

A photograph of two dolphins leaping from the water, creating a large splash. The dolphins are dark grey with lighter underbellies. The water is a greenish-blue color. The text 'Planning Commission Agenda' is overlaid in the upper right quadrant in a large, white, serif font with a blue outline.

Planning Commission Agenda

August 11, 2021

The logo for the City of Virginia Beach, featuring a large blue 'VB' with a wave inside the 'B', followed by the text 'City of Virginia Beach' in a smaller, blue, serif font.

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

A Public Hearing of the Virginia Beach Planning Commission will be held on **Wednesday, August 11, 2021 at 12:00 p.m. in the Council Chamber at City Hall, Building 1, 2nd Floor at 2401 Courthouse Drive, Virginia Beach, VA 23456**. 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 Council Chamber or virtually via WebEx by completing the two-step process below. 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=ec7781861f51f1286433002986ec2ae1a>
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 August 10, 2021.

Copies of the proposed plans, ordinances, amendments and/or resolutions are on file and may be examined by appointment in the Planning Department at 2875 Sabre St, Suite 500, Virginia Beach, VA 23452 or online at www.vbgov.com/pc. For information call 757-385-4621. Staff Reports will be available on the webpage 5 days prior to the meeting.

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.

Please check our website at www.vbgov.com/pc for the most updated meeting information.

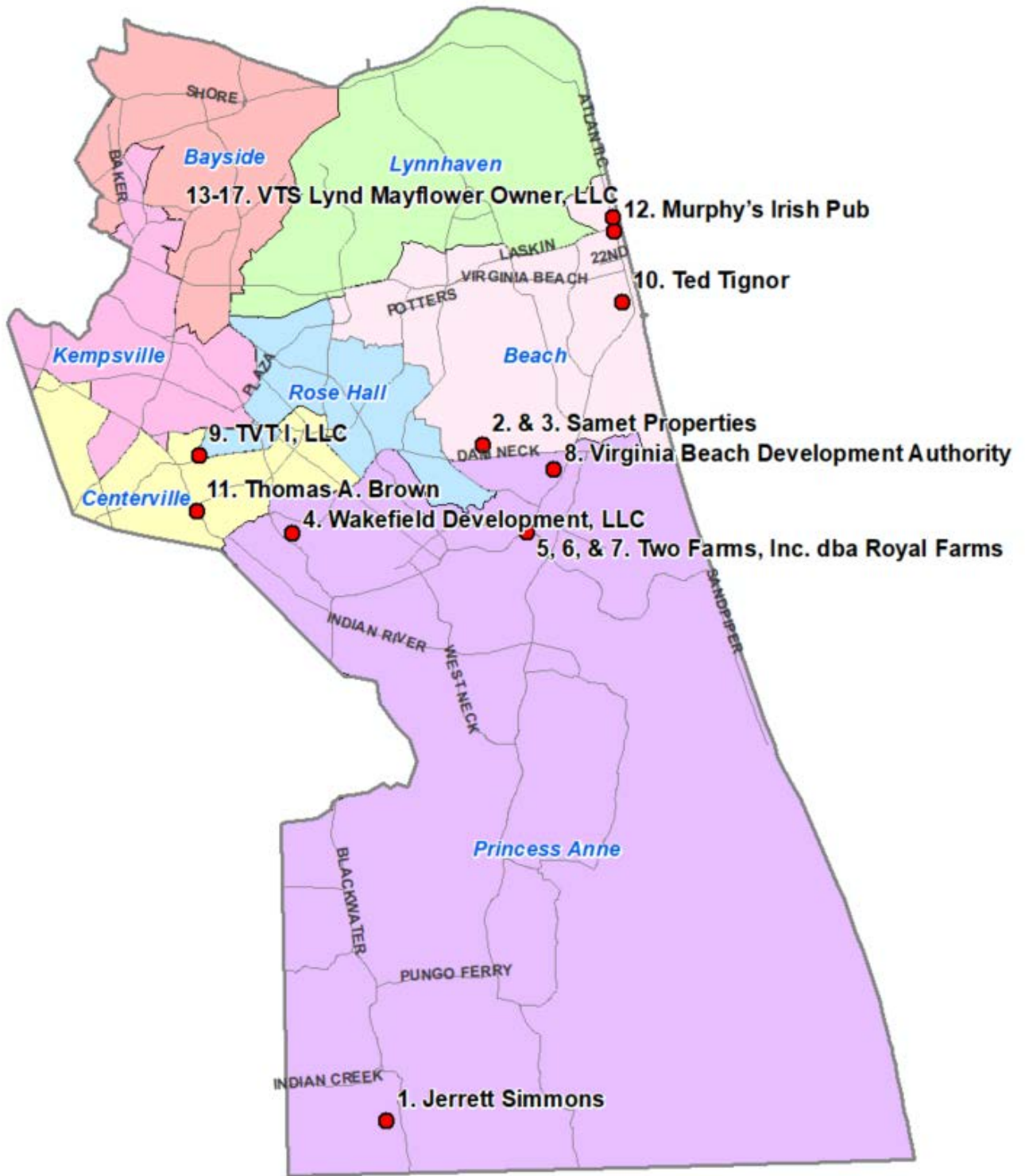
- * Deferral
- ** Withdrawal

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

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 **Please note the requests that are made, as one of the items being withdrawn or deferred may be the item that you have an interest in.** Please confine your remarks to the deferral or withdrawal request and do not address the issues of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

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

AUGUST 11, 2021 PLANNING COMMISSION AGENDA



* Deferral
** Withdrawal

AUGUST 11, 2021 PLANNING COMMISSION AGENDA

A. COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION

12:00 P.M. – PUBLIC HEARING

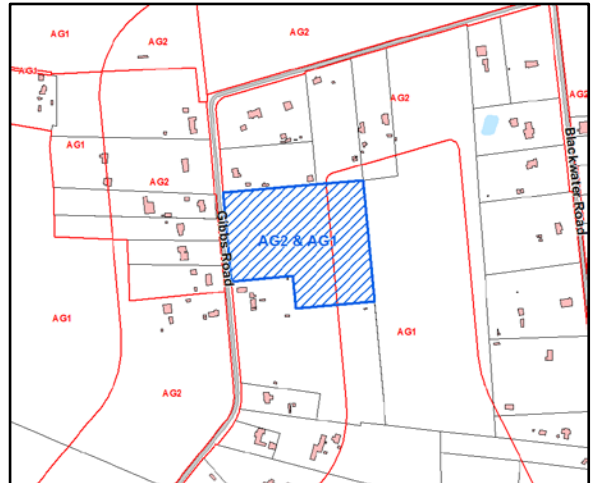
1.

Jerrett Simmons (Applicant)
Jerrett Simmons & Marlena Begley-Simmons
(Property Owners)

Conditional Use Permit (Alternative Residential Development)

Address: 2841 W. Gibbs Road
GPIN(s): 1397352303
Council District: Princess Anne
Accela Record: 2021-PCCC-00142
Staff Planner: Marchelle Coleman

Request to construct a dwelling on agricultural zoned property.



2. & 3.

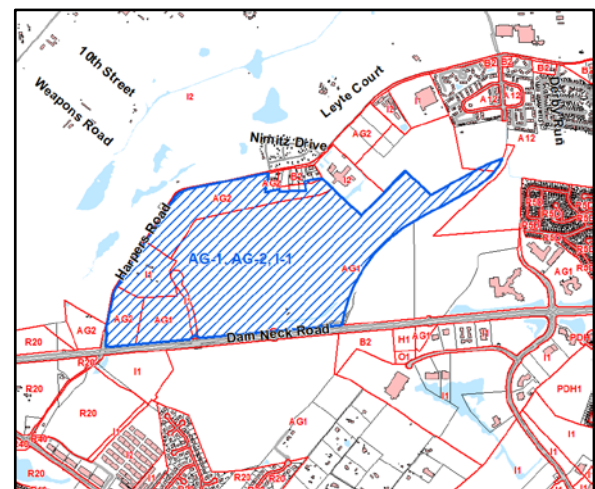
Samet Properties (Applicant)
Taylor Farms Land Company, LLC (Property Owner)

Conditional Rezoning (AG-1 & AG-2 Agricultural District & Conditional I-1 Light Industrial to Conditional I-1 Light Industrial District)

Conditional Use Permit (Bulk Storage Yard)

Address: 2097 Harpers Road
GPIN(s): 2405665160
Council District: Beach
Accela Record: 2021-PCCC-00124, 2021-PCCC-00135
Staff Planner: Marchelle Coleman

Rezoning required in order to construct and operate a distribution center, warehouse, and offices.



- * Deferral
- ** Withdrawal

4.

Wakefield Development, LLC (Applicant)
Merlin Beiler, Trustee of the Elva Y. Beiler Trust & of Elva Y. Beiler Land Trust (Property Owner)

Conditional Rezoning (R-15 Residential District & AG-1 Agricultural District to Conditional R-10 Residential District)

Addresses: 2328 & 2264 Salem Road

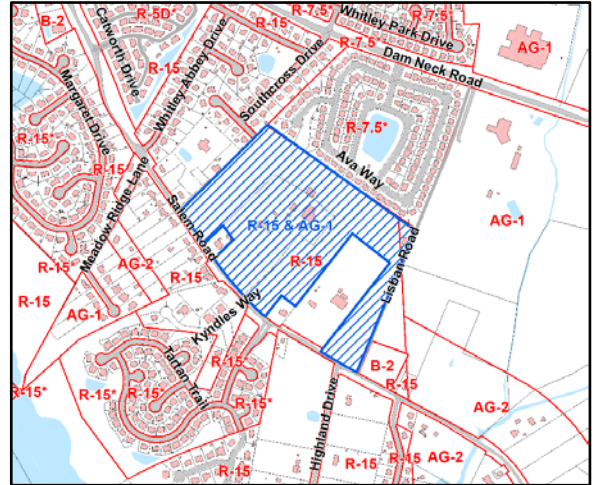
GPIN(s): 1484163140, 1484058862

Council District: Princess Anne

Accela Record(s): 2020-PCCC-00208

Staff Planner: Marchelle Coleman

Rezoning 2 lots totaling 40 acres to create up to 86 lots at least 10,000 sf in size and at a density of 2.14 units/acre.



5, 6, & 7.

Two Farms, Inc. dba Royal Farms (Applicant)
Hollomon-Brown Funeral Home, Bayside Chapel, Inc. (Property Owner)

Conditional Rezoning (O-2 Office to Conditional B-2 Community Business)

Conditional Use Permits (Automobile Service Station, Car Wash Facility)

Address: Parcel at the southeast corner of General Booth Boulevard & Princess Anne Road

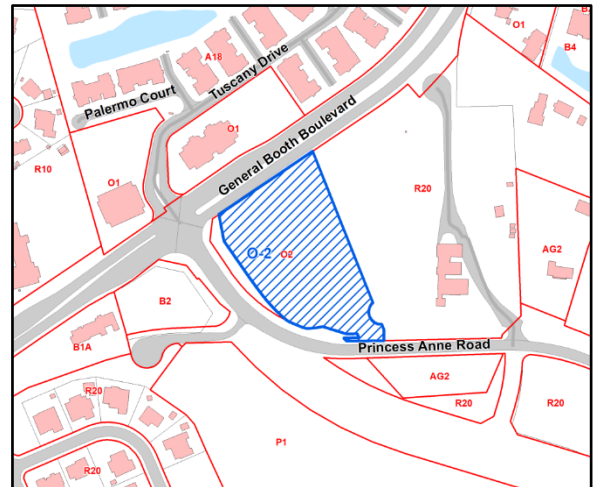
GPIN(s): 2414050844

Council District: Princess Anne

Accela Records: 2021-PCCC-00050, 2021-PCCC-00054, 2021-PCCC-00055

Staff Planner: Hoa N. Dao

Requests to rezone the parcel to B-2 for Car Wash, Fuel Sales & Convenience Store



- * Deferral
- ** Withdrawal

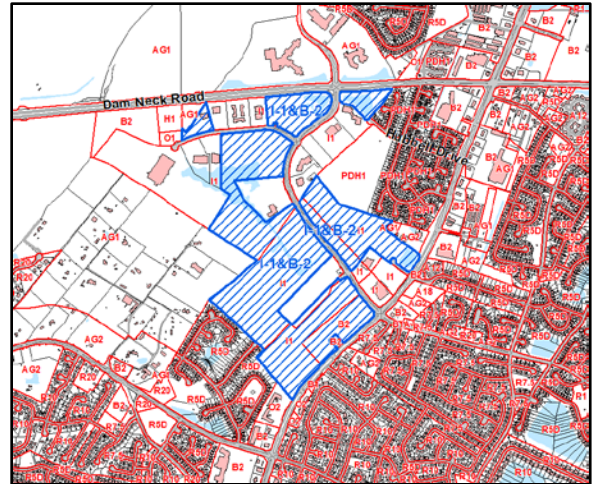
8.

Virginia Beach Development Authority (Applicant)
Virginia Beach Development Authority & FROB, LLC (Property Owners)

Modification of Proffers

Address: Portion of Corporate Landing Business Park
GPIN(s): 2415122650, 2415040770, 2415146859, 2415259170, 2415227788
Council District: Princess Anne
Accela Record: 2021-PCCC-00126
Staff Planner: Hoa N. Dao

Proposal to update existing design criteria for the Corporate Landing Business Park



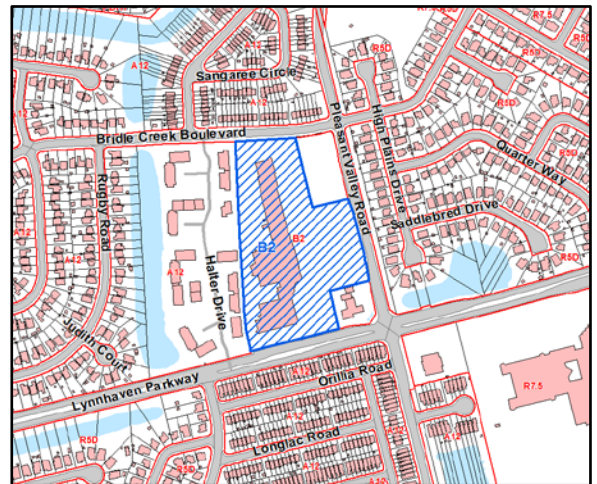
9.

TVT I, LLC, d/b/a Tower Ventures C/O Lou Katzerman (Applicant)
Pleasant Valley Associates, LLC (Property Owner)

Modification of Conditions (Communication Tower)

Address: 4221 Pleasant Valley Road
GPIN(s): 1475047711
Council District: Centerville
Accela Record: 2021-PCCC-00154
Staff Planner: Hoa N. Dao

Request to modify previous communication tower with a 134 ft. monopine tower.



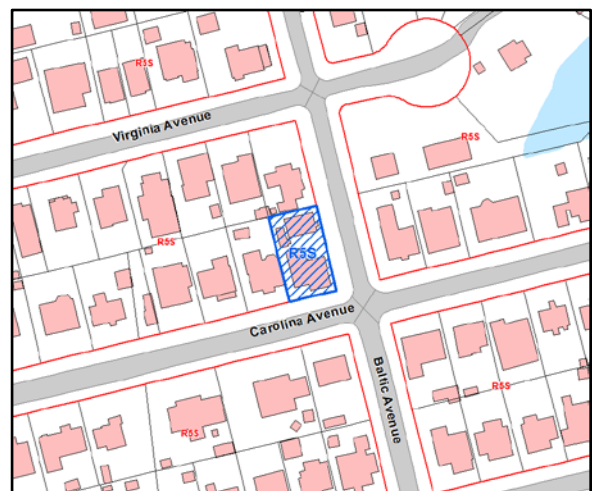
10.

Ted Tignor (Applicant & Property Owner)

Change in Nonconformity

Address: 501 Carolina Avenue
GPIN(s): 2427132281
Council District: Beach
Accela Record: 2021-PCCC-00141
Staff Planner: Grace Pullen/Hoa Dao

Request to expand one of the two existing dwellings by 1,020 sf.



- * Deferral
- ** Withdrawal

11.

Thomas A. Brown (Applicant & Property Owner)

Subdivision Variance (Section 4.4(b) of the Subdivision Regulations)

Address: Indian River Road

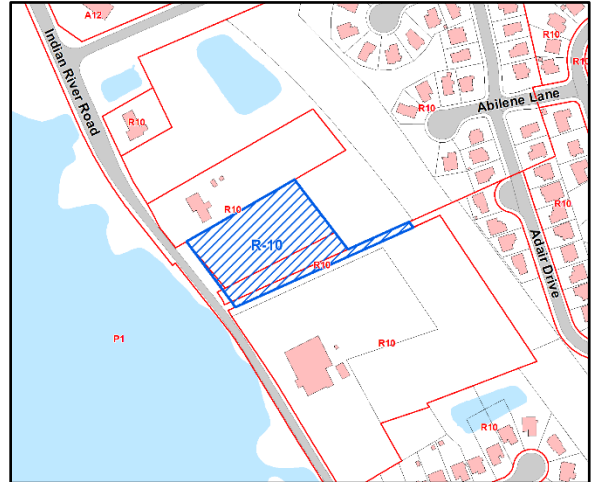
GPIN(s): 1474086452, 1474088386

Council District: Centerville

Accela Record: 2021-PCCC-00029

Staff Planner: Aubrey Trebilcock

Request to subdivide two lots in order to create three lots for residential development, where the proposed lots are deficient in lot width.



12.

Murphy's of Virginia Beach (Applicant)

Stephen Yuen Yee Family, LLC (Property Owner)

Alternative Compliance

Address: 2914 Pacific Avenue

GPIN(s): 2428013605

Council District: Beach

Accela Record: 2021-PCCC-00125

Staff Planner: Hank Morrison

Request for ability to host fundraisers, movie nights, and other reoccurring outdoor events.

DEFERRAL REQUESTED



- * Deferral
- ** Withdrawal

SHORT TERM RENTALS

13, 14, 15, 16, & 17.

VTs Lynd Mayflower Owner, LLC (Applicant & Property Owner)

Conditional Use Permits (Short Term Rentals)

Address: 205 34th Street, Units 1601, 1602, 1603, 1604, & 1605

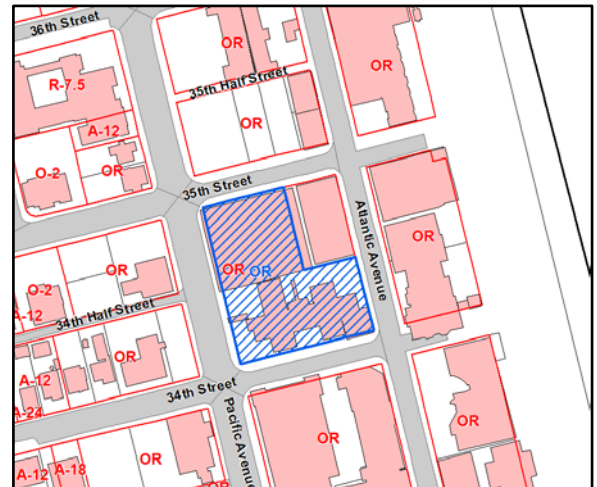
GPIN(s): 2428032311

Council District: Beach

Accela Record(s): 2020-PCCC-00253/254/255/256/257

Staff Planner: Will Miller

A Short Term Rental request for 2 2-Bedrooms, 2 3-Bedrooms, and 1 4-Bedroom.



- * Deferral
- ** Withdrawal

Request

Conditional Use Permit (Alternative Residential Development)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

2841 W. Gibbs Road

GPIN

1397352303

Site Size

11.75 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Farm / AG-1 & AG-2 Agricultural

Surrounding Land Uses and Zoning Districts

North

Single-family dwelling, /AG-2 Agricultural

South

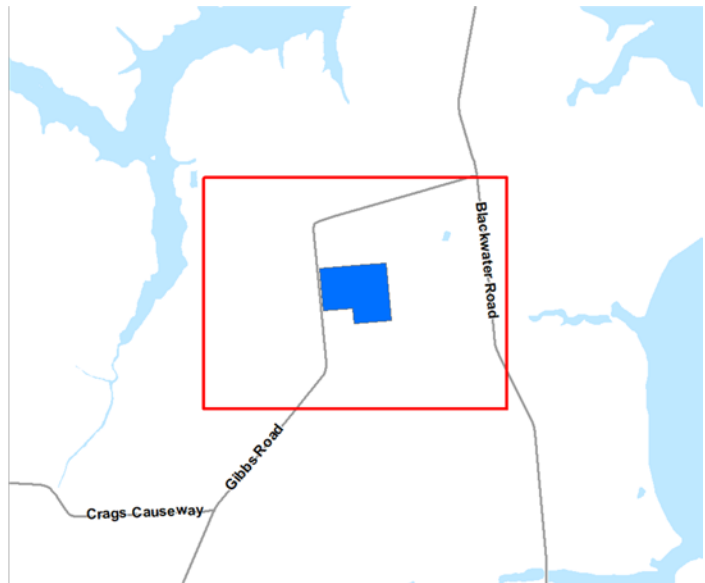
Single-family dwelling, cultivated fields / AG-1 & AG-2 Agricultural

East

Cultivated fields / R-5D Residential, AG-1 Agricultural

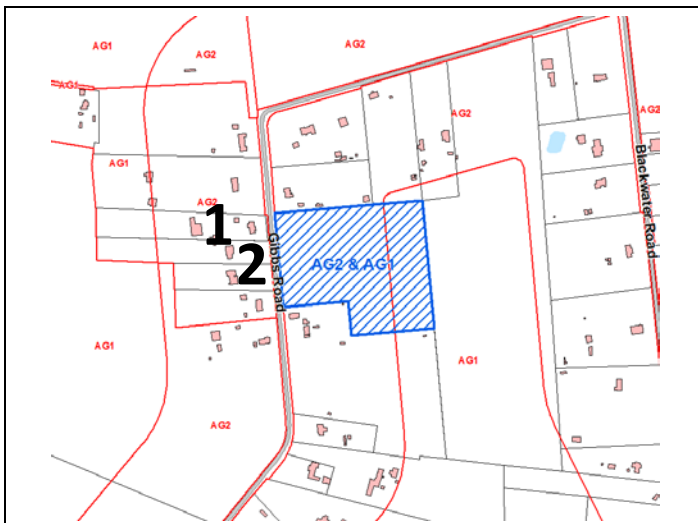
West

Single-family dwellings / AG-2 Agricultural



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for Alternative Residential Development to construct one single-family dwelling on this 11.75-acre parcel zoned AG-1 & AG-2 Agricultural District.
- The intent of the request is to satisfy a note on the Subdivision plat recorded in 2008 which states “Parcel B is not a building site until a Conditional Use Permit for Alternative Residential Development has been approved by the Virginia Beach City Council and approval for the installation of an on-site sewage disposal system and a private well has been granted by the Virginia Beach Department of Public Health.”
- The applicant has obtained approval from the Virginia Department of Health for an on-site sewage disposal system and private well, which was recently installed on the property.
- The property is currently developed as a farm with horses, chickens, and goats and has been operating as such since 2012. Prior to the applicant owning the property, the land was farmed for soybeans and corn.
- The applicant is seeking to construct a 2,719 square foot single-family dwelling to live on the property to care for the animals. The two-story single-family dwelling will be built on a raised slab with a brick skirt, as shown on pages seven and eight of this report. According to the applicant, the exterior will consist of white vinyl siding with black shutters.



Zoning History

#	Request
1	SVR Approved 04/05/2017
2	SVR Approved 07/06/2004

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 proposed Conditional Use Permit for Alternative Residential Development, in Staff’s opinion, is acceptable. The applicant’s family has been operating the farm on the property since 2012. The applicant’s intention to construct a single-family dwelling on the property in order to continue small-scale agricultural use of the property meets the recommendations outlined in the Comprehensive Plan’s Rural Residential Guidelines. These Guidelines include maximizing the opportunity for agricultural or similar compatible activities as part of a residential development and avoiding fragmenting or dividing remaining farmland and open space into small lots.

The proposed dwelling and continued use of the property for the small-scale operation will be consistent with the surrounding residential development pattern along this portion of Gibbs Road. Some elements of the architectural design of the dwelling are consistent with the recommendations in the Rural Area Design Guidelines, such as a front porch with simple porch columns, pitched roof lines, lap siding, Board and Batt siding, and a side-loading garage.

The maximum number of dwelling units permitted under a Conditional Use Permit of Alternative Residential Development is based on the quality of soils. The property consists of three soil types: Bojac Fine Sandy Loam, Munden Fine Sandy Loam, and Dragston Fine Sandy Loam. Bojac Fine Sandy Loam and Munden Fine Sandy Loam are soil area 1 soils and are considered well drained soils with high water table ranges from 1.5 to more than 4 feet. Dragston Fine Sandy Loam is a soil area 2 soil and is characterized as a poorly drained soil with high water table ranges from 0 to 1.5 feet. According to the Zoning Ordinance, for soil area 1 the maximum density shall be one dwelling unit for each five acres of land and for soil area 2, the maximum density shall be one dwelling unit for each 10 acres of land. The applicant is requesting to construct one dwelling unit on this nearly 12.0-acre parcel. Staff deems this to be an appropriate density for this site.

As required by the Rural Development Guidelines set forth in the City of Virginia Beach Comprehensive Plan, a minimum, 50-foot wide, vegetative buffer shall be installed between proposed residential structures and abutting agricultural operations. The applicant is seeking a deviation to this requirement. Staff supports maintaining the existing trees and shrubs along the property lines, as noted in Condition 4, which will meet the intent of this requirement. In Staff's opinion, the request to deviate is warranted and is being requested through the provisions of Section 221(i) of the Zoning Ordinance, which allows City Council to grant deviations from required landscaping if "for good cause shown upon a finding that there will be no significant detrimental effects on surrounding properties".

Staff recommends approval subject to the conditions below, as it meets the intent of the Comprehensive Plan and the Rural Area Design Guidelines.

Recommended Conditions

1. When the property is developed, it shall be in substantial conformance with the site layout entitled "SITE PLAN OF PARCEL B, SUBDIVISION OF PROPERTY, VIRGINIA BEACH, VIRGINIA", prepared by Tim Fallon Land Surveyors, LLC, dated March 30, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The exterior of the proposed building shall substantially adhere in appearance, size, and materials to the submitted elevations entitled " PLANS PREPARED FOR: TUCKER HOMES, THE MYRTLE MODEL, EXTERIOR ELEVATIONS", prepared by Mayfield Designs, Inc., dated March 31, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. There shall be no more than one single-family dwelling located on this lot.
4. The existing landscaping and planting areas surrounding the property, as depicted on the attached plan on file with the Department of Planning shall be maintained.
5. The 50-foot wide, vegetative buffer shall not be required and is a deviation to the landscape buffer requirements set forth in the Rural Area Development Guidelines of the Comprehensive Plan.

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

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

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as being within the Rural Area. The Rural Area is located in the southern half of the City south of Indian River and Sandbridge Roads. It is characterized as low, flat land with wide floodplains and altered drainage with a presence of agricultural and rural related activities including traditional and specialty crop cultivation, tree farms, equestrian facilities, wetland banks, fish farms and other similar uses. It is an important objective to protect and sustain all of our valuable environmental, scenic, and agricultural resources against inappropriate activities and intense growth.

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 the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
W. Gibbs Road	No Data Available	11,200 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 0 ADT Proposed Land Use ³ – 10 ADT
¹ Average Daily Trips	² as defined by an agricultural use	³ as defined by a single-family dwelling	⁴ LOS = Level of Service

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

W. Gibbs Road, in the vicinity of this application, is currently a two-lane undivided rural road. There are no plans to widen West Gibbs Road at this time.

Public Utility Impacts

Water & Sewer

City water & sewer is not available to the property. Health Department approval is required for private wells and septic systems.

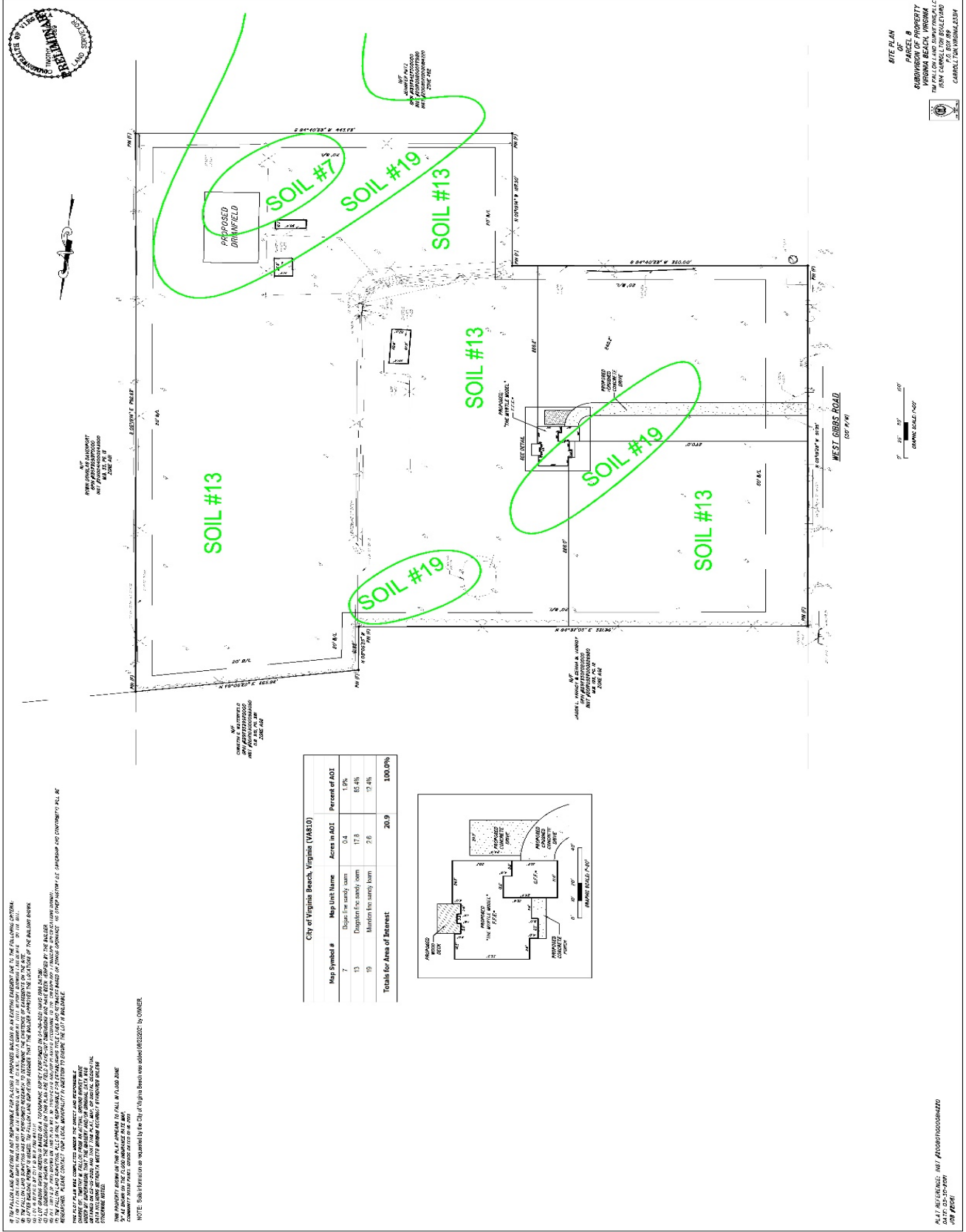
Public Outreach Information

Planning Commission

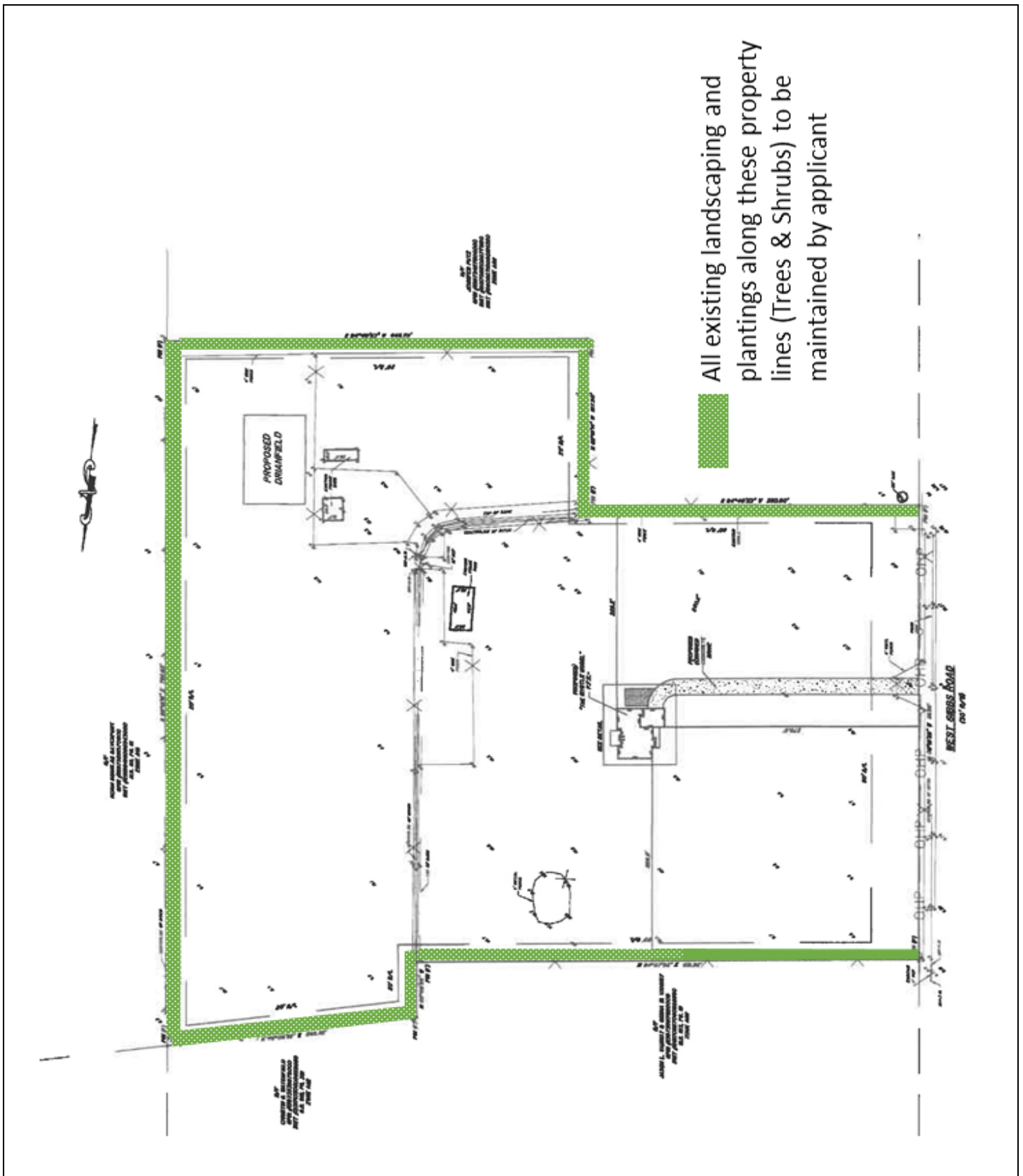
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on July 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, July 25, 2021 and August 1, 2021.

- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on July 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 August 5, 2021.

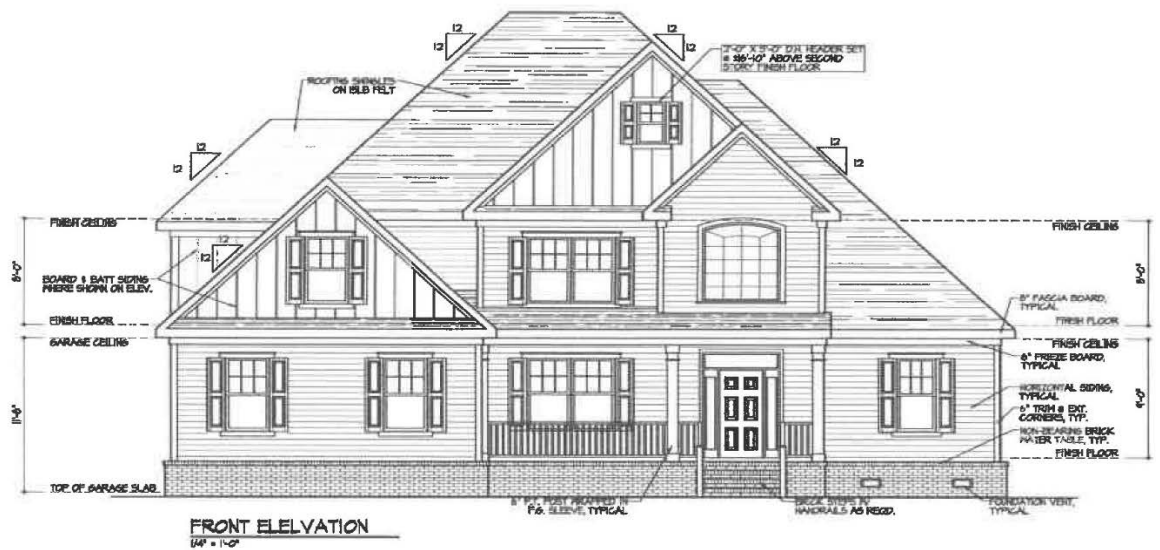
Proposed Site Layout



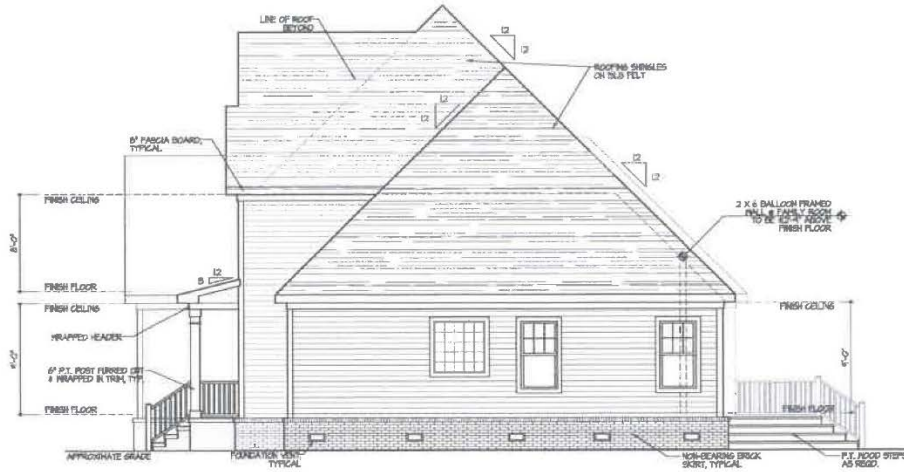
Existing Landscaping & Planting Areas



Proposed Elevation Plan



Proposed Elevation Plan



RIGHT SIDE ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"

Site Photos



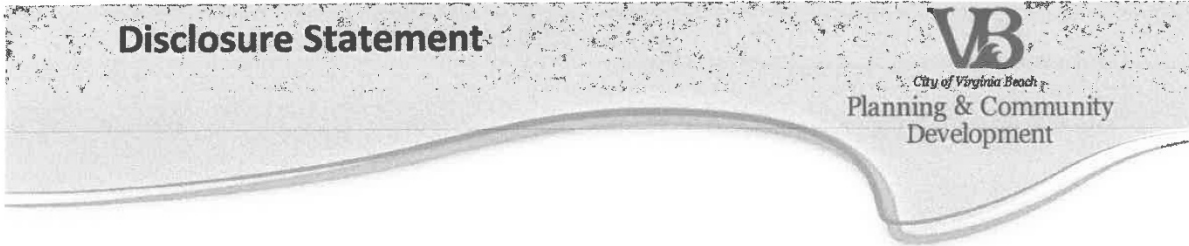
Site Photos



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 Jerrett Simmons

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.

