



Planning Commission Agenda

May 12, 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 March 2, 2021, 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, May 12, 2021 at 12:00 p.m. in Suite 5 of the Virginia Beach Convention Center**. Due to physical distancing and safety precautions related to the pandemic, limited public seating will be available in Suite 5, with overflow seating in Suite 4. 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 who cannot be seated in Suite 5 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 mask 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=e58d616056a089e4fd3e87f4c342c37bc>
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 May 11, 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.

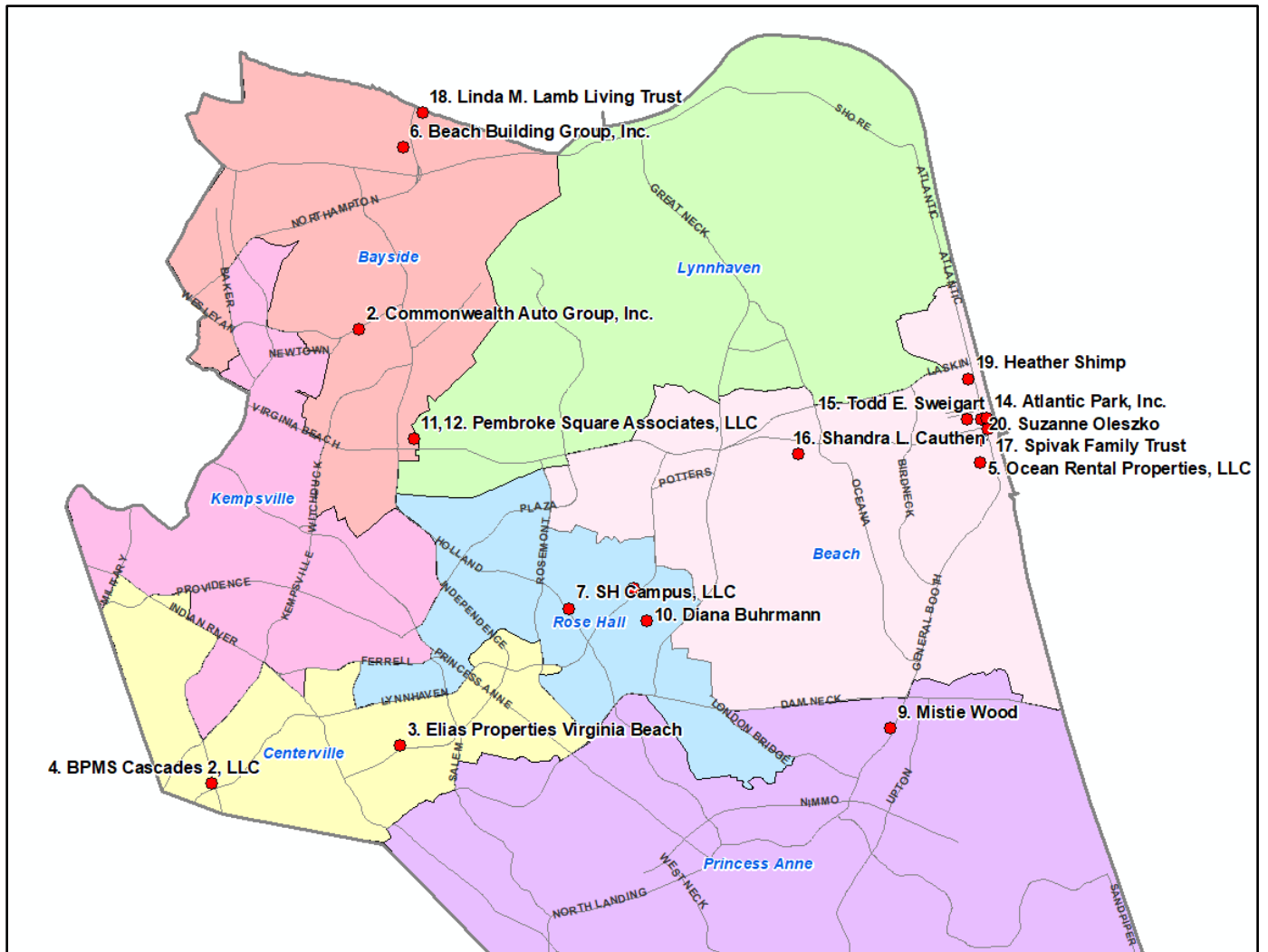
Due to the ongoing Covid-19 Pandemic, please check our website at www.vbgov.com/pc for the most updated meeting information.

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.

MAY 12, 2021 PLANNING COMMISSION AGENDA



* Deferral
** Withdrawal

MAY 12, 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 – Zoning Ordinance Text Amendment to amend Article 2, Section B – Sign Regulations to comply with recent court decisions regarding the constitutionality of sign regulations.

2.
Commonwealth Auto Group, Inc. (Applicant)
WWMD Properties LP (Property Owner)

Conditional Use Permit (Motor Vehicle Sales & Rentals)

Address: 4873 Haygood Road

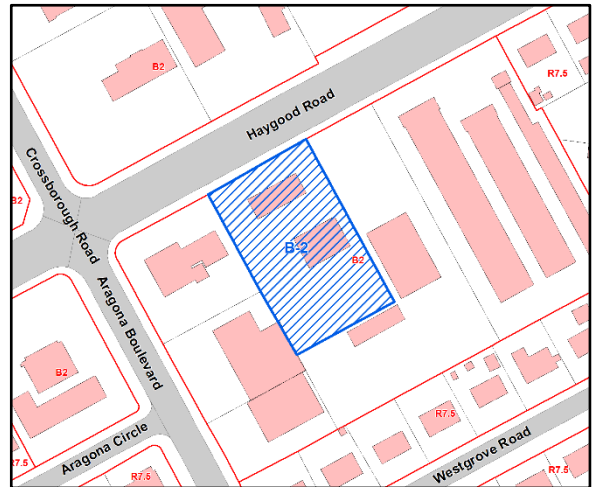
GPIN(s): 1478142890

Council District: Bayside

Accela Record: 2021-PCCC-00049

Staff Planner: Marchelle Coleman

Request for auto sales operation.



3.
Elias Properties Virginia Beach Independence, LLC
(Applicant & Property Owner)

Conditional Rezoning (B-1 Neighborhood Business to Conditional B-2 Community Business)

Address: 2749 S. Independence Boulevard

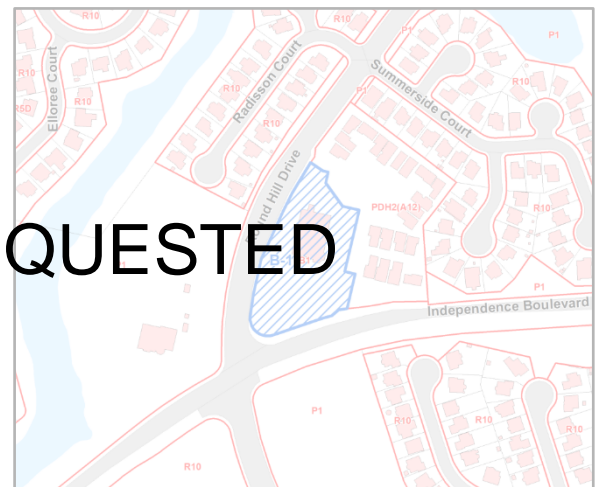
GPIN(s): 1475416438

Council District: Centerville

Accela Record: 2017-PCCC-00172

Staff Planner: Marchelle Coleman

Rezoning to allow for retail business to occupy the site.



DEFERRAL REQUESTED

- * Deferral
- ** Withdrawal

4.

BPMS Cascades 2, LLC (Applicant & Property Owner)

Conditional Use Permit (Mini-Warehouses)

Address: 2121 Centerville Turnpike

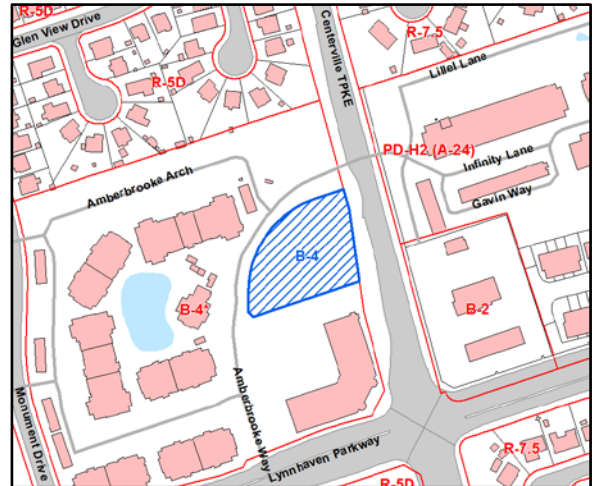
GPIN(s): 1454985427

Council District: Centerville

Accela Record(s): 2020-PCCC-00053

Staff Planner: Marchelle Coleman

Request for a three-story indoor self-storage facility and a reduction to the front yard setback.



5.

Ocean Rental Properties, LLC (Applicant & Property Owner)

Change in Nonconformity

Adjacent Addresses: 416 Norfolk Avenue

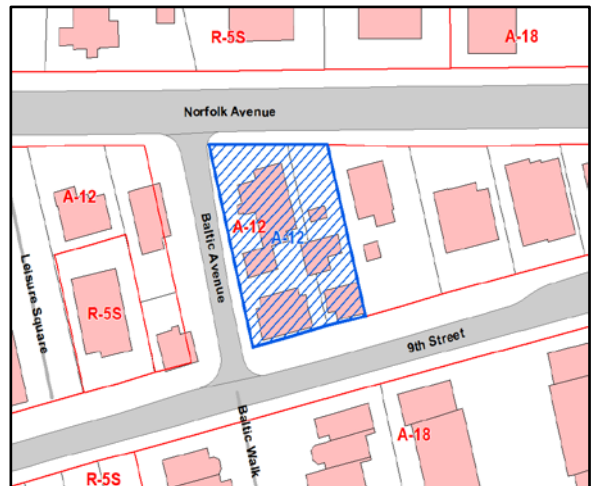
Adjacent GPIN(s): 2427141242, 2427142119

Council District: Beach

Accela Record: 2019-PCCC-00224

Staff Planner: Hoa N. Dao

Request to redevelop the site with eight new dwelling units, where nine exist today.



- * Deferral
- ** Withdrawal

6.

Beach Building Group, Inc. (Applicant)
David & Deborah McColgan, Kristin Worrell
(Property Owners)

Conditional Change of Zoning (R-7.5 Residential
District to Conditional A-18 Apartment District)

Address: 2332 & 2323 Pleasure House Road
GPIN(s): 1479498450, 1479498301, 1479498364
Council District: Bayside
Accela Record: 2020-PCCC-00328
Staff Planner: Hoa N. Dao

Request to rezone 0.58 acres from R-7.5 to Conditional A-18 to construct 8 condominium units at a density of 13.79 units/acre.



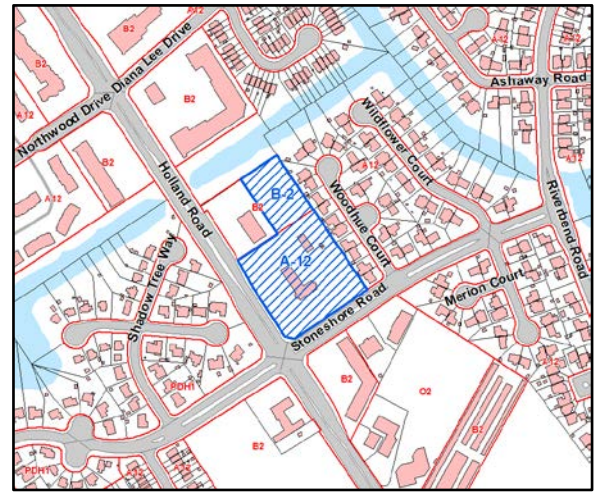
7.

SH Campus, LLC (Applicant)
St. Luke's United Methodist Church (Property Owner)

Conditional Use Permit (Group Home)

Address: 3396 Stoneshore Road
GPIN(s): 1486822513
Council District: Rose Hall
Accela Record: 2021-PCCC-00025
Staff Planner: Hoa N. Dao

Request to operate a Group Home for up to 20 children.



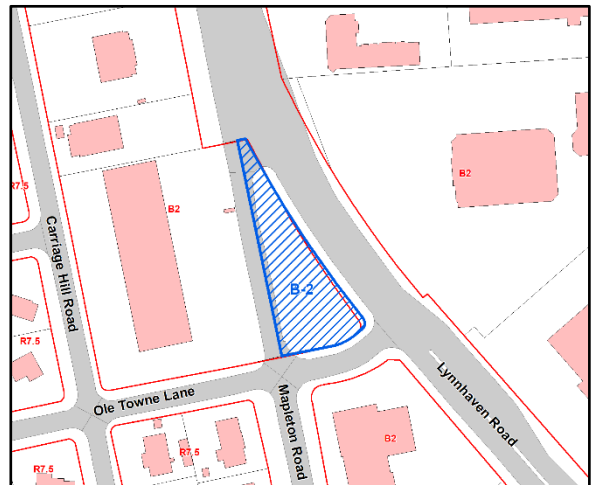
8.

South Lynnhaven, LLC (Applicant & Property Owner)

Modification of Conditions

Address: 877 S Lynnhaven Road
GPIN(s): 1496342200
Council District: Rose Hall
Accela Records: 2021-PCCC-00046
Staff Planner: Hank Morrison

Removal of easement associated with prior approved Street Closure



- * Deferral
- ** Withdrawal

9.

Mistie Wood (Applicant & Property Owner)

Conditional Use Permit (Family Day-Care Home)

Address: 1105 Voss Court

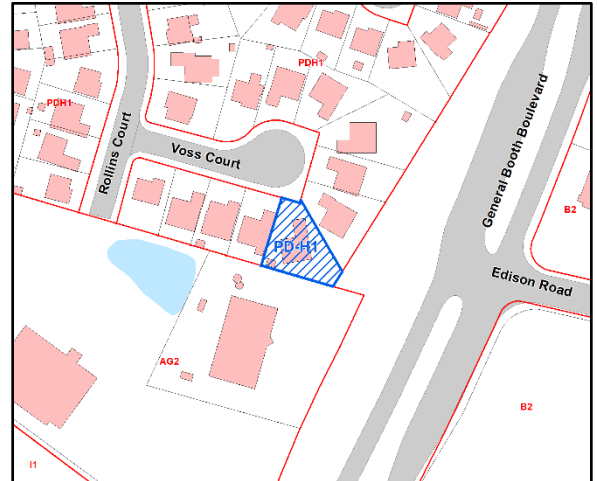
GPIN(s): 2415329877

Council District: Princess Anne

Accela Record: 2021-PCCC-00052

Staff Planner: Antionette Fowlkes

Request to care for up to 12 children in single-family home.



10.

Diana Buhrmann (Applicant)

Michael Kornoelje Jr. (Property Owner)

Conditional Use Permit (Family Day-Care Home)

Address: 998 Boughton Way

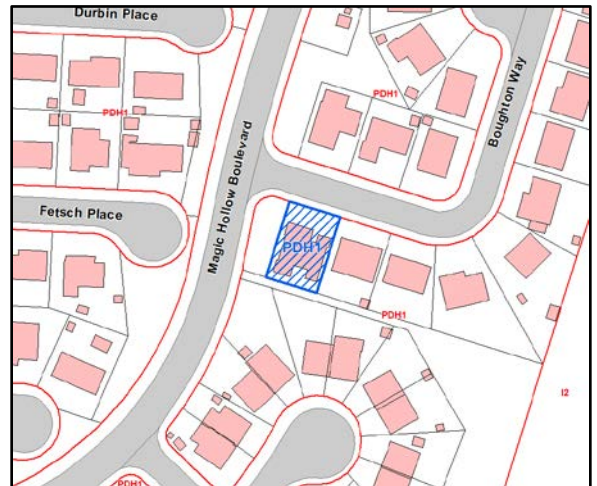
GPIN(s): 1496414416

Council District: Rose Hall

Accela Record: 2021-PCCC-00053

Staff Planner: Antionette Fowlkes

Request to care for up to 12 children in single-family home.



11.

Pembroke Square Associates, LLC (Applicant & Property Owner)

Conditional Rezoning (B-3 Central Business to Conditional CBC Central Business Core)

Address: southeastern corner of intersection of Jeanne Street and Constitution Drive

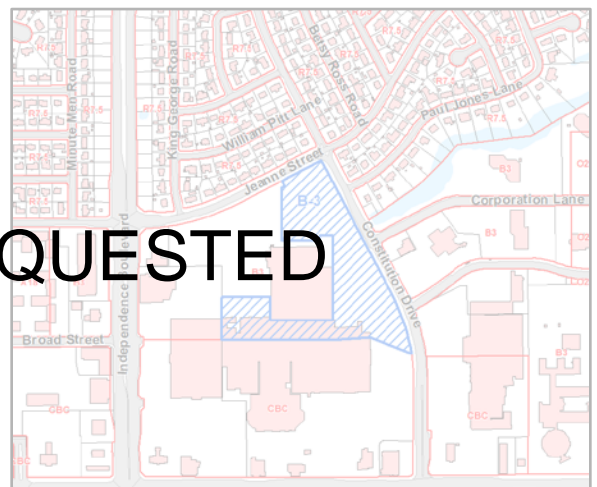
GPIN(s): part of 1477362634

Council District: Bayside

Accela Records: 2020-PCCC-00150

Staff Planner: Ashby Moss

Request for a Conditional Rezoning of a portion of an 26.89-acre parcel from B-3 to Conditional CBC (10.06 acres) to construct a 158-unit senior living community on 2.12 acres at a density of 74.53 units/acre.



DEFERRAL REQUESTED

- * Deferral
- ** Withdrawal

12.

Pembroke Square Associates, LLC (Applicant & Property Owner)

Conditional Use Permit (Housing for Seniors)

Address: southeastern corner of intersection of Jeanne Street and Constitution Drive

GPIN(s): part of 1477462084

Council District: Bayside

Accela Records: 2021-PCCC-00043

Staff Planner: Ashby Moss

Request for a Conditional Use Permit for housing for seniors to construct a 158-unit senior living community consisting of 126 independent units, 20 assisted living units, and 12 memory care rooms.



DEFERRAL REQUESTED

13.

Atlantic Park, Inc. & City of Virginia Beach Development Authority (Applicants & Property Owners)

Street Closure

Address: Portion of 18th Street between 1880 & 1811 Pacific Avenue, City of Virginia Beach

GPIN(s): Adjacent to 2427172611, 2427170516

Council District: Beach

Accela Records: 2021-PCCC-00033

Staff Planner: Ashby Moss

Request to close a portion of 18th Street between Arctic and Pacific Avenues.



DEFERRAL REQUESTED

- * Deferral
- ** Withdrawal

14.

Atlantic Park, Inc. (Applicant)
City of Virginia Beach Development Authority
(Property Owner)

Alternative Compliance

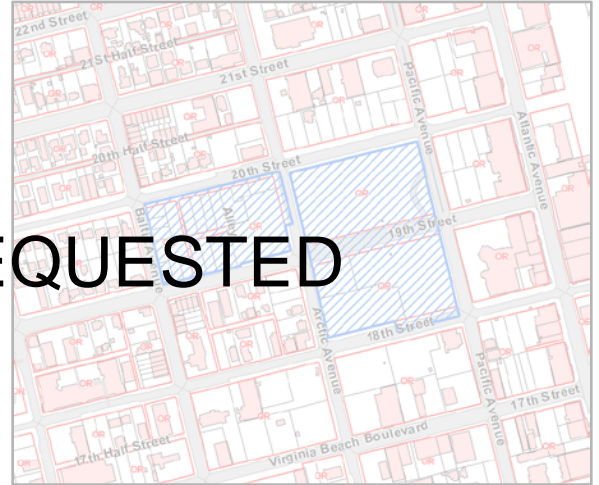
Address: 1880 & 1811 Pacific Avenue, 319 18th Street
GPIN(s): 2427079524, 2427074883,
2427073669, 2427170853, 2427073711, 2427075737,
2427073536, 2427074802, 2427073767, 2427073660,
2427074517, 2427076888, 2427076889, 2427073705,
2427074757, 2427071701, 2427072850, 2427170518,
2427172611

Council District: Beach

Accela Records: 2021-PCCC-00032

Staff Planner: Ashby Moss

Request for a Special Exception for Alternative Compliance to develop a multi-block, mixed-use residential and commercial development with structured parking, an indoor/outdoor entertainment venue (assembly use), open air surf park (outdoor recreation facility), open air markets, bars/nightclubs, craft breweries/distilleries/wineries, and recurring outdoor special events.



DEFERRAL REQUESTED

SHORT TERM RENTALS

15.

Todd E. Sweigart (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 507 19th Street

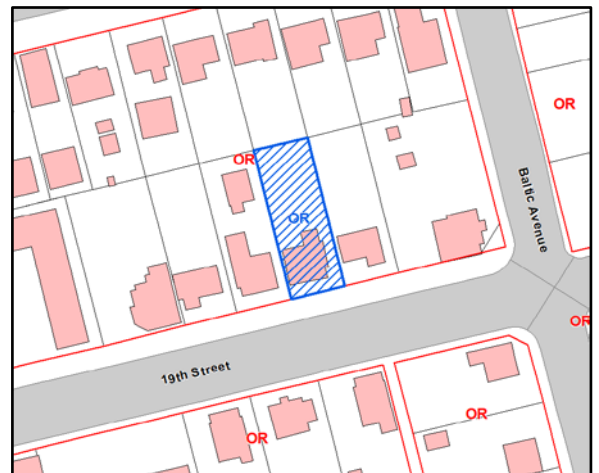
GPIN(s): 2427070575

Council District: Beach

Accela Record(s): 2021-PCCC-00036

Staff Planner: Will Miller

Request for a 3-bedroom Short Term Rental.



- * Deferral
- ** Withdrawal

16.

Shandra L. Cauthen (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 1816 N. Streamline Drive

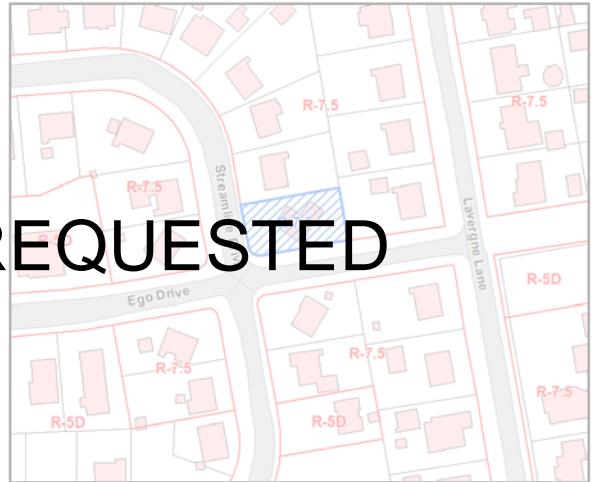
GPIN(s): 2407645876

Council District: South

Accela Record(s): 2021-PCCC-00044

Staff Planner: Will Miller

Request for a 4-bedroom Short Term Rental.



WITHDRAWAL REQUESTED

17.

Spivak Family Trust (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 229 16th Street

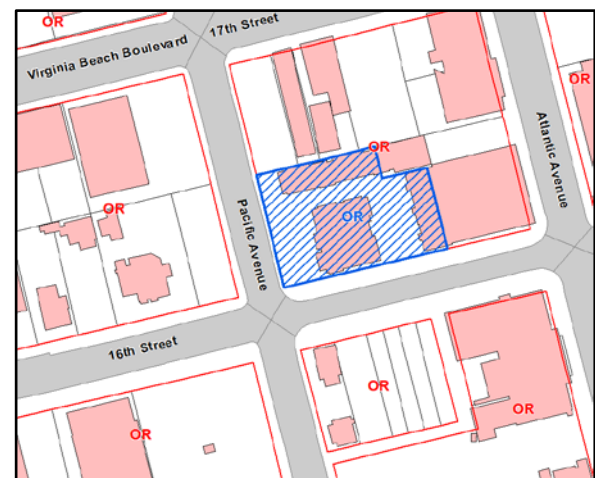
GPIN(s): 24271678310229

Council District: Beach

Accela Record(s): 2021-PCCC-00047

Staff Planner: Will Miller

Request for a 3-bedroom Short Term Rental.



18.

Linda M. Lamb Living Trust (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 4615 Ocean View Avenue

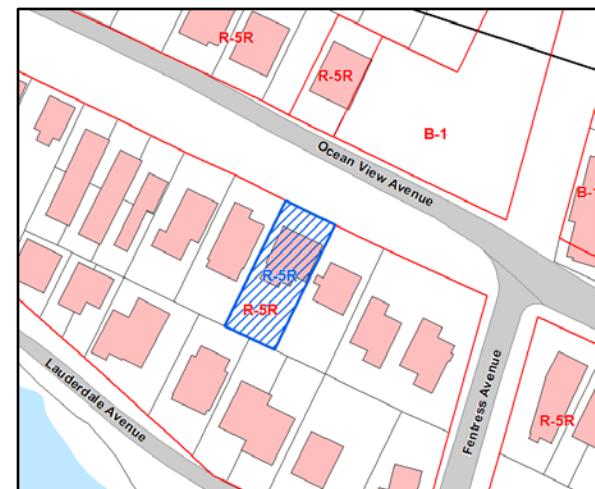
GPIN(s): 15706241244615

Council District: Bayside

Accela Record(s): 2021-PCCC-00057

Staff Planner: Will Miller

Request for a 4-bedroom Short Term Rental.



- * Deferral
- ** Withdrawal

19.

David & Nancy Drogus (Applicants & Property Owners)

Conditional Use Permit (Short Term Rental)

Address: 117 73rd Street Unit A

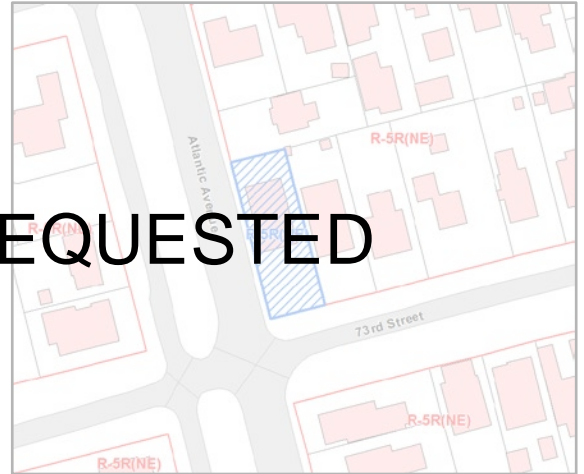
GPIN(s): 241966630011

Council District: Lynnhaven

Accela Record(s): 2021-PCCC-00018

Staff Planner: Will Miller

Request for a 3-bedroom Short Term Rental.



WITHDRAWAL REQUESTED

20.

Heather Shimp (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 304 28th Street Unit 307

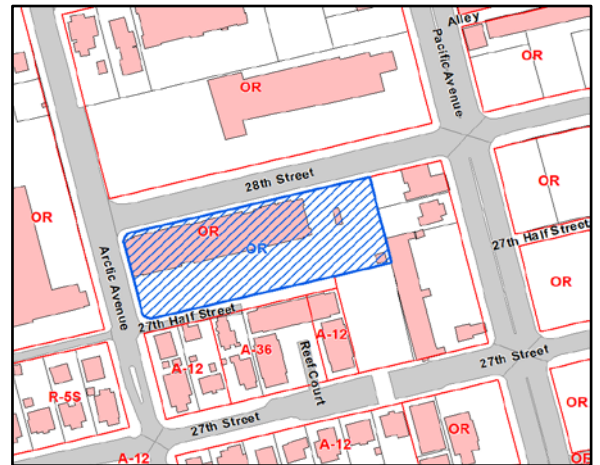
GPIN(s): 24280028663007

Council District: Beach

Accela Record(s): 2021-PCCC-00060

Staff Planner: Summer Peebles

Request for a 2-bedroom Short Term Rental.



21.

Suzanne Oleszko (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 312 Arctic Crescent

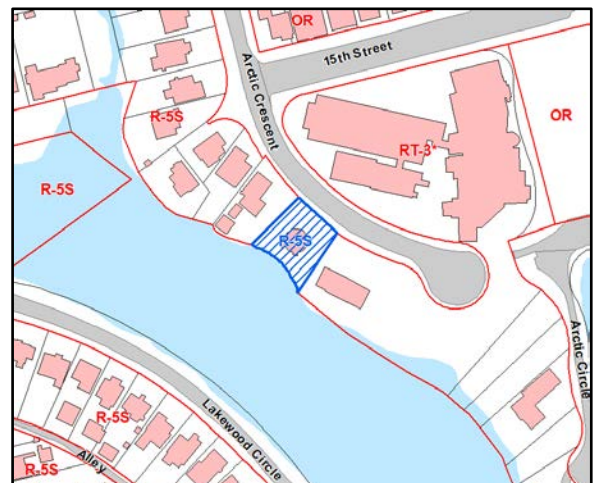
GPIN(s): 2427152967

Council District: Beach

Accela Record(s): 2021-PCCC-00059

Staff Planner: Summer Peebles

Request for a 2-bedroom Short Term Rental.



