18/2021 and prepared by Buf STUDIO, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
4. The freestanding sign shall be monument style set on a brick base matching the building, be no taller than eight (8) feet in height measured from the ground to the top of the sign and substantially adhere in appearance, size and materials to the submitted freestanding sign exhibit entitled, "Monument," dated January 14, 2021 and prepared by Cummings, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
5. Signage for the site shall be limited to:
 - a. Directional signs.

- b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base matching the building, as noted in Condition 4 and two (2) building and/or canopy signs. Signage on the canopy shall not be internally or externally illuminated.
 - c. No striping shall be permitted on the fuel canopy.
 - d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
- 6. The dumpster shall be enclosed with a solid wall in color and material to match the building and any required screening shall be installed in accordance with Section 245(e) of the Zoning Ordinance.
 - 7. All vacuum air pumps shall be screened from the right-of-way with plant material of a size and species acceptable to the Development Service Center's Landscape Architect, all of which shall be depicted on the Landscape Plan.
 - 8. Outdoor vending machines and/or display of merchandise may be permitted only if fully screened from view from the rights-of-way as approved by the Planning Director.

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 identifies this site as being in Suburban Focus Area 1 – Shore Drive Corridor. The Shore Drive Corridor is an integral part of the Bayfront Community, extending from Independence Boulevard to First Landing State Park. While primarily a residential community, the corridor shares the responsibility of being one of Virginia Beach's primary east-west connectors, creating unique and sometimes problematic challenges. The area is considered a resort neighborhood and not a resort destination. The Shore Drive Corridor is primarily a residential neighborhood area with commercial uses to support the residents.

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay Watershed. 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
Shore Drive	20,700 ADT ¹	32,700 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 445 ADT Proposed Land Use ³ – 1,840
Pleasure House Road	10,400 ADT ¹	12,500 ADT ¹ (LOS ⁴ "D")	
¹ Average Daily Trips	² as defined by a 35,235 square foot lot zoned B-2	³ as defined by a convenience store with eight fuel positions	⁴ LOS = Level of Service

Master Transportation Plan (MTP) and Capital Improvement Program (CIP)

Shore Drive in the vicinity of this application is considered a four-lane divided major urban arterial. The MTP proposes a six-lane divided facility within a 150-foot right-of-way.

Pleasure House Road in the vicinity of this application is considered a two-lane undivided collector street. The Pleasure House Road Street Improvements Phase I project is currently in the CIP with a scheduled construction start date of July 2025 and completion date of June 2026. This project will provide street and safety improvements along Pleasure House Road from Shore Drive to Northampton Boulevard. Improvements will include new curb and gutter, drainage improvements, bike accommodations and a new five-foot sidewalk along Pleasure House Road.

A second roadway CIP project is slated for this area. Shore Drive Corridor Improvements - Phase II (CIP 2-116) will provide safety improvements, including pedestrian walkways and bikeways, along the Shore Drive corridor from South Oliver Drive/Waterspoint Place to Treasure Island Drive. It will also include improvements along Shore Drive at the Northampton Boulevard interchange and to the intersection at Pleasure House Road and at Greenwell Road. This project is currently on the City's Requested But Not Funded Project Listing.

Public Utility Impacts

Water

The site must connect to City water. There is an existing 16-inch City water transmission main along Shore Drive. There is an existing 12-inch City water main along Pleasure House Road.

Sewer

The site must connect to City sanitary sewer. There are existing eight-inch and 10-inch City sanitary sewer gravity mains along Shore Drive. There is an existing 24-inch HRSD force main along Shore Drive. There are existing eight-inch and 10-inch City sanitary sewer gravity mains along Pleasure House Road.

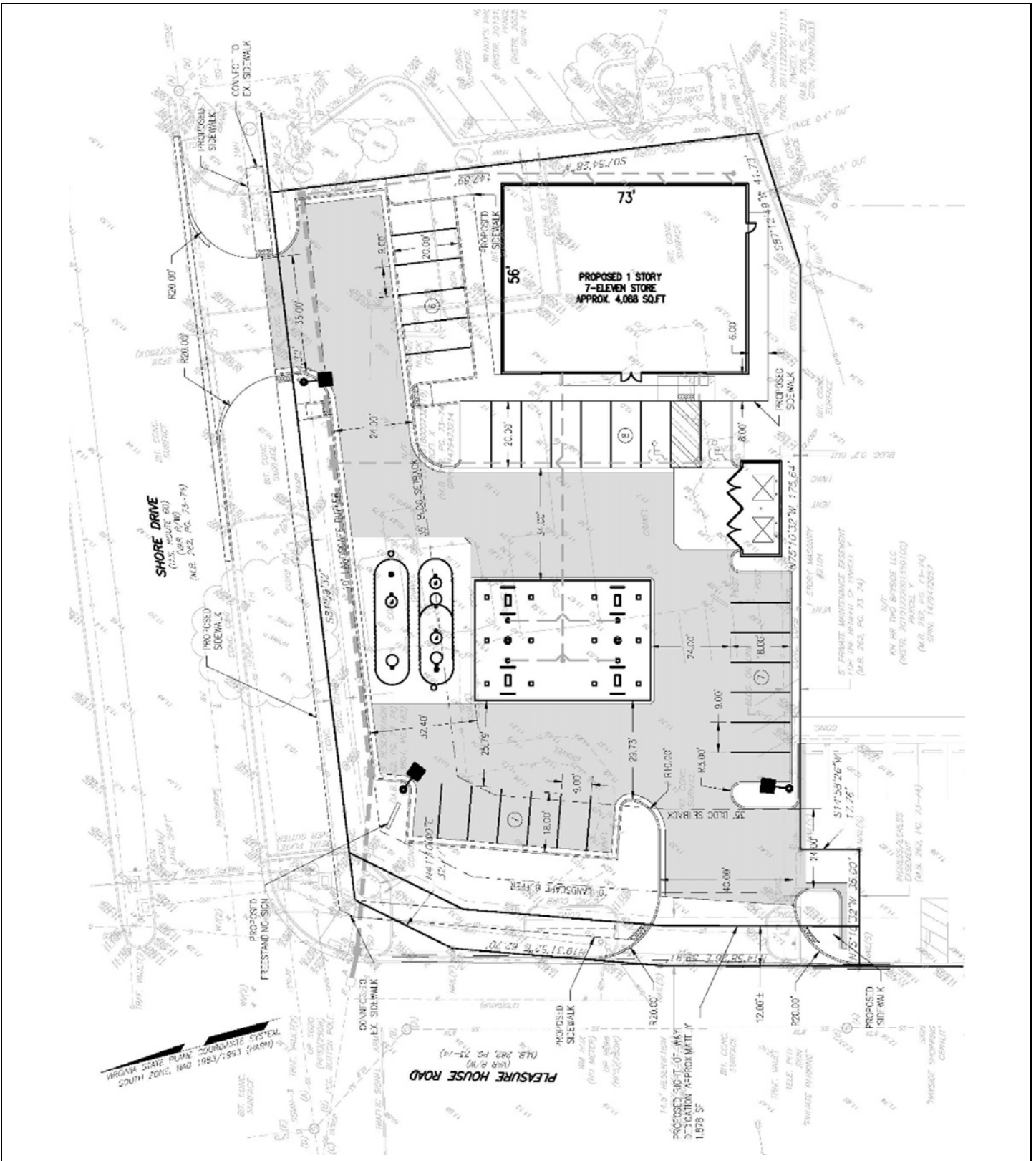
Public Outreach Information

Planning Commission

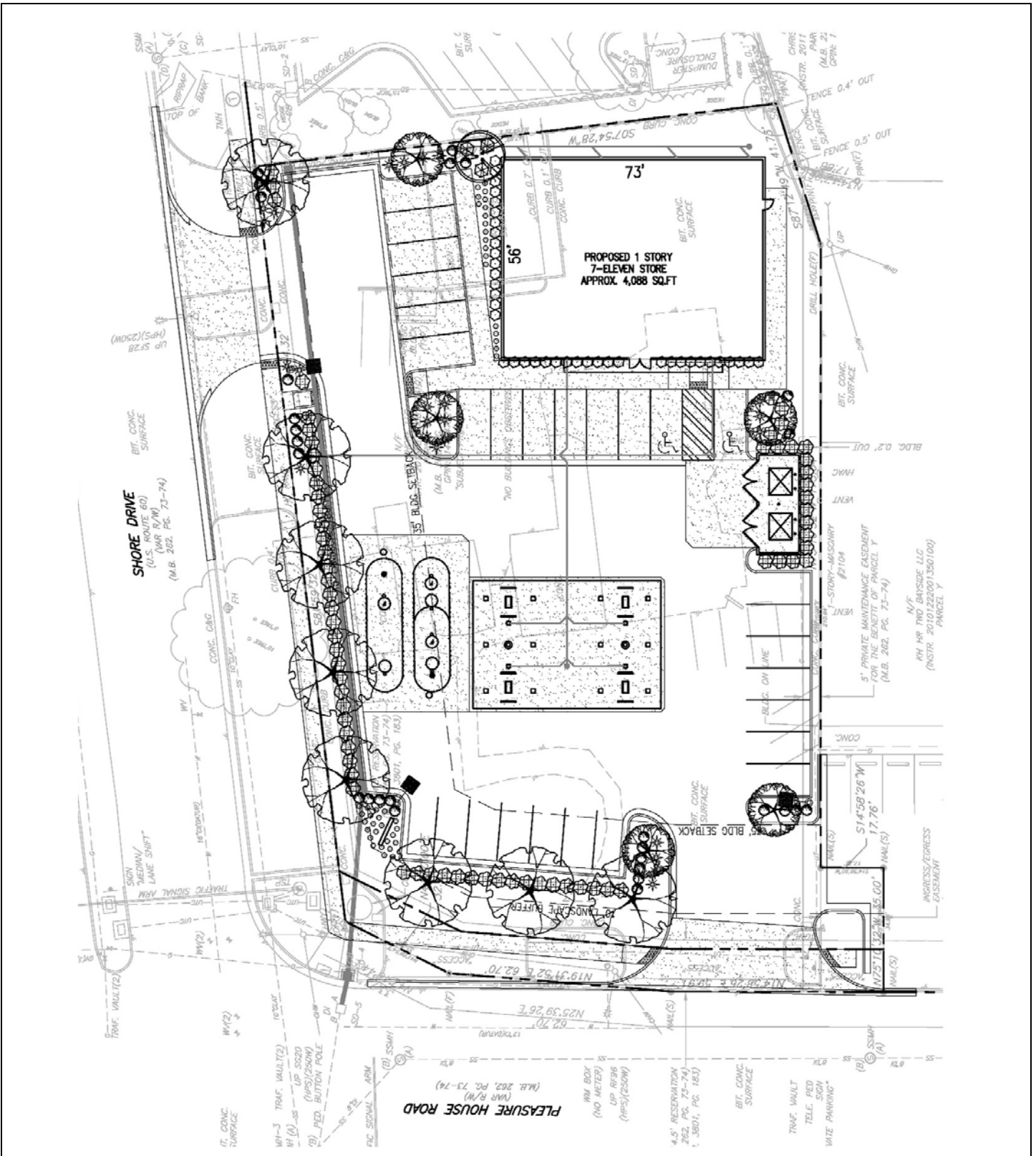
- The applicant presented the proposal to the Bayfront Advisory Commission (BAC) on November 19, 2020 and January 21, 2021. No objections to the application were noted by the BAC at their January meeting.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, February 21, 2021 and February 28, 2021.

- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on February 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on March 4, 2021.

Proposed Site Layout

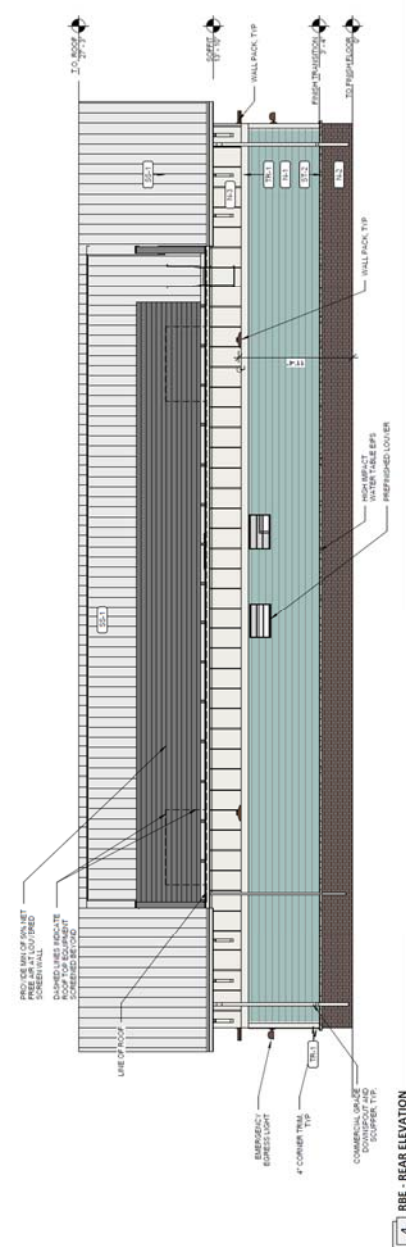


Proposed Landscape Layout

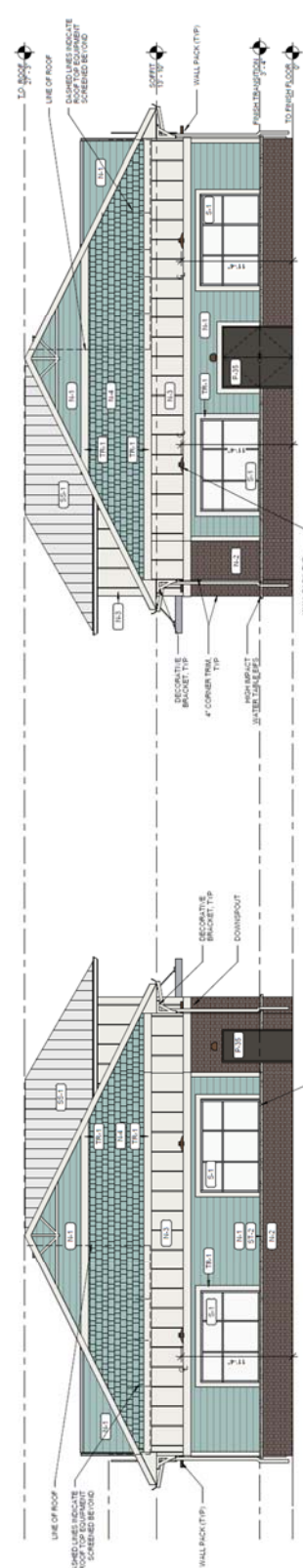


Proposed Elevations

EXTERIOR MATERIALS SCHEDULE			
NO.	MATERIAL	MANUFACTURER	COLOR
MS-1	METAL ROOFING	DAVIDSON	WHITE
MS-2	METAL ROOFING	DAVIDSON	WHITE
MS-3	METAL ROOFING	DAVIDSON	WHITE
MS-4	METAL ROOFING	DAVIDSON	WHITE
MS-5	METAL ROOFING	DAVIDSON	WHITE
MS-6	METAL ROOFING	DAVIDSON	WHITE
MS-7	METAL ROOFING	DAVIDSON	WHITE
MS-8	METAL ROOFING	DAVIDSON	WHITE
MS-9	METAL ROOFING	DAVIDSON	WHITE
MS-10	METAL ROOFING	DAVIDSON	WHITE
MS-11	METAL ROOFING	DAVIDSON	WHITE
MS-12	METAL ROOFING	DAVIDSON	WHITE
MS-13	METAL ROOFING	DAVIDSON	WHITE
MS-14	METAL ROOFING	DAVIDSON	WHITE
MS-15	METAL ROOFING	DAVIDSON	WHITE
MS-16	METAL ROOFING	DAVIDSON	WHITE
MS-17	METAL ROOFING	DAVIDSON	WHITE
MS-18	METAL ROOFING	DAVIDSON	WHITE
MS-19	METAL ROOFING	DAVIDSON	WHITE
MS-20	METAL ROOFING	DAVIDSON	WHITE
MS-21	METAL ROOFING	DAVIDSON	WHITE
MS-22	METAL ROOFING	DAVIDSON	WHITE
MS-23	METAL ROOFING	DAVIDSON	WHITE
MS-24	METAL ROOFING	DAVIDSON	WHITE
MS-25	METAL ROOFING	DAVIDSON	WHITE
MS-26	METAL ROOFING	DAVIDSON	WHITE
MS-27	METAL ROOFING	DAVIDSON	WHITE
MS-28	METAL ROOFING	DAVIDSON	WHITE
MS-29	METAL ROOFING	DAVIDSON	WHITE
MS-30	METAL ROOFING	DAVIDSON	WHITE
MS-31	METAL ROOFING	DAVIDSON	WHITE
MS-32	METAL ROOFING	DAVIDSON	WHITE
MS-33	METAL ROOFING	DAVIDSON	WHITE
MS-34	METAL ROOFING	DAVIDSON	WHITE
MS-35	METAL ROOFING	DAVIDSON	WHITE
MS-36	METAL ROOFING	DAVIDSON	WHITE
MS-37	METAL ROOFING	DAVIDSON	WHITE
MS-38	METAL ROOFING	DAVIDSON	WHITE
MS-39	METAL ROOFING	DAVIDSON	WHITE
MS-40	METAL ROOFING	DAVIDSON	WHITE
MS-41	METAL ROOFING	DAVIDSON	WHITE
MS-42	METAL ROOFING	DAVIDSON	WHITE
MS-43	METAL ROOFING	DAVIDSON	WHITE
MS-44	METAL ROOFING	DAVIDSON	WHITE
MS-45	METAL ROOFING	DAVIDSON	WHITE
MS-46	METAL ROOFING	DAVIDSON	WHITE
MS-47	METAL ROOFING	DAVIDSON	WHITE
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MS-49	METAL ROOFING	DAVIDSON	WHITE
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MS-53	METAL ROOFING	DAVIDSON	WHITE
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MS-55	METAL ROOFING	DAVIDSON	WHITE
MS-56	METAL ROOFING	DAVIDSON	WHITE
MS-57	METAL ROOFING	DAVIDSON	WHITE
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MS-62	METAL ROOFING	DAVIDSON	WHITE
MS-63	METAL ROOFING	DAVIDSON	WHITE
MS-64	METAL ROOFING	DAVIDSON	WHITE
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MS-67	METAL ROOFING	DAVIDSON	WHITE
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MS-69	METAL ROOFING	DAVIDSON	WHITE
MS-70	METAL ROOFING	DAVIDSON	WHITE
MS-71	METAL ROOFING	DAVIDSON	WHITE
MS-72	METAL ROOFING	DAVIDSON	WHITE
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MS-78	METAL ROOFING	DAVIDSON	WHITE
MS-79	METAL ROOFING	DAVIDSON	WHITE
MS-80	METAL ROOFING	DAVIDSON	WHITE
MS-81	METAL ROOFING	DAVIDSON	WHITE
MS-82	METAL ROOFING	DAVIDSON	WHITE
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MS-84	METAL ROOFING	DAVIDSON	WHITE
MS-85	METAL ROOFING	DAVIDSON	WHITE
MS-86	METAL ROOFING	DAVIDSON	WHITE
MS-87	METAL ROOFING	DAVIDSON	WHITE
MS-88	METAL ROOFING	DAVIDSON	WHITE
MS-89	METAL ROOFING	DAVIDSON	WHITE
MS-90	METAL ROOFING	DAVIDSON	WHITE
MS-91	METAL ROOFING	DAVIDSON	WHITE
MS-92	METAL ROOFING	DAVIDSON	WHITE
MS-93	METAL ROOFING	DAVIDSON	WHITE
MS-94	METAL ROOFING	DAVIDSON	WHITE
MS-95	METAL ROOFING	DAVIDSON	WHITE
MS-96	METAL ROOFING	DAVIDSON	WHITE
MS-97	METAL ROOFING	DAVIDSON	WHITE
MS-98	METAL ROOFING	DAVIDSON	WHITE
MS-99	METAL ROOFING	DAVIDSON	WHITE
MS-100	METAL ROOFING	DAVIDSON	WHITE

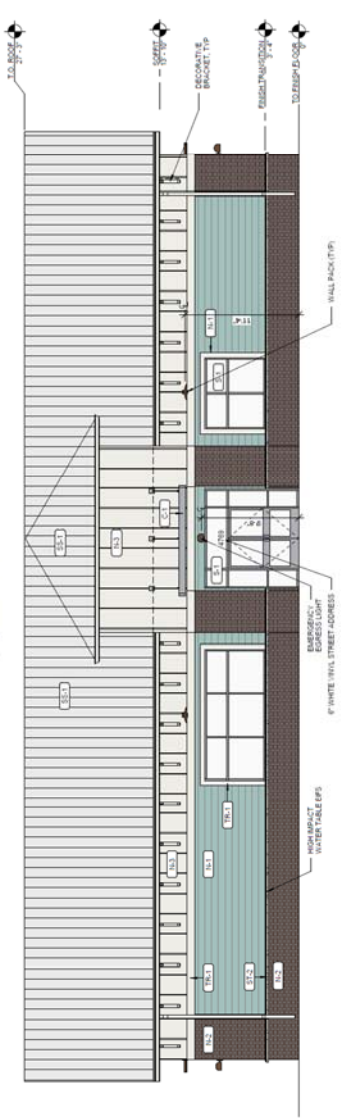


4 RBE - REAR ELEVATION
NO.01 3/16" = 1'-0"



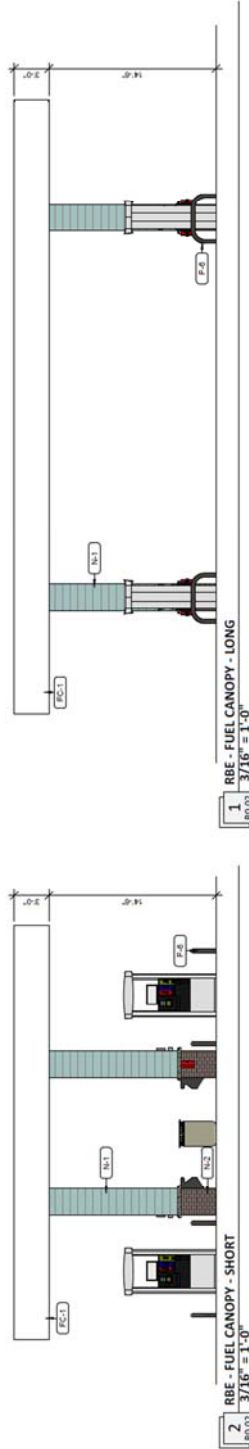
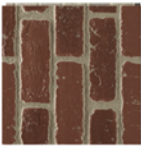
3 RBE - LEFT ELEVATION
NO.01 3/16" = 1'-0"

