



Planning Commission Agenda

December 8, 2021

VB City of
Virginia Beach

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

Planning Commission Hearing Procedures

A Public Hearing of the Virginia Beach Planning Commission will be held on **Wednesday, December 8, 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=ebc554744b8b0fc4cc20c545e0851d112>
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 December 7, 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.

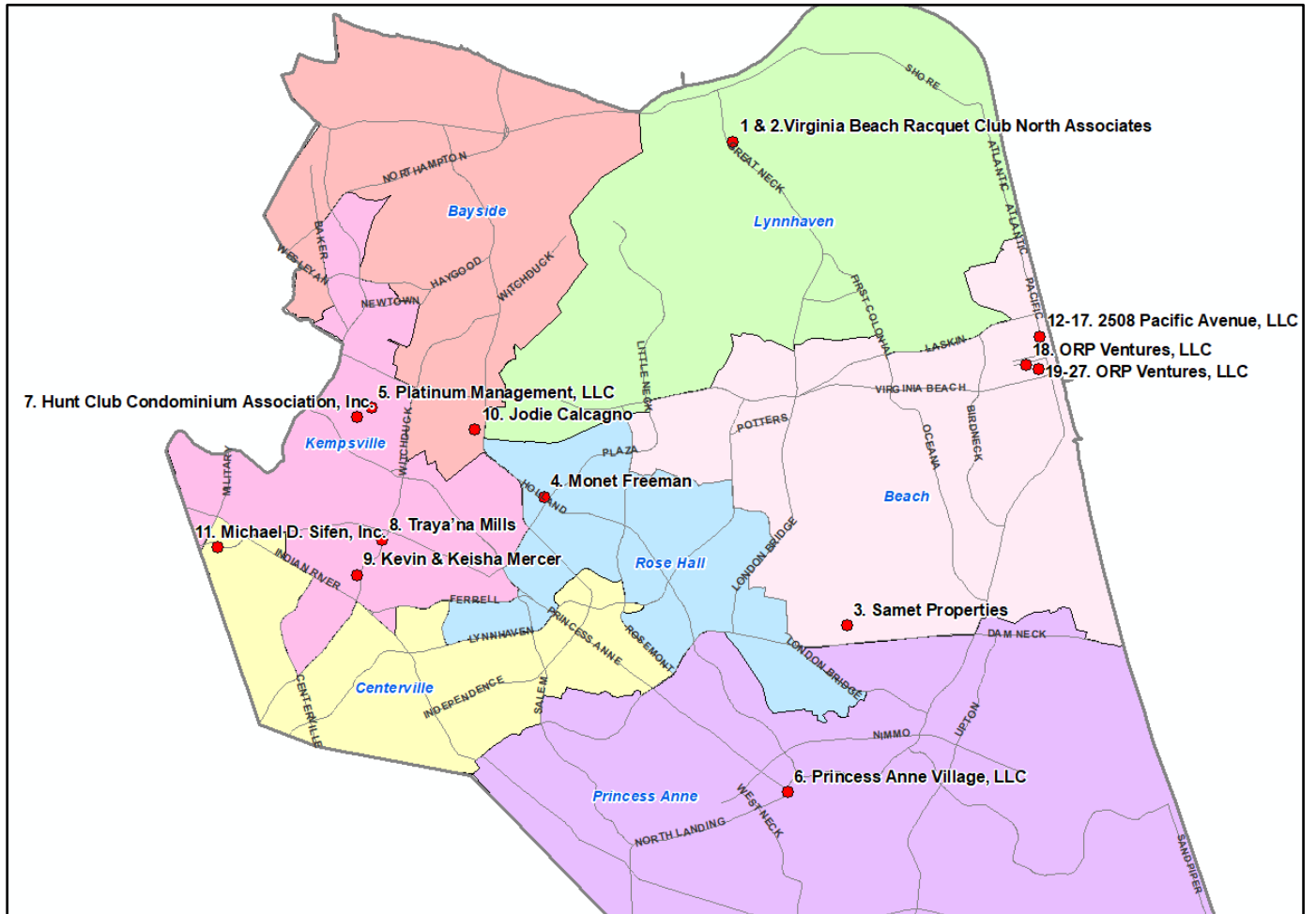
Please check our website at www.vbgov.com/pc for the most updated meeting information.

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.

DECEMBER 8, 2021
PLANNING COMMISSION AGENDA



DECEMBER 8, 2021 PLANNING COMMISSION AGENDA

A. COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION

B. BRIEFINGS

Resort Area Mobility Plan - Kathy Warren, SGA Manager & Kyle Williams, Kimley-Horn
Community Revitalization Guidelines – Bobby Tajan, Planning Director

12:00 P.M. – PUBLIC HEARING

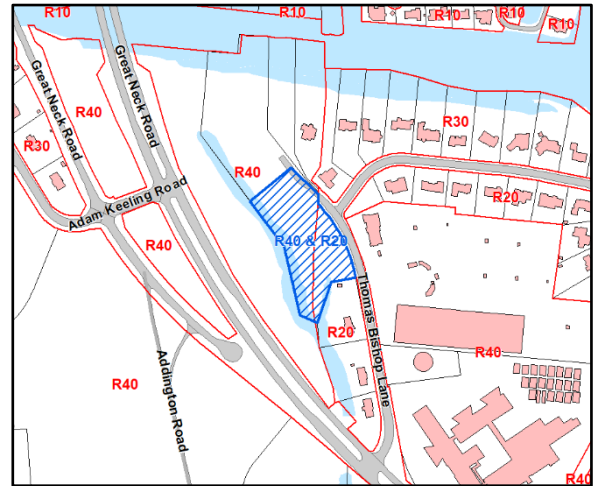
1. & 2.

Virginia Beach Racquet Club North Associates, LP
(Applicant & Property Owner)

Rezoning (R-20 Residential District to R-40 Residential District)
Subdivision Variance (Section 4.4(b) of the Subdivision Regulations)

Address: 1951 Thomas Bishop Lane
GPIN(s): 1499469576
Council District: Lynnhaven
Accela Record(s): 2021-PCCC-00293, 2021-PCCC-00294
Staff Planner: Marchelle Coleman

Requests to rezone a portion of the property to R-40 and create three new residential lots and a variance request to minimum requirements to street frontage for 1 of the 3 lots.



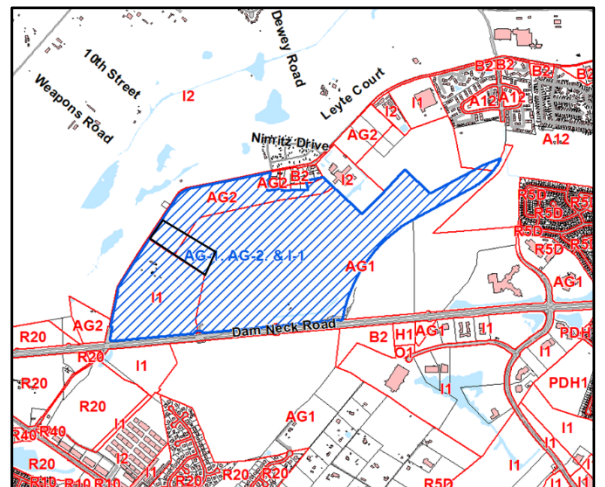
3.

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

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

Address: 2097 Harpers Road
GPIN(s): Portion of 2405665160
Council District: Beach
Accela Record(s): 2021-PCCC-00305
Staff Planner: Marchelle Coleman

Request to rezone 10 acres to I-1 for stormwater management related to the distribution center.



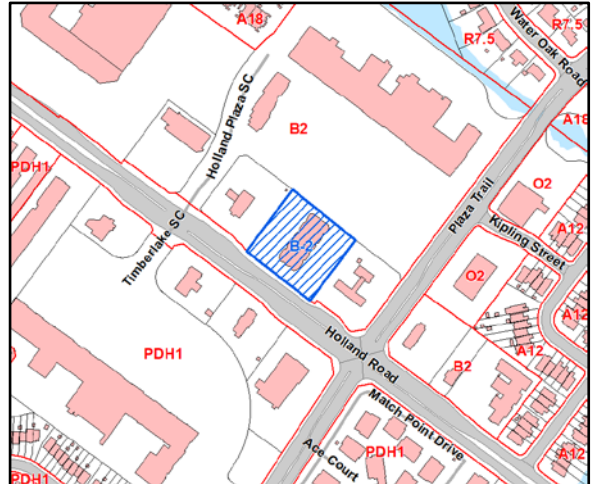
4.

Monet Freeman (Applicant)
Shoppes I, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 4380 Holland Plaza Shopping Center
GPIN(s): 1476963891
Council District: Rose Hall
Accela Record(s): 2021-PCCC-00323
Staff Planner: Marchelle Coleman

Request for a Tattoo Parlor for permanent makeup known as microblading.



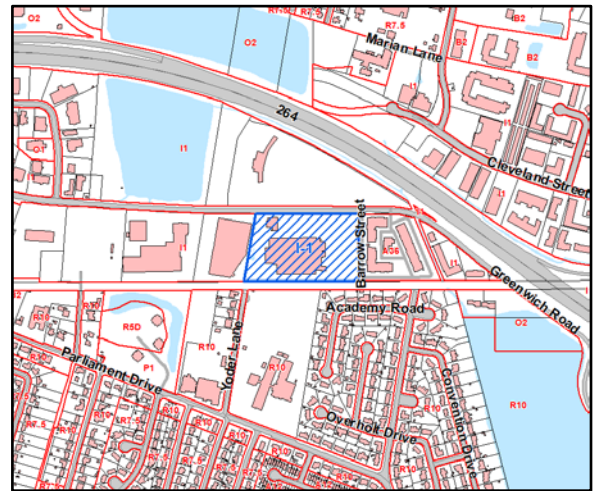
5.

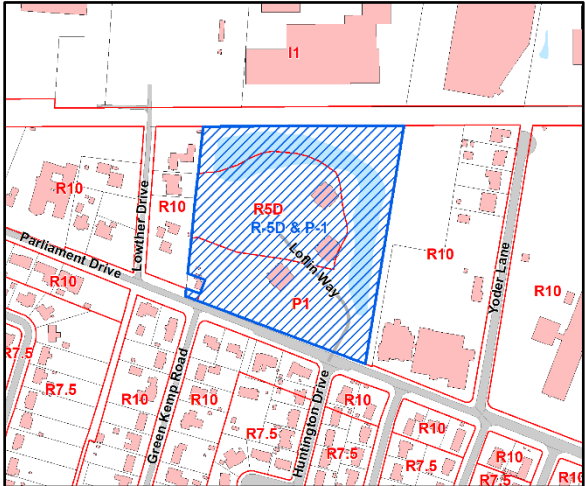
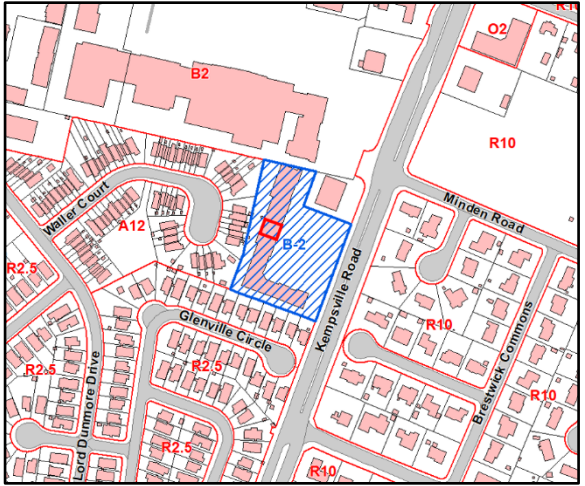
Platinum Management, LLC (Applicant)
5429 Greenwich Road, VA, LLC (Property Owner)

Conditional Rezoning (I-1 Light Industrial to Conditional A-36 Apartment for construction of 315 dwelling units at a density of approximately 29.41 units per acre)

Address: 5429 Greenwich Road
GPIN(s): 1467449257
Council District: Kempsville
Accela Record: 2021-PCCC-00168
Staff Planner: Marchelle Coleman

Request to rezone 10.71 acres from I-1 to Conditional A-36 for development of 315 apartment units at a density of 29.41 units/acre.



| | |
|---|--|
| <p>Parcel between 2393 North Landing Road & 2385 Princess Anne Road GPIN(s): 1494926240, 2404012707, 1494927384, 2403293752, 1494928455, 2404023254, 2404030056, 2404024848, 2404035242, 2404036378 Council District: Princess Anne Accela Record(s): 2018-PCCC-00091 Staff Planner: Hoa N. Dao</p> <p>Request to rezoning 55.57 acres from B-2 & AG-1 to Conditional PD-H2 & Conditional B-2 for development of 73 residential lots with a total of 89 dwelling units at a density of 2.45 units/acre.</p> | |
| <p>7. <u>Hunt Club Condominium Association, Inc.</u> (Applicant & Property Owner)</p> <p>Modification of Conditions</p> <p>Address: 120 Loflin Way Drive GPIN(s): 1467337519 Council District: Kempsville Accela Record(s): 2021-PCCC-00296 Staff Planner: Elizabeth Nowak</p> <p><i>Request to increase the number of multi-family units by 11 at a density of 4.25 units per acre.</i></p> |  |
| <p>8. <u>Trayana Mills</u> (Applicant) Providence Square Office Park Associates (Property Owner)</p> <p>Conditional Use Permit (Tattoo Parlor)</p> <p>Address: 1017 Kempsville Road</p> <p>GPIN(s): 1466538222 Council District: Kempsville Accela Record(s): 2021-PCCC-00268 Staff Planner: Michaela Mckinney</p> <p><i>Request for a Tattoo Parlor for permanent makeup known as microblading.</i></p> |  |

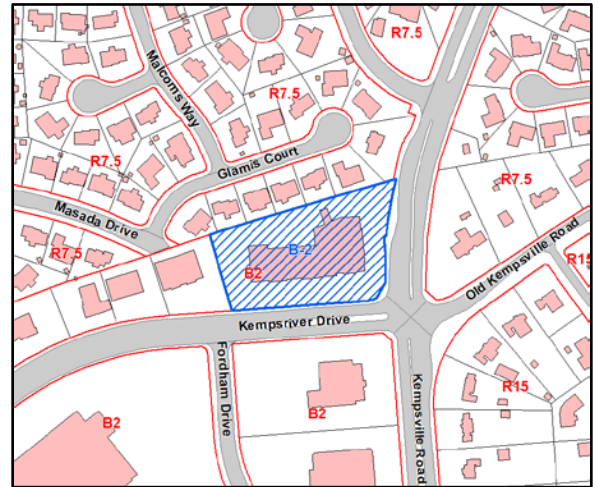
9.

Kevin & Keisha Mercer (Applicants)
RT Virginia Holdings, LLC (Property Owner)

Conditional Use Permit (Assembly Use)

Address: 5300 Kempsriver Drive, Suite 126
GPIN(s): 1466306381
Council District: Kempsville
Accela Record(s): 2021-PCCC-00298
Staff Planner: Michaela Mckinney

Request to hold events within a unit of the shopping center.



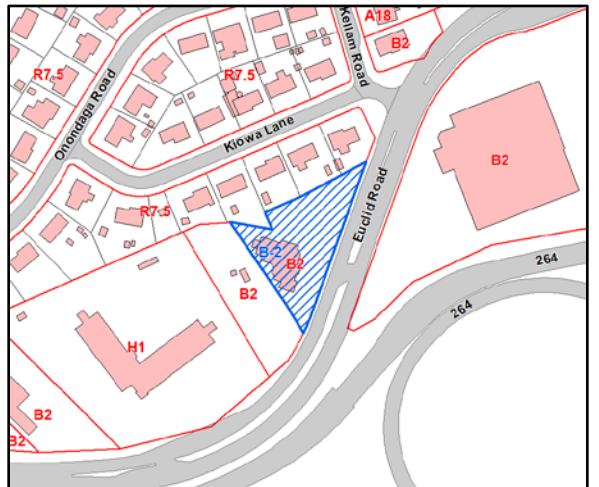
10.

Jodie Calcagno (Applicant)
H C D Properties, LC (Property Owner)

Conditional Use Permit (Assembly Use)

Address: 4752 Euclid Road
GPIN(s): 1477325444
Council District: Bayside
Accela Record(s): 2021-PCCC-00304
Staff Planner: Michaela Mckinney

Request to hold events within the 1st floor of the office building.



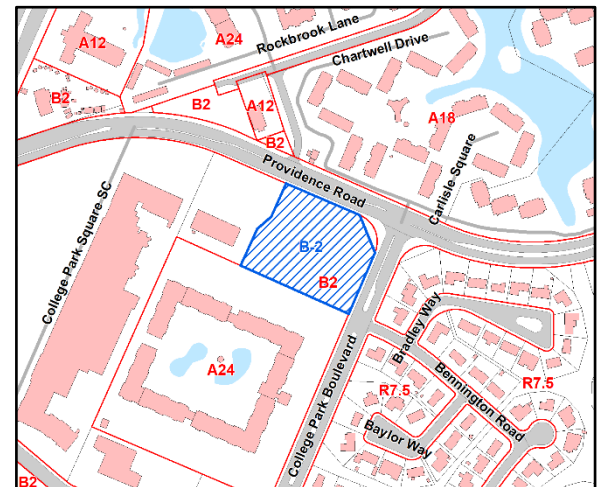
11.

Michael D. Sifen, Inc. (Applicant)
Virginia Beach Investment Co. (Property Owner)

Conditional Use Permit (Self Storage/Mini Warehouse)

Address: Parcel at the southwest intersection of Providence Road & College Park Boulevard
GPIN(s): 1456221655
Council District: Centerville
Accela Record(s): 2021-PCCC-00297
Staff Planner: Michaela Mckinney

Request for a 4-story, 162,480 square foot self storage facility.



SHORT TERM RENTALS

12-17.

2508 Pacific Avenue, LLC (Applicant & Property Owner)

Conditional Use Permits (Short Term Rentals)

Addresses: 2510, 2514, 2518, 2522, 2526, 2530 Pacific Avenue

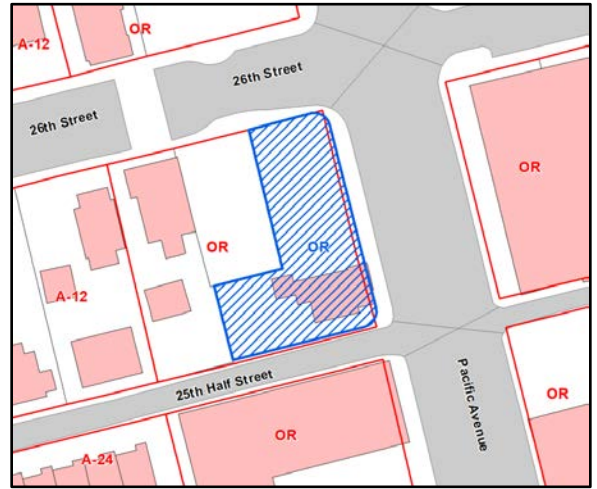
GPIN(s): 2428007216

Council District: Beach

Accela Record(s): 2021-PCCC-00238/ 00239/ 00240/ 00241/ 00242/ 00243

Staff Planner: Antionette Fowlkes

Request for six, three-bedroom Short Term Rentals.



18.

ORP Ventures, LLC (Applicant and Property Owner)

Conditional Use Permits (Short Term Rentals)

Address: 603 20th Street

GPIN(s): 2417975708

Council District: Beach

Accela Record: 2021-PCCC- 00271

Staff Planner: Antionette Fowlkes

Request for a three-bedroom Short Term Rental.



19-27.

ORP Ventures, LLC (Applicant and Property Owner)

Conditional Use Permits (Short Term Rentals)

Addresses: 410 19th Street, Unit 101,102,103, 201, 202 & 412 19th Street, Unit 101,102, 201, 202

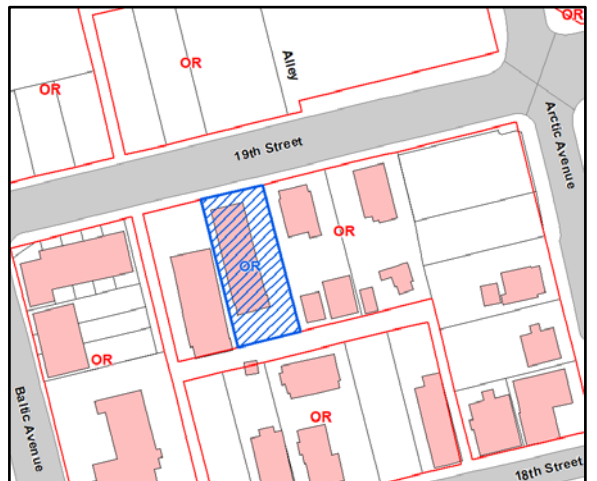
GPIN(s): 2427080000, 2427075475

Council District: Beach

Accela Records(s): 2021-PCCC-00272/00273/ 00275/00276/00277/00278/00280/00281/00282

Staff Planner: Brandon Hackney

Request for nine, one-bedroom Short Term Rentals.



Requests

Rezoning (R-20 Residential District to R-40 Residential District)

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

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

1951 Thomas Bishop Lane

GPIN

1499469576

Site Size

2.81 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Tennis court, parking lot / R-20 Residential, R-40 Residential

Surrounding Land Uses and Zoning Districts

North

Undeveloped lot, tennis court / R-40 Residential

South

Single-family dwelling / R-20 Residential

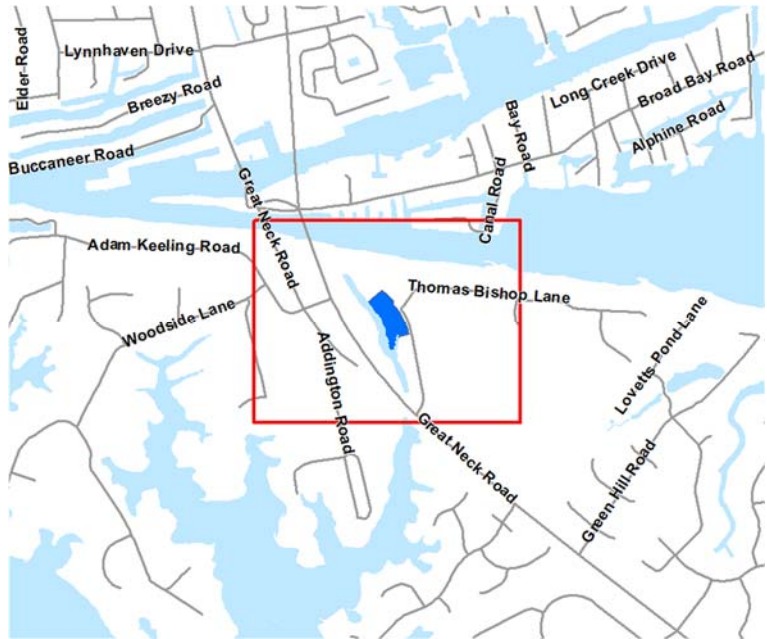
East

Thomas Bishop Lane

Single-family dwellings, undeveloped lot, community clubhouse, tennis courts / R-40 Residential, R-30 Residential, R-20 Residential

West

Wetlands, creek / R-40 Residential

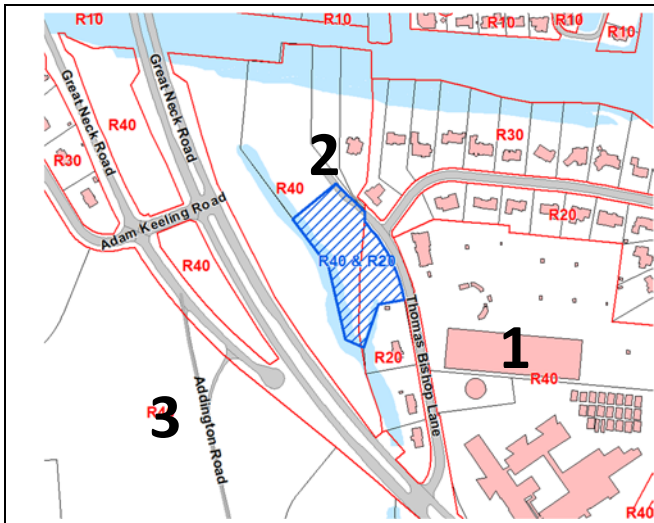


Background & Summary of Proposal

- The subject lot is zoned R-20 Residential District and R-40 Residential District and is currently developed with tennis courts and an asphalt parking lot, which has been owned by the Virginia Beach Racquet Club for decades.
- To remove the split zoning on the property, the applicant is requesting to rezone a portion of the property from R-20 Residential District to R-40 Residential District.
- In addition to removing the split zoning on the property, the applicant seeks to subdivide the property to create three residential lots. While one of the three proposed lots, Lot 1C, will meet the lot width requirement of 125 feet at the front yard setback, it will not meet the minimum street frontage requirement of 100 feet for properties zoned R-40 Residential District. Therefore, a variance to Section 4.4(b) of the Subdivision Regulations is required.
- A variance request was considered by the Chesapeake Bay Preservation Area Board (CBPA) for an encroachment into the Resource Protection Area (RPA) buffer for these three residential lots on November 1, 2021. The CBPA Board approved the variance request to allow the encroachment into the RPA and limited the impervious cover of the development of the single-family dwellings to a maximum of 30 percent.
- As shown on the exhibit on page six of this report and the table below, the proposed lots, Lots 1A, 1B, and Lot 1C, will all exceed the minimum lot area requirement of 40,000 square feet and lot width requirement of 125 feet at the setback. However, Lot 1C will be shy of the minimum street frontage requirement by 67.4-feet.

| Proposed Lot | Required Minimum Lot Width in R-40 (feet) | Proposed Lot Width (feet) | Required Minimum Street Frontage in R-40 (feet) | Proposed Street Frontage (feet) | Required Lot Area (square feet) | Proposed Lot Area (square feet) |
|--------------|---|---------------------------|---|---------------------------------|---------------------------------|---------------------------------|
| Lot 1A | 125 | 138.35 | 100 | 150.6 | 40,000 | 46,160 |
| Lot 1B | 125 | 183.23 | 100 | 194.14 | 40,000 | 40,048 |
| Lot 1C | 125 | 179.69 | 100 | 32.60* | 40,000 | 40,041 |

*Variance Requested



Zoning History

| # | Request |
|---|---|
| 1 | MODC Approved 10/12/2010 |
| 2 | SVR (Lot width) Approved 03/13/2007 CUP (Community Pier) Approved 03/13/2007 |
| 3 | SVR (Lot width & lot frontage) Approved 02/11/2003 |

Application Types

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

MODC – Modification of Conditions
MODP – Modification of Proffers
NON – Nonconforming Use

STC – Street Closure
FVR – Floodplain Variance
ALT – Alternative Compliance

SVR – Subdivision Variance
LUP – Land Use Plan
STR – Short Term Rental

Evaluation & Recommendation

Section 9.3 of the Subdivision Regulations states:

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

- Strict application of the ordinance would produce undue hardship.
- 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.
- 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.
- 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.
- 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.

The request to rezone the property from R-20 Residential District to R-40 Residential District to ensure that all newly created lots have one zoning classification is recommended for approval. The Subdivision Variance request to address the reduction in street line frontage for Lot 1C, in Staff's opinion, is also acceptable.

These requests are consistent with the Comprehensive Plan's vision for the Suburban Area. Development within this area focuses on creating and maintaining great neighborhoods. Achieving this goal reflects on the ability for developments to maintain and enhance the existing neighborhood, to be compatible with surroundings, and provide quality and attractive buildings with effective buffering and livability. In Staff's view and in conformance with the Comprehensive Plan, the proposed single-family dwellings will improve the aesthetics for the adjoining property owners by demolishing the underutilized tennis courts and parking lot, and will be compatible with the surrounding residential homes along Thomas Bishop Lane. Condition 2 is recommended to ensure that the design and exterior building materials of the new homes will be complementary to the existing neighborhood. The resulting number of average daily

trips along Thomas Bishop Lane will also likely decrease with the replacement of the tennis courts with single-family dwellings.

As stated previously, it is the intent of the applicant to subdivide the 2.81-acre site into three lots for the development of three single-family dwellings, one of which requires a variance to the street frontage requirement of 100 feet. Proposed Lots 1A & 1B meet all the dimensional requirements of the Zoning Ordinance for the R-40 Residential District. Lot 1C meets all dimensional requirements in the R-40 Residential District, except for the street frontage requirement. Although Lot 1C is deficient by 67.4 feet, the lot physically fronts on a private roadway that is utilized for access to the lots to the north, which were also approved through the Subdivision Variance process.

On November 1, 2021, the applicant received a CBPA Board Variance for encroachment into the RPA. It was determined by Staff that this environmentally sensitive parcel, with the amount of impervious surfaces and the amount of encroachment into the Resource Protection Area (the most stringently regulated portion of the Chesapeake Bay Preservation Area) should be kept to a minimum in order to meet the intent of the Chesapeake Bay Preservation Area Ordinance. The three proposed residential lots will be similar to the adjacent lots encumbered by the Chesapeake Bay Resource Protection Area. The subdivision, as proposed, will maintain a functional RPA buffer, will limit land disturbance to the area, and will preserve the existing vegetation to the maximum extent. This request limits the need to extend Thomas Bishop Lane which lessens the impacts on water quality and reduces the amount of encroachment into the environmentally sensitive areas of the property.

In Staff's opinion, the protections in place associated with the CBPA Board variance approval and the conditions recommended below that are designed to ensure compatibility with the neighborhood will ensure no negative impacts to surrounding properties as a result of these actions. Staff recommends approval of these requests with the conditions listed below.

Recommended Conditions

1. The applicant/owner shall submit a subdivision plat to the City of Virginia Beach, subject to the review and approval of the Department of Planning & Community Development prior to recordation, which shall be in substantial conformance to the submitted exhibit entitled "REZONING EXHIBIT FOR VIRGINIA BEACH RACQUET CLUB NORTH ASSOCIATES, THOMAS BISHOP LANE, VIRGINIA BEACH, VA," prepared by Timmons Group, dated September 30, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
2. When the property is developed, the residential dwellings constructed shall vary in size and design and shall be of high quality materials and architectural features that are compatible with the surrounding development, as determined by the Planning Director.

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

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

Comprehensive Plan Recommendations

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

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. The site has highly erodible soils and wetlands. The site is encumbered by the Resource Protection Area, the more stringently regulated and environmentally sensitive portion of the Chesapeake Bay Preservation Area.

Traffic Impacts

| Street Name | Present Volume | Present Capacity | Generated Traffic |
|----------------------------------|--|--|--|
| Thomas Bishop Lane | No Data Available | 9,900 ADT ¹ (LOS ⁴ “D”) | Existing Land Use ² —180 ADT Proposed Land Use ³ — 30 ADT |
| North Great Neck Road | 29,700 ADT ¹ | 36,900 ADT ¹ (LOS ⁴ “D”) | |
| ¹ Average Daily Trips | ² as defined by a six outdoor tennis courts | ³ as defined by a three single family dwellings | ⁴ LOS = Level of Service |

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

Thomas Bishop Lane is a two-lane undivided local street. It is not shown on the MTP and is not the subject of any CIP project.

Great Neck Road is a suburban major arterial that has a divided four-lane typical section in front of the subject site. The MTP shows Great Neck Road as a divided facility with a bikeway in a 12-foot wide right-of-way. There are no roadway CIP projects in the vicinity.

Public Utility Impacts

Water

Each proposed lot must connect to City water with an individual and exclusive water service line and meter. There is an eight-inch that reduces to a four-inch City water main fronting the property along Thomas Bishop Lane.

Sewer

Each proposed lot must connect to City sanitary sewer and can be served with an individual and exclusive private grinder pump and force main. Connection to the existing 1.5-inch private sanitary sewer force main fronting a portion of the property along Thomas Bishop Lane would require:

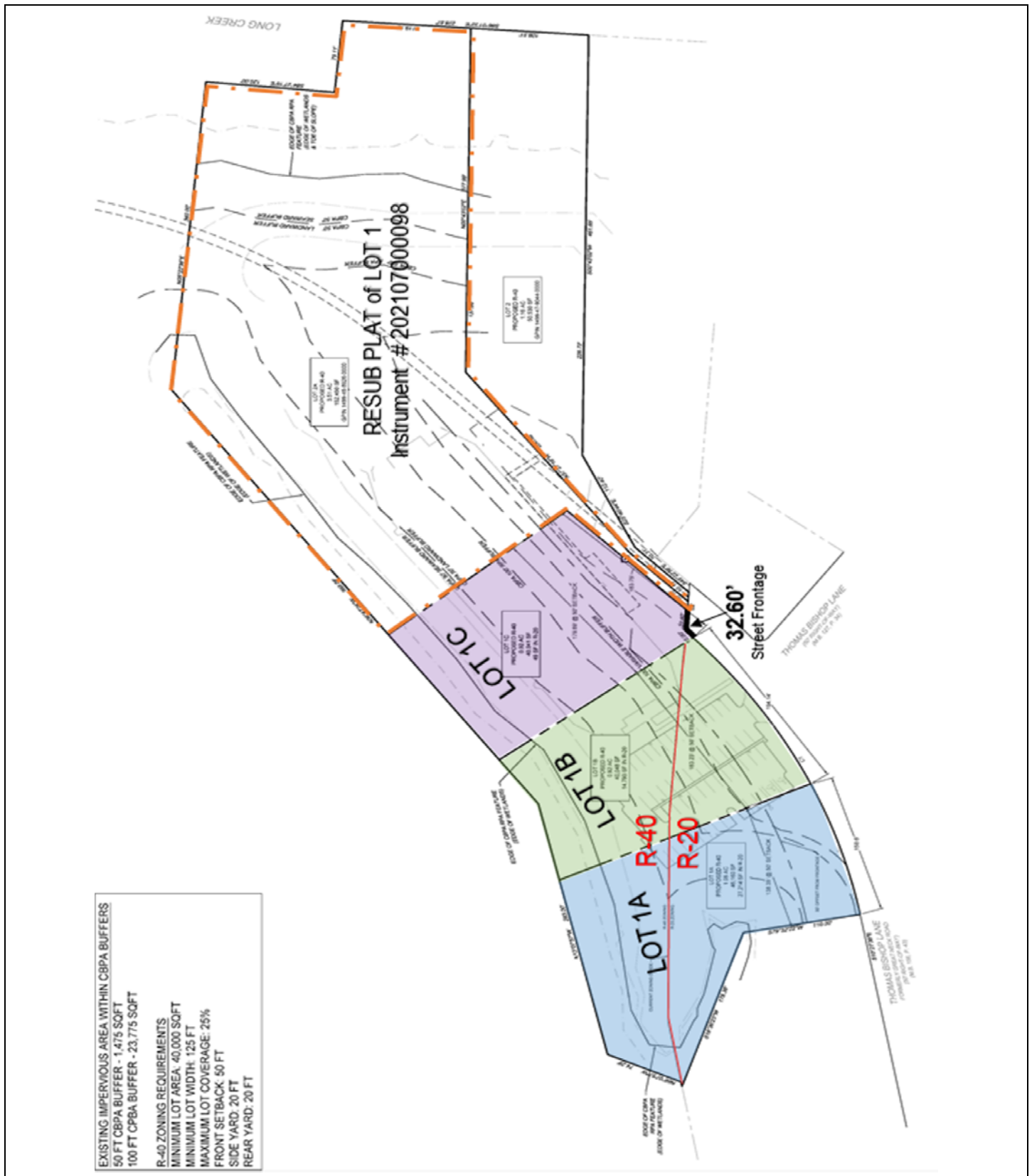
- A Private Sewer Maintenance Agreement
- A Public Utility variance
- Calculations showing adequate capacity of shared force main

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021 and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

Proposed Rezoning & Variance Exhibit



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 Virginia Beach Racquet Club North Associates, LP

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)

Harvey H. Shiflet, III, General Partner

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☒ Yes ☐ No

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

TowneBank

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

☒ Yes ☐ No

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

Jonathan P. Decker, Berkshire Hathaway Towne Realty

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

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

Wall Einhorn & Chernitzer

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.