- * Deferral
- ** Withdrawal



Applicant **City of Virginia Beach**
Planning Commission Public Hearing **May 12, 2021**
Sign Ordinance Amendments

Agenda Item

1

Request

An Ordinance to amend Sections 210.2, 212, 215, 216, and 217 of the City Zoning Ordinance pertaining to signs and billboards.

Summary of Referred Ordinances

The purpose of this Ordinance is to modify the City Zoning Ordinance regulating the requirements for signage. The goal of this ordinance is to make the sign regulations content neutral and consistent with recent court decisions. In summary, content of a sign cannot be utilized to regulate the signage permitted on a property. The current ordinance prohibits outdoor door advertising signs (billboards) due to their content. This ordinance adjusts the requirements for all “outdoor advertising signs,” as well as limiting all signage on properties to the dimensional requirements for a freestanding sign in the zoning district in which the property is located. Additionally, this proposed ordinance removes the Zoning Administrator’s ability to approve alterations of a nonconforming sign so long as the nonconformities are reduced. This provision will now only be approved by City Council. Lastly, this proposed ordinance changes the requirements for electronic signs. Electronic signs would only be permitted in two situations. The first is at major entertainment venues, to which the size is dictated by City Council approval. The second situation is at establishments that dispense fuel. In this case, the site is restricted to one sign.

Recommendation

Staff recommends approval of this proposed amendment. This amendment will make the City Zoning Ordinance consistent with recent case law by making our Ordinance content neutral with regard to signage.

AN ORDINANCE TO AMEND SECTIONS 210.2,
212, 215, 216, AND 217 OF THE CITY ZONING
ORDINANCE PERTAINING TO SIGNS AND
BILLBOARDS

Sections Amended: City Zoning Ordinance
Sections

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 210.2, 212, 215, 216, and 217 of the City Zoning Ordinance are
hereby amended and reordained to read as follows:

Sec. 210. Purpose and intent; findings.

(a) *Purpose and intent.* The purpose and intent of this part B of Article 2 is to regulate
the size, number, color, illumination, movement, materials, location, height, condition
and other physical characteristics, but not the content, of signs, thus promoting the
protection of property values, the character of the various neighborhoods within the
city, the creation and maintenance of a convenient, attractive and harmonious
community and the safety and welfare of pedestrians and wheeled traffic, in a manner
consistent with the constitutional guarantee of free speech. These regulations
attempt to achieve the proper balance among the commercial needs of businesses,
the needs of residents and visitors to be able to locate a business and find a desired
product, the rights of persons to exercise their First Amendment rights and the need
to create and preserve a visual environment that is conducive to the public health,
safety and welfare.

(b) *Findings.* The city council finds that:

- (1) Signs have a strong visual impact on the character and quality of a community.
They are an integral part of the cityscape and, as such, can enhance or detract
from the city's image and character. As a prominent part of the cityscape, they
can attract or repel the viewer, affect the safety of pedestrian and vehicular
traffic. Their suitability or appropriateness helps to define the way in which a
community is perceived;
- (2) The appearance of a community is an important factor in its economic well-
being, as aesthetic considerations influence economic value. Communities in
which signage is orderly and attractive and adequately serves the needs of
businesses are generally perceived as orderly and attractive;

45 (3) The primary function of a commercial sign is to provide identification for a
46 business. By helping consumers recognize that they have arrived at their
47 intended destination or by triggering an impulse to make a purchase, signs help
48 facilitate consumer transactions that allow businesses to be successful.
49 Successful businesses make for vital local economies and a stable tax base;
50 and

51 (4) As the United States Supreme Court has noted, signs "take up space and may
52 obstruct views, distract motorists, displace alternative uses for land, and pose
53 other problems that legitimately call for regulation." It is therefore important that
54 the city regulate signage in a manner that minimizes the adverse impacts of
55 signage while at the same time allowing signs to perform their primary functions.
56

57 **Sec. 210.01. General regulations.**

58
59 (a) The regulations set forth in this part shall apply to signs in all zoning districts,
60 including zoning districts listed in section 102(a)(13).
61

62 (b) Any permitted sign may display any lawful noncommercial message in lieu of any
63 other message; provided, however, that any such sign shall conform to all applicable
64 requirements pertaining to such sign, including, but not limited to, size, height,
65 duration, location, movement, materials and illumination.
66

67 (c) For purposes of determining the number of signs on a lot or zoning lot, one (1) sign
68 shall be considered to be a display or device containing elements organized, related,
69 and composed to form a single unit. Double-faced signs shall be considered a single
70 sign, provided that the faces are parallel or are not separated by an angle greater
71 than fifteen (15) degrees and are part of the same structure.
72

73 (d) The area of a sign shall be deemed to include the entire surface area within a
74 parallelogram, triangle, circle, semicircle or other regular geometric figure, including
75 all of the elements of the matter displayed, and other information, including
76 changeable copy and graphic displays, but not including blank masking, frames or
77 structural elements outside the sign surface and bearing no advertising matter or
78 other message. The area of each face of a double-faced sign shall be included in
79 determining the area of such sign.
80

81 (e) Except for marquee signs on buildings occupied by theaters, cinemas, performing
82 arts facilities or similar venues, or as may be allowed by section 218 (major
83 entertainment venues), no sign shall consist of or contain more than two (2) faces.
84

85 (f) Where the regulations of a zoning district prescribe signage allowances or permitted
86 sign types within the district, such signage shall be deemed to be in addition to
87 signage allowed by the provisions of section 211 and signage allowed on public
88 property by applicable provisions of Chapter 3 or Chapter 33.
89

(g) Where an individual establishment not on a separate lot directly adjoining a street is located in a shopping center within a district in which sign area allowances are determined by the linear distance of street frontage or lot line adjoining a street but not constituting frontage, the sign area allowances of such establishment shall be calculated on the basis of its occupancy frontage, which shall be treated for such purposes as if it were street frontage.

Sec. 210.1. Sign permits.

Except as otherwise provided, no sign shall be erected, constructed, replaced, repaired, repainted or otherwise displayed, unless a permit authorizing the same has been issued by the zoning administrator. Fees for such permits shall be as set forth in section 8-31 of the City Code. Applications for sign permits shall be made to the zoning administrator, who may require such plans, diagrams and other information as may be necessary to determine whether a proposed sign complies with the provisions of this ordinance, the Virginia Uniform Statewide Building Code and any other applicable ordinance or regulation.

The zoning administrator shall approve or deny an application within thirty (30) days of its submittal; provided, however, that if the application or accompanying information is insufficient to allow a determination of compliance, he shall notify the applicant and shall, in such case, approve or deny an application within thirty (30) days of the date of submittal of all required information. Any application meeting the requirements of this ordinance and other applicable provisions shall be approved, and any application not meeting all applicable requirements shall be denied with a statement of reasons for such denial.

Sec. 210.2. Definitions.

The following definitions shall apply to all regulations pertaining to signs in this ordinance, including regulations governing signs in zoning districts listed in section 102(a)(13):

Awning sign. A sign painted, sewn or otherwise affixed to the surface of an awning. For purposes of this definition, an awning is a sheet of canvas or other material stretched on a frame affixed to and projecting from a building or structure and used to keep the sun or rain off of a storefront, window, doorway or deck.

Banner sign. A sign consisting of cloth displaying a message.

Billboard. A sign, including the supporting sign structure, that advertises or directs the attention of the general public to an establishment, business, product or service that is located on a separate site from the billboard, but not including roadside guide signs, public art sponsorship signs or other signs lawfully located on public property.

135 *Building crown sign.* A wall sign mounted at least three-fourths (¾) of the distance
136 from ground level to the top of a building no less than thirty-two (32) feet in height.

137
138 *Building frontage* means the exterior length of that portion of a building occupied
139 exclusively by a single establishment.

140
141 *Cabinet sign or box sign.* A sign that has one or more plastic, acrylic, or similar
142 material panels that may or may not be internally illuminated. The sign panels may be
143 either flat or shaped (pan face) and are attached to a metal frame (cabinet).

144
145 *Canopy sign.* A sign permanently affixed to a building canopy. For purposes of this
146 definition, a canopy is a rigid structure projecting from a building or structure and used to
147 keep the sun or rain off of a storefront, window, doorway or deck.

148
149 *Changeable copy.* Informational content, such as removable lettering, that can be
150 readily altered by manual means. Changeable copy does not include electronic displays.

151
152 *Channel lettering.* A component of a sign consisting of letters and symbols
153 constructed and assembled as individual pieces, whether such pieces are individually
154 mounted or grouped together.

155
156 *Electronic displays.* A component of a sign containing light emitting diodes (LEDs),
157 fiber optics, light bulbs, plasma display screens or other illumination devices, or a series
158 of vertical or horizontal slats or cylinders that are capable of being rotated at intervals,
159 that are used to change the messages, intensity of light or colors displayed by such sign.
160 The term shall not include signs on which lights or other illumination devices display only
161 the temperature or time of day in alternating cycles of not less than five (5) seconds.

162
163 *Freestanding sign.* A sign supported by structures or supports that are independent
164 of any building or other structure.

165
166 *Hanging sign.* A sign that hangs from a soffit or other architectural feature of a
167 building or permanent structure or from a bracket affixed to a building wall.

168
169 *Information board sign.* A sign mounted within a display cabinet located in close
170 proximity to the entrance to a building.

171
172 *Major tenant.* A single establishment that occupies the space in a building with a
173 building wall height of at least thirty-five (35) feet and with at least one (1) continuous wall
174 containing at least eighty (80) feet of building frontage.

175
176 *Marquee sign.* Any sign attached to or hung from a marquee. For the purpose of this
177 article, a marquee is a covered structure projecting from and supported by the building
178 with independent roof and drainage provisions and which is erected over a doorway or
179 doorways.

180

181 *Monument sign.* A freestanding sign supported primarily by internal structural
182 framework or integrated into landscaping or other solid structural features other than
183 support poles, the base of which is at least seventy-five (75) percent of the total width of
184 the sign. Monument signs have the following additional characteristics:

- 185
186 (a) The width of the base does not exceed twice the height of the total sign structure
187 and does not extend more than one (1) foot beyond either outside edge of the
188 face of the sign;
189 (b) The height of the base is between eighteen (18) inches and four (4) feet; and
190 (c) The maximum height of the sign, as measured from ground level, does not
191 exceed eight (8) feet.

192
193 *Neon sign.* An illuminated sign containing a glass tube or tubes filled with neon, other
194 noble gases or phosphors, bent to form letters, symbols or other shapes.
195

196 *Outdoor Advertising Sign.* A sign and sign structure existing prior to 1988 providing
197 displays or display space for general advertising. Such signs, commonly referred to as
198 "billboards," are generally designed so that the copy or poster on the sign can be
199 changed frequently and the advertising space is for lease.
200

201 *Occupancy frontage.* The exterior length of that portion of a building occupied by a
202 retail, office or other nonresidential use having at least one (1) exterior public entrance.
203

204 *Projecting or blade sign.* A sign that projects from and is supported by a wall or
205 parapet of a building with the display surface of the sign in a plane perpendicular to the
206 wall surface to which it is affixed.
207

208 *Sandwich board or A-frame sign.* A two-sided portable sign, hinged or attached at
209 the top of the sign panels.
210

211 *Sign.* Any structure, display, device or other object or thing, visible from any public
212 street or right-of-way, any area open to use by the general public, or any navigable body
213 of water, including, but not limited to, any word, letter, series of words or letters, painting,
214 mural, logo, insignia, emblem, service mark or other graphic or pictorial representation,
215 that: (i) identifies or advertises, or directs or attracts attention to, any product,
216 merchandise, service, business or establishment, (ii) suggests the identity or nature of
217 any business or establishment, (iii) invites or proposes a commercial transaction, or (iv)
218 communicates a message of a noncommercial nature. The term does not include
219 architectural elements incorporated into the style or function of a building, numerals
220 signifying a property address, dates of erection, monumental citations, commemorative
221 tablets and the like when carved into stone, concrete or similar material or made of
222 bronze, aluminum or other permanent type construction and made an integral part of the
223 structure.
224

225 *Table umbrella sign.* A sign that is part of the fabric, or affixed to the pole, of a table
226 umbrella.

Temporary sign. A sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material designed to be displayed and removed within a limited period of time and neither permanently installed in the ground nor permanently affixed to a building or structure permanently installed in the ground.

Traffic direction sign. A sign, whether temporary or permanent, oriented primarily so as to be visible to vehicles entering the premises on which such sign is located.

Wall sign. A sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

Window sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and that is located within three (3) feet of the window shall be considered a window sign.

Sec. 211. Signs permitted in all districts.

The following types of signs are exempted from all of the provisions of this ordinance, except for illumination, construction, and safety regulations and the following standards:

(a) Reserved.

(b) *Temporary signs.*

- (1) Temporary signs at the site of any public, charitable, educational, religious or other noncommercial event or function, located entirely upon the property on which such event or function is held. Such signs shall be (i) set back no less than seven (7) feet from the property line; (ii) no greater than thirty-two (32) square feet in area; (iii) allowed no more than thirty (30) days prior to the event or function and (iv) removed within seven (7) days after the conclusion of the event or function. Such signs may be illuminated in accordance with the restrictions set forth in section 213 hereof. If building-mounted, such signs shall be flat wall signs and shall not project above the roofline of the building to which they are affixed. If freestanding, the height of any such sign shall be no more than twelve (12) feet above ground level.
- (2) Temporary signs of a commercial nature at the site of any business establishment holding a grand opening or other special event or promotion, subject to the limitations set forth in subdivision (1) hereof. Such signs shall not be displayed more than three (3) times per year at any business establishment, or for any period in excess of seven (7) days.
- (3) Temporary signs displayed upon balloons, subject to the requirements of subdivision (2) hereof, provided, however, that balloons displaying such signs may, if affixed to the roof of a building or structure, project no more than thirty (30) feet above the roofline or, if affixed to the ground, have a

272 height not exceeding thirty (30) feet from ground level. Such signs shall not
 273 exceed seventy-five (75) square feet in surface area.
 274 (4) Temporary signs erected by civic leagues or property owners' associations
 275 that are holding or have scheduled a meeting or event, provided that such
 276 signs shall be located on property owned by the civic league or property
 277 owners' association holding the meeting or event. Such signs shall be no
 278 greater than thirty-two (32) square feet in area. No more than one (1) such
 279 sign shall be permitted at each entrance to the neighborhood or subdivision
 280 represented by the civic league or property owners' association. Such signs
 281 shall be in place for no more than fourteen (14) days before the meeting or
 282 event or three (3) days after the meeting or event has been held. Such signs
 283 may be illuminated in accordance with the restrictions set forth in section
 284 213.
 285 (5) Temporary signs other than those allowed by the provisions of subdivisions
 286 (1) through (4), subject to the following provisions:
 287
 288 a. Within a Preservation, Agricultural, Residential, Apartment, or Historic
 289 and Cultural District, or a noncommercial area of a PD-H1 or PD-H2
 290 Planned Development District, a total of sixteen (16) square feet of
 291 temporary signage shall be allowed on a lot. Within all other districts, a
 292 total of thirty-two (32) square feet of temporary signage shall be allowed
 293 on a lot. No such sign shall be higher than eight (8) feet above grade
 294 directly below such sign.
 295
 296 (c) Reserved.
 297
 298 (d) *Private traffic direction signs* not exceeding four (4) square feet in area. One (1) such
 299 sign shall be permitted at each entrance or exit and at drive-through lanes.
 300
 301 (e) Reserved.
 302
 303 (f) Reserved.
 304
 305 (g) *Construction signs*. One (1) sign not exceeding thirty-two (32) square feet in area on
 306 each roadway frontage adjoining an active construction site during the time
 307 construction at such site or is actively under way. Such signs shall set back no less
 308 than ten (10) feet from any property line.
 309
 310 (h) Reserved.
 311
 312 (i) Reserved.
 313
 314 (j) *Signs for public schools or private schools having curriculums similar to public*
 315 *schools*: The following signs shall be permitted for public schools and private schools
 316 having curriculums similar to public schools:
 317

- 318 (1) Wall signs. A maximum of two (2) wall signs for each building wall facing a public
319 street, as prescribed below:
320 a. One (1) square foot of wall signage for every two (2) linear feet of each
321 building wall facing a public street, not to exceed one hundred (100) square
322 feet for each such wall, provided that signage on any building wall located
323 five hundred (500) feet or more from a public street shall not exceed two
324 hundred fifty (250) square feet.
325
326 (2) Freestanding monument signs, as prescribed below:
327 a. For schools located on lots less than fifteen (15) acres in area, one (1)
328 freestanding monument sign with a maximum of two (2) faces of forty (40)
329 square feet per face.
330 b. For schools located on lots fifteen (15) acres or more in area, a maximum
331 of one (1) freestanding monument sign no greater than forty (40) feet per
332 face in area per abutting street, located at the principal vehicular entrance
333 from each street.
334 c. No freestanding monument sign shall be installed within fifty (50) feet of a
335 residential use.
336
337 (k) Reserved.
338
339 (l) *Construction fence signs.* Signs on temporary protective fencing erected around a
340 site at which demolition or construction is being carried on shall be allowed, subject
341 to the following requirements:
342
343 (1) Signs consisting of banners, wraps or similar material shall be securely affixed
344 to the fence on which they are located, and any portions of a sign that become
345 partially detached shall be promptly re-affixed to the fence; and
346 (2) Signs and the fencing to which they are affixed shall be maintained in good
347 condition at all times and graffiti or other forms of defacement shall be removed
348 or repaired promptly.
349
350 (m) *Signs for city-owned parks and recreation centers.* The following signs shall be
351 permitted for city-owned parks and recreation centers:
352
353 (1) *Wall Signs.* City-owned parks and recreation centers may have a maximum of
354 two (2) wall signs for each building wall facing a public street, as prescribed
355 below:
356
357 a. One (1) square foot of wall signage for every two (2) linear feet of each
358 building wall facing a public street. Said signage shall not exceed a
359 maximum of one hundred (100) square feet for each such wall.
360 b. Any building wall located five hundred (500) feet or more from a public street
361 shall not exceed a maximum of two hundred and fifty (250) square feet of
362 signage for each such wall.
363

(2) *Freestanding Signs.* City-owned parks and recreation centers may have freestanding monument signs as prescribed below:

- a. Any city-owned park or recreation center located on a lot with an area less than fifteen (15) acres shall be permitted one (1) freestanding monument sign with a maximum of two (2) faces of forty (40) square feet per face.
- b. Any city-owned park or recreation center located on a lot with an area of fifteen (15) acres or more in size shall be permitted one (1) freestanding monument sign per street, located at the principal vehicular entrance of each street. In no case, shall there be more than one (1) freestanding monument sign on each street. Each sign shall not exceed a maximum of two (2) faces of forty (40) square feet per face.
- c. No freestanding monument sign shall be installed within fifty (50) feet of a residential use.

Sec. 212. Prohibited signs.

Except as otherwise provided, the following signs are prohibited:

- (a) Signs that imitate an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning," or words of similar import, except as provided in section 211(d).
- (b) Signs that, by reason of their size, location, movement, content, coloring, or manner of illumination, are likely to be confused with or construed as a traffic-control device, or that obscure any traffic or street sign or signal or obstruct the view in any direction at a street intersection.
- (c) Signs on any public property in any zoning district, except as otherwise expressly allowed.
- (d) ~~Signs identifying or advertising an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located; provided, however, that such signs may remain in place for not more than ninety (90) days from the date of vacancy. Reserved.~~
- (e) Signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices. Such devices, when not part of any sign, are also prohibited when intended to attract attention to the establishment on which they are located.
- (f) Signs posted on or otherwise affixed to utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.
- (g) Signs advertising activities that are illegal.

- 410
411 (h) ~~Reserved.~~ Outdoor Advertising Signs larger than those otherwise permitted in
412 the applicable zoning district.
413
414 (i) All portable or nonstructural signs, except as temporary signs as may be
415 expressly allowed. For purposes of this ordinance, a sign shall be considered as
416 portable or nonstructural if it has no permanently mounted, self-supporting
417 structure or is not an integral part of a building to which it is accessory.
418
419 (j) Reserved.
420
421 (k) Except as otherwise provided, signs projecting above the roofline or to a height
422 greater than three-fourths ($\frac{3}{4}$) of the vertical distance between the eave line and
423 ridge line of the roof of the building or structure on which they are located;
424 provided, however, that signs mounted on parapet walls may extend to a height
425 equal to, but no greater than, the height of the parapet wall.
426
427 (l) Reserved.
428
429 (m) Electronic display signs, except as expressly allowed by the city council in
430 conjunction with major entertainment venues or as otherwise provided in ~~section~~
431 217 this ordinance.
432
433 (n) Any sign that emits sound, smoke, vapor, particles, or odors.
434
435 (o) Any sign larger in any respect than allowed in the zoning district in which the
436 sign is located.
437
438 **Sec. 213. Illumination.**
439
440 (a) The light from any illuminated sign shall be so shaded, shielded or directed that the
441 light intensity or brightness shall not adversely affect surrounding or facing premises
442 nor adversely affect safe vision of operators of vehicles moving on public or private
443 roads, highways, or parking areas. Light shall not shine or reflect in an offensive
444 manner on or into residential structures, including motels.
445
446 (b) No exposed reflective type bulbs or incandescent lamps shall be used on the exterior
447 surface of any sign in such a manner that will cause offensive glare on adjacent
448 property or create a traffic hazard.
449
450 (c) No sign shall contain or consist of blinking, flashing or intermittent lights or similar
451 illuminating devices, whether or not such devices constitute a public safety or traffic
452 hazard.

Sec. 214. Sign height, setback and landscaping.

- (a) No freestanding sign shall exceed twelve (12) feet in height from ground level at the base of such sign.
- (b) No freestanding sign shall be set back less than seven (7) feet from any existing public right-of-way; provided, however, that a freestanding sign having a height of eight (8) feet or less may be set back five (5) feet from any such right-of-way. The minimum sign setback from interstate roadways and expressways designated by the city council shall be one hundred (100) feet.
- (c) A minimum of seventy-five (75) square feet of planted area shall be provided around any freestanding sign, in accordance with the following requirements:
 - (1) Planting materials shall include a combination of grass, ground cover and low shrubs not exceeding a height of three (3) feet at maturity or design elements used in conjunction with the sign, not exceeding the three (3) foot height limit;
 - (2) All plant materials shall be placed in a defined planting area, which shall be a minimum of six (6) feet in width and shall be maintained so as not to obstruct the view of the sign face on either side;
 - (3) All plant materials shall be subject to the approval of the planning director or his designee in accordance with established industry standards;
 - (4) Landscaping shall be compatible with parking lot plantings in order to help achieve the goal of a unified project design; and
 - (5) Landscaping shall be included as a credit in the calculation of any required parking lot landscaping as specified in Section 5A of the Site Plan Ordinance (Parking Lot and Foundation Landscaping).
- (d) Freestanding signs, including replacements of sign faces, shall display the street number of the property upon which the sign is located. Such display shall consist of numerals no larger than twelve (12) inches and no less than six (6) inches in height and shall be located within, but not extended above, the top portion of the face of the sign, unless impractical. The portion of the sign displaying the street number shall not be deemed a part of the sign for purposes of measuring the surface area of such.

Sec. 215. Nonconforming signs.

- (a) Notwithstanding the provisions of section 105(f) of this ordinance, no nonconforming sign shall be structurally altered, enlarged, moved or replaced, whether voluntarily or by reason of involuntary damage to or destruction of such sign, unless such sign is brought into compliance with the provisions of this ordinance or is specifically allowed by City Council in accordance with the provisions of section 105.. Except as provided in section 216, no nonconforming sign shall be repaired at a cost in excess of fifty (50) percent of its original cost unless such sign is caused to comply with the provisions of this ordinance. Any nonconforming sign in an unsafe condition shall be removed.

- 499
- 500 (b) Any nonconforming sign that has been abandoned for a period of two years or longer
- 501 shall be removed by the owner of the property on which the sign is located, after
- 502 notification by the zoning administrator. If, following such two-year period, the zoning
- 503 administrator has made a reasonable attempt to notify the property owner, the city
- 504 through its own agents or employees may enter the property upon which the sign is
- 505 located and removed any such sign wherever the owner has refused to do so. The
- 506 cost of such removal shall be chargeable to the owner of the property. Nothing herein
- 507 shall prevent the city from applying to a court of competent jurisdiction for an order
- 508 requiring the removal of such abandoned nonconforming sign by the owner by means
- 509 of injunction or other appropriated remedy. For purposes of this section, a sign shall
- 510 be deemed to be abandoned if the business for which the sign was erected has not
- 511 been in operation for a period of at least two (2) years.
- 512
- 513 (c) Notwithstanding the provisions of subsection (a) ~~hereof, the zoning administrator~~
- 514 ~~may, at his discretion and with the concurrence of the director of planning, City~~
- 515 Council may vary the requirements of this ordinance pertaining to the allowed number
- 516 of signs, total sign area, individual sign area, number of freestanding signs and height
- 517 of freestanding signs in cases in which the owner of a sign or other proper party
- 518 desires to repair, replace, relocate or structurally alter an existing nonconforming sign
- 519 or combination of signs and such repair, replacement, relocation or structural
- 520 alteration is not required, or has not been made necessary, by reason of damage,
- 521 destruction, deterioration, disrepair or noncompliance with applicable building code
- 522 standards or any of the provisions of this ordinance.
- 523
- 524 (d) Nothing in this section shall be construed to limit or otherwise impair the right of any
- 525 proper party to apply to the board of zoning appeals for a variance from any of the
- 526 sign regulations set forth in this ordinance.
- 527
- 528 (e) The repair of nonconforming outdoor advertising signs visible from the main traveled
- 529 way of any interstate highway, federal-aid primary highway, as that system existed
- 530 on June 1, 1991, or national highway system highway shall be governed by the
- 531 provisions of Code of Virginia, § 33.2-1219, the regulations promulgated thereunder
- 532 or any successor statute or regulation. No building permit authorizing the repair of
- 533 any such outdoor advertising sign shall be issued unless the owner of the outdoor
- 534 advertising sign provides to the building codes administrator a letter from the
- 535 commonwealth transportation commissioner approving the proposed repairs. In the
- 536 event the building codes administrator determines that the cost of the proposed
- 537 repairs exceeds fifty (50) percent of the replacement cost of the outdoor advertising
- 538 sign, he shall, within thirty (30) days of the filing of the building permit application,
- 539 submit an objection to the determination of the commissioner, together with
- 540 documentation supporting such objection. A copy of such objection and
- 541 documentation shall be provided to the outdoor advertising sign owner. The
- 542 determination of the commissioner upon reconsideration shall be binding.
- 543

Sec. 216. Outdoor advertising structures, billboards, signboards and poster panels.

- (a) ~~No new billboards shall be erected within the city, effective immediately. All existing billboards shall be governed by the provisions of section 215 of this ordinance. No billboard heretofore erected shall be located, in whole or in part, upon improved property. All outdoor advertising signs shall comply with the dimensional regulations and setbacks of this ordinance that are applicable for freestanding signs in the zoning district in which the sign is located, with the addition of the requirements listed below.~~
- (b) ~~No billboard outdoor advertising sign shall be located within five hundred (500) feet of an interchange, or intersection at grade, on any highway, interstate or city council designated expressway (measured along the highway, interstate or expressway to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way). On all other streets, no billboard shall be located within two hundred (200) feet of any right-of-way of any underpass, overpass, bridge or tunnel or a plaza serving such facility.~~
- (c) ~~No billboard outdoor advertising sign shall be located within: (i) fifty (50) feet of any property line; (ii) six hundred sixty (660) feet of the right-of-way line of any interstate or expressway designated by city council; (iii) twenty-five (25) feet of the right-of-way of any other street; or (iv) two hundred (200) feet of any residential or apartment zoning district. No billboard shall be located upon any lot having a street frontage of less than two hundred (200) feet and an area of less than ten thousand (10,000) square feet.~~
- (d) ~~The repair of lawfully nonconforming billboards visible from the main traveled way of any interstate highway, federal aid primary highway, as that system existed on June 1, 1991, or national highway system highway shall be governed by the provisions of Code of Virginia, § 33.2-1219, the regulations promulgated thereunder or any successor statute or regulation. No building permit authorizing the repair of any such billboard shall be issued unless the owner of the billboard provides to the building codes administrator a letter from the commonwealth transportation commissioner approving the proposed repairs. In the event the building codes administrator determines that the cost of the proposed repairs exceeds fifty (50) percent of the replacement cost of the billboard, he shall, within thirty (30) days of the filing of the building permit application, submit an objection to the determination of the commissioner, together with documentation supporting such objection. A copy of such objection and documentation shall be provided to the billboard owner. The determination of the commissioner upon reconsideration shall be binding.~~

Sec. 217. Electronic displays of motor vehicle fuel prices by automobile service stations.

Motor vehicle fuel prices may be displayed on an electronic display sign Any parcel operated as an automobile service station and is engaged in the sale of motor vehicle

fuel shall be permitted electronic display on the allowable freestanding signage, subject to the following requirements:

(a) Such signs shall be allowed only pursuant to a conditional use permit authorizing an automobile service station at which motor vehicle fuels are offered for sale or at establishments for which a conditional use permit allowing such fuel sales has previously been granted and remains in effect.