2 RBE - RIGHT ELEVATION
NO.01 3/16" = 1'-0"



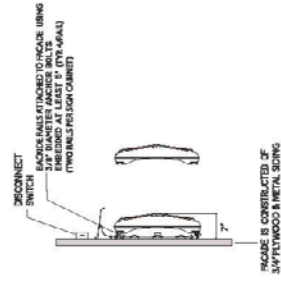
Fuel Canopy & Dumpster Enclosure

EXTERIOR MATERIALS SCHEDULE				
NO.	MATERIAL	MANUFACTURER	COLOR	COLOR
M-1	MEMBRANE ROOFING	DUCK DALL	WHITE	
M-2	ROOFING	DUCK DALL	BLACK	
M-3	ROOFING	NOCHIA	BLACK	
M-4	ROOFING	NOCHIA	BLACK	
M-5	ROOFING	NOCHIA	BLACK	
M-6	ROOFING	NOCHIA	BLACK	
M-7	ROOFING	NOCHIA	BLACK	
M-8	ROOFING	NOCHIA	BLACK	
M-9	ROOFING	NOCHIA	BLACK	
M-10	ROOFING	NOCHIA	BLACK	
M-11	ROOFING	NOCHIA	BLACK	
M-12	ROOFING	NOCHIA	BLACK	
M-13	ROOFING	NOCHIA	BLACK	
M-14	ROOFING	NOCHIA	BLACK	
M-15	ROOFING	NOCHIA	BLACK	
M-16	ROOFING	NOCHIA	BLACK	
M-17	ROOFING	NOCHIA	BLACK	
M-18	ROOFING	NOCHIA	BLACK	
M-19	ROOFING	NOCHIA	BLACK	
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M-22	ROOFING	NOCHIA	BLACK	
M-23	ROOFING	NOCHIA	BLACK	
M-24	ROOFING	NOCHIA	BLACK	
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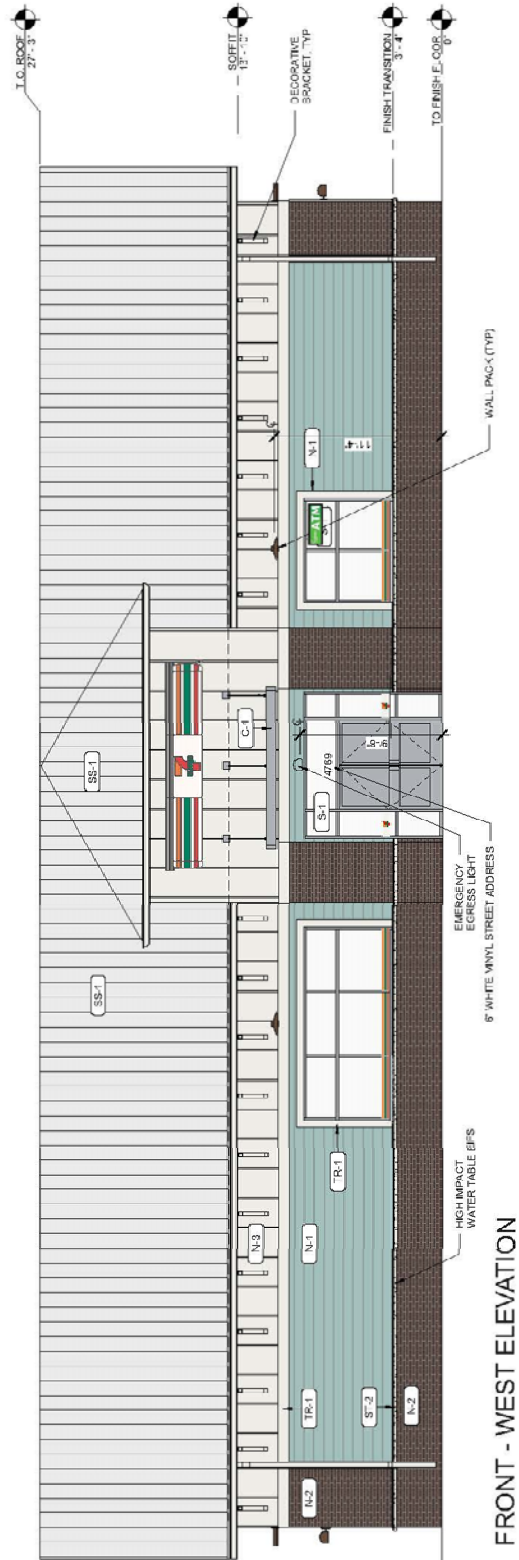
Proposed Signage

SIGN CABINET & WALL MOUNT DETAIL



Display Square Footage (Cabinet): 27.5

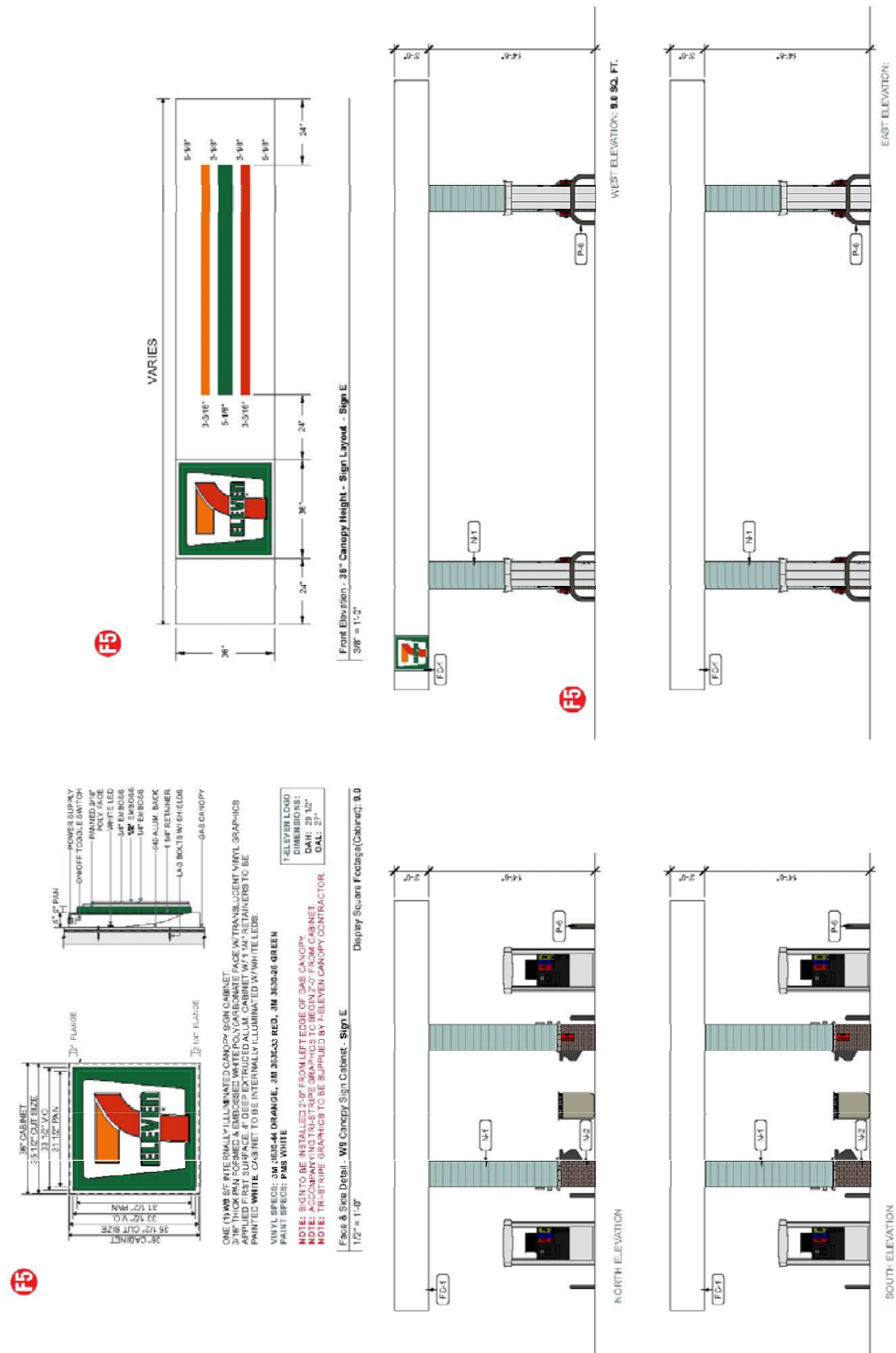
ELECTRICAL NOTE: EXPOSED EXTERIOR, AND WEATHER-PROOF ELECTRICAL DISCONNECT REQUIRED WITHIN VISUAL RANGE OF SIGN. ELECTRICAL CODES, LOCAL ORDINANCES, AND THE NATIONAL ELECTRICAL CODE SHALL BE FOLLOWED. THE EXACT LOCATION OF BOX, MAY VARY CIRCUITS AND SWITCH- TO BE PROVIDED BY OTHERS. INPUT VOLTAGE - 120V. ALL SIGNAGE WILL BE (UL) LISTED COMPLIANT.



FRONT - WEST ELEVATION

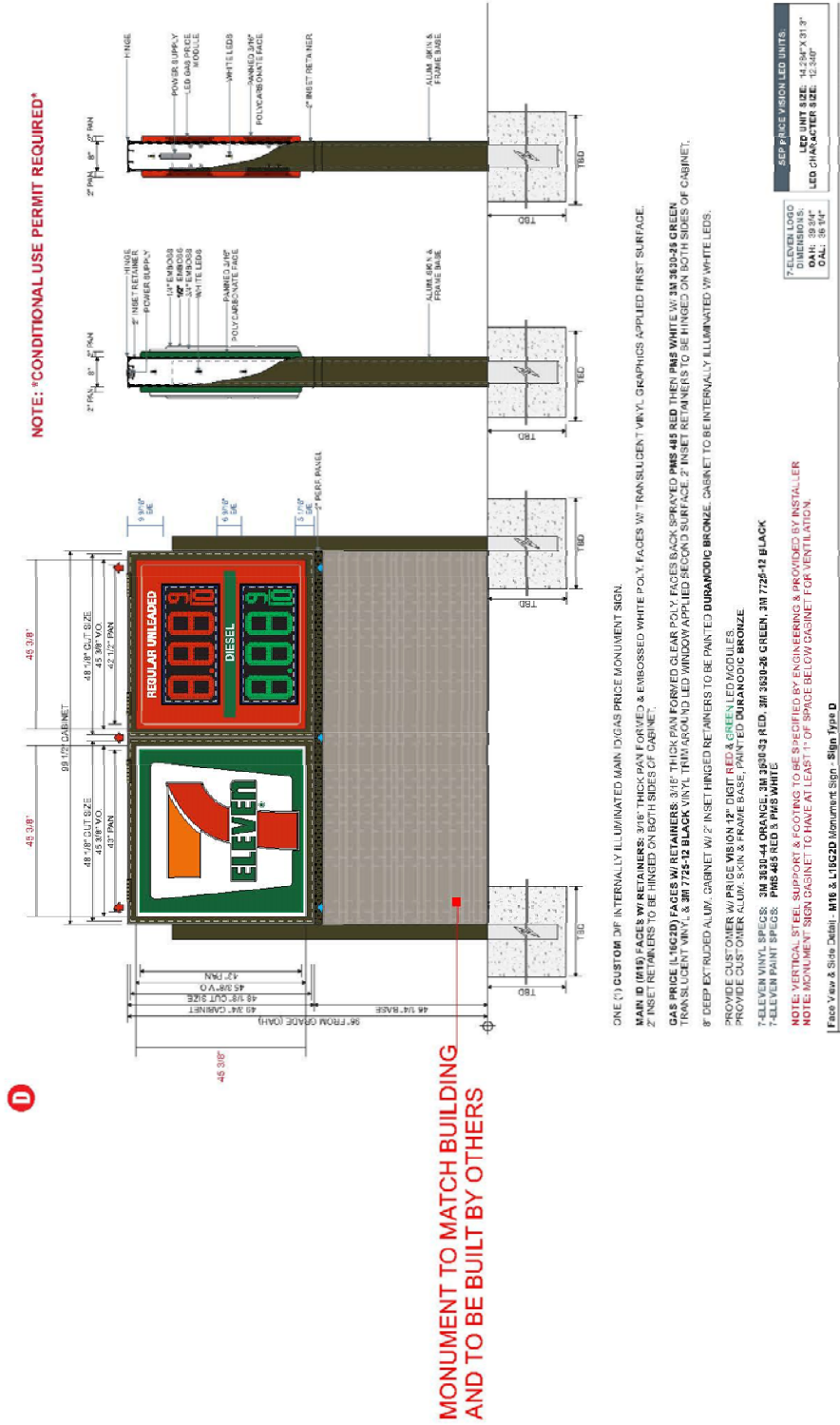
A B C

CANOPY SIGNAGE



Proposed Monument Sign

MONUMENT



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 Presmont Construction Services LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Troutman Pepper LLP - Robert P. Beaman III, Esq.

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)

Matthew McConnell, Michael Montgomery

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

Presmont LLC is the parent company of Presmont Construction Services

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.

Buf Studio; Christophe Bouteille; Cummings Resources, LLC (Victoria Cox)

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.

Blakeway Corporation; Gary Franks

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.

Troutman Pepper LLP - Robert P. Beaman III, 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.

Applicant Signature

Matthew McConnell - Chief Operating Officer

Print Name and Title

1/7/2021

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



Owner Disclosure

Owner Name KS Shore LLC

Applicant Name Presmont Construction Services 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)

See attached

- If yes, list the businesses that have a parent-subsiary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary)

Alex and O. Pete Kotarides and Sons LLC

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-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.

⁴ "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



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.

BDO USA, LLP

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.

MSA, P.C.

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.

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 read 'Petro A. Kotarides', written over a horizontal line.

Owner Signature

Petro A. Kotarides, Manager of KS Shore LLC

Print Name and Title

1/11/21

Date

DISCLOSURE STATEMENT – ATTACHMENT TO PAGE 5

KS SHORE LLC

Sole Member:

- Alex and O. Pete Kotarides and Sons LLC

Members:

- Pete Alex Kotarides and Petro A. Kotarides, Co-Trustees of the Alex Pete Kotarides Revocable Trust U/A/D 3/19/2004, as amended
- O. Pete Kotarides, Trustee of the O. Pete Kotarides Revocable Trust U/A/D 3/19/2004, as amended
- Pete A. Kotarides
- Pete O. Kotarides
- Petro A. Kotarides
- Basil O. Kotarides

Managers:

- O. Pete Kotarides
- Pete A. Kotarides
- Pete O. Kotarides
- Petro A. Kotarides
- Basil O. Kotarides

Managers:

- O. Pete Kotarides
- Pete A. Kotarides
- Pete O. Kotarides
- Petro A. Kotarides
- Basil O. Kotarides

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.

Request

Modification of Conditions (Religious Use)

Staff Recommendation

Approval

Staff Planner

Jonathan Sanders

Location

Adjacent and south of 2285 London Bridge Road

GPIN

2405700297

Site Size

13.86 acres

AICUZ

70-75 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Undeveloped / AG-1 & AG-2 Agricultural

Surrounding Land Uses and Zoning Districts

North

London Bridge Road

Agricultural buildings, undeveloped / AG-2

Agricultural

South

Single-family dwellings / R-10 Residential

East

Single-family dwellings / R-10 Residential

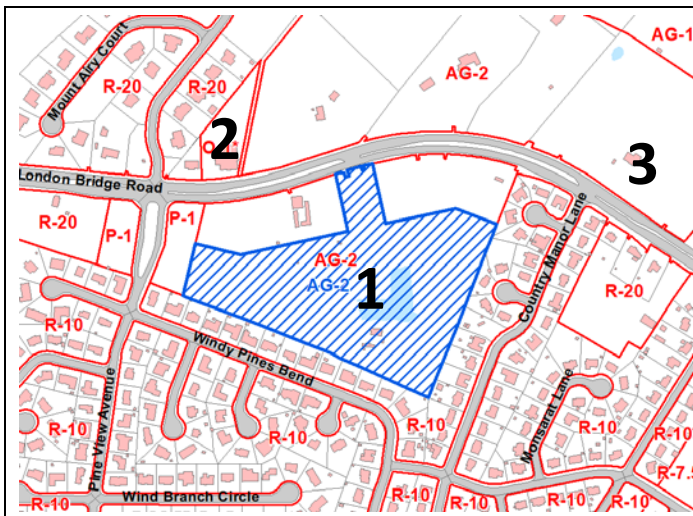
West

Open space / P-1 Preservation



Background & Summary of Proposal

- A Conditional Use Permit for a Religious Use was approved for the 13.86 acre property on November 7, 2017 subject to six conditions. Condition 5 stated that the “parking lot must be at current grade with adjoining property”. At this time, the applicant is requesting a Modification of Conditions to allow for changes in site design related to the parking layout and building footprint and elevations, as well as changes to the conceptual stormwater strategy. The revision to the parking lot is now farther away from the residences than in the 2017 approval. The revision to the proposed stormwater system is designed to drain to proposed onsite stormwater management facilities before discharging into the existing public drainage system within the London Bridge Road right-of-way. Because this site’s elevation sits below the elevations of the street, a significant amount of fill is proposed. The site grades are proposed to be raised three to four feet above existing ground elevations to accommodate the proposed underground detention system and to provide drainage toward London Bridge Road.
- The applicant is proposing to provide landscape screening of the raised parking lot from the adjacent residential neighborhood in the form of two landscape buffers. The first 10-foot landscape buffer is proposed on top of the three-foot berm with a six-foot tall solid fence closest to the church and parking lot with a row of trees and shrubs facing the residential uses. The second landscape buffer will be a 15-foot landscape buffer with trees and shrubs located along the property line with the adjacent neighborhood. Sections of these two landscape buffers are provided on page 12 of this report. Parking lot landscaping with trees and shrubs is proposed along the northern edge of the proposed parking lot. The landscape plan will be reviewed in more detail at the final site plan review. Additionally, a perspective drawing from the residential lots is provided which illustrates how the three-foot berm and the two landscape buffers (with fencing) will be seen.
- The church building and parking are proposed to be developed in two phases. The first phase will be a 17,146 square foot building with a 350-seat sanctuary. The second phase will add 27,925 square feet for a total of 45,071 square feet and an 800-seat sanctuary. The two landscape buffers between the proposed church parking lot and residences will be completely built out during Phase 1.
- The proposed elevations are provided for both proposed phases of the church and depict painted EIFS, aluminum cladding, and wood slat paneling.
- Parking proposed for Phase 1 is 139 spaces and Phase 2 is 298 spaces. Parking for Phase 1 exceeds the minimum parking by 69 spaces and Phase 2 exceeds the minimum parking by 138 spaces.
- There will be no changes to the proposed monument sign that was approved as part of the 2017 Conditional Use Permit.



Zoning History

#	Request
1	CUP (Religious Use) Approved 11/07/2017 CUP (Riding Academy) Approved 02/10/1975
2	CRZ (R-20 to Conditional O-1) Approved 12/09/2008
3	CUP (Outdoor Recreation) Approved 07/08/2008

Application Types

CUP – Conditional Use Permit
 REZ – Rezoning
 CRZ – Conditional Rezoning

MOD – Modification of
 Conditions or 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

In Staff's opinion, the proposed Modification to the Conditional Use Permit for the Religious Use is acceptable. The revision to the proposed stormwater system is now designed to drain towards London Bridge Road, which requires the parking lot to be approximately three feet higher than the grade adjacent to the adjoining residential property. The two landscape buffers will soften the transition of the three-foot elevation increase of the proposed church and parking lot and eliminate possible headlight glare from vehicles on the church property. Additionally, Staff has recommended a condition that lighting be shielded to direct light onto the site, limit the height of outdoor light fixtures to 14 feet in height, and to limit parking lot perimeter parking lot lighting to no taller than four feet in height.

Ample parking will be provided to satisfy the minimum parking requirements of the Zoning Ordinance. The increase in the size of the building will not greatly increase the average daily trips associated with the use; therefore, it will not negatively impact the capacity of adjacent roadways. The request remains in keeping with the policies and goals set forth in the Comprehensive Plan for the Suburban Area, as the church provides a valuable service to the community and contributes to the sustainability of great neighborhoods.

As recommended by Staff, the applicant submitted a preliminary stormwater management analysis to the Development Services Center (DSC) outlining the proposed stormwater strategy for this site. The DSC has reviewed the preliminary stormwater analysis and finds that the submitted stormwater strategy has the potential to successfully comply with stormwater regulations for this site. More detailed information can be found in the Stormwater Impacts section of this report.

Based on these considerations, Staff recommends approval of the application, subject to the modified conditions below.

Recommended Conditions

1. All of the conditions attached to the Conditional Use Permit for a Religious Use dated November 7, 2017 are hereby deleted and superseded by the conditions below.
2. When the church site is developed and landscaped it shall be in substantial conformance with the submitted site layout exhibit entitled "SITE DEVELOPMENT PLANS FOR GRACE BIBLE CHURCH", dated 1-7-21, prepared by Site Improvement Associates, Inc., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. The exterior of the proposed building shall substantially adhere in appearance, size and materials to the elevations entitled, "Grace Bible Church, Strawbridge Campus" ["Phase 1 Elevations" & "Phase 2 Elevations"], prepared by Visioneering Studios, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning & Community Development.
4. A Landscape Plan shall be submitted and approved by the Development Services Center Landscape Architect prior to final site plan approval.
5. All on-site signage must meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
6. The freestanding sign for the church shall be a monument style sign, with a total height not to exceed eight feet, and shall be in substantial conformance with the sign depicted on the exhibit entitled, "Proposed Grace Bible Church Monument Sign", which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
7. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. All parking lot perimeter lighting shall be limited to lighting no taller than four (4) feet. All other outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
8. The plan for complying with the Stormwater Regulations submitted to the Development Services Center at Site Plan Review shall be in substantial conformance with the preliminary plan design and strategy for achieving compliance as submitted and preliminarily reviewed by Staff, unless otherwise approved by the Development Services Center.

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.

2017 Conditions

1. When the church site is developed, it shall be in substantial conformance with the submitted site layout exhibit entitled, "Conditional Use Permit Exhibit – Landscape Plan," prepared by American Engineering, dated 04/28/2017, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
2. The exterior of the proposed building shall substantially adhere in appearance, size and materials to the elevations entitled, "Grace Bible Church Red Mill Campus" prepared by Visioneering Studios, which have been exhibited to the Virginia Beach City Council and are on file in the Virginia Beach Planning Department.
3. The freestanding sign for the church shall be a monument style sign, with a total height not to exceed eight feet, and shall be in substantial conformance with the sign depicted on the exhibit entitled, "Grace Bible Church Freestanding Sign," in terms of materials and color scheme. Said exhibit has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department. All signage on the site shall meet the requirements of the Zoning Ordinance.
4. The applicant shall obtain all necessary permits and inspections from the Planning Department Permits & Inspections Division and the Fire Department.
5. Parking lot must be at current grade with adjoining property.
6. Existing vegetation on site plan shall remain.

Stormwater Impacts

Project Stormwater Design Staff Summary

The project site consists of a 13.87-acre parcel, with approximately 10.73 acres proposed to be disturbed for development. The majority of the proposed development is designed to drain to proposed onsite stormwater management facilities (SWMFs) before discharging into the existing public drainage system within the London Bridge Road right-of-way. The remaining perimeter drainage and undisturbed forested area will continue to discharge into the White Pine Farms and Pine Ridge neighborhoods. Currently over 10 acres of the site drains towards White Pine Farms and Pine Ridge; this will be reduced to just under 4 acres mainly consisting of perimeter grassed and tree buffer areas and conserved forested open space with the proposed development.

The proposed SWMFs will consist of three underground stone vault detention systems that will be located under the proposed parking lot and grassed areas and a wet pond that will be located at the northeast corner of the site. The underground storage system will be used to satisfy water quantity requirements while the wet pond will be used for both water quantity and water quality purposes.

The applicant previously received Conditional Rezoning and Conditional Use Permit approval with a Preliminary Stormwater Analysis that proposed routing the drainage to the south through existing stormwater infrastructure in the Pine Ridge neighborhood. Prior to site plan submittal, the consulting engineer proposed significant changes to the stormwater strategy which necessitated a resubmittal of the stormwater analysis. The current proposal routes the majority of stormwater runoff to the existing stormwater system in London Bridge Road, and because this site's elevation sits below the elevations of the street, a significant amount of fill is proposed. It is important to note site grades are proposed to be raised 3 to 4-feet above existing ground elevations to accommodate the proposed underground detention system and to provide positive drainage toward London Bridge Road. An estimated 4 to 6-feet of fill is proposed for the building pad with a total estimated fill volume of 67,000 cubic yards.

The provided preliminary stormwater management design demonstrates conveyance of the runoff from the proposed development for storms up to and including the 100-year event plus 1.5' of sea-level rise (SLR). The submitted stormwater model included an offsite analysis to verify that the project will not have a negative impact or increase flooding levels on the existing stormwater system upstream or downstream.

Based on the information provided by Site Improvement Associates, Inc. in the Preliminary Stormwater Analysis, the DSC agrees that the proposed conceptual stormwater management strategy has the potential to successfully comply with the stormwater requirements. Final design and detailed updates will be made during site plan submittal. More detailed project stormwater information is listed below.

Project Information

Total project area: 13.87 Acres

Pre-Development impervious area: 0.00 Acres (conservative assumption used for water quality calculations)

Post-Development impervious area: 5.33 Acres

Does the analysis utilize the City of Virginia Beach Master Drainage Model: Yes

Does the analysis incorporate into design increased rainfall amounts (NOAA plus 20%) and account for 1.5' SLR: Yes

Stormwater Management Facility Design Information

Type of facility proposed: Underground storage stone vaults and wet pond

Total storage volume provided in proposed stormwater management facility: 210,803 cubic feet in the underground storage and 92,531 cubic feet in the wet pond for a total of 303,334 cubic feet. An additional 62,000 cubic feet of surface depression storage was provided near the entrance to prevent ponding on adjacent properties.

Description of outfall: Runoff will leave the site in two directions, with a majority of the developed site (approximately 82% of the developed area) being attenuated and treated by the wet pond before discharging and connecting to the existing public storm system along London Bridge Road. A small area around the perimeter of the site mainly consisting of managed turf will be collected and will drain towards the existing storm system within the White Pine Farms neighborhood. Approximately 3.14 acres of the entire 13.87 acres site is proposed to be conserved as forest open space and will maintain its drainage pattern which currently drains into the Pine Ridge storm systems. The overall area and amount of runoff draining towards the White Pine Farms and Pine Ridge neighborhoods will be reduced. Both flow directions leaving the site from London Bridge Road and the White Pine Farms and Pine Ridge neighborhoods ultimately drain into the Hunt Club Tributary.

