



# Planning Commission Agenda

May 11, 2022

**VB** City of  
**Virginia Beach**

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

# Planning Commission Hearing Procedures

A Public Hearing of the Virginia Beach Planning Commission will be held on **Wednesday, May 11, 2022 at 12:00 p.m. in the Council Chamber at City Hall, 2<sup>nd</sup> Floor at 2403 Courthouse Drive (Old City Hall), Building 3, Virginia Beach, VA 23456**. Members of the public will be able to observe the Planning Commission meeting through livestreaming on [www.vbgov.com](http://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=e7c53e9c618efbd03397d8544734e65ec>
2. Register with the Planning Department by calling 757-385-4621 or via email at [mbHarris@vbgov.com](mailto:mbHarris@vbgov.com) prior to 5:00 p.m. on May 10, 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](http://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](http://www.vbgov.com) and Facebook Live.

Please check our website at [www.vbgov.com/pc](http://www.vbgov.com/pc) for the most updated meeting information.



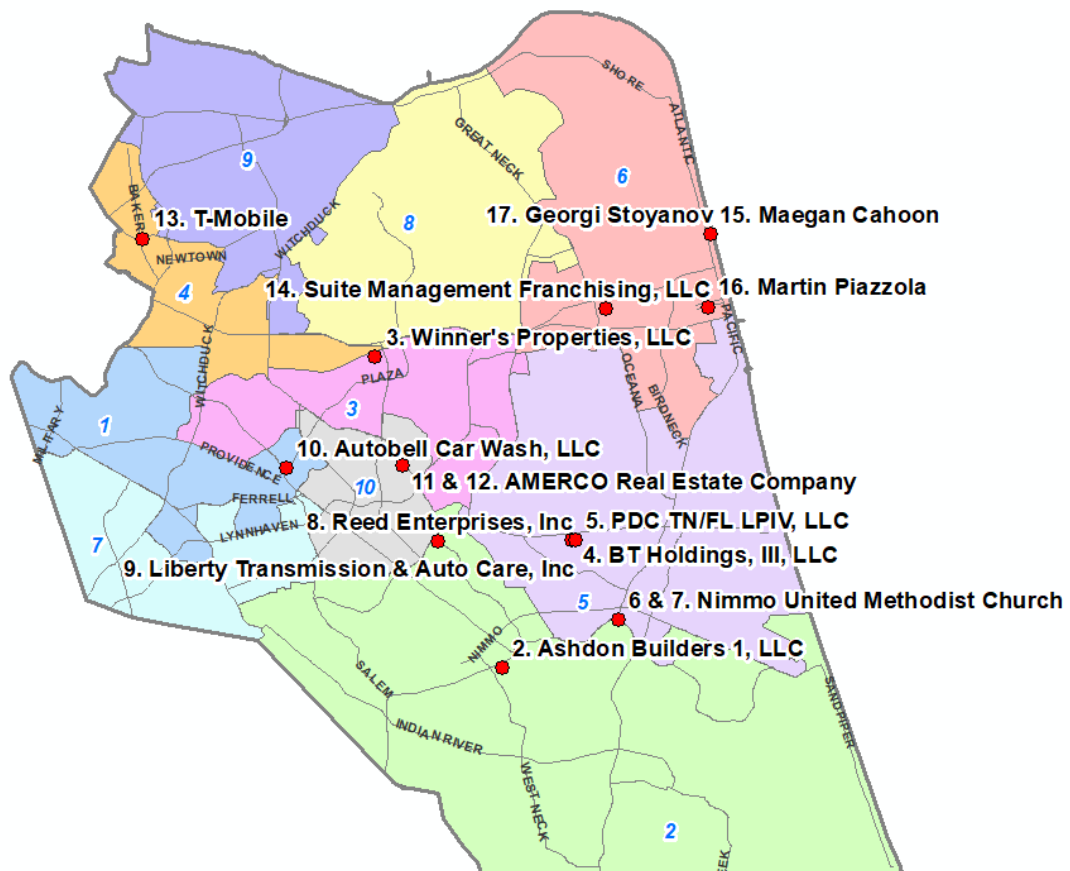
# Planning Commission Hearing Procedures

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

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 **Please note the requests that are made, as one of the items being withdrawn or deferred may be the item that you have an interest in.** Please confine your remarks to the deferral or withdrawal request and do not address the issues of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

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

# MAY 11, 2022 PLANNING COMMISSION AGENDA



MAY 11, 2022  
PLANNING COMMISSION AGENDA

**A.  
COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION**

**B. BRIEFINGS**

Small Scale Agricultural Processing by Hannah Sabo, Zoning Administrator

**12:00 P.M. – PUBLIC HEARING**

**1.**

**City of Virginia Beach** – An Ordinance to add Section 209.5, delete Section 242.1 and amend Section 901 of the City Zoning Ordinance pertaining to tattoo parlors and body piercing establishments as permitted uses in the B-2 Zoning District.

**2.**

**Ashdon Builders 1, LLC** (Applicant)  
**David & Tammy Lee** (Property Owners)

**Conditional Rezoning** (AG-1 & AG-2 Agricultural Districts to Conditional R-7.5 Residential District)

**Address:** 2487 North Landing Road

**GPIN(s):** 1494804893

**Council District:** District 2, formerly Princess Anne

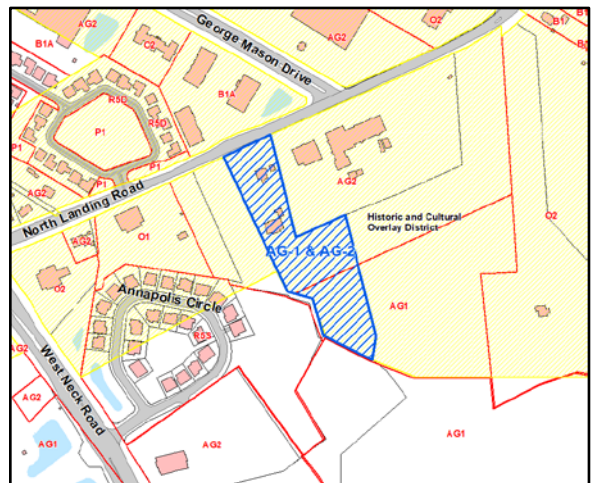
**Accela Record(s):** 2021-PCCC-00284

**SGA:** No

**Overlay:** No

**Staff Planner:** Hoa N. Dao

*Request to rezone 4.26 acres for development of 7 single family dwellings at a density of 1.64 units per acre.*



**3.**

**Winner's Properties, LLC** (Applicant)  
**Evergreen Virginia, LLC** (Property Owner)

**Modification of Conditions**

**Address:** 3700 Sentara Way

**GPIN(s):** 1487523853

**Council District:** District 3, formerly Rose Hall

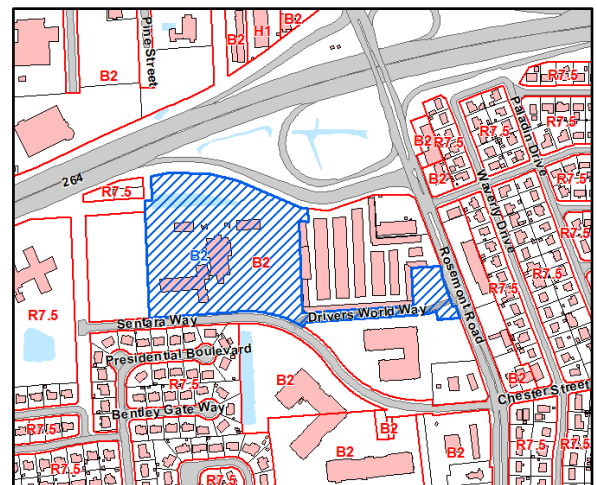
**Accela Record:** 2022-PCCC-00065

**SGA:** Yes – Rosemont

**Overlay:** No

**Staff Planner:** Hoa N. Dao

*Request to modify an existing Conditional Use Permit to add a 12,000 sf sales showroom to the site.*



4.

**BT Holdings, III, LLC a Virginia Limited Liability Company** (Applicant & Property Owner)

**Modification of Proffers**

**Address:** Portion of parcel on the Southeast corner of Dam Neck Road & Harpers Road

**GPIN(s):** Portion of 2405631630

**Council District:** District 5, formerly Princess Anne

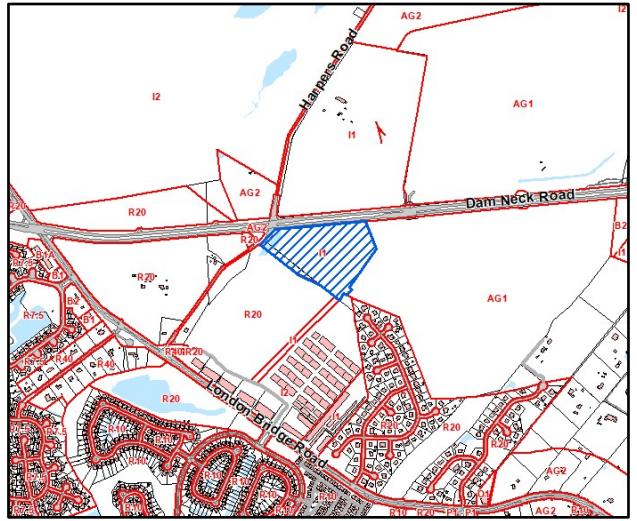
**Accela Record:** 2022-PCCC-00067

**SGA:** Yes – SEGA-3

**Overlay:** No

**Staff Planner:** Marchelle Coleman

*Request to modify the proffers associated with a portion of the site to vacate previous conditional action for a bulk storage yard that was never developed.*



5.

**PDC TN/FL LPIV, LLC, a Delaware limited liability Company** (Applicant)

**BT Holdings III LLC** (Property Owner)

**Rezoning** (AG-1 & Conditional I-1 to I-1)

**Address:** Parcel on the Southeast corner of Dam Neck Road & Harpers Road

**GPIN(s):** 2405631630

**Council District:** District 5, formerly Princess Anne

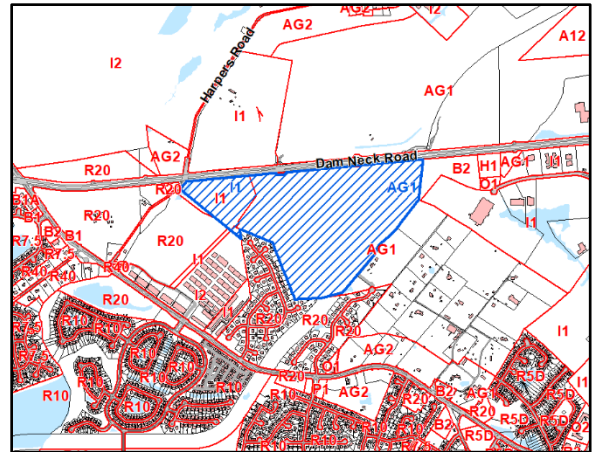
**Accela Record:** 2022-PCCC-00061

**SGA:** Yes – SEGA 3

**Overlay:** No

**Staff Planner:** Marchelle Coleman

*Request to rezone 160.79 acres from AG-1 & Conditional I-1 to I-1 for development of 650,000 sf warehouse and distribution center*



6.

**Nimmo United Methodist Church** (Applicant)

**Street Closure**

**Addresses:** Portion of the 'Old' Princess Anne Road right-of-way, south of 2040 Nimmo Church Lane

**Adjacent GPIN(s):** 2414054907, 2414053573, 2414055401, 2414050842

**Council District:** District 2, formerly Princess Anne

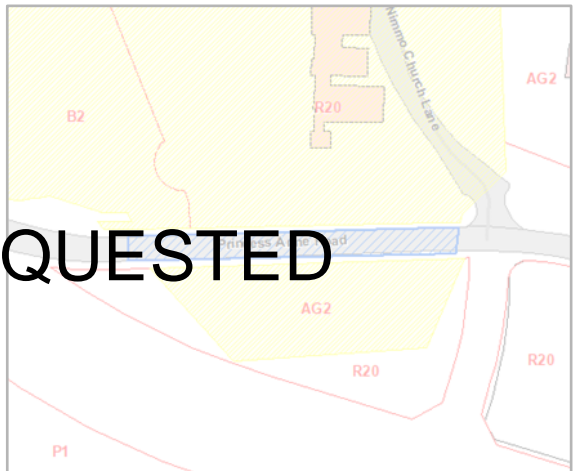
**Accela Record:** 2022-PCCC-00036

**SGA:** No

**Overlay:** No

**Staff Planner:** Marchelle Coleman

*Request for closure of approximately 21,961 square feet of "Old" Princess Anne Road.*



**DEFERRAL REQUESTED**



**Nimmo United Methodist Church** (Applicant & Property Owner)

10.

**Autobell Car Wash, LLC** (Applicant)  
**Brenneman Farm Retail Associates, LLC** (Property Owner)

**Conditional Use Permit** (Car Wash Facility)

**Address:** 4577 S. Plaza Trail

**GPIN(s):** 1476612426

**Council District:** District 1, formerly Kempsville

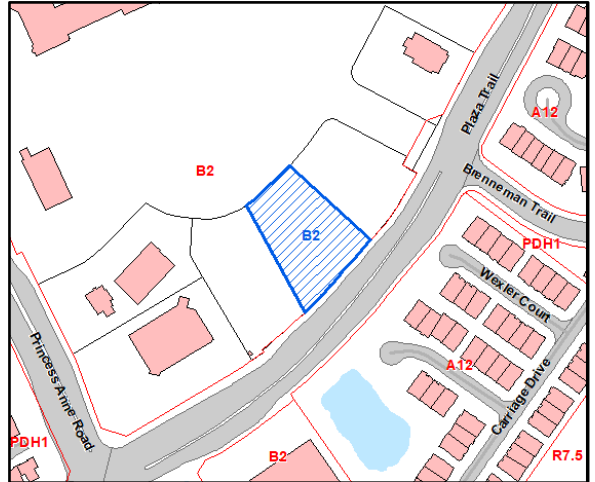
**Accela Record:** 2022-PCCC-00055

**SGA:** No

**Overlay:** No

**Staff Planner:** Elizabeth Nowak

*Request to operate a car wash facility on an outparcel within the Brenneman Farms Shopping Center.*



11. & 12.

**AMERCO Real Estate Company** (Applicant)  
**Thomas Brill Trust** (Property Owner)

**Conditional Use Permits** (Truck & Trailer Rentals & Mini-Warehouse)

**Address:** Parcel on the southern corner of Holland Road & Stoneshore Road, directly west of 3427 Holland Road

**GPIN(s):** 1486810742

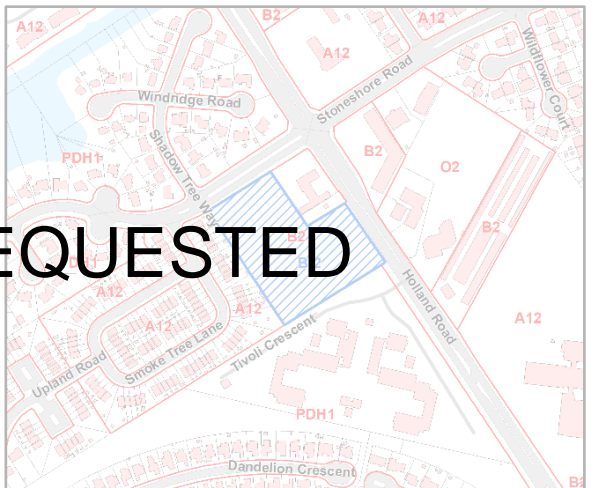
**Council District:** District 10, formerly Rose Hall

**Accela Record:** 2022-PCCC-00003, 2022-PCCC-00004

**Staff Planner:** Elizabeth Nowak

*Requests to operate a mini-warehouse/self-storage facility and a truck and trailer rental business.*

DEFERRAL REQUESTED



13.

**T-Mobile** (Applicant)  
**Campus East Community Association, Inc** (Property Owner)

**Modification of Conditions** (Communication Tower Height Expansion)

**Address:** 5642 Campus Drive

**GPIN(s):** 1468156021

**Council District:** District 4, formerly Kempsville

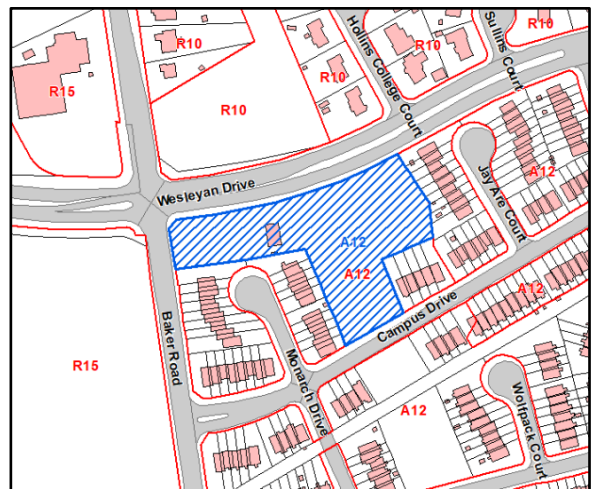
**Accela Record:** 2022-PCCC-00043

**SGA:** No

**Overlay:** No

**Staff Planner:** Michaela McKinney

*Request to modify an existing Conditional Use Permit to increase the height of the communication tower from 105 feet to 150 feet.*



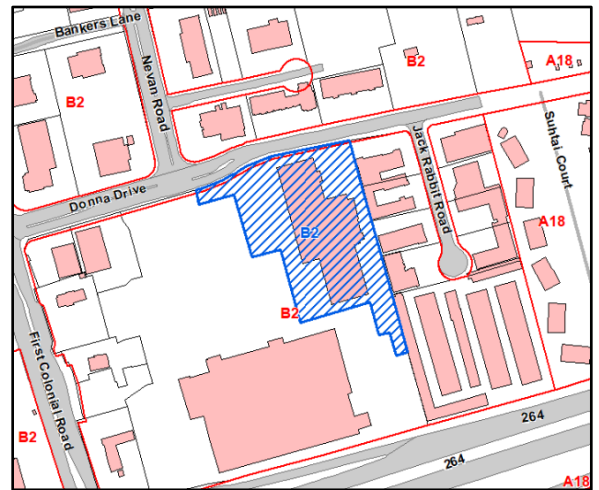
14.

**Suite Management Franchising, LLC** (Applicant)  
**LLC, Hilltop Square Investors, LLC** (Property Owner)

**Conditional Use Permit** (Tattoo Parlor)

**Address:** 550 First Colonial Road, 23c  
**GPIN(s):** 2407879912  
**Council District:** District 6, formerly Beach  
**Accela Record:** 2022-PCCC-00057  
**SGA:** Yes – Hilltop  
**Overlay:** No  
**Staff Planner:** Michaela McKinney

*Request to operate a Tattoo Parlor for permanent makeup known as microblading in a shopping center.*



## SHORT TERM RENTALS

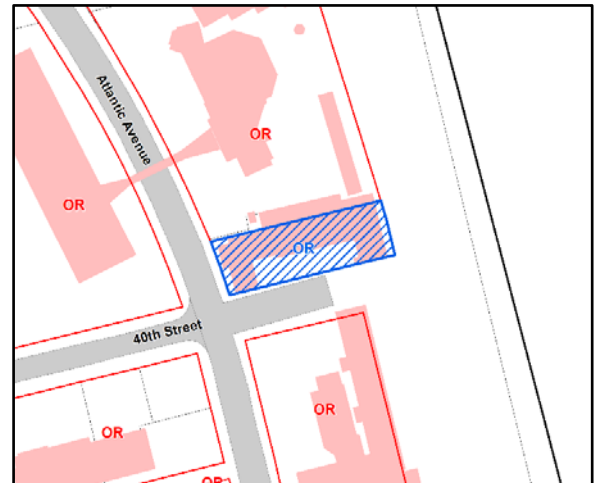
15.

**Maegan Cahoon** (Applicant & Property Owner)

**Conditional Use Permit** (Short Term Rental)

**Address:** 4005 Atlantic Avenue, Unit 108  
**GPIN(s):** 24280514483820  
**Council District:** District 6, formerly Beach  
**Accela Record:** 2022-PCCC-00063  
**SGA:** Yes – Resort Area  
**Overlay:** OR STR  
**Staff Planner:** Levi Luckenbach

*Request for a 1-bedroom Short Term Rental.*



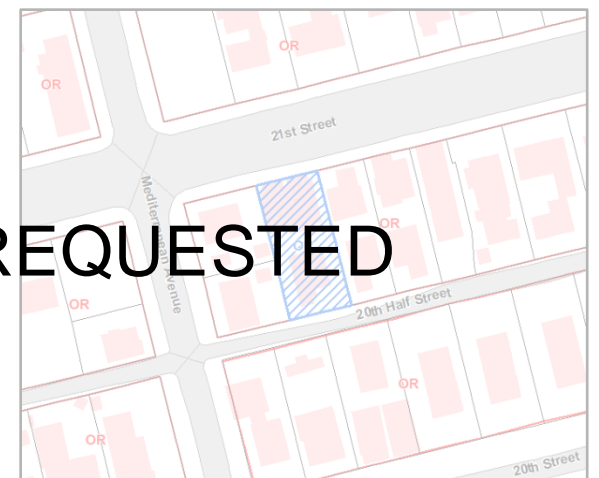
16.

**Martin Piazzola** (Applicant & Property Owner)

**Conditional Use Permit** (Short Term Rental)

**Address:** 524 20<sup>th</sup> ½ Street  
**GPIN(s):** 24179870300000  
**Council District:** District 6, formerly Beach  
**Accela Record:** 2022-PCCC-00047  
**SGA:** No  
**Overlay:** Yes – Resort Area  
**Staff Planner:** Hank Morrison

*Request for a 4-bedroom Short Term Rental.*



WITHDRAWAL REQUESTED

17.

**Georgi Stoyanov** (Applicant & Property Owner)

**Conditional Use Permit** (Short Term Rental)

**Address:** 4005 Atlantic Avenue, Unit 115

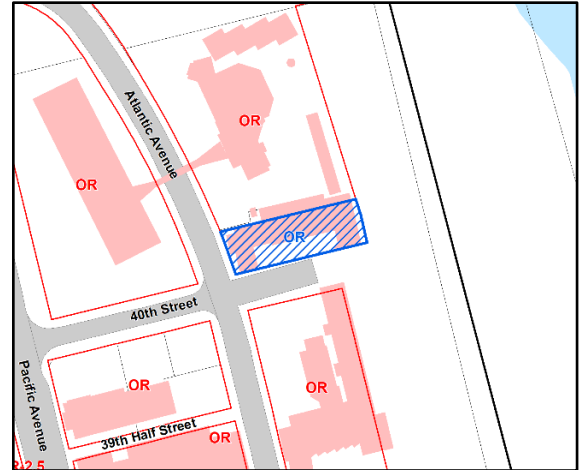
**GPIN(s):** 24280514483890

**Council District:** District 6, formerly Beach

**Accela Record:** 2021-PCCC-00374

**Staff Planner:** Hank Morrison

*Request for a 1-bedroom Short Term Rental.*







## Request

An Ordinance to add Section 209.5, delete Section 242.1 and amend Section 901 of the City Zoning Ordinance pertaining to tattoo parlors and body piercing establishments as permitted uses in the B-2 Zoning District.

## Summary of Request

This amendment is sponsored by Vice Mayor Wilson and Council Member Berlucchi. A resolution was made by City Council during the March 15, 2022 meeting to refer to Planning Commission an Ordinance to add Section 209.5, delete Section 242.1, and amend Section 901 of the City Zoning Ordinance (CZO) re tattoo parlors and body piercing establishments as permitted uses in the B-2 Zoning District.

The regulations for tattoo parlors and body piercing establishments were first adopted into the Zoning Ordinance on April 24, 2001. Initially, there was a six hundred (600) foot separation requirement from other similar establishments, and from schools and residential and apartment districts. On January 5, 2016, City Council amended the requirements to remove the separation requirement from schools and residential and apartment districts. It should be noted that staff supported the additional removal of the separation requirement between tattoo parlors; however, following deliberation at Planning Commission this requirement remained.

In August 2021 City Council removed the dimensional requirement that prohibited a tattoo parlor and body piercing establishment to be located within six hundred (600) feet of the same use. This was necessitated due to the number of applications seeking City Council approval for microblading (cosmetic tattooing) located within beauty salons. Although there is a fundamental difference between a traditional tattoo parlor and body piercing establishment and a beauty salon, Section 111 of the Zoning Ordinance, consistent with the Code of Virginia, defines a tattoo parlor as "Any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with in or any other substance, resulting in the permanent coloration of the skin, including permanent makeup or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.." Because of this definition, it is difficult to distinguish between microblading and more traditional tattooing practices.

Current regulations permit tattoo parlors in the B-2 Community Business District with a conditional use permit (CUP). City Council approved ten CUPs for tattoo parlors in 2021, two in 2020, four in 2019, five in 2018, and four in 2017. No applications for tattoo parlor CUPs were denied by City Council in the past four years. City Council approved similar conditions for each Use Permit. Staff used those conditions as a basis for the proposed standards in this amendment. This amendment would amend the B-2 district to permit tattoo parlors by right in that district with the following proposed standards:

- 1) Any Tattoo Parlor or Body Piercing Establishment permitted under this zoning ordinance shall comply with the applicable requirements of Chapter 23 of the City Code.
- 2) The application of tattoo or body piercings shall occur only in areas not visible from the exterior of the establishment or from the waiting and sales area within the establishment.

- 3) Any on-site signage for the establishment shall meet the requirements of Article II, Part B of the City Zoning Ordinance. Building signage designed to be a “box sign” and signage for windows shall not be permitted. A separate sign permit shall be obtained from the Planning Department for installation of any new signs.

No changes are proposed to Chapter 23 of the City Code which lists specific requirements for tattoo parlors as regulated by the Department of Public Health. Requirements include:

- Permit from Department of Public Health
- Annual training approved by the Department of Public Health
- Tattooing-related procedures shall be carried out in a clean, safe and sanitary manner
- Requirements for cleanliness; safety; sanitation; adequate light and ventilation; public health inspections; sterilized equipment
- Record retention requirements

## Public Outreach Information

During the drafting of this amendment staff reached out to the applicants from the past six years for a tattoo parlor CUPs to gain their input. In response we received two emails in support of the amendment and 11 emails against. The concerns included:

- Undercuts work put in by salons and tattoo parlors that had to get a CUP to operate
- Unreputable practitioners opening new businesses
- Tattooing, piercing, permanent makeup, and microblading should be separated
  - Virginia State Code defines microblading and more traditional tattooing practices similarly which limits the ability to differentiate the two uses
- “With more tattoo and/or piercing establishments, we will be open to infinitely more opportunity for disease transmission, potentially unsavory business practices by artists who aren’t experienced or knowledgeable enough to run a full studio, and a staggering amount of untethered competition from too many new shops, that will absolutely harm the profitability of those of us who are already here.”
- “... (T)hreatens the sanctity of our trades, will have dire economic consequences for the existing professional traditional tattoo and piercing studios”
- “VBHD will likely not be able to handle the added workload”
  - Staff reached out to the Virginia Department of Health (VDH) regarding this amendment. VDH inspects tattoo parlors quarterly and in response to any complaints. They had no concerns regarding the amendment and had no evidence that an influx of new tattoo parlors would be so large as to overwhelm their staff.
- “We already have more than enough tattoo and piercing studios in Virginia Beach, adding more now, and even more in the future, will not bode well for our successes as independent business owners.”
- Suggested we lower the CUP fee to no less than \$1,000.00 rather than removing the CUP requirement
- Suggested reinstating the 600 foot boundary between establishments
- Suggested limiting business license for tattoo parlors

## Recommendation

Staff recommends approval of this Ordinance. As the use will remain regulated by the Virginia Department of Health as well as the Department of Professional and Occupational Regulation (DPOR) and the proposed amendment includes conditions which are similar to those added to previous conditional use permits, staff feels there are minimal adverse impacts that will result from the removal of the conditional use permit requirement for tattoo parlors and body piercing establishments.

1 AN ORDINANCE TO ADD SECTION 209.5,  
2 DELETE SECTION 242.1 AND AMEND  
3 SECTION 901 OF THE CITY ZONING  
4 ORDINANCE PERTAINING TO TATTOO  
5 PARLORS AND BODY PIERCING  
6 ESTABLISHMENT AS PERMITTED USES IN  
7 THE B-2 ZONING DISTRICT  
8

9 Section Added: § 209.5  
10 Section Deleted: § 242.1  
11 Section Amended: § 901  
12

13 WHEREAS, the public necessity, convenience, general welfare and good zoning  
14 practice so require;  
15

16 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA  
17 BEACH, VIRGINIA:  
18

19 That Section 209.5 of the City Zoning Ordinance is hereby added, Section 242.1  
20 is deleted, and Section 209.5 is hereby amended and reordained to read as follows:  
21

22 **Section 209.5. Tattooing, tattoo parlors and Body Piercing Establishments.**  
23

- 24 1. Any Tattoo Parlor or Body Piercing Establishment permitted under this zoning  
25 ordinance shall comply with the applicable requirements of Chapter 23 of the City  
26 Code.  
27  
28 2. The application of tattoo or body piercings shall occur only in areas not visible from  
29 the exterior of the establishment or from the waiting and sales area within the  
30 establishment.  
31  
32 3. Any on-site signage for the establishment shall meet the requirements of Article II,  
33 Part B of the City Zoning Ordinance. Building signage designed to be a "box sign"  
34 and signage for windows shall not be permitted. A separate sign permit shall be  
35 obtained from the Planning Department for installation of any new signs.  
36

37 . . . .  
38

39 **Sec. 242.1. Tattoo parlors and body piercing establishments. Reserved.**  
40

41 ~~Tattoo parlors and body piercing establishments shall be permitted only as conditional~~  
42 ~~uses in the B-2 Community Business District, and, tattoo parlors and body piercing~~  
43 ~~establishments shall be subject to the requirements pertaining to tattoo parlors and~~  
44 ~~body piercing establishments set forth in Chapter 23 of the City Code, which~~  
45 ~~requirements shall be deemed to be conditions of the conditional use permit.~~  
46

47 . . . .

48

49 **Sec. 901. Use regulations.**

50

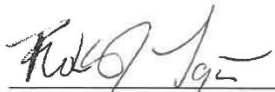
51 (a) Principal and conditional uses. The following chart lists those uses permitted  
52 within the B-1 through B-4K Business Districts. Those uses and structures in the  
53 respective business districts shall be permitted as either principal uses indicated  
54 by a "P" or as conditional uses indicated by a "C." Uses and structures indicated  
55 by an "X" shall be prohibited in the respective districts. No uses or structures  
56 other than as specified shall be permitted.  
57

Use	B-1	B-1A	B-2	B-3	B-4	B-4C	B-4K
. . . .							
Tattoo parlors	X	X	C P	X	X	X	X
. . . .							

Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2022.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:



Planning Department



City Attorney's Office

CA15697

R-2

February 24, 2022



**Request**

**Conditional Rezoning** (AG-1 & AG-2  
Agricultural to Conditional R-7.5 Residential)

**Staff Recommendation**

Approval

**Staff Planner**

Hoa N. Dao

**Location**

2487 North Landing Road

**GPIN**

1494-80-4893

**Site Size**

4.27 acres

**AICUZ**

Partially within 65-70 dB DNL; Sub-Area 2 (No dwellings proposed within this area)

**Watershed**

Southern Rivers

**Existing Land Use and Zoning District**

Single-family dwelling / AG-1 & AG-2  
Agricultural and Historic and Cultural Overlay

**Surrounding Land Uses and Zoning Districts**

**North**

North Landing Road  
Mixed retail / B-1A Limited Community Business

**South**

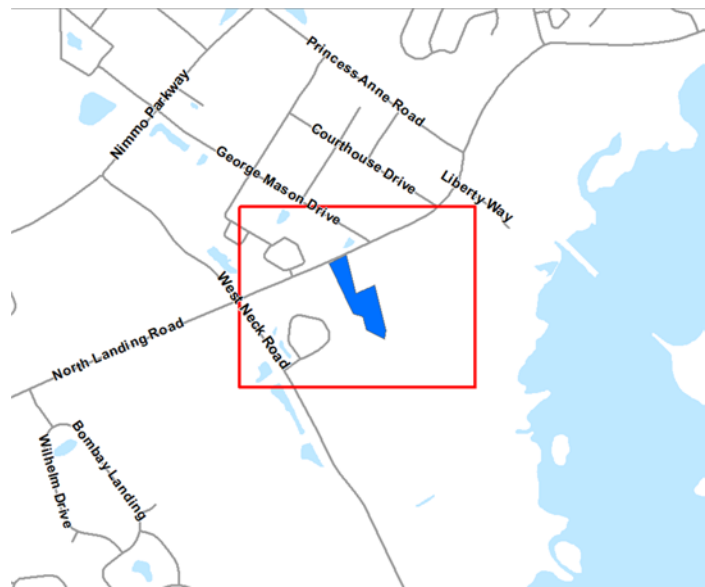
Wooded / AG-1 Agricultural

**East**

Municipal Center, wooded lot / AG-1 & AG-2  
Agricultural

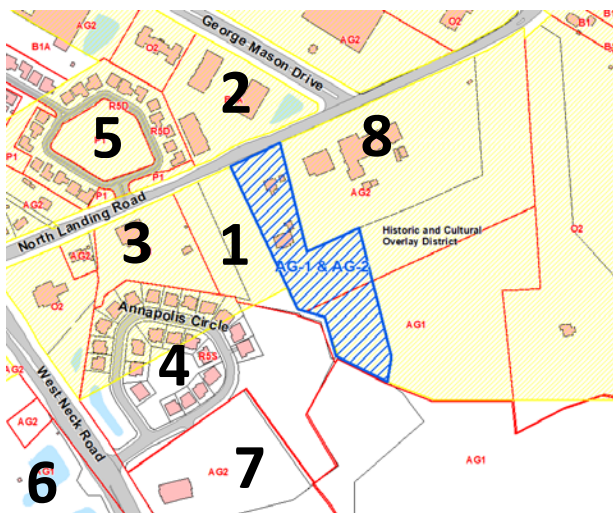
**West**

Commercial kennel & vet clinic recently  
approved / AG-2 Agricultural



## Background & Summary of Proposal

- The applicant is requesting to conditionally rezone a 4.27-acre parcel to create a seven-lot subdivision of single-family homes that will have a density of 1.64 units per acre. The subdivision will have a 40-foot wide public right-of-way with homes only on the east side of a proposed cul-de-sac. The development will include a small 1.53-acre park area and a trail that will encompass a stormwater management pond located at the rear of the parcel.
- Due to the parcel irregular shape and narrow width, the applicant seeks to reduce the required front yard setback from the proposed road from 30 feet to 25 feet for all seven lots. The City Council can consider reduction in dimensional requirements per Section 107(i) of the Zoning Ordinance that states if for good cause shown and upon a finding that there will be no significant detrimental effects on surrounding properties.
- This property is located within the Courthouse Historic and Cultural District Overlay, a zoning overlay district that designates this area as a locally-protected historic area. Based on this, the applicant appeared before the Historical Review Board (HRB) on March 16, 2022 and was issued a Certificate of Appropriateness (CoA) that permitted the demolition of existing structures on the property and general approval of the four proposed house designs, which consist of Neo-Colonial Revival Neo-Traditional styles. The Neo-Traditional designs blends elements of Craftsman and Victorian styles found throughout the Courthouse Historic and Cultural District. The HRB found the proposed designs and overall concept for redevelopment of the site to have a compatible character with the Courthouse Historic and Cultural District. To help ensure variety and architectural interest on the new street, no more than two houses of each model will be constructed. As conditioned in the Certificate of Appropriateness, the façade and building materials must be approved by the HRB prior to construction. This allows the developer more flexibility in providing custom options for individual home models. A copy of the Certificate of Appropriateness is included on pages 17 and 18 of this report.
- As proffered, the primary façade of the house on Lot 1 will face North Landing Road and will have an exterior of primarily of red brick which is consistent with the character of the Courthouse Historic and Cultural District. Single-family homes on the remaining six interior lots will face the new street.
- A brick community monument style sign no taller than eight feet with a brick base is proposed near the intersection of the new cul-de-sac and North Landing Road and will be appropriately landscaped as required by the Zoning Ordinance.
- As depicted on the Conceptual Subdivision Plan, there are wetlands on this site. These are not wetlands regulated by the City of Virginia Beach; however, approval from the United States Army Corps of Engineers for impacts will be required. This will be reviewed during site plan submittal.

	<b>Zoning History</b>			
	#	Request		
	1	CUP (Animal Hospital & Commercial Kennel) Approved 02/15/2022		
	2	MDP Approved 01/16/2018 MDP Approved 03/09/2004 CRZ (AG-2 to Conditional B-1A) Approved 02/08/1994		
	3	CRZ (O-1 to Conditional B-1) Approved 11/18/2014 CRZ (AG-2 to Conditional O-1) Approved 10/10/2006		
	4	CRZ (Conditional O-2 & AG-2 to Conditional R-5S) Approved 02/11/2014 CRZ (AG-1 & AG-2 to Conditional O-2) Approved 04/08/2008		
	5	REZ (Conditional PD-H2 to P-1) Approved 08/14/2012 CRZ (AG-1 & B-1A to Conditional PD-H2) Approved 07/12/2011		
	6	CUP (Private Sewage Treatment System) Approved 05/24/2011 REZ (R-10 to AG-1) Approved 06/08/2010		
7	MDC (Pre-School/Day Care Facility) Approved 10/01/2019 CUP (Pre-School/Day Care Facility) Approved 07/03/2001 CUP (Church/Day Care Facility) Approved 08/13/1997			
8	CUP (Group Home) Approved 05/24/1994			
<b>Application Types</b>				
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 proposal to redevelop the 4.27-acre parcel with seven single-family units, in Staff's opinion, is acceptable. The site is located within multiple planning areas, including the Transition Area, the Interfacility Traffic Area (ITA), and the Courthouse Historic and Cultural District. The proposed residential community meets the recommendations of the Comprehensive Plan by providing a variety of dwelling styles and open space amenities that are compatible with the surrounding area and that are consistent with the Courthouse Historic and Cultural District.

The proffered Conceptual Plan shows the cul-de-sac development with the stormwater retention pond and community park to the rear of the development. Staff has reviewed the conceptual stormwater management strategy and agrees it has the potential to successfully comply with the stormwater requirements. Final design and detailed updates will be made during site plan submittal to ensure conformance with all requirements set forth in the Public Works Design Standards Manual.

While the Transition Area Guidelines recommend a maximum density of up to and no more than one dwelling unit per acre, the policies of the Interfacility Traffic Area (ITA) Plan encourage a greater density for the purpose of increasing housing choices in close proximity to the Municipal Center, where infrastructure is available and the AICUZ or noise zones allow such development. In the last ten years, City Council has approved several residential developments in this general area that have densities higher than the one dwelling unit per acre recommended in the Transition Area Design Guidelines. These include the Courthouse Green neighborhood (density of 3.8 units per acre), West Neck Commons (density of 2.2 units per acre), and Princess Anne Village (density of 2.45 units per acre). All three of these

neighborhoods are in the immediate vicinity of this project and the Municipal Center. For this area, a pattern of higher density residential development has been established in compliance with the ITA Plan.

A summary of applicable Transition Area Design Guidelines is provided below.

- Residential developments are required to provide a 150-foot buffer with robust landscaping along selected roadways. As this portion of North Landing Road is not designated to include a multi-use trail, the 150-foot reservation is not required. Consistent with previous developments, an eight-foot wide asphalt trail will be installed along North Landing Road.
- Fifty percent open space is required. The proposed development consists of 2.2 acres, or 52% of open space that includes play/outdoor recreational area with benches, a log crawl, hanging chairs, tree swing, formal plantings, and a recreational path that connects to the path that circles the above-ground stormwater management pond.
- Lot sizes less than 15,000 square feet may be considered when located within a half mile distance to accessible with a view to the active open space area. The proposed lots vary in size between 7,586 and 10,132 square feet with a pedestrian sidewalk that connects each lot to the community park.
- The proposal was presented to the Transition Area/Interfacility Traffic Area Citizen's Advisory Committee (TA/ITA) on April 7, 2022. While the proposed density is higher than the recommended density of one unit per acre, the Committee supported the proposed density of 1.64 units per acre as the density is comparable to other residential developments in the surrounding area and is appropriate given its proximity to the City Municipal Center.

The proposed curb cut for the entrance, in the right of way, overlaps the adjacent property to the west. Unless a letter from the property owner to the west is provided to the Planning Department that indicates acceptance of the entrance overlap, the proposed entrance must be redesigned to meet the Public Works Design Standards Manual. Final review for compliance with the Public Works Design Standards Manual will occur during final site plan review. In addition, Staff finds there is no significant detrimental effects by granting the setback reduction from the proposed street from 30 feet to 25 feet. The proposed layout allows the proposal to retain the wooded area toward the rear of the development to provide a community park and pedestrian trail for its residents.

In sum, Staff recommends approval of the rezoning application. The majority of the components of the Transition Area Design Guidelines appear to be met. This includes recommendations related to open space area, pedestrian connectivity, and the proposed house styles that are aligned with character of the Historic and Cultural Princess Anne Courthouse District. Finally, the roadway is well under capacity and the information provided by the Virginia Beach City Public Schools Staff indicates that the proposed development is well within the threshold for increases in student population.

## Proffers

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

### Proffer 1:

When the Property is subdivided and developed, it shall have the entrance, neighborhood identification sign, street sections, street trees, minimum front yard building setbacks, neighborhood park and open spaces substantially as



depicted and described on the exhibits entitled, “North Landing Conceptual Master Plan Virginia Beach, Virginia” dated September 25, 2021, “North Landing Signage and Lighting Virginia Beach, Virginia”, dated September 25, 2021, and “North Landing Conceptual Play Area Plan, Virginia Beach, Virginia”, dated September 25, 2021, prepared by Land Planning Solutions, copies of which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter collectively, the “Conceptual Subdivision Plans”).

**Proffer 2:**

When the Property is developed, it will be subdivided into no more than seven (7) single family residential building lots. The seven (7) new homes will be built with a crawlspace or a raised slab foundation and they will contain a minimum of 2,400 square feet of living area. The home constructed on Lot 1 as designated on the Conceptual Subdivision Plan shall have its front entry facing North Landing Road with the architectural features and exterior building materials substantially as depicted on the elevation exhibit designated “NORTH LANDING”, page “A2”, dated 09/25/2021, prepared by Land Planning Solutions, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (the “Home Elevations for Lot 1”). The home constructed on Lot 1 shall have a side loading 2-car garage facing the cul-de-sac. The homes on Lots 2 through 7 as designated on the Conceptual Subdivision Plans shall have the architectural features and a two (2) car garage substantially as depicted on the Exhibits labeled “NORTH LANDING”, page “A3”, “NORTH LANDING”, page “A4” and “NORTH LANDING”, page “A5” which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter collectively “Home Elevations for Lots 2 through 7”) . The exterior building materials on the homes on Lots ~~2~~1 through 7 shall be chosen from those pallets approved by the Virginia Beach Historical Review Board with its Certificate of Appropriateness, in combinations that shall be submitted to, reviewed by and approved by the Board.

**Proffer 3:**

When the Property is developed, the party of the first part shall record a Declaration submitting the building Lots and all of the other properties, and where applicable any easements outside the public rights of way to a mandatory membership Home Owners’ Association which shall be responsible for maintaining the community park, all open spaces, common areas, vegetated buffer easement, entrance feature signage and other improvements, including the trail upon the Open Space Parcel, to be deeded to the Home Owners’ Association, on the Property as depicted on the Conceptual Subdivision Plan.

**Proffer 4:**

The final stormwater management plan for the subdivision submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis.

**Proffer 5:**

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

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

## Comprehensive Plan Recommendations

The Comprehensive Plan identifies this site as being located within multiple “districts.” The Interfacility Traffic Area and Vicinity Master Plan (ITA Plan), which is adopted by the Comprehensive Plan, identifies the site as being located in the Historic Princess Anne Center. The ITA Plan calls for “lining of streets and spaces with low-rise mixed-use buildings of two and three stories,” within the Historic Princess Anne Center. It also calls for attention on appropriate streetscaping elements including street lamps, planters and benches and emphasis on developing architecture consistent with areas such as Williamsburg. The property also borders the Municipal Center district as identified by the ITA Plan which

recommends as an area with planned land uses, both public and private, and, where appropriate, may include residential, office, retail, service, hotel and institutional uses. It calls for the introduction of a mix of residential units into the district to enliven the complex around the clock.

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

## **Natural & Cultural Resources Impacts**

The site is located in the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high water surface elevations in downstream receiving waters.

The site is located within the Courthouse Historic and Cultural Overlay District. All projects proposed within the district must respect the heritage and reinforce the integrity of the district’s historic character. The scale, placement, massing and proportion of buildings, additions and architectural details should be designed in a way that is consistent with the historic character of the district. New development should employ high quality site and building designs that complement the classic Neo-Georgian architecture of the Municipal Center.

## **Stormwater Impacts**

### **Project Stormwater Design Staff Summary**

This project will consist of a seven (7) lot single-family subdivision situated on a 4.28-acre parcel along the south side of North Landing Road between George Mason Drive and West Neck Road, at 2487 North Landing Road. The development is designed to drain into an onsite stormwater management facility (SWMF) before discharging into the existing outfall channel which ultimately drains into West Neck Creek. The proposed SWMF will treat both water quantity and water quality from the development before discharging offsite. Portions of the existing wooded areas onsite will be conserved as open space. The project site lies within flood zone X (outside 0.2% annual chance floodplain) and is located outside of the Floodplains Subject to Special Restrictions.

The site currently drains towards the south east and into an existing public drainage channel that runs along the southern perimeter of the site. This general drainage pattern will be maintained in the developed condition. Drainage from the proposed public right-of-way and from the rear lots will be collected through a storm drain system that will discharge into a wet pond to be treated for water quality and slowly detained before discharging offsite into the existing public drainage channel.

The preliminary stormwater management design demonstrates conveyance of the runoff from the proposed development for storms up to and including the 100-year event plus 1.5 feet of sea-level rise (SLR). The City’s Stormwater Master Drainage Model was used in the Preliminary Stormwater Analysis and included an offsite analysis to

demonstrate that the development has a viable strategy to prevent negative impacts or increased flooding levels on the existing stormwater system upstream or downstream.

Based on the information provided by Land Planning Solutions in the Preliminary Stormwater Analysis, Staff agrees that the proposed conceptual stormwater management strategy can successfully comply with the stormwater requirements. Final design and detailed updates will be made during site plan submittal to ensure conformance with all requirements set forth in the Public Works Design Standards Manual. More detailed project stormwater information is listed below

### **Project Information**

**Total project area:** 4.4 Acres (Includes 0.12 acres of offsite right-of-way improvements and North Landing Road)

**Pre-Development impervious area:** 0.55 Acres

**Post-Development impervious area:** 1.40 Acres

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

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

### **Stormwater Management Facility Design Information**

**Type of facility proposed:** Level II Wet Pond (quantity and quality)

**Total storage volume provided in proposed stormwater management facilities:** 95,000 cf. (between normal water elevation and top of bank elevation)

**Description of outfall:** Stormwater runoff released from the proposed wet pond will drain through an outlet control structure and outfall pipe, that will discharge into the existing public drainage channel that runs along the southern perimeter of the site and into West Neck Creek.

**Downstream conveyance path:** Drainage from West Neck Creek is part of the Upper West Neck Creek drainage basin which drains into the North Landing River. The North Landing River drains through the Currituck Sound and ultimately out into the Atlantic Ocean.

### **Stormwater Quality Compliance Design Information**

**Pounds of phosphorus removal per year (lb/yr) required:** 2.52 lb/yr

**Method of treatment proposed:** Level II Wet Pond and Sheetflow to Conserved Forest Open Space

### **Stormwater Quantity Compliance Design Information**

**Channel protection:** Provided stormwater model demonstrates non-erosive velocities of stormwater discharge for the 2-yr 24-hr storm.

**Flood protection:** Attenuation of peak flow rates with no increase in flooding for the 10-year 24-hour storm in all evaluated stormwater structures upstream and downstream.

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

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

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
North Landing Road	10,800 ADT <sup>1</sup>	12,500 ADT <sup>1</sup> (LOS <sup>4</sup> "D")	Existing Land Use <sup>2</sup> – 10 ADT Proposed Land Use <sup>3</sup> – 70 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a single-family dwelling	<sup>3</sup> as defined by seven single-family dwellings	<sup>4</sup> LOS = Level of Service

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

North Landing Road is a two-lane suburban minor arterial. The site has a single direct access point to North Landing Road. This segment of North Landing Road is not named in the MTP and there are no roadway CIP projects planned.

The proposed cub cut for the entrance, in the right of way, overlaps the adjacent property to the west. Compliance with the Public Works Design Standards Manual is required.

## Public Utility Impacts

### Water

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

### Sewer

There is an existing eight-inch City sanitary sewer gravity main and 16-inch City sanitary sewer force main along North Landing Road. Each lot in this subdivision shall be connected to the public sanitary sewerage system.

## School Impacts

School	Current Enrollment	Capacity	Generation <sup>1</sup>	Change <sup>2</sup>
Princess Anne Elementary	610 students	734 students	2 students	2 students
Princess Anne Middle	1,289 students	1,315 students	1 student	1 student
Kellam High	1,934 students	2,120 students	1 student	1 student
<sup>1</sup> "Generation" represents the number of students that the development will add to the school. <sup>2</sup> "change" represents the difference between the number of potential or actual students generated under the existing zoning and the number generated under the proposed zoning. The number can be positive (additional students) or negative (fewer students).				

## Public Outreach Information

### Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 11, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 24, 2022 and May 1, 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 April 25, 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](http://www.vbgov.com/pc) on May 5, 2022.

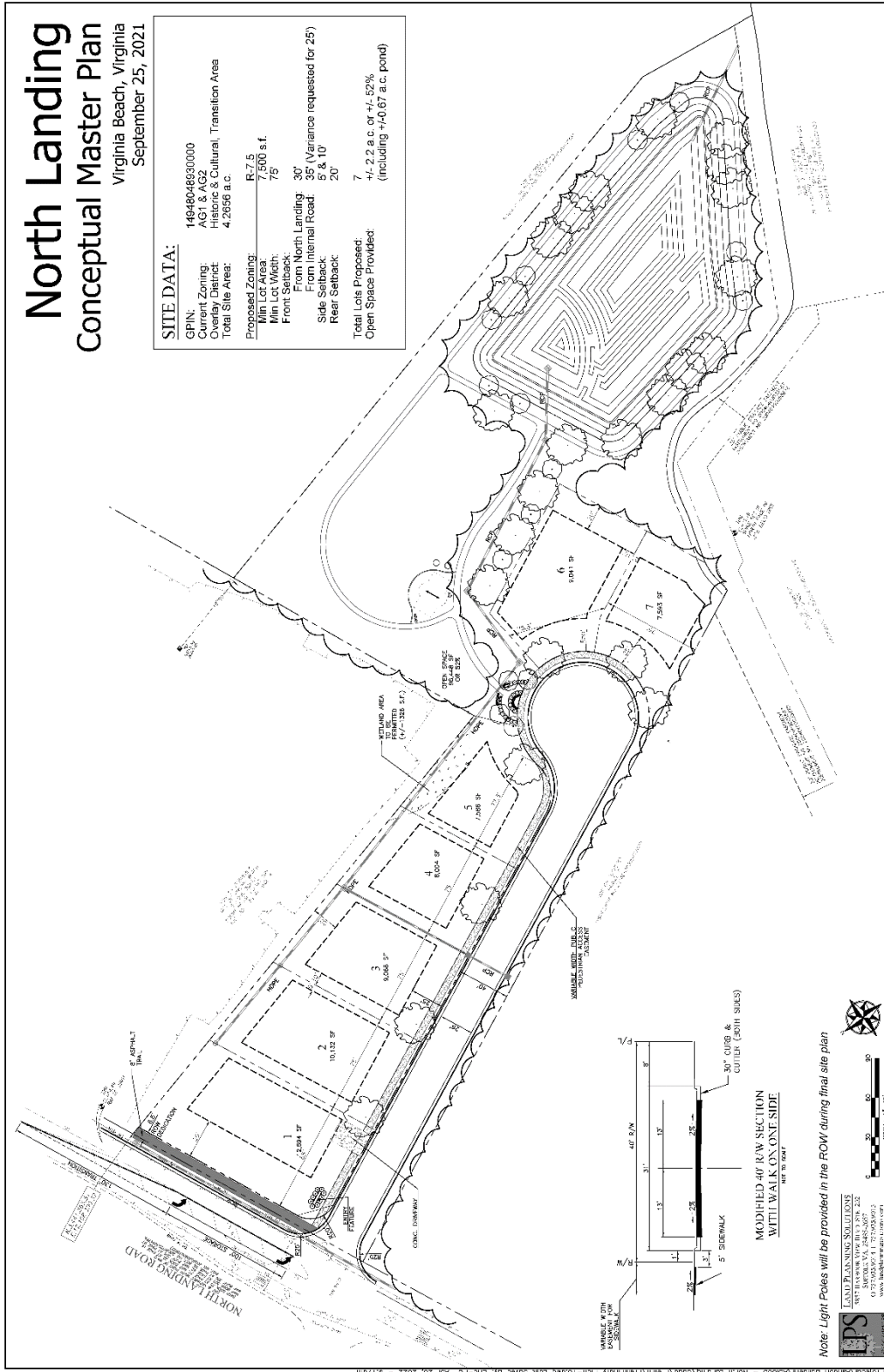


# North Landing Conceptual Master Plan

Virginia Beach, Virginia  
September 25, 2021

SITE DATA:

GPIN:	14048049300000
Appl. Zoning:	AG-1 (R-75)
Ord. District:	Historic & Cultural
Transition Area:	4.2556 a.c.
Total Site Area:	
Proposed Zoning:	R-7.5
Min Lot Area	7,500 s.f.
Min Lot Width:	75'
Front Setback:	
From North Landing:	22'
From Internal Road:	35' (Variance requested for 25')
Side Setback:	5' & 10'
Rear Setback:	20'
Total Lots Proposed:	7
Open Space Provided:	+/- 2.2 a.c. or +/- 52% (including +/- 0.67 a.c. pond)



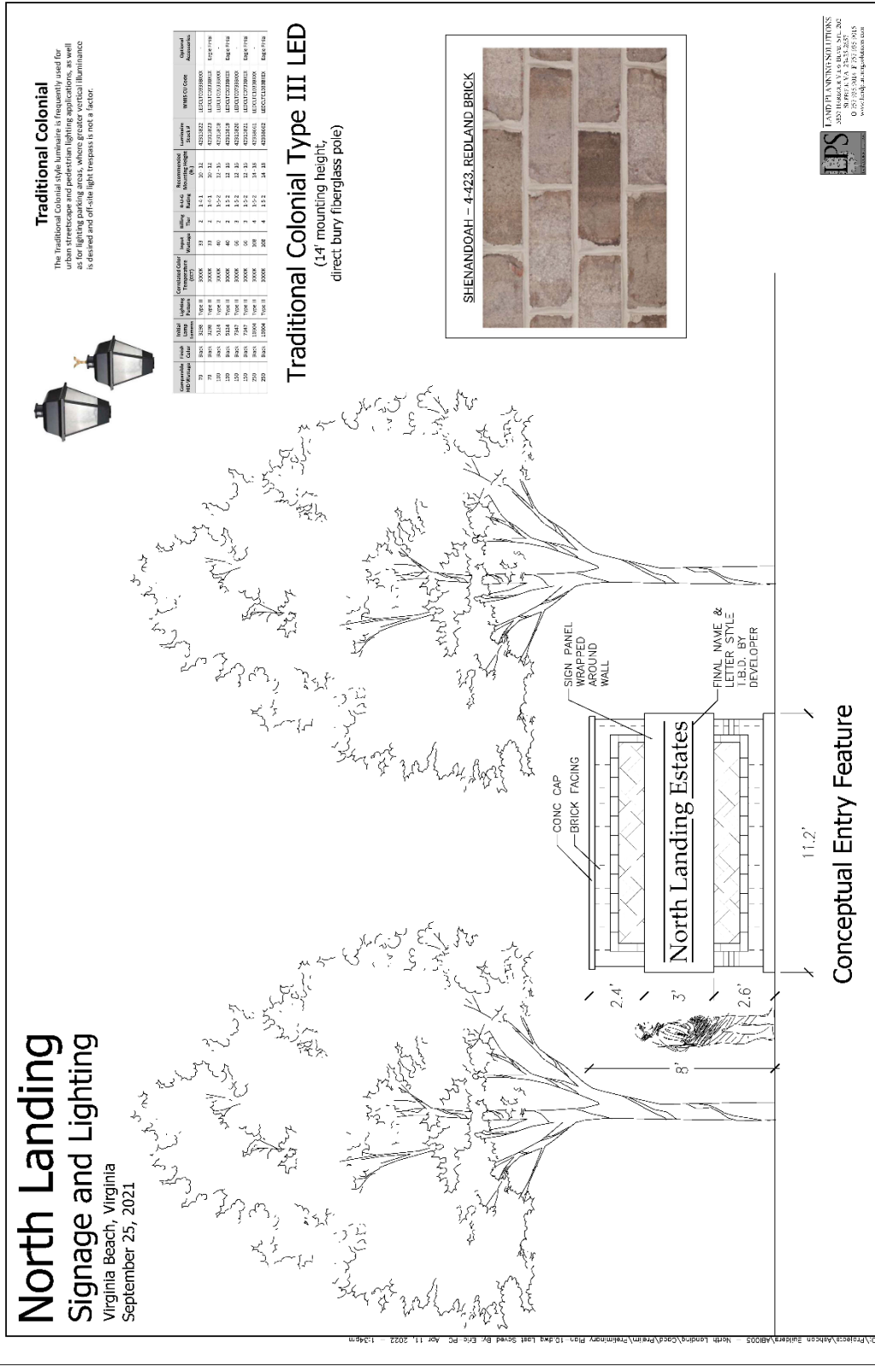
**Note:** Light Poles will be provided in the ROW during final site plan

**LPS**  
LAND PLANNING SOLUTIONS  
3817 HAZEN RD. SUITE 202  
SUITE 202, VA. 23455-2027  
(757) 503-9013  
www.landplanning.com/lps

Proposed Playground Area



EPS



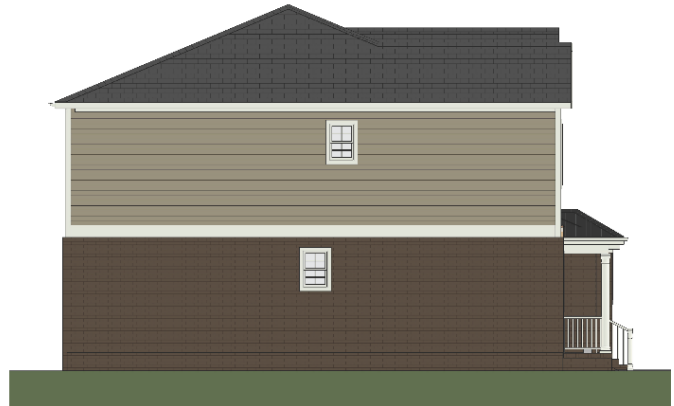
LANDPI ANKING SOLUTIONS  
3850 WILSON AVENUE  
SUITE 100  
NEWPORT NEWS, VA 23602  
TEL: 757.243.2527  
WWW.LANDPI.COM



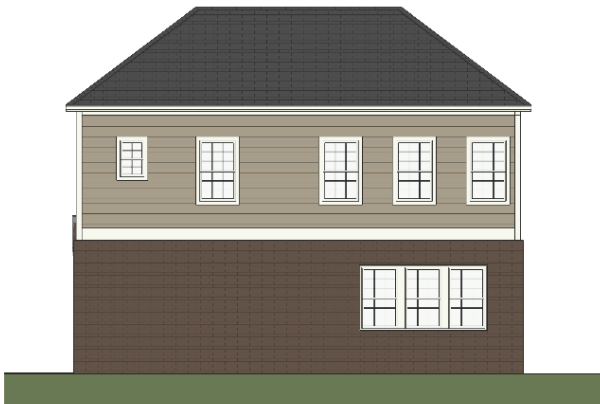
## Proposed Elevation Plan – Lot 1



Front Elevation 1/4" = 1'0"



Left Elevation 1/4" = 1'0"



Rear Elevation 1/4" = 1'0"



Right Elevation 1/4" = 1'0"

## Proposed Home Styles – Lots 2 thru 7





Site Photos





## Site Photos







## City of Virginia Beach

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT  
HISTORICAL REVIEW BOARD

**VBgov.com**  
2875 SABRE ST, SUITE 500  
VIRGINIA BEACH, VA 23452

March 25, 2022

R. Edward Bourdon, Jr.  
Sykes, Bourdon, Ahern & Levy P.C.  
4429 Bonney Road, Suite 500  
Virginia Beach, VA 23462

RE: Certificate of Appropriateness Application #22-03 – Ashdon Builders I, LLC – Demolish four buildings and develop a seven lot residential development – 2487-2489 North Landing Road - GPIN 1494804893 - Courthouse Historic & Cultural Overlay District

Dear Mr. Bourdon:

On March 16, 2022 a Certificate of Appropriateness was issued by the Historical Review Board for demolition of the existing house, garage, shed, converted barn, and miscellaneous concrete, the proposed layout, general house styles, and material palette for the development of a new seven-lot residential development subject to the following conditions and exhibits:

1. This Certificate of Appropriateness shall expire on March 15, 2027.
2. This Certificate of Appropriateness only approves the demolition of the existing structures; the general layout of the development; and the proposed material palette with the exception of the provided stone samples. Individual houses shall be submitted for review and approval by the Historical Review Board prior to construction to allow buyers to consider custom options for individual models and to confirm final material selection should materials included in this submitted palette no longer be available.
3. Signage shall conform to the standards set in Article 2(B) – Sign Regulations of the Zoning Ordinance.
4. Once construction is complete, the applicant shall submit photographs of the finished building elevations and site improvements (e.g., parking lot) to Historical Review Board Staff.
5. In the event of unanticipated archaeological discoveries, contact the Historical Review Board at (757)-385-3066 or (757)-385-8573 prior to continuing work.
6. Prior to making any changes to the proposed design, location, configuration, or materials that are subject to the issuance of a Certificate of Appropriateness, the Historical Review Board Staff shall be contacted.

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

At the meeting on March 16, 2022, the following advisory comments were provided by the Historical Review Board for the anticipated future submittals for construction:

## Certificate of Appropriateness

1. A strong preference against stone was expressed. Several Board members noted that stone is out of character in the Courthouse District, but a flagstone or fieldstone type of stone was especially inappropriate. It was commented that a cast or precast stone in limited areas might be acceptable, but the details of the material and the overall palette would need to be considered.
2. A strong preference against the proposed Metallic Copper and Matte Black metal roof samples was expressed by one Board member.
3. There was a preference stated at the meeting that any shutters on the houses be operational, but that, at a minimum, shutters should be proportioned to appear operational.
4. A preference for the Brandywine/Redland Brick; Millstone/Pine Hall Brick; Northampton/Triangle Brick; and the Shenandoah 4-423/Redland Brick samples was stated.