(b) Such signs shall conform to the following requirements:

- (1) No more than one such sign shall be permitted on any zoning lot;
- (2) Such signs shall be monument-style, as defined in section 210.2, and no such sign, including the base, shall exceed a height of eight (8) feet;
- (3) No such sign shall have more than three (3) separate panels capable of displaying information electronically, ~~and each such panel shall be limited to the display of a single grade of fuel.~~ The total area of the portion of that sign that is capable of electronic displays shall not exceed twelve (12) square feet in area;
- (4) The pixel pitch of the electronic display portion of such signs shall be nineteen (19) millimeters or smaller;
- (5) ~~Fuel prices~~ Electronic displays shall not be changed more often than two (2) times in any twenty-four (24) hour period, and scrolling, flashing, blinking or any other type of intermittent movement or illumination of elements of the electronic display shall be prohibited. Change sequences shall be accomplished by means of instantaneous re-pixelization;
- (6) Electronic displays shall consist of no more than two (2) colors;
- (7) Audio speakers on, or electronically connected to, such signs shall not be permitted;
- (8) Such signs shall not exceed a maximum illumination of five thousand (5,000) candelas per square meter from sunrise to sunset or five hundred (500) candelas per square meter between sunset and sunrise, as measured from the sign face at maximum brightness, and shall be equipped with a working dimmer control device capable of automatically reducing the illumination to the required sunset-to-sunrise level. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum intensity level; and
- (9) The electrical service lines providing power to such signs shall be underground.

Sec. 218. Major entertainment venue and major retail signs.

Signage for major entertainment venues and major retail venues, other than signage otherwise allowed, shall be allowed only with the approval of the City Council and shall be subject to the following requirements:

- 636 (a) An application for such signage shall be submitted to the Planning Director by
637 the property owner, contract purchaser with the written consent of the property
638 owner, or the duly authorized agent for the property owner. Applications shall
639 include a fee in the amount of eight hundred dollars (\$800.00), and the required
640 plan as described in subsection (b), along with any other information required by
641 the Planning Director. Applications shall be heard by the Planning Commission
642 and the City Council in accordance with the procedures prescribed in
643 subsections (d) and (e) of section 221 of the City Zoning Ordinance.
644
- 645 (b) The sign plan shall show, in the form and manner specified by the Planning
646 Director, the type, location, setback, size, dimensions and height of all signs,
647 and any other characteristics of or information pertaining to such signage
648 deemed necessary by the Planning Director in order to adequately evaluate the
649 proposed sign plan according to the criteria set forth in subsection (d). Individual
650 banners intended to display special or recurring events or activities shall not be
651 required to be approved separately, but it shall be sufficient that the sign plan
652 show the number, size and location of banners generally.
653
- 654 (c) Where a sign plan for a major entertainment venue includes electronic display
655 signage, the following additional information shall be provided:
656
- 657 (1) The pixel pitch of the proposed electronic display signs;
 - 658 (2) Whether such signs will display static or animated text or images, and the
659 dwell time for each display;
 - 660 (3) The maximum and minimum illumination level in candelas per square meter,
661 and the times during which such illumination levels will be used; and
 - 662 (4) In no case shall any electronic display sign contain, or be connected to,
663 audio speakers, and all electrical service lines providing power to such signs
664 shall be underground.
 - 665 (5) Major retail venues shall not be permitted to have electronic display
666 signage.
667
- 668 (d) The City Council shall consider the following criteria in acting upon an
669 application:
670
- 671 (1) The extent to which the proposed signage is consistent with applicable sign
672 regulations and Sign Design Guidelines, if any, of the district;
 - 673 (2) The extent to which the proposed signage is consistent with the
674 recommendations of the Comprehensive Plan;
 - 675 (3) The extent to which the scale, color, materials, shape, illumination and
676 landscaping of the proposed signage, considered as a whole, is compatible
677 with surrounding properties;
 - 678 (4) The impact of the proposed signage on traffic safety, taking into
679 consideration the degree to which view obstructions are created or
680 improved, avoidance of confusion with or obstruction of traffic control signs
681 and devices, and other safety-related factors; and

682 (5) The degree to which the proposed signage is integrated into a unified
683 development concept, considering the building design, other signs,
684 landscaping, traffic circulation, and other development features of the
685 property.
686

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2021.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA15378
R-2
May 4, 2021

Request

Conditional Use Permit (Motor Vehicle Sales & Rentals)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

4873 Haygood Road

GPIN

1478142890

Site Size

37,730 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Vacant automobile service station / B-2
Community Business

Surrounding Land Uses and Zoning Districts

North

Shopping center / B-2 Community Business

South

Office / B-2 Community Business

East

Office / B-2 Community Business

West

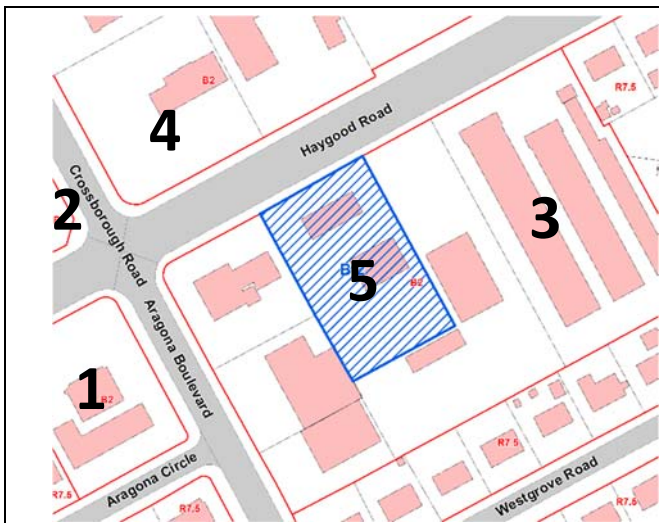
Haygood Road, Aragona Boulevard

Auto sales, shopping center / B-2 Community
Business



Background & Summary of Proposal

- The applicant is seeking a Conditional Use Permit for Motor Vehicle Sales and Rentals on a 37,730 square foot parcel zoned B-2 Community Business District. A Conditional Use Permit for fuel sales with a convenience store was granted on this site by City Council on September 13, 1982. The site has likely been vacant from sometime between 2018 and now.
- The site is currently developed with a 4,873 square foot one-story building, a mechanical building, and a canopy structure that existed from the previous automobile service station. The canopy structure will be demolished prior to operation of the auto sales establishment, as recommended in Condition 4.
- The applicant proposes to display up to 48 vehicles on the site. No auto repair is proposed and a condition is recommended prohibiting that activity.
- The submitted concept plan depicts the proposed designated vehicle display areas on three sides of the building, along with a sufficient number of parking spaces for customers and employees.
- Per Section 203 of the Zoning Ordinance, five parking spaces are required. This on-site parking requirement can be met and will be exceeded by five spaces.
- The concept plan depicts an existing freestanding sign to remain on the site, located along Haygood Road. The face of the freestanding sign is proposed to be modified with the addition of the applicant's logo. A new sign that meets the zoning ordinance is proposed for the building. The proposed signage is depicted on page seven of this report.
- Typical hours of operation are proposed as 9:00 a.m. – 6:00 p.m., Monday through Saturday. There will be four employees on the property during regular business hours.



Zoning History

#	Request
1	CUP (Motor Vehicle Sales & Rentals, Automobile Repair Garage) Approved 09/20/2016
2	CUP (Fuel Sales) Approved 06/17/2014
3	CUP (Mini-Warehouse) Approved 02/11/2003
4	CUP (Motor Vehicle Sales) Approved 01/22/2002
5	CUP (Fuel Sales with a convenience store) Approved 09/13/1982

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 request for a Conditional Use Permit for Motor Vehicle Sales and Rentals, in Staff's opinion, is acceptable. Auto-related uses have existed on this property since 1983, and in the vicinity, for several decades. The request is in keeping with the policies and goals set forth in the Comprehensive Plan for the Suburban Area, as the auto sales business provides a service to the area and is compatible with the number of automobile related service uses along this section of Haygood Road. The redevelopment of this site will be in conformance with the Comprehensive Plan, as it is improving the quality and attractiveness of the site and buildings. The proposed landscaping, as depicted on the conceptual layout plan, and the exterior changes to the dilapidated building to include new paint and new proposed signage, will contribute to the enhancement of the aesthetics of the site.

Section 5A.4 of the Site Plan Ordinance requires a minimum of 12 percent of the display area to be planted, or approximately 880 square feet in this instance. As shown on the submitted conceptual plan, the applicant has exceeded this requirement by approximately 40 square feet. In addition, the street frontage and building foundation landscaping depicted on the conceptual plan meets the requirements set forth in the City's Zoning Ordinance. As the site is almost entirely asphalt, the 920 square feet of interior display landscaping combined with the required street frontage and building foundation landscaping will enhance the aesthetics of the site and provide increased screening of this site from the public right-of-way.

Traffic Engineering reviewed and commented that the proposed motor vehicles sales and rentals establishment would result in a significant decrease in traffic generation when compared to the previous use of fuel sales and a convenience store on the site.

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

Recommended Conditions

1. When the property is redeveloped, it shall be in substantial conformance with the concept plan entitled "SITE PLAN, 4873 HAYGOOD ROAD, VIRGINIA BEACH, VA 23455, USA", dated 4/21/2021 and prepared by J.C. PAZ, DOXA, Inc., 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 to the Development Services Center of the Department of Planning and Community Development for review and ultimate approval prior to the issuance of a Certificate of Occupancy. The Landscaping Plan shall address all requirements of the Landscaping Guide including, but not limited to, the installation of street frontage plantings, building foundation plantings, and interior display plantings, and as identified on the concept plan reference in Condition 1. All landscaping shall be maintained on-site in accordance with the approved Landscape Plan.
3. All signage on the site shall meet the requirements of the Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of any signage.
4. The canopy structure on the site shall be removed prior to operation of the Motor Vehicles Sales and Rentals establishment.
5. The vehicle prep area shown on the concept plan, identified in Condition 1, shall not be used to display vehicles for sale at any time.

6. All vehicles for sale shall be located on a paved surface within the designated display area identified on the plan referenced in Condition 1 above. No vehicles shall be displayed on raised platforms, earthen berms, landscape islands, or any other structure designated to display a vehicle higher than the elevation of the main parking lot.
7. Prior to operation of the Motor Vehicles Sales and Rentals establishment, the parking lot shall be restriped to reflect all parking spaces required by the Zoning Ordinance, including handicap spaces in accordance with the Americans with Disabilities Act (ADA).
8. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.
9. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.
10. There shall be no auto repair or service on the site.
11. There shall be no outside audio speakers for any purpose.
12. There shall be no signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs. There shall be no portable or nonstructural signs, or electronic display signs on the site.
13. There shall be no neon or electronic display signs, or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. No window signage shall be permitted.
14. 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 properties.

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 located within the Suburban Area. The general planning principles for the Suburban Area focus on creating and maintaining great neighborhoods through stability and sustainability; protecting and enhancing open spaces and places of cultural and historical significance; and creating and maintaining a transportation system that provides connectivity and mobility. Achieving these goals requires that all land use activities either maintain or enhance the existing neighborhood through compatibility with surroundings, quality and attractiveness of site and buildings, improved mobility, environmental responsibility, livability, and effective buffering with respect to type, size, intensity and relationship to the surrounding uses.

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed and there are no known significant cultural resources associated with this site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Haygood Road	20,700 ADT ¹	25,100 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 2,400 ADT Proposed Land Use ³ – 73 ADT
¹ Average Daily Trips	² as defined by an automobile service station with 12 fueling pumps and convenience store	³ as defined by a used automobile sales establishment	⁴ LOS = Level of Service

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

Haygood Road is a four lane minor urban arterial. The MTP shows a four lane minor arterial with an ultimate right-of-way of 110-feet. There are currently no CIP projects scheduled for this segment of Haygood Road.

Public Utility Impacts

Water & Sewer

The site is currently connected to both City water and sanitary sewer services.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021 and May 2, 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 April 26, 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 May 6, 2021.

Proposed Site Layout



PROPOSED BUILDING SIGN

Commonwealth Auto Group.COM

FACE OF SIGN FOR EXISTING FREESTANDING SIGN

**Commonwealth
Auto Group**

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 Commonwealth Auto Group Inc

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Chris Reece

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

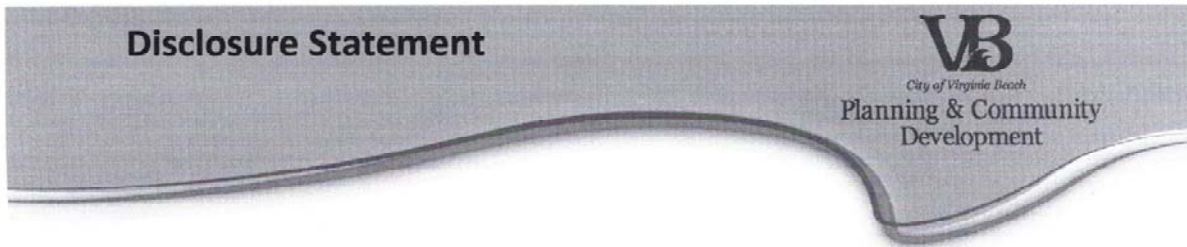
- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

Christopher Reece President

- If yes, list the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

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

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



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.

SBK

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

☒ Yes ☐ No

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

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

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

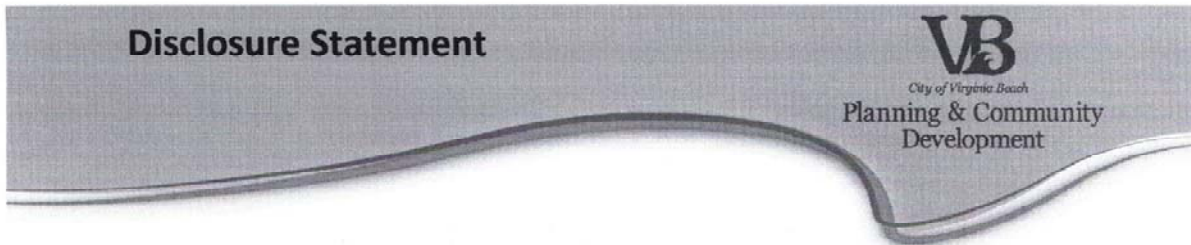
4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

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

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

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


Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If **yes**, identify the company and individual providing the service.
-
7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If **yes**, identify the firm and individual providing the service.
-
8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If **yes**, identify the firm and individual providing the service.
-

Applicant Signature

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


Applicant Signature
Chris Reece President
Print Name and Title
3-23-20
Date

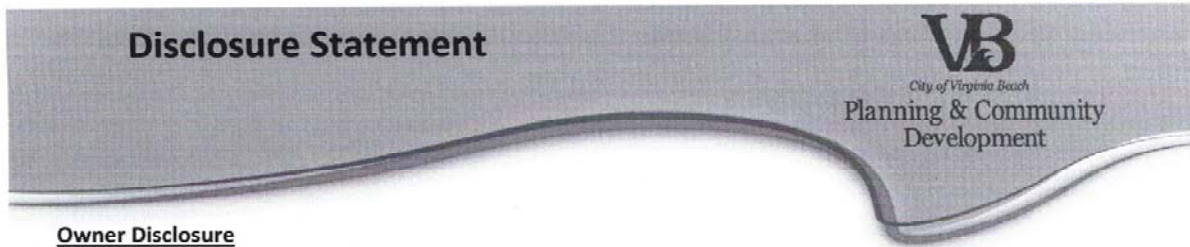
Is the applicant also the owner of the subject property? ☐ Yes ☒ No

- 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 WWMD Properties, LP

Applicant Name Commonwealth Auto Group Inc

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)

Stephen T. Williams, Sr.

- 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

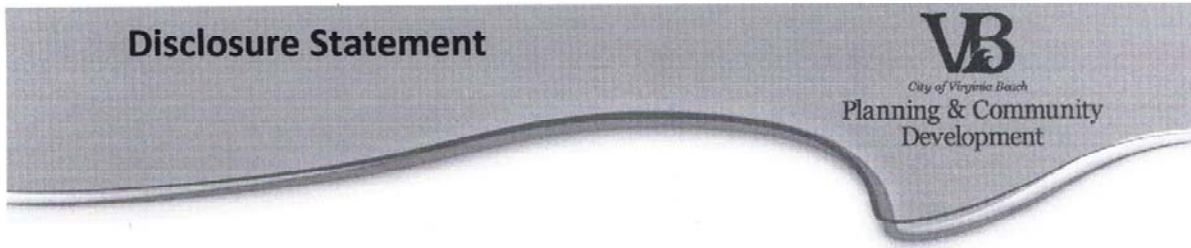
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Owner Services Disclosure

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.

Kevin O'Keefe and Natalie Hucke with Colliers

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

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

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

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

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

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

Christopher Reece / Commonwealth Auto Group, Inc.

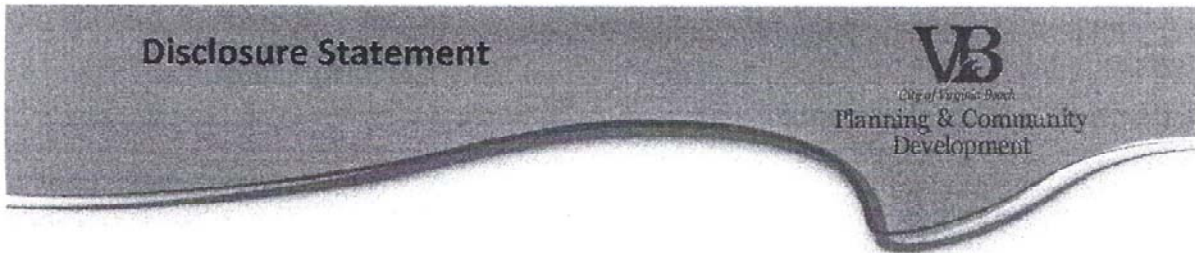
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- If **yes**, identify the company and individual providing the service.

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

Disclosure Statement



8. Is the Owner receiving legal services in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the firm and individual providing legal the service.

Owner Signature

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

Owner Signature
Stephen T. Williams, Sr. / Member
Stephen T. Williams, Sr. / Member

Print Name and Title

3-19-2024

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.



Applicant & Property Owner **Elias Properties Virginia Beach Independence, LLC**
Planning Commission Public Hearing **May 12, 2021**
City Council Election District **Centerville**

Agenda Item

3

The applicant is requesting a 30-day deferral in order to address concerns the single-family community to north has regarding access to the site.

Request

Conditional Rezoning (B-1 Neighborhood Business to B-2 Community Business)

Staff Recommendation

Deferral

Staff Planner

Marchelle Coleman

Location

2749 S. Independence Boulevard

GPIN

1475416438

Site Size

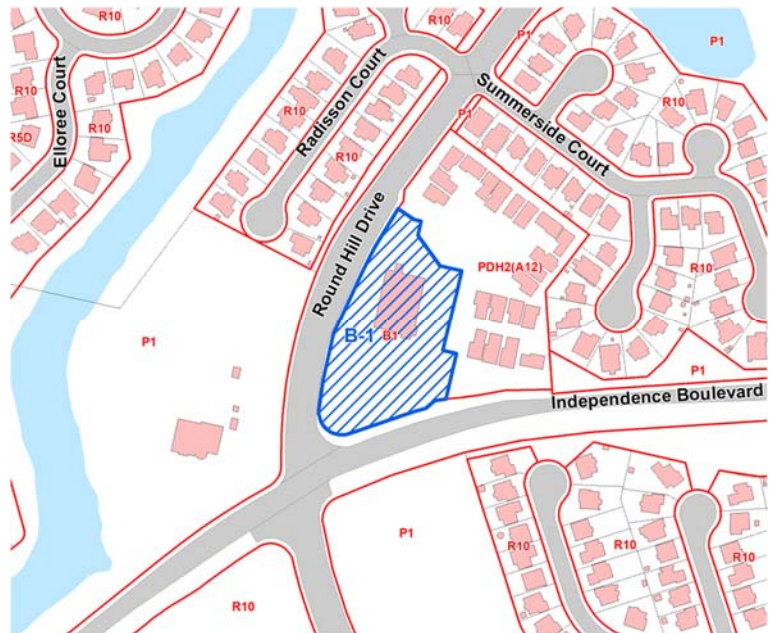
2.17 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers



Request

Conditional Use Permit (Mini-Warehouse)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

2121 Centerville Turnpike

GPIN

1454985427

Site Size

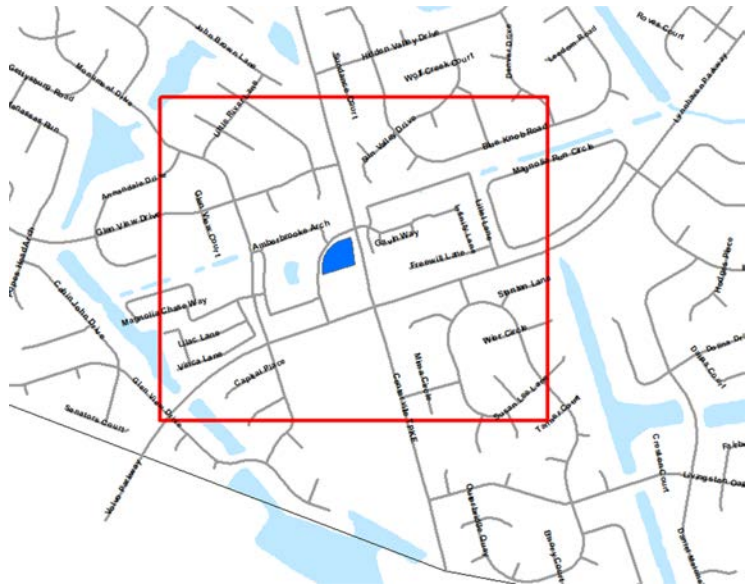
1.10 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers



Existing Land Use and Zoning District

Vacant, parking lot / B-4 Mixed Use

Surrounding Land Uses and Zoning Districts

North

Multi-family / B-4 Mixed Use

South

Mixed use residential, retail / B-4 Mixed Use

East

Centerville Turnpike

Multi-family dwellings, gas station with convenience store / PD-H2 Planned Unit Development (A-24 Overlay), B-2 Business

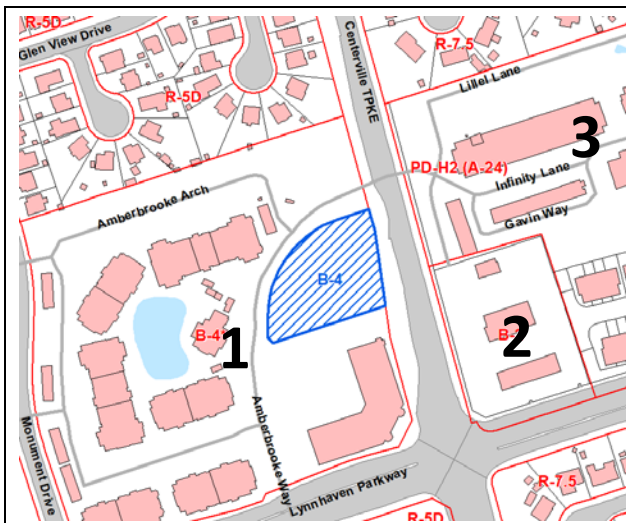
West

Multi-family dwellings / B-4 Mixed Use



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Mini-Warehouse in order to construct a 25,000 square foot indoor self-storage facility on this B-4 Mixed District zoned parcel. A portion of the property contains a parking lot and undeveloped area.
- The proposed building will be a climate controlled, three-story, 25,430 square foot, mini-warehouse building with a total height of 43 feet. The façade will consist of a neutral color palette with a mix of manufactured stone veneer, brick veneer, smooth finished insulated metal panel veneer, and a standing seam metal roof.
- Per the Zoning Ordinance, one space per employee on the maximum working shift is required. This on-site parking requirement is met, providing the required three parking spaces.
- The applicant is seeking a deviation to the required 35-foot front yard setback. A 15-foot front yard setback is proposed that will align the proposed developed with the adjacent buildings along Centerville Turnpike. The applicant is requesting that this deficiency be addressed through the provisions of Section 221(i) of the Zoning ordinance, which allows City Council to grant deviations from required setbacks if “for good caused shown upon a finding that there will be no significant detrimental effects on surrounding properties.
- Customer access into the building will be between the hours of 6:00 a.m. to 9:00 p.m., and the office operating hours will be from 9:00 a.m. to 6:00 p.m., seven days a week, with up to three employees on site.



Zoning History

#	Request
1	MOD (Proffers) Approved 09/11/2012 MOD (Proffers) Approved 02/12/2008 CRZ (B-2 to Conditional B-4) Approved 12/12/2006
2	CUP (Automobile Service Station, Car Wash) Approved 12/13/2016
3	CRZ (B-2 to Conditional PD-H2 (A-24 Overlay)) Approved 9/24/2013 SVR (Public ROWs) Approved 9/24/2013 CRZ (B-2 to Conditional A-24 Overlay) Approved 3/10/2009 CUP (Fuel Sales with Convenience Store & Multi-family Dwellings) Approved 3/10/2009 CUP (Outdoor Recreation) Approved 1/25/1994

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 request for a Conditional Use Permit for a Mini-Warehouse, in Staff’s opinion, is acceptable. The request is in keeping with the policies and goals set forth in the Comprehensive Plan for the Suburban Area, as it pertains to infill development. The development of this site is compatible to the existing development around it. The proposed storage facility is surrounded by both commercial and residential uses and provides a service to the surrounding businesses and residences. It is anticipated that the development of this site will have minimal impacts on the adjacent properties.

As required by the City Zoning Ordinance, the front yard setback in this zoning district is 35-feet from the property line. However, in order to provide an urban style of development consistent with the existing development, the developer designed the project to be closer to the street and aligned with the adjacent building to the south. Staff is supportive of the reduced setback as the proposed building will be setback 15 feet from the future Centerville Turnpike alignment as planned with the Phase 3 CIP roadway project. The setback requirements were also discussed with Dominion Energy who determined that the proposed 15-foot setback from the proposed right-of-way will provide sufficient area for a future distribution line. Staff believes that the request to deviate from the 35-foot front yard setback to a 15-foot front yard setback is warranted, as it aligns with the adjacent building, contributes to the continuation of the pedestrian-scale for development along this portion of Centerville Turnpike, and will not interfere with the Centerville Turnpike Phase 3 roadway project or Dominion Energy's utilities.

There is shared parking between the existing apartment, retail, and the proposed self-storage. The site is currently over-parked with 531 parking spaces. With the construction of the Mini-Warehouse building, the parking will be eliminated by 34 parking spaces, providing a total of 497 parking spaces. The site will still meet the required 497 parking spaces, based on the following breakdown of parking on site: existing retail (21,305 sq. ft) requires 86 parking spaces, residential parking (first 50) requires 100 parking spaces, the additional residential parking (176) requires 308 parking spaces, and the maximum number of employee's on the peak shift for the self-storage will require three parking spaces.

While both Lynnhaven Parkway and Centerville Turnpike in the vicinity of this application are under capacity, the development of this site with a self-storage facility will result in a decrease in traffic generation as compared to a typical mixed use development that contains both commercial/office and residential uses.

As recommended by Staff, the applicant has 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 conditions listed below.

Recommended Conditions

1. When the property is developed, it shall be in substantial conformance with the concept plan entitled "STORAGE BUILDING – CASCADES OUTPARCEL – Virginia Beach, VA", prepared by Timmons Group, dated March 25, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. A 15-foot front yard setback is proposed for this site. This is a deviation to the 35-foot front yard setback required by the City Zoning Ordinance.
3. The exterior of the proposed buildings shall substantially adhere in appearance, size, materials to the submitted elevations entitled "CASCADES SELF STORAGE", prepared by GMF + Associates, dated 4/13/2020, which has 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 to the Development Services Center of the Department of Planning & Community Development for review and ultimate approval prior to the issuance of a Certificate of Occupancy.
5. All signage on the site shall meet the requirements of the Zoning Ordinance. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any signage.

6. All outdoor lighting shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any new outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

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

Stormwater Impacts

Project Stormwater Design Staff Summary

The project site is divided into two (2) main drainage areas with the majority of the proposed self-storage project designed to convey stormwater runoff to a proposed stormwater management facility (SWMF) before flowing to the existing drainage system for the Cascades Apartments. The proposed system will tie into the existing apartment stormwater drainage infrastructure with no changes proposed or needed to the existing storm sewer (public or private). The 0.3 acres of the site that currently directs drainage directly toward the right-of-way in the predevelopment condition has been reduced to 0.13 acres post development.

The SWMF proposed is an underground storage system to be installed under the proposed parking area. The SWMF will be installed about 4 feet below the existing grade and will allow for adequate space to install the parking pavement section above the system without the need to elevate or increase the final grade of the site.

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) as required.

Based on the information provided by Timmons Group Services 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 for this site. Final design and detailed updates will be made during site plan submittal. Additional detailed project stormwater information is listed below.

Project Information

Total project area: 1.24 Acres

Pre-Development impervious area: 0.59 Acres

Post-Development impervious area: 0.91 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 system

Total storage volume provided in proposed stormwater management facility: 10,436 cubic feet

Description of outfall: Runoff leaves the site in two directions. Stormwater from the underground storage system will connect into the existing drainage system for the Cascades Apartments, which then connects to the Centerville Turnpike storm sewer system. A small area will continue to sheet flow directly to the Centerville Turnpike right-of-way storm sewer system.

