



Planning Commission Agenda

November 9, 2022



City of
Virginia Beach

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

Planning Commission Hearing Procedures

A Public Hearing of the Virginia Beach Planning Commission will be held on **Wednesday, November 9, 2022 at 12:00 p.m. in the Council Chamber at City Hall, 2nd Floor at 2401 Courthouse Drive Building 1, Virginia Beach, VA 23456**. Members of the public will be able to observe the Planning Commission meeting through livestreaming on www.vbgov.com, broadcast on VBTv, and via WebEx. Citizens who wish to speak can sign up to speak either in-person at the Council Chamber or virtually via WebEx by completing the two-step process below. A Staff briefing session will be held at 9:00 a.m.. All interested parties are invited to observe.

If you wish to make comments virtually during the public hearing, please follow the **two-step process** provided below:

1. Register for the WebEx at:
<https://vbgov.webex.com/vbgov/onstage/g.php?MTID=ec0f0e5b8f46f76c9ae1d88fa17fca014>
2. Register with the Planning Department by calling 757-385-4621 or via email at mbharris@vbgov.com prior to 5:00 p.m. on November 8, 2022.

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

If you require a reasonable accommodation for this meeting due to a disability, please call the Planning Department at 757-385-4621. If you are hearing impaired, you can contact Virginia Relay at 711 for TDD service. The meeting will be broadcast on cable TV, www.vbgov.com and Facebook Live.

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

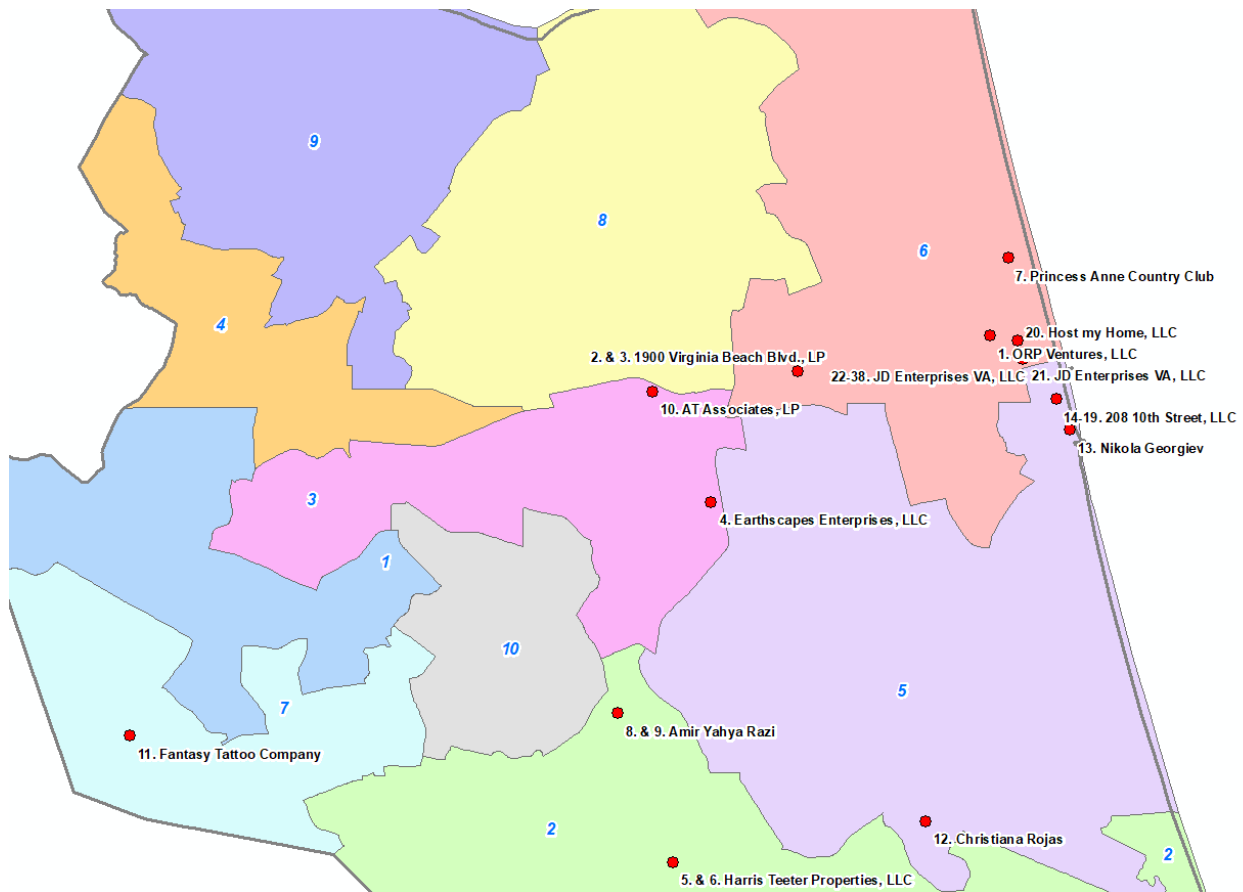
Planning Commission Hearing Procedures

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.

NOVEMBER 9, 2022 PLANNING COMMISSION AGENDA



NOVEMBER 9, 2022 PLANNING COMMISSION AGENDA

A. COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION

B. BRIEFINGS

1. Resort Area Mobility Plan (RAMP) - Kathy Warren, Deputy Director – Department of Economic Development & Kyle Williams, Kimley Horn - Project Consultant
2. Ordinance Amendment to allow Ice Vending Machine in commercial zoning districts - Hannah Sabo, Zoning Administrator (Sponsor by Vice Mayor Wilson)

12:00 P.M. – PUBLIC HEARING

1. **ORP Ventures, LLC** (Applicant & Property Owner)

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

Address: 820 24th Street

GPIN(s): 2417787863

City Council: District 6, formerly Beach

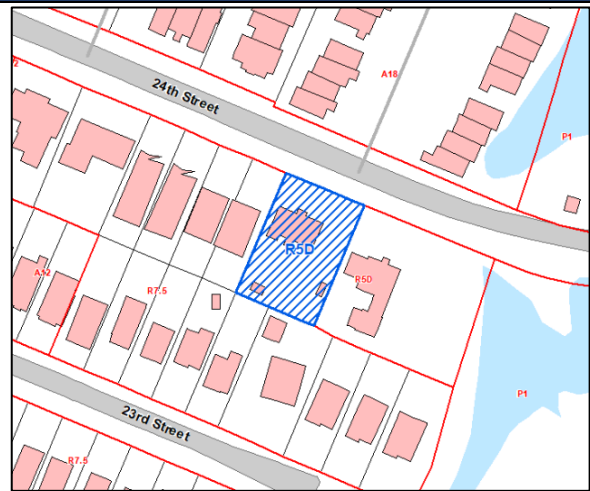
Accela Record(s): 2022-PCCC-00216

SGA: No

Overlay: No

Staff Planner: Hoa N. Dao

Request to create two lots that are deficient in lot width to redevelop the site with two single-family dwellings.



2. & 3.

1900 Virginia Beach Blvd., LP (Applicant & Property Owner)

Conditional Rezoning (A-12 Apartment District to Conditional B-2 Community Business District)

Conditional Use Permit (Bulk Storage Yard)

Addresses: Northern portion of 1900, 1902, 1904, 1906 Virginia Beach Boulevard & 309, 311, 313, 315 Maxey Drive

GPIN(s): Portion of 2407467406

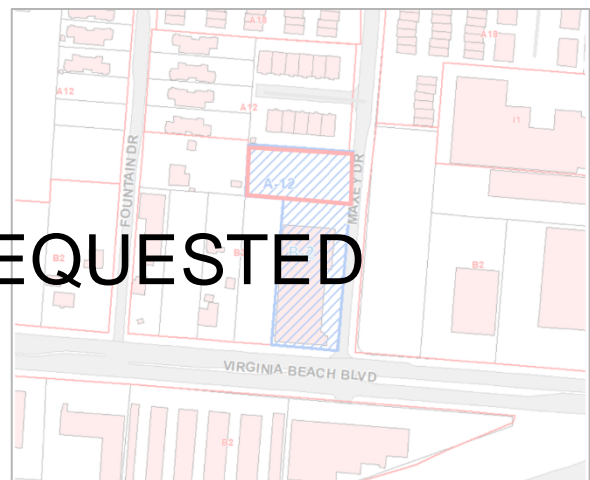
City Council: District 6, formerly Beach

Accela Record(s): 2022-PCCC-00211, 2022-PCCC-00239

SGA: Yes – Hilltop

Overlay: No

Staff Planner: Marchelle Coleman



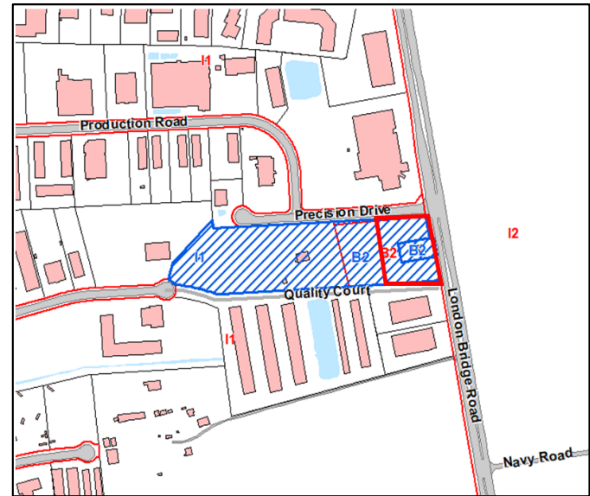
DEFERRAL REQUESTED

Request to rezone 23,100 square feet from A-12 to B-2 and a Conditional Use Permit request for a Bulk Storage Yard.

4.
Earthscapes Enterprises, LLC (Applicant)
Valianos Properties, LLC & JEM, LLC (Property Owner)

Conditional Use Permit (Bulk Storage Yard)

Addresses: 619 & 623 London Bridge Road
GPIN(s): Portion of 1496878501, 1496974509
City Council: District 3, formerly Beach
Accela Record(s): 2022-PCCC-00148
SGA: No
Overlay: No
Staff Planner: Marchelle Coleman



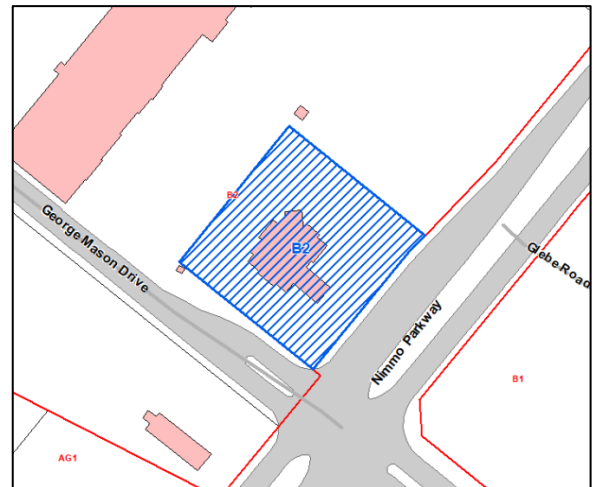
Requests to operate a bulk storage yard to store landscaping materials and equipment.

5. & 6.
Harris Teeter Properties, LLC & Courthouse Marketplace Station, LLC (Applicants)
Courthouse Marketplace Station, LLC (Property Owner)

Modification of Proffers

Conditional Use Permit (Automobile Service Station)

Address: 2500 Nimmo Parkway
GPIN(s): 1494632180
City Council: District 2, formerly Princess Anne
Accela Record(s): 2022-PCCC-00215, 2022-PCCC-00234
SGA: No
Overlay: Historic and Cultural District
Staff Planner: Elizabeth Nowak



Request to modify proffers and a conditional use permit to operate a fueling station with 14 pumps.

7.

Princess Anne Country Club (Applicant)
Princess Anne Country Club & Expansion One, LLC (Property Owners)

Modification of Conditions (Expansion of Non-Conforming Use)

Addresses: 3800 Pacific Avenue, 3901 Holly Road, 488 Linkhorn Drive

GPIN(s): 2418942388, 2418659235 & 2418848645

City Council: District 6, formerly Beach

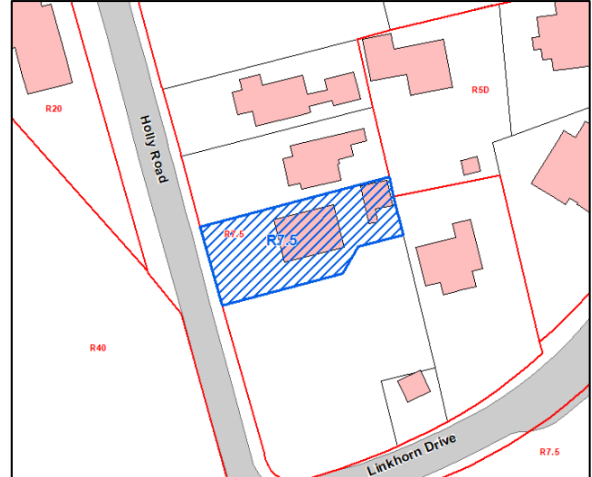
Accela Record(s): 2022-PCCC-00225

SGA: No

Overlay: No

Staff Planner: Elizabeth Nowak

Request to add a 7,654 square foot parcel into the boundary of the country club.



8. & 9.

Amir Yahya Razi (Applicant & Property Owner)

Conditional Rezoning (AG-2 Agricultural District to Conditional B-2 Community Business District)

Conditional Use Permit (Automobile Repair Garage)

Address: Parcel on Holland Road, between 2980 & 3005 Holland Road

GPIN(s): 1495235225

City Council: District 2, formerly Princess Anne

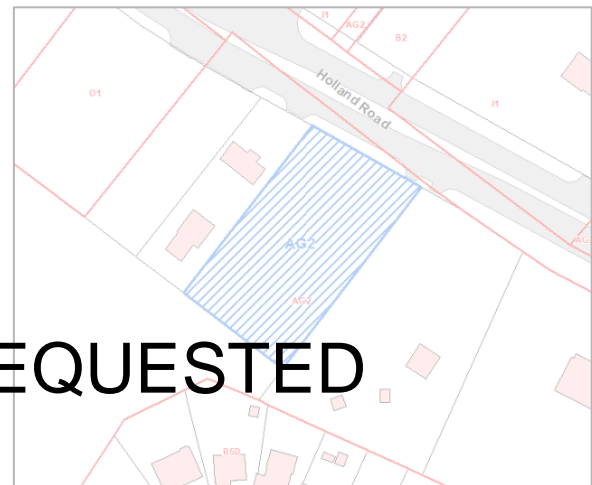
Accela Record(s): 2022-PCCC-00225 & 2022-PCCC-00224

SGA: No

Overlay: No

Staff Planner: Elizabeth Nowak

Request to rezoning 0.92 acres from AG-2 to B-2 along with a Conditional Use Permit request to operate an Automobile Repair Garage.



DEFERRAL REQUESTED

10.

AT Associates, LLP (Applicant & Property Owner)

Modification of Conditions (Motor Vehicle Sales, Rental, & Service)

Address: 2717 Virginia Beach Boulevard

GPIN(s): 1497447924

City Council: District 3, formerly Beach

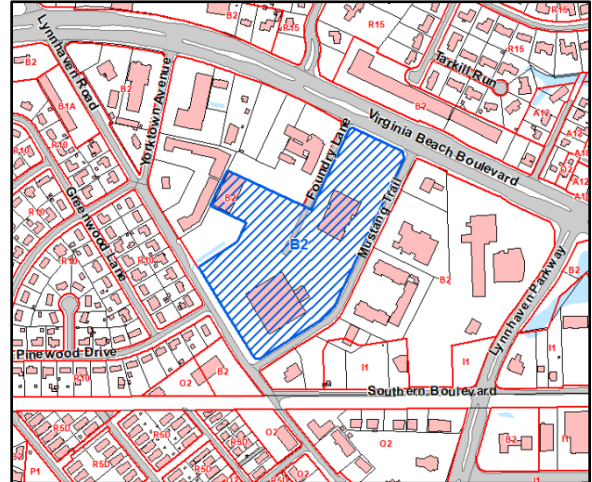
Accela Record(s): 2022-PCCC-00209

SGA: Yes – Lynnhaven

Overlay: No

Staff Planner: Michaela D. McKinney

Request to add 50,000 square feet building for maintenance in conjunction with the existing dealership.



11.

Fantasy Tattoo Company (Applicant)

WCSC, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 1920 Centerville Turnpike, Suite 118

GPIN(s): 1455914345

City Council: District 7, formerly Centerville

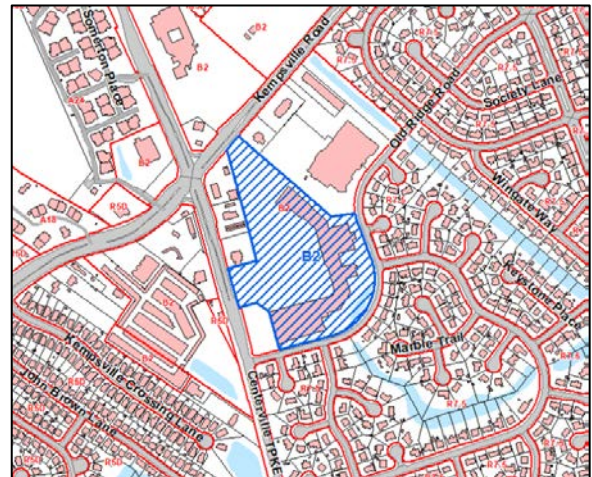
Accela Record(s): 2022-PCCC-00210

SGA: Yes – Centerville

Overlay: No

Staff Planner: Michaela D. McKinney

Request to operate a tattoo parlor within a unit at the Woods Corner Shopping Center.



12.

Christiana Rojas (Applicant)

Red Mill North, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 2133 Upton Drive, Suite 120

GPIN(s): 2414352667

City Council: District 5, formerly Princess Anne

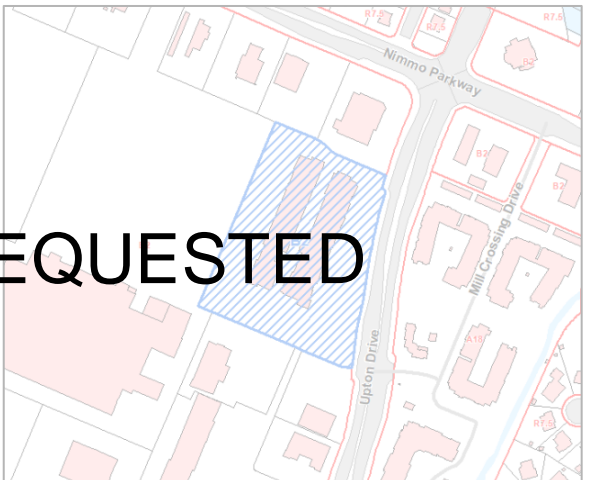
Accela Record(s): 2022-PCCC-00213

SGA: No

Overlay: No

Staff Planner: Michaela D. McKinney

Request to operate a tattoo parlor within a unit at the Red Mill Commons Shopping Mall.



DEFERRAL REQUESTED

SHORT TERM RENTALS

13.

Nikola Georgiev (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 303 Atlantic Avenue, Unit 1305

GPIN(s): 24273224032370

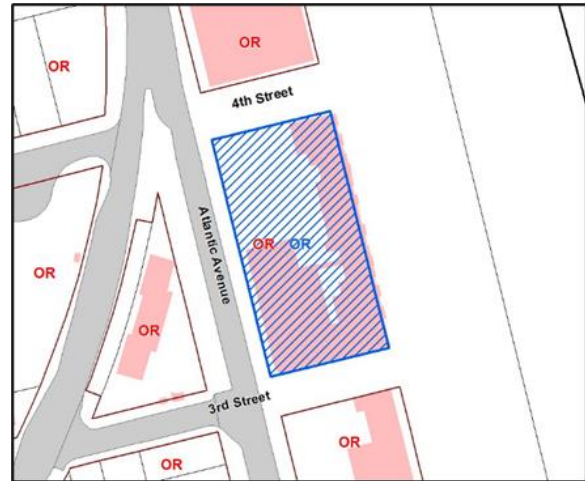
City Council: District 5, formerly Beach

Accela Record(s): 2022-PCCC-00205

SGA: Yes – Resort Area

Overlay: OR STR

Staff Planner: Brandon Hackney



Request for a 2-bedroom Short Term Rental.

14-19.

208 10th Street, LLC (Applicant & Property Owner)

Conditional Use Permits (Short Term Rentals)

Addresses: 945, 965, 961, 957, 953, 949 Pacific Avenue

GPIN(s): 2427242573

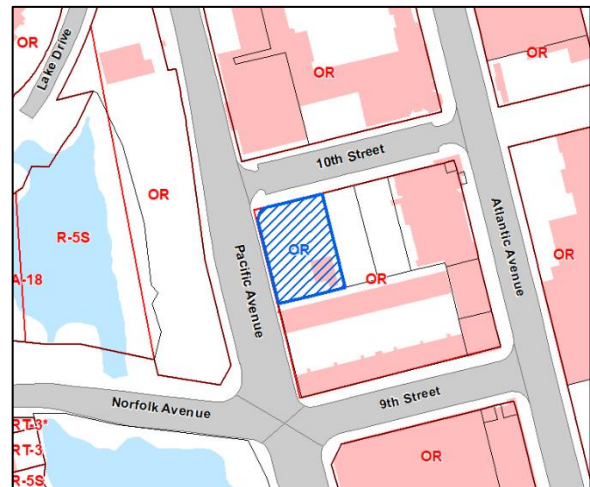
City Council: District 5, formerly Beach

Accela Record(s): 2022-PCCC-00217 thru 2022-PCCC-00222

SGA: Yes – Resort Area

Overlay: OR STR

Staff Planner: Brandon Hackney



Request for six, 4-bedroom Short Term Rentals.

20.

Host My Home, LLC (Applicant)

David Dowdy (Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 529 22nd Street

GPIN(s): 2417986545

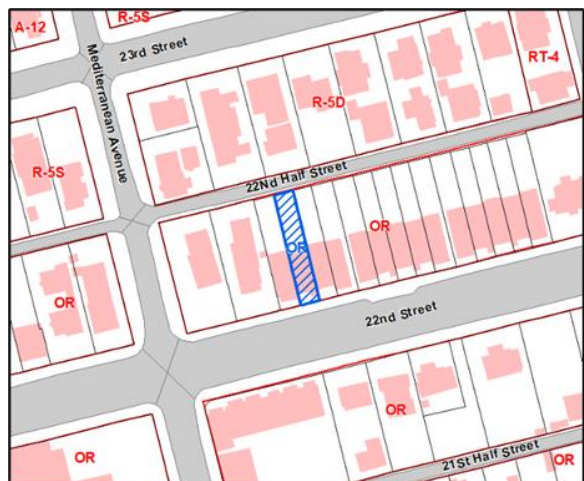
City Council: District 6, formerly Beach

Accela Record(s): 2022-PCCC-00201

SGA: Yes – Resort Area

Overlay: OR STR

Staff Planner: Garek Hannigan



Request for a 4-bedroom Short Term Rental.

21.

JD Enterprises VA, LLC (Applicant)
LOROM, Inc (Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 512 19th Street

GPIN(s): 2427070312

City Council: District 6, formerly Beach

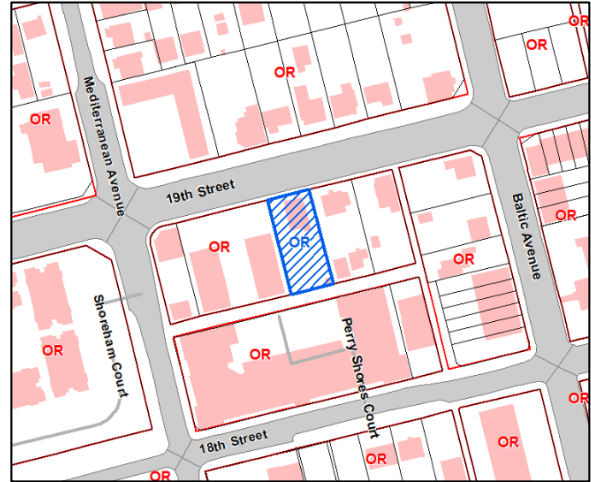
Accela Record(s): 2022-PCCC-00203

SGA: Yes – Resort Area

Overlay: OR STR

Staff Planner: Garek Hannigan

Request for a 3-bedroom Short Term Rental.



22-38.

JD Enterprises VA, LLC (Applicant)
LOROM, Inc (Property Owner)

Conditional Use Permits (Short Term Rentals)

Address: 516 19th Street - Units A1, A2, A3, A4, B1, B2, B3, B4 & 518 19th Street, Units A1, A2, A3, A4, B1, B2, B3, B4

GPIN(s): 2417979219

Council District: District 6, formerly Beach

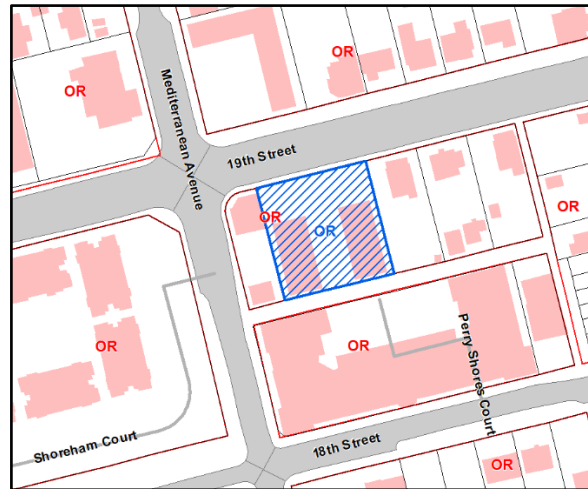
Accela Record(s): 2022-PCCC-00158, 2022-PCCC-00159, 2022-PCCC-00160, 2022-PCCC-00161, 2022-PCCC-00162, 2022-PCCC-00163, 2022-PCCC-00202, 2022-PCCC-00245, 2022-PCCC-00246, 2022-PCCC-00252, 2022-PCCC-00253, 2022-PCCC-00254, 2022-PCCC-00255, 2022-PCCC-00256, 2022-PCCC-00257, 2022-PCCC-00258

SGA: Yes – Resort Area

Overlay: OR STR

Staff Planner: Garek Hannigan

Requests for 15, 2-bedroom Short Term Rentals & 1, 1-bedroom Short Term Rental.



Request

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

Staff Recommendation

Denial

Staff Planner

Hoa N. Dao

Location

820 24th Street

GPIN

2417787863

Site Size

10,000 square feet

AICUZ

70-75 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Duplex / R-5D Residential

Surrounding Land Uses and Zoning Districts

North

24th Street

Multi-family dwellings / A-18 Apartment

South

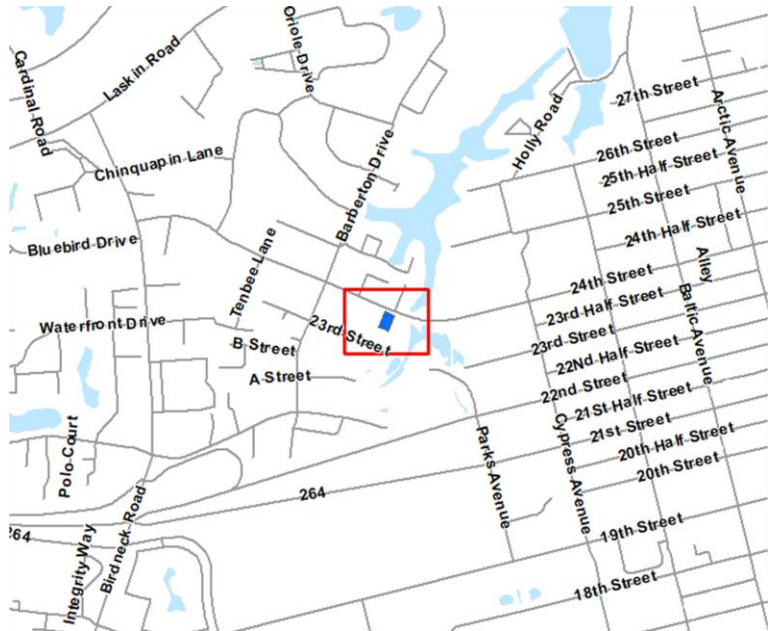
Single-family dwellings / R-7.5 Residential

East

Single-family dwelling / R-5D Residential

West

Single-family dwelling / R-7.5 Residential

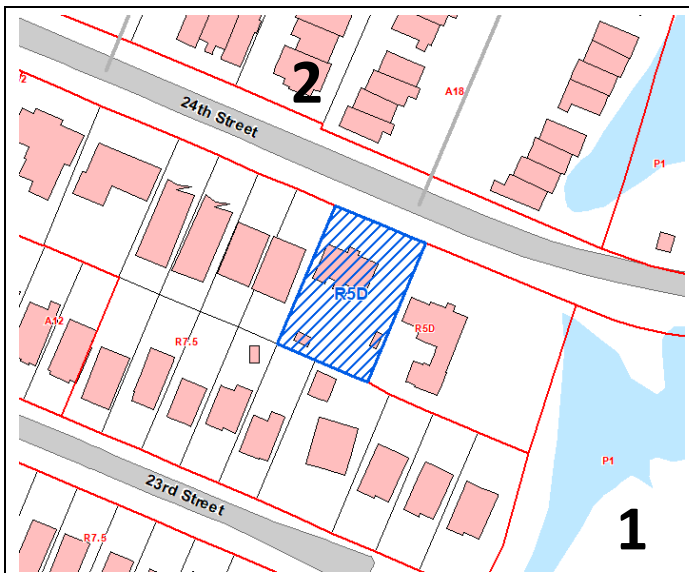


Background & Summary of Proposal

- The 10,000 square foot parcel, zoned R-5D Residential Duplex District, is developed with a one-story duplex that was constructed in 1976.
- This parcel originated from the Woodland Plat that was recorded in 1925. The plat included Lots 17, 18, and portion of Lot 19 with dimensions of 35 feet wide by 125 feet deep. The lots were re-platted in 1976 and Lots 17, 18, and portion of Lot 19 were consolidated into a single lot labeled as 'Parcel B' that has a lot width of 80 feet and lot depth of 125 feet. At that time, the requirements for lot width (75 feet) and lot area (10,000 square feet) for parcels zoned R-5D were met and a duplex or a single-family dwelling can be constructed on Parcel B as a matter of right.
- In early 2022, the applicant acquired both this site, Parcel B, as well as the adjacent Parcel A to the east. This request is to subdivide Parcel B into two lots each substandard in lot width in order to construct two, two-story single family dwellings, one on each lot. As the proposed lots will have only 40 feet of lot width where the Zoning Ordinance requires a minimum lot width of 50 feet for single-family development in the R-5D Residential District, a Subdivision Variance request has been submitted in order to legally establish these parcels. The applicant also planned subdivide Parcel A for single-family.