Finally, there was some discussion at the meeting regarding the proposed finish of the fiber cement siding. While some Board members and Staff expressed a preference for a smooth-finished siding, the applicant presented an argument in favor of a faux woodgrain finish. The Historical Review Board made no formal advisory comment regarding the finish.

If you need further assistance, please contact Elizabeth Nowak at 757-385-3066 or by email at [enowak@vbqgov.com](mailto:enowak@vbqgov.com).

Sincerely,



Elizabeth Nowak  
Planner II

CC: Barry Cross  
Donnie Cross  
Building File

Attachments

North Landing Conceptual Master Plan, Rev. 3/4/2022  
North Landing Elevations, Rev. 3/4/2022  
North Landing Conceptual Play Area, 11/4/2021  
North Landing Signage and Lighting, Rev. 2/9/2022  
Materials Palette

### Disclosure Statement



#### Known Interest by Public Official or Employee

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

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

#### Applicant Services Disclosure

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

☒ Yes ☐ No

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

Atlantic Union

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.

Janie Roser, Wainwright Real Estate

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

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

Jones Maddox & Council

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.

Alphatec Survey/LPS Engineer

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

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

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

### Applicant Signature

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

Ashdon Builders 1, LLC

By: 

**Applicant Signature**

William B. Cross, Managing Member

**Print Name and Title**

WILLIAM B. CROSS MANAGING MEMBER, 9-29-21

**Date**

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

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

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

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

## Disclosure Statement



### Owner Disclosure

**Owner Name** David Lee & Tammy Lee

**Applicant Name** Ashdon Builders 1, LLC

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

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

---

---

---

- If yes, list the businesses that have a parent-subsidary<sup>3</sup> or affiliated business entity<sup>4</sup> relationship with the Owner. (Attach a list if necessary)

---

---

### Known Interest by Public Official or Employee

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

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

---

<sup>3</sup> "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.

<sup>4</sup> "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.

Chartway Federal Credit Union

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.

Jim Keenan, Howard Hanna Real Estate

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

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

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.

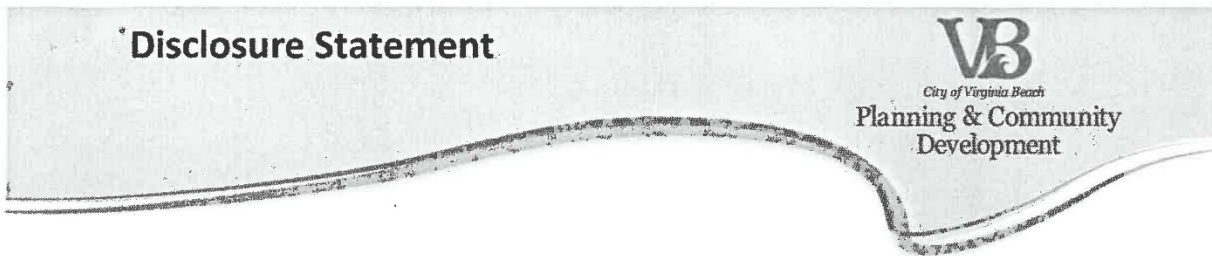
6. Does the Owner have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes**   ☒ **No**

- 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.

John Richardson, Esq.

### Owner Signature

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

Owner Signature

David Lee

Tammy Lee

Print Name and Title

10-7-21

10-7-21

Date

State of NC, County of DARE  
Signed before me on this 7th day  
of OCT 2021 by DAVID L. LEE, TAMMY P. LEE  
Notary Public DEBORAH S. WITTERS



## Next Steps

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



**Request**

**Modification of Conditions**

**Staff Recommendation**

Approval

**Staff Planner**

Hoa N. Dao

**Location**

3700 Sentara Way

**GPIN**

1487523853

**Site Size**

11.56 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Automotive sales, service, & rentals / B-2  
Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Interstate 264

**South**

Sentara Way

Single-family dwellings, office / R-7.5

Residential, B-2 Community Business

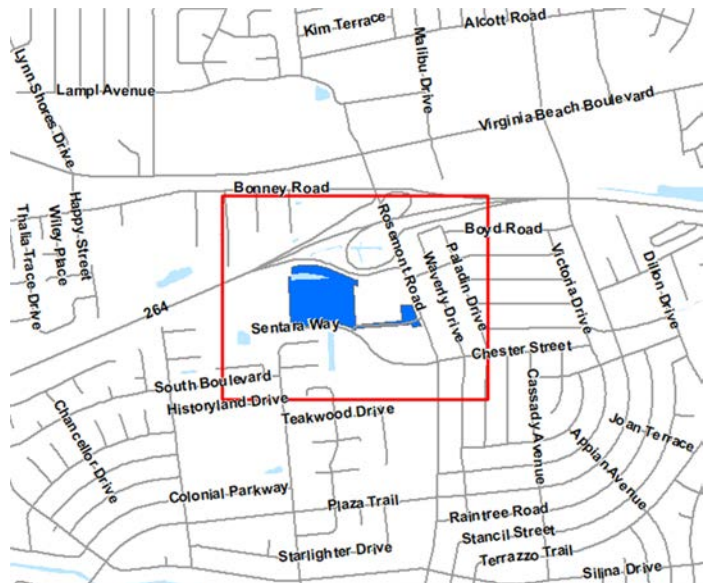
**East**

Rosemont Road

Mini-warehouse / B-2 Community Business

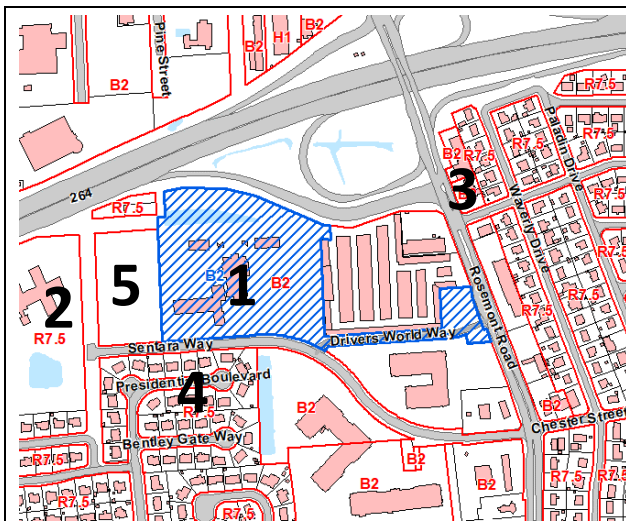
**West**

Wooded parcel / B-2 Community Business



## Background & Summary of Proposal

- The 11.56-acre parcel located in the Rosemont Strategic Growth Area (SGA) and zoned B-2 Community Business District was granted a Conditional Use Permit in 1997 for motor vehicle sales, service, and rentals. Subsequent requests were granted in 2002, 2004, and 2013 to expand the automobile service center, allowed for automotive repairs, and to modify the site layout and building design.
- The applicant now seeks another Modification of Conditions to add a 12,000 square foot building, as the most recent approval did not include this structure on the conditioned site layout.
- While physically the boundaries of the existing auto sales and service use will not expand, this additional building will contain a separate dealership, albeit also owned by the existing property owner and applicant, and will operate independently of the existing business on the site. The applicant was unsuccessful in obtaining a Conditional Use Permit application for Motor Vehicle Sales and Service on the adjacent 3.22-acre property to the west. That request was denied by Council on February 15, 2022. Based on that disapproval, the applicant has instead proposed to add this new dealership on the site that already contains a car sales and service business.
- The submitted concept plan shows the new proposed building located east of the existing facilities, where it is currently a paved parking area. The vehicle sales display areas are proposed to the west of the building and in the rear of the site. Display and parking areas will be screened by plantings and the existing berm along Sentara Way is proposed to be extended providing additional screening.
- Parking for employees and customers is proposed in the front and east of the proposed building. This parking area will also be shared with the existing dealership and service center. The addition of this building requires 14 new parking spaces while 38 spaces are required for the existing facilities. The submitted plan indicates that the minimum parking requirement will be exceeded by three spaces. In addition to the 55 parking spaces for employees and customers, 478 spaces are designated as display area on the entire site. As shown on the Concept Plan, the site will meet the required 12 percent landscaping for the display area. A full and detailed review of all landscaping requirements will be done during final site plan submittal.
- The submitted renderings of the proposed building, shown on page 12 of this report, depict a modern design style building with glass and aluminum composite panels (alucobond).
- A new vehicular access point is proposed near the intersection of Sentara Way and Hyundai World Way (private drive). A condition is recommended to ensure the proposed access will meet the Public Works Design Standards Manual. This will be reviewed at the time of site plan submittal.
- The hours of operation will be from 7:00 a.m. to 9:00 p.m., seven days per week.



## Zoning History

#	Request
1	<b>MDC</b> (Motor Vehicle Sales, Service, & Rentals) Approved 11/12/2013 <b>CUP</b> (Automobile Repair) Approved 05/25/2004 <b>CUP</b> (Automotive Service Center) Approved 12/10/2002 <b>CUP</b> (Motor Vehicle Sales, Service, & Rentals) Approved 02/25/1997
2	<b>MDC</b> (Assisted Living & Nursing Home) Approved 12/13/2011 <b>CUP</b> (Assisted Living & Nursing Home) Approved 08/25/1992
3	<b>CRZ</b> (O-2 to Conditional B-2) Approved 10/11/2005
4	<b>STC</b> (R-7.5 to B-2) Approved 02/10/1998
5	<b>REZ</b> (R-7.5 to B-2) Approved 02/25/1997

## 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

In Staff's opinion, the applicant's proposal to add an additional building for the purposes of operating a second automotive dealership is acceptable. The Rosemont SGA Plan notes that this site should include a transition from an auto-oriented retail strip to a mixed-use transit-oriented neighborhood center at higher densities. While the Comprehensive Plan also recommends for office use at this location, the proposed development corresponds with the existing pattern of development on the site which was granted by City Council initially in 1997.

The proposed modern style building, lot layout, and landscaping buffer will be complementary to the existing dealership already on the property. Consistent with the existing dealership, the three-foot high berm will be extended onto this portion of the site along Sentara Way to help screen the proposed parking and display areas from the adjacent residential dwellings across Sentara Way. A 15-foot wide landscape buffer with enhanced Category IV plantings (a mix of trees and shrubs) will be installed along Sentara Way. The proposed screening and the conditions as recommended will all assist with minimizing impacts to residential properties in the vicinity. The new proposed automotive dealership will generate approximately 315 additional average daily trips. This is small in comparison to the daily trip count of a typical by-right commercial use on a three acre parcel zoned B-2, such as a fast food restaurant with a drive through.

Concerns regarding the loading and unloading of vehicles on Sentara Way and glare from existing lights were noted issues raised by several property owners in the vicinity when the applicant's recent application on the adjacent parcel was considered. Conditions 11 and 12 are recommended to ensure that any light glare be directed onto the applicant's property and a reaffirmation that the loading and unloading of vehicles within the public right-of-way is prohibited.

Based on the considerations described, Staff recommends approval of this request subject to the conditions listed below that are designed to reduce visual and operational impacts to the surrounding residents.

## Recommended Conditions

1. The site shall adhere to all of the conditions attached to the existing Conditional Use Permits and Modification of Conditions approved by the Virginia Beach City Council on February 25, 1997, December 18, 2002, May 25, 2004, and November 12, 2013. Except, Concept Plans from previous requests shall be superseded by the Conceptual Site Plan submitted with this request.
2. When the property is redeveloped, it shall be in substantial conformance with the submitted plan entitled, "Conceptual Site Layout Plan of Checkered Flag Genesis – Virginia Beach, Virginia", dated March 24, 2022, and prepared by Orbis Landscape Architecture, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. The proposed access on Hyundai World Way shall meet the Public Works Design Standards Manual.
3. Prior to final Site Plan approval, a Landscape Plan shall be submitted to the Department of Planning and Community Development for review and approval. The Landscape Plan shall be in substantial conformance with the submitted plan entitled, "Conceptual Site Layout Plan of Checkered Flag Genesis – Virginia Beach, Virginia", dated March 24, 2022, and prepared by Orbis Landscape Architecture, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. Landscape plantings shall be maintained for the duration of the use and shall be subject to the review and approval of the Development and Service Center.
4. All signage on the site shall meet the requirements of the Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of any signage.
5. All vehicles for sale or rental shall be located on a paved surface within the designated display area identified on the plan referenced in Condition 1 above. No vehicles shall be displayed on raised platforms, earthen berms, landscape islands, or any other structure designated to display a vehicle higher than the elevation of the main parking lot.
6. There shall be no storage of tires, merchandise, or debris of any kind outside of the building.
7. No outside storage of vehicles in a state of obvious disrepair shall be permitted on the site.
8. The use of an outdoor amplified speaker system shall be prohibited.
9. There shall be no signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs. There shall be no portable or nonstructural signs, or electronic display signs on the site.
10. There shall be no neon or electronic display signs, or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. No window signage shall be permitted.
11. No motor vehicle shall be displayed for sale or rental within the first five (5) feet of any front yard or side yard abutting the right-of-way line of a street to be measured from the property line to any displayed motor vehicle on the premises.
12. All light fixtures on the site that are within 25 feet of a property line from Sentara Way shall be no taller than 14 feet in height and all light fixtures shall be shielded to contain lighting on site.
13. The loading and unloading of vehicles within the public rights-of-way shall be prohibited. On-site loading and unloading of vehicles shall be limited to between the hours of 7:00 am to 10:00 pm.

14. On-street employee parking shall be prohibited.

15. Plant and lawn clippings and other waste from this property shall be disposed of in a lawful manner and shall be prohibited from being left in the public right-of-way.

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

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

## Conditions of 2013 Request

A Modification of Conditions request to modify the site layout and design of the building.

1. When the building additions and parking area are developed, they shall be in substantial conformance with the Conceptual Site Layout entitled "Volkswagen Checkered Flag, Virginia Beach, Virginia" prepared by MSA, P.C. and dated 07/01/13, which have been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning ("Concept Plan").
2. When the buildings are developed, they shall be in substantial conformance with the Building Elevations entitled "Volkswagen Checkered Flag, Exterior Building Elevations" prepared by Lyall Design Architects and dated 07/01/13, which have been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning ("Elevations").
3. When the Volkswagen Checkered Flag monument sign is constructed and installed, it shall be in compliance with sign and landscaping regulations. No pylon signs shall be permitted.
4. Flagpoles shall incorporate down-lighting in lieu of up-lighting. Only one set of flags representing the dealership or car manufacturer will be permitted on the site.
5. No vehicle display shall be located between the existing stormwater management facility and Interstate 264 that would disrupt access and/or maintenance within the City drainage easement or disturb the existing ditch. A layout of this vehicle display with dimensions in the easements shall be submitted to the Planning Director for review and approval.
6. Any modifications of existing signs on the site or structures shall be required to comply with sign regulations.
7. No statue shall be permitted in the vehicle display area at the Drivers Mart Way entrance as indicated on the site plan referenced in Condition 1. An exhibit drawing or photograph of any statues proposed elsewhere on the site shall be submitted to the Planning Director for review and approval. No statue shall be installed without said review and approval.
8. No outdoor paging or speaker systems are permitted.



9. In addition to the landscaping shown on the submitted plan, a meandering berm with a height of at least three (3) feet at the top of the berm shall be required along the Sentara Way frontage. Flowerbeds, satisfactory to the Planning Director, must be incorporated into the landscaping along Sentara Way.
10. Any archways shall be a maximum of 16 feet and be permitted to allow traffic passageway, but shall not be lighted at any time. There shall be no signage on the proposed entrance archway, including promotional messages or banners, nor shall they be placed on the cars displayed at the entrance. This area shall be landscaped. All applicable setbacks must be adhered to.
11. No trees or vegetation may be removed by the applicant from the City or State land located between the subject site and I-264 or from the Third Street right-of-way without written permission from the City or State.
12. Hours of operation shall be from 9:00 a.m. to 9:00 p.m. for the sales operation. Hours for the service center shall be limited to 7:30 a.m. to 10:00 p.m. All repair, service, maintenance, cleaning and washing will be conducted inside the service center. Bay doors on the service center shall be closed while repair work is being conducted except for entering and exiting.
13. All lighting shall be directed away from the nursing facility located on the adjacent property to the west, and away from the residentially zoned property located to the south across Sentara

### Conditions of 2004 Request

A Conditional Use Permit request for an automobile repair garage.

1. The proposed building shall substantially conform in size and location with the submitted site plan titled "Conceptual Use Permit Exhibit for Driver's World, Proposed Prep Facility, 3700 Sentara Way, Virginia Beach, Virginia", prepared by MSA, P.C., and dated 2/02/04. Said plan is on file in the City of Virginia Beach Planning Department.
2. The design, building materials, and building colors of the proposed building shall substantially conform with the submitted elevation plan titled "Proposed Prep Facility for Driver's World, Virginia Beach, Virginia", prepared by Lyall Design Architects, and dated February 2, 2004. Said plan is on file in the City of Virginia Beach Planning Department.
3. The site shall adhere to all of the conditions attached to the existing Conditional Use Permits approved by the Virginia Beach City Council on February 25, 1997 and December 18, 2002.

### Conditions of 2002 Request

A Conditional Use Permit request to expand the existing automobile service center.

1. The proposed additions shall substantially conform in size and location with the submitted site plan titled "Conceptual Site Layout, Auto Nation, 3700 Sentara Way, Virginia Beach, Virginia", prepared by MSA, P.C., and dated 07/15/02. Said plan is on file in the City of Virginia Beach Planning Department.
2. The design, building materials, and building colors of the proposed additions shall substantially conform with the submitted elevation plan titled "Conceptual Elevations for the Auto Nation Expansion, Virginia Beach, Virginia", prepared by Lyall Design Architects, and dated July 15, 2002. Said plan is on file in the City of Virginia Beach Planning Department.

3. The site shall adhere to all of the conditions attached to the existing Conditional Use Permit approved by the Virginia Beach Council on February 25, 1997.
4. Street frontage landscaping, in accordance with the Site Plan Ordinance, Section 5A, shall be installed along the northern property line adjacent to Interstate 264.
5. There shall be no pennants, streamers, banners, balloons, or searchlights displayed on the site at any time.
6. The proposed shade structures shall be substantially in conformance with the submitted brochure titled "Shade Structures" which is on file with the Planning Department. The shade structures shall meet the following requirements:
  - a. The framework shall be on noncombustible construction.
  - b. The fabric shall be flame resistant.
  - c. The structures shall meet wind load requirements in the area.
  - d. The fabric or cover of the structure shall be red, blue or white, in color, or a combination thereof, to match the buildings.
7. Additional landscaping shall be installed as depicted on the plan entitled, "Conceptual Site Layout/Landscape Plan, AutoNation, 3700 Sentara Way, Virginia Beach, Virginia," dated 12/06/02. The Landscape Plan shall be revised prior to site plan review to indicate upgrade of the berms adjacent to Sentara Way.

## Conditions of 1997 Request

A Conditional Use Permit request for automobile sales, service and rentals.

1. No outdoor paging or speaker systems are permitted.
2. The development shall substantially adhere to the submitted rendering, site plan, and landscape plan on file in the Planning Department. The color scheme shall be in keeping with the submitted color board. Minor deviations will be permitted only with the approval of the Planning Director.
3. In addition to the landscaping shown on the submitted landscape plan, a meandering berm with a height of at least three (3) feet at the peaks is required along the Sentara Way frontage. Flowerbeds, satisfactory to the Planning Director, must be incorporated into the landscaping along Sentara Way.
4. The sign shall be monument style with full landscaping at the base and substantially in keeping with the submitted rendering on file in the Planning Department. All sign regulations must be adhered to.
5. No signage is permitted on the proposed entrance archway, including promotional messages or banners, nor shall they be placed on the cars displayed at the entrance. The archway shall be a maximum of 16 feet and be permitted to allow traffic passageway, but shall not be lighted at any time. This area shall be landscaped. All applicable setbacks must be adhered to.
6. No trees or vegetation may be removed by the applicant from the City or State land located between the subject site and the Expressway, or from the Third Street right of way.
7. Hours of operation shall be from 9 AM to 9 PM for the sales operation. Hours for the service center shall be limited to 9 AM to 10 PM. All repair, service, maintenance, cleaning and washing will be conducted inside the service center. Bay doors on the service center shall be closed while repair work is being conducted except for entering and exiting.

8. All lighting shall be directed away from the nursing facility located on the adjacent property to the west, and away from the residentially zoned property located to the south across Sentara Way.
9. A direct access is required for construction traffic from Rosemont Road during construction of the facility. Construction traffic is prohibited on Sentara Way.
10. Any existing healthy trees located within Spruce Street and the 25-foot shall be protected and saved. New landscape material, as shown on the landscape plan, shall be added where existing vegetation does not meet the Category I requirements. There shall be a 66' buffer on Spruce Street.

## Comprehensive Plan Recommendations

The property is located within the Rosemont Strategic Growth Area (SGA) that is envisioned to transition from an auto-oriented retail strip to a mixed-use transit-oriented neighborhood center at higher densities. The land use plan for the subject property calls for an office use with maximum permitted height of up to four stories, incorporating water, open space, and stormwater management amenities and building fronting the streets with parking properly screened in the rear. Proposed developments in urban areas should also consider ways to integrate the site and building design guidelines established in the Special Area Development Guidelines for Urban Areas adopted by reference in the Comprehensive Plan.

## Natural & Cultural Resources Impacts

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

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Sentara Way	No Data Available	9,900 ADT <sup>1</sup> (LOS <sup>4</sup> “D”)	Existing Land Use <sup>2a</sup> – 883 ADT Existing Zoning <sup>2b</sup> – 1,400 ADT Proposed Land Use <sup>3</sup> – 1,198 ADT
South Rosemont Road	33,200 ADT <sup>1</sup> (2018)	32,700 ADT <sup>1</sup> (LOS <sup>4</sup> “D”)	
<div><div><sup>1</sup> Average Daily Trips</div><div><sup>2a</sup> as defined by a 31,000 square foot auto dealership and service center use</div><div><sup>2b</sup> as defined by a 3-acre parcel zoned B-2 with a fast food and drive through restaurant</div></div> <div><div><sup>3</sup> as defined by a 43,000 square feet of auto dealership and service center use</div><div><sup>4</sup> LOS = Level of Service</div></div>			

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

Sentara Way is a two-lane local street and South Rosemont Road is a four-lane minor urban arterial roadway. South Rosemont Road is designated on the MTP to be improved to a six-lane divided arterial with a 165-foot wide right-of-way and a bikeway. There are no roadway CIP projects slated on this portion of Rosemont Road or Sentara Way.

## Public Utility Impacts

### Water & Sewer

The property is connected by City water and sanitary sewer services.

## Public Outreach Information

### Planning Commission

- The applicant's representative met with the Princess Anne Plaza Civic League on April 21, 2022 to discuss the details of the request. According to the applicant, 10-12 members of the Civic League and neighbor were in attendance and no objection were raised to this request subject to these four requests: 1) no use of the outdoor speaker system; 2) shielding of the lights closest to Sentara Way; 3) no landscaping debris from Applicant's property left in the City right-of-way; and 4) no loading/unloading of vehicles on Sentara Way. These are agreeable by the Applicant and are added as conditions.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 11, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 24, 2022 and May 1, 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 April 25, 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](http://www.vbgov.com/pc) on May 5, 2022.



# Proposed Site Layout





[illegible]

# Proposed Elevation Plan

2022.03.24

ALUMINUM  
HORIZONTAL CLADDING  
AL-430001 W6 4101 / AS2-A

Basalt Grey  
Color 20-35

ALUMINUM  
HORIZONTAL CLADDING  
AL-430001 W6 4101 / AS2-A

Trident Black  
Color 20-35



EXTERIOR RENDERING



INTERIOR RENDERING

ALUMINUM  
HORIZONTAL CLADDING  
AL-430001 W6 4101 / AS2-A

Basalt Grey  
Color 20-35

ALUMINUM  
HORIZONTAL CLADDING  
AL-430001 W6 4101 / AS2-A

Trident Black  
Color 20-35

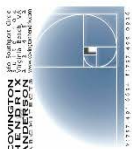


EXTERIOR RENDERING

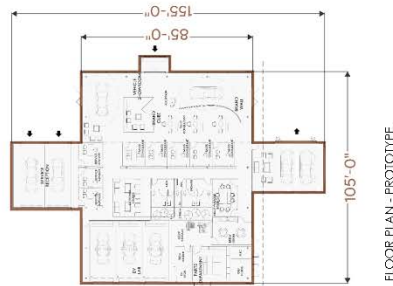
CLADDING CURTAIN WALL TO WRAP  
ENTIRE BUILDING. CLADDING  
MATERIALS TO BE SELECTED FOR CLADDING



INTERIOR RENDERING



CHECKERED FLAG  
GENESIS AT  
HYUNDAI WORLD  
FLOOR PLAN - PROTOTYPE  
EXTERIOR RENDERINGS



FLOOR PLAN - PROTOTYPE





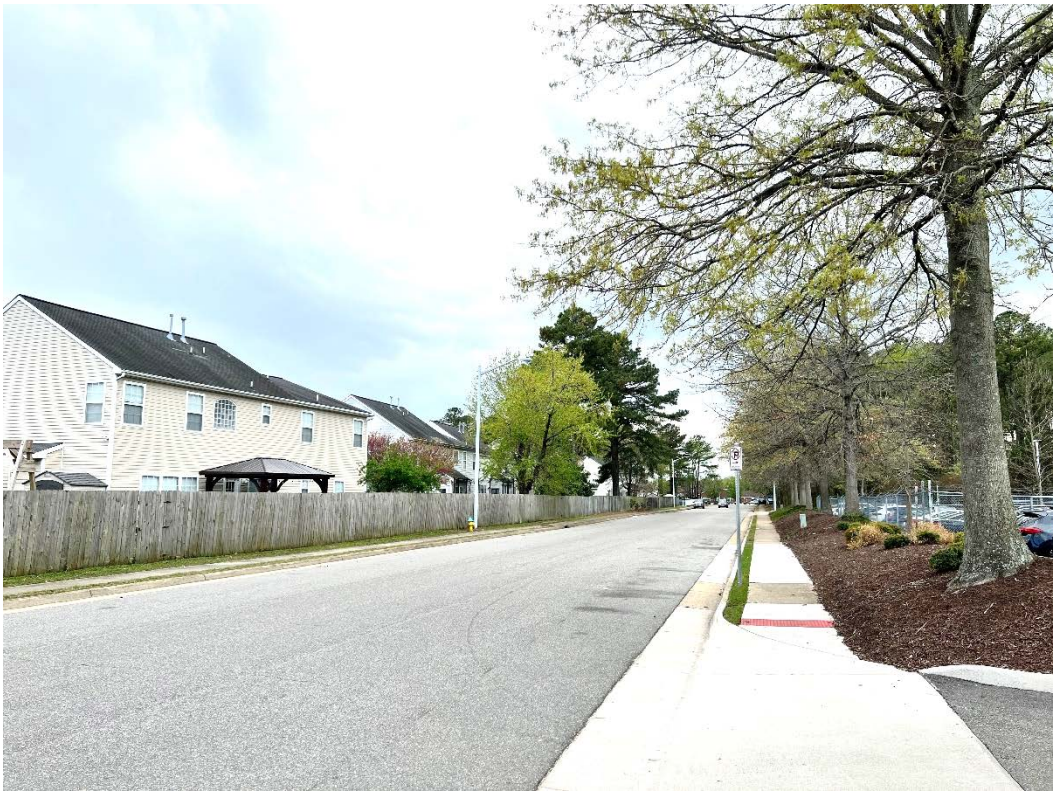


## Site Photos





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** Winner's Properties, LLC

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

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

Kyle D. Korte, Esq. and Billy Garrington

**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)

Stephen M. Snyder, William Snyder, and Benjamin Snyder

- If **yes**, list the businesses that have a parent-subsidary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

Please see document attached as Exhibit "A"

<sup>1</sup> "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.

<sup>2</sup> "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?

N/A

#### **Applicant Services Disclosure**

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

☒ Yes ☐ No

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

TowneBank

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

☐ Yes ☒ No

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

N/A

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.

N/A

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.

Covington Hendrix Anderson Architects (Jerry Smith & Robert Antonio); Orbis Landscape Architecture (Nathan Lahy)

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.

N/A



## 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.

N/A

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.

1. MSA, P.C.; 2: Billy Garrington

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.

Wolcott Rivers, P.C. Kyle D. Korte

#### 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

Stephen Snyder Member

Print Name and Title

03-01-2022

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** Evergreen Virginia, LLC

**Applicant Name** Winner's Properties, 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)

Winner's Properties, LLC, Sole Member

- If **yes**, list the businesses that have a parent-subsidary<sup>3</sup> or affiliated business entity<sup>4</sup> relationship with the Owner. (Attach a list if necessary)

Please see document attached as Exhibit "B"

#### 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?

N/A

<sup>3</sup> "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.

<sup>4</sup> "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.

TowneBank

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.

N/A

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.

N/A

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.

N/A

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.

N/A

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.

N/A

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.

N/A

## 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.

Wolcott Rivers, P.C. Kyle D. Korte

#### Owner Signature

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

Owner Signature

Stephen M. Snyder

Authorized signatory on behalf of  
Evergreen Virginia, L.L.C.