Roger Rodriguez, Timmons Group

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.

C. Torrey Breeden

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.

Roger Rodriguez, Timmons Group

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./Howard R. Sykes, Jr., 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.

Virginia Beach Racquet Club North Associates, LP

By:

Applicant Signature

Harvey H. Shiflet, III, General Partner

Print Name and Title

Date

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

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

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

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

Next Steps

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

Request

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

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

2097 Harpers Road

GPIN

2405665160

Site Size

10.0 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

Single-family dwelling, cultivated field / AG-2
Agricultural, B-2 Community Business

South

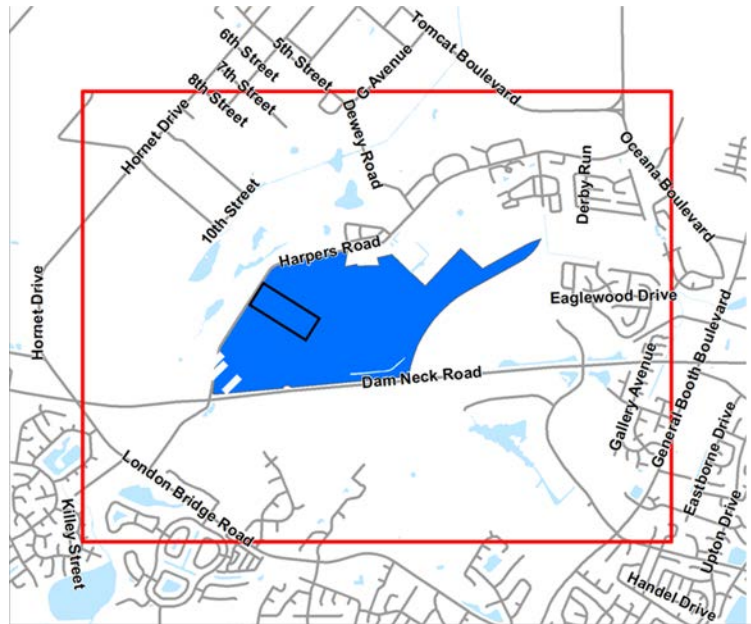
Dam Neck Road
Undeveloped parcel / AG-1 Agricultural & I-1
Light Industrial

East

School / AG-1 Agricultural

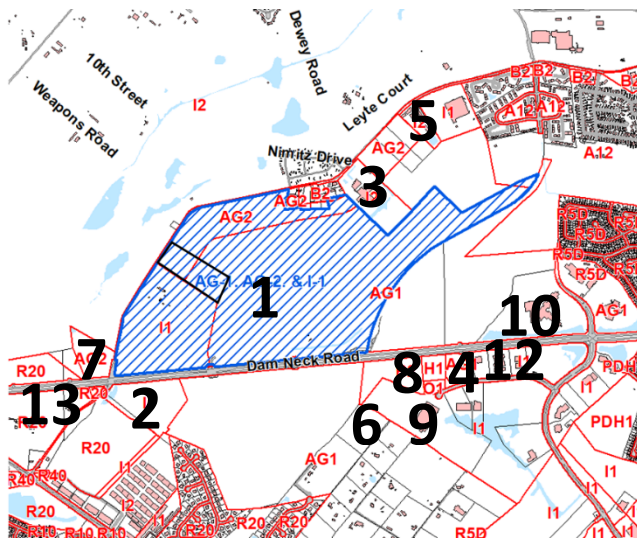
West

Harpers Road
NAS Oceana / I-2 Heavy Industrial



Background & Summary of Proposal

- On September 7, 2021, a Conditional Rezoning from AG-1, AG-2 Agricultural Districts and I-1 Light Industrial District to Conditional I-1 Light Industrial District, as well as a Conditional Use Permit for a Bulk Storage Yard was granted by City Council to construct a 221,000 square foot distribution center with associated parking and designated storage areas for the company's delivery vans.
- With the previously approved applications, the applicant proposed two stormwater management facilities and underground storage below the proposed parking lot to address stormwater quality and quantity control for the site. The applicant is now seeking to increase the stormwater management facilities for the site by an additional 10-acres to install additional storage in an above ground pond.
- To accomplish this, the applicant is requesting to rezone an additional 10 acres, north of the approved site, from AG-1 and AG-2 Agricultural Districts to Conditional I-1 Light Industrial District to accommodate for additional aboveground storage on the site. This increases the total site acreage of the storage and distribution center to just over 77.0 acres.
- 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 10 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 09/07/2021 CUP (Bulk Storage Yard) Approved 09/07/2021 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 09/07/2021 CUP (Bulk Storage Yard) Approved 09/07/2021 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, this request to conditionally rezone a 10-acre portion of the parcel to construct an above ground stormwater management facility to support the already approved industrial use 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 stormwater management facility to support the stormwater for the proposed 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.

As indicated in the Proffer 3 of the Conditional Rezoning agreement, the applicant shall dedicate additional necessary right-of-way, if any, to facilitate the right-of-way improvements to Harpers Road, as depicted on page 11 of this report. With the previous approval, the applicant submitted the Harpers Road Delivery Station Traffic Impact Study (TIS), dated June 30, 2021 to Staff for review. As depicted on the proposed Harpers Road Improvements Exhibit, significant improvements will be made to Harpers Road in the vicinity of this site. With the addition of the 10-acre stormwater management facility, further right-of-way may be deemed appropriate, and this need will be determined during the site plan review process. The applicant is aware of this potential need for a dedication.

A preliminary stormwater management analysis was reviewed by the Development Services Center (DSC) outlining the proposed stormwater strategy for this site with the previous approval. Due to the extensive work done during this process and the fact that the site is currently under site plan review, DSC Staff deemed that a preliminary stormwater analysis was not required for the additional 10-acre stormwater management facility proposed.

Based on the considerations above, Staff recommends approval of this request 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 developed, it must be assembled with and incorporated by subdivision into one (1) parcel with that adjoining property containing approximately 67.15 acres which is subject to those Proffered Covenants, Restrictions and Conditions recorded in the above referenced Office of the Clerk as Instrument Number 202103073597.

Proffer 2:

When the Property is developed, it shall be improved with a stormwater retention pond and related infrastructure for the capture, retention and discharge of stormwater associated with the development of the balance of assembled parcel substantially as depicted with the exhibit entitled "PROJECT DOOR BMP EXPANSION AREA", dated September 29, 2021, 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 "BMP Expansion Plan").

Proffer 3:

When the Property is developed, the party of the first part, Grantor, shall dedicate additional necessary right of way, if any, to facilitate 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 area on file with the Virginia Beach Department of Planning and Community Development (hereinafter the “Right of Way Improvements”).

Proffer 4:

Further conditions may be required by the Grantee during detailed 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.

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 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 –2,196 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

The site must connect to City water. Connection to be made to a 12-inch plugged service main line from Dam Neck Road in accordance with the site plan currently under review (DSC File # J10-014231).

Sewer

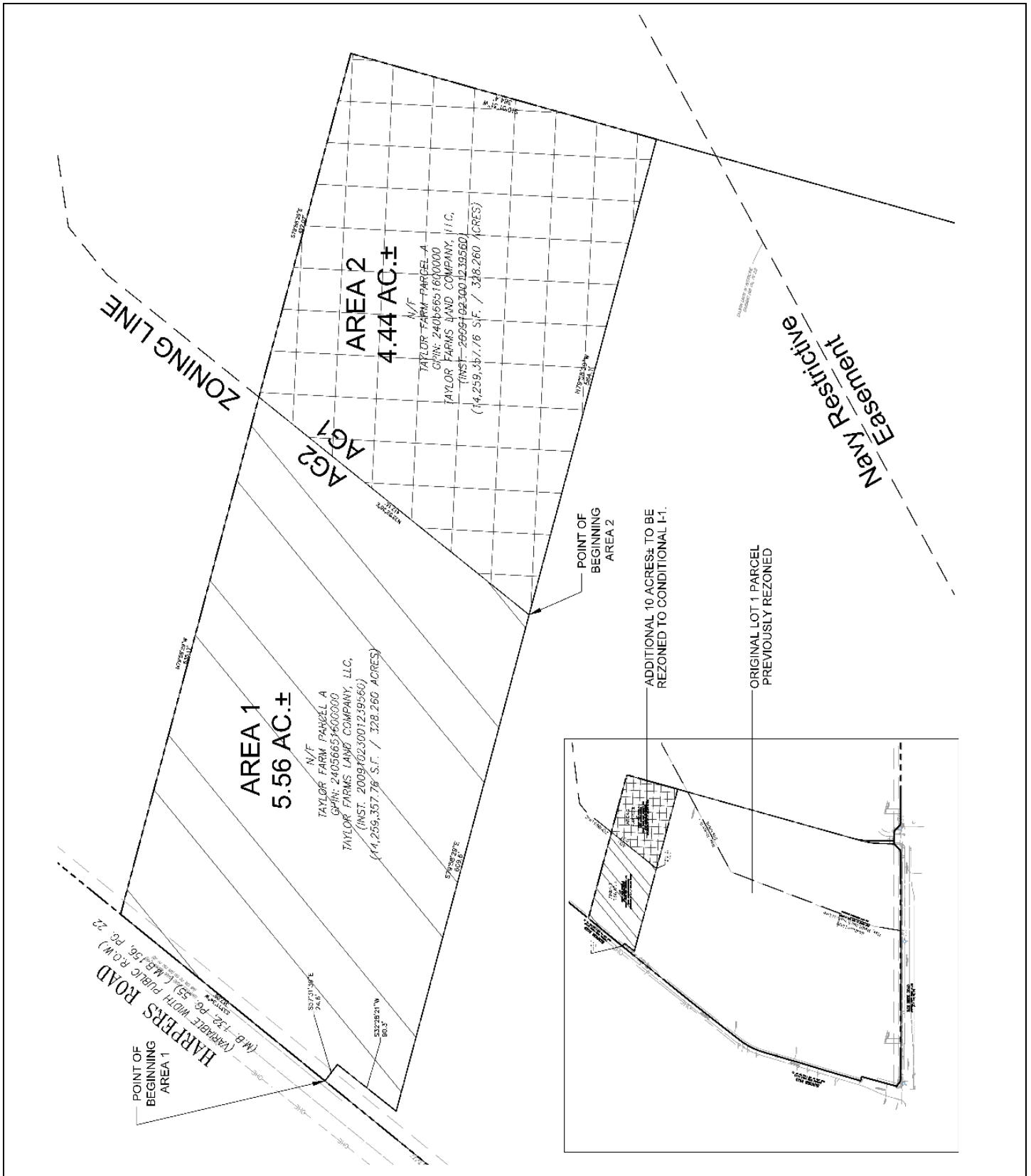
The site must connect to City sanitary sewer. Connection to be made to a 12-inch plugged sanitary sewer force main from Dam Neck Road in accordance with the site plan currently under review (DSC File # J10-014231).

Public Outreach Information

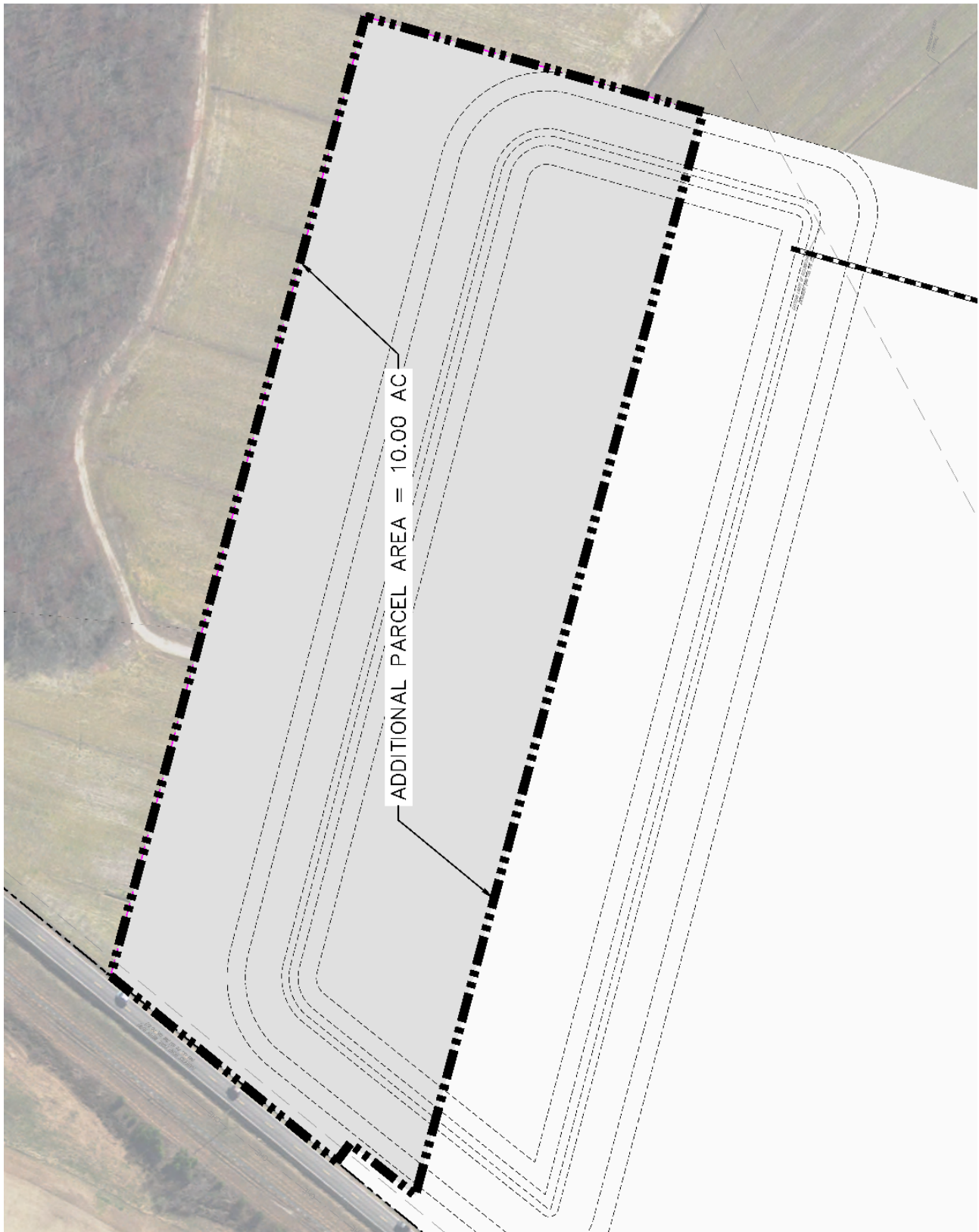
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021 and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

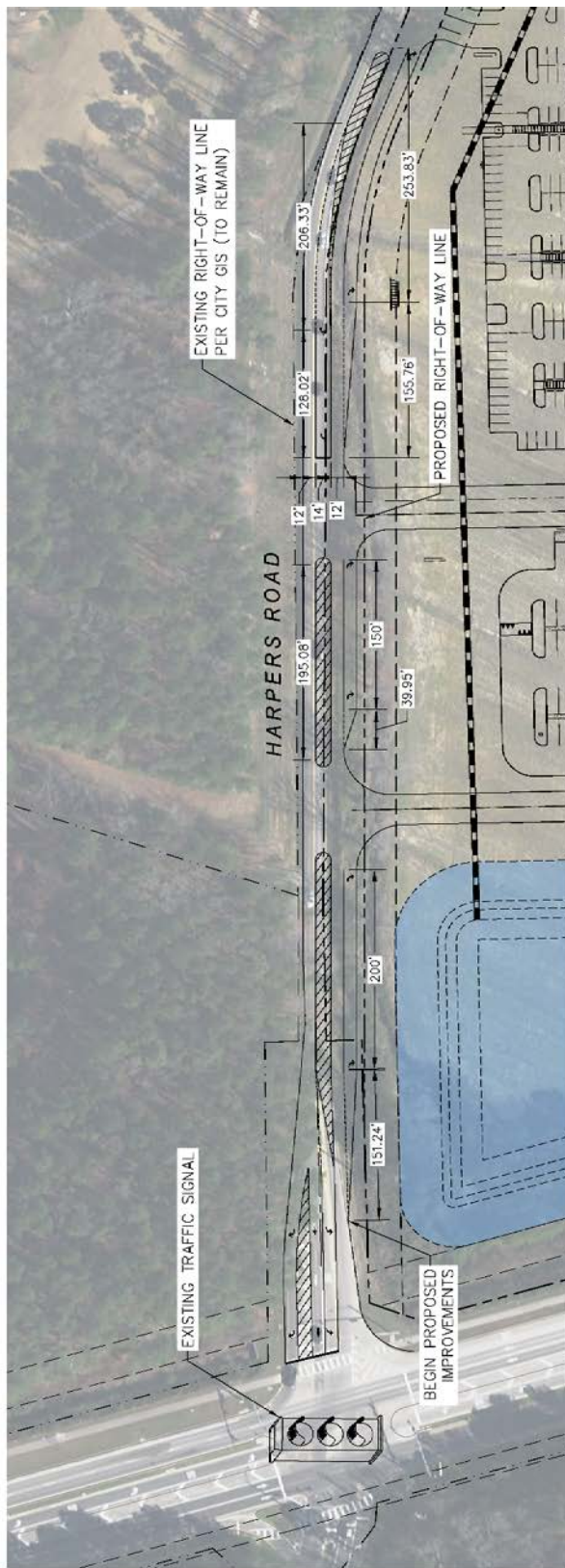
Proposed Rezoning Exhibit



Proposed Conceptual Site Layout



Proposed Harpers Road Improvements



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



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.

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)

Members: Arthur Samet; 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.

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.

Bruce Morris, Prime Engineering

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.

Rick Davenport, Samet Corporation

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.

Randy Royal, Kimley-Horn & Associates

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

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

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

Applicant Signature

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

Samet Properties, LLC

By: 

Applicant Signature

Arthur Samet, Member

Print Name and Title

9/28/2021

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



Owner Disclosure

Owner Name Taylor Farms Land Company, LLC, a Virginia limited liability company

Applicant Name Samet Properties, LLC, a North Carolina limited liability company

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

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

Linda T. Chappell, Sole Member & Manager

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

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



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.

Robert R. Beasley, Broker, Harvey Lindsay Commercial Real Estate

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.

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.

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

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, Manager Member

Print Name and Title

Oct. 1, 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 Use Permit (Tattoo Parlor)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

4380 Holland Plaza Shopping Center

GPIN

1476963891

Site Size

155,000 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Shopping center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Shopping center / B-2 Community Business

South

Holland Road

Shopping center / PD-H1 Planned Unit
Development

East

Automobile service station / B-2 Community
Business

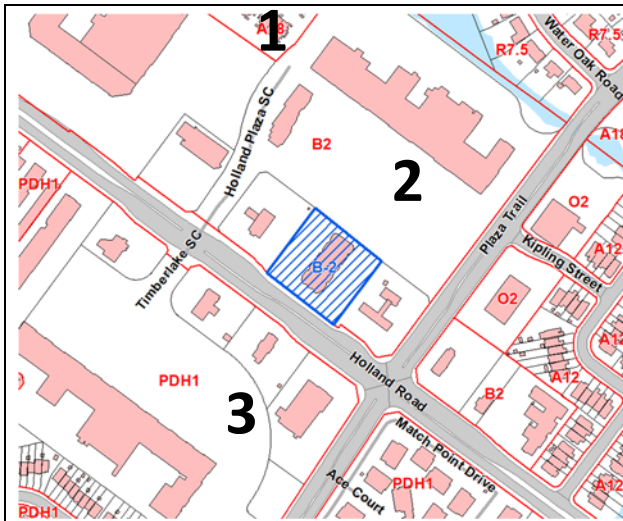
West

Shopping center / B-2 Community Business



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Tattoo Parlor, specifically for the application of permanent makeup, known as microblading. The operation will occur within a 472 square foot unit in the Holland Plaza Shopping Center. The property is zoned B-2 Community Business.
- The proposed operation currently has one employee with the potential to add two additional employees in the future. The typical hours of operation will be between 9:00 a.m. to 7:30 p.m., Tuesday through Saturday.
- No exterior changes to the building are proposed, as well as no new signage.



Zoning History

| # | Request |
|---|---|
| 1 | CRZ (B-2 to Conditional A-18) Approved 5/8/2007 |
| 2 | CUP (Tattoo Parlor) Approved 10/18/2017 CUP (Indoor Recreation Facility) Approved 7/3/2012 CUP (Motor Vehicle Rentals) Approved 8/14/1996 |
| 3 | MOD LUP – (Amendment to PD-H1 to add Indoor Recreational Facility over 7,500 SF) Approved 6/19/2019 LUP Approved 8/12/1988 |

Application Types

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

Evaluation & Recommendation

The request for the Conditional Use Permit is, in Staff's opinion, acceptable given that the use will be compatible with the other existing commercial businesses within the Holland Plaza Shopping Center and along this section of Holland Road.

Prior to operating on the site, the applicant is required to obtain a business license and the Health Department must verify that the business meets all requirements of Chapter 23 of the City Code. This section of the codes establishes standards for disclosure, hygiene, licenses, waivers, proof of age, recordkeeping, inspections, cleanliness, vaccinations, and permitting. A Certificate of Occupancy will not be issued until the requirements of the Health Department are met.

For the reasons stated above, Staff recommends approval of this application, subject to the conditions listed below.

Recommended Conditions

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Building signage designed to be a “box sign” and signage for windows shall not be permitted. A separate sign permit shall be obtained from the Planning Department for installation of any new signs.

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

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

Comprehensive Plan Recommendations

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

Natural & Cultural Resources Impacts

This site is located in the Chesapeake Bay watershed. There does not appear to be any significant natural resources or cultural features associated with the site as it is fully developed with a shopping center and parking lot.

Traffic Impacts

| Street Name | Present Volume | Present Capacity | Generated Traffic |
|--|--------------------------|--|------------------------------------|
| Holland Road | 37, 100 ADT ¹ | 32,700 ADT ¹ (LOS ² “D”) | No Change Anticipated ³ |
| S. Plaza Trail | 8,740 ADT ¹ | 32,700 ADT ¹ (LOS ² “D”) | |
| ¹ Average Daily Trips ² LOS = Level of Service ³ average daily trips not expected to change | | | |

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

Holland Road in the vicinity of this application is considered a four-lane divided minor urban arterial. The existing infrastructure currently resides within a variable width right-of-way. The MTP proposes a six-lane facility within a 165 foot right-of-way. There are currently no CIP projects to upgrade this section of Holland Road at this time.

S. Plaza Trail in the vicinity of this application is considered a four-lane divided minor suburban arterial. The existing infrastructure currently resides in an 80 foot right-of-way. The MTP proposes a four-lane facility within a 115 foot right-of-way. There are currently no CIP projects to upgrade this roadway at this time.

Public Utility Impacts

Water & Sewer

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

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021 and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

Proposed Site Layout



Site Photos



Disclosure Statement

Disclosure Statement



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

Applicant Disclosure

Applicant Name Monet Freeman

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)

Owner- Monet Freeman

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

N/A

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

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

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

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

Disclosure Statement

Disclosure Statement



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

Applicant Signature

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

Applicant Signature

Monet Freeman - Owner

Print Name and Title

10/7/21

Date


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

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

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

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

Disclosure Statement

| | |
|-----------------------------|---|
| Disclosure Statement |  |
|-----------------------------|---|

Owner Disclosure

Owner Name Shoppes I, LLC

Applicant Name Monet T. Freeman

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)
Shorehaven properties, LLC / Michael D. Newsome / Sycamore properties, LLC / General Investors Realty Associates / Cohen Family Limited Partnership, Cohen Exempt Marital Trust VA 7-26-2004
- 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

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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.

Revised 11.09.2020

5 | Page

Disclosure Statement

Disclosure Statement



Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☒ Yes ☐ No

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

The Katsias Company

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

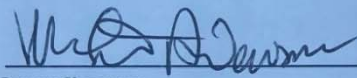
- If yes, identify the firm and individual providing the service.

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

Michael D. Newsome - Owner Mgr.

Print Name and Title

November 4, 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 (I-1 Light Industrial District to Conditional A-36 Apartment District)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

5429 Greenwich Road

GPIN

1467449257

Site Size

10.73 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Warehousing / I-1 Light Industrial

Surrounding Land Uses and Zoning Districts

North

Greenwich Road

Outdoor recreation facility / I-1 Light Industrial

South

School, single-family dwellings / R-10

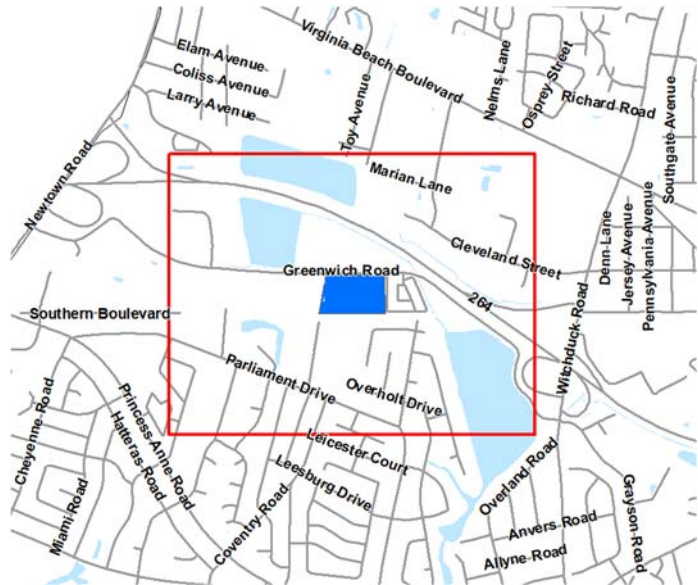
Residential

East

Multi-family dwellings / A-36 Apartment

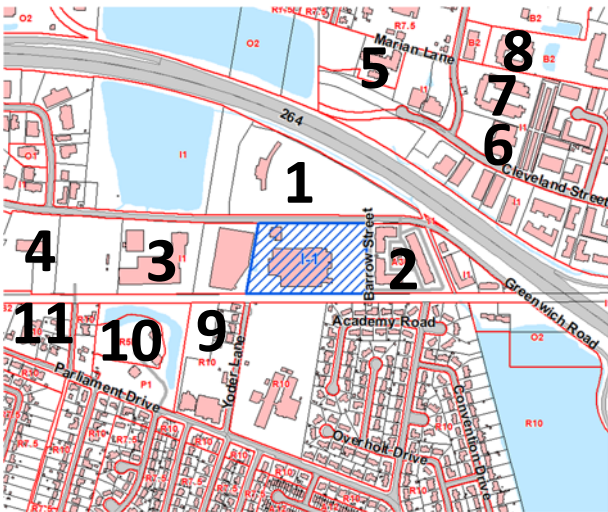
West

Warehousing / I-1 Light Industrial



Background & Summary of Proposal

- The applicant is requesting to rezone a 10.73-acre parcel from I-1 Light Industrial District to Conditional A-36 Apartment District to redevelop the property with a 315-unit multi-family residential community.
- The 10.73-acre property is located within the Newtown Strategic Growth Area (SGA) and is currently developed with the Virginian-Pilot newspaper production and distribution facility. The two existing buildings on the property will be removed in conjunction with the proposed redevelopment of the site.
- The submitted Conceptual Site Layout depicts three multi-family buildings, four stories in height, with a clubhouse. The proposed apartments will have an extensive amenity package consisting of courtyards with fire pits, exterior fireplaces and exclusive seating, a resort-style pool, grilling stations, and fitness facilities within the clubhouse.
- The proposed internal circulation pattern reflects a traditional suburban layout with drive aisles lined with street trees, pedestrian lights, and sidewalks. The proposed parking spaces depicted on the Conceptual Site Layout exceeds the minimum parking requirement by 36 spaces. As required by the City's Zoning Ordinance, 16 covered bicycle spaces are also provided on site.
- The building elevations, as depicted on pages 10 and 11 of this report, display an urban building style with materials consisting of brick, Hardie plank siding, and split face concrete masonry unit (CMU).
- As shown on the Conceptual Site Layout plan, streetscape plantings along Greenwich Road and interior parking and building foundation plantings are proposed as required. The proposed landscaping appears to meet the requirements of the Zoning Ordinance; however, a more detailed review of all screening and planting requirements will occur during final site plan review.
- A Phase I Environmental Site Assessment was provided by McCallum Testing Laboratories, dated September 18, 2020. The Phase I reported one Recognized Environmental Concern (REC). The REC was a release of ink beneath the slab of the building in November of 1998 in the southwestern portion of the former Virginia Pilot Production Plant, which was cleaned up to the extent practical by Industrial Marine Services. A Phase II Environmental Site Assessment was also provided by McCallum Testing Laboratories, dated April 1, 2021, to determine if any remaining contamination exists due to this prior release. The Phase II Environmental Site Assessment indicated there was no groundwater contamination detected and there was a low-level of petroleum hydrocarbon concentrations detected in the soils. Based on this study, the results indicate that the risk of petroleum vapor intrusion into on-site buildings is considered to be low. The applicant will need to mitigate these conditions in conjunction with the redevelopment of this site.

|  | <h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>CUP (Outdoor Recreation Facility) Approved 09/16/2014</td></tr><tr><td>2</td><td>CRZ (I-1to Conditional A-36) Approved 03/08/2011</td></tr><tr><td>3</td><td>CUP (Automotive Repair Garage) Approved 07/11/2007</td></tr><tr><td>4</td><td>CUP (Bulk Storage Yard & Contractor's Yard) Approved 10/28/2008</td></tr><tr><td>5</td><td>CUP (Home for the Aged) Approved 02/22/1994</td></tr><tr><td>6</td><td>CUP (Line of sight Microwave Tower) Approved 09/29/1986</td></tr><tr><td>7</td><td>CUP (Communication Tower) Approved 06/09/1998</td></tr><tr><td>8</td><td>CUP (Communication Tower) Approved 01/14/1997</td></tr><tr><td>9</td><td>MOD (Church Expansion) Approved 12/05/2006 CUP (Church) Approved 07/02/2002 CUP (Church Addition) Appr/oved 07/13/1987</td></tr><tr><td>10</td><td>CRZ (R-5D to PD-H2(R-5D) & P-1) Approved 09/27/1982</td></tr><tr><td>11</td><td>REZ (A-12 & B-2 to R-10) Approved 08/23/2011 CUP (Religious Use) Approved 08/23/2011</td></tr></table> | # | Request | 1 | CUP (Outdoor Recreation Facility) Approved 09/16/2014 | 2 | CRZ (I-1to Conditional A-36) Approved 03/08/2011 | 3 | CUP (Automotive Repair Garage) Approved 07/11/2007 | 4 | CUP (Bulk Storage Yard & Contractor's Yard) Approved 10/28/2008 | 5 | CUP (Home for the Aged) Approved 02/22/1994 | 6 | CUP (Line of sight Microwave Tower) Approved 09/29/1986 | 7 | CUP (Communication Tower) Approved 06/09/1998 | 8 | CUP (Communication Tower) Approved 01/14/1997 | 9 | MOD (Church Expansion) Approved 12/05/2006 CUP (Church) Approved 07/02/2002 CUP (Church Addition) Appr/oved 07/13/1987 | 10 | CRZ (R-5D to PD-H2(R-5D) & P-1) Approved 09/27/1982 | 11 | REZ (A-12 & B-2 to R-10) Approved 08/23/2011 CUP (Religious Use) Approved 08/23/2011 |
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Evaluation & Recommendation

In Staff’s opinion, this request to conditionally rezone this 10.73-acre parcel from I-1 Light Industrial District to Conditional A-36 Apartment District for the construction of up to 315 multi-family dwelling units is acceptable.

Though the subject property, currently zoned I-1 Light Industrial District, is designated within the Newtown SGA boundary, there is no specific envisioned land use designation for the site. Per the Newtown SGA Plan, directly west, east, and north of the site are properties envisioned for office use that would be one of the key development initiatives referred to as Eastern Office Developments. Recognizing the projected office use of the said development, the request to rezone and redevelop the subject site with residential uses would be incompatible to such a designation. However, it is important to recognize the present uses, north and east of the subject property, by City Council action represent a deviation from the envisioned office use designation. To the north is an Outdoor Recreation Facility (Top Golf) and to the east is a multi-family development. In Staff’s view, the previous City Council approvals enable the reassessment or reconsideration of the area’s envisioned land use. This application is proposing a similar request as the previously approved multi-family development directly to the east of the subject property. Based on this reasoning, Staff is in support of the request for multi-family development as it is compatible with the neighboring use and will not negatively impact properties in the area.

Accordingly, the proposed development embodies the envisioned characteristics of the SGAs and properly integrates the development guidelines for multi-family residential development stipulated in the Newtown SGA Plan and the Comprehensive Plan’s Special Area Development Guidelines for Urban Areas.

The Special Area Development Guidelines for Urban Areas include design recommendations that address setbacks and building location, access and circulation, parking areas, landscaping, natural features, stormwater management as landscaping features, lighting, signs, and outdoor art. A summary of how the proposal addresses each Guideline is provided below.

Setbacks and Building Location – This Guideline recommends buildings be located close to the pedestrian street with off-street parking behind or beside buildings. Consistent with the Guidelines, the front buildings are placed close to the pedestrian street, which helps to reinforce pedestrian circulation. Street frontage plantings will be installed to provide an attractive screening along the right-of-way.

Access and Circulation – This Guideline addresses the ease by which one can leisurely walk throughout the area whereby reliance on automobiles is reduced. The site layout for this project is designed to allow pedestrians to easily enter and exit the site using the sidewalks, as depicted on the Conceptual Site Layout plan the proposed layout is consistent with this Guideline.

Parking Areas – As indicated in this Guideline, parking areas should not dominate the frontage of streets. Off-street parking areas should be located behind buildings and should create an internal circulation network that minimizes or eliminates curb cuts. To address this Guideline, the parking lot, as depicted on the Conceptual Site Layout Plan, is located behind and on the side of the buildings and are not easily visible from the right-of-way. While the two existing curbs will not be eliminated with this proposal, no additional curb cuts are proposed, ultimately providing a safe ingress and egress for residents and guests. The Guidelines call for bicycle rack parking to be encouraged inside parking structures, as depicted on Conceptual Layout bicycle racks are located within the building and are covered.

Landscaping – This Guideline emphasizes that the need for quality landscaping is essential to the built urban environment. The importance of street trees and planters should be recognized and planned into the design. As depicted on the Conceptual Site Layout Plan, streetscape plantings along Greenwich Road include large evergreen trees and evergreen shrubs within a 10-foot wide planting bed. In addition, interior parking and building foundation plantings are proposed, as well dumpster enclosure screening plantings to enhance the aesthetics of the site.

Natural Features – This Guideline recommends that undisturbed natural areas and important natural features be identified during the design process. Since the site is entirely impervious, there are no known natural features on this site that are proposed to be protected.

Stormwater Management as Landscaping Features – This Guideline encourages whenever possible, stormwater retention and detention systems be designed as open space or landscape amenities. In this instance, stormwater ponds are not proposed for this development, instead an underground stormwater management facility will be utilized.

Lighting – This Guideline indicates that site lighting be designed to reduce light trespass and glare. Lighting for pedestrians should be provided using indirect illumination from the building. The proposed site is deemed to be consistent with the lighting Guideline, as lighting is proposed to reduce glare and trespass in the internal parking lot areas, around buildings, and will prevent spillover onto adjacent properties, as indicated in proffer six.

Signs – As indicated in this Guideline, signs should primarily serve to identify the name and street number. The color and theme of signs should be consistent with the primary building and surrounding area and should be in compliance with the Zoning Ordinance. The signage as proposed appears to meet the intent of this Guideline with regard to color, theme and identification content.

Outdoor Art – This Guideline encourages the incorporation of outdoor art into the overall design of a project. Despite this, at this time, the proposed Conceptual Layout Plan does not indicate any outdoor art for this development.