Towne Bank

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.

Tucker Homes LLC

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.

Tim Fallon Land Surveying, PLLC

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

Jerrett M. Simmons

Print Name and Title

06/11/2021

Date

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

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

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

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

Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Requests

Conditional Rezoning (AG-1 & AG-2
Agricultural and Conditional I-1 Light Industrial
to Conditional I-1 Light Industrial)

Conditional Use Permit (Bulk Storage Yard)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

2097 Harpers Road

GPIN

2405665160

Site Size

328.26 acres

AICUZ

Greater than 75 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Undeveloped parcel, farm, borrow pit / AG-1 &
AG-2 Agricultural

Surrounding Land Uses and Zoning Districts

North

Auto sales & service, restaurant / AG-2
Agricultural, B-2 Community Business

South

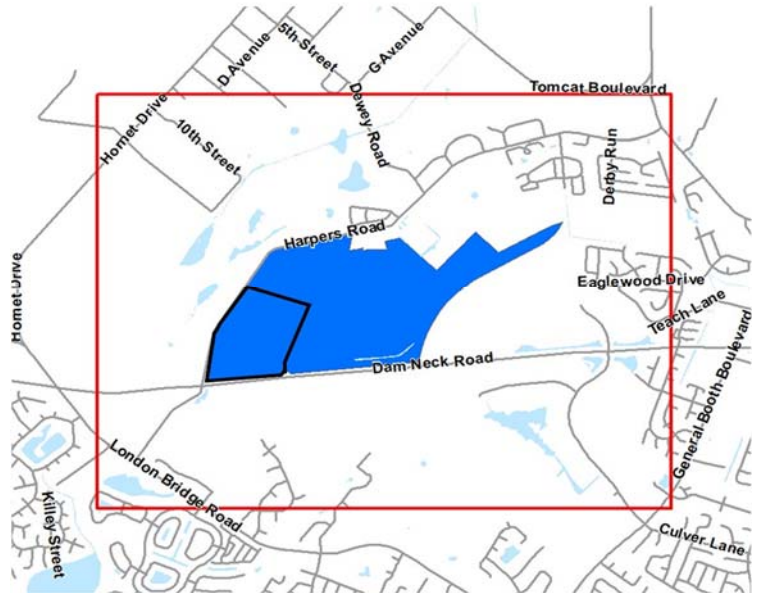
Dam Neck Road
Undeveloped parcel / AG-1 Agricultural & I-1
Light Industrial

East

School / AG-1 Agricultural

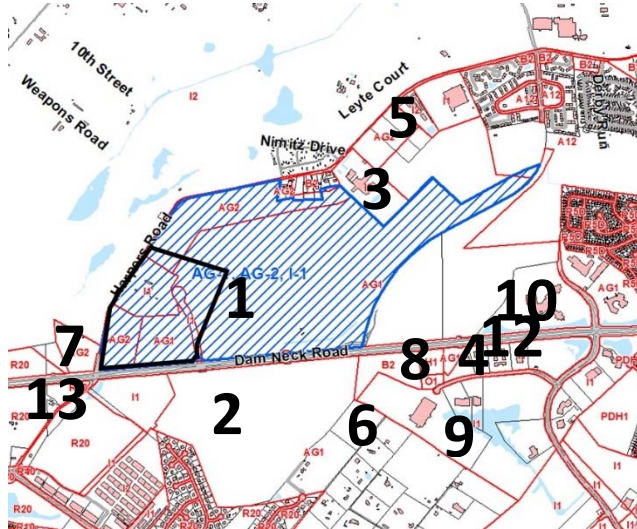
West

Harpers Road
Golf course / I-2 Heavy Industrial



Background & Summary of Proposal

- The applicant is requesting to rezone a 48.38-acre portion of a 328-acre parcel from AG-1 and AG-2 Agricultural Districts and Conditional I-1 Light Industrial District to Conditional I-1 Light Industrial District to construct a distribution center. A Conditional Use Permit is also requested for a Bulk Storage Yard for the storage of delivery vans on the property. On October 1, 2019, a portion of this property was rezoned to Conditional I-1 Light Industrial to construct a 170,000 square foot data center that was never constructed. This application will replace the previously approved project.
- The applicant is seeking to construct a 221,000 square foot industrial building primarily used for storage and distribution, with some office space, on a 67.15-acre site. Hours of operation for the distribution center will be 24 hours a day, seven days a week with approximately 200 full-time employees. While there will be approximately 200 full-time employees, an interminate number of contract employees will also be on site during operations.
- Vehicular access is proposed at four ingress/egress points along Harpers Road and the existing ingress/egress on Dam Neck Road, as shown on the proposed Conceptual Site Plan on page 10 of this report.
- Proposed stormwater management facilities, two in total, will be constructed adjacent to the distribution center to address stormwater quality and quantity control for the site.
- As depicted on the proposed landscape plan, the required streetscape, interior parking lot, and foundation plantings will be installed. To meet the requirements of Section 228 of the Zoning Ordinance, the Bulk Storage Yard will be entirely enclosed with Category VI landscaping, which includes a solid fence, not less than six feet in height, with plants along the exterior of the fence. The landscape plan will be reviewed in more detail during site plan review.
- The proffered building elevations for the proposed distribution building depict a single-story gray tilt-up concrete structure with a blue accent band painted on the tilt panels along the roofline. Decorative metal panels with blue accents are proposed over the employee entrance and the package pick up area. Additionally, overhead doors for loading are proposed along the north, west and east elevations.
- An eight-foot tall monument style sign is proposed at the main entrance to the site on Harper's Road, as depicted on pages 14 and 15 of this report.
- Per Section 203 of the Zoning Ordinance, one space per employee on a maximum working shift is required. The concept plan depicts 1,558 parking spaces, well in excess of the minimum requirement of up to 200 spaces. It is anticipated that up to 1,111 parking spaces will be within the Bulk Storage Yard for the storage of the company's vans. The remaining 447 parking spaces will be designated for employees.
- The site is located in the greater than 75dB DNL Noise Zone and is encumbered by a Navy restrictive easement. On June 30, 2021, the applicant received a letter from the Department of Navy stating that the proposed use appears to be compliant with the language of the restrictive easement and is, therefore, an appropriate use for this site. This correspondence is on page 16 of this report.

	<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>CRZ (AG-1 & AG-2 to Conditional I-1) Approved 10/01/2019 MOD (Borrow Pit) Approved 04/05/2016 CUP (Borrow Pit) Approved 03/22/2011 CUP (Outdoor Recreational Facility) Approved 03/22/2005</td></tr><tr><td>2</td><td>CRZ (AG-1 & AG-2 to Conditional I-1) Approved 08/04/2015 REZ (R-20 to I-1) Approved 08/04/2015 CUP (Bulk Storage Yard) Approved 08/04/2015</td></tr><tr><td>3</td><td>CUP (Wind Energy Conversion System) Approved 09/22/2009</td></tr><tr><td>4</td><td>CRZ (AG-1 to Conditional O-1) Approved 04/22/2003 CRZ (AG-1 to Conditional H-1) Approved 04/22/2003</td></tr><tr><td>5</td><td>CRZ (AG-1 & AG-2 to Conditional I-2) Approved 05/14/2002</td></tr><tr><td>6</td><td>CUP (Pet Crematory) Approved 04/09/2002</td></tr><tr><td>7</td><td>CUP (Communication Tower) Approved 08/08/2000 CUP (Communication Tower) Approved 02/11/1997 CUP (Bulk Storage) Approved 06/22/1987 REZ (AG-2 to I-1) Approved 06/22/1987</td></tr><tr><td>8</td><td>CRZ (AG-1 to Conditional B-2) Approved 10/29/1996 CUP (Indoor Recreation Facility) Approved 10/29/1996</td></tr><tr><td>9</td><td>MOD (Rezoning) Approved 06/25/1996</td></tr><tr><td>10</td><td>REZ (I-1 to AG-1) Approved 09/14/1993</td></tr><tr><td>11</td><td>CUP (Automobile Repair Garage) Approved 06/22/1993</td></tr><tr><td>12</td><td>REZ (AG-1 to R-5) Approved 07/06/1987</td></tr><tr><td>13</td><td>CUP (Bulk Storage) Approved 06/22/1987 REZ (AG-2 to I-1) Approved 06/22/1987</td></tr></table>				#	Request	1	CRZ (AG-1 & AG-2 to Conditional I-1) Approved 10/01/2019 MOD (Borrow Pit) Approved 04/05/2016 CUP (Borrow Pit) Approved 03/22/2011 CUP (Outdoor Recreational Facility) Approved 03/22/2005	2	CRZ (AG-1 & AG-2 to Conditional I-1) Approved 08/04/2015 REZ (R-20 to I-1) Approved 08/04/2015 CUP (Bulk Storage Yard) Approved 08/04/2015	3	CUP (Wind Energy Conversion System) Approved 09/22/2009	4	CRZ (AG-1 to Conditional O-1) Approved 04/22/2003 CRZ (AG-1 to Conditional H-1) Approved 04/22/2003	5	CRZ (AG-1 & AG-2 to Conditional I-2) Approved 05/14/2002	6	CUP (Pet Crematory) Approved 04/09/2002	7	CUP (Communication Tower) Approved 08/08/2000 CUP (Communication Tower) Approved 02/11/1997 CUP (Bulk Storage) Approved 06/22/1987 REZ (AG-2 to I-1) Approved 06/22/1987	8	CRZ (AG-1 to Conditional B-2) Approved 10/29/1996 CUP (Indoor Recreation Facility) Approved 10/29/1996	9	MOD (Rezoning) Approved 06/25/1996	10	REZ (I-1 to AG-1) Approved 09/14/1993	11	CUP (Automobile Repair Garage) Approved 06/22/1993	12	REZ (AG-1 to R-5) Approved 07/06/1987	13	CUP (Bulk Storage) Approved 06/22/1987 REZ (AG-2 to I-1) Approved 06/22/1987
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Evaluation & Recommendation

In Staff’s opinion, these requests to conditionally rezone a 43.38-acre portion of the 328-acre parcel to construct a distribution center and the Conditional Use Permit for a Bulk Storage Yard to store the company’s vans is acceptable.

This site is located within the Special Economic Growth Area 3 – South Oceana. The Special Economic Growth Area 3 (SEGA-3) is a tract of land encompassing properties on both sides of Dam Neck Road, between Holland Road and Corporate Landing Parkway. Portions of this area are impacted by high noise zones, accidental potential zones, and Navy restrictive easements. The proposed distribution center is compatible with the AICUZ provisions set forth in the Zoning Ordinance. As stated previously, the Navy has provided a favorable easement compliance review letter noting that the use is consistent with the terms of the easement.

As recommended in the Comprehensive Plan, the underdeveloped tracts east of the South Oceana Special Economic Growth Area are envisioned to be of high-quality employment, corporate parks, and light industrial uses with attractive building designs. The Plan supports development and redevelopment of this area consistent with the City's AICUZ Ordinance provisions and the City's economic growth strategy. The proposed industrial use of the site as a distribution and warehouse facility with accessory office space is found to be appropriate for the subject property and conforms to the recommended uses within the South Oceana Special Economic Growth Area.

The applicant submitted the Harpers Road Delivery Station Traffic Impact Study (TIS), dated June 30, 2021 to Staff for review. The TIS shows a very detailed schedule of operations at the proposed facility that has no traffic entering and exiting the site during the AM peak traffic period (7:00 a.m.– 9:00 a.m.) and a small amount of traffic entering and exiting during the PM peak traffic period (4:00 p.m.– 6:00 p.m.). The TIS shows that the facility would not have impact on traffic signal operations at Dam Neck Road and Harpers Road during peak traffic periods for the surrounding roadways. However, if operation schedules change such that more traffic is generated during the AM or PM peak period, the TIS will be required to be revised and the applicant would be responsible for all roadway improvements to mitigate impacts of the site during those peak traffic periods. As depicted on the Conceptual Site Plan and the Harpers Road Improvements Exhibit on pages 10 and 12 of this report, significant improvements will be made to Harpers Road in the vicinity of this site. All travel lanes will be widened by 12 feet, left and right turn lanes will be installed for all four access points on Harpers Road, and curb and gutter will be installed on the east side of Harpers Road. Minor revisions based on access changes to the site have been proposed since the TIS was submitted to Staff on June 30, 2021. The changes, however, will not affect the conclusions of the study but will be required to be finalized in the TIS and the applicant will be responsible for all roadway improvements identified in the final approved TIS. Condition 5 has been recommended to address this. Additional detailed comments from Traffic Engineering will be provided during the site plan review process.

As recommended by Staff, the applicant has submitted a preliminary stormwater management analysis to the Development Services Center (DSC) outlining their proposed stormwater strategy for this site. The DSC has reviewed the preliminary stormwater analysis and based on their findings, is confident that the submitted strategy has the potential to successfully comply with stormwater regulations for this site. Upstream and downstream impacts will be more closely reviewed during site plan review for this project to ensure that negative impacts will not occur upstream and downstream as a result of this development. More detailed information can be found in the Stormwater Impacts section of this report.

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

Proffers

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to "offset identified problems to the extent that the proposed rezoning is acceptable," (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:

When the Property is developed, the layout of the building, improvements, access and onsite circulation shall be substantially in accordance with the exhibit entitled "PROJECT DOOR CONCEPTUAL SITE PLAN FOR DISTRIBUTION CENTER ON A PORTION OF PARCEL "A" PROPERTY LOCATED AT 2097 HARPERS ROAD, VIRGINIA BEACH, VA", dated July 20, 2021 and prepared by Kimley-Horn and Associates which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development (hereinafter "Site Plan").

Proffer 2:

When the Property is developed, the site landscaping shall be planted and maintained substantially in accordance with the exhibit entitled "PROJECT DOOR CONCEPTUAL LANDSCAPE PLAN FOR DISTRIBUTION CENTER ON A PORTION OF PARCEL "A" PROPERTY LOCATED AT 2097 HARPERS ROAD, VIRGINIA BEACH, VA", dated July 20, 2021 and prepared by Kimley-Horn and Associates which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development (hereinafter "Landscape Plan").

Proffer 3:

The exterior of the distribution center building depicted on the Site Plan shall be substantially similar in appearance with the exhibit entitled "EXTERIOR ELEVATIONS PROJECT DOOR 2097 HARPERS ROAD, VIRGINIA BEACH, VA 23454" dated July 2, 2021 and prepared by Prime Engineering Incorporated which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development (hereinafter the "Elevations").

Proffer 4:

The exterior building materials on the distribution center building shall be as designated, depicted, and described on the Elevations.

Proffer 5:

When the Property is developed, the party of the first part, Grantor, shall dedicate the additional necessary right of way and make those right of way improvements to Harpers Road substantially in accordance with the exhibit entitled ""PROJECT DOOR HARPERS ROAD IMPROVEMENTS EXHIBIT" dated July 20, 2021 and prepared by Kimley-Horn and Associates which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development (hereinafter the "Right of Way Improvements").

Staff Comments: Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

Recommended Conditions

1. Items stored within the Bulk Storage Yard shall be limited to company vans associated with the distribution center.
2. There shall be one freestanding sign on the property, as depicted on the sign exhibits shown on pages 14 and 15 of this report. The sign shall be no taller than eight feet in height measured from the ground to the top of the sign and shall meet all signage requirements of the Zoning Ordinance.
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. 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.
5. Roadway improvements as identified in the Harpers Road Delivery Station Traffic Impact Study, once finalized, and approved by the Director of Public Works or designee, shall be constructed, and installed by the applicant.

Comprehensive Plan Recommendations

The Comprehensive Plan designates this area of the City as being within the Special Economic Growth Area 3 – South Oceana. Portions of the area are impacted by high noise zones, accident potential zones and Navy restrictive easements. All proposed land uses in this area must align with the City’s AICUZ provisions and Oceana Land Use Conformity program. The western region of this area is planned for non-residential uses to include a mix of light industrial, low-rise office and limited retail use.

Natural & Cultural Resources Impacts

The property is within the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high-water surface elevations in downstream receiving waters. There are no known cultural resources on the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic	
Harpers Road	7,230 ADT ¹	8,700 ADT ¹ (LOS ⁵ “D”)	Existing Land Use ² –0 ADT Existing Zoning ³ –1,598 ADT Proposed Land Use ⁴ – 1,1716 ADT	
Dam Neck Road	19,550 ADT ¹	39,700 ADT ¹ (LOS ⁵ “D”)		
¹ Average Daily Trips	² as defined by vacant land	³ as defined by a 16.9 acres of AG-2 zoned land 31.48 acres of AG-1 zoned land and 18.77 acres of I-1 zoned land	⁴ as defined by a 221,000 distribution center	⁵ LOS = Level of Service

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

This site is located at the intersection of Dam Neck Road and Harpers Road. In the vicinity of the site, Dam Neck Road is a four-lane divided, access controlled, major suburban arterial, with 165-foot right-of-way width. It is designated in the MTP as a six-lane roadway. Harpers Road is a two-lane collector with a variable right-of-way width and is designated in the MTP as a four-lane collector with 100-foot right-of-way width. No CIP Projects are planned for this section of Dam Neck Road and Harpers Road.

Public Utility Impacts

Water

This site is currently connected to City water. There is an existing 20-inch city water transmission main along Dam Neck Road. Also, there is an existing 12-inch main stub extended to the property from Dam Neck Road.

Sewer

The site must connect to public sanitary sewer. Gravity sanitary sewer is not currently available to the project site. The determination of whether a new public sanitary sewer pump station will be developer constructed will be deferred until further development of the surrounding area is undertaken as it is impractical to plan a public station with a subdivision of this scale. The sanitary sewer connection for this project is expected to be made by private pump and force main. Connection to the City system should be made at the 12-inch City force main in Dam Neck Road, approximately 1,800 feet east of the intersection with Harpers Road. To avoid encroachment of the private force main into Dam Neck Road, a private easement is recommended to permit extension of the private force main from the project site to this location.

Public Utilities will require a memorandum of understanding of the property owner to require connection to gravity sanitary sewer in the future when and if it becomes available.

Stormwater Impacts

Project Stormwater Design Staff Summary

The project site consists of a 67.15 acre development located at the northeast corner of Dam Neck Road and Harpers Road. The proposed development is designed to drain to proposed onsite stormwater management facilities (SWMFs) before discharging into the existing public drainage system within the Dam Neck Road right-of-way.

The proposed SWMFs will consist of two wet ponds along the north and south perimeter of the proposed development and an underground storage detention facility that will be located under the proposed parking lot. The southern wet pond will collect drainage from both the private development and the Harpers Road right-of-way while providing for both water quantity and water quality treatment. The northern wet pond and underground storage detention system will be used to satisfy water quantity requirements for the private development.

The existing roadside ditch along Harpers Road will be filled in and replaced with a piped storm sewer system as part of the required Harpers Road right-of-way improvements associated with the proposed development. Since the proposed piped storm sewer will not replace the hydraulic capacity that was made available with the existing roadside ditch, runoff that is collected along Harpers Road will be conveyed into the proposed southern wet pond. In collecting offsite drainage through the proposed wet pond to allow for additional onsite attenuation, water levels upstream and downstream of the development will be maintained at elevations that will prevent upstream or downstream impacts. The provided preliminary stormwater management design demonstrates conveyance of the runoff from the proposed development for storms up to and including the 100-year event plus 1.5' of sea-level rise (SLR). The submitted stormwater model included an offsite analysis to verify that the project will not have a negative impact or increase flooding levels on the existing stormwater system upstream or downstream.

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

Project Information

Total project area: 67.15 Acres

Pre-Development impervious area: 3.60 Acres

Post-Development impervious area: 44.82 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 detention vaults and wet ponds

Total storage volume provided in proposed stormwater management facility: 3,946,800 cubic feet in the wet ponds and 2,353,000 cubic feet in the underground storage for a total of 6,299,800 cubic feet.

Description of outfall: Runoff is proposed to leave the site from the southern wet pond and into the public drainage system via dual 54-inch pipe culverts that will discharge into the existing ditch along the north side of Dam Neck Road and into the existing box culvert under Harpers Road. Drainage from this section of Dam Neck Road drains west and ultimately into the Upper West Neck Creek.

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

Stormwater Quality Compliance Design Information

Pounds of phosphorus removal per year (lb/yr) required: 76.52 lb/yr

Method of treatment proposed: 107 lb/yr will be removed with a Level II wet pond which includes treatment of offsite areas.

Stormwater Quantity Compliance Design Information

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

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

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

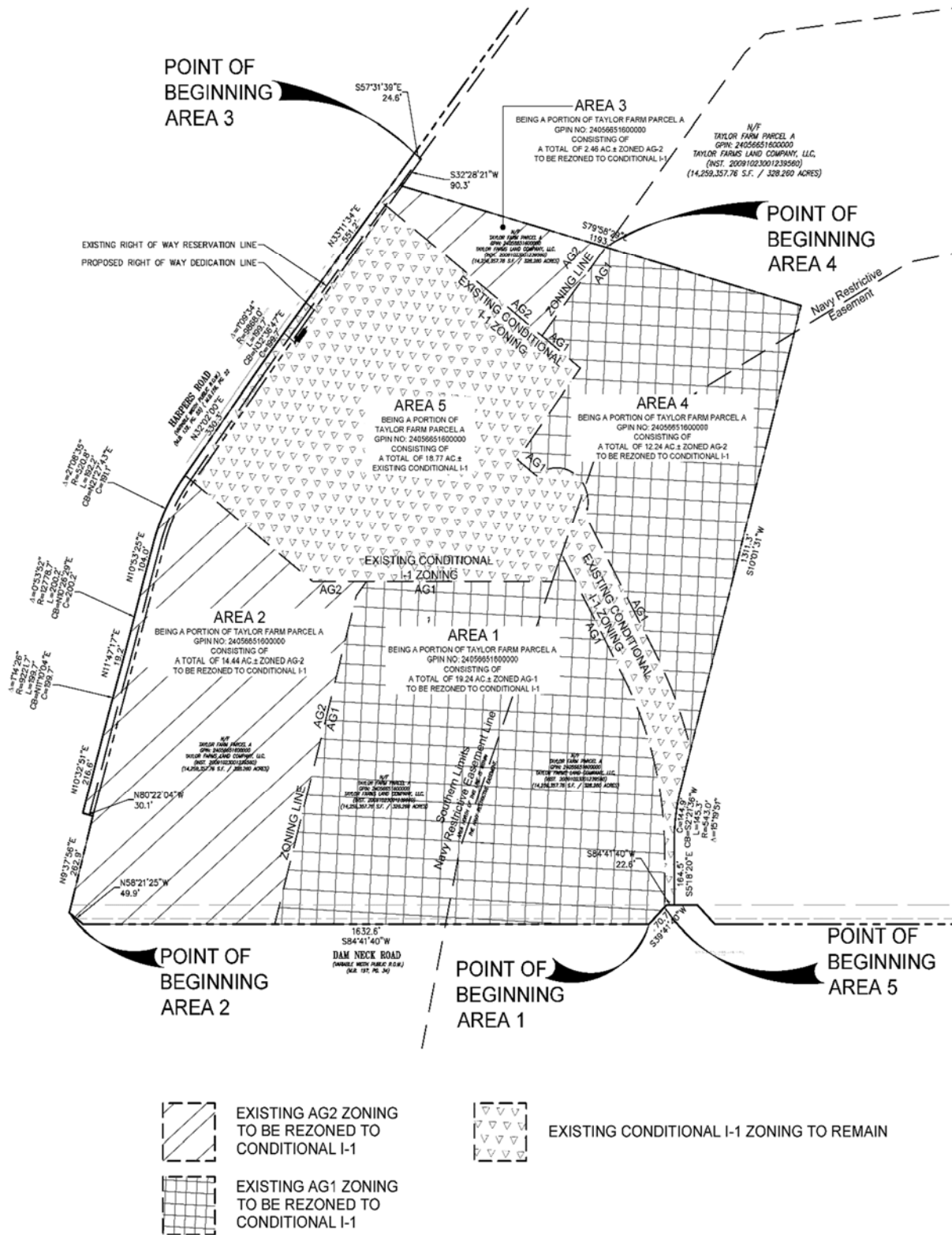
Sea-Level Rise: Project evaluated, and stormwater modeling demonstrates proposed buildings will not be impacted by stormwater during 100-year (including 1.5' SLR) storm event.

Public Outreach Information

Planning Commission

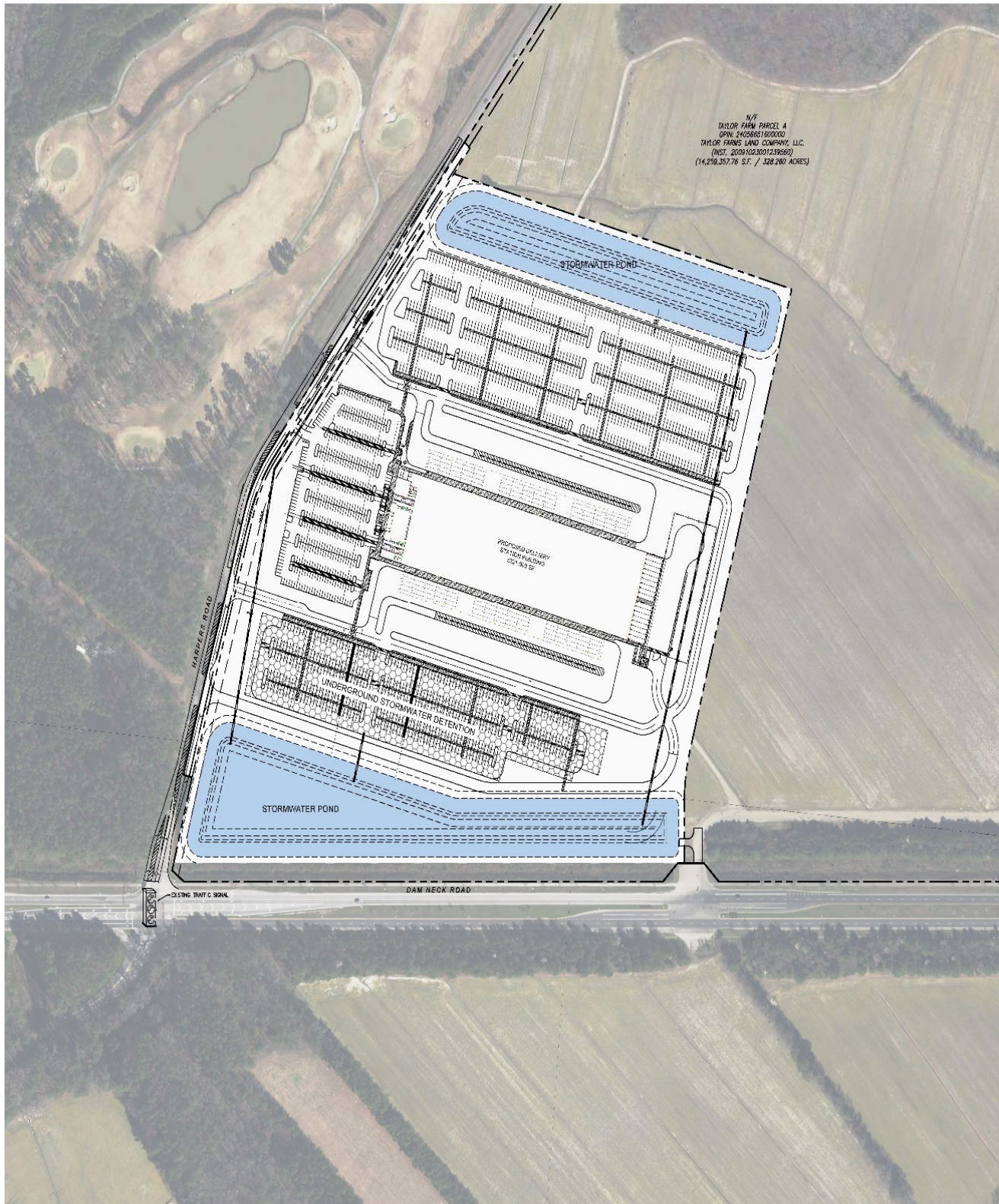
- The applicant/applicant's representative met with the surrounding community on July 21, 2021 to discuss the details of the request including storm drainage, traffic, and general operations. According to the applicant, eight people were in attendance for the meeting. Based on feedback from the applicant's representative, the major concern was traffic. The applicant's representative indicated that the community appeared to be satisfied with the proposal.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on July 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, July 25, 2021 and August 1, 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 July 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 August 5, 2021.

Proposed Rezoning Exhibit



NOTE: SEE AREA 1 - 5 EXHIBITS FOR METES AND BOUNDS OF EACH AREA.

Proposed Conceptual Site Plan



Proposed Conceptual Landscape Plan

CONCEPT PLANT SCHEDULE



STREET FRONTAGE TREES
 ACER BURSESEMIUM / FROBILTAN-LE
 JEX X CONTY TIA / LIBERTY HOLLY
 JAGERSTROEWA X NATCHIEZ / WATE CRAPE MYRTLE MULTI-TRUNK
 PLATANUS X ACERIFOLIA / LONDON PLANE TREE
 QUERCUS KUTALIN / MTL ALL OAK
 QUERCUS PALMUS / PRINCELEEN TIA / GREENP LAR PIN OAK
 QUERCUS PHILLIPS / MALLORY OAK
 QUERCUS X VIREO LONG TIA / REGAL PRINCE OAK



INTERIOR PARKING LOT TREES
 QUERCUS PHILLIPS / MALLORY OAK
 QUERCUS SHIMADAI / SHIMADAI OAK
 JULIUS PAWPAW / SORBOLE / BOSQUE ELM
 ZELKOVA GERRATA / GREEN VASE / GREEN VASE SAINLEAF ZELKOVA



FLOWERING ORNAMENTAL TREES
 CERCIS CANADENSIS / FOREST PINKY / FOREST PINKY EASTERN REDBUD
 JAGERSTROEWA / IND CA X FAURE / TORREDES / TULS / CREEP C-RAPE MYRTLE
 JAGERSTROEWA X NATCHIEZ / WATE CRAPE MYRTLE MULTI-TRUNK
 PRUNUS SERRULATA / JAPANESE FLOWER NO CHERRY



SMALL EVERGREEN TREES
 JEX X CONTY TIA / LIBERTY HOLLY
 JEX X LIBERTY / LIBERTY HOLLY
 JEX X MARY EL / MARY EL HOLLY
 JEX X NELLIE R. STEVENS / NELLIE R. STEVENS HOLLY



STREET FRONTAGE SHRUBS
 DISYUN X PRIDSTIA / EMERALD HEIGHTS DISYUN
 DISYUN X PRIDSTIA / LIMEBARKER DISYUN
 JEX CORNUTA / DASH BURFORD / DASH BURFORD HOLLY
 JEX CORNUTA / NEEDLEPOINT / NEEDLEPOINT CHINESE HOLLY
 JEX OLABRA / SHAMROCK / SHAMROCK INBERRY HOLLY
 JEX X NELLIE R. STEVENS / NELLIE R. STEVENS HOLLY
 JEX X NELLIE R. STEVENS / NELLIE R. STEVENS HOLLY
 JEX X NELLIE R. STEVENS / NELLIE R. STEVENS HOLLY
 PITTOPOREUM TOBIRA / VAREGATA / VAREGATED JAPANESE PITTOPOREUM



BUILDING FOUNDATION SHRUBS
 ABELIA X GRANDIFLORA / LITTLE RICHARD GLOSSY ABELIA
 JEX VON TORIA / CONDECAUX / SCHILLING DASH BURFORD HOLLY
 JEX VON TORIA / SCHILLING DASH BURFORD / SCHILLING DASH BURFORD HOLLY
 JEX VON TORIA / SCHILLING DASH BURFORD / SCHILLING DASH BURFORD HOLLY
 VANDINA DOMESTICA / F. REPOVER / F. REPOVER HEAVENLY BAMBOO
 PITTOPOREUM TOBIRA / MOJO / MOJO JAPANESE PITTOPOREUM

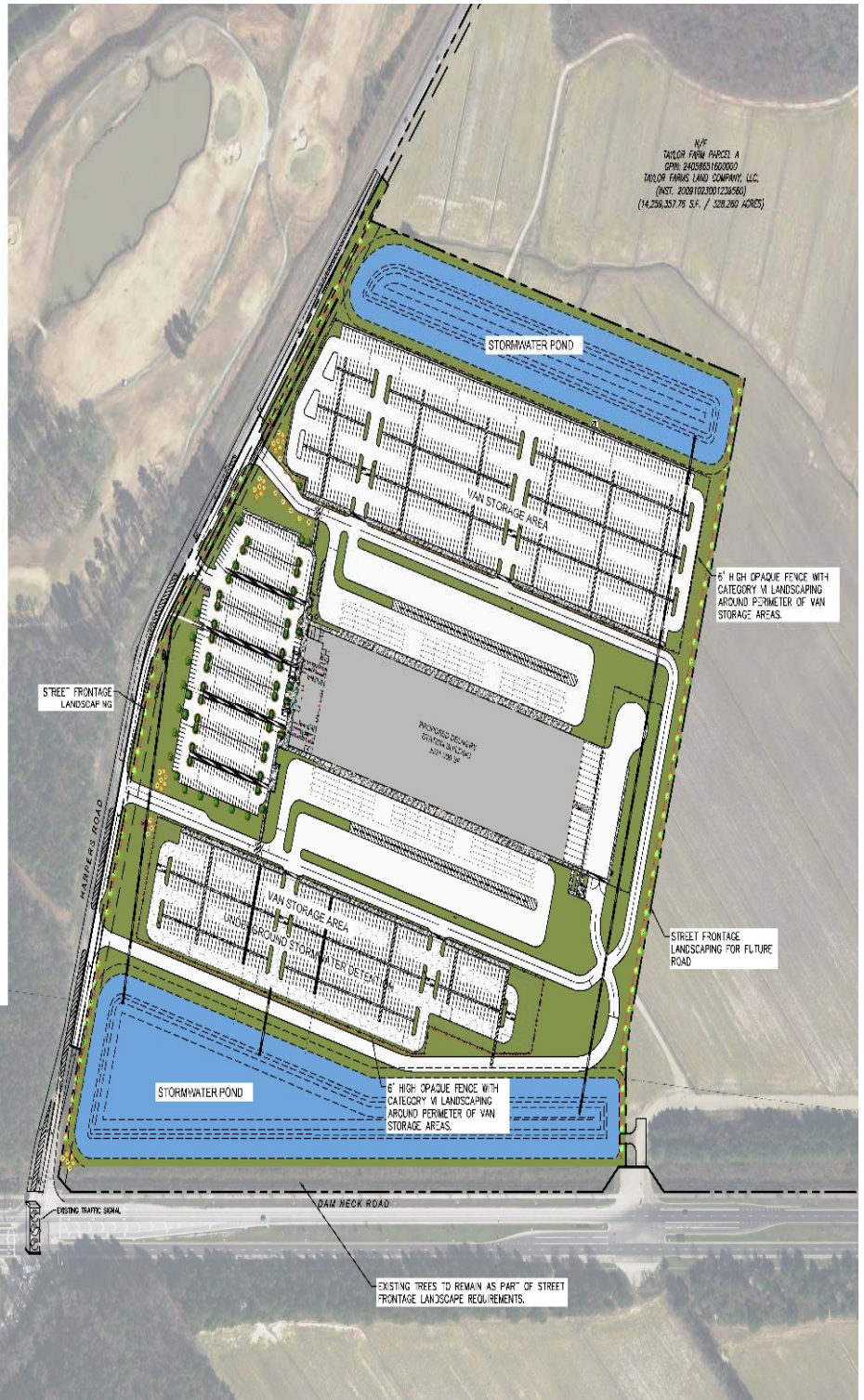


SIGNAGE LANDSCAPING
 ABELIA X GRANDIFLORA / CONTY TIA / COMFET / VAREGATED ABELIA
 ABELIA X GRANDIFLORA / VALE DODOSCOPE / VALE DODOSCOPE GLOSSY ABELIA
 WISCAVITUS BINKS / ADAGIO / ADAGIO EULALIA GRASS
 WISCAVITUS BINKS / ORACULINUS / EULALIA GRASS



CATEGORY V SCREENING SHRUBS
 EUCALYPTUS GALTISCHOWS / WAWATTAN / WAWATTAN EUCALYPTUS
 JEXUSTIN / JAPANESE / JAPANESE PR VET
 WYRCA CERPERA / WYRCA MYRTLE
 PITTOPOREUM TOBIRA / JAPANESE PITTOPOREUM
 PODOCARPUS MACROPHYLLUS / YED PINE

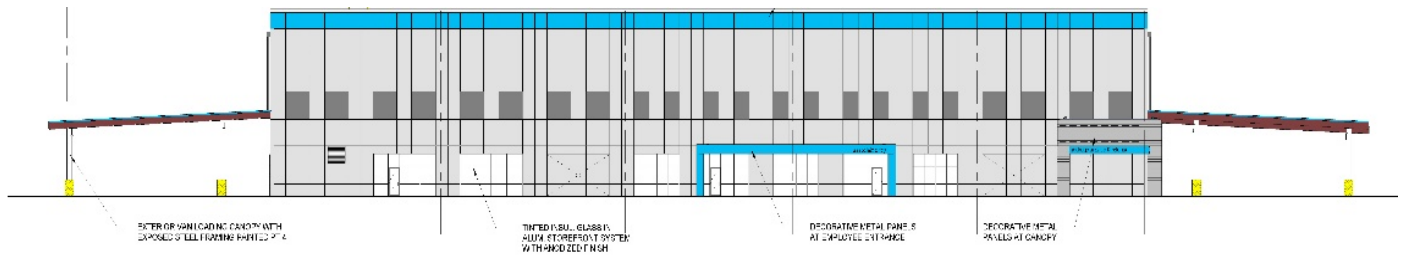
NOTE: THIS EXHIBIT IS CONCEPTUAL AND SUBJECT TO CHANGE. PLANT SPECIES ARE MORE OR LESS REPRESENTATIVE OF THE TYPES OF PLANT MATERIAL TO BE USED FOR THE VISUAL LANDSCAPE SCENARIOS. HOWEVER, DUE TO AVAILABILITY A MORE DIVERSE PLANT PALETTE MAY BE PROPOSED AT FULL SITE PLAN DESIGN.