Proposed Lot	Required Minimum Lot Width (feet)	Proposed Lot Width (feet)	Required Minimum Lot Area (square feet)	Proposed Lot Area (square feet)
Lot B-1	50	40*	5,000	5,000
Lot B-2	50	40*	5,000	5,000
* Variance Requested				

- The applicant has developed the four lots directly west of this site with single-family dwellings as a matter of right and seeks to continue that pattern of development eastward.
- The property is located within the 70-75 dB DNL of the Air Installations Compatible Use Zones (AICUZ). Residential uses are not compatible within this noise zone; however, the existing duplex was constructed prior to the adoption of the AICUZ regulations, and the proposal to create an additional lot will not result in increased density as the use of the parcels will be limited to single-family dwellings. Also, the property is currently zoned residential and a residential use is permitted to be built on the property as a matter of right even with the use not being compatible with the 70-75 dB DNL noise zone.
- The existing driveway on this site is shared with the single-family dwelling on the adjacent eastern property which is also owned by the applicant. With this proposal, that shared ingress/egress will discontinue, and new driveways will be constructed for each lot.
- The property is located within the Resort Area Strategic Growth Area. As the Resort Advisory Commission - Planning/Design Review Committee (PDRC) typically make recommendations on commercial and multi-family and not single-family development proposals such as this, the applicant worked solely with Staff on the details of the project.
- The submitted renderings depict each of the two-story homes of identical design with a front loading garage, a decorative trellis element above the garage, a small front porch, and multiple material finishes to provide visual interest. While the applicant declined to submit a unique design for each dwelling as requested, the applicant worked with Staff to provide variations in the materials and colors of the front façade elevations to help distinguish the buildings.



Zoning History

#	Request
1	CUP (Outdoor Recreation Facility) Approved 12/06/2016
2	CRZ (R-6 to Conditional A-2) Approved 02/04/1985

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

Section 9.3 of the Subdivision Regulations indicates that City Council shall not approve a Subdivision Variance unless specific findings can be made. A brief analysis of each required finding is provided below.

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

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

Staff Analysis: The Ordinance does not produce undue hardship. The property could be developed with a single-family residence or duplex.

- B. The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the neighborhood will not be adversely affected.

Staff Analysis: The surrounding area consists of single-family dwellings and townhomes. The proposal would not be detrimental or adversely affect the character of the area.

- C. The problem involved is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance.

Staff Analysis: The proposal is not recurring in nature, an amendment to the Ordinance is not required.

- D. The hardship is created by the physical character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a variance.

Staff Analysis: The hardship is self-inflicted by the applicant's request to subdivide the parcel in a manner not compliant with the Zoning Ordinance. Staff does not find any irregular shape or character of the property which would create a hardship. As a matter of right, the parcel can be developed with a duplex or a single-family dwelling that meets all the development standards.

- E. The hardship is created by the requirements of the zoning district in which the property is located at the time the variance is authorized whenever such variance pertains to provisions of the Zoning Ordinance incorporated by reference in this ordinance.

Staff Analysis: *The parcel meets the development standards for property zoned R-5D Residential Duplex District. The hardship is created by the applicant's request to subdivide the parcel.*

The proposal to subdivide Parcel B, that currently meets all the dimensional standards for property zoned R-5D Residential Duplex District, to create two lots that are sub-standard in lot width, in Staff's opinion, is not supportable. When the parcel was platted in 1976, the lot met the dimensional standards of the R-8 Residential District at that time. While in 1988 the City reclassified the R-8 District to the R-5D Residential Duplex District, the existing Parcel B continues to meet the current dimensional standards for a duplex in the R-5D Residential Duplex District – 75 feet of lot width and 10,000 square feet of lot area. In other words, the ability to develop the site with two dwelling units exists today in the form of a duplex.

A similar subdivision variance request was sought in 2016 for a property located approximately 500 feet east of this site. The 100-foot-by-140-foot property was once four lots that were platted in 1925; those four lots were later consolidated into one parcel. The property was developed with a single-family dwelling and the applicant sought to create three lots for single-family dwellings with sub-standard lot width of 33.33 feet and lot area of 4,666 square feet. That request was denied by City Council for failing to meet the test required by Section 9.3 the Subdivision Ordinance. The City Council did not support in this instance the creation of sub-standard lots where by-right alternatives existed that would not be detrimental to the neighborhood.

Staff believes that this same reasoning is applicable in this situation as this parcel can be developed with either a single-family dwelling or duplex. Furthermore, Staff's opinion is that the applicant has not demonstrated that the proposed subdivision, resulting in the creation of two sub-standard lots, is not a self-inflicted hardship. Review of the requirements that must be met for granting such a variance as noted above in Section 9.3 of the Zoning Ordinance compels Staff to recommend denial. Should the Planning Commission contemplate approval, the following conditions are provided for consideration:

Recommended Conditions

1. When the Property is developed, it shall be developed substantially as shown on the exhibit entitled, "Conceptual Improvement Plan for Preliminary Subdivision of Lot B Block 10", prepared by WPL, dated August 30, 2022, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.
2. When the site is redeveloped, the building exteriors shall substantially adhere to the renderings shown on pages 8 and 9 of this report, which has been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development.
3. The proposed lots B-1 and B-2 shall only be developed with one single-family residence on each lot.

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

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

Comprehensive Plan Recommendations

The subject property is located in the Resort Area Strategic Growth Area as defined by the Comprehensive Plan. The Resort Area Strategic Action Plan, adopted in 2008, is the master plan prepared for Strategic Growth Area 8 and identifies the potential for three distinct, yet complementary, districts at Laskin Gateway, Central Beach and Rudee Marina. The plan is a vision for enhancing the energy at the beach into these three areas by developing synergies between the cultural and commercial life, the recreational and the natural life, and an overall focus of drawing residents and visitors into the area.

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
24th Street	2,795 ADT ¹	12,500 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 14 ADT Proposed Land Use ³ – 20 ADT
¹ Average Daily Trips	² as defined by a duplex	³ as defined by two single-family dwellings	⁴ LOS = Level of Service

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

This portion of 24th Street is considered a two-lane undivided minor arterial roadway. It is not included in MTP. There are no roadway CIP projects slated for this segment of the roadway.

Public Utility Impacts

Water

The site is currently connected to City water. If approved, each proposed single-family dwellings will be required to connect to City water. There is an existing 12-inch City water main along 24th Street.

Sewer

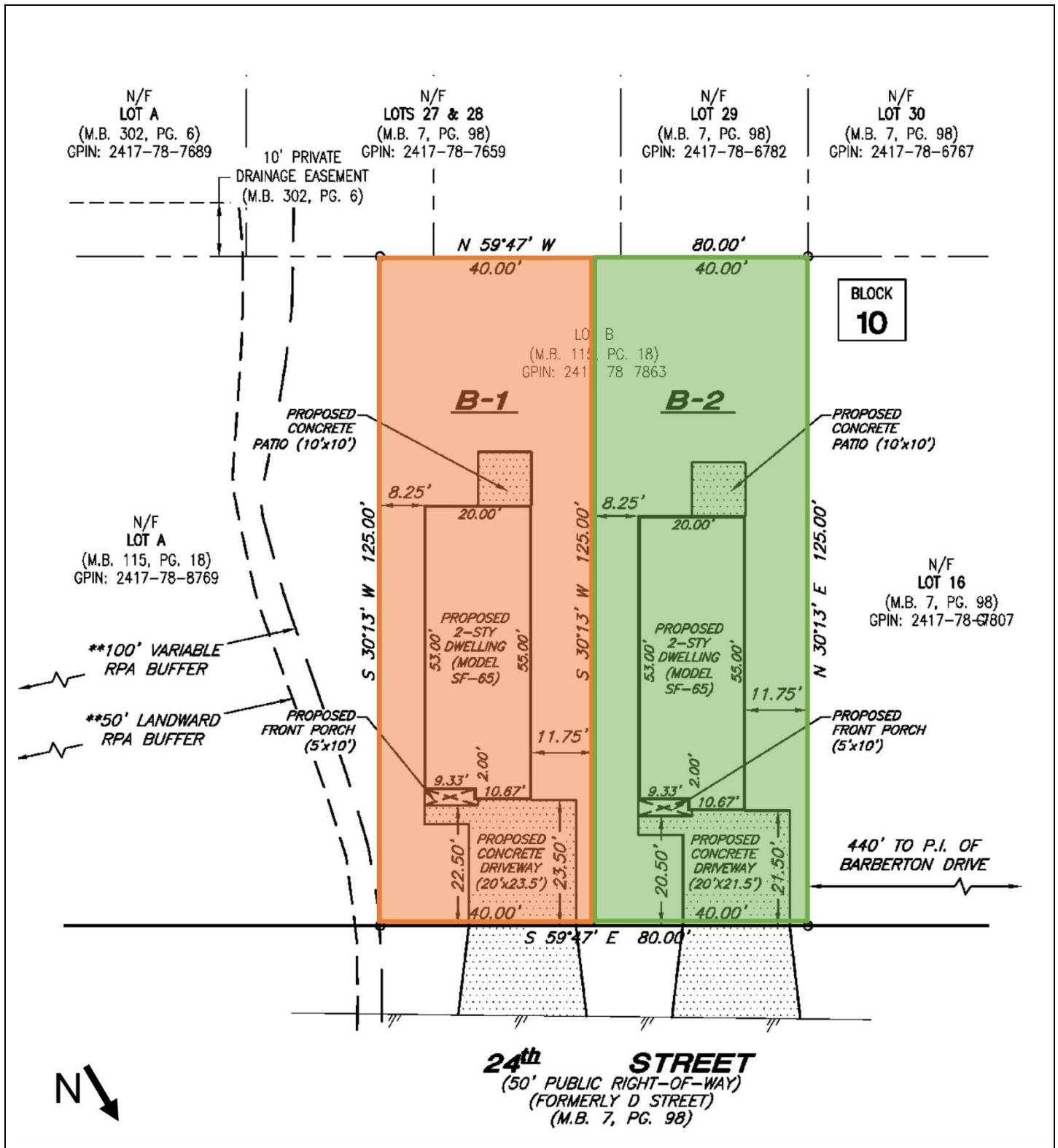
The site is currently connected to City sanitary sewer service. If approved, each proposed single-family dwellings will be required to connect to City sanitary sewer service. There are 15-inch City sanitary sewer gravity main and 10-inch City sewer force main along 24th Street.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, October 23, 2022 and October 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 24, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on November 3, 2022.

Proposed Subdivision Layout



Proposed Renderings



Proposed Renderings



Site Photos



Site Photos



Disclosure Statement

Disclosure Statement



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

Applicant Disclosure

Applicant Name ORP Ventures, LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

R. Edward Bourdon, Jr., 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)

Steven W. Bishard & John K. Bishard, Managers

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☒ Yes ☐ No

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

TowneBank

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

☐ Yes ☒ No

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

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.

Travis Fox, Fox Land Surveys

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

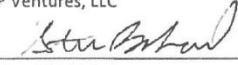
• If yes, identify the firm and individual providing the service.

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

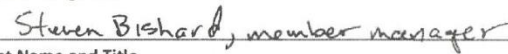
Applicant Signature

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

ORP Ventures, LLC

By: 

Applicant Signature


Steven Bishard, member manager

Print Name and Title

8-31-22

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	

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 for a 30-day deferral of these applications to refine the proposal.

Request

#2 - Conditional Rezoning (A-12 Apartment District to Conditional B-2 Community Business District)

#3 - Conditional Use Permit (Bulk Storage Yard)

Staff Recommendation

Deferral

Staff Planner

Marchelle Coleman

Location

Northern portion of 1900 Virginia Beach Boulevard; 1902, 1904, 1906 Virginia Beach Boulevard; 303, 305, 307, 309, 311, 313, 315 Maxey Drive

GPIN

Portion of 2407467406

Site Size

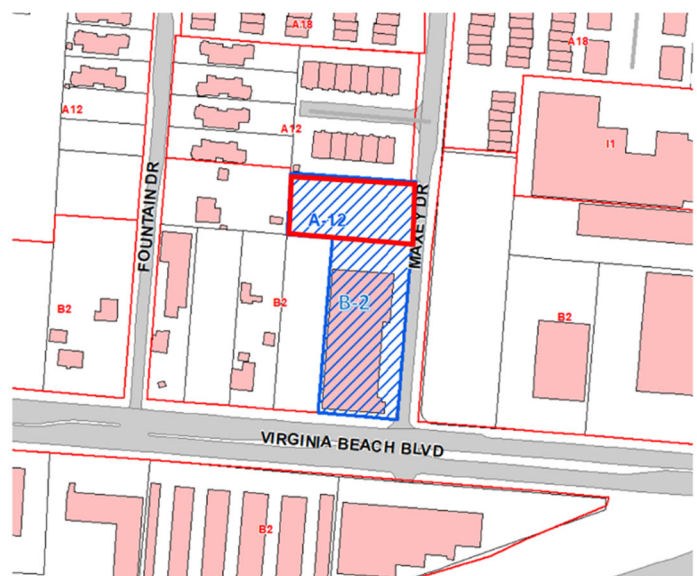
23,100 square feet

AICUZ

Greater than 75 dB DNL; APZ-1

Watershed

Chesapeake Bay



Request

Conditional Use Permit (Bulk Storage Yard)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

619 & 623 London Bridge Road

GPINS

Portion of 1496878501, 1496974509

Site Size

2.45 acres

AICUZ

Greater than 75 dB DNL; APZ-2

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Undeveloped lot, bulk storage yard / B-2
Community Business, I-1 Light Industrial

Surrounding Land Uses and Zoning Districts

North

Precision Drive
Office / I-1 Light Industrial

South

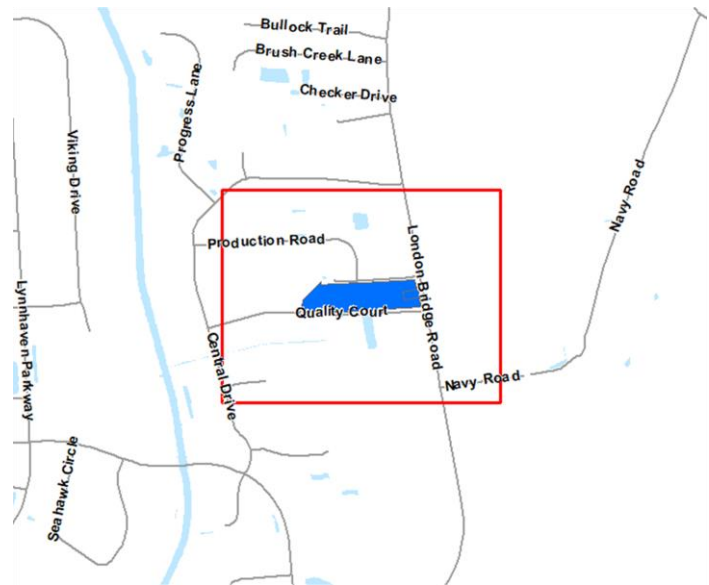
Quality Court
Office, warehouse / I-1 Light Industrial

East

London Bridge Road
Naval Air Station Oceana

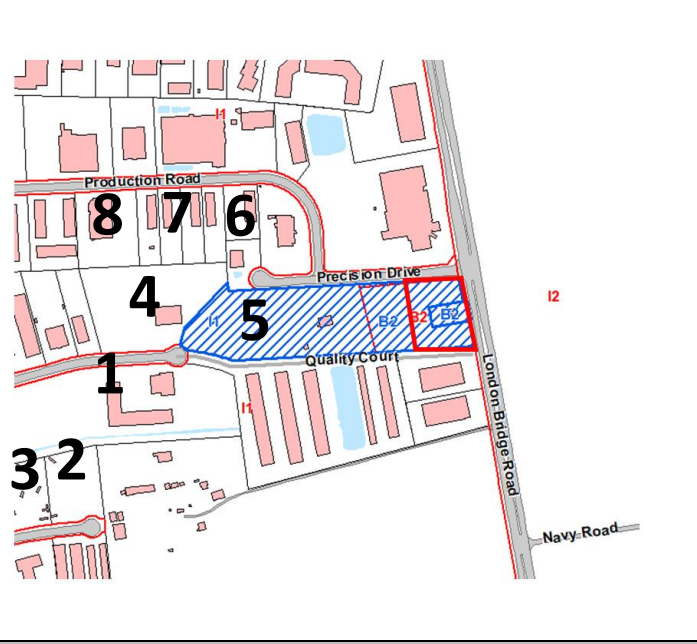
West

Quality Court
Warehouse / I-1 Light Industrial



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to operate a Bulk Storage Yard on a 2.45-acre portion of a parcel located in the London Bridge Industrial Park west of Naval Air Station Oceana. A by-right office building is also proposed on the property for the applicant's landscaping business.
- The property is comprised of two parcels totaling 8.21-acres that is zoned both I-1 Light Industrial and B-2 Community Business. The applicant intends to resubdivide the parcels to create a total of three lots (Residual Parcel A, Parcel A-2, and Parcel A-3), as depicted on page six of this report.
- A storage facility currently exists on the I-1 zoned portion of the property (Proposed Residual Parcel A) and will remain. There are no immediate plans to develop proposed Parcel A-2, which is currently zoned I-1 and B-2. Proposed Parcel A-3 is zoned B-2 and, as mentioned previously, will be developed by-right with an office building for the applicant's business, a local landscaping company, as well as a Bulk Storage Yard which requires a Conditional Use Permit to store landscaping materials and equipment. The building elevations and renderings for the proposed office building is provided on page eight for illustrative purposes only.
- Section 228 of the Zoning Ordinance requires the Bulk Storage Yard area to be enclosed by Category VI screening. Category VI consists of a minimum six-foot tall solid fence with Category I plantings. The proposed Bulk Storage Yard will be fully enclosed with an eight-foot tall solid privacy fence with Category I plantings, as depicted on the conceptual Landscape Plan thereby meeting this requirement. The conceptual Landscape Plan also depicts the required street frontage, building foundation, and interior parking lot plantings for the by-right business. The conceptual Landscape Plan appears to meet the requirements of the Zoning Ordinance; however, a more detailed review of all screening and planting requirements will occur during the final site plan review.
- The site is located in the highest noise zone of greater than 75 dB DNL and Accident Potential Zone – 2 (APZ-2) of the Air Installations Compatible Use Zones (AICUZ) and is encumbered by a Navy Restrictive Easement that limits use of the property with those compatible with Naval flight operations.

	Zoning History	
	#	Request
	1	CUP (Bulk Storage Yard) Approved 08/12/2003 CUP (Contractor's Storage Yard) Approved 02/24/1998
	2	MDC (Automobile Repair Garage & Contractor's equipment storage) Approved 06/24/2008 CUP (Automobile Repair Garage) Approved 10/13/1992 CUP (Contractor's Equipment Storage) Approved 05/12/1992
	3	CUP (Automobile Repair Garage & Bulk Storage Yard) Approved 10/29/1996 CUP (Bulk Storage Yard) Approved 05/11/1987
	4	MOD (Bulk Storage Yard) Approved 02/16/2016 CUP (Bulk Storage Yard) Approved 05/12/1998
	5	CUP (Bulk Storage Yard) Approved 11/13/1978
	6	CUP (Automobile Repair Garage) Approved 10/1/2019
	7	CUP (Equipment Storage yard with Office Warehouse) Approved 07/05/2000
	8	CUP (Bulk Storage Yard) Approved 03/13/2001
Application Types		
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MDC – Modification of Conditions MDP – Modification of Proffers NON – Nonconforming Use	STC – Street Closure FVR – Floodplain Variance ALT – Alternative Compliance SVR – Subdivision Variance LUP – Land Use Plan STR – Short Term Rental

Evaluation & Recommendation

In Staff's opinion, this request for a Conditional Use Permit to operate a Bulk Storage Yard to store landscape materials and equipment is acceptable.

The property is located within the greater than 75 dB DNL noise zone and the APZ-2. The property is also identified in the Comprehensive Plan as within the Special Economic Growth Area (SEGA) 2 - West Oceana. SEGAs are viewed as special areas with significant economic value and growth potential. 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 Bulk Storage Yard is consistent with the Comprehensive Plan's land use policies for this area, as the majority of the land in the vicinity is zoned for commercial and industrial uses and more specifically, uses that are compatible with Naval flight operations. In Staff's view, the proposed use is compatible with the other industrial uses located within the London Bridge Industrial Park and is deemed compatible with Naval flight operations. While much of this area and the proposed property is subject to a Navy Restrictive Easement, on October 4, 2022, the applicant received a letter from the Department of Navy stating that the proposed use appears to be consistent with the language of the restrictive easement and is, therefore, an appropriate use for this site. This correspondence is provided on page nine of this report.

As this site is located in the Chesapeake Bay Watershed, a preliminary stormwater analysis was not required prior to this item being reviewed by Planning Commission and City Council. According to the applicant, underground storage is proposed to address water quality and quantity on site. An in-depth review of the stormwater management strategy to ensure that 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 these considerations, Staff recommends approval of this application, subject to the conditions listed below.

Recommended Conditions

1. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning & Community Development for review and ultimate approval prior to the issuance of a Certificate of Occupancy that is in substantial conformance to the conceptual landscape plan entitled, "Landscape Design", dated June 29, 2022, prepared by Earthscapes Lawn and Land Service, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
2. The outdoor storage materials shall not be stacked higher than the privacy fence.
3. The required Category VI screening surrounding the Bulk Storage Yard shall be installed and maintained for the duration of the use of the site as a Bulk Storage Yard.
4. All outdoor lights shall comply with the following:
 - a. Shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
 - b. Lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

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

Comprehensive Plan Recommendations

This site is located within Special Economic Growth Area (SEGA) 2 - West Oceana. SEGAs are viewed as special areas with significant economic value growth potential, with primary consideration being adjacent to NAS Oceana or within the Interfacility Traffic Area high noise overflight zone. It is recommended that all new or improved development proposals adhere to the City's AICUZ provisions.

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
London Bridge Road	34,100 ADT ¹	36,900 ADT ¹ (LOS ⁴ "D")	Existing Land Use (vacant 2.45-acre property)– 0 ADT Existing Zoning ² – 1,210 ADT Proposed Land Use ³ – 99 ADT
Precision Drive	No Data Available	9,900 ADT ¹ (LOS ⁴ "D")	
¹ Average Daily Trips	² as defined by a 2.45-acre B-2 zoned parcel	³ as defined by-right office building with a Bulk Storage Yard	⁴ LOS = Level of Service

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

London Bridge Road is a divided four-lane Major Suburban Arterial roadway and is included on the MTP as a future divided roadway with a bikeway on a 120-foot right-of-way section. No direct access to either of these proposed developments are being proposed and direct access would not be allowed.

Precision Drive is an undivided two-lane local industrial street. It is not shown on the MTP Map. No roadway CIP projects are planned for this section of Precision Drive.

Public Utility Impacts

Water

The site is currently connected to City water. There is an existing 12-inch City water main along London Bridge Road. There is also an existing eight-inch City water main along Precision Drive, and within a variable width public utility easement on adjacent property to the north and along the western property line. Proposed Parcel A-2 and Parcel A-3 must connect to City water with separate services for each parcel.

Sewer

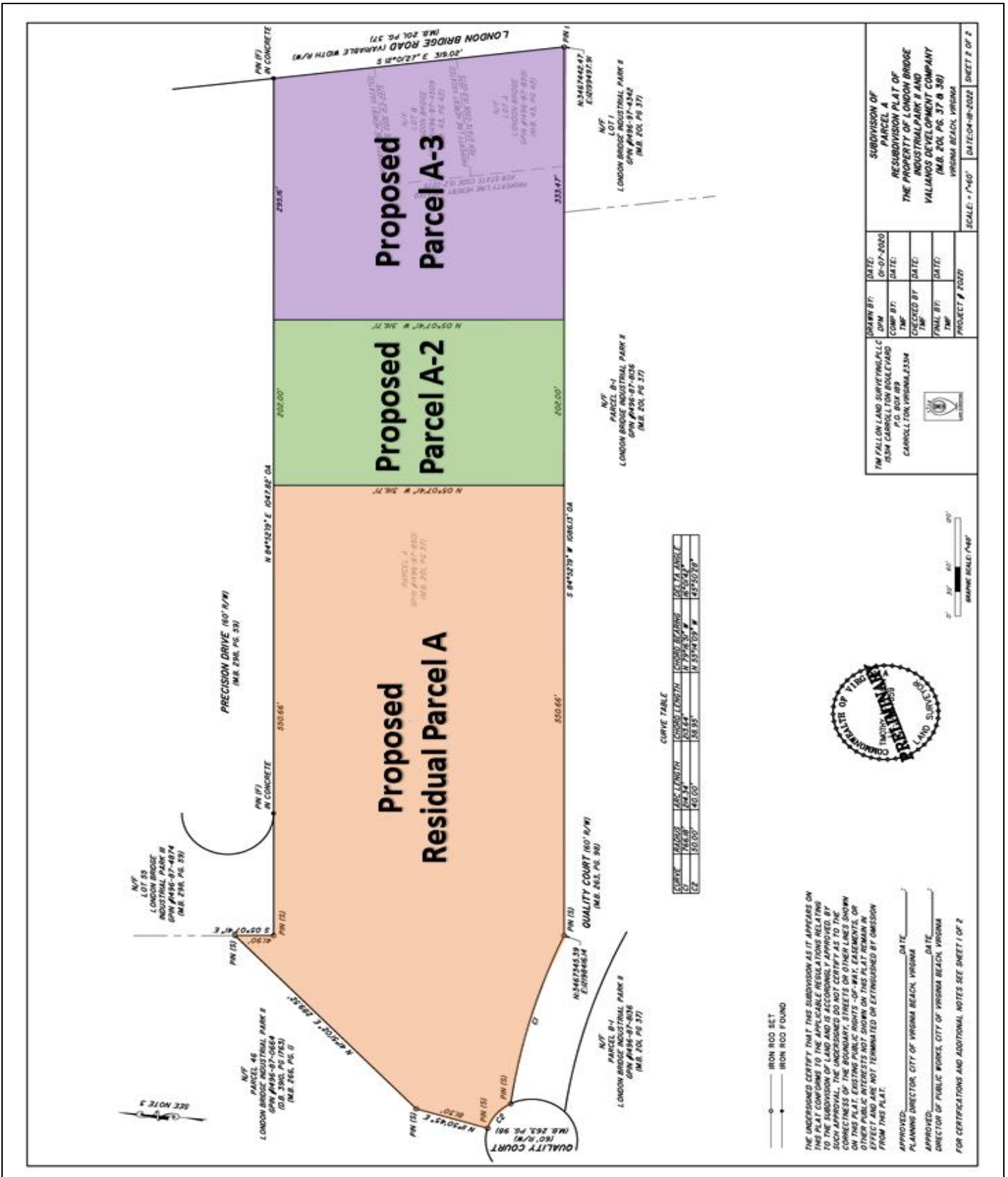
The site is currently connected to City sanitary sewer. There is an existing eight-inch City sanitary sewer gravity main along Precision Drive, and within a variable width public utility easement on adjacent property to the north and along the western property line. Proposed Parcel A-2 and Parcel A-3 must connect to City sanitary sewer with separate services for each parcel.

Public Outreach Information

Planning Commission

- One letter of opposition has been received by Staff noting concerns related to the proposed landscaping retail business not aligning with the professional appearance of the industrial park.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, October 23, 2022 and October 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 24, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on November 3, 2022.

Proposed Resubdivision Plat



0 9 12 13 14 25 30 35 40

Scale 127-1



Virginia Beach, Virginia



Proposed Building (By-Right Office Building)



Navy Easement Compliance Review Letter



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

4535
Ser N4/242
October 4, 2022

Mr. Benjamin Hewlett
1929 Thunderbird Drive
Virginia Beach, VA 23454

Dear Mr. Hewitt:

SUBJECT: REQUEST FOR EASEMENT COMPLIANCE REVIEW

Thank you for the request for an easement compliance review for the revised use of the property identified as 619 and 623 London Bridge Road, Virginia Beach, Virginia.