In synopsis, the applicant submitted a quality Conceptual Site Layout and Landscaping Plan that integrates the design characteristics identified in both the Newtown SGA plan and the Special Area Development Guidelines for Urban Areas.

Additionally, the applicant submitted a Traffic Signal Warrant Analysis, dated November 2021, to Staff for review. The Traffic Signal Warrant Analysis shows a very detailed investigation of the possible need for a traffic signal on Greenwich Road at Cleveland Street, in association with the proposed development. Upon review by Traffic Engineering, Staff

agrees with the conclusion that a traffic signal is not expected to be warranted at the new stop-controlled intersection at Greenwich Road and Cleveland Street. However, due to the fact that the Cleveland Street and Greenwich Road intersection was still under construction when traffic counts were taken for this study, a traffic signal bond may be required at the site plan stage for a potential signal at Cleveland Street and Greenwich Road. Once the construction is completed in early 2022, Traffic Engineering will collect new traffic counts for the completed roadway to confirm the results of the Traffic Signal Warrant Analysis. If the new counts are significantly higher, the traffic signal bond requirement will be evaluated at that time. It is the opinion of Staff that the traffic generated by this multi-family development will result in 2,341 average daily trips. The proposed development will have one ingress/egress point on Greenwich Road, with a second right-in/right-out only access point west of the main entrance. Right-of-way improvements such as pavement widening, sidewalk, curb and gutter, streetlights, and drainage will be required along Greenwich Road to coincide with the adjacent development. Additional detailed comments will be provided during the site plan review process.

The applicant is aware that the receiving gravity system along Greenwich Road does not have adequate capacity to accommodate the peak sewer flows from the proposed 315 apartment units. Multiple sections of sanitary sewer pipe will need to be replaced and upsized as part of the site development plan. During the site plan review process, the site plan must show the design for the replacement of the gravity sewer main segments in Greenwich Road with larger pipes. The pipe replacement will be constructed at the same time as the apartment complex and must be completed and accepted by Public Utilities before the water meter and the Certificate of Occupancy is issued.

Information provided by the Virginia Beach City Public School Staff indicates that the proposed development is within the threshold for increases in student population. Only the elementary school data indicates a student population above capacity. The 9.40 % over capacity is within the acceptable utilization range of greater or less than 10% of optimum capacity. Based on this, the redevelopment proposal is not expected to negatively impact the current student enrollment.

Based on these considerations above, Staff recommends approval of the 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 shall be developed in substantial conformity with the conceptual site plan entitled "5429 Greenwich Road, Virginia Beach, VA –Conceptual Layout", prepared by Timmons Group dated September 7, 2021 ("Conceptual Site Plan"), which has been exhibited to the Virginia Beach City Council ("City Council") and is on file with the Virginia Beach Department of Planning ("Planning Department").

Proffer 2:

The architectural design and building materials of the multi-family dwelling units built on the Property shall be substantially compatible with the architectural style and materials depicted on the building elevation plans entitled "Society at Gateway", dated July 20, 2021 and September 7, 2021, prepared by Poole and Poole Architecture, LLC, which have been exhibited to City Council and are on file with the Planning Department.

Proffer 3:

There shall be no more than three hundred fifteen (315) multi-family dwelling units on the Property.

Proffer 4:

Parking will be provided in the approximate locations depicted on the Conceptual Site Plan; however, the total number of spaces provided will be the number required pursuant to Section 203 of the Zoning Ordinance, based on the final number of multi-family dwelling units constructed on the Property.

Proffer 5:

Open space shall be provided in the approximate locations depicted on the Conceptual Site Plan.

Proffer 6:

All lighting on the Property shall be limited to that necessary for security purposes and to comply with applicable laws and shall be shielded to prevent glare and spillover onto adjacent properties.

Proffer 7:

An HVAC unit for each dwelling unit will be located on the roof of the applicable building in which such dwelling unit is located and will be concealed in wells or behind walls.

Proffer 8:

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

Proffer 9:

The freestanding community identification sign shall be located substantially in the location identified on the Conceptual Site Plan.

Proffer 10:

All onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals. The proposed sign package will be submitted to the Zoning Administrator for review and approval prior to the issuance of a sign permit.

Proffer 11:

Dumpsters shall be located substantially in the locations identified on the Conceptual Site Plan and shall be enclosed with a solid wall on three (3) sides comprised of materials and colors that match the buildings.

Proffer 12:

The Effective Date of this Agreement shall be the date this Agreement is approved by City Council.

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 designates the subject property as being located within the Newtown Strategic Growth Area, which the Comprehensive Plan designates as one of the eight urban areas in the City that envisions a vertical mix of urban uses, urban streetscapes, pedestrian connectivity, mobility and transit alternatives, urban gathering places, land use patterns that foster economic growth through efficient use and reuse of land, neighborhood protection, "green"

building and infrastructure opportunities, and a variety of civic, commercial, artistic, and ethnically diverse areas. Transformation of underutilized commercial properties into a series of mixed-use development opportunities and public infrastructure improvements are key initiatives in the Newtown SGA Master Plan. As noted in the analysis, this property is identified as a future office use in the Newtown SGA.

Natural & Cultural Resources Impacts

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

Traffic Impacts

| Street Name | Present Volume | Present Capacity | Generated Traffic |
|----------------------------------|---|--|---|
| Greenwich Road | 3,000 ADT ¹ | 9,900 ADT ¹ (LOS ⁴ "D") | Existing Land Use ² – No Data Available Existing Zoning (10.7-acre I-1 Zoning)– 820 ADT Proposed Land Use ³ – 2,341 ADT |
| ¹ Average Daily Trips | ² as defined by a production and distribution facility | ³ as defined by a 315-unit multi-family apartment complex | ⁴ LOS = Level of Service |

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

Greenwich Road in the vicinity of this application is considered a two-lane undivided local dead end street. The Virginia Department of Transportation (VDOT) has a project in the vicinity of this development. The I-64/I-264 Interchange Improvement project is for the construction of collector-distributor roads from westbound I-64 to eastbound I-264 and roadway improvements at the Newtown Road and Witchduck Road interchanges. The project is scheduled to be completed early in 2022. As part of the interchange improvements, a flyover has been built over I-264 from Greenwich Road to Cleveland Street and Greenwich Road no longer connects to Witchduck Road east of the site. Therefore, all traffic from this site is redirected west to a stop-controlled T-intersection with Cleveland Street and Greenwich Road.

Public Utility Impacts

Water

The site is currently connected to City water. There is an existing 48-inch City water transmission main located onsite along the southern property line and an existing eight-inch City raw water line along Greenwich Road.

Sewer

The site is currently connected to City sanitary sewer. There is an existing 24-inch HRSD sanitary sewer force located onsite within a 30-foot HRSD Easement along the southern property line. There is an existing eight-inch City sanitary sewer main along Greenwich Road.

School Impacts

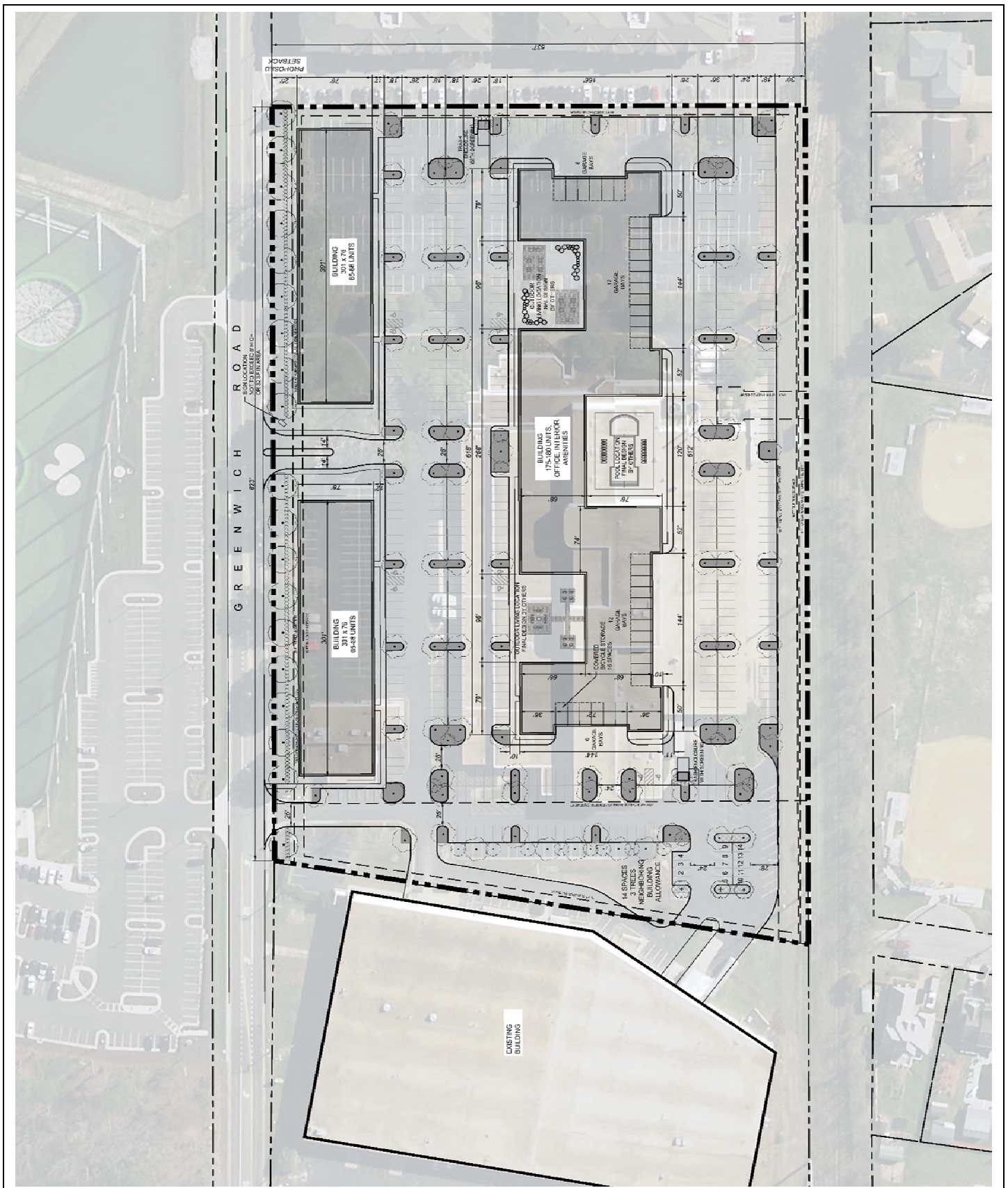
| School | Current Enrollment | Capacity | Generation ¹ | Change ² |
|---|--------------------|----------------|-------------------------|---------------------|
| Point O'View Elementary | 689 students | 630 students | 35 students | 35 students |
| Larkspur Middle | 1,563 students | 1,647 students | 14 students | 14 students |
| Kempsville High | 1,786 students | 2,060 students | 16 students | 16 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

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021 and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

Proposed Conceptual Site Layout

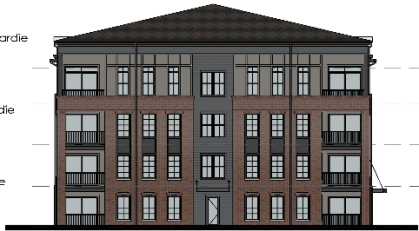


Proposed Building Elevations

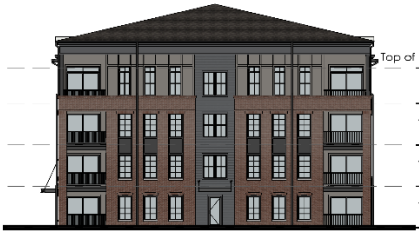
-  Buckingham Tudor Brick
Owner may substitute other brands with generally consistent color themes
-  Farrington Tudor Brick
Owner may substitute other brands with generally consistent color themes
-  Split Face CMU - Grey
-  Arctic White - Hardie

-  Light Mist - Hardie
-  Aged Pewter - Hardie
-  Night Gray - Hardie
-  Iron Gray - Hardie

*Or owner approved colors generally consistent with those shown.



1 Left Elevation
Scale: 1" = 10'



2 Right Elevation
Scale: 1" = 10'

- Top of Plate
- 9'-1 1/8"
- 10'-7 7/8"
- 10'-7 7/8"
- 10'-7 7/8"



3 Front Elevation
Scale: 1" = 10'

- Top of Plate
- 9'-1 1/8"
- 10'-7 7/8"
- 10'-7 7/8"
- 10'-7 7/8"



4 Partial Front Elevation
Scale: 1" = 20'

- TOP OF PLATE
- 9'-1 1/8"
- TOP OF 3RD FLOOR AT COURTYARD
- 10'-7 7/8"
- TOP OF 2ND FLOOR AT COURTYARD
- 9'-7 7/8"
- TOP OF 2ND FLOOR AT SECOND FLOOR
- 10'-7 7/8"
- TOP OF CONCRETE AT FIRST FLOOR
- 10'-7 7/8"

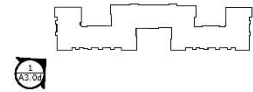


5 Front Elevation
Scale: 1" = 10'

Proposed Building Elevations

| | | | |
|---|--|---|--|
|  Buckingham Tudor Brick Owner may substitute other brands with generally consistent color themes |  Split Face CMU - Grey |  *Light Mist - Hardie |  *Night Gray - Hardie |
|  Farrington Tudor Brick Owner may substitute other brands with generally consistent color themes |  *Arctic White - Hardie |  *Aged Pewter - Hardie |  *Iron Gray - Hardie |

*Or owner approved colors generally consistent with those shown.



○ Perspective
NTS. Perspective

| | | | |
|---|--|---|--|
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*Or owner approved colors generally consistent with those shown.



○ Perspective
NTS. Perspective

Proposed Building Renderings



1 Main Entrance
N.T.S.

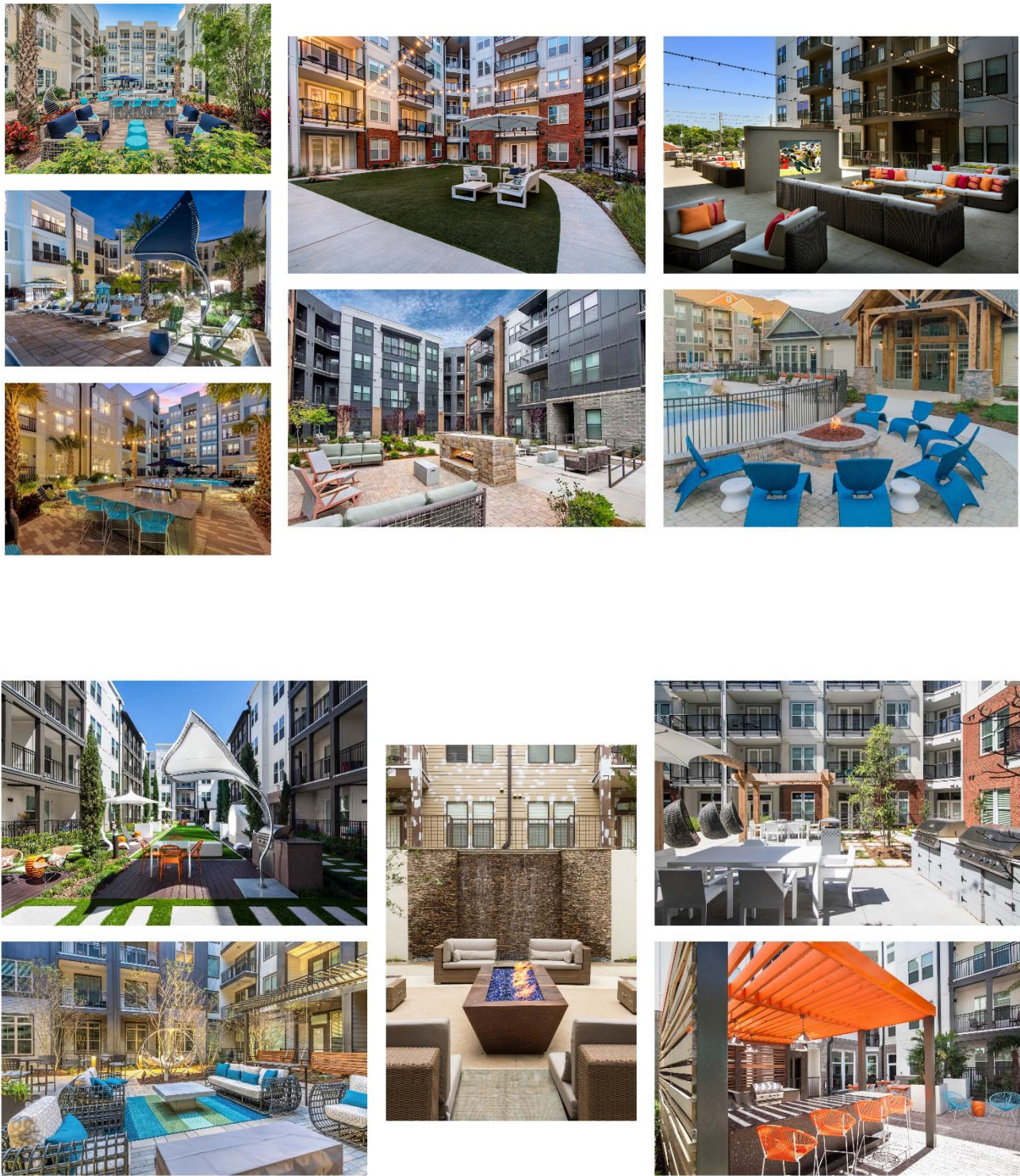
PlatinumMn



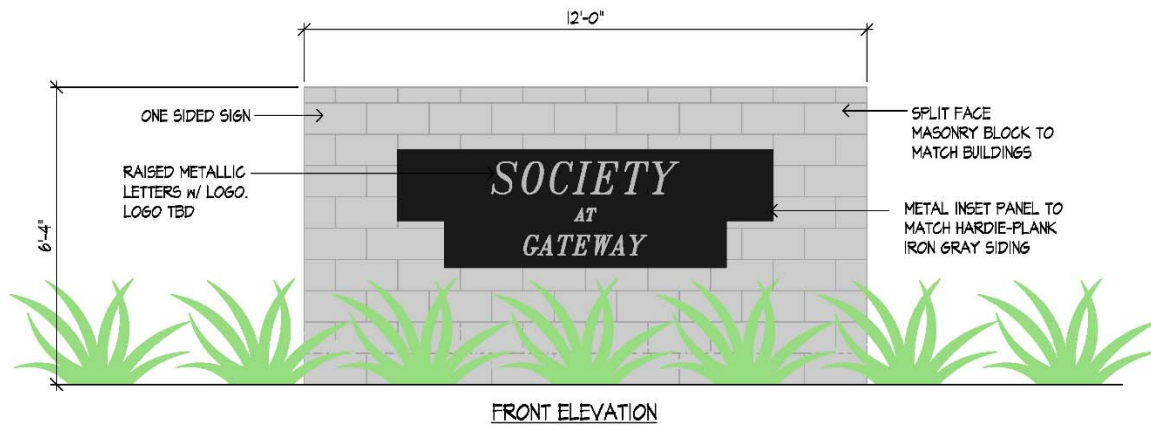
Pool Courtyard
N.T.S.

PlatinumMn

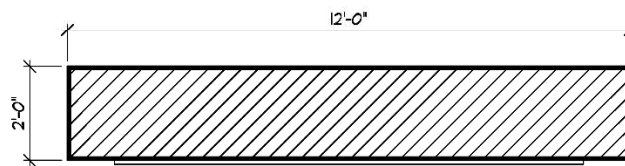
Proposed Courtyard Examples



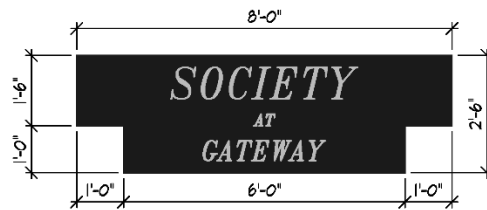
Proposed Monument Sign



FRONT ELEVATION



PLAN VIEW



SIGN DETAILS
18 SQUARE FEET

**SOCIETY
AT
GATEWAY**
ENTRANCE SIGN PLAN
SCALE: 1/2" = 1'-0"

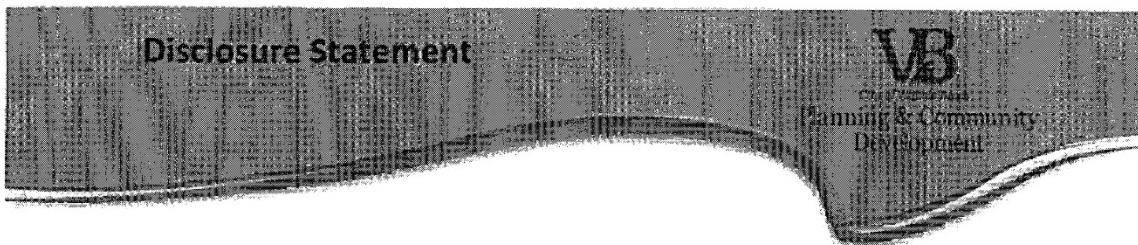
Site Photos



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 Platinum Management, LLC (Contract Purchaser)

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Lisa M. Murphy, Esq., Wilcox Savage

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)

BRADLEY J. WAITZER

DENNIS R. DEANS

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

See Attached

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

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

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.

BDO, Kevin Riggins, CPA

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

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

Timmons Group, John Zastewski, Poole & Poole Architects, David Kelley

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.

John Zaszewski, PE, Timmons Group

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.

Howard Sykes, Jr., Sykes, Bourdon, Ahern, and 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

BRADLEY J. WAITZER, MANAGER

Print Name and Title

6/16/21

Date

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

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

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

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

Affiliates of Platinum Management, L.L.C.

1. WTZR MS, LLC;
2. Dennis R. Deans Irrevocable Trust;
3. Afton Associates, LLC;
4. Archers Green II, LLC;
5. BBD, Inc.;
6. BKW, LLC;
7. Bribra Baker, Inc.;
8. Bribra Building Corporation;
9. Bribra Cahoon, Inc.;
10. Bribra Deep Creek, Inc.;
11. Bribra Hillpoint Corporation;
12. Bribra NP Corp.;
13. D & B Automotive Investors, LLC;
14. Debribra, LLC;
15. HCA Services, Inc.;
16. Apartment Flooring Solutions, LLC;
17. IWC Residential, Inc.;
18. Mola, LLC;
19. Mowill, LLC;
20. Murray Wholesale Drug, Corp.;
21. Ocean Bay Homes, Inc.;
22. Oceana Partnership I;
23. Parker Crossing, LLC;
24. Platinum Homes, Inc.;
25. Rodie Builders, Inc.;
26. Rudee Investment, LLC;
27. Rudee Management, LLC;
28. SC Holdings, LLC;
29. Signature Management, Corp.;
30. Platinum Management, Corp.;
31. Mopow, LLC;
32. Silver Hill, LLC;
33. Volvo Brookside Associates, LLC;
34. Waitzsp, LLC;
35. Moyork, LLC;
36. Dakota Investment Group, LLC;
37. Chazdak, LLC;
38. BJW Fam, LLC;
39. Bribra Acquisitions Corp.;
40. Edwin S. Waitzer, Bradley J. Waitzer, Trustees, Waitzer 2012 Grandchildren Trust, DBA as Professional Centers, Medical Arts Building, Commercial Place;
41. BJW Legacy, LLC;
42. BJON Holdings, LLC;

43. The Pearl at Marina Shores, LLC;
44. MS Renaissance, A Condominium;
45. BWGM Holdings, LLC;
46. Richard M. Waitzer Irrevocable Trust;
47. Leah and Richard Waitzer Foundation;
48. Leah W. Waitzer Revocable Trust;
49. Silver Hill at Thalia, LLC;
50. D and B Automotive Investments, LLC;
51. D and E Family Partnership I;
52. D and E Family Partnership II;

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name ~~Heritage Holdings~~ 5429 Greenwich Road, VA, LLC

Applicant Name PLATINUM MANAGEMENT, LLC

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

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

See attached

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

Twenty Lake Holdings, LLC

Heritage Holdings, LLC

Known Interest by Public Official or Employee

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

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

³ "Parent-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.

COWIERS INTERNATIONAL

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.

PLATINUM MANAGEMENT LLC is the purchaser

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.

Owner Signature

Print Name and Title

Date

List of Officers, Directors, Members, Trustees for 5429 Greenwich Road VA, LLC:

Joseph M. Miller, *President*

Heath Freeman, *EVP and Treasurer*

Joshua Kleban, *EVP and Secretary*

Jay Yang, *Authorized Signatory and VP*

Heritage Holdings RE, LLC a Delaware limited liability company is the sole member of the property owner entity

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 (B-2 Community Business, AG-1 & 2 Agricultural Districts to Conditional PD-H2 Planned Unit Development (R-10 Residential District) & Conditional B-2 Community Business Districts)

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Locations

2369, 2373, 2375, 2381, 2385 Princess Anne Road & 2393, 2401, 2413 North Landing Road, Parcel between 2393 North Landing Road & 2385 Princess Anne Road

GPINs

1494926240, 2404012707, 1494927384, 2403293752, 1494928455, 2404023254, 2404030056, 2404024848, 2404035242, 2404036378

Site Size

55.57 acres

AICUZ

65-70 dB DNL; Sub-Area 2

Watershed

Southern Rivers

Existing Land Use and Zoning District

Single-family dwellings, undeveloped / AG-1, AG-2 Agricultural, B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Princess Anne Road

Single-family dwellings, office, automotive repair / O-2 Office, B-2 Community Business, AG-2

Agricultural

South

Wooded, west neck creek, office/warehouse / AG-1 Agricultural, I-2 Heavy Industrial

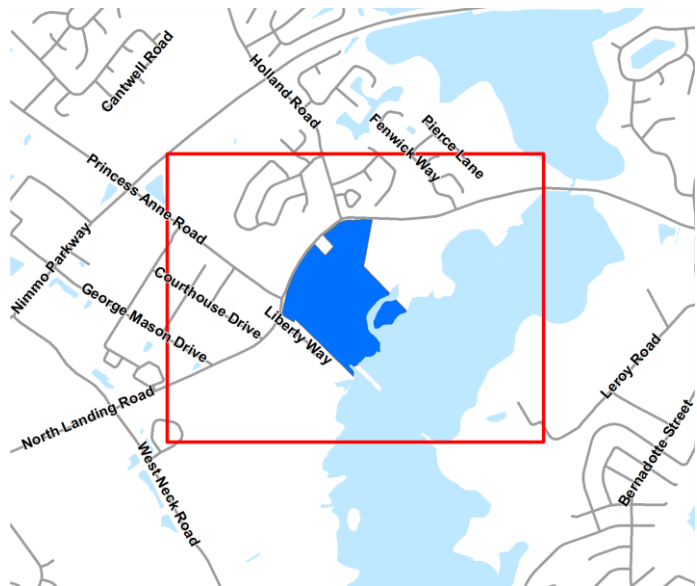
East

Single-family dwelling, wooded / AG-1 & AG-2 Agricultural

West

Princess Anne Road, North Landing Road

Shopping center, wooded / B-1 Neighborhood Business, AG-1 Agricultural



Background & Summary of Proposal

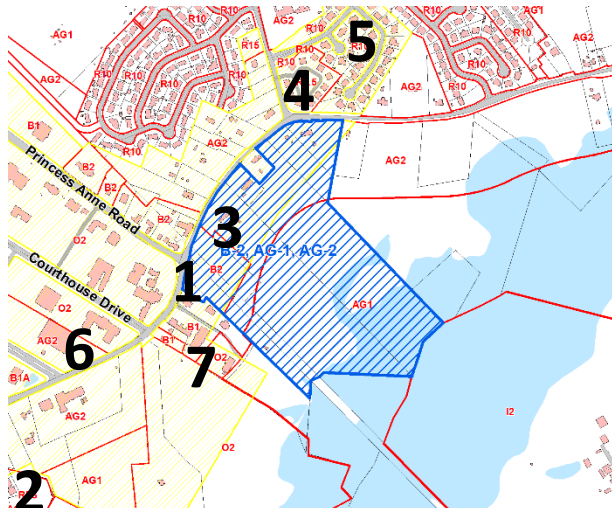
- The subject site is comprised of 10 parcels totaling 55.57 acres at the intersection of Princess Anne Road and North Landing Road, designated as “Historic Princess Anne Center” in the Interfacility Traffic Area and Vicinity Master Plan. There are currently four single-family dwellings, and a communication tower on the properties. The applicant proposes to rezone the 55.57-acre site from AG-1 and AG-2 Agricultural District and B-2 Community Business District to Conditional PD-H2 with an R-10 Overlay and Conditional B-2 Community Business District. Proposed is the Princess Anne Village Community with up to 89 dwellings (2.45 units per acre) on 73 lots and one commercial parcel. The applicant is not proposing to remove the properties from the Historic and Cultural Princess Anne Courthouse/Whitehurst House District.
- The proffered concept plan depicts a 0.84-acre portion of the site to be rezoned to Conditional B-2 Community Business District with the intention of being developed with a restaurant.
- The plan also depicts the residential dwellings concentrated on the northwestern portion of the site, away from West Neck Creek, which borders the property to the southeast. Each dwelling is proposed to be rear-loaded and accessed by a one-way alley. Dwellings will be located on one of four lot types identified as either “Extra-Large Single-Family,” “Large Single-Family,” “Medium Single-Family,” or “Cottage.” In addition, up to 16 garage apartments are planned as accessory units. Below is the proposed break down of dwelling types.

| Lot Type | Minimum Lot Size (Square Feet) | Number of Lots |
|--|-----------------------------------|----------------|
| Extra-Large Single-Family | 3,400 | 8 |
| Large Single-Family | | 8 |
| Medium Single-Family | | 45 |
| Cottage | | 12 |
| *Up to 16 Garage Apartments are also requested to be located throughout the community. | | |

- Five open space areas are depicted on the plan that will be throughout the community and available for use by the residents as private parks.
- Two City-owned parcels that once served as a railroad right-of-way bisect the property. Recently, the City received federal funding to construct a 12-foot wide multi-purpose path along the former railroad bed to connect the Foxfire neighborhood to the Municipal Center. As part of the overall project, the applicant intends to purchase approximately one acre of land from the City, which cannot be counted towards residential density as it is encumbered with a large Dominion Virginia Power easement. Per City Ordinance, property within easements wider than 20 feet cannot be counted towards residential density. As part of the purchase agreement, along with a cash payment, the applicant will construct a portion of the publicly accessible multi-purpose path within the development with a connection at the Princess Anne Road and North Landing intersection. The applicant will also dedicate one acre of land along the property’s southwestern property line for an additional trail head to be developed in the City-owned parking lot near the entrance to the Historic Buffington House. Sale of the aforementioned property is subject to the City Council’s approval and will be considered under separate cover.
- While the overall acreage of the project is 55.57 acres, as mentioned above and per the requirements of the City Code, the land within the utility easement and land within City-defined wetlands cannot be counted towards residential density. Based on the presence of City-defined wetlands, and two large (66-foot wide and 50-foot wide) Dominion Power easements, only 36.27 acres of land is considered density eligible. As a result, the density of 2.45 units per acre is based on 89 residential units proposed on 36.27 acres rather than to total area of 55.57 acres.
- The northwestern portion of the site, where most of the development is proposed, is located with the Courthouse Historic and Cultural Overlay District. As such, the applicant appeared before the Historical Review Board and

received a Certificate of Appropriateness to demolish the four existing single-family dwellings on the site and approval of the architectural style and exterior building materials of the proposed dwellings. A copy of both the Certificates of Appropriateness is included on pages 29-32 of this Staff report.

- Consistent with the Transition Area Design Guidelines, the proposed house styles reflect the vernacular Tidewater and rural architecture. The proffered Development Criteria indicate four proposed “home styles” that include “Colonial,” “Farm House,” “Victorian,” and “Craftsman.” All exteriors will feature fiber cement and brick. Each dwelling will have a front porch with varied rooflines.
- The proposal was presented to the Transition Area/Interfacility Traffic Area Citizen’s Advisory Committee (TA/ITA) on May 22, 2018. While the proposed density is higher than the recommended density of one unit per acre, it is comparable to the density in the surrounding area and appropriate at this location next the City Municipal Center. Therefore, the Committee found the proposal to be consistent with the Transition Area Guidelines and is supportive of the request.
- This site is located within the 65-70 dB DNL noise zone, Sub-area 2. On May 22, 2018, the applicant met with the Joint Review Process (JRP) Group to discuss the proposed project. The Zoning Ordinance states that applications for rezonings for residential uses may be approved if they are at a density that is similar to or lower than that of surrounding properties, and conform to the applicable provisions of the Comprehensive Plan. Upon review of the current proposal, the JRP Group determined that the subject request conforms to both of these standards and does not object to this request. While the project parameters have slightly changed from 2018 to include an additional parcel and the overall density has increased from 1.95 to 2.45 units per acre, the proposed density remains similar to the density of the surrounding area.
- A Phase I Environmental Site Assessment was submitted with the application. The assessment states that there are five potential environmental concerns associated with the site that include previous dumping of solid waste, potential for groundwater contamination from previous activities (automotive repair and fueling station, and dry cleaners) on or around the site, possible underground heating oil storage tanks, above ground storage tanks, and potential for the presence of asbestos in the existing residential structures. As stated in the Phase I report, these concerns do not rise to the level of recognized environmental concerns. To rectify any potential issues, the report recommends that the dumped waste on the site (tires, construction debris, plumbing fixtures, etc.) be disposed of properly.
- There is an existing easement for the communication tower equipment that will need to be reestablished to avoid potential conflicts once the property is developed.

|  | <h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>CUP (Specialty Shop) Approved 09/07/2016 CRZ (B-1 to Conditional B-2) Approved 06/11/1996 CRZ (AG-1 to Conditional B-1) Approved 01/28/1992 REZ (AG-2 to B-1) Approved 01/09/1986</td></tr><tr><td>2</td><td>CRZ (O-1 to Conditional B-1) Approved 11/18/2014 CRZ (O-2 & AG-2 to Conditional R-5S) Approved 02/11/2014 CRZ (AG-1 & AG-2 to Conditional O-2) Approved 04/08/2008 CRZ (AG-2 to Conditional O-1) Approved 10/10/2006 CUP (Daycare Facility) Approved 07/03/2001 CUP (Religious Use) Approved 09/09/1997</td></tr><tr><td>3</td><td>SVR Approved 08/27/2013 CRZ (B-1, B-2 & AG-2 to Conditional B-2) Approved 12/09/2003 CUP (Communication Tower) Approved 07/09/1996 REZ (AG-2 to B-1) Approved 01/09/1986 REZ (AG-2 to B-1) Approved 01/25/1982</td></tr><tr><td>4</td><td>CRZ (AG-2 to PD-H2 (R-7.5)) Approved 07/02/2013</td></tr><tr><td>5</td><td>CRZ (AG-1&2 to R-10) Approved 10/23/2001</td></tr><tr><td>6</td><td>CUP (Group Home) Approved 05/24/1994</td></tr><tr><td>7</td><td>REZ (AG-2 to O-1) Approved 10/21/1985</td></tr></table> | | | | # | Request | 1 | CUP (Specialty Shop) Approved 09/07/2016 CRZ (B-1 to Conditional B-2) Approved 06/11/1996 CRZ (AG-1 to Conditional B-1) Approved 01/28/1992 REZ (AG-2 to B-1) Approved 01/09/1986 | 2 | CRZ (O-1 to Conditional B-1) Approved 11/18/2014 CRZ (O-2 & AG-2 to Conditional R-5S) Approved 02/11/2014 CRZ (AG-1 & AG-2 to Conditional O-2) Approved 04/08/2008 CRZ (AG-2 to Conditional O-1) Approved 10/10/2006 CUP (Daycare Facility) Approved 07/03/2001 CUP (Religious Use) Approved 09/09/1997 | 3 | SVR Approved 08/27/2013 CRZ (B-1, B-2 & AG-2 to Conditional B-2) Approved 12/09/2003 CUP (Communication Tower) Approved 07/09/1996 REZ (AG-2 to B-1) Approved 01/09/1986 REZ (AG-2 to B-1) Approved 01/25/1982 | 4 | CRZ (AG-2 to PD-H2 (R-7.5)) Approved 07/02/2013 | 5 | CRZ (AG-1&2 to R-10) Approved 10/23/2001 | 6 | CUP (Group Home) Approved 05/24/1994 | 7 | REZ (AG-2 to O-1) Approved 10/21/1985 |
|---|--|------------------------------|----------------------------|--|------------------------------|-----------------------------------|----------------------|--|----------------|--|---------------------------|--|----------------------------|---|------------------------------|--|---|--------------------------------------|---|---------------------------------------|
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| <h3>Application Types</h3> <table><tr><td>CUP – Conditional Use Permit</td><td>MODC – Modification of Conditions</td><td>STC – Street Closure</td><td>SVR – Subdivision Variance</td></tr><tr><td>REZ – Rezoning</td><td>MODP – Modification of Proffers</td><td>FVR – Floodplain Variance</td><td>LUP – Land Use Plan</td></tr><tr><td>CRZ – Conditional Rezoning</td><td>NON – Nonconforming Use</td><td>ALT – Alternative Compliance</td><td>STR – Short Term Rental</td></tr></table> | | | | | CUP – Conditional Use Permit | MODC – Modification of Conditions | STC – Street Closure | SVR – Subdivision Variance | REZ – Rezoning | MODP – Modification of Proffers | FVR – Floodplain Variance | LUP – Land Use Plan | CRZ – Conditional Rezoning | NON – Nonconforming Use | ALT – Alternative Compliance | STR – Short Term Rental | | | | |
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Evaluation & Recommendation

The subject site is located within multiple planning areas, one of which is the Transition Area. This is an expansive area, with a wide variation in the type and character of the land uses within it. That variation is the result of over 20 years of evolution in the Comprehensive Plan land use and development policy recommendations for the Transition Area that have come with each periodic update of the Plan (1991, 1997, 2003, 2009 and 2016), and Plan amendments. The proposed neo-tradition residential community met the recommendations of the Comprehensive Plan by providing a variety of dwelling styles that are compatible with the surrounding area and consistent with the Historical Area, and open space amenities that connect to public trails.