Downstream conveyance path: The Centerville Turnpike storm sewer system drains south across the Chesapeake border into Stumpy Lake, and then to the North Landing River.

Stormwater Quality Compliance Design Information

Pounds of phosphorus removal per year (lb/yr) required: 0.86 lb/yr

Method of treatment proposed: All water quality treatment is proposed to be provided through the purchase of nutrient credits from offsite nutrient banks.

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 reduction in hydraulic grade line (water surface elevation) for 10-year and 100-year storms (including 1.5' SLR) in evaluated structures downstream of project site.

100-Year storm evaluation: Stormwater modeling demonstrates project meets requirement of no increase (0.00' increase) in water surface elevation to any existing flooded areas.

Sea-Level Rise: Project evaluated, and stormwater modeling demonstrates proposed structures will not be inundated with 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 are no known natural or cultural resources on the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Lynnhaven Parkway	18,500 ADT ¹	22,800 ADT ¹ (LOS ⁴ “D”)	Existing Land Use ² – 770 ADT Proposed Land Use ³ –115 ADT
Centerville Turnpike	17,500 ADT ¹	15,000 ADT ¹ (LOS ⁴ “D”)	
¹ Average Daily Trips	² as defined by a B-4 Mixed Use District use	³ as defined by a self-storage facility	⁴ LOS = Level of Service

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

Lynnhaven Parkway, in the vicinity of this application, is considered a four-lane divided minor urban arterial. The MTP proposes a four-lane facility within a 110-foot right-of-way.

Centerville Turnpike, in the vicinity of this application, is considered a two-lane undivided minor suburban arterial. The MTP proposes a six-lane facility within a 150-foot right-of-way.

A CIP project is slated for this area. Centerville Parkway Phase III (CIP 2.419) is for construction of a four-lane divided highway within a 145-foot right-of-way from Kempsville Road to Chesapeake City line. The project will also include full improvements along Centerville Turnpike at the Lynnhaven Parkway intersection. Currently, this project is fully funded and is scheduled to begin construction in late 2023.

Public Utility Impacts

Water

The site must connect to City water. There is an existing 16-inch City water transmission main along Centerville Turnpike.

Sewer

City gravity sewer is not directly available. In 2008, Public Utilities approved sharing of private sanitary sewer between the subject parcel and the adjacent parcel to the west addressed 5705 Lynnhaven Parkway (GPIN 1454-98-1390). Connection to city gravity sewer in Monument Drive can be made via connection to the private sewer system currently serving the adjacent development.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021 and May 2, 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 April 26, 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 May 6, 2021.



Proposed Building Renderings



GMF + ASSOCIATES

1000 MARKET ROAD
ANNAPOLIS, MD 21403
(410) 293-7000
WWW.GMFASSOCIATES.COM

- METAL BEAM ROOF
- STOREFRONT WINDOWS
- EIFS VENEER
- SMOOTH FINISHED INSULATED METAL PANEL VENEER
- ORNAMENTAL METAL AWNINGS
- BRICK VENEER
- MANUFACTURED STONE VENEER

CONTEXT RENDERING FROM NORTH EAST

CASCADES SELF STORAGE

A PROPOSED COMMERCIAL STORAGE FACILITY

FOR:

BONAVENTURE REALTY GROUP

VIRGINIA BEACH, VA

4/13/20

Site Photos



Site Photos





APPLICANT'S NAME BPMS Cascades 2, 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: BPMS Cascades 2, LLC

If an LLC, list all member's names:

Members: Lillel Farms, Inc.; BWF Cascades, LLC; The Cascades at Woods Corner, LLC

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)*

Lillel Farms, Inc.; BWF Cascades, LLC; The Cascades at Woods Corner, LLC

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

(A) List the Property Owner's name: 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-subsiary ¹ or affiliated business entity ² relationship with the Property Owner: *(Attach list if necessary)*

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

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

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 checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	GMF + ASSOCIATES
<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	Timmons Group
<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?


N/A

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.

	Dwight Dunton III	1/31/20
APPLICANT'S SIGNATURE	PRINT NAME	DATE

Conditional Use Permit Application of BPMS Cascades 2, LLC

Supplemental Owner/Applicant disclosure Information

Owner/Applicant: BPMS Cascades 2, LLC

Members of BPMS Cascades 2, LLC: Lillel Farms, Inc.
BWF Cascades, LLC
The Cascades at Woods Corner, LLC

Manager of BPMS Cascades 2, LLC: Bonaventure Advisors, LLC

Managing (and Sole) Member of Bonaventure Advisors, LLC: Bonaventure Realty
Group, LLC

Managing (and Sole) Member of Bonaventure Realty Group, LLC: Dwight D. Dunton, III

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

Nonconforming Use

Staff Recommendation

Denial

Staff Planner

Hoa N. Dao

Location

416 Norfolk Avenue

GPINs

2427141242, 2427142119

Site Size

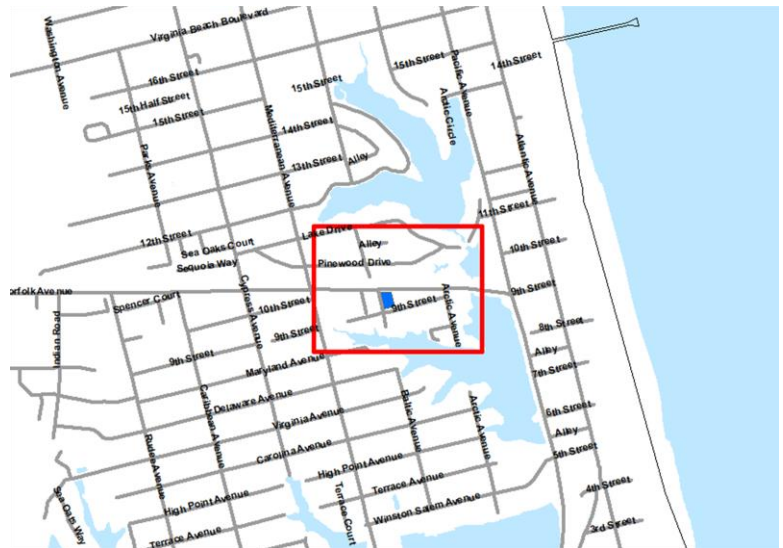
11,935 square feet

AICUZ

70-75 dB DNL

Watershed

Atlantic Ocean



Existing Land Use and Zoning District

Multi-family dwellings / A-12 Apartment

Surrounding Land Uses and Zoning Districts

North

Norfolk Avenue

Single-family dwelling / R-5S Residential

South

9th Street

Multi-family dwelling / A-18 Apartment

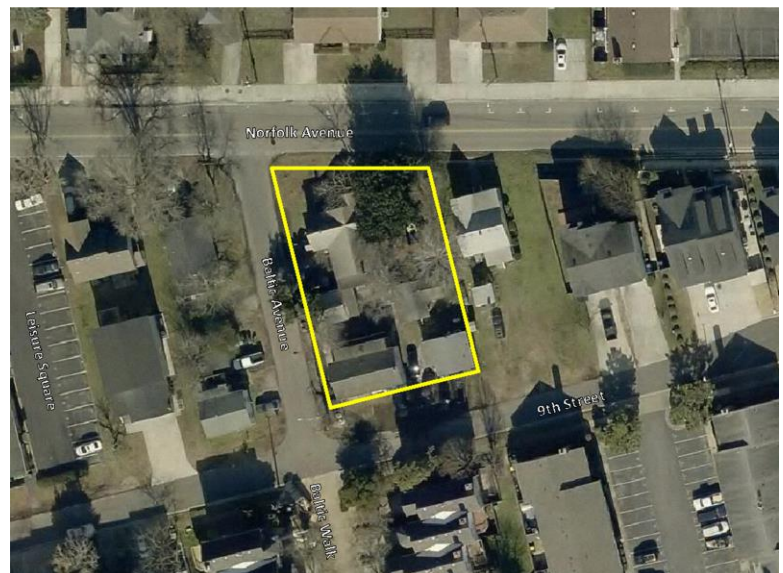
East

Single-family dwelling / A-12 Apartment

West

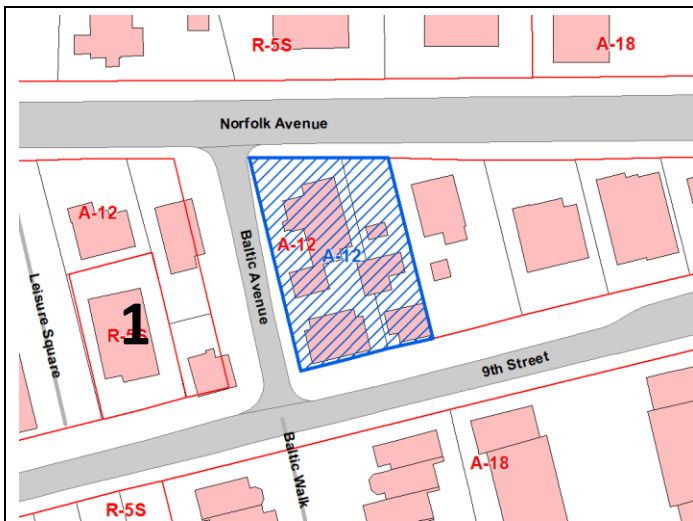
Baltic Avenue

Single-family dwelling / A-12 Apartment



Background & Summary of Proposal

- The subject property, zoned A-12 Apartment District, consists of five residential structures that according to the City Assessor's records were constructed in 1948. These dwellings vary in both size and shape contain a total of nine nonconforming units.
- The subject 11,935 square foot site consists of three lots that were platted in 1924. For newly created lots zoned A-12 Apartment District, a site of this size could yield three residential units.
- Particular to the subject site, as these three lots were created prior to the adoption of the Zoning Ordinance in 1954 and were legally established, a total of three duplex units (six total units) would be permitted as a matter of right.
- The applicant proposes to demolish the existing structures and redevelop the site with two new buildings, each containing four townhomes (eight total units). As the proposal exceeds the maximum of six units permitted, the applicant seeks to obtain permission to replace the existing nonconforming uses and fully redevelop the parcel with eight townhome units.
- The submitted elevations depict three-story townhouses with a contemporary design with asphalt shingle roofing, vinyl lap siding, vinyl windows, vinyl railing, and vinyl shutters.
- The submitted conceptual layout plan depicts the eight townhomes, 18 on-site parking spaces (including two carport spaces), and foundation and street frontage plantings, and a five-foot wide sidewalk proposed along Norfolk Avenue.
- The required front yard setback from Norfolk Avenue is 30 feet, and the side yard setback from Baltic Avenue and 9th Street is 15 feet. The existing buildings are 9.80 feet from Norfolk Avenue, 2.90 feet from Baltic Avenue, and 3.60 feet from 9th Street rights-of-way, respectively. The townhouses are depicted 10 feet from Norfolk Avenue, and 10.50 feet from Baltic Avenue and 9th Street, thereby not meeting the minimum required setbacks.



Zoning History

#	Request
1	REZ (A-12 to R-5S) Approved 05/08/2001

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

As stated above, as a matter of right the property could be developed with up to three duplex units (six units in total). While the proposed redevelopment will reduce the number of dwelling units from nine to eight, the number remains in excess of what is permitted by-right, which is six units. It is important to note that when a nonconforming structure is demolished, it loses its nonconforming status and the new development is required to comply with the current regulations. Section 105 of the Zoning Ordinance does not permit removal of an existing nonconforming structure in order to redevelop the site with a new nonconforming structure. The applicant is requesting to utilize Section 105 (d) of the Zoning Ordinance to allow for the nonconforming structure to be “enlarged, extended, reconstructed, or structurally altered” by resolution of City Council.

The property is located within the 70-75 dB DNL noise zone. While the residential use is not compatible with this noise zone, the reduction in the number of units is consistent with AICUZ regulations of the Zoning Ordinance.

While there are certain elements of the proposal that have merit, such as decreasing the number of units by one, reducing the degree of nonconformity of the building setbacks, and improved aesthetics of the site, in Staff’s view the proposed density is too dense for this 11,935 square foot parcel. The proposed density at 29.20 units per acre is incompatible with the surrounding area, which consist of single family residenceals and apartments to the south that has a density of 17.65 units per acre. The proposed redevelopment further increases the percentage of lot coverage, exceeding the maximum lot coverage allowed in the A-12 Apartment District by approximately 3,110 square feet or 65 percent. It is unclear how the applicant will address stormwater management for this redevelopment as the information was not submitted with the application. In addition, Traffic Engineering reviewed the proposal and commented that the proposed curb line radii and property line radius along Norfolk Avenue and 9th Street are proposed to be substandard.

As the proposal not consistent with the Zoning Ordinance for nonconforming structures and the proposed density is incompatible with the surrounding area, Staff recommends denial of this request; however, should the Planning Commission contemplate approval, the following conditions are provided for consideration.

Recommended Conditions

1. When the site is redeveloped, the maximum density shall not exceed six (6) multi-family dwelling units.
2. When the site is redeveloped, the exterior building materials shall substantially adhere to the elevations entitled, “Norfolk Avenue Residential at Baltic Avenue – Conceptual Elevations” December 9, 2019, and prepared by Finley Design Architecture + Interiors, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. When the site is redeveloped, a minimum setback of ten (10) feet shall be observed from all property lines. This is a deviation to the setback required by the Zoning Ordinance.
4. Prior to Site Plan approval, a Landscape Plan shall be submitted to the Department of Planning & Community Development for review and approval.
5. When the site is redeveloped, 5-foot wide sidewalks shall be installed along Norfolk Avenue and Baltic Avenue with curb and gutter.
6. When the site is redeveloped, the curb line radius at the intersection of Norfolk Avenue and Baltic Avenue shall be 35 feet, the curb line radius at the intersection of Baltic Avenue and 9th Street shall be 25 feet, in accordance with Section 3.5 of the Public Works Design Standards Manual. The property line radius at the intersection of Norfolk

Avenue and Baltic Avenue shall be 20 feet, and the property line radius at the intersection of Baltic Avenue and 9th Street shall be 10 feet, in accordance with Section 4.1 of the Subdivision Regulations.

7. Prior to Site Plan approval, a subdivision plat to vacate the interior property lines shall be submitted to the Department of Planning & Community Development for review, approval, and recordation.

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

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

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as Resort Area Strategic Growth Area (SGA). The Resort Area Strategic Action Plan, adopted in 2008, is the master plan prepared for this SGA and identifies the potential for three distinct yet complementary districts: Laskin Gateway, Central Beach and Rudee Marina. The Plan provides a vision for enhancing the energy at the beach into these three areas by developing synergies between the cultural and commercial life, the recreational and the natural life, and an overall focus of drawing residents and visitors into the area.

Natural & Cultural Resources Impacts

The site is located in the Atlantic Ocean watershed. There are no known cultural resources associated with this site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Norfolk Avenue	9,830 ADT ¹	12,500 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 66 ADT Proposed Land Use ³ – 58 ADT
Baltic Avenue	No Data Available	9,900 ADT ¹ (LOS ⁴ "D")	
¹ Average Daily Trips	² as defined by nine multi-family dwelling units	³ as defined by eight multi-family dwelling units	⁴ LOS = Level of Service

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

Norfolk Avenue is a two lane minor urban arterial. Norfolk Avenue is not addressed in the MTP and there are no roadway CIP projects scheduled for Norfolk Avenue in the vicinity of this site.

Baltic Avenue, in the vicinity of this site, is a two lane local street. This section of Baltic Avenue is not addressed in the MTP. There are currently no roadway CIP projects scheduled for Baltic Avenue in the vicinity of this site.

Public Utility Impacts

Water & Sewer

The subject site is connected to City water and sanitary sewer services.

Public Outreach Information

Planning Commission

- One letter of support and one petition of support with four signatures from nearby property owners have been received by Staff.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021 and May 2, 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 April 26, 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 May 6, 2021.

1 A RESOLUTION DENYING AN EXPANSION AND
2 RELOCATION OF A NONCONFORMING USE ON
3 PROPERTY LOCATED AT 416 NORFOLK AVENUE
4

5 WHEREAS, Ocean Rental Properties, LLC (the "Applicant") has made application
6 to the City Council for authorization to expand and relocate the nonconforming multifamily
7 structures located at 416 Norfolk Avenue and zoned A-12 Apartment Zoning District with
8 the demolition and reconstruction of all nonconforming structures on the parcel;
9

10 WHEREAS, this parcel currently contains five (5) residential structures with nine
11 (9) nonconforming dwelling units which were built prior to the adoption of the applicable
12 zoning regulations and are therefore nonconforming;
13

14 WHEREAS, the Planning Commission of the City of Virginia Beach recommended
15 denial of this application on May 12, 2021; and
16

17 WHEREAS, pursuant to Section 105 of the City Zoning Ordinance, the expansion
18 and relocation of nonconforming structures is unlawful in the absence of a resolution of
19 the City Council authorizing such action upon a finding that the proposed structures as
20 expanded will be equally appropriate or more appropriate to the zoning district than are
21 the existing structures.
22

23 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
24 VIRGINIA BEACH, VIRGINIA:
25

26 That the City Council hereby finds that the proposed structures as expanded and
27 relocated, will not be equally appropriate to the district as are the existing nonconforming
28 structures.
29

30 BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA
31 BEACH, VIRGINIA:
32

33 That the expansion and relocation of the nonconforming structures is hereby
34 denied.

Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day
of _____, 2021.

APPROVED AS TO CONTENT:



Planning and Community
Development

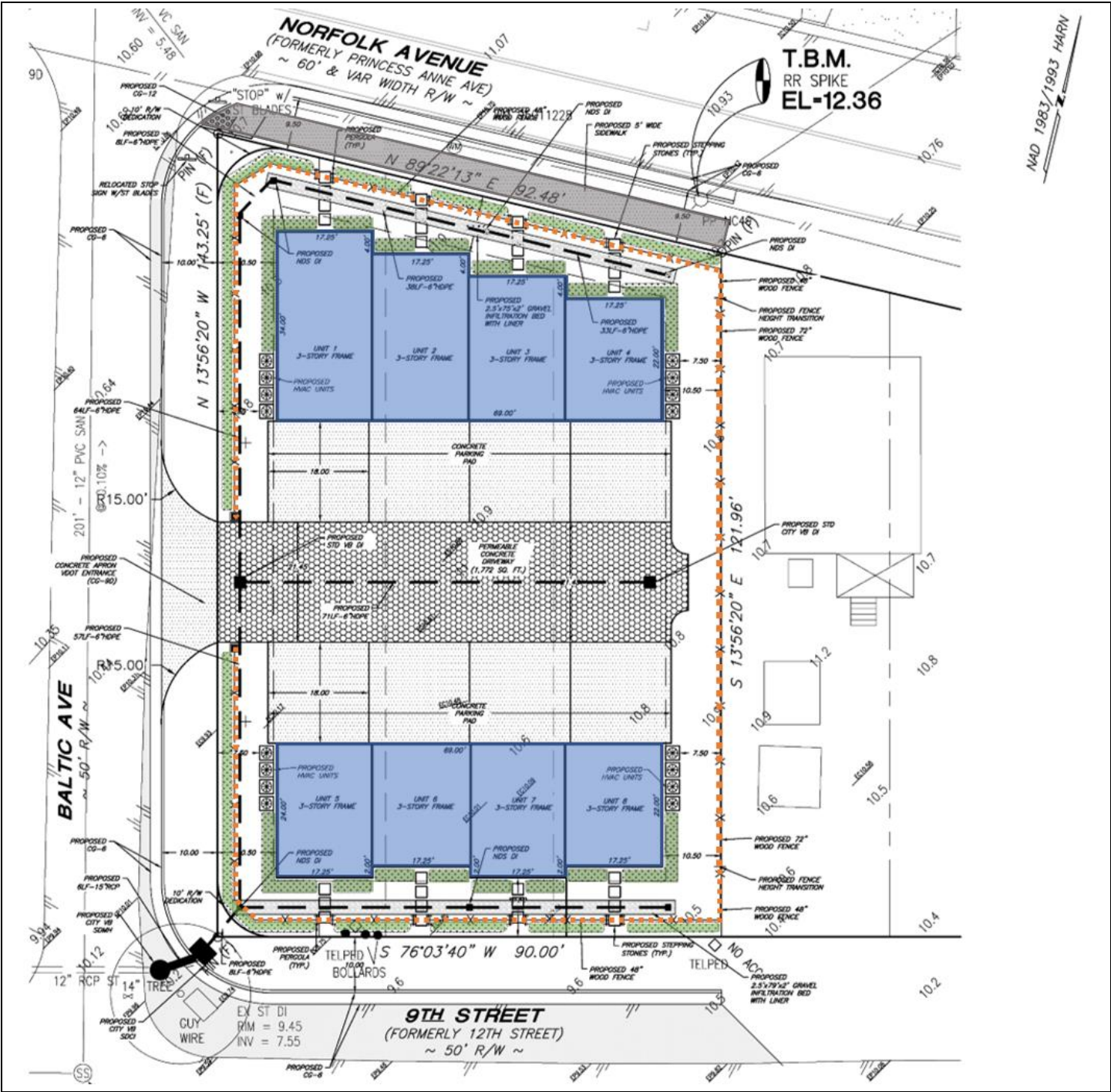
CA15437/R-1/April 26, 2021

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

Proposed Conceptual Site Layout



Proposed Elevation Plan



Conceptual Elevations
DECEMBER 9, 2019 SCALE: 3/16" = 1'-0"

Norfolk Avenue
Residential at Baltic Avenue

Proposed Renderings



Proposed Renderings



Site Photos



Site Photos





APPLICANT'S NAME Ocean Rental Properties, LLC

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

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.

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Page 1 of 7

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



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

(A) List the Applicant's name: Ocean Rental Properties, LLC
If an LLC, list all member's names:
Steven W. Bishard, Manager; John Bishard, Member

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

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

See next page for information pertaining to footnotes¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

- ☐ Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- ☐ Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.
- (A) List the Property Owner's name: _____
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 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)	TowneBank
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Sykes, Bourdon, Ahern & Levy, P.C.
<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.

Ocean Rental Properties, LLC	Steven W. Bishard, Manager	10/31/2019
By: 		
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.



Applicant: **Beach Building Group, Inc**
Property Owners: **David & Deborah McColgan, Kristin Worrell**
Public Hearing: **May 12, 2021**
City Council Election District: **Bayside**

Agenda Item

6

The applicant is requesting a 30-day deferral in order to address applicable components of the Shore Drive Design Guidelines.

Request

Conditional Rezoning (R-7.5 Residential to Conditional A-18 Apartment)

Staff Recommendation

Deferral

Staff Planner

Hoa N. Dao

Location

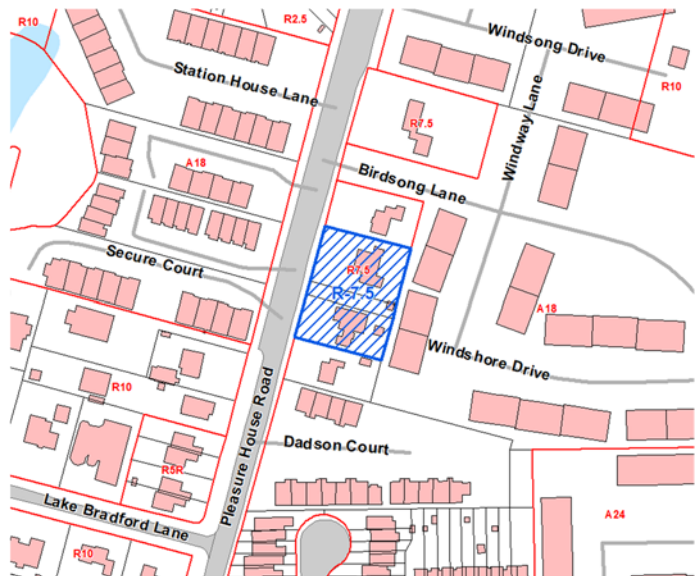
2332 & 2328 Pleasure House Road

GPINs

1479498450, 1479498301, 1479498364

Site Size

0.58 acres



Request

Conditional Use Permit (Group Home)

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

3396 Stoneshore Road

GPIN

1486822513

Site Size

3.91 acres

AICUZ

65-70 dB DNL; Sub-Area 3

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Church / A-12 Apartment, B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Office / B-2 Community Business

South

Stoneshore Road

Shopping center, office / B-2 Community Business, O-2 Office

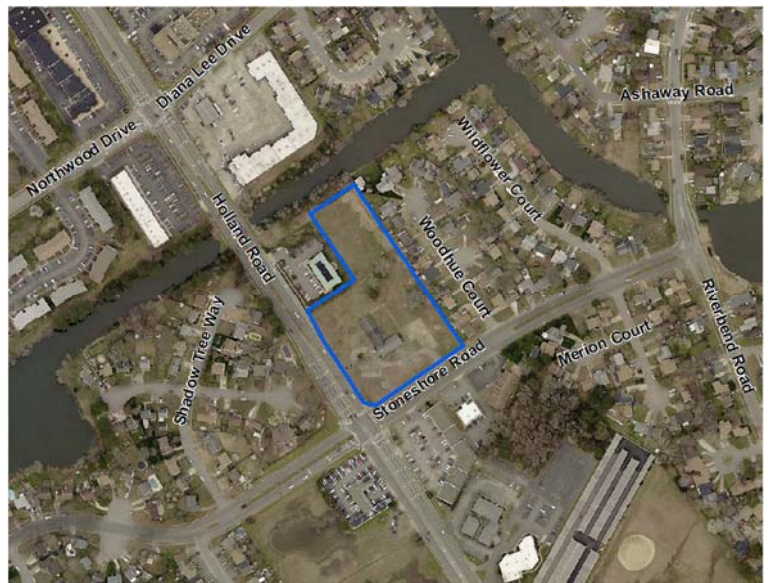
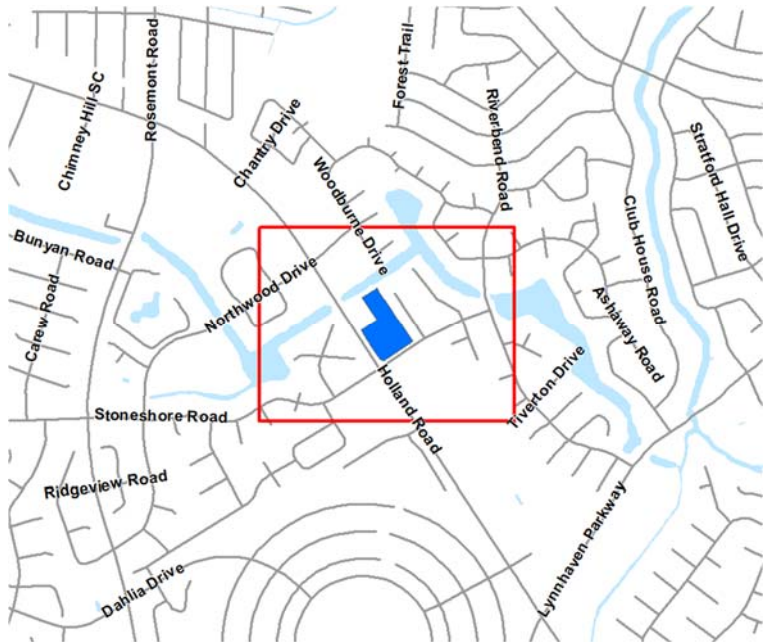
East

Duplex / A-12 Apartment

West

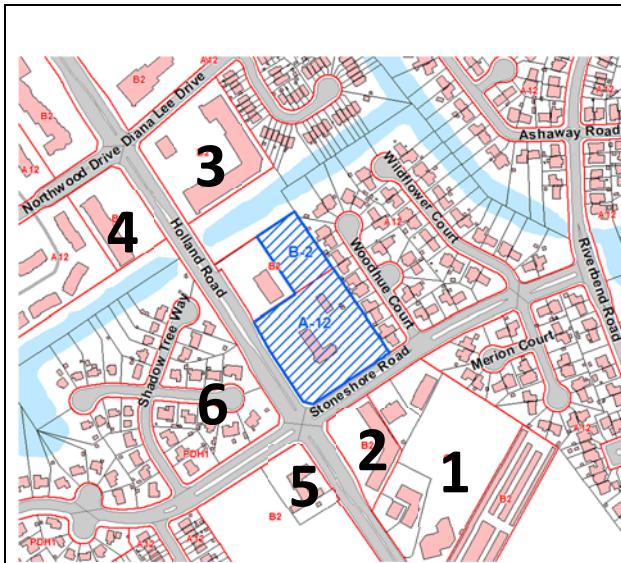
Holland Road

Single-family dwelling / PD-H1 Planned Unit Development



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Group Home for up to 20 children on a 3.91-acre parcel along Holland Road that is zoned both A-12 Apartment and B-2 Community Business Districts.
- The Group Home (Seton House) is a non-profit organization that currently operates out of three rented properties in the Kings Grant neighborhood of Virginia Beach. For 36 years Seton House has provided mentoring, counseling, education programs, and a safe and secure home for youth between the ages of 9 to 18 years old that are homeless, runaway, trafficked, disconnected, and at-risk. The applicant proposes to relocate to this site and construct a centralized campus location for the boy and girl shelters and administrative office.
- The Group Home will operate 24 hours a day, 7 days a week. There will be 10 to 12 staff members rotating during normal business hours and two to four staff members will be on-site overnight.
- The proposed Group Home buildings and associated parking lot will be located on property zoned A-12 Apartment. No residential component of the project is proposed, nor permitted, on the portion of the property zoned B-2 Community Business District.
- The site is currently developed with a church. The existing building will be demolished in order to construct three new buildings - two 6,000 square foot residential buildings for up to 20 at-risk children and one 5,000 square foot building for administrative use. Each residential building contains six rooms, each with two beds.
- The submitted elevations depict two, two-story residential buildings with a brick water table, vinyl siding and windows, and an asphalt shingle roof. The proposed single-story administration building will be constructed of similar materials and appearance as the residential buildings.
- The conceptual site layout depicts the required Category IV landscape buffer with a six-foot tall privacy fence along the eastern property line that abuts residentially zoned properties. A four-foot tall aluminum fence is proposed along the property street frontage, which meets the setback requirements for fencing.
- The property falls within the 65-70 dB DNL and Sub-Area 3 of the Air Installations Compatible Use Zones (AICUZ). As a matter of right, on the portion of the property zoned A-12 Apartment District up to 34 multi-family dwelling units could be constructed.