Proposed Harpers Road Improvements



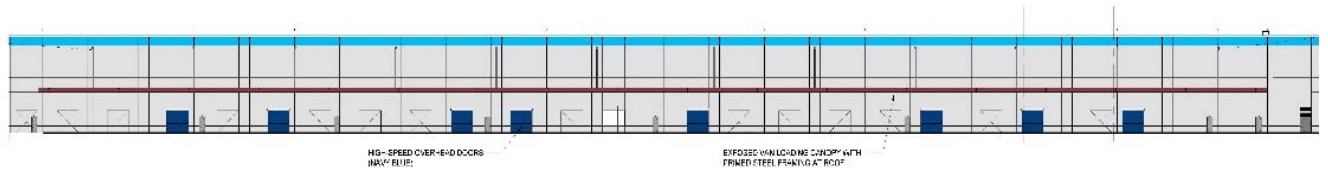
Proposed Building Elevations



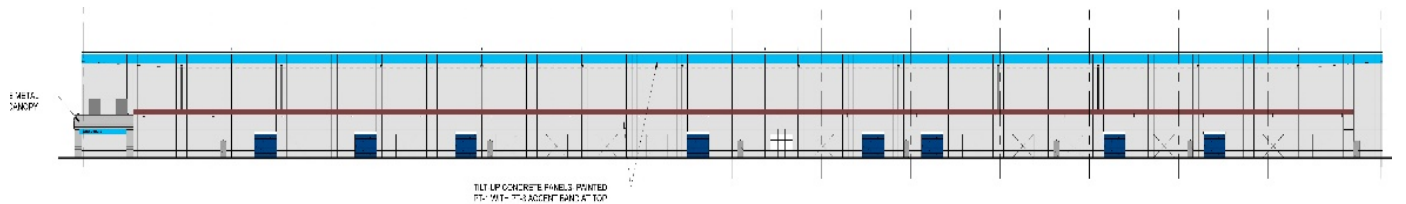
1 SOUTH ELEVATION
A201 1/16" = 1'-0"



2 NORTH ELEVATION
A204 1/16" = 1'-0"

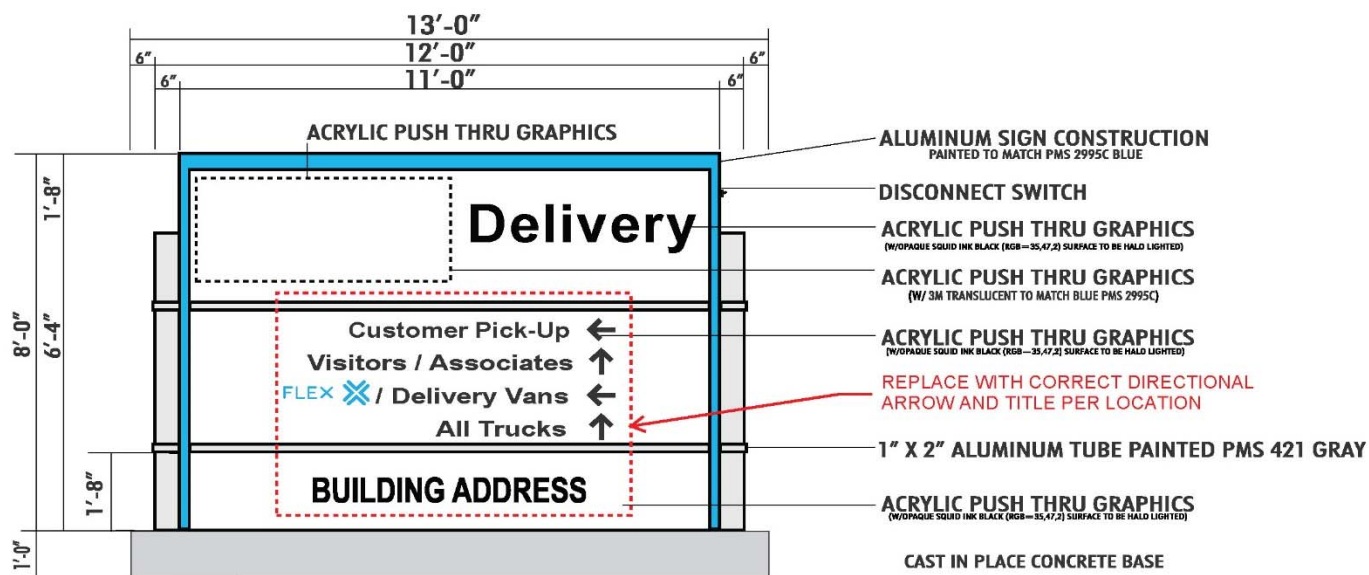





3 WEST ELEVATION
A201 1" = 30'-0"



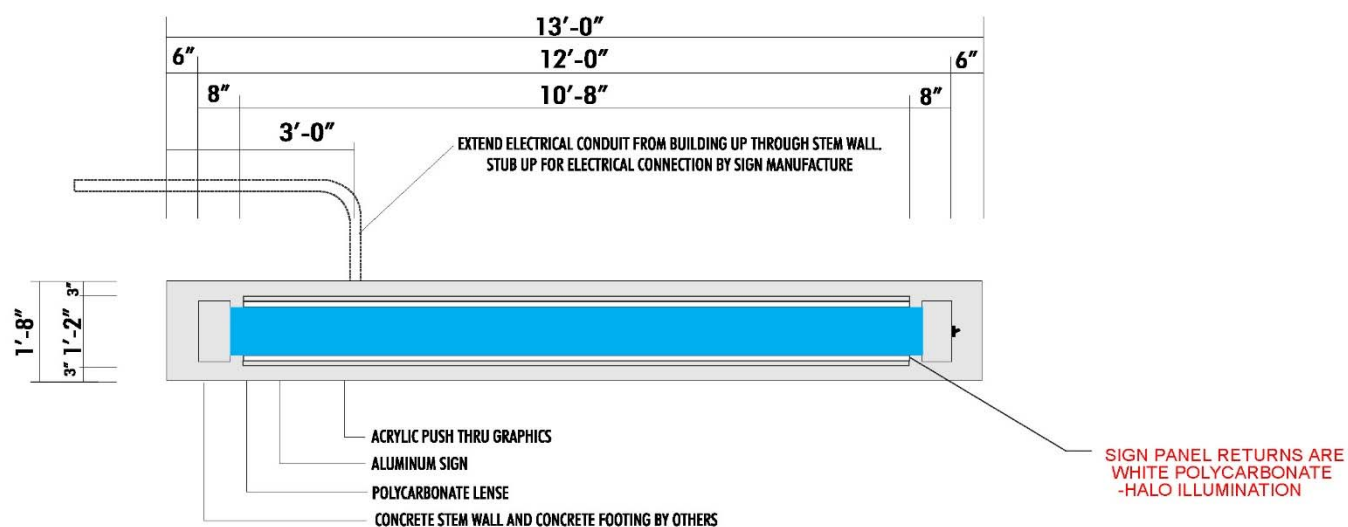
4 EAST ELEVATION
A204 1" = 30'-0"

Proposed Monument Sign

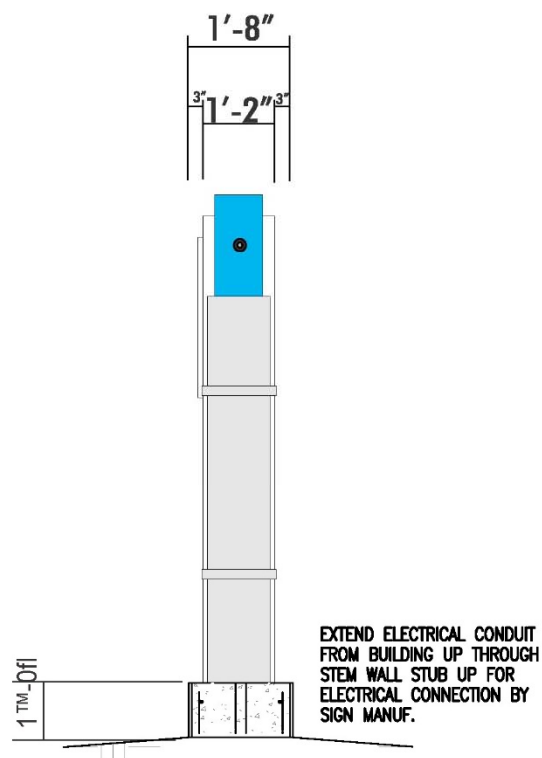


Designation: 8' ILLUMINATED MONUMENT	
Substrate:	N/A
Image:	N/A
Colors:	<div> C2b Squid Ink Black</div> <div> C4 Gray</div> <div> C6 Blue</div>

Proposed Monument Sign



Designation: 8' ILLUMINATED MONUMENT	
Substrate:	N/A
Image:	N/A
Colors:	
Notes:	



Navy Easement Compliance Review Letter



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

IN REPLY REFER TO:
4535
Ser N4/213
30 Jun 21

Mr. Brian Hall
Samet Properties
309 Gallimore Dairy Road
Suite 102
Greensboro, NC 27409

Dear Mr. Hall,

SUBJECT: REQUEST FOR EASEMENT COMPLIANCE REVIEW

Thank you for your request for an easement compliance review for the proposed use of property located at 2097 Harpers Road, Virginia Beach, Virginia, further identified as GPIN number 24056651600000.

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

Accordingly, the proposed use of the property, described as warehousing, distribution, office and vehicle parking and storage, appears to comply with terms of the Grants of Easement and is therefore permitted, provided that no portion of the property is used for retail sales.

Be aware that we based our determination on the representations of the use and location of the property that you provided. If you believe that there is additional relevant information, please contact my point of contact identified below. Please be advised the U.S. Navy will periodically conduct random reviews in the field, of the properties encumbered by covenants and restrictions to ensure that the interests of the United States are protected.

Thank you for your request for my comments on this matter. My point of contact for this matter is Mr. Paul Moomaw, who can be reached at (757) 433-2678 or via e-mail at paul.moomaw@navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "J. W. Hewitt", is written over the typed name and title.

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

Enclosure: 1. Real Estate Contracting Officer's Review and Findings

Copy to: NAVFAC MIDLANT (Codes ARRA12)

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 Samet Properties, LLC, a North Carolina Limited Liability Company

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

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

Randy Royall, Kimley-Horn and Associates

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)

Members: Mr. Arthur Samet, Mr. Brian Hall

- 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.

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.

Prime Engineering - Bruce Morris

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.

Samet Corporation - Rick Davenport

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.

Kimley-Horn and Associates - Randy Royal

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.

Sykes Bourdon Ahern & Levy PC - Eddie Bourdon

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

Brian Hall, Director of Development

Print Name and Title

4/1/2021

Date

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

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name Taylor Farms Land Company, LLC

Applicant Name Samet Properties

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)

Linda T. Chappell, Sole Member and Manager

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

TF Property Management, Ltd., an Affiliated Business

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.

Citizens & Farmer Bank, Barbara T. Creech

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.

Harvey Lindsay Commerical Real Estate, Robert R. Beasley, broker

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

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

DesRoches & Company, CPAs, PC, David J. Desroches

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.

TBD

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

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

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

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

Disclosure Statement

Disclosure Statement



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

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

Inman & Strickler, PLC, Thomas E. Snyder, Esq.

Owner Signature

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

A handwritten signature in blue ink that reads 'Linda T. Chappell'. The signature is written in a cursive, flowing style.

Owner Signature

Linda T. Chappell, Taylor Farms Land Company, LLC, Managing Member

Print Name and Title

April 29, 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

Conditional Rezoning (R-15 Residential District & AG-1 Agricultural District to Conditional R-10 Residential District)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

2328 & 2264 Salem Road

GPIN

1484163140, 1484058862

Site Size

40.33 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Single-family dwellings, undeveloped land / R-15 Residential, AG-1 Agricultural

Surrounding Land Uses and Zoning Districts

North

Single-family dwellings / R-7.5 Residential

South

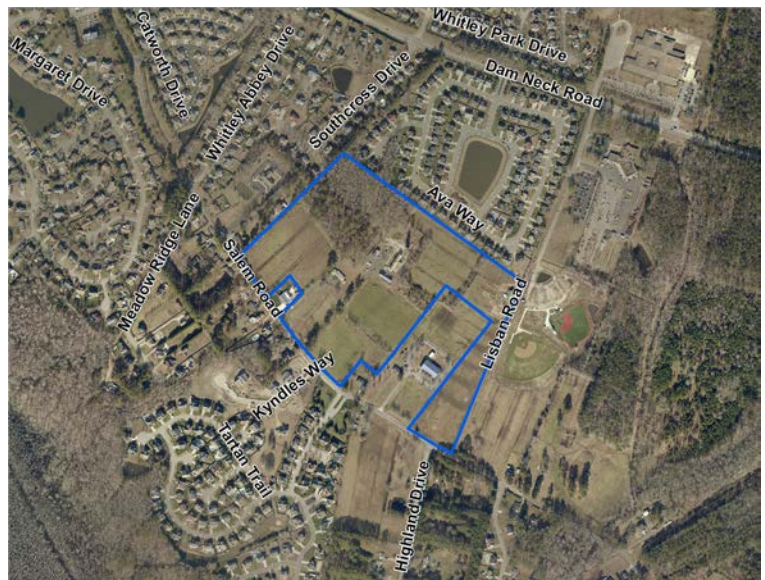
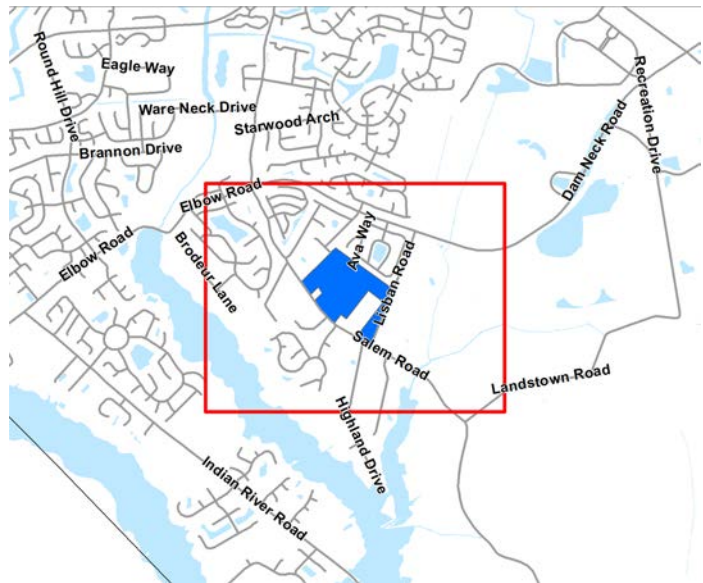
Single-family dwellings / R-15 Residential

East

Church, outdoor recreational facility, undeveloped land / R-15 Residential, AG-1 & AG-2 Agricultural, B-2 Community Business

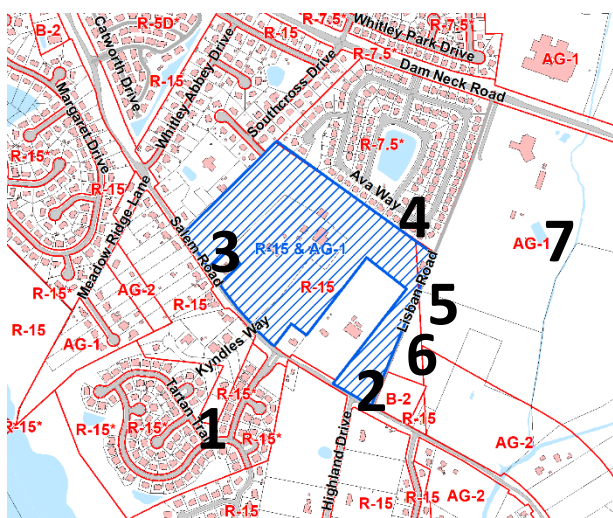
West

Single-family dwellings, church / R-15 Residential



Background & Summary of Proposal

- The applicant is requesting to rezone two parcels totaling just over 40 acres from R-15 Residential District and AG-1 Agricultural District to Conditional R-10 Residential District to develop a new 86 lot single-family community with a resulting density of 2.14 units per acre.
- The over 40-acre site is located along Salem Road and is currently developed with two existing single-family dwellings and a large portion of undeveloped land.
- As depicted on the conceptual layout plan, 86 lots will be developed with 84 new homes to be constructed. The two existing homes will remain and are depicted as such on the proffered conceptual site plan.
- Two vehicular ingress/egress points for the new subdivision are proposed along Salem Road. The main entrance to the site includes an entrance feature with a monument-style sign and landscaped areas on each side of the entrance.
- Eight-foot wide multi-use paths are proposed throughout the development to provide pedestrian connections to Southcross Court and Lisban Road.
- The submitted conceptual site plan depicts open space areas to include two community parks, totaling 1.86-acres, that will be maintained by the Homeowner's Association, a stormwater pond and walking trails.
- The proffered building elevations, depicted on pages 11 through 13 of this report, depict dwellings with exteriors of primarily brick masonry (stone), fiber cement (HardiPlank) siding, and high-quality vinyl siding.

		<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>SVR (Section 4.4(b) of Subdivision Regulations) Approved 09/07/2016</td></tr><tr><td>2</td><td>CUP (Religious Use) Approved 07/10/2018 CUP (Religious Use) Approved 11/25/2014 MOD (Religious Use) Approved 07/07/2009</td></tr><tr><td>3</td><td>CUP (Religious Use) Approved 05/12/2009</td></tr><tr><td>4</td><td>MOD (Proffer 9) Approved 03/12/2013 MOD (Proffer 3 & 4) Approved 01/24/2012 CRZ (R-15 & AG-1 to Conditional R-7.5) Approved 11/25/2008 CRZ (R-15 & AG-1 to Conditional A-12) Approved 08/28/2007</td></tr><tr><td>5</td><td>CUP (Religious Use) Approved 10/25/1994</td></tr><tr><td>6</td><td>CUP (Outdoor Recreation Facility) Approved 09/27/2011 CUP (Outdoor Recreation Facility) Approved 03/26/2002</td></tr><tr><td>7</td><td>CUP (Recreational Facilities) Approved 02/03/2009 CRZ (AG-1 to Conditional B-2) Approved 02/03/2009</td></tr></table>		#	Request	1	SVR (Section 4.4(b) of Subdivision Regulations) Approved 09/07/2016	2	CUP (Religious Use) Approved 07/10/2018 CUP (Religious Use) Approved 11/25/2014 MOD (Religious Use) Approved 07/07/2009	3	CUP (Religious Use) Approved 05/12/2009	4	MOD (Proffer 9) Approved 03/12/2013 MOD (Proffer 3 & 4) Approved 01/24/2012 CRZ (R-15 & AG-1 to Conditional R-7.5) Approved 11/25/2008 CRZ (R-15 & AG-1 to Conditional A-12) Approved 08/28/2007	5	CUP (Religious Use) Approved 10/25/1994	6	CUP (Outdoor Recreation Facility) Approved 09/27/2011 CUP (Outdoor Recreation Facility) Approved 03/26/2002	7	CUP (Recreational Facilities) Approved 02/03/2009 CRZ (AG-1 to Conditional B-2) Approved 02/03/2009
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Evaluation & Recommendation

The proposed rezoning from R-15 Residential District and AG-1 Agricultural District to Conditional R-10 Residential District to develop an 86-lot single-family community, in Staff's opinion, is consistent with the Comprehensive Plan's vision for the Suburban Area. One of the guiding development principles of the Suburban Area focuses on the creation of "Great Neighborhoods". The proposal is located above the Greenline and the proposed density is consistent with other adjacent zonings which range from R-15 and R-7.5. In Staff's view and in conformance with the Comprehensive Plan, the redevelopment of this property with a single-family residential community, will improve the aesthetics for the adjoining property owners and those traveling along Salem Road. Given the prominence of residential land uses in the vicinity of the site, the proposal to develop a new residential community is compatible with the existing surrounding uses and the Comprehensive Plan's vision of creating "Great Neighborhoods". The proposed proffers assure that the layout and the proposed residences will be of a consistent and high quality.

As mentioned previously, the applicant is proposing to provide pedestrian connections to Southcross Court and Lisbon Road. The connections further the goals of the Comprehensive Plan for enhancing connectivity as they will allow for a complete and contiguous active transportation network from the site to New Castle Elementary School, the existing Dam Neck Road share use path, Princess Anne Athletic complex, Landstown Commons, and the Princess Anne Road share use path to the Municipal Center which connects to the Nimmo Parkway shared use path to the Redmill area.

It is the opinion of Staff that the traffic generated by the single-family development will result in 811 average daily trips. Based on the projected number of vehicles generated, a left-turn lane is warranted, and this improvement is depicted on the Turn Lane Exhibit on page nine of this report. The addition of the left-turn lane will lessen the effect of the turning vehicles on the flow of traffic on Salem Road. Additional detailed comments will be provided during the site plan review process.

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 proffers listed below.

Proffers

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to "offset identified problems to the extent that the proposed rezoning is acceptable," (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:

When the Property is subdivided and developed, it shall have entrances, neighborhood identification sign, street sections, landscaping, and open spaces substantially as depicted and described on the exhibits entitled, "BEILER PROPERTY – Virginia Beach, Va. CONCEPTUAL DEVELOPMENT PLAN" dated July 30, 2020, "BEILER PROPERTY – Virginia Beach, Va. ENLARGED PLAN" dated July 30, 2020, and BEILER PROPERTY VIRGINIA BEACH, VA Conceptual Turn Lane Exhibit" dated July 30, 2020, prepared by Timmons Group, copies of which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter, the "Conceptual Subdivision Plans")

Proffer 2:

When the Property is developed, it will be subdivided into no more than eighty- six (86) single family residential building lots. The eighty-four (84) new homes will be built with a crawlspace or a raised slab foundation and they will contain a minimum of 2,400 square feet of living area for a two story dwelling and 2,000 square feet of living area for a one story dwelling. Each home shall have the architectural features, exterior building materials and no less than a two (2) car garage substantially as exhibited and described on the three (3) page pictorial exhibit designated “Beiler Property – House Product Examples” dates July 30, 2020, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (the “New Home Depictions”).

Proffer 3:

When the Property is developed as noted on page 1 of the “New Home Depictions”, the materials to be used on the front, sides, and rear of all new residential structures shall consist of brick, masonry (stone), cementitious siding (e.g., “HardiPlank”), or high-quality vinyl siding or substantially similar material Vinyl siding shall be minimum of 0.044 inch thick lapped or beaded siding only. Dutch lap siding shall not be permitted.

Proffer 4:

When the Property is developed, the party of the first part shall record a Declaration submitted the building lots and all of the other properties, and where applicable any easements outside the public rights of way to a mandatory membership Home Owner’s Association which shall be responsible for maintaining the community park, all open spaces, common areas, vegetated buffer easement, entrance feature signage and landscaping and other improvements, including the eight foot (8’) wide multipurpose path and surrounding landscape buffers within the twenty foot (20’) wide Open Space Parcel to be deeded to the Home Owner’s Association, on the Property as depicted on the Subdivision Plans.

Proffer 5:

Further conditions may be required by the Grantee during detailed Subdivision and/or Site Plan review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Staff Comments: Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney’s Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

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 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
Salem Road	3,930 ADT ¹	12,500 ADT ¹ (LOS ⁵ "D")	Existing Land Use ² – 20 ADT Existing Zoning ³ – 902 ADT Proposed Land Use ⁴ – 811 ADT
¹ Average Daily Trips	² as defined by 2 single family dwellings & vacant agriculturally-zoned land	³ as defined by over 39 acres of R-15 zoning and approx. 25,080 sq.ft. of AG-1 zoning	⁴ as defined by 86 single-family dwellings ⁵ LOS = Level of Service

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

Salem Road, in the vicinity of this application, is considered a two-lane undivided minor suburban arterial. The MTP proposes a four-lane facility within a 145-foot right-of-way. Currently, this segment of roadway is functioning under capacity at a LOS C or better. There are no active roadway CIP projects to improve Salem Road.

Public Utility Impacts

Water

Water mains must be extended throughout the subdivision with an individual tap to each parcel. There is an existing 12-inch City water transmission main along Salem Road and an existing eight-inch City water main along Southcross Court.

Sewer

Sanitary sewer mains must be extended throughout the subdivision, with an individual lateral to each parcel. There is an existing eight-inch City sanitary sewer gravity main along Salem Road, a four-inch City sanitary sewer force main along Salem Road located at the southeastern corner of the property, and an existing eight-inch City sanitary sewer gravity main along Southcross Court.

Stormwater Impacts

Project Stormwater Design Staff Summary

The project site consists of 40.33 acres and proposes 86 residential lots, new public streets, and right-of-way improvements and reservations along Salem Road adjacent to the proposed site. The new subdivision proposes a net increase of 13.99 acres of impervious cover from existing condition. The development is designed to drain to proposed onsite stormwater management facilities (SWMFs) before discharging to the public drainage system within the Salem Road right-of-way. The existing outfall for the St. Luke's Catholic Church site to east drains across this subject property and is shown to be rerouted as part of this project. The drainage modifications for the St. Luke's property has been accounted for in the modeling.

The proposed SWMFs will consist of a wet pond centrally located and a hydrodynamic structure just downstream of the pond. The wet pond will be used to satisfy water quantity and a portion of the water quality requirements, and the hydrodynamic structure and offsite nutrient credits will be used to satisfy the remaining water quality requirements. Preliminary grading plans propose filling the site with a total estimated fill volume of 62,700 cubic yards at a maximum elevation increase of approximately 3 feet. The perimeter grades are shown at approximately 1 foot higher than the adjacent properties to ensure the project will drain to the new infrastructure in the proposed public streets and have no impact to the existing adjacent parcels.

The provided preliminary stormwater management design demonstrates conveyance of the runoff from the proposed development for storms up to and including the 100-year event plus 1.5' of sea-level rise (SLR). The submitted stormwater model includes an offsite analysis to verify that the project will not have a negative impact or increase flooding levels on the existing stormwater system upstream or downstream. The models show a slight increase in peak water surface elevations along Salem Road and in the downstream receiving channel, but these increased flows are expected to be adequately conveyed without impacting any areas of flooding. Detailed topographic survey will be required during site plan review and modeling will have to be refined to ensure all flow is contained without causing or increasing flooding.

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

Project Information

Total project area: 40.33 Acres

Pre-Development impervious area: 3.29 Acres

Post-Development impervious area: 17.28 Acres

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

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

Stormwater Management Facility Design Information

Type of facility proposed: Wet Pond

Total storage volume provided in proposed stormwater management facilities: 713,797 cubic feet

Description of outfall: Drainage from the site/wet pond drains under Salem Road to an existing channel that connects directly to Salem Canal.

Downstream conveyance path: Salem Canal drains into the Upper North Landing River, which drains into the Currituck Sound.

Stormwater Quality Compliance Design Information

Pounds of phosphorus removal per year (lb/yr) required: 28.51 lb/yr

Method of treatment proposed: 20.70 lb/yr will be removed with a wet pond, 5.06 lb/yr will be removed through a hydrodynamic type manufactured treatment device, and the remaining 2.75 lb/yr reduction is proposed to be provided through the purchase of nutrient credits from an offsite nutrient bank.

Stormwater Quantity Compliance Design Information

Channel protection: Provided stormwater model demonstrates non-erosive velocities of stormwater discharge during the 2-year storm.

Flood protection: Stormwater modeling demonstrates the project meets requirement of conveying the design storm without exceeding the rim of structure (for pipe system) or top of bank (for ditch system) for the 10-year storm in all evaluated stormwater structures upstream and downstream. The preliminary models show increased peak water surface elevations along Salem Road and in the downstream receiving channel but are expected to be contained within the ditch banks. Detailed topographic survey will be required during site plan review to ensure all flow is contained within the banks.

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

preliminary models show increased peak water surface elevations along Salem Road and in the downstream receiving channel but are expected to be contained without overtopping Salem Road. Detailed topographic survey will be required during site plan review to ensure all flow is contained without overtopping a public roadway.

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

School Impacts

School	Current Enrollment	Capacity	Generation ¹	Change ²
New Castle Elementary	789 students	779 students	21 students	-1 students
Landstown Middle	1,428 students	1,436 students	13 students	0 students
Landstown High	2,162 students	2,512 students	17 students	-1 students

¹“Generation” represents the number of students that the development will add to the school.

²“change” represents the difference between the number of potential or actual students generated under the existing zoning and the number generated under the proposed zoning. The number can be positive (additional students) or negative (fewer students).

Public Outreach Information

Planning Commission

- The applicant/applicant’s representative met with the surrounding community on May 11, 2021 to discuss the details of the request. According to the applicant, there were no objections raised.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on July 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, July 25, 2021 and August 1, 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 July 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 August 5, 2021.

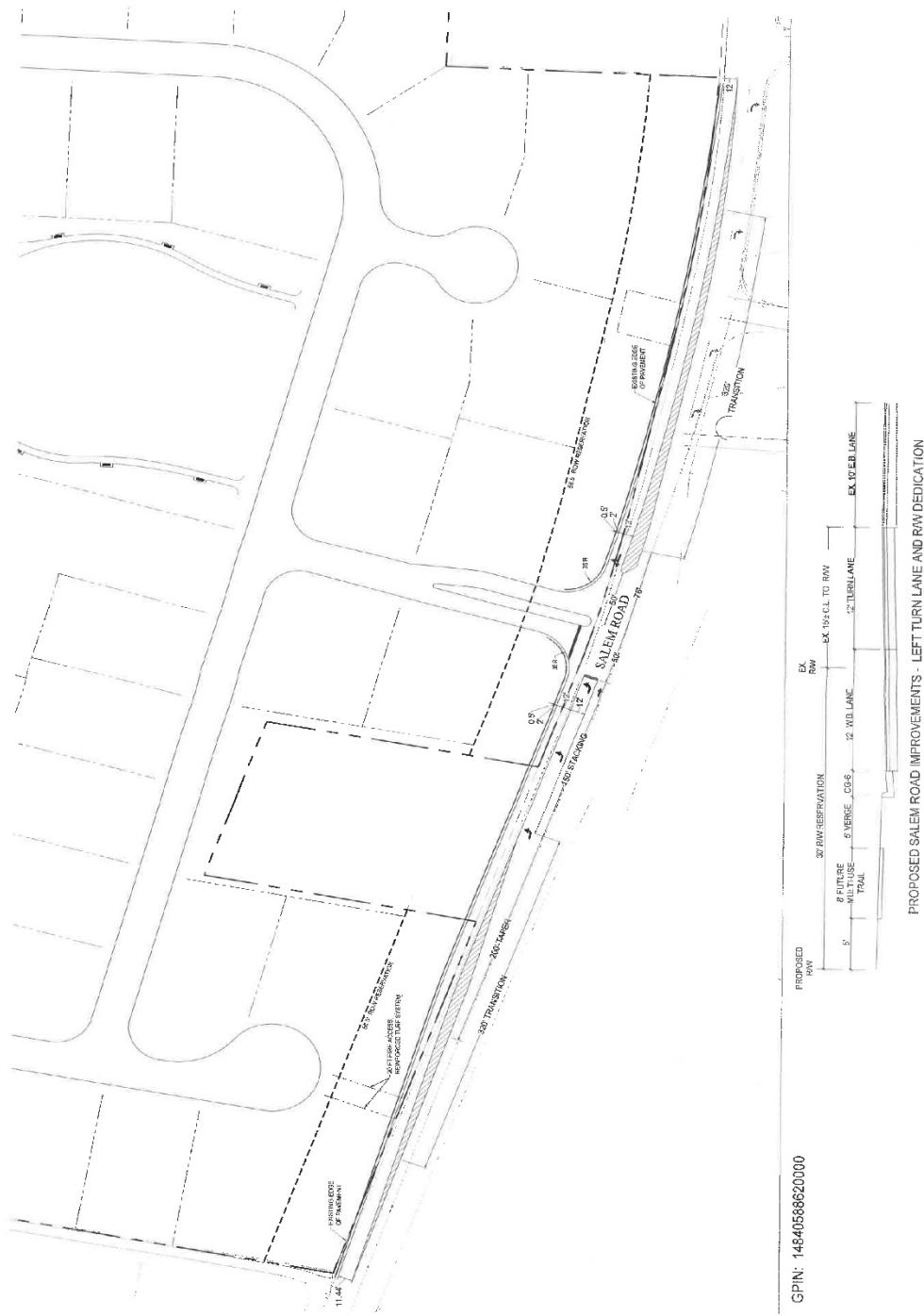
Proposed Conceptual Site Plan



BEILER PROPERTY - Virginia Beach, VA
CONCEPTUAL DEVELOPMENT PLAN - July 30, 2020

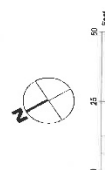
Proposed Enlarged Plan & Sign Elevation





BEILER PROPERTY - VIRGINIA BEACH, VA

Conceptual Turn Lane Exhibit - July 30, 2020



Beiler Property – House Product Examples

July 30, 2020

Materials to be used on the front, sides, and rear of all residential structures shall consist of brick, masonry (stone), cementitious siding (e.g., "HardiPlank"), or high-quality vinyl siding or substantially similar material. Vinyl siding shall be a minimum 0.044 inch thick lapped or beaded siding only. Dutch lap siding shall not be permitted.



Beiler Property – House Product Examples

July 30, 2020



Proposed Elevations

Beiler Property – House Product Examples

July 30, 2020



Site Photos



Site Photos





APPLICANT'S NAME Wakefield Development, 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:	

Disclosure Statement



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

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

(A) List the Applicant's name: Wakefield Development, LLC

If an LLC, list all member's names:

Manager: TMPR, LLC, a Virginia limited liability company, Raymond L. Gottlieb, Manager; Member: Tate Terrace Realty Investors, Inc.: Steven B. *

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

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

See next page for information pertaining to footnotes ¹ and ²

Sandler, President; Arthur B. Sandler, Vice President/Secretary; Perry Hohman, Vice President; Raymond L. Gottlieb, Vice President/Asst. Secretary

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: The Elva Y. Beiler Land Trust

If an LLC, list the member's names: The Elva Y. Beiler Trust



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

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

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

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

SECTION 3. SERVICES DISCLOSURE

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



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	David Taylor, Timmons Group
<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	Timmon Group & American Eng. *
<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)	TBD
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	R. Edward Bourdon, Jr., Esq. **
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

*Kimley Horn

**Carol Hahn, Faggert & Friedent

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES ☐ NO ☒

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


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

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. Wakefield Development, LLC by Tmpr, LLC, Its Manager

	Raymond L. Gottlieb, Manager	
APPLICANT'S SIGNATURE	PRINT NAME <i>Tmpr, LLC</i>	DATE



OWNER

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

Elva Y. Beiler Land Trust

By:

A handwritten signature in blue ink, appearing to read 'Merlin Beiler', written over a horizontal line.

PROPERTY OWNER'S SIGNATURE

Merlin Beiler, Trustee

PRINT NAME

8-8-20

DATE

Elva Y. Beiler Trust

By:

A handwritten signature in blue ink, appearing to read 'Merlin Beiler', written over a horizontal line.

Merlin Beiler, Trustee

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 **Two Farms, Inc. dba Royal Farms**
Property Owner **Hollomon-Brown Funeral Home, Bayside Chapel, Inc.**
Planning Commission Public Hearing **August 11, 2021**
City Council Election District **Princess Anne**

Agenda
Items

**5, 6,
7**

Requests

- #5 - Conditional Rezoning** (O-2 Office to Conditional B-2 Community Business)
- #6 - Conditional Use Permit** (Automobile Service Station)
- #7 - Conditional Use Permit** (Car Wash Facility)

Staff Recommendation

Approval
Staff Planner
Hoa N. Dao

Location

Parcel at the southeast corner of General Booth Boulevard & Princess Anne Road

GPIN

2414050844

Site Size

3.28 acres

AICUZ

65-70 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Wooded land / O-2 Office

Surrounding Land Uses and Zoning Districts

North

General Booth Boulevard
Office / O-1 Office

South

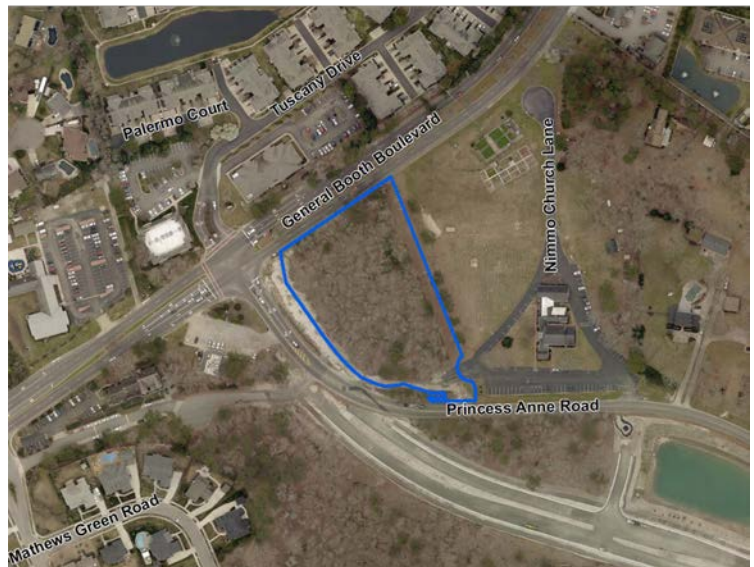
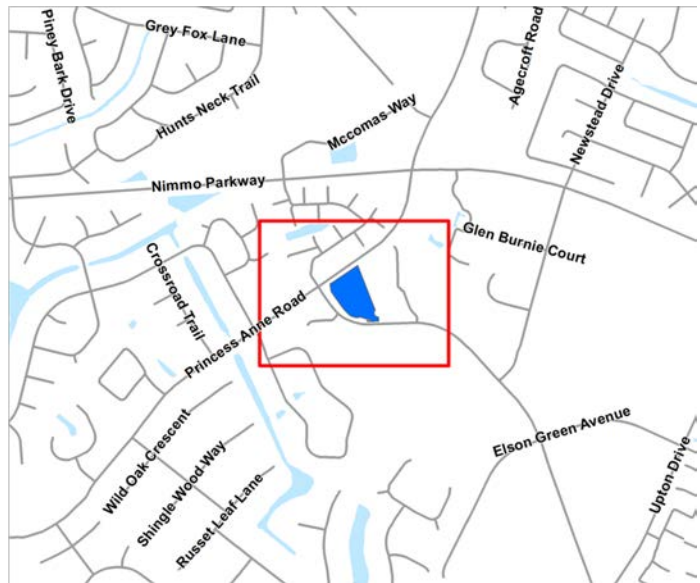
Old Princess Anne Road, Princess Anne Road
Wooded land / P-1 Preservation, AG-2 Agricultural,
R-20 Residential

East

Cemetery, religious use / R-20 Residential

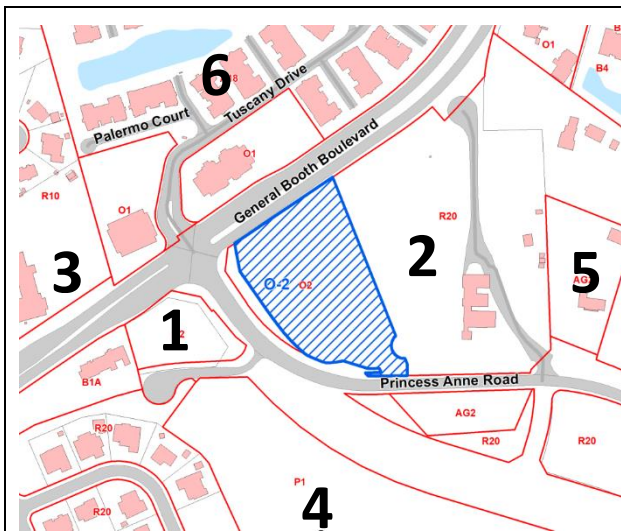
West

Princess Anne Road
Automobile service station / B-2 Community
Business



Background & Summary of Proposal

- The applicant seeks to rezone the 3.28-acre parcel from O-2 Office District to Conditional B-2 Community Business District to construct a 5,154 square foot, 24-hour/seven day per week convenience store, a 1,248 square foot automated car wash facility, and fueling stations with 16 pumps.
- As the property is located within the Nimmo Church Historic and Cultural Overlay District, review of the buildings' design and materials were considered by the Historical Review Board. On June 23, 2021, the Historical Review Board issued a Certificate of Appropriateness indicating that the structures as designed will be in character with the historic district.
- The submitted elevations depict the convenience store with an exterior of brick veneer cladding, cementitious siding, glass storefront windows with aluminum framing, and a standing seam metal mansard-style roof. The car wash facility features a sloping standing seam metal roof, brick veneer cladding, cementitious siding, and aluminum framing glass storefront.
- The submitted concept plan depicts a right-in/right-out along both Princess Anne Road and General Booth Boulevard.
- The proffered plan also indicates that the existing vegetation, approximately one acre, along the southern property line on Old Princess Anne Road and along the eastern property line that abuts the adjacent historic Nimmo Church's property is designated to be in a natural state. A 10-foot wide landscape buffer is proposed along Princess Anne Road and General Booth Boulevard.
- Per the Zoning Ordinance, 24 parking spaces are required for the proposed use, three parking spaces for the automated car wash facility and 21 parking spaces for the convenience store. The submitted concept plan depicts 54 parking spaces, exceeding the parking requirement by 30 spaces. Since the number of parking spaces proposed exceeds the minimum number of required parking spaces by more than fifty percent (36 spaces), approval by the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance is required. A condition is recommended to that effect.