Print Name and Title

03-01-2022

Date



**Exhibit A**

*List of Winner's Properties, LLC Affiliated Entities*

- CHECKERED FLAG MOTOR CAR COMPANY, INC.
- CHECKERED FLAG STORE #1, L.L.C.
- CHECKERED FLAG STORE #2, L.L.C.
- CHECKERED FLAG STORE #3, L.L.C.
- CHECKERED FLAG STORE #4, L.L.C.
- CHECKERED FLAG STORE #5, L.L.C.
- CHECKERED FLAG STORE #6, L.L.C.
- CHECKERED FLAG STORE #8, L.L.C.
- CHECKERED FLAG STORE #9, L.L.C.
- CHECKERED FLAG STORE #10, L.L.C.
- CHECKERED FLAG STORE #11, L.L.C.
- CHECKERED FLAG STORE #12, L.L.C.
- EVERGREEN VIRGINIA, LLC
- CHECK LEASE, LLC
- CAVALIER PROPERTY, LLC
- PATRICK HENRY PROPERTY, LLC
- CENTRAL DRIVE PROPERTY, LLC

**Exhibit B**

*List of Evergreen Virginia, LLC Affiliated Entities*

- CHECKERED FLAG MOTOR CAR COMPANY, INC.
- CHECKERED FLAG STORE #1, L.L.C.
- CHECKERED FLAG STORE #2, L.L.C.
- CHECKERED FLAG STORE #3, L.L.C.
- CHECKERED FLAG STORE #4, L.L.C.
- CHECKERED FLAG STORE #5, L.L.C.
- CHECKERED FLAG STORE #6, L.L.C.
- CHECKERED FLAG STORE #8, L.L.C.
- CHECKERED FLAG STORE #9, L.L.C.
- CHECKERED FLAG STORE #10, L.L.C.
- CHECKERED FLAG STORE #11, L.L.C.
- CHECKERED FLAG STORE #12, L.L.C.
- WINNER'S PROPERTIES, LLC
- CHECK LEASE, LLC
- CAVALIER PROPERTY, LLC
- PATRICK HENRY PROPERTY, LLC
- CENTRAL DRIVE PROPERTY, LLC

## 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

### #3 - Modification of Proffers

**#4 - Rezoning** (AG-1 Agricultural District & Conditional I-1 Light Industrial District to I-1 Light Industrial District)

## Staff Recommendation

Approval

## Staff Planner

Marchelle Coleman

## Location

Parcel on the southeast corner of Dam Neck Road & Harpers Road

## GPIN

2405631630

## Site Size

160.96 acres

## AICUZ

Greater than 75 dB DNL, 70-75 dB DNL

## Watershed

Southern Rivers

## Existing Land Use and Zoning District

Undeveloped land / AG-1 Agricultural, I-1 Light Industrial

## Surrounding Land Uses and Zoning Districts

### North

Dam Neck Road

Warehousing / AG-1 Agricultural & I-1 Light Industrial

### South

Undeveloped lot, bulk storage facility, single-family dwellings / R-20 Residential, I-1 Light Industrial & I-2 Heavy Industrial

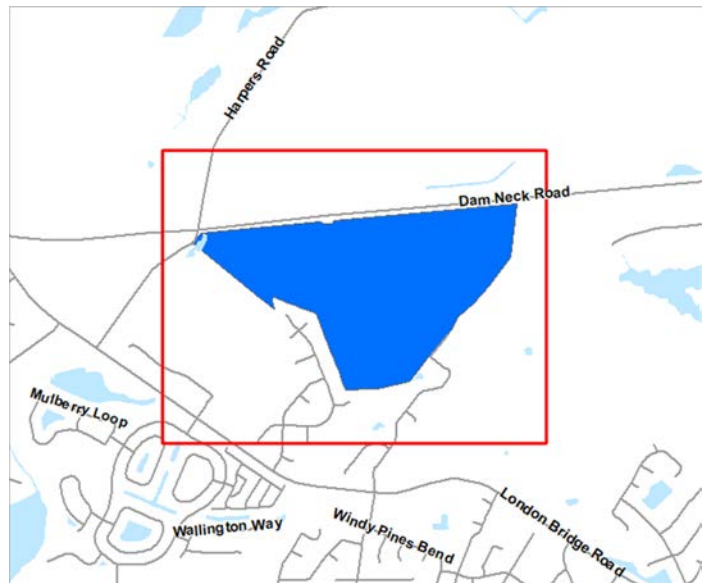
### East

Undeveloped lot, industrial park / B2 Community Business, I-1 Light Industrial, AG-1 Agricultural

### West

Harpers Road

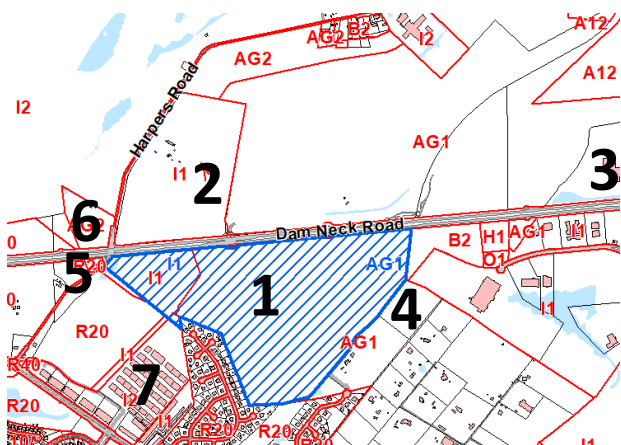
Undeveloped lot / R-20 Residential, AG-2 Agricultural





## Background & Summary of Proposal

- This request is two-fold. The first application is a request by BT Holdings III, LLC for a Modification of Proffers to remove the previous Conditional Rezoning action on a 28.74-acre portion of the 160.96-acre parcel. On August 4, 2015, a 28.74-acre portion of this property was rezoned from AG-1 & AG-2 Agricultural to Conditional I-1 Light Industrial to construct a Bulk Storage Yard. The construction and operation of the Bulk Storage Yard never came to fruition. That approved proffered conceptual site plan is provided, as reference, on page 6 of this report.
- In addition to the Modification of Proffers, a second application submitted by PDC TN/FL LPIV, LLC reflects a proposal to rezone the entire 160.96-acre parcel from AG-1 Agricultural District and Conditional I-1 Light Industrial District to I-1 Light Industrial District to construct a warehouse and distribution center. Since this application does not include proffers, a simple straight rezoning (a rezoning without proffers) was not possible as the existing legal agreement noted in bullet one above would not be eliminated; therefore, the request necessitated the submission of two separate applications.
- The proposed development includes the construction of a 650,000 square foot industrial building, primarily used for storage, packaging, and distribution. The building will include approximately 55 loading docks, 420 tractor trailer parking spaces, and 1,750 parking spaces to accommodate over 1,000 employees.
- For discussion purposes, the conceptual site plan, landscape plan, and building renderings were provided (pages 7 - 9) to reflect how the site is likely to be developed. The plans are provided for illustration purposes only, as the application is not accompanied by a conditional rezoning agreement (proffers); therefore, all elements of the project will be finalized during the site plan review process.
- The applicant is currently in negotiations with the City on a Development Agreement and cost participation where they will dedicate right of way and construct a roadway connection between Dam Neck Road and London Bridge Road within the alignment of the former Southeastern Expressway as identified in the Master Transportation Plan. This agreement will include language that provides landscape buffers and protections for the adjacent neighborhood.
- As indicated on the proposed conceptual site plan, the applicant, in collaboration with the City of Virginia Beach will construct a new public road (Road A) that will run along the eastern property line and will connect Dam Neck Road to the north with London Bridge Road to the south. A public road (Road B) will also be constructed that will provide secondary access to the site.
- The site is located in both the 70-75 dB DNL and the greater than 75dB DNL noise zone and a portion of the site is encumbered by a Navy Restrictive Easement. As the specific uses are not identified within a proffer agreement, a specific easement and AICUZ compliance review by Navy Staff will not occur until later in the site plan review process when all uses are fully identified. According to City processes and procedures, this compliance review must be completed prior to final site plan approval.

	<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td><b>CRZ</b> (AG-1 &amp; AG-2 to Conditional I-1) Approved 08/04/2015 <b>CUP</b> (Bulk Storage Yard) Approved 08/04/2015</td></tr><tr><td>2</td><td><b>CRZ</b> (AG-1 &amp; AG-2 to Conditional I-1) Approved 09/07/2021 <b>CRZ</b> (AG-1 &amp; AG-2 to Conditional I-1) Approved 01/04/2022</td></tr><tr><td>3</td><td><b>CRZ</b> (AG-1 to Conditional B-2) Approved 10/29/1996 <b>CUP</b> (Indoor Recreation Facility) Approved 10/29/1996</td></tr><tr><td>4</td><td><b>CUP</b> (Pet Crematory) Approved 04/09/2002</td></tr><tr><td>5</td><td><b>CUP</b> (Bulk Storage Yard) Approved 06/22/1987 <b>REZ</b> (AG-2 to I-1) Approved 06/22/1987</td></tr><tr><td>6</td><td><b>CUP</b> (Communication Tower) Approved 08/08/2000 <b>CUP</b> (Communication Tower) Approved 02/11/1997 <b>CUP</b> (Bulk Storage Yard) Approved 06/22/1987 <b>REZ</b> (AG-2 to I-1) Approved 06/22/1987</td></tr><tr><td>7</td><td><b>MODP</b> Approved 12/11/2007 <b>CRZ</b> (AR-20 to Conditional I-2) Approved 05/23/2006</td></tr></table>	#	Request	1	<b>CRZ</b> (AG-1 & AG-2 to Conditional I-1) Approved 08/04/2015 <b>CUP</b> (Bulk Storage Yard) Approved 08/04/2015	2	<b>CRZ</b> (AG-1 & AG-2 to Conditional I-1) Approved 09/07/2021 <b>CRZ</b> (AG-1 & AG-2 to Conditional I-1) Approved 01/04/2022	3	<b>CRZ</b> (AG-1 to Conditional B-2) Approved 10/29/1996 <b>CUP</b> (Indoor Recreation Facility) Approved 10/29/1996	4	<b>CUP</b> (Pet Crematory) Approved 04/09/2002	5	<b>CUP</b> (Bulk Storage Yard) Approved 06/22/1987 <b>REZ</b> (AG-2 to I-1) Approved 06/22/1987	6	<b>CUP</b> (Communication Tower) Approved 08/08/2000 <b>CUP</b> (Communication Tower) Approved 02/11/1997 <b>CUP</b> (Bulk Storage Yard) Approved 06/22/1987 <b>REZ</b> (AG-2 to I-1) Approved 06/22/1987	7	<b>MODP</b> Approved 12/11/2007 <b>CRZ</b> (AR-20 to Conditional I-2) Approved 05/23/2006
#	Request																
1	<b>CRZ</b> (AG-1 & AG-2 to Conditional I-1) Approved 08/04/2015 <b>CUP</b> (Bulk Storage Yard) Approved 08/04/2015																
2	<b>CRZ</b> (AG-1 & AG-2 to Conditional I-1) Approved 09/07/2021 <b>CRZ</b> (AG-1 & AG-2 to Conditional I-1) Approved 01/04/2022																
3	<b>CRZ</b> (AG-1 to Conditional B-2) Approved 10/29/1996 <b>CUP</b> (Indoor Recreation Facility) Approved 10/29/1996																
4	<b>CUP</b> (Pet Crematory) Approved 04/09/2002																
5	<b>CUP</b> (Bulk Storage Yard) Approved 06/22/1987 <b>REZ</b> (AG-2 to I-1) Approved 06/22/1987																
6	<b>CUP</b> (Communication Tower) Approved 08/08/2000 <b>CUP</b> (Communication Tower) Approved 02/11/1997 <b>CUP</b> (Bulk Storage Yard) Approved 06/22/1987 <b>REZ</b> (AG-2 to I-1) Approved 06/22/1987																
7	<b>MODP</b> Approved 12/11/2007 <b>CRZ</b> (AR-20 to Conditional I-2) Approved 05/23/2006																
<h3>Application Types</h3> <table><tr><td>CUP – Conditional Use Permit</td><td>MDC – Modification of Conditions</td><td>STC – Street Closure</td><td>SVR – Subdivision Variance</td></tr><tr><td>REZ – Rezoning</td><td>MDP – Modification of Proffers</td><td>FVR – Floodplain Variance</td><td>LUP – Land Use Plan</td></tr><tr><td>CRZ – Conditional Rezoning</td><td>NON – Nonconforming Use</td><td>ALT – Alternative Compliance</td><td>STR – Short Term Rental</td></tr></table>		CUP – Conditional Use Permit	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				
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

These requests to rezone this property from AG-1 Agricultural District and Conditional I-1 Light Industrial District to I-1 Light Industrial District, as well as the vacation of the proffer agreement for the previously proposed Bulk Storage Yard, in Staff’s opinion, are acceptable.

The site is located within the Special Economic Growth Area 3 – South Oceana. The Special Economic Growth Area 3 (SEGA-3) is a tract of land encompassing properties on both sides of Dam Neck Road, between Holland Road and Corporate Landing Parkway. Portions of this area are impacted by high noise zones, accidental potential zones, and Navy Restrictive Easements. The proposed distribution center is compatible with the AICUZ provisions set forth in the Zoning Ordinance.

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

Staff has reviewed and approved the major conclusions and recommendations of the Traffic Impact Analysis (TIA) submitted for this proposed rezoning. Additional comments will need to be addressed by the applicant during the final TIA process; however, Staff does not anticipate that the conclusions and recommendations will be affected significantly. The TIA includes an analysis of the three new intersections created with this project and seven existing signalized intersections in the vicinity of this development. The TIA concludes that while there will be some minor increases in delay at surrounding signalized intersections on Dam Neck Road with the additional traffic, signal timing modifications

and the proposed improvements will help to mitigate these minor increase delays. Additional review and details comments will be provided during the roadway and final site plan review processes.

An in-depth review of the stormwater management strategy to ensure it complies with all stormwater regulations and that no negative impacts will occur upstream and downstream as a result of this development will take place during the site plan review process.

Based on the considerations above, Staff recommends approval of these requests.

### Amendment to Vacate & Remove Proffers

A proffer agreement has been submitted by the applicant to vacate and remove the Proffered Covenants, Restrictions and Conditions dated March 31, 2014, recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia as Instrument Number 20150806000752550. As requested by the Grantor and as approved by the Grantee, those conditions contained in the proffers shall be repealed and vacated (Instrument Number 20150806000752550). Should this Modification of Proffers application be approved, the amended proffer agreement will be recorded at the Circuit Court and serve as the repeal and vacating of the proffer agreement restricting the physical development and use of the property as proposed with the previous change of zoning on the property.

**Staff Comments:** Staff has reviewed the amended proffer agreement and finds it acceptable. The City Attorney's Office has reviewed the amended proffer agreement and found it to be legally sufficient and in acceptable legal form.

### Comprehensive Plan Recommendations

The Comprehensive Plan designates this area of the city as being within the Special Economic Growth Area 3 – South Oceana. Portions of the area are impacted by high noise zones, accident potential zones and Navy restrictive easements. The SEGAs are located adjacent to NAS Oceana and have significant economic value and growth potential, targeting land uses compatible with military uses. The City supports development of and redevelopment of the SEGAs consistent with AICUZ provisions and the City's economic growth strategy.

The Comprehensive Plan designates the SEGA as an area where high quality employment, corporate parks and light industrial uses are recommended. The Comprehensive Plan recommends that measures to mitigate negative impacts on adjoining stable residential areas be part of development proposals in this area. Mitigation measures should include adequate screening, and light and noise attenuation in building and site design.

### Natural & Cultural Resources Impacts

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

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Dam Neck Road	20,700 ADT <sup>1</sup>	39,700 ADT <sup>1</sup> (LOS <sup>5</sup> "D")	Existing Land Use <sup>2</sup> – 0 ADT Existing Zoning <sup>3</sup> – 1,639 ADT Proposed Land Use <sup>4</sup> – 4,635 ADT
Harpers Road	7,230 ADT <sup>1</sup>	8,700 ADT <sup>1</sup> (LOS <sup>5</sup> "D")	
London Bridge Road	16,600 ADT <sup>1</sup>	32,700 ADT <sup>1</sup> (LOS <sup>5</sup> "D")	
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by vacant land	<sup>3</sup> as defined by a 139.5 acre AG-1 zoned parcel and 21.5-acre I-1 zoned parcel	<sup>4</sup> as defined by a 650,000 square foot distribution center and warehouse facility
<sup>5</sup> LOS = Level of Service			

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

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

Access to the area to be rezoned is proposed to be from a new two-lane public roadway connecting from Dam Neck Road to London Bridge Road (Road A), with a traffic signal at the intersection of Dam Neck Road and a stop-controlled intersection at London Bridge Road. There is a second proposed two-lane public roadway (Road B) that will connect to Road A with a cul-de-sac at the northern end of the roadway.

## Public Utility Impacts

### Water & Sewer

The site must connect to City water and sanitary sewer. There is an existing 20-inch City water main along Dam Neck Road. There is an existing 12-inch plugged water main extended to the property from Dam Neck Road. There is an existing 42-inch HRSD sanitary sewer force main located within a 20-foot HRSD Sanitary Sewer Easement along Dam Neck Road. There is an existing 12-inch plugged City sanitary sewer force main extended to the property, located within the 20-foot HRSD Sanitary Sewer Easement along Dam Neck Road. There is an existing six-inch City sanitary sewer force main located within a 30-foot Public Utility Easement along the eastern boundary of the property.

## Public Outreach Information

### Planning Commission

- The applicant and the applicant's representative conducted a public information meeting with the surrounding property owners and civic leagues on Thursday, April 21, 2022, at the Princess Anne Recreation Center on Nimmo Parkway at 6:00 p.m. to discuss the details of the requests. Prior to the meeting, the applicant's representative spoke with the presidents of the Mayberry, Castleton, and Prince George Estates Homeowner Associations to discuss the details of the proposal and to invite them and residences to the public information meeting. According to the applicant, there were about 11 people in attendance at the meeting. Overall, the applicant mentioned that no objections were raised; however, some concerns were raised regarding an influx of

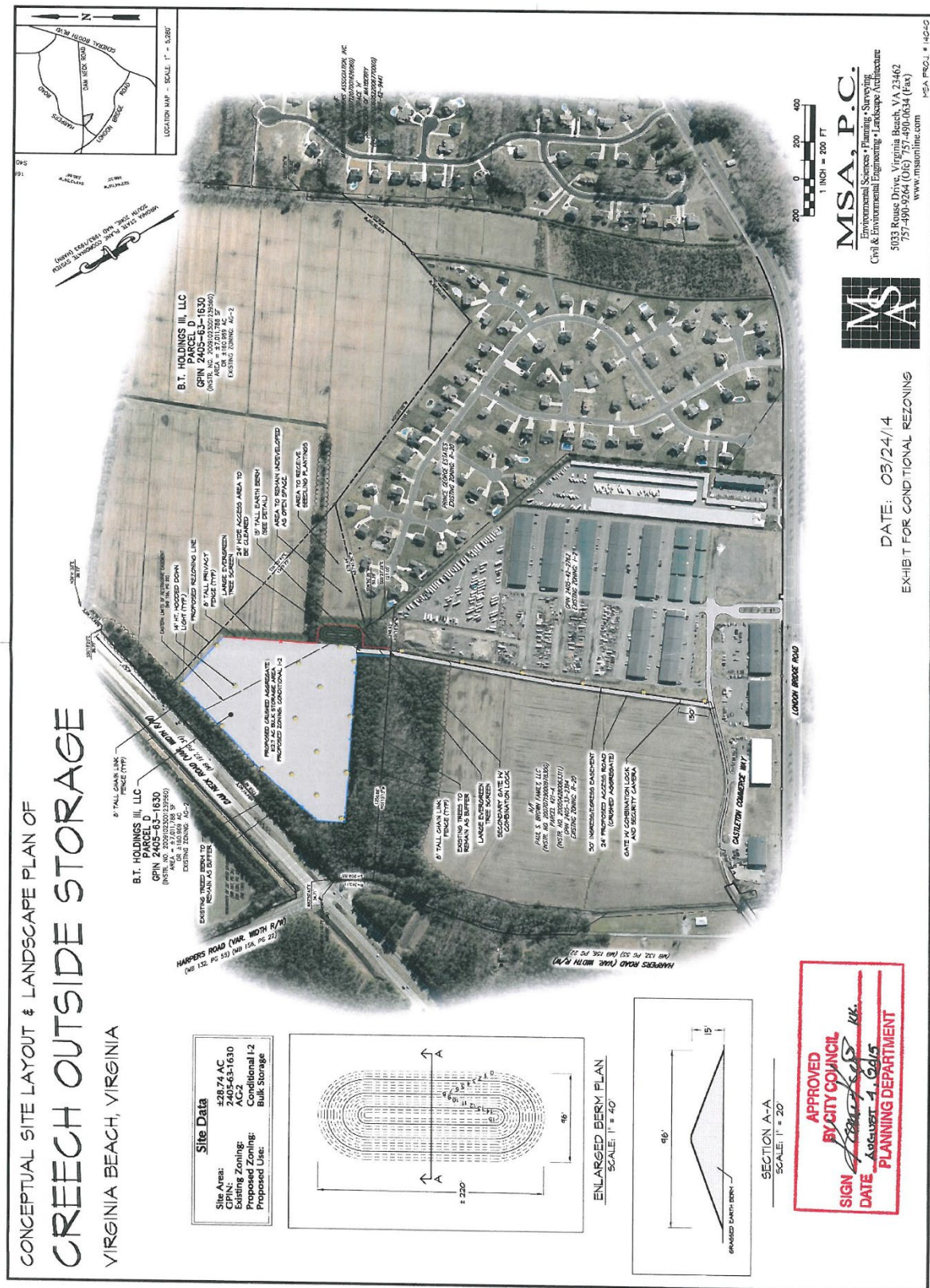


truck traffic along Road A to London Bridge Road and the need to provide additional landscape screening for the neighborhoods abutting the site.

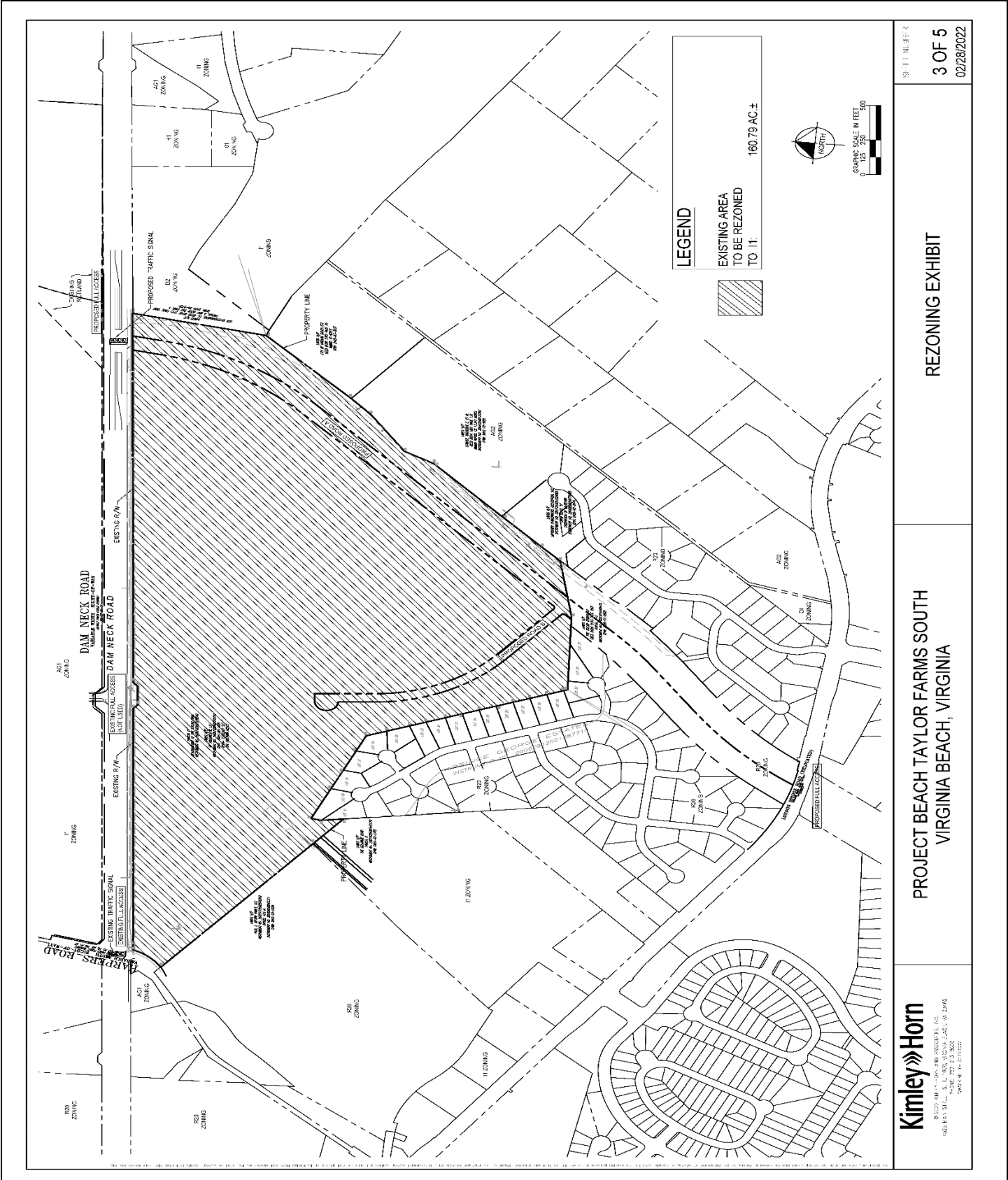
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 11, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 24, 2022 and May 1, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on April 25, 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](http://www.vbgov.com/pc) on May 5, 2022.

### **City Council**

- As required by City Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, May 22, 2022 and May 29, 2022.
- As required by City Code, the adjacent property owners were notified regarding both the request and the date of the City Council's public hearing on May 23, 2022.
- The City Clerk's Office posted the materials associated with the application on the City Council website of <https://www.vbgov.com/government/departments/city-clerk/city-council/Documents/BookmarkedAgenda.pdf> on May 3, 2022.

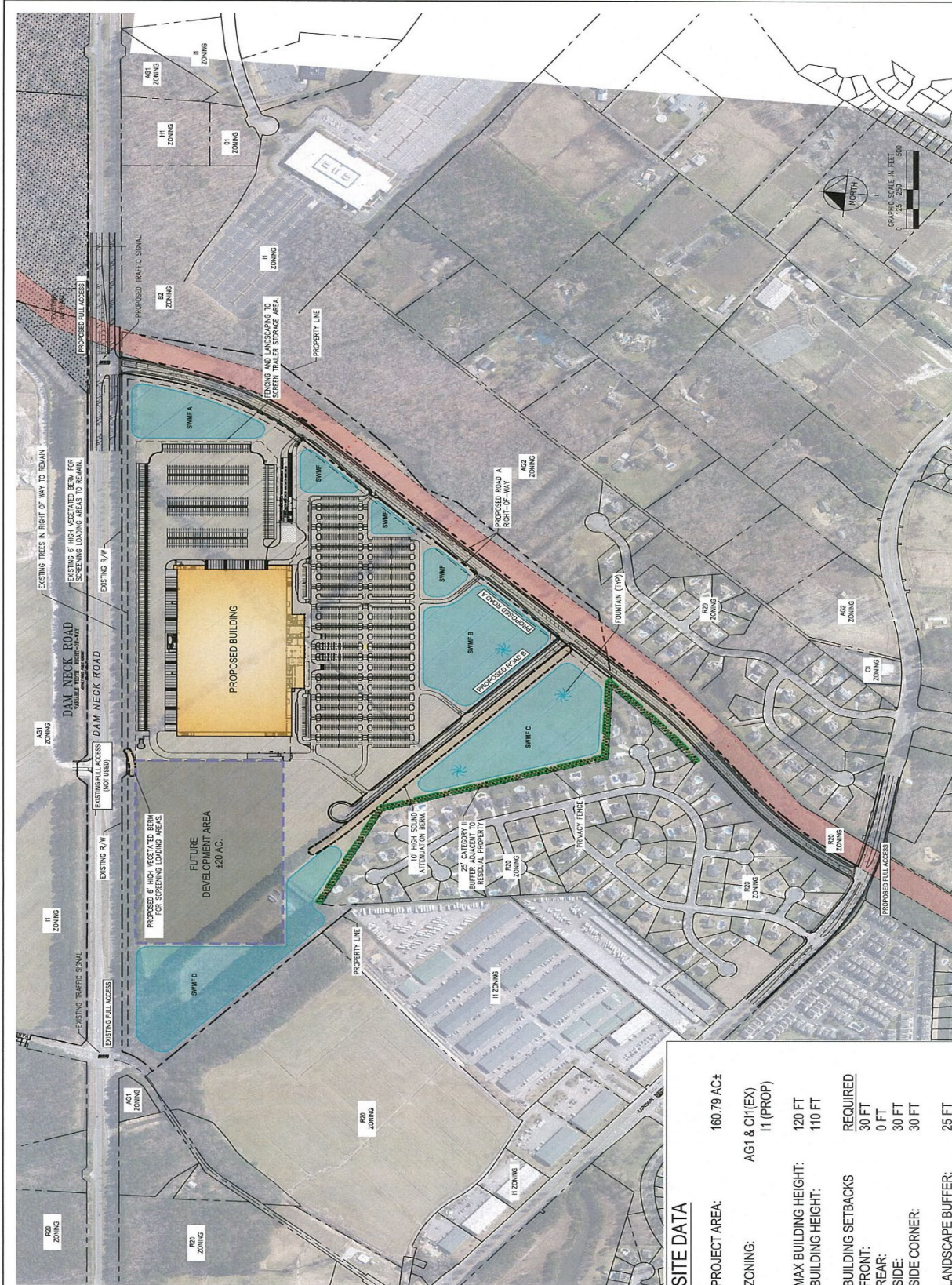


# Proposed Rezoning Exhibit





## Proposed Conceptual Site Layout



SHEET NUMBER

4 OF 5  
05/04/2022

# REZONING CONCEPTUAL SITE PLAN

PROJECT BEACH TAYLOR FARMS SOUTH  
VIRGINIA BEACH, VIRGINIA

**Kimley»Horn**

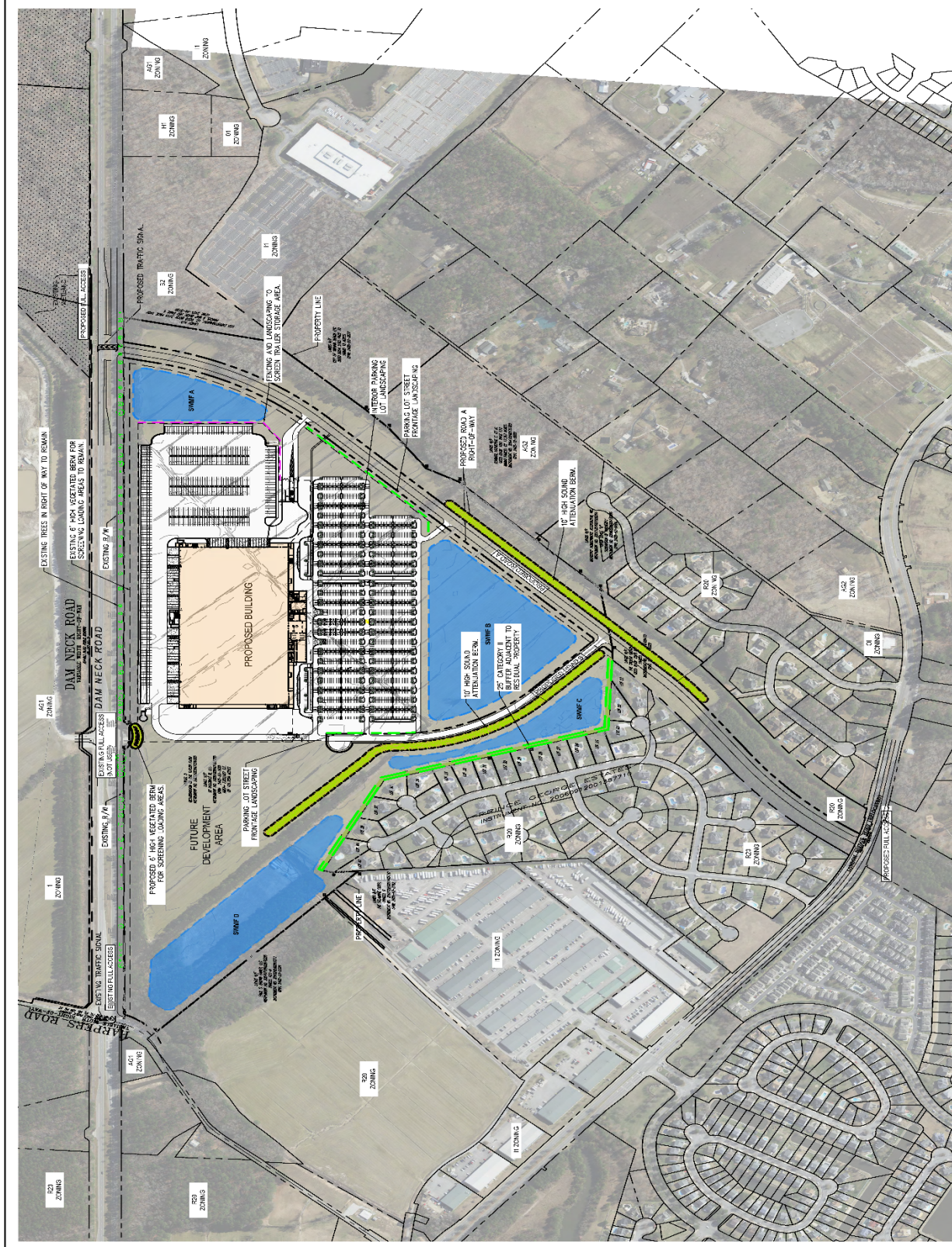
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
525 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462  
PHONE: 757-213-8600  
WWW.KIMLEY-HORN.COM