Downstream conveyance path: The Hunt Club Tributary leads to the Upper West Neck Creek and subsequently drains into the North Landing River, through the Currituck Sound and ultimately out into the Atlantic Ocean.

Stormwater Quality Compliance Design Information

Pounds of phosphorus removal per year (lb/yr) required: 8.86 lb/yr

Method of treatment proposed: 5.96 lb/yr will be removed with the wet pond, and the remaining 2.9 lb/yr is proposed to be provided through the purchase of nutrient credits from an offsite nutrient bank.

Stormwater Quantity Compliance Design Information

Channel protection: Provided stormwater model demonstrates non-erosive velocities of stormwater discharge.

Flood protection: Attenuation of peak flow rates with no increase in flooding for 10-year storm in all evaluated stormwater structures upstream and downstream.

100-Year storm evaluation: Stormwater modeling demonstrates project meets the requirement of no increase in flooding for 100-year storm in all evaluated structures upstream and downstream.

Sea-Level Rise: Project evaluated, and stormwater modeling demonstrates proposed buildings will not be impacted by stormwater during 100-year (including 1.5' SLR) storm event.

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as Suburban Area. Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a framework for neighborhoods and places that are increasingly vibrant and distinctive. The Plan's primary guiding principle for the Suburban Area is to create "Great Neighborhoods," and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future.

Natural & Cultural Resources Impacts

The site is located in 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 is a forested section on the western portion of the site that will remain as a wetland area. There are no known cultural resources on the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
London Bridge Road	18,360 ADT ¹	32,700 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 139 ADT Proposed Land Use ³ – 313 ADT (Weekday) Proposed Land Use ³ – 1,246 ADT (Sunday)
¹ Average Daily Trips	² as defined by 13.86 acres of AG-2 property.	³ as defined by a proposed 45,100 square foot church.	⁴ LOS = Level of Service

Master Transportation Plan (MTP) and Capital Improvement Program (CIP)

London Bridge Road in the vicinity of this site is a four-lane divided minor arterial suburban roadway. It has a variable width right-of-way, and the MTP shows a divided roadway with a bikeway and an ultimate right-of-way width of 100 feet.

Public Utility Impacts

Water

The site must connect to City water. There is an existing 10-inch City water main along London Bridge Road.

Sewer

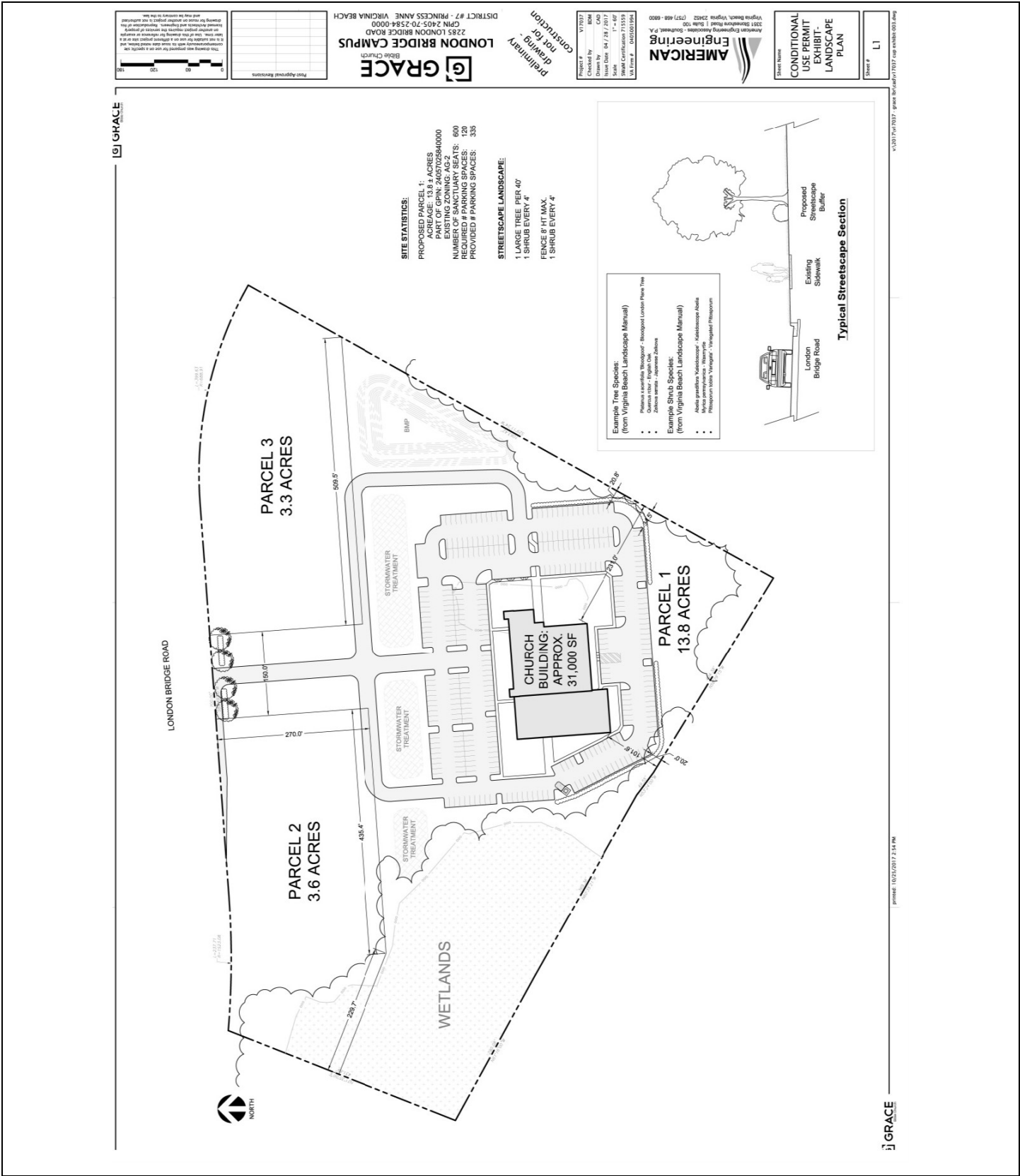
The site must connect to City sanitary sewer. There is an eight-inch gravity sanitary sewer along Mayberry Drive.

Public Outreach Information

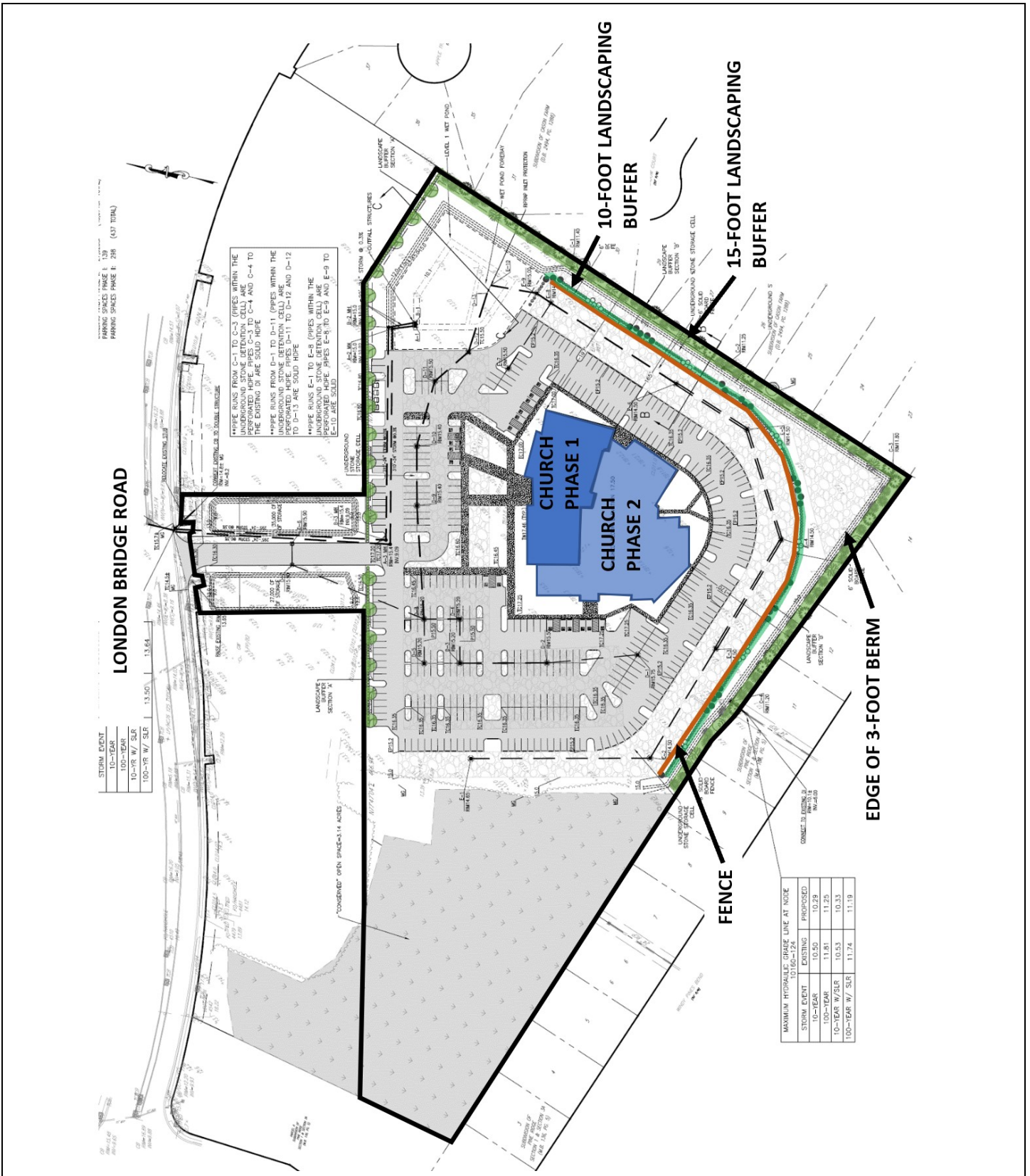
Planning Commission

- The church met virtually with members of the surrounding neighborhoods with 26 registered speakers to discuss the project on January 28, 2021. Overall, the proposal was well received by those in attendance according to the applicant.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, February 21, 2021 and February 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on February 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on March 4, 2021.

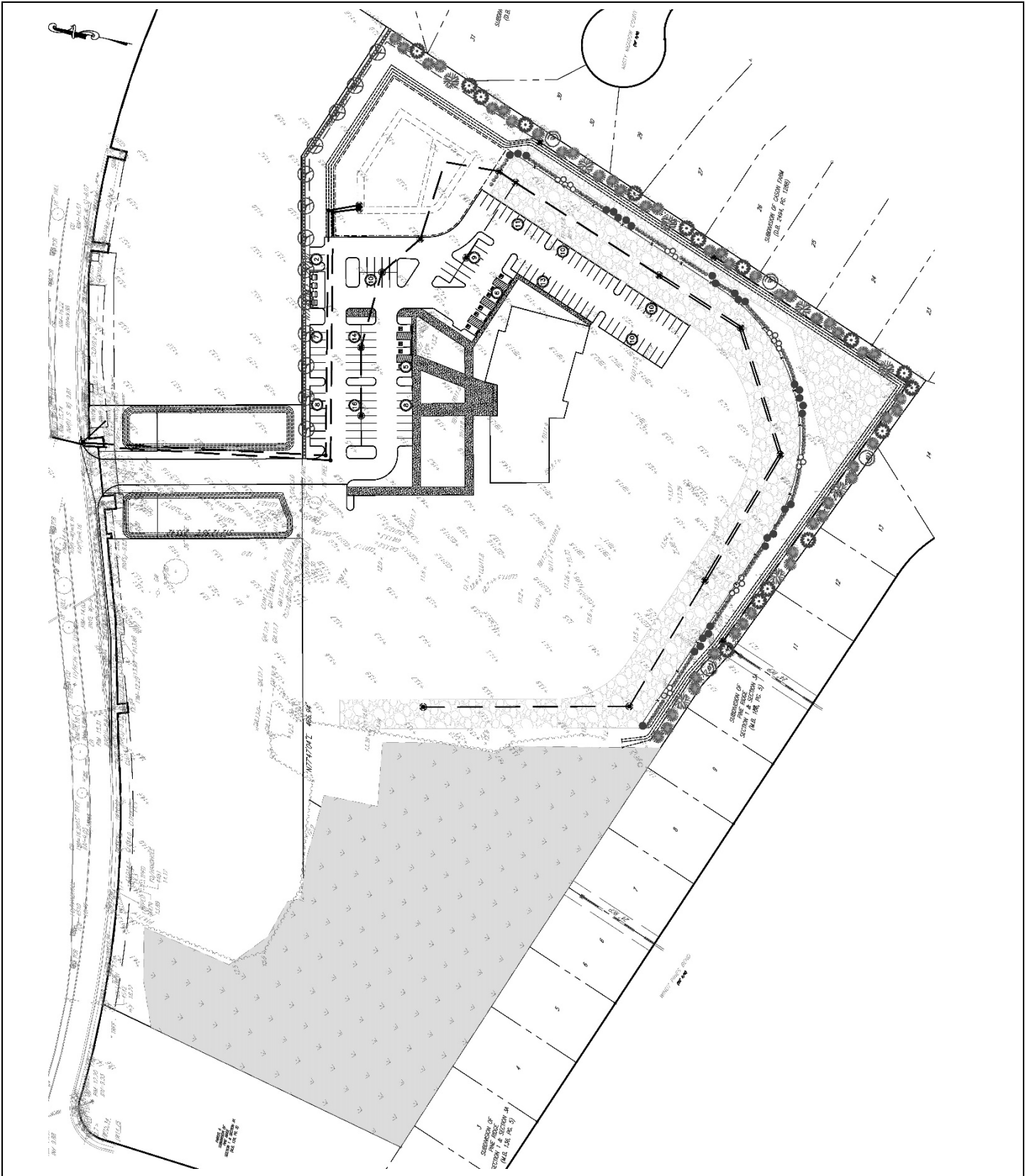
2017 Approved Site Layout



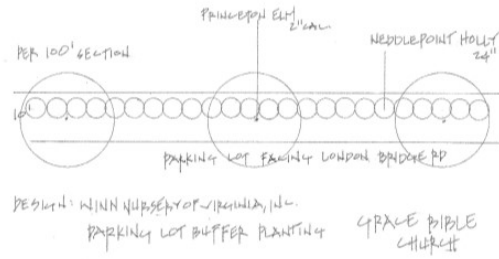
Proposed Site Layout



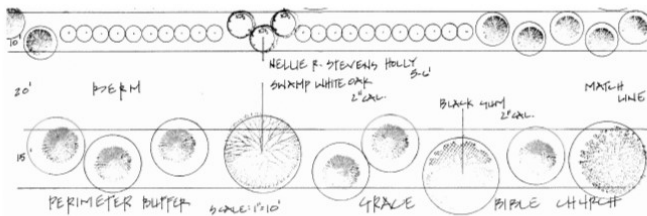
Proposed Phase 1 Site Layout



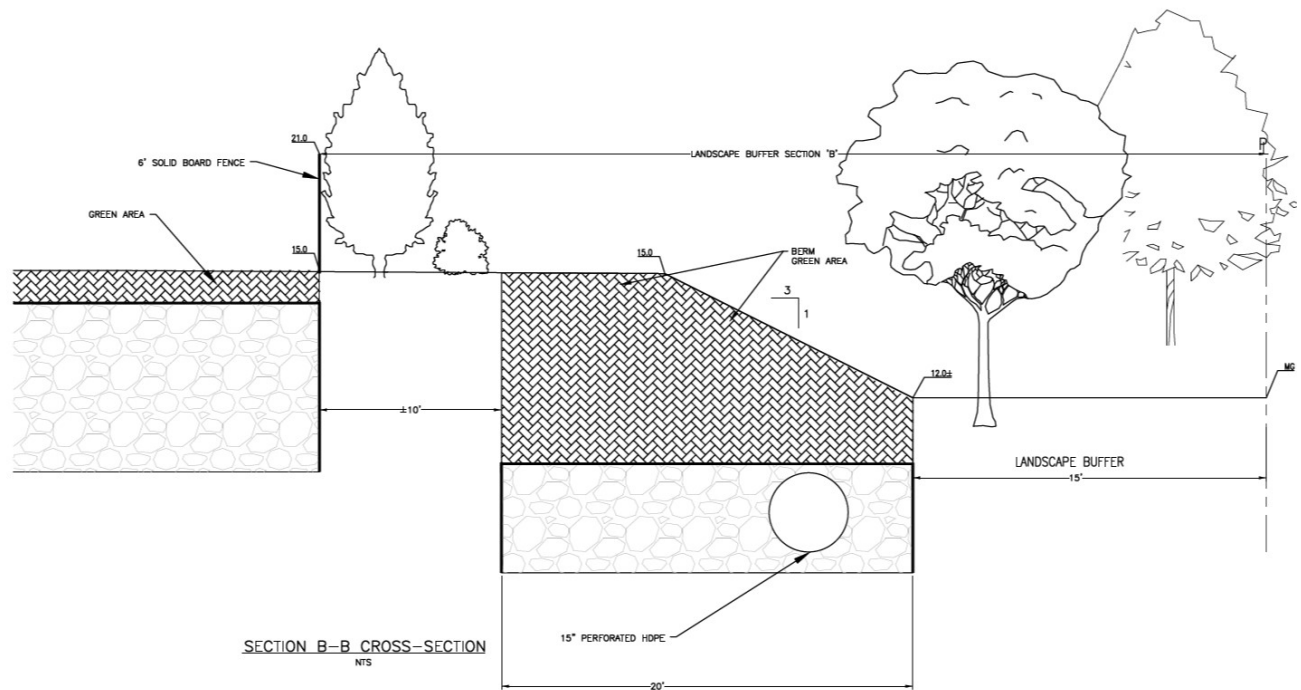
Landscape Sections



PLANT MATERIAL WITHIN BUFFER SECTION 'A'
NTS



PLANT MATERIAL WITHIN SECTION 'B'
NTS



Perspective from Adjoining Residences

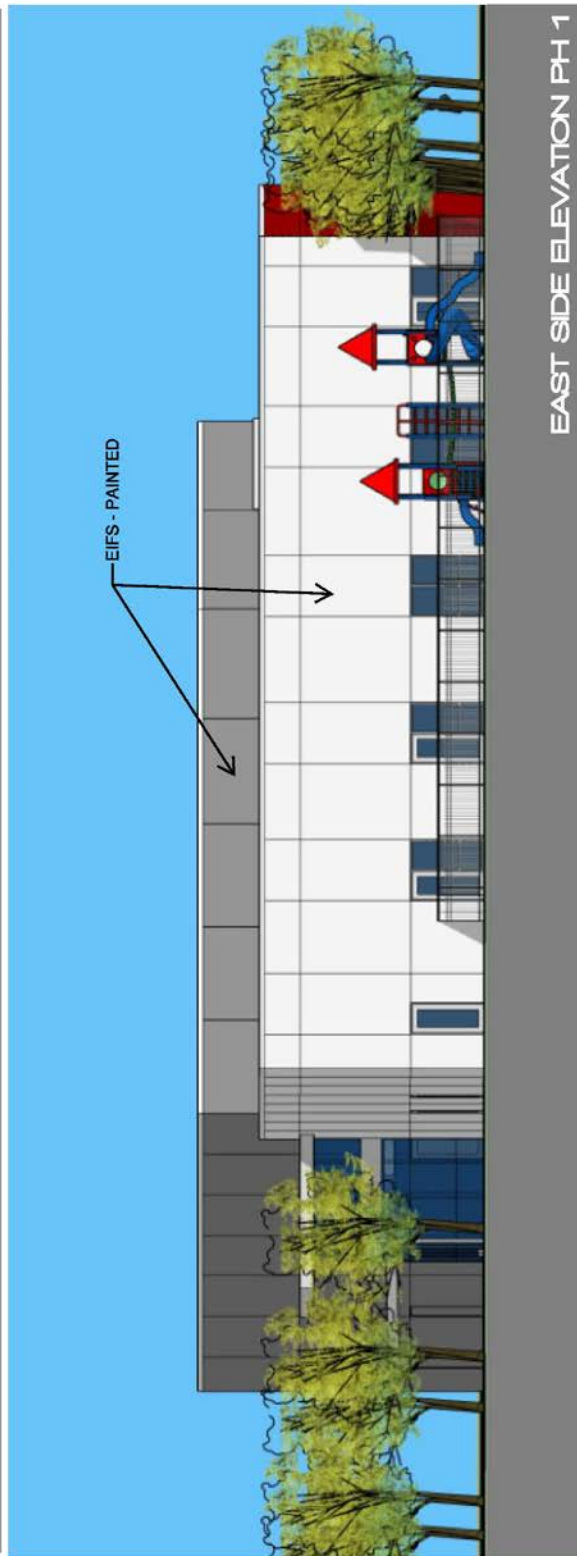
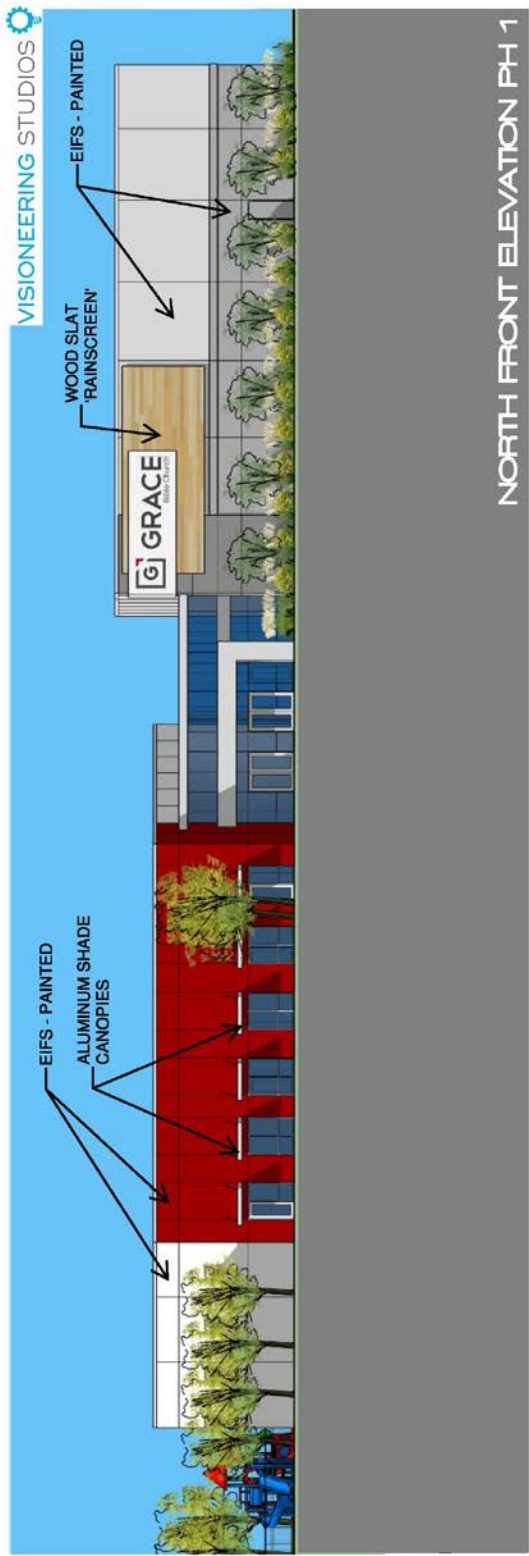