Zoning History

#	Request
1	CUP (Automobile Service Station) Approved 02/18/2020
2	CUP (Columbarium) Approved 11/01/2016
3	MOD (Conditions) Approved 10/09/2007 MOD (Conditions) Approved 08/08/2006 MOD (Conditions) Approved 08/09/2005 MOD (Conditions) Approved 10/12/2004 MOD (Conditions) Approved 08/11/1998 CUP (School) Approved 08/13/1996
4	CRZ (R-20 w/ PD-H2 Overlay to P-1) Approved 10/09/2007 STC Approved 08/22/2006
5	CRZ (R-20 to Conditional AG-2) Approved 11/27/2001
6	CRZ (AG-1, AG-2, R-20 to Conditional A-18) Approved 05/25/1999

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 proposal to rezone to property from O-2 Office District to Conditional B-2 Community Business District to operate a convenience store with 16 fueling stations and an automated car wash, in Staff's opinion, is acceptable.

The property is located within the Nimmo Church Historic and Cultural Overlay District. The Comprehensive Plan recommends preserving neighborhood quality and that all new development or redevelopment projects maintain or enhance the existing characteristics of the area, including efforts to protect the natural environment and historic and cultural character. In Staff's opinion, reasonable effort was made by the applicant to protect the character of the historical area. The applicant worked with Staff to modify the design of the buildings and was issued a Certificate of Appropriateness from the Historical Review Board on June 23, 2021. Historically, sloping roof is a primary form of roof found in many historic structures. The mansard roof design on the convenience store and fuel station is an appropriate type of sloping roof form for the District, as well as the asymmetrical sloping planes on the carwash facility. The proposed standing seam metal roof is an appropriate roofing material. Both the brick veneer cladding and white cementitious siding are common and appropriate building materials for historic properties. The style of the building accent lighting fixtures and site lighting are found to complement each other and enhances the proposed architectural elements.

The applicant met with members of the Nimmo United Methodist Church, the church that adjoins the project site, to discuss the proposal and address any concerns. As a result, the two-way entrance on Old Princess Anne Road was relocated to Princess Anne Road as a right-in/right-out, the number of fueling stations was reduced from 20 to 16, and the existing wooded area along the eastern and southern property lines is proffered to remain in a natural state. In addition, an eight-foot high privacy fence will be installed on the eastern side of the new development that abuts the cemetery on the church's property.

A Traffic Impact Analysis (TIA) was submitted for review that included two development scenarios. Scenario One includes a right-in only access point on General Booth Boulevard and a right-in/right-out ingress/egress points on Princess Anne Road. Scenario Two includes right-in/right-out ingress/egress points on Princess Anne Road and General Booth Boulevard. This portion of General Booth Boulevard is designated as "access controlled" in the City's Comprehensive Plan, meaning that new direct access to the roadway from private access points is not permitted. However, Staff worked with the applicant to allow for a right-in only access point with a right-turn lane on General Booth Boulevard. In Staff's view, this will provide a practical level of vehicular access to the property that could support a development of this type, while still preserving the roadway as an access controlled roadway. The applicant does not agree with the right-in only access point and has included a right-in/right-out on the conceptual site plan. Staff does not support a right-out from this site to General Booth Boulevard as it will negatively affect the roadway capacity and safety and it is not consistent with the recommendations of the Comprehensive Plan.

As mentioned above, since the number of parking spaces exceeds the minimum number of required parking spaces by more than fifty percent or 36 spaces in this instance, the applicant needs to demonstrate that the proposed use necessitates the additional parking spaces and submit the required plans to the Planning Director for review pursuant to Section 203(b)(9) of the Zoning Ordinance. This will be reviewed during the site plan review process.

The proposed stormwater management facility consists of an underground detention system located beneath the drive aisle and parking area to capture and treat stormwater runoff. The underground detention system will be used to satisfy water quantity requirements, and offsite nutrient credits will be used to satisfy water quality requirements. Staff reviewed the proposed conceptual stormwater management strategy and agrees it has the potential to successfully comply with the stormwater requirements. Final design and detailed updates will be made during site plan submittal. More detailed information can be found in the Stormwater Impacts section of this report.

Based on these considerations, Staff recommends approval of these requests, with the elimination of the right-out along General Booth Boulevard and subject to the proffers and conditions listed below.

Proffers

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to “offset identified problems to the extent that the proposed rezoning is acceptable,” (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:

When developed, the Property, shall be in substantial conformity with the preliminary site plan entitled “Concept Site Plan”, dated June 2nd, 2021 prepared by Kimley-Horn Associates (hereinafter “Site Plan”), a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.

Proffer 2:

When developed the elevations and building materials of the convenience store, fuel pumps, canopy areas and the car wash shall be building in substantial accordance with the six-page exhibit prepared by Ratcliffe Architects entitled “Royal Farms #445, Virginia Beach, Virginia” and dated June 3rd, 2021 a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.

Proffer 3:

When developed, a photometric plan for the exterior portions of the Property shall be provided as part of the final site plan submittal. All exterior lighting shall be directed down and inward toward the property and away from adjacent properties.

Proffer 4:

Any trash compactors located on the Property when developed shall be screened in accordance with the Virginia Beach Landscaping Guide.

Proffer 5:

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

Proffer 6:

All references hereinabove to zoning districts and to regulations applicable thereto, refer to the City Zoning Ordinance of the City of Virginia Beach, Virginia, in force as of the date the conditional zoning amendment is approved by the Grantee. The Grantors covenant and agree that (1) the Zoning Administrator of the City of Virginia Beach, Virginia shall be vested with all necessary authority on behalf of the governing body of the City of Virginia Beach, Virginia to administer and enforce the foregoing conditions, including (i) the ordering in writing of the remedying of any noncompliance with such conditions, and (ii) the bringing of legal action or suit to ensure compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings; (2) the failure to meet all conditions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate; (3) if aggrieved by any decision of the Zoning Administrator made pursuant to the provisions of the City Code, the CZO or this Agreement, the Grantors shall petition the governing body for the review thereof prior to instituting proceedings in court; and (4) the Zoning Map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning of the subject Property on the map and that the ordinance and the conditions may be made readily and accessible for public inspection in the office of the Zoning

Administrator and in the Department of Planning and that they shall be recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia and indexed in the name of the Grantors and Grantee. Upon acquisition of the Property by Contract Purchaser, Contract Purchaser shall succeed to all rights and obligations of the "Grantors" under this Agreement, and Owner shall have no further rights or obligations of a "Grantor" under this Agreement.

Staff Comments: With the exception of the proffered concept site plan that shows a right-out access point on General Booth Boulevard, the Proffers listed above are acceptable. The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

Recommended Conditions for Automobile Service Station & Car Wash Facility

1. Vehicular access along General Booth Boulevard shall be limited to a right-in only in conjunction with the turn lane depicted on the concept plan noted in proffer 1 above.
2. A maximum of 36 parking spaces shall be permitted unless approved by the Planning Director pursuant to Section 203(b)(9).
3. When the property is developed, any freestanding monument sign shall substantially adhere in appearance, size and materials to the elevations entitled, "Royal Farm – Store 445 Virginia Beach, VA," prepared by Absolute Signs & Neon, dated February 2, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
4. Signage for the site shall be limited to:
 - a. Directional signs.
 - b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set in a brick base, as noted in condition 3.
 - c. No striping shall be permitted on the fuel canopy.
 - d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
5. At the time of site plan review, a Landscape Plan that reflects the plant material depicted on the submitted Conditional Use Permit Exhibit noted in proffer 1 above, along with all applicable requirements of the Zoning Ordinance, shall be submitted for review to the Development Services Center and shall obtain approval prior to the issuance of a building permit.
6. All air pumps and vacuum stations shall be screened from the right-of-way with plant material of a size and species acceptable to the Development Service Center's Landscape Architect, all of which shall be depicted on the Landscape Plan.
7. Outdoor vending machines and/or display of merchandise may be permitted only if fully screened from view from the rights-of-way as approved by the Planning Director.
8. The hours of operation of the automated car wash and vacuums shall be limited to between the hours of 8:00 a.m. to 8:00 p.m. daily.
9. All light poles shall be no taller than 14 feet in height and all lighting shall be shielded to be contained on site.

10. Any onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, 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. There shall be no window signage permitted. The building signage shall not be a “box sign” and the proposed sign package shall be submitted to the Zoning Administrator.

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property in the Suburban Area, which encompasses the preservation and protection of the overall character, economic value, and aesthetic quality of the existing surrounding neighborhoods. Preserving neighborhood quality and characteristic requires that all new development or redevelopment projects to maintain or enhance the existing characteristics of the area, including efforts to protect the natural environment and historic and cultural.

Adopted by reference as a component of the Comprehensive Plan, the Comprehensive Plan Reference Handbook: Special Area Development Guidelines for Suburban Areas shall be utilized as an additional guide to site and building design, access and circulation, parking, landscaping, stormwater management, lighting, signage, outdoor amenities, exterior building materials, scale, and streetscape amenities.

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.

The site is also located within the Nimmo Church Historic and Cultural District Overlay, which, per Section 1300 of the Zoning Ordinance, should be preserved as a living part of our community life and development. Additionally, the Comprehensive Plan states that the City should use all available resources provided by the City’s Historic Review Board, Historic Preservation Commission, and Princess Anne County/Virginia Beach Historical Society to retain these historic resources, which should be accomplished in a responsible and innovative manner.

The Historical Review Board reviewed the request and approved the Certificate of Appropriateness on June 23, 2021.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Princess Anne Road	17,100 ADT ¹	32,700 ADT ¹ (LOS ⁴ “D”)	Existing Zoning ² – 1,080 ADT Weekday Proposed Land Use ³ – 4,003 ADT Weekday
General Booth Boulevard	20,560 ADT ¹	32,700 ADT ¹ (LOS ⁴ “D”)	
¹ Average Daily Trips	² as defined by a 3.28-acre parcel zoned O-2	³ as defined by a 5,150 square foot convenience store with 16 fueling stations	⁴ LOS = Level of Service

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

Princess Anne Road, south of the Princess Anne Road/ General Booth Boulevard intersection is currently a two-lane undivided minor suburban arterial roadway. The Princess Anne Road Phase VII CIP project is currently under construction and to widen Princess Anne Road to a four-lane divided roadway from General Booth Boulevard to Sandbridge Road / Upton Drive. This project includes improvements to the Princess Anne Road / General Booth Boulevard intersection to increase the capacity of the intersection and to improve safety. This project is scheduled to be completed in November 2021.

General Booth Boulevard is currently a four-lane divided minor suburban arterial and it is designated as “Access Controlled” in the City’s Comprehensive Plan. This designation means that direct access to the roadway from private access points shall not be allowed. There are no plans to improve this section of General Booth Boulevard.

Public Utility Impacts

Water

City water is available for connection. There is a 12-inch water main along Princess Anne Road and a 16-inch water transmission main located within the existing 30-foot public utility easement at the southern end of the property.

Sewer

City sanitary sewer is available for connection. There is a six-inch sanitary sewer force main along General Booth Boulevard.

Stormwater Impacts

Project Stormwater Design Staff Summary

The subject property is 3.26 acres located at the corner of Princess Anne Road and General Booth Boulevard. In existing condition, the entire property is forested and contains 1.16 acres of wetlands. This site does not lie within a FEMA delineated flood plain. Currently, no stormwater management exists on site and the area sheet flows into stormwater infrastructure in Princess Anne Road and General Booth Road. The project proposes clearing a portion of the site at adding 1.80 acres of impervious area. Approximately 0.87 acres of existing wetlands will be impacted with 0.29 acres expected to remain.

The proposed stormwater management facility will consist of an underground detention system located under the parking lot. The underground detention system will be used to satisfy water quantity requirements, and offsite nutrient credits will be used to satisfy water quality requirements. Preliminary grading plans propose filling the site to an elevation of 11’ to 12’ above sea level (existing grades ranging from elevation 9.5’ to 11.5’) to elevate the site/buildings above the modeled 100-year storm event factoring in 1.5’ of sea-level rise (SLR). The proposed detention chambers will replicate the stormwater storage volume lost by filling the site and retain increased runoff from the proposed project.

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

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

Project Information

Total project area: 3.26 Acres

Pre-Development impervious area: 0 Acres

Post-Development impervious area: 1.80 Acres

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

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

Stormwater Management Facility Design Information

Type of facility proposed: Underground detention system

Total storage volume provided in proposed stormwater management facilities: approximately 9,000 cubic feet

Description of outfall: Drainage from most of the proposed project will be captured and detained in the underground detention storage facility. Stormwater from the facility will be released through an internal combined weir/orifice structure and will connect to an existing structure that ties into the downstream conveyance system in General Booth Boulevard. The wetlands to remain on site were modeled and any overflow will sheet flow into General Booth Boulevard and Princess Anne Road.

Downstream conveyance path: Infrastructure in Princess Anne Road and General Booth Boulevard connects north through a series of interconnected ponds in Southgate, then under Nimmo Parkway to Hunt Club Tributary, which drains to West Neck Creek

Stormwater Quality Compliance Design Information

Pounds of phosphorus removal per year (lb/yr) required: 3.97 lb/yr

Method of treatment proposed: The required 3.97 lb/yr reduction is proposed to be provided through the purchase of nutrient credits from an offsite nutrient bank.

Stormwater Quantity Compliance Design Information

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

Flood protection: Attenuation of peak flow rates with no increase in flooding for the 10-year storm in all evaluated stormwater structures upstream and downstream. Two existing stormwater structures (one upstream and one downstream) showed a rise in water levels of 0.02 feet, but all water is contained within the stormwater system at these locations.

100-Year storm evaluation: Two existing stormwater structures (both upstream) showed an increase of 0.02 feet, but all water is contained within the stormwater system in these locations. All downstream/upstream stormwater structures included in the model for this project will be reevaluated during the site plan review to continue to ensure there are no negative impacts upstream or downstream in the system.

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

Public Outreach Information

Planning Commission

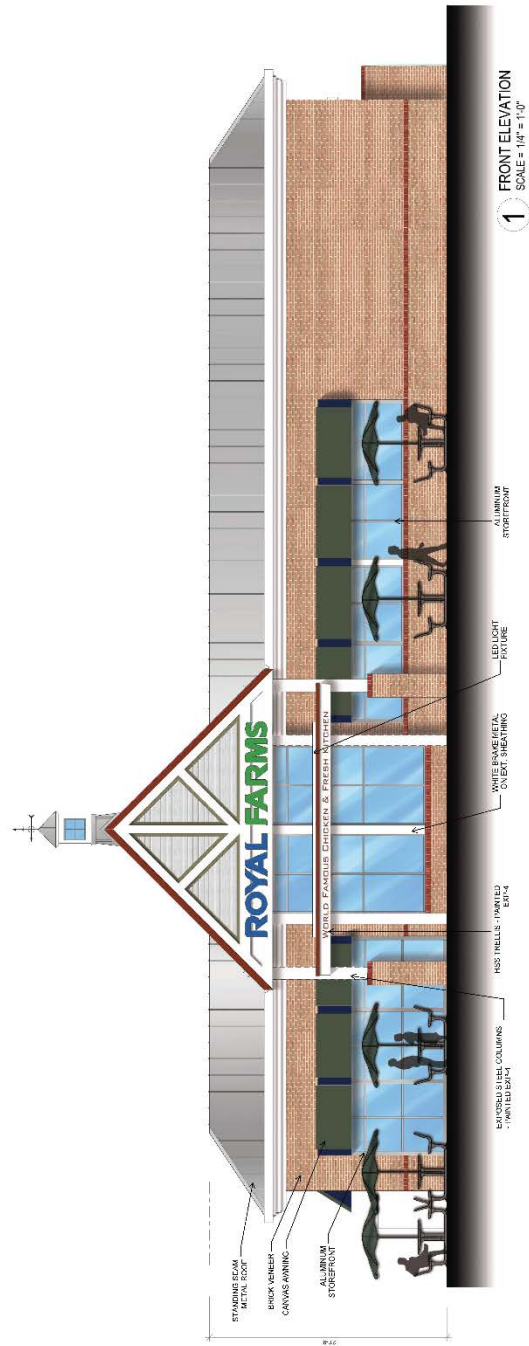
- The applicant reported that they met with members of the Nimmo United Methodist Church on February 24th, April 19th, and May 27, 2021.

- Five letters of opposition have been received by Staff noting concerns related to incompatible use, and excessive traffic and noise.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on July 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, July 25, 2021 and August 1, 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 July 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 August 5, 2021.

Proposed Concept Site Plan



Proposed Elevation Plan

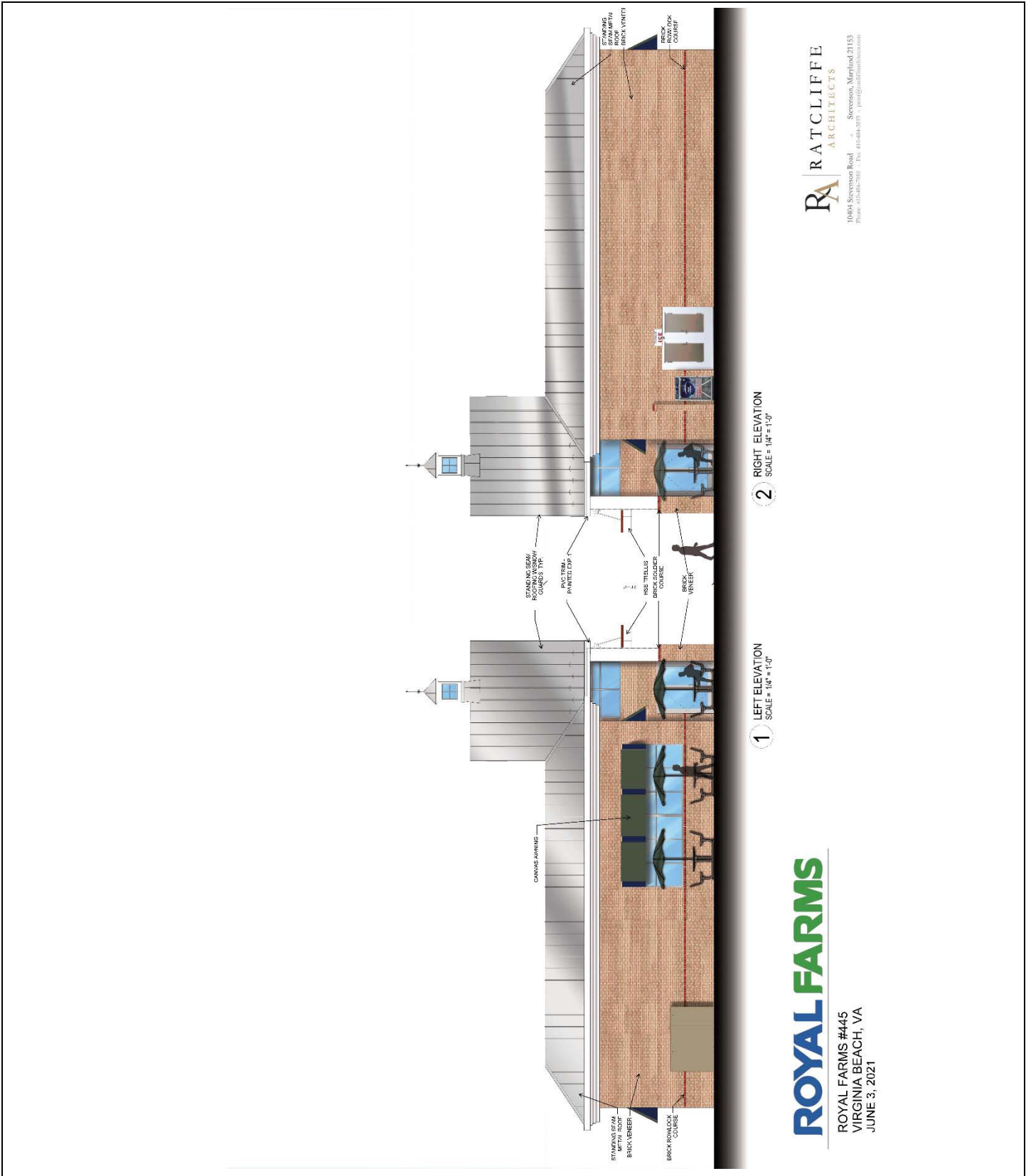


ROYAL FARMS

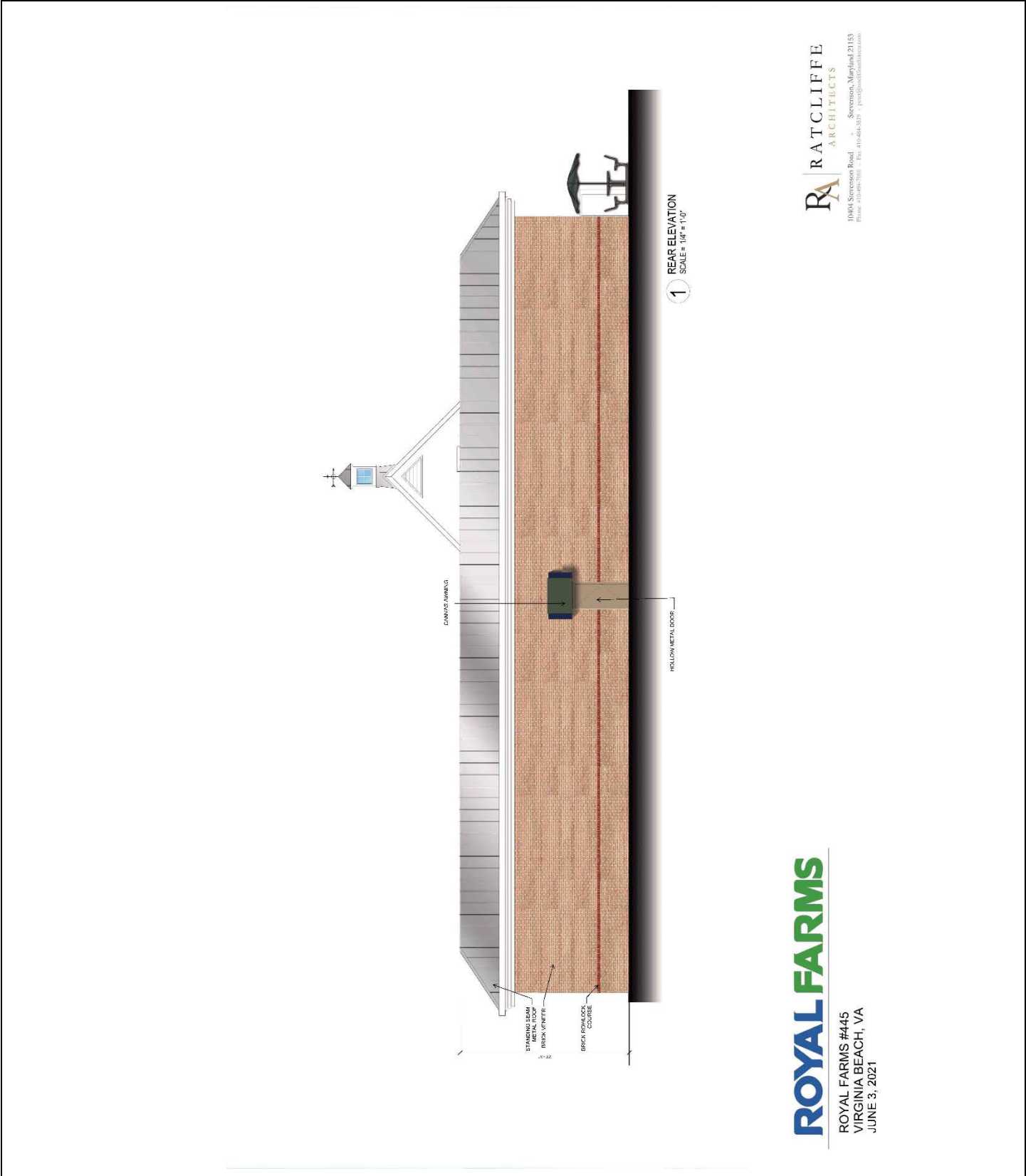
ROYAL FARMS #445
VIRGINIA BEACH, VA
JUNE 3, 2021

RATCLIFFE
ARCHITECTS
10404 Stevenson Road
Stevenson, Maryland 21153
Phone: 410-484-7000 • Fax: 410-484-2017 • jon@ratcliffearchitects.com

Proposed Elevation Plan



Proposed Elevation Plan

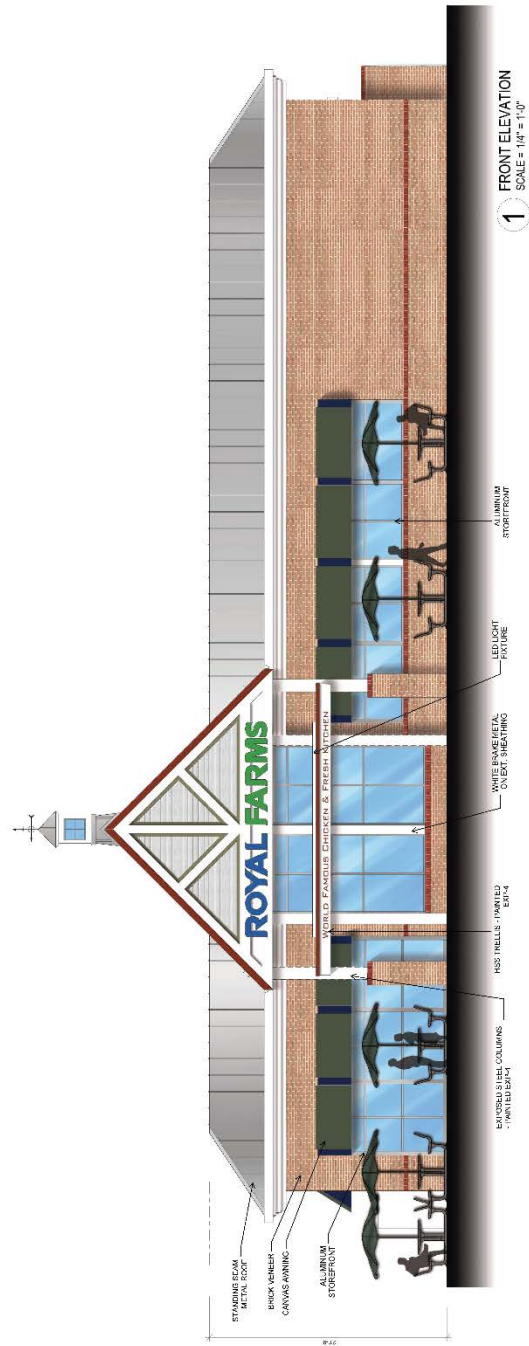


ROYAL FARMS

ROYAL FARMS #445
VIRGINIA BEACH, VA
JUNE 3, 2021

RATCLIFFE
ARCHITECTS
10404 Stevenson Road
Stevenson, Maryland 21153
Phone: 410-484-7010 • Fax: 410-484-2317 • post@ratcliffearchitects.com

Proposed Elevation Plan

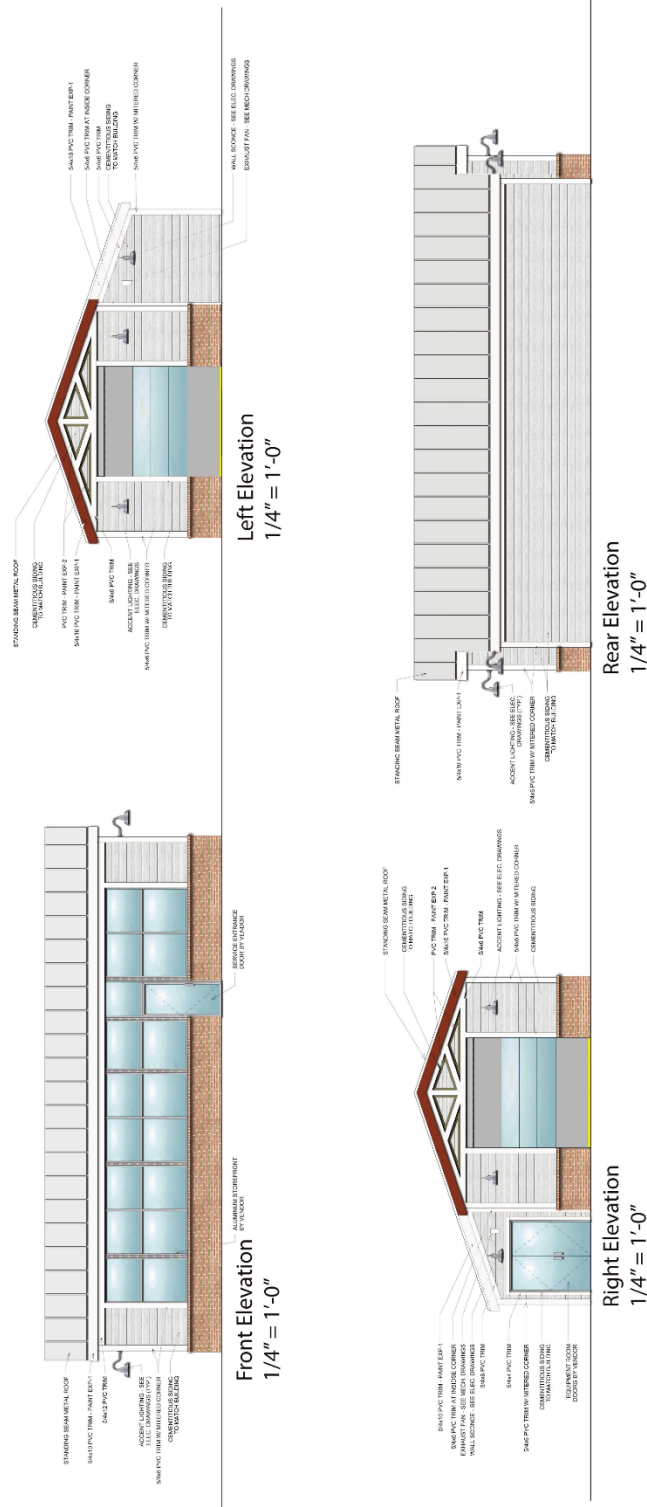


ROYAL FARMS

ROYAL FARMS #445
VIRGINIA BEACH, VA
JUNE 3, 2021

RATCLIFFE
ARCHITECTS
10404 Stevenson Road
Stevenson, Maryland 21153
Phone: 410-464-7000 • Fax: 410-464-2017 • info@ratcliffeva.com

Proposed Elevation Plan



ROYAL FARMS

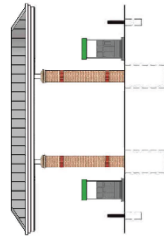
ROYAL FARMS #445
VIRGINIA BEACH, VA
JUNE 3, 2021



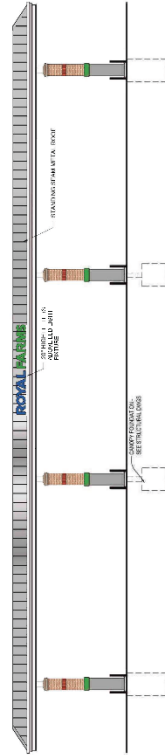
RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-494-7010 • Fax 410-494-3819 • peter@tracilff.com

Proposed Elevation Plan



Fuel Canopy - Side Elevation
1/8" = 1'-0"



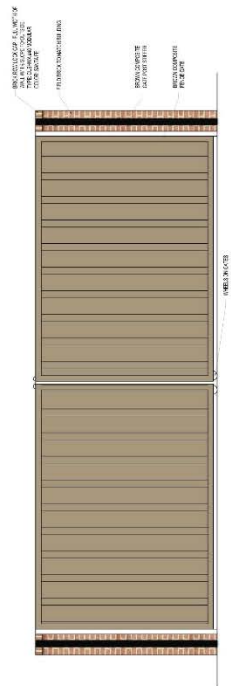
Fuel Canopy - Front Elevation
1/8" = 1'-0"

ROYAL FARMS

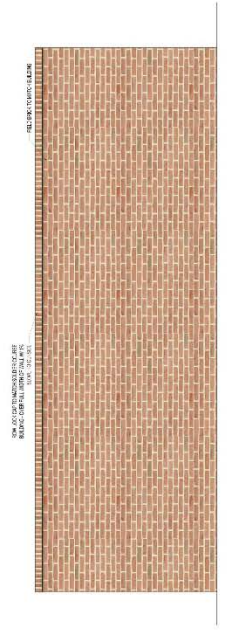
ROYAL FARMS #445
VIRGINIA BEACH, VA
JUNE 3, 2021

RATCLIFFE
ARCHITECTS
10404 Stevenson Road
Stevenson, Maryland 21153
Phone: 410-961-5615 • Fax: 410-961-3013 • info@ratcliffearchitects.com

Proposed Elevation Plan



Dumpster Enclosure - Front Elevation
1/2" = 1'-0"



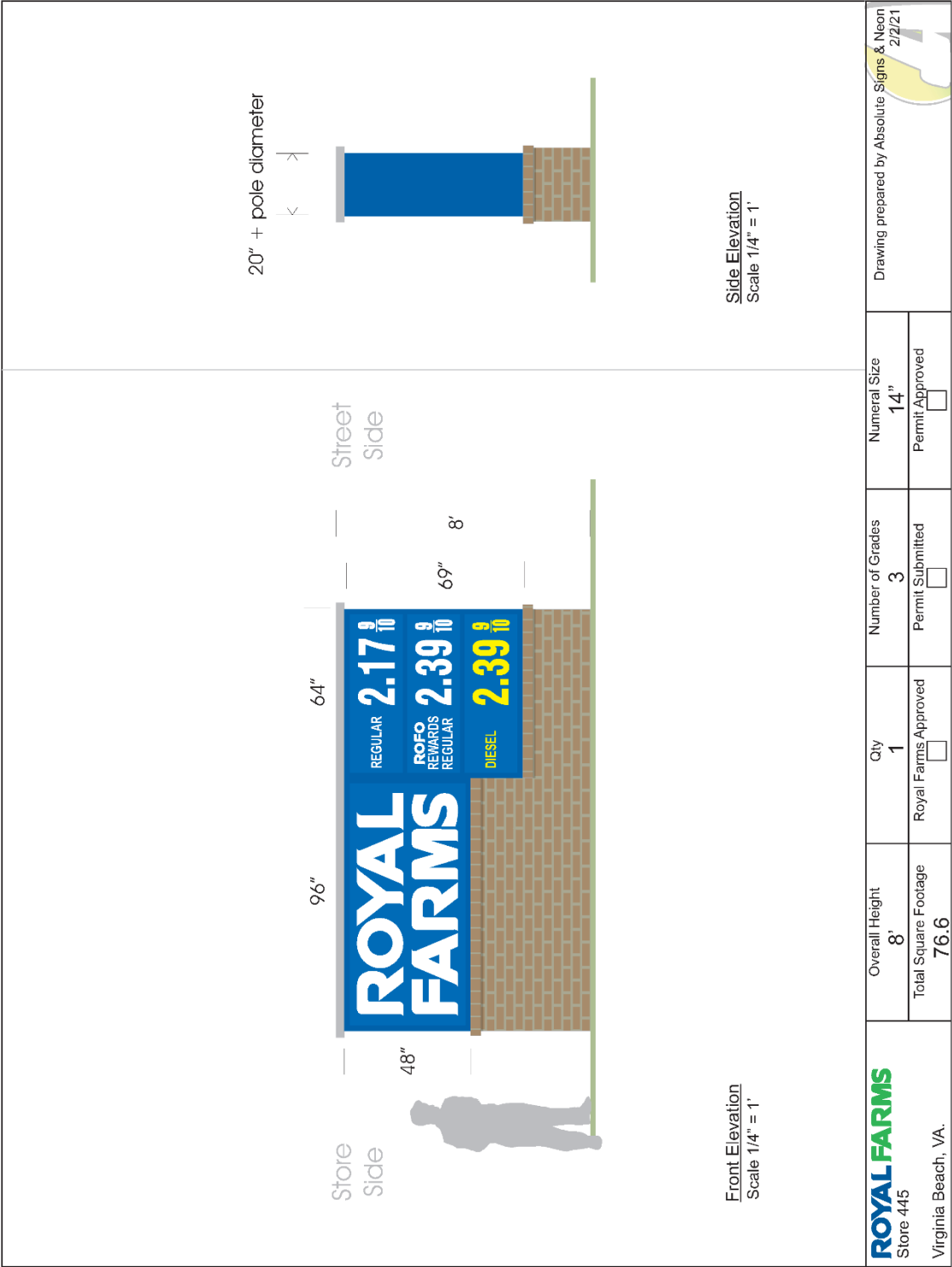
Dumpster Enclosure - Rear Elevation
1/2" = 1'-0"

ROYAL FARMS

ROYAL FARMS #445
VIRGINIA BEACH, VA
JUNE 3, 2021

RATCLIFFE
ARCHITECTS
11000 Stevenson Road
Stevenson, Maryland 21153
Phone: 410-461-7810 • Fax: 410-461-5877 • info@ratcliffearchitects.com

Proposed Monument Sign 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 Two Farms, Inc. dba Royal Farms

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

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

R.J. Nutter, II, Esq. - Troutman Pepper LLP

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 M. Kemp – President

Frank Gargiulo – Secretary/Treasurer

Alan A. Abramowitz – Assistant Secretary

- 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?

