

Planning Commission Agenda

February 9, 2022

 *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, February 9, 2022 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=e2421775892ec302634866e48fc2a3e09>

2. Register with the Planning Department by calling 757-385-4621 or via email at mbharris@vbgov.com prior to 5:00 p.m. on February 8, 2022.

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.

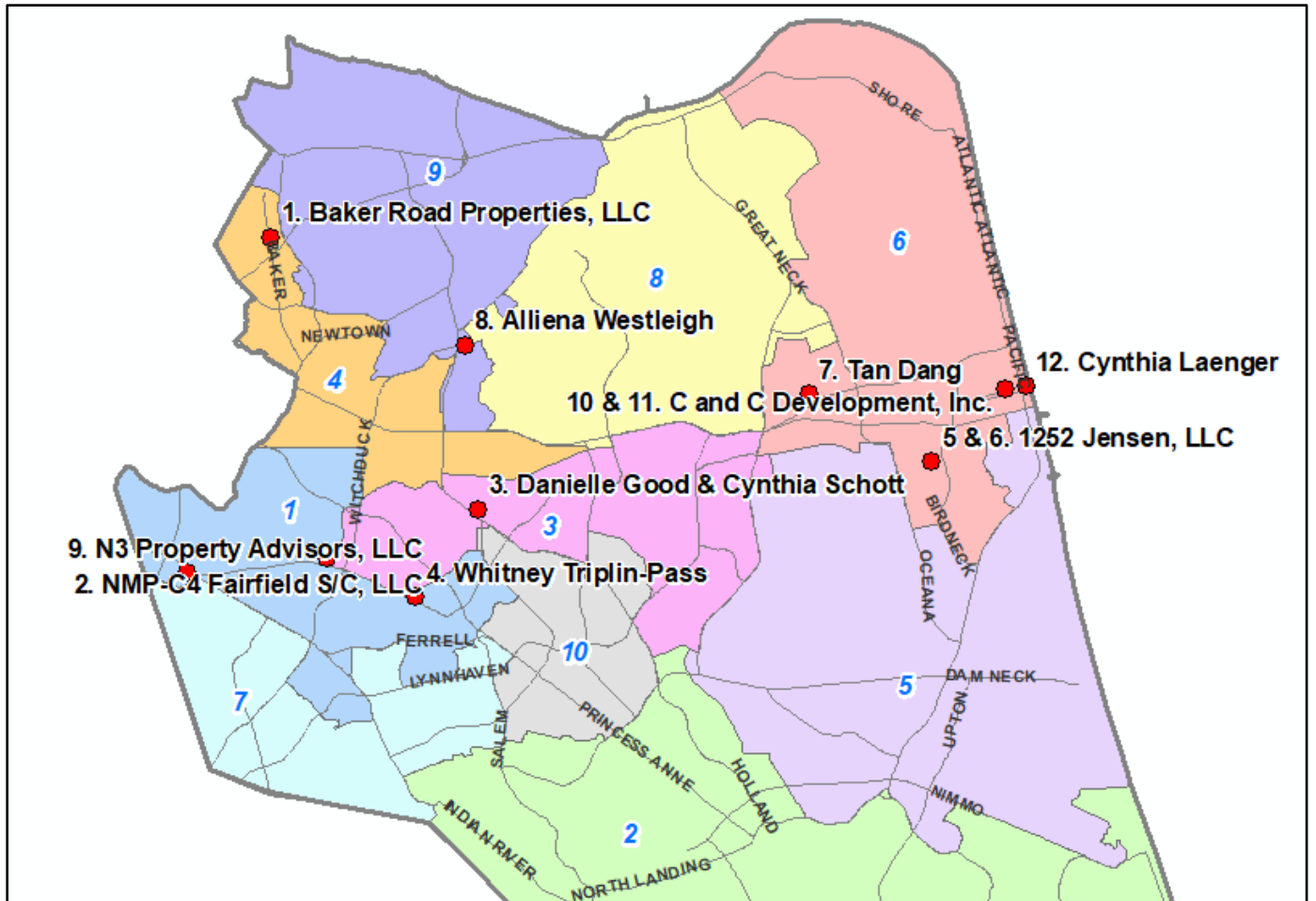
Please check our website at www.vbgov.com/pc for the most updated meeting information.

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.

FEBRUARY 9, 2022
PLANNING COMMISSION AGENDA



FEBRUARY 9, 2022 PLANNING COMMISSION AGENDA

A. COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION

B. BRIEFINGS

PC Training on Billboards by Kay Wilson, Deputy City Attorney
Solar and Battery Storage Facility by Hannah Sabo, Zoning Administrator

12:00 P.M. – PUBLIC HEARING

1.
Baker Road Properties, LLC (Applicant & Property Owner)

Conditional Rezoning (I-1 Light Industrial District to Conditional A-36 Apartment District for construction of 524 dwelling units at a density of approximately 35.67 units per acre)

Address: 1276 Baker Road

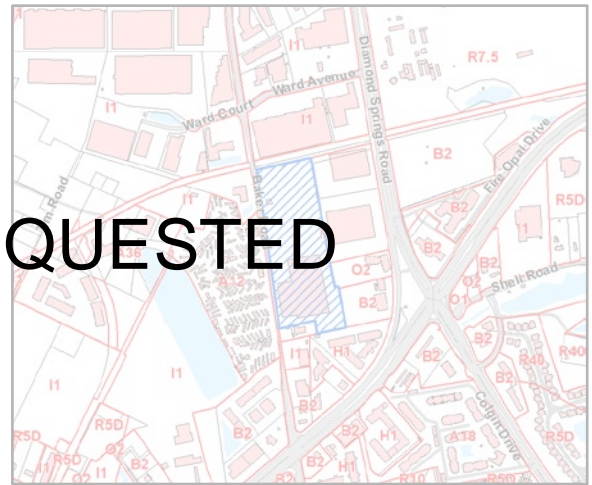
GPIN(s): 1469014169

Council District: District 4, formerly Bayside

Accela Record: 2021-PCCC-00346

Staff Planner: Marchelle Coleman

Request to redevelop property with up to 524 apartment units.



DEFERRAL REQUESTED

2.
NMP-C4 Fairfield S/C, LLC (Applicant & Property Owner)

Conditional Use Permit (Mini-Warehouse)

Address: 5312 Fairfield Shopping Center

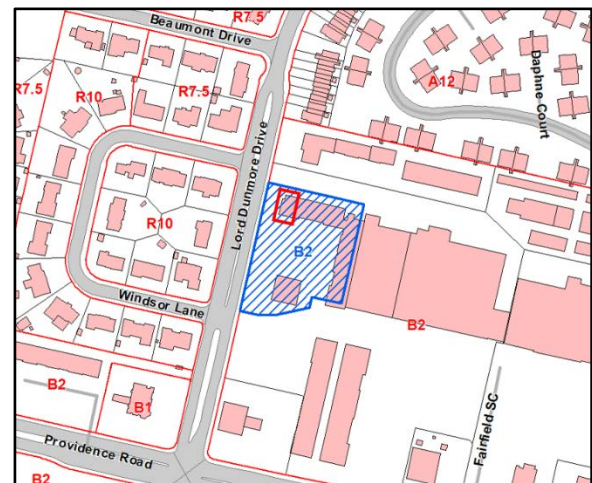
GPIN(s): 1466449952

Council District: District 3, formerly Kempsville

Accela Record: 2021-PCCC-00366

Staff Planner: Elizabeth Nowak

Request to redevelop the shopping center with a 3-story climate controlled self-storage facility.



3.

Danielle Good & Cynthia Schott (Applicants)
Byler Lakes, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 522 S Independence Boulevard

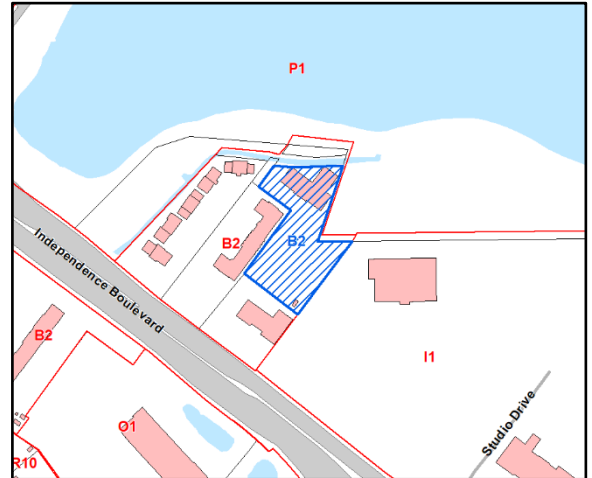
GPIN(s): 1476781796

Council District: District 3, formerly Rose Hall

Accela Record: 2021-PCCC-00368

Staff Planner: Elizabeth Nowak

Request to operate a Tattoo Parlor for microblading (application of permanent makeup) within a unit in the office building complex.



4.

Whitney Triplin-Pass (Applicant)

James Pass Jr. & Whitney Triplin-Pass (Property Owners)

Conditional Use Permit (Family Day-Care Home)

Address: 952 Timberlake Drive

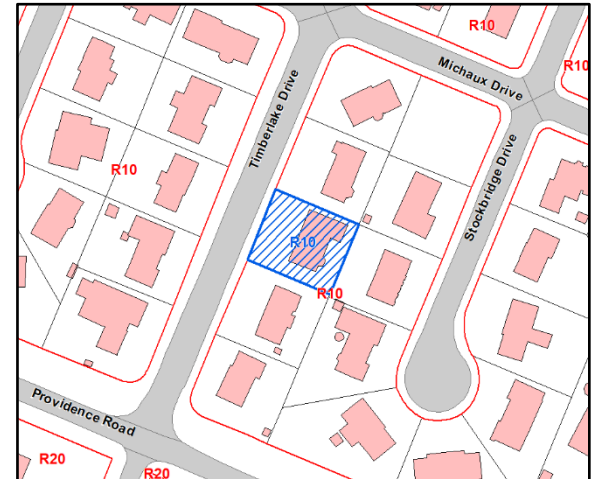
GPIN(s): 1476211890

Council District: District 1, formerly Kempsville

Accela Record: 2021-PCCC-00365

Staff Planner: Elizabeth Nowak

Request to operate a Family Day-Care Home for up to 12 children.



5. & 6.

1252 Jensen, LLC (Applicant & Property Owner)

Conditional Use Permit (Bulk Storage Yard)

Modification of Proffers

Address: 1252 Jensen Drive and a portion of 1228 Jensen Drive

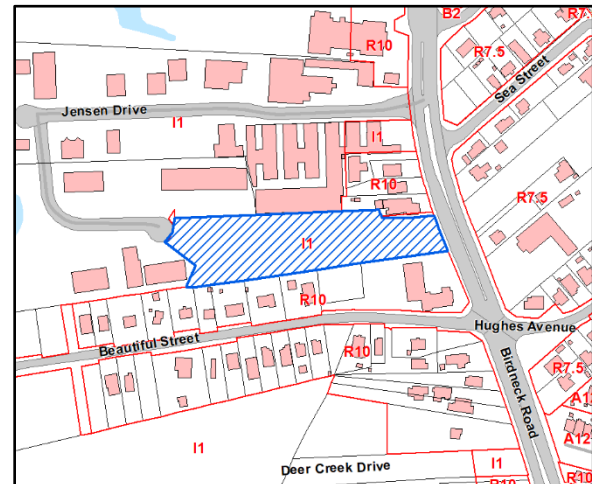
GPIN(s): 24173267690006 and a portion of 24173267690000

Council District: District 6, formerly Beach

Accela Record: 2021-PCCC-00343, 2022-PCCC-00007

Staff Planner: Elizabeth Nowak

Proposal for outdoor storage of swimming pools, raw materials for landscaping around pools, and vehicles associated with pool installation. Request to modify the proffers associated with a 2011 approved site plan for the property.



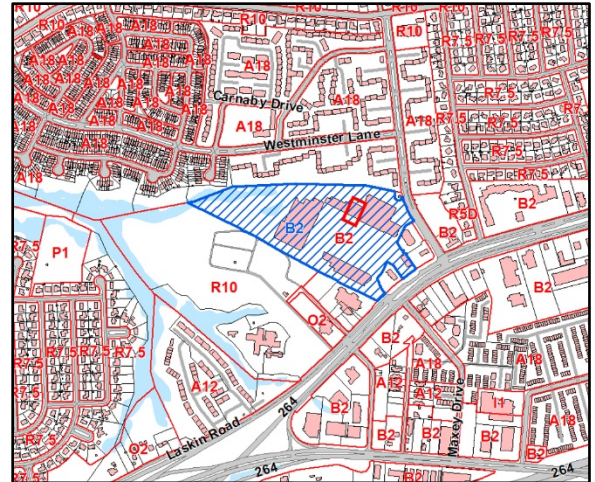
7.

Tan Dang (Applicant)
Regency Hilltop Associates (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 1940 Laskin Road, Suite 311
GPIN(s): 2407387103
Council District: District 6, formerly Beach
Accela Record: 2021-PCCC-00363
Staff Planner: Michaela Mckinney

Request to operate a Tattoo Parlor for microblading (application of permanent makeup) within an existing nail salon.



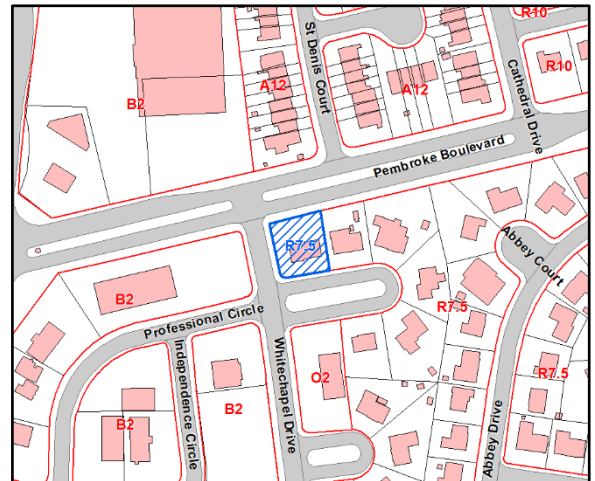
8.

Alliena Westleigh (Applicant)
Alvin Westleigh & Cynthia Allie Westleigh (Property Owner)

Conditional Use Permit (Residential Kennel)

Address: 4512 Whitechapel Court
GPIN(s): 1478621197
Council District: District 4, formerly Bayside
Accela Record: 2021-PCCC-00364
Staff Planner: Michaela Mckinney

Request for a Residential Kennel to allow for up to 10 dogs.



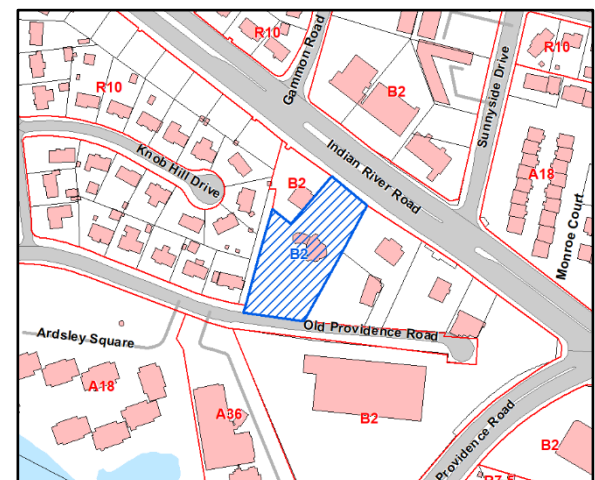
9.

N3 Property Advisors, LLC (Applicant)
Virginia Beach Investment Company, LLC (Property Owner)

Conditional Use Permit (Automobile Repair Garage)

Address: 6213 Indian River Road
GPIN(s): 1456336782
Council District: District 1, formerly Centerville
Accela Record: 2021-PCCC-00367
Staff Planner: Michaela Mckinney

Request to operate an Automobile Repair Garage.



SHORT TERM RENTALS

10. & 11.

C and C Development Company, Inc. (Applicant & Property Owner)

Conditional Use Permits (Short Term Rentals)

Address: 501 22nd Street, Units A & B

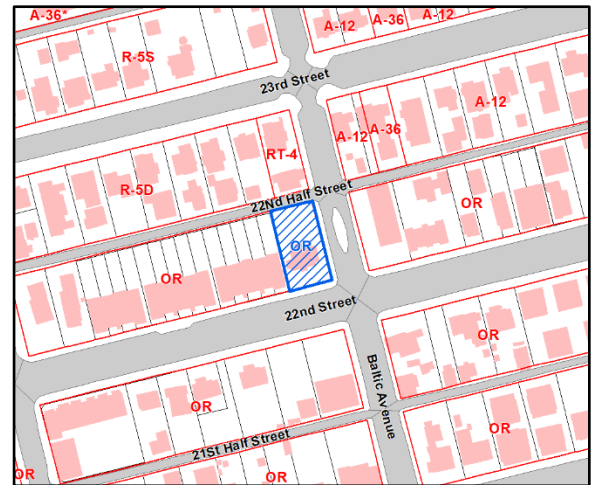
GPIN(s): 24179896550000

Council District: District 6, formerly Beach

Accela Record: 2021-PCCC-00370, 2021-PCCC-00371

Staff Planner: Hank Morrison

Request two, 3-bedroom short term rentals.



12.

Cynthia Laenger (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 2113 Atlantic Avenue, Unit 6C

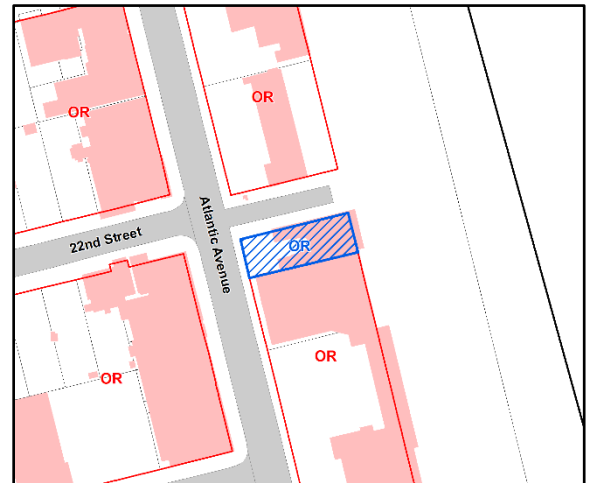
GPIN(s): 24271868788360

Council District: District 6, formerly Beach

Accela Record: 2021-PCCC-00369

Staff Planner: Hank Morrison

Request for a 2-bedroom short term rental.





Applicant & Property Owner **Baker Road Properties, LLC**
Planning Commission Public Hearing **February 9, 2022**
City Council District **District 4**, formerly Bayside

Agenda Item

1

The applicant is requesting for a 30 day deferral of this application to continue to work with Staff on the Traffic Impact Analysis.

Request

Conditional Rezoning (I-1 Light Industrial District to Conditional A-36 Apartment District)

Staff Recommendation

Deferral

Staff Planner

Marchelle Coleman

Location

1276 Baker Road

GPIN

1469014169

Site Size

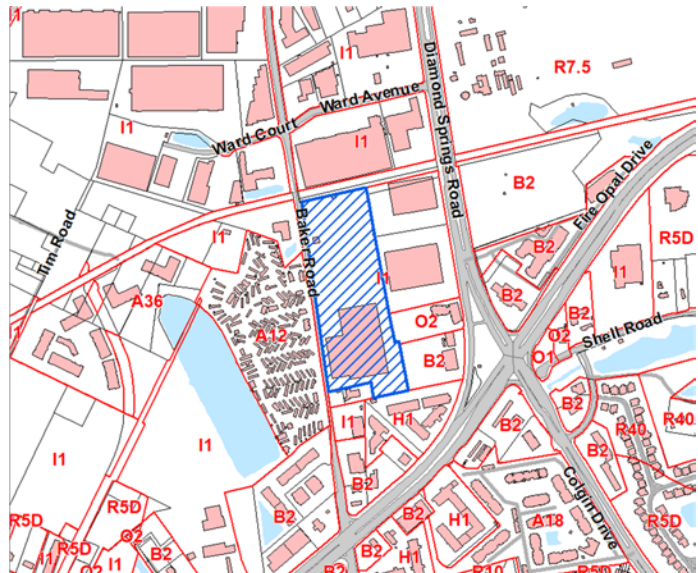
14.69 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay



Request

Conditional Use Permit (Mini-Warehouse)

Staff Recommendation

Approval

Staff Planner

Elizabeth Nowak

Location

5312 Fairfield Shopping Center

GPIN

1466449952

Site Size

1.682 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, apartments / B-2 Community Business, A-12 Apartment

South

Shopping center / B-2 Community Business

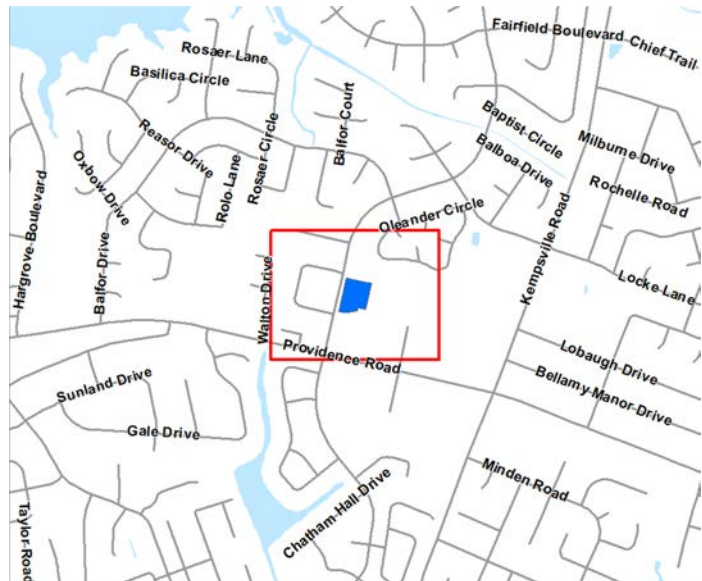
East

Shopping center / B-2 Community Business

West

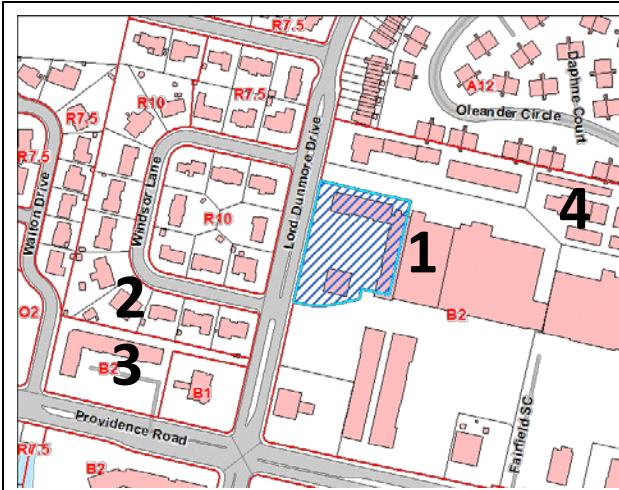
Lord Dunmore Drive

Single-family dwellings / R-10 Residential



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Mini-Warehouse on a 1.68-acre parcel zoned B-2 Community Business District. The applicant proposes to redevelop this parcel located in the Fairfield Shopping Center with a three-story, climate-controlled, self-storage, mini-warehouse facility.
- Though the parcel that the Mini-Warehouse would be located on is considered to functionally to be a part of the Fairfield Shopping Center, it is a separate parcel and property from the established shopping center. While there presently is common ownership between the subject parcel and other properties in the Fairfield Shopping Center, this proposal is only for the subject parcel 5312 Fairfield SC (GPIN 1466449952).
- To accommodate the redevelopment, the applicant plans to demolish two existing buildings, a one-story, detached rectangular building and a one-story, L-shaped building that adjoins a one-story commercial building of the Fairfield Shopping Center. Both buildings were constructed in the late 1980s or early 1990s and have been the location of various commercial and office tenants, including a neighborhood-scale gymnasium, a satellite office of the City of Virginia Beach, and a mix of retailers.
- The buildings to be demolished are common examples of 1980 and 1990 era shopping center development. Their most distinctive architectural feature are heavy hipped roofs with blue standing metal seam roofing. While distinctive, such roofing is typical of this kind and period of development.
- Following clearing of the site, the applicant intends to construct an approximately 114,000 square foot, three-story mini-warehouse, self-storage building. The building will have a mix of cladding materials consisting of neutral colored EIFS, red brick and aluminum and glass storefront systems. A metal and glass tower will anchor the southwest corner of the building and will identify the building's office area. The southwest tower will reach a height 41 feet and 10 inches, and the remainder of the building will be approximately 37 feet in height. A projecting brick architectural feature will have a height of 44 feet and two inches.
- The loading area for the mini-warehouse will be located at the rear of the building between the new building and an existing commercial building in the Fairfield Shopping Center. The loading area will be accessed by six-foot tall security gates that will either tie into a fence or other supportive structure. The gates will not be attached to the adjacent building.
- The concept plan depicts the 117 parking spaces currently on this parcel. These spaces are not shared with the rest of the Fairfield Shopping Center. The redevelopment of the site, including demolition of the existing buildings and a large portion of the existing parking lot, will result in a reduction of surface parking to 35 spaces. The proposed Mini-Warehouse will have exclusive use of these 35 remaining spaces. This amount of parking will exceed the allowed maximum for a Mini-Warehouse with 1,800 square feet of office space as set by Section 203 of the Zoning Ordinance; only 11 spaces would be required for this development. 17 spaces would be the allowed maximum. The applicant intends to request a deviation of the parking allowance from the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance.
- Another self-storage business constructed in the mid-1980s operates just north of the subject site at 752 Lord Dunmore Drive, Suite H. This operation differs from the proposed development as storage units have individual, exterior access and are located within one-story structures.
- The typical hours of operation for the leasing office will be 9:00 a.m. to 5:00 p.m., Monday through Friday, with up to six employees on site. Customers with storage units will have authorized access 24 hours a day, seven days a week.