I reviewed an analysis prepared by a Navy Real Estate Contracting Officer and I agree with the conclusion that the property is subject to restrictions resulting from two separate Grants of Easement acquired by the United States of America. Enclosed is a copy of the Review and Findings for your convenience.

Accordingly, the revised proposed use of the property, described as the wholesaling, storing, and distributing of landscape materials, storage garage for the maintenance and storage of vehicles and equipment, the operation of a plant nursery, and office space maintained in connection with the aforementioned uses, is permitted under the terms of the Grants of Easement.

Be aware that our determination is based on your representations of the use and location of the property. Please be advised the U.S. Navy will periodically conduct random reviews in the field, of the properties encumbered by covenants and restrictions to ensure that the interests of the United States are protected.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "R. L. Holmes", is positioned above the printed name.

R. L. HOLMES
Captain, U.S. Navy
Commanding Officer

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

Copy to: NAVFAC MIDLANT (Codes ARRA12)

Site Photos



Disclosure Statement



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Applicant Disclosure

Applicant Name Earthscapes Enterprises LLC

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

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

Leslie R. Watson, Esq. and Christopher A. Pocta, Esq., Wolcott Rivers Gates, 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)

Josh Eldredge, President; Evan M. Eldredge, Vice President; Edward ("Trey") White, Chief Financial Officer;

Ben Hewlett, Chief Operating Officer

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

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.

Atlantic Union Bank, Jay Kenslow

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.

Harvey Lindsay Commercial Real Estate, Ryan King

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.

Gary Pecher, 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.

Jonathan Covington, Covington Hendrix Anderson Architects

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

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

Applicant is currently under contract to purchase the subject property from the current owners

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.

Taylor Construction, Scott Taylor

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.

Claude Lym, individually; Timothy Fallon, Tim Fallon Land Surveying, PLLC

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

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

Wolcott Rivers P.C., Leslie R. Watson and Christopher A. Pocha

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

Edward White, Chief Financial Officer Earthscapes Lawn and Land Service

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 Valianos Properties, LLC

Applicant Name Earthscapes Enterprises 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)

Jerry E. Valianos

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

Known Interest by Public Official or Employee

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

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

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

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

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Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☒ Yes ☐ No

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

Eric Bucklew Berkshire Hathaway

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.

Claude Lym Site Improvement Associates

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.

Amy Harman Kaufman & Condes

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.

Jerry E. Valianos

Owner Signature

Jerry E. Valianos member

Print Name and Title

5-19-22

Date

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name JEM, LLC

Applicant Name Earthscapes Enterprises 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)

Jerry E. Valianos

Ekaterini J. Valianos

Mellie Valianos-Reynolds

Ernest J. Valianos

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

Known Interest by Public Official or Employee

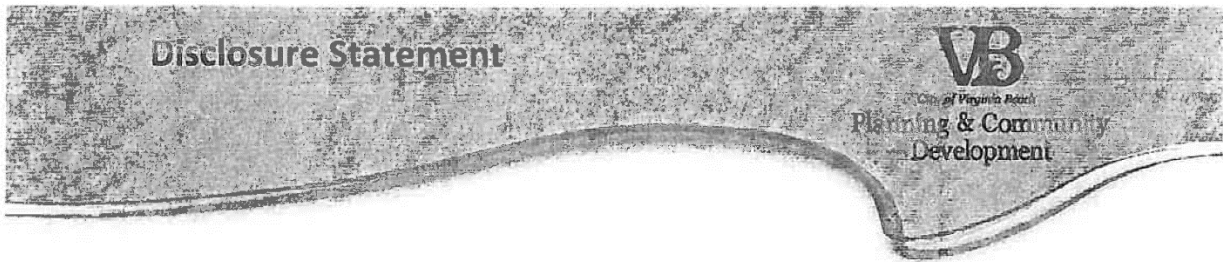
Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

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

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

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

Disclosure Statement



Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☒ Yes ☐ No

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

Eric Bucklew Berkshire Hathaway

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.

Claude Lynn Site Improvements Associates

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.

Amy Harman Kaufman & Canoles

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

JERRY VALIANOS Member

Print Name and Title

6-1-22

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.

Requests

#5 - Modification of Proffers

#6 - Conditional Use Permit (Automobile Service Station)

Staff Recommendation

Approval

Staff Planner

Elizabeth Nowak

Location

2500 Nimmo Parkway

GPIN

1494632180

Site Size

43,362 square feet

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Former bank building / Conditional B-2 Community Business & Cultural District Overlay

Surrounding Land Uses and Zoning Districts

North

Shopping center / Conditional B-2 Community Business with a Historic & Cultural District Overlay

South

George Mason Drive

Restaurant / B-2 Community Business with a Historic & Cultural District Overlay

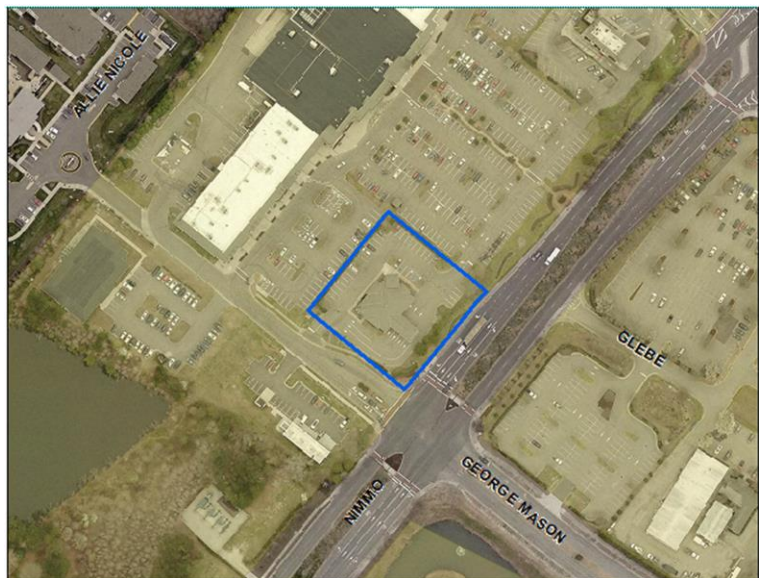
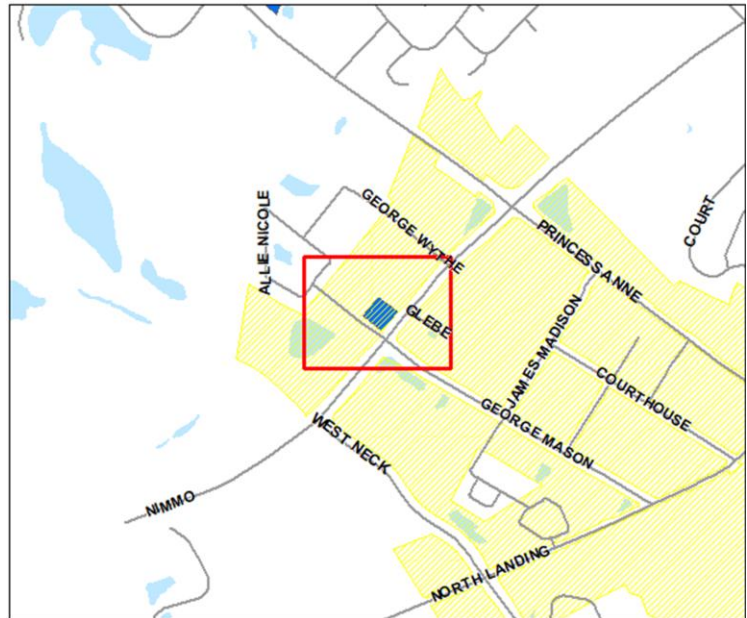
East

Nimmo Parkway

Municipal Center / B-1 Neighborhood Business with a Historic & Cultural District Overlay

West

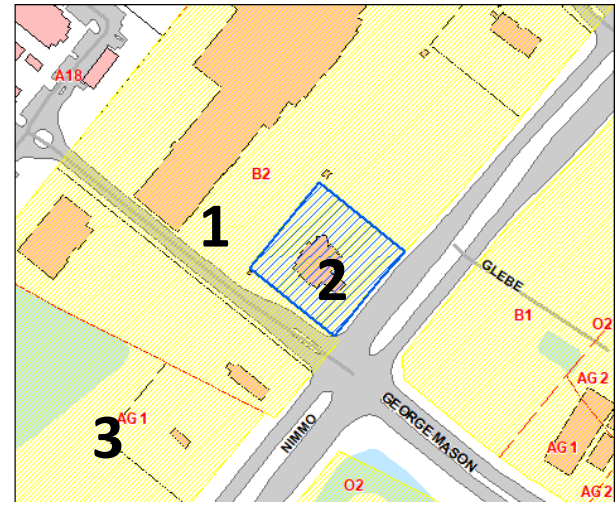
Shopping center / Conditional B-2 Community Business with a Historic & Cultural District Overlay



Background & Summary of Proposal

- The applicant is requesting a Modification of Proffers and a Conditional Use Permit to develop an Automobile Service Station on an outparcel of the Courthouse Marketplace Shopping Center. The Courthouse Marketplace Shopping Center is opposite Nimmo Parkway from the Municipal Center and is located within the Courthouse Historic and Cultural District.
- In 2003, several parcels were conditionally rezoned and resubdivided in preparation of the development of the Courthouse Marketplace Shopping Center. Proffers that had accompanied that application included:
 - Proffer 4, which restricted outparcel signage to non-internally illuminated, building mounted signs only and which stated the only freestanding signage on would consist of one freestanding sign along Princess Anne Road and one freestanding sign along Nimmo Parkway.
 - Proffer 5, which identified a list of prohibited uses from the shopping center and its outparcels, including Automobile Service Stations.
- As part of this request, the applicant is requesting to modify Proffer 4 to install a second freestanding sign along Nimmo Parkway for the new Automobile Service Station and Proffer 5 to permit an Automobile Service Station on this outparcel (Outparcel 5, according to the conceptual site plan on page 10 of this staff report).
- The Automobile Service Station will provide 14 fuel pump stations and a 250 square foot kiosk. A large flat canopy will cover the fuel stations and the kiosk. Exterior cladding of the kiosk and support columns will consist of red brick and neutral colored cast stone to match the primary building of the shopping center. The canopy will have a green metal roof with non-illuminated signage on two elevations. Proposed elevations and sign package are included on pages 11 through 16 of this report.
- A dumpster enclosure that will be constructed of red brick and screened according to the requirements set forth in the Zoning Ordinance will be located near the northeast corner of the outparcel. Elevations of the proposed enclosure are included on page 11 and 12 of this report.
- At its August 17, 2022 meeting, the Historical Review Board approved a Certificate of Appropriateness (COA) for the demolition of the existing bank building and for the proposed design of the fuel station. This approval, under COA #22-08, included approval of proposed building signage, the proposed freestanding sign, and design of the dumpster enclosure.
- The proposed kiosk building will provide restrooms that will only be accessed from the exterior of the building. No interior access, for restrooms or purchase of fuel or other goods, are planned. Customers will be able to pay for fuel or other sundry items at a walk-up window.
- In addition to the proposed kiosk building, the applicant is proposing two exterior vending machines. Staff is not supportive of having exterior vending machines at this location.
- Existing landscaping on the outparcel will be retained with this project, including the existing brick wall at the southeast corner of the site.
- The applicant is proposing seven parking spaces. These will be located perpendicular to Nimmo Parkway. A single vacuum station will be located on the south end of the row of parking spaces and will be screened by existing landscaping.
- The applicant proposes fuel sales to be available twenty-four hours a day.

- The fuel center will employ three to four persons, with a maximum of two employees on-site between the hours of 6:00 A.M. to 10:00 P.M., daily.

	Zoning History	
	#	Request
	1	CRZ (AG-1, AG-2, B-1 with HCD to Conditional B-2 with HCD) Approved 06/08/2004 REZ (AG-1 to B-1 Business-Residential) Approved 03/03/1978
	2	CRZ (AG-1, AG-2, B-1 with HCD to Conditional B-2 with HCD) Approved 06/08/2004 REZ (AG-1 to B-1 Business-Residential) Approved 03/03/1978
	3	CUP (Golf Course, Clubhouse & Associated Facilities) Approved 05/14/1997 REZ (AG-1, AG-2 TO O-1 and B1) Approved 08/17/1987
Application Types		
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MDC – Modification of Conditions MDP – Modification of Proffers NON – Nonconforming Use	STC – Street Closure FVR – Floodplain Variance ALT – Alternative Compliance SVR – Subdivision Variance LUP – Land Use Plan STR – Short Term Rental

Evaluation & Recommendation

In Staff's opinion, these requests are acceptable with the proffers provided by the applicant and conditions recommended in this report. Given the proximity of the Municipal Center to this site and as this outparcel is located in the Courthouse Historic & Cultural District, special consideration is needed to evaluate proposed uses, design, or screening of development here. The architectural design of the Automobile Service Station is compatible with the area and the shopping center, as affirmed by the approval of a Certificate of Appropriateness by the Historical Review Board. Existing landscaping will be retained, which will meet the landscaping requirements of the Zoning Ordinance and ensure that there is a cohesive planting scheme with the remainder of the shopping center.

Section 203(a)(32) of the Zoning Ordinance requires that one parking space per employee on a maximum working shift is required. A maximum of two employees are anticipated during operational hours and seven parking spaces are provided, which exceeds the maximum number allowed by the Zoning Ordinance. A condition is recommended to ensure the proposal will comply with Section 203(b)(9) of the Zoning Ordinance.

Though approval is recommended for the Automobile Service Station, Staff does not support that outdoor vending and merchandising be permitted on this site, as depicted on the concept plan. Historically, Conditional Use Permits for Automobile Service Stations have been conditioned to exclude vending machine and outdoor merchandising outside of the building associated with fuel sales in an effort to maintain orderly and attractive sites. Given that this site is located in the Courthouse Historic & Cultural District, Staff believes this should be given extra consideration. Additionally, the Retail Design Guidelines found in Section 245(e)(2) of the Zoning Ordinance state that vending machines shall not be visible from a public street, and that if vending machines are present, building facades should include an area screened from public streets but visible to security personnel. Staff recommends a condition to prohibit these machines and merchandising as they will be visible from the right-of-way, thereby not meeting this Guideline. The applicant is not agreeable to this prohibition. For the reasons stated above, Staff recommends approval of this application, subject to the conditions listed below, including the prohibition as stated above and in Condition 12 below.

The site is located on an outparcel of the Courthouse Marketplace shopping center and there is currently a bank on this site. The approved Traffic Impact Study (TIS) for Courthouse Marketplace did not anticipate a gas station on this outparcel; however, Traffic Engineering has determined that a revised traffic study is not required with this application because the number of new trips does not exceed 150 trips in the peak hour. Additionally, all of the improvements called out in the original traffic impact study have been constructed, including the traffic signal at Nimmo Parkway and George Mason Drive intersection. The subject outparcel does not have direct access to any public street. Through the Courthouse Marketplace Shopping Center, there are two direct access points to Nimmo Parkway. There is also right-in/right-out access point on Princess Anne Road. The number of new trips generated by this proposed gas station will likely be lower than the trip generation estimates included in our comments. This is due to the fact that many of the Harris Teeter branded gas station users will likely be existing Harris Teeter grocery store generated trips. Additionally, there is an existing 7-11 gas station in the same shopping center, which will take some of the demand away from the Harris Teeter gas station.

Staff's review of the applicant's conceptual stormwater management strategy finds that the development is likely to meet stormwater requirements for the Southern Rivers Watershed. 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. The developer of this project chose to complete a simplified Preliminary Stormwater Analysis providing exhibits that demonstrate a reduction in post-development flow rates and has volunteered a condition that states all stormwater regulations will be complied with during final design.

The subject parcel is currently developed with 0.72 acres of impervious area, and the proposed project will reduce the impervious area to 0.65 acres. This reduction in impervious area will reduce the peak flow rate and total runoff volume discharged from the site into the public storm sewer system. As such, staff requested only land cover maps in lieu of more detailed calculations to verify compliance with Preliminary Stormwater Analysis criteria.

Staff is unaware of any opposition to the request and is recommending approval subject to the following proffers and conditions.

Proffers

The following are modifications to proffers submitted by the applicant that were approved 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.

1. Proffer numbered "4" as contained in the 2004 Proffers is hereby deleted in its entirety and replaced with the following with respect to the Property as herein described:
 4. When the Property, which was formerly designated "Outparcel 5" on the Proffered Site Plans under Proffer numbered 1 of the 2004 Proffers, is redeveloped, no internally illuminated, building mounted signage will be permitted. The only freestanding sign permitted on the Property shall not be illuminated and shall be located along the Property's frontage on Nimmo Parkway. The sign shall have the brick base, dimensions, and height as depicted and described on that exhibit entitled "HT #259 Fuel Center 2476 Nimmo Parkway Virginia Beach, VA 23456" dated 07/05/2022, prepared by Casco Signs Incorporated which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development ("Freestanding Sign Details").
2. Proffer numbered "5" as contained in the 2004 Proffers is hereby deleted in its entirety and replaced with the following with respect to the Property as herein described:

5. The following uses shall not be permitted on the Property, formerly designated “Outparcel 5” on the Proffered Site Plans under Proffer numbered 1 of the 2004 Proffers:

Automobile repair facilities, bino halls, carwash facilities, flea markets, heliports and helistops, mini-warehouses, motorhome sales, and motor vehicle sales and rentals.

3. Except for the modification by replacement of Proffer numbered “4” and “5” applicable to the Property as herein described, the remaining proffered covenants, restrictions and conditions as set forth in the 2004 Proffers are hereby ratified and affirmed.

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. When the site is redeveloped, the site layout shall be in substantial conformity with the conceptual site plan entitled, “Harris Teeter Fuel Center #239 Courthouse Marketplace Virginia Beach, Virginia,” prepared by Kimley-Horn, and dated 07/07/2022, a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.
2. The exterior of the proposed kiosk building, fuel canopy, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations/renderings entitled, “Harris Teeter Fuel Center #239 Courthouse Marketplace Virginia Beach, Virginia,” which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development, and as approved by the Historical Review Board under Certificate of Appropriateness #22-07.
3. When the site is redeveloped, the site shall be landscaped in substantial conformity with the conceptual landscaping plan entitled, “Harris Teeter Fuel Center #239 Courthouse Marketplace Virginia Beach, Virginia, EX-1” prepared by Kimley-Horn, and dated 07/07/2022, a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council. A landscaping plan shall be submitted during detailed site plan review.
4. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed site plan review. Said plan shall include the location of all lighting fixtures mounted on buildings and poles as well as the listing of lamp type, wattage, and type of fixture. Lighting shall overlap and be uniform throughout the parking area. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North America. The plan shall include provisions for implementing low-level security lighting for non-business hours.
5. A brick monument type sign shall be installed in accordance with the City Zoning Ordinance and the Site Plan Ordinance. The sign shall substantially adhere in appearance, size and materials to the exhibit entitled, “HT #259 Fuel Center 2476 Nimmo Parkway Virginia Beach, VA 23456” dated 07/05/2022, prepared by Casco Signs Incorporated, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development
6. Prior to the commencement of any land disturbing activity, a stormwater plan shall be submitted for review and approval by the Development Services Center.
7. The final stormwater plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis, unless otherwise approved by the DSC, using the same basis of design that includes increased rainfall amounts and consideration for sea level rise.

8. A minimum of one oil/water separator shall be installed on the site to prevent sediments from being discharged into the stormwater facility.
9. Parking above the maximum number of spaces shall only be permitted with approval by the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance.
10. No outdoor vending machines and/or display of merchandise shall be permitted.

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

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

Proffers from the 2004 Conditional Rezoning Request

Proffer 1:

When the Property is developed, the grocery store/retail facility shall be developed and landscaped substantially as shown on the exhibits entitled (a) "COURTHOUSE MARKETPLACE", dated 6/3/03, prepared by Engineering Services, Inc., and (b) "PROPOSED DEVELOPMENT COURTHOUSE MARKETPLACE, Virginia Beach, VA.", dated June 03, 2003, prepared by HBA which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter referred to as the "Conceptual Site Plans"). A detailed landscape plan for the Property which is coordinated with the Grantee's landscaping plans for Nimmo Parkway and Ferrell Parkway/Princess Anne Road, must be approved by the Planning Director prior to issuance of a building permit. The landscape plan for the Property will require that at least thirty percent (30%) of the new trees to be planted will be "evergreen" trees.

Proffer 2:

The Conceptual Site Plan depicts outparcels and illustrates a possible development layout for each. In accordance with Section 1304 of the Comprehensive Zoning Ordinance (CZO), a General Certificate of Appropriateness shall be obtained from the Department of Planning prior to development of the Property. The General Certificate of Appropriateness may be issued following review by the Historic Review Board of the architectural style and building materials of the structures, the location, size, number and character of the proposed signage, and the proposed exterior lighting arrangements. A site plan and rendering(s) for any building(s) to be constructed on each outparcel depicted on the Conceptual Site Plan must be approved by the Planning Director, prior to the issuance of a building permit. The Planning Director shall determine that each building on an outparcel is appropriately oriented along the principal drive aisles in a manner that promotes a "main street" atmosphere.

Proffer 3:

The architectural design and building materials of the grocery store/retail structure to be constructed on the Property shall be substantially compatible with the architectural style and materials depicted on the two (2) exhibits entitled "PROPOSED DEVELOPMENT COURTHOUSE MARKETPLACE" dated June 3, 2003, prepared by HBA, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter referred to as the "Elevation Plans").

Proffer 4:

When the Property is developed, no internally illuminated, building mounted signage will be permitted. Outparcels, as depicted on the Conceptual Site Plan shall be restricted to building mounted signs only. The only freestanding signage permitted on the Property, shall be one along the frontage with Ferrell Parkway /Princess Anne Road and one along the frontage of Nimmo Parkway.

Proffer 5:

The following uses shall not be permitted on the Property: automobile repair facilities, automobile service stations, bingo halls, car wash facilities, flea markets, heliports and helistops, mini-warehouses, motor home sales and motor vehicle sales and rentals. In addition, on Outparcels designated "1" and "2" on the Conceptual Site Plan, no drive through uses shall be permitted. On the Outparcel designated "3", no drive through associated with a restaurant shall be permitted.

Proffer 6:

When the Property is developed, a public use, ingress-egress easement shall be dedicated over the two drive aisles/access roads which traverse the Property perpendicular to Nimmo Parkway curb cuts on Nimmo Parkway to the northwestern boundary line of the Property, as depicted on the Conceptual Site Plan. The owner of the Property will agree to grant an appropriate ingress-egress easement to serve both "Lot 16" and "Lot 22A" as depicted on the Conceptual Site Plan, from the easternmost main drive aisle, subject to the owner(s) of Lot 16 and Lot 22A executing a reasonable shared maintenance agreement with the Party of the First Part which reflects a reasonable sharing of construction and maintenance costs for the drive aisles and associated landscaping.

Proffer 7:

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

Comprehensive Plan Recommendations

The subject property is located in the Suburban Area of the city, in the Courthouse Historic & Cultural District. One of the guiding development principles of the Suburban Area is to protect and enhance places of cultural and historic significance.

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. Given that the site has been previously developed, the applicant has provided an exhibit that shows a reduction in the overall impervious cover of the site. This exhibit is submitted in lieu of a preliminary stormwater analysis. Further review of stormwater impacts will occur during site plan review.

The subject parcel is currently developed with 0.72 acres of impervious area, and the proposed project will reduce the impervious area to 0.65 acres. This reduction in impervious area will reduce the peak flow rate and total runoff volume discharged from the site into the public storm sewer system. As such, Staff requested only land cover maps in lieu of more detailed calculations to verify compliance with Preliminary Stormwater Analysis criteria. Based on the information provided by Kimley-Horn, 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. The developer of this project chose to complete a simplified Preliminary Stormwater Analysis providing exhibits that demonstrate a reduction

in post-development flow rates and has volunteered a condition that states all stormwater regulations will be complied with during final design.

The site is also located in the Courthouse Historic & Cultural District, locally designated historic district. This proposal to demolish the existing bank building and redevelop the outparcel with a fuel station was presented to the Historical Review Board at its August 17, 2022 meeting. The Historical Review Board approved a Certificate of Appropriateness for the proposed demolition and redevelopment, including proposed signage.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Nimmo Parkway	16,100ADT ¹	31,100 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 527 ADT; 110 PM Peak Hour Trips
Princess Anne Road	29,600 ADT ¹	39,700 ADT ¹	Proposed Land Use ³ – 2,408; 195 PM Peak Hour Trips
¹ Average Daily Trips	² as defined by a 5,250 square-foot bank with a drive thru	³ as defined by a fuel station with 14 fuel pumps	⁴ LOS = Level of Service ⁵ PM = Afternoon Peak Hour trips

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

Princess Anne Road adjacent to the site is an access controlled four-lane divided suburban major arterial. Nimmo Parkway adjacent to the site is a four-lane divided suburban major arterial that currently terminates at Princess Anne Road. There are no CIP projects planned for either roadway in the vicinity of this site.

Public Utility Impacts

Water

The site is currently connected to City water.

Sewer

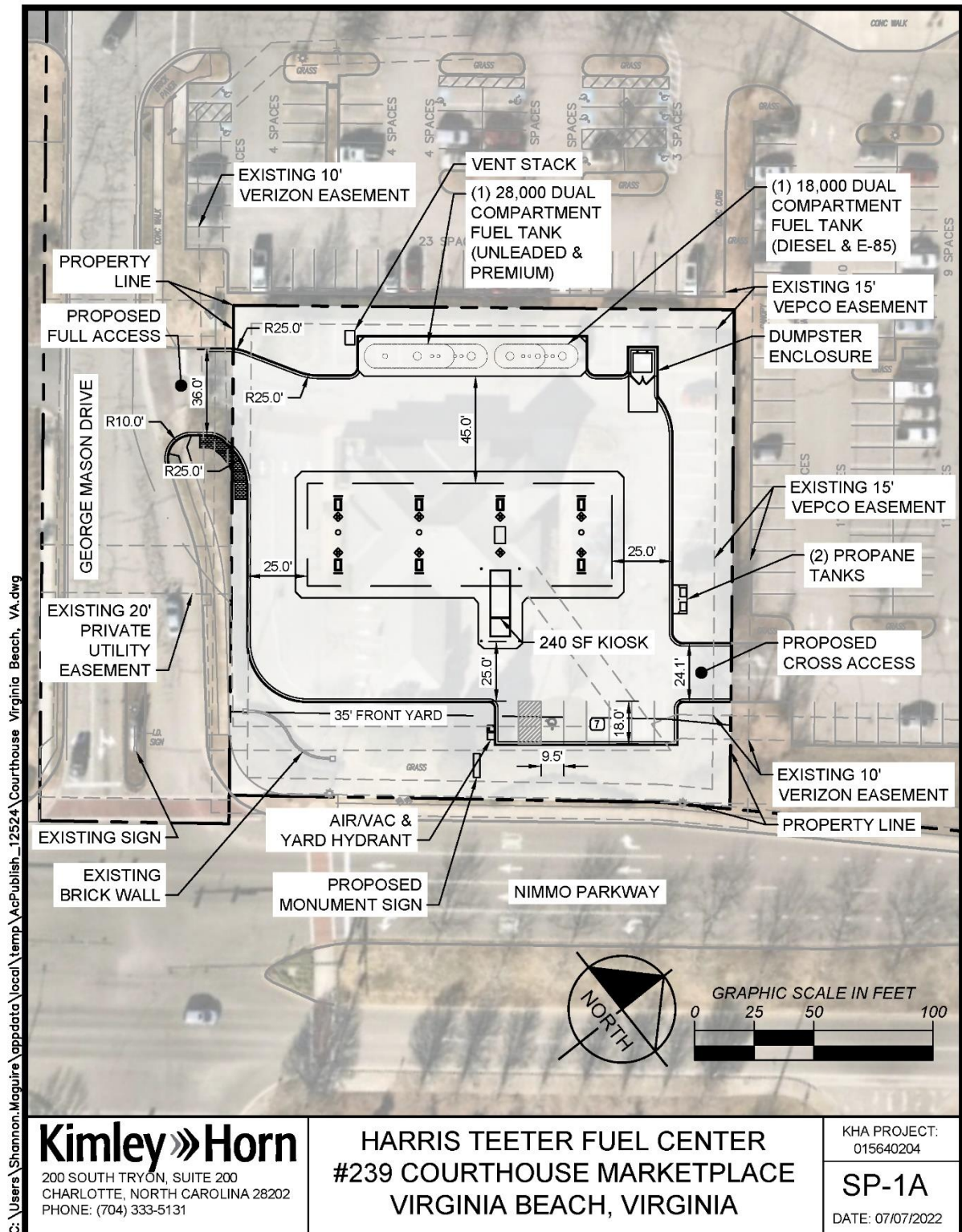
The site is currently connected to City sanitary sewer via an onsite private sanitary sewer system.

Public Outreach Information

Planning Commission

- The applicant submitted an application for a Certificate of Appropriateness for this project and received a Certificate of Appropriateness from the Historical Review Board on August 17, 2022.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, October 23, 2022 and October 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 24, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on November 3, 2022.