Perspective View From Adjoining Lots
Grace Bible Church
January 20, 2021

Front Rendering

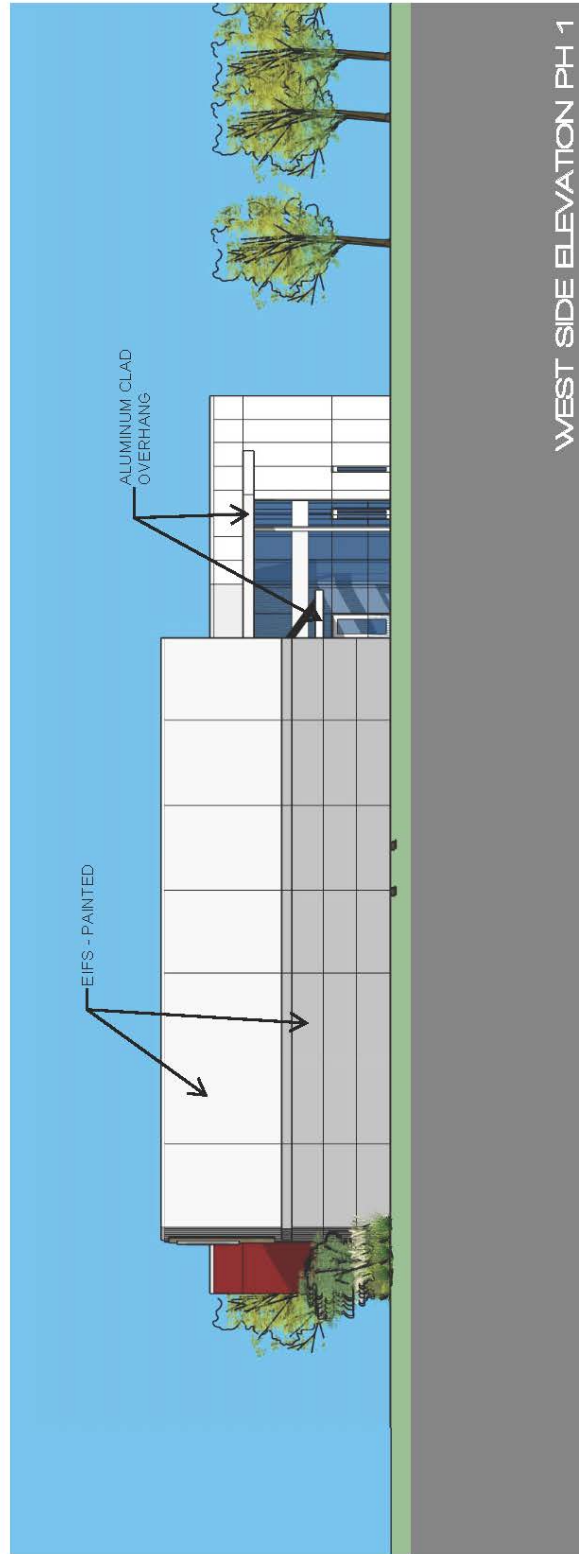
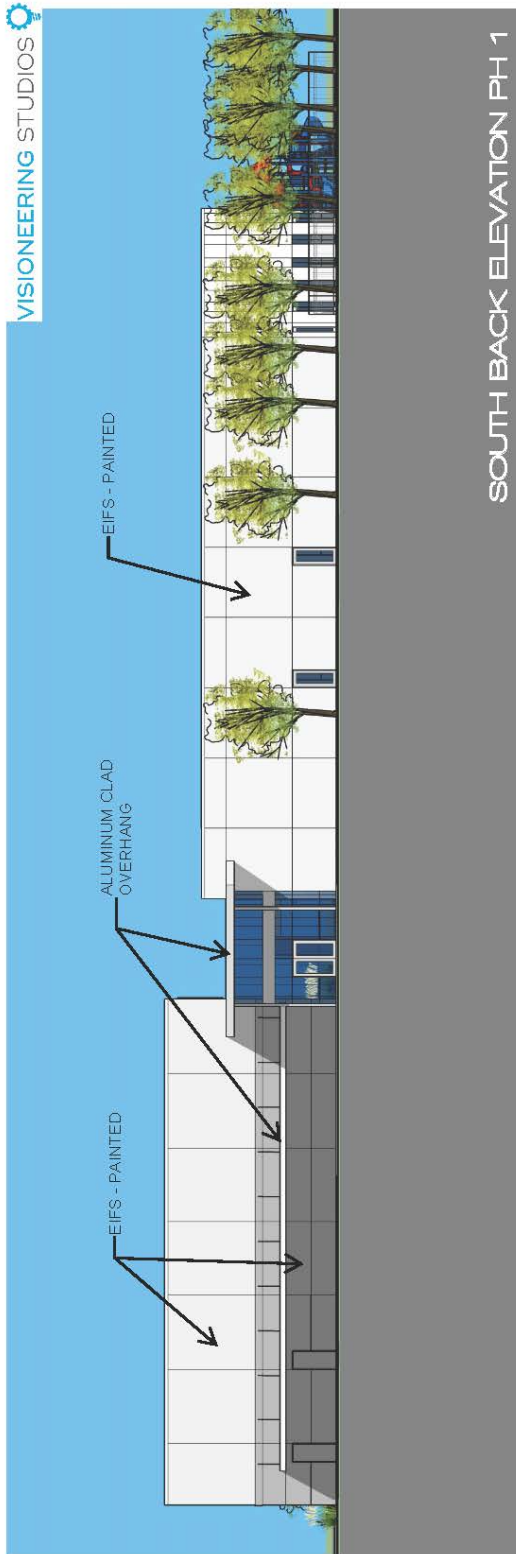


Perspective View
Grace Bible Church-Lor
January 20, 2021



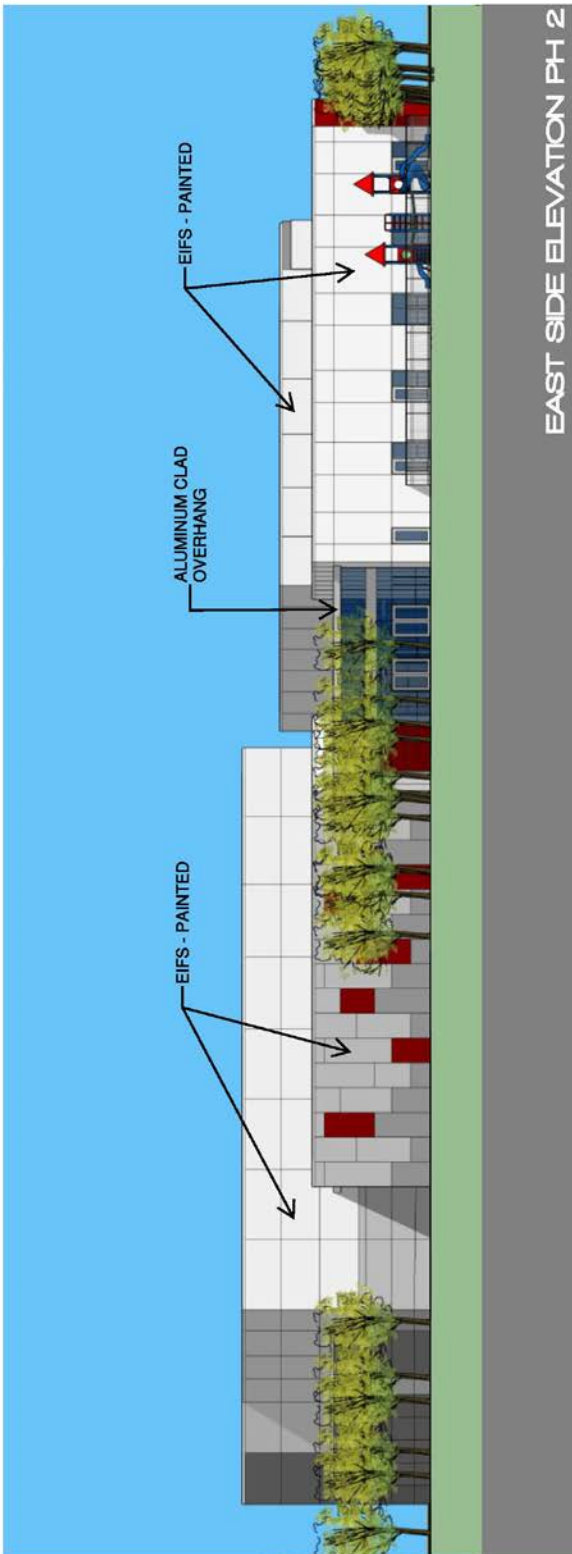
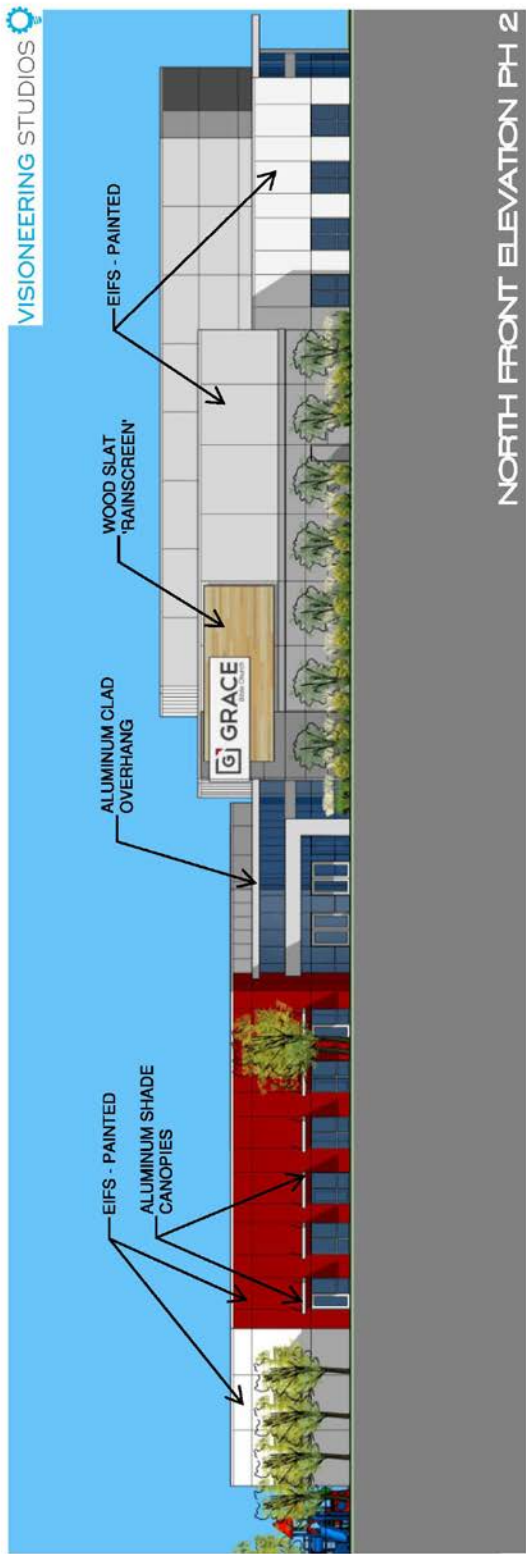
Strawbridge Campus

VISIONEERING STUDIOS

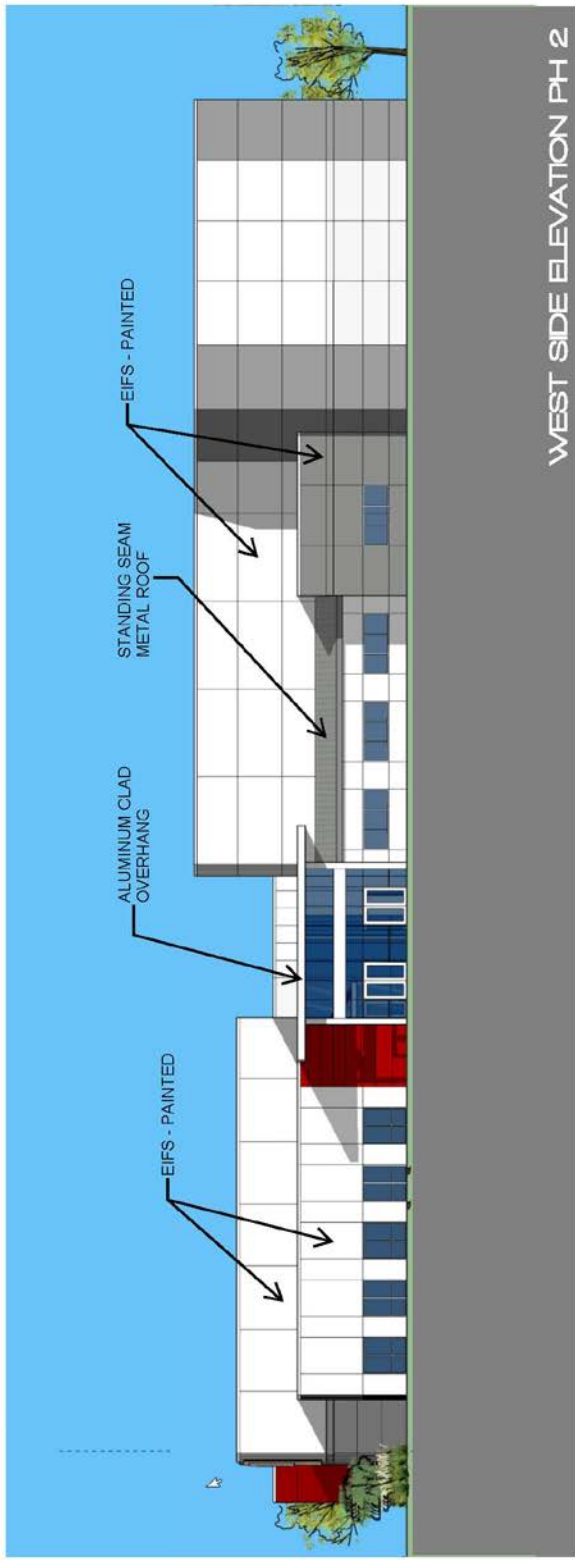
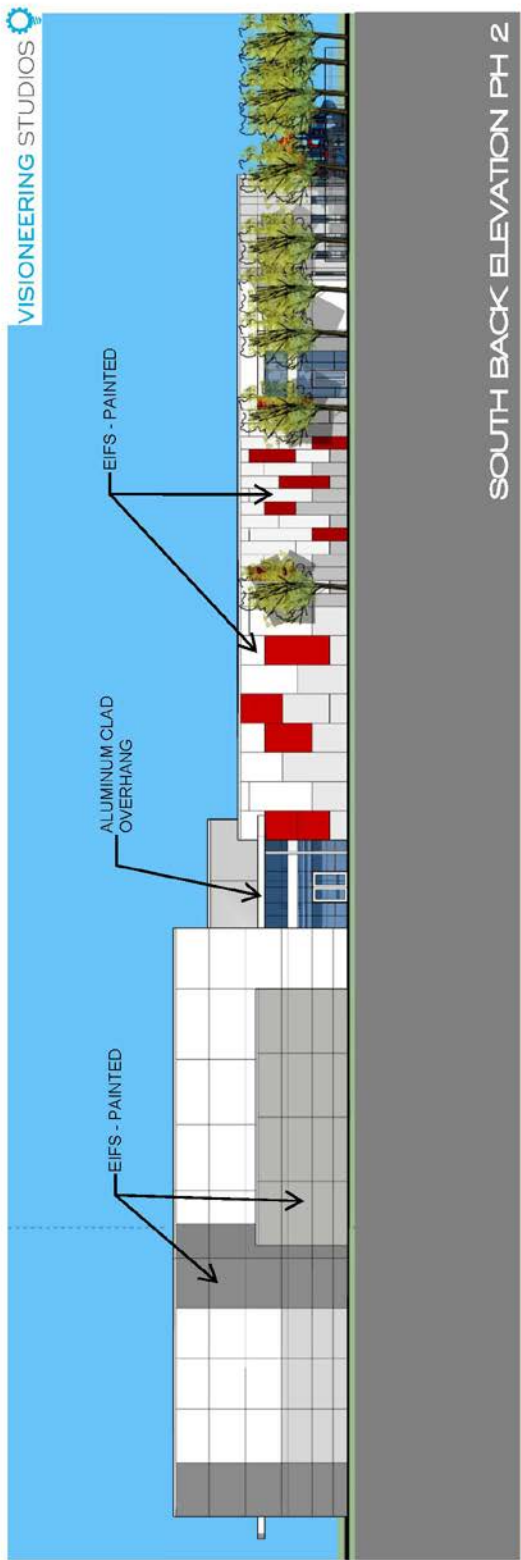


GRACE
Bible Church

Strawbridge Campus



Strawbridge Campus



Strawbridge Campus

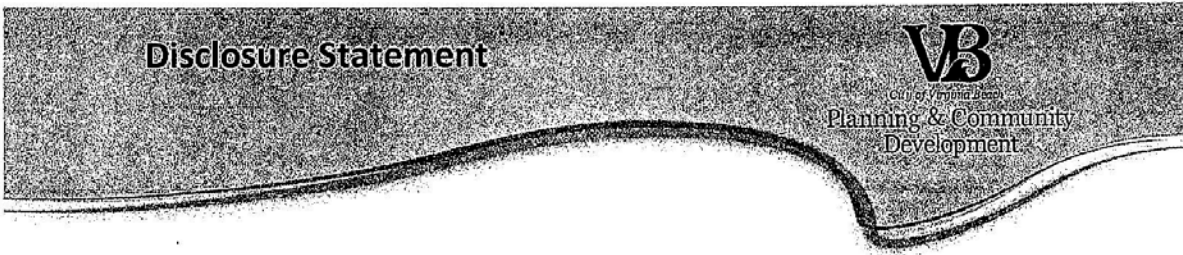
Proposed Monument Sign



Site Photos



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 Grace Bible Church of Virginia Beach, Inc.

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

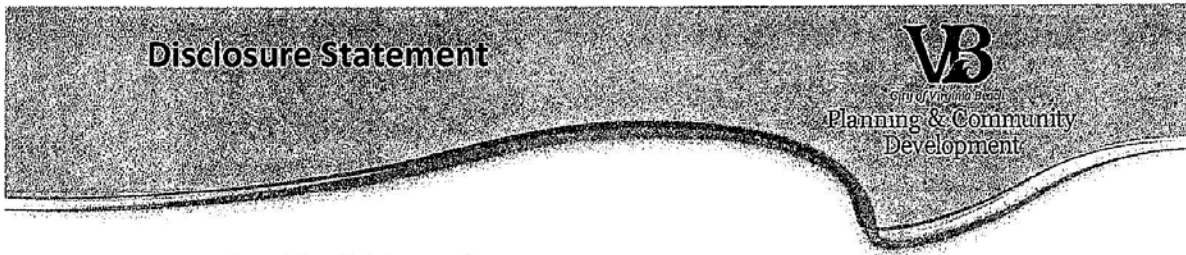
- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

Matthew Breitenberg, Treasurer; Clarke Tillman, Moderator; Michael Haney, Recorder; Eric Sanzone, Director; Keith Langland, Director; Toby Stewart, Director; John Lopardo, Director; Jeffrey Shoaf, Director; Jon Vogt, Director

- 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.



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.

TowneBank

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

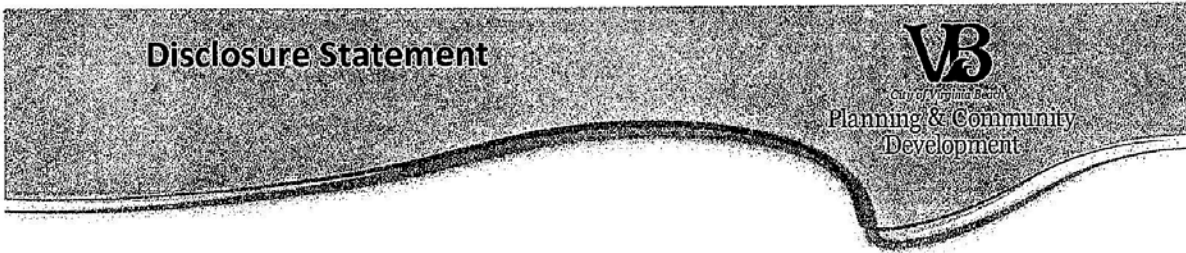
- If yes, identify the firm and individual providing the service.

Barry Morris, Visioneering Studios Architecture

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.
- Site Improvement Associates

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.
- R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

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.

Grace Bible Church of Virginia Beach, Inc.

By:

Matthew Breitenberg

Applicant Signature

MATTHEW BREITENBERG, TREASURER

Print Name and Title

FEB 2, 2021

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	

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.

Requests

Street Closure

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

25-foot wide by 125-foot long portion of Holly Road adjacent to 401 49th Street

Adjacent GPIN

2418788383

Site Size

3,125 square feet

AICUZ

65-70 dB DNL; Sub-Area 3

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Unimproved right-of-way

Surrounding Land Uses and Zoning Districts

North

Single-family dwellings / R-5R (NE) Residential (North End Overlay)

South

49th Street

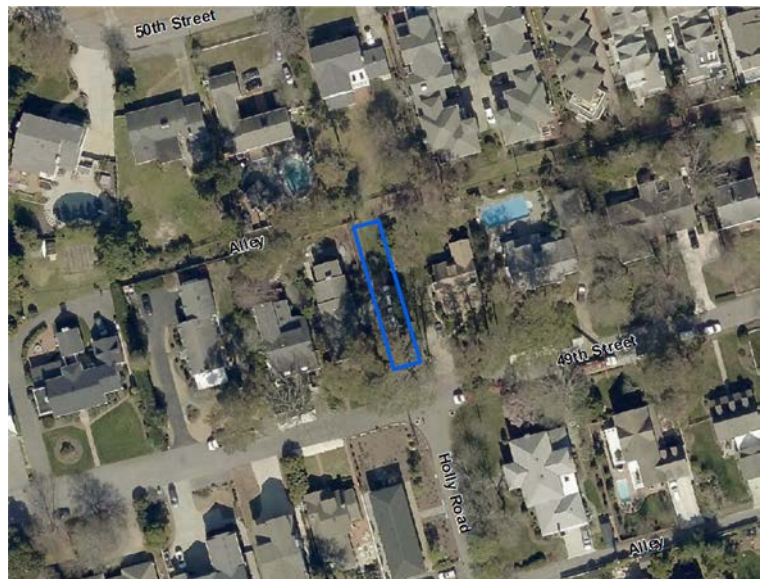
Single-family dwellings / R-7.5 Residential

East

Single-family dwelling / R-7.5 Residential

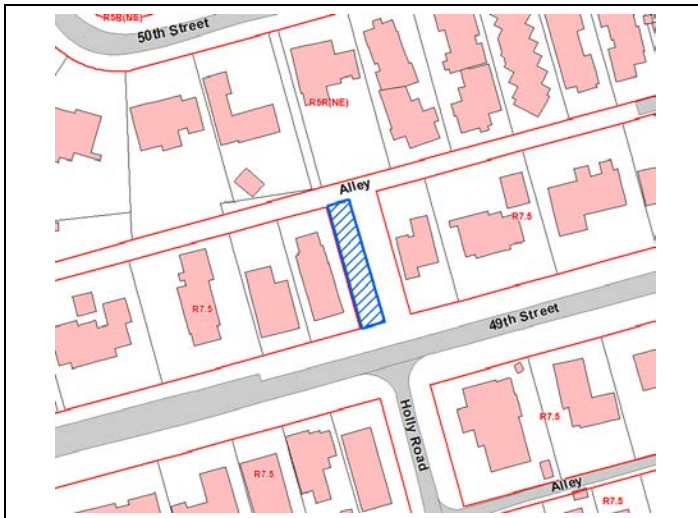
West

Single-family dwelling / R-7.5 Residential



Background & Summary of Proposal

- The adjoining property owners are requesting to close the 25-foot wide by 125-foot long unimproved portion of Holly Road adjacent to 401 49th Street. The area to be closed is approximately 3,125 square feet. The property owners will incorporate a 25-foot wide by 125-foot long portion of the closed right-of-way into their lot.
- This section of Holly Road has been platted for over 100 years and has never been improved or utilized as a public street. The western portion of this unimproved right-of-way has been used as a private driveway for decades with portions of the porch in the right of way for many years providing access to the home directly from the unimproved right-of-way.



No Zoning History to Report

Application Types

CUP – Conditional Use Permit
 REZ – Rezoning
 CRZ – Conditional Rezoning

MOD – Modification of Conditions or 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

A Viewers' Meeting was held on December 2, 2020, that included City Staff from the Departments of Public Works, Public Utilities, Planning and Community Development, and the Office of the City Attorney, to consider this application. The Viewers determined that the proposed closure, with the required easements to the City, will not result in any public inconvenience; therefore, closure of this portion of the right-of-way is deemed acceptable.

The Department of Public Utilities indicated that there is an existing public sewer line located within this portion of the proposed closure and within the 15-foot wide alley in the rear of the property; therefore, the conditions of the street closure will include the dedication of a public utility easement to the City of Virginia Beach over the portion of the street to be closed and a public access easement for access to and from the alley adjacent to the rear of the property for the maintenance of public infrastructure located within or to be located within the alley. Similarly, the Department of Public Works is requesting a drainage easement over the portion of the street to be closed for potential future use as a Best Management Practice (BMP) to provide stormwater storage. This area has been identified in the Stormwater Master Plan as currently providing stormwater for the Broad Bay drainage basin. Upon dedication of the public utility and public drainage easements, all improvements located within the easement areas must either be removed to allow access to the easement areas for maintenance and repair when necessary or the applicants must seek an encroachment agreement with the City of Virginia Beach to hold the City harmless for removal of, or damage to, any improvements within the easement areas.