## SITE DATA

PROJECT AREA:	160.79 AC±
ZONING:	AG1 & C11(EX) I1 (PROP)
MAX BUILDING HEIGHT:	120 FT
BUILDING HEIGHT:	110 FT
BUILDING SETBACKS	REQUIRED
FRONT:	30 FT
REAR:	0 FT
SIDE:	30 FT
SIDE CORNER:	30 FT
LANDSCAPE BUFFER:	25 FT



## Proposed Conceptual Landscape Plan



SHEET NUMBER  
5 OF 5  
02/28/2022

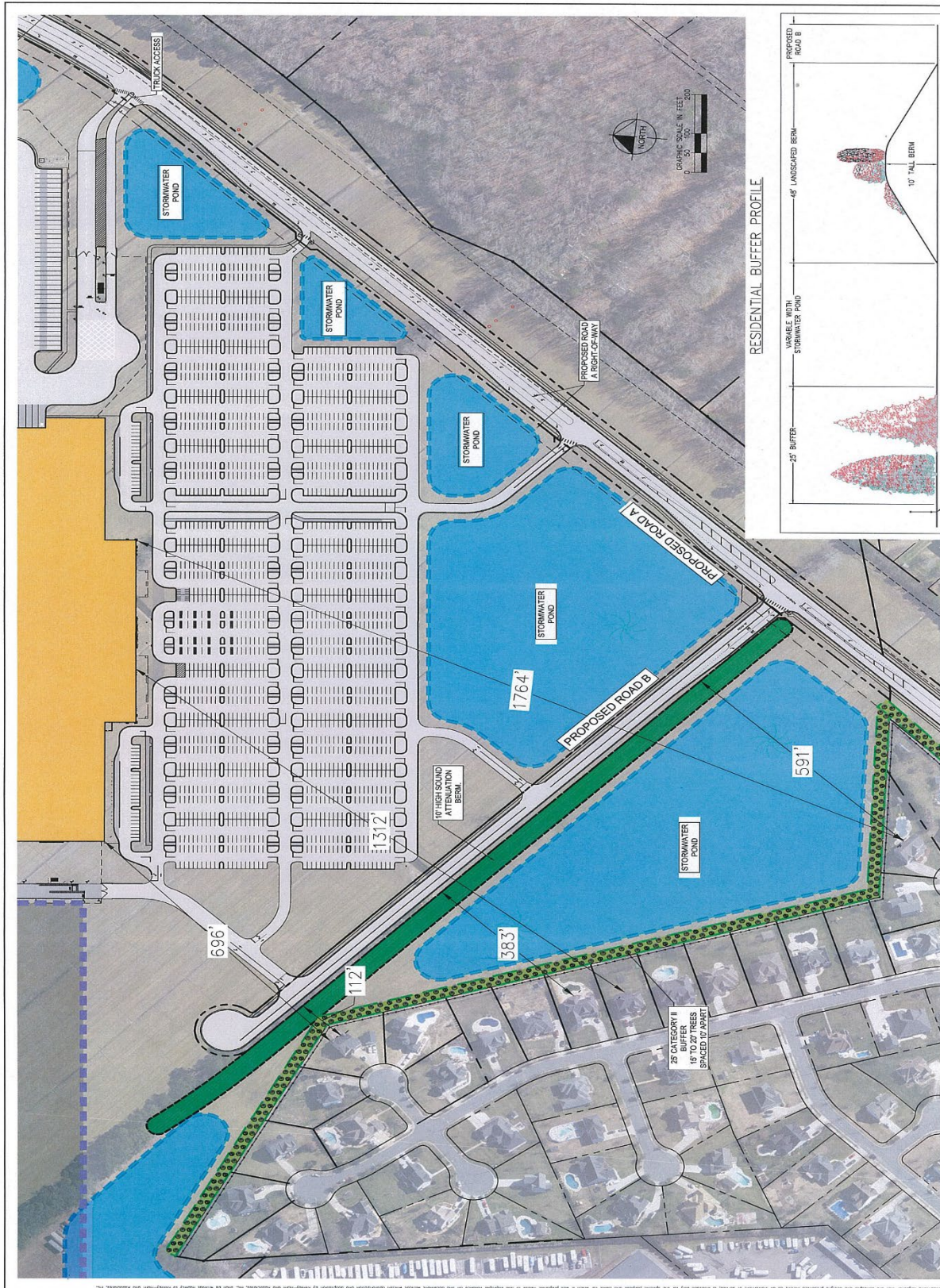
## REZONING CONCEPTUAL LANDSCAPE PLAN

PROJECT BEACH TAYLOR FARMS SOUTH  
VIRGINIA BEACH, VIRGINIA

**Kimley»Horn**  
2077 N.W. 41ST AVE. SUITE 200, N.W.  
MIAMI, FL 33149  
TEL: 305-575-3600  
FAX: 305-575-3602  
WWW.KH.COM



# Proposed Residential Buffer Perspective



SHEET NUMBER  
3  
04/21/2022

RESIDENTIAL BUFFER PERSPECTIVE

PROJECT BEACH TAYLOR FARMS SOUTH  
VIRGINIA BEACH, VIRGINIA

**Kimley»Horn**  
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
4525 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462  
WWW.KIMLEY-HORN.COM



## Proposed Building Renderings



## 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** PDC TN/FL LPIV, a Delaware limited liability company

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

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

Dave France, Kimley-Horn Associates, LLC & 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)

William A. Hudgins, Authorized Representative

- If **yes**, list the businesses that have a parent-subsiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

<sup>1</sup> "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.

<sup>2</sup> "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.

Gregg Christoffersen- Jones Lang LaSalle (JLL)

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.

Dave France, Kimley-Horn & Associates, LLC

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

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



## Disclosure Statement

### Disclosure Statement



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

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

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

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

Kimley-Horn and Associates - Dave France

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., Esq.

#### Applicant Signature

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

  
Applicant Signature

William A. Hudgins, Authorized Representative

Print Name and Title

3/1/2022

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	



### Owner Disclosure

**Owner Name** BT Holdings III LLC

**Applicant Name** PDC TN/FL LPIV, a Delaware limited liability company

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

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

Barbara T. Creech, Managing Member

\_\_\_\_\_

\_\_\_\_\_

- If **yes**, list the businesses that have a parent-subsidary<sup>3</sup> or affiliated business entity<sup>4</sup> relationship with the Owner. (Attach a list if necessary)

\_\_\_\_\_

\_\_\_\_\_

### Known Interest by Public Official or Employee

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

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

\_\_\_\_\_

<sup>3</sup> "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.

<sup>4</sup> "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.



### 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.

Gregg Christoffersen - Jones Lang LaSalle (JLL)

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

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

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

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

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

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

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

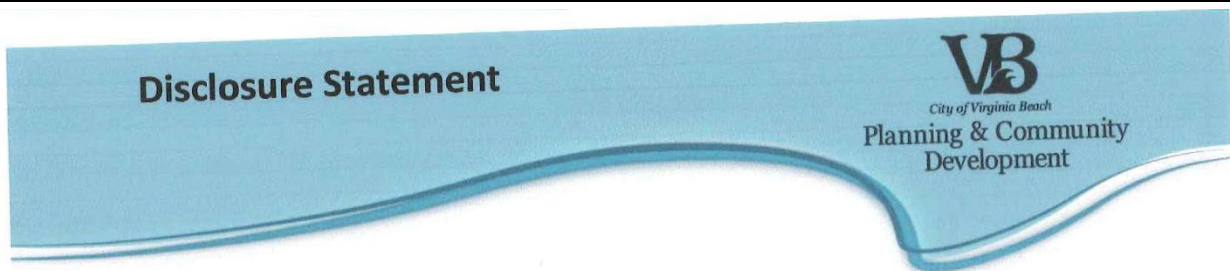
- If yes, identify the company and individual providing the service.

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

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



## Disclosure Statement



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

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

Michael A. Inman, Esq., Inman & Strickler, PLC

### Owner Signature

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

BT Holdings III, LLC

By: Barbara T Creech

Owner Signature

Barbara T. Creech, Sole Member

Print Name and Title

Barbara T. Creech

Date

2/26/22

State of Florida  
County of Palm Beach  
On this 26th day of February  
before me personally appeared  
Barbara T. Creech  
to me known to be the person who executed the  
foregoing instrument, and acknowledged that he  
executed the same as his free act and deed.

SEAL (signed) \_\_\_\_\_



RUBEN RAMIREZ  
Commission # HH 187571  
Expires February 14, 2026  
Bonded Thru Budget Notary Services

## Next Steps

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

The applicant is requesting an indefinite deferral of this application, so it can be acted on simultaneously with the Modification of Conditions application for the proposed renovations to the Nimmo United Methodist Church.

**Request**

**Street Closure**

**Staff Recommendation**

Indefinite Deferral

**Staff Planner**

Marchelle Coleman

**Location**

Portion of 'Old' Princess Anne Road right-of-way, south of 2040 Nimmo Church Lane

**Adjacent GPINs**

2414054907, 2414053573, 2414055401, 2414050844

**Site Size**

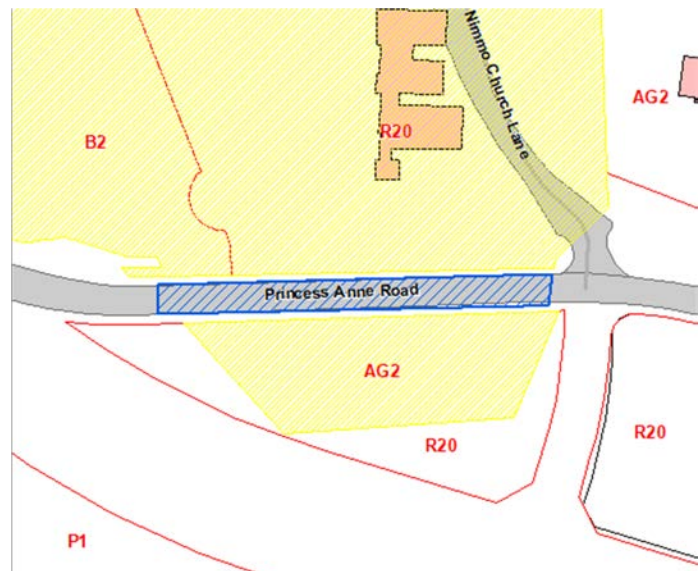
21,961 square feet

**AICUZ**

65-70 dB DNL

**Watershed**

Southern Rivers









The applicant is requesting an indefinite deferral in order to continue refining the proposal.

**Request**

**Modification of Conditions** (Expansion of Religious Use)

**Staff Recommendation**

Indefinite Deferral

**Staff Planner**

Elizabeth Nowak

**Location**

2040 Nimmo Church Lane

**GPIN**

2414054907

**Site Size**

8.35 acres

**AICUZ**

65-70 dB DNL

**Watershed**

Southern Rivers







## Requests

### #8 - Modification of Proffers

### #9 - Conditional Use Permit (Automobile Repair Garage)

## Staff Recommendation

Approval

## Staff Planner

Elizabeth Nowak

## Location

3041 Holland Road

## GPIN

1495138628

## Site Size

3.07 acres

## AICUZ

70-75 dB DNL; APZ-2

## Watershed

Southern Rivers

## Existing Land Use and Zoning District

Undeveloped lot / B-2 Community Business

## Surrounding Land Uses and Zoning Districts

### North

Holland Road

Office warehouse, animal shelter / I-1 Light Industrial

### South

Single-family dwelling/ AG-2 Agricultural

### East

Single-family dwelling / AG-2 Agricultural

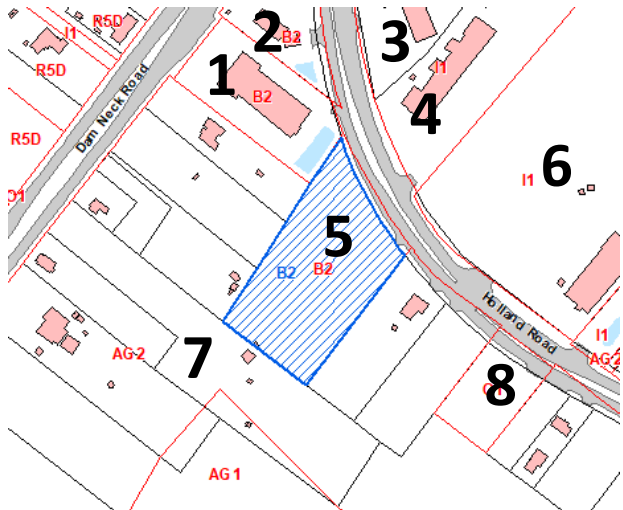
### West

Single-family dwelling, automobile repair & sales / B-2 Community Business, AG-2 Agriculture



## Background & Summary of Proposal

- Reed Enterprises, Inc. is requesting a Modification of Proffers on this property to amend the proffered site plan, building elevations, and uses on the site. This Modification of Proffers supports a simultaneous request by Liberty Transmission & Auto Care, Inc. for a Conditional Use Permit to develop an Automobile Repair Garage for automotive transmission and small engine repair on the subject property. As part of these dual requests, the applicants are also requesting to rescind a Conditional Use Permit for a Bulk Storage Yard that was previously approved for this site.
- This 3.07-acre parcel is zoned Conditional B-2 Community Business and is presently an undeveloped lot. The property was conditionally rezoned in 2013 from AG-2 Agriculture District to Conditional B-2 Community Business District. Conditional Use Permits for an Automobile Repair Garage and a Bulk Storage Yard were also sought and approved in conjunction with the 2013 conditional rezoning. The site layout, building elevations, and specific uses were all included with the proffers and conditions associated with the rezoning and Conditional Use Permit applications. In 2015, the proffers were modified to relocate the proposed stormwater retention facility.
- In 2017, the owner of this parcel was presented with an opportunity to develop a heavy automotive repair business on another parcel that is adjacent to the subject site. While the appropriate approvals were sought for that property (3249 Dam Neck Road), the owner also submitted a request to rescind the previously approved Conditional Use Permit for an Automobile Repair Garage for this property (3041 Holland Road). The previously proffered site plan and elevations from 2015 were unchanged with this revision and remain in effect.
- With the present requests to modify proffers and to reestablish a Conditional Use Permit for an Automobile Repair Garage, the proposal includes changes to the building's elevations, the layout of the site, and permitted uses. A new lessee—Liberty Transmission & Auto Care Inc.—proposes to operate an Automobile Repair Garage that will offer typical light automotive repair services such as oil and fluid changes and inspections. No heavy automotive repairs, such as body work, engine replacement, or painting, will be offered.
- Along with the proposed change in uses, the applicants are proposing to modify the size of the building and, by extension, the layout of the site. The building footprint is being reduced from 12,525 square feet of mixed shop area and office area to a total size of 5,920 square feet. The outdoor storage area will be removed, and parking spaces will be added at the rear of the building. The previously proposed stormwater management facility will remain in the same approximate location and with the same approximate dimensions. The proposed site layout includes 39 parking spaces, which exceeds the maximum 9 spaces permitted for automotive repair businesses of this square footage per Section 203(a)(16). Excess parking requires approval by the Planning Director per Section 203(b)(9).
- The new T-shaped building will have a red brick and buff color stone façade with large single-pane windows in the primary elevation. Overhead garage doors are located along the east and west elevations of the shop area to allow vehicles to enter and exit. The proposed design is very similar to buildings developed on adjacent properties as shown in site context photos on pages 11 and 12 of this report.
- Wall signs shown in the provided elevations are for illustration purposes only; a sign package will be submitted for review when the applicant applies for appropriate sign permits. In addition to the proposed building signs, there will be a monument sign with a brick base located on the west side of the driveway. The height of the monument sign will not exceed eight feet, as noted in Proffer 3.
- The business will employ five to eight people. Typical operating hours will be 8:00 a.m. to 6:00 p.m., Monday through Friday.

	<b>Zoning History</b>		
	#	Request	
	1	<b>MDC</b> (Automobile Repair Garage) Approved 12/06/2017 <b>CUP</b> (Auto Repair Garage) Approved 05/17/2017 <b>CUP</b> (Motor Vehicle Sales & Rentals) Approved 07/05/2016 <b>CUP</b> (Automobile Repair Establishment) Approved 02/22/2005 <b>CRZ</b> (AG-2 to Conditional B-2) Approved 02/22/2005	
	2	<b>CUP</b> (Auto Service Station) Approved 07/03/2001 <b>CRZ</b> (AG-2 to Conditional B-2) Approved 07/03/2001	
	3	<b>REZ</b> (O-2 to I-1) Approved 02/14/1995	
	4	<b>CUP</b> (Animal Shelter) Approved 05/28/2002	
	5	<b>MDC &amp; MDP</b> (Auto Repair Garage & Bulk Storage Yard) Approved 12/8/2015 <b>CUP</b> (Auto Repair Garage & Bulk Storage Yard) Approved 10/08/2013 <b>CRZ</b> (AG-2 to Conditional B-2) Approved 10/08/2013	
	6	<b>CUP</b> (Communication Tower) Approved 06/09/1998 <b>REZ</b> (AG-1 to I-1) Approved 12/05/1983 <b>CUP</b> (Bulk Storage Yard) Approved 12/05/1983	
	7	<b>CUP</b> (Communication Tower) Approved 02/23/1999	
8	<b>CRZ</b> (AG-2 to O-1) Approved 03/11/2008		
<b>Application Types</b>			
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, these requests for a Modification of Proffers and for a Conditional Use Permit for an Automobile Repair Garage are acceptable. The site is located in the Suburban Area, as defined by the Comprehensive Plan. One of the major goals for the Suburban Area in the Comprehensive Plan is for the creation of "Great Neighborhoods," which calls for the development and clustering of compatible uses. The properties immediately adjacent to the subject site host compatible auto-service uses with high-quality design of a similar character as the applicant proposes. While in the Suburban Area, this property is also located in the Accident Potential Zone-2 and the 70-75 dB noise area. Together, these overlays limit the possibility of residential development and make this site an ideal location for complementary non-residential uses.

The thoughtful design and high-quality materials of the proffered site plan and building design relate well to existing, adjacent auto-oriented businesses. Large windows increase transparency of the building and open into office space rather than the service area. The proposed plantings along the street frontage and throughout the site will further emphasize the thoughtful design of the building and will provide an attractive visual transition from the Dam Neck Road corridor into the lower intensity corridor along Holland Road.

The site is located in the Southern Rivers Watershed. A site plan was reviewed and approved by the Development Services Center on January 28, 2022 for the previously proffered site concept, including stormwater impact analysis. The current proposal has less impervious surface than the previous design, is located within the same general footprint as the previous proposal and proposes a similar stormwater management strategy for the site. In Staff's opinion, this design is likely able to meet stormwater impact regulations without an additional preliminary stormwater analysis.



Recommended Condition 10 below addresses the need for a final stormwater plan to be submitted at the time of site review.

Finally, it is Staff's opinion that this project will have no adverse impact on traffic on Holland Road. An analysis by Staff estimates that this development will generate 95 average daily trips. As compared with potential development of the site, it could generate up to 1,700 average daily trips based on the overall size of the site as zoned B-2 Community Business. The previously approved development plans that included a 12,525 square-foot building was estimated to generate 200 average daily trips. The current proposal will have a reduced average daily trip count; additionally, Holland Road is currently operating under its maximum traffic volume capacity.

For these reasons, Staff recommends approval of these requests, subject to the proffers and conditions listed below.

## Proffers

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

### **Proffer 1:**

When the Property is developed, it shall be developed substantially as shown on the exhibit entitled, "SITE LAYOUT TRANSMISSION AND AUTO CARE CENTER FOR NEAL REED 3041 HOLLAND ROAD VIRGINIA BEACH, VIRGINIA", prepared by SIA, dated 04-03-2022, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (hereinafter "Site Plan").

### **Proffer 2:**

The exterior of the building depicted on the Site Plan shall be substantially similar in appearance and shall utilize the building materials and colors depicted and described on the elevations entitled, "LIBERTY TRANSMISSION & AUTO CARE, INC. 3041 HOLLAND ROAD, VIRGINIA BEACH, VA 23453, dated April 5, 2022, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning & Community Development (hereinafter "Elevation").

### **Proffer 3:**

The freestanding sign depicted on the Site Plan shall be brick based monument style sign no greater than eight feet (8') in height.

### **Proffer 4:**

All outdoor lighting shall be shielded, deflected, shaded and focused to direct light down onto the premises and away from adjoining property.

### **Proffer 5:**

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.

### **Proffer 6:**

These conditions supersede and replace those previously proffered conditions numbered 1 through 5 as set forth in the 2013 Proffers as modified by the 2015 Amended Proffers.

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

## Recommended Conditions

1. The development of the site shall substantially conform with the site plan entitled "SITE LAYOUT TRANSMISSION AND AUTO CARE CENTER FOR NEAL REED 3041 HOLLAND ROAD VIRGINIA BEACH, VIRGINIA," prepared by SIA and dated 4/3/2022 and with the elevation plans entitled, "LIBERTY TRANSMISSION & AUTO CARE, INC. 3041 HOLLAND ROAD, VIRGINIA BEACH, VA 23453, dated April 5, 2022 and which both have been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning & Community Development.
2. All motor vehicle repairs shall take place inside the building.
3. No outside storage of equipment, parts or materials shall be permitted.
4. No outside storage of vehicles in a state of obvious disrepair shall be permitted.
5. No tires for sale, merchandise or parts shall be displayed or stored outside.
6. All outdoor lighting shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from adjoining property. Any outdoor lighting fixtures shall not be erected any higher than 14 feet.
7. 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.
8. A photometric plan shall be submitted at the time of final site plan review.
9. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning & Community Development for review and ultimate approval prior to the release of the final site plan.
10. A final stormwater plan shall be submitted to the Development Services Center (DSC) for review and approval.
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

This property is located within the Suburban Area of the city, as designated by the Comprehensive Plan. Guiding principles have been established in the Comprehensive Plan to protect the stability of the Suburban Area and to provide a framework for neighborhoods and places that are visually interesting and that provide memorable character. The Plan's primary guiding principle is to create "Great Neighborhoods," and to support those neighborhoods with complementary non-residential uses in such a way that the stability of the Suburban area is maintained in a sustainable way. A primary criterion of creating Great Neighborhoods is to make sure new uses are compatible with surrounding uses.

## Natural & Cultural Resources Impacts

The site is located in the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high water surface elevations in downstream receiving waters.

There are no historical or cultural resources affected by this project.

## Stormwater Impacts

### Project Stormwater Design Staff Summary

A site plan, along with a stormwater analysis, was approved by the Development Services Center on January 28, 2022 for the 2015 proffered site plan. The proffered modifications to this plan are within the general footprint of what was previously approved for storm water analysis and has less impervious surface. Given this and the recently approved site plan, a new preliminary stormwater analysis was not required at this time.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Holland Road	15,900 ADT <sup>1</sup>	32,700 ADT <sup>1</sup> (LOS <sup>4</sup> "D")	Existing Land Use <sup>2</sup> – 1,700 ADT Proposed Land Use <sup>3</sup> – 95 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a 3.1 acre parcel zoned B-2 Community Business	<sup>3</sup> as defined by a 5,920 square foot Automobile Repair Garage	<sup>4</sup> LOS = Level of Service

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

There are no current Capital Improvement Projects to improve Holland Road, which is a four-land divided minor suburban arterial roadway.

## Public Utility Impacts

### Water

There is a 16-inch City water transmission main along Holland Road. The project site must connect to City water. Connection should be made to a one-inch water service line from Holland Road in accordance with an approved site plan (DSC File #H10-002623-SP).



## **Sewer**

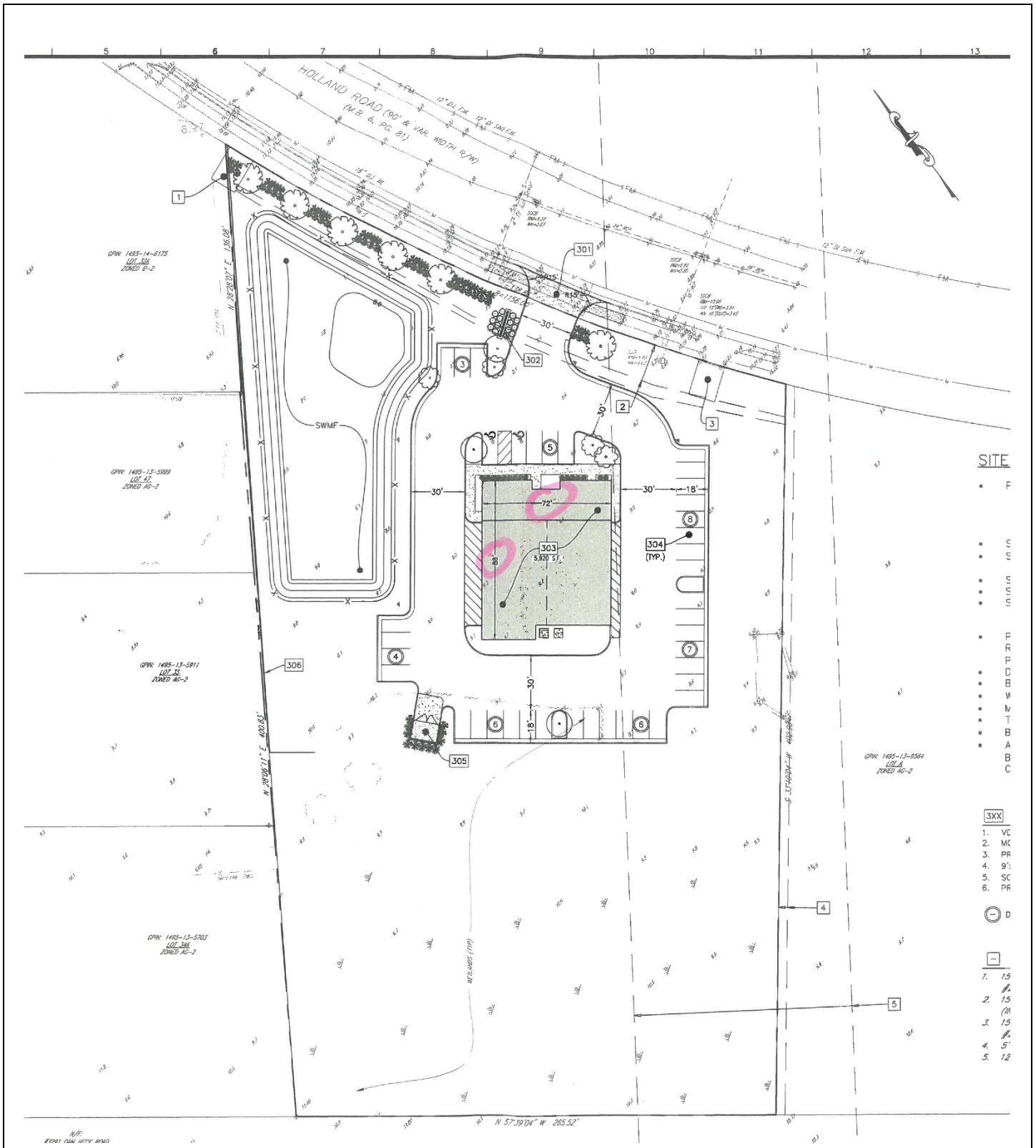
There is an 8-inch City sanitary sewer force main along Holland Road. The project site must connect to City sanitary sewer. Connection should be made to a four-inch plugged sanitary sewer force main from Holland Road in accordance with an approved site plan (DSC File #H10-002623-SP).

## **Public Outreach Information**

### **Planning Commission**

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 11, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 24, 2022 and May 1, 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 April 25, 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](http://www.vbgov.com/pc) on May 5, 2022.

# Proposed Site Layout



## Proposed Elevation Plan



Liberty Transmission & Auto Care, Inc.  
3041 Holland Road, Virginia Beach, VA, 23453

Roof:  
Grey Architectural Shingles

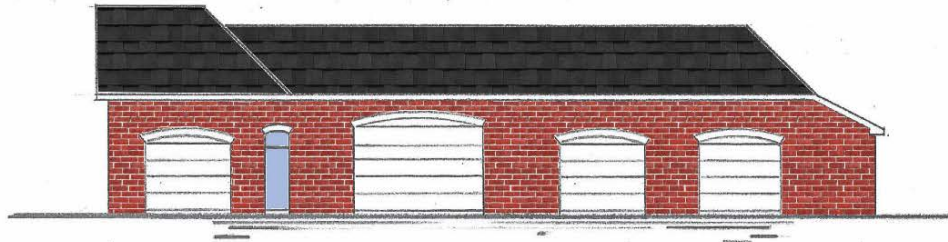
Exterior Material:  
Red Brick Veneer

Windows:  
White Vinyl Frames

April 4, 2022



## Proposed Elevation Plan



RIGHT ELEV.



LEFT ELEV.

Liberty Transmission & Auto Care, Inc.  
3041 Holland Road, Virginia Beach, VA, 23453

April 4, 2022

Roof:  
Grey Architectural Shingles

Exterior Material:  
Red Brick Veneer

Windows:  
White Vinyl Frames

## Site Photos



*Subject Site*



*Existing fuel station and carwash adjacent to the subject site with similar design as proposed elevations*



## Site Photos



*Context north across Holland Road from subject site.*

### 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** Liberty Transmission & Auto Care, Inc.

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

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

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

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

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

Curtis Lee Price, II, President; Michelle Price, Secretary/Treasurer

- If **yes**, list the businesses that have a parent-subsidary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

<sup>1</sup> "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.

<sup>2</sup> "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.

Beverly Jones, CPA

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

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

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

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

## Disclosure Statement

### Disclosure Statement



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

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

Reed Enterprises, Inc., Neal Reed

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

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

Site Improvements, Claude Lym

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


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

R. Edward Bourdon, Jr., Sykes, Bourdon Ahern & Levy; Scott Coleman, Coleman & Coleman

#### 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.

Liberty Transmission & Auto Care, Inc.

 President

Applicant Signature

Curtis Lee Price, II, President

Print Name and Title

3/01/2022

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** Reed Enterprises, Inc., a Virginia corporation

**Applicant Name** Liberty Transmission & Auto Care, Inc.

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

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

Neal Reed, President; Maurice Reed, Vice President, Manjula P. Reed, Secretary/Treasurer

- If **yes**, list the businesses that have a parent-subsidary<sup>3</sup> or affiliated business entity<sup>4</sup> relationship with the Owner. (Attach a list if necessary)

#### Known Interest by Public Official or Employee

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

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

<sup>3</sup> "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.

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



## Disclosure Statement

### Disclosure Statement



#### Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

Ramesh Joshi, CPA, PLLC; Ramesh Joshi

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.

Mark Joseph Poulos, Designs by Mark, Inc.

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.

Reed Enterprises, Inc., Neal Reed

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.

Site Improvement Associates, Claude Lym

## 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.

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

#### **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.**

Reed Enterprises, Inc.

A handwritten signature in blue ink, appearing to read 'Neal Reed', is written over a horizontal line.