Louis Jones - Owner of Hollomon-Brown Funeral Home Bayside Chapel, Inc.

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.

Chris Rouzie - Cushman Wakefield

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.

Rebkee, Josh Walls; Ratcliffe Architects

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.

Kimley-Horn

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

R.J. Nutter, Troutman Pepper LLP

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.

DocuSigned by:
Jeff Bainbridge
BF9D980F844045A...

Applicant Signature

Jeff Bainbridge

Director of Real Estate

Print Name and Title

2/28/2021

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 Hollomon-Brown Funeral Home, Bayside Chapel, Inc.

Applicant Name Two Farms, Inc. dba Royal Farms

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)

Louis R. Jones - Present

George W. Jones - President

- If **yes**, list the businesses that have a parent-sub subsidiary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary)

Known Interest by Public Official or Employee

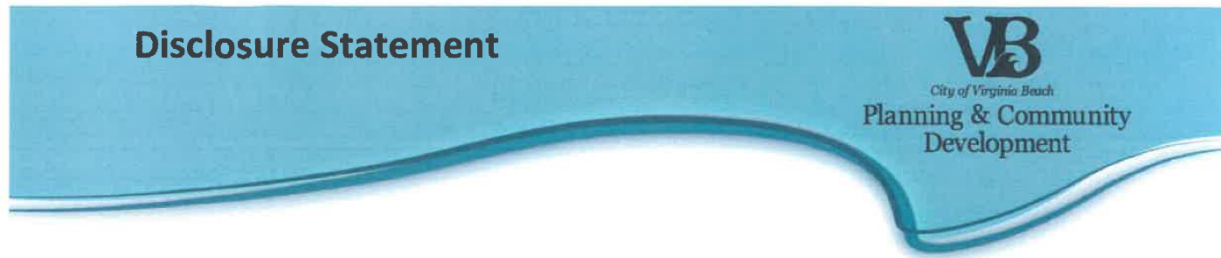
Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? ☒ **Yes** ☐ **No**

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

Louis Jones - Owner of Hollomon-Brown Funeral Home Bayside Chapel, Inc.

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

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



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.

Chris Rouzie - Cushman Wakefield
3. Does the Owner have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☒ **No**
 - If **yes**, identify the firm and individual providing the service.

4. Does the Owner have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☒ **No**
 - If **yes**, identify the firm and individual providing the service.

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ **Yes** ☒ **No**
 - If **yes**, identify the purchaser and purchaser's service providers.

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

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

Disclosure Statement

Disclosure Statement



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

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.**

HOLLOMON-BROWN FUNERAL HOME, BAYSIDE CHAPEL, INC.

by:

Louis R. Jones, Owner

Owner Signature

Louis R. Jones, Property Owner

Print Name and Title

Louis R. Jones, Owner

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 Proffers (Update to the Design Criteria)

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

Portion of Corporate Landing Business Park

GPINs

2415122650, 2415040770, 2415146859,
2415259170, 2415227788

Site Size

Approximately 189 acres

AICUZ

70-75 dB DNL, Greater than 75 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Office-warehouse, vacant parcels in Corporate Landing Business Park / B-2 Community Business, I-1 Light Industrial

Surrounding Land Uses and Zoning Districts

North

Dam Neck Road

Public schools / AG-1 Agricultural

South

General Booth Boulevard

Single-family dwellings, offices, mixed retail / R-7.5 & R-10 Residential, O-2 Office, B-2

Community Business

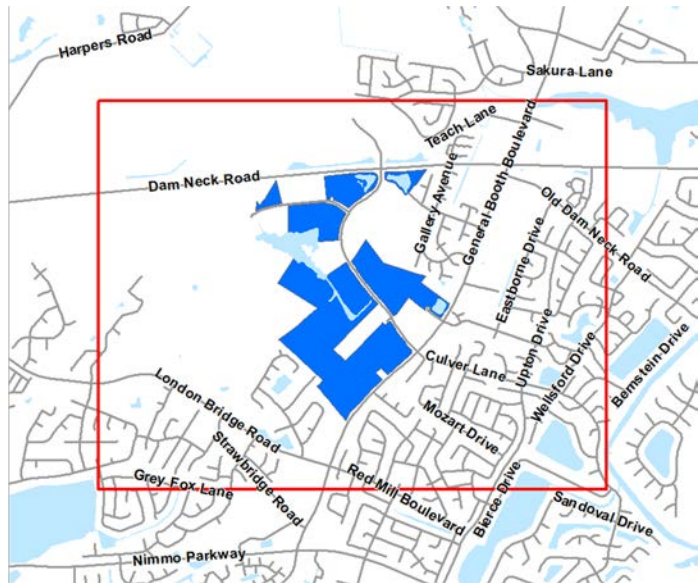
East

Single-family dwellings, cultivated field / R-5D Residential, AG-1 Agricultural

West

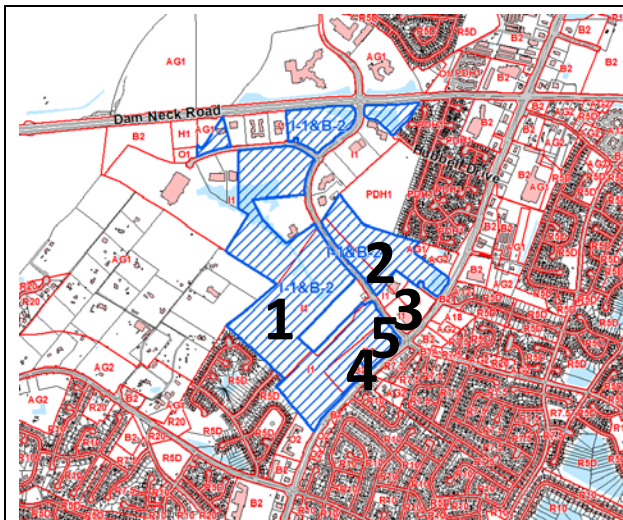
Corporate Landing Parkway

Woods, single-family dwellings / PD-H1 Planned Unit Development



Background & Summary of Proposal

- The applicant is seeking a Modification of Proffers to update the Design Criteria for a portion of Corporate Landing Business Park (the Park). The Park property was rezoned in 1988 and the Design Criteria was adopted in 1990 with an addendum added in 1998.
- Letters were mailed to property owners within the Park to allow them an opportunity to be a party to this application. One property owner, FROB, LLC, accepted.
- The new Design Criteria seek to:
 - Ensure the Corporate Landing Business Park remains relevant for current and future market opportunities;
 - Reduce redundancy and better align the document with current codes and requirements;
 - Consolidate multiple subsequent amendments into one user-friendly and attractive document;
 - Permit more flexibility with new and innovative materials and construction methods; and
 - Provide more guidance on light industrial and advanced manufacturing building types.



Zoning History

#	Request
1	CRZ (Conditional B-2 to Conditional I-1) Approved 03/19/2019 MOD (Proffers) Approved 06/25/1996 MOD (Proffers) Approved 11/09/1993 MOD (Proffers) Approved 08/14/1989 CRZ (AG-1 & AG-2 to Conditional I-1) Approved 06/13/1988
2	CUP (Fiber Optics Transmission Facility) Approved 10/04/2016
3	MOD (Proffers) Approved 03/17/2015
4	MOD (Proffers) Approved 09/14/2004 CRZ (AG-2 to Conditional B-2) Approved 01/25/1994
5	CRZ (I-1 to Conditional B-2) Approved 11/09/1993

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 request to update the Design Criteria for Corporate Landing Business Park, in Staff's opinion, is acceptable. The current Design Criteria is outdated and no longer aligns with the development pattern that was originally envisioned for the Park. Other parcels within the Park were informed of the request to update the Design Criteria and opted not to be included with this request. These properties will continue to be subject to the existing Design Criteria that was adopted in 1990 and amended in 1998.

Overall, the new Design Criteria reduce requirements for setbacks, parking, building materials, and landscape screening, while maintaining guidelines to remain an attractive “park-like” setting.

	CURRENT DESIGN CRITERIA	UPDATED DESIGN CRITERIA
SETBACKS:		
Adjacent to Dam Neck Road	100 ft.	50 ft.
Adjacent to Residential Neighborhoods	75 ft.	50 ft.
Adjacent to General Booth Blvd.	75 ft.	30 ft.
Adjacent to Corporate Landing Parkway	50 ft.	25 ft.
Other Public Streets	50 ft.	20 ft.
Side & Rear Property Line	15 ft.	15 ft.
Between Parking Lots and Buildings 10 ft. (excluding sidewalks)	10 ft.	10 ft.
PARKING:		
	<ul style="list-style-type: none"> • One parking space for each 250 square feet of gross floor area used for offices. • One parking space for each 500 square feet of gross floor area for research and development or one space per employee on the highest working shift, whichever is greater. • One parking space for each 200 square feet of gross floor area for commercial/retail. • One and one-half parking spaces per hotel room. • The width of parking lot drive aisles shall be a minimum of 24 feet. 	<ul style="list-style-type: none"> • Off-street parking must conform to Section 203 of the Zoning Ordinance as amended.
BUILDING MATERIALS:		
	<ul style="list-style-type: none"> • Recommend architectural materials are glass, granite, pre-cast concrete, and brick. • Bright overall colors shall not be permitted. 	<ul style="list-style-type: none"> • Recommend architectural materials are glass, granite, concrete, brick, and metal. • Bright overall colors shall not be permitted. However, bright colors are encouraged to enhance focal points and serve as accents.
LANDSCAPE:		
	<ul style="list-style-type: none"> • The developer of the individual sites shall provide a continuous evergreen and/or low berm screen along any side of a parking lot that abuts a public street right-of-way. 	<ul style="list-style-type: none"> • Sod rather than seeding is required within 50' of all buildings; all adjoining roads shall have sod along the entire property line from the road edge to the parking lot edge.

	<ul style="list-style-type: none"> The developer of any site that abuts a storm water retention lake or canal shall provide a landscape buffer (minimum width 15 feet) between said lake and/or canal and any proposed parking lot. This buffer shall be planted with a mixture of deciduous and evergreen plant materials. 	<p>The minimum width of sod along road edges where there is no parking lot shall be 30'. All other lawn areas not receiving sod may be seeded.</p> <ul style="list-style-type: none"> All site entry drives shall be well landscaped with a combination of shade trees, flowering trees, and flower beds,
--	--	--

As the proposed revision to the Design Criteria will simplify the review process for developments within the Park to one cohesive document and align with current codes and regulations, Staff recommends approval of this request subject to the proffers below.

Proffers

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to “offset identified problems to the extent that the proposed rezoning is acceptable,” (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:

The Property is hereby removed and released from the Existing Proffers and said Property will now be subject to the proffers contained herein.

Proffer 2:

Excluding the Property specifically described on Exhibit A, the remaining parcels of land located within Corporate Landing and not owned by the Applicants shall remain subject to the Existing Proffers, which remain in full force and affect.

Proffer 3:

Further conditions may be required by the City during detailed Site Plan review and administration of applicable City codes by all City agencies and departments.

Proffer 4:

Except for permanent facility construction, exterior storage shall be prohibited.

Proffer 5:

Fencing on the Property, other than for screening purposes and where it is necessary for the security of certain facilities or necessary to funnel visitors to designated entry points, is prohibited. The VBDA shall approve all proposed fences for material, color, location, coupled plantings and overall impact.

Proffer 6:

Temporary facilities, other than construction related facilities, shall not be permitted within the front yards and when located in the rear yards, shall be removed immediately upon completion of the permanent facility.

Proffer 7:

All loading docks and dumpster areas that are visible from the lake area or street shall be screened with a wall a minimum of 8 ft. that matches the materials used on the building. Dumpsters shall also be gated. The screen wall shall be softened in its entirety with shrubs and trees. The extent of the screen wall and landscaping shall be subject to VBDA approval.

Proffer 8:

Those uses permitted in I-1 and B-2 zoning are permitted on the Property. Those uses requiring a Conditional Use Permit from City Council shall continue to do so.

Proffer 9:

The following lists the minimum parking lot setback requirements:

- | | |
|--|--------|
| a) Adjacent to Dam Neck Road | 50 ft. |
| b) Adjacent to Residential Neighborhoods | 50 ft. |
| c) Adjacent to General Booth Blvd. | 30 ft. |
| d) Adjacent to Corporate Landing Parkway | 25 ft. |
| e) Other Public Streets | 20 ft. |
| f) Side & Rear Property Line | 15 ft. |
| g) Between Parking Lots and Buildings
(excluding sidewalks) | 10 ft. |

Proffer 10:

The following are the parking requirements:

- a) Off-street parking must conform to Section 203 of the Zoning Ordinance as amended.
- b) The City's parking requirements shall not relieve the site owner or lessor of the responsibility of providing ample on-site parking for actual user demands. Parking on access roads and dedicated streets shall be prohibited.
- c) Parking lot landscape standards shall conform to the City of Virginia Beach Landscape Guide as amended.

Proffer 11:

The Corporate Landing Business Park Design Criteria, dated July 2021, is attached hereto as Exhibit B and incorporated herein by reference for additional specifications, conditions and requirements related to design requirements, land use, responsibilities of the VBDA, grading, drainage, utilities, plantings, lighting, building design and orientation, building materials and color and signage in Corporate Landing.

Staff Comments: The Proffers provide more flexibility for developments within the Park to create a more marketable and comparative business park in the region. Staff has reviewed the Proffers listed above and finds them acceptable. The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

1996 Proffers That Remain in Effect for The Remainder of The Park

1. All uses permitted in the R & D Research and Development Office Warehouse District (R & D) shall be permitted within the MDO Medium Density Office Use District (MDO). Likewise, all uses permitted within the MDO district shall be permitted within the R & D district.
2. In addition to the uses identified in the prior proffers, within the R & D and MDO districts the following uses are permitted:
 - Manufacturing
 - Public buildings and grounds
 - Heliports. Provided however, that no portion of a heliport may be located within 500 feet of residentially zoned property.
3. Except as modified herein, the prior Proffers shall remain in full force and effect.

1989 Proffers That Remain in Effect for The Remainder of The Park

1. The following uses shall be the only uses permitted within each district. Those uses requiring a conditional use permit from City Council shall continue to be required to obtain said conditional use permit, and City Council by accepting this proffer, does not grant the right to place any conditional uses within the property.

R&D: RESEARCH AND DEVELOPMENT OFFICE WAREHOUSE DISTRICT

This classification refers to the development of on and two story office/warehouse buildings.

USE

1. Business, medical, financial, nonprofit, professional and similar office buildings in conjunction with an office/warehouse environment.
2. Establishments such as linen suppliers, freight movers, communication services and canteen services.
3. Establishments which deliver merchandise in bulk by truck or van.
4. Light assembly, processing, extracting, packaging or fabricating establishments.
5. Motion picture studios.
6. Printing lithographic or publishing establishments.
7. Public utilities installations and substations including offices.
8. Radio or television transmission and relay stations.
9. Wholesaling, warehousing, storage or distribution establishments.
10. Eating and drinking establishments in connection with other permitted uses (no free-standing restaurant sites).
11. Accessory uses and structures which may be reviewed and approved by the City of Virginia Beach Zoning Administrator which are clearly incidental and subordinate to principal uses in accordance with the Virginia Beach Comprehensive Zoning Ordinance.

MDO DISTRICT: MEDIUM DENSITY OFFICE USE

This classification refers to the development of mid-rise office buildings.

USE

1. Business, medical, financial, nonprofit, professional, and similar office buildings.
2. Eating and drinking establishments in connection with other permitted uses (no free-standing restaurant sites).
3. Motion picture studios.
4. Printing, lithographic or publishing establishments.
5. Recreational facilities of an outdoor nature in accordance with the Virginia Beach Comprehensive Zoning Ordinance.
6. Vocational, industrial and trade schools.
7. Recreational facilities other than those of an outdoor nature.
8. Public and private schools, colleges and universities.
9. Public utility facilities.
10. Accessory uses and structures which may be reviewed and approved by the City of Virginia Beach Zoning Administrator which are clearly incidental and subordinate to principal uses in accordance with the Virginia Beach Comprehensive Zoning Ordinance.

MXD2 DISTRICT: MIXED USE DEVELOPMENT

This classification refers to the development of a mixed use complex that would provide retail shops, restaurants, office space, and similar uses.

USE

1. Automobile service stations or repair facilities that perform the same functions as cited in Section 111 of the Virginia Beach Zoning Ordinance.
2. Bakeries, confectioneries and delicatessens, provided that products prepared or process on the premises shall be sold at retail and only on the premises.
3. Business studios, offices, and clinics.
4. Car wash facilities, provided that: (i) no water produced by activities on the zoning lot shall be permitted to fall upon or drain across public streets or sidewalks or adjacent properties; (ii) a minimum of three (3) off-street parking spaces for automobiles shall be provided for each car wash space within the facility.
5. Child care and child care education centers.
6. Drugstores, beauty shops and barbershops.
7. Eating and drinking establishments without drive-through windows.
8. Financial institutions.
9. Florists, gift shops and stationery stores.
10. Service and repair services for business machines, sign shops and other small service businesses.
11. Grocery stores, carry-out food stores and convenience stores any of which are not freestanding but are in a structure with a gross floor area of less than five thousand (5,000) square feet.

12. Laboratories and establishments for the production and repair of eye glasses, hearing aids and prosthetic devices.
13. Laundry and dry cleaning agencies.
14. Medical and dental offices.
15. Museums and art galleries.
16. Job and commercial printing.
17. Personal service establishments, other than those listed separately.
18. Athletic clubs.
19. Public utilities installations and substations, including offices.
20. Repair and sales for radio and television and other household appliances, except where such establishments exceed two thousand five hundred (2,500) square feet of floor area.
21. Retail establishments, other than those listed separately, including the incidental manufacturing of goods for sale only at retail on the premises; retail sales and display rooms.
22. Veterinary establishments and commercial kennels, provided that all animals shall be kept in soundproofed, air-conditioned buildings.
23. Accessory uses and structures which may be reviewed and approved by City of Virginia Beach Zoning Administrator which are clearly incidental and subordinate to principal uses in accordance with the Virginia Beach Comprehensive Zoning Ordinance.

2. The following chart lists the building requirements within the various classifications for minimum lot area, width, yard spacing, floor area ration, and coverage:

	R & D	MDO	MXD2
Minimum Lot Area	3.5 Ac	3.5 Ac	1.0 Ac
Minimum Lot Width	100'	100'	100'
Minimum Yard Setback Adjacent to General Booth Boulevard	75'	--	75'
Minimum Yard Setback Adjacent to Corporate Landing Drive	75'	75'	75'
Minimum Yard Setback Adjacent to Other Public/Private Streets	50'	50'	50'
Minimum Yard Setback Adjacent to Residential Neighborhoods	75'	75'	75'
Minimum Yard Setback Adjacent to Side Property Lines	30'	30'	30'
Minimum Yard Setback Adjacent to Rear Property Lines	30'	30'	30'
Maximum Floor Area Ratio	.50	.90	.90
Maximum Building and Paved Area Coverage (excluding outside plaza and gathering areas)	75%	60%	75%

3. The following chart lists the parking lot setback requirements within the various classifications of the property.

	R&D	MDO	MXD2
Minimum Yard Setback Adjacent to General Booth Boulevard	75'	--	75'
Minimum Yard Setback Adjacent to Corporate Landing Drive	50'	50'	50'
Minimum Yard Setback Adjacent to Other Public Streets	50'	50'	50'
Minimum Yard Setback Adjacent to Private Streets (excluding access drives & parking lot drive aisles)	25'	25'	25'
Minimum Yard Setback Adjacent to Residential Neighborhoods	75'	75'	75'

Minimum Yard Setback Adjacent to Side Property Lines (excluding common drive aisles between parcels)	15'	15'	15'
Minimum Yard Setback Adjacent to Rear Property Lines	15'	15'	15'
Minimum Yard Setback Between Parking Lots & Buildings (excluding sidewalks)	20'	20'	0'

4. The maximum building height for the various use classifications located within the property are as follows.

- A. R&D: 35 Feet
- B. MDO: Not to exceed a height equal to twice the distance from the building to the vertical projection of the center line of the nearest public street; however, no building shall exceed 100' in height, and no building within 300' of the right-of-way of General Booth Boulevard shall exceed 40' in height.
- C. MXD2: 35 Feet
- D. Notwithstanding the above, no building or other structure shall exceed the height limit established by the Virginia Beach Comprehensive Zoning Ordinance regarding air navigation.

5. General Requirements Applicable to all use classifications located within the property.

- A. Parking Requirements: The minimum number of parking spaces and dimensional requirements on any site shall be as follows:
 - 1. One parking space for each 250 square feet of gross floor area used for offices.
 - 2. One parking space for each 500 square feet of gross floor area for research and development or one space per employee on the highest working shift, whichever is greater.
 - 3. One parking space for each 200 square feet of gross floor area for commercial/retail.
 - 4. One and one-half parking spaces per hotel room.
 - 5. As required by the City of Virginia Beach Comprehensive Zoning Ordinance for other uses permitted within the property.
 - 6. The size of parking stalls and handicapped allowances shall be as required by the City of Virginia Beach Comprehensive Zoning Ordinance.
 - 7. The width of parking lot drive aisles shall be a minimum of 24 feet.
 - 8. The color of parking lot stripping shall be white. Special stripping shall be as required by the City of Virginia Beach.
 - 9. These requirements shall be accepted as minimum standards, however, such requirements shall not relieve the site owner or lessor of the responsibility of providing ample on-site parking for actual user demands. Parking on access roads and dedicated streets shall be prohibited.
- B. Loading Areas
 - 1. Loading docks shall be designed and located so that they are not visible from public roadway view, adjacent residential neighborhood view, and view within the park. The uses of berming and landscape screening shall be employed to screen loading areas.
 - 2. The location of any loading dock areas shall be subject to approval by the Virginia Beach Development Authority.
- C. Landscape Requirements (Minimum)

1. The Development Authority will provide in the 75 foot setbacks adjacent to the existing residential neighborhoods of Strawbridge and Princess Anne Hunt Club subdivision a rolling earthen berm (minimum height four (4) feet up to approximately ten (10) feet with appropriate evergreen plantings to provide a buffer between the park and these residential neighborhoods. Where the parking abuts property not currently developed for residential use the Authority will reserve a 75 foot strip of land for the future placement of a berm and evergreen plantings should said adjacent property be developed into residential neighborhoods.
 2. The developer of the individual sites shall provide a continuous evergreen and/or low berm screen along any side of a parking lot that abuts a public street right-of-way. Such buffer shall be located within the parking lot setbacks established by Section 3.
 3. The developer of any site that abuts a storm water retention lake or canal shall provide a landscape buffer (minimum width 15 feet) between said lake and/or canal and any proposed parking lot. This buffer shall be planted with a mixture of deciduous and evergreen plant materials.
6. The Development Authority shall not extend the existing residential street known as Wandsworth Drive into the property. The Development Authority shall not grant right-of-way over the property for connections into residential neighborhoods not yet developed except those streets so designated on the City of Virginia Beach Master Street and Highway Plan. Roads shall not be extended into Princess Anne Hunt Club subdivision and/or Strawbridge from the property.

Comprehensive Plan Recommendations

The Comprehensive Plan designates this area of the City as being within the Special Economic Growth Area 3 – South Oceana. Portions of the area are impacted by high noise zones, accident potential zones and Navy restrictive easements. All proposed land uses in this area must align with the City's AICUZ provisions and Oceana Land Use Conformity program.

Natural & Cultural Resources Impacts

The property is within the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high water surface elevations in downstream receiving waters. There are no known cultural resources on the site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on July 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, July 25, 2021 and August 1, 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 July 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 August 5, 2021.

Site Photos





CORPORATE LANDING BUSINESS PARK DESIGN CRITERIA

JULY 2021





On April 24, 1990, City of Virginia Beach Economic Development Director Andy Burke, Mayor Meyera Oberndorf, and Virginia Beach Development Authority Chairman Van Cunningham turned the first shovels of dirt, officially signaling the beginning of the development at Corporate Landing.

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Figure 1.1 - Corporate Landing Business Park 1994

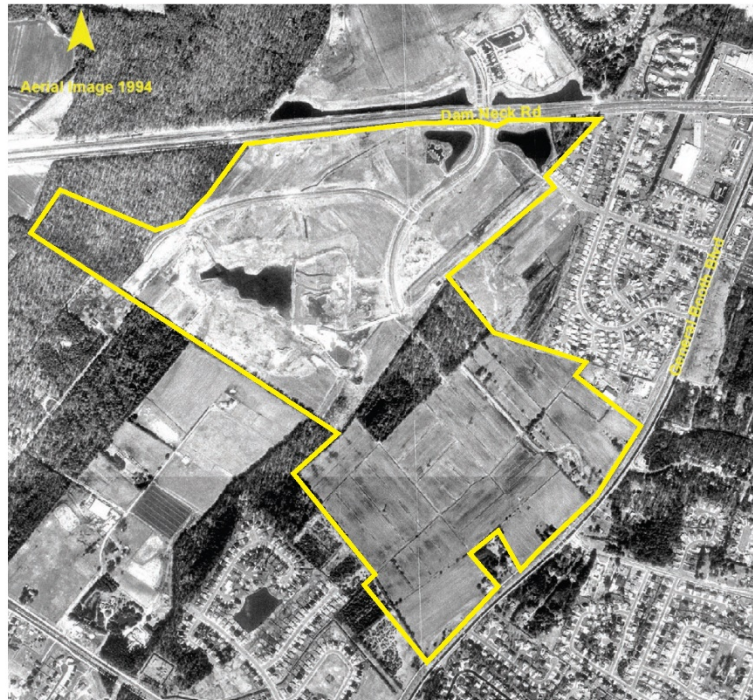


Figure 1.2 - Corporate Landing Business Park 2008



ARTICLE I: BACKGROUND AND PURPOSE

1.1 CORPORATE LANDING BACKGROUND

Corporate Landing Business Park (the Park) was established in 1990 as a planned multi-faceted business park encompassing approximately 325 acres of land.

The Park is strategically located five miles from I-264 on the southwestern side of Naval Air Station Oceana, between General Booth Boulevard and Dam Neck Road. It has a campus-like setting with high quality buildings integrated into a naturally landscaped environment.

Corporate Landing Business Park has become the home to a variety of major regional corporate headquarters, including GEICO, Groundworks, and Lockheed Martin. Additionally, in 2018, a cable landing station was established to support ultra-high speed transatlantic fiber optic telecommunication cables. The cable landing station in Corporate Landing provides high capacity, reliable connectivity options to carriers, data centers and colocation facility operators.

1.2 DESIGN CRITERIA PURPOSE

The purpose of the design criteria is to provide guidance on land use, site design, building design, landscaping, and signage to ensure a unified, qualitative park environment.

The design criteria have ensured that Corporate Landing has developed and maintained an attractive "park-like" setting. Minor modifications have been made to the design criteria on several occasions over the past thirty years but have never been substantially updated. This update is needed to:

- A. Ensure the Corporate Landing Business Park remains relevant for current and future market opportunities,
- B. Reduce redundancy and better align the document with current codes and requirements
- C. Consolidate multiple subsequent amendments into one user-friendly and attractive document
- D. Permit more flexibility with new and innovative materials and construction methods
- E. Provide more guidance on light industrial and advanced manufacturing building types

It is the intent of the Virginia Beach Development Authority (VBDA) to continue to encourage the construction of attractive quality environs through the updated design criteria herein.



Figure 1.3 - Corporate Landing Business Park Fountain



Figure 1.4 - GEICO Regional Headquarters



Figure 1.5 - New Realm Brewery Regional Headquarters

1.3 BUSINESS PARK MAP

Available property in the Park is rated Tier VI shovel ready by the Virginia Economic Development Partnership.



Source: Neermap.



Legend

- Corporate Landing Business Park Limits
- VBDA Owned Property
- Jurisdictional Lake/Stormwater Pond

1.4 LAND USES

The majority of the property in Corporate Landing Business Park is zoned I-1 Light Industrial District and one property is zoned B-2 Community Business District per the Virginia Beach Zoning Ordinance as amended.

The allowable uses in I-1 and B-2 zoning are permitted in the Park. Uses requiring a Conditional Use Permit shall seek approval from City Council. The Virginia Beach Development Authority (VBDA), maintains the right to approve the property's use.

Development Authority will reserve a 50-foot strip of land for a future landscape screen. Property owners within the park shall be responsible for maintaining the landscape screen entire length of property. Maintenance shall consist of mowing, weeding, fertilizing and watering of all trees, shrubs and lawn area to maintain healthy plant life.

1.5 IMPROVEMENTS PROVIDED BY THE VBDA

The Corporate Landing Business Park offers the following site improvements provided by Virginia Beach Development Authority:

- A. Shovel Ready: Available Park properties are rated Tier VI shovel ready by the Virginia Economic Development Partnership.
- B. Conduit: The Park offers 2.1 miles of conduit system on Corporate Landing Parkway. It consists of 2 x 8 (16) 4" conduits which include (3) 1.25" innerducts located in each conduit.
- C. Data Center Certified: The Park is Dominion Energy-certified for data centers.
- D. Roadways: Perimeter Parkway, Craft Lane and Corporate Landing Parkway.
- E. Utilities: Water, electricity, sanitary sewer and conduit shall be provided to within the right-of-way or within an easement adjacent to the right of way. Connections to these major lines will be the responsibility of the site purchaser.
- F. Signs: The VBDA provides entry signs for the Park and all signage within the public rights-of-ways.
- G. Landscaping: Landscaping of the common areas at the park's entrances with irrigation are provided.
- H. Residential Screening: The Development Authority will provide appropriate plantings in the 50-foot setbacks required adjacent to the existing residential neighborhoods of Red Wing, Dam Neck Estates, and Strawbridge, to provide screening between the park and adjacent residential neighborhoods. Where the park abuts property not currently developed for residential use, the



Figure 1.6 - Corporate Landing Park Entrance Sign



Figure 1.7 - Existing Landscape Screen on Dam Neck Road



Figure 1.8 - Existing Conduit Route in the Park

The Park offers 2.1 miles of conduit system consisting of 2 x 8 (16) 4" conduits which include (3) 1.25" innerducts located in each conduit.

ARTICLE II: SITE CRITERIA

2.1 APPLICABLE CODES

- A. Development of VBDA owned property within Corporate Landing is governed by the following requirements and restrictions of but not limited to:
1. The recorded Zoning Proffers of the VBDA
 2. The City of Virginia Beach Public Works Design Standards Manual, as amended, and
 3. The City of Virginia Beach Zoning and Subdivision ordinances, as amended.
- B. It is the responsibility of the individual site developer to verify and conform with all requirements of governing agencies and obtain and maintain all necessary permits during the development of the property.

2.2 SETBACKS AND COVERAGE

The following chart lists the site requirements, beyond those required for I1 and B2 zoning, for minimum lot area, building setbacks, and coverage for the Corporate Landing Business Park.

Site Requirements	
Minimum Lot Area	1.0 Acre
Minimum Building Setback Dam Neck Road	50 Feet
Minimum Building Setback Adjacent to Residential Neighborhoods	50 Feet
Maximum Building and Paved Area Coverage	65%

2.3 GRADING AND DRAINAGE

- A. The site grading of each individual building site shall be done in a manner complimentary and compatible with the adjacent sites.
- B. The utilization of best land management and the stormwater management practices shall be incorporated into the master drainage plan

for Corporate Landing and each individual site drainage plans per the applicable codes.

2.4 PARKING SETBACKS

The following chart lists the minimum parking lot setback requirements in the Corporate Landing Business Park.

Minimum Parking Lot Setback Requirements	
Dam Neck Road	50 Feet
Adjacent to Residential Neighborhoods	50 Feet
General Booth Boulevard	30 Feet
Corporate Landing Parkway	25 Feet
Other Public Streets	20 Feet
Side & Rear Property Line	15 Feet
Between Parking Lots and Buildings (excluding sidewalks)	10 Feet

2.5 PARKING REQUIREMENTS

- A. Off-street parking requirements must conform to Section 203 of the Zoning Ordinance as amended.
- B. The City's parking requirements shall not relieve the site owner or lessor of the responsibility of providing ample on-site parking for actual user demands. Parking on access roads and dedicated streets shall be prohibited.
- C. Parking lot landscape standards shall conform to the City of Virginia Beach Landscape Guide as amended.

2.6 LOADING AND REFUSE

All loading docks and dumpster areas that are visible from the lake area or street right-of-ways shall be screened with a wall a minimum of 8' tall that matches the materials used on the building. Dumpsters shall also be gated. The appearance of the screen wall shall also be softened in its entirety with shrubs and trees. The extent of the screen wall and landscaping shall be subject to VBDA approval, see figures 2.2 and 2.3.

2.7 EXTERIOR STORAGE

Except for permanent facility construction, exterior storage is not permitted in the Corporate Landing Business Park. Construction facilities and materials shall not be permitted within the front yards and when located in rear yards, shall be removed immediately upon completion of the permanent facility.

2.8 FENCING

- A. Fencing beyond screening is not permitted in the Park except for where it is necessary to the physical security of certain facilities or necessary to funnel visitors to designated entry points.
- B. Fencing should be limited to side and rear yards and coupled with planting. When fencing fronts any primary public roadways it should be located behind a landscape screen, making the plantings the most visible feature from the street or adjacent parcels. Fencing in front yards should be decorative use only and should not visually obstruct the building. Durable, high quality materials are required for the fencing that compliment the building materials.
- C. VBDA shall approve all proposed fences for material, color, location, coupled plantings and overall impact.

2.9 UTILITIES

- A. All utility connections, including all electrical and fiber connections and installations of wires to buildings shall be made underground from the nearest available power source. During installation there shall be no open cuts in any street at any time. No electric meter, gas meter or other meters of any type or other apparatus shall be located on any power pole nor hung on the outside of any building, but shall be placed at grade or within the building served. If placed at grade outside the building such devices shall be screened with evergreen plants.



Figure 2.1 - Existing building and parking in the Park



Figure 2.2 - Existing loading area screen in the Park



Figure 2.3 - Existing dumpster screen in the Park

- B. All site utilities such as transformers, meters, cooling towers and heat pumps shall be screened in their entirety with evergreen shrubs. Minimum height of shrubs at installation shall be 3' to 4' with spacing not to exceed 3' on center, see figures 2.4 and 2.5.

2.10 NON-MOTORIZED CIRCULATION

Each developer or owner of a site shall construct public sidewalks and trails that pass through their property or properties per Figure 2.6 the Non-Motorized Circulation Master Plan.

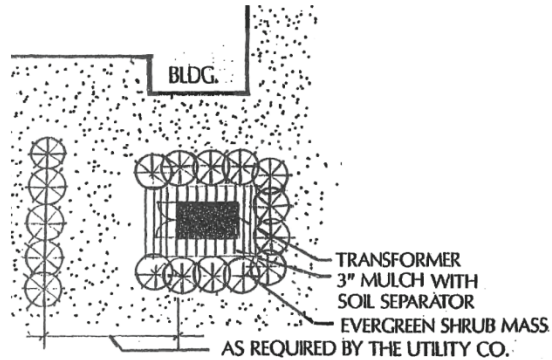


Figure 2.4 - Example transformer screening plan

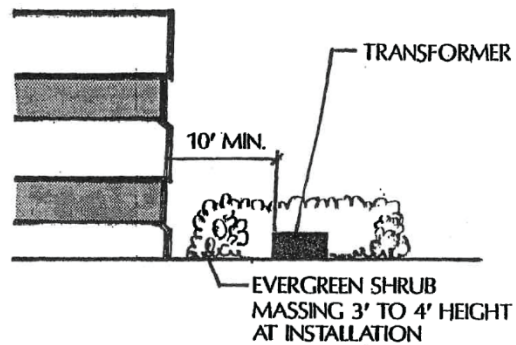
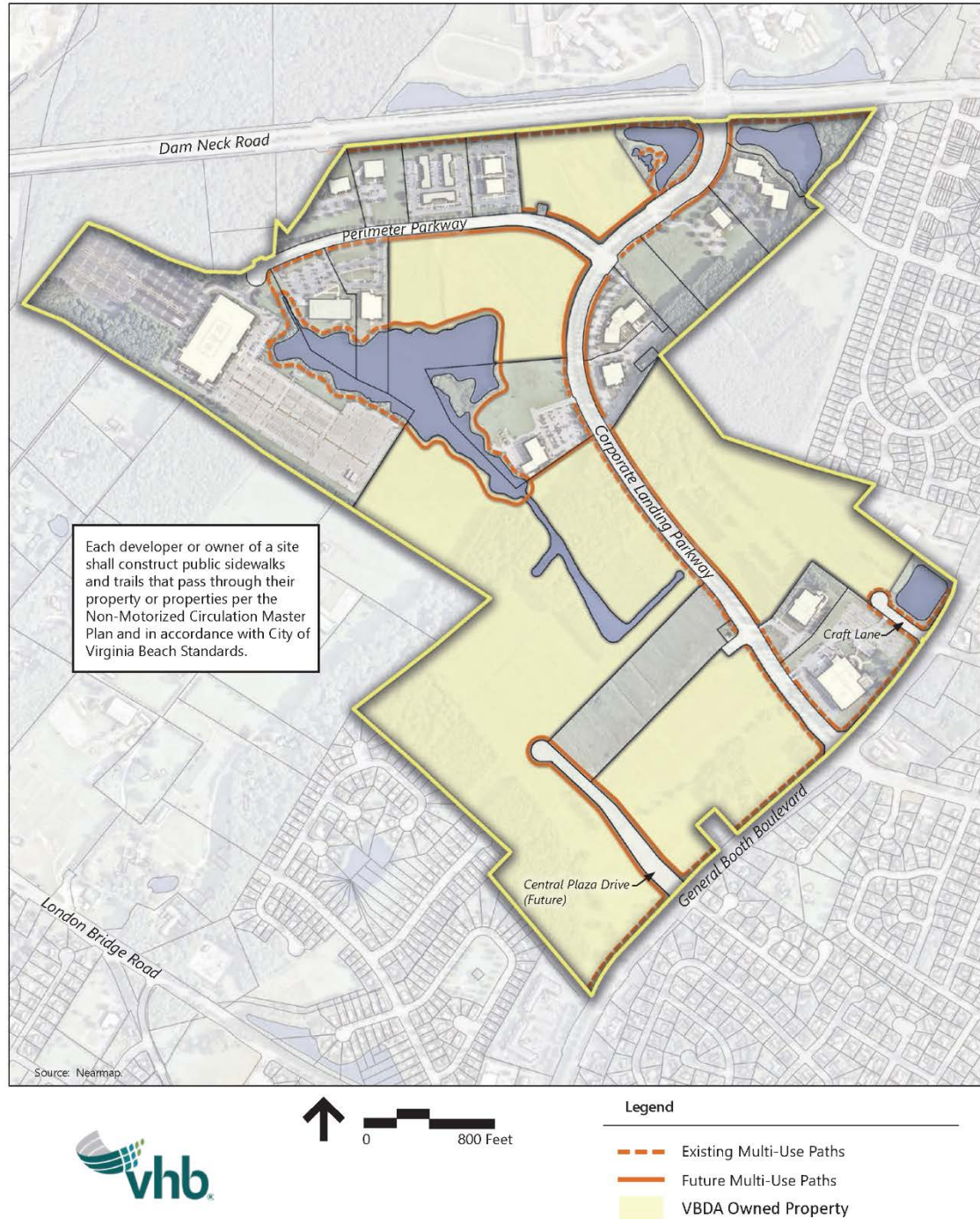


Figure 2.5 - Example transformer screening elevation

Figure 2.6 - Non-Motorized Circulation Master Plan



2.11 PLANTING

- A. Corporate Landing is intended to have a park setting with a strong emphasis on the landscaped environment. This emphasis will provide an overall visual continuity throughout the park and will serve as a backdrop for the development of each individual site. During the individual site development stage, the landscape architect shall give careful consideration and analysis to respond to surrounding site components such as site context, open space, landmarks, views and vistas, streetscapes and the protection of existing vegetation.
- B. In addition to adherence to the City of Virginia Beach Landscape Ordinance for plant species, parking lot and foundation landscaping, screening and tree planting specification and standards, the following additional requirements shall apply to the Corporate Landing Business Park:
 1. Protection of Existing Vegetation: Site developer, through sensitive grading and drainage plans, shall save stands of natural vegetation 15' outside of all proposed building walls and 5' outside of all paved areas. The building developer shall identify, "flag", and barricade up to the tree dripline such stands prior to site clearing or grading operations. Storage of materials or equipment shall not be allowed within these barriers during construction and barriers shall not be removed until finish grading of sites has been completed. All City of Virginia Beach and State of Virginia Tree Protection Notes are applicable and shall be enforced.
 2. Sod rather than seeding is required within 50' of all buildings; all adjoining roads shall have sod along the entire property line from the road edge to the parking lot edge. The minimum width of sod along road edges where there is no parking lot shall be 30'. All other lawn areas not receiving sod may be seeded.