One of the most significant amendments to the Plan was the adoption of the “Interfacility Traffic Area and Vicinity Master Plan (ITA Plan),” in 2011 and a subsequent update in 2017, which now provides land use and development recommendations for what was the western portion of the Transition Area as designated in previous Comprehensive Plans. The policies for the ITA, which is also designated by the Comprehensive Plan as ‘Special Economic Growth Area 4 – Princess Anne,’ recognize “the land development constraints and economic opportunities associated with this area’s location within a military aircraft overfly zone.” Based on these constraints and opportunities, the Comprehensive Plan notes the following regarding development within and in the vicinity of the ITA:

“More specifically, the ITA vision prioritizes strengthening development nodes along the Princess Anne Corridor. In areas where residential uses fall outside of restricted AICUZ zones, vibrant mixed-use districts are envisioned where people can live, work, and recreate within walking distance to services and gathering spaces.”

Two such nodes, referred to as “Initiative Areas” in the ITA Plan, are the Historic Princess Anne Center, of which a portion of the site is located within, and the Municipal Center, which is in immediate proximity to the site. One of the key recommendations of the ITA Plan for the Municipal Center is the need to introduce a mix of residential units into the district to enliven the complex around the clock and to create a consistent pedestrian network. This recommendation is reinforced by the fact that the majority of the Municipal Center area is outside of the Air Installations Compatible Use Zones (AICUZ) districts where residential uses are not compatible. The ITA plan calls for multi-family residential within the core of the Municipal Center along George Mason Drive. Consistent with that recommendation, in July 2013, the City Council approved a zoning change for 11 single-family dwellings on 3.69 acres (2.98 units per acre) at the northeast corner of Princess Anne Road and Holland Road. In July 2011, the City Council approved a zoning change for a single-family condominium residential development on a 9.98-acre parcel on North Landing Road, situated behind the existing buildings along the south side of George Mason Drive. That development, the Courthouse Green neighborhood, consists of 38 single-family dwellings (3.8 units per acre), and includes two open space areas that are strategically located to preserve mature specimen trees. In addition, West Neck Commons was approved with a density of 2.2 units per acre with 49% of the site being set aside for open space.

While the Transition Area Guidelines recommend a maximum density of up to and no more than one dwelling unit per acre, the policies of the ITA Plan, as described in a previous paragraph, encourage a greater density for the purpose of increasing housing choices in close proximity to the Municipal Center, where infrastructure is available and the AICUZ allows such development. The applicant’s development proposal, as well as the Courthouse Greens and West Neck Commons developments, may demonstrate that there are locations within the Transition Area where strict adherence to the result of the Transition Area Matrix may be counter to other policy recommendations for specific areas within the Transition Area.

The applicant’s proposal to develop the site with a residential density of 2.45 units per acre and 56.21% of the site set aside for open space is consistent with other residential developments in the immediate area that have been approved in recent years and meets the goals of the ITA Plan as discussed above. The exhibits on pages 19 and 20 of this report depict a linear park along Princess Anne Road and interior parks throughout the development for a total of approximately 6.27 acres. While not proffered, approximately 24.97 acres will be designated as conservation area on the southwestern part of the development and an additional 46.48 acres will be added as conservation area to meet stormwater requirements in a future application. In addition, the applicant’s efforts to swap property with the City will result in two connection points for a publicly accessible pedestrian trail that will connect the Foxfire neighborhood to the Municipal Center and beyond. The land swap area is referenced on page 21 of this report and will occur after the rezoning.

The applicant appeared before the Historical Review Board (HRB) on July 18, 2018 and August 18, 2021 and was issued Certificates of Appropriateness that permitted the demolition of the existing structures and approval of the Colonial, Farm House, and Craftsman architectural styles and exterior building materials for the proposed development. The additional Victorian housing style will need to be presented to the HRB for review and approval prior to any issuance of building permits for those dwellings. The applicant is aware of this requirement and has indicated a willingness to pursue this approval in the coming weeks.

The proffered plan depicts the installation of a left-turn lane into the development going westbound at the intersection of Princess Anne Road and North Landing Road. Final review of the roadway will be completed at site plan review. In addition, Traffic Engineering has indicated that an intersection analysis at North Landing Road and Princess Anne Road will be required to determine the ultimate lane arrangements, signal modifications and signal phasing for traffic signal. The developer will be responsible for any modification of the existing signal and construction of new signal equipment for traffic entering and existing the development. The applicant is aware of these requirements and potential modifications to the right-of-way, including infrastructure.

The proposed design for internal streets of this community includes alleys, tree-lined narrow pavement widths, one and two-sided on-street parking, and associated unique amenities (i.e., signage, lighting, paths). According to Department of

Public Utilities Staff, the quaint but reduced roadway widths impact the ease and ability to operate, inspect, maintain, and repair or replace assets such as underground piping, valves, and manholes. The impacts of this design are compounded by the need to locate other utilities such as stormwater, power, natural gas, and telecommunications in the same spaces. Variances to these standards may be required and will be reviewed at site plan submittal. The proposed stormwater plan depicts a stormwater detention pond located in the rear of the development to handle stormwater quantity requirements. The applicant proposes to manage stormwater quality requirements by placing a conservation easement on 71 acres, including the nearby 46.48-acre parcel across West Neck Creek. This parcel is not part of this rezoning application and will require future consideration to ultimately include this parcel as part of the proposed development. Staff 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 to ensure conformance with all requirements set forth in the Public Works Design Standards Manual.

A large portion of the property is located in a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area. The applicant has obtained a Letter of Map Amendment (LOMA) FEMA that officially adjusted the areas located within the Special Flood Hazard Area to remove portions of the property where ground elevations are above the designated Base Flood Elevation. Additionally, due to the location in the southern part of the city, which is characterized by low-lying topography and poorly draining soils, the Special Flood Hazard Area is also designated as the Floodplain Subject to Special Restrictions. The Floodplain Ordinance (Appendix K, City Code) limits the amount of fill allowed for development, requires fill to be mitigated, and prohibits the placement of new residential structures on new lots in the Floodplain Subject to Special Restrictions. The applicant has located the proposed lots and residential structures outside of the Floodplain Subject to Special Restrictions in compliance with the Ordinance requirements. Further review of the proposed fill and mitigation areas will be required during Site Plan review.

In sum, Staff recommends approval of the rezoning application. The majority of the components of the Transition Area Design Guidelines appear to be met. This includes recommendations related to density, streetscaping elements, and open space area.

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 lot dimensions, setbacks, height and other development criteria set forth in the City Zoning Ordinance shall be as set out in the attached exhibit entitled Princess Anne Village Residential Development Criteria dated August 25, 2021 (the “Development Criteria”), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning. The Development Criteria shall be in lieu of all corresponding criteria in the Virginia Beach Zoning Ordinance applicable to the R-10 zoning district.

Proffer 2:

When developed, the project shall be developed in substantial conformity with the conceptual site plan consisting of 3 pages entitled “Conceptual Site Plan with Context”, “Conceptual Site Plan” and “Program and Parking” dated May 28th, 2021, (the “Concept Plan”), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

Proffer 3:

When developed, the number of single family residential homes located on the Property shall not exceed a total of 73 homes and 16 Garage Apartments.

Proffer 4:

Residential structures constructed on the Property shall be in substantial conformity with the conceptual architectural renderings consisting of 2 pages entitled Home Styles, Princess Anne Village, "Elevations", a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and which have been approved by the Virginia Beach Historical Review Board on July 18, 2018.

Proffer 5:

When developed, access to the Property from North Landing Road shall be landscaped and contain a monument-styled free standing sign substantially as shown on exhibit entitled "Monument Sign", a copy of which has been exhibited to the Virginia Beach City Council and is on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 6:

When developed the entrance open space areas shall be in substantial conformity with the elevation entitled "Entrance Way" dated June 4, 2021, a copy of which has been exhibited a copy of which has been exhibited to the Virginia Beach City Council and is on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 7:

When developed, there should be a pedestrian trail system on the Property and that will connect to the adjacent City trail system as shown on the concept plan.

Proffer 8:

When developed, a linear open space area along Princess Anne road within the residential zones will be subdivided as shown on the elevation site plan entitled "Linear Open Space", dated June 4th, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file unless modified by the Virginia Beach Historical Review Board with the Virginia Beach Department of Planning.

Proffer 9:

When developed, the Applicant will construct turn lanes at the vehicular entrance to Princess Anne Village substantially as shown on the Concept Plan.

Proffer 10:

When developed, the street widths, curb heights, centerline radii, rear lane, rear alley street signage and trail widths shall be developed in substantial conformity with the 2-page exhibit entitled "Thoroughfare Types" dated May 28th, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

Proffers Relating to the Conditional B-2 Portion of Princess Anne Village:**Proffer 11:**

Vehicular access to the portion of the Property zoned Conditional B-2 shall be from the road system within Princess Anne Village and not directly from the North Landing Road.

Proffer 12:

When developed, only the following uses shall be permitted on the Property zoned Conditional B-2: Restaurants with no drive-through, office, and retail.

Proffer 13:

The height of any principal structure on the Property zoned Conditional B-2 shall not exceed 45 feet. The exterior design and building materials shall be complimentary to the building materials and architectural designs of the homes in Princess Anne Village and shall be subject to approval by the Virginia Beach Historic Review Board.

Proffer 14:

Any freestanding sign on the portion of the Property zoned Conditional B-2 shall be a monument style sign, externally lit, and shall not exceed 8 feet in height. The final design and building materials of any freestanding sign shall be subject to approval of the Virginia Beach Historic Board.

Proffer 15:

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

Proffer 16:

All references hereinabove to zoning districts and to applicable regulations refer to the Zoning Ordinance of the City of Virginia Beach, in force as of the date the conditional zoning amendment is approved by Grantee.

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 identifies this site as being located within multiple "districts." The Interfacility Traffic Area and Vicinity Master Plan (ITA Plan), which is adopted by the Comprehensive Plan, identifies the site as being located in the Historic Princess Anne Center. The ITA Plan calls for "lining of streets and spaces with low-rise mixed-use buildings of two and three stories," within the Historic Princess Anne Center. It also calls for attention on appropriate streetscaping elements including street lamps, planters and benches and emphasis on developing architecture consistent with areas such as Williamsburg. The property also borders the Municipal Center district as identified by the ITA Plan which recommends as an area with planned land uses, both public and private, and, where appropriate, may include residential, office, retail, service, hotel and institutional uses. It calls for the introduction of a mix of residential units into the district to enliven the complex around the clock.

Finally, the site is also located at the extreme edge of the Transition Area which calls for uses in this area should be limited to low-impact, low-density residential, low-intensity non-residential, open space and recreation, and agricultural, including row-crop farming and equestrian uses. For residential development, a maximum average of up to and no more than one unit per developable acre can be earned through demonstrated conformance with the Transition Area Design Guidelines. Minimum lot sizes of 15,000 square feet are preferred; however, lot sizes of less than 15,000 square feet are appropriate if additional active open space location recommendations as set forth in the Transition Area Design Guidelines are incorporated into the site design. The Plan calls for open space areas to be deliberately included and designed as a site amenity in all development. Open space should comprise a minimum of 50 percent of the developable area for residential development and 30 percent for non-residential development and should provide a balance of both "active" and "passive" open space areas.

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. A majority of the site is impacted by the Floodplain Subject to Special Restrictions (FSSR). The applicant has

Princess Anne Village, LLC

Agenda Item 6

Page 8

obtained a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency that officially adjusted the areas located within the Floodplain Subject to Special Restrictions. In addition, a large portion of the site includes both City defined and United States Army Corps of Engineers defined wetlands. Likewise, the Southern River Buffer Area also exists within the southwestern portion of the site. No development is proposed in any of the southwestern areas. The site is located within the Courthouse Historic and Cultural Overlay District. All projects proposed within the District must respect the heritage and reinforce the integrity of the district's historic character. The scale, placement, massing and proportion of buildings, additions and architectural details should be designed in a way that is consistent with the historic character of the district. New development should employ high quality site and building designs that complement the classic Neo-Georgian architecture of the Municipal Center.

Stormwater Impacts

Project Stormwater Design Staff Summary

The project site consists of a 27.9-acre residential development located on approximately 99.9 acres of land along the south side of Princess Anne Road between Princess Anne Road and Holland Road. The proposed development is designed to drain into a proposed onsite stormwater management facility (SWMF) before discharging into West Neck Creek. The proposed SWMF will treat water quantity for the site and will consist of a wet pond that will collect runoff from the subdivision development before discharging into the floodplain.

Offsite drainage from both the Holland Road/Princess Anne Road intersection and the Princess Anne Road/North Landing Road intersection currently drains through the site. Drainage from the Holland Road/Princess Anne Road intersection will be collected through stormwater piping through the site and into an outfall ditch that will flow into the existing floodplain. Drainage from the Princess Anne Road/North Landing Road intersection currently drains through a city maintained conveyance system consisting of large diameter storm sewer pipes and a well established outfall channel. The existing storm piping that runs through the proposed development will be replaced with a box culvert and will continue to discharge into the existing drainage channel.

Portions of the site are located within the FEMA Special Flood Hazard Area (flood zone AE) and Floodplains Subject to Special Restrictions. The applicant has provided an exhibit to demonstrate a potential floodplain mitigation plan, and the final construction plan will need to demonstrate compliance with all criteria in the floodplain ordinance.

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 City's Stormwater Master Drainage Model was used in the Preliminary Stormwater Analysis and included an offsite analysis to demonstrate that the development has a viable strategy to prevent negative impacts or increased flooding levels on the existing stormwater system upstream or downstream.

Based on the information provided by Kimley Horn and Kellam Gerwitz 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 to ensure conformance with all requirements set forth in the Public Works Design Standards Manual. More detailed project stormwater information is listed below.

Project Information

Total project area: 99.88 Acres (Includes 46.4 acre Offsite Forest/Open Space Conservation Area)

Pre-Development impervious area: 6.4 Acres

Post-Development impervious area: 9.75 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: Wet Pond (quantity only)

Total storage volume provided in proposed stormwater management facility: 204,300 cf. (between normal water elevation and top of bank elevation)

Description of outfall: There will be three (3) stormwater outfall locations leaving the site. The primary outfall that will convey runoff from a majority of the subdivision will be conveyed into the proposed wet pond and will discharge directly into the floodplain through a controlled outlet. The other two stormwater outfalls will collect offsite drainage from the Holland Road/Princess Anne Road intersection to the east and from the Princess Anne Road/North Landing Road intersection to the west of the site. All three discharge points will discharge into West Neck Creek.

Downstream conveyance path: Drainage from West Neck Creek is part of the Upper West Neck Creek drainage basin which ultimately drains into the North Landing River. The North Landing River drains 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: Water Quality compliance met by retaining conserved forested open space.

Method of treatment proposed: Approximately 70 acres of existing forested areas within the project limits will be conserved as forest open space with protective covenants and restrictions.

Stormwater Quantity Compliance Design Information

Channel protection: Energy Balance will be met at the primary outfall discharge from the proposed wet pond. The provided stormwater model demonstrates non-erosive velocities of stormwater discharge for the conveyance systems collecting offsite drainage through the site.

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.

Traffic Impacts

| Street Name | Present Volume | Present Capacity | Generated Traffic |
|---|---|--|---|
| Princess Anne Road | 6,600 ADT ^{1a} 13,700 ADT ^{1b} | 12,500 ADT ¹ (LOS ⁴ "D") | Existing Land Use ² – 40 ADT Proposed Land Use ³ – 1,367 ADT |
| ^{1a} Average Daily Trips (James Madison to Princess Anne Road) ^{1b} Average Daily Trips (Princess Anne Road to Holland Road) | ² as defined by four single-family dwellings | ³ as defined by 73 single-family dwellings and 16 garage apartment units and a 5,000 square foot restaurant | ⁴ LOS = Level of Service |

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

Princess Anne Road is a two-lane undivided minor arterial roadway. There are no roadway CIP projects slated for this portion of the roadway.

Public Utility Impacts

Water

There is an existing 16-inch City water main along Princess Anne Road and North Landing Road. Each lot in this subdivision shall be provided with water from the public water system so that it is served with an exclusive water tap and meter.

Sewer

There is an existing eight-inch city sanitary sewer gravity main along Princess Anne Road and North Landing Road that terminates at Holland Road, a six-inch city sanitary sewer force main fronting the property on Princess Anne Road, and a six-inch city sanitary sewer vacuum main along Princess Anne Road east of Holland Road. This vacuum main currently may not have capacity to support additional connections. Each lot in this subdivision shall be connected to the public sanitary sewerage system. Construction of a new public sanitary sewer pump station may be required to serve this development. Final review of the sanitary sewer system will be completed at site plan review. This proposed subdivision lies within the service area for Sanitary Sewer Pump Station #614. It is not yet clear to Staff how water and sewer service will be provided to all lots of the subdivision since the alleyways used to access some lots are not of sufficient width for maintenance of public mains. Extension of public water and sewer mains through easements is undesirable and is approved only through a variance to Public Utilities standards.

School Impacts

| School | Current Enrollment | Capacity | Generation ¹ | Change ² |
|--------------------------|--------------------|----------------|-------------------------|---------------------|
| Princess Anne Elementary | 635 students | 734 students | 20 students | 17 students |
| Princess Anne Middle | 1,335 students | 1,363 students | 12 students | 11 students |
| Kellam High | 1,893 students | 2,093 students | 16 students | 15 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

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021 and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

Princess Anne Village Residential Development Criteria AUGUST 25, 2021

- When developed, the number of single family residential homes located on the Property shall not exceed a total of 73 homes and 16 Garage Apartments
1. Density:
3,400 square feet
 2. Minimum lot area in square feet:
3,400 square feet
 3. Minimum lot area outside of water marsh, or wetlands:
35'
 4. Minimum lot width in feet:
8' Front yards within Princess Anne Village shall be where the front façade of the home is facing rather than the alley.
 5. Minimum front yard setback in feet:
8' Front yards within Princess Anne Village shall be where the front façade of the home is facing rather than the alley
 6. Minimum front yard setback when adjacent to a 40-foot right-of-way created in accordance with section 4.1(m) of the subdivision ordinance in feet:
5'
 7. Except as provided in subdivision (6.1), minimum side yard setback except when adjacent to a street in feet:

- | | |
|---|---|
| in feet: | 5' |
| 8. Minimum side yard setback for accessory structures no larger than 150 square feet in area and with an eave height no greater than 8 feet except when adjacent to a street or for a garage apartment as an accessory structure: | |
| 9. Minimum side yard setback adjacent to a street in feet: | 6' |
| 10. Minimum side yard setback when adjacent to a 40-foot right-of-way created in accordance with section 4.1(m) of the subdivision ordinance in feet: | 6' |
| 11. Minimum rear yard setback except for accessory structures in feet: | 3' The rear yard shall be the portion of the lot opposite the front yard. |
| 12. Except as provided in subdivision (10.1), minimum rear yard setback for accessory structures in feet: | 3' The rear yard shall be the portion of the lot opposite the front yard. |
| 13. Minimum rear yard set- | 3' The rear yard shall be the portion of the lot opposite the front yard. |

back for accessory structures no larger than 150 square feet in area and with an eave height no greater than 8 feet except when adjacent to a street for a garage apartment as an accessory structure:

14. Minimum setback on through lots for accessory structures that are physically located to the rear of the principal structure in feet: 3'
15. Maximum lot coverage in percent: 60%
16. Maximum total of building floor area for garage apartments: 800 square feet – no separate power or gas meters shall be permitted for the garage apartments
17. Maximum building height: 45'
18. Mechanical equipment, generators and chimneys setback in side and rear yards: 3'
19. Parking should be required for all uses and structures. Parking within a garage or an enclosed or covered space shall be counted toward meeting off-street parking requirements for dwelling units. One additional onsite parking space shall be provided for any garage apartment.

Proposed Conceptual Site Layout

Princess Anne Village ²

Conceptual Site Plan

MICHAEL WATKINS ARCHITECT, LLC
MAY 28, 2021

Proposed Parking Layout

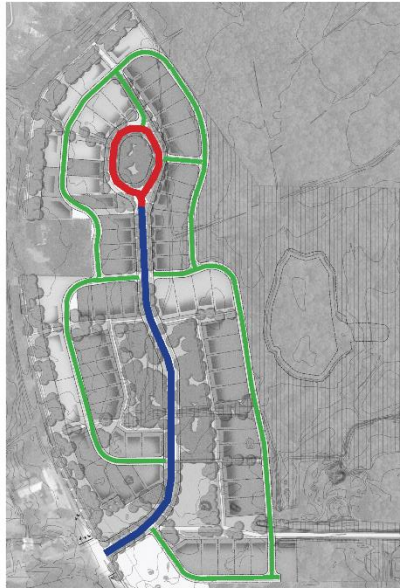


Princess Anne Village
3

Program & Parking

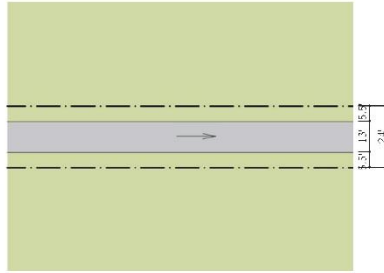
MICHAEL WATKINS ARCHITECT, LLC
May 28, 2021

Proposed Thoroughfare Types

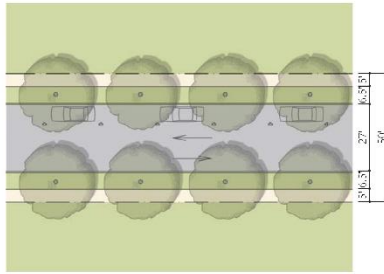
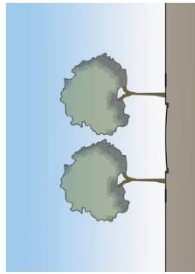


| Thoroughfare Type | Right-of-Way Width | Pavement Width |
|-----------------------|--------------------|----------------|
| TL - Fire Access Lane | | |
| TA - Alley | | |
| RA - Rear Alley | | |
| ST - Street | | |
| TTR - Total | | |

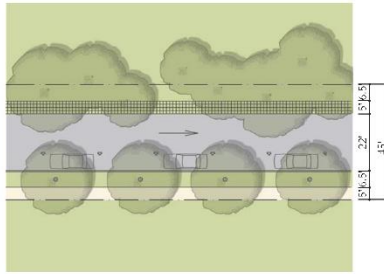
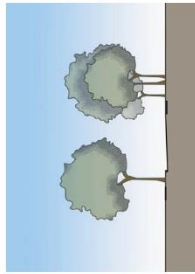
Note: When developed, the street widths, curb heights, centerline radii, rear lane, rear alley street signage and trail widths shall be developed in substantial conformity with the 2-page exhibit entitled "Thoroughfare Types" dated May 28th, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.



| Thoroughfare Type | Right-of-Way Width | Pavement Width |
|-----------------------|--------------------|----------------|
| TL - Fire Access Lane | | |
| TA - Alley | | |
| RA - Rear Alley | | |
| ST - Street | | |
| TTR - Total | | |



| Thoroughfare Type | Right-of-Way Width | Pavement Width |
|-----------------------|--------------------|----------------|
| TL - Fire Access Lane | | |
| TA - Alley | | |
| RA - Rear Alley | | |
| ST - Street | | |
| TTR - Total | | |



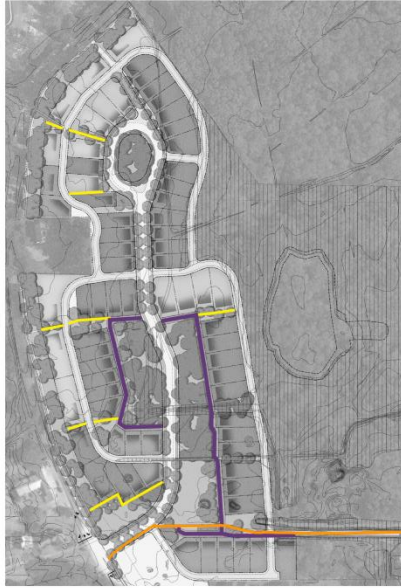
| Thoroughfare Type | Right-of-Way Width | Pavement Width |
|-----------------------|--------------------|----------------|
| TL - Fire Access Lane | | |
| TA - Alley | | |
| RA - Rear Alley | | |
| ST - Street | | |
| TTR - Total | | |

Princess Anne Village
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Thoroughfare Types

MICHAEL WATKINS ARCHITECT, LLC
May 28, 2021

Proposed Thoroughfare Types



Thoroughfare Type
FL Fire Access Lane
PT Path
RA Rear Alley

Right-of-Way Width
Pavement Width

Note: When developed, the street widths, curb heights, centerline radii, rear lane, rear alley street signage and trail widths shall be developed in substantial conformity with the 2-page exhibit entitled "Thoroughfare Types" dated May 28th, 2021, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

| | |
|--|--|
| Thoroughfare Type | |
| Transect Zone | |
| Right-of-way or Easement Width | |
| Pavement Width | |
| Movement | |
| Traffic Lanes | |
| Parking Lanes | |
| Pavement / Curb | |
| Curb Type | |
| Planter Type (includes 6" Curb if any) | |
| Landscape Type | |
| Walkway Type | |
| Notes | |

| |
|--|
| FL - 21 - 5 |
| Fire Access Lane |
| T3, T4, T5 |
| 0' ROW |
| 8' Graspave + 5' Pavement + 8' Graspave Fire Equipment Only |
| N/A |
| No Parking |
| N/A |
| N/A |
| N/A |
| 5' Graspave |

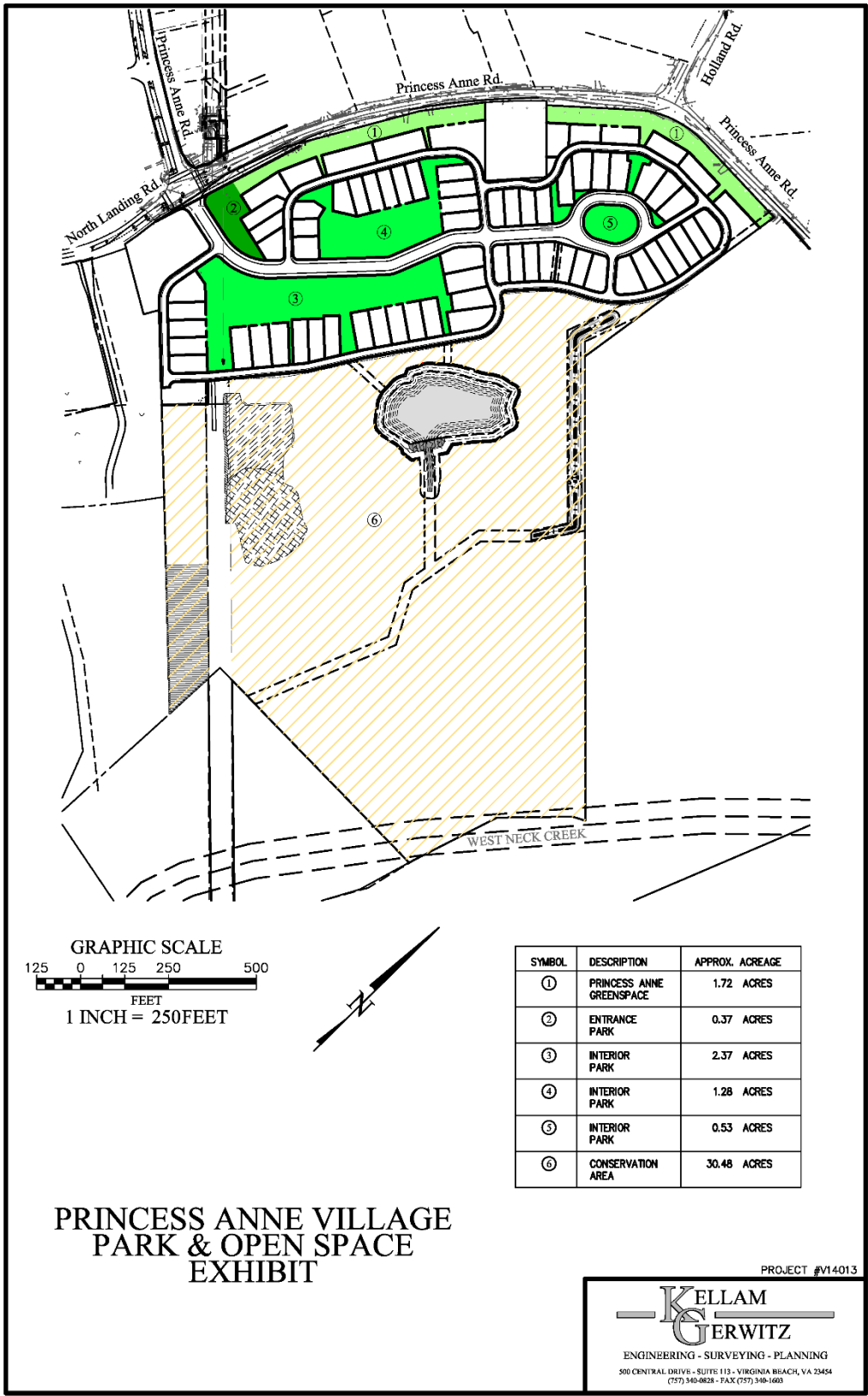
The figure consists of two side-by-side diagrams. The left diagram shows a vertical wall of height H and a tree of height h . The right diagram shows a similar setup but with a horizontal line at height h indicating the wind speed profile, which is shown as a dashed line with arrows pointing to the right. The wind speed is labeled U_{ref} at the top of the wall and $U_{ref} \cdot \frac{h}{H}$ at the height of the tree. The wind speed is also labeled U_{ref} at the top of the wall and $U_{ref} \cdot \frac{h}{H}$ at the height of the tree.

| Trail | TR-20-12 |
|---|----------|
| T1, T2, T3 | |
| 20' Secondary Trail Element | |
| 8 min. concrete or 10' min. asphalt | |
| Pedestrian | N/A |
| | N/A |
| | N/A |
| | N/A |
| Varies | |
| Tree & Shrubs (min. of 1 tree per 35 linear feet) | |

| |
|-----------------------------------|
| P.T. - V - 5 + Padh |
| T3, T4 |
| ROW Width Varies 5' min. |
| N/A |
| N/A |
| N/A |
| N/A |
| N/A |
| Vaires |
| Trees, ground cover, shrubs, lawn |
| N/A |

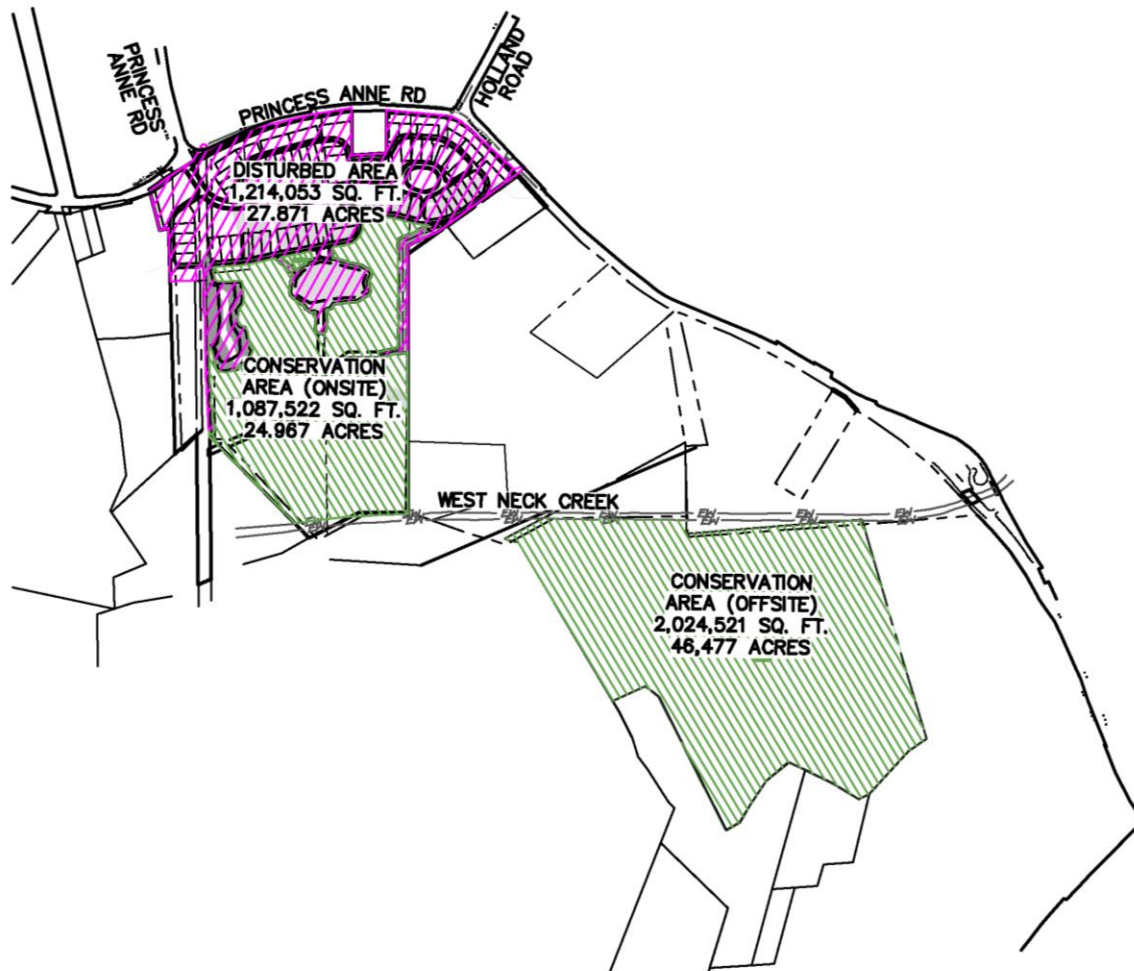
Princess Anne Village, LLC
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Proposed Park & Open Space Exhibit