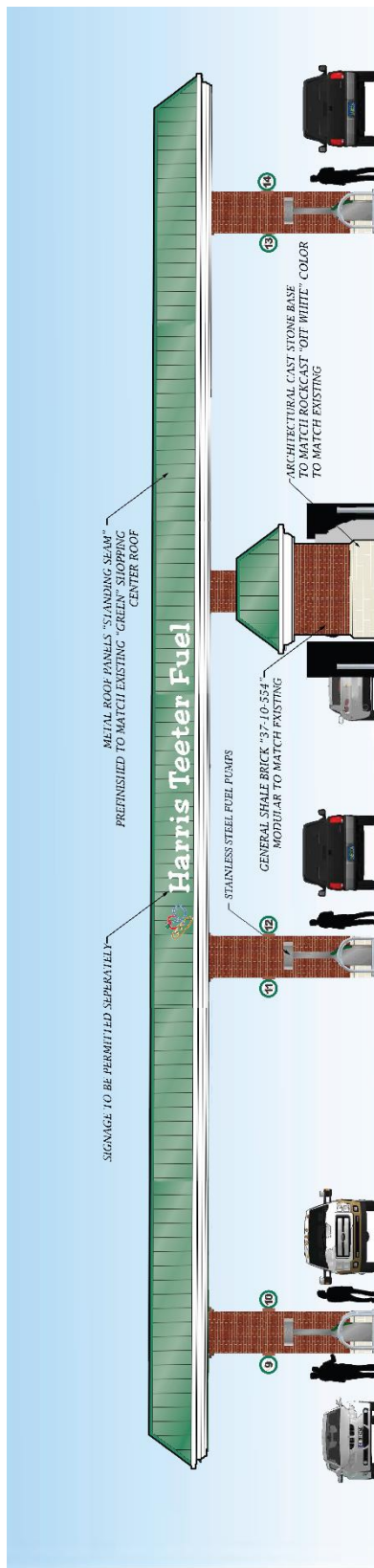
Proposed Site Layout



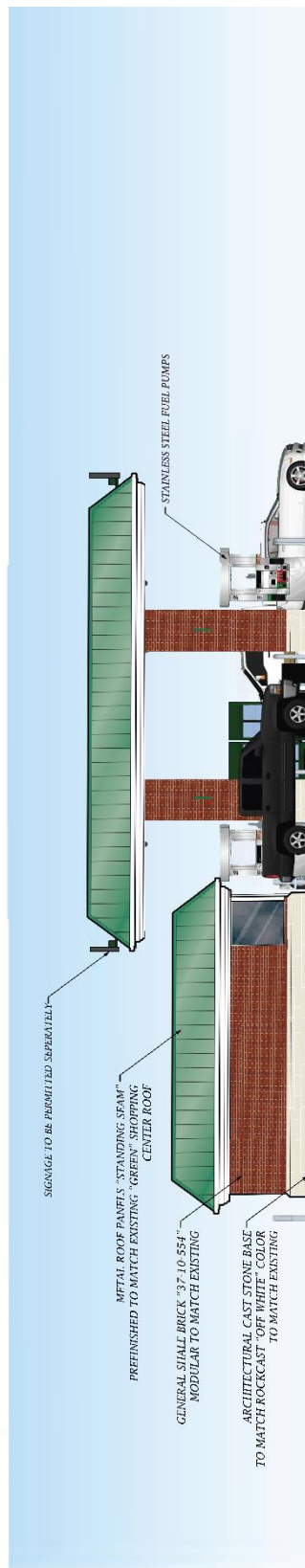
Proposed Site Layout



Proposed Fuel Canopy & Kiosk Building Elevations



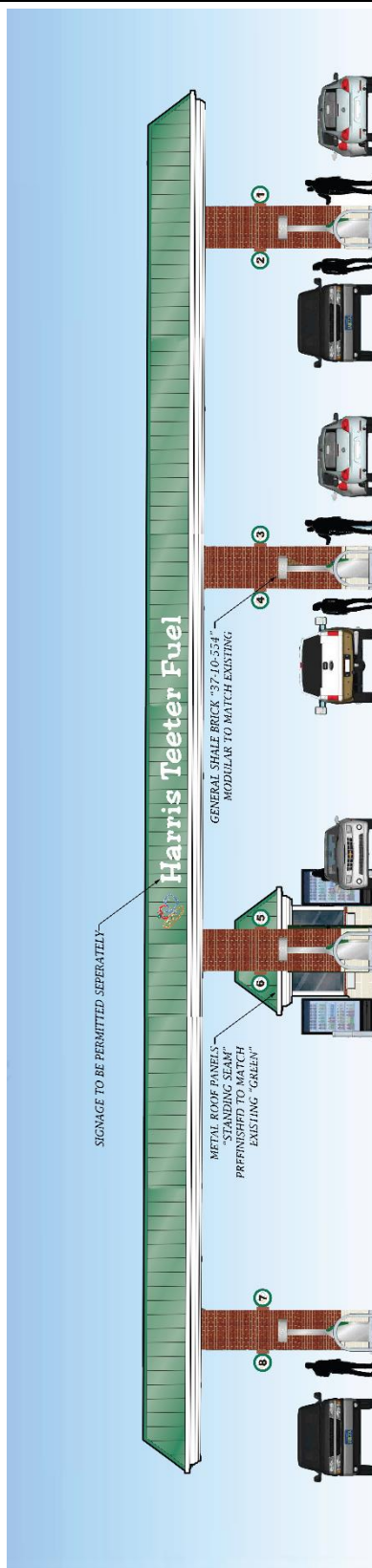
North West Elevation
Scale: 1/4" = 1'-0"



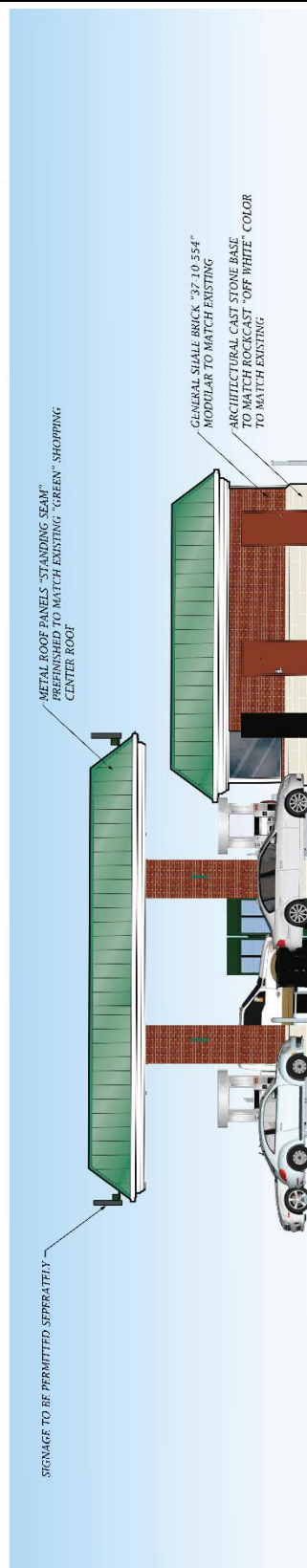
South West Elevation
Scale: 1/4" = 1'-0"

HARRIS TEEETER FUEL CENTER - #239 COURTHOUSE MARKETPLACE VIRGINIA BEACH, VIRGINIA

Proposed Fuel Canopy & Kiosk Building Elevations



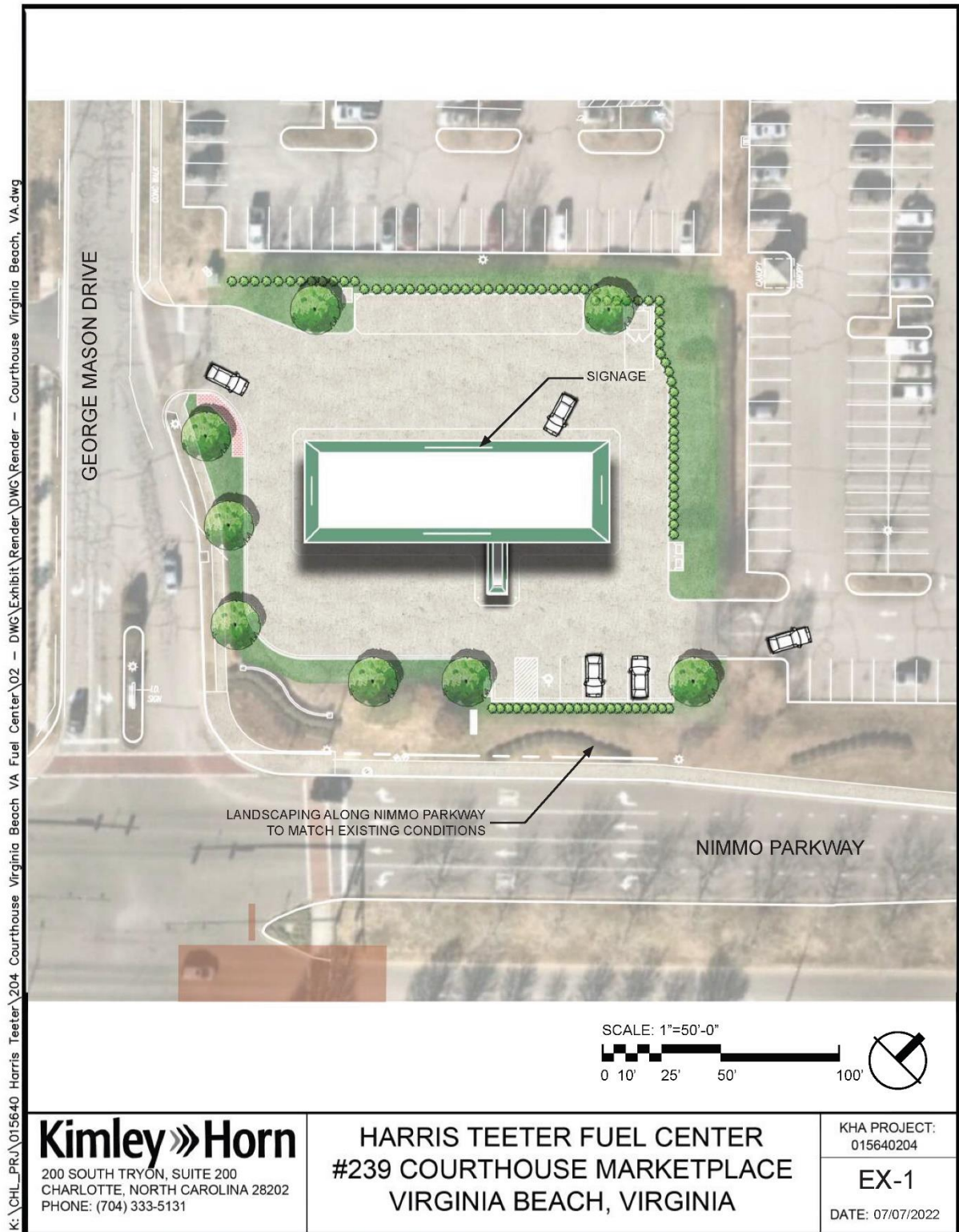
South East Elevation
Scale: 1/4" = 1'-0"



North East Elevation
Scale: 1/4" = 1'-0"

HARRIS TEETER FUEL CENTER - #239 COURTHOUSE MARKETPLACE VIRGINIA BEACH, VIRGINIA


Proposed Landscape Plan

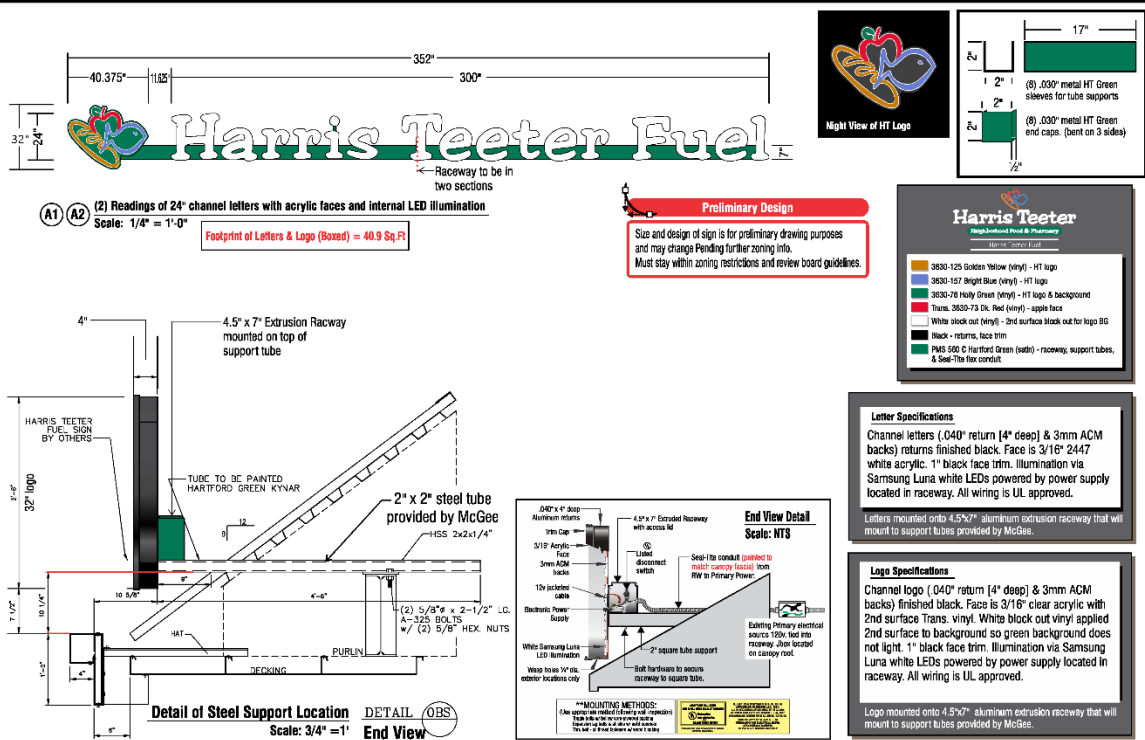


Dumpster Enclosure Rendering



Proposed Signage & Lighting

	
Customer: HT #239 Fuel Center	
2478 Nimmo Parkway Virginia Beach, VA 23456	
Drawing #: 323670	
Date: 07/05/2022	
Revision:	
Customer Approval: _____	
Date: _____	
Sales: D. Martin	
Design: D. Doerflinger	Check by: _____
<p>This design is the property of CASCO SIGNS, Inc. and remains our property until sign is purchased. Any attempt to reproduce this design or use by others for any purpose, without written consent is subject to prosecution to the fullest extent allowed by law.</p>	
<p>All components & materials are approved & listed by  UL <small>LISTED</small></p>	
Drawing Type: Sales	
	





Customer: **HT #239 Fuel Center**

2476 Nimmo Parkway
Virginia Beach, VA 23456

Drawing #: **323570**

Date: **07/05/2022**

Revision:

Customer Approval:

Date:

Sales: **D. Martin**

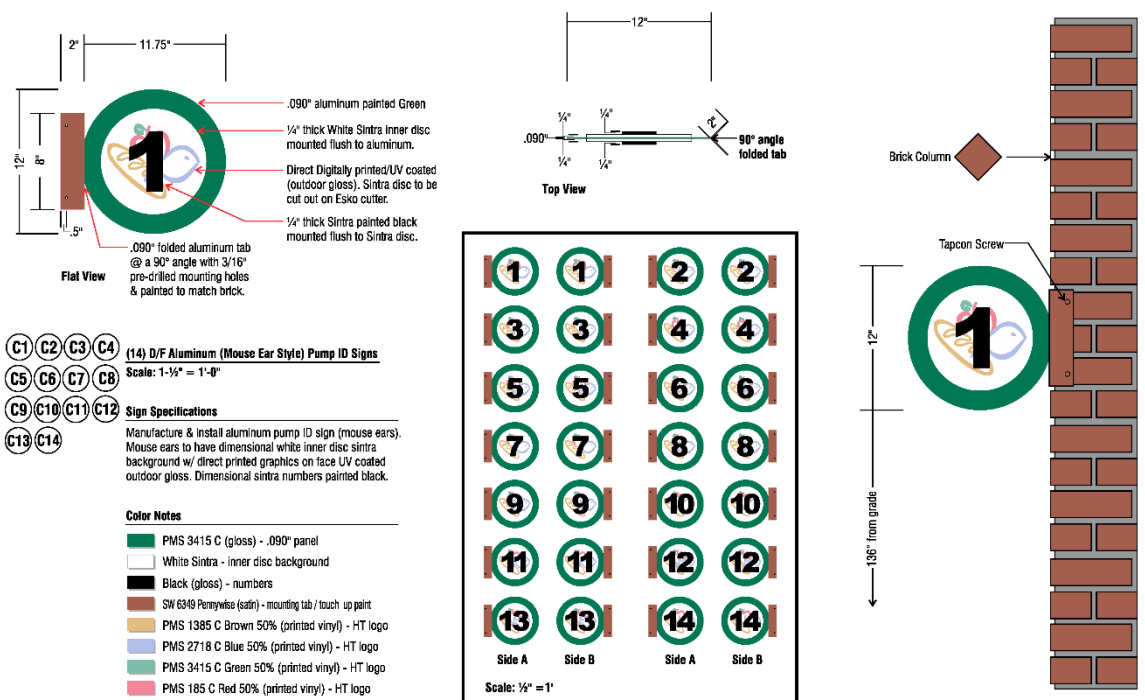
Design: **D. Doerflinger** Check by:

This design is the property of CASCO SIGNS, Inc. and remains our property until sign is purchased. Any attempt to reproduce this design or use by others for any purpose, without written consent is subject to prosecution to the fullest extent allowed by law.

All components & installations are approved & noted by  **D. Doerflinger**

Drawing Type: **Sales**





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 Harris Teeter Properties, LLC

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

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

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

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

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

See Attached

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

See Attached

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

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

**ACTION BY UNANIMOUS WRITTEN CONSENT
OF THE MANAGERS OF
HARRIS TEETER PROPERTIES, LLC**

February 1, 2022

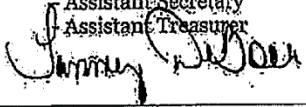
The undersigned, being all of the Managers of Harris Teeter Properties, LLC, a North Carolina Limited Liability Company (the "Company"), hereby consent to and adopt the following resolutions in writing as of the date written above:

RESOLVED, That Rodney C. Antolock is hereby removed from the office of Vice President of the Company; and further

RESOLVED, That Tammy DeBoer is hereby elected to the office of Vice President of the Company, to serve until her successor is duly elected and qualified; and further

RESOLVED, That the current officers of the Company are listed below, incorporating the change(s) referenced above:

Scott K. Nations	- President
Christine S. Wheatley	- Vice President and Secretary
Carin L. Fike	- Vice President and Treasurer
Tammy DeBoer	- Vice President
Rick J. Landrum	- Vice President
Taryn G. Mecia	- Vice President and Assistant Secretary
Jacob Phares	- Vice President
Dorothy D. Roberts	- Assistant Secretary
Joseph W. Bradley	- Assistant Treasurer



Tammy DeBoer



Rick J. Landrum

Scott K. Nations

**ACTION BY UNANIMOUS WRITTEN CONSENT
OF THE MANAGERS OF
HARRIS TEETER PROPERTIES, LLC**

February 1, 2022

The undersigned, being all of the Managers of Harris Teeter Properties, LLC, a North Carolina Limited Liability Company (the "Company"), hereby consent to and adopt the following resolutions in writing as of the date written above:

RESOLVED, That Rodney C. Antolock is hereby removed from the office of Vice President of the Company; and further

RESOLVED, That Tammy DeBoer is hereby elected to the office of Vice President of the Company, to serve until her successor is duly elected and qualified; and further

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Christine S. Wheatley	- Vice President and Secretary
Carin L. Fike	- Vice President and Treasurer
Tammy DeBoer	- Vice President
Rick J. Landrum	- Vice President
Taryn G. Mecia	- Vice President and Assistant Secretary
Jacob Phares	- Vice President
Dorothy D. Roberts	- Assistant Secretary
Joseph W. Bradley	- Assistant Treasurer

Tammy DeBoer

Rick J. Landrum

Scott K. Nations

**ACTION BY WRITTEN CONSENT
OF THE SOLE MEMBER
OF
HARRIS TEETER PROPERTIES, LLC**

February 1, 2022

The undersigned, being the sole Member of Harris Teeter Properties, LLC, a North Carolina limited liability company (the "Company"), hereby consents to and adopts the following resolutions in writing as of the date written above:

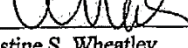
RESOLVED, That Rodney C. Antolock is hereby removed from the position of Manager of the Company; and further

RESOLVED, That Tammy DeBoer is hereby elected to the position of Manager of the Company; and further

RESOLVED, That the current Managers of the Company are listed below, incorporating the change referenced above:

Tammy DeBoer
Rick J. Landrum
Scott K. Nations

HARRIS TEETER, LLC
a North Carolina limited liability company
sole Member of Harris Teeter Properties, LLC

By: 
Christine S. Wheatley
Vice President and Secretary

Disclosure Statement

Ansonborough Square Investors I,
LLC

Ansonborough Square Retail, LLC
Ardrey Kell Investments, LLC
Creedmoor Retail, LLC
Carrboro Retail, LLC
Fuquay Investors I, LLC

HTBerewick, LLC
HT Carnes, LLC
HT Carolina Colours, LLC
HT HT-Cary Park #1, LLC
HT Denver, LLC

HT Fuel DE, LLC

HT Forestville, LLC
HT Fuel NC, LLC
HT Fuel SC, LLC
HT Fuel VA, LLC
HT Hawfield, LLC
HT Johns Island, LLC
HT-Palisades, LLC
HT Fuel MD, LLC
HT Fuel NC, LLC
HT Fuel SC
HT Fuel VA, LLC
HTGBD, LLC
HTP Bluffton, LLC
HTP Plaza, LLC
HTP Relo, LLC
Latta Village, LLC
HTPS, LLC
Mineral Springs Associates #1, LLC
Ponds Retail Partners, LLC Purcellville
Gateway Holdings, LLC Rocky River
Associates #1, LLC MTC Investors
LLC
RTS Investors II, LLC
RTS Investors, LLC
Southpoint Associates #1, LLC
HTTAH, LLC
Taylortown Retail, LLC
ITAC 119, LLC
Woodmont of Greensboro, LLC
Harris Teeter Supermarkets, Inc.
HTPS, LLC
ITAC 265, LLC
Kirkpatrick West Retail, LLC
Matthews Property 1, LLC
Stallings Investors I, LLC
Woodmont Holdings, LLC

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

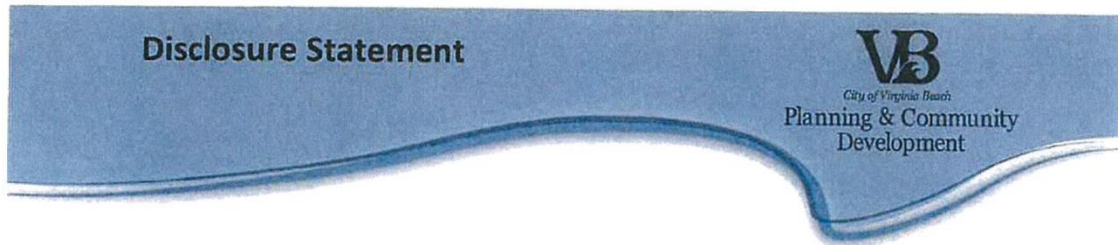
- If **yes**, identify the firm and individual providing the service.

Kimley-Horn Associates - Joey Racer

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.

Kimley-Horn Associates - Joey Racer

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.

Harris Teeter Properties, LLC

By:

Applicant Signature

Print Name and Title

Date

Jacob Phares - Vice President

9/1/22

- 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 Courthouse Marketplace Station, LLC

Applicant Name Harris Teeter 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)

Sole Member - Phillips Edison Grocery Center Operating Partnership I, L.P.; General Partner of same - Phillips Edison Grocery Center OP GP LLC; Officers of same Robert F. Myers, COO, John Caulfield, CFO and EVP, Joe Schlosser, SVP

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

Phillips Edison & Company, Ltd. Management Agent

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



Owner Services Disclosure

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

☒ **Yes** ☐ **No**

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

Guardian Life Insurance Company

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.**

TOWN & COUNTRY NOBLESVILLE STATION LLC,
a Delaware limited liability company

By: Phillips Edison Grocery Center Operating Partnership I
L.P., a Delaware limited partnership, its sole member

By: Phillips Edison Grocery Center OP GP I LLC,
a Delaware limited liability company, its General Partner

By: _____

Name: Joe Schlosser, Vice President

Title: _____

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

Change in Nonconformity (Expansion of Nonconforming Use – Country Club)

Staff Recommendation

Approval

Staff Planner

Elizabeth Nowak

Location

3901 Holly Road, 488 Linkhorn Drive, 3800 Pacific Avenue

GPIN

2418848645, 2418659235, 2418942388

Site Size

7,644 square feet

AICUZ

70-75 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Single-family dwelling / R-7.5 Residential

Surrounding Land Uses and Zoning Districts

North

Single-family dwelling / R-7.5 Residential

South

Surface parking lot for Country Club / R-7.5 Residential

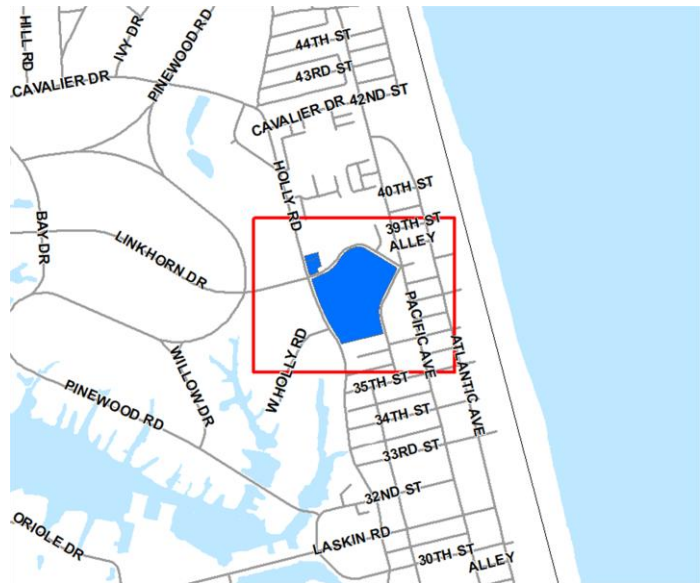
East

Single-family dwelling, multi-family housing, religious use / R-5D Residential

West

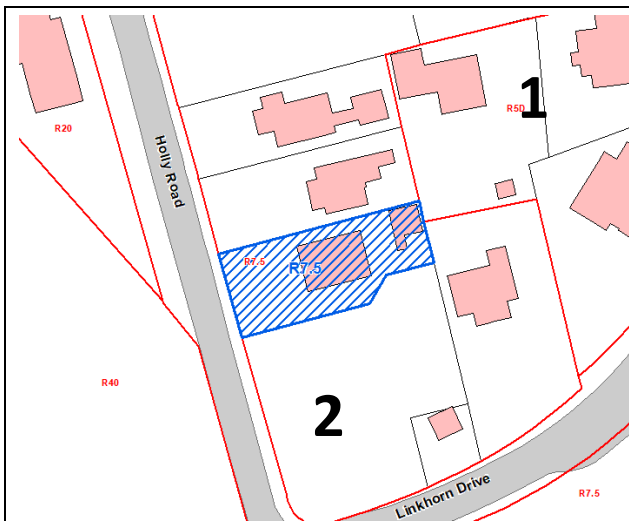
Holly Road

Golf course / R-40 Residential



Background & Summary of Proposal

- The applicant is requesting a Change in Nonconformity to expand a nonconforming club use to include the property at 3901 Holly Road, which contains a c.1940s one-story bungalow. The Princess Anne Country Club members and their guests will be able to use the house for event space and overnight lodging. This use would be exclusive to club members and guests pursuant to Princess Anne Country Club policies and, as such, is considered an accessory use to the existing club.
- The Princess Anne Country Club was founded in 1916. A clubhouse has been located on property between Holly Road, Linkhorn Drive, and Sea Pines Road since the first clubhouse was opened there in 1920. The current clubhouse was constructed in 2005 and replaced the early twentieth-century building, which was demolished in 2004. Other amenities have been added to the club over time including tennis courts, a pool, a fitness center, and additional parking on the large parcel where the clubhouse is located. The golf course is just west of the current clubhouse and is surrounded by residential development. The size and location of the golf course has remained consistent since its construction.
- The applicant will make no changes to the bungalow at 3901 Holland Road.
- The applicant will install no signage at 3901 Holland Road.
- Two dedicated parking spaces for the house are located at 488 Linkhorn Drive, a parking lot owned by Princess Anne Country Club and intended for use exclusively by its members and their guests.



Zoning History

#	Request
1	CUP (Expansion of Religious Use & Child Care Education Center) Approved 06/14/2000
2	CUP (Golf Cart Storage Facility) Approved 11/12/2002

Application Types

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

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

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

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

Evaluation & Recommendation

The request to expand the legal non-conforming use is, in Staff's opinion, acceptable. Section 105(d)(1) of the Zoning Ordinance states, in part, that:

No nonconforming use shall be increased in magnitude. No nonconforming use shall be enlarged or extended to cover a greater land area than was occupied by the nonconformity on the effective date of this ordinance or amendment thereto. No nonconforming use shall be moved in whole or in part to any other portion of the lot, parcel, or structure not occupied by the nonconformity on the effective date of this ordinance or amendment thereto, and no nonconforming structure shall be moved at all except to come into compliance with the terms of this ordinance. No nonconforming structure shall be enlarged, extended, reconstructed, or structurally altered, if the effect is to increase the nonconformity. As an exception to the above, any condition of development prohibited by this section may be permitted by resolution of the city council based upon its finding that the proposed condition is equally appropriate or more appropriate to the district than is the existing nonconformity. City council may attach such conditions and safeguards to its approval as it deems necessary to fulfill the purposes of this ordinance.