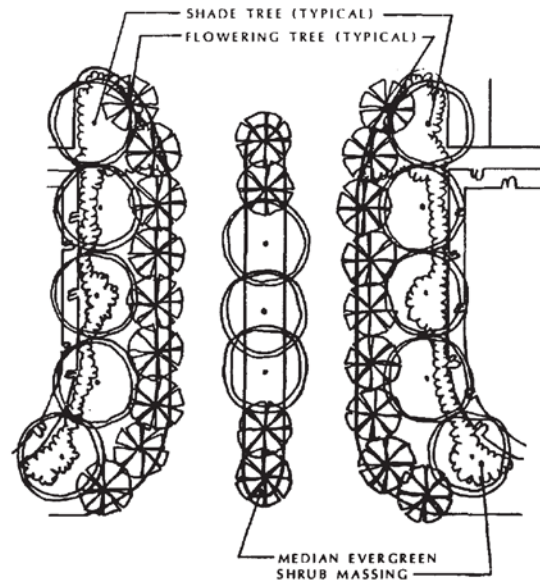


Figure 2.7 - Example Divided Entry Drive Planting Plan
Note: The landscape architect shall respond to all visibility triangle requirements for intersections.

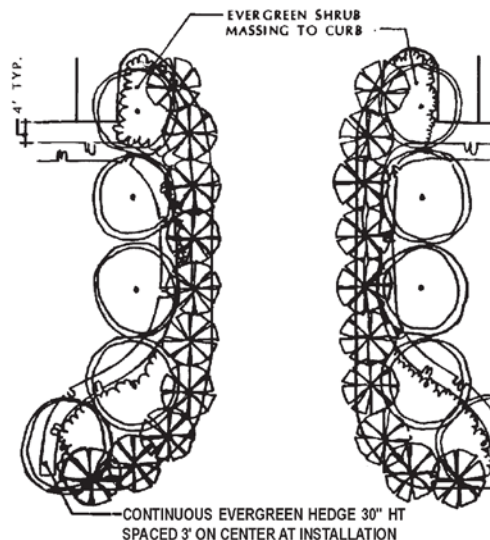


Figure 2.8 - Example Entry Drive Planting Plan
Note: The landscape architect shall respond to all visibility triangle requirements for intersections.

3. All site entry drives shall be well landscaped with a combination of shade trees, flowering trees, and flower beds, see figures 2.7 and 2.8.
 4. All planting bed areas shall be covered with a 3" layer of shredded hardwood mulch.
 5. All plant material, topsoil, mulch, fertilizers, etc. shall be subject to VBDA approval. Rejected materials shall be removed from the site.
 6. Street trees shall be placed along all roadways, within the right of way, which properties abut or adjoin. One tree shall be provided for every 35' of property line that adjoins or abuts the roadway. If applicable, existing street trees on adjoining properties shall be located and shown on all landscape planting plans. The spacing of all new required street trees shall tie into existing trees, maintaining a maximum spacing of 35' on center.
 7. Shade trees and/or flowering trees shall be provided in front of the buildings as approved by VBDA.
 8. Each site developed shall have an automatic irrigation system to irrigate all new trees, shrubs, seeded areas & sodded areas up to the property line and to any road edges which they adjoin or front. The irrigation system shall be designed to provide the proper water requirements to maintain healthy plant life.
- each case where this is applicable, the user shall obtain approval from the VBDA at the construction document approval stage.
- D. Lighting in all parking lots, walkways, and signage on buildings shall be LED. Lighting levels in parking lots shall be a minimum 0.5 foot candles. Light spillage onto adjacent properties and the right of way shall be minimized.
 - E. Accent lighting of buildings, landscaping and signage is encouraged.
 - F. All lighting adjacent to residential areas will be placed in such a way to prevent glare or overflow lighting into these areas.
 - G. Point-by-point photometric calculations with a summary statistics table shall be submitted for all project sites. Calculations shall include fixture schedules or details indicating all aesthetic, electrical, and luminous characteristics of the proposed lighting systems.

2.12 LIGHTING

Corporate Landing Business Park has a uniform lighting system for exterior lighting. Fixtures and poles shall be approved by the VBDA. The following lighting requirements apply:

- A. Parking light fixtures shall be a maximum height of 30'.
- B. Low bollard fixtures or landscape lighting is recommended for walks and building entries.
- C. The use of full cut-off fixtures for general illumination is required. Designs to meet Dark Sky compliance are encouraged. Building mounted floods will not be permitted, except in completely internalized service courts. In



Figure 2.9 - Standard Park Light

ARTICLE III: BUILDING CRITERIA

3.1 APPLICABLE CODES

- A. Buildings within Corporate Landing are governed by the following requirements and restrictions but not limited to:
1. The Virginia Uniform Statewide Building Code (USBC),
 2. The recorded Zoning Proffers of the VBDA,
 3. The City of Virginia Beach Zoning and Subdivision ordinances, as amended, and
 4. The City of Virginia Beach Public Works Design Standards Manual, as amended.
- B. It is the responsibility of the individual site developer to verify and conform with all requirements of governing agencies and obtain and maintain all necessary permits during the development of the property.

3.2 BUILDING DESIGN AND ORIENTATION

- A. Corporate Landing offers the highest quality of design and creativity in the Park's building construction. In order to ensure the development of a harmonious corporate environment, the following design parameters have been established:
1. The building concept for the Park is to set buildings in a landscaped environment that maintains an aesthetic continuity throughout. Each designer is encouraged to express individuality and creativity while blending his or her design into the site's surrounding context. The general design context should reflect a high quality, modern, corporate image. Colonial or historical designs shall not be permitted. All designs are subject to the VBDA's approval. It is intended that the basic harmony of the Park's architecture shall prevail so that no building shall detract from the attractiveness of the overall environment.
 2. Buildings should be oriented toward the public street and the front face(s), at a minimum, should incorporate higher levels of architectural

articulation such as cornices, expression of structural or architectural bays, recessed windows or doors, material or material module changes, color and/or texture differences. Continuity of design is encouraged on the side and rear faces. Flat, monolithic or unarticulated facades are discouraged.

3. For large buildings, varying horizontal and vertical elements should be employed to help organize the building mass. In addition to material changes, breaking the footprint of a large building into smaller parts and varying a building's height and facade design can reduce the appearance of blank walls.

3.3 BUILDING MATERIALS AND COLOR

- A. Exterior building materials shall be of types that are durable and permanent in quality and appearance. Exterior finishes should require little or no maintenance. Colors, materials, and finishes are to be coordinated in a consistent manner on all elevations. Recommended architectural materials include glass, granite, concrete, brick and metal. Additional building facade requirements include:
1. The use of metal panels for light industrial facilities is acceptable as long as the front face(s) and main entry of the building includes at least one additional complimentary material and the metal on the side and rear is layered and varied.
 2. Glazing shall be reflective enough to prevent vision from the exterior to the inside during daylight hours. Reflective glazing shall have a shading coefficient of .20 to .30.
 3. All roof-top mechanical equipment, shall be enclosed or screened by opaque glass, metal or masonry, so as to be an integral part of the architectural design and not visible from adjacent public streets.

4. Exposed louvers, similar metal panel inserts, or penthouse enclosures are to be painted to match the predominant color on the building.
5. In order to maintain aesthetic continuity within the Park, bright overall colors shall not be permitted. However, bright colors are encouraged to enhance focal points and serve as accents, such as main entrances and shall be as approved by the VBDA.



Figure 3.1 - Light Industrial Building in Loveland, CO
Large building with varying horizontal and vertical elements, unifying materials and enhanced facade articulation at the main entry.
Image Source: Danny Dodge



Figure 3.3 - Existing Corporate Landing business with accent colors and enhanced main entry



Figure 3.2 - Warehouse/Assembly Building in Toccoa, GA
Multiple complimentary materials and architectural accents are required for the front face(s) and main entry of large facilities
Image Source: Kirby Building Systems, LLC



Figure 3.4 - Side and rear face continuity of existing multistory Corporate Landing office building

ARTICLE IV: SIGNAGE CRITERIA

4.1 SIGNAGE REQUIREMENTS

All signage in the Corporate Landing Business Park must comply with the Sign Regulations of City of Virginia Beach Zoning Ordinance as amended. In addition, the following sign regulations apply:

- A. Menu board type signs shall not be permitted.
- B. Plastic letters shall not be permitted for building mounted signs.
- C. The size, location on the facade, color and finish of the letters or logo shall be compatible with the building architecture.
- D. Care shall be taken to conceal all conduits, raceways and transformers from all signage so that they are not be visible under any circumstances.
- E. Street names on the building are not permitted. Numbered addresses shall not be backlit.
- F. In multi-tenant buildings where storefront entrances are used, sign information shall be limited to company name, company logo, and suite number (see figure 4.1).

4.2 SIGNAGE APPROVAL BY VBDA

- A. Final design of all building signage shall be as approved by the VBDA. Proposed signage shall be submitted with the construction details for each building prior to their submission to the City of Virginia Beach. The sign submittal must include:
 1. Sign elevation,
 2. Site plan with location of proposed signage,
 3. Shop drawings outlining construction details and lighting, and
 4. Planting plan for area surrounding signage.
- B. Violation and/or non-compliance with the above procedures will allow the VBDA to remove the non-conforming sign at the expense of the owner/tenant.

- C. Maintenance of all signs shall be required by all tenant/owners. Signs shall be kept cleaned and painted as required to maintain the state of quality that existed at the time of installation

4.3 TEMPORARY SIGNAGE

- A. No temporary signs will be permitted except as described below (see figure 4.2).
 1. Temporary construction signs shall be permitted during the construction of the permanent facility and shall be removed upon issuance of the Certificate of Occupancy by the City of Virginia Beach.
 2. All temporary signs shall be ground mounted.
 3. One project construction sign shall be permitted and shall be located parallel to the street and shall include only: the Building Name; Developer; Architect; Landscape Architect; Consulting Engineers; General Contractor; Major Tenants; and Lending Institution
 4. No subcontractor signs shall be permitted. The temporary construction sign outlined above shall be a maximum of ten (10) feet high and located within the property line and adjacent to the construction trailer.
 5. No construction signs will be permitted off site
 6. One real estate sign shall be permitted per building and shall be allowed for six months. Following this period, additional approval shall be obtained from the VBDA.

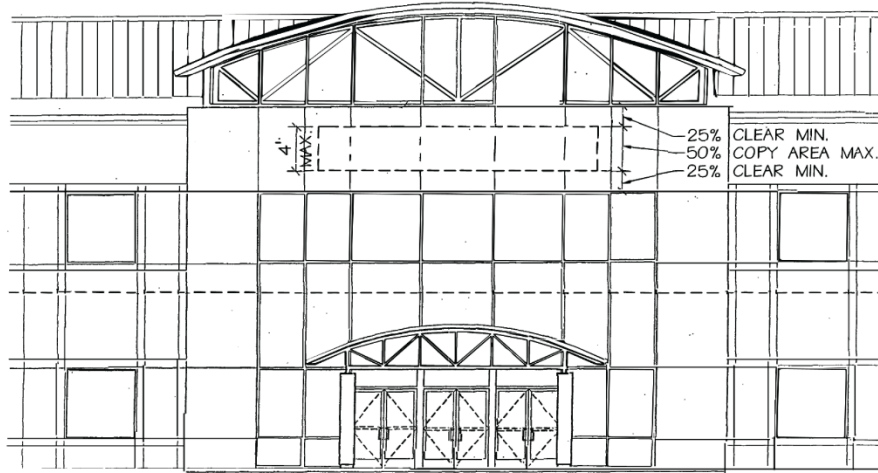


Figure 4.1 - Single Tenant Sign On A Building

The above drawing is an example illustration of the placement of a single tenant name.

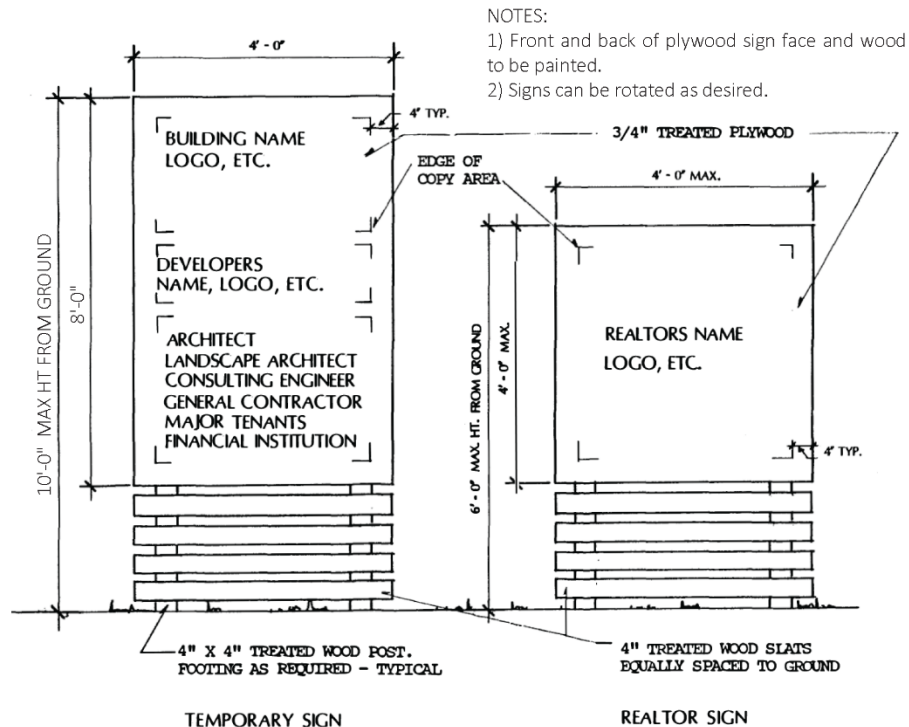


Figure 4.2 -Temporary and Realtor Signage

ARTICLE V: REVIEW BY THE VBDA

5.1 INTRODUCTION

- A. Corporate Landing is governed by a series of recorded covenants which are available upon request by any developer or owner interested in Corporate Landing. These covenants and restrictions are in place to ensure the proper and most appropriate development of the Park through the implementation of uniform standards. Furthermore, all pertinent requirements of public agencies shall be followed in the development of this property and all plans for development of a specific site shall be approved by the VBDA and approved by the City of Virginia Beach and public agencies having jurisdiction.
- B. The requirements contained in this criteria do not preclude the potential of later modifications. Each buyer shall be responsible for verification of all code requirements at the time of purchase and development.

5.2 DEVELOPMENT PROCEDURES

- A. Prior to commencement of the development of any project design, the project owner and the design professionals are required to participate in an introduction to Corporate Landing Design Criteria with VBDA's design representative.
- B. Prior to the commencement of any site improvements such as construction or alteration of buildings, enclosures, paving, grading, drainage, or any other permanent improvements on any site, the owner, leasee or occupant of any site shall first submit Plans and Specifications for such improvements to the VBDA for its written approval.

5.3 SUBMITTAL REQUIREMENTS

- A. Three (3) complete sets of plans shall be submitted for each review. Three (3) sets shall be retained for the VBDA's files. Plans shall be submitted to the VBDA at the following stages of planning and design:

- 1. Schematic Design and
- 2. Construction Documents

- B. Final approved City of Virginia Beach site plan documents shall be submitted to the VBDA before construction begins.

5.4 SCHEMATIC DESIGNS

At schematic/preliminary review, the following material shall be submitted:

- A. Site Plan at a minimum scale of 1" = 40'-0"
- B. Site coverage ratio: building and paving
- C. Building location, overall dimensions, height, finish floor elevations setback lines
- D. Site circulation
- E. Site signage location
- F. Anticipated stormwater management practices
- G. Amount and location of employee and guest parking
- H. Location of any loading and trash collection areas
- I. Location of walks and driveways
- J. Building floor plans at a minimum scale of 1/8" = 1'-0"
- K. Elevations (1/8" = 1'-0" or 1/16" = 1'-0") in color or with color samples
- L. Perspective rendering
- M. Building materials specification list
- N. Location and size of all exterior mechanical and electrical equipment both at grade and/or on the roof.
- O. Preliminary review shall be concerned with building materials, colors and finishes, architectural treatment and rooflines.

5.5 CONSTRUCTION DOCUMENTS FOR FINAL REVIEW

- A. The following completed construction document material shall be submitted for final review:
 - 1. Building construction drawings indicating all exterior finishes, colors and proposed screening of roof-top equipment. Actual size of equipment shall be indicated behind screen. The previously submitted colored elevations and the exterior building material sample board which were submitted for preliminary review shall be resubmitted again with the construction drawings.
 - 2. Full civil site plan and utility packages, at a minimum scale of 1"=25'-0".
 - 3. Full landscape design package, at a minimum scale of 1"=25'-0".
 - 4. Full site lighting, signage and any loading area and trash collection area construction details.
- B. Approval of plans must be given by the VBDA prior to commencement of any construction.

5.6 BASIS OF APPROVAL

- A. Review and approval will be based on standards set forth in the Declaration and the Design Criteria. Plans will be reviewed not only for the quality of the specific proposal, but also the project's effect and impact on its neighbors and on the general park character. Evaluation will be made of spatial relationships among and between buildings and other surrounding elements. Careful concern will be given to location and treatment of utility and service facilities with the intent of minimizing detrimental visual and environmental impact.
- B. Site ingress and egress shall be reviewed for efficient flow of traffic within the site and on abutting streets.
- C. If plans and specifications are not sufficiently complete or are otherwise inadequate, the VBDA shall reject them as being inadequate. Approval of design will be good for a one (1) year period, after which time, if construction has not started the building developer will be required to resubmit.

- D. After approval of the contract documents by the VBDA, any change in exterior materials or exterior colors during construction, shall be approved by the VBDA prior to ordering of materials.

5.7 REVIEW COMMITTEE

The Review Committee shall be composed of the VBDA's Department of Economic Development arm; the VBDA's architectural, engineering, and landscape architectural consultants, which herein afterward shall be referred to as "the Staff."

- A. Staff shall be entitled to approve minor variations to those portions of the Design Criteria not encompassed by the zoning proffers of record affecting the property.
- B. The VBDA shall receive comments and recommendations from the Staff as to whether the plans submitted should be approved or rejected.
- C. When questions of judgment or interpretation arise, the decision of the VBDA is final and binding on all parties.
- D. Any revisions, additions, or alterations to any portion of approved plans shall be subject to review and approval.
- E. Neither Corporate Landing or the VBDA or its successors or assigns shall be liable in damages to anyone submitting plans to them for approval, or to any owner or occupant of land affected by this Declaration, by reason of mistaken judgment negligence or misfeasance arising out of or in connection with the approval or disapproval or failure to approve any such plans. Every person, corporation, partnership, or organization who submits plans to the VBDA or Declarator for approval agrees, by the submission of such plans, and every owner or occupant of any of the property agrees by acquiring title thereto or an interest therein, that he, she or it will not bring any action, proceeding or suit against the VBDA or Declarator to recover any such damages.

5.8 REVIEW TIME

The VBDA shall receive proposals for review, a minimum of fourteen (14) days prior to the second Tuesday of each month. The review comments shall be available from the VBDA office within two weeks of that second Tuesday.

5.9 PUBLIC APPROVALS

- A. The Applicant is responsible for complying with all applicable requirements of public agencies in the development of site(s) within Corporate Landing and shall make separate submittals to City of Virginia Beach review agencies. The Applicant may make concurrent submittals to both the VBDA and the City.
- B. Although based on local zoning and subdivision regulations, the Corporate Landing Design Criteria may be more restrictive in land use, site development standards, landscape requirements, or in other matters. In every case in which these criteria are at variance with public agency requirements, the more restrictive regulations shall govern. In the event of any inconsistency between the Deed and the Design Criteria, the provisions of the Deed shall control.
- C. The property owner is solely responsible for complying with all aspects of the Design Criteria, as well as all applicable codes and regulations. No variance from any aspect of the Design Criteria will be permitted unless approved in writing by the VBDA. If non-compliance to the Design Criteria is discovered during or after construction, it shall be the sole responsibility of the property owner to rectify all non-complying conditions at his or her expense to the satisfaction of the VBDA.



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 Virginia Beach Development Authority

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

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

VHB, John D. Hines

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.

VHB, John. D. Hines

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

Lisa Murphy
Lisa Murphy, Chair Virginia Beach Development Authority

Print Name and Title

Date

April 28, 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

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name Virginia Beach Development Authority

Applicant Name _____

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

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

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

Known Interest by Public Official or Employee

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

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

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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.

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.

VHB

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.

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VHB

John D. Hines

Disclosure Statement

Disclosure Statement



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

Owner Signature

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Owner Signature

Print Name and Title

Date

Disclosure Statement



Owner Disclosure

Owner Name FROB, LLC

Applicant Name ROBERT RIONOAN AND FRANCIS CARILLE

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)

FRANCIS CARILLE
ROBERT RIONOAN

- If yes, list the businesses that have a parent-subsidiary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary)

Known Interest by Public Official or Employee

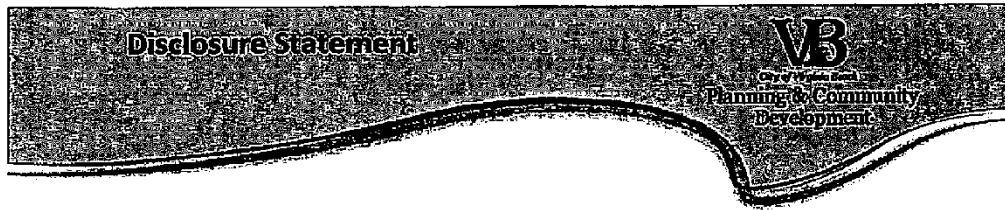
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Disclosure Statement



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☐ Yes ☒ No
• If yes, identify the financial institutions providing the service.

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Disclosure Statement



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- If yes, identify the firm and individual providing legal 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
ROBERT RIDGMAN, MANAGER, FASB, LLC
Print Name and Title
6/10/21
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.

Request

Modification of Conditions (Communication Tower)

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

4221 Pleasant Valley Road

GPIN

1475047711

Site Size

9.86 acres (lease area for tower - 800 square feet)

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Shopping center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Bridle Creek Boulevard

Townhomes / A-12 Apartment

South

Lynnhaven Parkway

Townhomes / A-12 Apartment

East

Pleasant Valley Road

Single-family dwellings / R-5D Residential

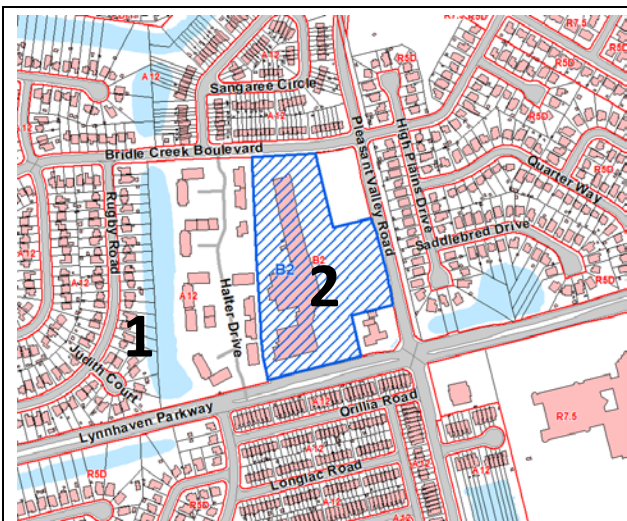
West

Multi-family dwellings / A-12 Apartment



Background & Summary of Proposal

- In 2008, City Council granted a Conditional Use Permit for the installation of a 132-foot high flagpole communication tower on this property. The approval included deviation to the setback and the screening and landscaping requirements.
- The tower was constructed following the approval; however, it was removed from the site in 2017.
- A new operator, the applicant, seeks to install a new 134-foot high “monopine” communication tower (a tower designed to resemble a pine tree) at the same location. As the proposed tower will have a significantly different design than what was previously approved and is taller by two feet, a Modification of Conditions request is required.
- The lease agreement with the property owner requires the tower to be of a stealth design. The submitted renderings depict a communication tower that mimics the appearance of a very large pine tree.
- The 800 square foot lease area is within the existing parking lot, occupying up to four parking spaces in the rear parking lot of the shopping center. The 2008 Conditional Use Permit included a deviation to the setback requirement from 50 feet to 43 feet along the residentially zoning properties to the west and a variance to the screening and landscaping requirements.



certification of the communication tower to comply with all applicable regulations promulgated by the Federal Communications Commission.

On balance, as this proposal includes installation of a tower at the same location and will be of similar height to the previously approved tower, Staff's recommends approval of the request subject to the conditions listed below that do require a redesign to a stealth tower with internal antennas.

Recommended Conditions

1. All conditions attached to the Conditional Use Permit granted on December 2, 2008 are hereby deleted and superseded by the following conditions.
2. The communication tower shall be constructed as a stealth tower as shown on the site plans entitled, "VA 1005 Sun Devil II," prepared by Foresite Group, LLC, dated December 28, 2020. The site plan has been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning.
3. The tower shall not exceed 134 feet in height (AGL).
4. As provided by Section 232 of the City Zoning Ordinance, the setback requirement and the landscaping and screening requirements for the tower are modified to the minimum setback of 40 feet and screening shown on the plans referenced in Condition 2 above.
5. In the event interference with any City emergency communications facilities results from the use of this tower and antennas, the user(s) shall take all measures reasonably necessary to correct and eliminate the interference. If the interference cannot be eliminated within a reasonable time, the user shall immediately cease operation to the extent necessary to stop the interference.
6. As required by Section 232(r)(4) of the City Zoning Ordinance, should the antennas cease to be used for a period of more than one (1) year, the applicant shall remove the tower, antennas and related equipment from the property within ninety (90) days.
7. No signage shall be permitted on the communication tower.
8. The lease area, as depicted on the site plans entitled, "VA 1005 Sun Devil II," prepared by Foresite Group, LLC, dated December 28, 2020, shall be surrounded by a solid fence, including the gate, with a minimum height of six (6) feet. Chain link or barbed wire shall not be permitted.

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

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

Conditions of 2008 Conditional Use Permit

1. The communication tower shall be constructed as a stealth tower with internal antennas as substantially as shown on the site plans entitled, "Telecommunications Facility, Carriage Mill (NR-5433), 4221 Pleasant Valley Road," prepared by JMT, dated 06/22/08. This site plan has been exhibited to City Council and is on file with the Department of Planning.
2. The tower shall not exceed 132 feet in height (AGL).
3. As provided by Section 221(i) of the City Zoning Ordinance, the setback requirement and the landscaping and screening requirements for the tower are modified to the minimum setback of 40 feet and screening shown on the plans referenced in Condition 1 above.
4. In the event interference with any City emergency communications facilities results from the use of this tower and antennas, the user(s) shall take all measures reasonably necessary to correct and eliminate the interference. If the interference cannot be eliminated within a reasonable time, the user shall immediately cease operation to the extent necessary to stop the interference.
5. As required by Section 232(i)(4) of the City Zoning Ordinance, should the antennas cease to be used for a period of more than one (1) year, the applicant shall remove the tower, antennas and related equipment from the property.
6. No signs indicating the location of this facility are allowed.
7. The lease area, as depicted on the survey entitled, "Telecommunications Facility, Carriage Mill (NR-5433), 4221 Pleasant Valley Road," prepared by JMT, dated 06/22/08, shall be surrounded by a solid fence, including the gate, with a minimum height of six (6) feet. Chain link or barbed wire shall not be permitted.
8. A structural report stating that this design can indeed accommodate up to three (3) wireless carriers shall be submitted for review during the final site plan review process. Said report must be deemed acceptable prior to issuance of a building permit.

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property in the Suburban Area, which encompasses the preservation and protection of the overall character, economic value, and aesthetic quality of the existing surrounding neighborhoods. The Reference Handbook adopted by the Comprehensive Plan specifies achieving a good quality general community appearance. Therefore, proposed developments and facilities must ensure to complement the character of the surrounding community. All development should incorporate environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, neighboring properties and communities. Therefore, the proposed stealth tower offers a solution that would better incorporate such facility to the surrounding uses.

Natural & Cultural Resources Impacts

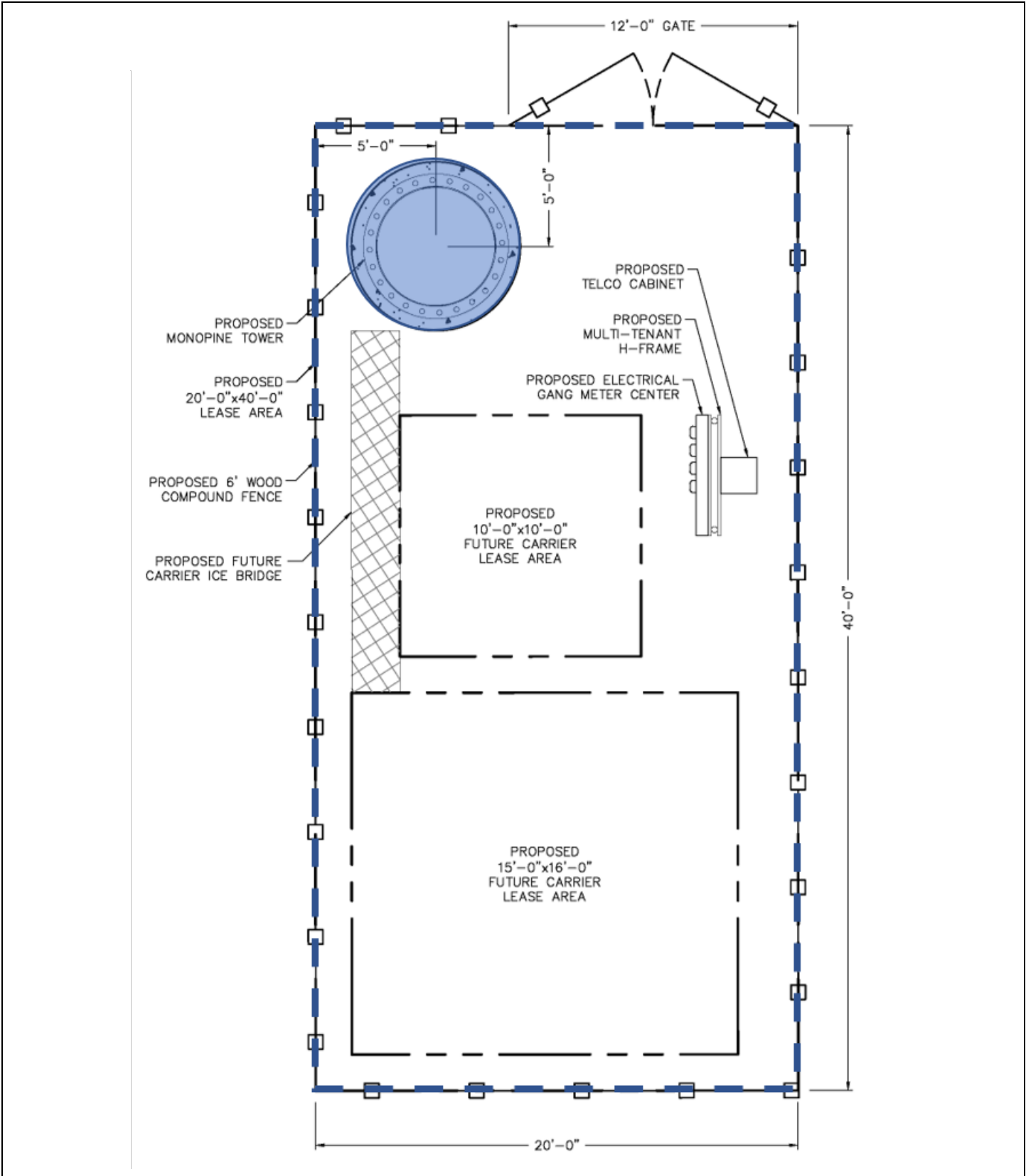
The property is within the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high water surface elevations in downstream receiving waters. There are no known cultural resources on the site.

Public Outreach Information

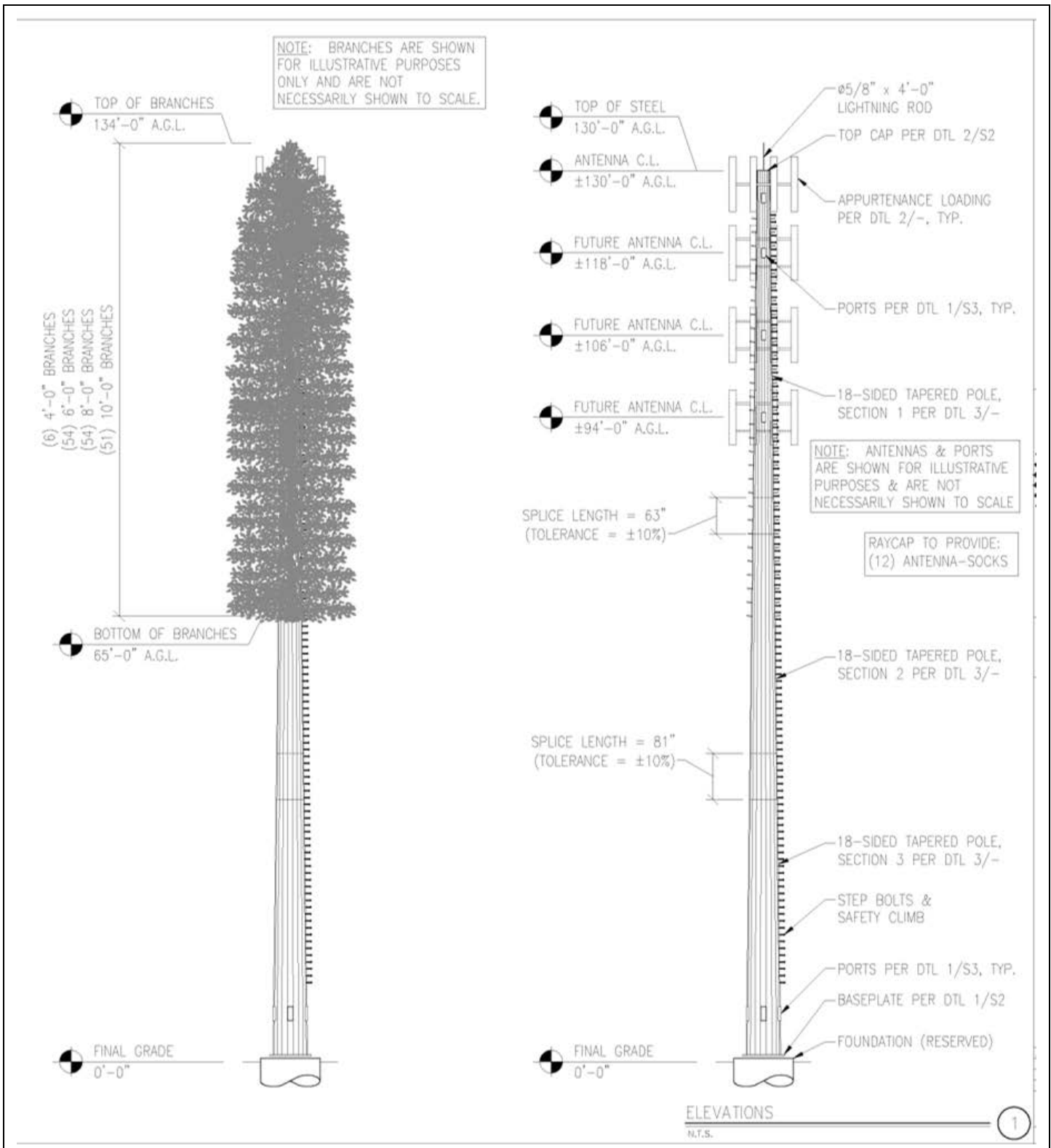
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on July 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, July 25, 2021 and August 1, 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 July 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 August 5, 2021.