CONSERVATION AREA DISPLAY

SCALE: 1" = 800'

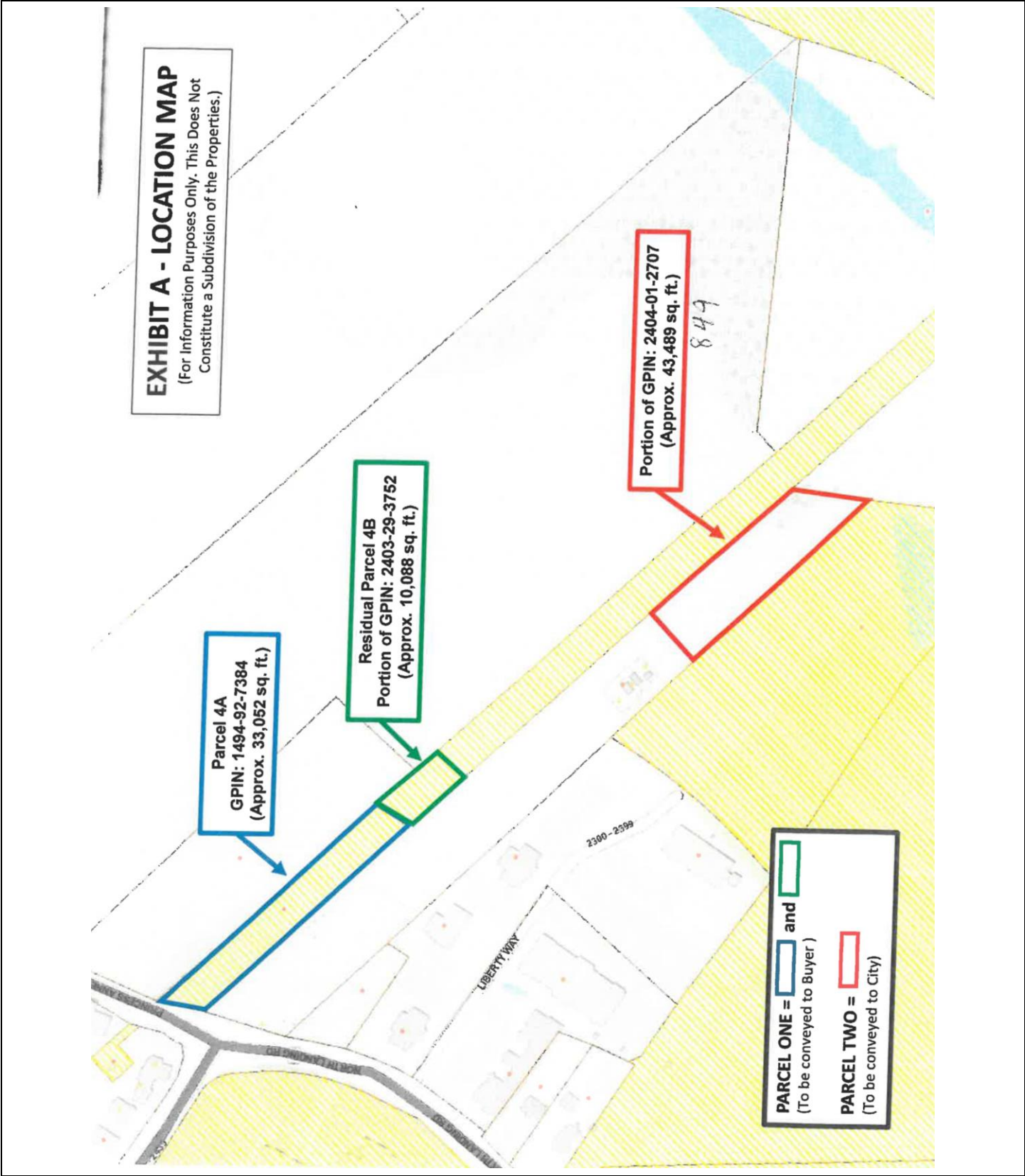


PROJECT #V14013

**KELLAM
GERWITZ**

ENGINEERING - SURVEYING - PLANNING

500 CENTRAL DRIVE - SUITE 113 - VIRGINIA BEACH, VA 23454
(757) 340-0828 - FAX (757) 340-1603



HOME STYLES

COLONIAL



FARM HOUSE



PRINCESS ANNE VILLAGE

VIRGINIA BEACH, VIRGINIA

HOME STYLES

VICTORIAN



CRAFTSMAN



PRINCESS ANNE VILLAGE

VIRGINIA BEACH, VIRGINIA

Proposed Monument Sign



Renderings

Entranceway

June 4, 2021



Linear Open Space

June 4, 2021







Site Photos





City of Virginia Beach

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
HISTORICAL REVIEW BOARD

VBgov.com
MUNICIPAL CENTER
BUILDING 2
2455 COURTHOUSE DRIVE
VIRGINIA BEACH, VA 23469-5040

September 27, 2021

R.J. Nutter
Troutman Sanders
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462

RE: Certificate of Appropriateness Application #21-16 - Princess Anne Village, LLC –
Demolition – 2381 Princess Anne Road - GPIN 24040300560000

Dear Mr. Nutter:

On August 18, 2021, the Historical Review Board issued a Certificate of Appropriateness (COA) for the demolition of a house and garage at 2381 Princess Anne Road. The COA allows for the demolition or relocation of these buildings.

Issuance of the Certificate of Appropriateness by the Historical Review Board does not imply approval of any applicable City ordinances or discretionary approvals. Please attach this letter to any applicable permit applications or Development Services Center submissions.

If you need further assistance, please contact me at 385-8573 or by email at mreed@vbgov.com.

Sincerely,

Mark Reed
Historic Preservation Planner

MAR/



City of Virginia Beach

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
HISTORICAL REVIEW BOARD

VBgov.com
MUNICIPAL CENTER
BUILDING 2
2465 COURTHOUSE DRIVE
VIRGINIA BEACH, VA 23469-6140

July 27, 2018

R.J. Nutter
Troutman Sanders
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462

RE: General Certificate of Appropriateness Application #18-7 - Princess Anne Village -
Demolition & New Development – 2369, 2373, 2375, & 2385 Princess Anne Road &
2393, 2403, 2413 & North Landing Road - GPINs 2404024848, 2404036378,
2404035242, 2404023254, 2404012707, 1494928455, 1494926240, 1494927384 &
2403293752

Dear Mr. Nutter:

On July 18, 2018, the Historical Review Board issued a Certificate of Appropriateness
for the demolition of houses and garage structures at 2369, 2373 & 2385 Princess Anne
Road.

The Board issued a Certificate of Appropriateness for a black traffic sign pole, as
depicted on the attached detail entitled, "Proposed Traffic Sign Pole."

The Board issued a General Certificate of Appropriateness for the construction of
Colonial, Farm House and Craftsman style houses with the following General
Guidelines & Materials, and as depicted on the attachments:

General Guidelines

1. All houses shall be designed consistent with one of these architectural styles:
Colonial Revival, Farm House, and Craftsman.
2. The proportions of openings, roof lines, details, stairs, rails, porches, bays, metal
work, cornices, and other elements shall reflect and compliment these
architectural styles.
3. Houses shall be a mix of one to two-and-a-half story homes.
4. All houses shall be built on a crawl space.

5. Garages may be attached or detached for not more than three cars. Garages shall be side or back loading. Detached garages that are no closer to the front lot line than the rear line of the main house may be front loading.

Materials

1. Siding shall be wood, fiber cement, brick, or natural shingles (stained). Vinyl is not permitted on residences or ancillary buildings.
2. Brick shall match the General Shale brick styles on the attachments entitled, "Brick Options."
3. Roofing materials shall be limited to standing seam metal, slate, faux slate and architectural asphalt shingle (at least 30 year).
4. Front doors shall be made of wood or fiberglass and shall be of an appropriate design to match the style of the house.
5. Sliding doors are not permitted.
6. Exterior paint colors shall be from Historical Review Board approved exterior palettes, such as "Exterior Preservation Palette" by Sherwin Williams; "Historical Colors" by Benjamin Moore; and, "Traditional Heritage" and "American Classics" by Valspar in partnership with the National Trust for Historic Preservation.
7. Windows in brick facades shall have limestone or precast sills and lintels and/or brickmould of minimum one and one-half inch (1 ½") wide.
8. Windows in wood or fiber cement siding shall have exterior casing of minimum one and one-half inches (1 ½") wide, of wood, fiber cement or composite synthetic trim material.
9. Windows shall be double hung or look like historic double hung windows with true divided lights or exterior muntins. Casement windows are allowed if appropriate to the architectural style of the house.
10. Shutters shall be louvered or raised panel designs. Operational shutters will cover the entire window or set of windows when closed.
11. Porches shall be constructed to match and compliment the architectural style and materials of the house.
12. Garage doors shall be wood, embossed steel or fiberglass. All garage doors shall be carriage type doors.
13. Gutters shall be half-round design with round downspouts in pre-finished metal or copper.
14. Fences made of plastic, fiberglass or chain link are not permitted.

Princess Anne Village - Page 3 of 3

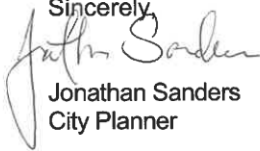
15. Equipment, such as HVAC and gas pack units, located on the exterior of the houses and that are visible from the street shall be visually screened with fencing or shrubs.
16. Plumbing and roof stacks shall be black or match the roof color.

The Planning Commission hearing to review Princess Anne Village's Conditional Rezoning request is scheduled for a future date.

Issuance of the Certificate of Appropriateness by the Historical Review Board does not imply approval of any applicable City ordinances or discretionary approvals. Please attach this letter and the appropriate attachments to any permit or Development Services Center submissions.

If you need further assistance, please contact me at 385-1829 or by email at jsander@vbgov.com.

Sincerely,



Jonathan Sanders
City Planner

Attachments (9)

Joint City-Navy Review Process Group Findings

(PER THE 2008 MEMORANDUM OF UNDERSTANDING BETWEEN
NAVAL AIR STATION OCEANA & THE CITY OF VIRGINIA BEACH)

Applicant: Princess Anne Village, LLC

Meeting Date: May 22, 2018

Meeting Location: Planning Department Conference Room
Building 2, Municipal Center

Applicants & Representatives:
Bart Frye
RJ Nutter
Allie Jones
Bob Kellam

Attending: Joint Navy-City Staff Group (JSG):
John Lauterbach, NAS Oceana
Ray Firenze, NAS Oceana
Barry Frankenfield, City of Virginia Beach / Planning
Carolyn Smith, City of Virginia Beach / Planning
Kevin Kemp, City of Virginia Beach / Planning
Jimmy McNamara, City of Virginia Beach / Planning
Kay Wilson, City Attorney's Office

Princess Anne Village, LLC

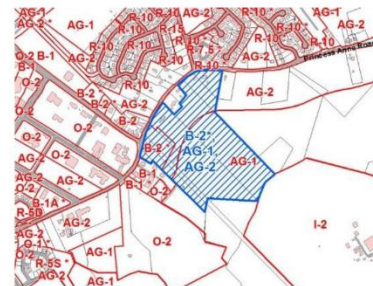
1494926240, 1494927384, 2403293752

Page 2

BACKGROUND

Site Location:

2369, 2373, 2375 & 2385 Princess Anne Road; 2393, 2401 & 2413 North Landing Road



AICUZ & APZ:

65 to 70 dB DNL
(Sub-Area 2)

Existing Zoning:

AG-1 & AG-2 Agricultural Districts, B-2 Community Business District

Request:

Change of Zoning to Conditional PD-H2 (R-30 Overlay) & Conditional B-2

Existing Use:

Partially vacant previously developed site with wooded areas

Proposed Use:

Single-family residential dwellings & stand-alone restaurant

RELEVANT FACTS ASSOCIATED WITH PROPOSAL

The applicant is requesting a Conditional Change of Zoning for the purpose of developing the property with a total of 66 residential dwellings and a restaurant. The site is located within the 65 to 70 dB DNL AICUZ, Sub-Area 2. Section 1804(c) of the Zoning Ordinance establishes regulations that apply to discretionary development applications for residential uses with this AICUZ.

Joint Review Process Group Evaluation

Princess Anne Village, LLC

GPINs 2404024848, 2404036378, 2404035242, 2404023254, 2404012707, 1494928455,
1494926240, 1494927384, 2403293752

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APPLICABLE ZONING ORDINANCE PROVISIONS:

Sec. 1803(a) -- Applicability

The provisions of this Article [18] shall apply to discretionary development applications for any property located within an Accident Potential Zone (APZ) or 65-70 dB DNL, 70-75 dB DNL, or >75 dB DNL Noise Zone, as shown on the official zoning map, that have not been approved or denied by the city council as of the date of adoption of this Article. For purposes of this Article, discretionary development applications shall include applications for:

- 1) Rezoning, including conditional zonings;
- 2) Conditional use permits for new uses or structures, or for alterations or enlargements of existing conditional uses where the occupant load would increase;
- 3) Conversions or enlargements of nonconforming uses or structures, except where the application contemplates the construction of a new building or structure or expansion of an existing use or structure where the total occupant load would not increase; and
- 4) Street closures where the application contemplates the construction of a new building or structure or the expansion of a use or structure where the total occupant load is increased.

Section 1804(a) – Discretionary Development Applications:

It shall be the policy of the City Council that no [rezoning, use permit, change in a nonconforming use, or certain street closure] application [located in an APZ or AICUZ greater than 70 dB DNL] shall be approved unless the uses and structures it contemplates are designated as compatible under Table 1 and, if applicable, Table 2, unless the City Council finds that no reasonable use designated as compatible under the applicable table or tables can be made of the property. In such cases, the City Council shall approve the proposed use of property at the lowest density or intensity of development that is reasonable.

Section 1804(c)(2) – Discretionary Development Applications for Residential Uses:

- (2) For property within Sub-Area 2 of the 65-70 dB DNL Noise Zone, discretionary development applications for residential uses may be approved only if the City Council finds that the proposed development:
 - i. Is at a density similar to or lower than that of surrounding properties having a similar use and no greater than recommended by the Comprehensive Plan; and

Joint Review Process Group Evaluation

Princess Anne Village, LLC

GPINs 2404024848, 2404036378, 2404035242, 2404023254, 2404012707, 1494928455,
1494926240, 1494927384, 2403293752

Page 4

- ii. Conforms to the applicable provisions of the Comprehensive Plan, including, without limitation, the Princess Anne Corridor Study, Princess Anne Commons Design Guidelines, or Mixed Use Development Guidelines.


EVALUATION

The Joint Review Process Group evaluated the application for compliance with the above provisions of Section 1804(c)(2) of the City Zoning Ordinance. The points of discussion follow.

With regard to the first criteria provided in Section 1804(c)(2) of the Zoning Ordinance pertaining to density, the proposed density of 1.95 units per acre for the Princess Anne Village is less than the densities of the surrounding residential communities which include Holland Crossing at 2.98 units per acre, Courthouse Forest at 2.71 units per acre, West Neck Commons at 2.23 units per acre and Princess Anne Quarters at 2.44 units per acre. Directly across Princess Anne Road are five single-family dwellings on large lots. These homes are not included within any of the surrounding homeowners' associations or civic leagues and were not considered as part of the evaluation.

With regard to Section 1804(c)(2) of the Zoning Ordinance pertaining to conformance with the Comprehensive Plan, the proposed development is located within multiple "districts." The Interfacility Traffic Area and Vicinity Master Plan (ITA Plan), which is adopted by the Comprehensive Plan, identifies the site as being located in the Historic Princess Anne Center, and along the boundary of the Municipal Center. The ITA Plan calls for the "lining of streets and spaces with low-rise mixed-use buildings of two and three stories," within the Historic Princess Anne Center. The property also borders the Municipal Center district as identified by the ITA Plan which recommends as an area with planned land uses, both public and private, and, where appropriate, may include residential, office, retail, service, hotel and institutional uses. Finally, the site is also located at the extreme edge of the Transition Area which states "For residential development, a maximum average calculated density of up to and no more than one unit per developable acre can be earned through demonstrated conformance with the Transition Area Design Guidelines." Although the proposed density of 1.95 is higher than that which is called for in the Transition Area, its location within multiple districts that call for increased residential development where permitted, and its geographic separation from much of the Transition Area by West Neck Creek, in the JRP Group's opinion, gives the recommendations for the other districts more weight.

It is the opinion of the Joint Review Process Group that the proposed residential density of 1.95 units per acre meets both Section 1804(c)(2)(i) and 1804(c)(2)(ii). It is lower than both the densities of similar residential neighborhoods in the immediate area and is a density that is consistent with the recommendations for this area as outlined in the Comprehensive Plan.



Joint Review Process Group Evaluation

Princess Anne Village, LLC

GPINs 2404024848, 2404036378, 2404035242, 2404023254, 2404012707, 1494928455,
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Page 5

Based on the above, the Joint Review Process Group finds that the proposal does meet the requirements of
Section 1804(c)(2).

For the City-Navy Joint Review Process Group –



Jimmy McNamara,
Department of Planning and Community Development

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 Princess Anne Village LLC

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

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

R.J. Nutter Troutman Pepper

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

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

Richard Burroughs; Charles F. Burroughs, III

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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.

Michael Watkins Architect; Frye Properties

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.

Laurence Benson Kimley Horn and Bob Kellam Kellam Gerwitz Engineering, Inc.

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.

See attachment for signature

Applicant Signature

Print Name and Title

Date

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

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

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

**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.

| | | |
|---|---------------------------|--------|
|  | Charles F. Burroughs, III | 6/9/21 |
| APPLICANT'S SIGNATURE | PRINT NAME | DATE |

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name Sisters II, LLC

Applicant Name Princess Anne Village LLC

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

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

Susan Kellam; Rebecca Kellam Chalmers

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

Known Interest by Public Official or Employee

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

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

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

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Disclosure Statement



Owner Services Disclosure

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

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

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**
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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.**

See attachment for signature

Owner Signature

Print Name and Title


Date

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| | | |
|---|-------------------------|---------|
|  | Rebecca Kellam Chalmers | 6/08/21 |
| PROPERTY OWNER'S SIGNATURE | PRINT NAME | DATE |

Disclosure Statement



Owner Disclosure

Owner Name David E. Kellam Revocable Trust

Applicant Name Princess Anne Village LLC

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

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

Susan Kellam, Trustee

- 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**

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Disclosure Statement



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Owner Signature

Print Name and Title

Date

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| | | |
|---------------------------------|--------------------------|--------|
| <i>Susan S. Kellam, trustee</i> | Susan S. Kellam, Trustee | 6-9-21 |
| PROPERTY OWNER'S SIGNATURE | PRINT NAME | DATE |

Disclosure Statement



Owner Disclosure

Owner Name Kellam and Eaton, Incorporated

Applicant Name Princess Anne Village LLC

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

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

Susan S. Kellam, President

- 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**

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Disclosure Statement



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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**
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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.**

See attachment for signature

Owner Signature

Print Name and Title

Date

Disclosure Statement

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| | | |
|----------------------------------|----------------------------|--------|
| <i>Susan S. Kellam President</i> | Susan S. Kellam, President | 6-9-21 |
| PROPERTY OWNER'S SIGNATURE | PRINT NAME | DATE |

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name Charles F. Burroughs, III

Applicant Name Princess Anne Village LLC

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

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

- 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



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☐ **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

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.**

See attachment for signature

Owner Signature

Print Name and Title


Date

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.

| | | |
|---|---------------------------|--------|
|  | Charles F. Burroughs, III | 6/8/21 |
| APPLICANT'S SIGNATURE | PRINT NAME | DATE |

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name Susan S. Kellam

Applicant Name Princess Anne Village LLC

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

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

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

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



Owner Services Disclosure

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

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



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- 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.**

See attachment for signature

Owner Signature

Print Name and Title

Date

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.

| | | |
|----------------------------|-----------------|--------|
| <i>Susan S. Kellam</i> | Susan S. Kellam | 6-9-21 |
| PROPERTY OWNER'S SIGNATURE | PRINT NAME | DATE |

Next Steps

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

Request

Modification of Conditions

Staff Recommendation

Approval

Staff Planner

Elizabeth Nowak

Location

120 Loflin Way

GPIN

1467337519

Site Size

11.3 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Multi-family dwellings / R-5D Residential; PD-H2
Planned Unit Development; P-1 Preservation

Surrounding Land Uses and Zoning Districts

North

Power substation, warehouse, office/ I-1 Light
Industrial

South

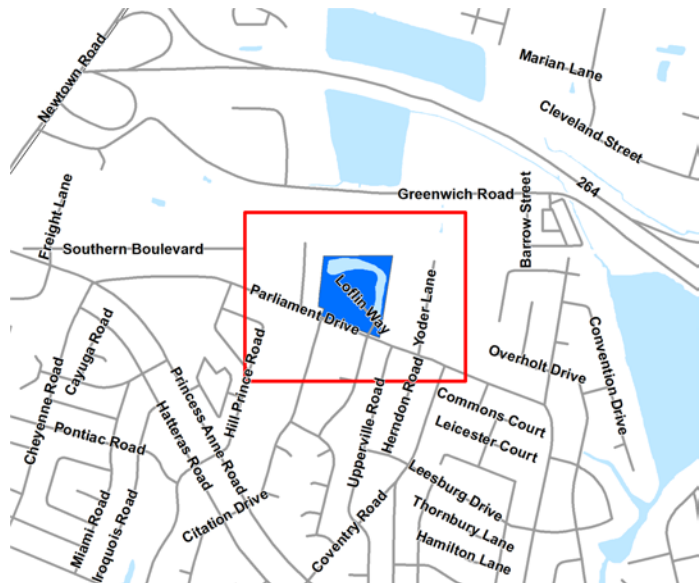
Single-family dwellings / R-7.5 Residential; R-10
Residential

East

Single-family dwellings, religious use / R-10
Residential

West

Pump station, Single-family dwelling / R-10
Residential

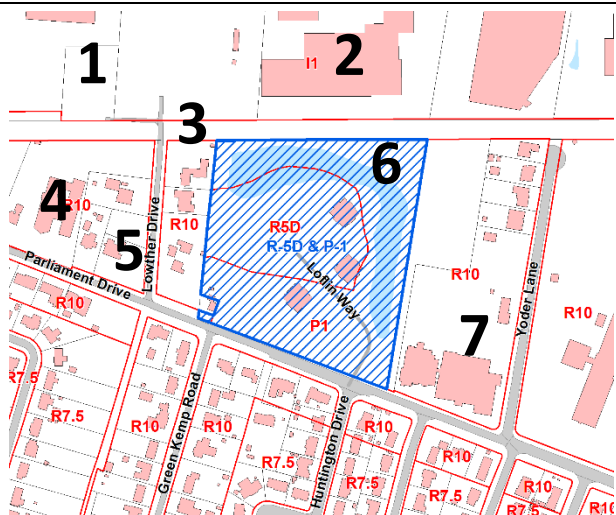


Background & Summary of Proposal

- The applicant is requesting a Modification of Conditions to increase the number of multi-family dwellings permitted on site by 11 at a resulting density of 4.25 units per acre.
- The 11.3-acre property is zoned PD-H2 Planned Unit Development with underlying R-5D Residential Duplex District and P-1 Preservation District zoning. This site is a multi-family residential development originally approved by City Council on September 27, 1982 as part of a Conditional Rezoning of the property from R-5D Residential Duplex District to PD-H2 Planned Unit Development. When the Conditional Rezoning for this property was approved in 1982, there was a general practice of imposing conditions in lieu of a voluntary proffer agreement. As this practice is no longer preferred, the applicant is offering proffers in order to modify those conditions of approval, hence the request for a proffered Modifications of Conditions. Condition 5 of the 1982 approval states: "The applicant has voluntarily agreed to limit the number of units to a total of 37." A Modification of this Condition is required to revise this limit. As part of their application, the applicant is also proffering a site plan, architectural design, and landscaping of the site.
- The approved plans from 1982 included six condominium buildings. Approval included a condition that the number of dwelling units in the development be limited to 37 total units. This limited density to 3.27 units per acre. The approved site layout proposed the buildings clustered near the center of the parcel and surrounded by a large, shared parking lot. A stormwater management pond was proposed to the north and east of the condominium buildings and most of the parcel was reserved for open space. Of the six originally approved buildings, only three were ever constructed. Each of the three buildings contains eight units for a total of 24 units on site today. As part of the rezoning and consistent with previous practice, the required open space associated with the PD-H2 District was rezoned to P-1 Preservation District.
- The applicant wishes to construct the three remaining buildings originally approved for the development. The proposed locations of these buildings would follow the 1982 approved site plan and the proposed building design would be very similar to the existing buildings, as shown on the proposed elevations on pages eight and nine and existing site conditions on pages 11 and 12 of this report.
- Similar to the existing buildings, the applicant also proposes eight units in each of the new three buildings. This would result in a total of 48 units on site.
- According to the application, the size of the property contributes to high maintenance costs for members of the Hunt Club Condominium Association, and indicates that an increase in the number of units will alleviate cost burden on association members. The PD-H2 District requires a minimum of 1.3 acres of a property be designated as recreation and open space. In this proposal, the area designated as open space is identified as 8.45 acres, approximately 80% of the property, and that is held as common property by the Hunt Club Condominium Association. This amount of open space far exceeds the minimum amount set by the PD-H2 classification for this site.
- Simultaneous with the new construction, the Hunt Club Condominium Association intends to make some repairs and improvements to existing site features to include resurfacing the parking lot, repairing a pedestrian footbridge to a picnic area in the northeast corner of the site, augmenting existing landscaping, and renovate the existing three condominium buildings. The goal for the exterior portion of the renovation is to update the buildings to match the new construction in materials as stated in Proffer 3 of the attached Proffer Agreement and shown as depicted on the proposed building elevation on page eight of this report.
- The proposed building elevations, as depicted on pages nine and 10, only slightly deviate from the design of the existing condominium buildings. The style is suburban in character and massing, with a low hipped roof, separate

unit balconies or patios, and symmetrical façades. Sidewalks define the edges of each building and connect each to the rest of the development and to the shared parking lot.

- As depicted on the conceptual site plan, on page seven of this report, the addition of foundation plantings further define and enhance each building. The Category IV screening, which is a mix of evergreen trees and shrubs, is proposed along the west property line will provide a buffer between the development and single-family dwellings immediately west of the subject site. Existing and proposed trees shade the access road to the units and soften the viewshed between the condominium development and single-family homes on the southside of Parliament Drive.
- Per Section 203 of the Zoning Ordinance, 96 parking spaces are required on site (two spaces per unit). The conceptual site plan depicts 102 parking spaces, thereby exceeding this requirement by six parking spaces.

|  | | <h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>CUP (Bulk Storage, Building Contractor's Yard) Approved 10/28/2008</td></tr><tr><td>2</td><td>CUP (Motor Vehicle Repair) Approved 09/11/2007</td></tr><tr><td>3</td><td>STC Approved 1998</td></tr><tr><td>4</td><td>CRZ (A-12 & B-2 to R-10) Approved 08/23/2011 CUP (Religious Use) Approved 08/23/2011</td></tr><tr><td>5</td><td>SVR Approved 03/08/1995</td></tr><tr><td>6</td><td>REZ (R-5 to R-8 w/PD-H2 Overlay) Approved 09/27/1982 LUP (Land Use Plan) Submitted 12/31/1981</td></tr><tr><td>7</td><td>MODC (Expansion of Religious Use) Approved 12/05/2006 CUP (Religious Use) Approved 07/02/2002 CUP (Church Addition) Approved 06/18/1987</td></tr></table> | | # | Request | 1 | CUP (Bulk Storage, Building Contractor's Yard) Approved 10/28/2008 | 2 | CUP (Motor Vehicle Repair) Approved 09/11/2007 | 3 | STC Approved 1998 | 4 | CRZ (A-12 & B-2 to R-10) Approved 08/23/2011 CUP (Religious Use) Approved 08/23/2011 | 5 | SVR Approved 03/08/1995 | 6 | REZ (R-5 to R-8 w/PD-H2 Overlay) Approved 09/27/1982 LUP (Land Use Plan) Submitted 12/31/1981 | 7 | MODC (Expansion of Religious Use) Approved 12/05/2006 CUP (Religious Use) Approved 07/02/2002 CUP (Church Addition) Approved 06/18/1987 |
|--|---|--|--|---|---------|---|--|---|--|---|-------------------|---|---|---|-------------------------|---|--|---|---|
| # | Request | | | | | | | | | | | | | | | | | | |
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| <h3>Application Types</h3> | | | | | | | | | | | | | | | | | | | |
| CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning | MODC – Modification of Conditions MODP – Modification of Proffers NON – Nonconforming Use | STC – Street Closure FVR – Floodplain Variance ALT – Alternative Compliance | SVR – Subdivision Variance LUP – Land Use Plan STR – Short Term Rental | | | | | | | | | | | | | | | | |

Evaluation & Recommendation

The subject property is located within the Suburban Area of the city, which the Comprehensive Plan. One of the guiding development principles of Suburban Areas is the creation of “Great Neighborhoods,” which are stable and sustainable. To achieve the Great Neighborhood objective, development of new residential areas should provide site and building design that is visually interesting and encourage greater social interaction, accommodate for multiple modes of transportation, and promote sustainable and responsive design. The creation and preservation of open spaces is also a guiding principle for the Suburban Area as carefully planned open spaces add to the attractiveness and livability of suburban neighborhoods.

The proposed increase in density of this parcel, in Staff’s opinion, is consistent with the Comprehensive Plan’s vision for the Suburban Area. The impact of an increase in density from 3.27 units per acre to 4.25 units per acre is mitigated by the size of the parcel and the clustering of buildings. Additionally, the increase will be accommodated within the footprint of previously approved buildings with no additional increase in proposed height and no increase in the size of the parking lot. The design of the buildings substantially conforms with the previously approved elevations and the character and quality of the development supports the objectives of Great Neighborhoods, the primary vision of the Comprehensive Plan for the Suburban Area. In Staff’s opinion, the proposed unified design, interior sidewalk

connections, ample preserved open space, and adjacency to the planned Virginia Beach Trail all support the objectives and goals of the Comprehensive Plan as it relates to the Suburban Area.

As the number of units is proposed to be increased, so is it reasonable to expect that the overall number of average daily trips (ADT) will increase. Review of the traffic volume for Parliament Drive reveals that it is less than half of its traffic volume capacity. Based on this, Staff believes that though the proposal will increase ADT in the area, it will be well within the traffic volume capacity for Parliament Drive.

Information provided by the Virginia Beach City Public School Staff indicates that enrollment at Point O'View Elementary School currently exceeds its optimum capacity; however, enrollment calculations indicate that current enrollment and projected increase in enrollment will be within 10% of optimum capacity. Current enrollments and projected increases in enrollments for Larkspur Middle School and Kempsville High School are both below optimum capacity. Based on this, the proposal is not expected to negatively impact the current student enrollment.

Based on these considerations above that include enhancements to the exterior of the existing units, minimal impact on the existing infrastructure, additional plantings proposed, and retention of 8.45 acres of open space, Staff recommends approval of this request subject to the proffers listed below.

Proffers

The following are proffers submitted by the applicant. 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 application is acceptable," (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and service as a condition restricting the use of the property as proposed with this Modification of Conditions.

Proffer 1:

When the Phase Four and Phase Five Land is developed, it shall be as three (3) additional residential condominium buildings, each containing eight (8) residential dwelling units, substantially in accordance with the exhibit entitled "PROPOSED SITE IMPROVMENTS PHASES 4 & 5, PLAT OF HUNT CLUB CONDOMINIUM" dated 9/29/2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Conceptual Site Plan").

Proffer 2:

When the Property is developed, additional supplemental landscape screening shall be planted along the western boundary of the Property, along Parliament Drive and Loflin Way, as well as additional foundation landscaping on the existing and new buildings and parking lot landscaping within the existing and new phases substantially as depicted and described on the Conceptual Site Plan.

Proffer 3:

The architectural design and exterior building materials on the three (3) new residential building [sic.] as well as the new exterior building materials on the renovated exteriors of the three (3) existing residential buildings will be substantially as depicted and described on the exhibit entitled "Typical Hunt Club Condominium Building Elevation" dated 9/29/2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Elevation").

Proffer 4:

Condition number 5 of the 8 conditions governing the residential use of the Property under the PDH-2 rezoning granted on September 27, 1982 is modified to permit no more than a total of forty-eight (48) residential dwelling units in the six (6) buildings as depicted and described on the Conceptual Site Plan.

Proffer 5:

The provisions and requirements set forth in the remaining seven (7) original conditions of development have all been complied with, as reflected in the Conceptual Site Plan, and remain binding upon the Property.

Proffer 6:

Further conditions may be required by the Grantee during detailed 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 Chesapeake Bay watershed. It appears that no natural or cultural resources will be affected by this project.

Traffic Impacts

| Street Name | Present Volume | Present Capacity | Generated Traffic |
|----------------------------------|---|--|--|
| Parliament Drive | 3,882 ADT ¹ | 9,900 ADT ¹ (LOS ⁴ "D") | Existing Land Use ² – 270 ADT Proposed Land Use ³ – 351 ADT |
| ¹ Average Daily Trips | ² as defined by a 37 residential condominium units | ³ Based on 48 residential condominium units | ⁴ LOS = Level of Service |

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

The northern property line of the site follows the former Norfolk Southern Railroad corridor (NSRR), which is presently City of Virginia Beach right-of-way. The NSRR is master planned as part of the Virginia Beach Trail, a proposed multi-use recreational path. This portion of the NSRR is part of the planned Phase 1 for the trail's development. The Virginia Beach Trail has been part of City transportation plans since 1981.

There are no long-term plans for Parliament Drive in the current Master Transportation Plan.

Public Utility Impacts

Water

There is an existing eight-inch City water main along Parliament Drive. There is also an eight-inch City water main encroaching into the site within a 15-foot Public Utility Easement. The site is already connected to City water.

Sewer

The site is already connected to City gravity sewer and there is an existing eight-inch sanitary sewer gravity main along Parliament Drive.

Both water and sanitary sewer service must be verified and improved if necessary, so that the proposed development will have adequate water pressure, fire protection, and sanitary sewer service.