While the proposed expansion of Princess Anne Country Club to include the property at 3901 Holly Road would marginally increase the overall area that operates as the country club, the proposed use, in Staff's opinion, is equally appropriate or more appropriate than the existing nonconformity. The Princess Anne Country Club has been in operation here for over 100 years and has been enveloped over time by compatible residential development, such as the c.1940s one-story bungalow located at 3901 Holly Road. This proposal includes no structural alterations and, given the physical constraints of the site and that the applicant will limit use of the property to members and their guests only, it will generate little traffic or other development impacts on the adjacent neighborhood. Additionally, it is Staff's opinion that the proposed use will create a buffer between residents and more intense activities associated with the country club, such as traffic related to the parking lot immediately adjacent to the lot, which benefits the area overall.

Staff also notes that historically, the Princess Anne Country Club provided on-site overnight accommodations for members. There were over 20 guest rooms available in the historic club house that were removed when that building was replaced with the modern club house. Though this use was interrupted in the early 2000s, that there is a history of this type of use coexisting with the established neighborhood and in a greater intensity gives Staff confidence that there will be little adverse effect in this expansion of the nonconformity.

The Comprehensive Plan identifies this area as part of the Suburban Focus Area, which supports the development of "Great Neighborhoods." These kinds of neighborhoods support diverse, sustainable residential development and complementary non-residential uses. Golf courses and, in this case the associated country club, are complementary non-residential uses. The Princess Anne Country Club provides recreational opportunities to residents of Virginia Beach, as well as an idyllic backdrop for the surrounding neighborhood. The proposed expansion, as stated above, will help buffer club activities from neighboring properties.

For these reasons, Staff is recommending approval of this application subject to the following conditions:

Recommended Conditions

1. No additions to the dwelling that increase the square footage or alterations deemed substantial by the Planning Director shall be constructed.
2. The subject property shall be placed into common ownership with the Princess Anne Country Club or a single purpose entity owned wholly (100%) by the Princess Anne Country Club.
3. Dedicated, off-street parking for users of the bungalow shall be provided at the existing, adjacent surface parking at 488 Linkhorn Drive.

4. No signage for the bungalow shall be permitted except for the street address.
5. Use of the bungalow shall not be advertised as a short term rental nor on any short term rental platforms.
6. Overnight accommodations and use of the property shall be permitted only for Princess Anne Country Club members and their guests until or unless the building is returned to residential use.

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

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

Comprehensive Plan Recommendations

The subject property is located in the Suburban Area of the city. One of the guiding development principles of the Suburban Area is the creation and maintenance of “Great Neighborhoods,” which are stable and sustainable, and supported by complementary non-residential uses.

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed.

The subject property is near several potentially eligible historic resources, including the Princess Anne Country Club Golf Course and Selden’s Hall (420 Linkhorn Drive). The requested change in the nonconformity is unlikely to have any adverse effects on these resources.

Traffic Impacts

No change in traffic is expected with this proposal as the size and intensity of the use will remain unchanged.

Public Utility Impacts

Water

The site currently connects to City water. The existing one-inch domestic meter may be used or upgraded to accommodate the proposed use.

Sewer

The site currently connects to City sanitary sewer.

Public Outreach Information

Planning Commission

- The applicant reported that they met with surrounding property owners, and no objections were raised. Three letters of support have been received by Staff from adjacent property owners.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, October 23, 2022 and October 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 24, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on November 3, 2022.

1 A RESOLUTION TO ALLOW THE EXPANSION OF A
2 NONCONFORMING USE ON PROPERTY LOCATED AT
3 3901 HOLLY ROAD, 488 LINKHORN DRIVE, AND 3800
4 PACIFIC AVENUE
5

6 WHEREAS, Princess Anne Country Club (the "Applicant") has made application
7 to the City Council for authorization to expand the nonconforming use (Country club and
8 golf course) at 3901 Holly Road, 488 Linkhorn Drive, and 3800 Pacific Avenue and zoned
9 R-7.5 Residential Zoning District;
10

11 WHEREAS, this parcel currently contains a nonconforming country club and golf
12 course, which has been in operation since 1916. The expansion is to add a single family
13 dwelling built in 1940 to the nonconforming country club, for event space and overnight
14 lodging only for members. The country club and the dwelling were constructed prior to
15 the adoption of the applicable zoning regulations and are therefore nonconforming;
16

17 WHEREAS, the Planning Commission of the City of Virginia Beach recommended
18 approval of this application on November 9, 2022; and
19

20 WHEREAS, pursuant to Section 105 of the City Zoning Ordinance, the expansion
21 of nonconforming uses is unlawful in the absence of a resolution of the City Council
22 authorizing such action upon a finding that the proposed use as expanded be equally
23 appropriate or more appropriate to the zoning district than are the existing uses.
24

25 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
26 VIRGINIA BEACH, VIRGINIA:
27

28 That the City Council hereby finds that the proposed nonconforming use as
29 expanded by the nonconforming dwelling will be equally appropriate to the district as are
30 the existing uses and dwelling under the conditions of approval set forth herein below.
31

32 BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA
33 BEACH, VIRGINIA:
34

- 35 1. No additions to the dwelling that increase the square footage or alterations deemed
36 substantial by the Planning Director shall be constructed.
- 37 2. The subject property shall be placed into common ownership with the Princess Anne
38 Country Club, or a single purpose entity owned wholly (100%) by the Princess Anne
39 Country Club.
- 40 3. Dedicated, off-street parking for users of the bungalow shall be provided at the
41 existing, adjacent surface parking at 488 Linkhorn Drive.
- 42 4. No signage for the bungalow shall be permitted except for the street address.

Resolution

- 43 5. Use of the bungalow shall not be advertised as a short term rental nor on any short
44 term rental platforms.
- 45 6. Overnight accommodations and use of the property shall be permitted only for
46 Princess Anne Country Club members and their guests until or unless the building is
47 returned to residential use.

48

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 202_.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning and Community
Development

City Attorney's Office

CA15962
R-2
November 2, 2022

Site Context



: 3901 Holly Road—proposed to be included with club boundaries

: 488 Linkhorn Drive—parking lot for Princess Anne Country Club

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 Princess Anne Country Club, a Virginia non-stock corporation

Does the applicant have a representative? ☒ Yes ☐ No

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

RJ Nutter, Troutman Pepper

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

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

Susan T. Pender, President; John Wilson, Vice President; David C. Burton, Secretary; Patrick L. Shuler, Treasurer

Directors: Mike Cowan, Robert R. Beasley III, Amy Wyatt Metzger, Neil Brown, Shannon Poteran, Kelly Disharoon;

Barbara Sessoms; John J. Hawa, Samuel E. Steingold, Nichole Legum & Roger Stroud

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

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

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

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

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

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

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

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

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

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

Disclosure Statement

Disclosure Statement



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

Applicant Signature

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

Applicant Signature Princess Anne Country Club, a Virginia non-stock corporation

BY: 

Print Name and Title

John Wilson, Vice President

Date 8-31-2022

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

* Yes as to Properties (1) & (2); No as to Property (3)

- 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 Expansion One, LLC, a Virginia limited liability company

Applicant Name Princess Anne Country Club, a Virginia non-stock corporation

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

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

Sole Member of Expansion One, LLC, is the Princess Anne Country Club, a Virginia non-stock corporation.

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

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



Owner Services Disclosure

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

☒ **Yes** ☐ **No**

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

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.

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.**

Expansion One, LLC, a Virginia limited liability company

Owner Signature BY: Princess Anne Country Club, a Virginia non-stock corporation, SOLE MEMBER

BY:

Print Name and Title

John Wilson, Manager

Date

8-31-2022

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 a 30 day deferral of these applications to continue working on a preliminary stormwater analysis.

Requests

#8 - Conditional Rezoning (AG2- Agricultural to Conditional B-2 Community Business)

#9 - Conditional Use Permit (Automobile Repair Garage)

Staff Recommendation

Indefinite Deferral

Staff Planner

Elizabeth Nowak

Location

Directly north of 2980 Holland Road

GPIN

1495235225

Site Size

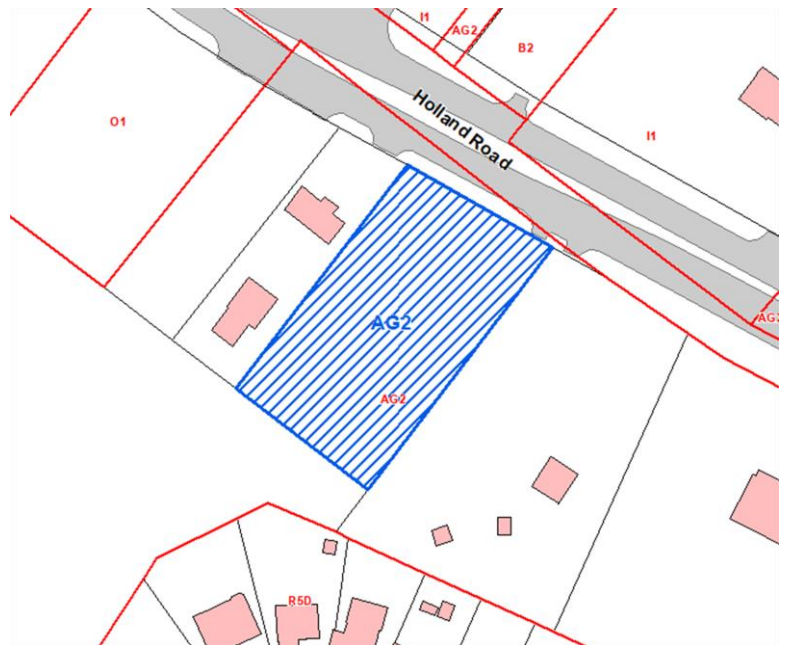
39,612 square feet

AICUZ

Greater than 75 dB DNL; APZ-2

Watershed

Southern Rivers



Request

Modification of Conditions (Motor Vehicle Sales, Rental & Service)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

2717 Virginia Beach Boulevard

GPINS

1497447924

Site Size

12.41 acres

AICUZ

70-75 dB DNL, Greater than 75 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Car dealership / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Virginia Beach Boulevard

Mixed retail center / B-2 Community Business

South

N Lynnhaven Road

Single-family dwellings, office / R-10

Residential, B-2 Community Business

East

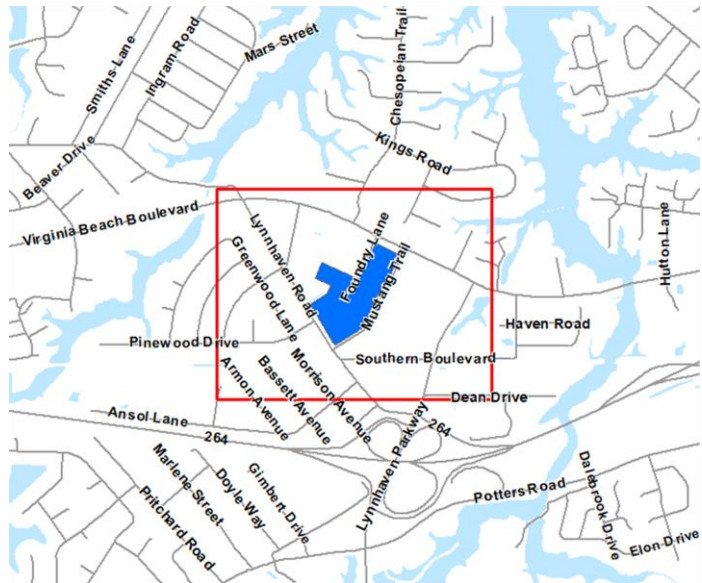
Mustang Trail

Car wash facility, car dealership, office / B-2 Community Business

West

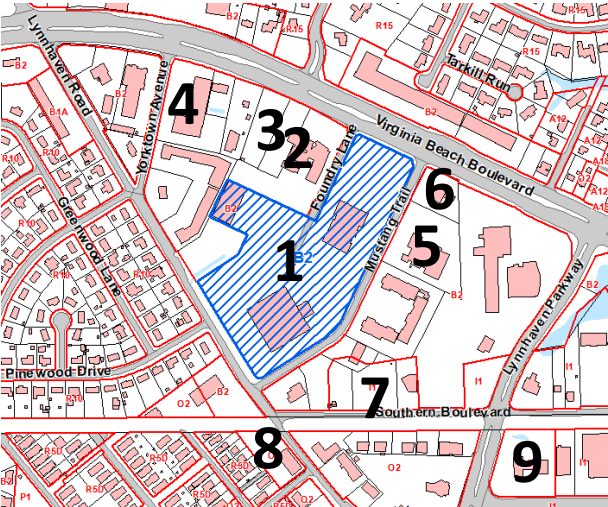
Foundry Lane

Church, retail, parking lot / B-2 Community Business



Background & Summary of Proposal

- The applicant is requesting to modify the conditions of a Conditional Use Permit for Motor Vehicle Sales, Rental and Service that was approved by City Council in 2005 for this 12.41-acre parcel zoned B-2 Community Business District.
- The applicant is seeking to replace and expand the existing 16,075 square foot maintenance building with a new 49,840 square foot maintenance building. This building will not be open to the general public. It is anticipated that larger vehicles will be serviced such as box trucks, ambulances, and heavy-duty pickup trucks. Anticipated services will include routine vehicle maintenance such as oil changes, tire rotations, brake replacements, and engine and transmission rebuilds.
- As depicted on the submitted building elevations on pages seven and eight, the proposed maintenance building will have exterior building materials of white insulated metal wall panels, a blue insulated metal roof, white overhead doors, and clearstory windows with translucent glazing. The building height is depicted as 45 feet in order to accommodate taller, larger vehicles. It is expected that the lowest vehicle clearance needed will be 30 feet.
- All on-site parking has been met and exceeds the minimum parking spaces required per section 203 of the City Zoning Ordinance.
- All work and storage of materials will occur within the building. According to the applicant, no body work or paint work will take place on the subject site.
- It is anticipated that up to 48 employees will be on site at any one time. The proposed typical hours of operation will be from 7:00 a.m. to 8:00 p.m., Monday through Sunday.

	<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>CUP (Motor Vehicle Sales and Service) Approved 01/11/1997 CUP (Motor Vehicle Sales and Service) Approved 02/08/2005</td></tr><tr><td>2</td><td>CUP (Church Additions) Approved 05/13/1998 CUP (Child Care) Approved 01/13/2004</td></tr><tr><td>3</td><td>MDC Approved 09/10/1997</td></tr><tr><td>4</td><td>CUP (Motor Vehicle Sales) Approved 07/09/1997</td></tr><tr><td>5</td><td>CUP (Motor Vehicle Sales) Approved 09/08/1993</td></tr><tr><td>6</td><td>CUP (Bulk Storage Yard) Approved 04/19/2017</td></tr><tr><td>7</td><td>CUP (Bulk Storage Yard) Approved 0/08/1995</td></tr><tr><td>8</td><td>CRZ (R-5D/O-2 to Conditional O-2) Approved 09/11/2012</td></tr><tr><td>9</td><td>CRZ (I-1 to Conditional B-2) Approved 06/25/2002 CUP (Fuel Sales/Convenience Store) Approved 06/25/2002</td></tr></table>	#	Request	1	CUP (Motor Vehicle Sales and Service) Approved 01/11/1997 CUP (Motor Vehicle Sales and Service) Approved 02/08/2005	2	CUP (Church Additions) Approved 05/13/1998 CUP (Child Care) Approved 01/13/2004	3	MDC Approved 09/10/1997	4	CUP (Motor Vehicle Sales) Approved 07/09/1997	5	CUP (Motor Vehicle Sales) Approved 09/08/1993	6	CUP (Bulk Storage Yard) Approved 04/19/2017	7	CUP (Bulk Storage Yard) Approved 0/08/1995	8	CRZ (R-5D/O-2 to Conditional O-2) Approved 09/11/2012	9	CRZ (I-1 to Conditional B-2) Approved 06/25/2002 CUP (Fuel Sales/Convenience Store) Approved 06/25/2002
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Evaluation & Recommendation

The request for a Modification of Conditions, in Staff's opinion, is acceptable given the predominance of auto-centric uses in the immediate vicinity. The request is consistent with the Comprehensive Plan's policies and land use goals for the Lynnhaven area, as the auto repair business provides a needed service to the area and is compatible with the number of automobile-related service uses along this section of Virginia Beach Boulevard.

A portion of this property is located within the 70 to 75 dB DNL, but the majority of the site is located within the greater than 75 dB DNL noise zone of the Air Installations Compatible Use Zones (AICUZ). Many uses within these higher noise zones are restricted, as identified in Article 18 of the Zoning Ordinance; however, Motor Vehicles Sales, Rental and Service, is a compatible use and currently exists on this site.

Current landscaping requirements have been met onsite. Condition 4 is recommended to ensure all existing vegetation will remain and will continue to provide adequate screening for adjacent properties, pedestrians, and along the rights-of-way. The proposed maintenance building will be located on the interior and western side of property and will not be visible from the roadways; therefore, additional screening is not required.

Staff does not anticipate a significant increase in traffic volume with the addition of this use given that the maintenance building is closed to the general public. Based on the considerations above, Staff recommends approval of this request subject to the conditions below.

Recommended Conditions

1. All conditions attached to the previous Conditional Use Permit granted on February 8, 2005, are hereby deleted, and superseded by the following conditions.
2. The site shall be developed substantially in accordance with the submitted site plan entitled BEACH FORD MAINTENANCE BUILDING, 2717 Virginia Beach Boulevard, Virginia Beach, Virginia", prepared by MSA P.C. Architecture and Engineering, dated 08/17/22. Said plan has been exhibited to the City of Virginia Beach City Council and is on file in the City of Virginia Beach Planning Department.
3. The proposed building shall be constructed substantially in accordance with the submitted architectural renderings entitled "BEACH FORD FLEET MAINTENANCE", prepared by MSA PC. Said elevations have been exhibited to the City of Virginia Beach City Council and are on file in the City of Virginia Beach Planning Department.
4. Landscaping for the project shall meet the requirements of the Site Plan Ordinance for foundation landscaping, street frontage landscaping, and interior parking lot and display area landscaping.
5. All existing landscaping on the property shall be retained and maintained.
6. No outdoor speakers or public address system shall be permitted.
7. No motor vehicles shall be displayed on raised platforms. Vehicles shall be parked within the designated display areas. No vehicles shall be parked within any portion of the public right-of-way.
8. No motor vehicles in a state of obvious disrepair shall be stored outside of the building. All such vehicles shall only be permitted to be stored within the building.
9. There shall be no outside storage of equipment, parts, tires, or materials.

10. No motor vehicle repair work shall take place outside of the building.
11. No advertising banners, streamers, balloons, pennants, or similar devices shall be permitted on any vehicles or the site. There shall be no signs in excess of four (4) square feet installed or displayed on the exterior or interior of the windows of the building.
12. All on-site signage must meet the requirements and regulations of the Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals. A separate permit from the Department of Planning & Community Development is required for any new signage installed on site.
13. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
14. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed site plan review. Said plan shall include the location of all poles mounted and building mounted lighting fixtures, and the listing of lamp type, wattage, and type of fixture. Lighting shall overlap and be uniform throughout the parking area. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North America along with requirements of the City of Virginia Beach lighting ordinance.
15. 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.

Conditions of 2005 CUP Approval

1. The site shall be developed substantially in accordance with the submitted site plan entitled BEACH FORD SHOWROOM, 2717 Virginia Beach Boulevard, Virginia Beach, Virginia", prepared by Clark Nexsen Architecture and Engineering, dated November 1, 2004. Said plan has been exhibited to the City of Virginia Beach City Council and is on file in the City of Virginia Beach Planning Department.
2. The proposed building shall be constructed substantially in accordance with the submitted architectural renderings entitled "NEW SHOWROOM FACILITY FOR BEACH FORD", prepared by Clark Nexsen Architecture and Engineering. Said elevations have been exhibited to the City of Virginia Beach City Council and are on file in the City of Virginia Beach Planning Department.
3. Landscaping for the project shall meet the requirements of the Site Plan Ordinance for foundation landscaping, street frontage landscaping, and interior parking lot and display area landscaping.
4. No outdoor speakers or public address system shall be permitted.

5. No vehicles shall be displayed on raised platforms. Vehicles shall be parked within the designated display areas. No vehicles shall be parked within any portion of the public right-of-way.
6. No advertising banners, streamers, balloons, pennants, or similar devices shall be permitted on any vehicles or the site. There shall be no signs in excess of four (4) square feet installed or displayed on the exterior or interior of the windows of the building.
7. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed site plan review. Said plan shall include the location of all pole mounted and building mounted lighting fixtures, and the listing of lamp type, wattage, and type of fixture. Lighting shall overlap and be uniform throughout the parking area. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North America along with requirements of the City of Virginia Beach lighting ordinance.

Comprehensive Plan Recommendations

This site is located within the Lynnhaven Strategic Growth Area. Guiding principles have been established in the Comprehensive Plan to protect the stability of the Lynnhaven Area. Principles include locating uses that are compatible with the AICUZ restrictions and strengthening existing neighborhoods through community services and convenient retail while building on the existing good balance between homes, jobs, and services. The primary vision of the Lynnhaven SGA is to create a series of mixed use and flexible developments along with target public infrastructure improvements.

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
Virginia Beach Boulevard	33,500 ADT ¹	74,000 ADT ¹ (LOS ³ "D")	No Change Anticipated ²
¹ Average Daily Trips	² as defined by a maintenance facility	³ LOS= Level of Service	

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

Virginia Beach Boulevard is an eight-lane major urban arterial road, in the vicinity of this site, with an approximate right-of-way width of 150 feet. The MTP shows an eight-lane major arterial with an ultimate right-of-way width of 155 feet. There are no roadway CIPs scheduled in the vicinity of this site.

Public Utility Impacts

Water & Sewer

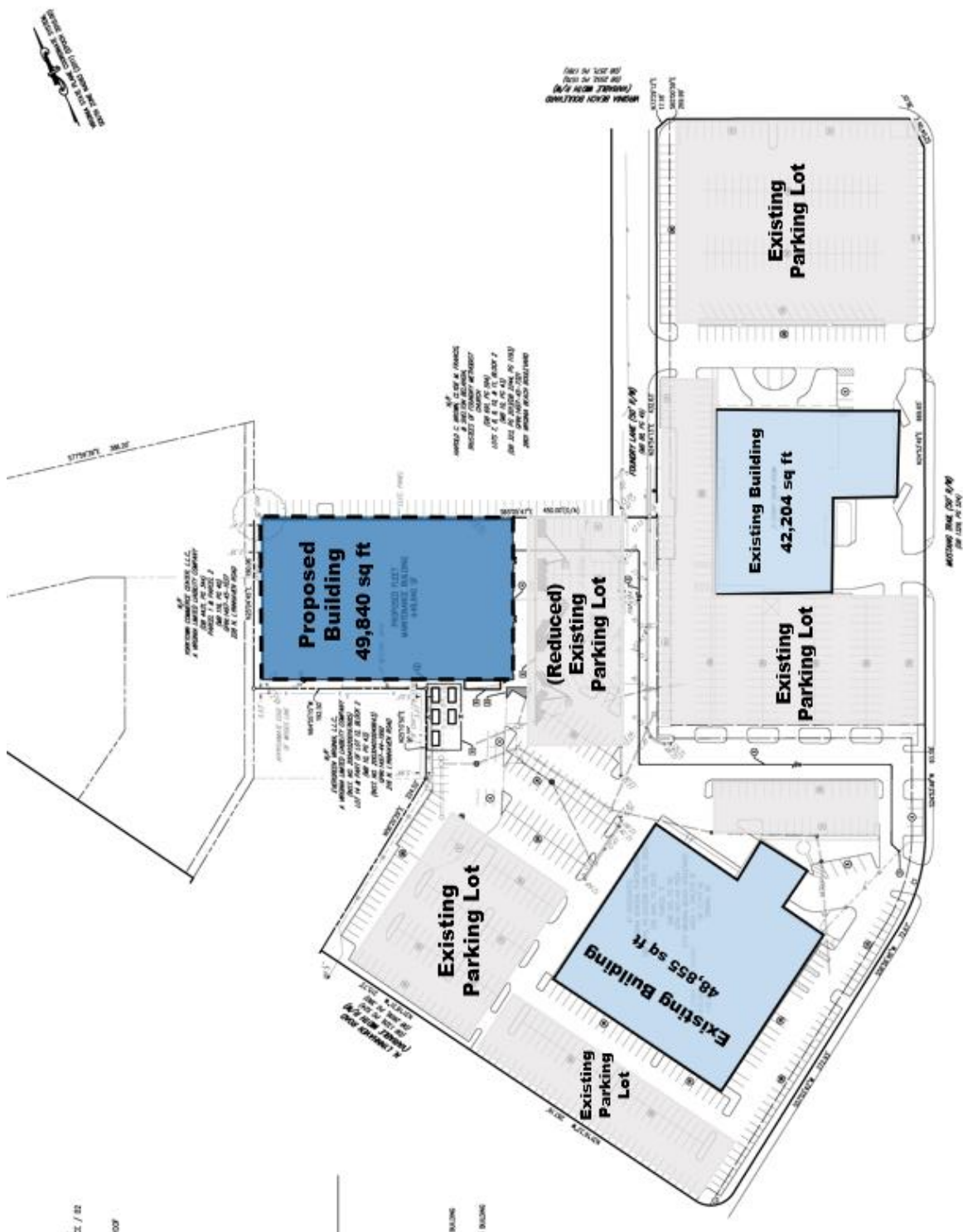
This site is connected to City water and sanitary sewer service.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, October 23, 2022 and October 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 24, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on November 3, 2022.

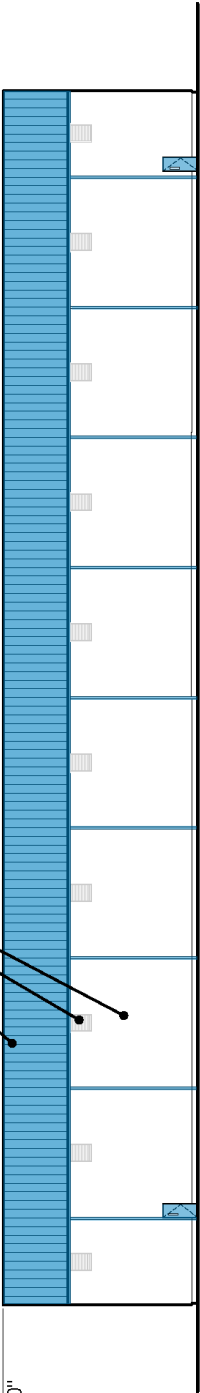
Proposed Site Layout



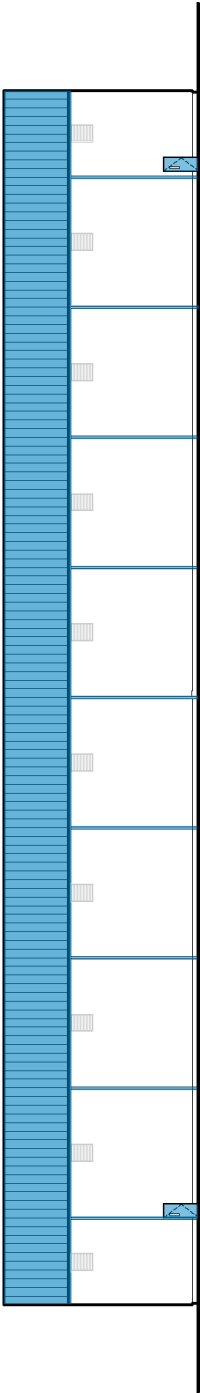
BEACH FORD FLEET MAINTENANCE

INSULATED METAL ROOF -
BLUE TO MATCH SHOWROOM
WHITE LOUVERS
WHITE INSULATED METAL WALL PANEL

T.O. RIDGE
+45'-0"



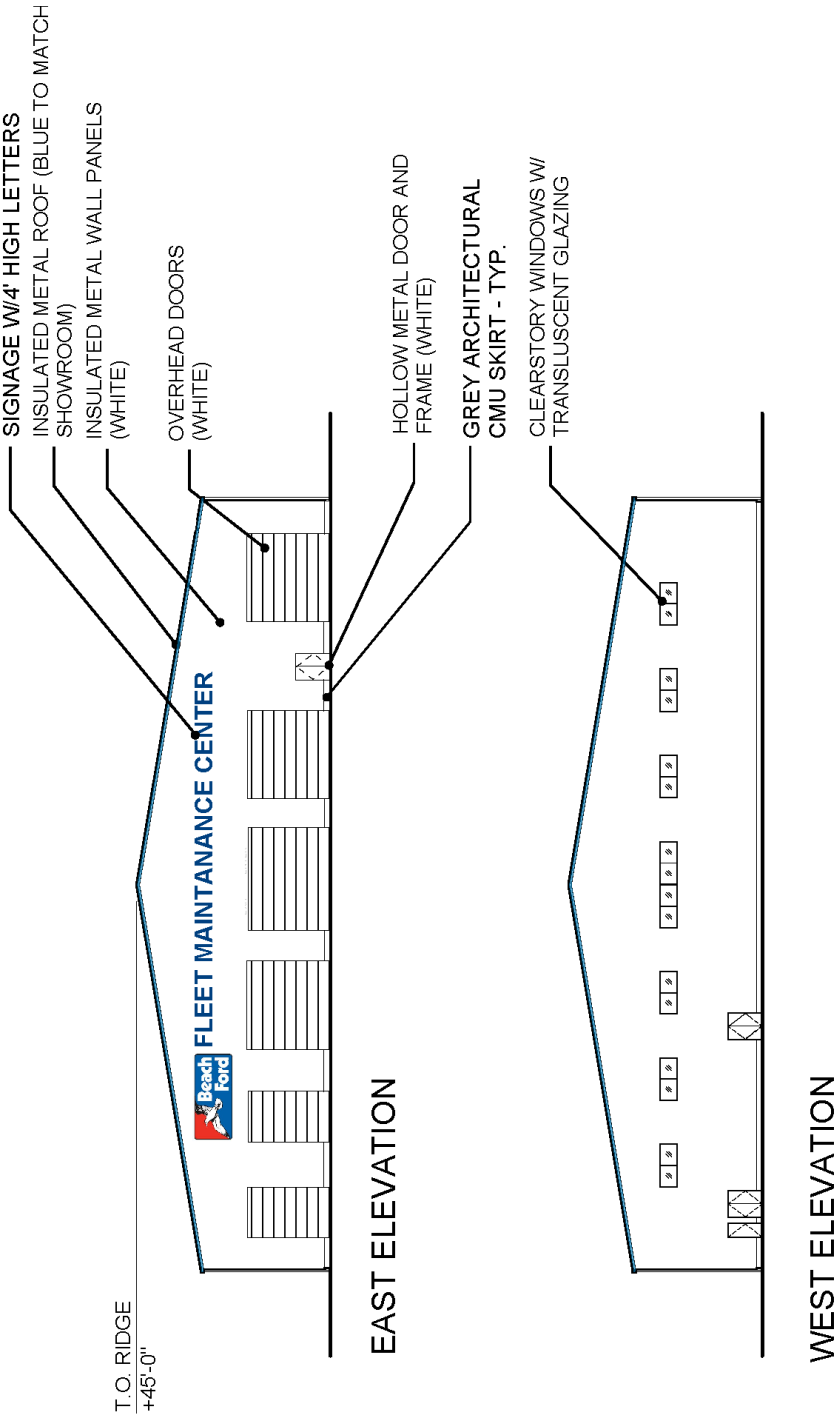
NORTH ELEVATION



SOUTH ELEVATION



BEACH FORD FLEET MAINTENANCE



Site Photos



Disclosure Statement



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Applicant Disclosure

Applicant Name AT Associates, LLP

Does the applicant have a representative? ☒ Yes ☐ No

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

Douglas M. Will, P.E., MSA, 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)

Thomas A. Barton, Jr., Thomas A. Barton, III, Robert H. Barton and Ann T. Barton

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

Beach Ford has several business affiliated with AT Associates, LLP - Beach Ford, nc., Barton Ford, Inc. and Beach Bubbles, LLC

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☒ Yes ☐ No

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

Truist Bank

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

☐ Yes ☒ No

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

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

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

BDO, Ed Amorosso

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.