Zoning History

#	Request
1	CUP (Indoor Recreation Facility) Approved 11/20/2018
2	CUP (Family Day-Care Home) Approved 11/13/2012
3	CRZ (B-1 to Conditional B-2) Approved 02/06/2019 CUP (Tattoo Parlor) Approved 02/06/2019 SVR 02/06/2019
4	CUP (Communications Tower) Approved 07/11/1995 CUP (Mini-Warehouse) Approved 09/10/1984

Application Types

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

Evaluation & Recommendation

In Staff's opinion, this request for a Conditional Use Permit for a Mini-Warehouse is acceptable. The proposed redevelopment will introduce a desirable complementary use for neighboring residents, as recommended by the Comprehensive Plan for non-residential development in suburban areas of the City. The proposed design of the site and building are modern and respectful in scale, massing, and height of adjacent residential areas, which are primarily composed of two-story dwellings. The proposed building is shown to be setback 55 feet from the front property line and approximately 167 feet from the nearest single-family residence. Horizontal elements of the design, such as metal canopies on the first floor and the organization of the storefront systems, and the light color palette together minimize the scale of the building, which will be the tallest building in the immediate area.

An analysis provided by Traffic Engineering Staff indicates that there will be, on average, 173 additional daily trips to this area and that Providence Road and Lord Dunmore Road both have traffic volumes below their capacity. The project will reduce the amount of surface parking while still providing sufficient spaces for employee and customer use. Proposed and required street frontage plantings will help improve the aesthetics of the site while adding a low screen to the proposed the mini-warehouse along Lord Dunmore Drive.

The submitted Conceptual Site Layout shows the proposed building located over existing public utility easements and mains for City water and City sanitary sewer pipes and will require the water and sewer mains to be removed or relocated. The applicant is aware of the need to relocate these utilities and that the proposal to address this requirement will take place during the site plan review process.

In response from preliminary comments from Staff, the applicant worked to minimize the visual impact of the loading area of the mini-warehouse by relocating it to the rear of the building. In this location, the loading area is almost imperceptible from public rights-of-way. It is screened effectively by the building and keycard-accessed gates and meets the fencing requirements of Section 237 of the Zoning Ordinance. The photometric plan and conditions recommended by Staff in this report in combination ensure that the lighting requirements of Section 237 of the Zoning Ordinance are also met.

For these reasons, Staff recommends approval of this request subject to the conditions included in this report.

Recommended Conditions

1. When the property is developed, it shall be in substantial conformance with the concept plan entitled “Fairfield Shopping Center – Storage Site Exhibit”, dated 11/22/2021, and prepared by MSA, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
2. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning and Community Development for review and ultimate approval prior to issuance of a Certificate of Occupancy and shall be developed in substantial conformance with the landscape plan entitled “Fairfield Shopping Center Landscaping Plan”, dated 01/03/2022, and prepared by Painted Fern Landscape Architecture, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. The exterior of the proposed building shall substantially adhere in appearance, size, materials to the submitted elevations entitled “Exterior Rendering,” dated 09/08/2021, and prepared by DDA Architecture, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. The color of the EIFS shall be a neutral and/or earth tone.
4. All signage shall be externally lit and no neon lighting visible from any adjoining property shall be permitted to be placed on the Property. 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.
5. All exterior lighting (as identified on the exhibit entitled “Fairfield Shopping Center – Storage Photometrics Plan,” dated 01/04/2022 and prepared by MSA, P.C.) shall be low intensity and residential in character. All other exterior lighting on the property shall also be building mounted or ground level lighting which is not directly visible from the (main road)/According to 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. Any outdoor lighting fixtures shall not be erected any higher than 14 feet.
6. There shall be no electric or diesel power generator or generator fueled by any other source of energy located outside of any building.
7. The storage units shall be used only for storage of goods. The units shall not be used for office purposes, band rehearsals, residential dwellings, or any other purpose not consistent with the storage of goods.
8. There shall be no exterior (outside) storage of motorized vehicles on the property.
9. Should any additional site area be required during final site plan review to accommodate stormwater management facilities and/or other standard code requirements, that site area shall be provided through a reduction in mini-warehouse building area, and not through the elimination of depicted office components of any buildings constructed on site, or through the reduction of setbacks or landscaped open space.
10. No barbed wire, razor wire, or any other fencing devices shall be installed on the roof or walls of the building or on the sliding gate surrounding the loading zone.
11. Parking above the maximum number of parking spaces shall only be permitted with approval by the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance.

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 in the suburban area of the City. In the suburban area, the Comprehensive Plan seeks to establish and sustain the City’s neighborhoods as “Great Neighborhoods.” Complementary non-residential uses help support stable and sustainable neighborhoods. Site and building design standards expected in the suburban area included in the Comprehensive Plan’s Reference Handbook of Special Area Development Guidelines for Suburban Area further guide this type of desired development.

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. There are no known above- or below-ground cultural resources that will be affected by this project.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Kempsville Road	35,800 ADT ¹	34,5000 ADT ¹ (LOS ⁴ “D”)	Existing Land Use ² – 890 ADT Proposed Land Use ³ – 173 ADT
Providence Road	20,800 ADT	32,700 ADT	
Lord Dunmore Road	3,620 ADT	9,900 ADT	
¹ Average Daily Trips	² as defined by a 1.62 ac B-2 zoning	³ as defined by a 114,000 square foot Mini-Storage building	⁴ LOS = Level of Service

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

Kempsville Road in the vicinity of this application is classified as a minor urban arterial. There are currently no CIP projects scheduled for this section of Kempsville Road.

Providence Road in the vicinity of this application is classified as a minor urban arterial. There are currently no CIP projects scheduled for this section of Providence Road.

Lord Dunmore Drive in the vicinity of this application is a four lane divided roadway that transitions to a two lane local residential street just north of this development.

Public Utility Impacts

Water

There is an existing eight-inch City water main along Lord Dunmore Drive, as well as an existing eight-inch City water main encroaching into the property within a 15-foot wide Public Utility Easement.

Sewer

There is an existing 12-inch City sanitary sewer gravity main along Lord Dunmore Drive, as well as an existing eight-inch City sanitary sewer gravity main encroaching into the property within a 15-foot wide Public Utility Easement.

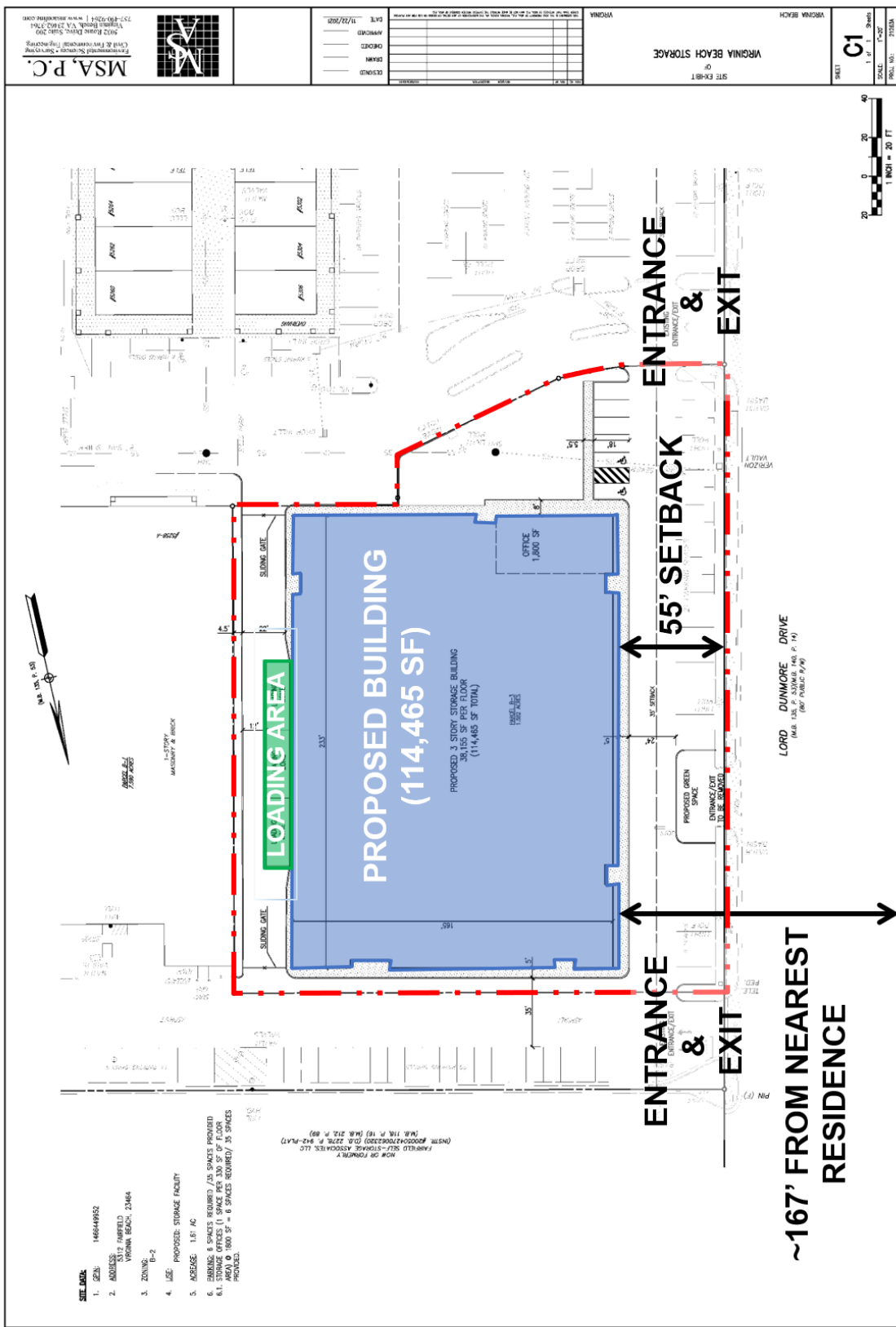
The building must connect to both City water and the public sewer system. The sewer connection must be done with an individual and exclusive sewer lateral. Concerns related to encroachment into the Public Utility easements are noted above.

Public Outreach Information

Planning Commission

- The applicant/applicant's representative met with the Fairfield Civic League on January 6, 2022 to discuss the details of the request. According to the applicant, the current president and the past president of the association were in attendance and expressed general support and interest in this project and other by-right plans the applicant has to update the Fairfield Shopping Center.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 23, 2022 and January 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on January 24, 2022.
- 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 February 3, 2022.

Proposed Conceptual Site Layout



Proposed Elevations



**FAIRFIELD
STORAGE**
LORD DUNMORE DRIVE
VIRGINIA BEACH
ODA Project No. 219600
ZONING REVIEW

1.10.2022

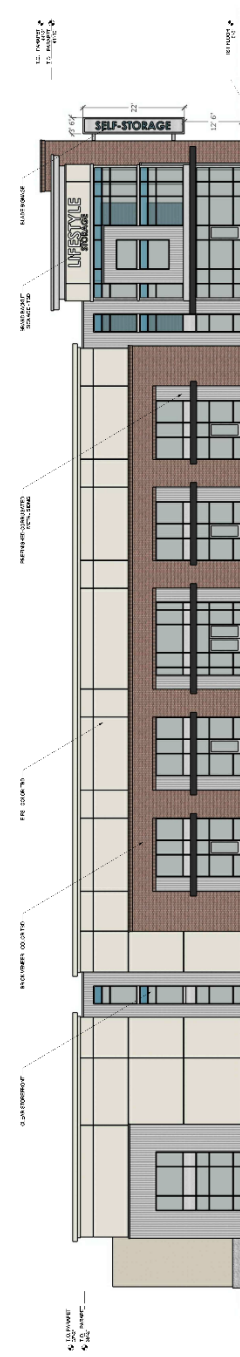
REV	REVISIONS	DATE

**BUILDING
ELEVATIONS**

RZ-002
COPYRIGHT 2022 ODA ARCHITECTURE

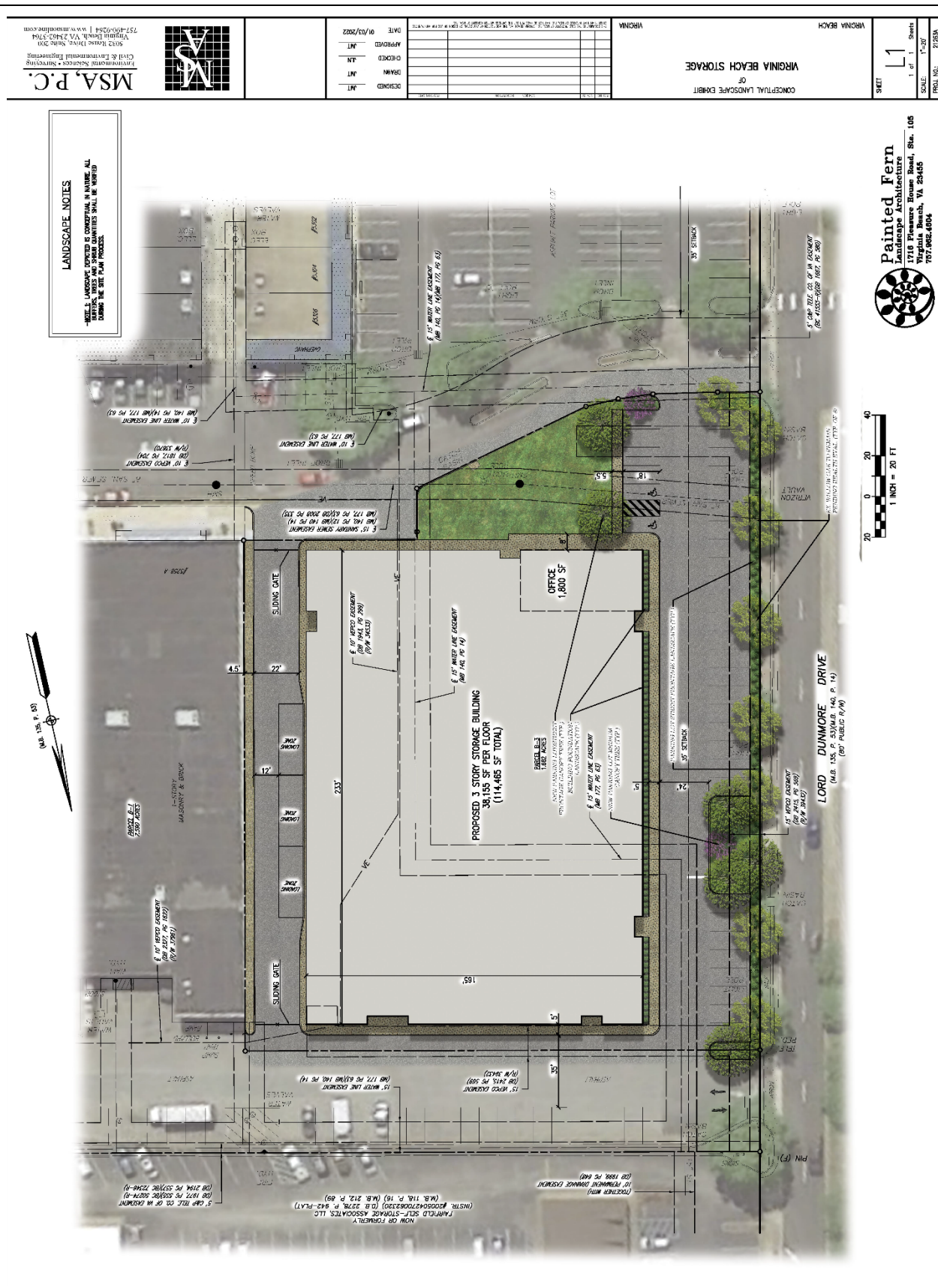


02 | PROVIDENCE ROAD / FRONT ELEVATION



01 | LORD DUNMORE DRIVE / SIDE ELEVATION

Conceptual Landscape Plan



Site Photos



Site Photos





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

Applicant Disclosure

Applicant Name NMP-C4 Fairfield S/C, LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

RJ 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)

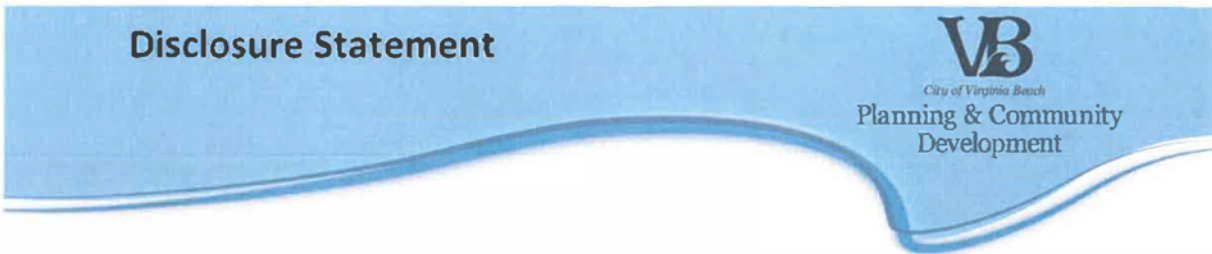
C4 Fairfield S/C, LLC, CSE Fairfield S/C, LLC, New Market - Fairfield, LLC

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

New Market Properties, Preferred Apartment Communities, Crosland Southeast

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.

BB&T

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.

Doug Will for MSA, P.C. /Tim Moore for ODA Architecture

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

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

Disclosure Statement

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.
- RJ Nutter-Troutman Pepper
-

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

Timothy B. Sittema, Manager

Print Name and Title

11-29-21

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	

Revised 11.09.2020

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NMP-C4 Fairfield S/C, LLC Members

New Market - Fairfield, LLC
C4 Fairfield S/C, LLC
CSE Fairfield S/C, LLC (sponsor)

New Market - Fairfield, LLC Members

SE Grocery, LLC (manager)
Sunbelt Retail, LLC (sole member of SE Grocery)
New Market Properties, LLC (sole member of Sunbelt Retail)
Preferred Apartment Communities Operating Partnership LP (sole member of New Market Properties)
*Preferred Apartment Communities is a publically traded company (NYSE: APTS)

C4 Fairfield S/C, LLC Members

Peter Pappas
Timothy Sittema
Paul Baalman
Mike Wiggins
Dana Dubose
Tom Sittema
John Eliot
CSE Fairfield, LLC

CSE Fairfield S/C, LLC Members

C4 Holdings II (Peter Pappas, Tim Sittema, Austin Williams, Barry James)
Tanglewood Investments, LLC (Peter Pappas)
Villicum, LLC (Tim Sittema)
Robert W. Speir
C4 BP, LLC (Tim Sittema and Peter Pappas are managers)
Christopher Taft
C4 Partners, LLC (Peter Pappas, Tim Sittema, Austin Williams, Barry James)
C4 Holdings (Peter Pappas, Tim Sittema, Austin Williams, Barry James)

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

Elizabeth Nowak

Location

522 South Independence Boulevard, Suite 105

GPIN

1476781796

Site Size

1.23 acres (872 square foot suite)

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Office park / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Mount Trashmore Park
/ P-1 Preservation

South

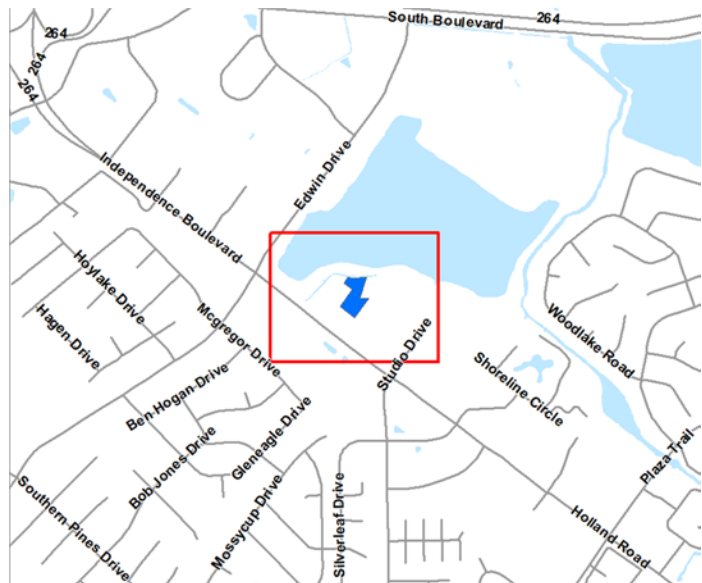
South Independence Boulevard
Office, retail / B-2 Community Business

East

Corporate park / I-1 Light Industrial

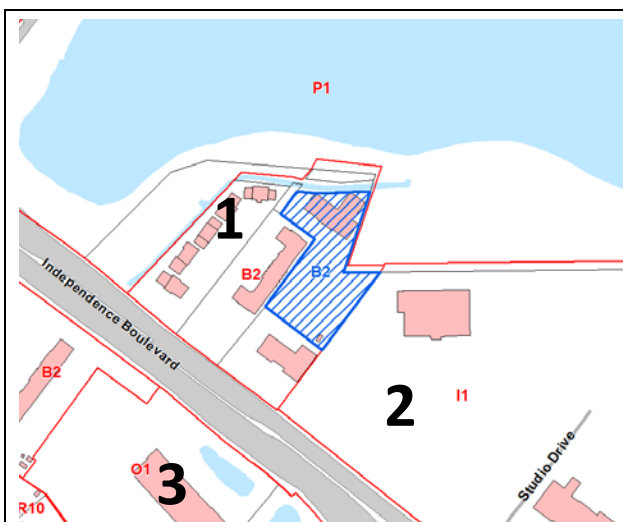
West

Office, retail / 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, in an 872 square-foot suite of an existing commercial office building on property zoned B-2 Community Business District. The applicant currently operates this vocational school at 3824 Virginia Beach Boulevard and is seeking to relocate the entire operation to this location.
- The applicant intends to operate a vocational school, known as the Advanced Permanent Makeup Institute, that trains students in permanent make-up techniques. Vocational schools are permitted by-right to operate in the B-2 District which do not involve the operation of woodwork shops, machine shops or other similar facilities with a maximum floor area of 7,500 square feet.
- The business will have two employees, one permanent cosmetic tattoo artist and one permanent cosmetic tattoo instructor. Classes will have a maximum size of six students.
- Classes will be held from 10:00 a.m. until 2:00 p.m. on Mondays, Tuesdays, Thursdays, and Fridays, and from 5:00 p.m. until 9:00 p.m. on Mondays and Wednesdays.
- Additionally, the applicant intends to provide a space for licensed graduates of the Advanced Permanent Makeup Institute to provide permanent make-up and microblading services to customers. Such services will occur Monday through Friday between 10:00 a.m. and 5:00 p.m. outside of class hours.
- The only proposed exterior changes accompanying this application will be an updated sign plate included on an existing building directory sign. The sign plate will match the existing plate configurations and lettering and will display the business name.
- A Traditional Tattoo Parlor (granted 2010) and Body Piercing Establishment (granted 2020), Studio Evolve, is located approximately 171 feet west from the building this applicant wishes to occupy. Prior to August 2021, the Zoning Ordinance prohibited a Tattoo Parlor to be within 600 feet of another such operation.