Based on these considerations, Staff recommends approval of the proposed Street Closure subject to the conditions listed below.

Recommended Conditions

1. The City Attorney's Office shall make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City of Virginia Beach shall be determined according to the "Policy Regarding Purchase of City's Interest in Streets Pursuant to Street Closures," approved by City Council. Copies of the policy are available in the Planning Department.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lot. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval. Said plat must include the dedication to the City of Virginia Beach over the closed portion of the unimproved right-of-way (a) a public utility easement; (b) a public drainage easement; and (c) a public access easement for access to and from the alley adjacent to the rear of the property for maintenance of public infrastructure located within or to be located within the alley, which easements are subject to approval of the Department of Public Utilities and Department of Public Works, respectively, and the City Attorney's Office, and which easements shall include a right of reasonable ingress and egress.
3. The applicant shall verify that no private utilities exist within the right-of-way proposed for the closures. If private utilities do exist, easements satisfactory to the utility company, must be provided and shall be recorded after the final resubdivision plat is recorded with the Clerk of Circuit Court.
4. If any improvements will remain in the area proposed for closure after the closure is finalized, prior to finalization of the street closure, the applicant must apply for an encroachment into the public utility easement and the public drainage easement for all improvements that will remain in the area proposed for closure.
5. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of the approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved for recordation within one year of the City Council vote to close the right-of-way this approval shall be considered null and void.

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

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

Comprehensive Plan Recommendations

The Comprehensive Plan designates these sites as being in the Suburban Area, Suburban Focus Area (SFA) 7- North Beach Area. North Beach, located on both sides of Atlantic Avenue from 42nd Street to 89th Street, is characterized by a compact arrangement of single-family and duplex units with much of the land zoned Residential Resort (R-5R). Moreover, the North Beach area is characterized by a relatively high density of single-family/duplex housing, high impervious surface coverage and problematic topographic conditions, all of which combine to create recurring stormwater drainage problems. Recommendations for North Beach include parcel consolidation, density stabilization,

George Randolph Webb, Jr. & Lelia Graham Webb

Agenda Item 5

Page 3

and the use of the Best Management Practices (BMPs) for stormwater control. Improvement and reconstruction should use porous material for driveways, walkways, and other similar surfaces, where feasible, to achieve a net reduction of impervious coverage. Attractive and high quality materials capable of withstanding severe weather events should be used (p.3-24).

Natural & Cultural Resources Impacts

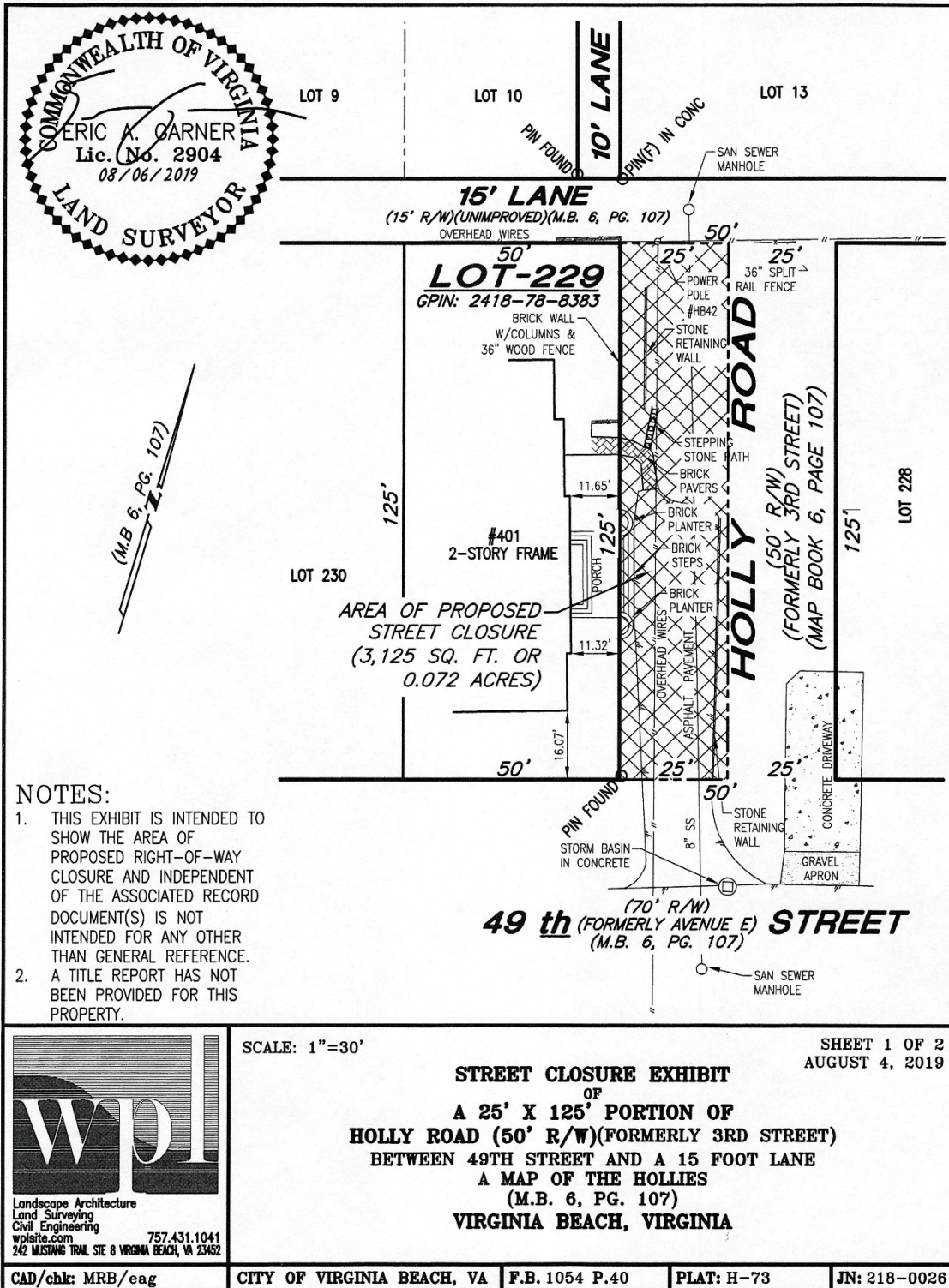
The site is located in the Atlantic Ocean watershed. There does not appear to be significant natural or cultural resources associated with the site.

Public Outreach Information

Planning Commission

- One letter of concern has been received by Staff noting concern that the proposed street closure will eliminate pedestrian access between 49th & 50th Streets.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, February 21, 2021 and February 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on February 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on March 4, 2021.

Street Closure Exhibit



Site Photo





APPLICANT'S NAME George Randolph Webb, Jr. & Lelia Graham Webb

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:	

Disclosure Statement



- ☒ 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: George Randolph Webb, Jr. & Lelia Graham Webb
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)*

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:

Page 2 of 7



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 checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WPL
<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)	Mortgage Electronic Registration Systems, Inc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	R. Edward Bourdon, Jr., Esquire *
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

*Sykes, Bourdon, Ahern & Levy, P.C.

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"/>	

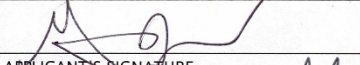
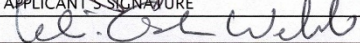
If yes, what is the name of the official or employee and what is the nature of the interest?



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.

	George R. Webb, Jr.	
APPLICANT'S SIGNATURE	PRINT NAME	DATE
	Lelia G. Webb	

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.

Requests

#6 - Conditional Use Permit (Bulk Storage Yard)

#7 - Modification of Proffers (Mini-Warehouse)

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

1441 London Bridge Road

GPIN

1495566421

Site Size

13.02 acres

AICUZ

Greater than 75 dB DNL; APZ-1

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Mini-warehouse, outdoor bulk storage yard / I-1
Light Industrial

Surrounding Land Uses and Zoning Districts

North

London Bridge Road
Manufacturing & warehouses / I-1 & I-2
Industrial

South

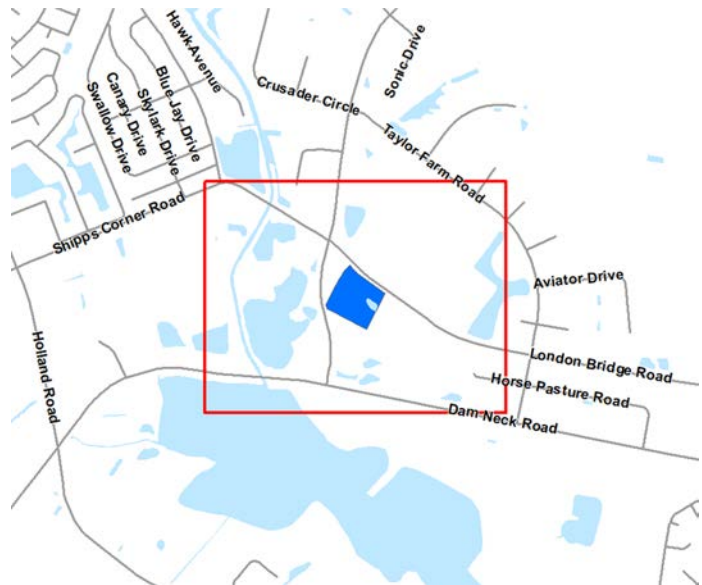
Self-storage units / I-1 Light Industrial

East

Single-family dwelling, bulk storage yard / AG-2
Agricultural, I-2 Industrial

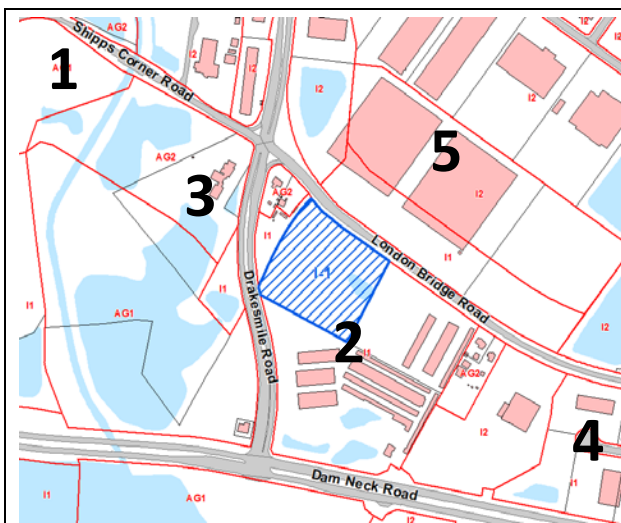
West

Drakesmile Road
Mulching business / I-1 Light Industrial



Background & Summary of Proposal

- The subject property “Vector Park” was rezoned from AG-1 and AG-2 Agricultural Districts to Conditional I-1 Light Industrial District in 2005 for office-warehouse and storage uses. The southern parcel is developed with self-storage units. The eastern half of this site is developed with office-warehouse and a bulk storage yard. The applicant now seeks to expand the office-warehouse and bulk storage yard uses onto the remaining western half of the site.
- The applicant seeks a Conditional Use Permit for a Bulk Storage Yard and a Modification of Proffers request to amend Proffers 1, 2, and 4 that were associated with the rezoning of the property in 2005. Except for Proffers 1, 2, and 4 that are proposed to be amended for the western half portion of the site, the proffers associated with the 2005 rezoning remain in effect for the entire Vector Park development site.
- The proposal includes four buildings totaling approximately 24,320 square feet for office-warehouse use and two areas for bulk storage yards that are fenced in by an 8-foot tall privacy and chain link fence. The majority of the fence is solid, except chain link is proposed along the eastern side of the project site that faces the interior of the lot, not visible from public rights-of-way.
- The submitted Landscape Plan shows a 50-foot vegetation buffer to be preserved along Drakesmile Road and a 15-foot and 30-foot vegetation buffer to be preserved along London Bridge Road. In addition, the applicant will replant the 15-foot vegetation buffer along London Bridge Road after the construction of the buildings are completed.
- Three parking spaces are required for the proposed use. The proposal exceeds the parking requirement by 22 parking spaces.
- No additional driveway or access is proposed on London Bridge Road.
- The subject site falls within a Navy Restrictive Easement. The Navy reviewed the proposal and has no objection.



Zoning History

#	Request
1	MOD (Outdoor Recreation) Approved 12/09/2014 MOD (Outdoor Recreation) Approved 09/14/2010 MOD (Outdoor Recreation) Approved 09/08/2009 MOD (Outdoor Recreation) Approved 08/09/2005 CUP (Outdoor Recreation) Approved 03/23/2004
2	CUP (Bulk Storage Yard) Approved 07/02/2013 CRZ (AG-1 & AG-2 to Conditional I-1) Approved 01/11/2005
3	CUP (Commercial Kennel) Approved 02/2/2005
4	MOD (Modification of Proffers) Approved 09/14/2004 CRZ (AG-1 & AG-2 to Conditional I-1) Approved 05/14/2002
5	CRZ (AG-1 & AG-2 to I-2) Approved 05/22/1985

Application Types

CUP – Conditional Use Permit
REZ – Rezoning
CRZ – Conditional Rezoning

MOD – Modification of Conditions or 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

The applicant's request to expand the office-warehouse and bulk storage yard uses onto the remaining half of the 13.02-acre parcel is acceptable. The proposed uses are appropriate for this area, as it is located in the highest noise zone and APZ-1 of the AICUZ, in an area that is primarily industrial, and in an area designated by the Comprehensive Plan for such uses.

The subject property has been used for office-warehouse and bulk storage since 2006 and the site is well screened from Dam Neck Road, Drakesmile Road, and London Bridge Road by existing vegetation. Section 228 of the Zoning Ordinance requires the bulk storage yard area to be enclosed by Category VI screening. Category VI consists of a minimum six-foot tall fence and Category I landscape plantings within a minimum five-foot wide planting bed. The submitted Landscape Plan shows preservation of existing vegetation along London Bridge Road and Drakesmile Road and planting along the western property line where the abutting property operates a mulch business. In addition, an 8-foot tall privacy fence will screen the bulk storage yard along the west, north, and south sides. The applicant seeks to deviate from the fencing and planting requirement. Specifically, the applicant requests for a chain link fence to be utilized along the eastern side of the storage yard area and for planting not to be installed along the south and east sides of the storage yard area where it faces the interior of the lot and not visible from any public rights-of-way or adjoining lots. Since the storage yard area will be screened by the existing wooded area to be preserved, Staff is agreeable to the deviation request as proposed.

The Development Service Center (DSC) Staff reviewed the preliminary stormwater analysis and agrees that the proposed stormwater management strategy has the potential to successfully comply with the stormwater requirements for this site. Further details of the proposed stormwater management strategy are discussed below in this report. The proposal will utilize the existing access point on London Bridge Road. Traffic Engineering Staff reviewed the request and no concerns were raised as the use of a storage yard and office-warehouse generate very low traffic volume.

Based on the considerations above, Staff recommends approval of these requests subject to the proffers and the conditions noted below.

Recommended Conditions

1. Any lighting for the Bulk Storage Yard shall be limited to light packs installed on the building and fence, as well as pole lighting not to exceed a maximum height of fourteen (14) feet. All lighting shall be shielded and directed downward to limit the amount of light overspill outside the property boundary.
2. The material of the solid fence depicted on the Site Plan shall be vinyl or other similar maintenance-free material.

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.

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:

Only to the extent applicable to the Modification Area, Proffer Number 1 of the Original Proffers is hereby deleted and replaced with the following:

“The Modification Area, when developed, will be developed in substantial conformity with the conceptual site development plan prepared by NDI Engineering Company, dated January 31, 2020, and entitled ‘PRELIMINARY SITE DEVELOPMENT PLAN FOR VECTOR PARK, PHASE III’, a copy of which is on file with the Department of Planning and has been exhibited to the City Council (the ‘Site Plan’).”

Proffer 2:

Only to the extent applicable to the Modification Area, Proffer Number 2 of the Original Proffers is hereby deleted and replaced with the following:

“The architectural style and quality of materials used for the buildings located on the Modification Area, when developed, will be in substantial conformity with the conceptual elevation prepared by Covington Hendrix Anderson Architects, dated January 31, 2020, and entitled ‘DEVELOPMENT FOR VECTOR PARK – PHASE III, VIRGINIA BEACH, VIRGINIA’, a copy of which is on file with the Department of Planning and has been exhibited to the City Council.”

Proffer 3:

Only to the extent applicable to the Modification Area, Proffer Number 4 of the Original Proffers is hereby deleted and replaced with the following:

“The portion of the Modification Area shown on the Site Plan as ‘Area to be Preserved’ shall not be developed, except as reasonably necessary for the installation of stormwater retention facilities as shown on the Site Plan.”

Proffer 4:

New Proffer 10, which shall apply only to the Modification Area, is hereby added to the Original Proffers, and reads in its entirety as follows:

“The existing trees and landscaping located within that area along Drakesmile Road shown in cross-hatching and labeled as “Existing 50’ Vegetation Buffer to be Preserved” on the Site Plan, together with the existing trees and landscaping located within the areas along London Bridge Road shown in cross-hatching and labeled as “Existing 30’ Vegetation Buffer to be Preserved” and “Existing 15’ Vegetation Buffer to be Preserved” on the Site Plan, will be preserved during development of the Modification Area. Promptly after the completion of construction of the proposed improvements to be located within the Modification Area, Grantor will replant a fifteen foot (15’) wide area labeled as “15’ Re-Planting Area” on the Site Plan (the “Re-Planting Area”) with vegetation consisting of similar species as those removed from such area during construction. Grantor will submit a landscape plan depicting the vegetation to be replanted within the Re-Planting Area for approval by the City landscape architect. To the extent that the plantings within the Re-Planting Area along exterior building walls facing London Bridge Road satisfy applicable foundation landscaping requirements contained in the City Zoning Ordinance, such plantings shall be considered sufficient to satisfy the foundation landscaping requirements contained in Proffer 3 of the Original Proffers.”

Proffer 5:

Except as expressly modified by this Agreement, all other covenants, restrictions and conditions proffered as part of the Original Proffers (including Proffers Numbered 3, 5, 6, 7, 8, and 9) shall remain unchanged and are incorporated herein by reference with respect to the Modification Area. The Original Proffers shall remain in effect in their entirety and are unchanged by this Agreement with respect to the remainder of the Property.

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.

Proffers of 2005 Rezoning

Proffer 1:

When developed, the area of the Property shown as "Phase I" on the conceptual site plan prepared by NDI Basgier & Associates Division, dated August 3, 2004, and titled "Conceptual Plan for Atlantic Builders, LLC" (the "Concept Plan") shall be developed for industrial storage, warehouse, and related office purposes, substantially in accordance with the plan shown on Sheet 1 of 2 of the Conceptual Plan, copies of which are on file with the Planning Department and have been exhibited to the City Council; provided, however, that Grantor shall have the right to reduce the size, number and configuration of the buildings shown on the Conceptual Plan.

Proffer 2:

When constructed, all industrial storage and warehouse buildings located on the area of the Property designated on the Conceptual Plan as "Phase I" shall be constructed using architectural designs in substantial accordance with the renderings titled "Atlantic Builders, LLC Proposed Conceptual Elevations", dated October 18, 2004, which have been submitted to and remain on file with the Planning Department and which have been exhibited to the City Council.

Proffer 3:

When constructed, all exterior building walls facing London Bridge Road or London Bridge Road Extended shall be constructed using either (a) fiber cement panels substantially similar to the sample submitted to the Planning Department with the Grantor's rezoning application and exhibited to the City Council, either in bluestone, neutral or earth-tone colors; (b) split-face block, in neutral or earth-tone colors; or (c) brick, in red, neutral or earth-tone colors. In addition, when constructed, foundation landscaping shall be installed along all exterior building walls facing London Bridge Road or Dam Neck Road.

Proffer 4:

The areas shown on Sheet 1 of 2 of the Conceptual Plan as "Area to be Preserved 4.6 +/- Acres" and "Area to be Preserved 2.7 +/- Acres" shall not be developed, except as reasonably necessary for the installation of stormwater retention facilities and the installation of landscaping as shown on the Conceptual Plan.

Proffer 5:

When developed, the Grantor shall install landscaping along London Bridge Road Extended and Dam Neck Road in substantial accordance with the landscaping shown on Sheet 2 of 2 of the Conceptual Plan and shall preserve existing, mature trees along those areas, to the extent reasonably possible in light of Grantor's development plans.

Proffer 6:

All buildings and structures located upon the Property shall be set back a minimum distance of fifty feet (50') from the current right-of-way of London Bridge Road Extended. All stormwater retention or treatment facilities located along Dam Neck Road and London Bridge Road Extended shall be set back a minimum distance of thirty-five feet (35') from the current rights-of-way, as shown on Sheet 2 of 2 of the Conceptual Plan.

Proffer 7:

No onsite vehicular parking, outdoor storage, loading docks or loading areas shall be permitted between London Bridge Road and any building on any parcel adjacent to London Bridge Road, nor within fifty feet (50') of London Bridge Road Extended.

Proffer 8:

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

Proffer 9:

When the Property is developed, a privacy fence six feet (6') in height shall be installed between the rear of the easternmost building shown on the Conceptual Plan, extending from the front yard setback line along London Bridge Road to the Phase Line shown on the Conceptual Plan.

Comprehensive Plan Recommendations

The subject site is located within the Special Economic Growth Area (SEGA) 3 – South Oceana. SEGAs are viewed as special areas with significant economic value and growth potential, with primary consideration being adjacency to NAS Oceana. SEGA 3 – South Oceana, between Drakesmile and Holland Road, faces considerable constraints including high noise zones, accident potential zones, Navy restrictive easements, and floodplain issues. The proposed industrial use is consistent with the Comprehensive Plan recommendation for this area.

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. There are no known natural resources or cultural features located on this site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
London Bridge Road	12,400 ADT ¹	12,600 ADT ¹ (LOS ⁴ "D") 15,500 ADT ¹ (LOS ⁴ "E")	Existing Land Use ² – 988 ADT Proposed Land Use ³ – 42 ADT
¹ Average Daily Trips	² as defined by a 13-acre parcel zoned I-1	³ as defined on 24,000 square feet of office-warehouse	⁴ LOS = Level of Service

Master Transportation Plan (MTP) and Capital Improvement Program (CIP)

London Bridge Road is a two-lane collector roadway and there are no planned improvement projects in the CIP for this portion of the roadway.

Public Utility Impacts

Water

The site is connected to City water. There is an existing 16-inch water main along London Bridge Road.

Sewer

The site is connected to the City sanitary sewer system via private pump station and force main.

Stormwater Impacts

Project Stormwater Design Staff Summary

This project is the final phase of a master planned development previously known as Sawyer Property or Vector Park, with approximately 2.91 acres proposed to be disturbed for development. Stormwater infrastructure was designed and installed for the development, including in this proposed area of development, in 2006. Drainage from the site currently drains through three existing interconnected wet ponds and eventually out from the overall development to the public drainage system in Dam Neck Road and will continue to do so with the proposed development. The Preliminary Stormwater Analysis incorporated the site's previous stormwater master plan into the City's master drainage study and verified the proposed additional impervious area could be handled by the previously constructed system.

The three existing interconnected wet ponds will continue to be used to satisfy water quantity requirements, with slight modifications to the outfall structure in Lake #3 to increase onsite ponding and eliminate modeled impacts offsite. Water quality for the site was sufficiently accounted for in the stormwater master plan for the site, and additional treatment is not required.

The provided preliminary stormwater management design demonstrates conveyance of the runoff from the proposed development for storms up to and including the 100-year event plus 1.5' of sea-level rise (SLR). The submitted stormwater model included an offsite analysis to verify that the project will not have a negative impact or increase flooding levels on the existing stormwater system upstream or downstream.

Based on the information provided by Kimley Horn in the Preliminary Stormwater Analysis, the DSC finds that the proposed conceptual stormwater management strategy has the potential to successfully comply with the stormwater requirements. Final design and detailed updates will be made during site plan submittal. More detailed project stormwater information is listed below.

Project Information

Total project area: 2.91 Acres

Pre-Development impervious area (Phase III): 0 Acres

Post-Development impervious area (Phase III): 2.13 Acres

Does the analysis utilize the City of Virginia Beach Master Drainage Model: Yes

Does the analysis incorporate into design updated rainfall amounts (NOAA plus 20%) and account for 1.5' SLR: Yes

Stormwater Management Facility Design Information

Type of facility proposed: Existing wet ponds, updated outfall structure

Total storage volume provided in the adjacent existing stormwater management facilities: 103,675 cubic feet

Description of outfall: The interconnected wet ponds drain to the existing public drainage system on the north side of Dam Neck Road, heads west under Drakesmile Road, leading to an outfall into Upper West Neck Creek.

Downstream conveyance path: Upper West Neck Creek drains into the North Landing River, which eventually outfalls into the Currituck Sound.