Owner Signature

Neal Reed, President

Print Name and Title

3/01/2022

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** (Car Wash Facility)

**Staff Recommendation**

Approval

**Staff Planner**

Elizabeth Nowak

**Location**

4577 South Plaza Trail

**GPIN**

1476612426

**Site Size**

1.84 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Vacant parcel / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Shopping center / B-2 Community Business

**South**

South Plaza Trail

Townhouses; self-storage facility; fuel station/

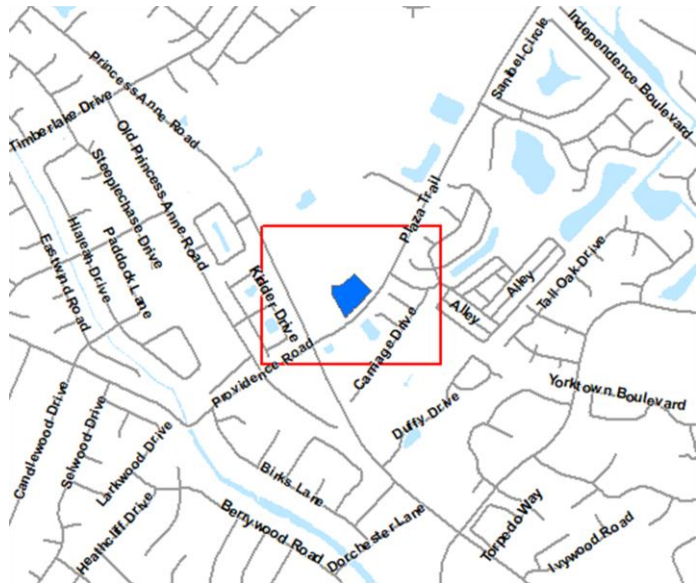
A-12 Apartment, B-2 Community Business

**East**

Automobile service station / B-2 Community Business

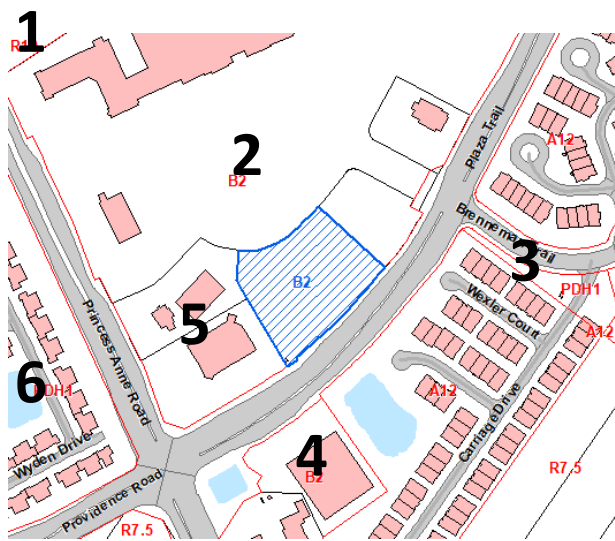
**West**

Retails / B-2 Community Business



## Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to develop an Autobell Car Wash Facility on an outparcel of the Brenneman Farm Shopping Center. The site has frontage on South Plaza Trail and, like the rest of the shopping center, is zoned B-2 Community Business. There is an existing commercial retail building located on the subject outparcel, an AutoZone store. The applicant plans to develop the new Car Wash Facility on the same lot as the existing building; they have no plans to subdivide the outparcel as part of this project.
- The Brenneman Farm Shopping Center has a long zoning history, beginning with a 1971 PUD (later PD-H1) Planned Development Land Use Plan for the Brenneman Farm. Several amendments and modifications have been made to this plan over time resulting in today's present development, including the Brenneman Farm Shopping Center, a townhouse development south of South Plaza Trail, apartment complexes northeast of the Brenneman Farm Shopping Center, a medical office complex north of the shopping center, and Bishop Sullivan Catholic High School northwest of the shopping center. Today, the Brenneman Farm Shopping Center has a mix of commercial retail, personal services, and restaurants, and construction is currently underway on a new automobile service station with fuel pumps immediately adjacent to the subject site.
- The applicant will develop the site with a 3,000 square-foot building that will house an automatic car wash, customer lounge, restrooms, office space, and an employee break room. 10 parking spaces will be available for customer use on the east side of the building.
- The Car Wash Facility will be accessed from a private drive in the Brenneman Farm Shopping Center. Traffic will flow through the site through the Car Wash Facility and around to the eastern side of the building. Customers will have the option of exiting the site through a shared entrance with the adjacent AutoZone building onto South Plaza Trail or by exiting through the private drive in the shopping center. The applicant will install directional signage throughout the site to direct customers into, through, and out of the site.
- The proposed building will be 15-feet nine-inches tall, with an exterior of red brick to match the existing commercial development of the Brenneman Farm Shopping Center. The applicant will use brick by General Shale Brick Ledge in Phoenix, the same brand and color blend as used for the adjacent commercial buildings in the shopping center. A horizontal band of blue EIFS tiles will run across all four elevations of the building dividing the sign band area from the lower two-thirds of the exterior walls. Red panels will be located in the transoms of the aluminum glass storefront system. Overhead doors will be used in the automatic car wash area and will be open during business hours. The front elevation of the building is distinguished by a tower feature with brick-faced columns, buff EIFS tile, and a red standing seam metal roof. The color of the roof and transom panels will match the red used on metal roof of an adjacent outparcel building.
- The submitted layout depicts 10 parking spaces: three spaces as required for a Car Wash Facility with a single bay as required by Section 228.1 of the Zoning Ordinance and an additional seven spaces for employees of the facility.
- Landscape planting requirements appear to be met as shown on the layout plan that include building foundation plantings, screening for the dumpster enclosure, and a total of six trees. Two trees are required for the interior parking lot. The remainder of the trees were added by the applicant to meet the intent of the previously proffered concept plan for the shopping center. Utility easements have limited the addition of more trees along South Plaza Trail; the applicant's proposed additional trees will help to soften the development as initially intended.
- Typical operating hours are proposed as between 7:00 a.m. and 7:00 p.m., daily.

	<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td><b>MDC</b> (Private High School) 5/28/2013 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>CUP</b> (Private High School) Approved 4/8/1992 <b>REZ</b> (PD-H1 to R-10) Approved 4/8/1992 <b>LUP</b> Approved 3/10/1975</td></tr><tr><td>2</td><td><b>CUP</b> (Automobile Service Station) Approved 8/19/2020 <b>LUP</b> (Amendment) Approved 10/9/2007 <b>CRZ</b> (PD-H1 to Conditional B-2) Approved 9/9/2003 <b>LUP</b> Approved 2/10/1998 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975</td></tr><tr><td>3</td><td><b>CRZ</b> (PD-H1 to Conditional A-12, Conditional P-1 and PD-H2) Approved 9/9/2003 <b>REZ</b> (R-7.5 to Conditional A-12) Approved 02/23/1999 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975</td></tr><tr><td>4</td><td><b>MDP</b> Approved 11/18/2014 <b>MDP &amp; CUP</b> (Automobile Service Station &amp; Car Wash Facility) Approved 3/27/2012 <b>MDP &amp; CUP</b> (Automobile Service Station &amp; Car Wash Facility) Approved 2/9/2010 <b>CUP</b> (Automobile Service Station &amp; Car Wash Facility) 2/23/1999 <b>CRZ</b> (R-7.5 to Conditional B-2) 2/23/1999</td></tr><tr><td>5</td><td><b>LUP</b> (Amendment) Approved 10/9/2007 <b>CRZ</b> (PD-H1 to Conditional B-2) Approved 9/9/2003 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975</td></tr><tr><td>6</td><td><b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975</td></tr><tr><td>7</td><td><b>LUP</b> (Amendment) Approved 10/9/2007 <b>CRZ</b> (PD-H1 to Conditional B-2) Approved 9/9/2003 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975</td></tr></table>			#	Request	1	<b>MDC</b> (Private High School) 5/28/2013 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>CUP</b> (Private High School) Approved 4/8/1992 <b>REZ</b> (PD-H1 to R-10) Approved 4/8/1992 <b>LUP</b> Approved 3/10/1975	2	<b>CUP</b> (Automobile Service Station) Approved 8/19/2020 <b>LUP</b> (Amendment) Approved 10/9/2007 <b>CRZ</b> (PD-H1 to Conditional B-2) Approved 9/9/2003 <b>LUP</b> Approved 2/10/1998 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975	3	<b>CRZ</b> (PD-H1 to Conditional A-12, Conditional P-1 and PD-H2) Approved 9/9/2003 <b>REZ</b> (R-7.5 to Conditional A-12) Approved 02/23/1999 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975	4	<b>MDP</b> Approved 11/18/2014 <b>MDP &amp; CUP</b> (Automobile Service Station & Car Wash Facility) Approved 3/27/2012 <b>MDP &amp; CUP</b> (Automobile Service Station & Car Wash Facility) Approved 2/9/2010 <b>CUP</b> (Automobile Service Station & Car Wash Facility) 2/23/1999 <b>CRZ</b> (R-7.5 to Conditional B-2) 2/23/1999	5	<b>LUP</b> (Amendment) Approved 10/9/2007 <b>CRZ</b> (PD-H1 to Conditional B-2) Approved 9/9/2003 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975	6	<b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975	7	<b>LUP</b> (Amendment) Approved 10/9/2007 <b>CRZ</b> (PD-H1 to Conditional B-2) Approved 9/9/2003 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975
	#	Request																	
1	<b>MDC</b> (Private High School) 5/28/2013 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>CUP</b> (Private High School) Approved 4/8/1992 <b>REZ</b> (PD-H1 to R-10) Approved 4/8/1992 <b>LUP</b> Approved 3/10/1975																		
2	<b>CUP</b> (Automobile Service Station) Approved 8/19/2020 <b>LUP</b> (Amendment) Approved 10/9/2007 <b>CRZ</b> (PD-H1 to Conditional B-2) Approved 9/9/2003 <b>LUP</b> Approved 2/10/1998 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975																		
3	<b>CRZ</b> (PD-H1 to Conditional A-12, Conditional P-1 and PD-H2) Approved 9/9/2003 <b>REZ</b> (R-7.5 to Conditional A-12) Approved 02/23/1999 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975																		
4	<b>MDP</b> Approved 11/18/2014 <b>MDP &amp; CUP</b> (Automobile Service Station & Car Wash Facility) Approved 3/27/2012 <b>MDP &amp; CUP</b> (Automobile Service Station & Car Wash Facility) Approved 2/9/2010 <b>CUP</b> (Automobile Service Station & Car Wash Facility) 2/23/1999 <b>CRZ</b> (R-7.5 to Conditional B-2) 2/23/1999																		
5	<b>LUP</b> (Amendment) Approved 10/9/2007 <b>CRZ</b> (PD-H1 to Conditional B-2) Approved 9/9/2003 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975																		
6	<b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975																		
7	<b>LUP</b> (Amendment) Approved 10/9/2007 <b>CRZ</b> (PD-H1 to Conditional B-2) Approved 9/9/2003 <b>LUP</b> (Amendment) Approved 6/10/1998 <b>LUP</b> Approved 3/10/1975																		
<h3>Application Types</h3> <table><tr><td>CUP – Conditional Use Permit</td><td>MDC – Modification of Conditions</td><td>STC – Street Closure</td><td>SVR – Subdivision Variance</td></tr><tr><td>REZ – Rezoning</td><td>MDP – Modification of Proffers</td><td>FVR – Floodplain Variance</td><td>LUP – Land Use Plan</td></tr><tr><td>CRZ – Conditional Rezoning</td><td>NON – Nonconforming Use</td><td>ALT – Alternative Compliance</td><td>STR – Short Term Rental</td></tr></table>				CUP – Conditional Use Permit	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				
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 Car Wash Facility is acceptable. The development will provide a beneficial and complementary service to residents, especially those who live near the Brenneman Farm Shopping Center. The Car Wash Facility will complement other auto-oriented services clustered in and adjacent to the Brenneman Farm Shopping Center, including a recently completed Autozone retail store in the shopping center, an Automobile Service Station currently under construction in the shopping center, and an Automobile Service Station and Car Wash Facility on the southeast corner of South Plaza Trail and Princess Anne Road. This addition to the existing mix of services supports the creation and maintenance of Great Neighborhoods, a major goal set forth in the recommendations for the Suburban Area in the Comprehensive Plan, by adding to complementary non-residential uses in the shopping center.



In addition to supporting Great Neighborhoods, the proposed design of the new building and the site layout will have the same quality of design as the rest of the Brenneman Farm Shopping Center. The new building will use the same brick and mortar as other buildings in the shopping center, reinforcing a visual cohesion among the different buildings and outparcels, and the proposed building foundation plantings, dumpster enclosure plantings, and interior lot trees will conform to established landscaping design in the center. The additional trees throughout the site will help to soften the development and aid with the aesthetics of the site. The proposed red and blue colored elements on the building will be in a tonal range that corresponds with other outparcel buildings. The color cohesion will help to unify the different buildings while supporting some differentiation. Finally, the proposed roof element on the tower is similar to other tower elements with hipped roofs throughout the shopping center; such elements on the primary parcel in the shopping center have green roofs, while a commercial building adjacent to the intersection of Princess Anne Road and South Plaza Trail has a red roof. This continues the pattern of similar roof shapes and differentiation of color between the primary parcel and out parcels.

Traffic analysis completed by Staff estimates that this development would generate 780 average daily trips. This size site, approximately 1.85 acres, that is zoned B-2 Community Business is estimated to generate up to 1,020 average daily trips. While this development will increase traffic to this shopping center, South Plaza Trail is currently operating below its available capacity for traffic volume. It is Staff's opinion that this project will have no adverse effect on traffic in the area.

For these reasons, Staff recommends approval of this request subject to the conditions listed below.

## Recommended Conditions

1. When the property is developed, it shall be in substantial conformance with the exhibits entitled, "Preliminary Layout," prepared by Kimley Horn, dated 01/28/2022 and "Conceptual Landscape Plan," prepared by Kimley Horn, dated 01/28/2022 which have been exhibited to the Virginia Beach City Council and are on file in the Planning Department, with the exception of modifications required by the Department of Public Works and any other City departments in order to comply with City regulations and policies.
2. When the building is constructed, it shall be in substantial conformance with the exhibit entitled "Color Elevations – Scheme B," prepared by MRA City Studio and dated 04/21/2022 and which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
3. The outparcel shall be allowed one freestanding sign which shall meet the provisions of the City of Virginia Beach Zoning Ordinance. Any deviations to the design or appearance of the sign shall be submitted to the Planning Department for approval prior to the issuance of a sign permit. There shall be no electronic display components (LED and similar) or neon installed on the sign or on the building.
4. The signage showed in the exhibit "Elevations – Color" and dated 02/14/2022 are subject to review by the Zoning Division during the sign permit process and shall not be permitted as shown unless it meets the provisions of the City of Virginia Beach Zoning Ordinance. No additional signage shall be permitted on the building.
5. No window or outdoor advertising banners, pennants, streamers or other such visual devices beyond those permitted by the City Zoning Ordinance shall be permitted on the property.
6. No water produced by activities at the facility lot shall be permitted to fall upon or drain across public streets or sidewalks or adjacent properties.

*Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of*

Autobell Carwash, LLC

Agenda Item 10

Page 4

Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

Comprehensive Plan Recommendations

This property is located within the Suburban Area of the city, as designated by the Comprehensive Plan. Guiding principles have been established in the Comprehensive Plan to protect the stability of the Suburban Area and to provide a framework for neighborhoods and places that are visually interesting and that provide memorable character. The Plan’s primary guiding principle is to create “Great Neighborhoods,” and to support those neighborhoods with complementary non-residential uses that provide residents with necessary and desirable goods and services.

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. No historic or cultural resources will be affected by this project.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
South Plaza Trail	16,740 ADT <sup>1</sup>	32,700 ADT <sup>1</sup> (LOS <sup>4</sup> “D”)	Existing Land Use <sup>2</sup> – 1,020 ADT Proposed Land Use <sup>3</sup> – 780 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a 1.85 acre property zoned B-2 Community Business	<sup>3</sup> as defined by a Car Wash Facility with one tunnel	<sup>4</sup> LOS = Level of Service

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

The Master Transportation Plan proposed a four-lane facility within a 100-foot right-of-way for South Plaza Trail. Currently, South Plaza Trail near the subject lot is considered to be a four-lane divided minor suburban arterial. No roadway Capital Improvement Program projects are presently slated for this area.

Public Utility Impacts

Water

The site must be connected to City water. There is an existing 12-inch City water main along South Plaza Trail.

Sewer

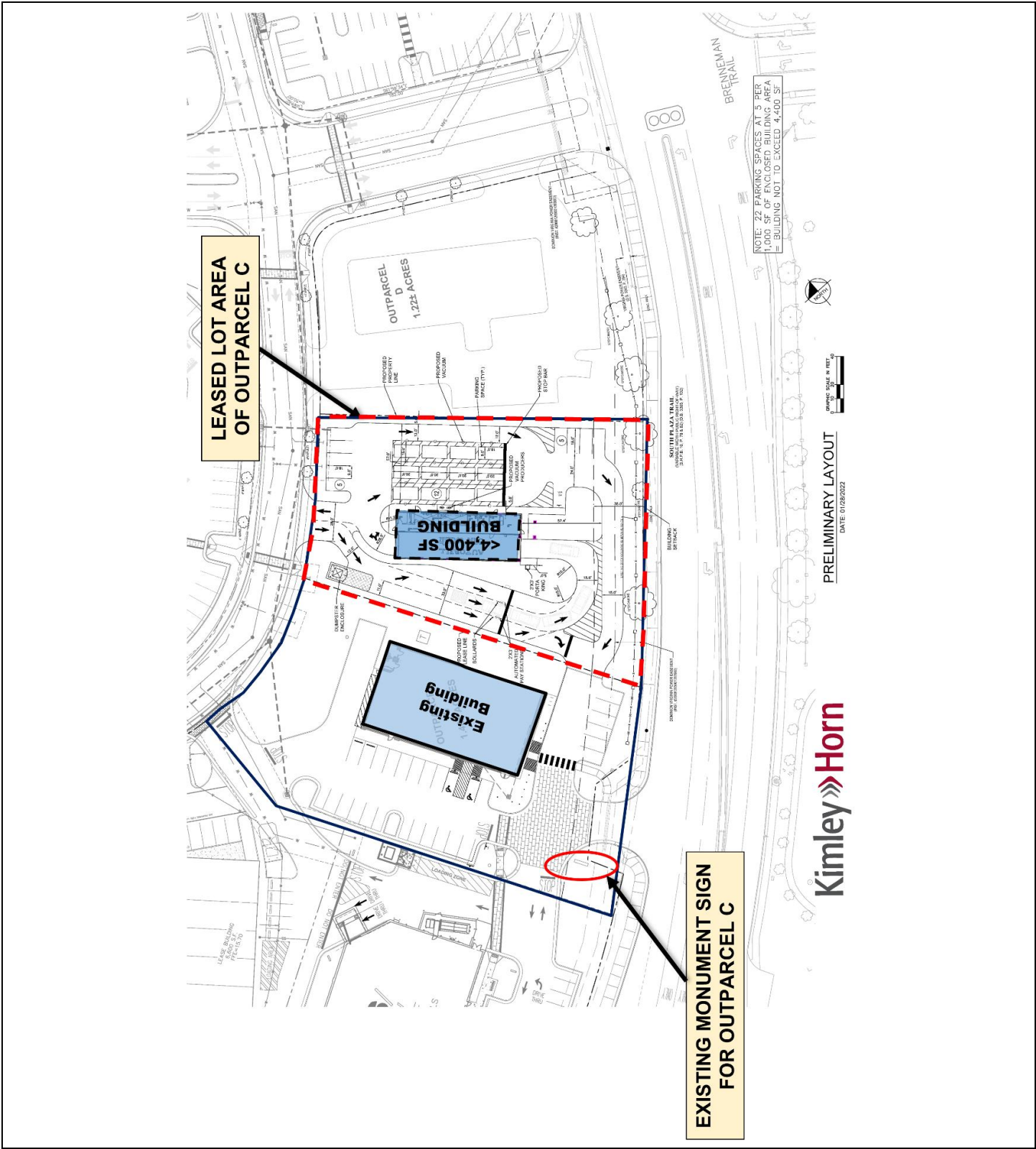
The site must connect to City gravity sanitary sewer. There is an existing 16-inch City sanitary sewer force main along South Plaza Trail.

## Public Outreach Information

### Planning Commission

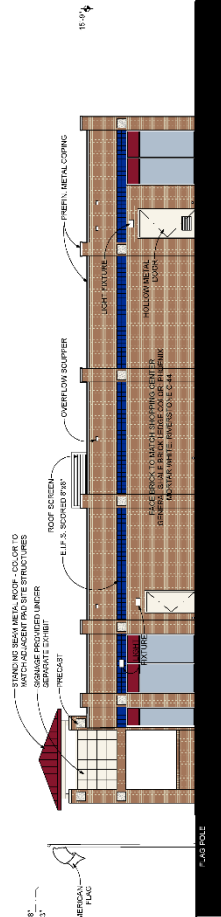
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 11, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 24, 2022 and May 1, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on April 25, 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](http://www.vbgov.com/pc) on May 5, 2022.

Proposed Site Layout



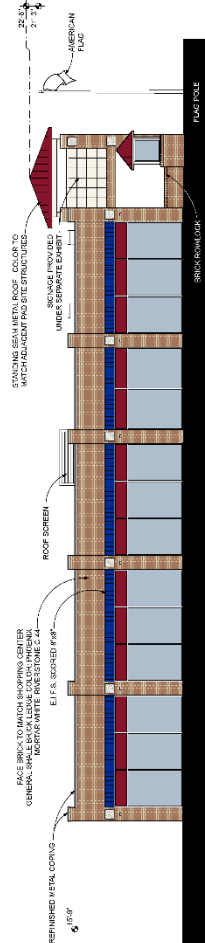


## Proposed Elevation Plan



1 FRONT ELEVATIONS  
SCALE: 1/8" = 1'-0"

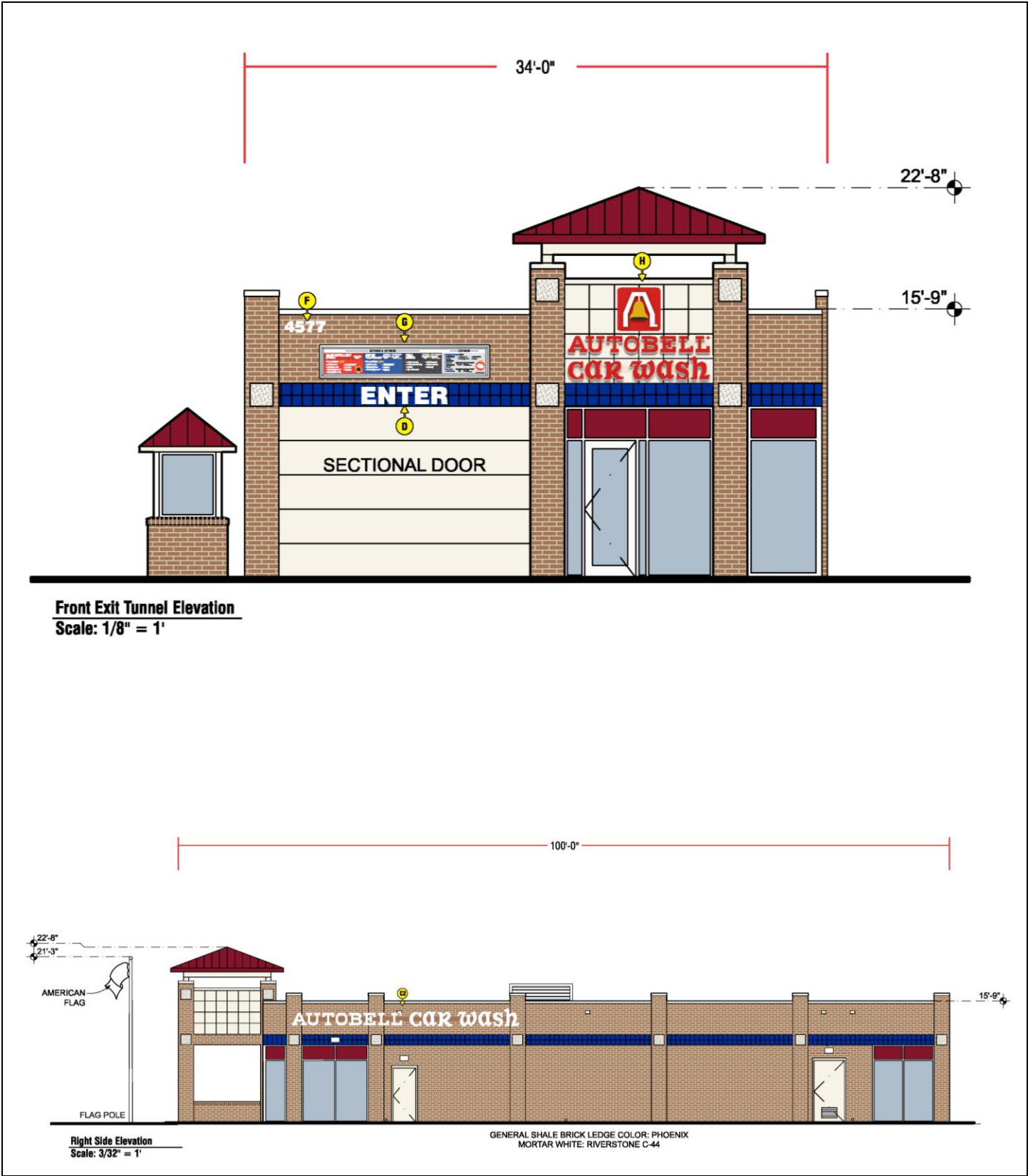
2 RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



3 REAR ELEVATION  
SCALE: 1/8" = 1'-0"

4 LEFT SIDE ELEVATION  
SCALE: 1/8" = 4' 0"

Proposed Sign Package



Proposed Sign Package



Rear Entrance Tunnel Elevation  
Scale: 1/8" = 1'



Left Side Elevation  
Scale: 3/32" = 1'

# Proposed Sign Package

Detailed field survey will be required to determine exact trim size of face and V.O. prior to production.



**(A1) (A2) Tenant Vinyl For Existing Tenant Faces**  
Scale: 3/8" = 1'-0" (Qty. 2)

## Graphic Notes

Cut vinyl tenant graphics for Existing tenant panels. Graphics to be applied 1st surface to tenant panels in the field.

## Color Notes

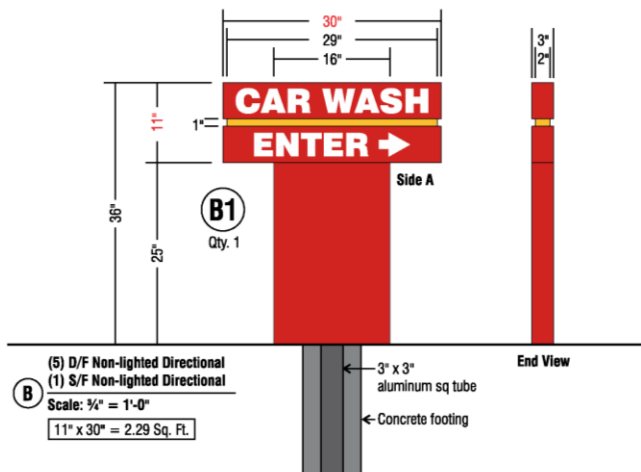
- Existing White Acrylic / Polycarb - tenant faces
- Black (vinyl) - Bell shadow
- 3630-43 Lt. Tomato Red (vinyl) - reverse weeded "AUTOBELL" & "Car Wash"
- 3630-25 Sunflower (vinyl) - Bell



A8 Tenant Vinyl on Existing Tenant panel Side A (shown here)  
Scale: ±1/4" = 1'-0"



Side B



## Sign Notes

Sign fabricated from 3" x 5" & 1" x 2" rectangular tubing. Aluminum framing for pole cover skinned with .063" aluminum. Directional painted red with reveals painted yellow. All graphics are painted white.

Directionals are mounted into a concrete foundation.

## Color Notes

- White (gloss) - copy & graphics
- PMS 1795 C Red (gloss) - faces & pole cover
- PMS 124 C Yellow (gloss) - reveals





Proposed Landscape Exhibit



## Site Photos





## Site Photos





## Site Photos





### Disclosure Statement



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

#### Applicant Disclosure

**Applicant Name** Autobell Car Wash, LLC

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

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

Kimley-Horn & Associates (Danielle Danzing)

**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)

Charles A. Howard II - CEO

Charles A. Howard III - President, Secretary, and COO

William S. Shropshire Jr. - SVP, CFO, Assistant Secretary/Treasurer

William M. Rast III - VP

- If **yes**, list the businesses that have a parent-subsidary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

Autobell-Arrowhead, Inc. (No operations in the Commonwealth of VA)

<sup>1</sup> "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.

<sup>2</sup> "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.

TBD Cherry Bekaert

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.

TBD Cherry Bekaert - Greg Keller

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.

Kimley-Horn - Tim Carter

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

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

## Disclosure Statement

### Disclosure Statement



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

*Charles A. Howard*

Applicant Signature

*Charles A. Howard III*

Print Name and Title

*1-20-22*

Date

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

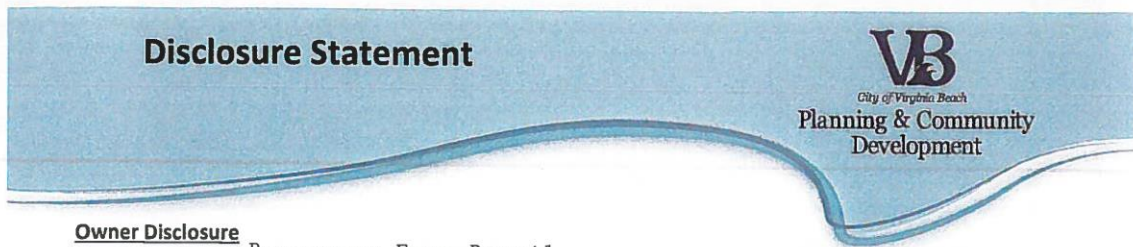
- If **yes**, you do not need to fill out the owner disclosure statement.

**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** Brenneman Farm Retail Associates LLC/Lawrence Fleder & James Caplan Mangers

**Applicant Name** Autobell Car Wash, 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)

Caplan Family Trust 1976 - J. Lawrence Hecht Tr. & Michele Hecht Cleland Tr.

Hecht Family 1976 Trust Partnership - James M. Caplan, Stephen R. Caplan, Norman P. Hecht, Mgrs

Fleder Family Trust 1976 - Allan G. Donn Tr. & Lawrence E. Fleder

- If yes, list the businesses that have a parent-subsidiary<sup>3</sup> or affiliated business entity<sup>4</sup> relationship with the Owner. (Attach a list if necessary)

### Known Interest by Public Official or Employee

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

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

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

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



## Disclosure Statement

### 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.

*Sherman, Spero & Safarine & Co., attn: Barry Cheatham*

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.

*Kimley-Horn Associates, Jeremy Yee*

## 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.

Williams Mullen attn: Larry Bryant

#### Owner Signature

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

By: Lawrence Fleder

Owner Signature

Lawrence Fleder, Manager

Print Name and Title

1/24/2022

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.

At the request of the applicant, on April 13, 2022 the Planning Commission indefinitely deferred this application in order to provide additional time to continue working with Staff on the site layout. This project was inadvertently advertised for the May 11, 2022 Planning Commission Hearing; the applicant is not ready to move forward with this application at this time.