Zoning History

#	Request
1	CUP (Body Piercing Establishment) Approved 09/16/2020 MODC Approved 08/18/2015 CUP (Tattoo Parlor) Approved 05/11/2010 CUP (Vocational School) Approved 05/11/2010
2	MODC Approved 09/24/2013 CRZ (P-1 to I-1) Approved 09/09/1998
3	CUP (Assisted Living Facility) Approved 08/12/1998 CRZ (B-2 to O-1) Approved 08/12/1998

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

In Staff's opinion, this request for a Conditional Use Permit for a Tattoo Parlor use is acceptable. The proposed use is compatible with the existing commercial businesses within the office complex at 522 South Independence Boulevard and the adjacent office park. This compatibility with surrounding uses combined with the idea that this use will add to the blend of personal services and training opportunities for residents in this neighborhood and those in close proximity aid in supporting the goals of the Comprehensive Plan, specifically for developing and maintaining "Great Neighborhoods." Other than a small directory sign plate that will be have the same size and style of other sign plates for the office building, no exterior alterations will be made. The ability for one to observe the active use of the suite as a tattoo parlor and vocational school will be de minimis.

Prior to operation 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 code 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 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. A separate sign permit shall be obtained from the Planning Department for the 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 subject property is located in the suburban area of the City. The Comprehensive Plan states that land use compatibility among uses within this area is vital to the stability of the City's neighborhoods. One of the guiding development principles of suburban areas is the creation of "Great Neighborhoods," which depicts a stable and sustainable neighborhood supported by complementary non-residential uses. Enhancement or renewal of existing commercial centers is encouraged by the Comprehensive Plan by means of innovative design, products, or services provided to the neighborhoods where they are located.

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 an office park and parking lot.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
South Independence Boulevard	72,600 ADT ¹	70,400 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)

There is a proposed CIP project to improve the intersection of S Independence Boulevard and Edwin Drive that is currently scheduled to begin construction in 2028.

Public Utility Impacts

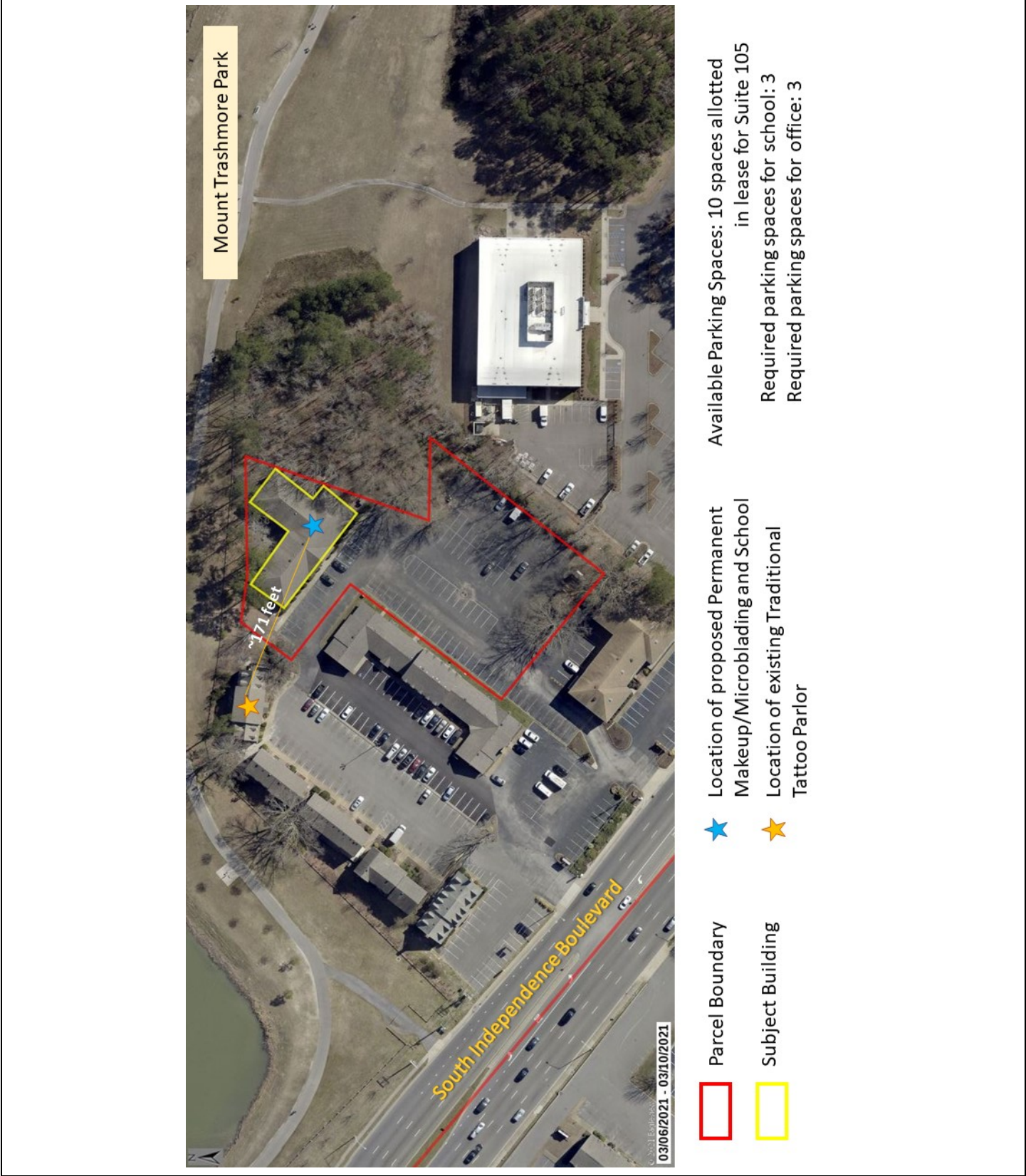
The site is currently connected to City water and sewer.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 23, 2022 and January 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on January 24, 2022.
- 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 February 3, 2022.

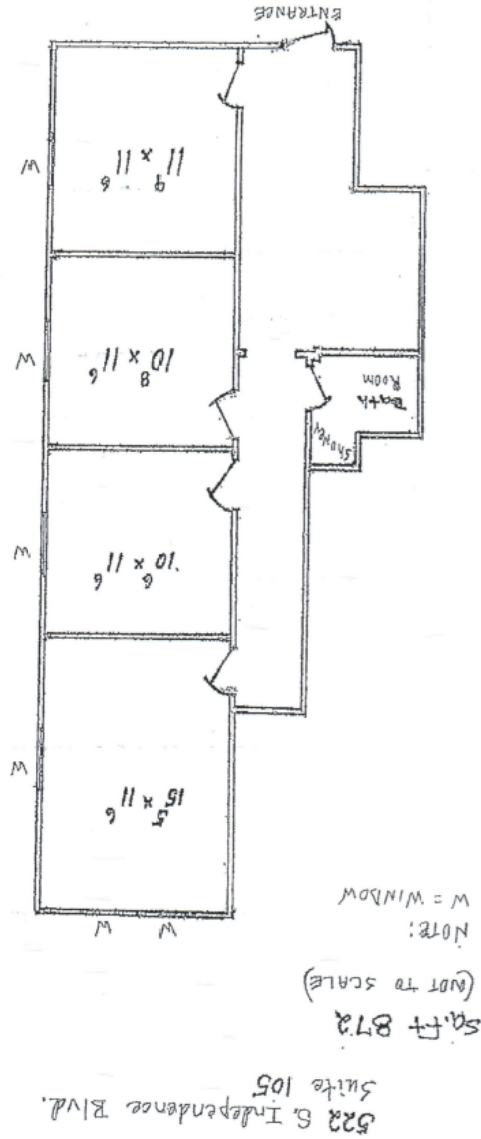
Proposed Tattoo Operation & Site Layout



Proposed Floor Plan

522 S. Independence Blvd.

± 872 SF AVAILABLE



FOR MORE INFORMATION, PLEASE CONTACT:

LENNY BURNS
(757) 490-3141
lburns@pembrokerealty.com

Pembroke Realty Group
4433 Corporation Lane, Suite 250
Virginia Beach, VA 23462
www.pembrokerealty.com

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 DANIELLE GOOD AND CYNTHIA SCHOTT

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-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.
-

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.

Danielle Good *Cynthia Schott*

Applicant Signature

DANIELLE GOOD, OWNER AND CYNTHIA SCHOTT, DIRECTOR

Print Name and Title

11/30/2021

Date

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

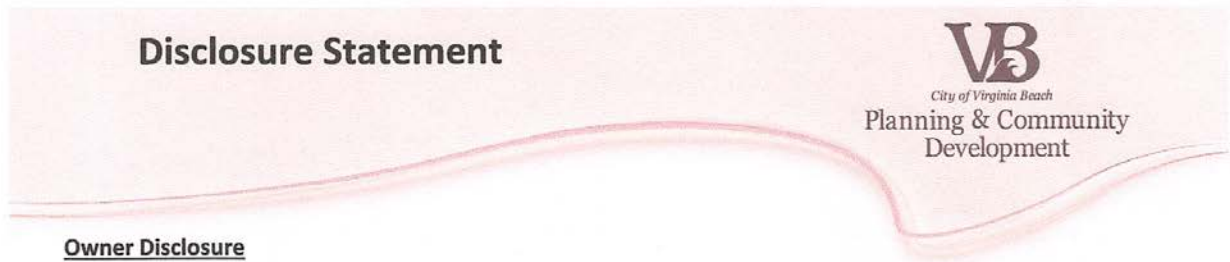
- If **yes**, you do not need to fill out the owner disclosure statement.

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	

Revised 11.09.2020

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Owner Disclosure

Owner Name Byler Lakes, LLC

Applicant Name Danielle Good

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)

David Byler

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

NA

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



Owner Services Disclosure

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

☐ Yes ☒ No

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

Pembroke Realty Group - Lenny Burns

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.

Pembroke Realty Group - Lenny Burns

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.

Mulkey & Assoc. - Individual - Mark Mulkey

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.

David Byler Atty. In Fact
Owner Signature

David P. Byler, President
Print Name and Title

12/23/21
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 (Family Day-Care Home)

Staff Recommendation

Approval

Staff Planner

Elizabeth Nowak

Location

952 Timberlake Drive

GPIN

1476211890

Site Size

9,793 square feet

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Single-family dwelling / R-10 Residential

Surrounding Land Uses and Zoning Districts

North

Single-family dwelling / R-10 Residential

South

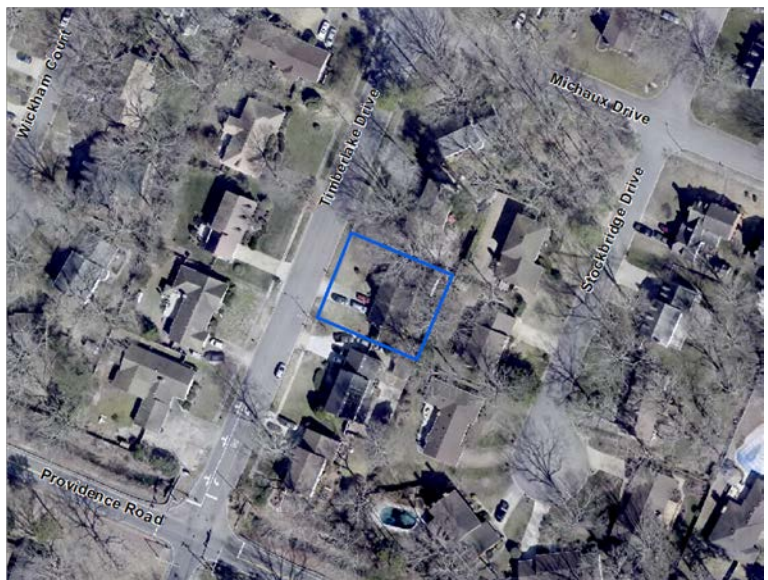
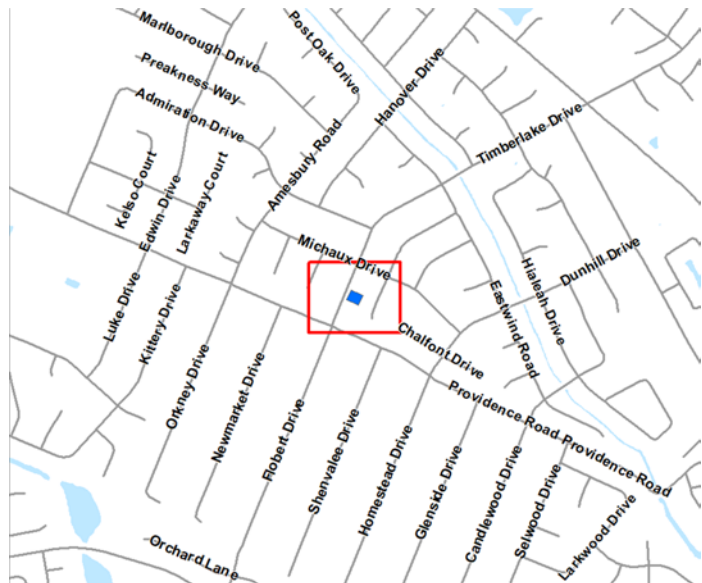
Single-family dwelling / R-10 Residential

East

Single-family dwelling / R-10 Residential

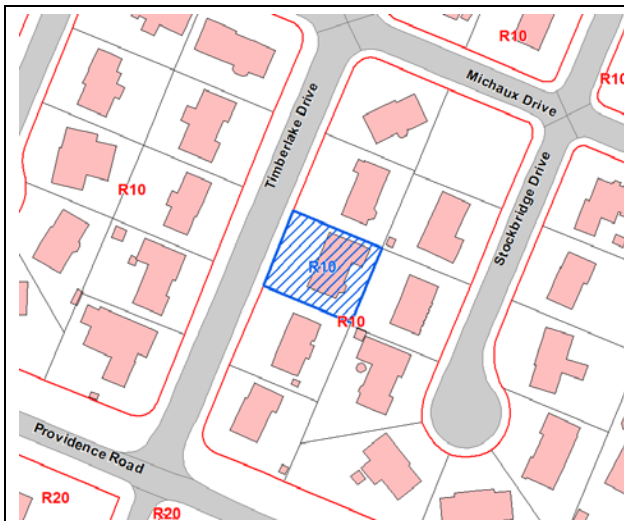
West

Single-family dwelling / R-10 Residential



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to operate a Family Day-Care Home to care for up to 12 children within a 9,800 square foot single-dwelling.
- The single-family dwelling is located in the Bellamy Manor Estates neighborhood on property zoned R-10 Residential District.
- The applicant proposes to use 238 square feet of the house for the in home day-care use. The rear yard of the house is fully enclosed by a wood privacy fence for the children to play safely outdoor.
- According to the application, the applicant plans to care for 10 children, ages two to five years of age, in the Family Day-Care Home, however it is common practice to allow up to 12 children for all Family Day-Care Homes in the City of Virginia Beach subject to licensure requirements regulated by the Department of Social Services.
- The typical hours of operation are proposed as 6:00 a.m.to 6:00 p.m., Monday through Friday, with only one employee.



Zoning History

No zoning history to report

Application Types

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

MDC – Modification of Conditions
MDP – Modification of Proffers
NON – Nonconforming Use

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

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

Evaluation & Recommendation

In Staff's opinion, this request for a Conditional Use Permit for a Family Day-Care Home is acceptable. Childcare will take place within an existing single-family dwelling that has a fully enclosed rear yard. Staff finds the use supports the Comprehensive Plan's goal for establishing and sustaining "Great Neighborhoods" in the Suburban Area by providing a necessary and complementary non-residential use in this neighborhood. The property, in Staff's opinion, is organized, well-kept, and provides a needed service to the community and, with the conditions listed in the Staff report, will not be detrimental to any adjacent land uses.

Traffic Engineering Staff provided an analysis of potential traffic impacts that shows there would be an increase in the number of average daily trips generated by a Family Day-Care Home at this location, increasing from 10 ADT to a calculated 58 ADT for a Family Day-Care Home with 10 children. An organized drop off/pick up plan would help ensure

efficient circulation of traffic on site and would minimize impacts on adjacent streets, which Staff has included as a recommended condition of approval.

Staff recommends approval of this request with the conditions listed below.

Recommended Conditions

1. The Family Day-Care Home shall only operate as an accessory use to the single-family residence.
2. The Family Day-Care Home shall be limited to a total of twelve (12) children, other than children living in the home.
3. The Family Day-Care Home shall have no more than one (1) additional employee/volunteer, who does not reside in the home, or on the premises at any time.
4. Any sign identifying the home occupation shall be non-illuminated, not more than (1) square foot in area and mounted flat against the residence.
5. The applicant shall maintain a license with the Commonwealth of Virginia for childcare. Failure to maintain a Family Day-Care Home license will result in revocation of the Family Day-Care Home Conditional Use Permit.
6. The arrival and departure times shall be staggered to avoid vehicular congestion.
7. When the Family Day-Care Home is not open for business, all play equipment associated with the daycare shall be located behind the front façade of the house.
8. The fence enclosing the outdoor play area shall remain and be maintained for the duration of the Conditional Use Permit while active.
9. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Day-Care Home.

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

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

Comprehensive Plan Recommendations

The Comprehensive Plan identifies this site as being located within the Suburban Area. The general planning principles for the Suburban Area focus on creating and maintaining great neighborhoods through stability and sustainability; protecting and enhancing open spaces and places of cultural and historical significance; and creating and maintaining a transportation system that provides connectivity and mobility. Achieving these goals requires that all land use activities either maintain

or enhance the existing neighborhood through compatibility with surroundings, quality and attractiveness of site and buildings, improved mobility, environmental responsibility, livability, and effective buffering with respect to type, size, intensity and relationship to the surrounding uses.

Natural & Cultural Resources Impacts

The site is located in the Southern Rivers watershed. No known above- or below-ground historic or cultural resources will be affected by this use.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Timberlake Drive	No Data Available ¹		Existing Land Use ² – 10 ADT ³ Proposed Land Use ⁴ – 58 ADT
¹ No traffic counts exist for this roadway	² As defined by a single family house one-unit	³ Average Daily Trips	⁴ As defined by a house—one unit & daycare with 10 children

Traffic Engineering Staff highly recommends that the applicant develop a well-organized parent drop-off/pick-up system to ensure there is efficient traffic circulation and to eliminate the possibility for vehicle overflow onto the adjacent streets.

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

Timberlake Drive in the vicinity of this application is considered a two-lane undivided local street. It is not included in the Master Transportation Plan and there are no CIP projects slated for this area.

Public Utility Impacts

Water

The site is currently connected to City water.

Sewer

The site is currently connected to City gravity sewer.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 23, 2022 and January 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on January 24, 2022.
- 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 February 3, 2022.

Site Layout



Site Photo



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 Whitney Triplin-Pass

Does the applicant have a representative? ☐ Yes ☒ No

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

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

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

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

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

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

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

Disclosure Statement



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

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

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

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

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

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

Applicant Signature

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

Whitney Triplin-Pass

Applicant Signature

Whitney Triplin-Pass, Owner

Print Name and Title

11/30/2021

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.

Requests

Conditional Use Permit (Bulk Storage Yard)
Modification of Proffers

Staff Recommendation

Approval

Staff Planner

Elizabeth Nowak

Location

1252 Jensen Drive & a portion of 1228 Jensen Drive

GPINs

24173267690006, Portion of 24173267690000

Site Size

2.67 acres

AICUZ

Greater than 75 dB DNL; APZ-2

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Light industrial warehouse, undeveloped field /
Conditional I-1 Light Industrial

Surrounding Land Uses and Zoning Districts

North

Light industrial park, single-family dwellings / I-1
Light Industrial, R-10 Residential

South

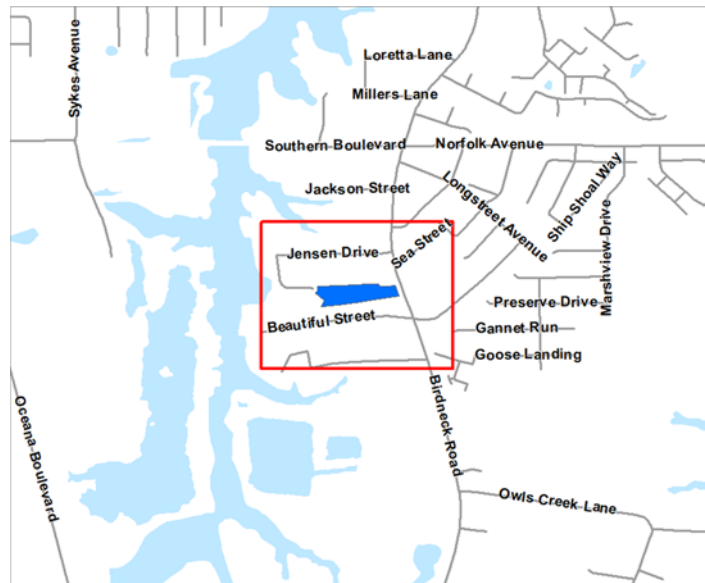
Single-family dwellings, religious use / R-10
Residential

East

South Birdneck Road
Single-family dwellings / R-7.5 Residential

West

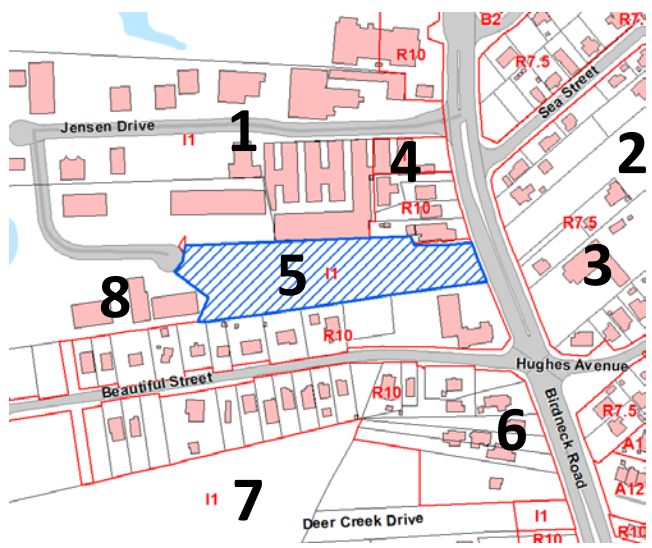
Light industrial park / I-1 Light Industrial



Background & Summary of Proposal

- The applicant, 1252 Jensen, LLC, wishes to develop a 2.67-acre property within the Owls Creek Commerce Park with two office/warehouse buildings, a Bulk Outdoor Storage Yard, and parking lots for employees and customers. The subject property is zoned I-1 Light Industrial District. The industrial park is primarily serviced by Jensen Drive. The center contains a variety of businesses, including construction, distribution, plumbing, various types of repair, and welding services.
- A previous proposal to develop this parcel as an office warehouse use was approved by City Council in 2006, as part of a Conditional Rezoning. Proffers associated with that Conditional Rezoning were subsequently modified in 2011 in order to reorient the approved site layout. In the original approved plans, a warehouse building was located on the northside of the parcel with a parking lot between it and the southern property line. The approved modified plans flipped the orientation of development, locating the building along the southern property line and the parking lot along the northern property line. Though approved and later modified, that project was never developed. The current applicant is requesting to modify the proffers once again for this property to specifically address their new development plan. Modifying the proffers is necessary in order to revise the approved layout of the site, building elevations, and business hours.
- Also requested is a Conditional Use Permit to use a portion of the 2.67-acre property as a Bulk Storage Yard and a Contractor's Yard. The yards would support the operation also at 1252 Jensen Drive, Solid Structures Decks and Fences. This business installs pools, paver patios, fire pits, outdoor kitchens, decks, fences, outdoor audio systems, landscaping lighting, and pergolas. They have a need to store raw and finished materials used in the construction of projects associated with their business.
- As proffered by the applicant, operational business hours will be between 6:00 a.m. and 9:00 p.m., daily and dumpster service will be limited to between 8:00 a.m. and 6:00 p.m., daily.
- As shown in the proposed and proffered elevations and building renderings, the applicant intends to construct two new structures and associated parking lots. Due to the presence of residential uses south of the property, both buildings are situated as close to the northern property as possible.
- A two-story (24- to 28-foot tall) office and warehouse building is depicted on the proffered concept plan to be constructed in the middle of the parcel along the northern property line. This building will contain a showroom, offices, and storage. Vehicles associated with the business will be parked within a gated portion of the parking lot, while customer parking will be designated outside the gate. Both parking lots are proposed to be accessed from South Birdneck Road and appear to contain beyond the minimum number of parking spaces required per the Zoning Ordinance.
- The applicant also intends to construct a one-story, 18-foot tall office and warehouse building near the western property line, farthest from South Birdneck Road. According to the applicant, it is the intent to either lease this space or use it as additional storage and support space for the primary business, Solid Structures Decks and Fences. The building and its parking lot will be located outside of the enclosed Bulk Storage Yard and are accessed from Jensen Drive.
- The applicant attended three meetings with representatives from the Historic Seatack Civic League, neighborhood residents, and stakeholders. Concerns were shared with the applicant regarding the proposed access from South Birdneck Road, including whether delivery trucks could access the site from Jensen Drive rather than South Birdneck Road; potential negative impacts of runoff and stormwater on residential properties along Beautiful Street; and potential closure of access to the site from Jensen Drive. Some of these concerns are reflected in proposed Conditions One, Eight, and Nine.