Stormwater Quality Compliance Design Information

Method of treatment: The site was included in the stormwater master plan for the overall development and pollutant removal requirements have already been met.

Stormwater Quantity Compliance Design Information

Channel protection: Provided stormwater model demonstrates non-erosive velocities of stormwater discharge.

Flood protection: Attenuation of peak flow rates with no increase in flooding for 10-year storm in all evaluated stormwater structures upstream and downstream.

100-Year storm evaluation: Stormwater modeling demonstrates project meets the requirement of no increase in flooding for 100-year storm in all evaluated structures upstream and downstream

Sea-Level Rise: Project evaluated, and stormwater modeling demonstrates proposed buildings will not be impacted by stormwater during 100-year (including 1.5' SLR) storm event.

Public Outreach Information

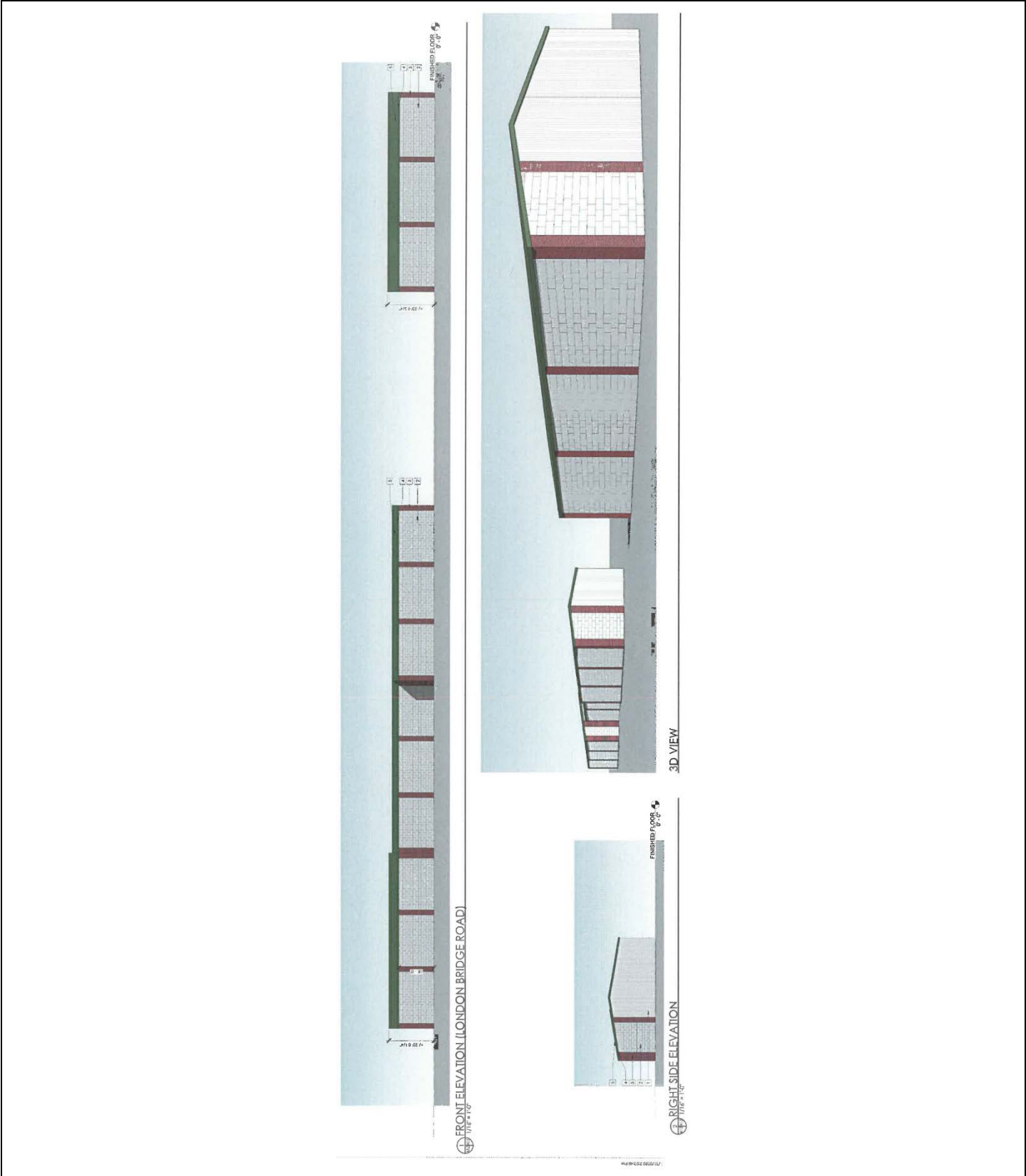
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, February 21, 2021 and February 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on February 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on March 4, 2021.

Proposed Site Layout



Proposed Elevation Plan



Site Photos



Site Photos



Site Photos



Easement Compliance Review



DEPARTMENT OF THE NAVY
NAVAL AIR STATION OCEANA
1750 TOMCAT BOULEVARD
VIRGINIA BEACH, VIRGINIA 23460-2191

IN REPLY REFER TO:
4535
Ser N4/082
6 Mar 20

Mr. Mike Arnold
The Miller Group
2649 Production Road
Virginia Beach, VA 23454

Dear Mr. Arnold:

Thank you for the request for an easement compliance review for the use of a property located at 1441 London Bridge Road, Virginia Beach, Virginia.

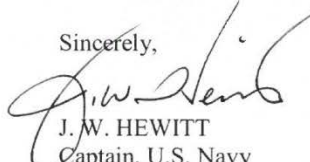
I reviewed an analysis prepared by a Navy Real Estate Contracting Officer and I agree with the conclusion that the properties are subject to restrictions resulting from a Grant of Easement acquired by the United States of America. Enclosed is a copy of the Review and Findings for your convenience.

Since there is not an identified use of the property, a determination as to whether the use of the property is permitted under the terms of the Grant of Easement cannot be made. However, the Navy has no objections to the proposed construction of warehouses, provided no obstruction on the property extends more than 130 feet above mean sea level and no lights will be installed that impair pilot vision. The Navy reserves the right to approve future uses of said warehouses for compliance with the terms and conditions of the Grant of Easement.

Be aware that our determination is based on the representations of the use and location of the property. Please be advised the U.S. Navy will periodically conduct random reviews in the field, of the properties encumbered by covenants and restrictions to ensure that the interests of the United States are protected.

Thank you for your request on this matter. When an end user of the property is identified, please contact Mr. Paul Moomaw, who can be reached at (757) 433-2678 or via e-mail at paul.moomaw@navy.mil to request an easement compliance review.

Sincerely,



J. W. HEWITT
Captain, U.S. Navy
Commanding Officer

Enclosure: Real Estate Contracting Officer's Review and Findings

Copy to: NAVFAC MIDLANT (Codes ARE3 & PRA12)

EI-0215
25 February 2020

REAL ESTATE CONTRACTING OFFICER'S REVIEW AND FINDINGS

Request Received:

On 14 February 2020 Hoa N. Dao with the City of Virginia department of Planning & Community Development, emailed a request for an easement compliance review on behalf of Mr. Mike Arnold with Dam Neck Storage, LLC (DNS) for a property located at 1441 London Bridge Road, Virginia Beach, Virginia. Additional information was requested on 18 February 2020, and was provided on 24 February 2020.

Property Location:

The subject property is located within P-997, parcel 66A. The United States acquired certain rights over this parcel through a Grant of Easement (GOE) acquired on 21 March 1980, recorded in Deed Book 1996, starting on Page 664 in the Office of the Clerk of the Circuit Court for the City of Virginia Beach. The Navy refers to the GOE as EI-0215.

Proposed Use:

In an email dated 24 February 2020, Mike Arnold with The Miller Group stated:

The buildings depicted in this last phase of the Vector Park property are spec buildings, the property to the South is the self-storage facility that we know (sic) longer own.

Review of Restrictive Easement(s):

The restrictions for this parcel begin in paragraph 1 on page 666 of deed book 1996. Paragraph 1 prohibits any obstructions over 130' above mean sea level. Paragraph 2.a prohibits visible emissions greater than 20% opacity. Paragraph 2.b prohibits lights which will impair pilot vision. Paragraph 2.c prohibits feeding stations or crops that are not harvested when mature. Paragraph 2.d prohibits any human dwelling.

Paragraph 2.e. states:

With the exception of pre-existing dwellings, the above-described property shall not be used for any purpose other than 1) industrial, defined as manufacturing or assembling, 2) warehousing, 3) auto parking, 4) cemeteries, 5) nonspectator recreational activities, 6) mining and natural resource production and extraction, 7) agriculture, 8) forestry and 9) public roads and highways, public utilities and railroads. The above nine uses exclude the use of the property for retail sales to the customer not for resale, and for office space not directly related to or required by the enterprises located on the property.

Paragraph 3 provides for a perpetual easement for ingress and egress by the United States Government for the purposes of exercising the rights within the Grant of Easement.

Conclusions:

DNS is proposing to build new buildings without any identified users. Since there is no proposed use, there is no conclusion to draw regarding the use of the property.

EI-0215

25 February 2020

The building may be built provided no obstruction extends more than 130' above mean sea level, and no lights may be installed that will impair pilot vision.

When DNS identifies potential users they will need to contact the Navy to request an easement compliance review for the proposed use of the property.



PAUL MOOMAW
Real Estate Contracting Officer
By the direction of the Commanding Officer



APPLICANT'S NAME Dam Neck Storage LLC

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: Dam Neck Storage LLC
If an LLC, list all member's names:
Jerrold L. Miller (Member/Manager)

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

N/A

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

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: Same as Applicant
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.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	NDI Engineering Company
<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	Troutman Sanders LLP
<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?

Disclosure Statement

**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.

	JERROLD MILLER	1/31/2020
APPLICANT'S SIGNATURE	PRINT NAME	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 757-385-8610.
- 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.

As the required public notification sign was not posted in accordance with Appendix A, Article 1, Section 108(a) of the City Zoning Ordinance, this item must be deferred until the April 14, 2021 Planning Commission public hearing.

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Deferral

Staff Planner

William Miller

Location

4503 Guam Street

GPIN

15706181504503

Site Size

7,230 square feet



Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

William Miller

Location

721 13th Street

GPIN

24179531390000

Site Size

5,250 square feet

Existing Land Use and Zoning District

Single-family dwelling / R-5D Residential

Surrounding Land Uses and Zoning Districts

North

Single-family and duplex dwellings / R-5D Residential

South

13th Street

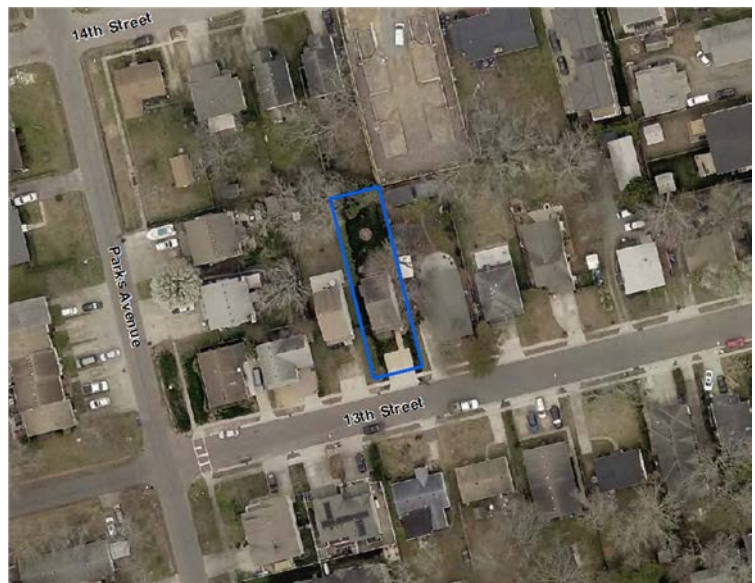
Single-family dwellings / R-5D Residential

East

Single-family dwellings / R-5D Residential

West

Single-family dwellings / R-5D Residential



Background & Summary of Proposal

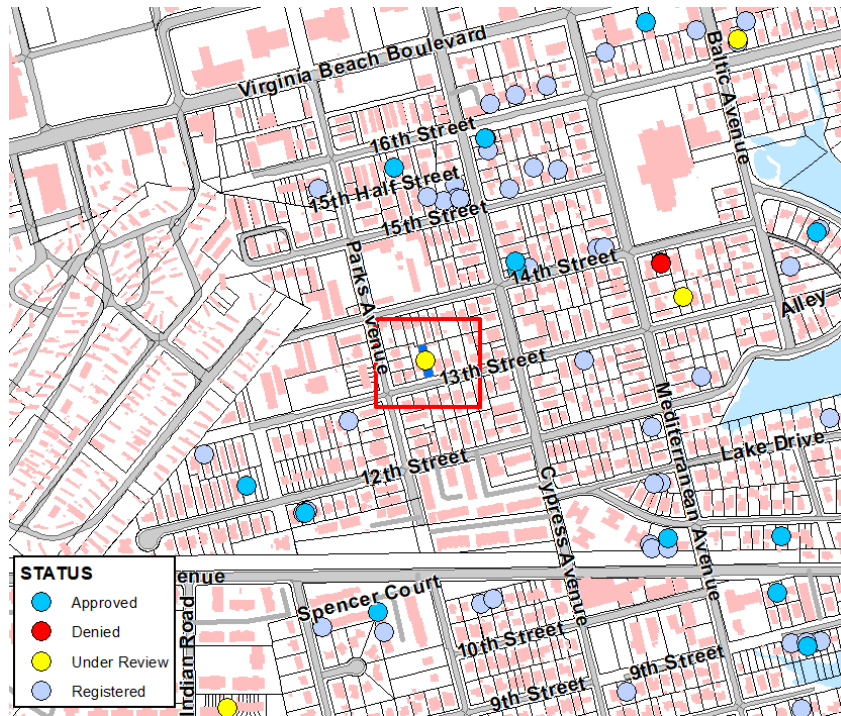
Site Conditions and History

- This 5,250 square foot lot is located within the R-5D Residential District and contains one single-family dwelling.
- According to City records, this home was constructed in 1984 and contains three bedrooms.
- Because three off-street parking spaces are required by Section 241.2 of the City Zoning Ordinance, and there is not enough space within the existing driveway to accommodate all three required spaces without blocking the city sidewalk, the applicant is proposing to add a third on-site parking space to the west of the existing driveway, as shown in the *Site Layout and Parking Plan* section of this staff report. In addition, the applicant indicated their preference for the use of concrete as the surface material for the expansion; however, the Zoning Administrator has historically preferred the use of a more permeable surface material. Nevertheless, the Zoning Administrator approved the applicant's plan, but left open the possibility of working with the applicant to find a more permeable material. Along those same lines, the western side of the driveway contains a larger area to accommodate the third space when compared to the eastern side of the existing driveway, and the eastern side contains a 5-foot drainage easement. Placing the expansion on the east side of the driveway, without also expanding both the north and west sides, appears to produce an overlap of parking areas or cause one parking area to impede the city sidewalk. Ultimately, less additional parking surface would be needed by placing the addition on the west side of the existing driveway versus the east and would prevent parking improvements in the 5-foot drainage easement.
- Staff inspected the site on January 19, 2021 to observe site conditions and take photographs for this report.
- The property lies within the RPPP boundary, where parking during the evening and overnight hours is limited. Based on this, a condition is recommended that would prohibit the occupants of the STR from parking in the street during the restricted hours.
- No records of zoning violations relating to Short Term Rental use were found associated with the subject address.
- Known Short Term Rental activity / As of 03-01-2021:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	N/A	No

- The applicant accepts City Council's recently imposed conditions reducing the number of bookings in a seven day period to one and limiting the overnight guest calculation to two per bedroom.

Short Term Rentals in the Vicinity

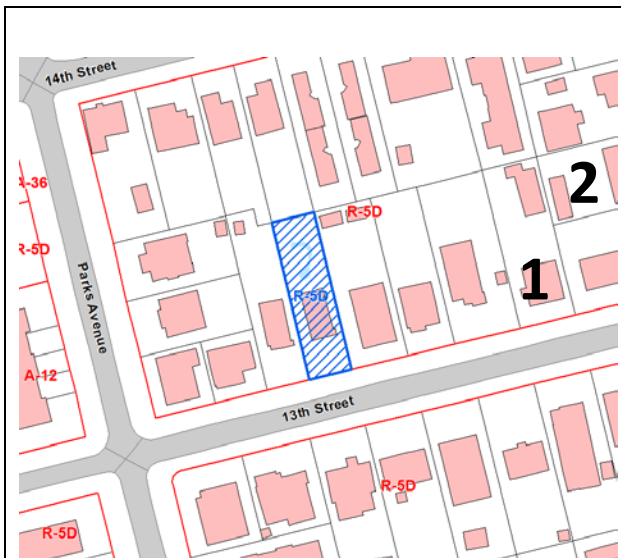


Map updated on 02.15.2021

Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate a Short Term Rental on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in the Short Term Rental: 3 as per city records
- Maximum number of guests permitted on the property after 11:00 pm: # 6- As recommended in condition #16
- Number of parking spaces required (1 space per bedroom required): 3
- Number of parking spaces provided on-site: 2 (1 additional on-site parking space is proposed)



Zoning History

#	Request
1	NON (Expansion to a non-conformity) Approved 11/25/1997
2	NON (Expansion to a non-conformity) Approved 06/14/2005

Application Types

CUP – Conditional Use Permit
 REZ – Rezoning
 CRZ – Conditional Rezoning

MOD – Modification of Conditions or 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

This property is located within the Lakewood subdivision, which is a neighborhood composed of a multitude of housing types with a few scattered commercial uses. The subject property sits within a neighborhood block comprised of single-family dwellings and duplex dwellings. In addition, the site lies approximately 3,200 feet, or .6 miles, from the public beach of the Atlantic Ocean and 2,200 feet, or .4 miles, from the Virginia Beach Convention Center.

Because the home contains three bedrooms, three off-street parking spaces are required; however, the existing driveway configuration can only accommodate two spaces without impeding a city sidewalk. As a result, the applicant proposes to add one additional parking space abutting the existing driveway. By doing so, all three required off-street parking spaces would be accounted for and none would obstruct the city sidewalk. Recommended condition #3 was added to address this matter.

As permitted by Section 241.2(1) of the City Zoning Ordinance, the Zoning Administrator reviewed the applicant's parking configuration and deemed it to be acceptable. Together with the requirements of Section 241.2 of the Zoning Ordinance pertaining to Short Term Rentals, a condition is recommended that limits the number of Residential Parking Permit Program parking passes to two and prohibits the issuance of guest and temporary passes through the program while the Conditional Use Permit is active.

Based on the considerations above, Staff recommends approval of this request with the conditions listed below; however, the recommended conditions do reflect City Council's Short Term Rental revisions by reducing the number of bookings in a seven day period to one and limiting the overnight guest calculation to two per bedroom.

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 721 13th Street and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. Additional driveway surface shall be added as illustrated in the parking plan found in the Staff report. The proposed surface material type shall be brushed concrete, or a substitute material approved by the Zoning Administrator. The driveway addition shall be placed within 90-days of City Council approval. In addition, a building permit issued by the Permits and Inspections Division of the Planning Department shall be obtained prior to the installation of the driveway addition (if applicable).
4. While this Conditional Use Permit is active, parking passes issued for the subject dwelling unit(s) through the Residential Parking Permit Program (RPPP) shall be limited to two resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

12. Accessory structures shall not be used or occupied as Short Term Rentals.
13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
14. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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.

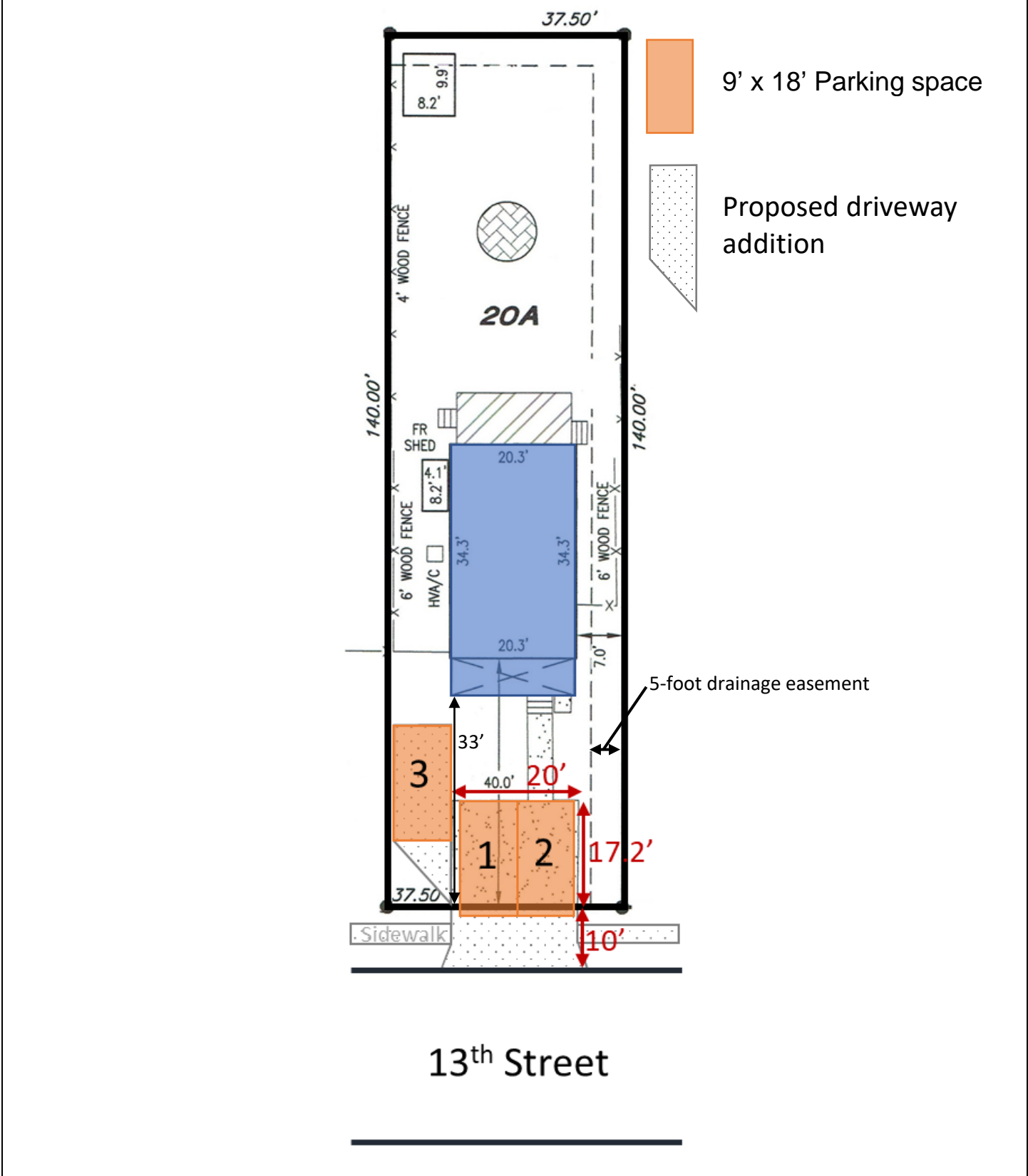
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 10, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, February 21, 2021, and February 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on February 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on March 4, 2021.

Site Layout & Parking Plan



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 Cortney Rose, Trustee of The Rose Family Trust

Does the applicant have a representative? ☒ **Yes** ☐ **No**

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

Cortney Rose; Chris Rose

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 Rose Family Trust with Cortney and Chris Rose as Trustees

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

N/A

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.

US Bank Mortgage

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.

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

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.
-
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.**

Courtney Rose

Applicant Signature

Courtney Rose, Trustee/Owner

Print Name and Title

10/19/2020

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	Signature	
			Print Name	

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name The Rose Family Trust

Applicant Name Cortney Rose, Trustee of The Rose Family Trust

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)
The Rose Family Trust with Cortney and Chris Rose as Trustees

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

N/A

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.

US Bank

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 real estate broker/realtor.

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 or 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 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.

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 construction contractor.

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 engineer/surveyor/agent.

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 name of the attorney or firm providing legal services.

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.**

Courtney Rose

Owner Signature

Courtney Rose, Trustee/Owner

Print Name and Title

10/19/2020

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 757-385-8610.
- 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.