Zoning History

#	Request
1	CUP (Communication Tower) Approved 11/20/2018 CUP (Religious Use) Approved 07/14/2009
2	CRZ (B-1A to Conditional B-2) Approved 10/17/2017 CUP (Tattoo Parlor) Approved 10/17/2017 MOD (Business & Vocational School) Approved 04/04/2017 CUP (Business & Vocational School) Approved 03/03/2015 CUP (Child Care Center) Approved 02/08/2005 CUP (Religious Use) Approved 11/23/2004 CUP (Religious Use) Approved 11/27/2001 CUP (Religious Use) Approved 10/10/2000 CUP (Religious Use) Approved 11/22/1994
3	CUP (Religious Use) Approved 04/08/1992
4	CUP (Vehicle Rental) Approved 09/18/2012 CUP (Vehicle Rental) Approved 09/18/2012
5	MOD (Auto Repairs & Services) Approved 02/28/1995
6	LUP (Oak Springs) Approved 1984

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 request for a Conditional Use Permit for a Group Home, in Staff's opinion, is acceptable. The Group Home (Seton House) will provide care and service to children that are in great need and has been operating in the Kings Grant neighborhood for the past 36 years without incident or complaint from the neighbors. With the current lease of the boy's shelter set to expire by the end of August of this year, there is an urgent need to get this new location up and operational. The applicant's intent to renovate the existing church building to provide temporary shelter for the boys while the new shelters and administration building are being constructed. Once construction is completed, this site will serve as a centralized campus for the Seton House's operation to provide care and service for up to 20 children. During the weekdays, the children will be attending schools and visitation hours are limited to daylight time throughout the week.

The scale and design of the proposed buildings are compatible with surrounding residential and commercial uses. The proposed privacy fence and landscape buffer along the eastern property line will delineate the outdoor passive recreational area for the residents and add additional plantings and fencing between the properties. In Staff's view, this use will not change the character of the neighborhood and will not adversely affect the surrounding properties.

While the City Zoning Ordinance does not specify a minimum number of parking spaces for a Group Home, in Staff's opinion, the proposed 35 parking spaces exceed the parking need for this use with 12 employees and limited visitors. According to Traffic Engineering Staff, there is no trip generation data available for a Group Home; however, the anticipated traffic volume for a Group Home is less traffic than a typical A-12 residential land use and B-2 business land use. The Joint City-Navy Review Process Group (JRP) met on March 17, 2021, to review the request and found the proposal for a Group Home with up to 24 beds to be an acceptable density for this property.

Based on these considerations stated above, Staff recommends approval of the request subject to the conditions listed below.

Recommended Conditions

1. When the site is redeveloped, it shall be in substantial conformance within the submitted conceptual site layout exhibit entitled, "Conceptual Site Layout Plan of Seton House", prepared by Orbis Landscape Architecture, dated April 7, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. When the site is redeveloped, the exterior of the proposed buildings shall substantially adhere in appearance, size and materials to the submitted elevations entitled "Seton House Addition", prepared by DA, dated April 21, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. A Landscape Plan shall be submitted and approved by the Development Services Center Landscape Architect prior to the final site plan approval. Plantings along the property line adjacent to residentially zoned properties shall be allowed to grow and shall be maintained at a height of no less than eight (8) feet.
4. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official prior to the occupancy of the Group Home.
5. The number of beds utilizes for the Group Home shall not exceed twenty-four (24) and the number of children shall not exceed twenty (20).

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 recognizes this property as being within the "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 neighbors 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 Chesapeake Bay watershed and there are no known significant cultural resources associated with this site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Holland Road	32,700 ADT ¹	32,990 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 43 ADT on Weekday Existing Land Use ² – 171 ADT on Weekend Existing Zoning ² – 285 ADT Proposed Land Use ³ – No Data Available
Stoneshore Road	No Data Available	9,900 ADT ¹ (LOS ⁴ "D")	
¹ Average Daily Trips	² as defined by a 6,200 square foot church	³ No information available in the ITE Trip Generation Manual for event venues	⁴ LOS = Level of Service

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

Holland Road, in the vicinity of this application, is considered a four-lane divided minor urban arterial. This existing infrastructure currently resides in a variable width right-of-way. The MTP proposes a six-lane facility within a 165 foot right-of-way. There are currently no roadway CIP projects slated for this segment of the roadway.

Stoneshore Road, in the vicinity of this site, is a two lane divided local street and there are currently no CIP projects scheduled for segment of Stoneshore Road.

Public Utility Impacts

Water & Sewer

The subject site is connected to City water and sanitary sewer services.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021 and May 2, 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 April 26, 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 May 6, 2021.

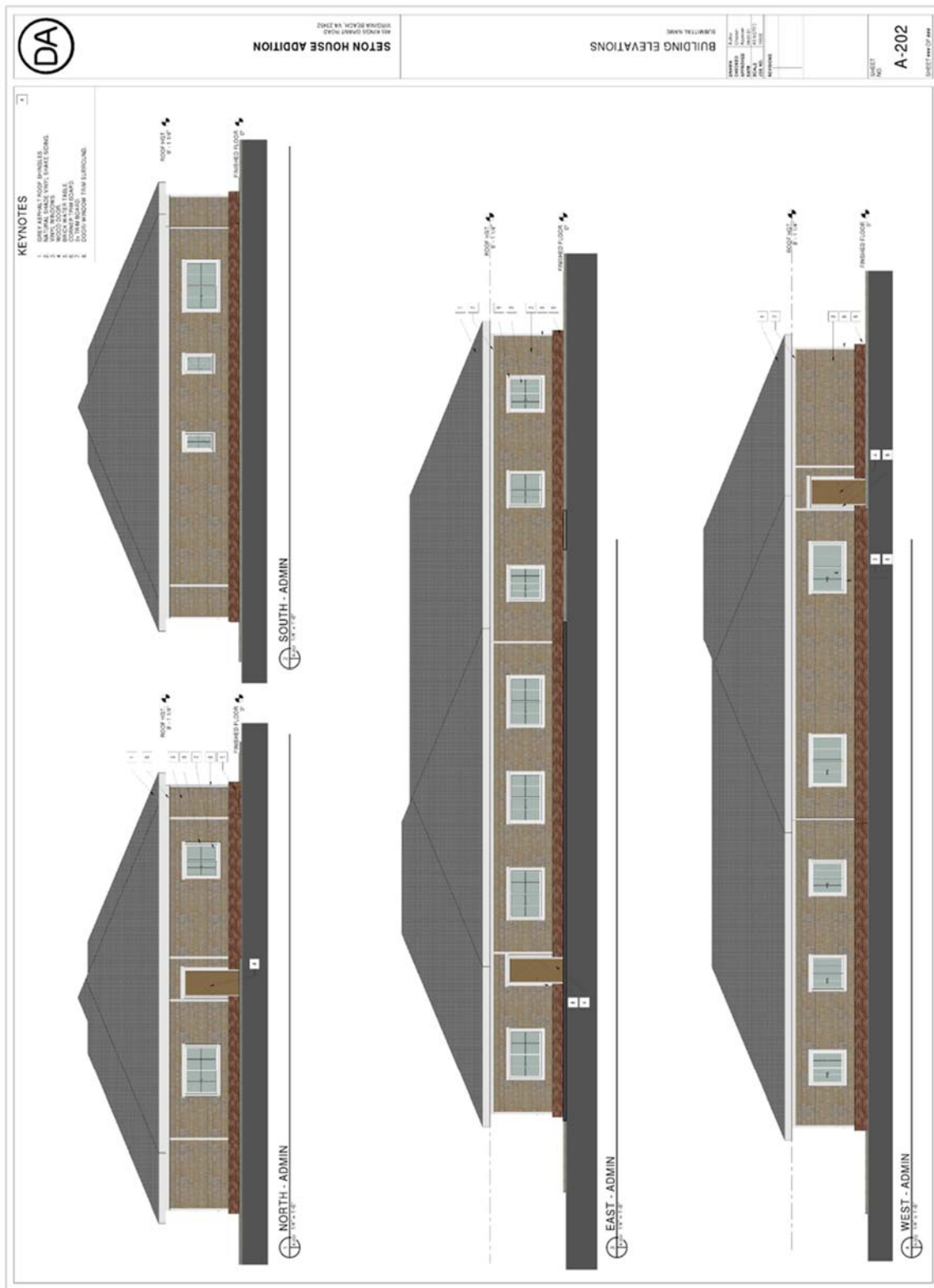
Proposed Site Layout



Proposed Elevation Plan



Proposed Administration Building Elevation 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 SH Campus LLC

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

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

Lawis S. Holland and Julie Griffin

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-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

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

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

Disclosure Statement



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.

Sharon Prescott with Beach South Realty

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.

Dills Architects 1432 N. Great Neck Road; Suite 204; Virginia Beach, VA 23454

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.

SHCampus, LLC is the pending purchaser. Settlement Attorney is Temple Law Group 291 Independence Blvd; Virginia Beach 23462

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.

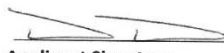
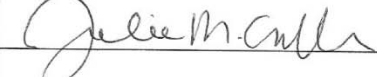
DKT Associates Land Surveyors 1100 Granby Street; Suite 100; Norfolk, VA 23510

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

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

Applicant Signature

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

 Applicant Signature <u>Lewis S. Holland Owner SHCampus, LLC</u> Print Name and Title <u>3-31-21</u> Date	 <u>Julie Griffin Representative SHCampus LLC</u> Print Name and Title <u>3-31-21</u> 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

Disclosure Statement



Owner Disclosure

Owner Name St Luke's United Methodist Church

Applicant Name SH Campus 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)

Thomas Rogers, Trustee Merlin Hadenfeldt, Trustee

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

None

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.

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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.

Keller Williams Town Center, Bob Williams

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

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

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

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

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

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

SH Campus LLC

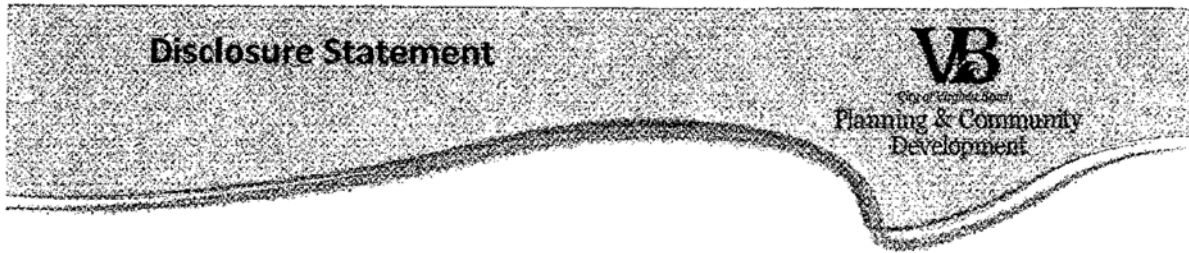
6. Does the Owner have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

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

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

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

Disclosure Statement



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

• If yes, identify the firm and individual providing legal the service.

Virginia Beach Law Group, David Johnson

Owner Signature

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



Owner Signature

Thomas Rogers, Trustee Merlin Hadenfeldt, Trustee

Print Name and Title

5 MAR 2021

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

Modification of Conditions

Staff Recommendation

Approval

Staff Planner

Hank Morrison

Location

877 S. Lynnhaven Road

GPIN

1496342200

Site Size

19,338 square feet

AICUZ

Greater than 75 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Undeveloped / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

South Lynnhaven Road

Retail establishments / B-2 Community Business

South

Ole Town Lane

Retail establishments / B-2 Community Business

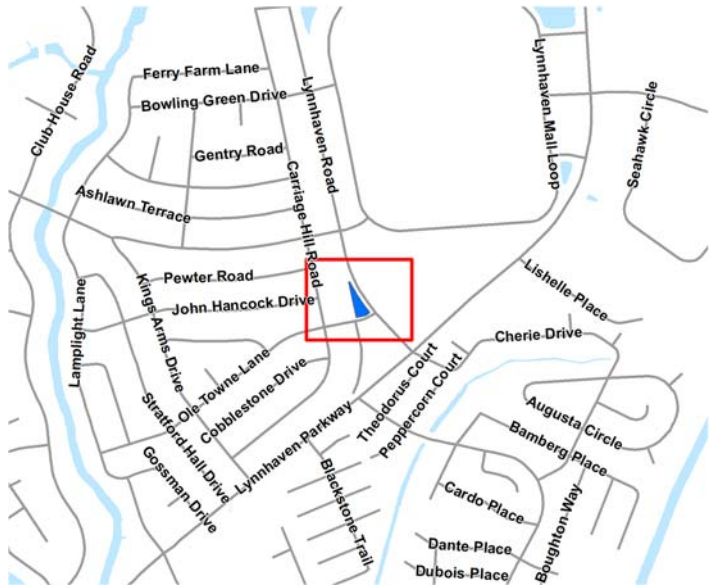
East

South Lynnhaven Road

Retail establishments / B-2 Community Business

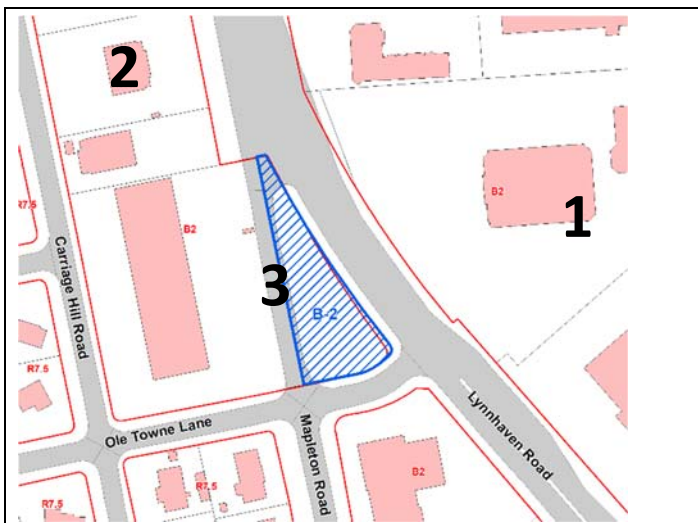
West

Retail establishments / B-2 Community Business



Background & Summary of Proposal

- The applicant is requesting a modification of street closure conditions to remove said conditions, allowing the easements to be vacated in order to increase the buildable area on the site. The applicant proposes to develop the property into a small office use.
- On August 13, 1984, City Council approved a Street Closure for approximately 23,470 sq. ft. of South Lynnhaven Road that encompassed a portion of this property with the conditions that (1) an easement be reserved to the City for installation and/or maintenance of public utilities; (2) an easement be reserved to the City for access of emergency vehicles; and (3) the closure shall be contingent upon compliance with the above-stated conditions within 180 days of approval by City Council. On May 20, 1985, City Council approved an extension of time to meet the street closure conditions and adopted an ordinance for the final approval of the street closure.
- On May 31, 1985, the applicant's predecessor in title dedicated the easements as to the applicant's property to the City by a Deed of Easement recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach.
- The applicant's property is approximately 19,338 square feet, is zoned B-2 Community Business District, and is currently undeveloped. 11,694 square feet (60%) of the property is encumbered with the easements.



Zoning History

#	Request
1	CUP (Automobile Repair) Approved 01/13/2016
2	CUP (Automobile Repair & Sale) Approved 09/10/1997
3	STC Approved 5/20/1985

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

Staff finds this request to modify the original conditions of the street closure to be acceptable. At 19,338 square feet, the site currently does not meet the 20,000 square foot minimum dimensional requirements for development in the B-2 zoning district. However, the parcel was legally created prior to the minimum dimensional requirements were put into place, making the property legally nonconforming. Modifying the conditions to allow the vacation of easements on the applicant's property would expand the buildable area on the site. Based on its proximity to other commercial uses, future development of this parcel into office or retail will be compatible to the surrounding area. The proposal to vacate the easements on the subject property has been reviewed by the Department of Public Utilities and Department of

Public Works - Traffic Engineering. No concerns were raised for the vacation of the easements. Staff recommends approval of this request subject to the conditions listed below.

Recommended Conditions

1. As to the applicant's property, the conditions attached to the Street Closure granted on August 13, 1984 and extended on May 20, 1985 are hereby deleted.
2. As to the applicant's property, a Deed of Partial Vacation to vacate the variable with public utility and emergency vehicle access easements shall be recorded with City of Virginia Beach Clerk of Circuit Court within 365 days from the date of City Council action. The Deed of Partial Vacation shall be subject to the approval of the City Attorney's Office.
3. All City public utility infrastructure within the easement area to be vacated shall be relocated or abandoned as determined and approved by the Department of Public Utilities.

1984 Street Closure Conditions

The original Street Closure was approved by City Council on August 13, 1984, with an extension of time and final approval on May 20, 1985. The conditions were as follows:

1. An easement reserved to the City for installation and maintenance of public utilities.
2. An easement reserved for access of emergency vehicles.
3. The closure of this right of way shall be contingent upon compliance with the above-stated conditions within 180 days of the approval by City Council.

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

This street closure modification application involves property that is zoned B-2 and surrounded on all four sides by properties with similar zoning or uses. Therefore, this application is consistent with the Comprehensive Plan Suburban Area Guiding Planning Principle to create and maintain neighborhood stability and sustainability. Ultimate development of this property to a B-2 use should not be incompatible to the surrounding uses or the nearby residential neighborhood.

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 on the site.

Public Utility Impacts

Water

- There is an existing 12-inch City water main located within the western half of the closed portion of South Lynnhaven Road.
- If the site is developed in the future it will be required to connect to City water.

Sewer

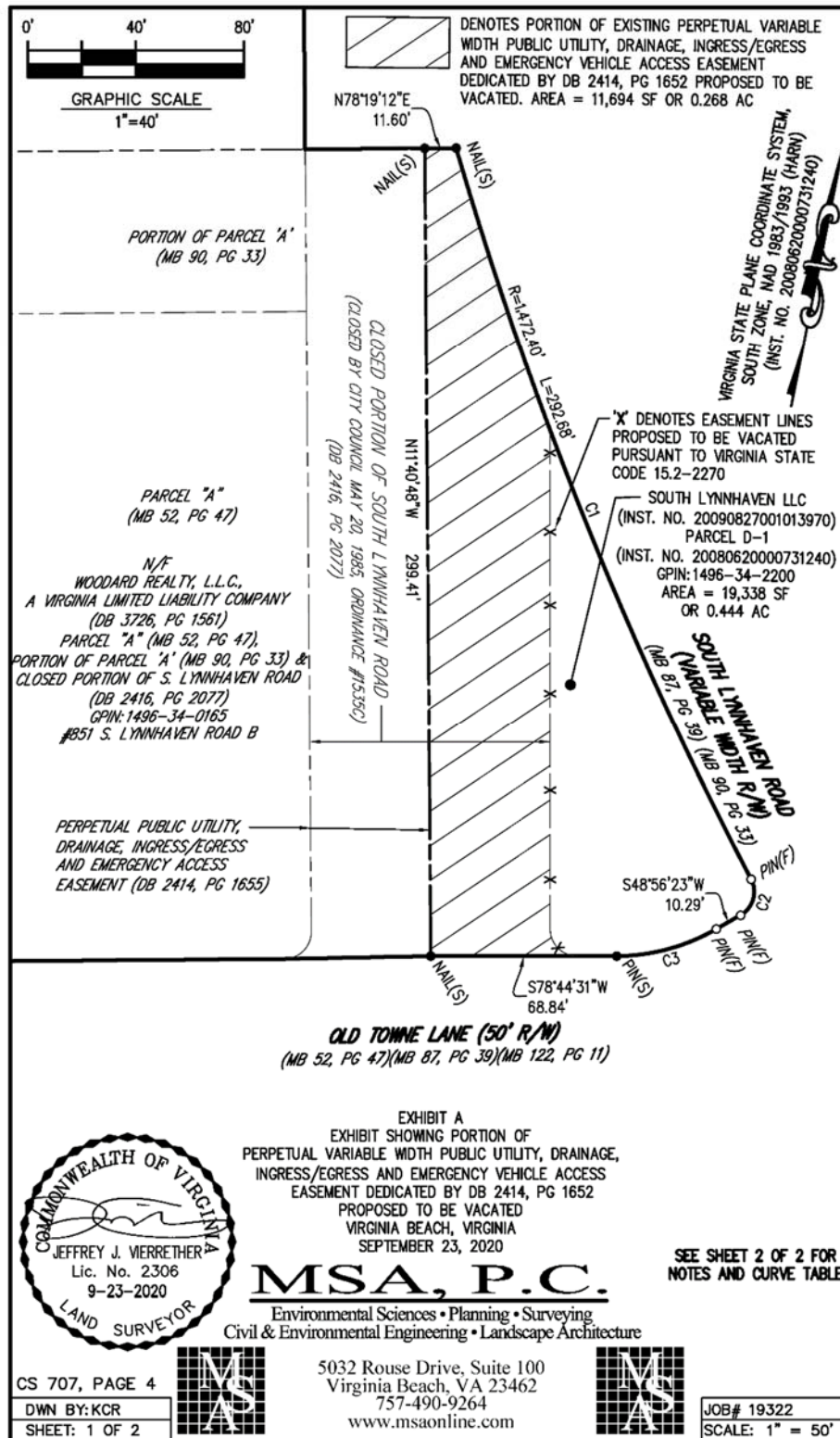
- City sanitary sewer is not readily available the site. However, there is an option to connect to the existing 8-inch City sewer main near the intersection of Ole Towne Lane and Cariage Hill Road.
- The existing 8-inch City sewer force main, which is no longer in service, located within the portion of the Public Utility Easement proposed to be vacated will need to be abandoned in accordance with Public Utility Standards.
- The abandonment must be shown on a site plan for future development of the property

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021 and May 2, 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 April 26, 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 May 6, 2021.

Street Closure Exhibit



Site Photos



Site Photos





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 South Lynnhaven LLC

Does the applicant have a representative? ☒ Yes ☐ No

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

John Merenda

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)

John Merenda; Cowles M. Spencer, Jr., Chris Wood, James Wood, Levi Thompson

- If **yes**, list the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

n/a

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

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



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?

James Wood, part owner

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.

Mid-Atlantic Commercial Real Estate

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

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

Rocklaine Financial

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.

MSA, Casey Ragle

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.

Client prefers not to disclose

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.

Harry R. Purkey, Jr., P.C., Harry R. Purkey, 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

John Merenda

Print Name and Title

John Merenda - Managing Member

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.

Request

Conditional Use Permit (Family Day-Care Home)

Staff Recommendation

Approval

Staff Planner

Antionette Fowlkes

Location

1105 Voss Court

GPIN

2415329877

Site Size

7,521 square feet

AICUZ

Greater than 75 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Single-family dwelling / PD-H1 Planned Unit Development

Surrounding Land Uses and Zoning Districts

North

Single-family, duplex / PD-H1 Planned Unit Development

South

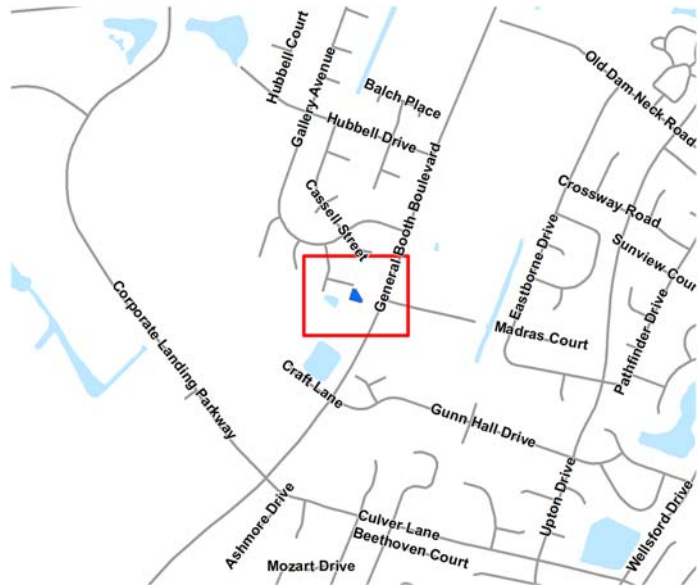
Childcare education center / AG-2 Agricultural

East

Grocery store / B-2 Community Business

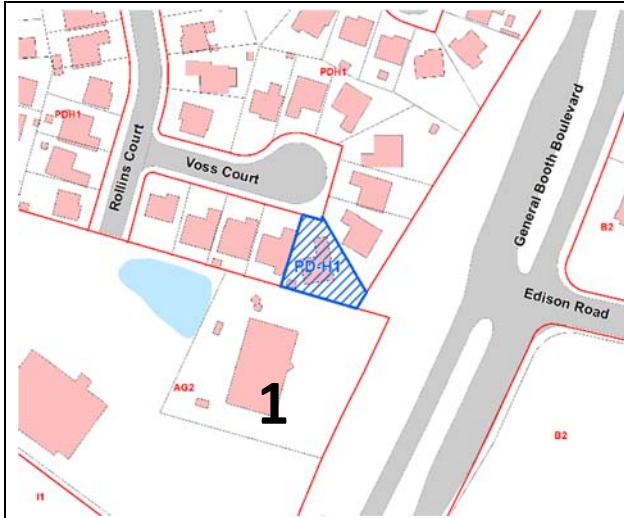
West

Single family, duplex / PD-H1 Planned Unit Development



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Family Day-Care Home to care for up to 12 children within a single-family dwelling. The 7,521 square foot parcel is zoned PD-H1 Planned Unit Development and is located in the Dam Neck Estates neighborhood.
- The applicant has 22 years of experience caring for children.
- The designated outdoor play area is located in the side yard enclosed by a six-foot tall privacy fence.
- The typical hours of operation are 6:30 a.m. through 5:30 p.m., Monday through Friday.



Zoning History

#	Request
1	CUP (Religious Use) Approved 03/31/2004

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 request for a Conditional Use Permit for a Family Day-Care Home, in Staff's opinion, is consistent with the policies and goals set forth in the Comprehensive Plan for the Suburban Area. Staff finds the property to be organized and well kept, successfully promoting the policies intended to ensure the maintenance and sustainability of great neighborhoods.

The applicant has requested to provide day-care services for up to 12 children and has over 22 years of experience. A Family Day-Care Home with four or less children is allowed by-right in residential zoning districts. When the number of children cared for increases to five or more children, excluding the provider's own children and those who reside in the home, both state licensure and a Conditional Use Permit are required.

Staff recommends conditions that pick-up and drop-off times be staggered and to allow only one Home Occupation operating on the property at any one time to alleviate the potential for congestion in the right-of-way.

In Staff's view, Family Day-Care Homes provide a needed and valuable service to the community and will not be detrimental to any adjacent land uses. Based on these considerations, Staff recommends approval of this request subject to the conditions listed below.

Recommended Conditions

1. Arrival and departure times shall be staggered to avoid vehicular congestion.
2. The Family Day-Care Home shall be limited to the total of twelve (12) children, other than children living in the home.
3. The applicant shall maintain a license with the Virginia Department of Social Services for childcare.
4. No more than one (1) person, other than the applicant, shall assist with the operation of the Family Day-Care Home at any one time.
5. Any sign identifying the home occupation shall be non-illuminated, not more than one (1) square foot in area and mounted flat against the residence.
6. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Day-Care Home.
7. The applicant/owner shall maintain a six-foot privacy fence around the perimeter of the rear yard for the duration of the use.
8. There shall be only one Home Occupation, the Family Day-Care Home, operating on the property associated with this Conditional Use Permit.

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 located within the Suburban Area. The general planning principles for the Suburban Area focus on creating and maintaining great neighborhoods through stability and sustainability; protecting and enhancing open spaces and places of cultural and historical significance; and creating and maintaining a transportation system that provides connectivity and mobility. Achieving these goals requires that all land use activities either maintain or enhance the existing neighborhood through compatibility with surroundings, quality and attractiveness of site and buildings, improved mobility, environmental responsibility, livability, and effective buffering with respect to type, size, intensity and relationship to the surrounding uses.

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 does not appear to be any significant natural or cultural resources associated with this site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Voss Court	No Data Available		Existing Land Use ¹ – 10 ADT Proposed Land Use ² – 58 ADT
<div><div>¹as defined by a single-family dwelling</div><div>²as defined by a single-family dwelling with a Family Day-Care Home</div></div>			

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

Voss Court, in the vicinity of this application, is considered a two-lane undivided local street. It is not included in the MTP and there are no roadway CIP projects planned for this area.