- There are several overlapping designations and special restrictions on the subject site:
 - The property is located within Historic Seatack, a historically and culturally significant African American community and a Suburban Focus Area (SFA) designated in the Comprehensive Plan. A portion of Historic Seatack has been identified as being eligible for listing in the National Register of Historic Places. Single-family dwellings are found north, east, and south of the Owls Creek Commerce Center. The southern property line of the proposed development adjoins single-family residences on Beautiful Street; many of these houses are early twentieth-century construction.
 - A Navy Restrictive Easement is present on the property. The Navy completed an easement compliance review on June 11, 2021 and found that the proposed use is permitted under the terms of the Declaration of Taking for 1252 Jensen Drive (GPIN #24173267690006). When initially submitted, the review request only included part of the area that will be affected by this development. The applicant submitted a revised compliance review request on January 7, 2022 to include the portion of 1228 Jensen Drive (GPIN #24173267690000) that will be affected by this development.
 - The property is located in the greater than 75 dB noise zone, the highest noise zone, and within the Accident Potential Zone-2.
 - The area of development for this proposal is located outside of identified flood zones.

	<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>CUP (Automotive Repair Garage) Approved 10/02/2019 CUP (Wildlife Rehabilitation Center & Animal Shelter) Approved 03/08/2017 MDP (Amend plans) Approved 01/11/2011 CRZ (I-1 and R-10 to Conditional I-1) Approved 10/24/2006 CUP (Automotive Repair Garage) Approved 04/12/2005 CRZ (R-10 to Conditional I-1) Approved 02/10/1998</td></tr><tr><td>2</td><td>SVR Approved 02/13/2007</td></tr><tr><td>3</td><td>CUP (Church expansion and stormwater management) Approved 04/22/2003</td></tr><tr><td>4</td><td>CRZ (R-10 to I-1) Approved 02/10/1998</td></tr><tr><td>5</td><td>MDP Approved 01/11/2011 CRZ (I-1 and R-10 to Conditional I-1) Approved 10/24/2006</td></tr><tr><td>6</td><td>STR Approved 06/11/2020</td></tr><tr><td>7</td><td>CRZ (R-10 to Conditional I-1) Approved 12/11/2007 CUP (Bulk Storage Yard) Approved 12/11/2007 CUP (Outdoor Recreational Facility) Approved 02/09/1987</td></tr><tr><td>8</td><td>CUP (Automotive Repair Garage) 04/12/2005</td></tr></table>	#	Request	1	CUP (Automotive Repair Garage) Approved 10/02/2019 CUP (Wildlife Rehabilitation Center & Animal Shelter) Approved 03/08/2017 MDP (Amend plans) Approved 01/11/2011 CRZ (I-1 and R-10 to Conditional I-1) Approved 10/24/2006 CUP (Automotive Repair Garage) Approved 04/12/2005 CRZ (R-10 to Conditional I-1) Approved 02/10/1998	2	SVR Approved 02/13/2007	3	CUP (Church expansion and stormwater management) Approved 04/22/2003	4	CRZ (R-10 to I-1) Approved 02/10/1998	5	MDP Approved 01/11/2011 CRZ (I-1 and R-10 to Conditional I-1) Approved 10/24/2006	6	STR Approved 06/11/2020	7	CRZ (R-10 to Conditional I-1) Approved 12/11/2007 CUP (Bulk Storage Yard) Approved 12/11/2007 CUP (Outdoor Recreational Facility) Approved 02/09/1987	8	CUP (Automotive Repair Garage) 04/12/2005
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Evaluation & Recommendation

In Staff's opinion, the requests for the Conditional Use Permit and the Modification of Proffers are acceptable.

The Comprehensive Plan recommends that new development in the SFA:

- Adhere to the City Zoning Ordinance requirements established in Article 18, Special Regulations in Air Installations Compatible Use Zones (AICUZ) Overlay and Appendix I, Airport Noise Attenuation and Safety Ordinance.
- Respect the historic settlement of this area.
- Be compatible with the neighborhood.
- Establish significant landscape screening buffers between existing residential areas and new non-residential development.
- Be designed such that site drainage and stormwater management does not negatively affect adjacent parcels.
- Maintain stormwater facilities and encourage the retrofit of existing drainage system problem areas.
- Use porous materials for driveways, walkways, and other similar surfaces wherever feasible, to achieve a net reduction in impervious coverage.

A brief overview of the project's ability to address these recommendations is provided below.

AICUZ - As noted above, the site is within the greater than 75 dB Ldn noise zone as well as Accident Potential Zone – 2. Per both the terms of the Navy Restrictive Easement and the Zoning Ordinance requirements, uses within these AICUZ are limited to those compatible with Naval flight operations. The proposed uses are under review for compatibility with the Navy easement.

Historic Settlement of Area - Of special consideration in the Historic Seatack SFA and the Seatack Historic District, would be the potential impacts from the design and the proposed use. The subject site is located immediately adjacent to the Seatack Historic District, an area that has been identified as being eligible for listing in the National Register of Historic Places. The State Review Board of the Virginia Department of Historic Resources recommended the area as being eligible on December 12, 2019 under Criterion A (broad patterns in our past) for its association with African American heritage between ca. 1920 and ca. 1960. A map of this historic district is included on page 18 of this report. This designation overlaps with the area identified in the Comprehensive Plan as the Historic Seatack SFA; these two designations have different boundaries but identify similar historical and architectural patterns that are recommended to be preserved.

Compatibility - The proposed uses of this site are limited and exclude any residential use, due to the existence of AICUZ and Navy Restrictive Easement restrictions. In addition to these restrictions, the applicant is proffering that the site only be used for office, warehouse, and bulk storage uses. The main office warehouse building will be set back from Birdneck Road and the majority of the operations will be oriented towards Jensen Drive to reduce visual impact to the residential neighbors and to minimize presence on South Birdneck Road. The location of the storage of materials is proffered in an area as far north on the property as possible, away from the adjoining property line with residential uses on Beautiful Street. Dumpster service is proffered to be restricted to the hours between 8:00 a.m. and 6:00 p.m., which is an unchanged proffer from the previously approved plans, and which was proffered in response to feedback from residents. A lighting plan provided by the applicant indicates that exterior lighting is limited to the customer parking areas immediately adjacent to South Birdneck Road and Jensen Drive and will be shielded. Additionally, this proposal has smaller building footprints than the previously approved plans.

Screening & Buffering - Along with meeting the minimum requirements of the Zoning Ordinance for plantings and screening, the applicant intends to retain as many of the mature trees along the southern property line, which presently buffers the adjacent single-family homes from the property. Other properties along the southern stem of Jensen Drive immediately abut the residential development on Beautiful Street without such mature vegetation. Section 228 of the

Zoning Ordinance requires that the Bulk Storage Yard be fully enclosed by Category VI screening, which includes a minimum six-foot tall, solid privacy fence with evergreen shrubs installed along the exterior of the fence.

Stormwater, Drainage, Impervious Cover - As shown on the conceptual layout plan proffered by the applicant, permeable pavement is proposed for the customer parking area immediately off Holland Road and stormwater management is proposed underground by means of ADS perforated pipes. The Bulk Storage Yard is proposed to remain unpaved as a grassy area. The proposed permeable paves and that the Bulk Storage Yard will be unpaved both are reductions in overall impervious surface on this site when compared with the previously approved development.

In sum, Staff's position is that this project will not adversely affect the historical character of Historic Seatack as there are no existing historical or cultural resources identified on this parcel, as the site is within an established light industrial park. In addition, the applicant proposes and is required to properly screen the light industrial use of the property from view of the right-of-way and residential properties. The combination of the visual screening and the clustering of this use with other, existing developments with industrial character minimize the intrusion of this new development in the historic area. Additionally, the plans that are proffered by the applicant are less intense than the previously approved development and ensure that, should there be any future changes to this development plan, there will be further public engagement through the Planning Commission/City Council review process.

An existing curb cut will be used to establish the ingress and egress from South Birdneck Road and an existing curb cut will provide service to the parking area proposed off Jensen Drive. An analysis provided by Traffic Engineering Staff indicates there will be no additional traffic generated by this use within the established industrial park. Traffic Engineering Staff notes that the proposed Bulk Outdoor Storage/Contractor Yard will have slightly fewer average daily trips for this proposal as compared with the previously approved layout and use. The previously approved plan was calculated to generate 217 average daily trips (ADT), while the current proposal is calculated to generate 207 ADT.

Based on the above, Staff recommends approval of these requests per the proffers and conditions included 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 shall be landscaped substantially as shown on the exhibit entitled "Conceptual Layout of Solid Structures Headquarters Being Unit 6, Owl's Creek Commerce Center II" prepared by WPL, Civil Engineers, Land Surveyors, Land Planners and Landscape Architects, dated December 16, 2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Landscape Plan").

Proffer 2:

When the Property is developed, it shall be developed substantially as shown on the exhibit entitled "Conceptual Layout of Solid Structures Headquarters Being Unit 6, Owl's Creek Commerce Center II" prepared by WPL, Civil Engineers, Land Surveyors, Land Planners and Landscape Architects, dated December 16, 2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Layout Plan").

Proffer 3:

When the Property is developed, the elevations, architectural design, building materials, appearance and height shall be substantially as shown on the renderings and elevations submitted on December 9, 2021 prepared by Solid Structures, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Building Elevations").

Proffer 4:

The use of the Property shall be only office/warehouse/bulk storage yard.

Proffer 5:

The Grantor will erect and maintain a fence of not less than six feet in height on the south side of the Property so as to completely enclose the portion of the Property to be used for bulk storage.

Proffer 6:

All outdoor lighting on the Property shall be shielded to direct lights and glare onto the Property and focused away from adjoining properties.

Proffer 7:

The hours of operation of the office/warehouse/bulk storage yard facility will be between the hours of 6:00 o'clock a.m. and 9:00 o'clock p.m. daily.

Proffer 8:

Dumpster service on the Property is only allowed between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m.

Proffer 9:

No mechanical equipment shall be located on the roof of the building(s).

Proffer 10:

All stormwater management facilities, including swales, must be maintained by the property owner.

Proffer 11:

These proffers shall supersede the proffers previously recorded in the Clerk's Office as Instrument No. 20061031001650980 and 20110118000055120.

Proffer 12:

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.

Recommended Conditions Conditional Use Permit- Bulk Storage Yard

In addition to the proffers volunteered by the applicant, Staff recommends the following conditions:

1. All outdoor lights shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
2. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed site plan review. Said plan shall include the location of all lighting fixtures mounted on buildings and poles as well as the listing of lamp type, wattage, and type of fixture. Lighting shall overlap and be uniform throughout the parking area. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North

America. The plan shall include provisions for implementing low-level security lighting for non-business hours.

3. Any additional lighting added to the site shall be directed to the interior of the site and away from adjacent residential homes.
4. Light fixtures may remain on at any time, provided that the source of the light is shielded to not be visible from the property lines of adjacent properties and that the light be contained on the subject property
5. The equipment storage yard shall be enclosed with Category VI landscape screening, as specified in the Landscape, Screening, and Buffering Specifications and Standards for the City of Virginia Beach, and including a minimum six-foot tall fence.
6. Signage on the site must be in accordance with sign regulations outlined in the Zoning Ordinance.
7. Any freestanding signs shall be limited to a maximum height of eight feet with materials that relate to those used on the exterior of the building.
8. In addition to required Category VI landscape screening for the Bulk Storage Yard, a minimum 25-foot wide area of existing mature vegetation that presently exists along the southern edge of the property shall be retained and maintained to additionally buffer this development from residential properties located on Beautiful Street.
9. Delivery trucks shall access the site from Jensen Drive rather than from South Birdneck Road.
10. Prior to operating on the site, proof of compliance with the Navy Restrictive Easement shall be provided to City Staff.
11. The area used for the outdoor bulk storage yard shall be gravel or as otherwise approved by the Development Services Center during site plan review.

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 site is located in the Historic Seatack Suburban Focus Area (SFA), as defined in the Comprehensive Plan. Various development constraints exist in this SFA, including the Special Flood Hazard Area, military aircraft accident potential zones (APZ-1 and APZ-2), high noise zones, and ownership by the Federal Government or Navy restrictive easements. The SFA is in a flat, low-lying area in proximity to waterways and wetlands areas in the Lynnhaven River system and the Owls Creek watershed. Drainage issues and recurrent flooding, especially associated with new development, have been observed and have, in some instances, negatively affected existing residential areas. Additionally, Historic Seatack is thought to be the oldest African-American settlement in Virginia and there are several significant historic and cultural landmarks in the SFA. The Comprehensive Plan recommends that historic and cultural landmarks in the SFA should be recognized and/or protected as local historic or cultural landmarks.

The Comprehensive Plan recommends that new development in the SFA:

- Adhere to the City Zoning Ordinance requirements established in Article 18, Special Regulations in Air Installations Compatible Use Zones (AICUZ) Overlay and Appendix I, Airport Noise Attenuation and Safety Ordinance.
- Respect the historic settlement of this area.
- Be compatible with the neighborhood.
- Establish significant landscape screening buffers between existing residential areas and new non-residential development.
- Be designed such that site drainage and stormwater management does not negatively affect adjacent parcels.
- Maintain stormwater facilities and encourage the retrofit of existing drainage system problem areas.
- Use porous materials for driveways, walkways, and other similar surfaces wherever feasible, to achieve a net reduction in impervious coverage.

Natural & Cultural Resources Impacts

Natural Resources

The subject site is located in the Chesapeake Bay watershed.

Cultural Resources

The subject site is located immediately adjacent to Seatack Historic District, an area that has been identified as being eligible for listing in the National Register of Historic Places. The State Review Board of the Virginia Department of Historic Resources recommended the area as being eligible on December 12, 2019 under Criterion A (broad patterns in our past) for its association with African American heritage between ca. 1920 and ca. 1960. Several of the residences along Beautiful Street are identified as being contributing to the Seatack Historic District.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
South Birdneck Road	14,400 ADT ¹	32,700 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 0 ADT Proposed Land Use ³ – 207 ADT
¹ Average Daily Trips	² As defined by a vacant lot	³ As defined by an 2.67-acre parcel zoned I-1	⁴ LOS = Level of Service

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

Jensen Drive, located in the vicinity of this application, is a two-lane private street and is not included in the Master Transportation Plan.

South Birdneck Road, also located in the vicinity of this application, is a four-lane divided minor suburban arterial with a variable-width right-of-way. The City's Master Transportation Plan map plans that this section of South Birdneck Road will one day be a six-lane roadway section; however, no CIP projects are currently scheduled for this roadway.

Public Utility Impacts

Water

There is an existing City water main along South Birdneck Road and an existing City water main along Jensen Drive.

Sewer

There is an existing City sanitary sewer gravity main along South Birdneck Road. A “private” sanitary sewer gravity main also exists along Jensen Drive that discharges to City gravity sanitary sewer in Beautiful Street.

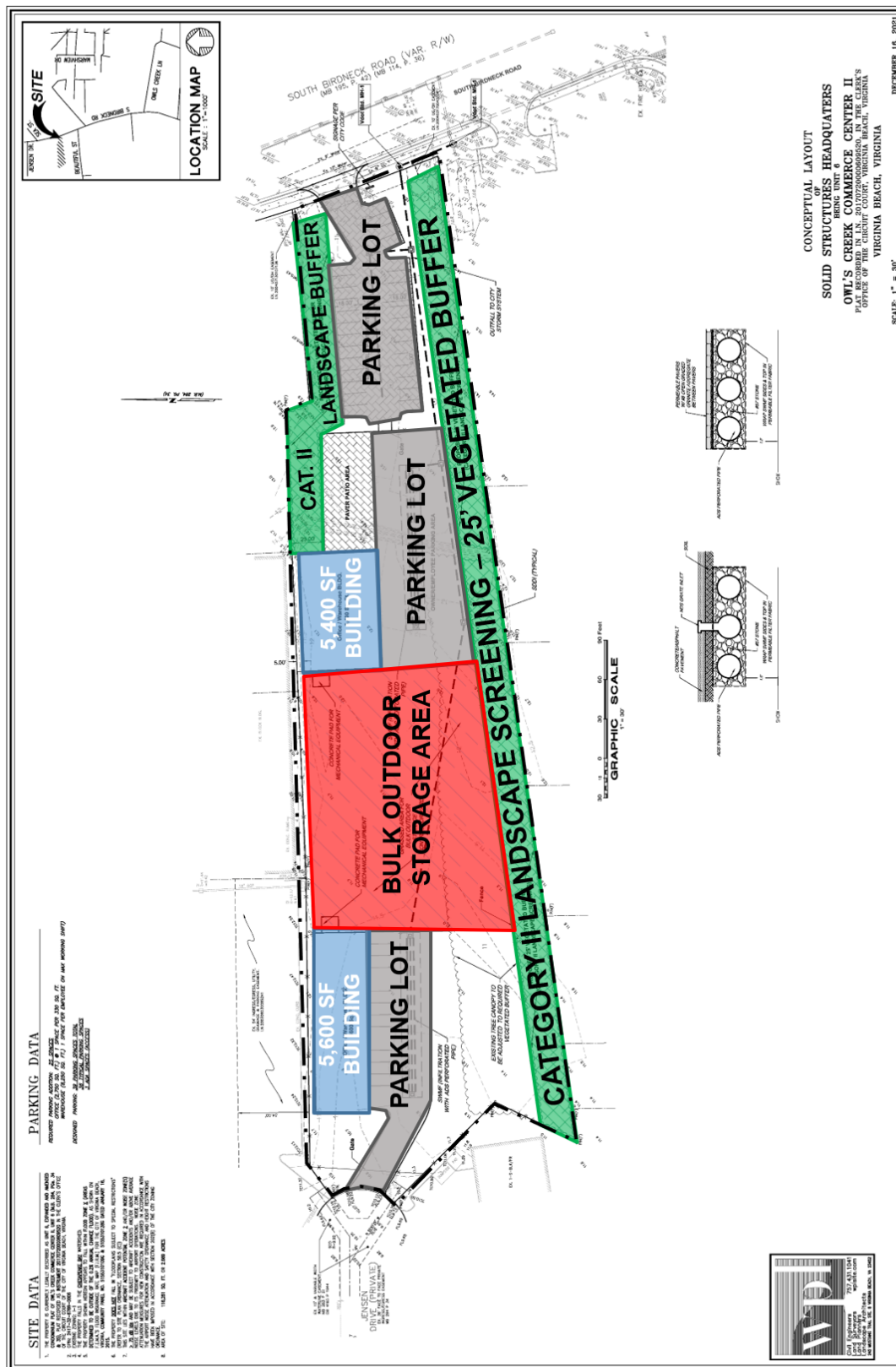
The site must connect to City water and City sanitary sewer through one or more of the connections identified above.

Public Outreach Information

Planning Commission

- The applicant met with the Historic Seatack Civic League Board on January 6, 2022 to discuss the details of the request, as well as attended the Historic Seatack Civic League General Meeting on January 10, 2022. According to the applicant, approximately 40 people were in attendance at the meeting on January 10. A third informational meeting was scheduled by the applicant for January 31, 2022 to further discuss the proposal.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 23, 2022 and January 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on January 24, 2022.
- 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 February 3, 2022.

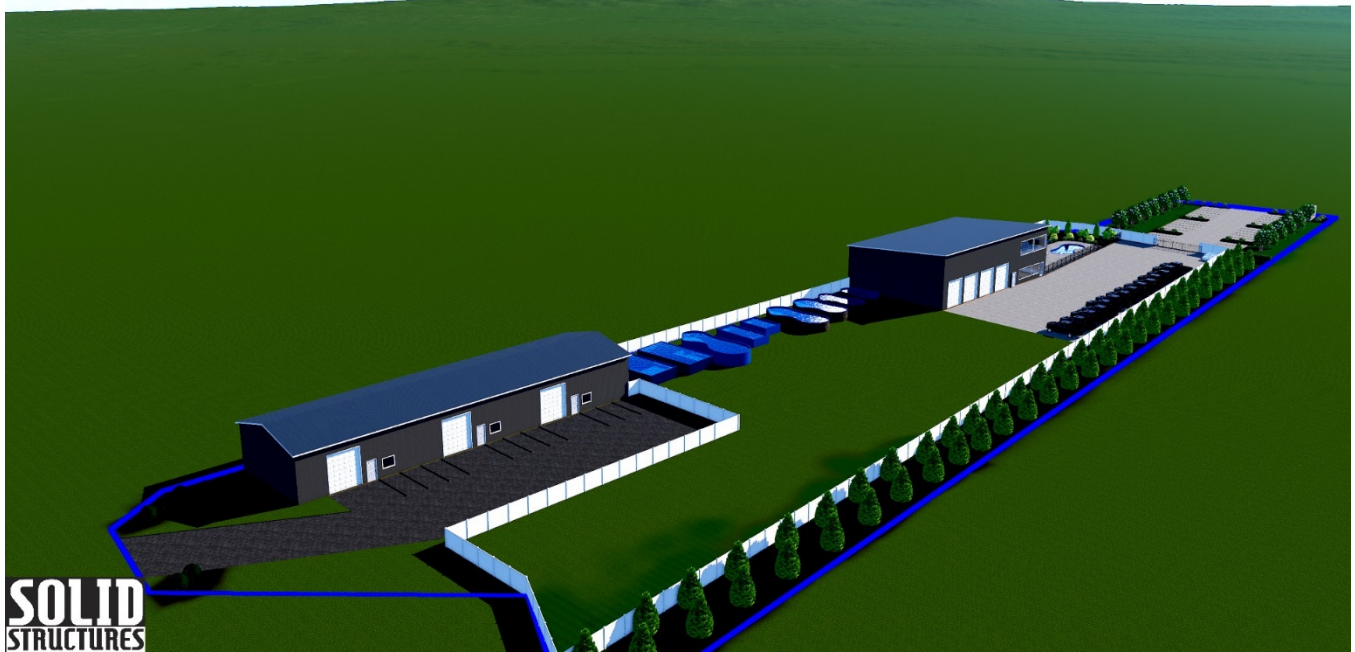
Proffered Site Layout



Proposed Renderings

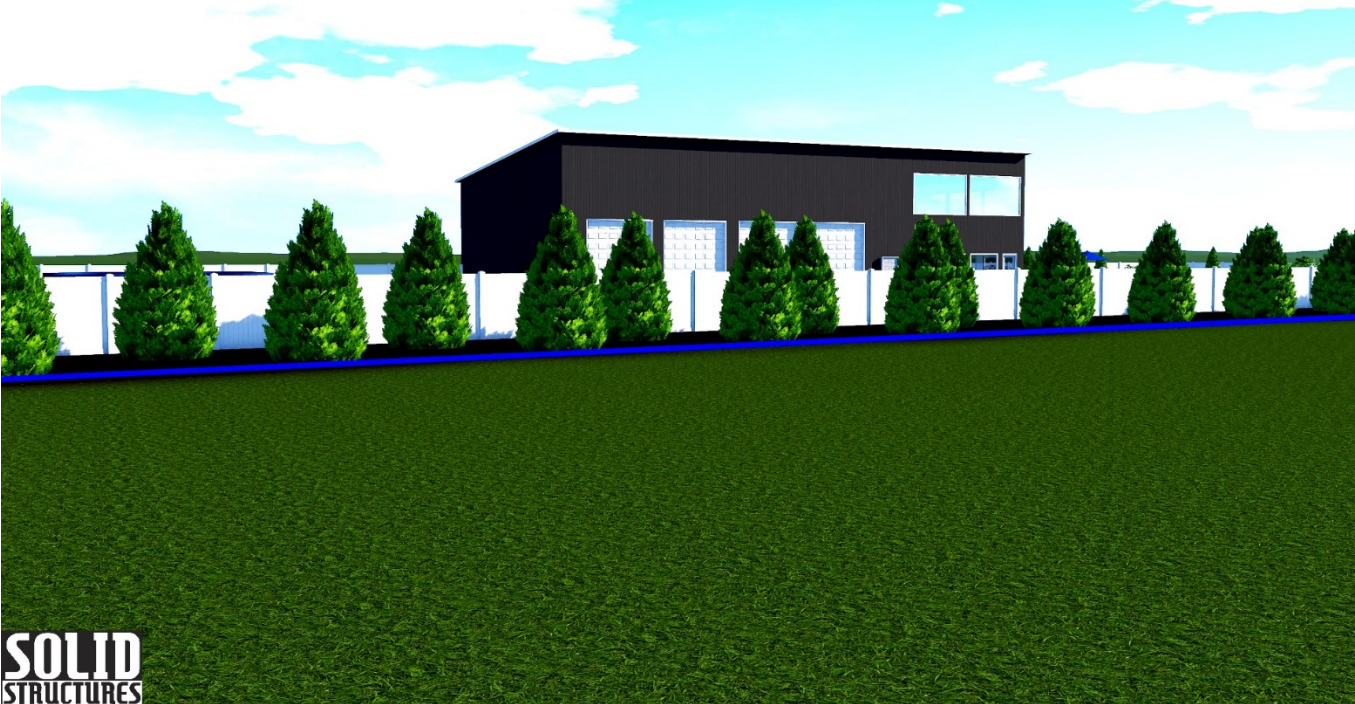
artistic conception

VIPSD



artistic conception

VIPSD



Proposed Renderings

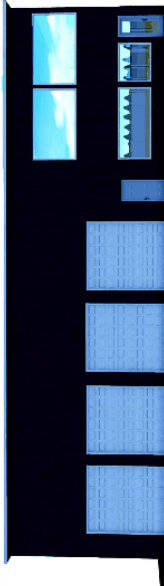


Proposed Elevations

"Solid Elevations"