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

William Miller

Location

2513 Mortons Road

GPIN

15707155670000

Site Size

4,260 square feet

Existing Land Use and Zoning District

Duplex dwelling / R-5R Residential (Shore Drive Overlay)

Surrounding Land Uses and Zoning Districts

North

Duplex dwelling / R-5R Residential (Shore Drive Overlay)

South

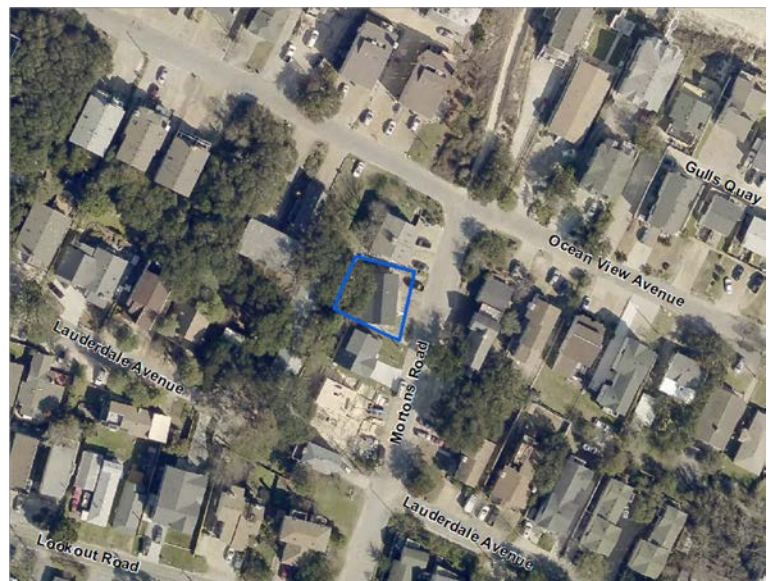
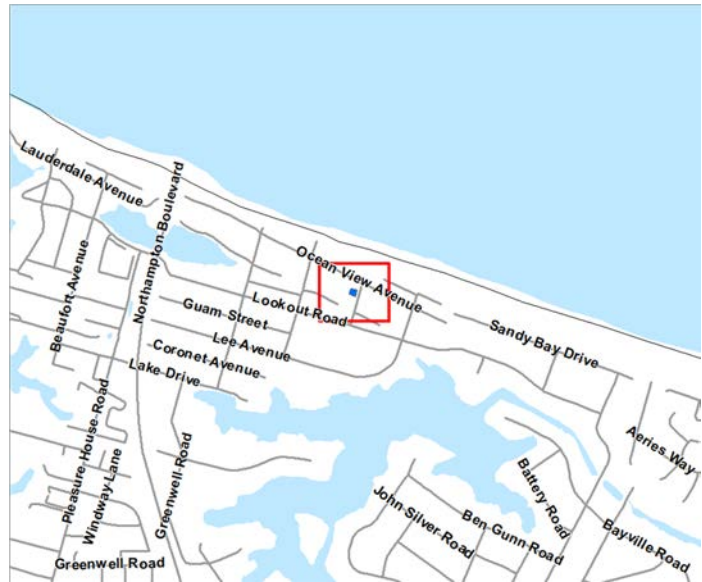
Single-family dwellings / R-5R Residential (Shore Drive Overlay)

East

Semi-detached dwellings / R-5R Residential (Shore Drive Overlay)

West

Single-family dwelling / R-5R Residential (Shore Drive Overlay)



Background & Summary of Proposal

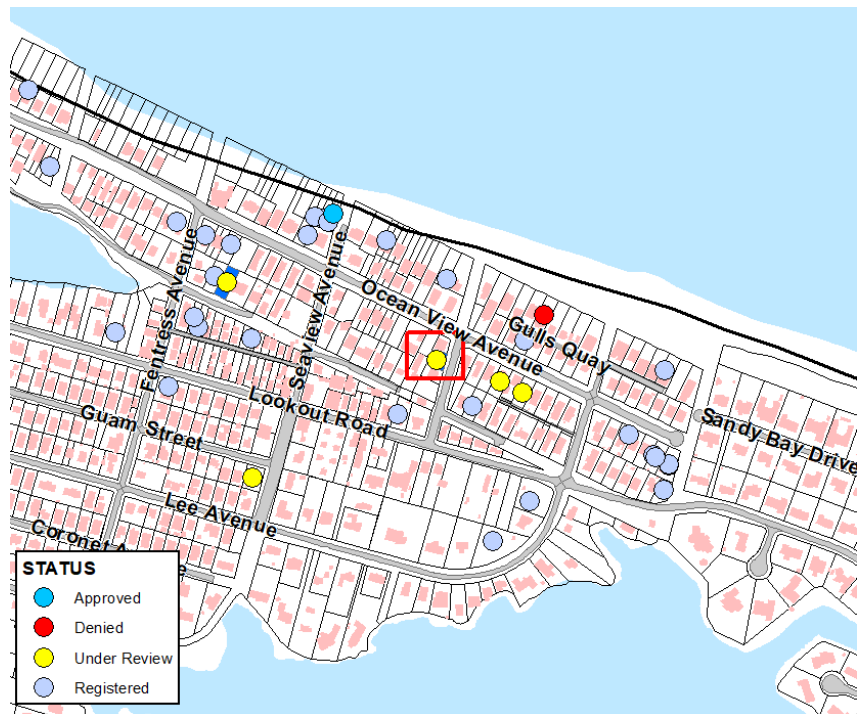
Site Conditions and History

- This 4,260 square foot lot is located within the R-5R(SD) Residential District and contains one duplex style dwelling.
- The applicant also owns, and currently resides in, the abutting unit (2515 Mortons Road).
- According to City records, this duplex was constructed in 1950; however, it was mostly rebuilt in 2019 after sustaining severe fire damage.
- Staff inspected the site on January 19, 2021 to observe site conditions and take photographs for this report.
- On-street parking is prohibited on the west side of Mortons Road and is permitted on most of the east side of Mortons Road. Therefore, any overflow parking beyond the minimum parking spaces could occur within parts of the east side of Mortons Road.
- No records of zoning violations relating to Short Term Rental use were found associated with the subject address.
- Known Short Term Rental activity / As of 03-01-2021:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
Yes - with a minimum night stay of 30-days	Last 31-60 days	No

- The applicant accepts City Council's recently imposed conditions reducing the number of bookings in a seven day period to one and limiting the overnight guest calculation to two per bedroom.

Short Term Rentals in the Vicinity



Map updated on 02.15.2021

Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate a Short Term Rental on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in the Short Term Rental: 2
- Maximum number of guests permitted on the property after 11:00 pm: 4 - As recommended in condition #16
- Number of parking spaces required (1 space per bedroom required): 2
- Number of parking spaces provided on-site: 2



No Zoning History to Report

Application Types

CUP – Conditional Use Permit	MOD – Modification of Conditions or Proffers	FVR – Floodplain Variance	LUP – Land Use Plan
REZ – Rezoning	NON – Nonconforming Use	ALT – Alternative Compliance	STR – Short Term Rental
CRZ – Conditional Rezoning	STC – Street Closure	SVR – Subdivision Variance	

Evaluation & Recommendation

This R-5R (SD) zoned lot is located within the community of Chesapeake Beach and contains one duplex style building. Both units within this duplex are owned by the applicant, who intends to live in one until (2515) and use the other unit (2513) for Short Term Rental purposes. In addition, the property sits approximately 400 feet from the public beach of the Chesapeake Bay.

Due to severe fire damage, a majority of this structure was reconstructed in 2019.

The applicant's submitted parking plan depicts two required off-street parking spaces within an existing compacted gravel driveway, which was refreshed with new gravel during the reconstruction of the duplex in 2019. As a result of the original structure's construction year, 1950, the property does not contain a compliant driveway entry apron. Therefore, staff recommends a condition requiring the placement of a code compliant driveway apron for the address associated with this request. As permitted by Section 241.2(1) of the City Zoning Ordinance, the Zoning Administrator reviewed the parking plan and deemed it acceptable. Furthermore, the requirements of Section 241.2 of the Zoning Ordinance pertaining to Short Term Rentals can be reasonably met by the applicant.

Based on the considerations above, Staff recommends approval of this request with the conditions listed below; however, the recommended conditions do reflect City Council's Short Term Rental revisions by reducing the number of bookings in a seven day period to one and limiting the overnight guest calculation to two per bedroom

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 2513 Mortons Road and the Short Term Rental use shall only occur in the principal structure.

2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. As illustrated in the "Site Layout and Parking Plan" section of the Staff report, an entryway driveway apron meeting the minimum Public Works Specifications and Standards shall be added within 90-days of City Council's approval of this request. All applicable building permits shall be obtained by the Permits and Inspections Division of the Department of Planning and Community Development prior to placement.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
13. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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.

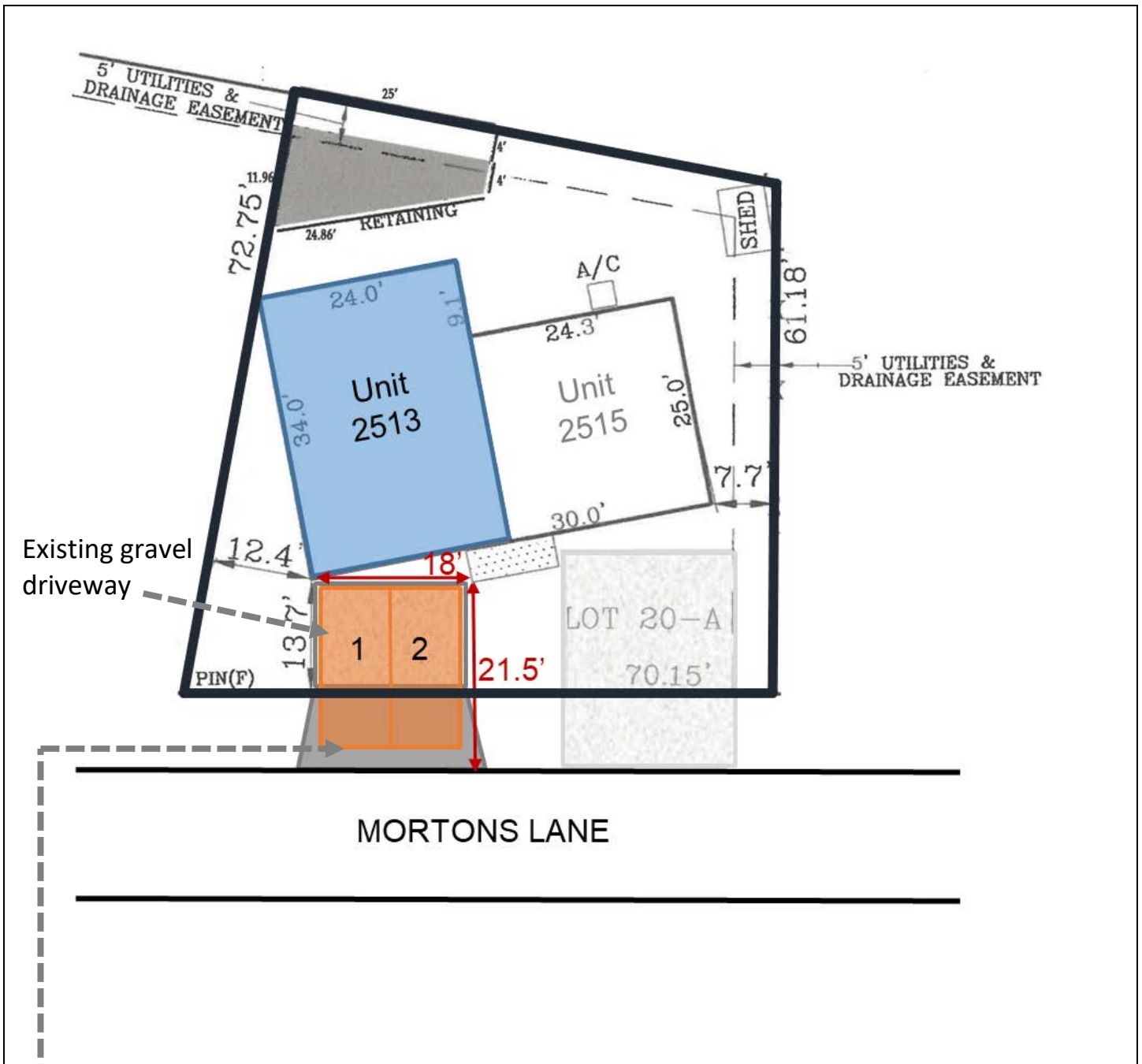
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- The applicant reported that they met with the surrounding property owners, and no objections were raised. 5 letters of support have been received by Staff related to this request.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 10, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, February 21, 2021, and February 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on February 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on March 4, 2021.

Site Layout & Parking Plan



Proposed entryway apron / must meet all
Public Works Specifications and Standards.
See condition #3

Site Photos



Site Photos



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 Benjamin A. Abair

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-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.

Home owners mortgage with: Atlantic Bay Mortgage

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.

Brunke & Company, William J. Brunke, CPA

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.

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.**

A handwritten signature in black ink, appearing to read 'B. Abair', written over a horizontal line.

Applicant Signature

Benjamin A. Abair - Owner

Print Name and Title

7Dec2020

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	

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.



Applicant & Property Owner: **Richard and Patricia Hall**
Revocable Living Trust
Planning Commission Public Hearing: **March 10, 2021**
City Council Election District: **Beach**

Agenda Item

11

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Denial

Staff Planner

William Miller

Location

947 Indian Circle

GPIN

24178357060000

Site Size

3,829 square feet

Existing Land Use and Zoning District

Townhome / A-12 Apartment

Surrounding Land Uses and Zoning Districts

North

Multi-family dwellings / A-18 Apartment

South

Indian Circle

Townhomes / A-12 Apartment

East

Townhomes / A-12 Apartment

West

Townhomes / A-12 Apartment



Background & Summary of Proposal

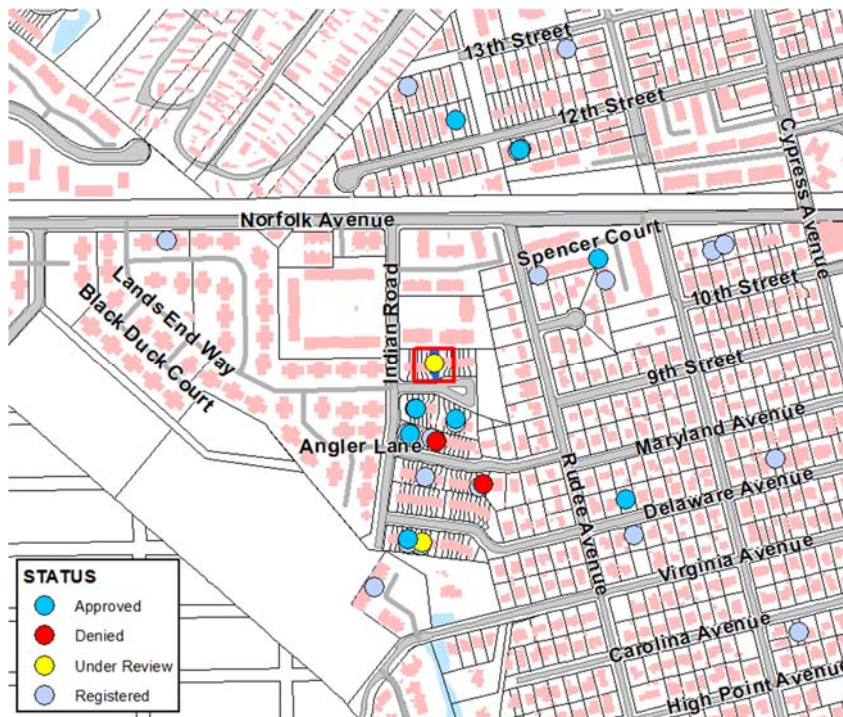
Site Conditions and History

- This 3,829 square foot lot is located within the A-12 Apartment District one townhome situated within a row of seven.
- According to City records, this home was constructed in 1975 and contains three bedrooms.
- Staff inspected the site on January 19, 2021 to observe site conditions and take photographs for this report.
- On-street parking is permitted 24-hours per day, therefore any overflow parking beyond the minimum parking spaces required could occur within the public street; however, due to the configuration of the parking spaces associated with each townhome, the 900 block of Indian Circle has limited on-street parking availability.
- No records of zoning violations relating to Short Term Rental use were found associated with the subject address.
- Known Short Term Rental activity / As of 03-01-2021:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	N/A	No

- The applicant accepts City Council's recently imposed conditions reducing the number of bookings in a seven day period to one and limiting the overnight guest calculation to two per bedroom.

Short Term Rentals in the Vicinity

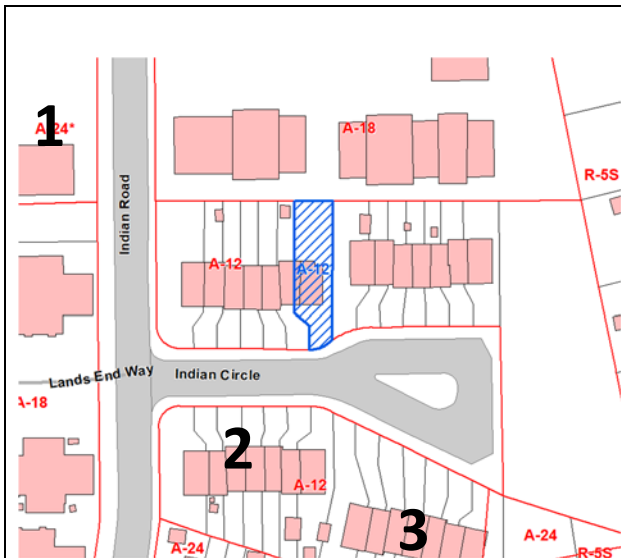


Map updated on 02.15.2021

Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate a Short Term Rental on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in the Short Term Rental: 3
- Maximum number of guests permitted on the property after 11:00 pm: 6 - As recommended in condition #15
- Number of parking spaces required (1 space per bedroom required): 3
- Number of parking spaces provided on-site: 2



Zoning History

#	Request
1	CRZ (A-18 to A-24) Approved 12/07/2004
2	STR (Short Term Rental) Approved 02/04/2020
3	STR (Short Term Rental) Approved 02/04/2020

Application Types

CUP – Conditional Use Permit
 REZ – Rezoning
 CRZ – Conditional Rezoning

MOD – Modification of Conditions or 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

This property is located within the Indian Circle Townhomes subdivision, which was platted in 1975 and contains 28 townhomes. This neighborhood is bounded by Wintergreen Apartments to the North and Pinewood Cove Townhomes to the south.

Because the subject address contains three bedrooms, three off-street parking spaces are required. To accommodate this need, the applicant submitted a parking plan showing three designated areas within the existing driveway. The first two proposed parking areas are arranged in a typical pull-in/back-out fashion and meet all dimensional requirements of the City Zoning Ordinance. The third parking area is positioned in a parallel manner and is located directly behind the other two spaces; however, this parking area does not meet the minimum dimensional requirements for a parallel parking space. As noted in Section 203(b)(1) of the City Zoning Ordinance, the minimum size of a parallel parking space is 9-feet wide by 22-feet long. In this instance, the applicant's proposed parallel parking space is 9-feet wide by approximately 17.6-feet long, which is less than the minimum 22-foot length. The applicant was made aware of this matter and attempted to reduce the bedroom count through the City Assessor's Office, however, this request was unsuccessful. As a result, the city's recorded bedroom count remains at three. Because of this, and since there appears to be no commercial off-site parking space opportunities within ¼ miles of the subject property, the applicant is moving forward with the request as-is and will be asking the Planning Commission to approve the parking plan with the noted parallel space deficiency. If the applicant's request is not granted, he is willing to discontinue the use of one of the bedrooms and is prepared to accept any condition imposed upon the property by the Planning Commission, if they see fit to do so.

Because of the parallel parking space length deficiency, the Zoning Administrator found the proposed parking plan to be unacceptable as allowed by Section 241.2(1) of the City Zoning Ordinance. Nevertheless, the remaining requirements of Section 241.2 of the City Zoning Ordinance pertaining to Short Term Rentals can be reasonably met by the applicant.

Based on the considerations above, Staff recommends denial of this request. If the Planning Commission recommends approval of this request, the following conditions are provided for consideration; however, the recommended

conditions do reflect City Council's Short Term Rental revisions by reducing the number of bookings in a seven day period to one and limiting the overnight guest calculation to two per bedroom.

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 947 Indian Circle and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
4. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
5. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
6. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
7. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
8. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
9. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
10. Accessory structures shall not be used or occupied as Short Term Rentals.
11. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.

12. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
13. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
14. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
15. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
16. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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.

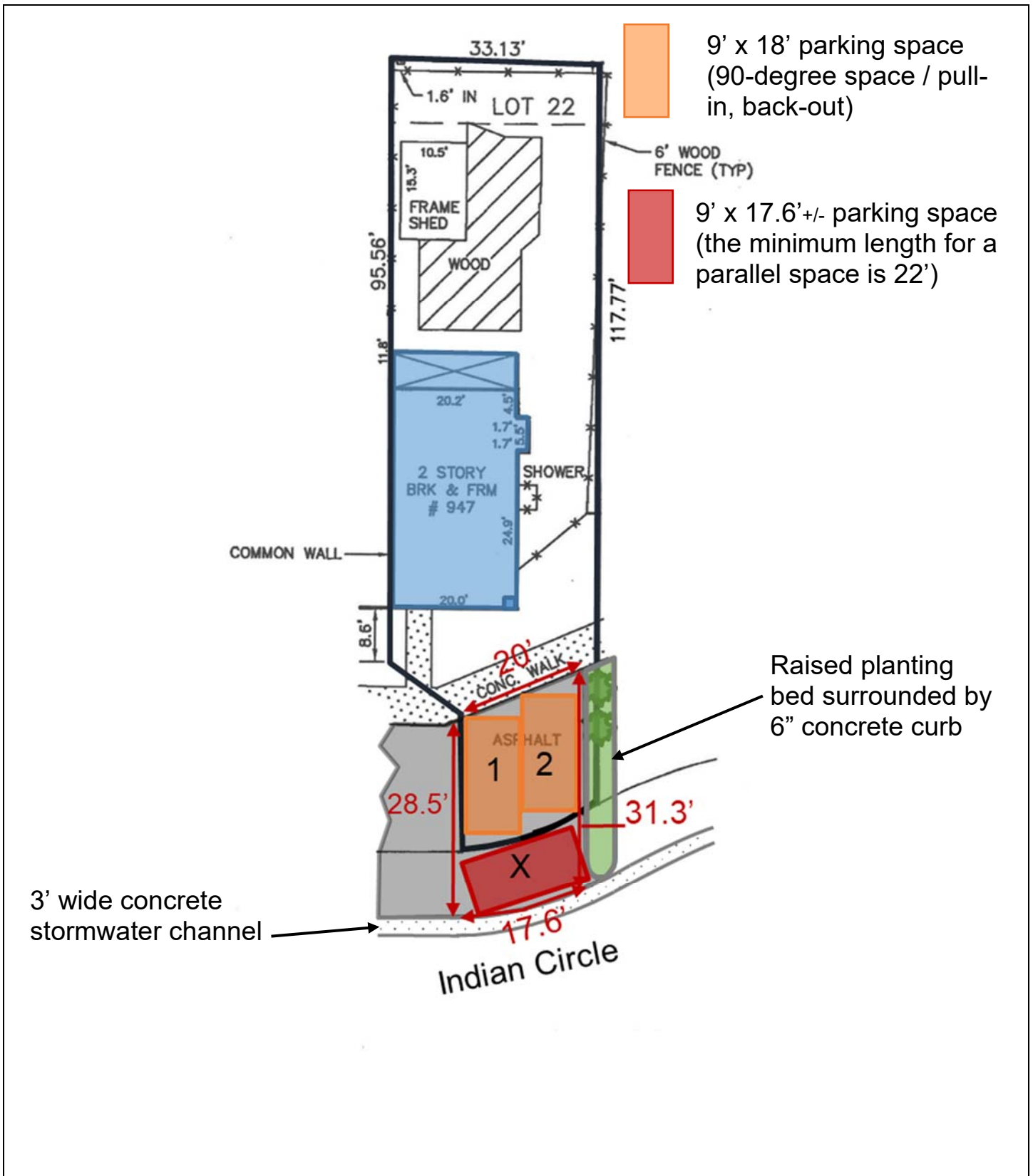
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 10, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, February 21, 2021, and February 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on February 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on March 4, 2021.