Proposed Site Layout



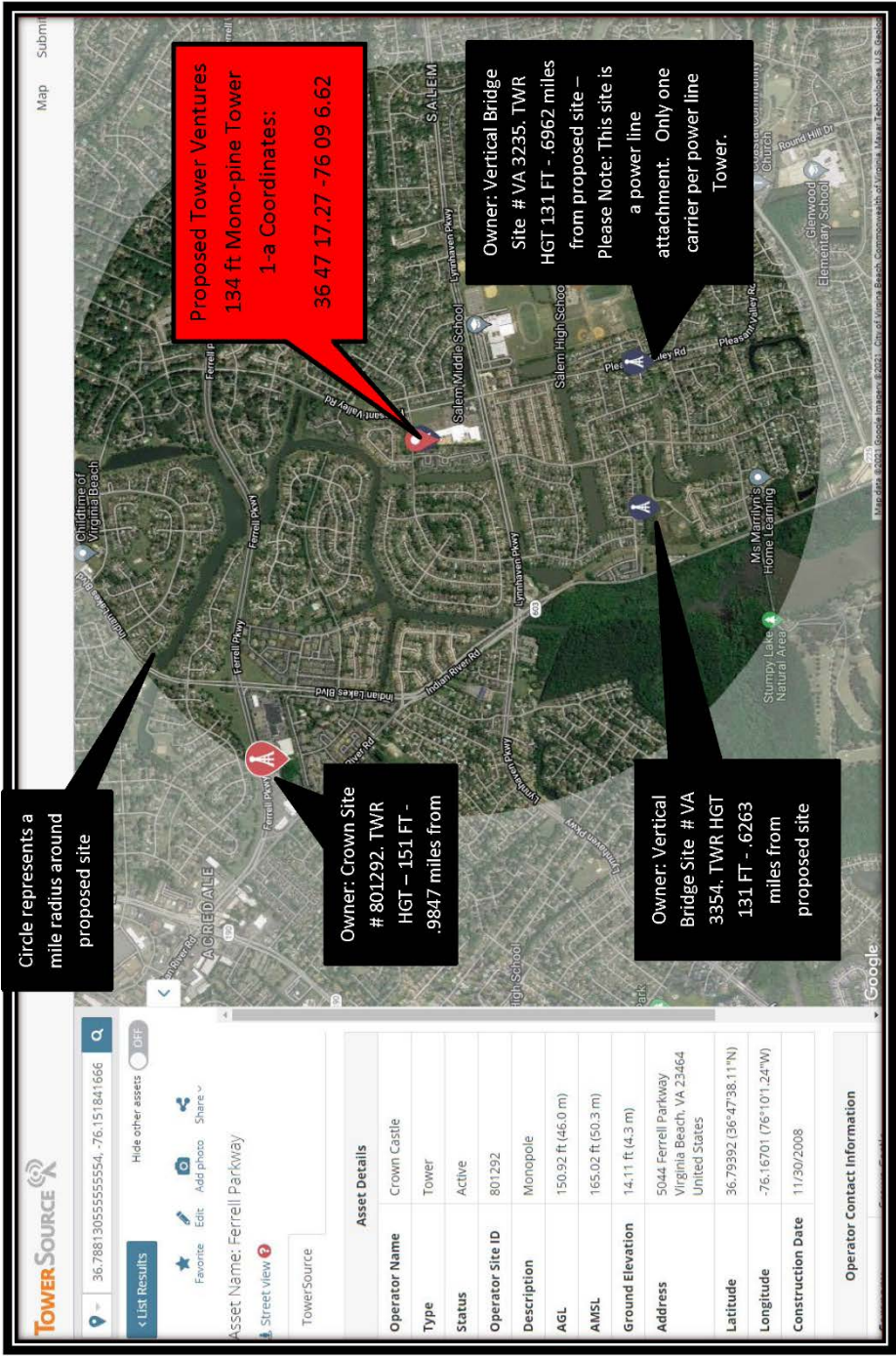
Proposed Elevation Plan



Renderings



Communication Towers within 1-mile Radius



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 TVT I, LLC d/b/a Tower Ventures C/O Lou Katzerman

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Lou Katzerman - Sr. Zoning Manager (TVT I, LLC Employee)

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

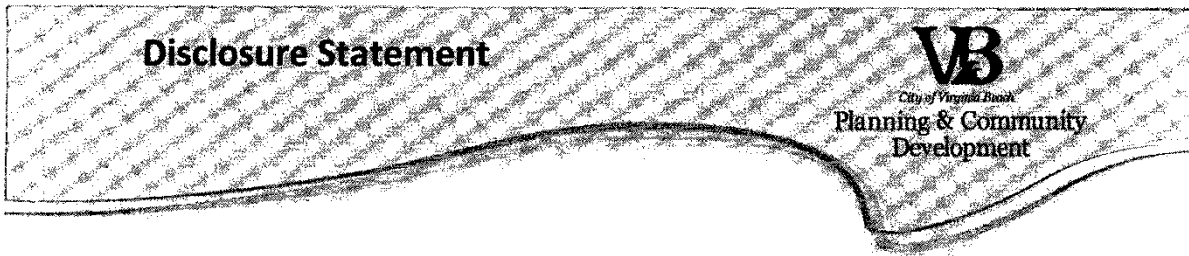
- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

William Orgel - President , Michael McLaughlin, CFO, Jay Lindy, COO, Craig Royal, Director of Development

- 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.

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.

The Foresite Group - James Colin Marooney, Professional Engineer, Commonwealth of Virginia

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

Lou Katzerman, Sr. Zoning Manager

Print Name and Title

4/19/2021

Date

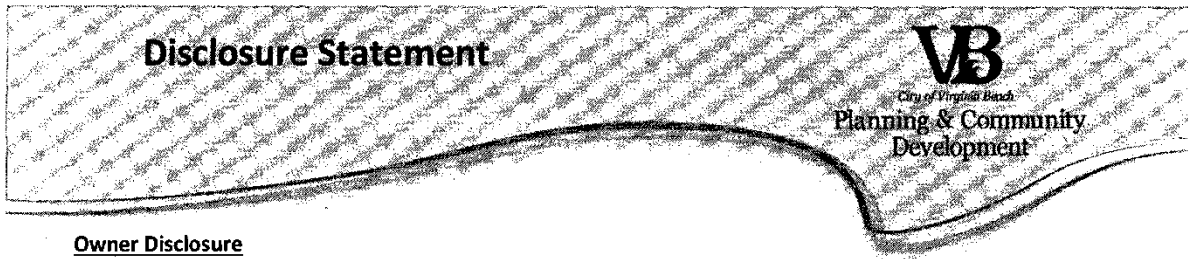
- Is the applicant also the owner of the subject property? ☐ Yes ☒ No

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name Pleasant Valley Associates, LLC, a Virginia limited liability company

Applicant Name TVT I, LLC d/b/a Tower Ventures C/O Lou Katzerman

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)

Sam Spiegel, Manager and Member

Simone Spiegel, Manager and Member

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

NA

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



Owner Services Disclosure

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

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

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

4. Does the Owner have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
 - If **yes**, identify the firm and individual providing the service.

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☒ No
 - If **yes**, identify the purchaser and purchaser's service providers.

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

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

Disclosure Statement



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

Owner Signature

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

Owner Signature

Sam Spiegel, Manager

Print Name and Title

4/19/2021

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

Request

Nonconforming Use (Residential Expansion)

Staff Recommendation

Approval

Staff Planners

Grace Pullen & Hoa N. Dao

Location

501 Carolina Avenue

GPIN

24271322810000

Site Size

5,472 square feet

AICUZ

70-75 dB DNL

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Two detached single-family dwellings / R-5S Residential

Surrounding Land Uses and Zoning Districts

North

Single-family dwelling / R-5S Residential

South

Carolina Avenue

Single-family dwelling / R-5S Residential

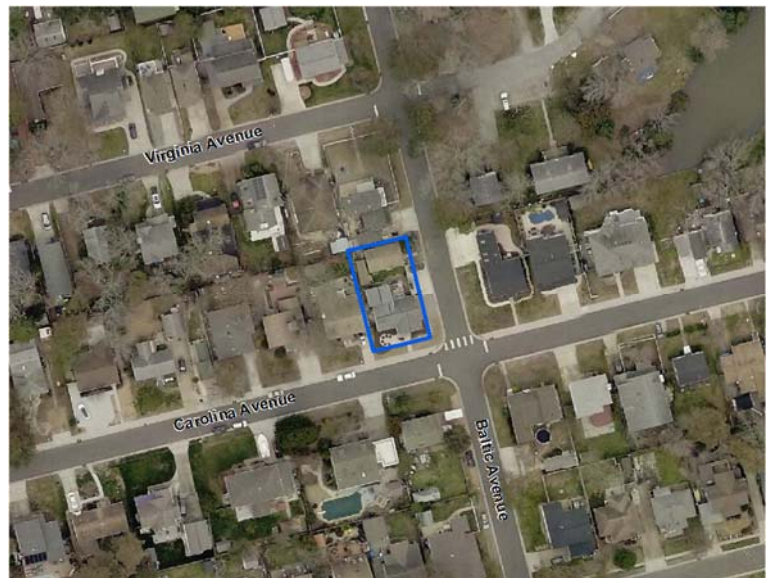
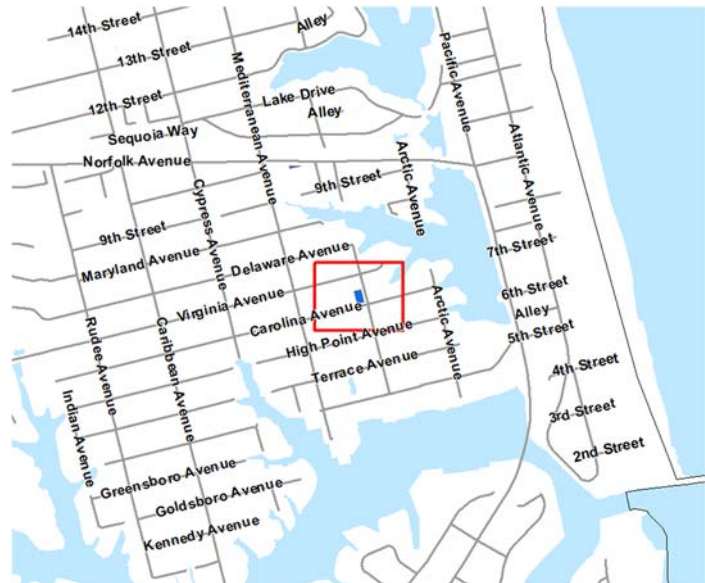
East

Baltic Avenue

Single-family dwelling / R-5S Residential

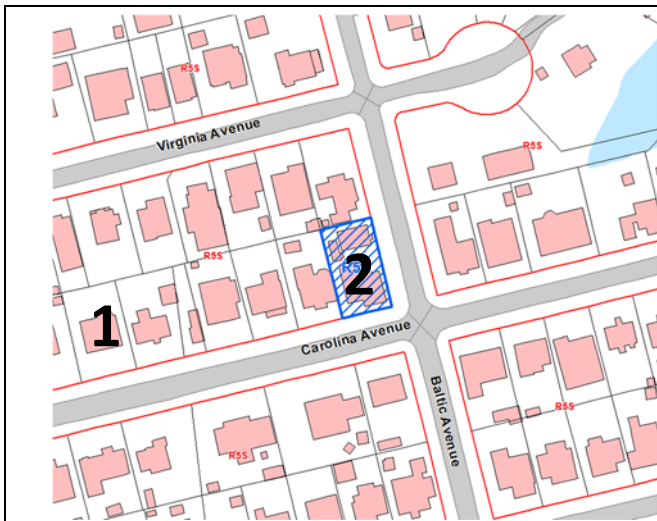
West

Single-family dwelling / R-5S Residential



Background & Summary of Proposal

- This site is developed with two detached single-family dwellings. Constructed in 1945, the principal dwelling fronts Carolina Avenue. In 1950, a smaller secondary dwelling was constructed on the rear portion of the lot fronting Baltic Avenue. Following the adoption of the Zoning Ordinance for the City of Virginia Beach in 1957, the presence of more than one single-family dwelling on a single lot was prohibited within the R-5S Residential District. Therefore, the use of this site is considered legally nonconforming.
- In 2015, the applicant submitted a request for a 335 square foot expansion of the nonconforming use to accommodate a master bedroom. Staff recommended approval of the request with the attached condition that the applicant may not develop the site beyond the improvements shown on the submitted site plan. City Council approved the request on January 5, 2016.
- The applicant is proposing a 1,020 square foot addition and renovations to the principal structure to include replacement of the vinyl siding with Hardie plank siding, construction of a living room, playroom/entertainment room, bedroom, and bathroom; elimination of existing rear deck; and conversion of the front downstairs bedroom to a sunroom.
- No changes are proposed to the 600 square foot dwelling unit. This dwelling unit is grandfathered for Short Term Rental uses.



Zoning History

#	Request
1	CUP (Short Term Rental) Approve 07/30/2020
2	NON (Enlargement to Nonconforming Use) Approved 12/09/2015

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

Section 105 of the City Zoning Ordinance regulates nonconforming uses and structures. Section 105(d) states that it is the intent of the Zoning Ordinance to allow nonconformities to continue until they are removed, but not to allow them to become enlarged, expanded, extended, or relocated “except upon a resolution of the City Council authorizing such conversion, based upon its finding that the proposed use is equally appropriate or more appropriate to the district than is the existing nonconforming use.” The applicant’s request to expand their principle single-family dwelling is, in Staff’s opinion, reasonable and appropriate for the district. The proposed 1,020 square foot addition will not increase density

or alter the use of the site. Moreover, the proposed addition and external renovations are compatible with the residential nature of the surrounding area and character of the neighborhood.

The maximum lot coverage permitted for a single-family dwelling in the R-5S Residential District is 40 percent. With the proposed addition, the calculated total lot coverage including the rear secondary dwelling will increase from approximately 41 percent to 46 percent. The applicant proposes to address this increase in lot coverage through Section 107(i) that allows City Council, for good cause shown and upon finding that there will be no significant detrimental effects on surrounding properties, allow for reasonable deviations from the required lot coverage. In Staff's opinion, the scale and location of the proposed addition is appropriate and in character with the surrounding residential community and there will be no detrimental impacts on the surrounding properties.

Section 241.2(12) of the City Zoning Ordinance regulates the grandfather status of Short Term Rentals. It states that "any expansion of the footprint of the dwelling housing the Short Term Rental that expands the overall square footage by more than twenty-five percent or one thousand square feet, whichever is less, shall have its grandfathered status revoked." The applicant did not submit for grandfathered status of Short Term Rental for the principal dwelling. Given that this expansion would be over twenty-five percent or 400 square feet, Condition 2 is recommended to ensure the granting of this request would not violate Section 241.2(12) of the Zoning Ordinance. Since the proposal is for the expansion of the principal dwelling, the grandfathered status for Short Term Rental use in the secondary dwelling would remain intact.

During Staff's field visit to the property, it was discovered that there is an unpermitted gravel parking area of approximately 336 square feet between the principal dwelling and the right-of-way on Baltic Avenue. This exceeds the maximum driveway width outlined in Section 3.9.F.5 of the Public Works Design Standards Manual by approximately 16 feet. The applicant was informed that the gravel parking area was constructed without a proper permit and is not in compliance with City Code. The applicant expressed the need for additional parking for his children and wants the opportunity to bring the parking area into compliance with the Code. Condition 3 is recommended to this effect.

Staff concludes that the proposed expansion to the principal dwelling unit is equally appropriate to the district as the existing nonconformity and recommends approval of this request with the conditions listed below.

Recommended Conditions

1. There shall be no development of the site beyond the improvements shown on the submitted site plan entitled, "ADDITION AND REMODEL TO 501 CAROLINA AVENUE," dated June 14, 2021 and prepared by Residential Designs, LTD., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The principal dwelling unit shall not be used for Short Term Rental.
3. The gravel parking area located between the principal dwelling unit and Baltic Avenue shall be restored to a pervious surface area and shall not be utilized for parking unless the appropriate permit is obtained from the City.

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 subject property is located within the Resort Strategic Growth Area (SGA), which the Comprehensive Plan designates as one of the eight urban areas in the City that envisions to accommodate future growth and adopt a more urban style in the City. The City has identified the SGAs to provide opportunities for continued physical and economic growth, protect the established residential neighborhoods, and expand on green sustainable infrastructure, all of which are exemplified by the proposed expansion of the existing dwelling units.

Natural & Cultural Resources Impacts

The site is located in the Atlantic Ocean Watershed. There do not appear to be any significant natural resources or cultural features associated with this site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Carolina Avenue	No Data Available	9,900 ADT ¹ (LOS ³ “D”)	Existing Land Use ² – 20 ADT Proposed Land Use ² – 20 ADT
Baltic Avenue	No Data Available	9,900 ADT ¹ (LOS ³ “D”)	
¹ Average Daily Trips ² as defined by two detached dwelling units ³ LOS = Level of Service			

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

Access to this site is from Baltic Avenue, which is a two-lane collector street with a 50-foot right-of-way width. This roadway is not included in the City's MTP, and there are no current roadway CIP projects planned for this portion of roadway.

Public Utility Impacts

Water & Sewer

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

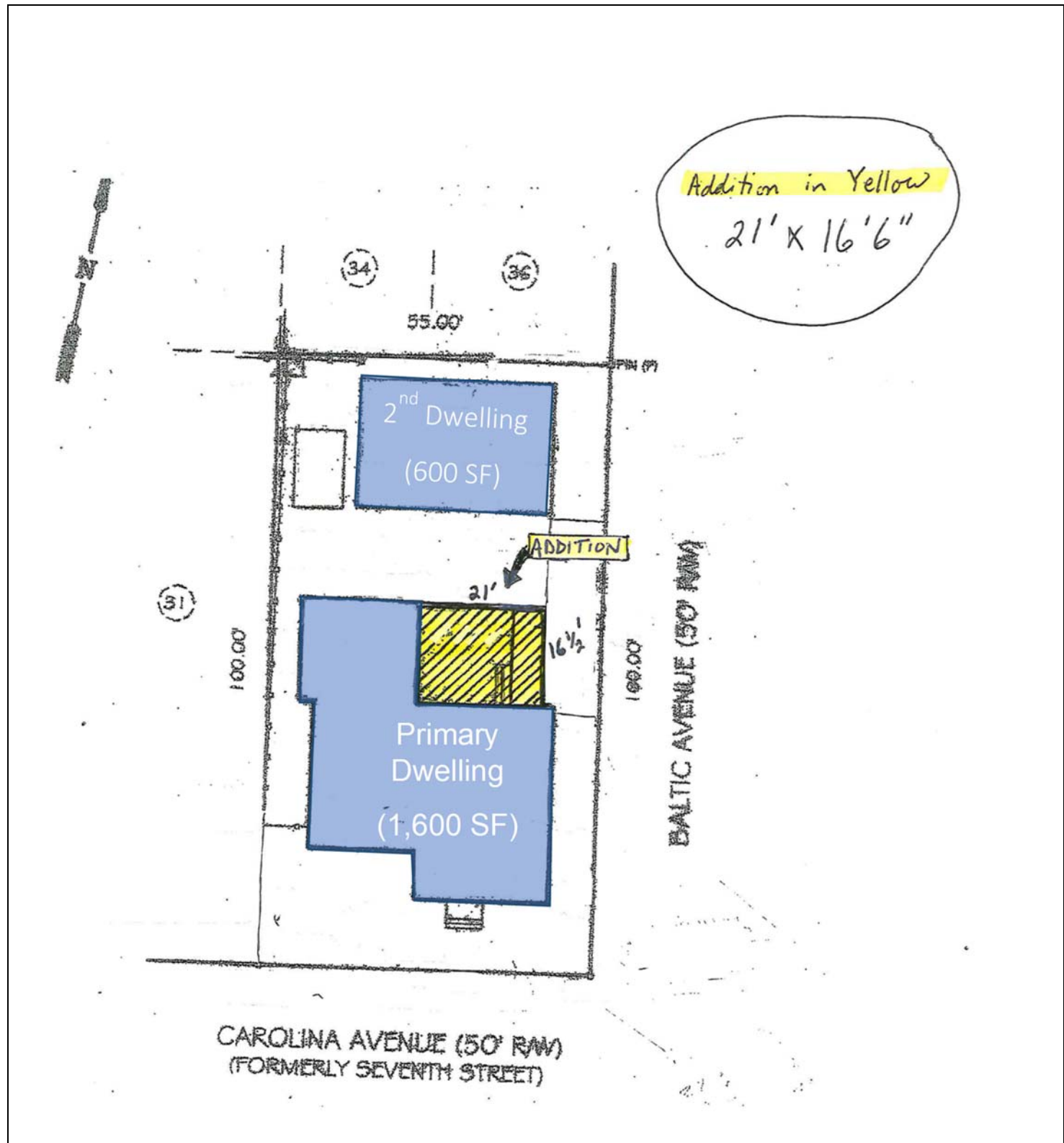
Public Outreach Information

Planning Commission

- The applicant reported that they met with the surrounding property owners, and no objections were raised. Nine letters of support have been received by Staff.
- As required by the Zoning Ordinance, the public notice signs were placed on the property on July 8, 2021.

- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, July 25, 2021 and August 1, 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 July 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 August 5, 2021.

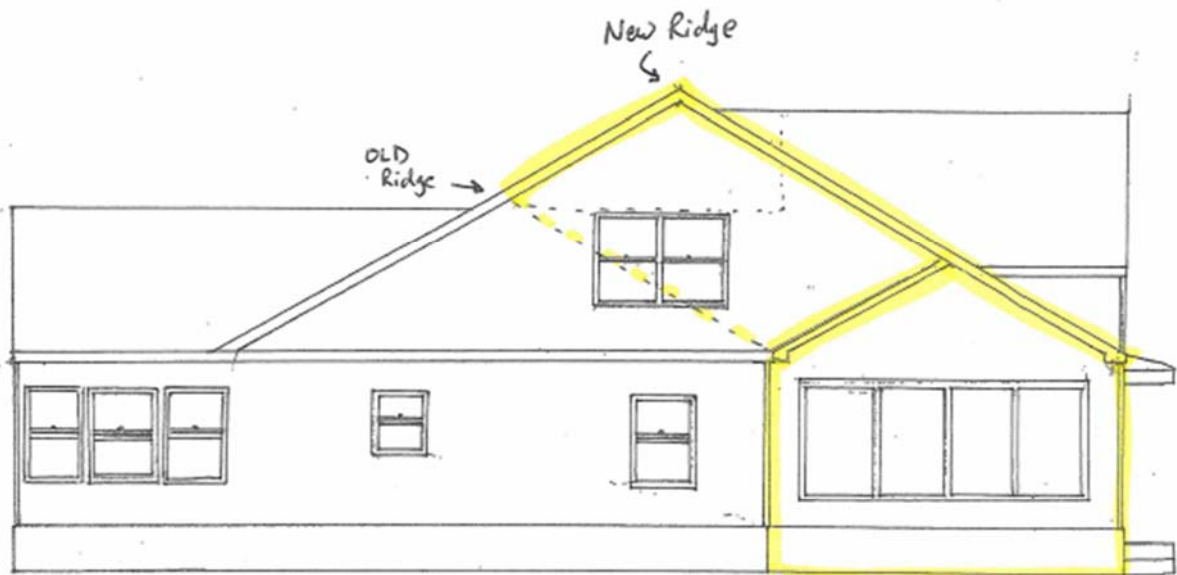
Proposed Site Layout



Proposed Elevation Plans

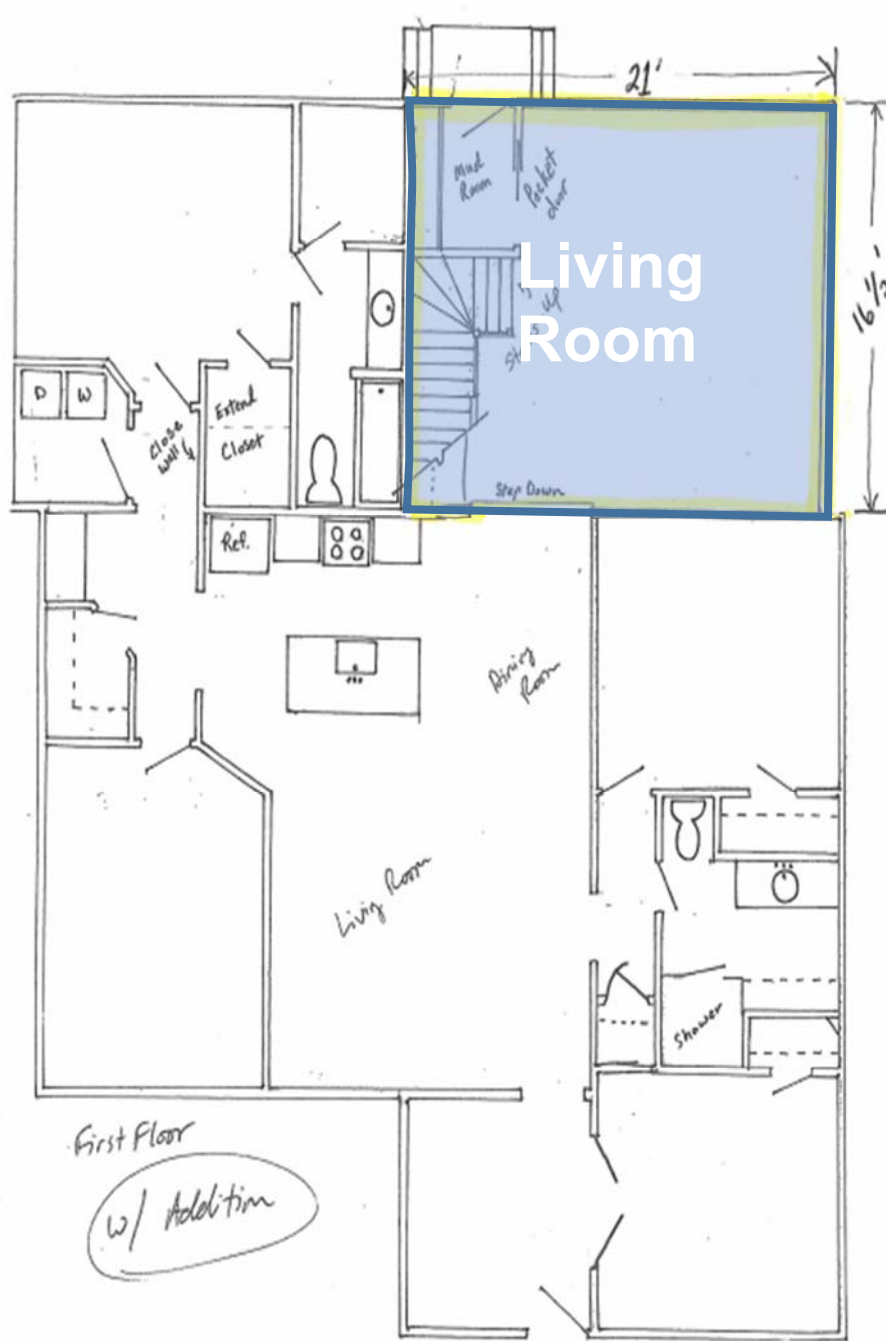


Caroline View



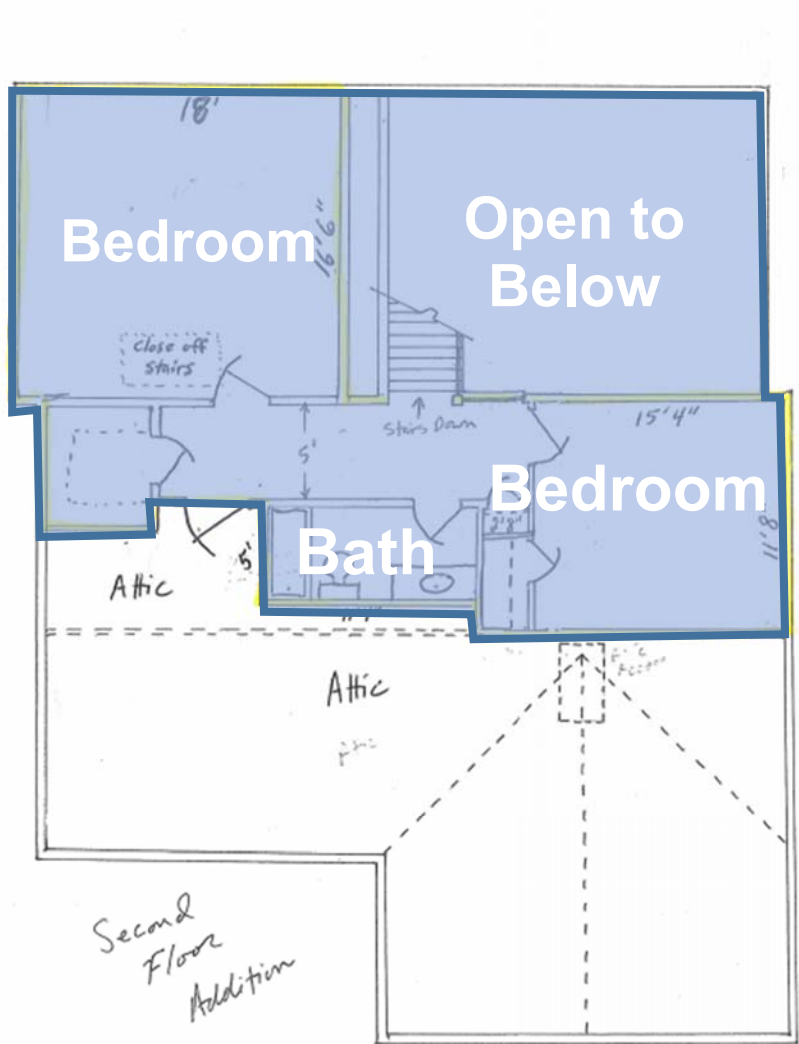
Baltic View w/ Addition

Proposed Floor Plan – First Floor



⑥
Proposed 1st Floor
1st Floor Addition
Adds ~346.5
sq. ft

Proposed Floor Plan – Second Floor



⑦
2nd Floor Addition
Adds ~ 673.5
Sq. Ft
Yellow = Added
Living Space

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 Ted Tignor 7576152777 ted.tignor@raymondjames.com

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 exists when one corporation directly or indirectly owns shares in another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

²hip, other than parent-subsidary relationship, that exists when (i) one business entity, (ii) a controlling owner in one entity is also a managing owner in another business entity, or (iii) there is a 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.

Revised 11.09.2020

1 | Page

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.

My current mortgage is with Flagstar Bank. I have not yet decided if I will self finance or use bank financing.

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.

RESIDENTIAL DESIGNS, LTD. Carroll W. Johnson, President - P.O. Box 16410, Chesapeake, VA 23328 - (757) 548-4500

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.

Revised 11.09.2020

Ted Tignor
757 615 2777
ted.tignor@raymondjames
Z | P a g e

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.
- My Architect listed in question #4 above, Carroll Johnson, consulted with an Engineer on my behalf.
-
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.

Ted M. Tignor

Applicant Signature

Ted M. Tignor 757 615 2777 ted.tignor@raymondjones.com

Print Name and Title

5/11/2021

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.

Request

Subdivision Variance (Section 4.4(b) of the Subdivision Regulations)

Staff Recommendation

Approval

Staff Planner

Aubrey A. Trebilcock

Location

East side of Indian River Road, 620 feet south of S. Independence Boulevard

GPINs

14740864520000, 14740883860000

Site Size

2.10 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Undeveloped land / R-10 Residential

Surrounding Land Uses and Zoning Districts

North

Undeveloped land / R-10 Residential

South

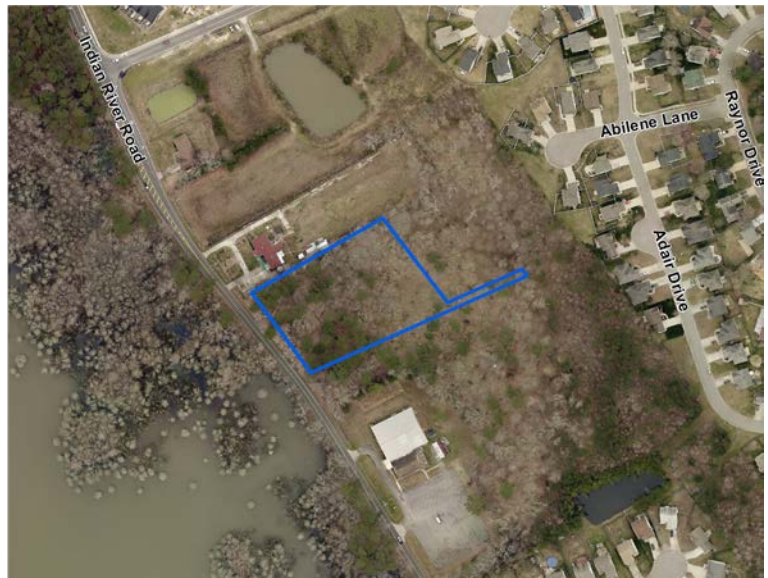
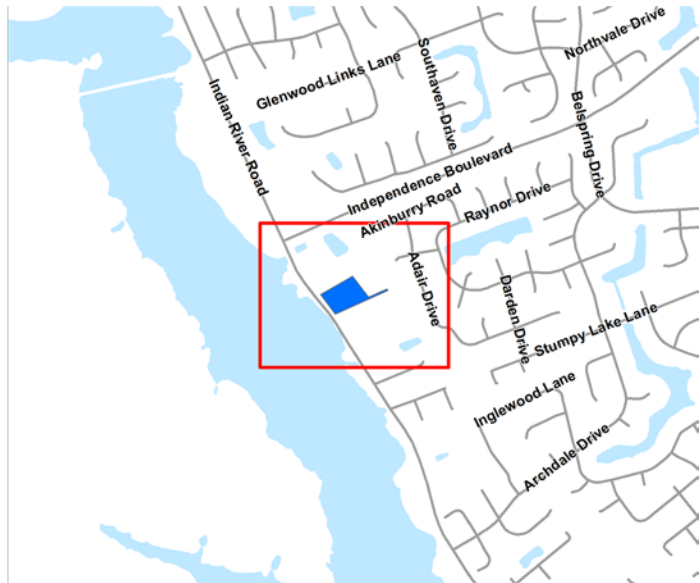
Indian River Road, Stumpy Lake Natural Area / P-1 Preservation

East

Undeveloped land / R-10 Residential

West

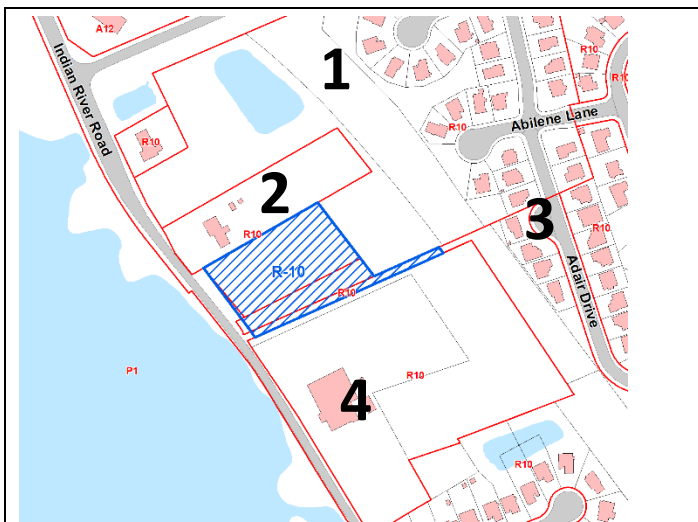
Assisted Living Facility / R-10 Residential



Background & Summary of Proposal

- The applicant is proposing to subdivide two lots along Indian River Road, a parcel designated as "1.90 Ac."" and "Residual of Parcel C" is 0.24 acres, in order to create a total of three lots on property zoned R-10 Residential Zoning District. The dimensional standards for lots in this district require a lot size of at least 10,000 square feet and a minimum lot width of 80 feet, which is measured at the 30-foot front yard setback. The proposed lots will all exceed the minimum lot size with areas of 35,869, 42,852, and 13,718 square feet; however, one of the lots will be 4.19 feet shy of the minimum lot width requirement of 80 feet.
- The two subject lots, which together total 2.10 acres, exist as undeveloped, vacant parcels. The parcel designated as "1.90 Ac.," was legally created by plat on May 23, 1968 in Map Book 75, Page 40. The 0.24-acre parcel (Residual of Parcel C with 10,493 square feet) was legally created by plat on February 2, 2005 in Instrument Number 2005020200018350. On the plat, it is noted that this parcel is "not a building site" due to its configuration and inability to meet the dimensional standards of the R-10 Zoning District. Its nonconforming shape was caused by the majority of Parcel C being reserved as right-of-way for the relocation of Indian River Road. The parcel, "Residual of Parcel C," is what remained after this reservation.
- The proposal will result in three residential lots with lot areas of 35,869 (Parcel C-1), 42,852 (Parcel C-2), and 13,718 (Parcel C-3), all above the minimum requirement.
- Parcels C-2 and C-3 will meet the 80-foot lot width requirement; however, Parcel C-1 will only have a width of 75.81 feet at its front setback. As Parcel C-1 will not meet the all standards required in the Zoning Ordinance for parcels in the R-10 Residential District, a variance to Section 4.4(b) of the Subdivision Regulations is required.

Proposed Lot	Required Street Line Frontage in R-10 (feet)	Proposed Street Line Frontage (feet)	Required Lot Width (feet)	Proposed Lot Width (feet)	Required Lot Area (square feet)	Proposed Lot Area (square feet)
Parcel C-1	64	73.55	80	75.80	10,000	35,869
Parcel C-2	64	79.86	80	80.00	10,000	42,852
Parcel C-3	64	79.41	80	80.00	10,000	13,718



Zoning History

#	Request
1	CRZ (AG to Conditional R-10 with PD-H2 Overlay) Approved 12/14/2004
2	CUP (Assisted Living in Single Family Home) Approved 09/15/2015
3	CRZ (AG to Conditional R-10 with PD-H2 Overlay) Approved 12/10/2002
4	CUP (Church) Approved 01/10/1996

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

Section 9.3 of the Subdivision Regulations states:

No variance shall be authorized by the Council unless it finds that:

- A. Strict application of the ordinance would produce undue hardship.
- B. The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the neighborhood will not be adversely affected.
- C. The problem involved is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance.
- D. The hardship is created by the physical character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a variance.
- E. The hardship is created by the requirements of the zoning district in which the property is located at the time the variance is authorized whenever such variance pertains to provisions of the Zoning Ordinance incorporated by reference in this ordinance.

As the 80-foot minimum lot width requirement is ultimately met for proposed Parcel C-3 at 90 feet from the right-of-way, the applicant has indicated that any new dwelling on this parcel or the adjacent proposed Parcel C-2 would not be constructed any closer than 90 feet from Indian River Road. A condition to this effect has been included so that the buildable area at the conditioned front setback will be consistent with other R-10 Residential lots.

The lots are located along Indian River Road, a two lane minor arterial that connects Lynnhaven Parkway to Elbow Road. Limiting the number of access points is an important factor in ensuring arterials are able to function both efficiently and safely. To that end, a condition that Parcel C-1 and Parcel C-2 share a singular access point has been included.

In Staff's view, creating three parcels on 2.10 acres of property zoned R-10 Residential District would not be out of character with the zoning or surrounding neighborhoods. To the east of the proposed lots, the Glenwood Place was developed with a R-10 density but with reduced lot sizes to 6,000 square feet with a minimum lot width of 60 feet. The reduction of lot width of Parcel C-1 by 4.19 feet would deviate much less from the R-10 standards than the nearby approved overlay. In addition, the existing lot is oddly shaped and on the proposed lot layout shows that as the property is measured further back, the lots can have an 80 foot lot width meeting the requirements of the R-10 district and the residences are proposed to be setback as noted above.