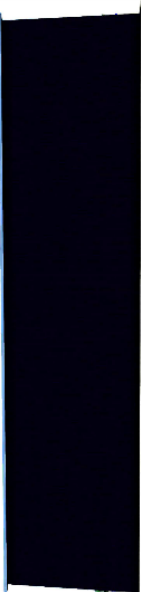
Right Side Elevation
28' tall on left & 24' tall on right



Front Elevation



Left Side Elevation



Rear Elevation



Front Elevation 18' at peak of roof



Rear Elevation



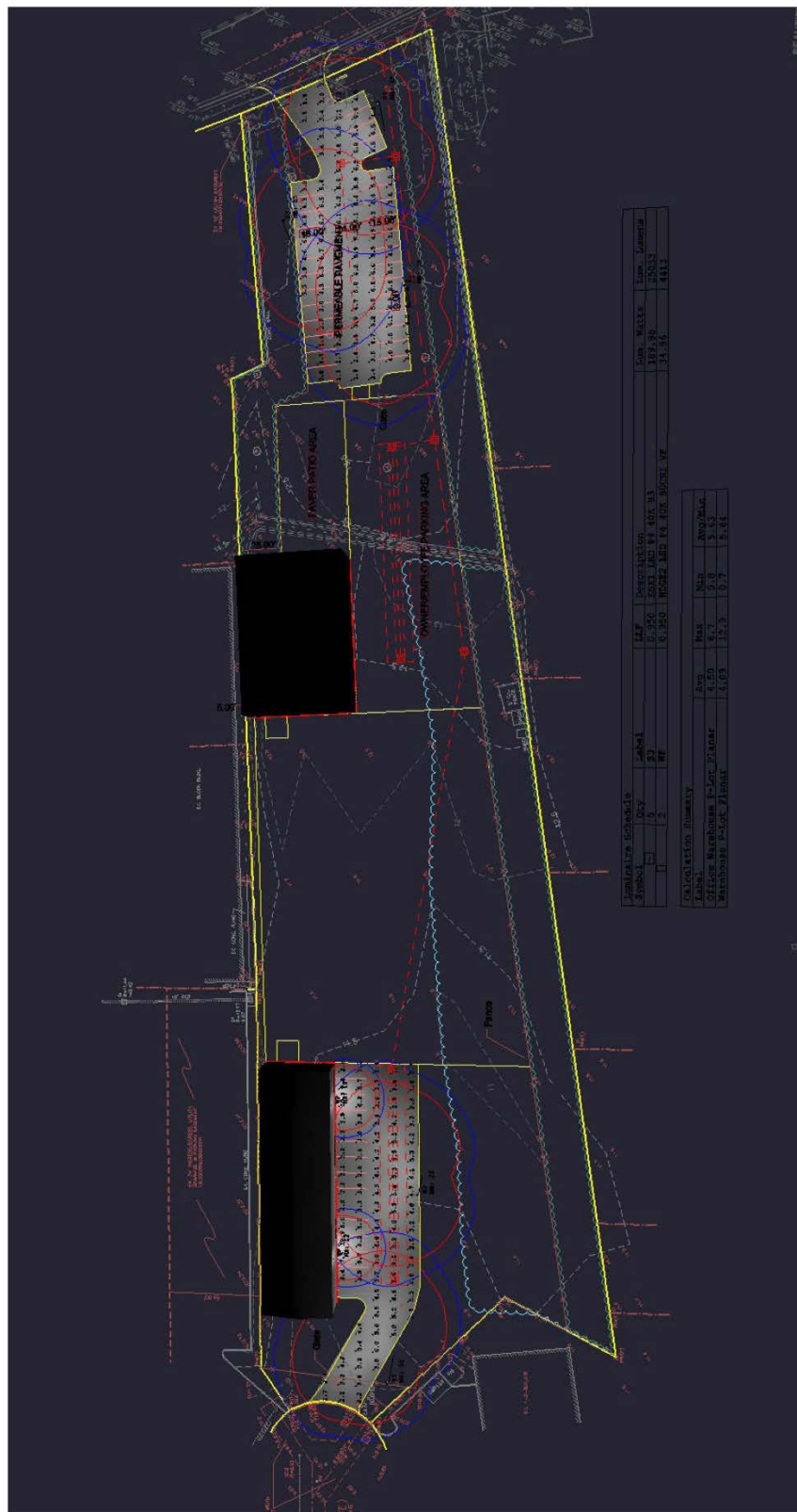
Left side elevation



Right Side Elevation

Exterior Finish Schedule	Material	Shawin Williams Color
Finish	Metal precast siding	SW 2740 Mineral Gray
Siding	Metal precast siding	SW 2740 Mineral Gray
Roof	Metal precast roofing	SW 6985 Hyper Blue
Window	Clear storefront windows	
Garage Doors	14x16 Metal Garage Doors	SW 7757 High Reflective White

*Siding colors in renderings appear different due to shadowing



Site Photos



1 - West property line as seen from Jensen Drive.



2 - South property line as seen from Jensen Drive.

Site Photos

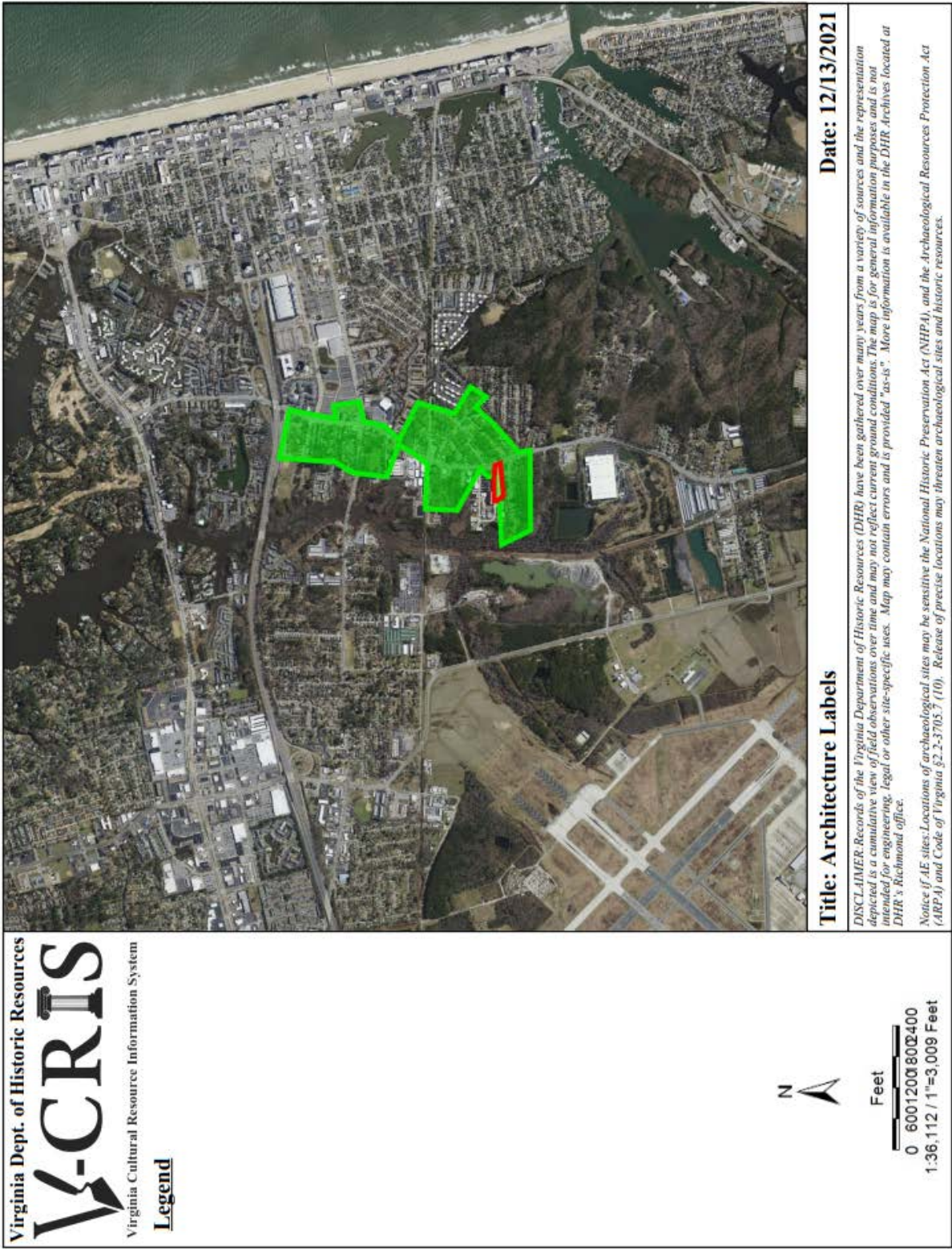


3 - South and east property line as seen from Birdneck Road.



4 - South property line as seen from Beautiful Street.

VCRIS Map of Seatack Historic District



Boundaries of the surveyed eligible Seatack Historic District identified are in green. Boundaries of 1252 Jensen Drive, the subject property, are identified in red.

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 1252 JENSEN, LLC

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

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

JOHN W. RICHARDSON, ATTORNEY AT LAW

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)

SCOTT PRUNTY - 100% MEMBER/MANAGER

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

SOLID STRUCTURES DECKS AND FENCES, LLC

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

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

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.

BLUE RIDGE BANK - Terri Ruby

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.

JONES CPA - Ali Gunbeyi

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.

WPL - Eric Garner

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.

SOLID STRUCTURES DECKS AND FENCES, LLC - Scott Prunty

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.

JOHN W. RICHARDSON OF WOLCOTT RIVERS GATES

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.

1252 JENSEN, LLC

BY: 

Applicant Signature

SCOTT PRUNTY, MEMBER/MANAGER

Print Name and Title

OCTOBER 12, 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 McKinney

Location

1940 Laskin Road, Suite 311

GPIN

2407387103

Site Size

30 acres (1,200 sf unit)

AICUZ

Greater than 75 dB DNL; APZ-2

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Shopping center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Multi-family dwellings / A-18 Apartment

South

Cemetery, funeral home, religious use / R-10

Residential, B-2 Community Business

East

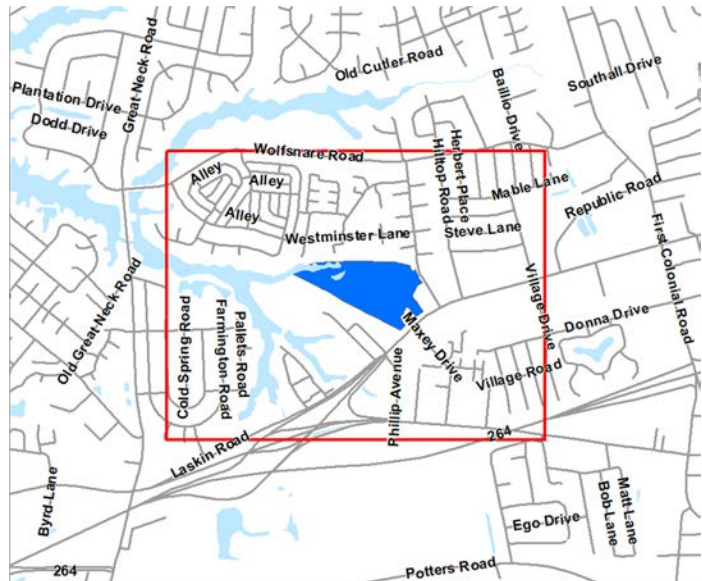
Laskin Road, Regency Drive

Shopping Center / B-2 Community Business

West

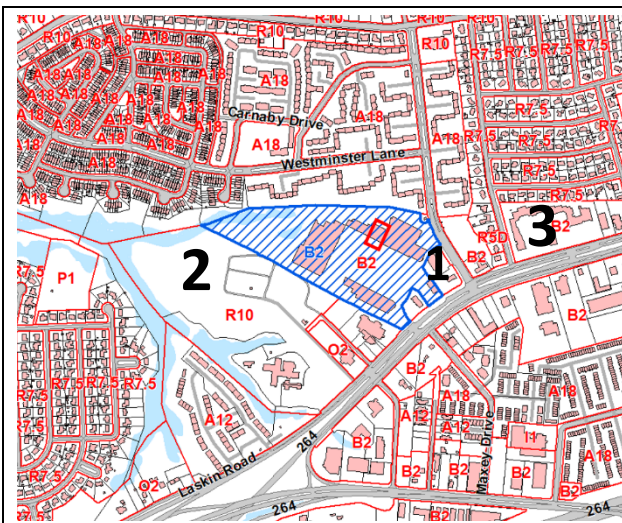
Wolfsnare Creek

Multi-family dwellings / A-18 Apartment



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit in order to operate a Tattoo Parlor specifically for permanent makeup, known as microblading, within a portion of an existing 1,200 square foot salon. The unit is located within the Regency Hilltop Shopping Center along Laskin Road on property zoned B-2 Community Business District.
- Microblading will take place in an enclosed 600 square foot room inside the nail salon.
- According to the applicant, up to five employees are anticipated.
- The typical hours of operation are 10:00 a.m. to 7:30 p.m., Monday through Saturday, and 11:00 a.m. to 5:30 p.m. on Sunday.
- No exterior changes to the building are proposed, as well as no new signage.
- There are no other tattoo parlors within 600 feet of this location.



Zoning History

#	Request
1	CUP (Motor Vehicle Repair) Approved 03/17/2015
2	CUP (Cemetery) Approved 08/12/2015
3	CUP (Tattoo Parlor) Approved 06/19/2018

Application Types

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

MDC – Modification of Conditions
 MDP – Modification of Proffers
 NON – Nonconforming Use

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

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

Evaluation & Recommendation

The 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.

The property is located within the greater than 75 dB noise zone and Accident Potential Zone 2 (APZ-2) of the Air Installations Compatible Use Zones (AICUZ). Many uses within this AICUZ are restricted, as identified in Article 18 of the Zoning Ordinance; however, personal services, such as the proposed tattoo parlor, is considered to be a compatible use.

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 windows 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. Per Section 905(e)(2)(b) of the Zoning Ordinance, signs containing pictorial or graphic representations shall not be more than 20 percent of total sign allotment of an establishment or four square feet, whichever is less. Staff is recommending a condition that all signage conform to the requirements of the Zoning Ordinance. This would require that the existing signage on the windows and doors be removed. The applicant, however, is not in agreement with the removal of these signs. Should the Planning Commission recommend approval to the City Council without this condition, a variance to the sign regulations would then be required to be granted from the Board of Zoning Appeals.

The use of a Tattoo Parlor is considered to be a compatible one within the shopping center. Staff does not anticipate a significant increase in traffic volume with the addition of this use into the existing 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 shall be in accordance with the sign regulations of the Zoning Ordinance and all signage on the door and windows of this unit, Suite 311, shall be removed unless deemed in compliance with the Zoning Ordinance.

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 in the Hilltop 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. Particularly, the subject site is in one of the identified character development areas of the Hilltop SGA, the Regency Hilltop Shopping Center. This area provides a key opportunity both for the creation of a neighborhood and

regional destination for retail shopping, high-quality office space, and passive park space. The redevelopment of this shopping center can occur in stages, allowing viable businesses to remain while a public realm is created around them. The Regency Hilltop redevelopment represents one of the high potential areas for mixed-use and walkable redevelopment.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Laskin Road	30,000 ADT ¹	36,900 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)

Laskin Road in the vicinity of this application is considered a four-lane divided major urban arterial. In addition to the existing four-lane section of road, there are two, 2-lane local access roads parallel to the mainline portion of roadway: one the south side of Laskin Road and one on the north side of Laskin Road.

There is a roadway CIP project for Laskin Road in front of this site. Laskin Road – Phase III is a City managed project for construction of a six-lane divided highway with bike accommodations from Republic Road to just west of Phillip Avenue, a distance of approximately 0.7 miles. The existing service/feeder roads along Laskin Road from Regency Hilltop to Republic Road will also be removed with this project. Aesthetic improvements such as landscaped median and verge areas will be provided to enhance the roadway corridor. This project is scheduled to begin construction in 2032.

There is a roadway CIP project for Laskin Road under construction just outside this parcel's boundaries. Laskin Road – Phase IA (CIP 2-156/CIP 2-126) is a VDOT managed project for the construction of an eight-lane divided highway from Republic Road to Winwood Drive and a six-lane divided highway from Winwood Drive through the Linkhorn Bay Bridge with shared-use path, sidewalk, and wide outside lanes for bicyclists. These limits also include a six-lane divided highway on First Colonial Road from I-264 to Laurel Lane with full intersection improvements along this corridor within the project limits. This construction is expected to be completed in May 2023.

Public Utility Impacts

Water & Sewer

This site connects to City water and City sanitary sewer.

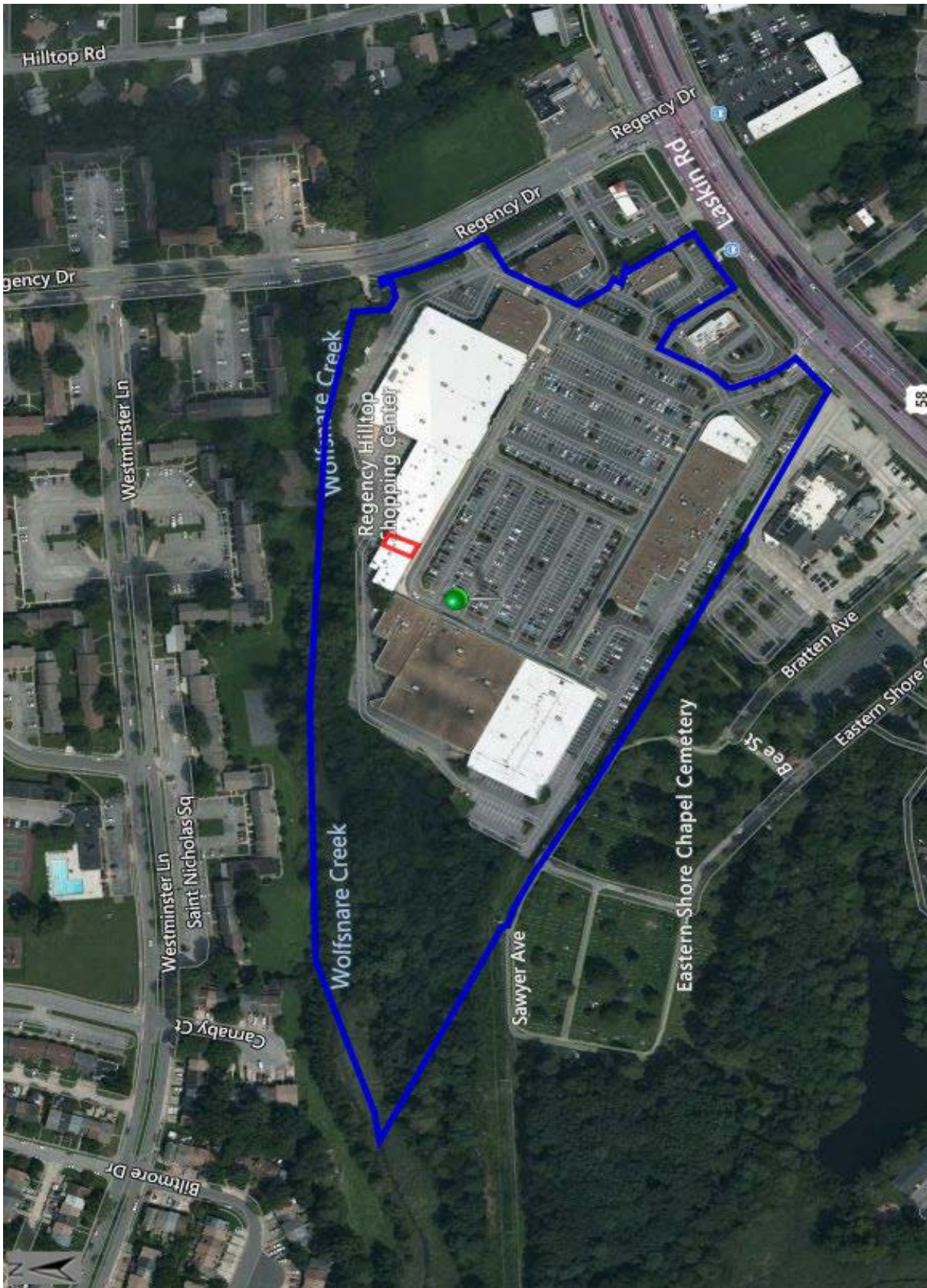
Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 23, 2022 and January 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on January 24, 2022.

- 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 February 3, 2022.

Site Layout



Site Photos



Disclosure Statement



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

Applicant Disclosure

Applicant Name Tan Dang

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)

Tan Dang, CEO

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

Sassy Nails LLC

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

Revised 12/14/2010

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.

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

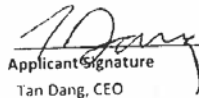
Disclosure Statement



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
Tan Dang, CEO

Print Name and Title
9.17.2021

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

Revised 11/09/2009

3 | Page

Disclosure Statement



Owner Disclosure

Owner Name REGENCY HILLTOP ASSOCIATES, L.L.P., a Virginia limited liability partnership

Applicant Name Tan D. Dang

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 below

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

See attached.

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.

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.

S. L. Nusbaum Realty Co., Maggie Spillane

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.