Clark-Nexsen, Inc., Georgana Turner, LC LEED AP

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.

PG Harris, Paul Harris and Matt Hemmis

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.

MSA, P.C., Douglas M. Will, P.E.

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.

Williams Mullen, Tom Frantz

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.

Robert H. Barton

Applicant Signature

Robert H. Barton

Print Name and Title

Robert H. Barton, Vice President

Date 8/22/2022

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

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

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

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

Next Steps

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

Request

Conditional Use Permit (Tattoo Parlor)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

1920 Centerville Turnpike, Suite 118

GPIN

1455914345

Site Size

1,486 square feet

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Shopping center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Kempsville Road

Religious Use / B-2 Community Business

South

Single-family dwellings / R-7.5 Residential

East

Shopping center, single-family dwellings / B-2

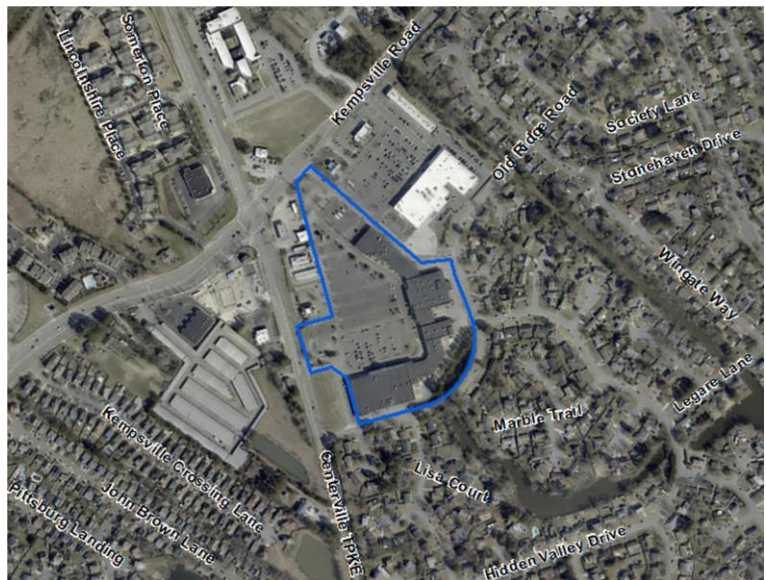
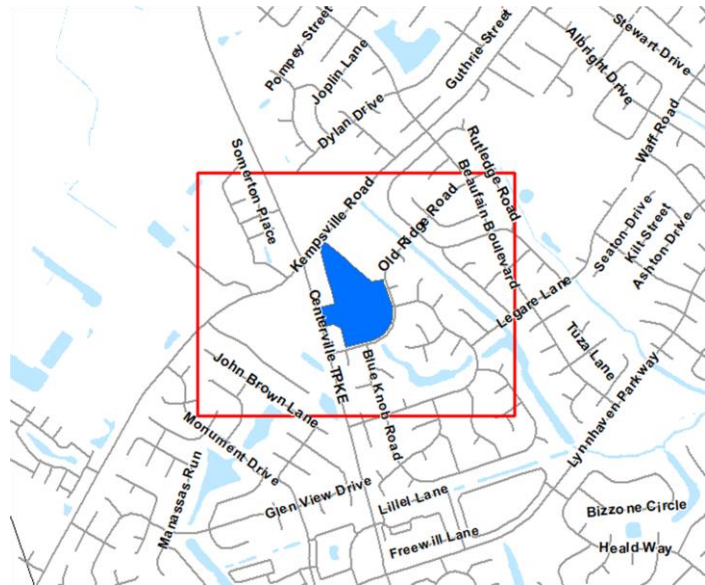
Community Business, R-7.5 Residential

West

Centerville Turnpike

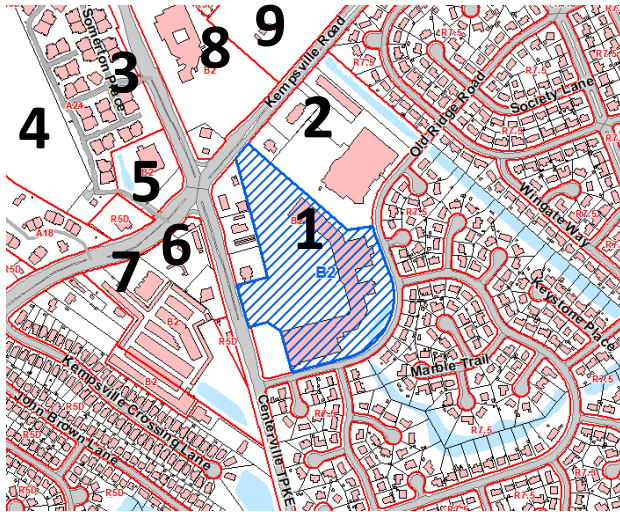
Restaurant, single-family dwelling / B-2

Community Business, R-5D Residential



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to operate a traditional Tattoo Parlor within a suite of the Woods Corner Shopping Center. The property is zoned B-2 Community Business and is located along Centerville Turnpike just south of the intersection with Kempsville Road.
- The Tattoo Parlor will occupy a 1,486 square foot unit.
- According to the applicant, up to six artists will rent booth space within the unit.
- The typical hours of operation are proposed as between 11:00 a.m. to 9:00 p.m., Tuesday through Saturday, by appointment only.
- The only exterior change to the building proposed will be the installation of new wall signage.



Zoning History

#	Request
1	CUP (Bingo Hall) Approved 09/23/2008
2	CUP (Automobile Service Station) Approved 12/09/1998
3	MDC Approved 10/09/1996
4	CUP (Borrow Pit) Approved 01/13/1993 CRZ (R5D to R5D with a PD-H2 Overlay) Approved 12/09/1998 CRZ (R5-D to Conditional A-18) Approved 01/18/2017
5	MDC Approved 05/08/2007
6	CUP (Automobile Service Station) Approved 01/16/2019
7	CUP (Mini-Warehouse) Approved 12/09/2003 MDP Approved 12/09/2003 CRZ (R5-D to Conditional B-2) Approved 12/09/2003 CUP (Mini Warehouse, Office Building, Manager's residence) Approved 02/11/2003
8	CUP (Church Expansion) Approved 09/28/1999 CUP (Church Expansion) Approved 04/26/2002
9	CRZ (O-2 Office District to Conditional B-2) Approved 06/13/2016 CUP (Craft Brewery) Approved 06/13/2016

Application Types

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

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

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

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

Evaluation & Recommendation

In Staff's opinion, the request for a Conditional Use Permit for a Tattoo Parlor is consistent with the Comprehensive Plan's land use policies for the Centerville Area and consistent with the commercial nature of the surrounding properties. This site is located within the Southern Rivers Watershed and will not need to undergo stormwater analysis since there is no new construction proposed. The operation of a Tattoo Parlor is not expected to negatively impact other uses within the shopping center or in the vicinity. The Tattoo Parlor is considered to be a compatible use within the shopping center. Staff does not anticipate a significant increase in traffic volume with the addition of this use at this location.

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

The applicant is proposing to install new wall signage that is similar to the other signs within the shopping center. Given that the applicant is in the early design stages, Staff has included a condition to ensure any future signage be in compliance with the Zoning Ordinance.

The applicant's outreach efforts with surrounding tenants resulted in a petition of support with 10 signatures. That petition will be provided to the Planning Commission in the supplement package.

For the reasons stated above, Staff recommends approval of this application, subject to the conditions 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 for consistency with the provisions of Chapter 23 of the City Code.
2. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

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

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

Comprehensive Plan Recommendations

This site is located in the Centerville Strategic Growth Area. The vision for the Centerville SGA is that of a mixed-use central village with connected trails to campus life, diverse neighborhoods, office, retail, and open space. The implementation strategies will build on the momentum generated by the impending road expansion to stitch together a cohesive University District.

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Centerville Turnpike	12,800 ADT ¹	12,500 ADT ¹ (LOS ³ "D") 13,200 ADT ¹ (LOS ³ "E")	No Change Anticipated ²
Kempsville Road	28,180 ADT ¹	32,700 ADT ¹ (LOS ³ "D")	
¹ Average Daily Trips		² as defined by a tattoo parlor in a shopping center	
³ LOS= Level of Service			

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

Centerville Turnpike, in the vicinity of this site, is a two-lane minor suburban arterial roadway. Centerville Turnpike has a variable width right-of-way, and the MTP shows a divided roadway with an ultimate right-of-way width of 150 feet.

Public Utility Impacts

Water & Sewer

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

Public Outreach Information

Planning Commission

- The applicant reported that they met with the surrounding property owners. A petition of support with 10 signatures have been received by Staff.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, October 23, 2022 and October 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 24, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on November 3, 2022.

Existing Site Layout



Site Photos



Disclosure Statement

Disclosure Statement



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

Applicant Disclosure

Applicant Name Fantasy Tattoo Company

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)

William J. Cary IV

Daniel G. Cardona

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

None

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

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

Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☒ Yes ☐ No

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

Jay Sloan - Alpha Real Estate Investment Advisors

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.

Star Money Tax Services - Aliya Aminova

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.

All Around Construction - Jon Uransky

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.

Gregory Montero - Inman and Strickler P.L.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.

WJC IV

Applicant Signature

William J. Cary IV - President Daniel G. Cardona - V. President

Print Name and Title

8/9/22

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 WCSC, LLC

Applicant Name Fantasy Tattoo 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)

Mark F Garcea, owner member

Page S. Johnson, II, member

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

Northampton Executive Center, LLC - affiliated business entity

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



Owner Services Disclosure

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

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

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

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

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

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

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

Disclosure Statement

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

Page S. Johnson, II Manager

Print Name and Title

Date

8/30/2022

Next Steps

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



Applicant & Property Owner **Christiana Rojas**
Planning Commission Public Hearing **November 9, 2022** (Deferred on
November 8, 2022)
City Council **District 5**, formerly Princess Anne

Agenda Item

12

The applicant is requesting for indefinite deferral of this application to provide a revised Disclosure Statement.

Request

Conditional Use Permit (Tattoo Parlor)

Staff Recommendation

Indefinite Deferral

Staff Planner

Michaela McKinney

Location

2133 Upton Drive, Unit 120

GPIN

2414352667

Site Size

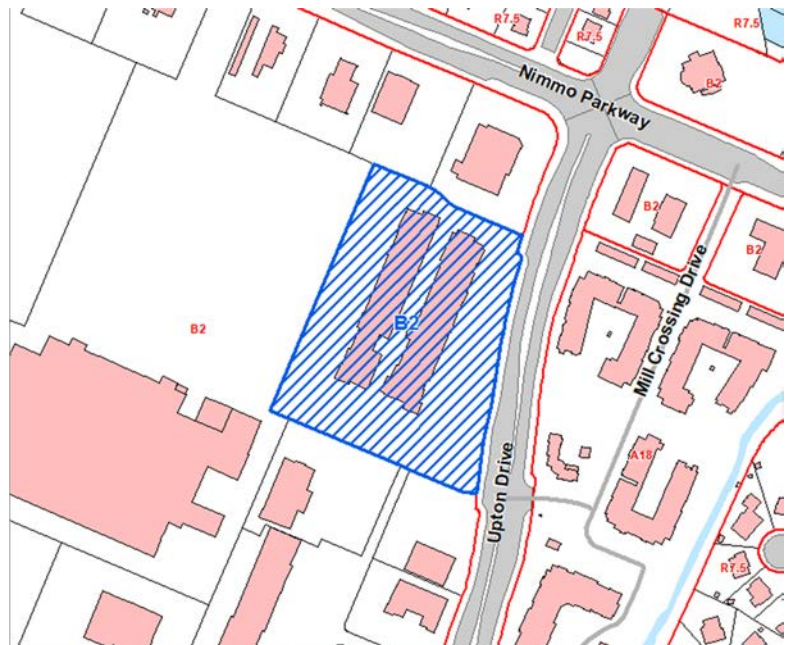
34,080 square feet

AICUZ

65-70 dB DNL; Sub-Area 2

Watershed

Southern Rivers



Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Brandon Hackney

Location

303 Atlantic Avenue, Unit 1305

GPIN

24273224032440

Site Size

45,000 square feet

Existing Land Use and Zoning District

Multi-Family Dwellings / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

4th Street (Connector Park)

Multi-Family Dwellings / OR Oceanfront Resort

South

3rd Street (Connector Park)

Hotel / OR Oceanfront Resort

East

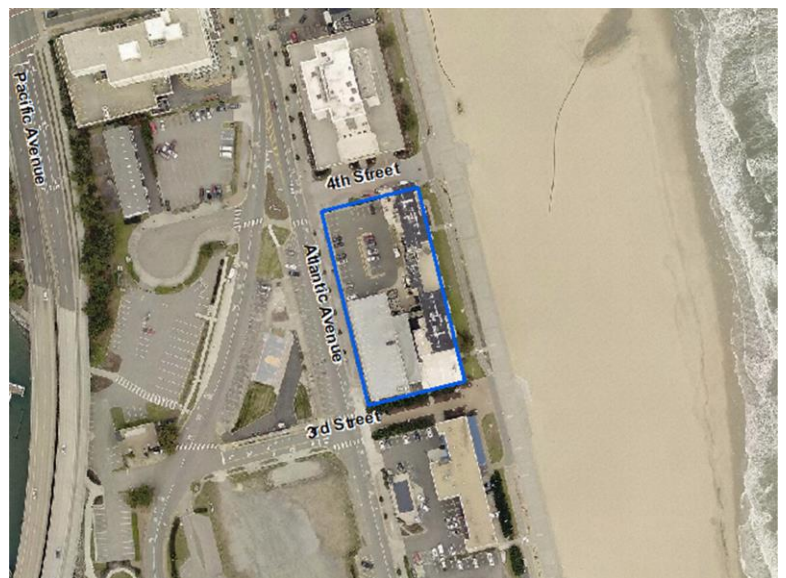
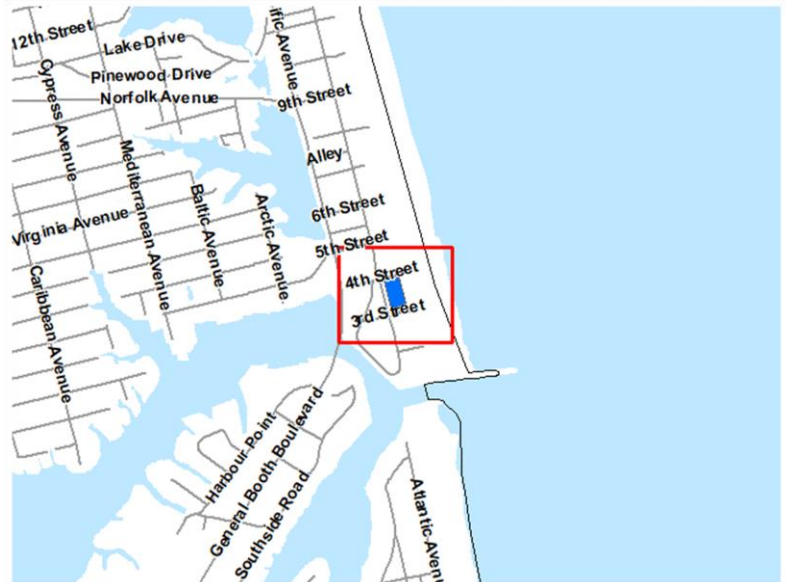
Boardwalk

Atlantic Ocean, Beach

West

Atlantic Avenue

Civic Use, Public Use / OR Oceanfront Resort



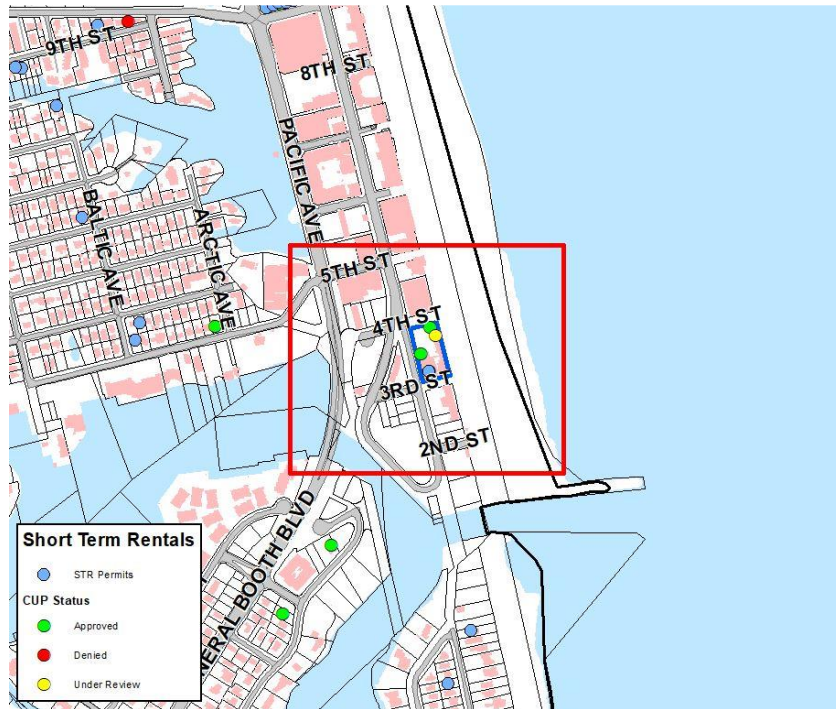
Background & Summary of Proposal

Site Conditions and History

- This 45,000 square-foot lot is zoned OR Oceanfront Resort.
- According to City records, this two-bedroom unit, located within the Dolphin Run condominium tower, was constructed in 1975.
- Staff inspected the site on June 13, 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 associated with this property.
- According to the applicant, this property was not used for Short Term Rental purposes prior to July 1, 2018.
- The property is currently registered with the Commissioner of the Revenue as a Short Term Rental as of June 2022.
- Known Short Term Rental activity as of October 24, 2022:
 - Conditional Use Permit Application Intake Date: September 1, 2022
 - There have been no documented stays nor have any lodging taxes been paid to the Commissioner of Revenue.

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	N/A	Yes – June, 2022

Short Term Rentals in the Vicinity



Summary of Proposal

The applicant is requesting a Conditional Use Permit to operate a two-bedroom, 941 square-foot Short Term Rental on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 and Article 2300 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in the Short Term Rental: 2
- Maximum number of guests permitted on the property after 11:00 pm: 4
- Number of parking spaces required (1 space per bedroom required; historical exception made): 1
- Number of off-street parking spaces provided: 1

Zoning History

#	Request
1	COA (Colocation of Antennas) Approved 02/20/2017
2	NON (Enlargement of Nonconforming Use) Approved 04/12/2005 NON (Enlargement of Nonconforming Use) Approved 01/12/1993
3	CUP (Outdoor Recreation Facility) Approved 06/08/1999 MOD (Modification of Conditions) Approved 02/14/1995 STC (Street Closure) Approved 02/09/1993 MOD (Modification of Conditions) Approved 06/23/1992 CUP (Outdoor Recreation Facility) Approved 05/26/1992 CUP (Outdoor Recreation Facility) Approved 03/24/1992 REZ (B-5 to H-2) Approved 06/11/1984
4	CUP (Communication Tower) Approved 03/14/1995
5	REZ (B-5 to H-2) Approved 12/17/1984

Application Types

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

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

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

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

Evaluation & Recommendation

The applicant is requesting to operate a two-bedroom Short Term Rental in a multi-family residential dwelling unit located within the Dolphin Run Condominium tower, along Atlantic Avenue near the southern terminus of the Boardwalk and Rudee Loop. Being within the Oceanfront Resort (OR) Short Term Rental Overlay District, Short Term Rental use is to be expected. 303 Atlantic Avenue, Unit 1305 was constructed in 1975. The unit shares the parcel with other condominium units in the building, several of which have received approvals for Short Term Rental Zoning Permits. The parcel is bounded by the Boardwalk, Beach, and Atlantic Ocean to the east, the 4th Street Connector Park to the north, the 3rd Street Connector Park to the south, and Atlantic Avenue to the west. The surrounding area is a mixture of 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 is one assigned parking space associated with this unit, labeled Space A23 on the first floor of the attached parking deck. According to City of Virginia Beach Ordinance, Appendix A, Article 23, Section 2303, (b), a., ii., "There are certain condominium properties that have historically operated as short term lodging units and have not experienced any inconvenience to guests or the surrounding area without the required one (1) parking space per bedroom. Further, such properties are unable to provide the required parking on-site. For these condominium properties, the zoning administrator may, at his discretion, require one (1) parking space per dwelling unit similar to the requirement for lodging uses in the Oceanfront Resort District Form Bases Code (ORDFBC). Such properties must provide written evidence of their past use and the Zoning Administrator shall find that there is no public inconvenience with the current parking design." Dolphin Run Condominiums is one such property granted a historical exception to the Short Term Rental parking requirements of one space per bedroom, therefore only one parking space is required for the entire unit.

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.

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 303 Atlantic Avenue, Unit 1305 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.
 - a) The dwelling unit shall comply with all required Fire and Building code requirements.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

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

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

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

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, October 23, 2022 and October 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 24, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on November 3, 2022.

Site Layout & Parking Plan



- One assigned space on first floor of parking deck – **A23**
- Historical exemption to requirements; only one space needed

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 Nikola Georgiev

Does the applicant have a representative? ☐ Yes ☒ No

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

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

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

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

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

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

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

Disclosure Statement

Disclosure Statement



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

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

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

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

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

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

Applicant Signature

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

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

Applicant Signature

Nikola Georgiev

Print Name and Title

Nikola Georgiev

Date June-13-2022

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

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

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

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

Next Steps

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

Requests

Conditional Use Permits (Short Term Rentals)

Staff Recommendation

Approval

Staff Planner

Brandon Hackney

Location

945, 949, 953, 957, 961, 965 Pacific Avenue

GPIN

2427242573

Site Size

13,912 square feet

Existing Land Use and Zoning District

Townhomes / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

10th Street

Hotel / OR Oceanfront Resort

South

Hotel / OR Oceanfront Resort

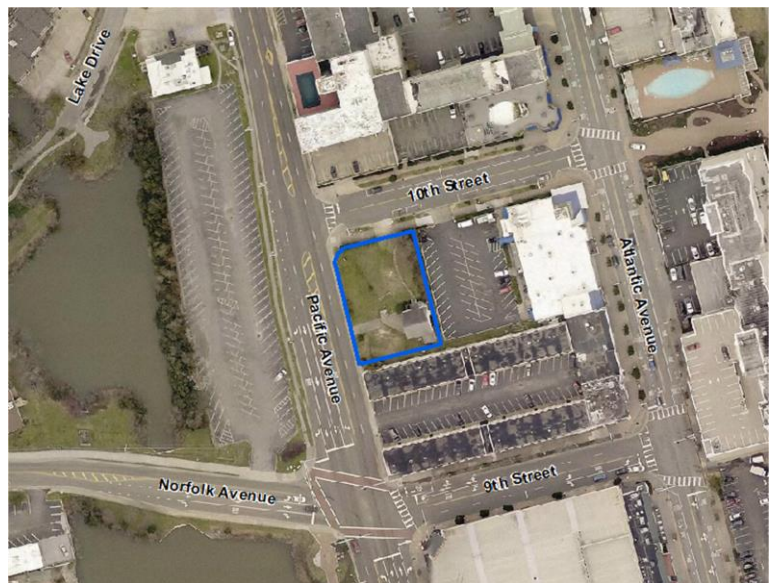
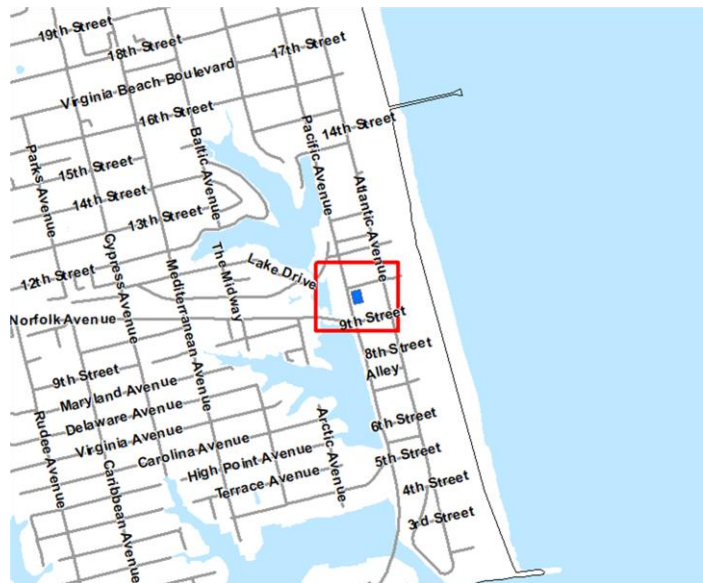
East

Commercial Parking Lot / OR Oceanfront Resort

West

Pacific Avenue

Commercial Parking Lot / OR Oceanfront Resort



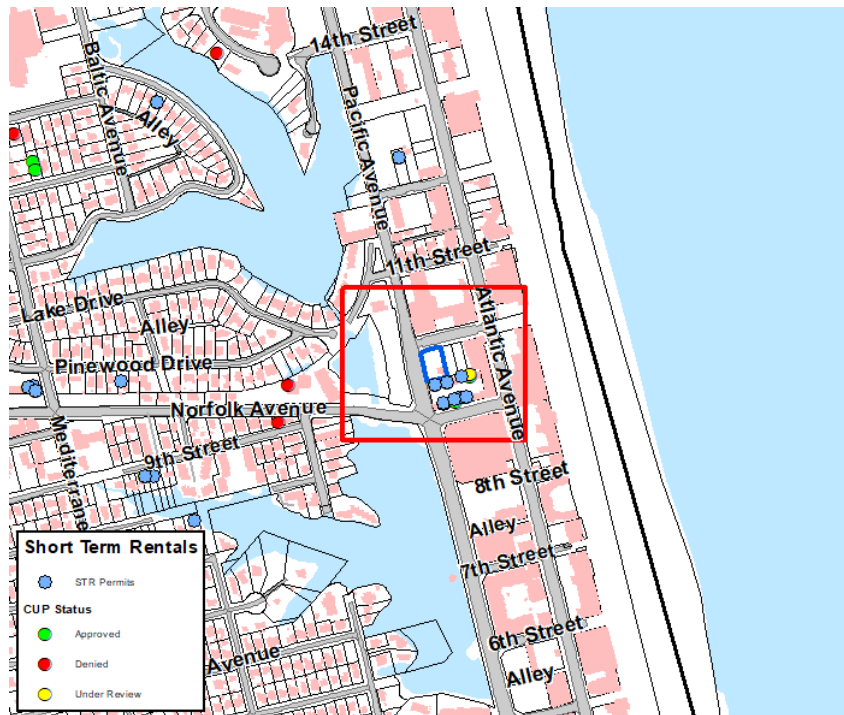
Background & Summary of Proposal

Site Conditions and History

- The 13,912 square foot lot is zoned OR Oceanfront Resort.
- According to City records, the site plan for the six four-bedroom row houses were approved in April of 2022 and are currently under construction.
- Staff inspected the site on September 13, 2022 to observe site conditions and take photographs for this report.
- On-street parking is permitted 24-hours per day, therefore any overflow parking beyond the minimum parking spaces required could occur within the public street.
- 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 10/20/2022:

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

Short Term Rentals in the Vicinity



Summary of Proposal

The applicant submitted Conditional Use Permit requests to operate Short Term Rentals on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 and 2303 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

	945 Pacific Avenue	949 Pacific Avenue	953 Pacific Avenue	957 Pacific Avenue	961 Pacific Avenue	965 Pacific Avenue
Number of bedrooms in the Short Term Rentals:	4	4	4	4	4	4
Maximum number of guests permitted on the property after 11:00 pm:	8	8	8	8	8	8
Number of parking spaces required (1 space per bedroom required):	4	4	4	4	4	4
Number of parking spaces provided onsite:	4	3	3	3	3	3
Number of parking spaces provided offsite at 9 th Street parking garage:	0	1	1	1	1	1

Zoning History

#	Request
1	<p>CUP (Short Term Rental) Approved 03/07/2022</p> <p>CUP (Short Term Rental) Approved 12/16/2021</p> <p>CUP (Short Term Rental) Approved 10/27/2021</p> <p>CUP (Short Term Rental) Approved 04/29/2021</p> <p>CUP (Short Term Rental) Approved 04/21/2021</p> <p>CUP (Short Term Rental) Approved 01/05/2021</p> <p>CUP (Short Term Rental) Approved 06/09/2020</p> <p>CUP (Short Term Rental) Approved 02/24/2020</p> <p>CUP (Short Term Rental) Approved 11/25/2019</p> <p>CUP (Short Term Rental) Approved 11/04/2019</p>
2	STC (Street Closure) Approved 10/05/2004

Application Types

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

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

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

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

Evaluation & Recommendation

The applicant is requesting to operate six, four-bedroom Short Term Rentals located at 945, 949, 953, 957, 961 and 965 Pacific Avenue. The six townhouse style units are currently under construction. The site is one block from the public beaches of the Atlantic Ocean in the resort area of the city, an area where Short Term Rental use is common.