Public Utility Impacts

Water and Sewer

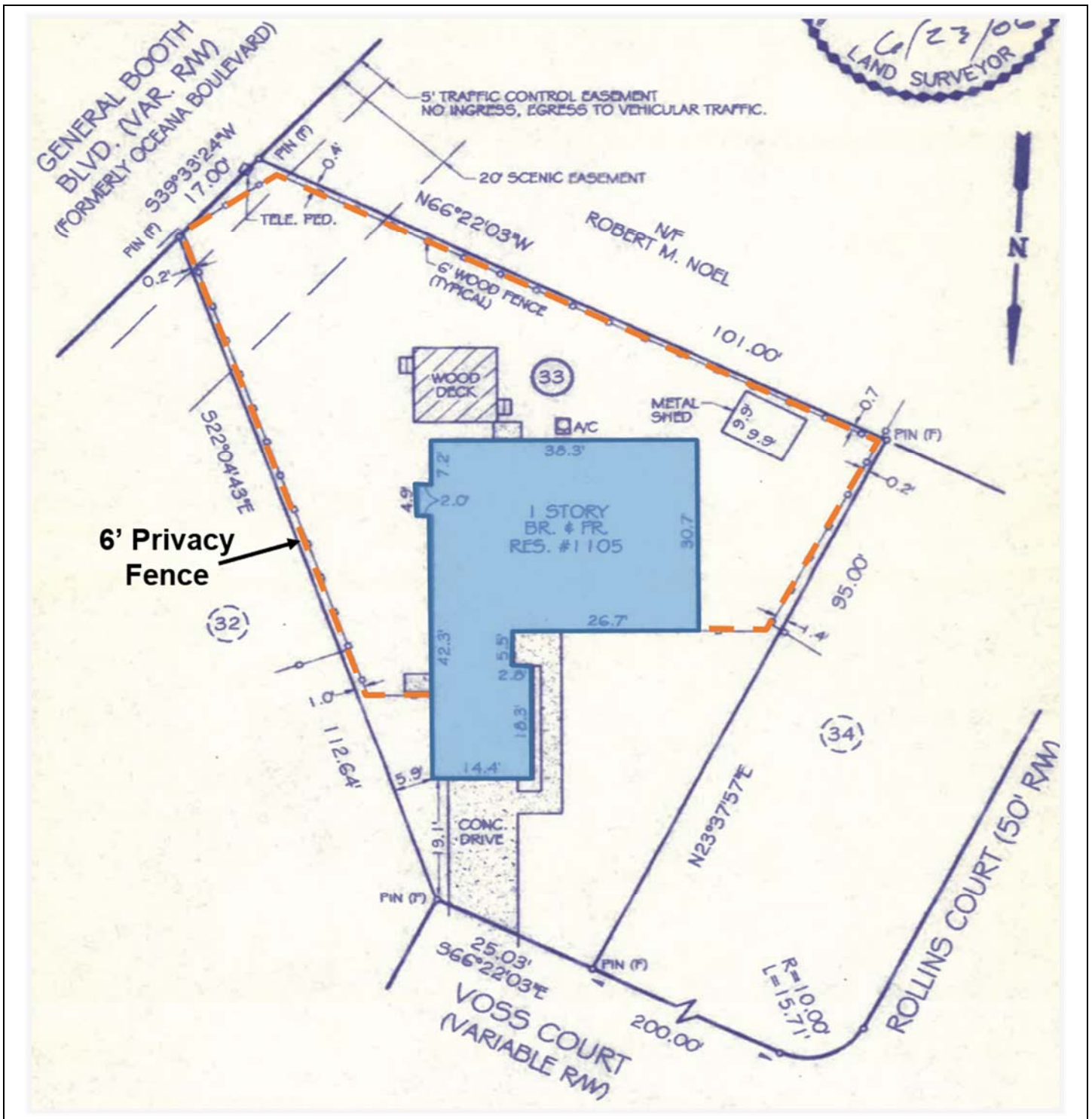
The site is currently connected to both City water and sanitary sewer services.

Public Outreach Information

Planning Commission

- The applicant reported that they met with the surrounding property owners, and no objections were raised. Ten letters of support have been received by Staff. There is no known opposition to the application.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021 and May 2, 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 April 26, 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 May 6, 2021.

Proposed Site Layout



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 Mistie Wood

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

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

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

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

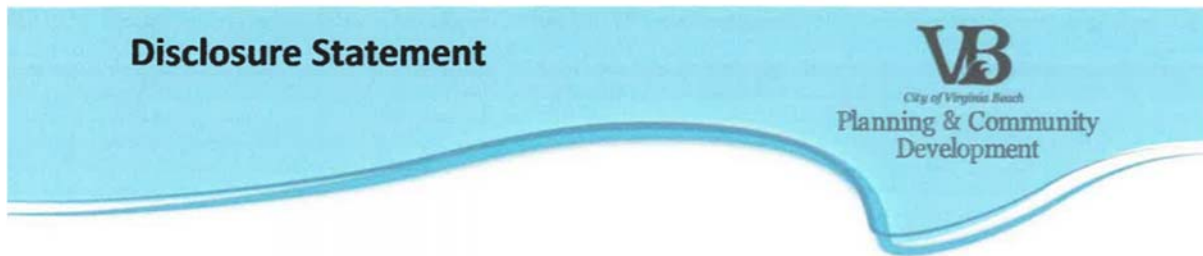
4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

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

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

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

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the company and individual providing the service.
-
7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the firm and individual providing the service.
-
8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the firm and individual providing the service.
-

Applicant Signature

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

Mistie Wood

Applicant Signature

Mistie Wood

Print Name and Title

2-17-21

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.

Request

Conditional Use Permit (Family Day-Care Home)

Staff Recommendation

Approval

Staff Planner

Antionette Fowlkes

Location

998 Boughton Way

GPIN

1496414416

Site Size

5,401 square feet

AICUZ

Greater than 75 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Single-family dwelling / PD-H1 Planned Unit Development

Surrounding Land Uses and Zoning Districts

North

Single-family, duplex / PD-H1 Planned Unit Development

South

Single-family dwelling / PD-H1 Planned Unit Development

East

Single-family dwelling / PD-H1 Planned Unit Development

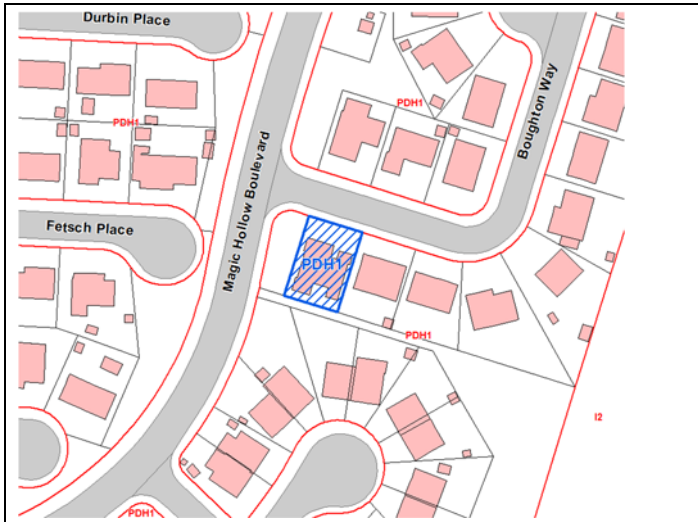
West

Single family, duplex / PD-H1 Planned Unit Development



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Family Day-Care Home to care for up to 12 children within a single-family dwelling. The 5,401 square foot parcel is zoned PD-H1 Planned Unit Development and is located in the Magic Hollow neighborhood.
- The applicant has 25 years of experience caring for children.
- The designated outdoor play area is located in the backyard enclosed by a six-foot tall privacy fence.
- The typical hours of operation are 6:15 a.m. through 8:00 p.m., Monday through Friday.



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 request for a Conditional Use Permit for a Family Day-Care Home, in Staff's opinion, is consistent with the policies and goals set forth in the Comprehensive Plan for the Suburban Area. Staff finds the property to be organized and well kept, successfully promoting the policies intended to ensure the maintenance and sustainability of great neighborhoods.

The applicant has requested to provide day-care services for up to 12 children and has over 25 years of experience. A Family Day-Care Home with four or less children is allowed by-right in residential zoning districts. When the number of children cared for increases to five or more children, excluding the provider's own children and those who reside in the home, both state licensure and a Conditional Use Permit are required.

Staff recommends conditions that pick-up and drop-off times be staggered and to allow only one Home Occupation operating on the property at any one time to alleviate the potential for congestion in the right-of-way.

In Staff's view, Family Day-Care Homes provide a needed and valuable service to the community and will not be detrimental to any adjacent land uses. Based on these considerations, Staff recommends approval of this request subject to the conditions listed below.

Recommended Conditions

1. Arrival and departure times shall be staggered to avoid vehicular congestion.
2. The Family Day-Care Home shall be limited to the total of twelve (12) children, other than children living in the home.
3. The applicant shall maintain a license with the Virginia Department of Social Services for childcare.
4. No more than one (1) person, other than the applicant, shall assist with the operation of the Family Day-Care Home at any one time.
5. Any sign identifying the home occupation shall be non-illuminated, not more than one (1) square foot in area and mounted flat against the residence.
6. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Day-Care Home.
7. The applicant/owner shall maintain a six-foot privacy fence around the perimeter of the rear yard for the duration of the use.
8. There shall be only one Home Occupation, the Family Day-Care Home, operating on the property associated with this Conditional Use Permit.

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 located within the Suburban Area. The general planning principles for the Suburban Area focus on creating and maintaining great neighborhoods through stability and sustainability; protecting and enhancing open spaces and places of cultural and historical significance; and creating and maintaining a transportation system that provides connectivity and mobility. Achieving these goals requires that all land use activities either maintain or enhance the existing neighborhood through compatibility with surroundings, quality and attractiveness of site and buildings, improved mobility, environmental responsibility, livability, and effective buffering with respect to type, size, intensity and relationship to the surrounding uses.

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed and there are no known significant cultural resources associated with this site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Boughton Way	No Data Available		Existing Land Use ¹ – 10 ADT Proposed Land Use ² – 58 ADT
	¹ as defined by a single-family dwelling	² as defined by a single-family dwelling with a Family Day-Care Home	

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

Boughton Way, in the vicinity of this application, is considered a two-lane undivided local street. It is not included in the MTP and there are no roadway CIP projects planned for this area.

Public Utility Impacts

Water and Sewer

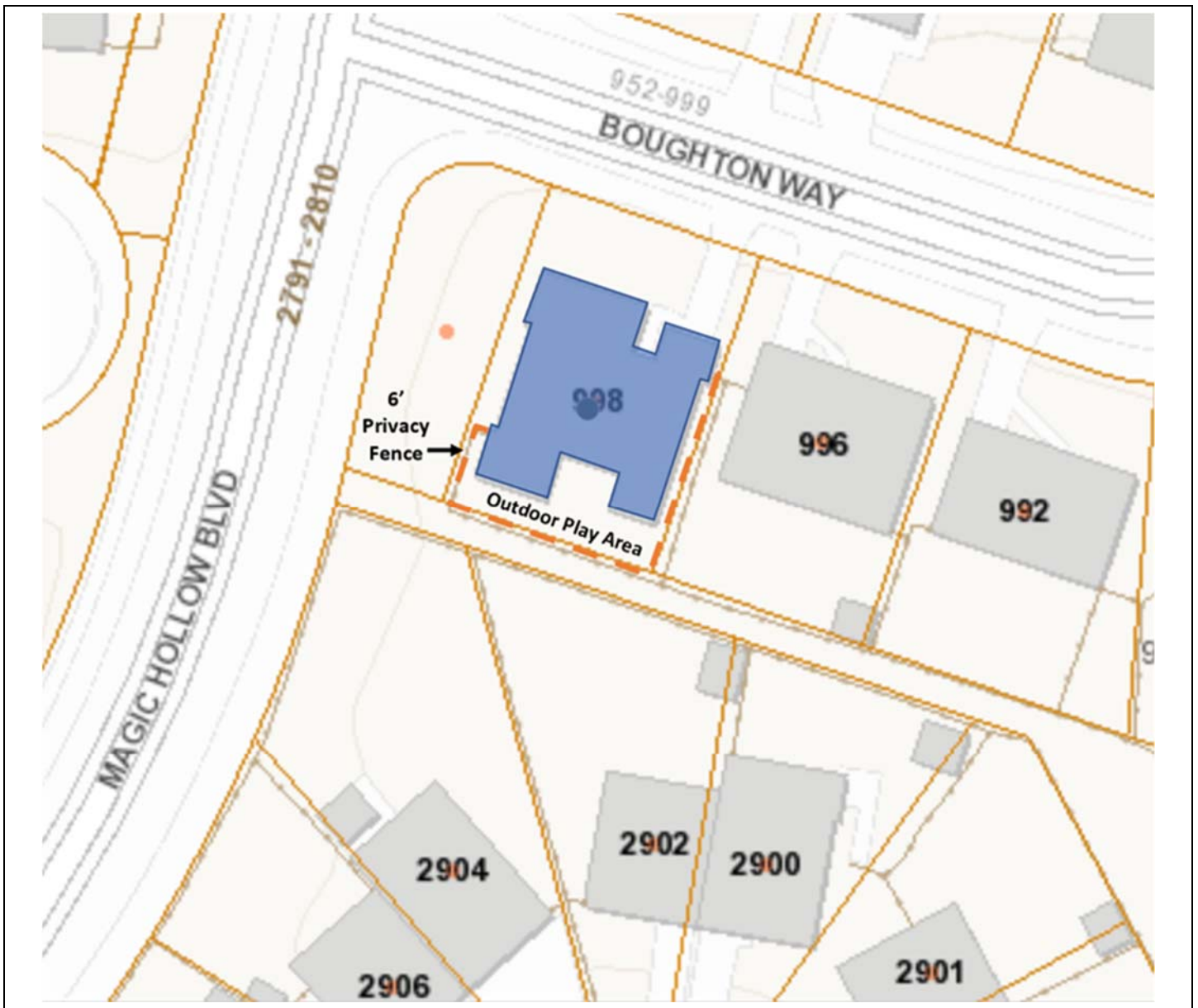
The site is currently connected to both City water and sanitary sewer services.

Public Outreach Information

Planning Commission

- The applicant reported that they met with the surrounding property owners, and no objections were raised.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021 and May 2, 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 April 26, 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 May 6, 2021.

Proposed Site Layout



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 Diana Buhrmann

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

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

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

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

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

2. Does the applicant have a real estate broker/agent/realtor for current and anticipated future sales of the subject property? ☐ Yes ☒ No

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

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

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

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

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

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

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

Disclosure Statement

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.

Diana Buhrmann

Applicant Signature

Diana Buhrmann, Family Day Home Provider

Print Name and Title

2-16-2021

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

Disclosure Statement



Owner Disclosure

Owner Name Michael Kornoelje JR.

Applicant Name Diana Buhrmann

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

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

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

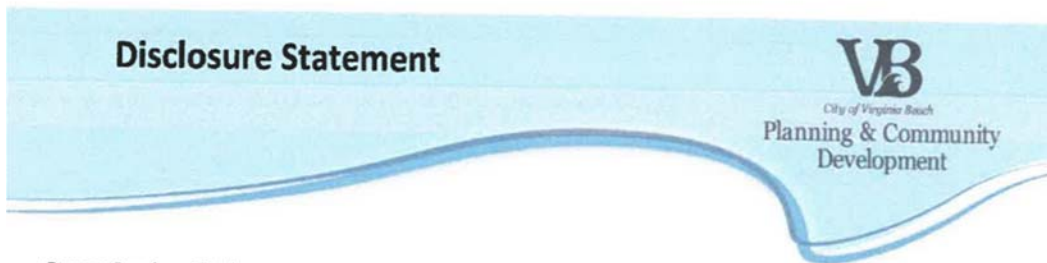
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³ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests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

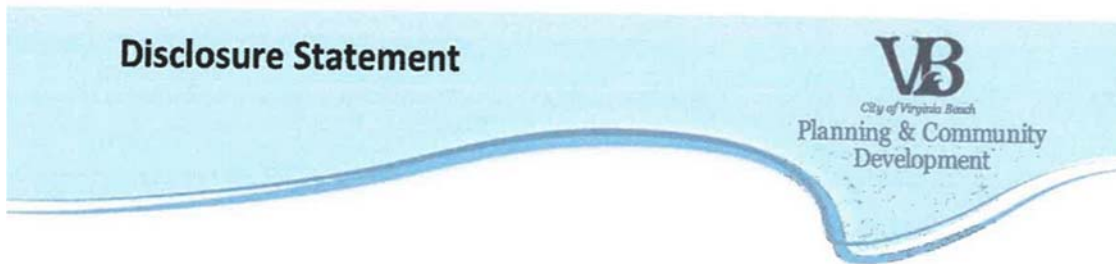
⁴ "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, 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.



Owner Services Disclosure

1. Does the Owner have any **existing financing (mortgage, deeds of trust, cross-collateralization, etc)** or **are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?
☐ Yes ☒ No
 - If **yes**, identify the financial institutions providing the service.
2. Does the Owner have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?
☐ Yes ☒ No
 - If **yes**, identify the company and individual providing the service.
3. Does the Owner have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.
4. Does the Owner have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.
5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☒ No
 - If **yes**, identify the purchaser and purchaser's service providers.
6. Does the Owner have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the company and individual providing the service.
7. Does the Owner have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

Disclosure Statement



8. Is the Owner receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If **yes**, identify the firm and individual providing legal the service.

Owner Signature

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

Michael Kornoelje Jr.

Owner Signature

Michael Kornoelje Jr.

Print Name and Title

2-24-21

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.



Applicant & Property Owner **Pembroke Square Associates, LLC**
Planning Commission Public Hearing **May 12, 2021**
City Council Election District **Bayside**

Agenda Item

11

The Applicant has requested a 30-day deferral of this application to conduct additional public outreach and finalize the Proffer Agreement.

Request

Conditional Rezoning (B-3 Central Business to Conditional CBC Central Business Core)

Staff Recommendation

Deferral

Staff Planner

Ashby Moss

Location

Southeastern corner of intersection of Jeanne Street and Constitution Drive

GPIN

Portion of 1477562034

Site Size

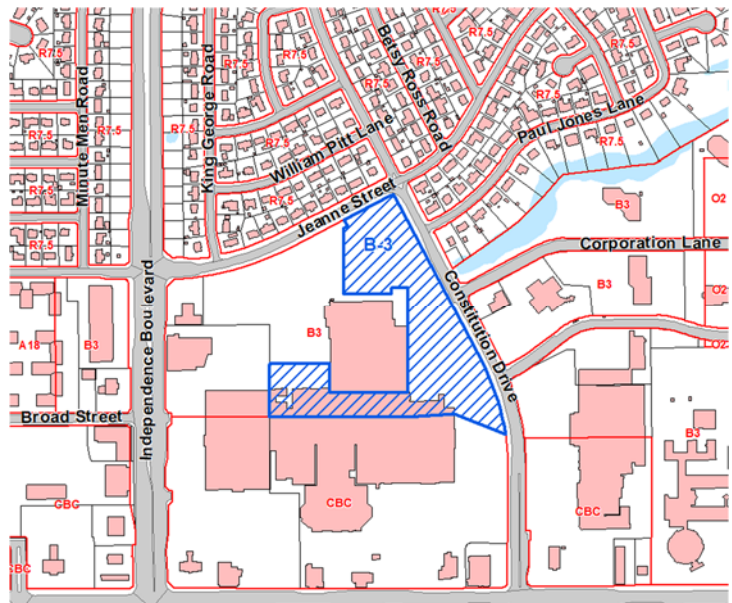
10.06 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay





Applicant & Property Owner **Pembroke Square Associates, LLC**
Planning Commission Public Hearing **May 12, 2021**
City Council Election District **Bayside**

Agenda Item

12

The Applicant has requested a 30-day deferral of this application to conduct additional public outreach.

Request

Conditional Use Permit (Housing for Seniors)

Staff Recommendation

Deferral

Staff Planner

Ashby Moss

Location

Southeastern corner of intersection of Jeanne Street and Constitution Drive

GPIN

Portion of 1477562034

Site Size

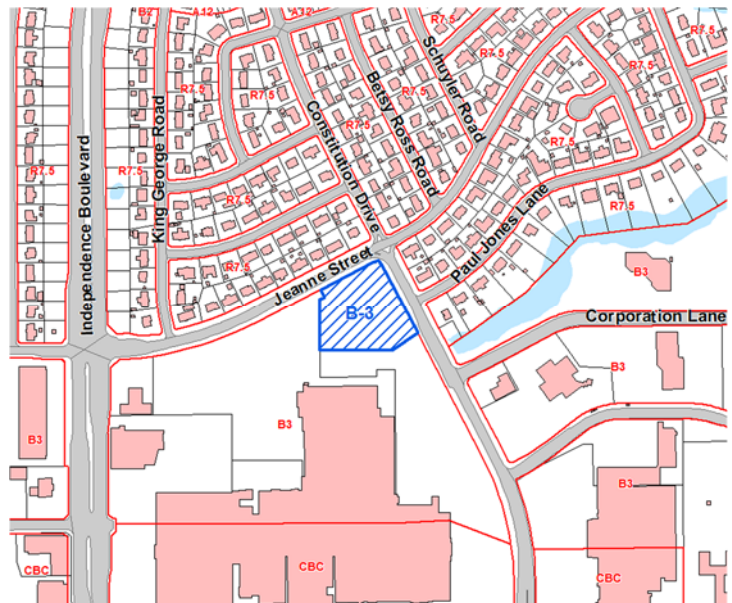
2.12 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay





The applicant has requested a 30-day deferral of this application to finalize parking and traffic studies for the development project.

Request

Street Closure

Staff Recommendation

Deferral

Staff Planner

Ashby Moss

Location

Portion of 18th Street adjacent to 1880 & 1811 Pacific Avenue, 319 18th Street

GPIN

Adjacent to 2427172611, 2427170516

Site Size

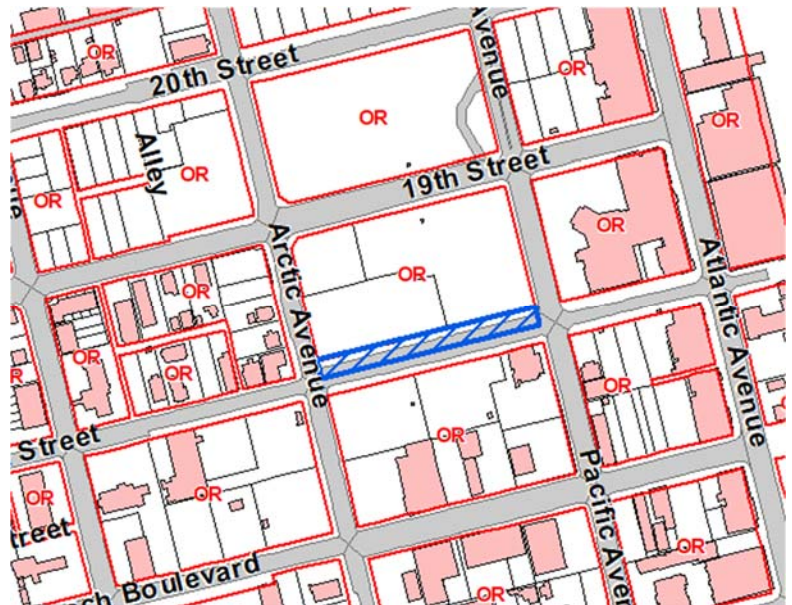
0.16 acres

AICUZ

65-70 dB DNL

Watershed

Atlantic Ocean



The Applicant has requested a 30-day deferral of this application to finalize parking and traffic studies for the development project.

Request

Alternative Compliance (Request to develop a multi-block, mixed-use residential and commercial development with a structured parking lot, entertainment venue, surf park, open air markets, bars/nightclubs, craft breweries/distilleries/wineries, and recurring outdoor special events)

Staff Recommendation

Deferral

Staff Planner

Ashby Moss

Location

1880 & 1811 Pacific Avenue, 319 18th Street

GPINs

2427079524, 2427074883, 2427073669,
 2427070853, 2427073711, 2427075737,
 2427073536, 2427074802, 2427073767,
 2427073660, 2427074517, 2427076808,
 2427076990, 2427073705, 2427074757,
 2427077707, 2427072890, 2427170516,
 2427172611



Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

William Miller

Location

507 19th Street

GPIN

24270705750000

Site Size

7,000 square feet

Existing Land Use and Zoning District

Single-family dwelling / A-12 Apartment (Old Beach Overlay)

Surrounding Land Uses and Zoning Districts

North

Single-family dwellings / OR Oceanfront Resort

South

19th Street

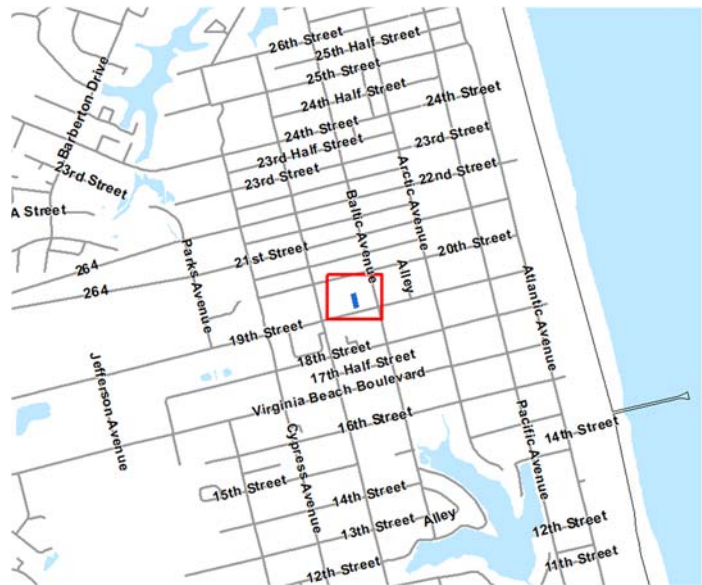
Single-family dwellings / OR Oceanfront Resort

East

Single-family dwellings / OR Oceanfront Resort

West

Single-family dwellings / OR Oceanfront Resort



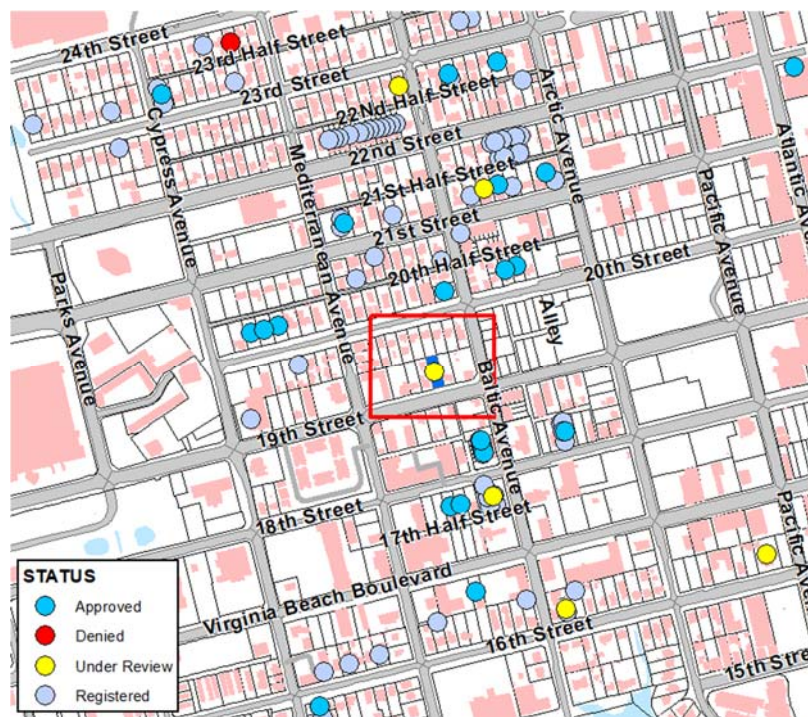
Background & Summary of Proposal

Site Conditions and History

- This 7,000 square foot lot is zoned OR Oceanfront Resort District and contains one single-family dwelling. The applicant also owns both single-family homes on either side of this parcel (505 and 509 19th Street).
- According to City records, this three-bedroom home was constructed in 1945.
- Staff inspected the site on March 2, 2021 to observe site conditions and take photographs for this report.
- On-street parking is not permitted on this portion of 19th Street.
- No records of zoning violations relating to Short Term Rental use were found associated with the subject address.
- 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.
- Known Short Term Rental activity as of April 22, 2021:

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

Short Term Rentals in the Vicinity

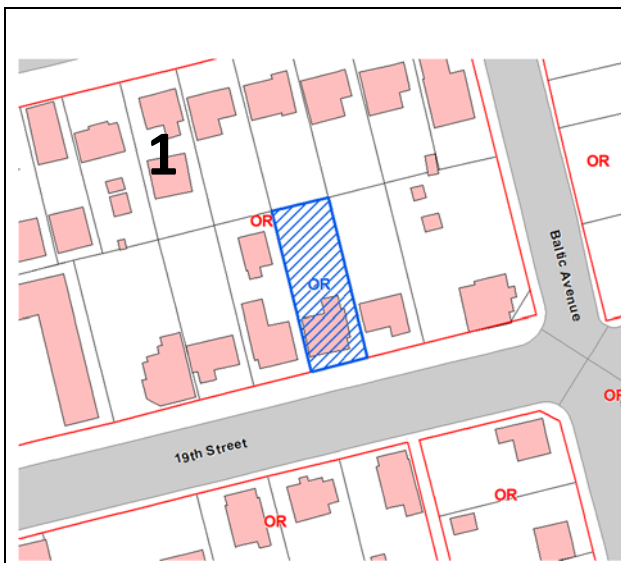


Updated on April 12, 2021

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: 3



Zoning History

#	Request
1	NON (Expansion of a nonconformity when under the previous RT-3 Zoning) Approved 04/27/1993

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 site is located within the ViBe Creative District, which is home to a myriad of commercial and residential uses with an emphasis on arts and culture. In addition, the property lies approximately 1,900 feet, or .3 miles, from the public beach of the Atlantic Ocean. The applicant's parking plan depicts three required off-street parking spaces, all in the existing concrete and gravel driveway located to the rear of the home. A vehicle access ingress/egress easement straddles the property line separating 505 and 507 19th Street. This access point is used as a travel path to the rear yard parking behind both homes. In this instance, the applicant owns both properties, 505 and 507 19th Street. As a result, he retains solitary control over the existing deeded access. As permitted by Section 241.2(1) of the City Zoning Ordinance, the Zoning Administrator reviewed the parking plan and deemed it acceptable. In addition, 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 507 19th 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. 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.