S. L. Nusbaum Realty Co., Escrow Agent, Virginia Hawks

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.**

Owner Signature

See below

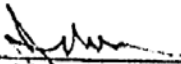
Print Name and Title

1/4/2022


Date

REGENCY HILLTOP ASSOCIATES, L.L.P.,
a Virginia limited liability partnership

By: JM-RH, L.L.C., Managing Partner

By:  (SEAL.)
Joseph Mersel, Manager

By: FWM-RH, L.L.C., Managing Partner

By:  (SEAL.)
Cheryl P. McLskey, Manager

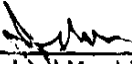
Disclosure Statement

WITNESS the following signatures and seals:

Landlord:

**REGENCY HILLTOP ASSOCIATES, L.L.P.,
a Virginia limited liability partnership**

By: JM-RH, L.L.C., Managing Partner


By:  (SEAL)
Joseph Mersel, Manager

By: FWM-RH, L.L.C., Managing Partner

By:  (SEAL)
Cheryl P. McLeskey, Manager

Tenant:

TAN D. DANG, Individually

 (SEAL)
Printed Name: Tan D. Dang

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 (Residential Kennel)

Staff Recommendation

Approval

Staff Planner

Michaela McKinney

Location

4512 Whitechapel Court

GPIN

1478621197

Site Size

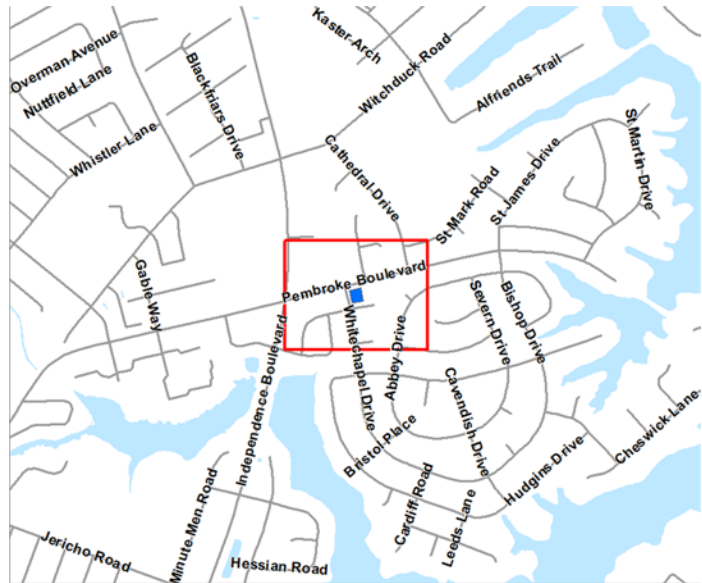
11,772 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay



Existing Land Use and Zoning District

Single-family dwelling / R-7.5 Residential

Surrounding Land Uses and Zoning Districts

North

Pembroke Boulevard

Townhomes / A-12 Apartment

South

Whitechapel Court

Office, Single-family dwelling / O-2 Office, R-7.5 Residential

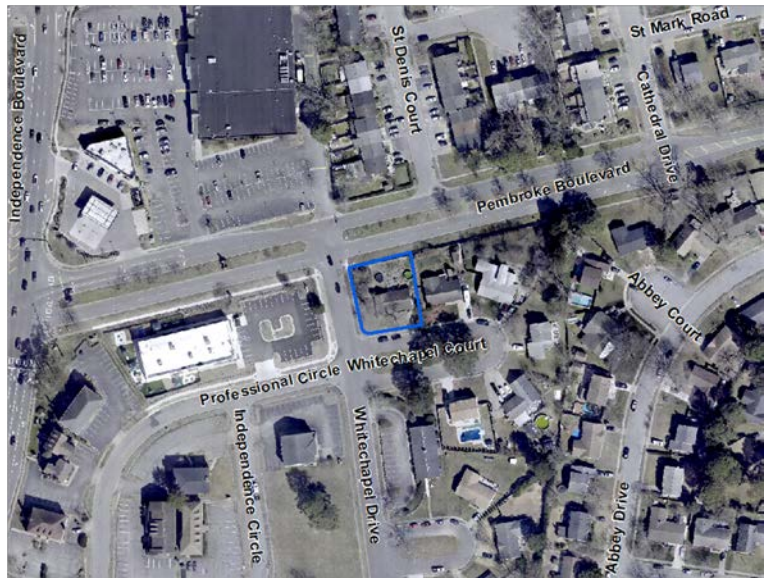
East

Single-family dwelling / R-7.5 Residential

West

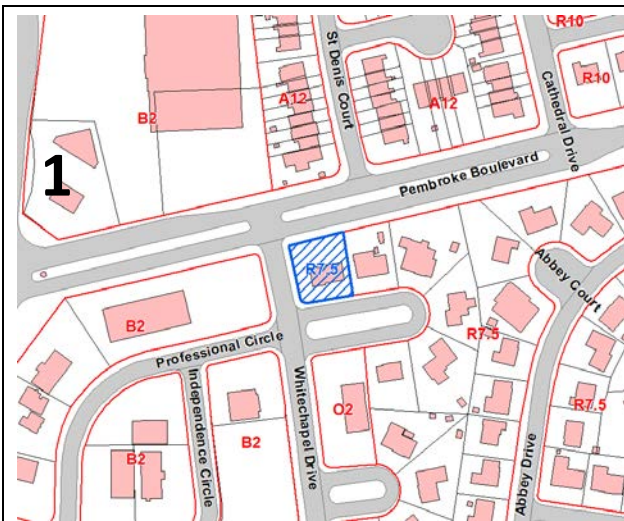
Whitechapel Drive

Parking lot, childcare center / B-2 Community Business



Background & Summary of Proposal

- The applicant was recently made aware of the need for a Conditional Use Permit when seeking to license her ten dogs. The Zoning Ordinance allows up to four personal dogs on a property without a Conditional Use Permit for a Residential Kennel. As such, in order to rectify this oversight, the applicant is requesting a Conditional Use Permit for a Residential Kennel for up to ten dogs on the almost 12,000 square foot lot in the Pembroke Meadows neighborhood.
- The applicant rehabilitates and rescues dogs in need of care. The applicant currently has nine dogs on the property, seven companion dogs and two dogs that are foster animals that she is caring for until a forever home can be found. According to the applicant, the process of and length of time to rehabilitate and rehome a dog is dependent upon the dog's progress, but most will spend an average of one year under the applicant's care. During the dog's stay, they begin with slow introductions to other animals followed by group socializing. Fostered dogs then undergo training centered on outings and interactions with humans. Finally, profiles are created to help dogs become adopted. Once an animal is rehomed, the applicant will receive a new foster dog within three months and the process restarts.
- Dogs are transported on and off site by the applicant in her personal vehicle. No dogs are dropped off to the property, as the process of obtaining the dogs is planned and vetted through the applicant before accepting dogs into her care.
- The dogs are kept indoors except for periods of relief and play in the fenced in backyard or daily walks. Dogs get daily walks and allotted outside playtime between the hours of 6:00 a.m. to 11:00 p.m., daily. The applicant's practice of permitting only four dogs outside at any given time and under supervision will continue should this proposal be approved.
- No breeding of animals is proposed. There is no outdoor kennel or structure proposed with this request.
- All animals are vaccinated, microchipped, and registered, per the applicant.



Zoning History

#	Request
1	CUP (Fuel Sales) Approved 08/13/1997

Application Types

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

Evaluation & Recommendation

This request for a Conditional Use Permit for a Residential Kennel is acceptable. The proposed residential kennel use is located within the Suburban Area and is an appropriate activity for this area. Section 223 of the Zoning Ordinance requires that kennel structures be within 100 feet of the property line of any adjacent lot, except where animals are kept in soundproof, air-conditioned buildings. There are no outdoor kennels proposed on this site, as all dogs living on the property will be housed inside of the single-family dwelling.

According to Animal Control, there have been multiple complaints and reports made for this property, beginning in October of 2020 through July of 2021. Cases included aggressive dog behavior, excessive barking, the poor condition of one of dogs, and two of the dogs being unvaccinated. Per the applicant, the dogs related to these previous violations are no longer living on the property and all violations have been addressed. Animal Control reinspected the site on Friday, January 28, 2022, and concurs that all violations have been addressed and all dogs on the property appear to be healthy and well taken care of. The only violation currently on the property is the number of dogs. Per Section 111 of the Zoning Ordinance, a residence can have no more than four (4) dogs over six (6) months of age on the property at one time. The applicant is seeking this Conditional Use Permit for a Residential Kennel to rectify this issue.

The property is located along the heavily travelled Pembroke Boulevard. To the south is an office use and to the west of the property across Whitechapel Drive is a parking lot and childcare center. There is only one residence immediately adjacent to the proposed use, the home to the east, and the property owner is supportive of the application. All the property owners on Whitechapel Court are in support and Staff received a petition of support with signatures of four property owners, as well as one letter of support. Those in support noted that they believe the applicant has the dogs' best care in mind. Staff also received one letter of opposition from a resident in the neighborhood indicating concerns regarding safety due to aggressive dog behavior.

The applicant currently has a seven-foot tall chain link fence enclosing the backyard. The fence along the northern and western property lines is covered with a black tarp to reduce the dogs' view of traffic and pedestrians. According to the applicant, this assists with keeping the dog's calm. As mentioned previously, all dogs are kept within the existing soundproof, air-conditioned residence unless outside for play time and relief thereby meeting the requirements of Section 223. However, Staff is recommending a condition that the existing chain link fence be replaced with a 6-foot-tall solid privacy fence. The applicant is aware and agrees with this condition. The applicant indicates that they will only allow four dogs outside at any given time to mitigate noise and the dogs' reactivity. Condition 6 is recommended to address this.

Staff is also recommending a condition to limit the number of dogs allowed on the property at any time to no more than 10 dogs in order to reduce impacts to the adjacent residents. According to Traffic Engineering, there will be no significant traffic changes with this use as the applicant schedules pick-ups and does not allow drop offs at the home. Per the applicant, animal waste is picked up after every animal relieves themselves and is disposed of properly. The applicant has also hired a company, Operate Doggie Duty, to treat the yard on a weekly basis to thoroughly remove waste. In addition, the applicant has hired pest services to come out every three months to spray the yard and home for fleas and ticks.

Based on these considerations, Staff is recommending approval of this request subject to the conditions below.

Recommended Conditions

1. There shall be no more than 10 dogs on the property at any time.
2. All animal waste from the dogs shall be collected and disposed of in a lawful manner on a daily basis.
3. The applicant shall ensure that all dogs are properly vaccinated and immunized and are licensed through the City of Virginia Beach.
4. The existing chain link fence on the property shall be replaced with a 6-foot-tall solid privacy fence and shall be maintained in good condition for the duration of the Conditional Use Permit for the Residential Kennel.
5. There shall be no breeding of dogs on the site.
6. No more than four (4) dogs shall be permitted to be outdoors at one time and the dogs shall remain under the supervision of the caretaker at all times and shall not be a nuisance to any other property owners or residents.

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.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Whitechapel Court	No Data Available		Existing Land Use ² – 10 ADT Proposed Land Use ³ – No Data Available
¹ Average Daily Trips	² as defined by a single-family dwelling	³ as defined by a single-family dwelling with a Residential Kennel	

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

Whitechapel Court in the vicinity of this application is considered a residential cul-de-sac. No traffic counts are available at this location.

Public Utility Impacts

Water & Sewer

This site is already connected to both City water and sanitary sewer service.

Public Outreach Information

Planning Commission

- The applicant reported that they met with the surrounding property owners. A petition of support with four signatures, one letter of support, and one letter of opposition have been received by Staff.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 23, 2022 and January 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on January 24, 2022.
- 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 February 3, 2022.

Site Layout



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 Alliena Westleigh

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-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.

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

Alliena Westleigh

Print Name and Title

11-24-2021

Date

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

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

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

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

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name Alvin Westleigh Cynthia Allie-Westleigh

Applicant Name Alliena Westleigh

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)

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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

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.

Mand T Banking

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.

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

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- 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 firm and individual providing the service.

Disclosure Statement



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

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

Owner Signature

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

A handwritten signature in black ink, appearing to read 'Alvin Westleigh'.

Owner Signature

Alvin Westleigh

Print Name and Title

A handwritten signature in black ink, appearing to read 'Cynthia Allie-Westleigh'.

Cynthia Allie-Westleigh

11-24-2021

Date

Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
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- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Request

Conditional Use Permit (Automobile Repair Garage)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

6213 Indian River Road

GPIN

1456336782

Site Size

1.34 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

Indian River Road

Shopping center, auto sales / B-2 Community Business

South

Old Providence Road

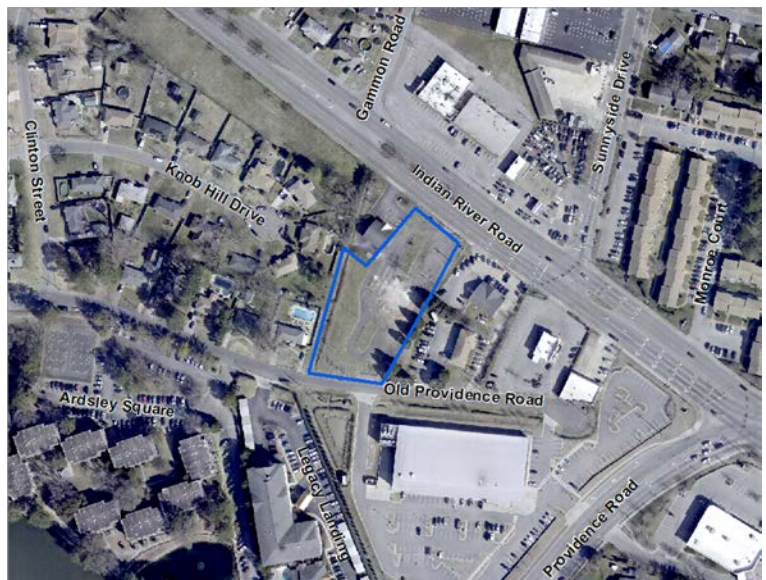
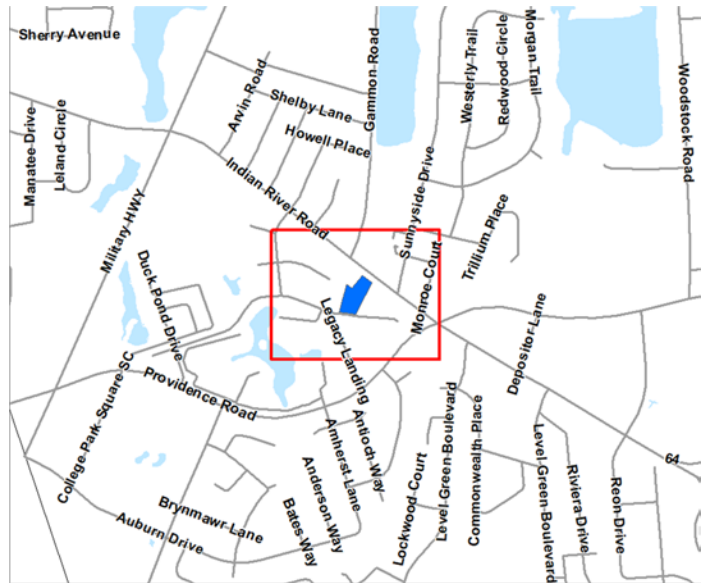
Retail / B-2 Community Business

East

Auto sales, automobile repair garage / B-2 Community Business

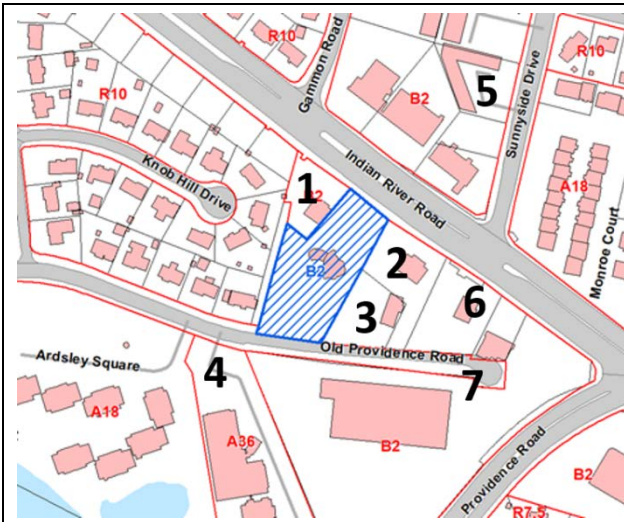
West

Retail, single-family dwellings / B-2 Community Business, R-10 Residential



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to operate an Automobile Repair Garage on a 1.34-acre parcel zoned B-2 Community Business District.
- The site is currently undeveloped, and the applicant is seeking to construct a 1,725 square foot building. The auto repair business will provide drive-through limited maintenance services such as oil changes, power steering fluid service, and Virginia State Inspections. All services to be provided are limited to those where customers can remain in their vehicles. It is anticipated that up to 50 cars will be serviced daily.
- As required and depicted on the Conceptual Site Plan, a 15-foot-wide landscape buffer with Category VI screening and staff has requested a six-foot-tall privacy fence along the western side of the property where it abuts residentially zoned properties. Also as required, streetscape plantings are proposed along the frontage of Indian River Road. Additional shrubs will be installed along the northwest property line, adjacent to the B-2 zoned retail property, to provide additional screening.
- The building's elevations depict a one-story structure made of cement board trim and metal roof panels with three garage bay doors consisting of aluminum framed windows.
- A freestanding sign is proposed at the entrance along Indian River Road. The vinyl-based sign with the business logo is proposed. The sign will consist of internally illuminated single-sided fabricated fabrics, with printed graphics and push through lettering "10 Minute Oil Change", as shown on page ten of this report.
- Per Section 203 of the City Zoning Ordinance, one space per 900 square feet of floor area, or two spaces for this 1,725 square foot operation, is required. Up to six employees will be on the site at any given time. The ten parking spaces depicted on the Concept Plan exceed the parking requirement by two spaces.
- The hours of operation are proposed as 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m., Saturday and Sunday.



Zoning History

#	Request
1	CRZ (R-10 to Conditional B-2) Approved 01/11/2005
2	CUP (Motor Vehicle Sales) Approved 04/10/1993
3	CUP (Automobile Repair Garage) Approved 07/8/1998
4	CRZ (B-2 to Conditional A-36) Approved 01/23/2007
5	CUP (Church) Approved 11/23/2007
6	CUP (Church) Approved 03/13/2007
7	STC (Portion of Old Providence Road) Approved 01/08/2002

Application Types

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

MDC – Modification of Conditions
 MDP – Modification of Proffers
 NON – Nonconforming Use

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

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

Evaluation & Recommendation

The proposed Conditional Use Permit for an Automobile Repair Garage is consistent with the Comprehensive Plan's land use policies for the Suburban Area, as it aligns within the guiding development principles of creating "Great Neighborhoods", which includes sustainable neighborhoods supported by complementary non-residential uses. In Staff's view, the use will provide a much-needed service to the community.

The second entrance on Old Providence Road, in Staff's opinion, is not necessary given that the building is placed on the northern portion of the property, leaving majority of the southern half of the property vacant. While the applicant stated that they have no intent to expand the commercial development or to subdivide the property, Staff is concerned it could ultimately lead to the southern half of the B-2 zoned property being developed by-right without any protections for the neighboring residential properties and would result in an increase of traffic volume through residential streets. To address these concerns, the applicant offers Condition 4 to limit the development of this property to one use at any time, unless a modification is granted by City Council. While not required, the applicant offers to enhance the landscape buffer along Old Providence Road to provide extra screening for the adjacent property owners. This is depicted on the Conceptual Site Plan.

In sum, the proposal is consistent with the Comprehensive Plan and is a compatible use with adjacent properties along Indian River Road, therefore, Staff is recommending approval of this request subject to the conditions below.

Recommended Conditions

1. The site shall be developed and maintained substantially in conformance with the submitted site layout entitled "CONCEPT PLAN OF 6213 INDIAN RIVER ROAD," dated January 11, 2022, and prepared by NDI Engineering Company, Basgier and Associates Division. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
2. The design, size, and materials of the building shall be substantially in adherence, with the submitted elevation exhibits entitled "Strickland Brothers" dated November 22, 2021 and prepared by FRANZ Architects. Said elevations

N3 Property Advisors, LLC

Agenda Item 9

Page 3

have been exhibited to the Virginia Beach City Council and are on file with the Department of Planning & Community Development.

3. The dumpster shall be enclosed by a wall on three sides, constructed of materials that match the building, not less than six feet in height, and any required screening shall be installed in accordance with Section 245(e) of the Zoning Ordinance and the City of Virginia Beach Landscaping Guide.
4. Development on this site shall be limited to no more than one use at a time unless a modification of this Conditional Use Permit is granted by City Council.
5. No motor vehicles in a state of obvious disrepair shall be stored outside of the building. All such vehicles shall only be permitted to be stored within the building.
6. No motor vehicle repair work shall take place outside of the building.
7. No motor vehicles shall be parked within any portion of the public right-of-way.
8. There shall be no outdoor storage of equipment, parts, tires, or materials.
9. All on-site signage shall meet the requirements of the City Zoning Ordinance. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.
10. There shall be no portable or nonstructural signs or electronic display signs on the site.
11. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

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

Comprehensive Plan Recommendations

The subject property is located in the suburban area of the City. The Comprehensive Plan states that land use compatibility among uses within this area is vital to the stability of the City's neighborhoods. One of the guiding development principles of suburban areas is the creation of "Great Neighborhoods," which depicts a stable and sustainable neighborhood supported by complementary non-residential uses. Enhancement or renewal of existing commercial centers are encouraged by the Comprehensive Plan by means of innovative design, products and services provided to the neighborhoods where they are located. Preserving neighborhood quality and characteristic requires proposed uses to maintain or enhance the existing characteristics of surrounding residential areas. Additionally, proposed developments should integrate the site and building design standards expected in the suburban area, as stated in the Comprehensive Plan's Reference Handbook of Special Area Development Guidelines for Suburban Area.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Old Providence Rd	No Data Available		Existing Land Use ^{2a} – 0 ADT Existing Zoning ^{2b} – 737 ADT Proposed Land Use ³ – 120 ADT
Indian River Rd	No Data Available	55,500 ADT ¹ (LOS ⁴ “D”)	Existing Land Use ² – 26,000 ADT Proposed Land Use ³ – No Data Available
¹ Average Daily Trips	^{2a} as defined by a vacant site ^{2b} as defined by a 1.34ac B2 Zoning	³ No information available in the ITE Trip Generation Manual	⁴ LOS = Level of Service

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

Old Providence Road is a two-lane local roadway that is not included on the City’s MTP. This roadway serves both residential and commercial traffic.

Indian River Road in the vicinity of this application is a six-lane major urban arterial street. There is currently no roadway CIP scheduled for this portion of Indian River Road. The MTP shows this section of Indian River Road as an eight lane roadway in a 155-foot right-of-way.

There is a City managed roadway project beginning construction just east of this site (Indian River/Providence Intersection Improvements). This project will provide for the installation of a new signal and left-turn lane at Indian River Road and Level Green Boulevard (East), along with signal removal and a median closure at Indian River Road and Level Green Boulevard (West). Also included will be the upgrade of the signal equipment at Indian River Road and Providence Road intersection and the Indian River Road and Sunnyside Drive intersection, as well as the relocation of the Indian River Road median between these two intersections in order to establish standard, dual, left-turn lanes. This project is scheduled to be completed in March 2023.

Public Utility Impacts

Water

This site must connect to City water. There is an existing 20-inch City water transmission main along Indian River Road. There is an existing eight-inch City water main along Old Providence Road.

Sewer

City sanitary sewer is connected to City sewer. There is an eight-inch City sanitary sewer gravity main along Old Providence Road.