Public Schools Impacts

This property is currently zoned for Point O'View Elementary School, Larkspur Middle School, and Kempsville Highschool. Virginia Beach Public Schools anticipates the increase in dwelling units at this site would generate a modest number of students.

| School | Current Enrollment | Capacity | Generation ¹ | Change ² |
|-------------------------|--------------------|----------------|-------------------------|---------------------|
| Point O'View Elementary | 689 students | 630 students | 2 students | 2 students |
| Larkspur Middle | 1,563 students | 1,647 students | 1 student | 1 student |
| Kempsville High | 1,786 students | 2,060 students | 2 students | 2 students |

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

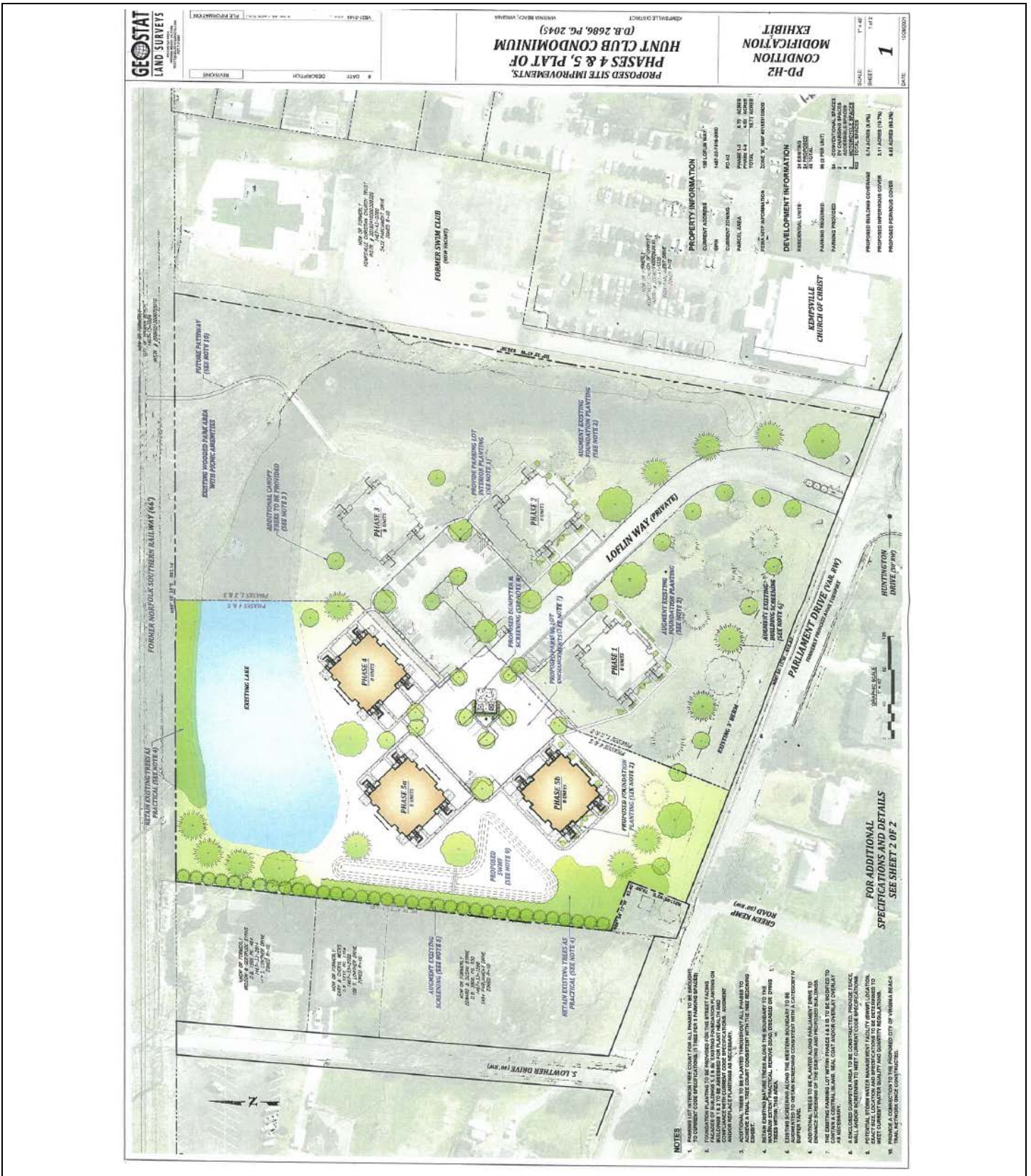
² "change" represents the difference between the number of potential or actual students generated under the existing zoning and the number generated under the proposed zoning. The number can be positive (additional students) or negative (fewer students).

Public Outreach Information

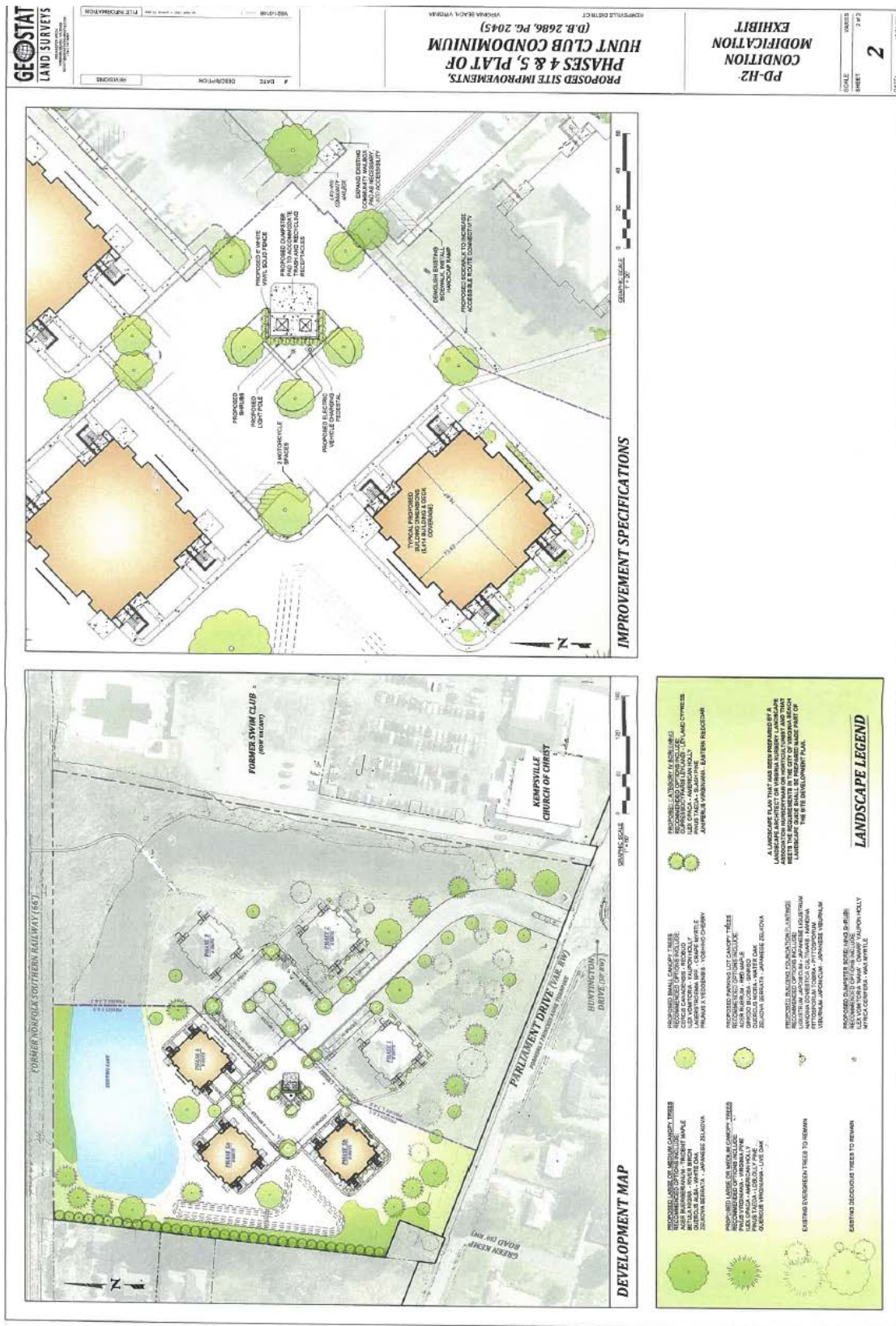
Planning Commission

- The applicant met with the Ridgelea Civic League President to discuss the details of the request. Staff received a letter of support for this project from the Ridgelea Civic League on December 1, 2021.
- The applicant also indicated to Staff that the Board of the Hunt Club Condominium Association has had multiple meetings with the residents and have circulated a petition of support for the immediate condominium units most affected by this project.
- In addition to the required notice signs, the applicant posted a site plan, a project summary, and contact information for the project manager for those with questions. The applicant received one call from a homeowner on November 8, 2021 and met with that homeowner on November 18, 2021.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021 and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

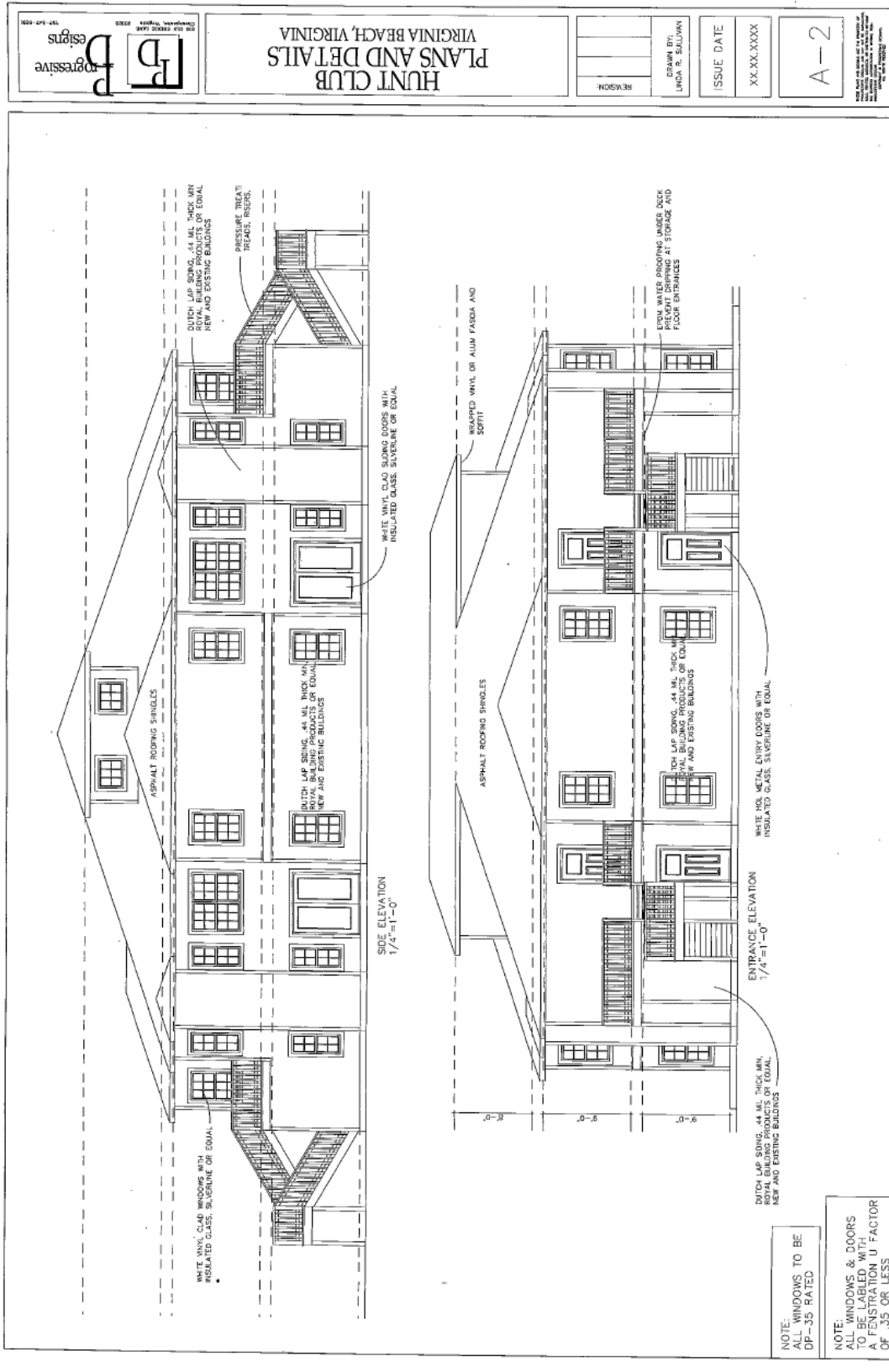
Proposed Site Layout



Proposed Site Layout



Proposed Elevation Plan



Proposed Elevation Plan

THIS CONCEPTUAL RENDITION IS FOR ILLUSTRATIVE PURPOSES ONLY AND TO PROVIDE SUPPORT FOR THE MODIFICATION ACTION FILED WITH THE CITY OF VIRGINIA BEACH. NO RIGHTS SHALL VEST NOR ANY CAUSE OF ACTION SHALL ARISE FROM THIS SUBMISSION. CHANGES TO THE RENDITION MAY BE NECESSARY IN ORDER TO OBTAIN FINAL BUILDING PLAN APPROVAL.



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 Hunt Club Condominium Association, Inc., a Virginia non-stock corporation

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)

Mark Eller, President; Maureen Allision, Secretary/Treasurer; Mark Podolinsky, Board Member

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

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

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Disclosure Statement

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?

Mark Podolinsky, Dept. of Public Works

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.

Classic 3 Group, LLC, Rick Gregor

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.

Geostat Land Surveys

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.; Harry R. Purkey, Jr., Esq.

Applicant Signature

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

Hunt Club Condominium Association, Inc.

By: 

Applicant Signature

MARK C. EWERT, PRESIDENT - HUNT CLUB CONDO ASSN

Print Name and Title

9/30/2021

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

Conditional Use Permit (Tattoo Parlor)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

1017 Kempsville Rd

GPIN

1466538222

Site Size

2.42 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Shopping center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Shopping center / B-2 Community Business

South

Single-family dwellings / R-2.5 Residential

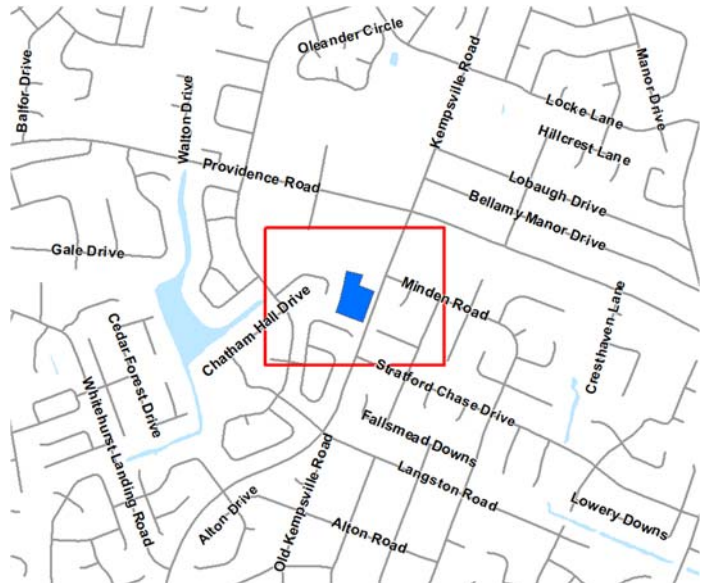
East

Kempsville Road

Single-family dwellings / R-10 Residential

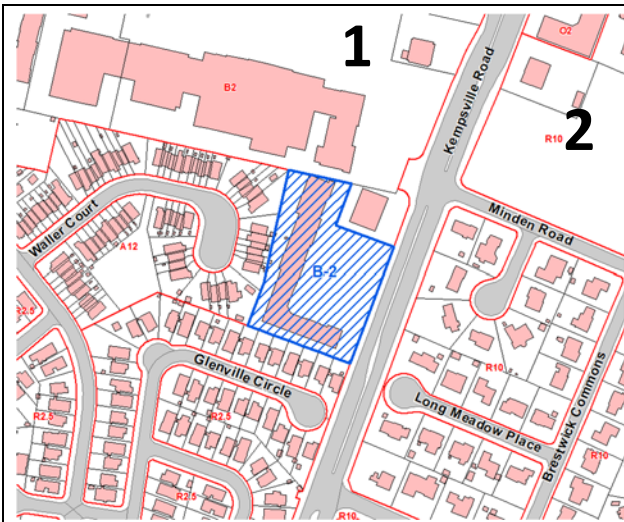
West

Townhomes / A-12 Apartment



Background & Summary of Proposal

- The applicant is requesting to operate a Tattoo Parlor for permanent makeup, known as microblading, within an existing 910 square foot salon. The unit is located within the Providence Square Shopping Center along Kempsville Road zoned B-2 Community Business District.
- According to the applicant, four employees are anticipated.
- The typical hours of operation are 10:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 2:00 p.m. on Saturdays.
- No exterior changes to the building are proposed, as well as no new signage.



Zoning History

| # | Request |
|---|--|
| 1 | CUP (Open Air Market) Approved 02/26/2013 |
| 2 | CUP (Wireless Communications Facility) Approved 05/08/1998 |

Application Types

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

MODC – Modification of Conditions
 MODP – Modification of Proffers
 NON – Nonconforming Use

STC – Street Closure
 FVR – Floodplain Variance
 ALT – Alternative Compliance

SVR – Subdivision Variance
 LUP – Land Use Plan
 STR – Short Term Rental

Evaluation & Recommendation

The proposed request for a Conditional Use Permit for a Tattoo Parlor, in Staff's opinion, is acceptable given that the use will be compatible with the other existing commercial businesses in the area. The Tattoo Parlor will be for the application of permanent makeup, rather than traditional tattooing.

Prior to operation on the site, the applicant must obtain a business license and the Health Department must verify that the business meets all the requirements of Chapter 23 of the City Code. Chapter 23 mentions the standards for disclosure, hygiene, licenses, waivers, proof of age, recordkeeping, inspections, cleanliness, vaccinations, and permitting. A Certificate of Occupancy will not be issued until the requirements of the Health Department are met.

As mentioned previously, the applicant is not proposing any new signage on the building of this establishment. However, there is existing signage on the window and door which provides the name of the business, hours of operation, and services provided, as depicted in the site photo on page 6 of this report. The existing signage located in the door and window of the business, in Staff's opinion, is neat and attractive. To ensure that the window and door signage does not become disorderly over time, condition 5 has been recommended to prohibit any additional signage on any windows or doors and if the existing signage is removed for any reason it shall not be replaced.

A Tattoo Parlor is considered to be a normal shopping center commercial use. Therefore, there will be no significant traffic impact anticipated with the addition of this use into the existing strip shopping center.

For the reasons stated above, Staff recommends approval of this application, subject to the conditions listed below.

Recommended Conditions

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23-51 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. All signage on the site must be in accordance with the sign regulations of the Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.
5. The existing signage on the door and window of the business, as depicted in the site photos on page 6 of this report, shall be allowed. No additional signage shall be added to any doors or windows of this business. If the existing signage on the window and door is removed for any reason, it shall not be replaced.

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

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

Comprehensive Plan Recommendations

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

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay Watershed. There does not appear to be any significant natural resources or cultural features associated with the site as it is fully developed with a shopping center and parking lot.

Traffic Impacts

| Street Name | Present Volume | Present Capacity | Generated Traffic |
|---|-------------------------|--|------------------------------------|
| Kempsville Road | 29,500 ADT ¹ | 32,700 ADT ¹ (LOS ² "D") | No Change Anticipated ³ |
| ¹ Average Daily Trips ² LOS= Level of Service ³ average daily trips not expected to change | | | |

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

Kempsville Road is a four-lane divided minor urban arterial road in the vicinity of this site. The MTP proposes a six-lane divided facility with an ultimate right-of-way of 150 feet.

Public Utility Impacts

Water & Sewer

This site is currently connected to both City water and gravity sewer service.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021 and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

Proposed Site Layout



Site Photos



Disclosure Statement

Disclosure Statement



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

Applicant Disclosure

Applicant Name Trayana Mills

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

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

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

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

Disclosure Statement

Disclosure Statement



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

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

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

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

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

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

Applicant Signature

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

Trayana Mills

Applicant Signature

Trayana Mills

Print Name and Title

09/27/2021

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 Providence Square Associates, LLC

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)

Manager: BDC Manager, LLC
Officers: Ramon W. Breeden, Jr., C. Torrey Breeden,
Terry M. Marshall

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

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement

Disclosure Statement



Owner Services Disclosure

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

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

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.

By: Providence Square Associates, LLC
Terry M. Marshall, J.P. - BDC Manager, LLC - Manager

Owner Signature

Terry M. Marshall, J.P. -

Print Name and Title

10/1/21

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

Conditional Use Permit (Assembly Use)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

5300 Kempsriver Drive, Suite 126

GPIN

1466306381

Site Size

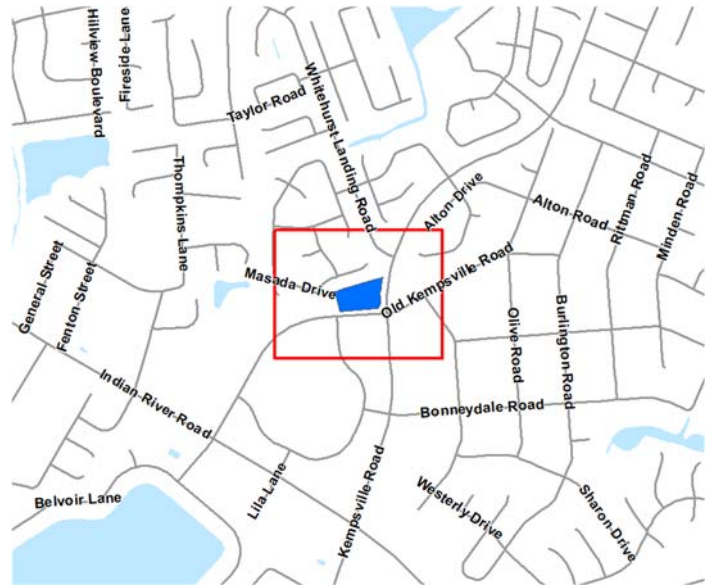
2.24 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay



Existing Land Use and Zoning District

Shopping center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Single-family dwellings / R-7.5 Residential

South

Post Office / B-2 Community Business

East

Single-family dwellings / R-7.5 Residential

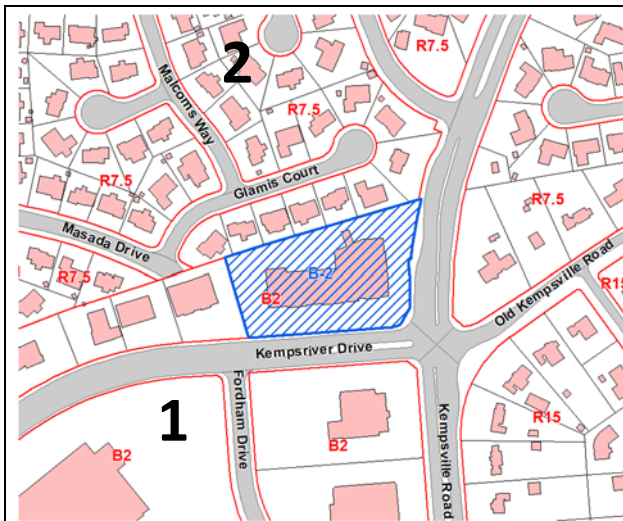
West

Shopping center / B-2 Community Business



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for an Assembly Use for a banquet hall and event space within a 1,950 square foot unit of the Kemps Corner Shoppes shopping center zoned B-2 Community Business District. Per the Zoning Ordinance, an event venue is classified as an Assembly Use, and as such, a Conditional Use Permit is required.
- The applicant estimates the number of guests at any event will range from 10 to 105. However, the maximum occupant load of the event space will ultimately be determined by the Building Official's Office and the Fire Marshal.
- The proposed hours of operation are 10:00 a.m. to 2:00 a.m., Monday through Saturday. However, the applicant anticipates that most of the events will occur in the evenings and on the weekends, during off-peak hours.
- The event space will be used for private celebratory events, such as but not limited to baby showers, bridal showers, and retirement parties. All events will take place inside of the unit, as noted in Condition 5.
- Per the Zoning Ordinance (203(a)(c)), one parking space is required per 150 square feet of floor area for a Shopping Center. The parking is met on site and is exceeded by 29 spaces.
- There will be no significant modifications to the site or to the exterior of the building. However, the applicant proposes to change the existing sign above the door to display the business name, similar to the letter styled signs used by the other businesses within the shopping center. A separate sign permit will be obtained from the Department of Planning & Community Development to ensure it meets all zoning requirements.



Zoning History

| # | Request |
|---|--|
| 1 | CUP (Indoor Recreation Facility) Approved 08/15/2019 |
| 2 | CUP (Family Day Care Home) Approved 08/05/2021 |

Application Types

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

MODC – Modification of Conditions
 MODP – Modification of Proffers
 NON – Nonconforming Use

STC – Street Closure
 FVR – Floodplain Variance
 ALT – Alternative Compliance

SVR – Subdivision Variance
 LUP – Land Use Plan
 STR – Short Term Rental

Evaluation & Recommendation

The request for a Conditional Use Permit for an Assembly Use, in Staff's opinion, is acceptable. This use is consistent with the Comprehensive Plan's vision for the Suburban Area as it will provide a complementary use that will serve the surrounding neighborhoods and businesses. Development within the Suburban Area focuses on creating great

neighborhoods by sustaining and stabilizing existing neighborhood with non-residential uses. The site's location is surrounded by both commercial and residential uses, from which the applicant hopes to draw clients.

The applicant indicates that all activities and music will remain indoors. A condition to prohibit outdoor amplified music, or outdoor use of speakers or monitors is recommended in Condition 6.

The shopping center exceeds the minimum parking requirement, as defined in Section 203 of the Zoning Ordinance, by 29 spaces. Based on Staff's review, the event space is not large enough to generate an extensive amount of traffic to this site, and most of the events will take place during off-peak traffic periods. The applicant expects weekday events to occur after 4:00 p.m. to 12:00 a.m. Weekend events are expected to occur 11:00 a.m. to 12:00 a.m. It is anticipated that any traffic impact will be minimal given that the majority of the events will occur during off-peak hours and weekends.

The proposed request for the Conditional Use Permit for an Assembly Use, in the staff's opinion, is acceptable subject to the conditions below.

Recommended Conditions

1. A business license for the Assembly Use shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
2. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division prior to occupancy. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for use of the existing building as an Assembly Use prior to operation.
3. The maximum number of occupants within the Assembly Use shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.
5. All event activities shall occur within the building. Outdoor events shall be prohibited unless specifically permitted with a Special Event permit.
6. No amplification of music or use of speakers or monitors shall be permitted except within the enclosed building.

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

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

Comprehensive Plan Recommendations

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

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay Watershed. There are no known significant cultural resources associated with this site.

Traffic Impacts

| Street Name | Present Volume | Present Capacity | Generated Traffic |
|----------------------------------|--|--|---|
| Kempsriver Drive | 10,900 ADT ¹ | 19,500 ADT ¹ (LOS ⁴ “D”) | Existing Land Use ² – 75 ADT Proposed Land Use ³ – No Data Available |
| ¹ Average Daily Trips | ² as defined by a Shopping Center | ³ No information available in the ITE Trip Generation Manual for event venues | ⁴ LOS = Level of Service |

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

Kempsriver Drive in the vicinity of this application is considered a four-lane undivided collector roadway. This roadway is not included on the MTP. There are no roadway CIP projects planned for this section of Kempsriver Drive.

Public Utility Impacts

Water & Sewer

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

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021 and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission’s meeting, was posted on the Commission’s webpage of www.vbgov.com/pc on December 2, 2021.

Existing Site Layout




Site Photos



Disclosure Statement

Disclosure Statement



City of Virginia Beach
Planning & Community
Development

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 Keisha Mercer Kevin + Keisha Mercer

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Kevin Mercer

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

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

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

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

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

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

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

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

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

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

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

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


Disclosure Statement



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

Applicant Signature

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

 Keisha Mercer
 Applicant Signature
Keisha Mercer Keisha Mercer
 Print Name and Title
8/29/21
 Date

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

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name RT Virginia Holdings, LLC

Applicant Name Kevin + Keisha Mercer

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)

Judy Tang members
Karen Tang manager

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

Known Interest by Public Official or Employee

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

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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.

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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 → *Not Applicable*

- 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.

Harvey Lindsey

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.

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

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- 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

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Owner Signature

Judy Tang Member

Print Name and Title

9/6/2021

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 Use Permit (Assembly Use)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

4752 Euclid Road

GPIN

1477325444

Site Size

33,588 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Office / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Single-family dwellings / R-7.5 Residential

South

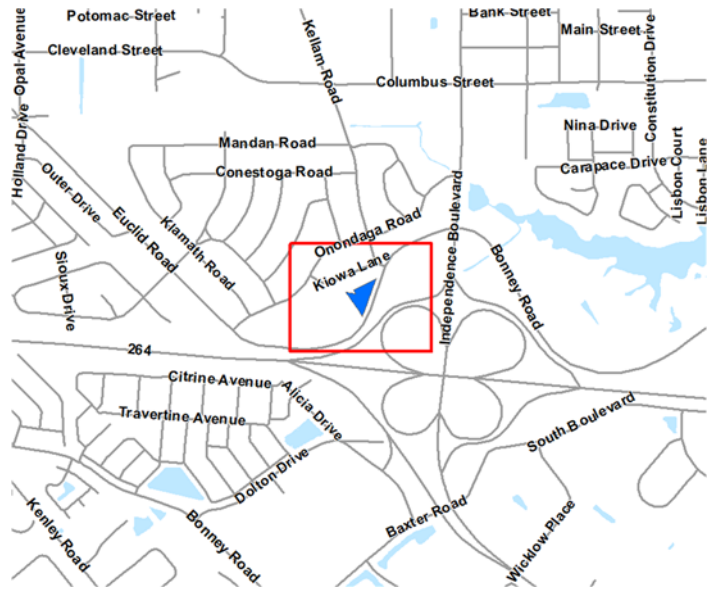
Undeveloped lot, hotel / B-2 Community Business, H-1 Hotel

East

Euclid Road
Retail / B-2 Community Business

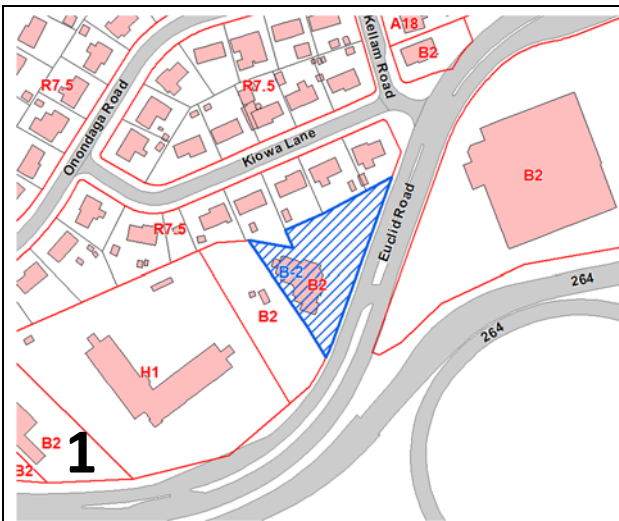
West

Single-family dwellings, undeveloped lot / R-7.5 Residential, B-2 Community Business



Background & Summary of Proposal

- The applicant is proposing to convert a portion of the first floor of an existing 12,600 square foot office building into a “boutique event venue.” Events such as these are classified in the Zoning Ordinance as Assembly Uses, thereby necessitating a Conditional Use Permit in the B-2 Community Business District.
- The 3,400 square foot event space will consist of three party rooms and an outdoor patio. The applicant plans to host bridal and wedding showers, as well as business retreats.
- The second floor of the existing building will remain office space with 11 units.
- The maximum occupant load of the event space will ultimately be determined by the Building Official’s Office and the Fire Marshal.
- The typical hours of operation for the office use are 9:00 a.m. to 5:00 p.m., Monday through Friday. The proposed hours of the assembly use will be 6:00 p.m. to 11:00 p.m., Monday through Friday and 12:00 noon to 11:00 p.m. on Saturdays and Sundays.
- Per the Zoning Ordinance, one parking space is required per 100 square feet of floor area for an Assembly Use. As the total floor area of the proposed venue is 3,400 square feet, a minimum of 34 parking spaces is required just for this use. The remaining 9,200 square feet of office space requires a minimum of 28 parking spaces. As the site provides only 38 parking spaces, the applicant proposes to only allow the assembly use to take place after the office use’s business hours.



Zoning History

| # | Request |
|---|--|
| 1 | CRZ (R5-D to B2 Community Business District) Approved 06/23/2016 |

Application Types

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

MODC – Modification of Conditions
 MODP – Modification of Proffers
 NON – Nonconforming Use

STC – Street Closure
 FVR – Floodplain Variance
 ALT – Alternative Compliance

SVR – Subdivision Variance
 LUP – Land Use Plan
 STR – Short Term Rental

Evaluation & Recommendation

The applicant’s request for the Conditional Use Permit for Assembly Use, in Staff’s opinion, is acceptable. This use is consistent with the Comprehensive Plan’s vision for the Pembroke Strategic Growth Area. Development within this area aims to accommodate future growth and adopt a more urban style in the City. This assembly use helps to maintain great neighborhoods by providing an affordable amenity to the community for the use of small gatherings and social events.

As stated previously, to ensure that the parking on site is met, the applicant is proposing to limit the square footage allowed for renting of the space for events, as well as the hours of operation. There are 38 parking spaces on the site. The office space, which consists of various businesses, operates during typical business hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. The applicant is proposing to limit the assembly use to no more than 3,400 square feet on the first floor of the building, which includes the outdoor patio space. In addition to limiting the square footage allowed for renting, the hours of operation will also be limited to 6:00 p.m. to 11:00 p.m., Monday through Friday and 12:00 noon to 11:00 p.m. on Saturdays and Sundays, after the office businesses are closed. With this business plan, the parking on site for the office space is met and exceeded by 10 spaces and the assembly use will be met and exceeded by four spaces. In Staff's view, limiting the square footage and the hours of operation for the assembly use is an appropriate plan for this site to ensure there are no conflicts in regard to parking.

Given the site's close proximity to the residential neighborhood to the north of the subject site, Staff recommends a condition to prohibit amplified music, use of speakers, or use of monitors outside of the building between the hours of 10:00 p.m. to 11:00 a.m. The applicant is agreeable to this condition.

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

Recommended Conditions

1. The Assembly Use shall be limited to 3,400 square feet of the first floor to include the outdoor patio, as depicted on the floor plan entitled "LA GALLERIA – VIRGINIA BEACH, VIRGINIA, prepared by WALLER, TODD, & SADLER ARCHITECTS, INC., dated January 5, 1987, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
2. A business license for the Assembly Use shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
3. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for a 3,400 square foot portion of the existing building as an Assembly Use. The floor plans submitted during the building permit process must show hard markings to include doors, walls, etc. to differentiate the assembly use space from the rest of the building.
4. The maximum number of occupants within the Assembly Use shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.
5. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.
6. The hours of operation for the assembly use shall be limited to 6:00 p.m. to 11:00 p.m., Monday through Friday and 12:00 p.m. to 11:00 p.m. on Saturdays and Sundays.
7. No amplification of music or use of speakers or monitors shall be permitted between the hours of 10:00 p.m. to 11:00 a.m.

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 Pembroke 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 Pembroke SGA Plan has identified creating more cultural venues as an opportunity in the Pembroke Area.

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay Watershed. There are no known significant cultural resources associated with this site.

Traffic Impacts

| Street Name | Present Volume | Present Capacity | Generated Traffic |
|----------------------------------|---|--|---|
| Euclid Rd | 5,020 ADT ¹ | 12,500 ADT ¹ (LOS ⁴ "D") | Existing Land Use ² – 116 ADT Proposed Land Use ³ – 58 ADT |
| ¹ Average Daily Trips | ² as defined by a General Office | ³ No information available in the ITE Trip Generation Manual for event venues | ⁴ LOS = Level of Service |

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

Euclid Road in the vicinity of this application is considered a two-lane undivided minor urban arterial and it is not included on the MTP. No roadway CIP projects are scheduled for this section of Euclid Road.