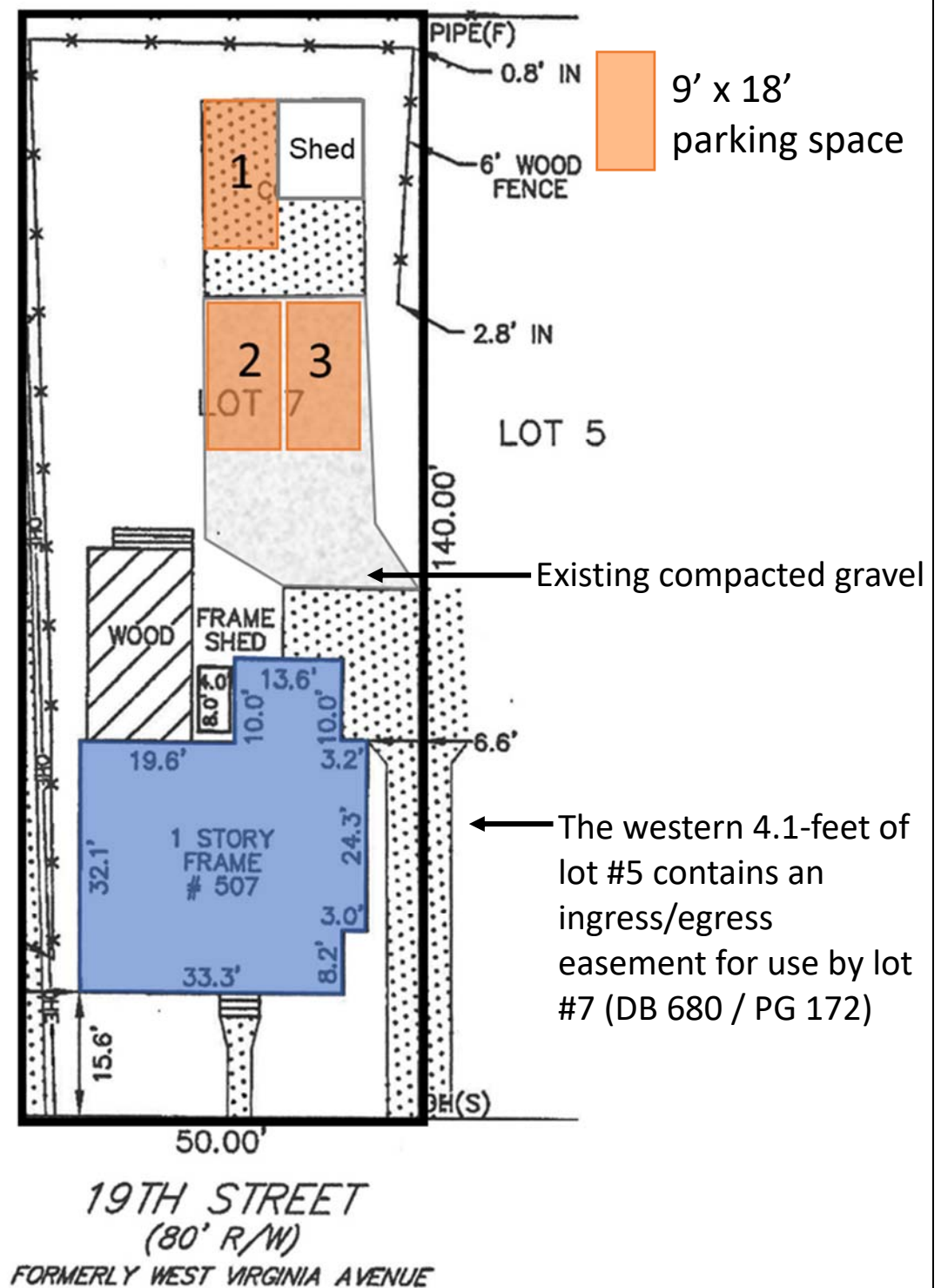
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021, and May 2, 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 April 26, 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 May 6, 2021.

Site Layout & Parking Plan



Site Photos



Site Photos





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 Todd Sweigart

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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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.

David Brotman, Jacobson Brotman PC (757) 422-4445

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.**

A handwritten signature in black ink, appearing to read "Todd Sweigart", is written over a horizontal line.

Applicant Signature

Todd Sweigart (Owner)

Print Name and Title

02/16/2021

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.
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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.



Applicant & Property Owner: **Shandra L. Cauthen**
Planning Commission Public Hearing: **May 12, 2021**
City Council Election District: **Beach**

Agenda Item

16

The applicant is requesting to withdraw this request.

Request

Conditional Use Permit (Short Term Rental)

Staff Planner

William Miller

Location

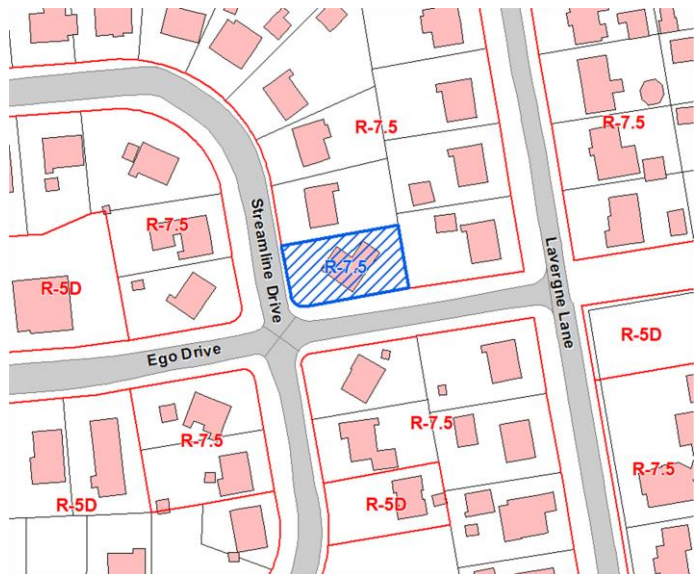
1816 N. Streamline Drive

GPIN

24076458760000

Site Size

7,779 square feet



Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

William Miller

Location

229 16th Street

GPIN

24271678310229

Site Size

26,500 square feet

Existing Land Use and Zoning District

Mixed use (row homes and retail) / OR
Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

Commercial (bars/restaurants) / OR Oceanfront
Resort

South

16th Street

Commercial parking lot / OR Oceanfront Resort

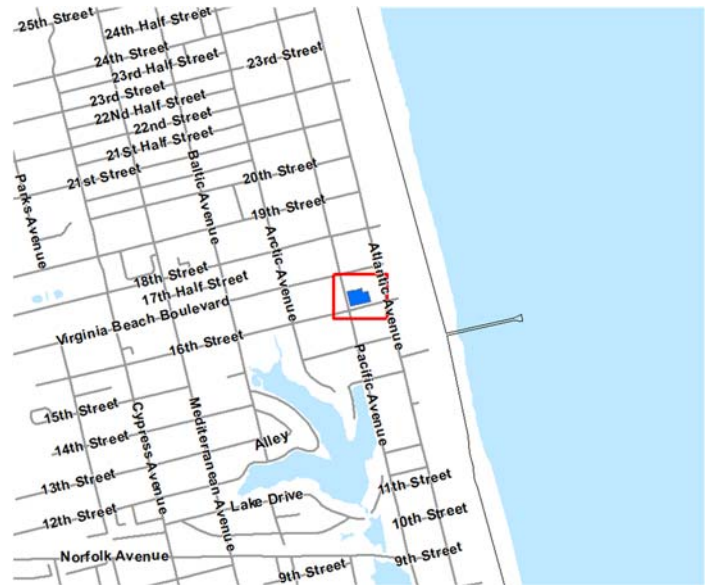
East

Commercial (bars/restaurants/retail) / OR
Oceanfront Resort

West

Pacific Avenue

Mixed use (retail and apartments) / OR
Oceanfront Resort



Background & Summary of Proposal

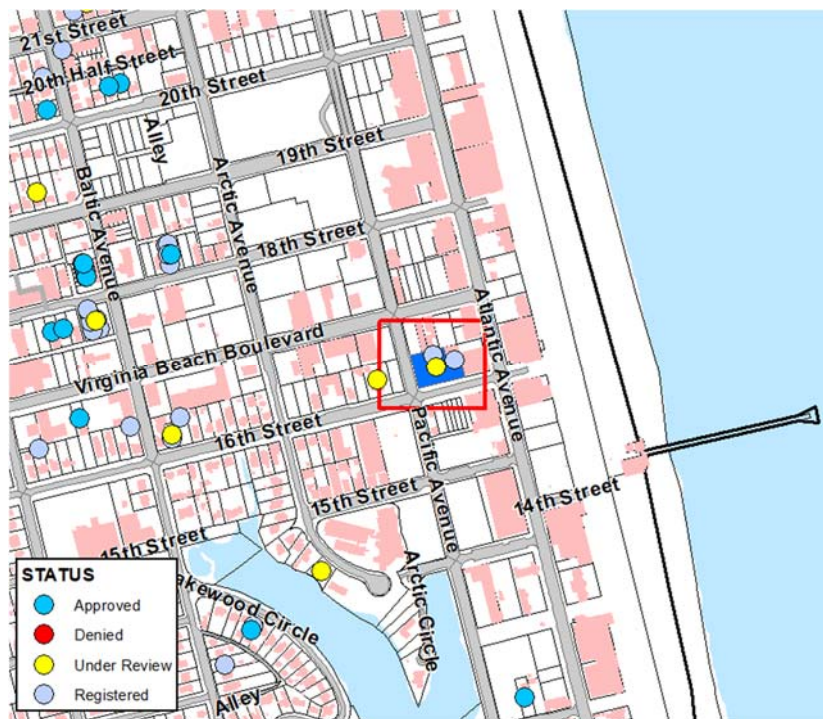
Site Conditions and History

- This 26,500 square foot mixed use property is zoned OR Oceanfront Resort Form Based Code and contains 10 residential condominium units and one retail suite. The applicant is only requesting a Short Term Rental Conditional Use Permit for one unit, 229 16th Street.
- According to City records, this three-bedroom row home was constructed in 2010.
- Staff inspected the site on March 23, 2021 to observe site conditions and take photographs for this report.
- On-street (metered) parking is permitted in the 100 block of 16th Street but is prohibited along Pacific Avenue. Therefore, any overflow parking beyond the minimum parking spaces required could occur within the 100 block of 16th Street.
- 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 April 22, 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



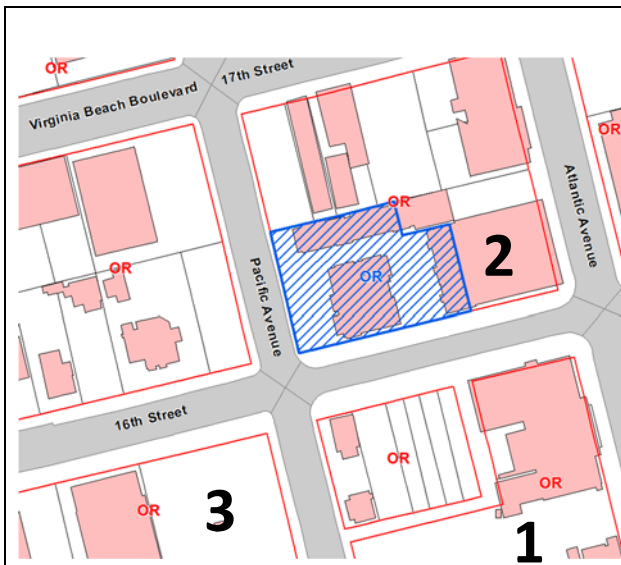
Updated on April 12, 2021

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 #17
- Number of parking spaces required (1 space per bedroom required): 3
- Number of parking spaces provided on-site: 2*

*One off-site parking space will be located at 335 Virginia Beach Boulevard, which is a commercial parking lot within .1 mile of the subject property



Zoning History

#	Request
1	CUP (Amusement park) Approved 04/11/2000 STC (Street Closure) Approved 04/11/2000
2	ALT (Special exception to allow a building type not permitted along Shopping 2 Street Frontage) Approved 08/18/2015
3	CUP (Enlargement of church/school) Approved 05/09/1995 REZ (A-12 and R-5S to RT-3) Approved 11/09/2004 CUP (Church and accessory uses) Approved 11/09/2004

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 subject property lies within the resort area of the oceanfront. Specifically, the proposed Short Term Rental is located within the Seahorse Cove Condominiums. The entire site includes one retail use and 10 residential condominium units. The surrounding property consists of a myriad of uses, including, but not limited to, retail establishments, hotels, commercial parking lots, amusements, and bars/restaurants. In addition, the subject dwelling sits approximately 550-feet from the public beach of the Atlantic Ocean.

To fulfill the off-street parking requirement, the applicant is proposing to utilize two existing on-site spaces and one off-site space. The on-site spaces include the use of one permanently assigned outdoor parking space and one residential garage space. The off-site parking space will be located within a commercial parking lot at the corner of Virginia Beach Boulevard and Arctic Avenue, approximately 630 feet from the subject address (.1 miles). Accordingly, an informal intent to lease document for the off-site space was submitted to Staff.

As permitted by Section 241.2(1) of the City Zoning Ordinance, the Zoning Administrator approved the parking plan with the stipulation that the off-site space always be available when the home is leased for Short Term Rental purposes. A recommended condition was added to address this matter. In addition, the other 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, those 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 229 16th 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. 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. A third (3rd) parking space, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
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.

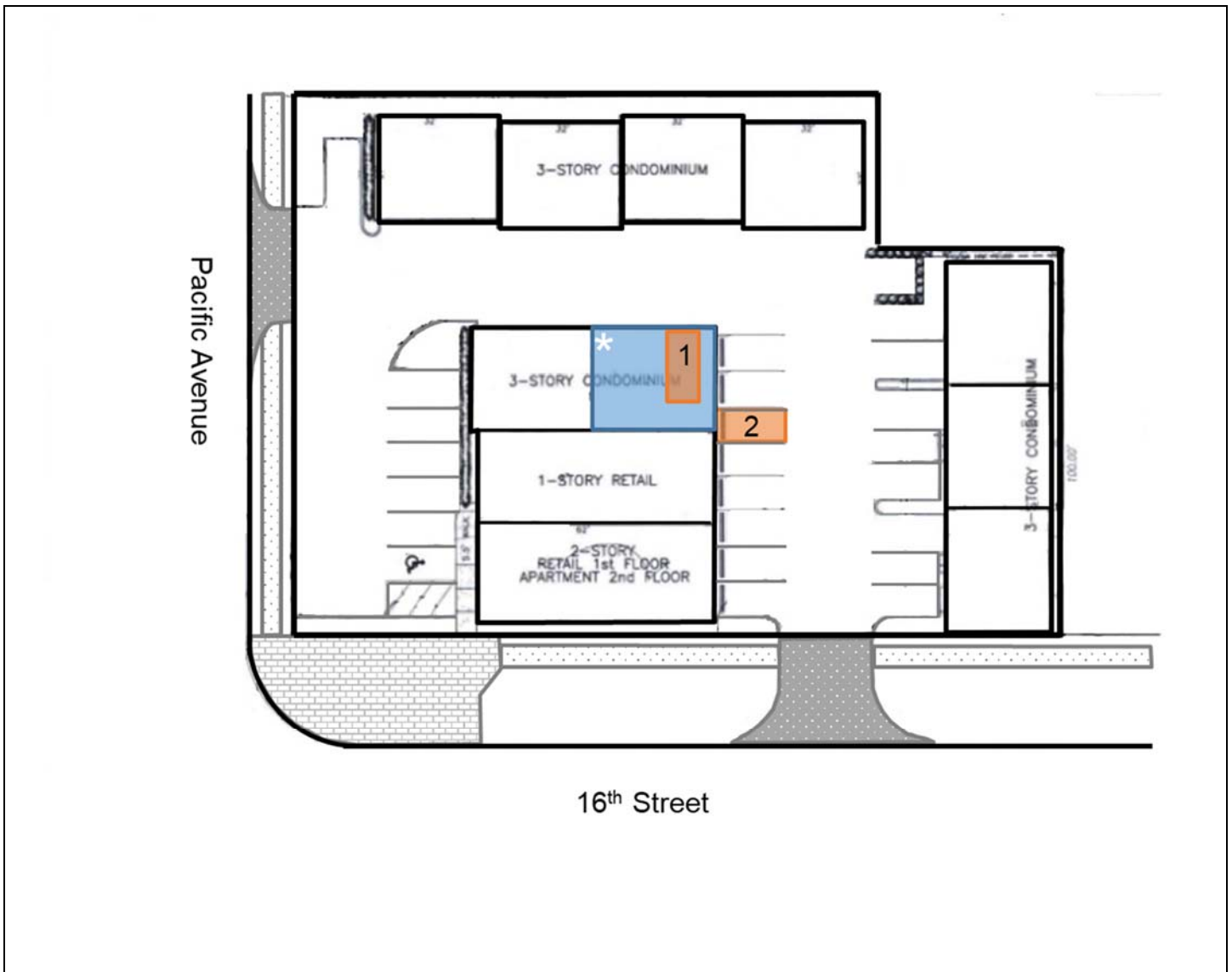
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

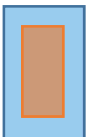
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021, and May 2, 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 April 26, 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 May 6, 2021.

Site Layout & Parking Plan



9' x 18' parking space



9' x 18' parking space
with existing garage



Off-site parking space (space #3) will be located within a commercial parking lot at 335 Virginia Beach Blvd. (approximately 630 feet, or .1 miles, from the subject property)

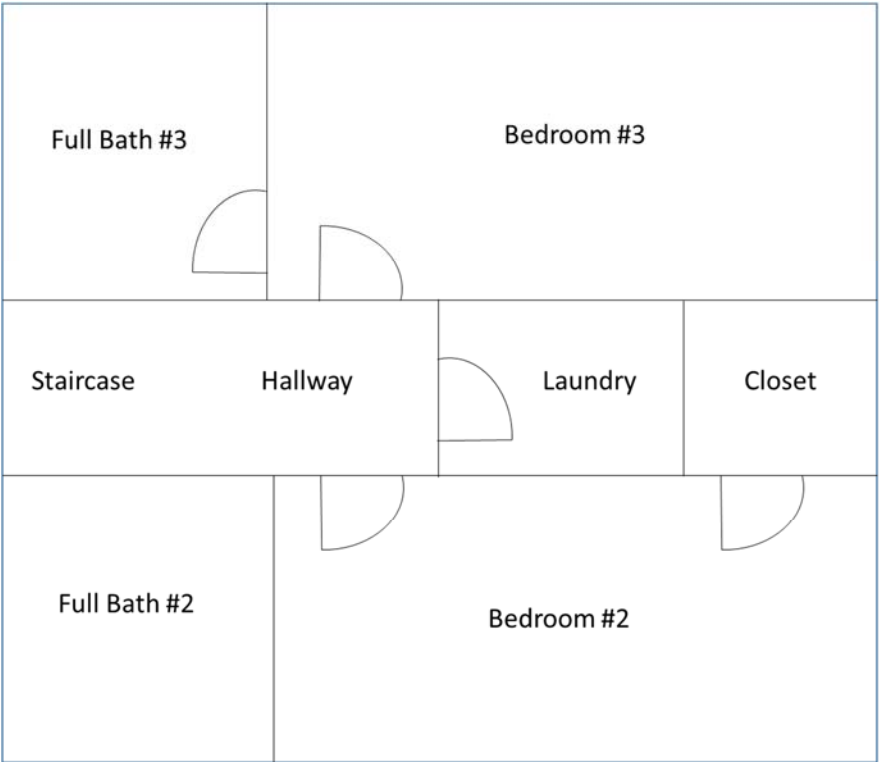
Floor Plan



229 16th Street
Virginia Beach, VA 23451

Ground floor
(diagrams not to scale)

Noah A. Spivak
Noah A. Spivak, Trustee
Spivak Family Trust

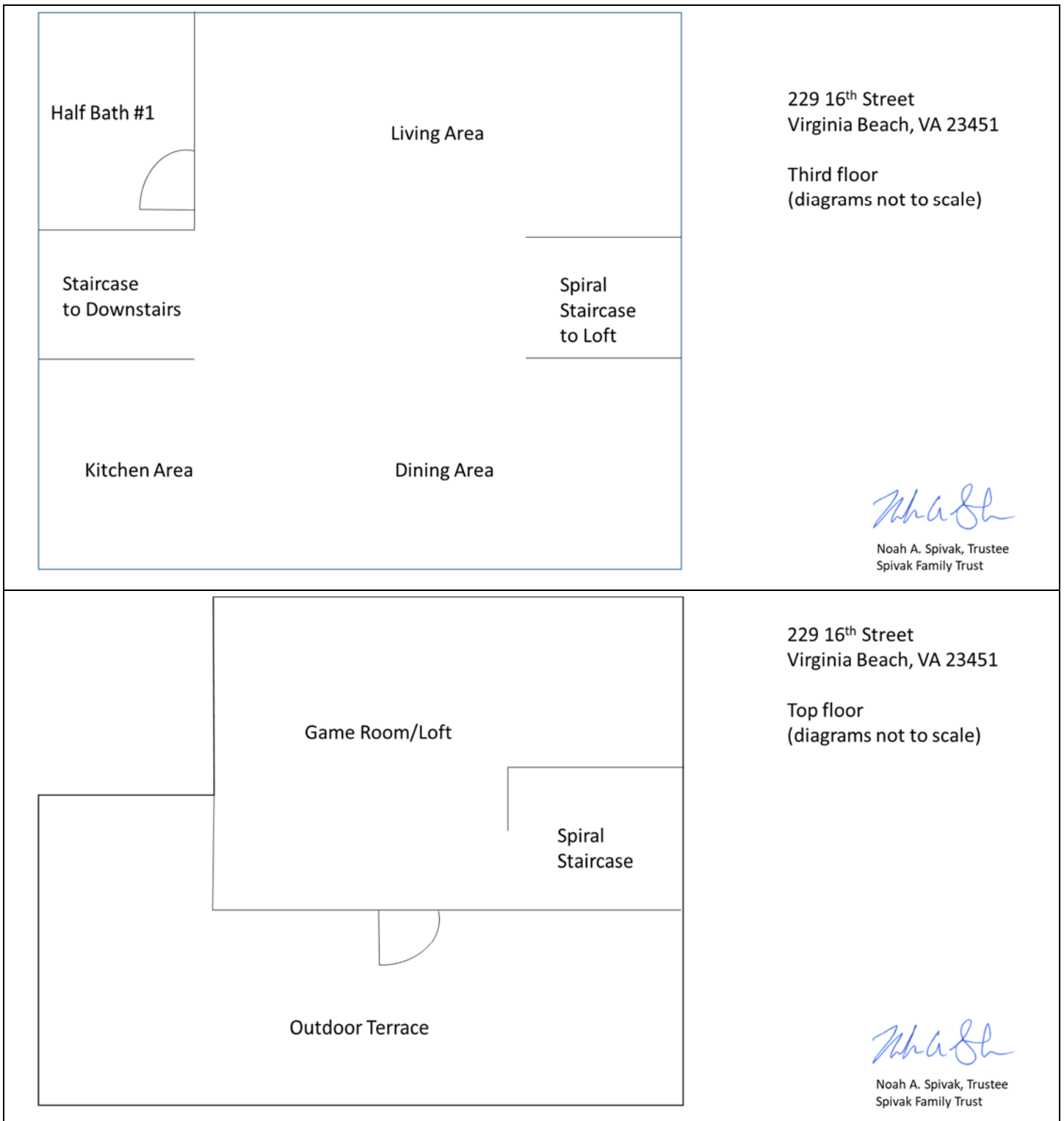


229 16th Street
Virginia Beach, VA 23451

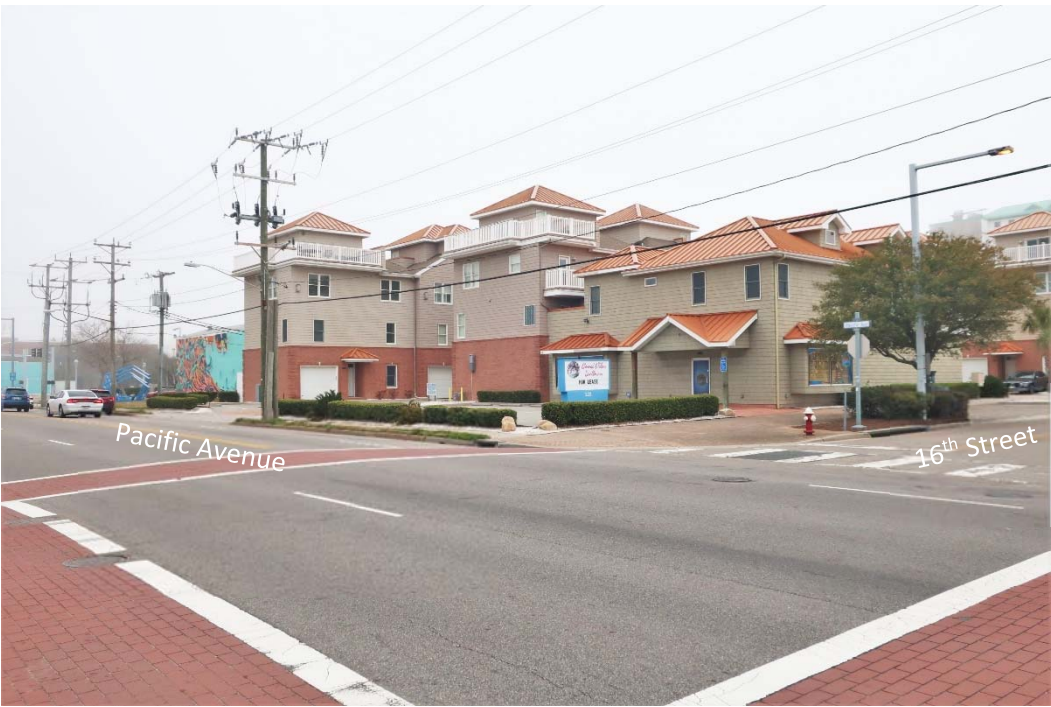
Second floor
(diagrams not to scale)

Noah A. Spivak
Noah A. Spivak, Trustee
Spivak Family Trust

Floor 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 SPIVAK FAMILY TRUST

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Noah and Robin Spivak, Trustees

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)

Noah Spivak and Robin Spivak, Trustees of Spivak Family Trust

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

none

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

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

Disclosure Statement

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☒ Yes ☐ No

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

ATLANTIC BAY MORTGAGE GROUP LLC

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

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.