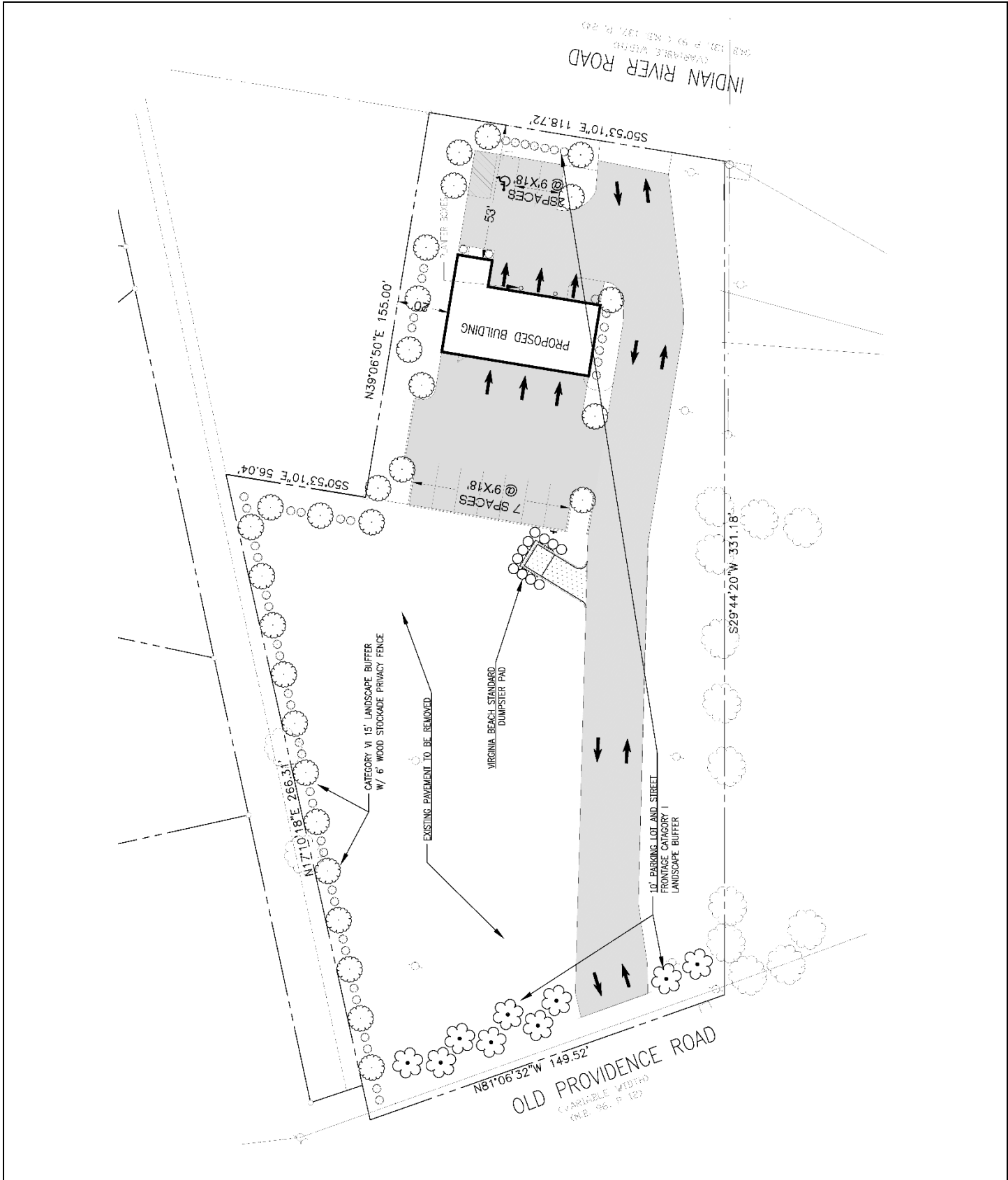
Public Outreach Information

Planning Commission

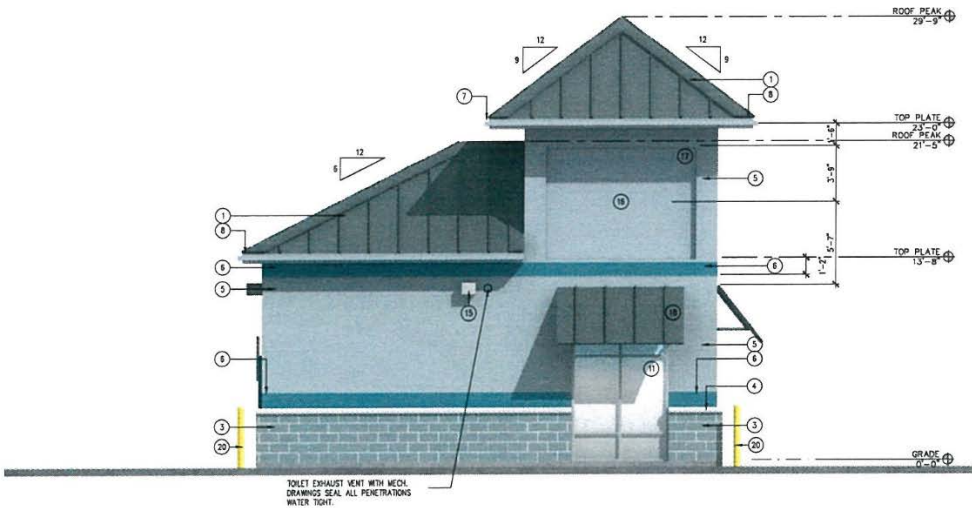
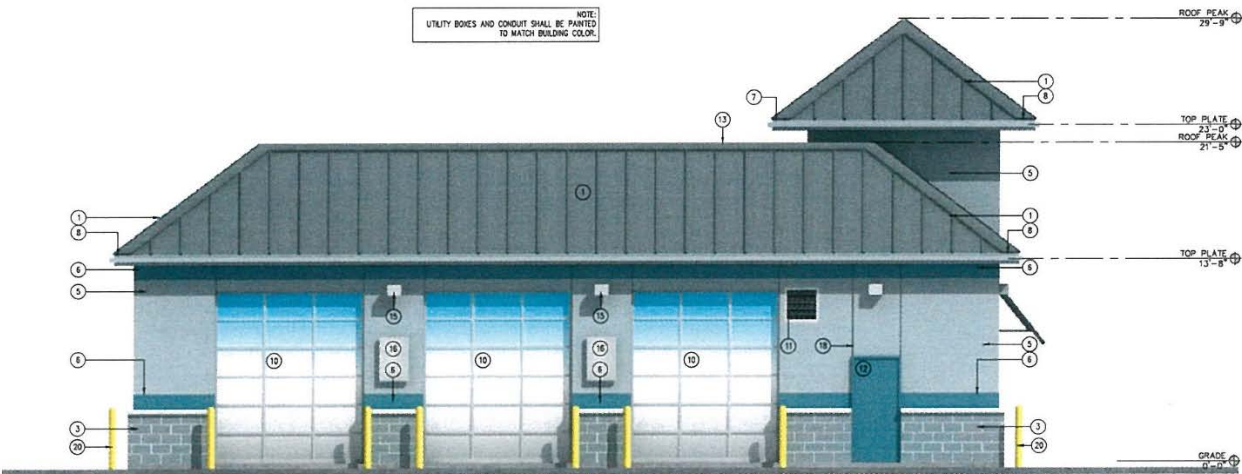
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 23, 2022 and January 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on January 24, 2022.

- 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 February 3, 2022.

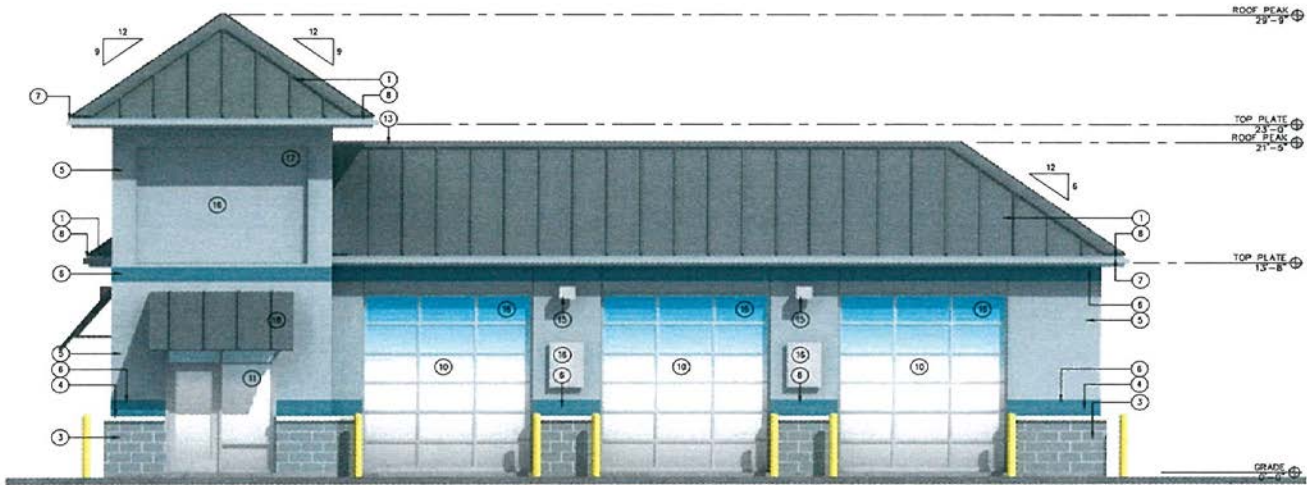
Proposed Conceptual Site Plan



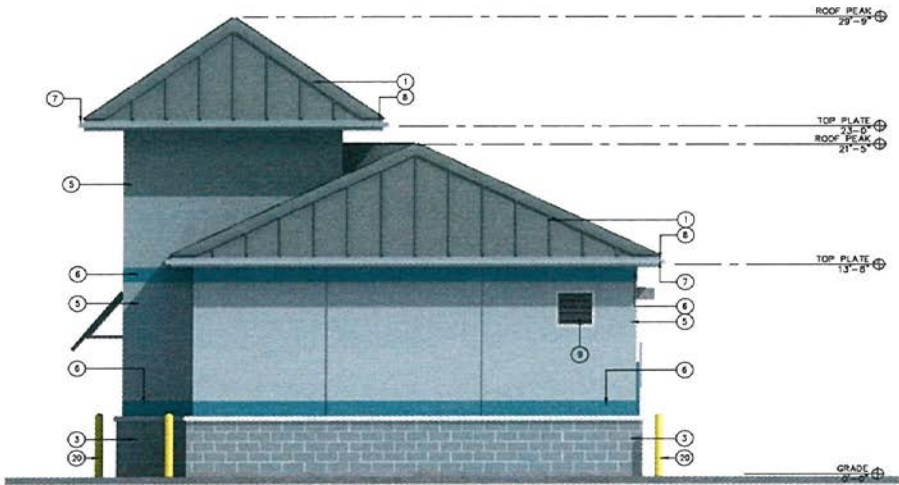
Proposed Elevation Plan



Proposed Elevation Plan

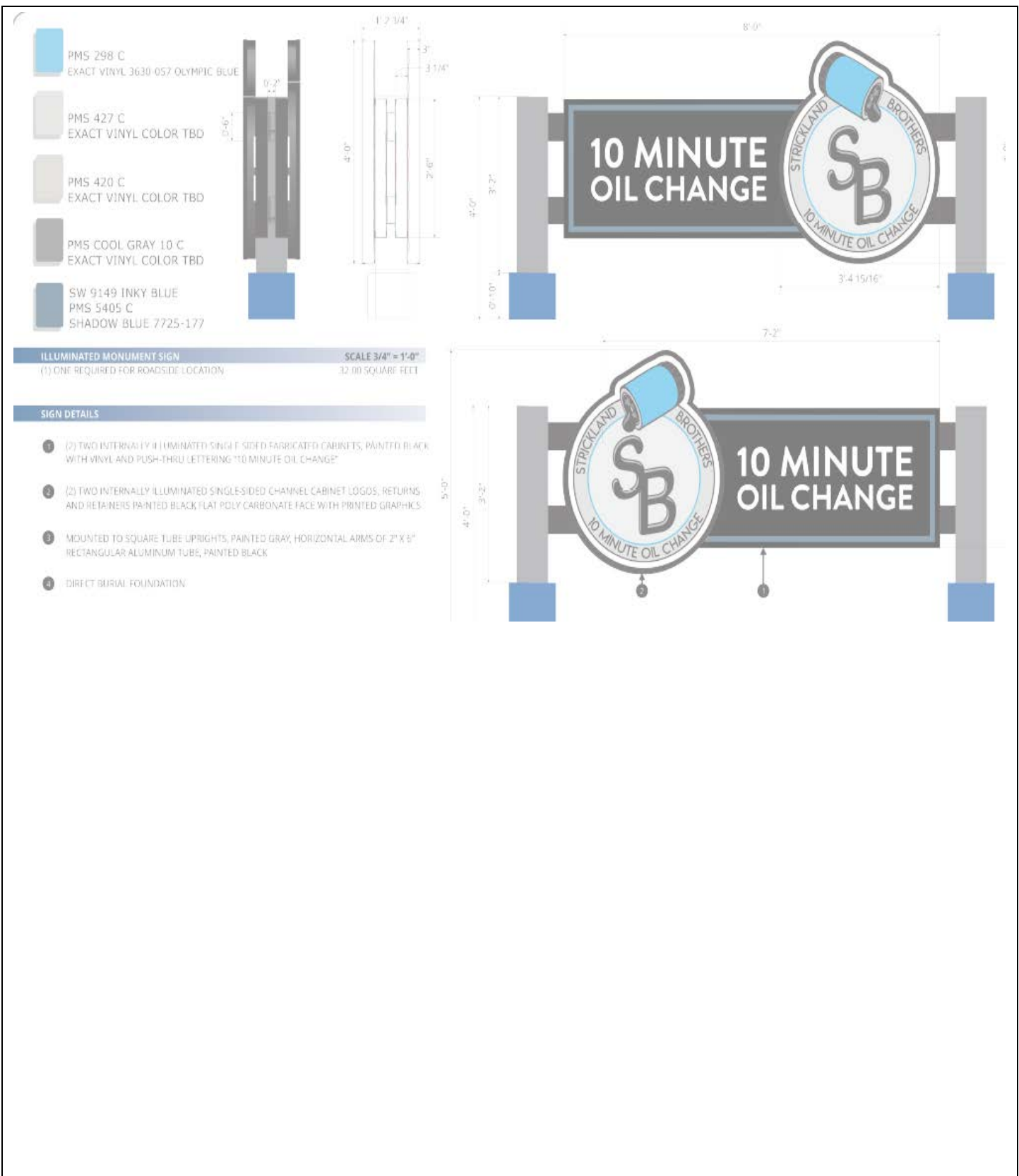


1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"

Sign Rendering



Site Photos



Site Photo



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 N3 Property Advisors, LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

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

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

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

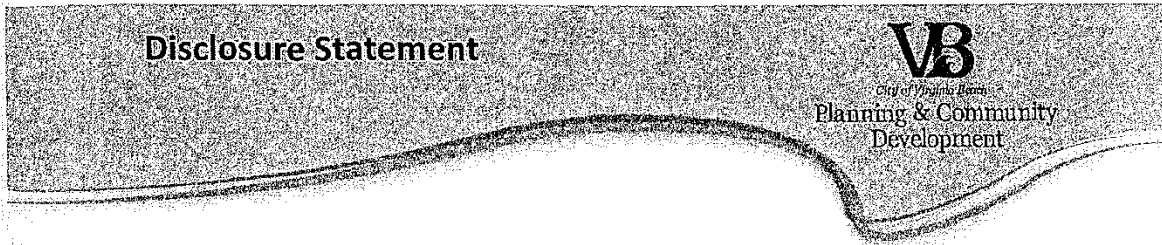
Brenna A. Wadleigh, President
N3 Management, LLC Managing Member

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

N3 Management, LLC, Managing member

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.

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.

Lanille Team Partners

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.

Franz Architects, Tania Inigo

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.

TBD

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.

Basgier & Associates, John W. Blake II

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

Sykes, Bourdon, Ahern, & Levy, PC, R. Edward Bourdon, Jr.

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

Print Name and Title

Date

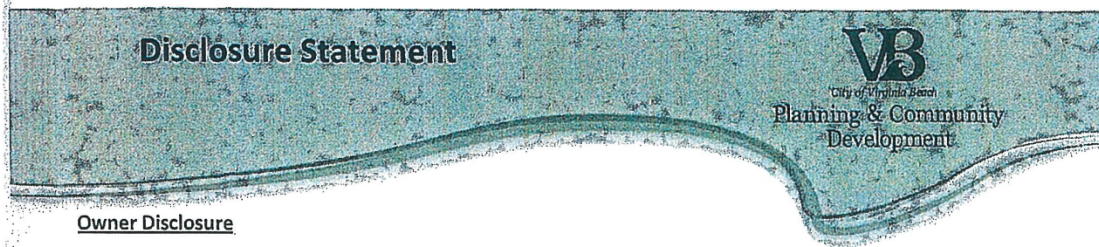
Is the applicant also the owner of the subject property? ☐ **Yes** ☒ **No**

- 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



Owner Disclosure

Owner Name Virginia Beach Investment Company, LLC

Applicant Name N3 Property Advisors, 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 LIST)

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

N/A

Known Interest by Public Official or Employee

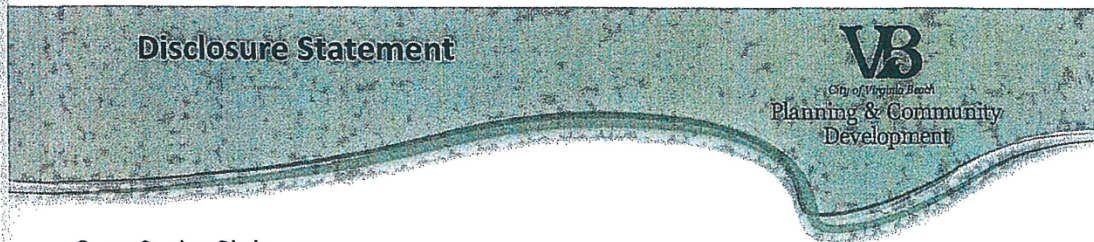
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

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

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

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

Disclosure Statement



Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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.

N3 PROPERTY ADVISORS, LLC - SELF STORAGE FACILITY

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.

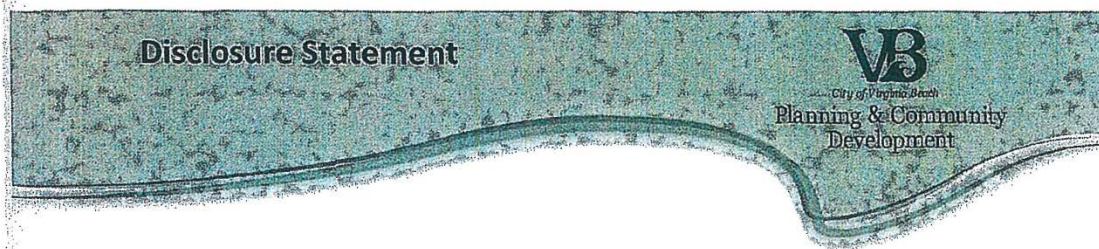
7. Does the Owner have an engineer/surveyor/agent in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☒ No

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

Revised 11.09.2020

6 | Page

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.

Virginia Beach Investment Company LLC
By: I. William Berger, Managing Member

Owner Signature

I. William Berger, Managing Member

Print Name and Title

November 22, 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 Revocable Trust U/A dated 5/19/21	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
Lauren J. Goldrich	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.

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planners

Jenizza Badua

Hank Morrison

Location

501 22nd Street, Units A & B

GPIN

24179896550000

Site Size

9,125 square feet

Existing Land Use and Zoning District

Duplex / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

22nd ½ Street

Duplex / RT-4 Resort Tourist

South

22nd Street

Convenience store / OR Oceanfront Resort

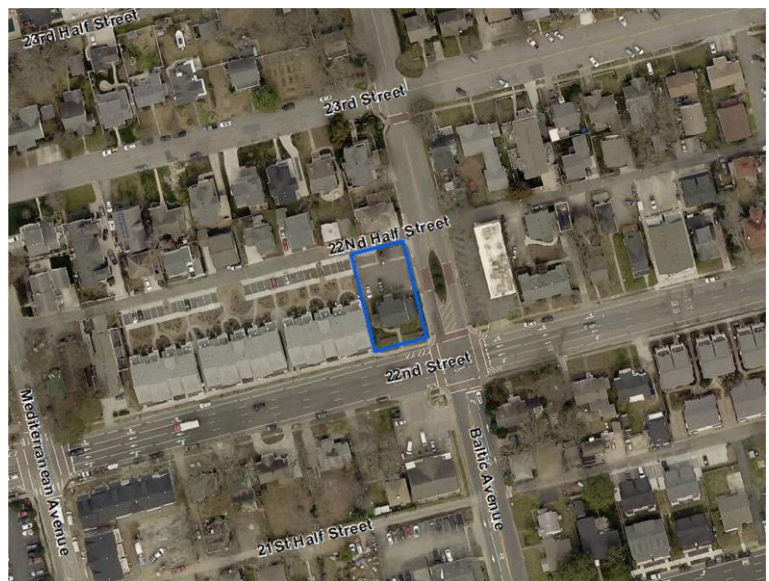
East

Baltic Avenue

Multifamily / OR Oceanfront Resort

West

Townhomes / OR Oceanfront Resort

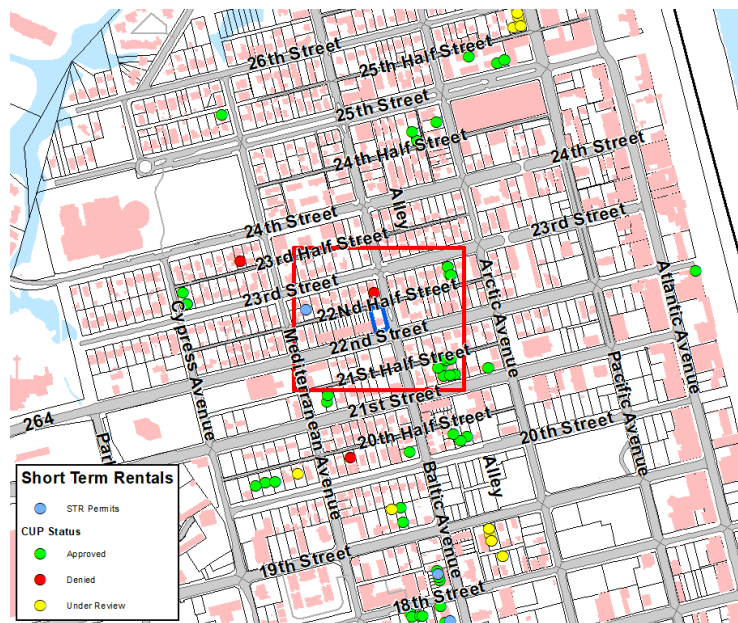


Background & Summary of Proposal

Site Conditions and History

- The 9,125 square foot parcel is within the Oceanfront Resort District. According to City records, the existing two-story frame structure was constructed in 1933.
- In 2008, the property was conditionally rezoned from A-12 Apartment District to Conditional RT-3 Resort Tourist District for the use of a business showroom and office use. In 2012, most of the former Resort Tourist (RT) District zoning was rezoned to Oceanfront Resort (OR), including the subject property.
- The applicant sought a building permit for interior alterations to convert the structure into two separate rental units, which was approved in October 2021. The interior renovations are expected to be completed in February 2022.
- No previous zoning violations related to Short Term Rental use were found associated with this address.
- The property lies within the Residential Parking Permit Program boundary (22nd Street), where parking during the evening and overnight hours is limited. Based on this, a condition is recommended that would prohibit the occupants of the Short Term Rental from parking in the street during the restricted hours.
- Additionally, on-street parking is not permitted on this portion of Baltic Avenue.
- Staff visited the site on December 17, 2021 to observe site conditions and take photographs for this report.
- Known Short Term Rental activity as of January 13, 2022:

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



Short Term Rentals in the Vicinity

Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate two, three-bedroom Short Term Rentals on the subject site. The property is currently being converted into two separate units for rental purposes. 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.

	501 22nd Street, Unit A	501 22nd Street, Unit B
Number of bedrooms in the Short Term Rental	3	3
Maximum number of guests permitted on the property after 11:00 pm	6	6
Number of parking spaces required (1 space per bedroom required)	3	3
Number of off-street parking spaces provided	3	3

Zoning History	
#	Request
1	CUP (Short Term Rental) Denied 08/25/2020
2	ALT (Special Exception for Alternative Compliance) Approved 08/17/2021
3	CRZ (A-12 to Conditional RT-3) Approved 12/09/2008
4	NON (Enlargement of a nonconforming use) Approved 11/28/2000
5	ALT (Special Exception for Alternative Compliance) Approved 03/11/2014
6	ALT (Special Exception for Alternative Compliance) Approved 03/11/2014 CUP (Short Term Rental) Approved 07/01/2020 CUP (Short Term Rental) Approved 08/25/2020 CUP (Short Term Rental) Approved 08/18/2020
7	ALT (Special Exception for Alternative Compliance) Approved 04/18/2017 CUP (Four (4) Short Term Rentals) Approved 07/14/2020

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 two, three-bedroom units located on the northwest corner of 22nd Street and Baltic Avenue, one block east of the ViBe District. This Short Term Rental request requires a total of six parking spaces, three parking spaces for each unit. There are a total of nine parking spaces onsite. Therefore, the applicant can accommodate all required parking on-site.