Public Utility Impacts

Water & Sewer

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

Public Outreach Information

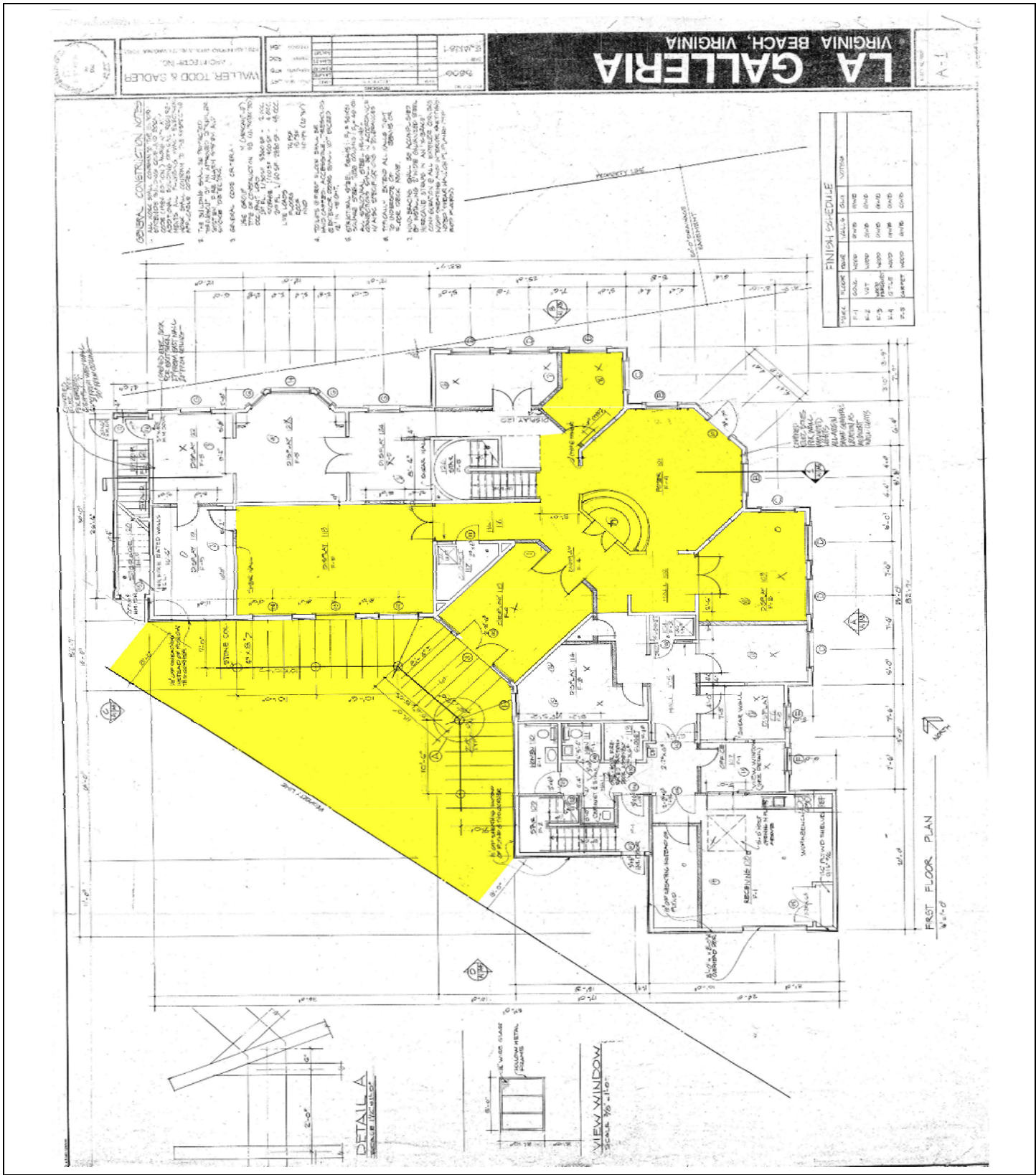
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021 and November 28, 2021.

- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

Existing Site Layout





Site Photos



Disclosure Statement

Disclosure Statement



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

Applicant Disclosure

Applicant Name JODIE CALCAGNO

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

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

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

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

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

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.

NLP CPAs, P.C.

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

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

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

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

Disclosure Statement

Disclosure Statement



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

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

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

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

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

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

Applicant Signature

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Applicant Signature

Print Name and Title

Date

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

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

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 CHRIS CALCAGNO

Applicant Name JODIE CALCAGNO

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)

1-SOLE PROPRIETORSHIP -

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

AFFILIATED BUSINESS UNDER DISTRIBUTION
RULES/ COMMON OWNERSHIP - SPOUSE

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

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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.

TOWNE BANK

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

☐ Yes ☒ No

- If yes, identify the 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.

NLP CPAS, P.C.

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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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Print Name and Title

Date

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

Request

Conditional Use Permit (Mini-Warehouse)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

Southwest Intersection of College Park
Boulevard & Providence Road

GPIN

1456221655

Site Size

2.85 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Undeveloped lot / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Providence Road

Multi-family dwellings / A-18 Apartment

South

Multi-family dwellings / A-24 Apartment

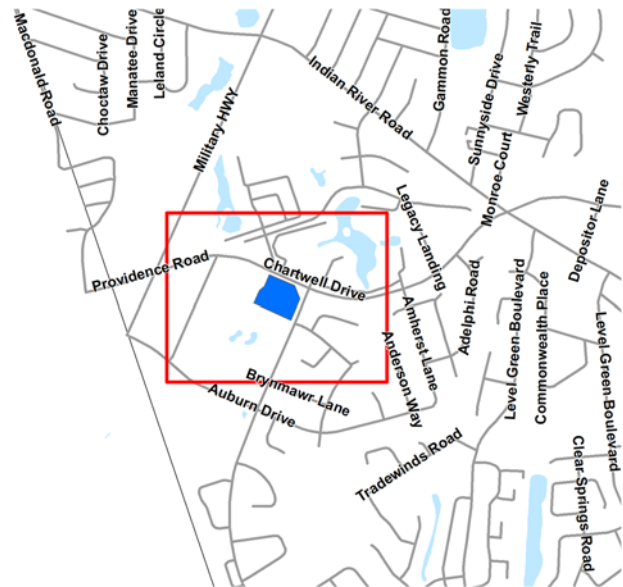
East

College Park Boulevard

Single-family dwellings / R-7.5 Residential

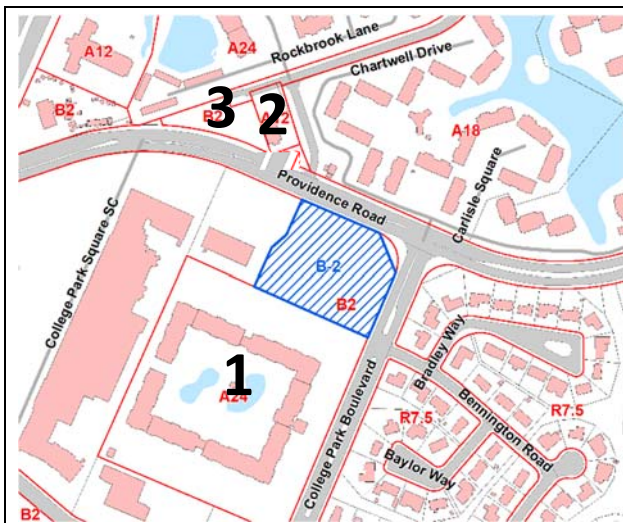
West

Office, retail / B-2 Community Business



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Mini-Warehouse on a 2.89-acre undeveloped parcel zoned B-2 Community Business District at the southwest corner of Providence Road and College Park Boulevard.
- The four-story mini-warehouse building will be climate-controlled with a floor area of 165,680 square feet. The façade will consist of a red brick veneer, with aluminum storefront panels, metal canopies, light gray and brown architectural metal panels, and metal cornice.
- Per the City Zoning Ordinance, a 15-foot-wide landscape buffer with Category IV landscaping (a mix of evergreen trees and shrubs) is required along property lines abutting Residential or Apartment Districts and the storage facility is required to be enclosed by a six-foot tall privacy fence. A six-foot solid fence exists along the southern property line on the adjacent property. The applicant is proposing to install an eight-foot-tall black aluminum ornamental fence along the southern and western property lines to provide a more aesthetically pleasing fence. The applicant is requesting that this deficiency be addressed through the provisions of Section 221(i) of the Zoning Ordinance, which allows City Council to grant deviations from required landscaping if “for good cause shown upon a finding that there will be no significant detrimental effects on surrounding properties”.
- In addition to the request for a deviation to the landscape requirements, the applicant is also requesting a deviation to the building height. Per the City’s Zoning Ordinance, the maximum height for a site adjacent to an Apartment District is 45 feet. As depicted on the building elevations, the proposed height is 47 feet and six inches.
- Customer access into the building is proposed between the hours of 6:00 a.m. to 9:00 p.m., seven days a week. The office hours are 9:00 a.m. to 6:00 p.m., seven days a week, with up to three employees on site.
- Per the Zoning Ordinance, one space per employee on the maximum working shift is required. The on-site parking requirement is met with the proposed 12 parking spaces, as the applicant indicated that three people will be working per shift.



Zoning History

| # | Request |
|---|--|
| 1 | CRZ (B-2 to Conditional A-24) Approved 12/13/1995 |
| 2 | CUP (Church) Approved 05/12/1993 |
| 3 | CUP (Automobile Repair Garage) Approved 09/13/1995 |

Application Types

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

MODC – Modification of Conditions
 MODP – Modification of Proffers
 NON – Nonconforming Use

STC – Street Closure
 FVR – Floodplain Variance
 ALT – Alternative Compliance

SVR – Subdivision Variance
 LUP – Land Use Plan
 STR – Short Term Rental

Evaluation & Recommendation

The request for a Conditional Use Permit for a Mini-Warehouse, in Staff's opinion, is acceptable. This use is consistent with the Comprehensive Plan's vision for the Suburban Focus Area 8 – Military Highway Corridor. Development within this area focuses on creating and maintaining great neighborhoods by enhancing the existing neighborhood through compatibility with the surrounding area. The storage facility is surrounded by both commercial and residential uses and provides a service to the surrounding businesses and residences.

To enhance the site, the applicant is proposing a Category VI screening, with plantings reaching a minimum of eight to 10 feet in height. A deviation is requested to the required six-foot solid privacy fence. Instead, the applicant is proposing an eight-foot tall black aluminum ornamental fence along the southern and western property lines. There is an existing six-foot tall white vinyl fence along the southern property line on the adjacent property. The applicant is proposing the eight-foot black aluminum ornamental fence instead of a six-foot solid fence, as required, for a more attractive look. Staff is supportive of this deviation. Condition 3 has been recommended to require the installation of a six-foot foot solid fence along the southern property line should the white vinyl privacy fence on the adjacent property ever be removed.

As stated previously, the applicant is also requesting a deviation to the 45-foot height requirements along the southern property line adjacent to A-24 Apartment District. The submitted building elevations shows the building to be 47 feet and six inches high. According to the applicant, the variable height parapet wall sections are higher, approximately 2-feet and six inches, to provide an architectural and aesthetic enhancement and will also serve as a screen for the rooftop mechanical equipment. In Staff's opinion, the proposed building height is acceptable, as it is more than 130 feet from the property line with parking lots and buffering between the buildings. For these reasons, Staff is supportive of the deviation request to exceed the 45 feet height limitation. Condition 1 is recommended to address this deviation.

The traffic generated by this mini-warehouse building is expected to yield up to 245 average daily trips. This mini-warehouse has a decreased amount of average daily trips than if this 2.85-acre site was developed with either a restaurant or retail shopping center. The proposed entrance-only access along College Park Boulevard must be designed to allow right-in only for the south bound traffic and prohibit the left turns in from northbound traffic, as depicted on the Conceptual Site Layout and the Conceptual Landscape Plan. Traffic Engineering Staff will provide more detailed comments during the site plan review process.

Based on these considerations, Staff recommends approval of this application with the deviations as noted above, and subject to the conditions listed below.

Recommended Conditions

1. The building height shall be no higher than 47 feet and six inches. This is a deviation to the City Zoning Ordinance.
2. An eight-foot tall black aluminum ornamental fence along the southern and western property lines shall be installed. This is a deviation to the required six-foot solid privacy fence, as required by the City Zoning Ordinance. The eight-foot tall black aluminum ornamental fence shall substantially adhere in appearance, size, and materials to the submitted rendering entitled "College Park Square Storage-Fence Detail, dated November 22, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. The eight-foot-tall black aluminum ornamental fence along the southern property line is permitted on the condition that the white vinyl privacy fence to the south of the property remains. If the adjacent property owner's privacy fence is torn down and removed, the eight-foot-tall aluminum ornamental fence along the southern property line must be replaced with a six-foot tall solid privacy fence.

4. When the property is developed, it shall be in substantial conformance with the plan entitled “COLLEGE PARK ROAD STORAGE SCHEMATIC LAYOUT”, prepared by SilverCore Land Development Consultants, dated September 30, 2021, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
5. A Landscape plan shall be submitted to the Development Services Center of the Department of Planning & Community Development for review and ultimate approval prior to issuance of a Certificate of Occupancy and shall be in substantial conformance to the plan entitled “CONCEPTUAL LANDSCAPE PLAN – PROVIDENCE ROAD STORAGE FACILITY – MICHAEL D. SIFEN, INC.”, prepared by Frankenfield Design & Development, LLC, dated October 1, 2021 and revised October 25, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
6. The exterior of the proposed building shall substantially adhere in appearance, size, and materials to the submitted elevations entitled “MINI PRICE STORAGE – PROVIDENCE ROAD ROAD, VIRGINIA BEACH, VA”, prepared by Finley Design, dated November 1, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
7. The freestanding monument style sign shall be no more than eight feet (8') in height with a brick base to match the materials of the building.
8. All on-site signage must meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
9. Consistent with Section 237 of the City Zoning Ordinance, all outdoor lights shall be shielded to direct light and glare onto the mini-warehouse premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.

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 Military Highway Corridor Suburban Focus Area (SFA), which is characterized with low to medium density residential area to the west and light industrial uses including auto and truck sales, rentals, and repairs, outdoor storage, and warehousing to the east.

Natural & Cultural Resources Impacts

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

Traffic Impacts

| Street Name | Present Volume | Present Capacity | Generated Traffic |
|----------------------------------|--|--|--|
| College Park Blvd | 5,070 ADT ¹ | 28,900 ADT ¹ (LOS ⁴ "D") | Existing Land Use ² – 0 ADT Existing Zoning (2.85-ac of B-2) – 1,570 ADT Proposed Land Use ³ – 245 ADT |
| Providence Road | 15,150 ADT ¹ | 32,700 ADT ¹ (LOS ⁴ "D") | |
| ¹ Average Daily Trips | ² as defined by a undeveloped lot | ³ as defined by a 165,680 square foot mini-warehouse building | ⁴ LOS = Level of Service |

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

Providence Road in the vicinity of this application is considered a four-lane divided minor urban arterial. The MTP proposes a four-lane divided facility with bikeway within a 100 foot right-of-way. College Park Boulevard is a four-lane divided collector roadway and this roadway is not included in the MTP. No roadway CIP projects are slated for this part of Providence Road.

Public Utility Impacts

Water & Sewer

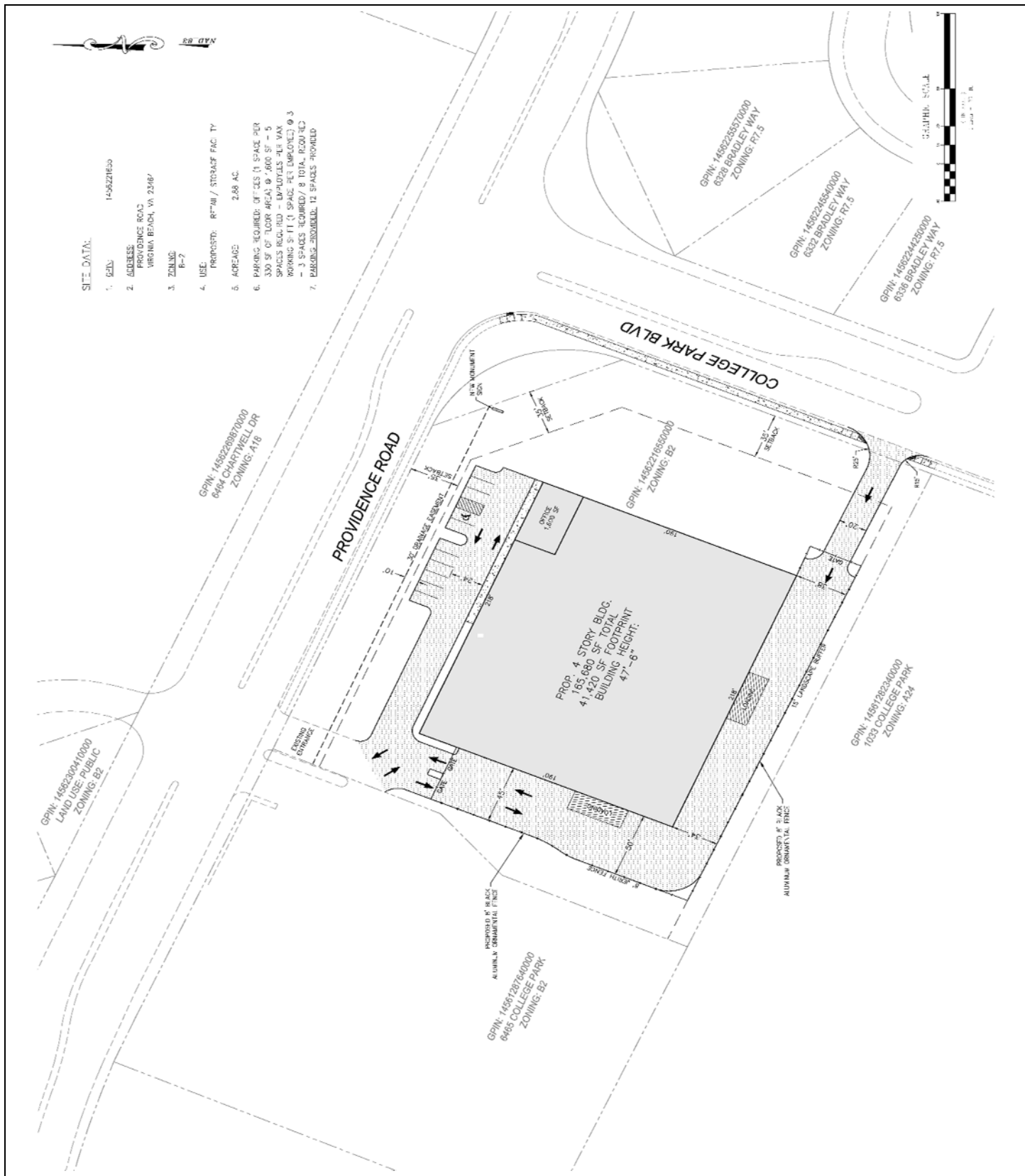
The site must connect to City water and sanitary sewer.

Public Outreach Information

Planning Commission









- One letter of support has been received by Staff.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021 and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

Proposed Conceptual Site Layout



Proposed Conceptual Landscape Plan

| QUAN | BOTANICAL NAME | COMMON NAME | SIZE | SPACE |
|------|--------------------------------|-------------------------------|----------------|----------|
| 38 | Lagerstroemia indica | CRAPE MYRTLE | 5'-8' BAB | 15' O.C. |
| 301 | Illex vomitoria "Nana" | DWARF YALPON HOLLY | 15'-18" CONT. | 3' O.C. |
| 98 | Peristarium alpestricum | DWARF FOUNTAIN GRASS | 1 GAL. CONT. | 2' O.C. |
| 9 | Prunus caroliniana | CAROLINA CHERRY LAUREL | 5'-8" CONT | 10' O.C. |
| 12 | Quercus prinus | WILLOW OAK | 2'-2 1/2" GAL. | BY PLAN |
| 146 | Rapanea indica "Eleanor Taber" | ELEANOR TABOR INDIAN HAWTHORN | 18-24" CONT. | 3' O.C. |
| 81 | Rhododendron viscosum | SWAMP AZALEA | 24-36" CONT. | 3' O.C. |
| 73 | Viburnum rhytidophyllum | LEATHER LEAF VIBURNUM | 24-36" CONT. | 4' O.C. |

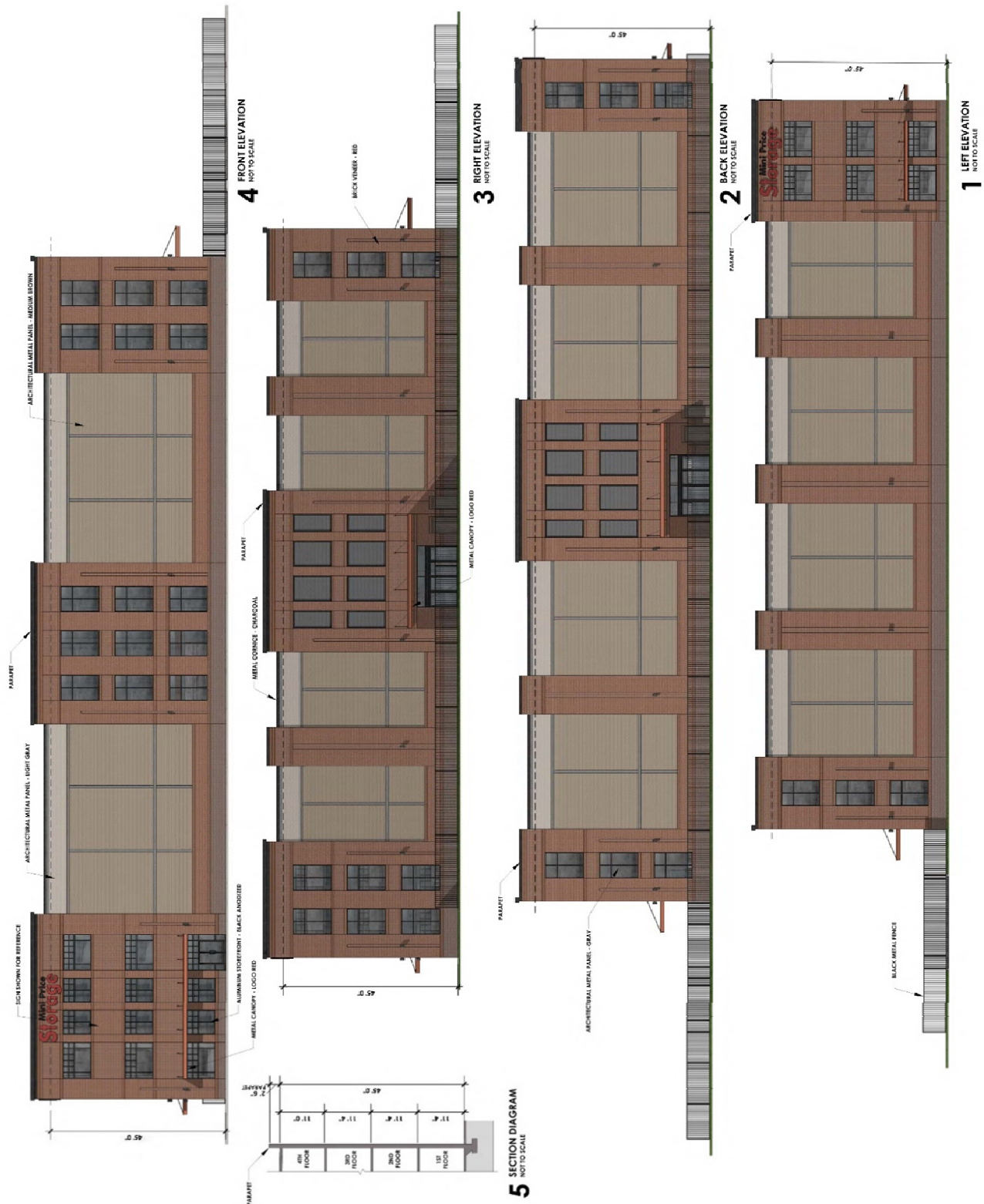
| PLANT LEGEND (SYMBOLS NOT TO SCALE) | |
|---|-------------------------------|
|  | CRAPPE MYRTLE |
|  | DWARF YAUPOIN HOLLY |
|  | DWARF FOUNTAIN GRASS |
|  | CAROLINA CHERRY LAUREL |
|  | WILLOW OAK |
|  | ELEANOR TABOR INDIAN HAWTHORN |
|  | SWAMP AZALEA |
|  | LEATHER LEAF VIBURNUM |

CONCEPTUAL LANDSCAPE PLAN

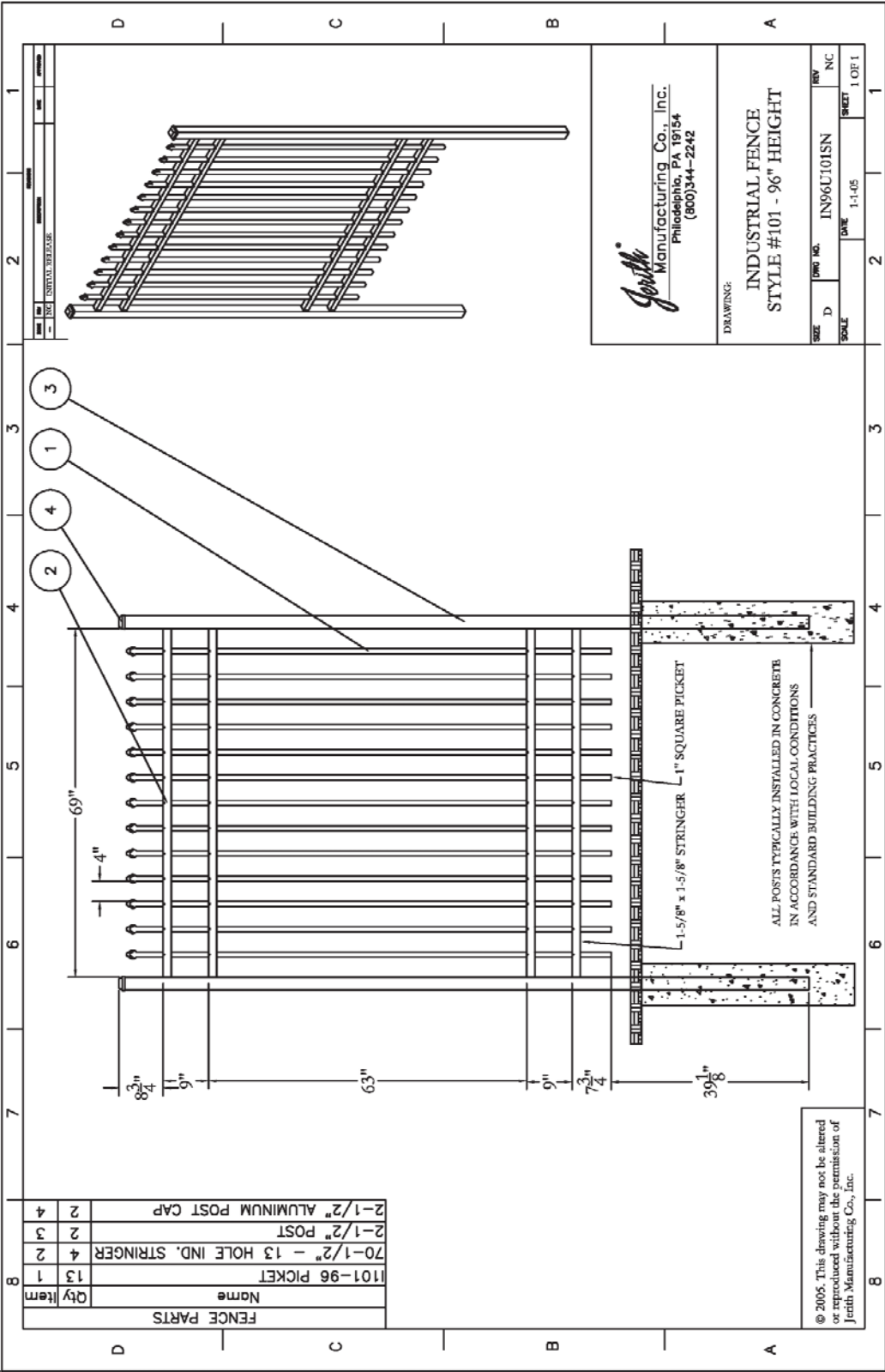
PROVIDENCE ROAD STORAGE FACILITY
MICHAEL D. SIFEN INC.
OCTOBER 1, 2021
REVISED: OCTOBER 23, 2021



Proposed Building Elevations



College Park Square Storage-Fence Detail 11/22/21



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 Michael D. Sifen, Inc., a Virginia corporation

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)

Michael D. Sifen, President; Donald R. Smith, Vice President; Barry A. Sifen, Vice President/CFO/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 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.

² relationship, other than parent-subsidary relationship, that exists when (i) one entity is a controlling owner 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.

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.

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.

Ricky Anderson, Colliers International

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.

Finley Design & Frankenfield Design & Development

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.

Michael D. Sifen, Inc.

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

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

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

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

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.

Michael D. Sifen, Inc.

By: Michael D. Sifen Pres.

Applicant Signature

Michael D. Sifen, President

Print Name and Title

9-28-21

Date

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

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name Virginia Beach Investment Company, a General Partnership

Applicant Name Michael D. Sifen, Inc., a Virginia corporation

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

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

See Attached

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

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☒ Yes ☐ No

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

Patrick Gill, Colliers International

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

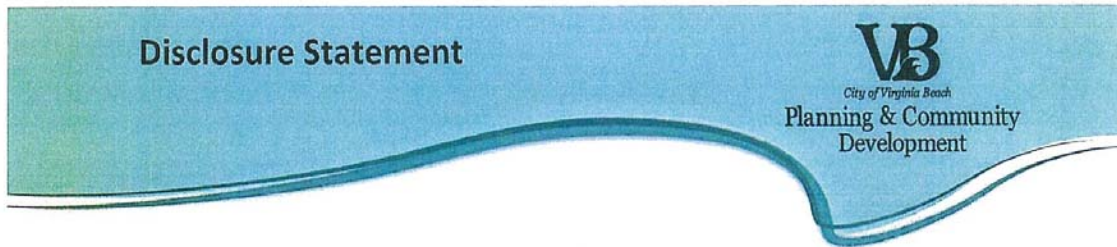
- If **yes**, identify the purchaser and purchaser's service providers.

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.



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.

Gregory D. Lydon, Esq., Willcox & Savage, P.C.; R. Edward Bourdon, Jr. 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.

Virginia Beach Investment Company

By: [Signature]

Owner Signature

I. William BERGER, Managing Partner

Print Name and Title

9/26/2021

Date

VIRGINIA BEACH INVESTMENT COMPANY, LLC

6477 College Park Square, Suite 306
Virginia Beach, VA 23464

ORGANIZATION:

A general partnership, VIRGINIA BEACH INVESTMENT COMPANY was formed March 1, 1963 for the purpose of investing in real property in the College Park area. The general partnership was converted to a limited liability partnership (LLP) on June 13, 2012. The limited liability partnership (LLP) was converted to a limited liability company (LLC) on February 6, 2013.

MEMBERS:

% INTERESTS

| | |
|--|-----------|
| Lawrence J. Goldrich Revocable Trust | 12.0890 % |
| Janice T. Goldrich Irrevocable Trust – 2000 | 5.0000 |
| Danielle Pariser | 11.2500 |
| Allison Weinger | 11.2500 |
| William Twomey | 0.811667 |
| Estate of Joseph Twomey | 0.811667 |
| Estate of Maurice Twomey | 0.649333 |
| David Ackerman Kyle II | 0.324667 |
| Bart Malanson Kyle | 0.324667 |
| Michael Twomey | 0.162333 |
| Kathleen Schaub | 0.2029165 |
| Mary Kelly | 0.2029165 |
| James Twomey | 0.2029165 |
| Patrick Twomey | 0.2029165 |
| Diane Alson Revocable Trust | 3.89600 |
| Mathew Firman | 3.89600 |
| James P. Firman | 3.89600 |
| Frost Legacy Holdings LP | 3.89600 |
| Richard K. Friedman Family Trust u/a dated 9/8/2004 | 6.56200 |
| Richard L. Sirow | 2.597334 |
| Daniel E. Sirow | 2.597333 |
| Linda Sirow | 2.597333 |
| Doreen M. Gottstein | 1.94800 |
| Rhoda J. Joelson, Summer Palace Trust u/a dated 3/16/96 | 1.94800 |
| I. William Berger | 4.33400 |
| Danielle B. Pariser Trust U/A of the Gail C. Berger Revocable Trust dated 4/9/09 | 1.67350 |
| Allison B. Weinger Trust U/A of the Gail C. Berger Revocable Trust dated 4/9/09 | 1.67350 |
| Andrew J. Goldrich | 5.00000 |
| Vicki E. Goldrich | 5.00000 |
| A. J. Goldrich and I. W. Berger Trustees For: Lauren J. Goldrich Irrevocable Trust No. 3-1996 | 5.00000 |
| TOTAL: | 100.000 % |

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

- 12 - Conditional Use Permit** (Short Term Rental) – 2510 Pacific Ave
- 13 - Conditional Use Permit** (Short Term Rental) – 2514 Pacific Ave
- 14 - Conditional Use Permit** (Short Term Rental) – 2518 Pacific Ave
- 15 - Conditional Use Permit** (Short Term Rental) – 2522 Pacific Ave
- 16 - Conditional Use Permit** (Short Term Rental) – 2526 Pacific Ave
- 17 - Conditional Use Permit** (Short Term Rental) – 2530 Pacific Ave

Staff Recommendation

Approval

Staff Planner

Antionette Fowlkes

Location

2510, 2514, 2518, 2522, 2526, & 2530 Pacific Avenue

GPIN

24280072160000

Site Size

9,004 square feet

Existing Land Use and Zoning District

Single-family dwelling / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

26th Street

Undeveloped / OR Oceanfront Resort

South

25th ½ Street (alley)

Shopping center / OR Oceanfront Resort

East

Pacific Avenue

Parking garage / OR Oceanfront Resort

West

Single-family dwellings / OR Oceanfront Resort



Background & Summary of Proposal

Site Conditions and History

- The 9,004 square foot lot is zoned OR Oceanfront Resort.
- According to City records, the parcel contains six single family townhomes.
- Staff inspected the site on October 20, 2021 to observe site conditions and take photographs for this report.
- On-street parking is not permitted on this portion of Pacific Avenue.
- City Council approved a Special Exception for Alternative Compliance on March 19, 2019 for the rear detached house to front the alley.
- There are no past violations.
- According to the applicant, this property was not used for Short-Term Rental purposes prior to July 1, 2018.

| Currently Advertised | Last Known Rental | Registered with the Commissioner of Revenue |
|----------------------|-------------------|---|
| No | N/A | N/A |

Short Term Rentals in the Vicinity



Summary of Proposal

The applicant submitted applications for Conditional Use Permit requests to operate six Short Term Rental on the subject site located within the Resort Area. The regulations for Short Term Rental use are identified in Section 241.2 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in each of the six Short Term Rentals: 3
- Maximum number of guests permitted in each Short Term Rental on the property after 11:00 pm: 6
- Number of parking spaces required for all Short Term Rental units on site (1 space per bedroom required): 18
- Number of off-street parking spaces provided: 10

| | 2510 Pacific Ave | 2514 Pacific Ave | 2518 Pacific Ave | 2522 Pacific Ave | 2526 Pacific Ave | 2530 Pacific Ave |
|--|------------------|------------------|------------------|------------------|------------------|------------------|
| Number of bedrooms in the Short Term Rentals: | 3 | 3 | 3 | 3 | 3 | 3 |
| Maximum number of guests permitted on the property after 11:00 pm: | 6 | 6 | 6 | 6 | 6 | 6 |
| Number of parking spaces required (1 space per bedroom required): | 3 | 3 | 3 | 3 | 3 | 3 |
| Number of on-site parking spaces assigned to each unit: | 2 | 1 | 1 | 1 | 1 | 1 |

A map of a city block showing streets and property lots. The subject site is a blue-hatched lot at the corner of 25th Half Street and Pacific Avenue, marked with a large black '1'. To its north is a pink lot marked with a large black '2'. Other lots are marked 'OR' (Orange) or 'A-12' (Agricultural). The map shows 26th Street to the north and 25th Half Street to the south. Pacific Avenue runs east-west through the block.

Zoning History

| # | Request |
|---|---|
| 1 | ALT (Alternative Compliance Ocean form-based code) Approved 02/14/2019 |
| 2 | CUP (Outdoor Recreation Facility) Approved 3/3/1992 |

Application Types

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

Evaluation & Recommendation

The applicant is requesting to operate six, three-bedroom Short Term Rentals located at 2510, 2514, 2518, 2522, 2526 and 2530 Pacific Avenue. The site is two blocks from the public beaches of the Atlantic Ocean in the resort area of the city, an area where Short Term Rental use is common.