As a proposed residential development, this project is in line with the goals of the Suburban Area as defined by the Comprehensive Plan. As noted above, the lots will not be out of character within the context of the surrounding area. The residential developments should also have minimal impact to the surrounding natural resources, such as Stumpy Lake Park. As the variance request is minor in nature, Staff recommends approval subject to the conditions below.

Recommended Conditions

1. When the Property is developed, it shall be developed substantially as shown on the exhibit entitled, "Subdivision Exhibit of Parcel Designated as '1.90 Ac.' and 'Residual of Parcel C'" dated January 28, 2021, prepared by Gaddy

Engineering Services, copies of which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter, the “Subdivision Plans”).

2. Access to Parcels C-1 and C-2 shall be provided via a singular curb cut in order to reduce impact to Indian River Road.
3. No structures shall be constructed on Parcel C-1 within 90 feet of the Indian River Road right-of-way, as depicted on the exhibit identified in Condition 1 above.

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 in the Suburban Area, which encompasses the preservation and protection of the overall character, economic value, and aesthetic quality of the existing surrounding neighborhoods. Preserving neighborhood quality and characteristic requires that all new development or redevelopment projects to maintain or enhance the existing characteristics of the area, including efforts to protect the natural environment and the historic and cultural resources.

Natural & Cultural Resources Impacts

The site is located in the Southern Rivers Watershed and across the street from Stumpy Lake Park which is within the Southern Rivers Watershed Buffer Area. There are no wetlands, floodplains subject to special restrictions, or watershed buffer areas within the subject site. As a result, there should be no negative impact to the nearby natural resources.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Indian River Road	9,500 ADT ¹	12,500 ADT ¹ (LOS ⁴ “D”)	Existing By-right Land Use ² – 20 ADT Proposed Land Use ³ – 30 ADT
¹ Average Daily Trips	² as defined by two single-family lots/homes	³ as defined by three single family lots/homes	⁴ LOS = Level of Service

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

Indian River Road is a two-lane minor suburban arterial and no roadway improvements are planned for this section of the roadway. However, behind the site to the east, the City will be constructing the Indian River Road Relocated Phase VIIA and B project that will provide a four-lane divided roadway from Lynnhaven Road to Elbow Road, which will turn the existing Indian River Road through this area into a two-lane local roadway. These projects are scheduled to begin construction in July, 2022 and be completed by October, 2024.

Public Utility Impacts

Water

City water is available.

Sewer

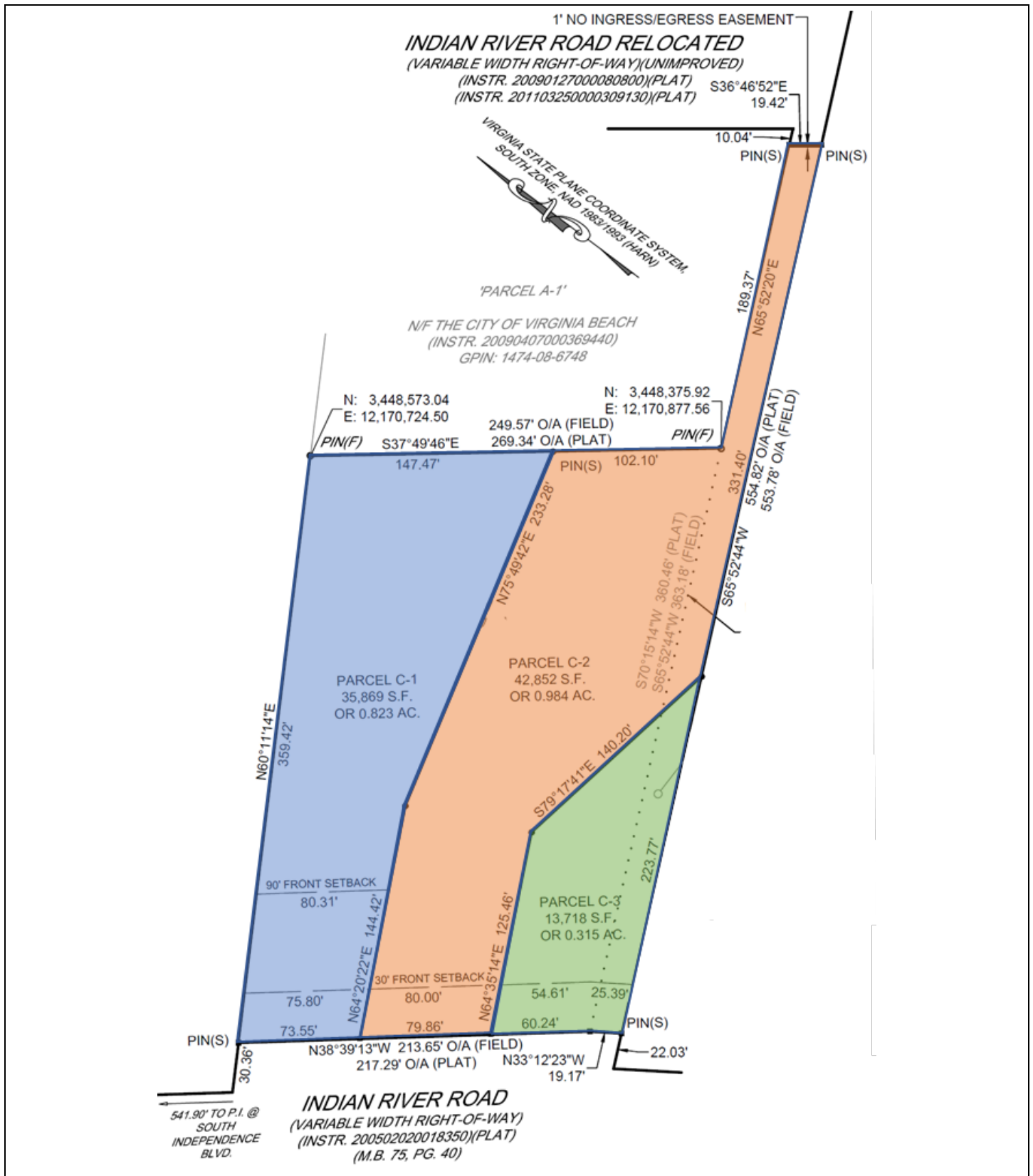
City sanitary sewer is available.

Public Outreach Information

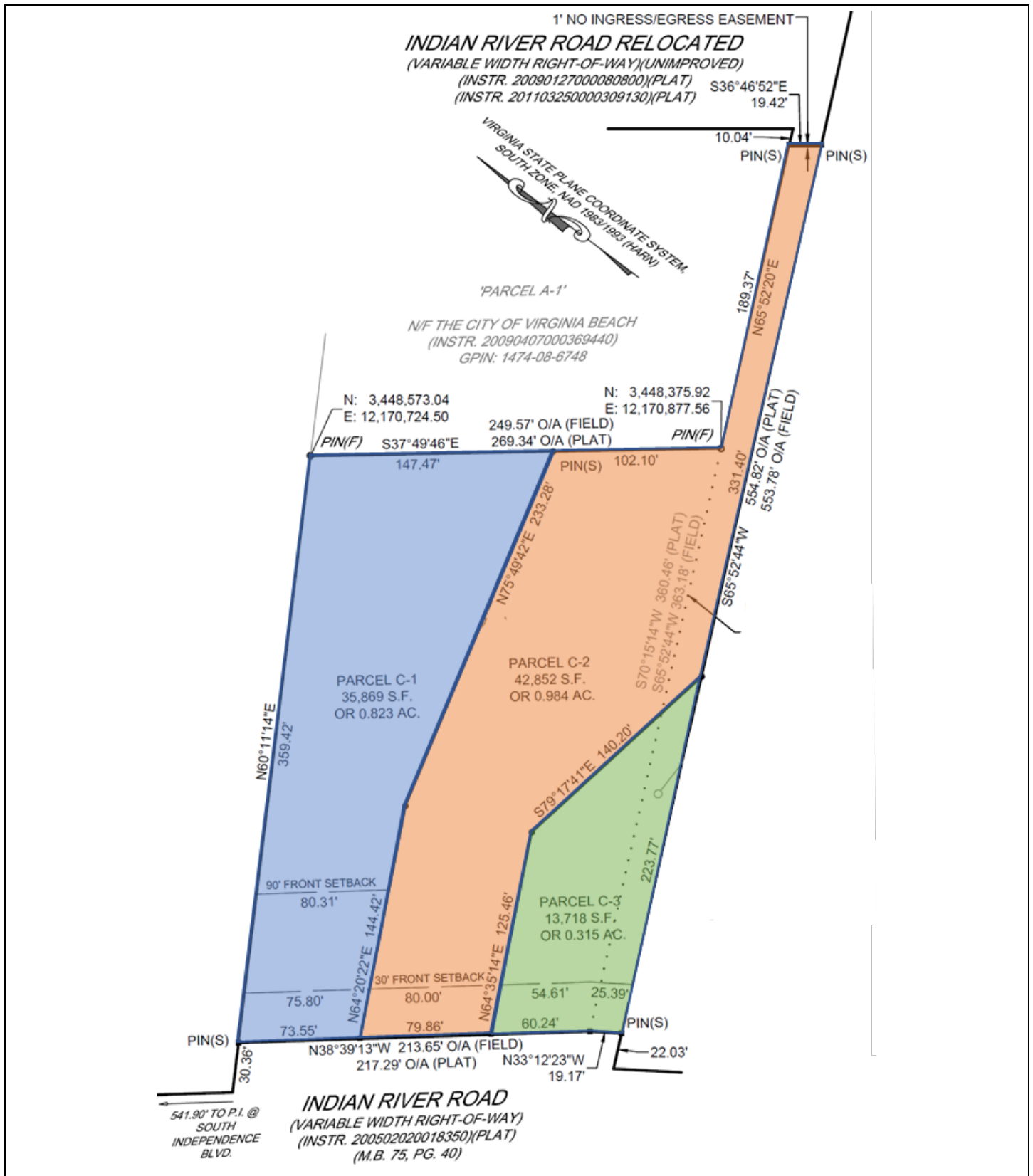
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on July 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, July 25, 2021 and August 1, 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 July 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 August 5, 2021.

Existing Lot Layout



Proposed Lot Layout



Site Photos



Disclosure Statement



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Applicant Disclosure

Applicant Name Thomas A. Brown

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

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

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

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

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

- 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.

Dominion Financial Group

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.

Creed Realty - Thomas A. Brown (Owner/Applicant)

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.

Gaddy Engineering

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

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

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

Applicant Signature

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

Applicant Signature

Thomas A. Brown

Print Name and Title

6/1/2021

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.
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- 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 **Murphy's of Virginia Beach, Murphy's Irish Pub**
Property Owner **Stephen Yuen Yee Family, LLC**
Planning Commission Public Hearing **August 11, 2021**
City Council Election District **Beach**

Agenda Item

12

The applicant is requesting a 30-day deferral to refine their site plan.

Request

Alternative Compliance (Recurring Outdoor Events)

Staff Recommendation

Deferral

Staff Planner

Hank Morrison

Location

2914 Pacific Avenue

GPIN

2428013605

Site Size

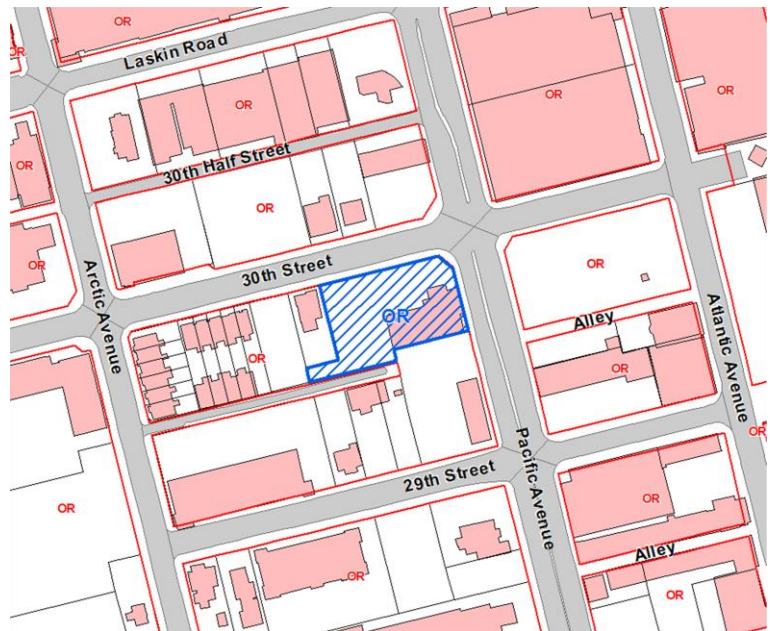
26,884 square feet

AICUZ

65-70 dB DNL

Watershed

Chesapeake Bay



Requests

205 34th Street

13 - Conditional Use Permit (Short Term Rental) – Unit 1601
14 - Conditional Use Permit (Short Term Rental) – Unit 1602
15 - Conditional Use Permit (Short Term Rental) – Unit 1603
16 - Conditional Use Permit (Short Term Rental) – Unit 1604
17 - Conditional Use Permit (Short Term Rental) – Unit 1605

Staff Recommendation

Approval

Staff Planner

William Miller

Location

205 34th Street – Units 1601, 1602, 1603, 1604, & 1605

GPIN

2428032311

Site Size

62,000 square feet

Existing Land Use and Zoning District

Multi-family dwellings / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

35th Street

Parking lot, retail / OR Oceanfront Resort

South

34th Street

Parking garage, offices, retail / OR Oceanfront Resort

East

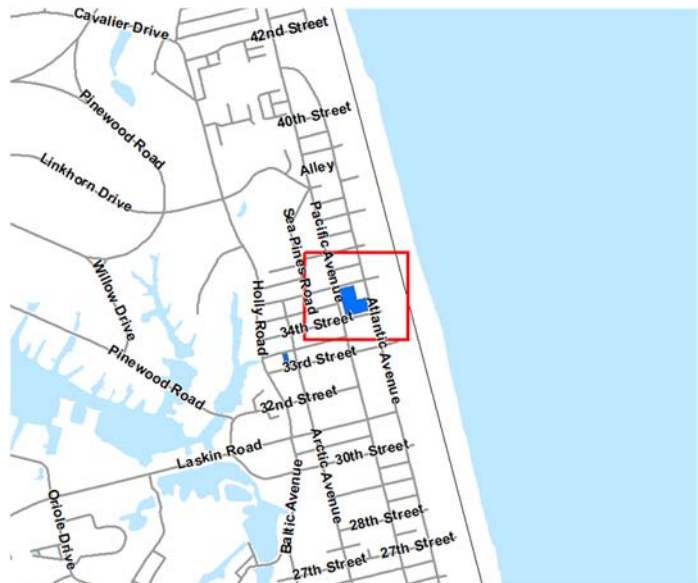
Atlantic Avenue

Hotel, retail / OR Oceanfront Resort

West

Pacific Avenue

Offices, financial services / OR Oceanfront Resort



Background & Summary of Proposal

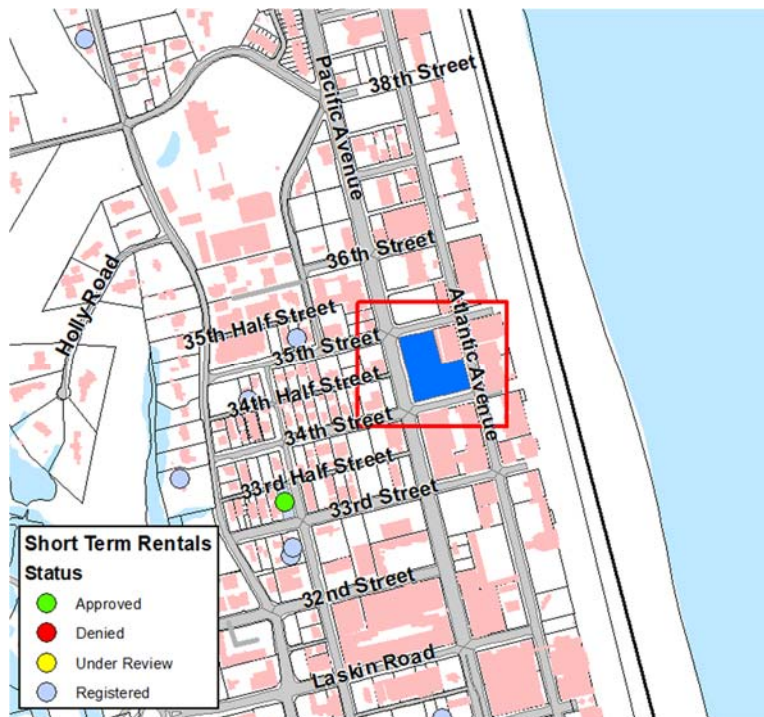
Site Conditions and History

- This 62,000 square foot site is zoned OR Oceanfront Resort Form-Based Code District.
- According to City records, the parcel contains 266 multi-family dwelling units built in 1949, known as the Mayflower Apartments.
- On September 8, 2020, complete applications for this request were logged into the Planning Department database. The applicant submitted the original request paperwork in August of 2020, but the application packet was not deemed complete until September 8, 2020.
- Staff inspected the site on September 15, 2020 to observe site conditions and take photographs for this report.
- Except for Atlantic Avenue, on-street parking is permitted 24-hours per day, therefore any overflow parking beyond the minimum parking spaces required could occur within the public street.
- The applicant's attorney provided an email outlining his client's intent to lease 20 off-street parking spaces from the private parking garage located at 212 34th Street. This number of spaces has been reduced to 14 in accordance with the applicant's reduction of total Short Term Rental Conditional Use Permit applications (see April 20th, 2021 timeline note below).
- On August 21, 2020, the Zoning Office received a complaint regarding possible unauthorized use of units for Short Term Rental purposes.
- On September 1, 2020, the Zoning Office received 10 Short Term Rental Conditional Use Permit applications from a representative of the Mayflower Apartments.
- On November 4, 2020 and December 9, 2020, the applicant's representative requested 30 day deferrals from the Planning Commission to allow his client to consult with a professional fire/life safety specialist or engineer. The intent of the consultation was to address concerns expressed by the Planning Commission relating to the age of the building and all existing/proposed life safety measures associated with the planned Short Term Rental units.
- At the November 4, 2020 Planning Commission public hearing, two speakers voiced their opposition to the applications. The concerns raised related to the possible existence of Short Term rental use already occurring within the property, noise, the transient nature of Short term Rentals, and the likelihood of Short Term tenants treating the building's common areas with less care than that of the long term residents.
- On January 13, 2021, the applicant's representative indefinitely deferred all ten proposed Short Term Rental Conditional Use Permit requests before the Planning Commission at the formal public hearing.
- On April 20, 2021, the applicant's representative contacted the Zoning office to advise that his client wished to move forward with five of the original ten applications.
- On June 2, 2021, the applicant's representative contacted the Zoning office to advise that his client wished to defer the request. The request was deferred indefinitely at the June 9, 2021 Planning Commission hearing.

- The applicant does agree to City Council's recommended 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 July 26, 2021:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
<p>No</p> <p>There are five <u>inactive</u> listings noted in Host Compliance; however, only one is shown with a unit number (unit 602, which is not part of this request).</p>	N/A	No

Short Term Rentals in the Vicinity

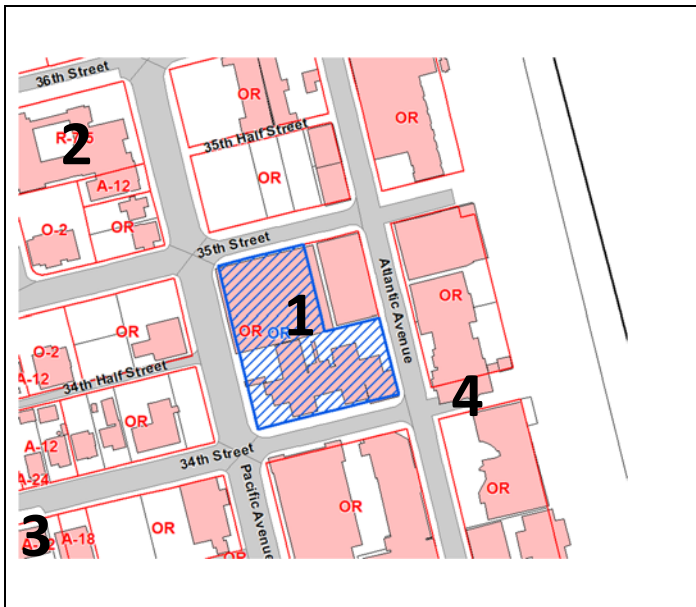


Updated on July 26, 2021

Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate Short Term Rentals at 205 34th Street. 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.

	Unit 1601	Unit 1602	Unit 1603	Unit 1604	Unit 1605
Number of bedrooms in the Short Term Rentals:	2	4	3	2	3
Maximum number of guests permitted on the property after 11:00 pm:	4 – (As recommended in condition #16)	8 – (As recommended in condition #16)	6 – (As recommended in condition #16)	4 – (As recommended in condition #16)	6 – (As recommended in condition #16)
Number of parking spaces required (1 space per bedroom required):	2	4	3	2	3
Number of parking spaces provided off-site:	2	4	3	2	3



Zoning History

#	Request
1	CUP (Cellular Antenna) Approved 09/10/1996
2	CUP (Columbarium) Approved 02/12/2013
3	NON (remove 3 multi-family dwellings and built 3 townhomes) Approved 01/14/2014
4	STC (Street Closure) Approved 06/15/1983

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 high-rise, apartment building is located in the Oceanfront Resort Form-Based Code District and is approximately 300 feet from the public beach of the Atlantic Ocean. The subject structure was constructed in 1949. At present, the building is primarily used for long term apartment rentals and is adjacent to commercial and hotel uses. One company manages all rentals within the building.

It is the intent of the applicant to convert five existing long term rental apartment units into Short Term Rental uses. Based on the bedroom count provided by the applicant, the City Zoning Ordinance requires 14 off-street parking spaces for these five proposed Short Term Rental units. Due to the age of the tower, the existing apartment use does not meet the current minimum on-site parking standards for a mixed-use building located in the Oceanfront Resort Form-Based Code District. For clarity, 1.75 parking spaces per dwelling unit (Appendix 1, Section 6.2.2) are required; however, since this 266-unit apartment tower was constructed before the adoption of the City's first Zoning Ordinance, the existing parking space count of 258 is non-conforming. Based on this, it is the applicant's intent to lease all 14 required off-street parking spaces from the private parking garage located at 212 34th Street, which is adjacent to the subject property. As permitted by Section 241.2(1) of the City Zoning Ordinance, the Zoning Administrator reviewed this parking proposal 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.

Due to possible conflicts that may arise regarding Virginia Building Code associated use changes, Staff has some reservations relating to the conversion of the existing Long Term Rental to Short Term Rental building use. Specifically, the Permits and Inspections Administrator noted concerns regarding the conversion of more than 10 units into Short Term Rentals, which, if completed, may necessitate a life safety analysis of the building. Because the applicant is presently requesting only five Short Term Rental units, the Permits and Inspections Administrator did not require such analysis; however, during the previous Planning Commission hearing, the applicant's representative was requested to provide additional life safety information pertinent to the building and the Short Term Rental requests. After speaking

with the applicant's representative on June 1, 2021, it is Staff's understanding that the he intends to provide the Planning Commission with the information requested.

Based on the considerations above, Staff recommends approval of this request with the conditions listed below. 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 units addressed as 205 34th Street, Units 1601, 1602, 1603, 1604, 1605, and the Short Term Rental use shall only occur within these listed dwelling units.
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. Unless an alternative parking plan is approved by the Zoning Administrator, 14 off-street parking spaces located at an off-site parking facility approved by the Zoning Administrator must be continuously leased while the subject units are used for Short Term Rental Purposes.
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.

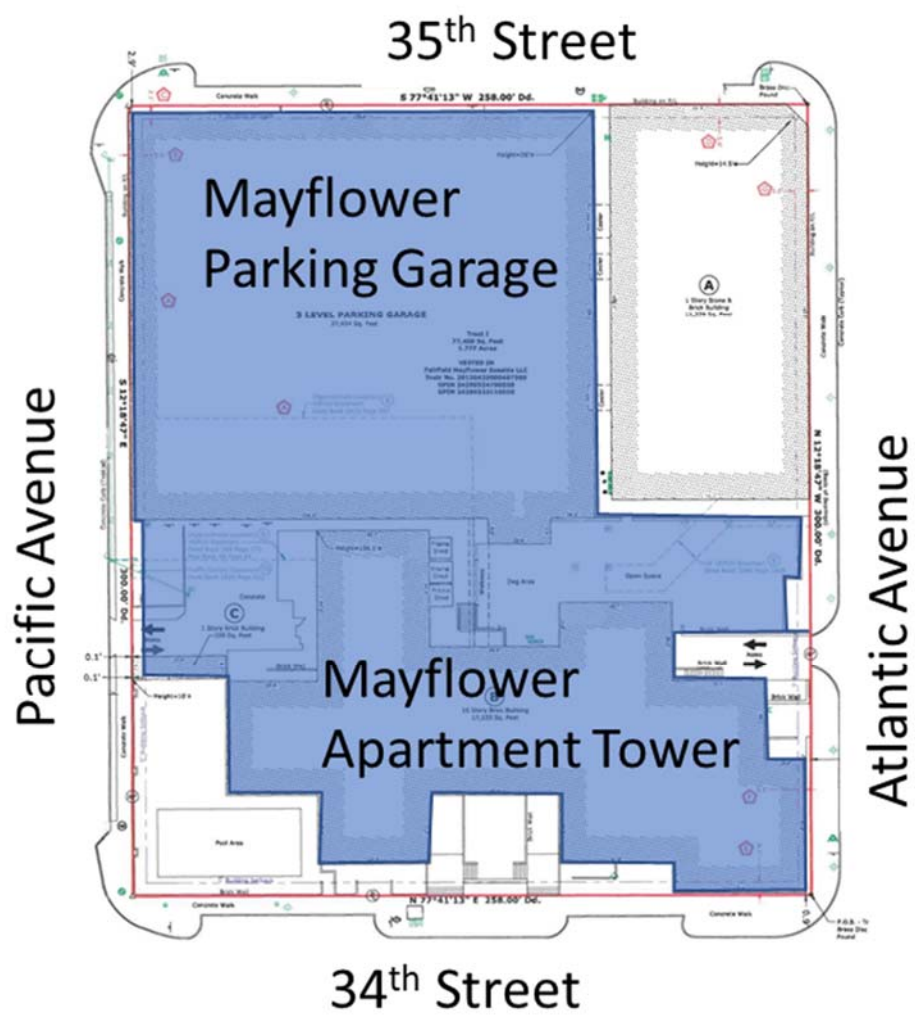
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- Two letters of opposition were received by Staff noting concerns related to this request (one letter is from a representative of three nearby property owners).
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on July 12, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, July 25, 2021, and August 1, 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 July 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 August 5, 2021.

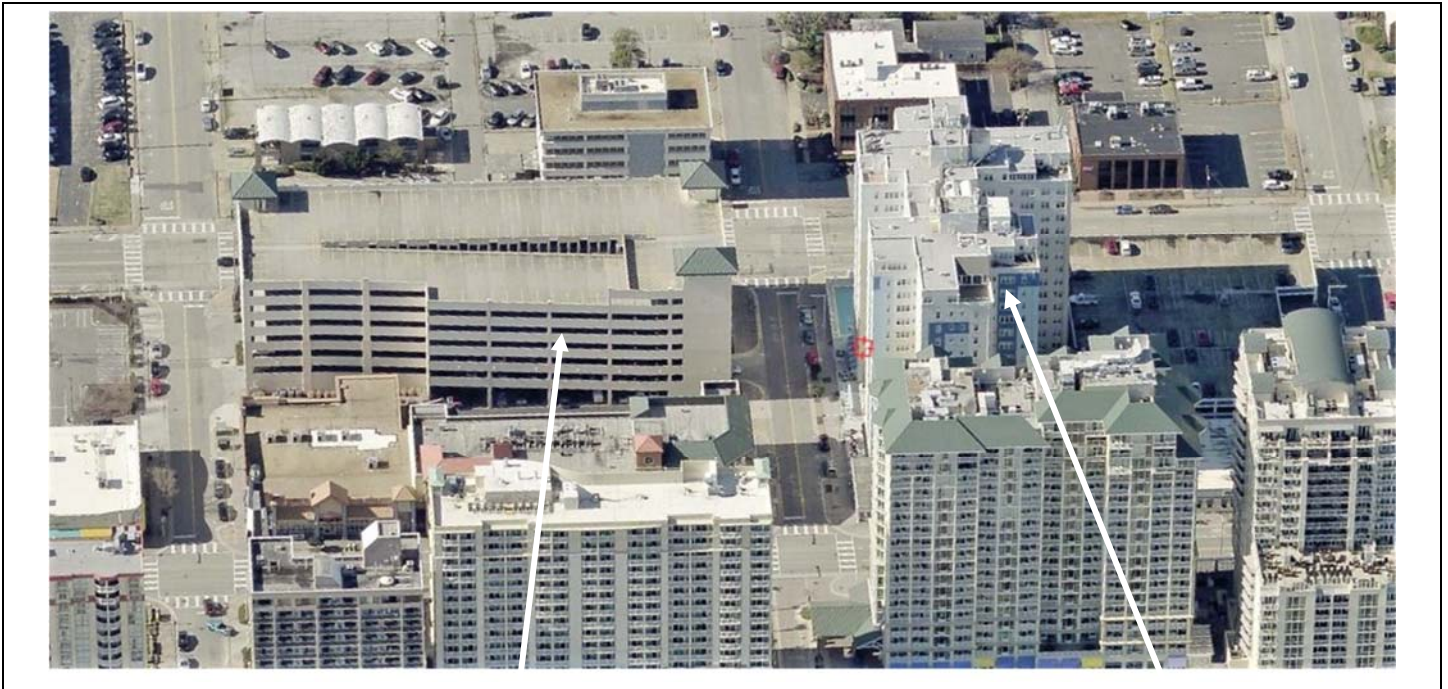
Site Layout & Parking Plan



Private parking garage where 14 parking spaces will be leased (according to the applicant's representative) —



Site Layout & Parking Plan



212 34th Street (Parking Garage)*

205 34th Street

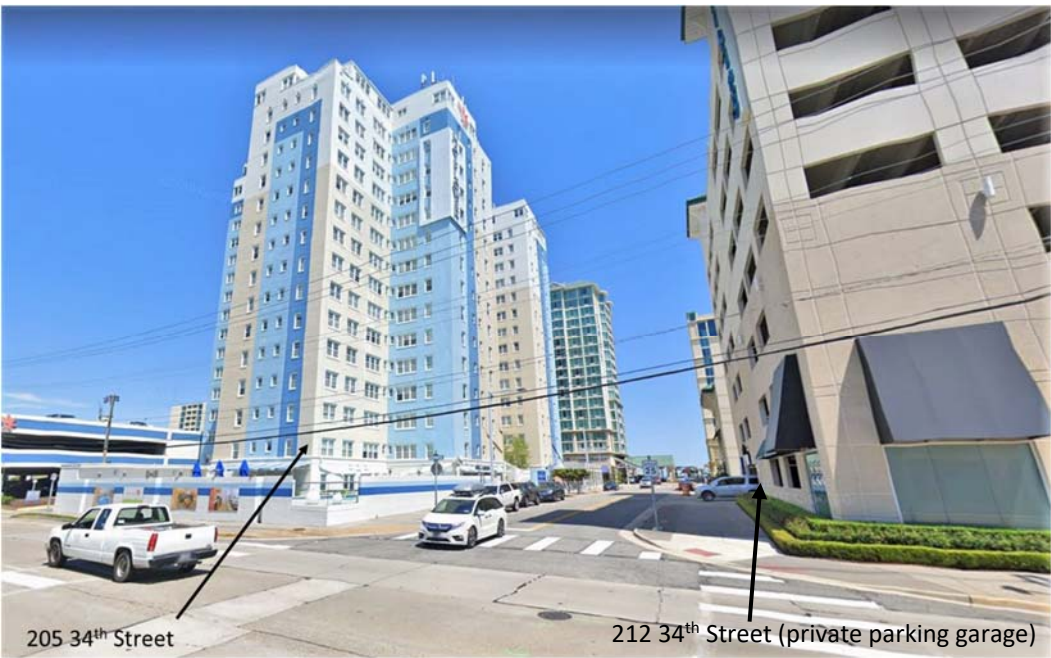
205 34th Street Bedroom Count

1601 - 2 bedroom
1602 - 4 bedroom
1603 - 3 bedroom
1604 - 2 bedroom
1605 - 3 bedroom

Total off-street parking spaces required = 14

*As per the applicant's representative, all 14 off-street parking spaces will be leased from the Gold Key parking garage at 212 34th Street.

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 VTS Lynd Mayflower Owner LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

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

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)

Please see attached.

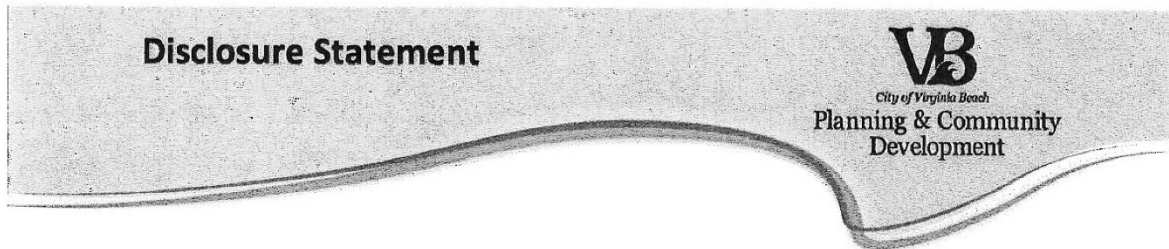
- If yes, list the businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

Please see attached.

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

- If yes, identify the financial institutions.

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.

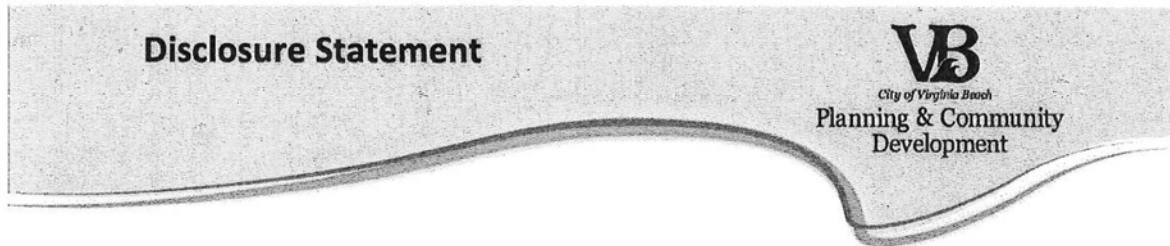
4. Does the applicant have services from an architect/landscape architect/land planner provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- 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



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.

Titan USA Commercial Real Estate

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.

Troutman Pepper Hamilton Sanders LLP

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

Adam David Lynd, Owner

Print Name and Title

May 3, 2021

Date

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

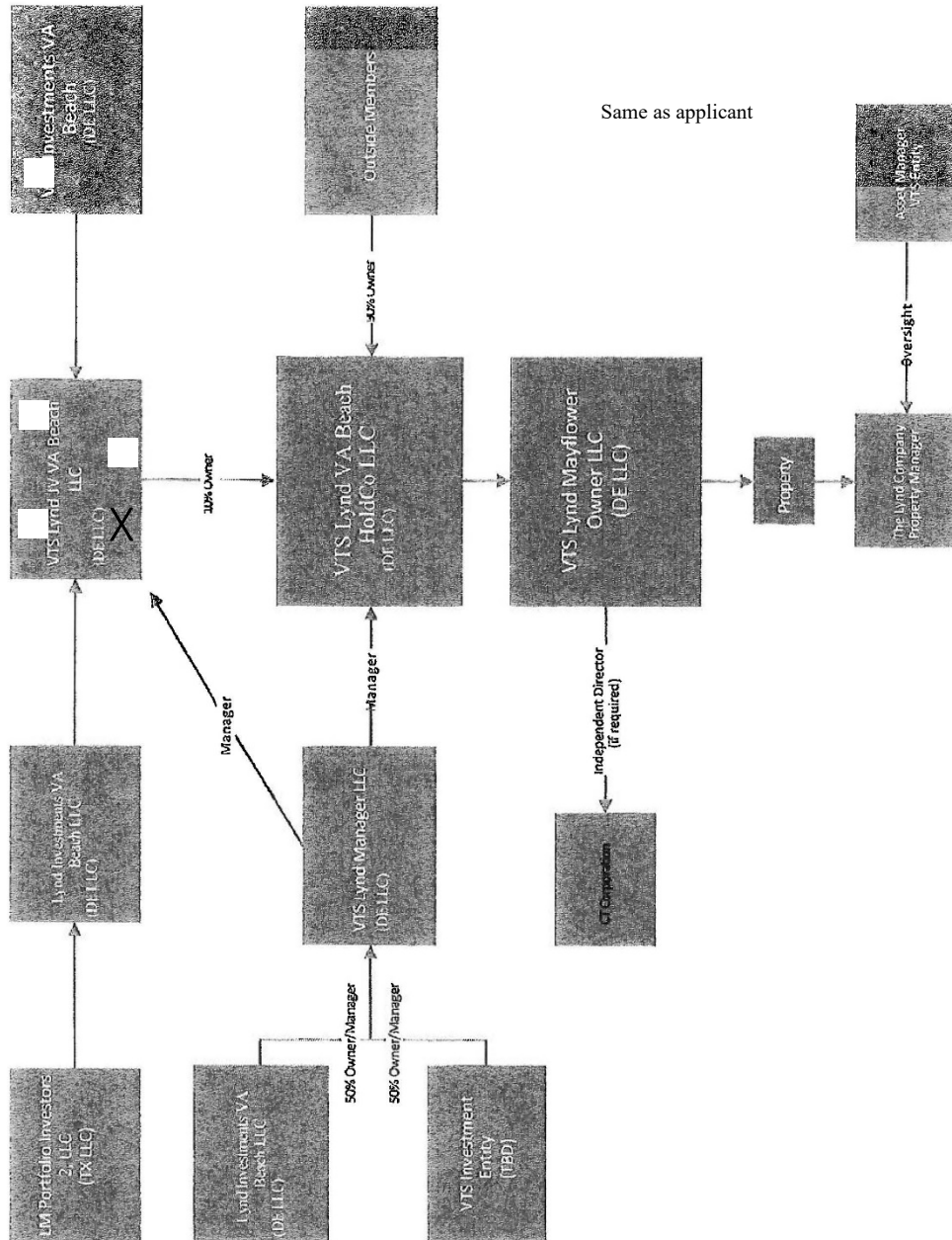
- If yes, you do not need to fill out the owner disclosure statement.

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

LMWF 8/8/2018



Same as applicant

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.