#### Requests

**#7 - Conditional Use Permit** (Mini-Warehouse)

**#8 - Conditional Use Permit** (Truck & Trailer Rental)

#### Staff Recommendation

Indefinite Deferral

#### Staff Planner

Elizabeth Nowak

#### Location

Parcel on the southern corner of Stoneshore Road & Holland Road, directly west of 3427 Holland Road

#### GPIN

1486810742

#### Site Size

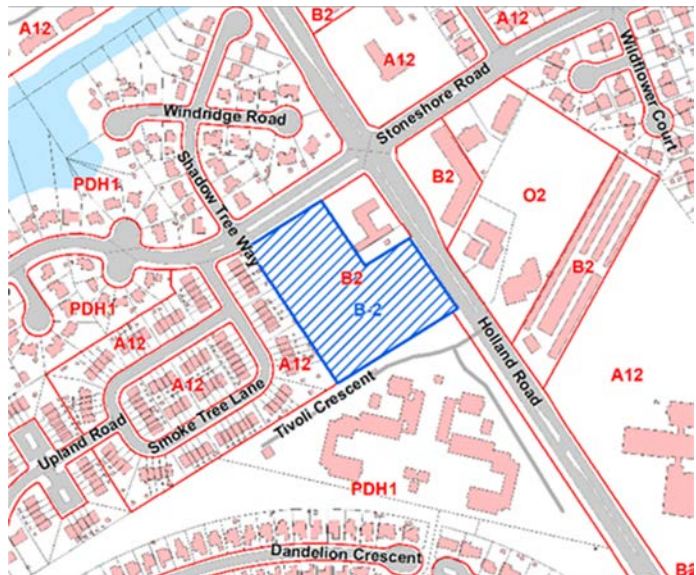
4.41 acres

#### AICUZ

65-70 dB DNL; Sub-Area 3

#### Watershed

Chesapeake Bay







**Request**

**Modification of Conditions** (Communication Tower)

**Staff Recommendation**

Approval

**Staff Planner**

Michaela McKinney

**Location**

5642 Campus Drive

**GPIN**

1468156021

**Site Size**

2.49 acres (lease area for tower – 300 square feet)

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Communication Tower, park / A-12 Apartment

**Surrounding Land Uses and Zoning Districts**

**North**

Wesleyan Drive

Park / A-12 Apartment

**South**

Campus Drive

Townhouses, vacant lot / A-12 Apartment

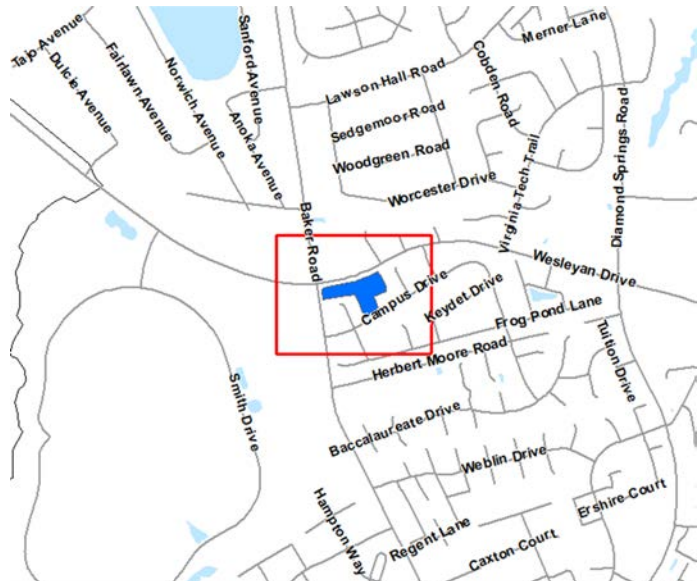
**East**

Townhouses / A-12 Apartment

**West**

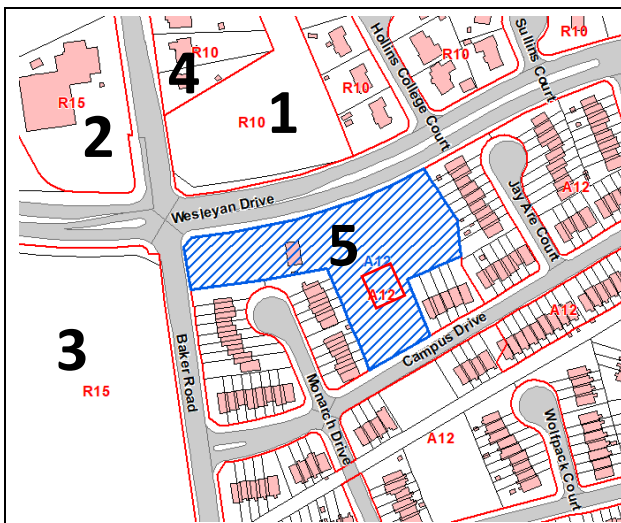
Baker Road

University, townhouses / R-15 Residential, A-12 Apartment



## Background & Summary of Proposal

- In 2006, City Council granted a Conditional Use Permit for a Communication Tower which permitted a 105-foot tall Fort Worth-style communication tower whereby a new tower is constructed inside a lattice-style transmission tower with communication antennas attached at the top. This specific tower design was approved in junction with an existing Dominion Virginia Power transmission tower on this A-12 Apartment District-zoned parcel. The proposal included an equipment cabinet near the base of the transmission tower that was encompassed with a black vinyl chain link fence with plants around the perimeter, in accordance with City standards.
- In 2018, the transmission tower was redesigned and the power lines were relocated onto a taller monopole tower that jointly supports both electric power transmission lines and communication antennas. The height of the tower was extended to 150 feet and the equipment cabinet near the base remained enclosed by chain link fencing. The applicant was unaware of the need to modify the existing Conditional Use Permit for these changes in design, particularly the increased height.
- According to the applicant, the tower height was increased from 105 feet to 150 feet after the merger of Sprint Communications, Inc and T-Mobile. During this time, it was believed that only the lease holder's approval, Dominion Energy, was needed to build new lines or construct on an existing Dominion Energy Tower and that additional permitting from the City was not needed. The applicant now seeks to rectify this oversight by modifying Condition 2 of the 2006 Conditional Use Permit to increase the permitted height from 105 feet to 150 feet.



### Zoning History

#	Request
1	CRZ (R-5 to O-1 Office) Approved 06/23/2016
2	CUP (STC) Approved 05/27/2014 MOD (Parking Lot Addition) Approved 05/27/2014
3	CUP (Communication Tower) Approved 08/12/2008
4	SVR Approved 04/10/1999
5	CUP (Communication Tower) Approved 02/28/2006

### 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

Staff finds this application for a Modification to the Conditional Use Permit for the increase in height of the existing monopole communication tower from 105 feet to 150 feet acceptable. The redesign of the electric power transmission towers throughout the Campus East neighborhood has streamlined the appearance of the towers when compared to a lattice-style tower, thereby improving aesthetics throughout the Campus East neighborhood.

As the tower and associated ground level equipment are in a residential neighborhood and near a playground, aesthetics is particularly important. Any plant material that was installed as a condition of the 2006 approval has

perished; therefore, Staff has included a recommended condition that Category I plantings consisting of evergreen shrubs be installed and maintained in good condition around the perimeter of the fence that encompasses the equipment cabinets near the base of the tower. These plantings will aid in screening the black vinyl chain link fence and the equipment cabinets from view as well as providing a physical barrier to deter trespassing. The applicant has agreed to this condition with the exception of plants along the fence line nearest to the base of the tower, which is less than 20 feet in distance, in order to provide unobstructed access for maintenance, etc. Staff finds this compromise acceptable and this is reflected on the Conceptual Landscape Plan on page eight of this report and in Condition 3 below.

Staff is recommending approval subject to the conditions below.

## Recommended Conditions

1. All conditions attached to the Conditional Use Permit granted on February 28, 2006, are hereby deleted and superseded by the following conditions.
2. The tower shall be constructed substantially in adherence to the site plans entitled "VB/VEPCO USVA3245 CAMPUS DR", prepared by Allpro Consulting Group, Inc., and dated March 16, 2022, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning & Community Development for review and ultimate approval and shall be in substantial conformance with the plan entitled "VB/VEPCO USVA3245 CAMPUS DR.", prepared by Allpro Consulting Group, dated March 16, 2022, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development. All plantings required by this Conditional Use Permit shall be properly maintained for the duration of the tower's existence.
4. The communication tower shall not exceed 150 feet in height.
5. In the event interference with any City emergency communications facilities results from the use of this tower and antennas, the user(s) shall take all measures reasonably necessary to correct and eliminate the interference. If the interference cannot be eliminated within a reasonable time, the user shall immediately cease operation to the extent necessary to stop the interference.
6. As required by Section 232(r)(4) of the City Zoning Ordinance, should the antennas cease to be used for a period of more than one (1) year, the applicant shall remove the tower, antennas, and related equipment from the property within ninety (90) days.
7. No signage shall be permitted on the communication tower.

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

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



## Conditions of 2006 Conditional Use Permit

1. The tower shall be constructed substantially in adherence to the site plans entitled “NO60XC833-C VEPCO Structure # 27/289 Sprint, Co-Location Transmission Tower”, prepared by Alcoa Wireless Services, Inc., and dated 9/14/05 (issued for construction). This site plan has been exhibited to City Council and is on file with the Department of Planning.
2. The tower shall be limited in height to 105 feet.
3. Landscaping around the tower shall comply with the City of Virginia Beach requirements.
4. Unless a waiver is obtained from the City of Virginia Beach Department of Communications and Information Technology (COMIT), a radio frequency emissions study (RF Study), conducted by a qualified engineer licensed to practice in the Commonwealth of Virginia, showing that the intended user(s) will not interfere with any City of Virginia Beach emergency communications facilities, shall be provided prior to site plan approval for the tower and all subsequent users.
5. In the event interference with any City emergency communications facilities arises from the users of this tower, the user(s) shall take all measures reasonably necessary to correct and eliminate the interference. If the interference cannot be eliminated within a reasonable time, the user shall immediately cease operation to the extent necessary to stop the interference.
6. Should the antennae cease to be used for a period of more than one (1) year, the applicant shall remove the antennae and their supporting tower and related equipment.

## Natural & Cultural Resources Impacts

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

## Comprehensive Plan Recommendations

This property is located within the Suburban Area of the city, as designated by the Comprehensive Plan. Guiding principles have been established in the Comprehensive Plan to protect the stability of the Suburban Area and to provide a framework for neighborhoods and places that are visually interesting and that provide memorable character. The Plan’s primary guiding principle is to create “Great Neighborhoods,” and to support those neighborhoods with complementary non-residential uses in such a way that the stability of the Suburban Area is maintained in a sustainable way.

## Public Outreach Information

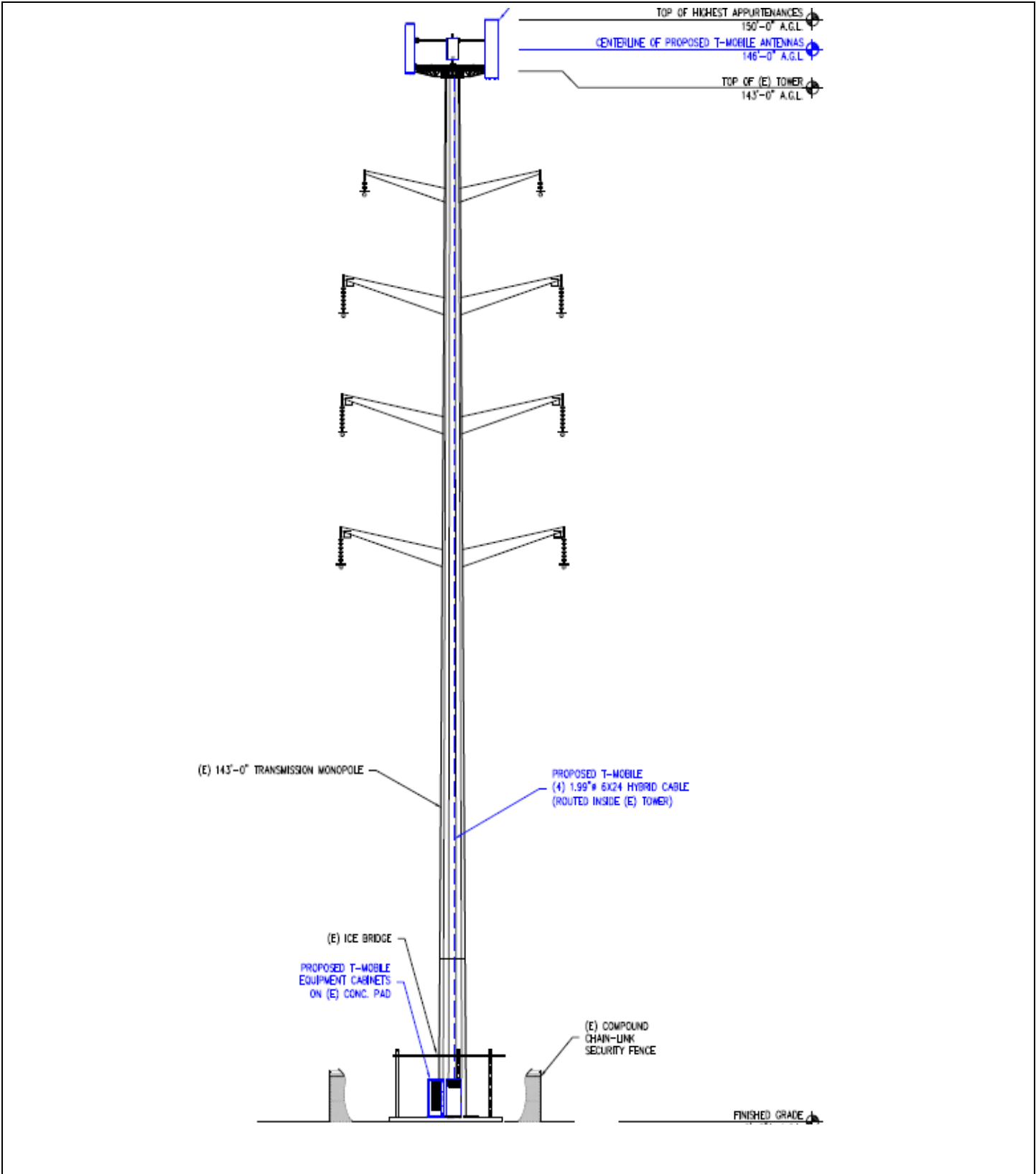
### Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 11, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 24, 2022 and May 1, 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 April 25, 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](http://www.vbgov.com/pc) on May 5, 2022.

Site Layout

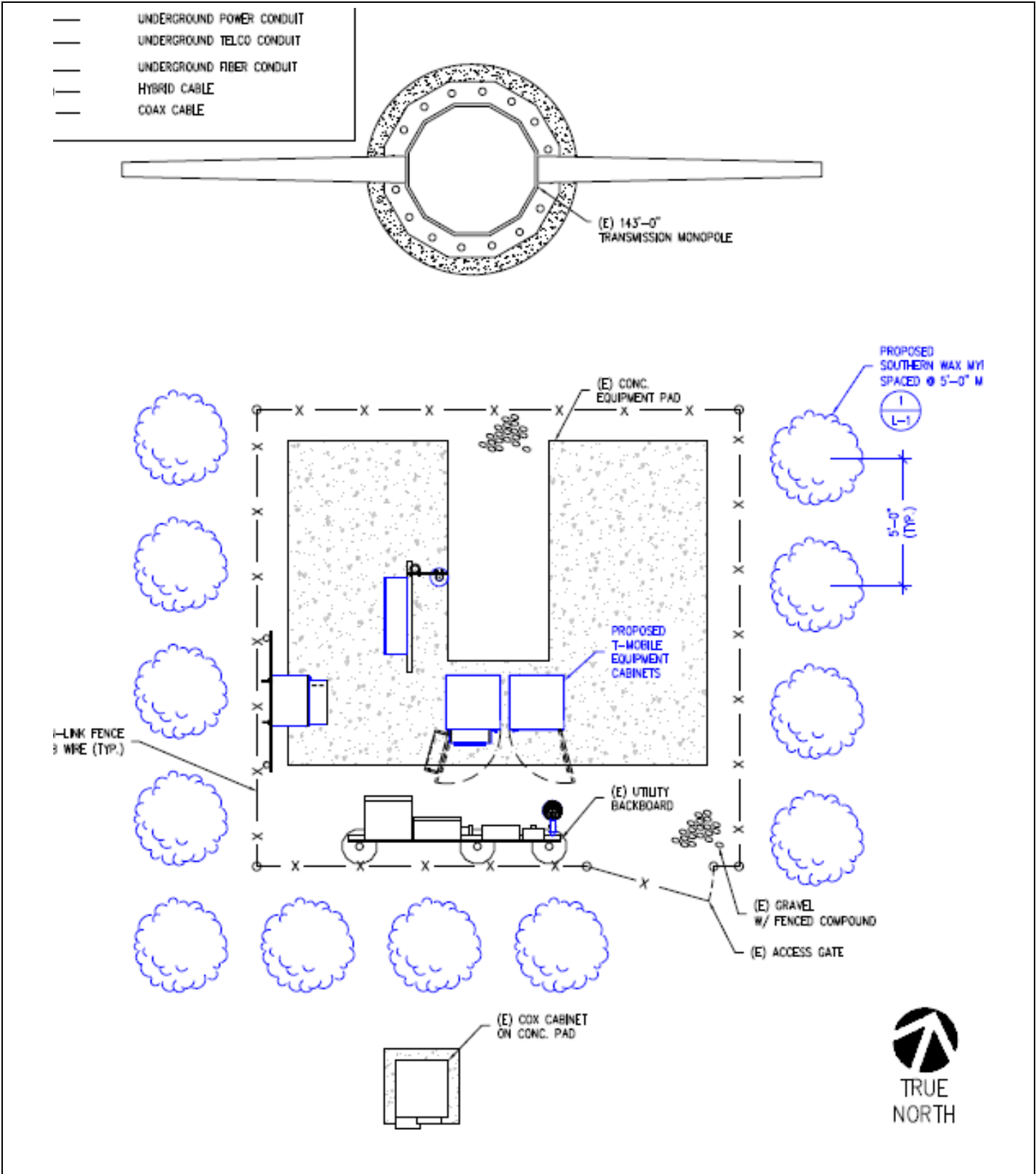


# Tower Elevations





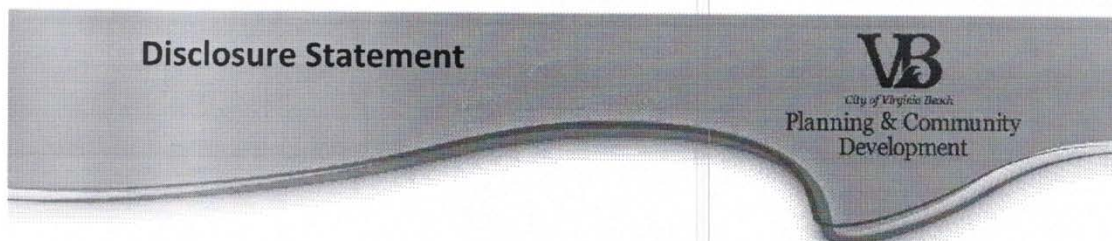
# Proposed Landscape Plan



Site Photos



## Disclosure Statement



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

### Applicant Disclosure

Applicant Name Tmobile

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

C. E. Forehand via FCI Towers

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-subsidary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

---

---

<sup>1</sup> "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.

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



## Disclosure Statement



### Known Interest by Public Official or Employee

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

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

### Applicant Services Disclosure

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

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

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

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

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

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

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

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

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

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



## Disclosure Statement

### Disclosure Statement



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

#### Applicant Signature

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

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	

Revised 11.09.2020

3 | Page

## Disclosure Statement

### Disclosure Statement



#### Owner Disclosure

**Owner Name** Campus East Community Association

**Applicant Name** T-Mobile/Sprint

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)

Roger Durity, Mike Hinton, Jeff Coleman, Gladys Sumner, John Roth, David Charboneau

- If yes, list the businesses that have a parent-subsidary<sup>3</sup> or affiliated business entity<sup>4</sup> relationship with the Owner. (Attach a list if necessary)

#### Known Interest by Public Official or Employee

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

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

<sup>3</sup> "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.

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

## Disclosure Statement

### Disclosure Statement



#### Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

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

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

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

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

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

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

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

## Disclosure Statement

### 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

Roger Durity- President Board of Directors of Campus East

Print Name and Title

Date



## Next Steps

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

**Request**

**Conditional Use Permit** (Tattoo Parlor)

**Staff Recommendation**

Approval

**Staff Planner**

Michaela D. McKinney

**Location**

550 First Colonial Road, Suite 23C

**GPIN**

2407879912

**Site Size**

4.03 acres

**AICUZ**

Greater than 75 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Shopping Center / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Donna Drive

Shopping Center / B-2 Community Business

**South**

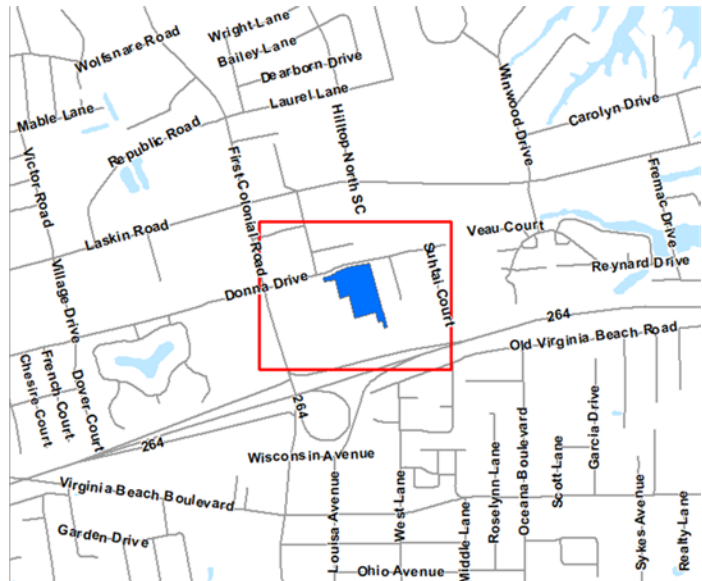
Shopping Center / B-2 Community Business

**East**

Retail / B-2 Community Business

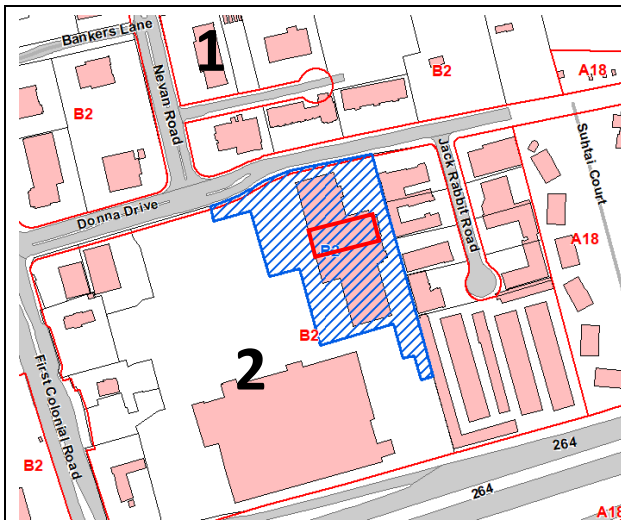
**West**

Retail / B-2 Community Business



## Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit in order to operate a Tattoo Parlor specifically for microblading, which is the application of permanent make-up, within an existing 6,120 square foot salon. The unit is located within the Hilltop Square Shopping Center along First Colonial Road and Donna Drive on property zoned B-2 Community Business District.
- Microblading will take place in 36 separate suites within the salon. Each suite will be rented out by a cosmetic professional.
- The typical hours of operation will mimic those of the existing operation of 9:00 a.m. to 7:00 p.m., Monday through Sunday.
- No exterior changes are proposed to the building, as well as no new signage.
- As indicated on the zoning history map below, a Tattoo Parlor was approved by City Council on September 23, 2008 and is across Donna Drive, approximately 617 feet to the north.



### Zoning History

#	Request
1	CUP (Tattoo Studio) Approved 09/23/2008 MODC Approved 04/28/2009
2	CUP (Bulk Storage Yard) 08/22/2018

### 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

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 unit is within a large commercial shopping center in the heart of the Hilltop SGA. The Tattoo Parlor will be for the application of permanent makeup, rather than traditional tattooing and will be virtually undetectable from the exterior of the building as no improvements to the exterior or signage are proposed.

The property is located within the greater than 75 dB noise zone 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 identified as 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.

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.

*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 Hilltop Strategic Growth Area (SGA). The general planning principles for the Strategic Growth Area focus on providing a mix of retail, restaurants and office uses; and reduce land areas devoted to parking and replace with more productive uses. Achieving these goals requires that all land use activities either maintain or enhance the existing neighborhood through compatibility with surroundings, quality and attractiveness of site and buildings, improved mobility, environmental responsibility, livability, and effective buffering with respect to type, size, intensity, and relationship to the surrounding uses.

### Natural & Cultural Resources Impacts

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



## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
First Colonial Road	33,000 ADT <sup>1</sup>	34,800 ADT <sup>1</sup> (LOS <sup>3</sup> "D")	No Change Anticipated <sup>2</sup>
Laskin Road	30,800 ADT <sup>1</sup>	36,900 ADT <sup>1</sup> (LOS <sup>3</sup> "D")	
<sup>1</sup> Average Daily Trips	<sup>2</sup> average daily trips are not expected to change	<sup>3</sup> LOS = Level of Service	

### 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, two-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. The existing infrastructure currently resides in a 160-foot right-of-way.

There is a roadway CIP project under construction on Laskin Road in the vicinity of this application. Laskin Road – Phase I (CIP 2-156) is for the construction of an eight-lane divided highway in a 160-foot right-of-way from Republic Road to Winwood Drive and a six-lane divided highway in a 150-foot right-of-way from Winwood Drive to Oriole Drive with multi-use path and sidewalk. These limits include the intersections at First Colonial Road and First Colonial Road from I-264 to Laurel Lane. Construction of this project began in 2019 and is scheduled to be completed in 2023.

First Colonial Road in the vicinity of this application is considered a four-lane divided major urban arterial. The existing infrastructure currently resides in a 90-foot right-of-way. The MTP proposes a six-lane facility within a 165-foot right-of-way. There currently is no CIP project slated for this segment of First Colonial Road, although it is being improved with the Laskin Road Phase I project currently under construction.

## Public Utility Impacts

### Water & Sewer

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

## Public Outreach Information

### Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 11, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 24, 2022 and May 1, 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 April 25, 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](http://www.vbgov.com/pc) on May 5, 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** Suite Management Franchising, LLC

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

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

Angela Silvis

**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)

Ken McAllister, President; Debora Keller, VP; Rob Herbet, CEO; Bree Parente, System Support Manager SMF; Jeff Spatz, Property Owner; Sam Kay, Pratt Street Financial, David Reishcer, Manager of Property.

- If **yes**, list the businesses that have a parent-subsiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

<sup>1</sup> "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.

<sup>2</sup> "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.

Green Light Realty- Todd Shugaman

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.

Propelled Brands- David Williams

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.**

DocuSigned by:

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

3P6F48F0362B4F0...

#### Applicant Signature

Angela Silvis- Area Manager, Suite Management Franchising, LLC

#### Print Name and Title

4/5/2022

#### 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	



### Owner Disclosure

**Owner Name** Hilltop Square Investors LLC

**Applicant Name** Suite Management Franchising, 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)

Investors: C.N. David Reischer, ROHCS Storage Centers LLC, Allan & Deborah Gibber, Richard Martorella, Yitzchol Halpert Yehuda

Neuberger Trust, Hillel Jacobson, Glenn Ercole, Jay & Deborah Taffel, PRID c/o Nehemia Feidman, Sidney Gurman, Mark Ely, Abi Mendel, Michael Mendel, Libby Lehmann 2020 IRRV TR, J&K Parcels, Trisib Capital Partners, LLC

- If **yes**, list the businesses that have a parent-subsiary<sup>3</sup> or affiliated business entity<sup>4</sup> relationship with the Owner. (Attach a list if necessary)

### Known Interest by Public Official or Employee

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

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

<sup>3</sup> "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.

<sup>4</sup> "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.

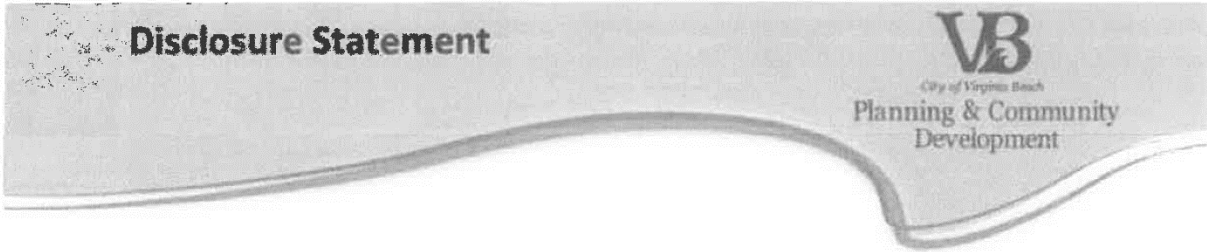
---
6. Does the Owner have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes   ☒ No  
  - If **yes**, identify the company and individual providing the service.