The six, three-bedroom Short Term Rentals are required to have three off-street parking spaces per unit, totaling 18 parking spaces. Seven parking spaces can be accommodated on site by parking one vehicle in five of the units' two-car garages and then two vehicles in the driveway of unit 2510. An additional three on-site spaces are provided; however, these spaces are meant to be shared by occupants and their guests. The remaining eight required parking spaces will be leased from the 25th Street parking garage, which is within 0.25-miles from the property. The Zoning Administrator has reviewed the alternative parking plan and has deemed it acceptable. Staff believes that all other requirements of Section 241.2 and Section 2303 of the Zoning Ordinance pertaining to Short Term Rentals can reasonably be met and that the use of the property at this location for Short Term Rentals is appropriate. The site fronts the active Pacific Avenue and is in close proximity to the amenities offered at the oceanfront. While there is a single-family dwelling to the west, this property is clearly oriented towards Pacific Avenue, which is lined with parking lots and garages, restaurants, and other resort-oriented uses.

Based on the considerations above, Staff recommends approval of this request with the conditions listed below.

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 2510, 2514, 2418, 2522, 2526, 2530 Pacific Ave., and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
5. All additional required parking spaces, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
6. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
7. 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.

8. 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.
9. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
10. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
11. 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.
12. 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.
13. 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.
14. Accessory structures shall not be used or occupied as Short Term Rentals.
15. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
16. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
17. 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.
18. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
19. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
20. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and

3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

Properties managed by Short Term Rental Companies certified by the Department of Planning shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the short term rental management company and be documented on a form prescribed by the Planning Department and shall be provided during the yearly permitting process.

Properties may be inspected annually for compliance with the requirements above by certified Short Term Rental Management Companies or Certified Home Inspectors. The compliance inspection shall be documented on a form prescribed by the Planning Department and shall be provided during the yearly permit process.

21. A structural safety inspection report shall be provided to the City every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

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

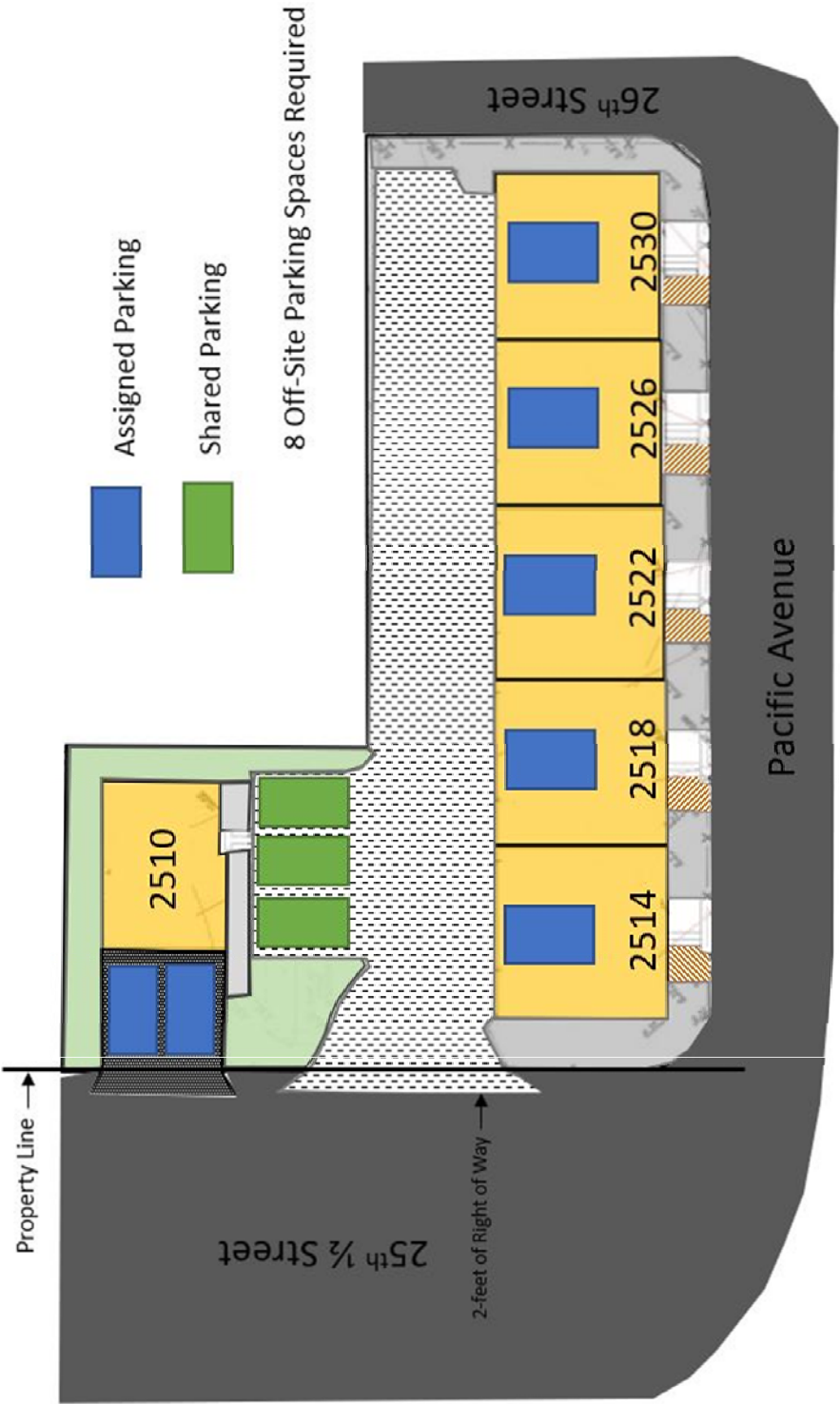
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021, and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

Site Layout & Parking Plan



Site Layout & Parking Plan



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 2508 PACIFIC AVENUE LLC, A VIRGINIA LIMITED LIABILITY COMPANY

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

EDDIE BOURDON

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)

CHRIS FITZEL, GEORGE CLARKE, MICHAEL FITZEL,
LANCEY CLARKE

- 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.

WILLIAM F. NAGLE

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.

TOM RETSAUER

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.

VB HOMES DESIGN BUILD LLC CHRIS BITTEL MEMBER

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

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

WPL SURVEYORS AND ENGINEERS

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

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

HARRY R. PURKEY JR PC AND 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

CHRIS BITTEL MEMBER

Print Name and Title

9/8/21

Date

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

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

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

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

Next Steps

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

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Antionette Fowlkes

Location

603 20th Street

GPIN

24179757080000

Site Size

7,673 square feet

Existing Land Use and Zoning District

Single-family dwelling / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

20th ½ Street

Single-family dwellings / OR Oceanfront Resort

South

20th Street

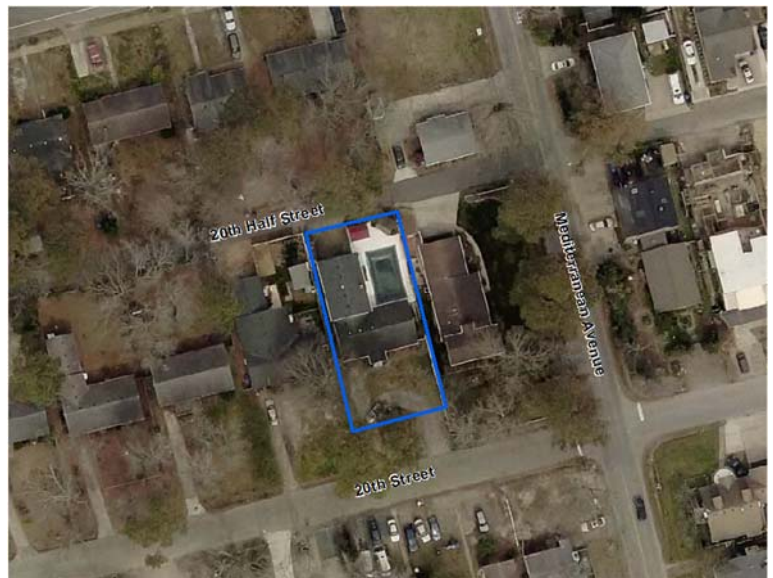
Single-family dwellings / OR Oceanfront Resort

East

Single-family dwellings / OR Oceanfront Resort

West

Single-family dwellings / OR Oceanfront Resort



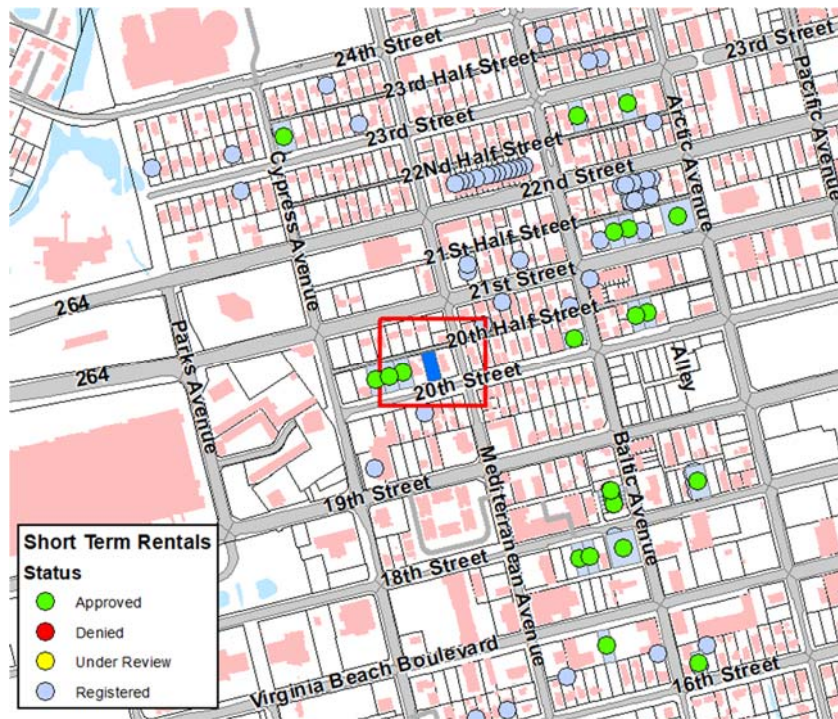
Background & Summary of Proposal

Site Conditions and History

- This 7,673 square foot lot is zoned OR Oceanfront Resort.
- According to City records, this three-bedroom home was constructed in 1958.
- Staff inspected the site on October 18, 2021 to observe site conditions and take photographs for this report.
- On street parking is not permitted on this portion of 20th Street.
- According to the applicant, this property was not used for Short-Term Rental purposes prior to July 1, 2018; therefore, a Conditional Use Permit is required for the Short Term Rental use.

| Currently Advertised | Last Known Rental | Registered with the Commissioner of Revenue |
|----------------------|-------------------|---|
| No | N/A | No |

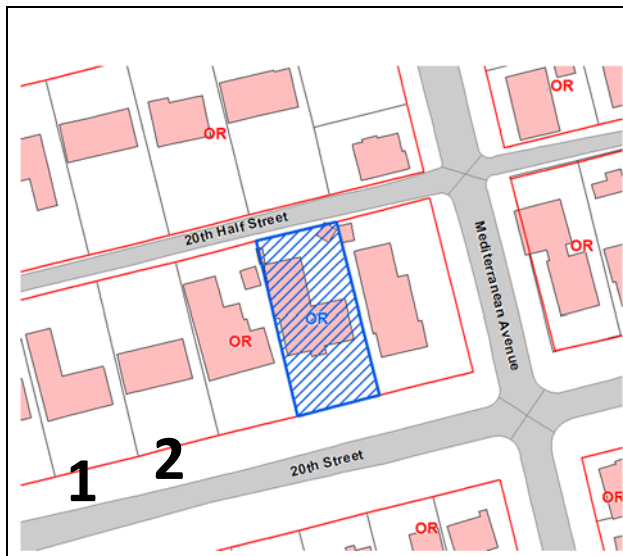
Short Term Rentals in the Vicinity



Summary of Proposal

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

- Number of bedrooms in the Short Term Rental: 3
- Maximum number of guests permitted on the property after 11:00 pm: 6
- Number of parking spaces required (1 space per bedroom required): 3
- Number of off-street parking spaces provided: 3



Zoning History

| # | Request |
|---|-------------------------|
| 1 | STR Approved 11/19/2020 |
| 2 | STR Approved 11/19/2020 |

Application Types

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

MODC – Modification of Conditions
 MODP – Modification of Proffers
 NON – Nonconforming Use

STC – Street Closure
 FVR – Floodplain Variance
 ALT – Alternative Compliance

SVR – Subdivision Variance
 LUP – Land Use Plan
 STR – Short Term Rental

Evaluation & Recommendation

The applicant is requesting to operate a Short Term Rental in a three-bedroom single-family home located at 603 20th Street. The site is within the Resort Area and four blocks from the public beaches of the Atlantic Ocean, an area where Short Term Rental use is common. The property is also two blocks east of the Virginia Beach Convention Center and within walking distance to amenities desired by visitors and residents. Two other dwellings along this block of 20th Street are operating as Short Term Rentals with Conditional Use Permits approved in November of 2020.

The three-bedroom home is required to have three off-street parking spaces. Each required parking spot can be accommodated on-site. The Zoning Administrator has reviewed this alternative parking plan and has deemed it acceptable. Staff believes that all other requirements of Section 241.2 and Section 2303 of the Zoning Ordinance pertaining to Short Term Rentals can reasonably be met.

Based on the considerations above, Staff recommends approval of this request with the conditions listed below.

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 603 20th Street, and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot-wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rentals.

13. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
 14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
 15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
 16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
 17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
 18. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.
- Properties managed by Short Term Rental Companies certified by the Department of Planning shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the short term rental management company and be documented on a form prescribed by the Planning Department and shall be provided during the yearly permitting process.
- Properties may be inspected annually for compliance with the requirements above by certified Short Term Rental Management Companies or Certified Home Inspectors. The compliance inspection shall be documented on a form prescribed by the Planning Department and shall be provided during the yearly permit process.
19. A structural safety inspection report shall be provided to the City every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

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.

Planning Commission

- The applicant reported that they met with surrounding property owners, and no concerns were raised. One letter of support has been received by Staff.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 8, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021, and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 3, 2021.

Site Layout & Parking Plan

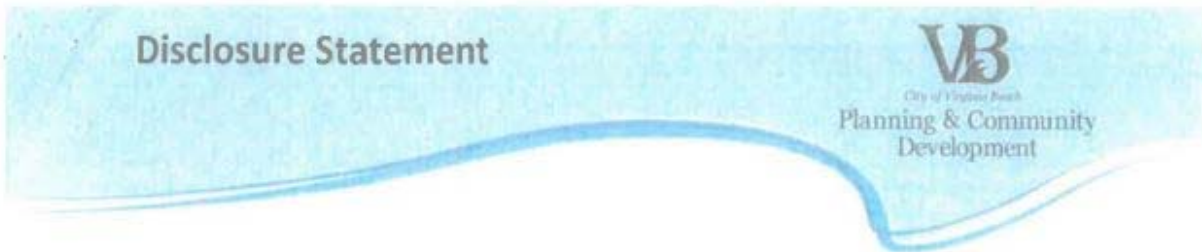


Site Photos



Site Photos





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Applicant Disclosure

Applicant Name ORP Ventures, LLV

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

- If yes, list the name of the representative.

R. Edward Bourdon, Jr., Esquire

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)

Steven W. Bishard, Manager, John K. Bishard, Manager

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

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

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



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☒ Yes ☐ No

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

TowneBank

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

☐ Yes ☒ No

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

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

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

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

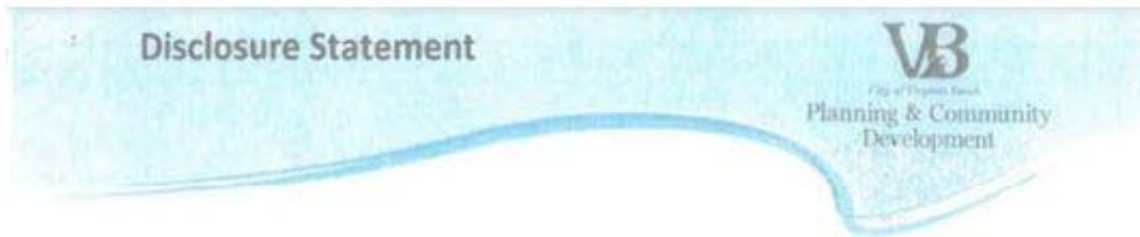
- If yes, identify the firm and individual providing the service.

Bishard Homes

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.

Align Surveying Shane Grant

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., Esquire

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.

Steven W. Bishard
Applicant Signature
Steven W. Bishard, Manager

Print Name and Title
9/13/2021

Date

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

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

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

| | | | | | |
|-------------------------------------|------------------|------|------------|------------|---------------------------|
| <input checked="" type="checkbox"/> | No changes as of | Date | 11/29/2021 | Signature | <i>Antionette Fowlkes</i> |
| | | | | Print Name | Antionette Fowlkes |

Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
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- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Requests

Conditional Use Permits (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Brandon Hackney

Location

410 19th Street, Units 101, 102, 103, 201, 202

412 19th Street, Units 101, 102, 201, 202

GPIN

24270754750000

Site Size

8,700 square feet

Existing Land Use and Zoning District

Multi-family dwellings / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

19th Street

Undeveloped / OR Oceanfront Resort

South

Alley

Single-family dwellings / OR Oceanfront Resort

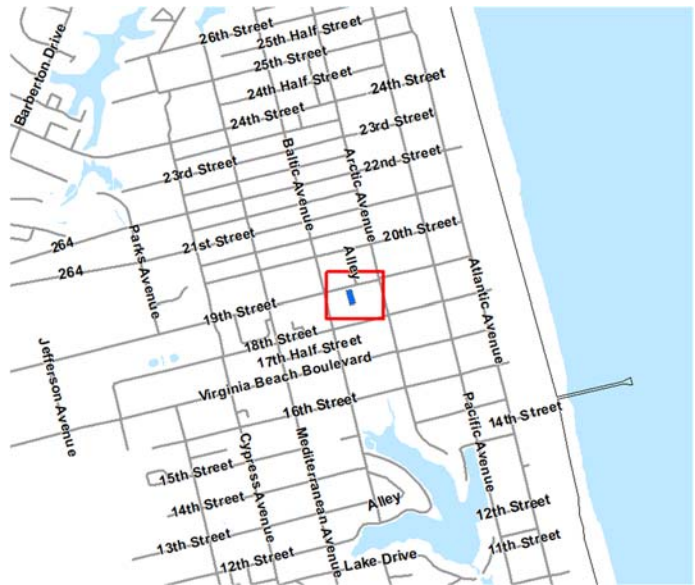
East

Single-family dwellings / OR Oceanfront Resort

West

Public right-of-way (alley)

Multi-family dwellings / OR Oceanfront Resort



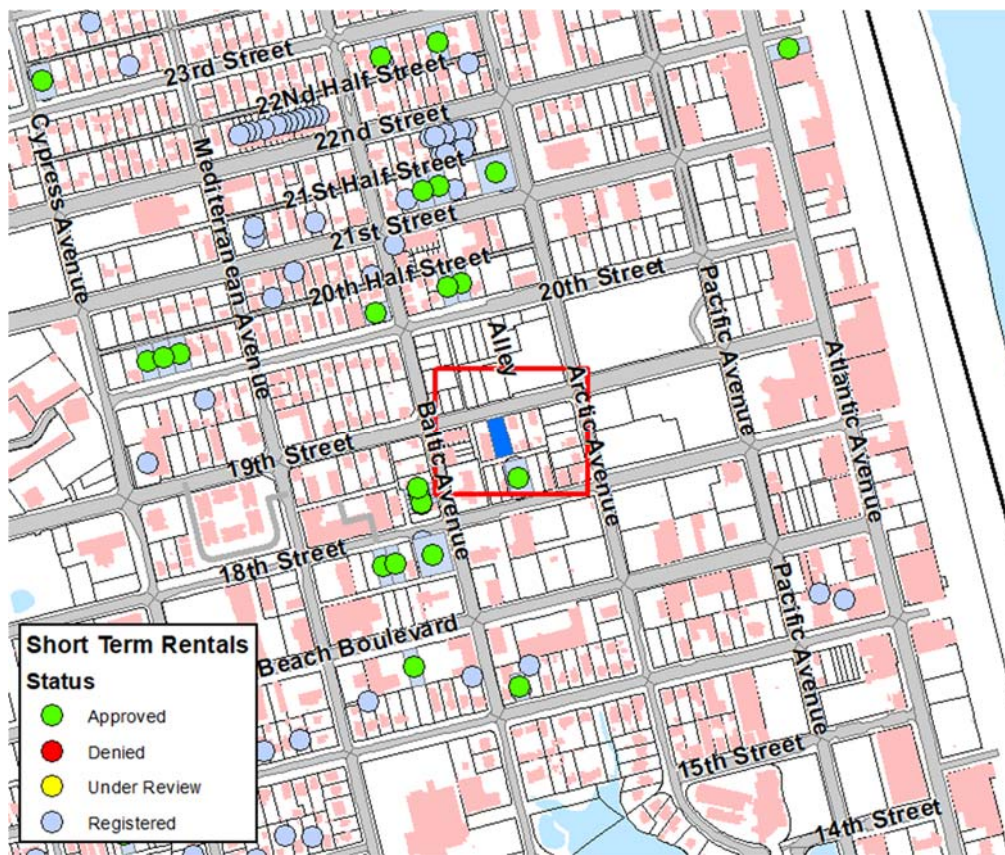
Background & Summary of Proposal

Site Conditions and History

- This 8,700 square foot parcel is zoned OR (Oceanfront Resort District) and is a two-story structure containing eight, one-bedroom units. An additional unit in what was a utility space is pending construction. This will bring the total to nine one-bedroom units.
- The applicant owns all nine units within the structure.
- According to City records, this structure was constructed in 1970.
- There are 11 parking spaces on the site that were constructed with the development in 1970, six of which are encroaching into the public alley along the rear of the property.
- Staff inspected the site on October 20, 2021 to observe site conditions and take photographs for this report.
- On-street parking is not permitted on this portion of 19th Street.
- No records of zoning violations relating to Short Term Rental use were found associated with the subject address.
- According to the applicant, this property was not used for Short Term Rental purposes prior to July 1, 2018.

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

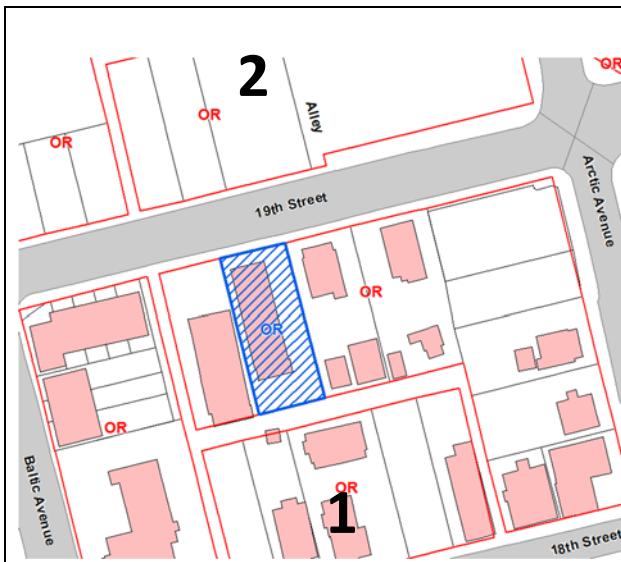
Short Term Rentals in the Vicinity



Summary of Proposal

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

| Address: | 410 19 th St | | | | | 412 19 th St | | | |
|--|-------------------------|-----|-----|-----|-----|-------------------------|-----|-----|-----|
| Unit: | 101 | 102 | 103 | 201 | 202 | 101 | 102 | 201 | 202 |
| Number of bedrooms in the Short Term Rentals: | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Maximum number of guests permitted on the property after 11:00 pm: | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Number of parking spaces required (1 space per bedroom): | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Number of parking spaces assigned to each unit: | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |



Zoning History

| # | Request |
|---|---|
| 1 | CUP (Short Term Rental) Approved 06/09/2020 |
| 2 | ALT (Maximum building height, building setbacks, building type, and several conditional uses for a mixed-use development) Approved 08/20/2021 |

Application Types

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

Evaluation & Recommendation

This property is located along 19th Street within the Oceanfront Resort Area, which consists of single-family and multi-family residential dwellings as well as multiple commercial uses that are oriented to resort living and activities. The subject lot is zoned Oceanfront Resort District.

The applicant's parking plan depicts five off-street parallel parking spaces on the east side of the property, along with six parking spaces in the rear, providing a total of 11 parking spaces for the site, which is two more spaces than the minimum required.

The six spaces at the rear of the property, which are partially in the right-of-way, were constructed as a part of the development in 1970. There is a wood fence, also encroaching into the right-of-way, that is placed behind the spaces thereby fully enclosing the property. These spaces and fence encroach 9.5 feet into the otherwise unimproved public alley.

Based on the considerations above, Staff recommends approval of this request with the conditions listed below.

Recommended Conditions

1. The following conditions shall only apply to the dwelling units addressed as 410 19th Street Units 101, 102, 103, 201, 202 and 412 19th Street Units 101, 102, 201, 202, and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short Term Rental purposes.

3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. 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.
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 and to be physical present at the Short Term Rental within one (1) hour.
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 Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
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 that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a Short Term Rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
13. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
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, which number shall not include minors under the age of 16, provided that in no

case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).

17. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

Properties managed by Short Term Rental Companies certified by the Department of Planning shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the Short Term Rental management company and be documented on a form prescribed by the Planning Department and shall be provided during the yearly permitting process.

Properties may be inspected annually for compliance with the requirements above by certified Short Term Rental Management Companies or Certified Home Inspectors. The compliance inspection shall be documented on a form prescribed by the Planning Department and shall be provided during the yearly permit process.

18. A structural safety inspection report shall be provided to the city every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

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

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

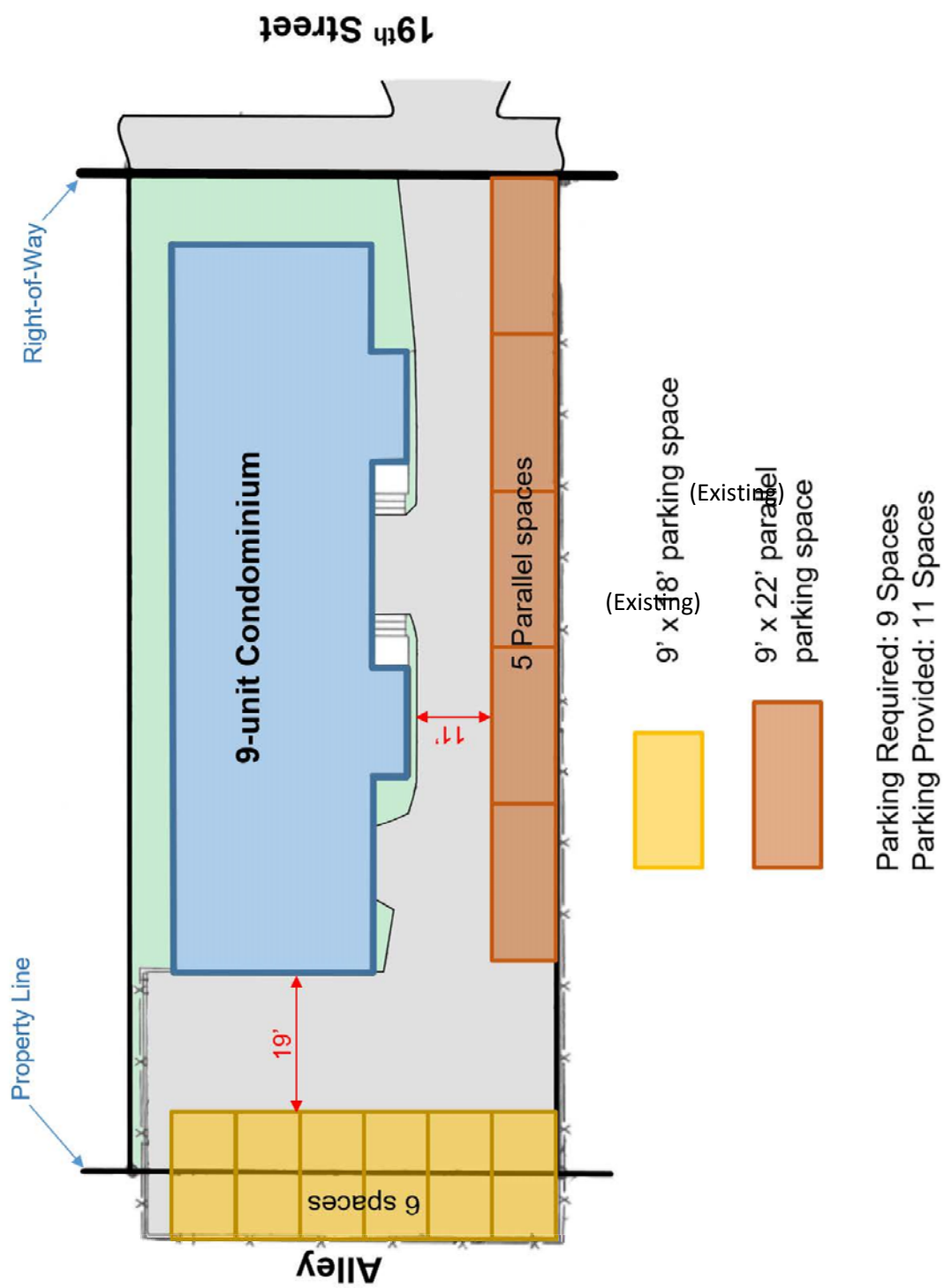
Public Outreach Information

Planning Commission

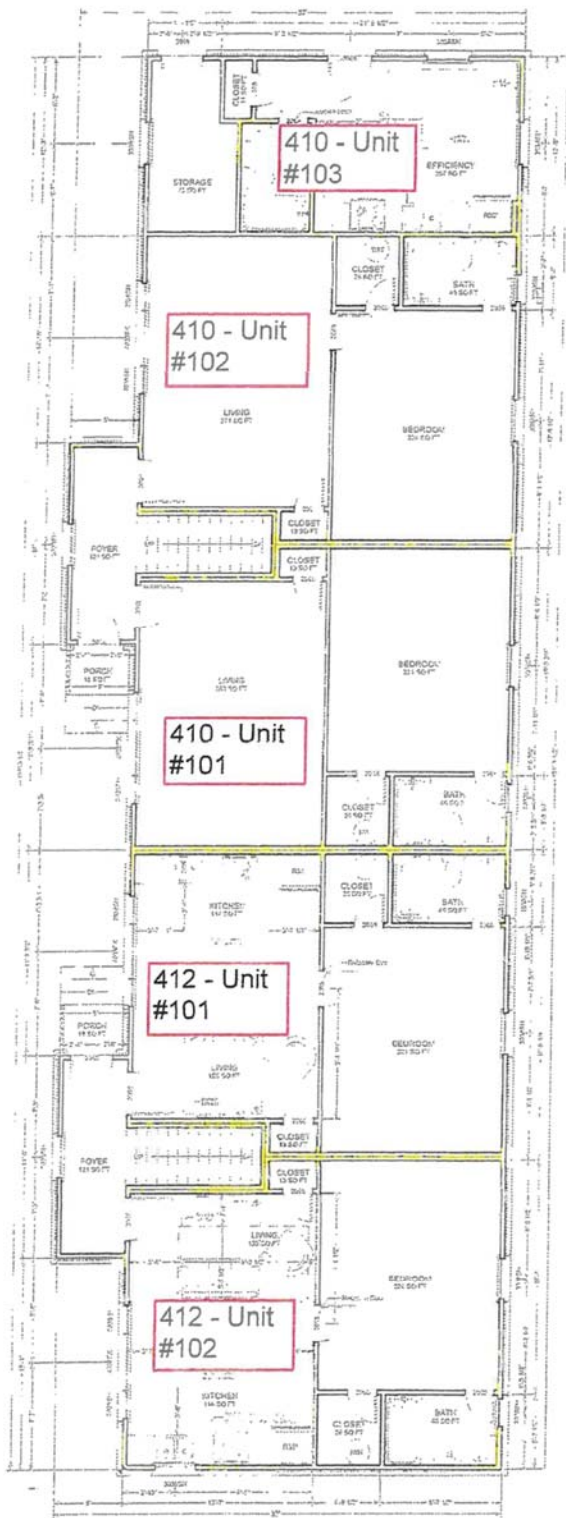
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 5, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 21, 2021, and November 28, 2021.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 22, 2021.

- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 2, 2021.

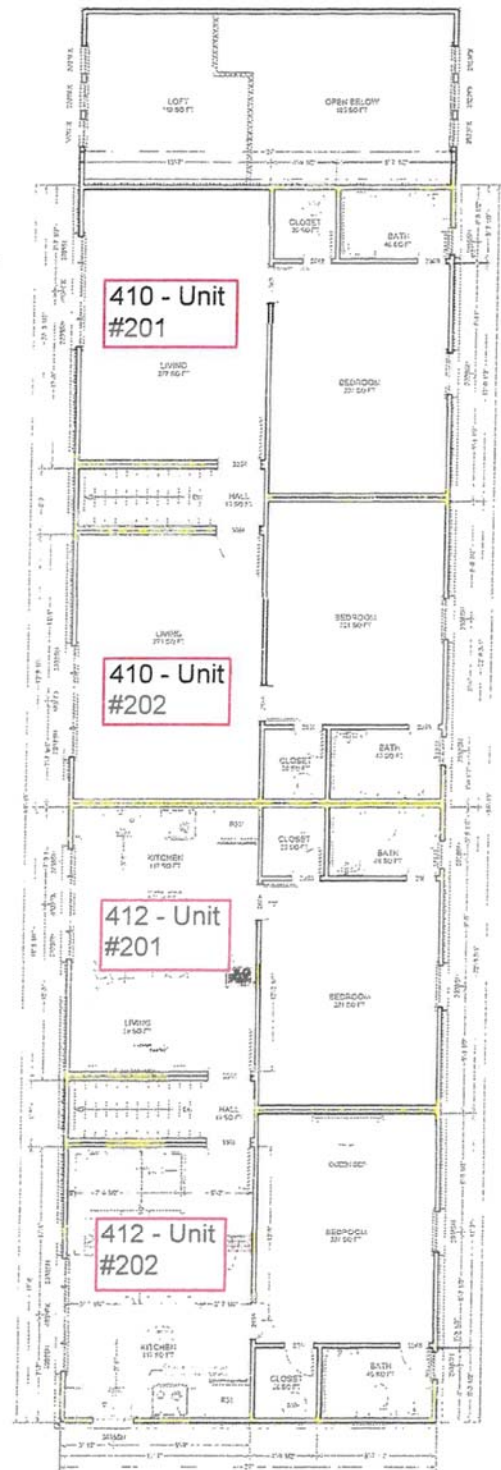
Site Layout & Parking Plan (Existing)



Floor Plan



First Floor 3/16" = 1'0"



Second Floor 3/16" = 1'0"

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 ORP Ventures, LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

R. Edward Bourdon, Jr. Esquire

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)

Steven W. Bishard, Manager, John K. Bishard, Manager

- 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.

TowneBank

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

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

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

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

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

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

Land Planning Solutions - John Bengston

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

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

Disclosure Statement

Disclosure Statement



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

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

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

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

WPL - Eric Garner

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

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

R. Edward Bourdon, Jr., Esquire - 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

Steven W. Bishard, Manager

Print Name and Title

9/13/2021

Date

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

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

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

| | | | | | |
|-------------------------------------|------------------|------|------------|------------|-------------------|
| <input checked="" type="checkbox"/> | No changes as of | Date | 11/30/2021 | Signature | Brandon M. Hawkey |
| | | | | Print Name | BRANDON M. HAWKEY |

Next Steps

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