Site Layout & Parking Plan



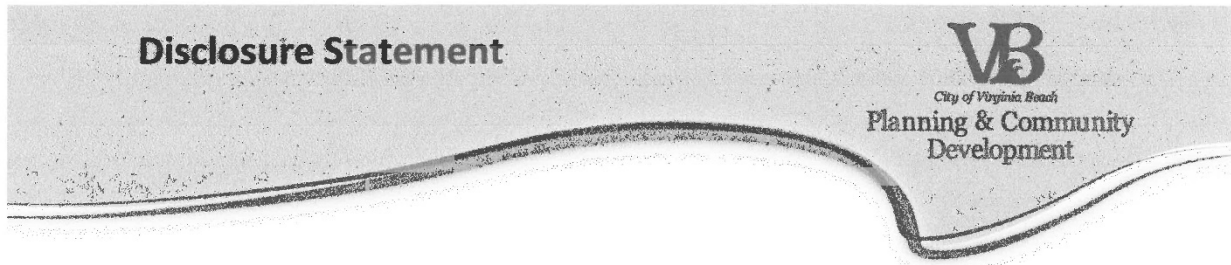
Site Photos



Site Photos



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 RICHARD & PATRICIA HALL REVOCABLE LIVING TRUST

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Katherine Loyd

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)

Richard and Patricia Hall Revocable Living Trust Richard & Patricia Hall(trustees)

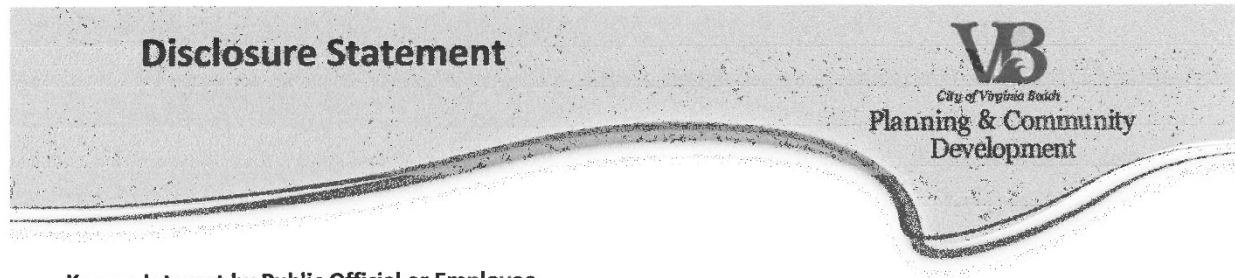
- If yes, list the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

NA

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.

WELLS FARGO

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.

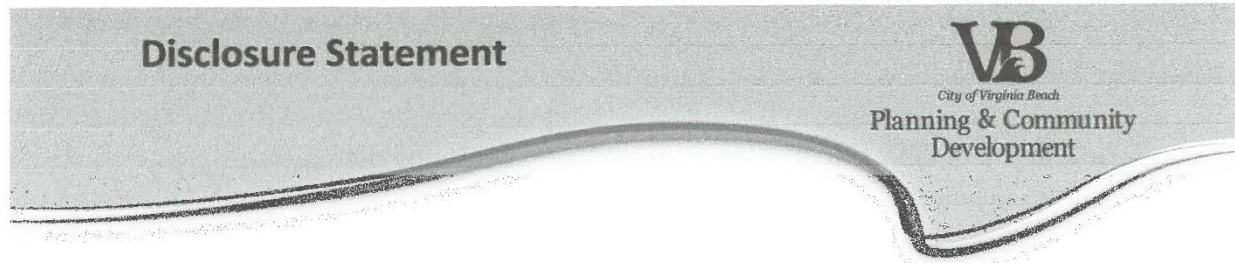
4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☒ **No**

- 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.

Richard Hall *Patricia Hall*

Applicant Signature

Print Name and Title

Richard Hall Patricia Hall

Date 12/11/2020

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	

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.

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Summer Peebles

Location

915 Pacific Avenue Unit A

GPIN

24272444111065

Site Size

34,996 square feet

Existing Land Use and Zoning District

Multi-family dwellings / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

Duplex dwellings, commercial parking lot / OR Oceanfront Resort

South

9th Street

Municipal parking garage / OR Oceanfront Resort

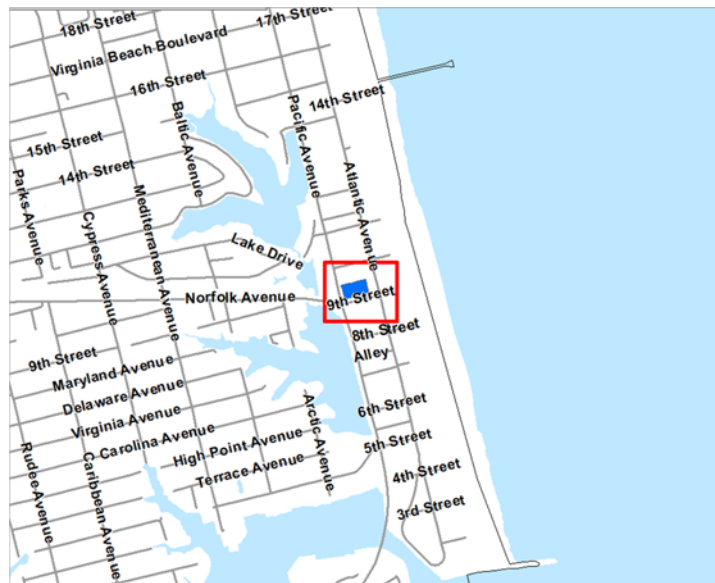
East

Retail shops / OR Oceanfront Resort

West

Pacific Avenue

Off-site parking lot / OR Oceanfront Resort



Background & Summary of Proposal

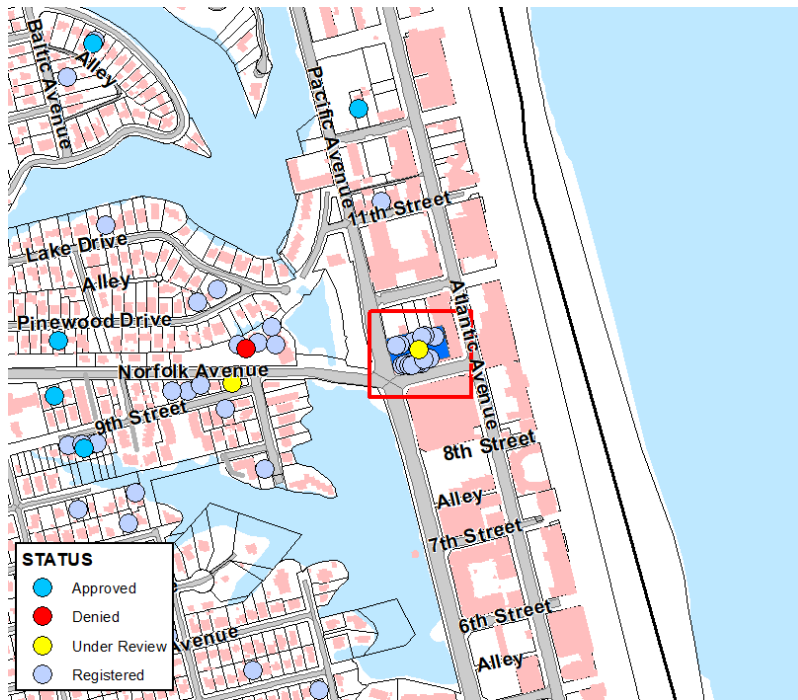
Site Conditions and History

- This 35,000 square foot parcel is zoned OR Oceanfront Resort District.
- City records indicate that the multi-family condominium complex was constructed in 1969.
- Staff inspected the site on January 19, 2021 to observe site conditions and take photographs for this report.
- There is no on-street parking on this portion of Pacific Avenue.
- Five Short Term Rental application requests have been approved within the condominium complex, Retreat by the Sea, thus far.
- No records of zoning violations relating to Short Term Rental use were found associated with the subject address.
- Known Short Term Rental activity / As of 03-01-2021:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
Yes	Last 181-365 days	Yes

- The applicant accepts City Council's recently imposed conditions reducing the number of bookings in a seven day period to one and limiting the overnight guest calculation to two per bedroom.

Short Term Rentals in the Vicinity



Map updated on 02.15.2021

Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate a Short Term Rental on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in the Short Term Rental: 1
- Maximum number of guests permitted on the property after 11:00 pm: 2 - As recommended in condition 16
- Number of parking spaces required (1 space per bedroom required): 1
- Number of parking spaces provided on-site: 1

A map of a city block showing streets 10th Street, 9th Street, Norfolk Avenue, and Pacific Avenue. A property at the intersection of 9th Street and Pacific Avenue is highlighted with a blue hatched pattern and a red border, with a large black number '1' in the center. Other properties are labeled 'OR' in red text.

Zoning History

#	Request
1	STR Approved 02/4/2020 STR Approved 06/9/2020 STR Approved 08/25/2020 STR Approved 08/25/2020 STR Approved 10/20/2020

Application Types

CUP – Conditional Use Permit
REZ – Rezoning
CRZ – Conditional Rezoning

MOD – Modification of Conditions or 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

The applicant is requesting to operate a one-bedroom Short Term Rental unit within the Retreat by the Sea condominium development located at 915 Pacific Avenue, Unit A. One parking space is required and one parking space is provided on-site.

Based on the considerations above, Staff recommends approval of this request with the conditions listed below; however, the recommended conditions do reflect City Council's Short Term Rental revisions by reducing the number of bookings in a seven day period to one and limiting the overnight guest calculation to two per bedroom

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 915 Pacific Avenue Unit A, and the Short Term Rental use shall only occur in the principal structure.
2. No vehicles longer than 18-feet shall be permitted in the parking spaces associated with this Short Term Rental.
3. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
13. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

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.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 11, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, February 21, 2021, and February 28, 2021.
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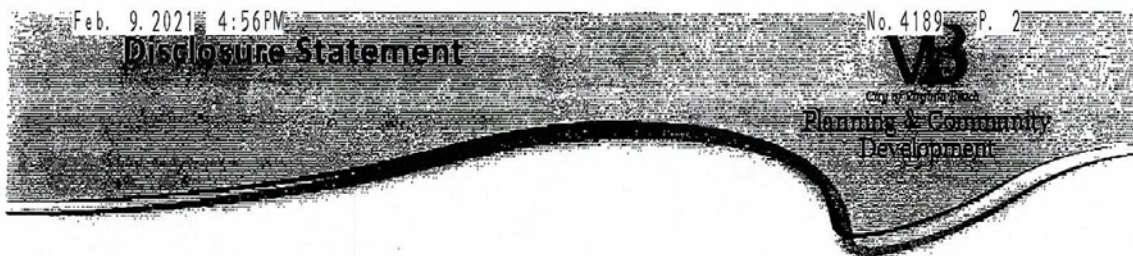
Site Layout & Parking Plan



Site Photos



Disclosure Statement



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Applicant Disclosure

Applicant Name Charles K Bain / Kathy Bain

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

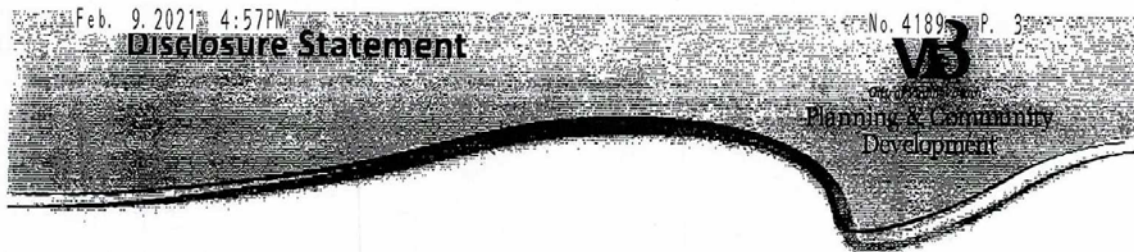
- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- 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.

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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.

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.

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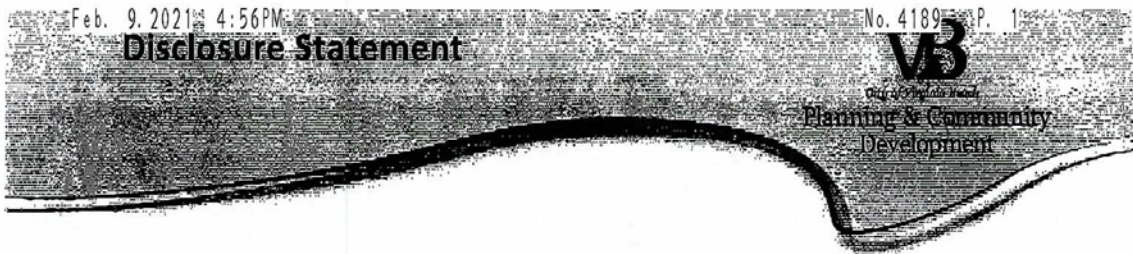
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5. Is there any other pending or proposed purchaser of the subject property? ☐ Yes ☒ No

- 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.
-
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

Charles K. BAIN (OWNER)
Print Name and Title

2-2-21
Date

Katherine Bain

Kathy Bain

2/5/21

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

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.
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- 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.

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Summer Peebles

Location

3817 Daiquiri Lane

GPIN

1485210473

Site Size

11,916 square feet

Existing Land Use and Zoning District

Single-family dwelling / PD-H1 Planned Unit Development

Surrounding Land Uses and Zoning Districts

North

Daiquiri Lane
Single-family dwellings / PD-H1 Planned Unit Development

South

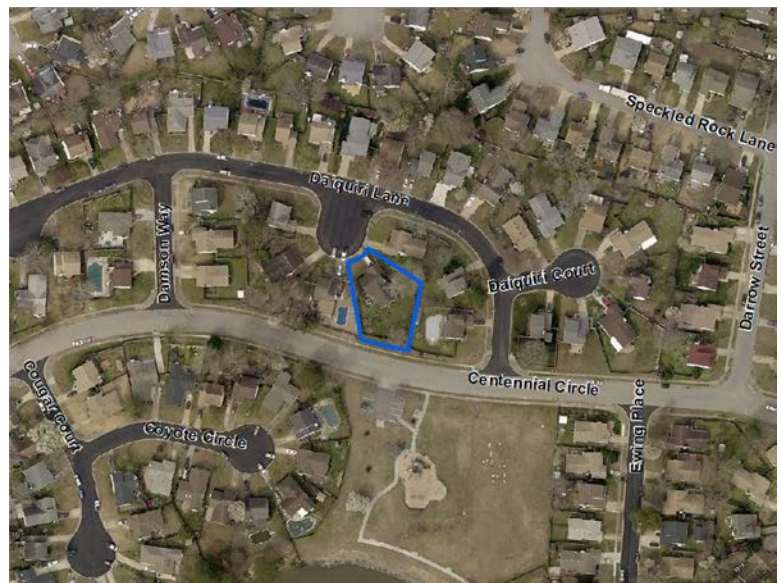
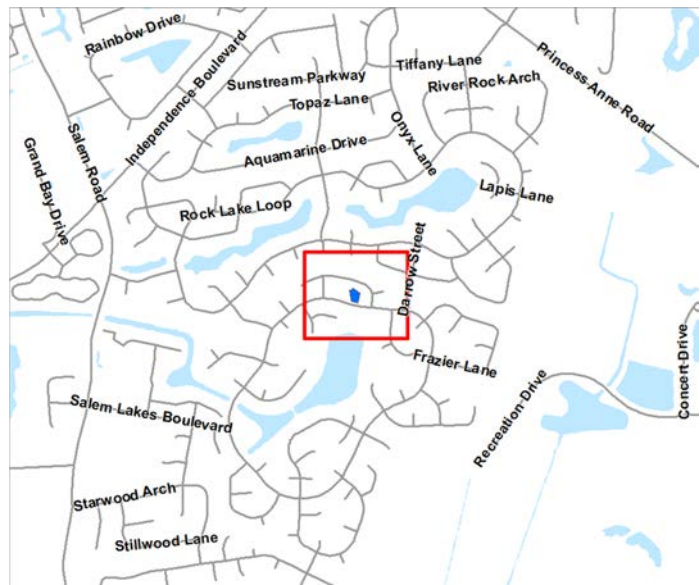
Centennial Circle
Single-family dwellings / PD-H1 Planned Unit Development

East

Single-family dwellings / PD-H1 Planned Unit Development

West

Single-family dwellings / PD-H1 Planned Unit Development



Background & Summary of Proposal

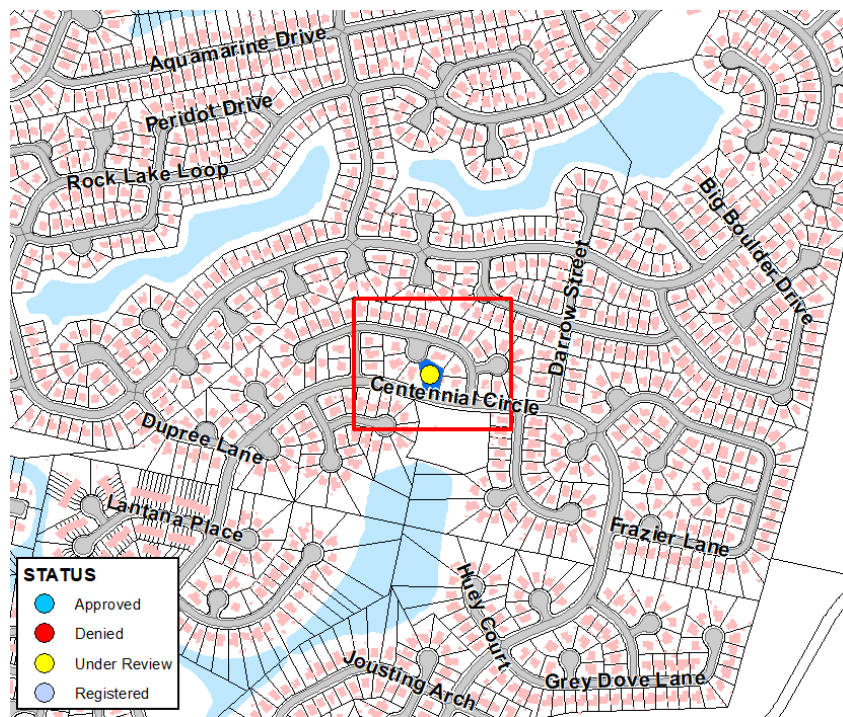
Site Conditions and History

- This is a 11,649 square foot parcel zoned PD-H1 Planned Unit Development.
- The subject dwelling was constructed in 1985.
- Staff inspected the site on January 19, 2021 to observe site conditions and take photographs for this report.
- On-street parking is permitted 24-hours per day, therefore any overflow parking beyond the minimum parking spaces required could occur within the public street.
- Known Short Term Rental activity / As of 03-01-2021:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	N/A	N/A

- The applicant accepts City Council's recently imposed conditions reducing the number of bookings in a seven-day period to one and limiting the overnight guest calculation to two per bedroom.

Short Term Rentals in the Vicinity



Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate a Short Term Rental on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in the Short Term Rental: 3
- Maximum number of guests permitted on the property after 11:00 pm: 6 - As recommended in condition 17
- Number of parking spaces required (1 space per bedroom required): 3
- Number of parking spaces provided on-site: 2*

*3rd parking space proposed with driveway expansion



No Zoning History to Report

Application Types

CUP – Conditional Use Permit
REZ – Rezoning
CRZ – Conditional Rezoning

MOD – Modification of Conditions or 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

This site is located in the Salem Lakes neighborhood which consists predominately of single-family dwellings. Short Term Rental Use has proven to not be common in this area of the City. There is an existing 12-foot by 20 1/2-foot driveway that is used for parking as well as a 1-car garage. It is the applicant's intention to use the garage to accommodate 1 parking space and widen the existing driveway to accommodate the 3rd additional parking space. The applicant has submitted an alternative parking plan that shows this proposed improvement and the use of the garage for 1 parking space. The Zoning Administrator has deemed this plan acceptable. If this request is granted, a condition is recommended that requires the placement of the driveway addition and within 60-days of the City Council public hearing. Staff has received 2 letters of support from surrounding property owners.

Based on the considerations above, Staff recommends approval of this request with the conditions listed below; however, the recommended conditions do reflect City Council's Short Term Rental revisions by reducing the number of bookings in a seven day period to one and limiting the overnight guest calculation to two per bedroom

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 3817 Daiquiri Lane, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. As shown on the parking plan illustration within the "Site Layout and Parking Plan" section of this Staff report and unless a modification of material type and/or location is approved by the Zoning Administrator, the existing concrete driveway shall be widened to no wider than 20-feet and must always be available to the Short Term Rental occupants leasing the unit. A building permit for this additional concrete parking space must be obtained from the Permits and Inspections division of the Department of Planning and Community Development within 60-days of any City Council approval for the proposed Short Term Rental use.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
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Public Outreach Information

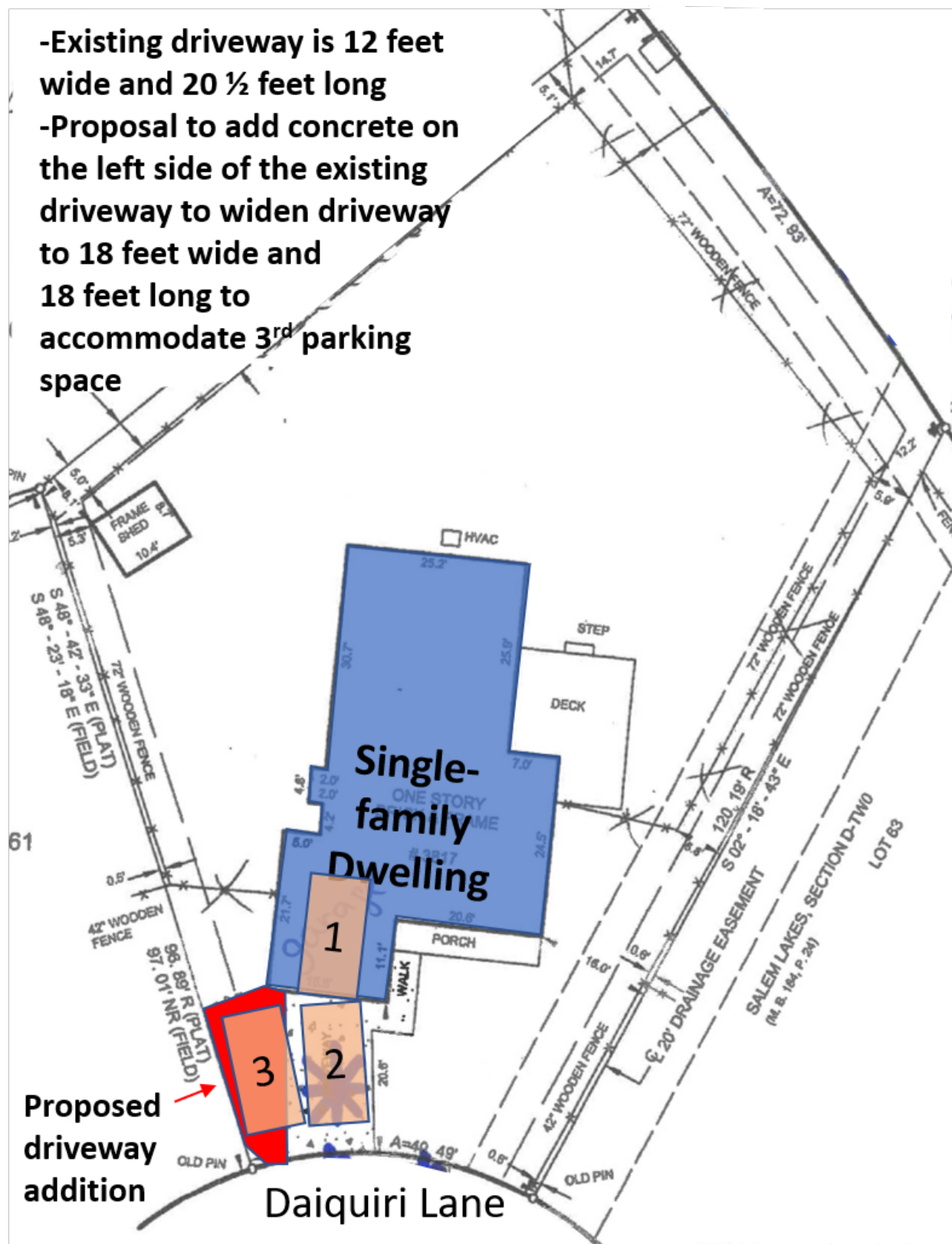
Planning Commission

- The applicant reported that they met with the surrounding property owners. 2 letters of support have been received by Staff from surrounding property owners.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 10, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, February 21, 2021, and February 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on February 22, 2021.

- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on March 4, 2021.

Site Layout & Parking Plan

- Existing driveway is 12 feet wide and 20 ½ feet long
- Proposal to add concrete on the left side of the existing driveway to widen driveway to 18 feet wide and 18 feet long to accommodate 3rd parking space



Site Photos



Site Photos





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Applicant Disclosure

Applicant Name Jaime Dymond

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)

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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?

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MyLodgeTax.com by Avalara

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**

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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**

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Applicant Signature

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Applicant Signature

Print Name and Title

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.

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

Next Steps

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