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

---



## Disclosure Statement



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

### Owner Signature

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

Owner Signature

C.N. David Reischer, Manager

Print Name and Title

2/18/2022

Date

## Next Steps

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



**Request**

**Conditional Use Permit** (Short Term Rental)

**Staff Recommendation**

Approval

**Staff Planner**

Levi Anthony Luckenbach

**Location**

4005 Atlantic Avenue, Unit 108

**GPIN**

24280514483820

**Site Size**

14,500 square feet

**Existing Land Use and Zoning District**

Multi-Family Dwellings / OR Oceanfront Resort

**Surrounding Land Uses and Zoning Districts**

**North**

Multi-Family Dwellings / OR Oceanfront Resort

**South**

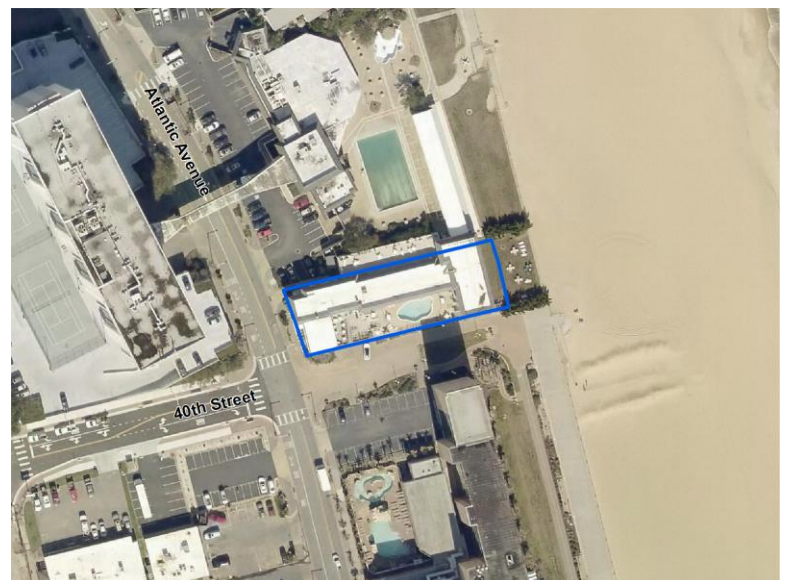
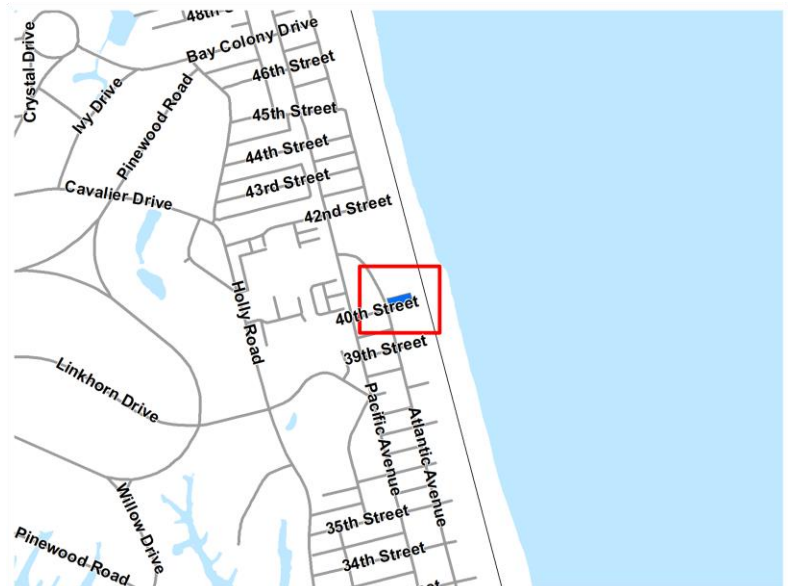
40th Street (Pedestrian Street)  
Commercial, Hotel / OR Oceanfront Resort

**East**

Oceanfront  
Beach, Atlantic Ocean / Unzoned

**West**

Atlantic Avenue  
Multi-Family Dwellings / OR Oceanfront Resort





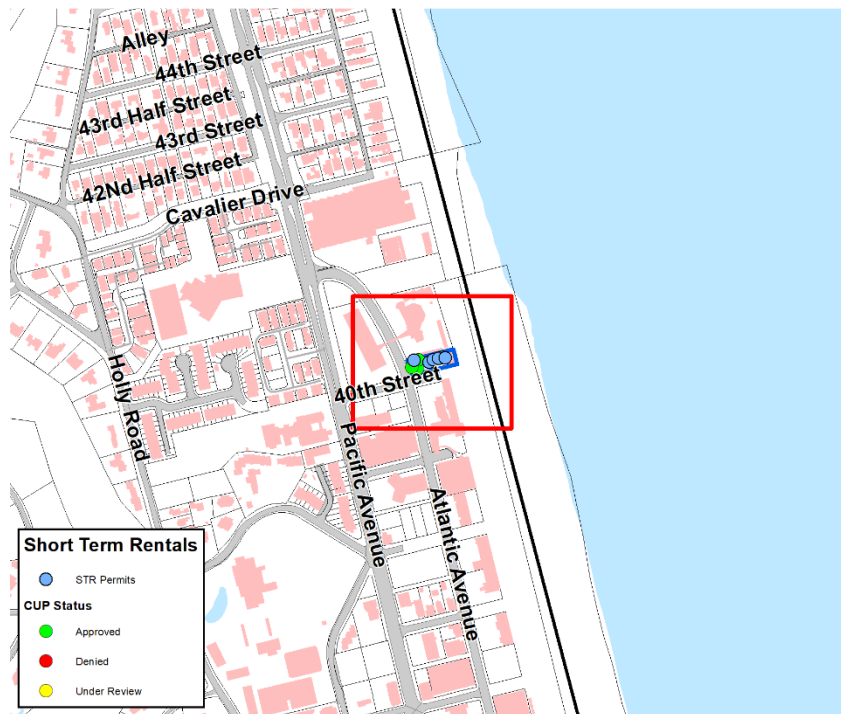
## Background & Summary of Proposal

### Site Conditions and History

- This 300 square-foot unit is located within an existing 42-unit condominium and the property is zoned OR Oceanfront Resort.
- According to City records, this one-bedroom condominium was constructed in 1976.
- Staff inspected the site on April 20, 2022 to observe site conditions and take photographs for this report.
- On-street parking is not permitted on this portion of Atlantic Avenue.
- There are no past violations for Short Term Rental use at this property.
- According to the applicant, this property was not used for Short Term Rental purposes prior to July 1, 2018.
- Known Short Term Rental activity as of April 18, 2022:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	October 2021	Yes

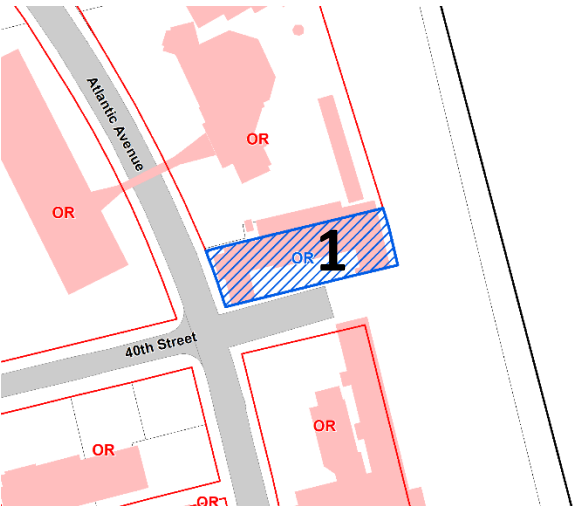
### *Short Term Rentals in the Vicinity*



## Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate a one-bedroom, 300 square-foot Short Term Rental on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 and section 2300 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

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

	<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>CUP (Short Term Rental) Approved 03/01/2022</td></tr><tr><td></td><td>CUP (Short Term Rental) Approved 11/17/2020</td></tr><tr><td></td><td>CUP (Short Term Rental) Approved 08/25/2020</td></tr><tr><td></td><td>CUP (Short Term Rental) Approved 08/25/2020</td></tr><tr><td></td><td>CUP (Short Term Rental) Approved 08/25/2020</td></tr><tr><td></td><td>CUP (Short Term Rental) Approved 08/25/2020</td></tr><tr><td></td><td>CUP (Short Term Rental) Approved 08/25/2020</td></tr><tr><td></td><td>CUP (Short Term Rental) Approved 02/04/2020</td></tr><tr><td></td><td>CUP (Short Term Rental) Approved 02/04/2020</td></tr></table>	#	Request	1	CUP (Short Term Rental) Approved 03/01/2022		CUP (Short Term Rental) Approved 11/17/2020		CUP (Short Term Rental) Approved 08/25/2020		CUP (Short Term Rental) Approved 08/25/2020		CUP (Short Term Rental) Approved 08/25/2020		CUP (Short Term Rental) Approved 08/25/2020		CUP (Short Term Rental) Approved 08/25/2020		CUP (Short Term Rental) Approved 02/04/2020		CUP (Short Term Rental) Approved 02/04/2020
#	Request																				
1	CUP (Short Term Rental) Approved 03/01/2022																				
	CUP (Short Term Rental) Approved 11/17/2020																				
	CUP (Short Term Rental) Approved 08/25/2020																				
	CUP (Short Term Rental) Approved 08/25/2020																				
	CUP (Short Term Rental) Approved 08/25/2020																				
	CUP (Short Term Rental) Approved 08/25/2020																				
	CUP (Short Term Rental) Approved 08/25/2020																				
	CUP (Short Term Rental) Approved 02/04/2020																				
	CUP (Short Term Rental) Approved 02/04/2020																				
<h3>Application Types</h3> <table><tr><td>CUP – Conditional Use Permit</td><td>MDP – Modification of Conditions</td><td>STC – Street Closure</td><td>SVR – Subdivision Variance</td></tr><tr><td>REZ – Rezoning</td><td>MDP – Modification of Proffers</td><td>FVR – Floodplain Variance</td><td>LUP – Land Use Plan</td></tr><tr><td>CRZ – Conditional Rezoning</td><td>NON – Nonconforming Use</td><td>ALT – Alternative Compliance</td><td>STR – Short Term Rental</td></tr></table>		CUP – Conditional Use Permit	MDP – 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								
CUP – Conditional Use Permit	MDP – 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

The applicant is requesting a Conditional Use Permit to operate a one-bedroom, 300 square-foot Short Term Rental unit within the Oceans II Condominiums development along Atlantic Avenue at the northern terminus of the Boardwalk. Being within the Oceanfront Resort (OR) Short Term Rental Overlay District, Short Term Rental use is to be expected. 4005 Atlantic Avenue, Unit 108 was constructed in 1976. The unit shares the parcel with other condominium units in the building, many of which have received approvals for Short Term Rental Conditional Use Permits and subsequent Short Term Rental Zoning Permits. The parcel is bounded by the Beach and Atlantic Ocean to the east, the 40<sup>th</sup> Street Connector Park to the south, and Atlantic Avenue to the west, with an adjacent multi-family property to the north. The surrounding area is a mixture of single-family dwellings, duplex dwellings, multi-family dwellings, commercial retail, resort hotels, mixed-use buildings, and other resort-oriented uses.

The subject property lies along the Atlantic Avenue Corridor, which includes the most prominent frontage of resort-oriented uses at the Oceanfront Resort. According to the Resort Area Strategic Action Plan (RASAP) 2030, residential and mixed-use development in the Resort Area is necessary to achieve the goal of a year-round destination, affording a more

walkable, vibrant, engaging community at the Oceanfront Resort. The use of the dwelling as a Short Term Rental helps achieve this goal by providing diverse lodging opportunities for visitors seeking unique travel experiences.

There are two nearby off-site parking lots dedicated to Oceans II Condominiums, as shown on the Parking Plan provided in this report. Space #3 in Lot 1 is assigned to Unit 108, therefore fulfilling the parking requirement. While the required parking space is off-site, per Section 241.2(1) of the City Zoning Ordinance, the Zoning Administrator reviewed the parking plan and deemed it acceptable. All other requirements of Section 241.2 and Section 2303 of the Zoning Ordinance regulating Short Term Rentals can be reasonably met with this application.

Staff received one letter of opposition from neighbors. 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 4005 Atlantic Avenue, Unit 108, and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a Short Term Rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
13. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
17. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

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

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



*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.*

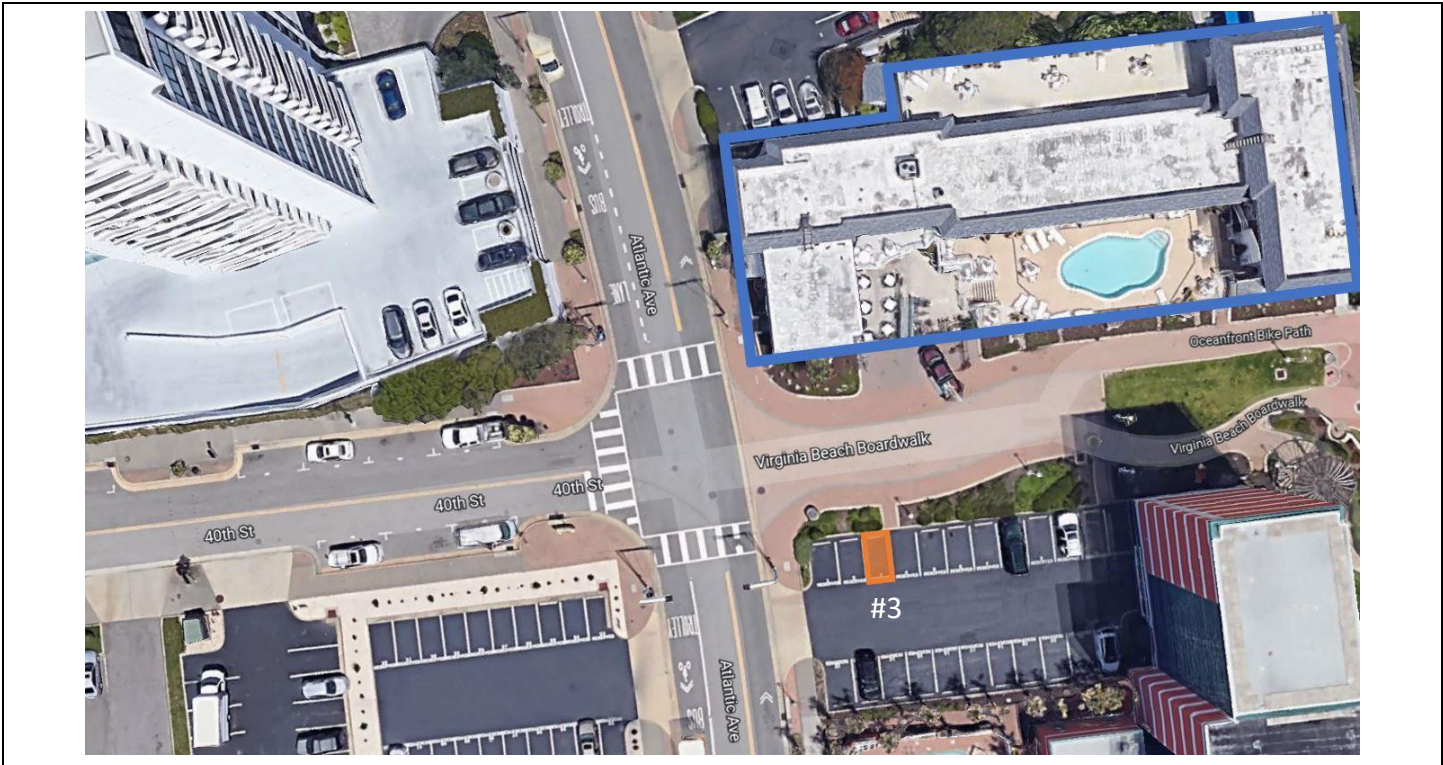
*The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.*

## Public Outreach Information

### Planning Commission

- ~~No letters of support/opposition have~~ One letter of opposition has been received by Staff.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 11, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 24, 2022, and May 1, 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 April 25, 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](http://www.vbgov.com/pc) on May 5, 2022.

Site Layout & Parking Plan

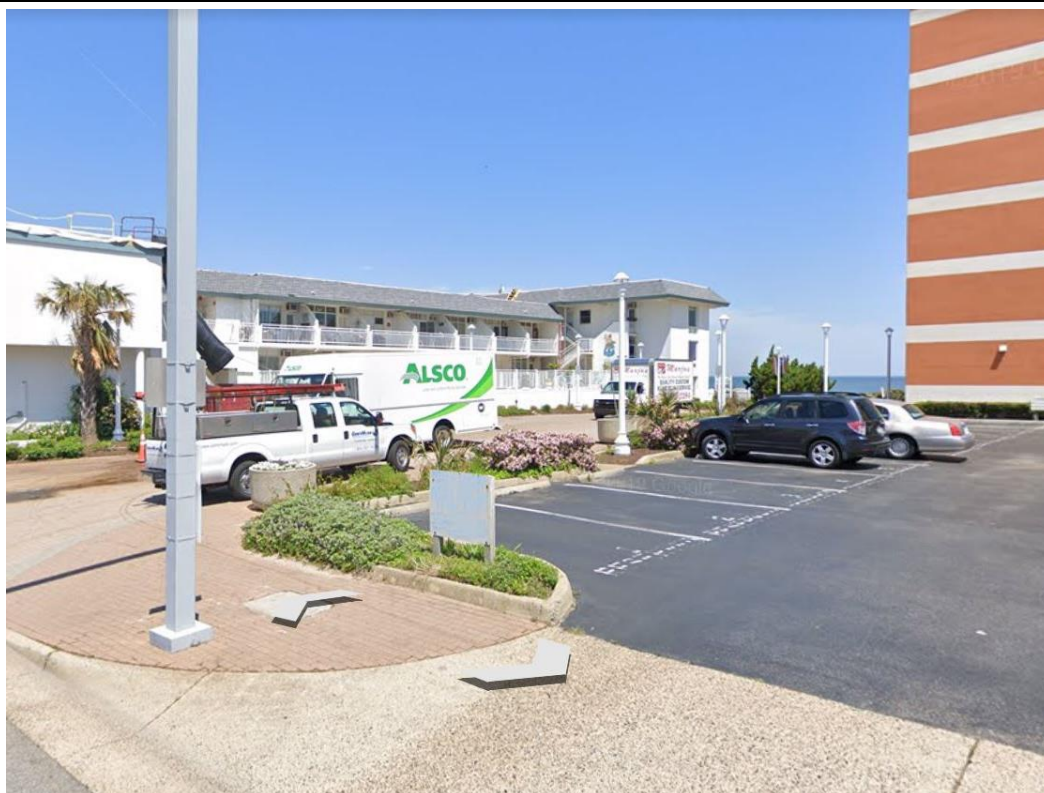


Site Photos





## Site Photos





## Disclosure Statement

### Disclosure Statement



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

#### Applicant Disclosure

Applicant Name

Maegan Cahoon

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-subsidary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

<sup>1</sup> "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.

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

### Disclosure Statement



#### Known Interest by Public Official or Employee

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

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

#### Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

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

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

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

## Disclosure Statement

### Disclosure Statement



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

#### Applicant Signature

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

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	

## Next Steps

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





The applicant is requesting withdrawal of this application.

**Request**

**Conditional Use Permit** (Short Term Rental)

**Staff Recommendation**

Approval

**Staff Planner**

Hank Morrison

**Location**

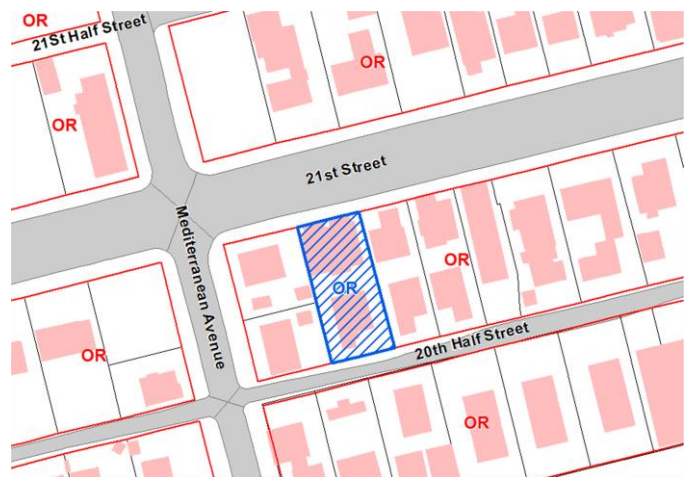
524 20th ½ Street

**GPIN**

2417987030

**Site Size**

7,972 square feet





**Request**

**Conditional Use Permit** (Short Term Rental)

**Staff Recommendation**

Approval

**Staff Planner**

Hank Morrison

**Location**

4005 Atlantic Avenue, Unit 115

**GPIN**

24280514483890

**Site Size**

14,500 square feet

**Existing Land Use and Zoning District**

Multi-family dwellings / OR Oceanfront Resort

**Surrounding Land Uses and Zoning Districts**

**North**

Multi-family dwellings / OR Oceanfront Resort

**South**

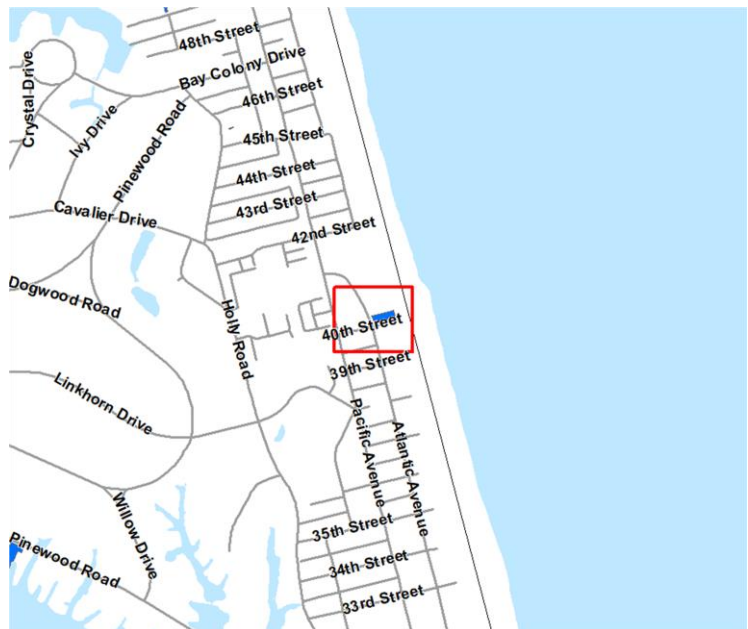
40th Street (pedestrian beach access), hotel /  
OR Oceanfront Resort

**East**

Public beach - Atlantic Ocean

**West**

Atlantic Avenue  
Multi-family dwellings / OR Oceanfront Resort





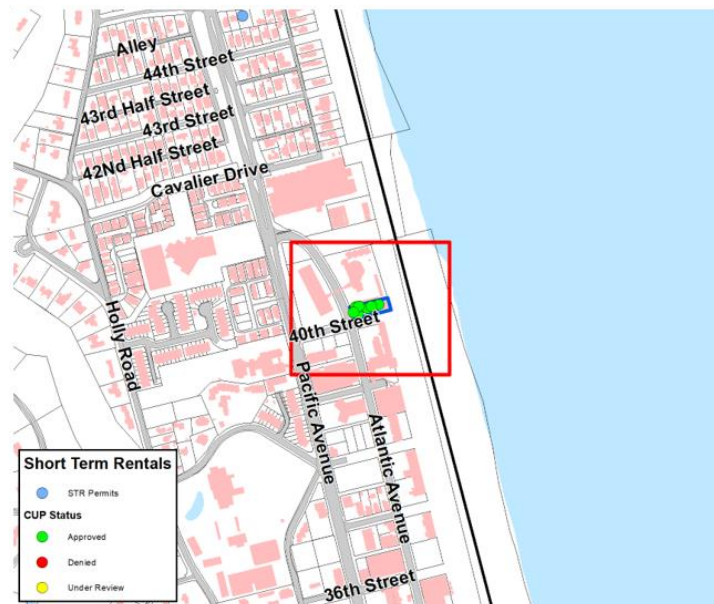
## Background & Summary of Proposal

### Site Conditions and History

- This application was recommended for approval by consent by the Planning Commission at the March 2022 Public Hearing. However, between the Planning Commission Public Hearing and the City Council Public Hearing, Staff was made aware of multiple addressing errors on the state-required notice letters that were sent to adjacent property owners. To guarantee the public and adjacent property owners are fully aware of the application, the applicant must go before Planning Commission a second time.
- This 14,500 square foot is the site of the Oceans II Condominiums in the Oceanfront Resort District.
- According to City records, Oceans II Condominiums includes 42 condominium units constructed in 1976. However, part of the building was previously a motel that was constructed in 1956.
- There are 42 off-street and off-site parking spaces within walking distance of the property. Each condominium unit is assigned one parking space. Twenty-two of these spaces are located in a parking lot across the street (40<sup>th</sup> Street connector park) to the south adjacent to the Holiday Inn. The remaining 20 parking spaces are located in a lot diagonally across the street from the condominium development.
- On-street parking is not permitted on this portion of Atlantic Avenue.
- Nine Conditional Use Permits for Short Term Rentals have been approved on this site by the City Council.
- No past zoning violations were found on this property.
- Known Short Term Rental activity as of April 11, 2022:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	10/2021	No

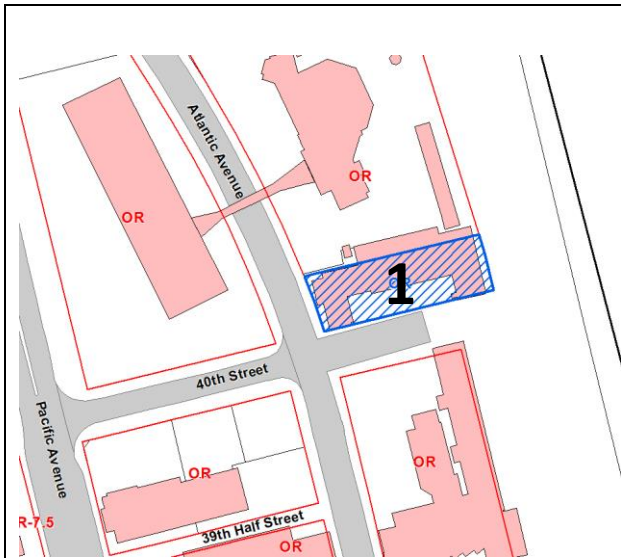
#### *Short Term Rentals in the Vicinity*



## Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate a one-bedroom, 357 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: 1
- Maximum number of guests permitted on the property after 11:00 pm: 2
- Number of parking spaces required (1 space per bedroom required): 1
- Number of off-street parking spaces provided: 1



### Zoning History

#	Request
1	CUP (Short Term Rental) Approved 03/01/2022
	CUP (Short Term Rental) Approved 11/17/2020
	CUP (Short Term Rental) Approved 08/25/2020
	CUP (Short Term Rental) Approved 08/25/2020
	CUP (Short Term Rental) Approved 08/25/2020
	CUP (Short Term Rental) Approved 08/25/2020
	CUP (Short Term Rental) Approved 08/25/2020
	CUP (Short Term Rental) Approved 02/04/2020
	CUP (Short Term Rental) Approved 02/04/2020

### Application Types

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

## Evaluation & Recommendation

The applicant is requesting to operate a one-bedroom, 357 square foot Short Term Rental unit within the Oceans II Condominiums, where Short Term Rental use is to be expected. Nine Short Term Rental Conditional Use Permits have previously been approved on the property. The condominium building is at the northern terminus of the Oceanfront boardwalk. The surrounding area is a mixture of high-rise multi-family dwellings, hotels and other commercial and resort-oriented uses. The subject property lies on Atlantic Avenue corridor, which serves as the main north-south connector, including Pacific Avenue, in the Resort Area. As identified in the Resort Area Strategic Action Plan (RASAP) 2030, both corridors serve as the area where many Resort Area visitors stay and gather. Therefore, the use of the unit as a Short Term is consistent with this purpose. The unit would further provide diverse lodging opportunities for the visitors and travelers wanting the Resort Area experience.

There are two adjacent off-site parking lots dedicated to Oceans II Condominiums, as shown on the parking plan provided in this report. The applicant has one assigned parking space (#26) in parking lot 2, thus, fulfilling the parking requirement. While the required parking space is off-site, per Section 241.2(1) of the City Zoning Ordinance, the Zoning

Administrator reviewed the parking plan and deemed it acceptable. All other requirements of Section 241.2 and Section 2303 of the Zoning Ordinance regulating Short Term Rentals can be reasonably met with this application.

As the property is in a condominium form of ownership, the Board of Oceans II Condominiums' representative has provided verification that the application of a Short Term Rental Conditional Use Permit in the development is permitted.

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 4005 Atlantic Avenue Unit 115, and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire, or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except that each short term rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
13. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
17. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

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

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



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

## Public Outreach Information

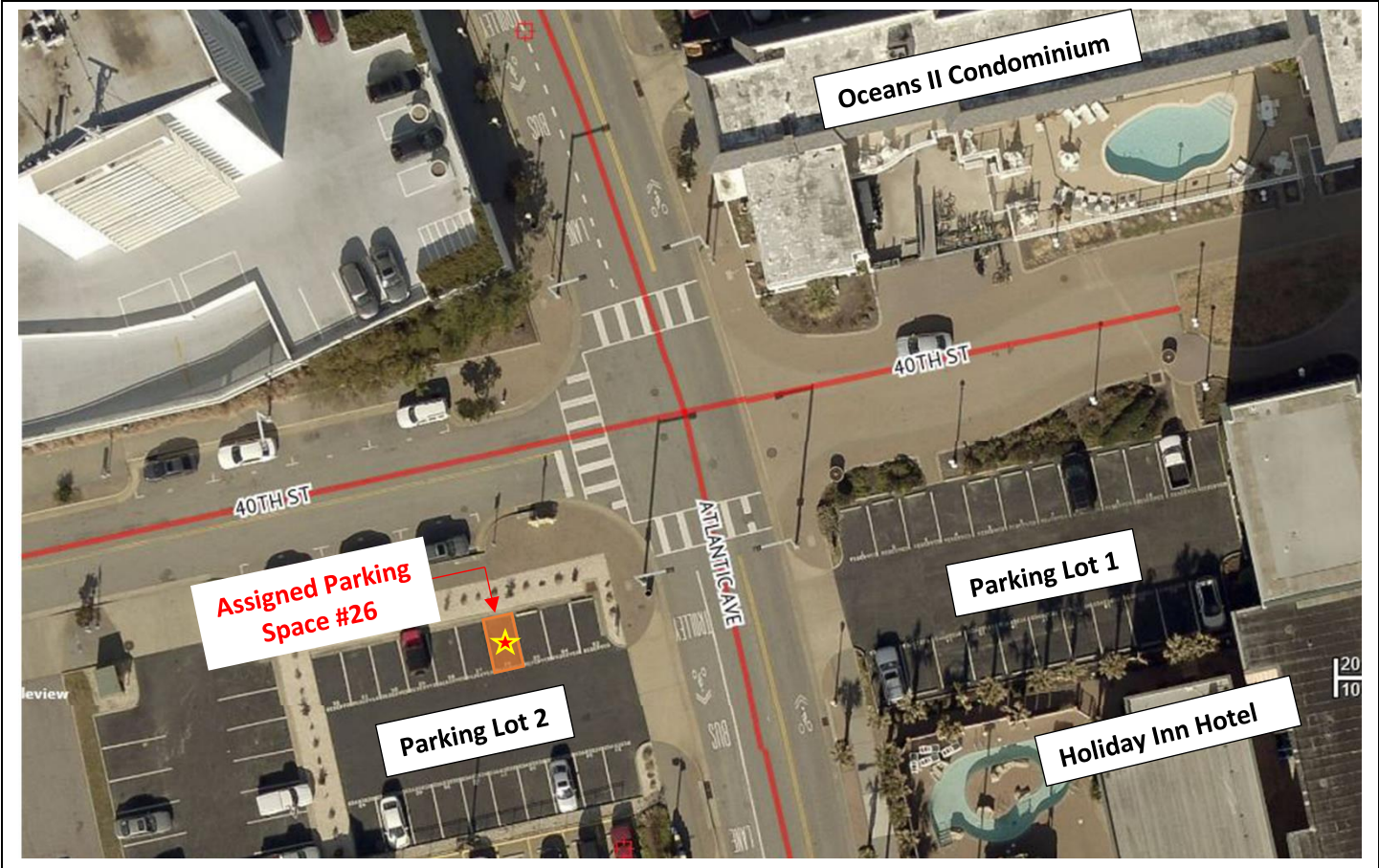
### Planning Commission

- Four letters of opposition, three of which are from the same person, have been received by Staff noting concerns related to a concentration of Short Term Rentals in the building and surrounding area and the perception of declining property values.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 11, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, April 24, 2022, and May 1, 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 April 25, 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](http://www.vbgov.com/pc) on May 5, 2022.

### City Council

- As required by City Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, May 1, 2022 and May 8, 2022.
- As required by City Code, the adjacent property owners were notified regarding both the request and the date of the City Council's public hearing on May 2, 2022
- The City Clerk's Office posted the materials associated with the application on the City Council website of <https://www.vbgov.com/government/departments/city-clerk/city-council/Documents/BookmarkedAgenda.pdf> on May 13, 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 Georgi Stoyanov

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-subsidary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

<sup>1</sup> "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.

<sup>2</sup> "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.

~~United Wholesale Mortgage~~ Imran Bagwan

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

Georgi Stoyanov - owner

Print Name and Title

12/1/2021

Date

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

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

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

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

Revised 11.09.2020

3 | Page

## 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.