Noah Spivak, Trustee *Robin Spivak, Trustee*

Applicant Signature

Print Name and Title

Noah Spivak and Robin Spivak, Trustees

Date *18 February 2021*

- 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

William Miller

Location

4615 Ocean View Avenue

GPIN

15706241244615

Site Size

6,250 square feet

Existing Land Use and Zoning District

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

Surrounding Land Uses and Zoning Districts

North

Ocean View Avenue

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

South

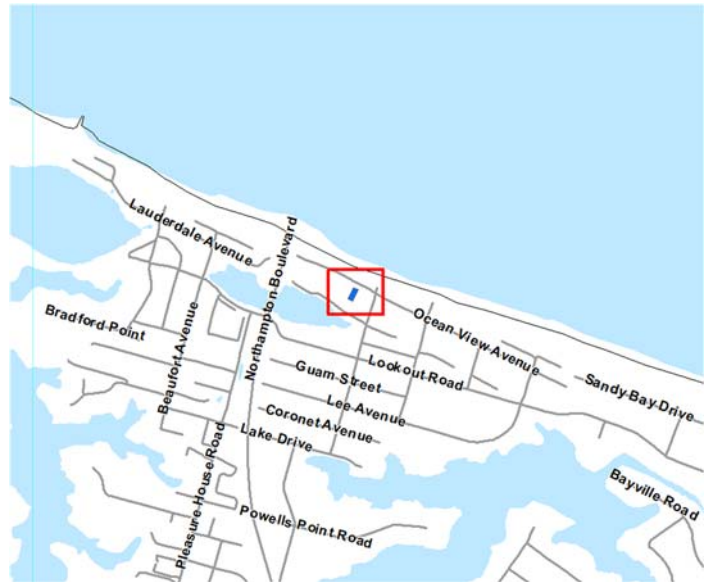
Duplex dwellings / R-5R Residential (Shore Drive Overlay)

East

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

West

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



Background & Summary of Proposal

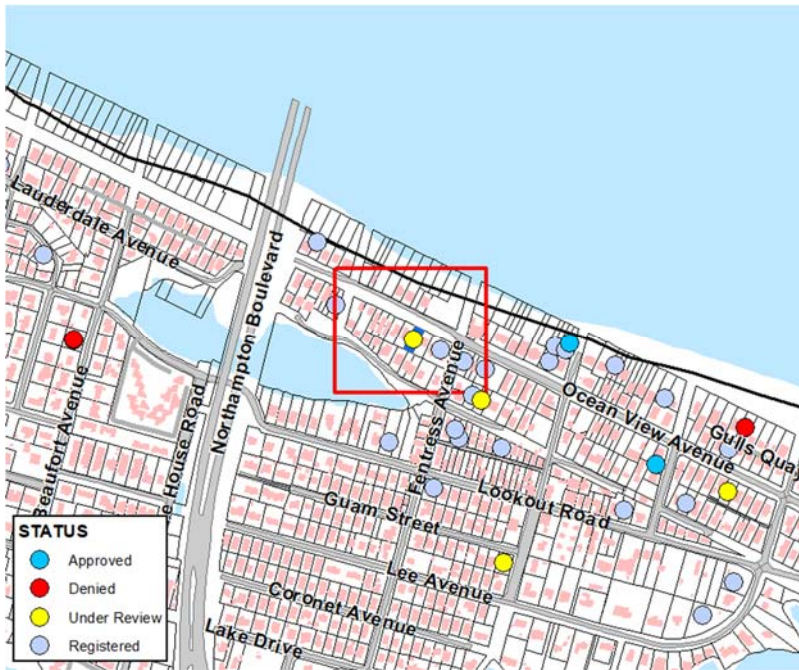
Site Conditions and History

- This 6,250 square foot lot is zoned R-5R (SD) Residential District (Shore Drive Overlay) and contains one duplex building. The applicant only owns the subject unit (4615 Ocean View Avenue).
- According to City records, this four-bedroom home was constructed in 1977.
- Satellite imagery confirms the parking area in front of the property has been utilized in its present form since at least 2003 (17 years); however, prior to 2003, it is likely that this parking area was used in the same manner as it is today. In addition, compacted gravel was a permitted residential parking material at the time of the duplex construction (1977).
- Staff inspected the site on March 23, 2021 to observe site conditions and take photographs for this report.
- On-street parking is not permitted on this portion of Ocean View Avenue.
- 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 April 21, 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



Updated on April 12, 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: 4
- Maximum number of guests permitted on the property after 11:00 pm: 8 - As recommended in condition #15
- Number of parking spaces required (1 space per bedroom required): 4
- Number of parking spaces provided on-site: 0*

*All four spaces are situated in the gravel driveway located within the city right-of-way in front of the property.



Zoning History

#	Request
1	REZ (B-1(SD) to R-5R(SD) Approved 09/06/2016

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
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Evaluation & Recommendation

This site lies within the Chesapeake Beach subdivision, which is home to a myriad of dwelling types. The subject lot contains a duplex building located in the R-5R(SD) Residential District; however, the applicant only owns one of the two units within the duplex. In addition, the property sits across the street from the public beach of the Chesapeake Bay. The applicant's parking plan depicts four required off-street parking spaces within an existing compacted gravel driveway located in front of the property. 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 4615 Ocean View Avenue 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.

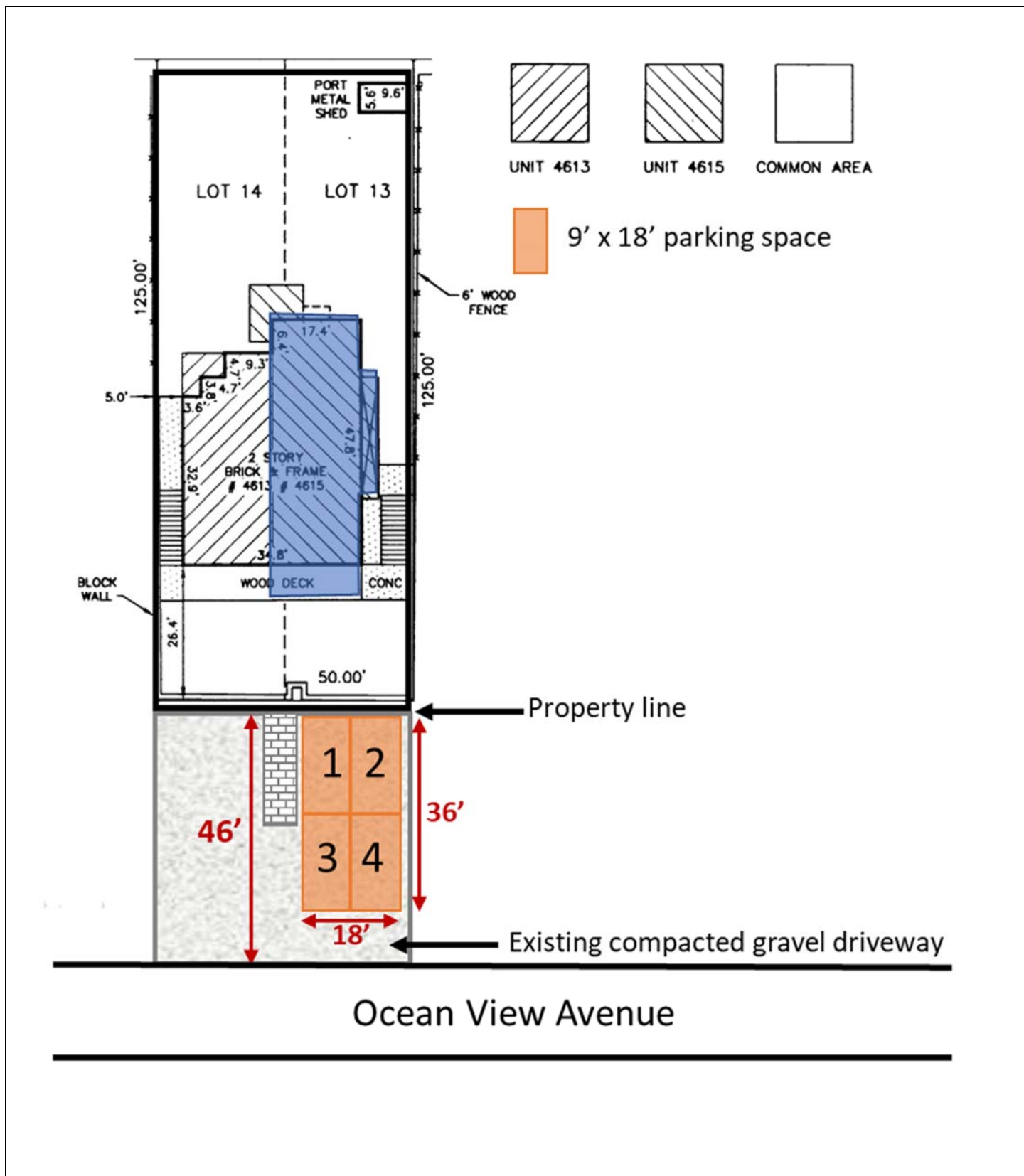
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- Eight 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 April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021, and May 2, 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 April 26, 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 May 6, 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 LINDA M. LAMB LIVING TRUST

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

JOHN F. LAMB

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)

TRUST NAME: LINDA M. LAMB (SEPT. 5, 2000)

Linda M. Lamb: Trustee

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

TRUST REPRESENTATIVE: JOHN F. LAMB. LINDA M. LAMB IS WIFE
OF JOHN F. LAMB. (THERE IS NO BUSINESS RELATIONSHIP OUTSIDE
OF MARRIAGE.

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.

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

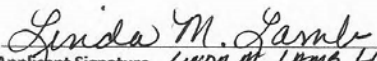
UPDATED 3/18/21

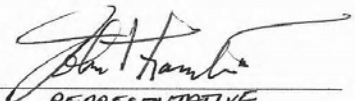


6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the construction contractor.
7. Does the applicant have an **engineer/surveyor/agent** in connection with 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 LINDA M. LAMB LIVING TRUST
LINDA M. LAMB - TRUSTEE


REPRESENTATIVE
JOHN F. LAMB - HUSBAND

Print Name and Title

FEB. 26, 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.

The applicant is requesting to withdraw this request. It was discovered that the subject address and unit is a grandfathered Short Term Rental in accordance with Appendix A, Article 2, Section 241.2(12) of the City Zoning Ordinance.

Request

Conditional Use Permit (Short-Term Rental)

Staff Planner

William Miller

Location

117 73rd Street, Unit A

GPIN

24196664250001

Site Size

7,500 square feet



Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Summer Peebles

Location

304 28th Street Unit 207

GPIN

24280028663007

Site Size

53,385 square feet

Existing Land Use and Zoning District

Multi-family dwellings / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

28th Street

Hotel / OR Oceanfront Resort

South

27th ½ Street (alley)

Apartments / A-12 & A-36 Apartments

East

Commercial / OR Oceanfront Resort

West

Commercial / OR Oceanfront Resort



Background & Summary of Proposal

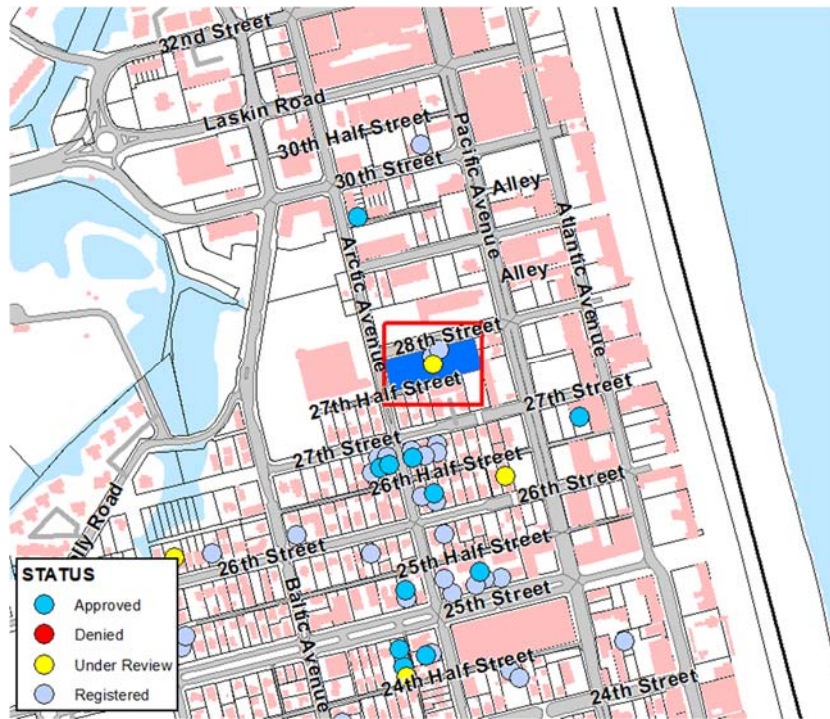
Site Conditions and History

- The site is approximately 53,385 square feet and is zoned OR Oceanfront Resort District
- The property consists of a three-story, multi-family condominium building containing 42 units. Designated parking spaces are provided on-site. City records indicate this building was constructed in 1985.
- Staff inspected the site on March 16, 2021 to observe site conditions and take photographs for this report.
- Parking along this segment of 28th Street is metered so this property is not eligible for the Residential Parking Permit Program (RPPP).
- City Council previously approved a Conditional Use Permit for Sunray Court Associate, L.P. April of 1996 for 'Housing for the Elderly' on the subject site. This building now operates as a condominium known as Playa Rana; therefore, the previous CUP for Housing for the Elderly is no longer active.
- Known Short Term Rental activity as of 04-12-21:

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

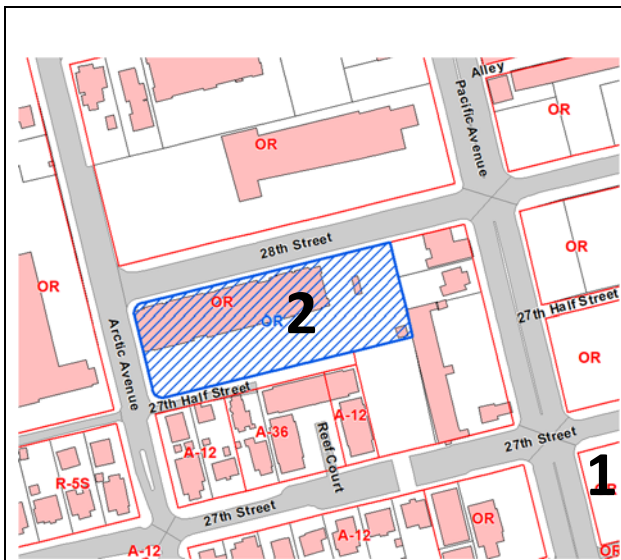


Updated on April 9, 2021

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: 2 - As recommended in condition 15
- Number of parking spaces required (1 space per bedroom required): 2
- Number of parking spaces provided on-site: 2



Zoning History

#	Request
1	ALT (Hotel, Apartments, Parking Garage along 27 th Street) Approved 11/13/2018
2	STR (Short Term Rentals) Approved 09/08/2020 STR (Short Term Rental) Approved 10/20/2020 STR (Short Term Rentals) Approved 04/06/2021

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 Short Term Rental request is for a one, two-bedroom unit within the Playa Rana Condominium complex. The 42-unit condominium complex is located three blocks west of the public beaches of the Atlantic Ocean, an area of the City where Short Term Rental use is common. There are two assigned on-site parking spaces that will be used to fulfill the parking requirement. Furthermore, it is Staff's opinion that all other requirements of Section 241.2 of the Zoning Ordinance regulating Short Term Rentals can be reasonably met with this application.

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 304 28th Street Unit 207, 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.

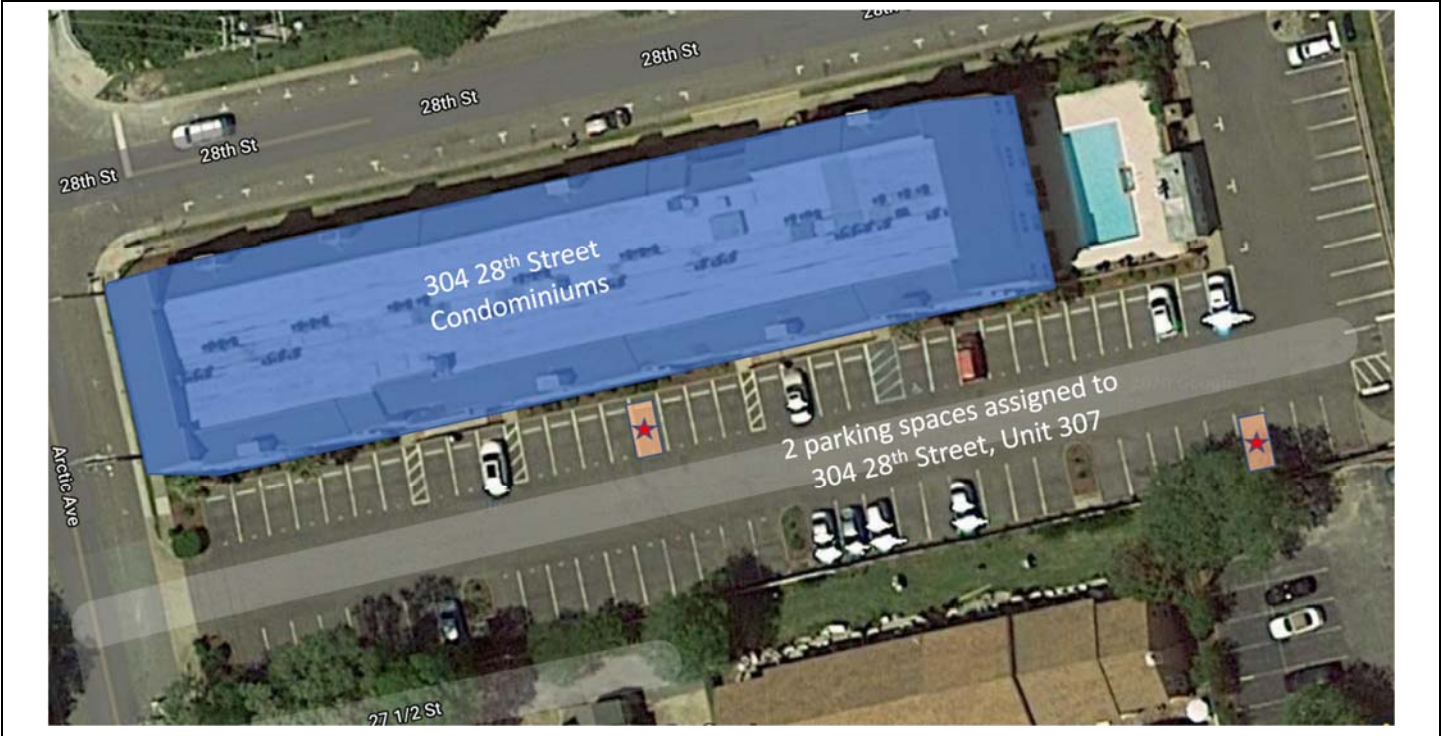
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021, and May 2, 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 April 26, 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 May 6, 2021.

Site Layout & Parking Plan



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 Heather Shimp

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

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

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

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

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

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property? ☐ **Yes** ☒ **No**

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

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

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

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

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

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

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

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the company and individual providing the service.

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

Applicant Signature

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

Heather Shimp

Applicant Signature

Heather Shimp

Print Name and Title

2/26/21

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.

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Summer Peebles

Location

312 Arctic Crescent

GPIN

2427152967

Site Size

8,249 square feet

Existing Land Use and Zoning District

Single-family dwelling / R-5S Residential

Surrounding Land Uses and Zoning Districts

North

Arctic Crescent

Star by the Sea / RT-3 Resort Tourist

South

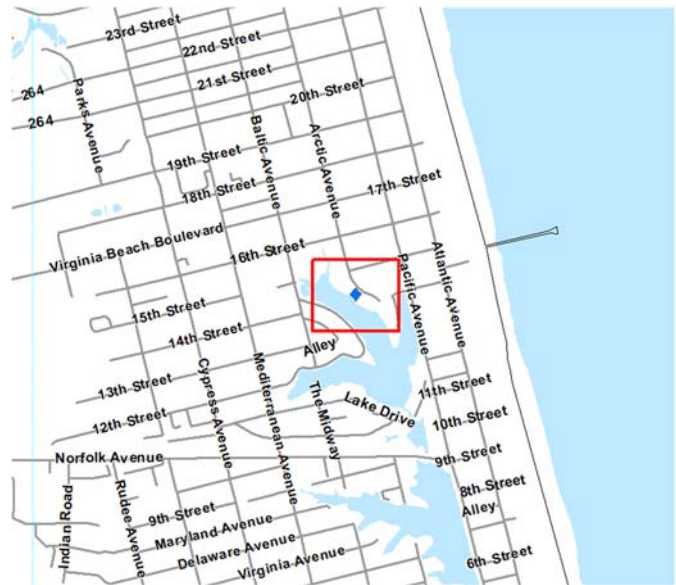
Lake Holly / R-5S Residential

East

Single-family dwellings / R-5S Residential

West

Single-family dwellings / RT-3 Resort Tourist



Background & Summary of Proposal

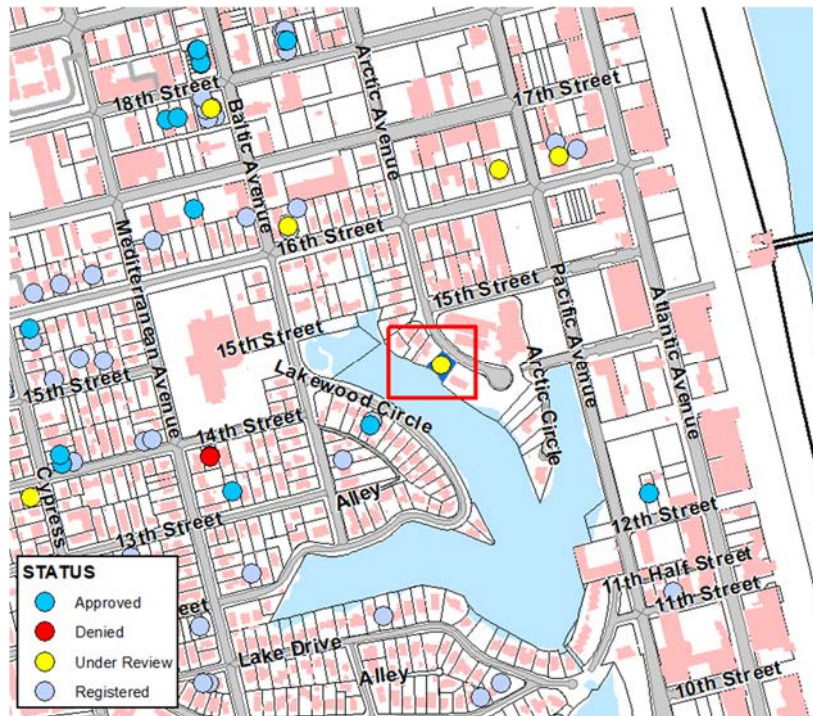
Site Conditions and History

- This 8,249 square foot parcel is zoned R-5S Residential.
- According to City records, this 2-bedroom home was constructed in 1984.
- Staff inspected the site on March 16, 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 04/12/21:

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

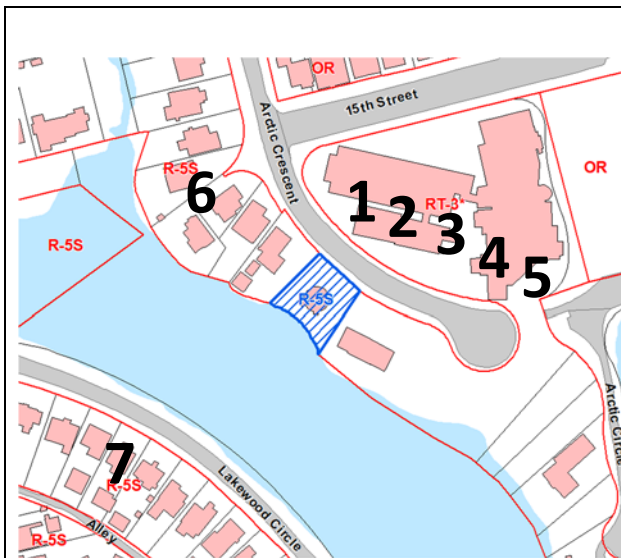


Updated on April 9, 2021

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



Zoning History

#	Request
1	CUP (Portable classrooms) Approved 05/25/2004
2	CUP (Church & related accessory uses) Approved 11/09/2004
3	CRZ (A-12 Apartment District to Conditional RT-3 Resort Tourist District) Approved 11/09/2004
4	CUP (Church addition) Approved 03/09/1994
5	STC (Street Closure) Approved 12/12/1991
6	STR (Street Closure) Approved 12/10/1997
7	STR (Short Term Rental) Approved 02/06/2020

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 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 the Star of the Sea Church. The home contains two bedrooms; thus, two off-street parking spaces are required & provided on site. Since the property is within the boundary of the Residential Parking Permit Program (RPPP), parking passes issued for the subject dwelling will be limited to two resident passes for each unit; guest and temporary passes will not be permitted 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 312 Arctic Crescent, 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. 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.
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.

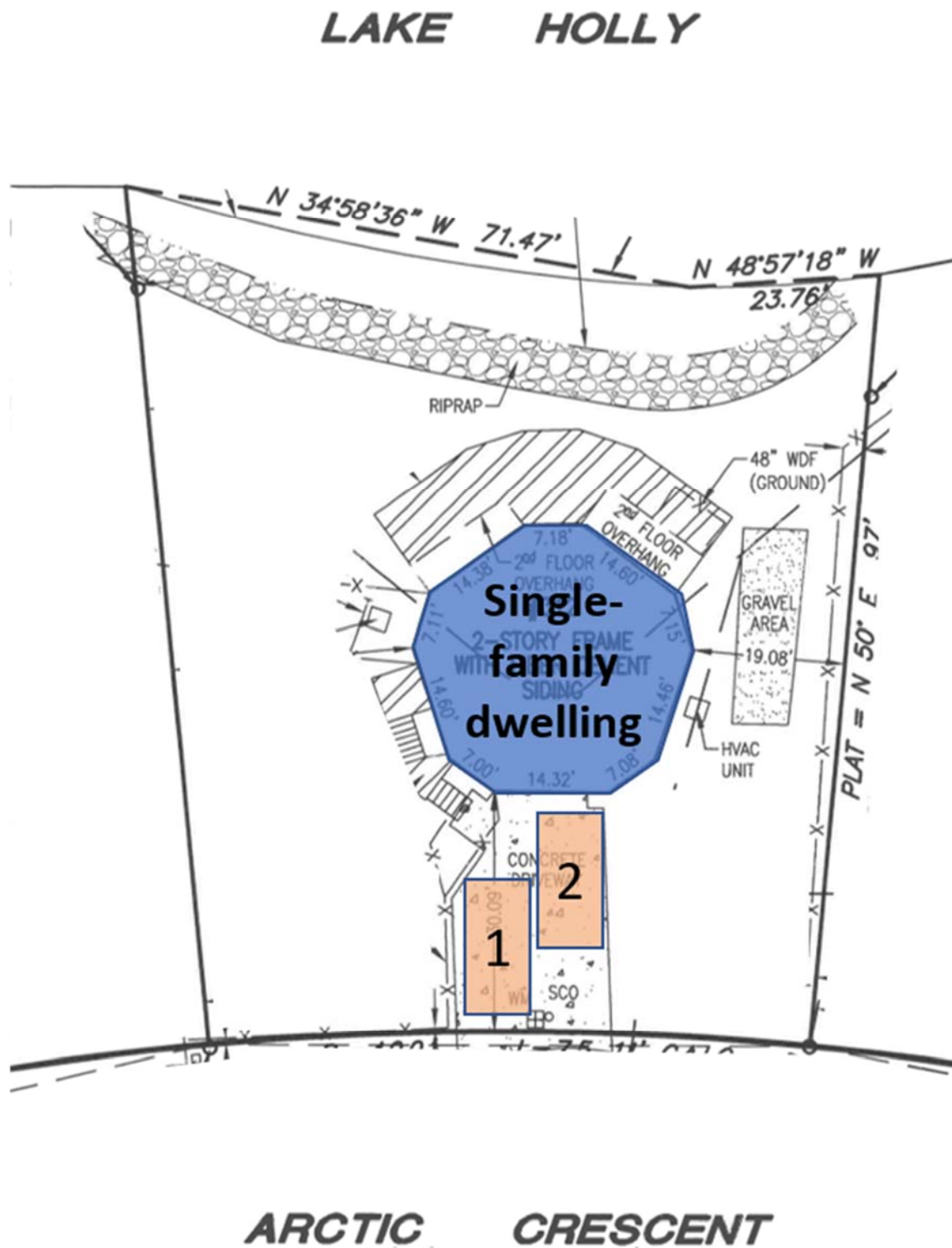
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 25, 2021, and May 2, 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 April 26, 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 May 6, 2021.

Site Layout & Parking Plan



Site Photos



Site Photos





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 Suzanne H. Oleszko

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

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

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

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

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

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property? ☐ Yes ☒ No

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

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

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

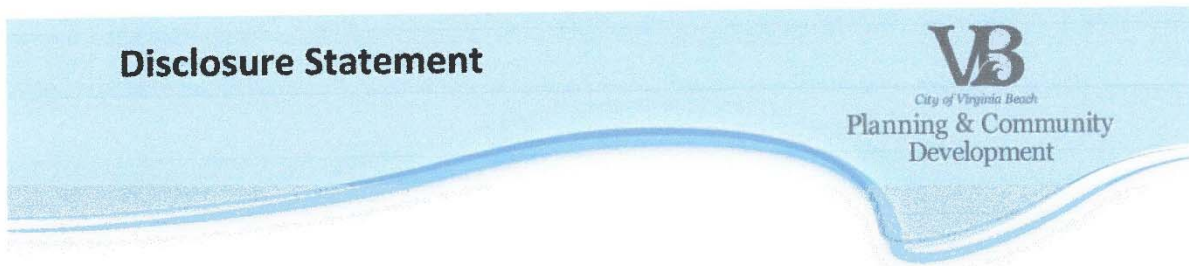
4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

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

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

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

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If yes, identify the company and individual providing the service.
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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.
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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.
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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

Suzanne H. Oleszko, owner

Print Name and Title

February 8, 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 checked="" 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.