The six, four-bedroom Short Term Rentals are required to have four off-street parking spaces per unit, totaling 24 parking spaces. six parking spaces can be accommodated on site by parking one vehicle in each of the units' two-car garage. 945 Pacific Avenue will have three onsite surface spaces, while the remaining five units will each have two onsite surface spaces, totaling 19 spaces onsite. The remaining five required parking spaces will be leased from the 9th Street parking garage, one block to the south, which is within the 0.25-mile radius requirement from the property. The Zoning Administrator has reviewed the alternative parking plan and has deemed it acceptable. Staff believes that all other requirements of Section 241.2 and Section 2303 of the Zoning Ordinance pertaining to Short Term Rentals can reasonably be met and that the use of the property at this location for Short Term Rentals is appropriate. The site fronts the active Pacific Avenue and is in close proximity to the amenities offered at the oceanfront.

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

Recommended Conditions

1. The following conditions shall only apply to the dwelling units addressed as 945, 949, 953, 957, 961 and 965 Pacific Avenue, and the Short Term Rental use shall only occur in the principal structures.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. The garage space within each unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
5. An additional five parking spaces, at a location subject to approval by the Zoning Administrator, shall be available for use by the Short Term Rental occupants at all times.
6. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
7. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
8. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

9. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
10. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
11. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
12. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
13. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
14. Accessory structures shall not be used or occupied as Short Term Rentals.
15. No signage shall be on-site, except that each short term rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
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17. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
18. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
19. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
20. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

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

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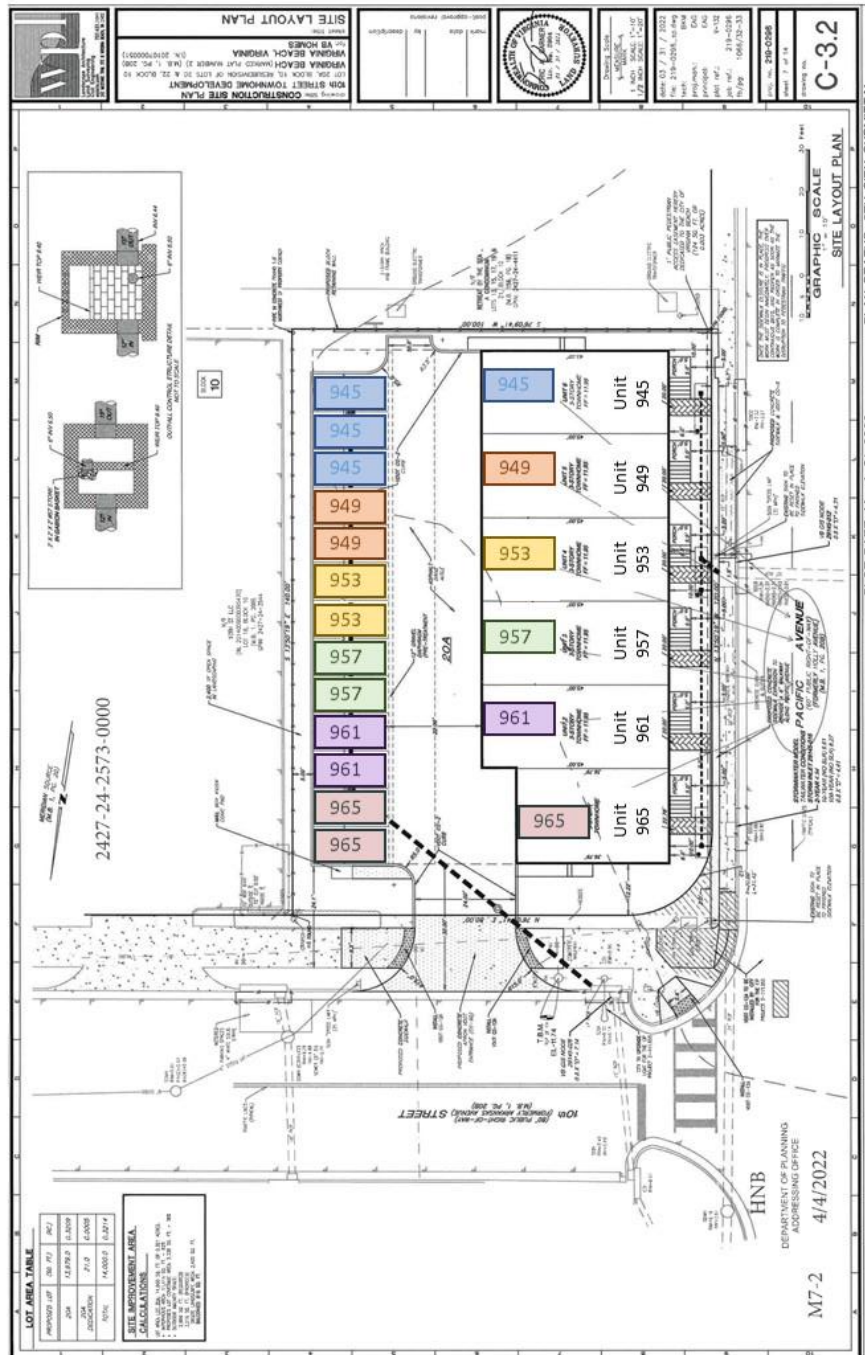
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Planning Commission

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<u>Unit 945 – 4 total</u>	<u>Unit 949 – 4 total</u>	<u>Unit 953 – 4 total</u>	<u>Unit 957 – 4 total</u>	<u>Unit 957 – 4 total</u>
3 outdoor spaces	2 outdoor spaces	2 outdoor spaces	2 outdoor spaces	2 outdoor spaces
1 garage	1 garage	1 garage	1 garage	1 garage
	1 offsite	1 offsite	1 offsite	1 offsite

Offsite spaces leased at
9th Street Parking Garage



Site Photos



Disclosure Statement



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Applicant Disclosure

Applicant Name 208 10th Street LLC

Does the applicant have a representative? ☒ Yes ☐ No

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

Edward Bourdon

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

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

Chris Ettel, George Clarke, Michael Ettel, Laney Ettel

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

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

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Disclosure Statement



Known Interest by Public Official or Employee

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

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Applicant Services Disclosure

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

☒ Yes ☐ No

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

Towne Bank

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

☐ Yes ☒ No

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

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

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

William F. Nagle, CPA, PC

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

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

Carroll Johnson, Residential Designs 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.

VB Homes Design Build LLC ; Chris Ettel, Member

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

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

WPL Surveyors and Engineers

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

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

Harry R. Purkey Jr. PC ; Eddie Bourdon

Applicant Signature

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

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

Applicant Signature

Print Name and Title

Chris Ettel

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

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Garek Hall Hannigan

Location

529 22nd Street

GPIN

2417986545

Site Size

2,795 square feet

Existing Land Use and Zoning District

Townhouse Dwelling / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

22nd 1/2 Street (Alley)

Multi-Family Dwellings, Duplex Dwellings / OR Oceanfront Resort

South

22nd Street

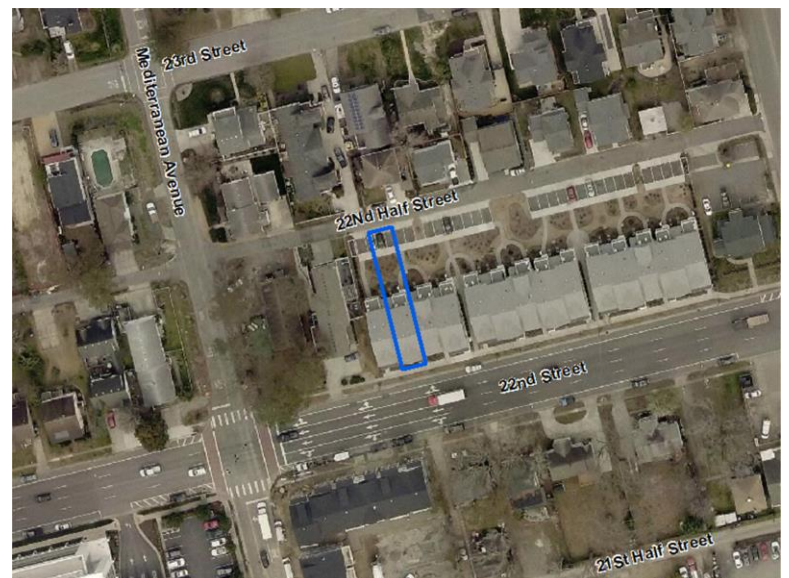
Single-Family Dwellings, Multi-Family Dwellings, Duplex Dwellings / OR Oceanfront Resort

East

Townhouse Dwellings, Attached Dwellings / OR Oceanfront Resort

West

Townhouse Dwellings, Attached Dwellings / OR Oceanfront Resort



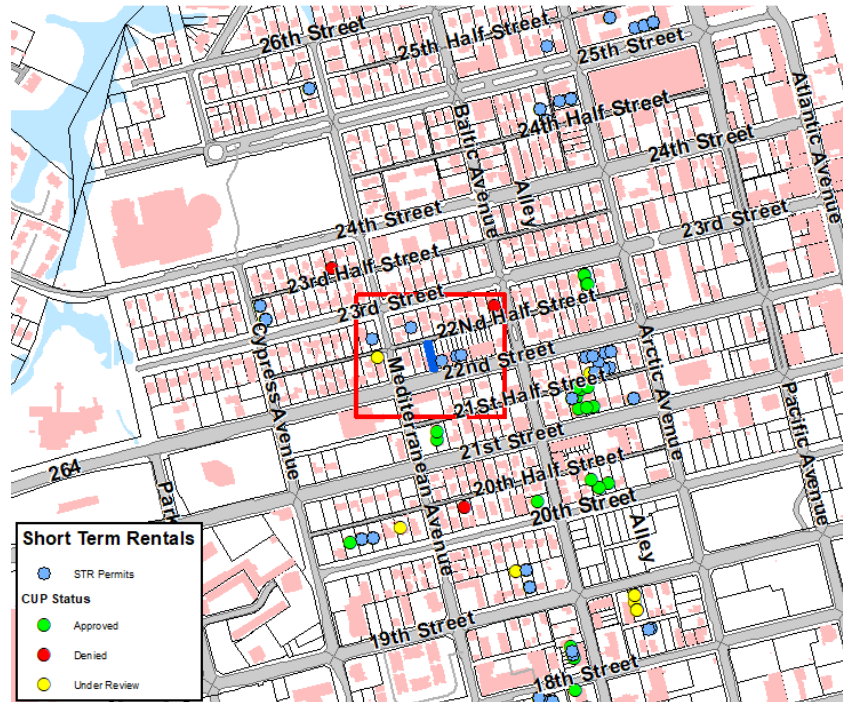
Background & Summary of Proposal

Site Conditions and History

- This 2,795 square-foot lot is zoned OR Oceanfront Resort.
- According to City records, this four-bedroom townhome was constructed in 2017.
- Staff inspected the site on July 11, 2022 to observe site conditions and take photographs for this report.
- The property lies within the Residential Parking Permit Program boundary, where parking during the evening and overnight hours is limited. Based on this, a condition is recommended that would prohibit the occupants of the Short Term Rental from parking in the street during the restricted hours.
- According to the applicant, this property was not used for Short Term Rental purposes prior to July 1, 2018, and therefore is not considered Grandfathered for such use.
- The property was previously registered with the Commissioner of the Revenue as a Short Term Rental, though registration expired on July 31, 2020 and was not renewed.
- It was determined that the applicant previously advertised and rented this property on a short-term basis, as shown in the table below. The listings have been removed and reposted several times since Intake of the Conditional Use Permit Application on June 3, 2022. The listing was most recently removed on July 19, 2022 and is not currently advertised. The issuance of a Conditional Use Permit will rectify this issue of noncompliance.
- Known Short Term Rental activity as of October 19, 2022:
 - Date Rental Listing First Advertised: March 7, 2018
 - Listing Activity Since Conditional Use Permit Application Received (August 15, 2022):
 - Total Host Compliance Documented Stays Since Intake: 3
 - August 18, 2022: Listing Removed
 - August 22, 2022: Listing Reposted
 - August 26, 2022: Listing Removed
 - August 29, 2022: Listing Reposted
 - October 6, 2022: Listing Removed
 - October 10, 2022: Listing Reposted
 - This unit has been used as a long-term rental unit in compliance with the Zoning Ordinance.

CURRENTLY ADVERTISED AS STR	LAST KNOWN STR RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	August 2022	No

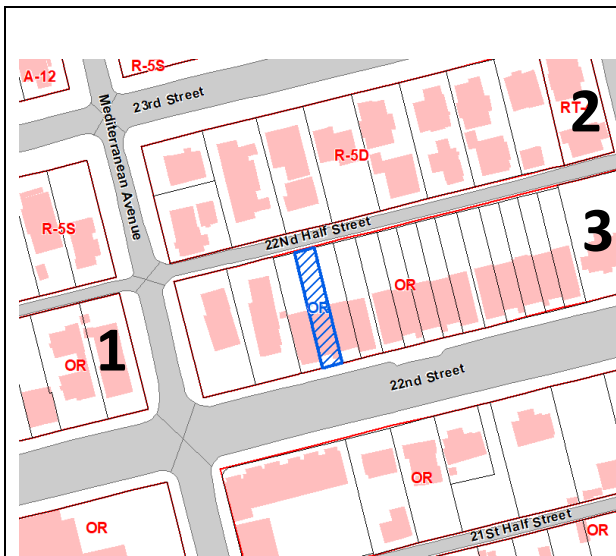
Short Term Rentals in the Vicinity



Summary of Proposal

The applicant is requesting a Conditional Use Permit to operate a four-bedroom, 2,621 square-foot Short Term Rental on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 and Article 2300 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in the Short Term Rental: 5
- Maximum number of guests permitted on the property after 11:00 pm: 10
- Number of parking spaces required (1 space per bedroom required): 5
- Number of off-street parking spaces provided: 2



Zoning History

#	Request
1	MDC (Communication Tower) Approved 06/21/2022
2	CUP (Short Term Rental) Denied 08/25/2020
3	CRZ (A-12 to Conditional RT-3) Approved 12/09/2008

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 applicant is requesting to operate a five-bedroom, 2,621 square-foot Short Term Rental in a residential townhome dwelling along 22nd Street. The parcel is located in the Oceanfront Resort (OR) Short Term Rental Overlay District, where Short Term Rental use is to be expected. Constructed in 2017, the structure at 529 22nd Street lies on a city block bounded by 22nd 1/2 Street to the north, Baltic Avenue to the east, 22nd Street to the south, and Mediterranean Avenue to the west. The surrounding area is composed of single-family dwellings, duplex dwellings, multi-family dwellings, commercial offices, commercial retail, hotel resorts, and other resort-oriented uses.

The subject property is near the eastern terminus of Interstate 264, which serves as a main gateway to the Oceanfront Resort Area. As identified in the Resort Area Strategic Action Plan (RASAP) 2030, the 21st & 22nd Street Gateways serve as a major corridor through Central Beach, providing access to the Boardwalk and the beachfront via the ViBe Creative District, the Old Beach Neighborhood, and other significant resort destinations. The site's manicured appearance and structure's coastal modern farmhouse architecture align well with the intended goals of the Oceanfront Resort District Form-Based Code Design Guidelines. Additionally, the proposed use would further diversify lodging opportunities for visitors and travelers who frequent the Virginia Beach Oceanfront. Given these considerations, the use of the single-family dwelling as a Short Term Rental is consistent with this Gateway's purpose to create a sense of welcome and arrival to tourists and residents alike.

Parking is provided via two assigned spaces at the rear, off of the 22nd 1/2 Street alleyway. An additional three spaces are intended to be leased off-site, from the 25th Street garage, on an annual basis. The applicant has provided a signed "Intent to Lease Off-Site Parking" for the three additional spaces. Given this, Staff is recommending a condition which would require the applicant to receive an approved parking plan from the Zoning Administrator prior to approval of any yearly Short Term Rental permit from the Zoning division.

An application similar to this one was withdrawn by the applicant previously due to a repeated history of noncompliance with the requirements of the Zoning Ordinance: The subject unit was utilized as a Short Term Rental on numerous occasions without an approved Short Term Rental permit and without being registered with the Commissioner of the Revenue. Additionally, Staff had received a number of complaints pertaining to the continued operation of the property

as a Short Term Rental without the required Conditional Use Permit and subsequent Zoning Permit. As Staff was inclined to recommend denial of the application at that time, the CUP application was subsequently withdrawn. It should be noted that while the application was requested to be withdrawn on August 6, 2022, the property was reposted for rental on August 11, 2022, and hosted two stays in August, despite knowing that the use of Short Term Rental was illegal, knowing that the unit was not registered with the Commissioner of the Revenue, and having already withdrawn a CUP application. Given this, Staff is recommending a condition which will require the applicant to be registered with the Commissioner of the Revenue prior to approval of any yearly Short Term Rental permit from the Zoning division.

As the requirements of Section 241.2 and Section 2303 of the Zoning Ordinance regulating Short Term Rentals can reasonably be met with this application, Staff recommends approval of this request, subject to recommended conditions listed below.

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 529 22nd Street 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. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rentals.
13. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
18. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

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

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

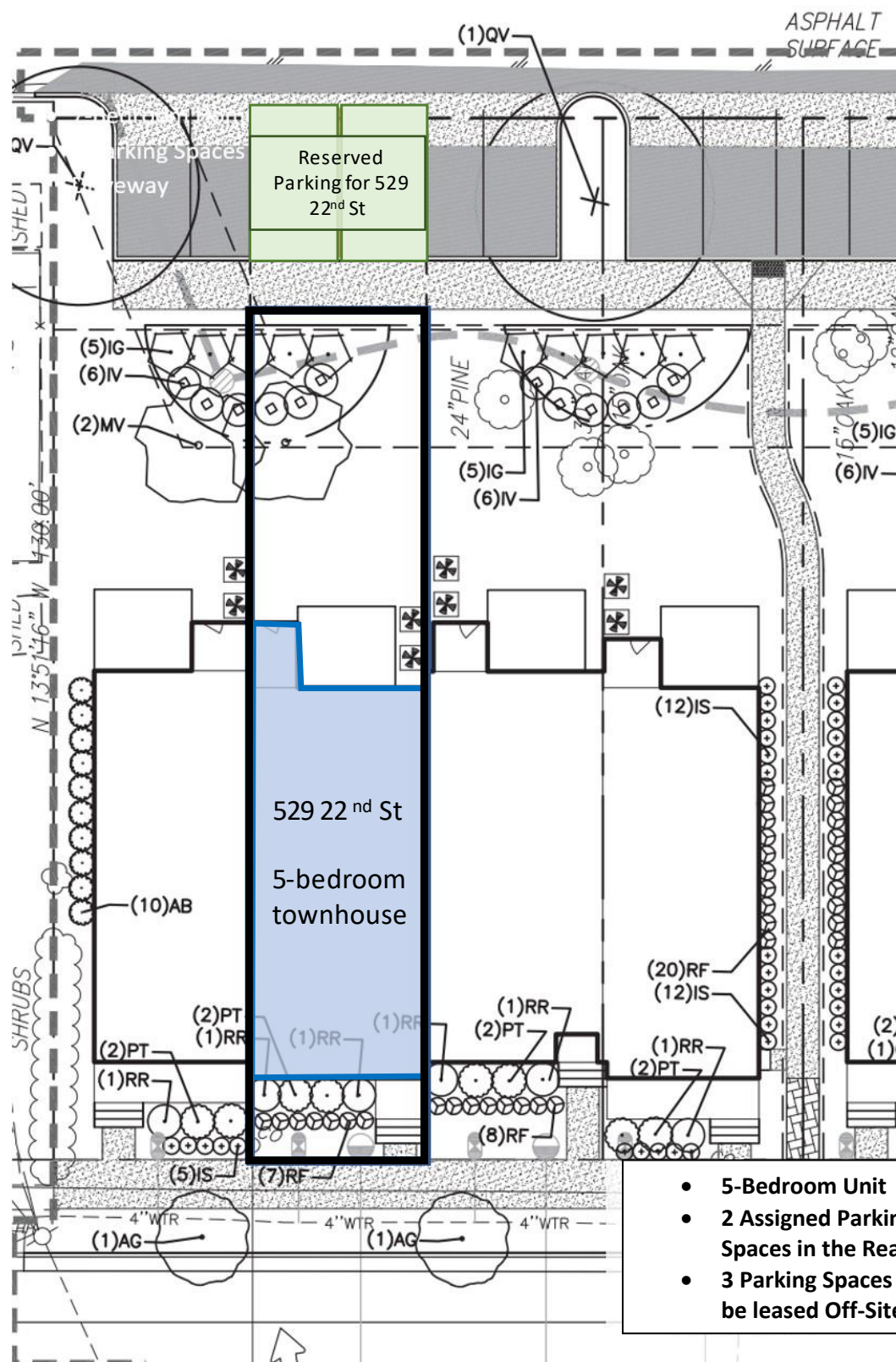
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on July 11, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, July 24, 2022, and July 31, 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 July 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 on August 4, 2022.

Site Layout & Parking Plan



- **5-Bedroom Unit**
- **2 Assigned Parking Spaces in the Rear**
- **3 Parking Spaces to be leased Off-Site**

Site Photos



Disclosure Statement

dotloop signature verification: dtdp.us/XwYv pSSf eowe

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 Host my Home LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Sierra Alderman

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)

Sierra Alderman- Owner

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

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

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

dotloop signature verification: dotloop.us/XwYv-p5Sf-eowe

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

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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

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Disclosure Statement

dotloop signature verification: dtdp.us/XwYv-pSSf-eoww

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
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-
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- 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
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Applicant Signature

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Sierra Alderman dotloop verified
04/28/22 12:56 PM
EDT
JAE5-4QV1-WBJB-ILUZO

Applicant Signature

Sierra Alderman, Owner

Print Name and Title

4/28/22

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

dotloop signature verification: dotloop.us/XwVv-pSSf-eowe

Disclosure Statement



Owner Disclosure

Owner Name David Dowdy

Applicant Name Host my Home 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-subsiary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary)

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Disclosure Statement

dotloop signature verification: ddp.us/XwYv pSSf eowe

Disclosure Statement



Owner Services Disclosure

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Sierra Pacific Mortgage

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Disclosure Statement

dotloop signature verification: dtdp.us/XwYv pSSf eows

Disclosure Statement



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

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David Dowdy

dotloop verified
04/28/22 1:00 PM EDT
G6EA-AIHV-BLY5-0JSQ

Owner Signature

David Dowdy

Print Name and Title

4/28/22

Date

Next Steps

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Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Garek Hall Hannigan

Location

512 19th Street

GPIN

2427070312

Site Size

19,110 square feet

Existing Land Use and Zoning District

Single-family Dwelling / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

19th Street

Multi-Family Dwellings & Office / OR
Oceanfront Resort

South

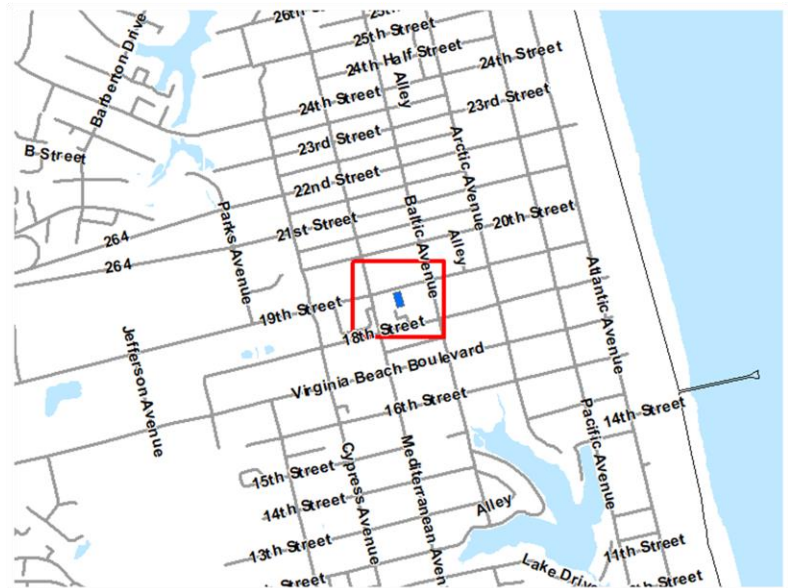
Multi-Family Dwellings / OR Oceanfront Resort

East

Residential Dwellings / OR Oceanfront Resort

West

Eating and drinking establishment / OR
Oceanfront Resort



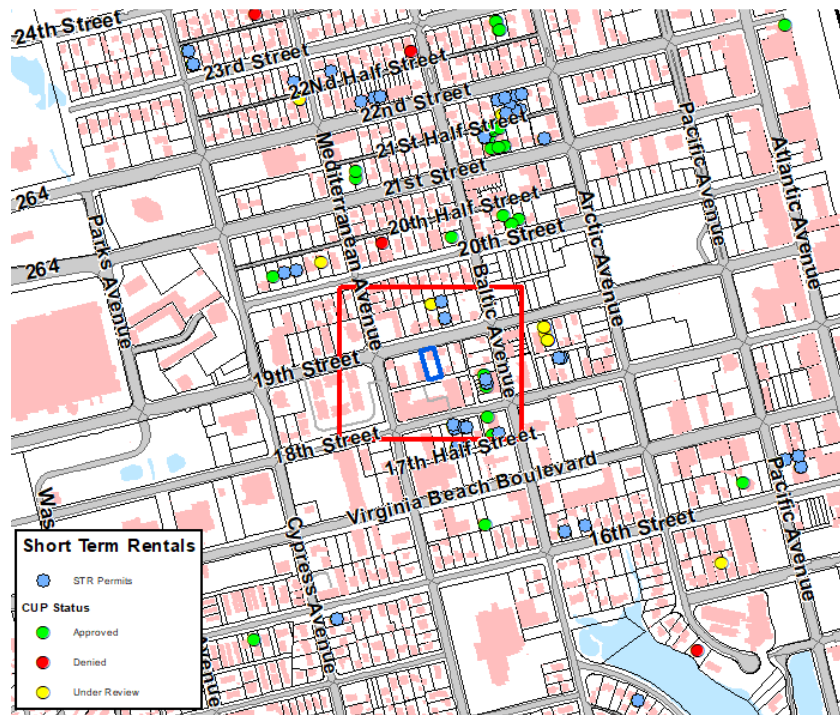
Background & Summary of Proposal

Site Conditions and History

- This 8,680 square-foot lot is zoned OR Oceanfront Resort.
- According to City records, this 964 square-foot structure was constructed in 1939.
- The applicant is also requesting an additional 16 STR units at the neighboring property 516 19th Street
- Staff inspected the site on July 22, 2022 to observe site conditions and take photographs for this report.
- On-street parking is not permitted on this portion of 19th Street.
- It was determined that the applicant previously advertised and rented this dwelling on a short-term basis, as shown below. However, this dwelling was not rented after the intake of these applications on September 12, 2022.
- According to the applicant, this property was not used for Short Term Rental purposes prior to July 1, 2018.
- The known Short Term Rental activity at the subject address as of October 14, 2022, are as follows:
 - Date the dwelling at this property was first advertised by the applicant (per Host Compliance): November 1, 2021
 - Date of Conditional Use Permit Application intake: September 12, 2022
 - Total documented stays on this property after intake (per Host Compliance): No documented stays
 - Date dwelling listing was removed at this property: September 29, 2022

UNIT CURRENTLY ADVERTISED	LAST KNOWN STR RENTAL	UNIT REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	July 2022	YES

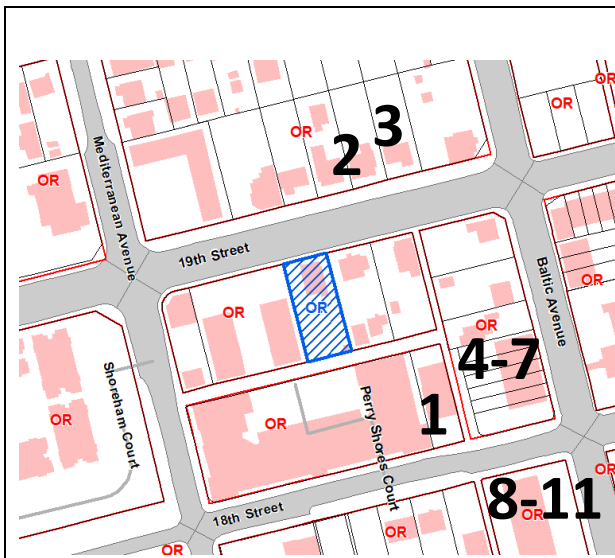
Short Term Rentals in the Vicinity



Summary of Proposal

The applicant is requesting a Conditional Use Permits to operate a two-bedroom dwelling as a Short Term Rental. The regulations for Short Term Rental use are identified in Section 241.2 and Article 2300 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in the Short Term Rental: 2
- Maximum number of guests permitted on the property after 11:00 pm (2 per bedroom): 4
- Number of parking spaces required for STRs (1 space per bedroom required): 2
- Number of parking spaces provided: 2 Parking Spaces



Zoning History

#	Request
1	CUP (Craft Brewery & Open Air Market) Approved 11/07/2017
2	STR (Short Term Rental) Approved 06/06/2021
3	CUP (Outdoor Recreation Facility) Approved 06/08/1999
4 - 7	STR (Short Term Rental) Approved on 08/25/2020 STR (Short Term Rental) Approved on 06/09/2020 STR (Short Term Rental) Approved on 02/18/2020 STR (Short Term Rental) Approved on 02/04/2020
8-10	STR (Short Term Rental) Approved on 08/18/2020 STR (Short Term Rental) Approved on 08/18/2020 STR (Short Term Rental) Approved on 6/09/2020

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
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Evaluation & Recommendation

The applicant is requesting to operate a Short Term Rental in an existing single-family residential dwelling along 19th Street, near the intersection of 19th Street and Mediterranean Avenue. The subject site is within the Oceanfront Resort (OR) Short Term Rental Overlay District. Additionally, this property is located within the ViBe Creative District. This dwelling, located at 512 19th Street, was constructed in 1939, according to City records. The surrounding area is a mixture of multi-family dwellings, commercial retail, and eating and drinking establishment uses which are typical of the Ocean Resort and ViBe Creative District.