As identified in the Resort Area Strategic Action Plan (RASAP) 2030, the subject property is in the Central Beach District of the Resort Area. The resort-oriented mixed-uses and activities in the Central Beach District play a key role in achieving the year-round resort goal established in the RASAP 2030. Thus, the use of the dwelling as two Short Term Rental helps achieve this goal by providing diverse lodging opportunities for visitors or travelers wanting the Resort Area experience.

The requirements of Section 241.2 and Sections 2303 of the Zoning Ordinance regulating Short-Term Rentals can be reasonably met by the applicant. As the proposed Short Term Rental uses are within the boundaries of the Residential Parking Permit Program (RPPP) where parking is limited, a condition is recommended to limit the number of guests and temporary passes while the Conditional Use Permit is active. This program was established to ensure the protection of stable residential neighborhoods while addressing the need for employee parking for businesses at the oceanfront.

The property to the north, along 22nd ½ Street, of the subject property previously requested to operate a Short Term Rental but was denied by City Council on August 25, 2020. Though directly adjacent from one another, the subject property (501 22nd Street) is located within the Short Term Rental Overlay District while the property to the north is located outside the District boundary.

As the property is in a condominium form of ownership, the board's President's signature, authorizing the application of a Conditional Use Permit for the Short Term Rental, is required and was provided.

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

Recommended Conditions

1. The property shall obtain all necessary building permits and Certificate of Occupancy for the residential dwelling units prior to the operation of the Short Rental Use.
2. The following conditions shall only apply to the dwelling unit addressed as 501 22nd Street, Unit A and Unit B and the Short Term Rental use shall only occur in the principal structure.
3. 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.
4. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a) of the City Zoning Ordinance or as approved by City Council.
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.

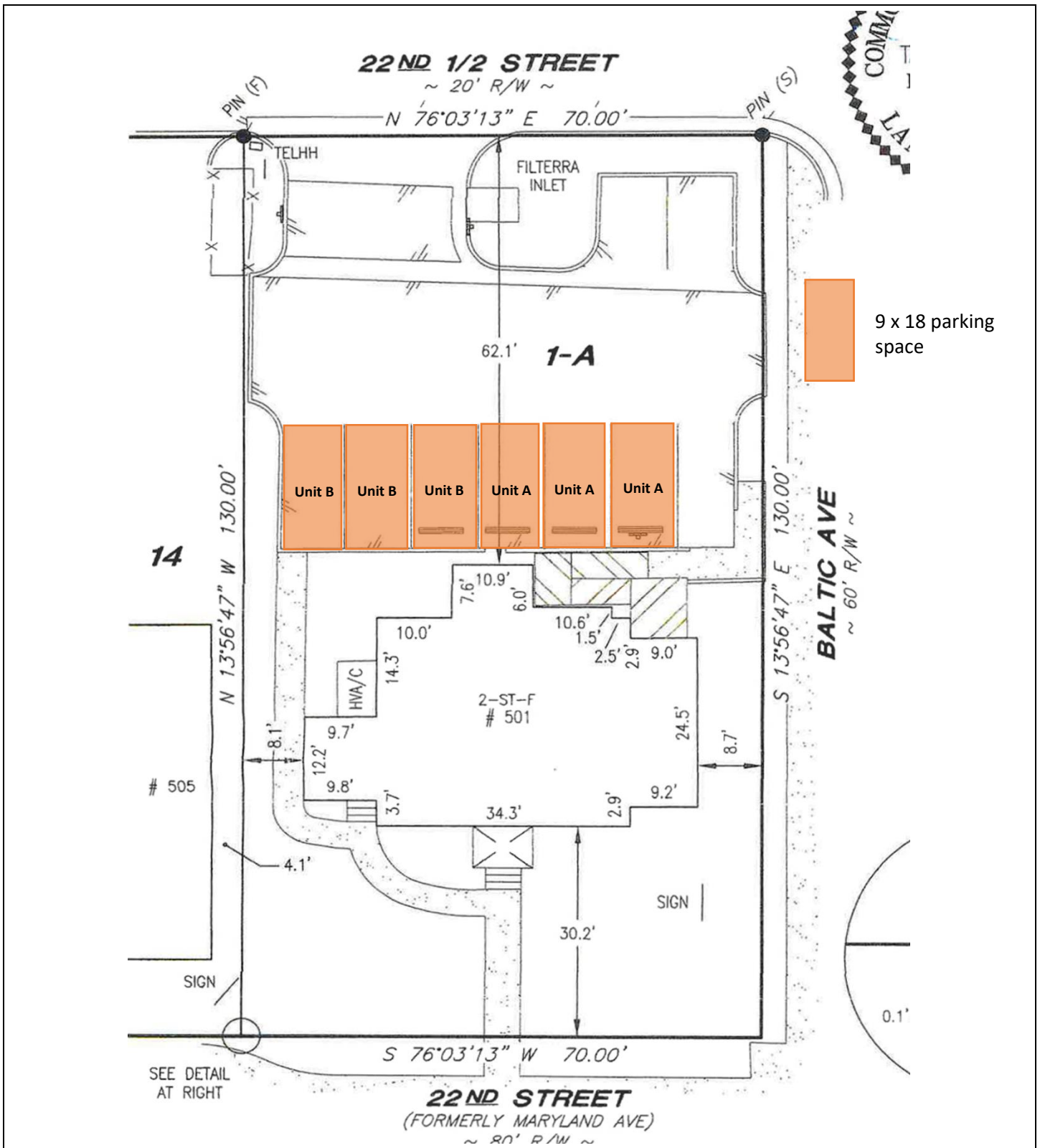
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 23, 2022, and January 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on January 24, 2022.
- 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 February 3, 2022.

Site Layout & Parking Plan



Site Photos



Site Photos



Disclosure Statement



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

Applicant Disclosure

Applicant Name C and C Development Company Inc.

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 EITEL

- 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.

FOUR BANK MORTGAGE ANNUAN Private Investor

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 William F. Nagle, 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.

Carroll Johnson Residential Design, LTD

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 EITEL

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.

TRAVIS FOX Fox Land Surveying PC

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

HARRY R. PURKEY JR. PC | SYKES BOURDON AHERN LEVY PC

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.

Chris Eitel

Applicant Signature

CHRIS EITEL

Print Name and Title

11/29/21

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	

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 Planners

Jenizza Badua
 Hank Morrison

Location

2113 Atlantic Avenue, Unit 6C

GPIN

24271868780000

Site Size

8,367 square feet

Existing Land Use and Zoning District

Multi-family dwellings / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts North

22nd Street Connector Park
 Multi-family dwellings / OR Oceanfront Resort

South

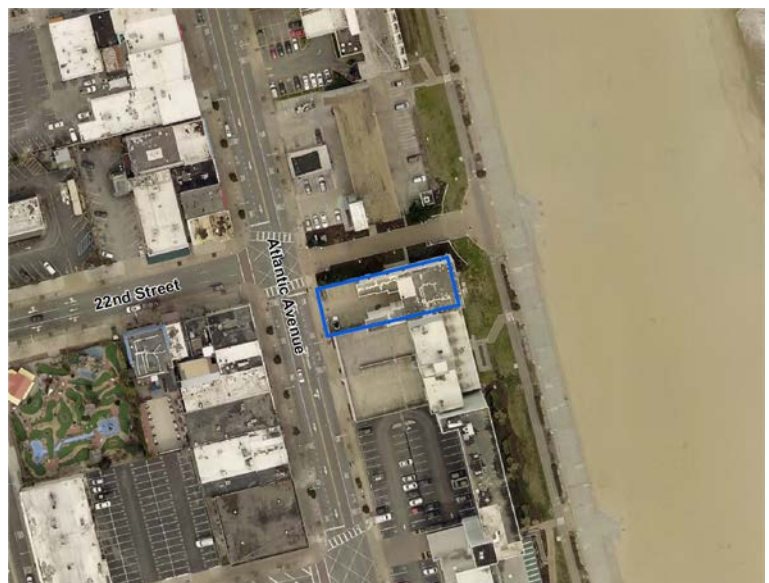
Hotel / OR Oceanfront Resort

East

Boardwalk
 Resort beach, Atlantic Ocean

West

Atlantic Avenue
 Convenience store, retail shops / OR
 Oceanfront Resort



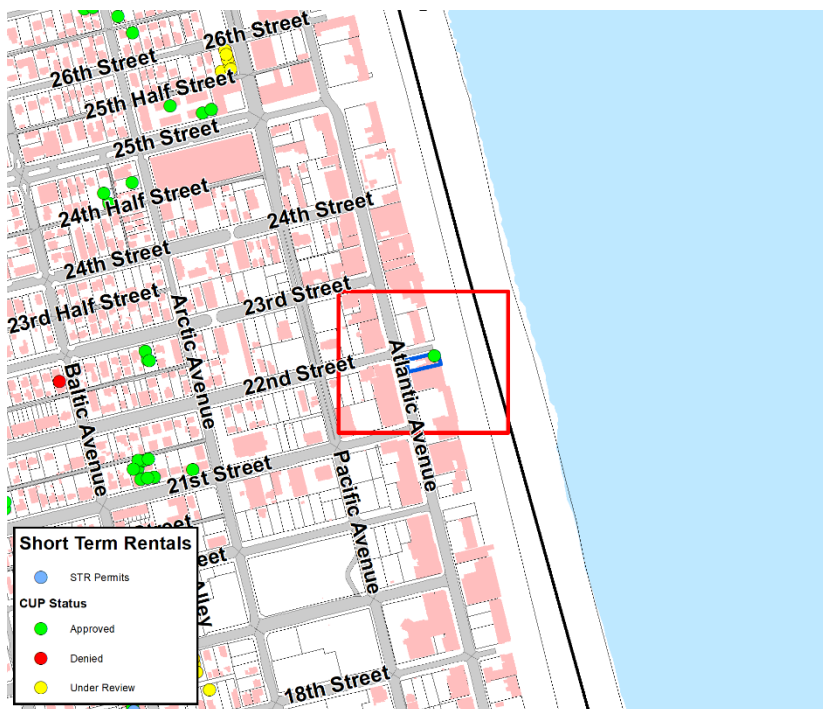
Background & Summary of Proposal

Site Conditions and History

- The subject site is 8,367 square feet in the Oceanfront Resort District.
- The six-story multi-family structure, known as Kamla Condominiums, has 15 two-bedroom units and was constructed in 1984.
- There are 25 parking spaces on site: 15 are reserved for the individual units and the remaining 9 are shared.
- The entrance from Atlantic Avenue is gated, giving access only to owners and their guests.
- Staff inspected the site on December 17, 2021 to observe site conditions and take photographs for this report.
- On-street parking is not permitted on this portion of Atlantic Avenue.
- No past zoning violations or City Council actions were found for this property.
- Known Short Term Rental activity as of January 13, 2022:

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

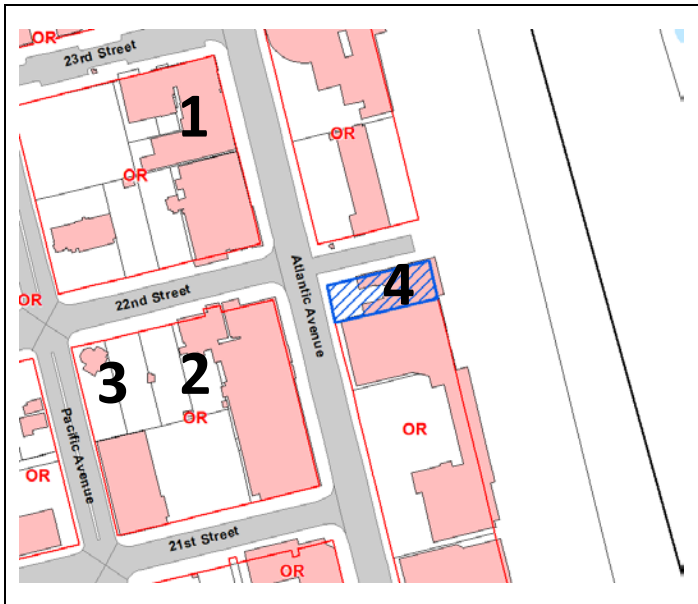
Short Term Rentals in the Vicinity



Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate a two-bedroom, 1,235 square foot Short Term Rental unit on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in the Short Term Rental: 2
- Maximum number of guests permitted on the property after 11:00 p.m.: 4
- Number of parking spaces required (1 space per bedroom required): 2
- Number of on-site parking spaces provided: 2 (1 reserved space and 1 shared from pool of 9 extra spaces)



Zoning History

#	Request
1	CUP (Bar/nightclub) Approved 01/14/2003
2	CUP (Outdoor Recreational Facility) Approved 06/13/2000
3	CUP (Outdoor Recreational Facility) Approved 11/28/2000 CUP (Outdoor Recreational Facility) Approved 02/23/1999
4	CUP (Short Term Rental) Approved 11/17/2021

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

The applicant is requesting to operate a Short Term Rental in a two-bedroom, 1,235 square foot unit within a 15-unit condominium development located east of Atlantic Avenue. Currently, 13 of the 15 units are used as Short Term Rentals and most have been operating in this manner without incident since the building was constructed in 1984.

Each unit in the building has one reserved parking space, and there are nine additional parking spaces available on a first-come, first-served basis. The parking lot is gated, giving only access to the property owners, property manager, and approved renters. Since most renters are families who travel together in one car, this parking arrangement has functioned well for over 30 years. During a typical week, less than half of the occupied units bring two cars. In the event that the lot is full, guests are directed to the nearby 25th Street Municipal Parking Garage, which is within one-quarter mile of the complex. Per Section 241.2(1) and Section 2303 (B)(a)(ii) of the City Zoning Ordinance, the Zoning Administrator has reviewed the parking plan and deemed it acceptable.

Being located east of Atlantic Avenue, where the predominant use is hotel, the proposed Short Term Rental is compatible with the surrounding properties and would not have an adverse impact on residential neighborhoods. The

subject property is also located in the Central Beach District of the Resort Area. The resort-oriented mixed-uses and activities in the Central Beach District plays a key role in achieving the goal of a year-round resort established in the Resort Area Strategic Action Plan (RASAP) 2030. The use of the unit as a Short Term Rental helps achieve this goal by providing diverse lodging opportunities for the visitors or travelers wanting the Resort Area experience.

As the property is in a condominium form of ownership, the board's President's signature, authorizing the application of a Conditional Use Permit for the Short Term Rental, is required and was provided.

The requirements of Section 241.2 and Sections 2303 of the Zoning Ordinance regulating Short Term Rentals can be reasonably met by the applicant. Based on the considerations above, Staff recommends approval of this request with the conditions listed below.

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 2113 Atlantic Avenue, Unit 6C 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) 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.
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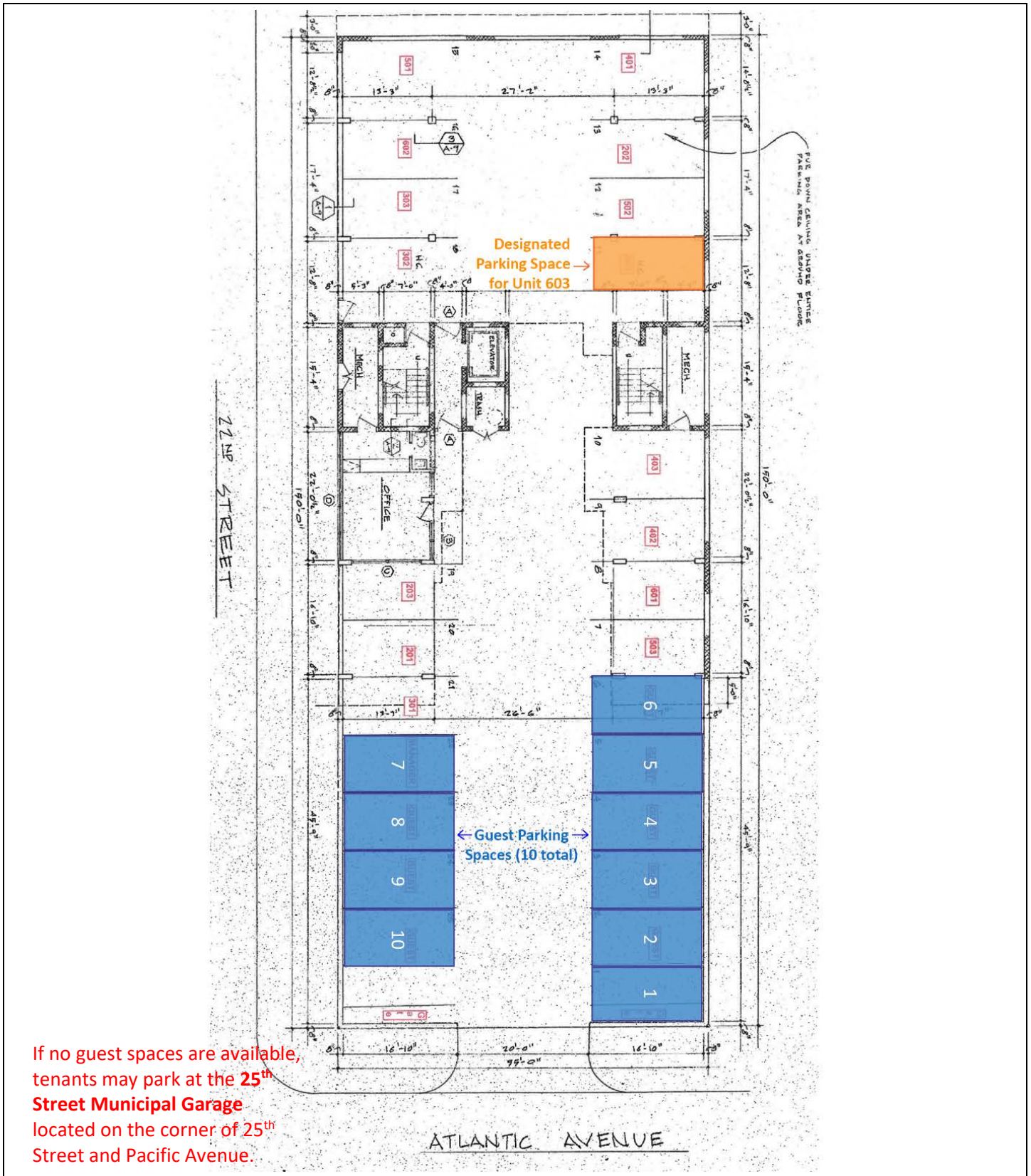
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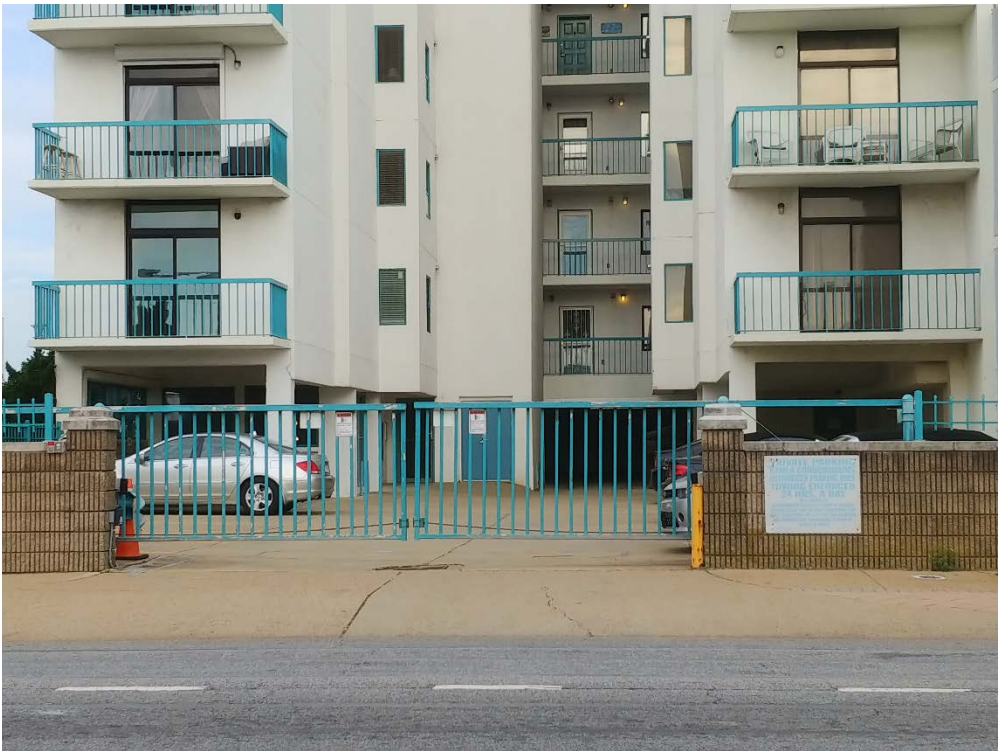
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- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 10, 2022.
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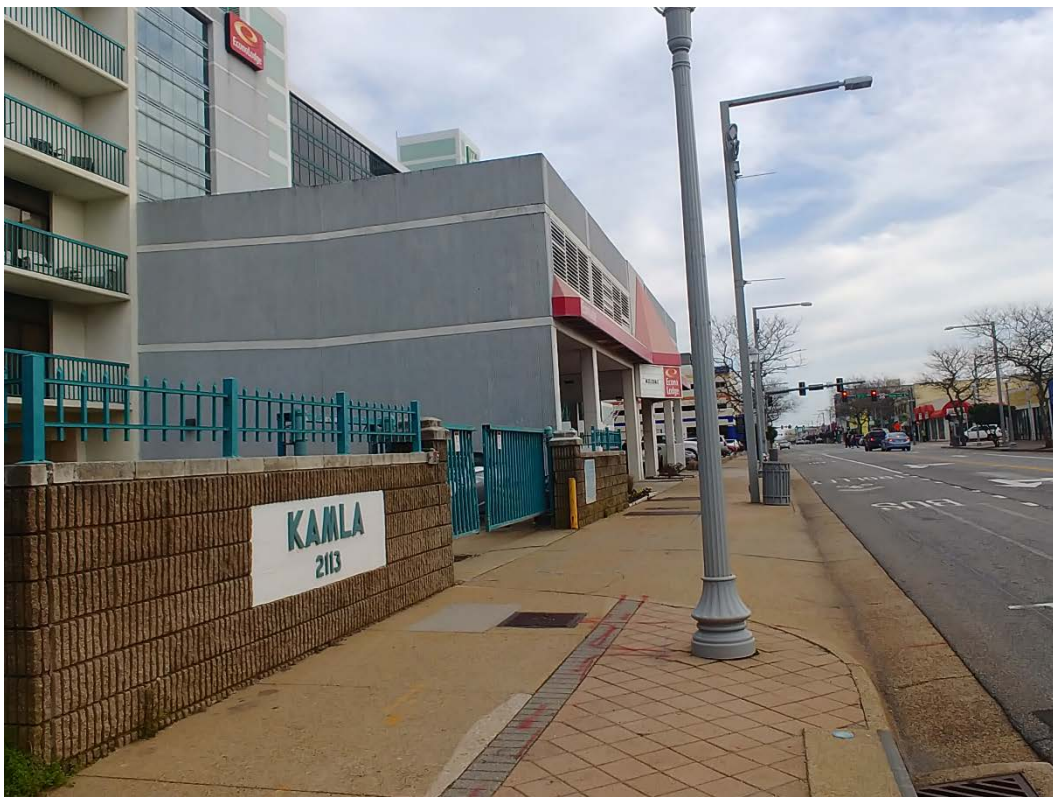
Site Layout & Parking Plan



Site Photos



Site Photos



Disclosure Statement

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Applicant Disclosure

Applicant Name Cynthia Laenger

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

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


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

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

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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

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

Revised 11-09-2020

2 | Page

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.
-
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- 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.

Cynthia Laenger

Applicant Signature

Cynthia Lynn Laenger

Print Name and Title

12/13/21

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.