It was determined that the applicant previously advertised and rented this dwelling on a short-term basis, beginning on November 12, 2021. However, this dwelling was not rented after the intake of these applications on September 12, 2022 and has been in compliance with the Zoning Ordinance since September 29, 2022, when the property listing was removed from the Short Term Rental websites.

In addition to this application for 512 19th Street, the applicant has also submitted applications for 16 proposed short term rental units at the adjacent property, 516 19th Street, resulting in a proposed 17 short term rental units between the subject address and 516 19th Street. To accommodate the required parking for both properties and all 17 STR units, the applicant has created a plan which utilizes the parking lot on the subject property, the parking lot on the neighboring property, and a parking lot located across the street at 513 19th Street, all of which are under common ownership. This parking plan provides the 2 required parking spaces for the dwelling at 512 19th Street as well as providing the required spaces for the STR units located on the neighboring parcel, 516 19th Street.

Based on the considerations above, Staff recommends approval of this Conditional Use Permit application, along with the recommended conditions listed below, due to the applicant working to bring the property into conformance with the current requirements of the Zoning Ordinance.

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 512 19th Street. Additionally, the Short Term Rental use shall only occur within this dwelling unit.
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.
 - a) The dwelling unit shall comply with all required Fire and Building code requirements.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the

property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.

13. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
17. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

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

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

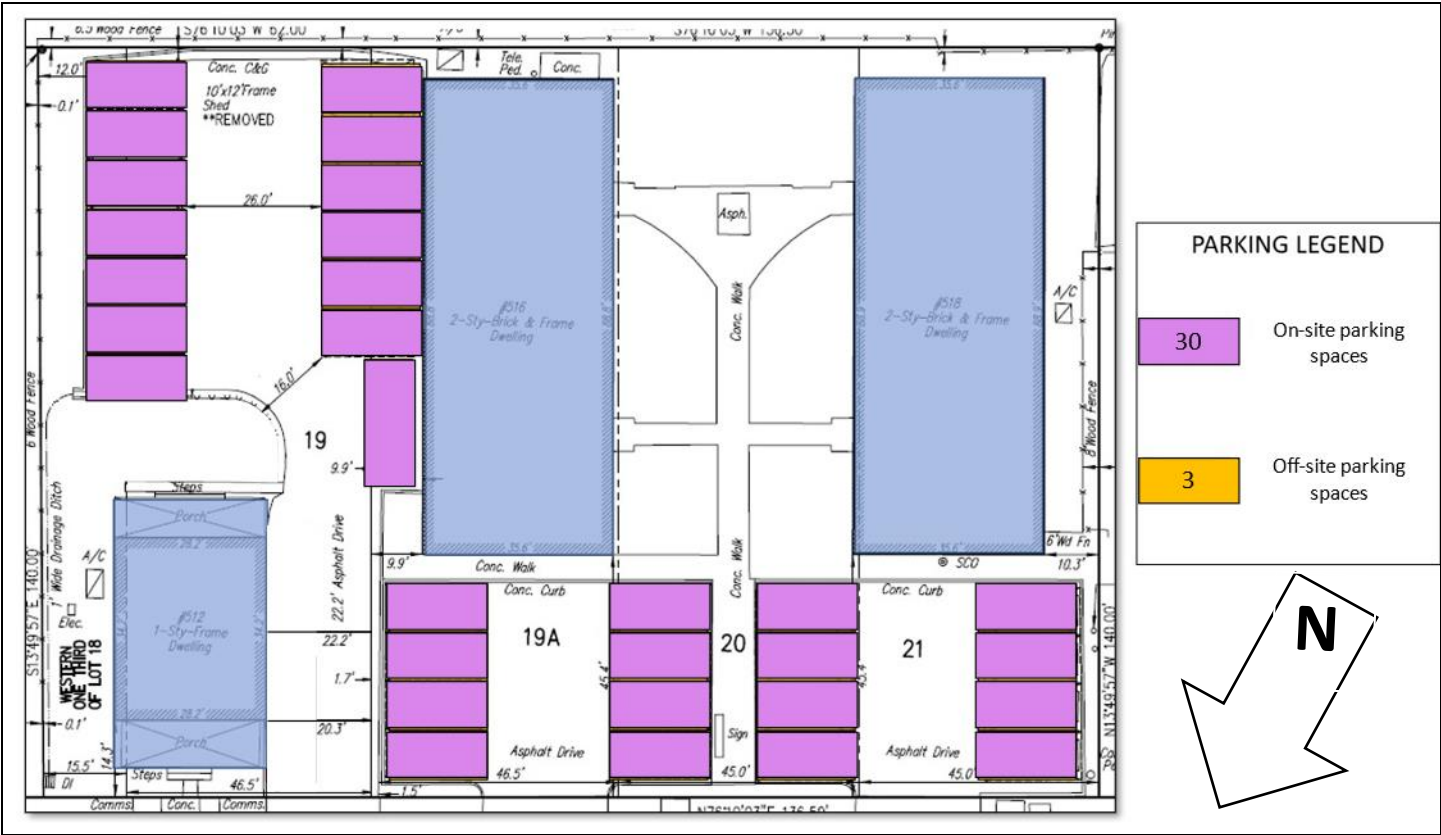
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

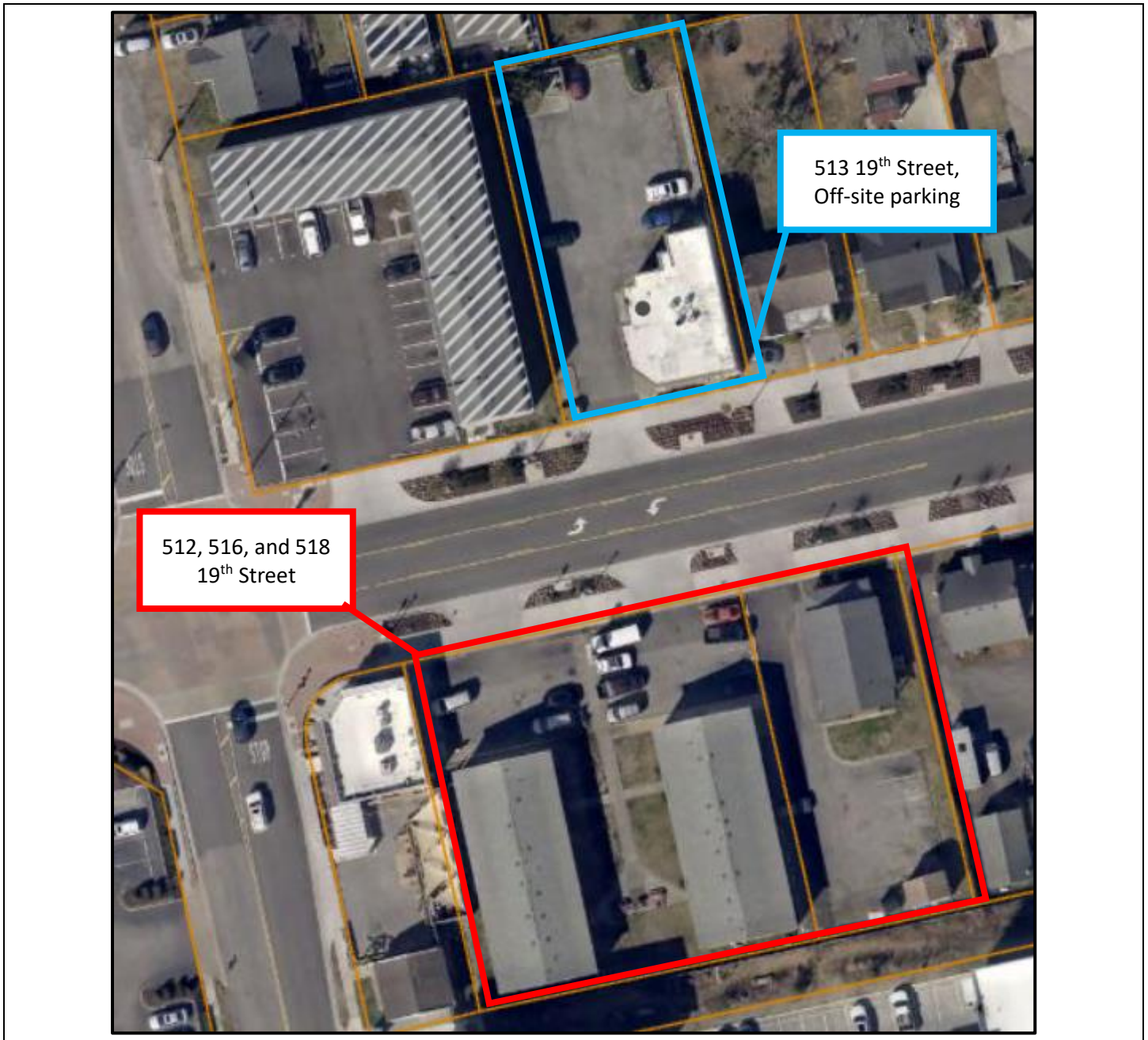
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, October 23, 2022, and October 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 24, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on November 3, 2022.

Site Layout and Parking Plan



Off-site Parking Location



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 JD Enterprises VA, LLC

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)

Daniel Davis

Justin Taylor

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

JD Enterprises VA, LLC

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

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

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

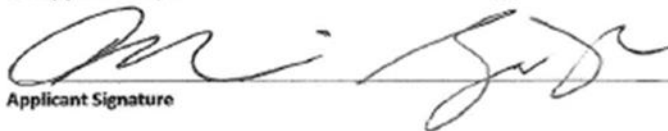
• If yes, identify the firm and individual providing the service.

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

Daniel Davis owner Justin Taylor owner

Date 3/18/22


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

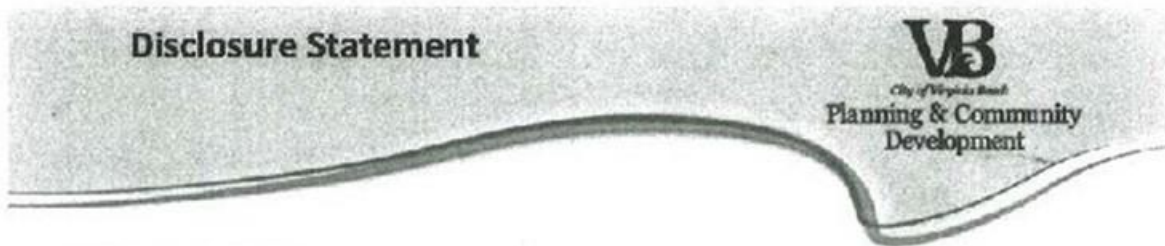
• If yes, you do not need to fill out the owner disclosure statement.

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

<h3 style="text-align: center;">Disclosure Statement</h3>	
<hr/>	
<u>Owner Disclosure</u>	
Owner Name <u>LOROM, Inc</u>	
Applicant Name <u>JD Enterprises VA, LLC</u>	
Is the Owner a corporation, partnership, firm, business, trust or an unincorporated business? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none">If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary) <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><u>Richard L. Neathery, President</u></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div>	
<ul style="list-style-type: none">If yes, list the businesses that have a parent-subsidiary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary) <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div>	
<u>Known Interest by Public Official or Employee</u>	
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none">If yes, what is the name of the official or employee and what is the nature of the interest? <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div>	
<p>³ "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.</p> <p>⁴ "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.</p>	
5 Page	



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.

Richard L. Neathery, President
Owner Signature

Richard L. Neathery
Print Name and Title

08-24-2022
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.

Requests

Conditional Use Permits (Short Term Rentals)

Staff Recommendation

Approval

Staff Planner

Garek Hall Hannigan

Location

516 19th Street, Unit A1, A2, A3, A4, B1, B2, B3, and B4

518 19th Street, Unit A1, A2, A3, A4, B1, B2, B3, and B4

GPIN

2417979219

Site Size

19,110 square feet

Existing Land Use and Zoning District

Multi-Family Dwellings / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

19th Street

Multi-Family Dwellings & Office / OR
Oceanfront Resort

South

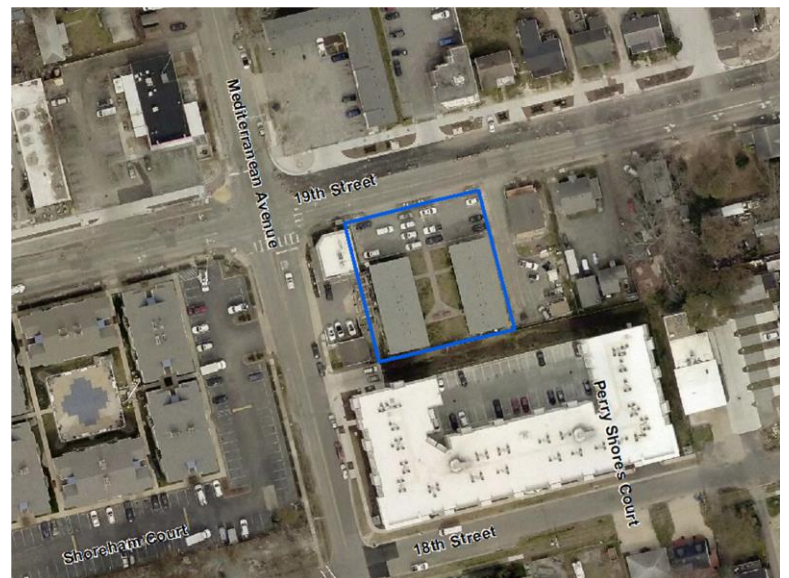
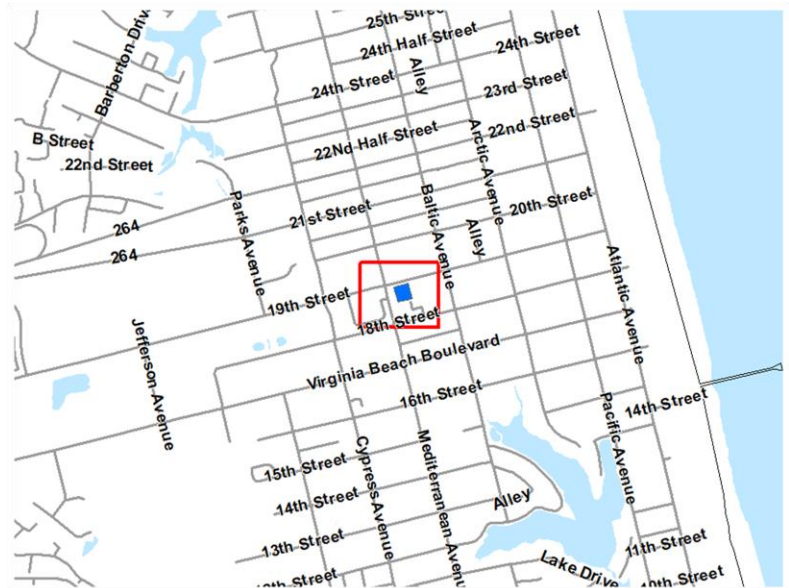
Multi-Family Dwellings / OR Oceanfront Resort

East

Residential Dwellings / OR Oceanfront Resort

West

Eating and drinking establishment / OR
Oceanfront Resort



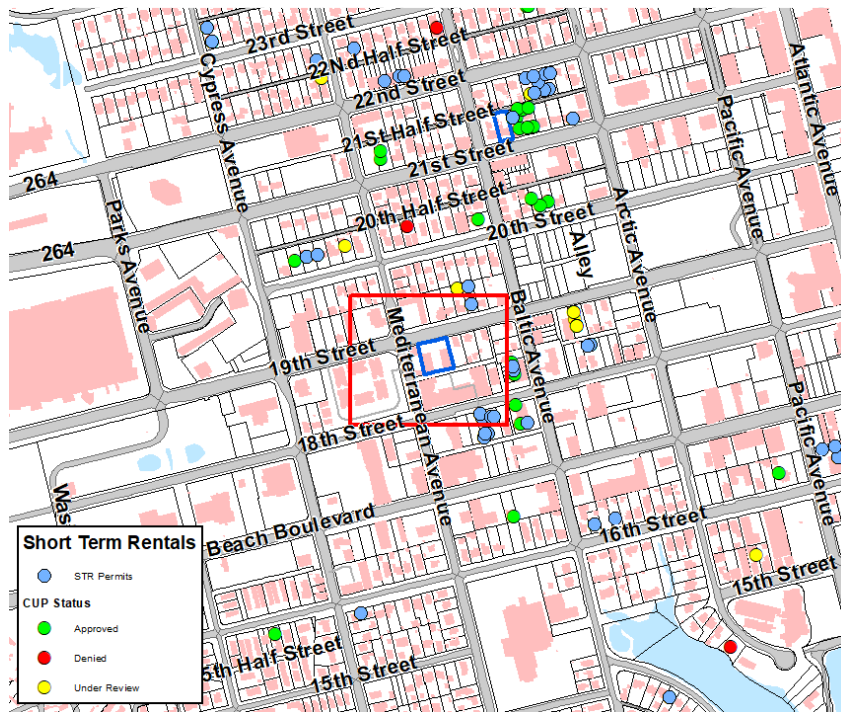
Background & Summary of Proposal

Site Conditions and History

- This 19,110 square-foot lot is zoned OR Oceanfront Resort.
- There are two separately addressed 3,161 sq. ft. structures on this lot, 516 and 518, which both contain 8 dwelling units.
- According to City records, these units, located within the previous Paradise Resort Inn motel, were constructed in 1967.
- This request is for all 16 dwelling units on the property.
- The applicant is also requesting an additional STR unit at the neighboring property 512 19th Street
- Staff inspected the site on July 22, 2022 to observe site conditions and take photographs for this report.
- On-street parking is not permitted on this portion of 19th Street.
- It was determined that the applicant previously advertised and rented units on this property on a short-term basis, as shown below. Additionally, units on this property were advertised and rented after the intake of these applications. Staff informed the applicant on numerous instances that the advertising and renting of the units was not permitted prior to the issuance of a Conditional Use Permit.
- The issuance of a Conditional Use Permit will rectify this repeated history of noncompliance.
- According to the applicant, this property was not used for Short Term Rental purposes prior to July 1, 2018.
- Due to the nature of this site, specific details for the individual units are not known as the listings were not directly associated with unit numbers. The known Short Term Rental activity at the subject address as of October 14, 2022, are as follows:
 - Date rental units at this property were first advertised by the applicant (per Host Compliance): November 26, 2019
 - Date of Conditional Use Permit Applications intake: July 1, 2022 – October 10, 2022
 - Total documented stays on this property after intake (per Host Compliance): 84 documented stays
 - Stays were documented in July, August, and September (per Host Compliance)
 - Date rental units listing were removed at this property: September 29, 2022

UNITS CURRENTLY ADVERTISED	LAST KNOWN STR RENTAL	UNITS REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	September 2022	Yes

Short Term Rentals in the Vicinity



Summary of Proposal

The applicant is requesting 16 Conditional Use Permits to operate 1 one-bedroom unit and 15 two-bedroom units on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 and Article 2300 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

- Number of bedrooms in the Short Term Rental:

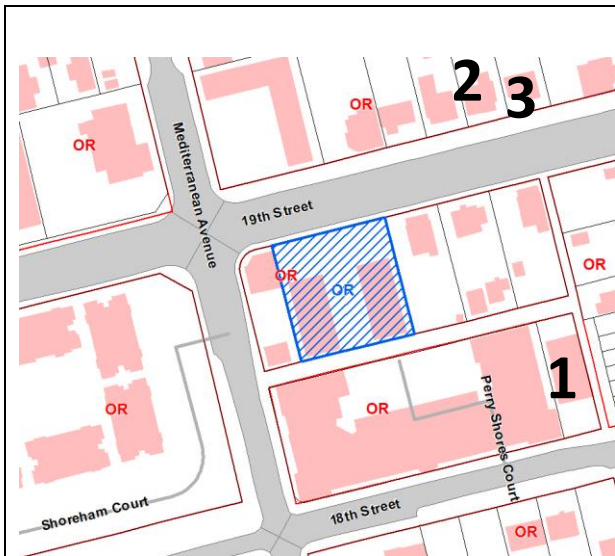
516 19 th Street			
Unit	Number of Bedrooms	Number of guests permitted after 11 p.m. (2 per bedroom)	Number of Parking Spaces required
A1	1	2	1
A2	2	4	2
A3	2	4	2
A4	2	4	2

B1	2	4	2
B2	2	4	2
B3	2	4	2
B4	2	4	2

518 19 th Street			
Unit	Number of Bedrooms	Number of guests permitted after 11 p.m. (2 per bedroom)	Number of Parking Spaces required
A1	2	4	2
A2	2	4	2
A3	2	4	2
A4	2	4	2
B1	2	4	2
B2	2	4	2
B3	2	4	2
B4	2	4	2

- Number of parking spaces required for STRs (1 space per bedroom required): 31
- Number of parking spaces provided on-site: 16
- Number of parking spaces provided on adjacent site: 14
- Number of parking spaces off-site: 3

Spaces at 516 19 th Street	Spaces at 512 19 th Street	Spaces at 513 19 th Street
16	14	3



Zoning History

#	Request
1	CUP (Craft Brewery & Open Air Market) Approved 11/07/2017
2	STR (Short Term Rental) Approved 06/06/2021
3	CUP (Outdoor Recreation Facility) Approved 06/08/1999

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 applicant is requesting to operate 16 Short Term Rental units in an existing multi-family residential dwelling along 19th Street, near the intersection of 19th Street and Mediterranean Avenue. As the subject site is within the Oceanfront Resort (OR) Short Term Rental Overlay District, Short Term Rental use is to be expected. Additionally, these units are located within the ViBe Creative District. These units located at 516 and 518 19th Street were constructed in 1967, according to City records. The surrounding area is a mixture of multi-family dwellings, commercial retail, and eating and drinking establishment uses which is typical of the Ocean Resort and ViBe Creative District.

Prior to intake of these applications, units at this the subject property had been advertising and used as a Short Term Rentals as early as November 25, 2019, per Host Compliance. On April 27, 2021, a Zoning Complaint was opened on Accela regarding the operation of Short Term Rentals at the property. Staff completed an investigation of this complaint record and issued a Notice of Violation to the property owner on October 13, 2021. The property owner acknowledged the Notice of Violation on October 19, 2021, and indicated that he would speak with his tenants about the violation. Between March 16, 2022, and March 28, 2022, Short Term Rental Permits were submitted to Staff by JD Enterprises, the applicant of the subject requests. The units were continuously listed and utilized as Short Term Rentals in the period between the Notice of Violation being issued and the submittal of the Short Term Rental Permits. By June 14, 2022, Staff had received the completed applications for the Short Term Rental Permit and had determined that the units were not grandfathered and would require approved Conditional Use Permits. A letter of denial was sent to JD Enterprises on June 14, 2022. The subject applications were submitted to Accela the same day.

Following the intake of these applications, Staff informed the applicant that the subject units were not permitted to be utilized as Short Term Rentals until approval of the Conditional Use Permit applications by City Council, on July 8, 2022. However, the subject property had 36 documented stays in July 2022, per Host Compliance. On August 8, 2022, Staff once again asked the applicant to end all Short Term Rental use at the property until the Conditional Use Permits were approved by City Council. The applicant acknowledged this email on August 11, 2022, and Host Compliance indicates that listings for this property were removed on August 7, 2022. Despite this, the subject property had 33 documented stays in August 2022, per Host Compliance. The listings for this property were reposted on September 3, 2022. Further,

units at the property hosted 15 stays in September 2022. The listings at this property were removed September 29th, 2022.

While six of the applications were intended to be heard at the October 12, 2022, Planning Commission meeting, those items were deferred by the Commission so that all the applications on the subject property could be heard on the same agenda. During the period of deferral, the applicant has ceased all advertising and stays on the property in order to come into compliance with the requirements of the Zoning Ordinance, per Staff's request of the applicant.

As this application is to convert the entire 16 units to Short Term Rentals, a condition has been added to require retrofits to the building be installed, consistent with the requirements of the building code, prior to the operation as a Short Term Rental in the future.

In addition to these applications for 516 19th Street, the applicant has also submitted an application for an additional proposed short term rental unit at the adjacent property, 512 19th Street, resulting in a proposed 17 Short Term Rental units between the subject address and 512 19th Street. To accommodate the required parking for both properties and all 17 STR units, the applicant has created a plan which utilizes the parking lot on the subject property, the parking lot on the neighboring property, and a parking lot located across the street at 513 19th Street, all of which are under common ownership. This parking plan provides the 31 required parking spaces for the units at 516 19th Street as well as providing the required two spaces for the STR unit located on the neighboring parcel, 512 19th Street.

Based on the considerations above and due to the applicant working to bring the property into conformance with the current requirements of the Zoning Ordinance, Staff recommends approval of these Conditional Use Permit applications, along with the recommended conditions listed below.

Recommended Conditions

1. The following conditions shall only apply to the dwelling units addressed as 516 19th Street, Unit A1, A2, A3, A4, B1, B2, B3, & B4, and 518 19th Street, Unit A1, A2, A3, A4, B1, B2, B3, & B4. Additionally, the Short Term Rental use shall only occur within each dwelling unit listed.
2. The Short Term Rental located at 516 19th Street Unit A1 shall consist of only one bedroom.
3. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwellings for Short-Term Rental purposes.
 - a) The dwelling units shall comply with all required Fire and Building code requirements.
4. 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.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.

7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rentals.
13. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
18. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

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

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

19. A structural safety inspection report shall be provided to the city every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.
20. Prior to approval of any Department of Planning and Community Development Short Term Rental Zoning Permit associated with the subject addresses, a new Certificate of Occupancy must be obtained from the Building Official and the structures must be consistent with the applicable requirements of the Fire and Building code.

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

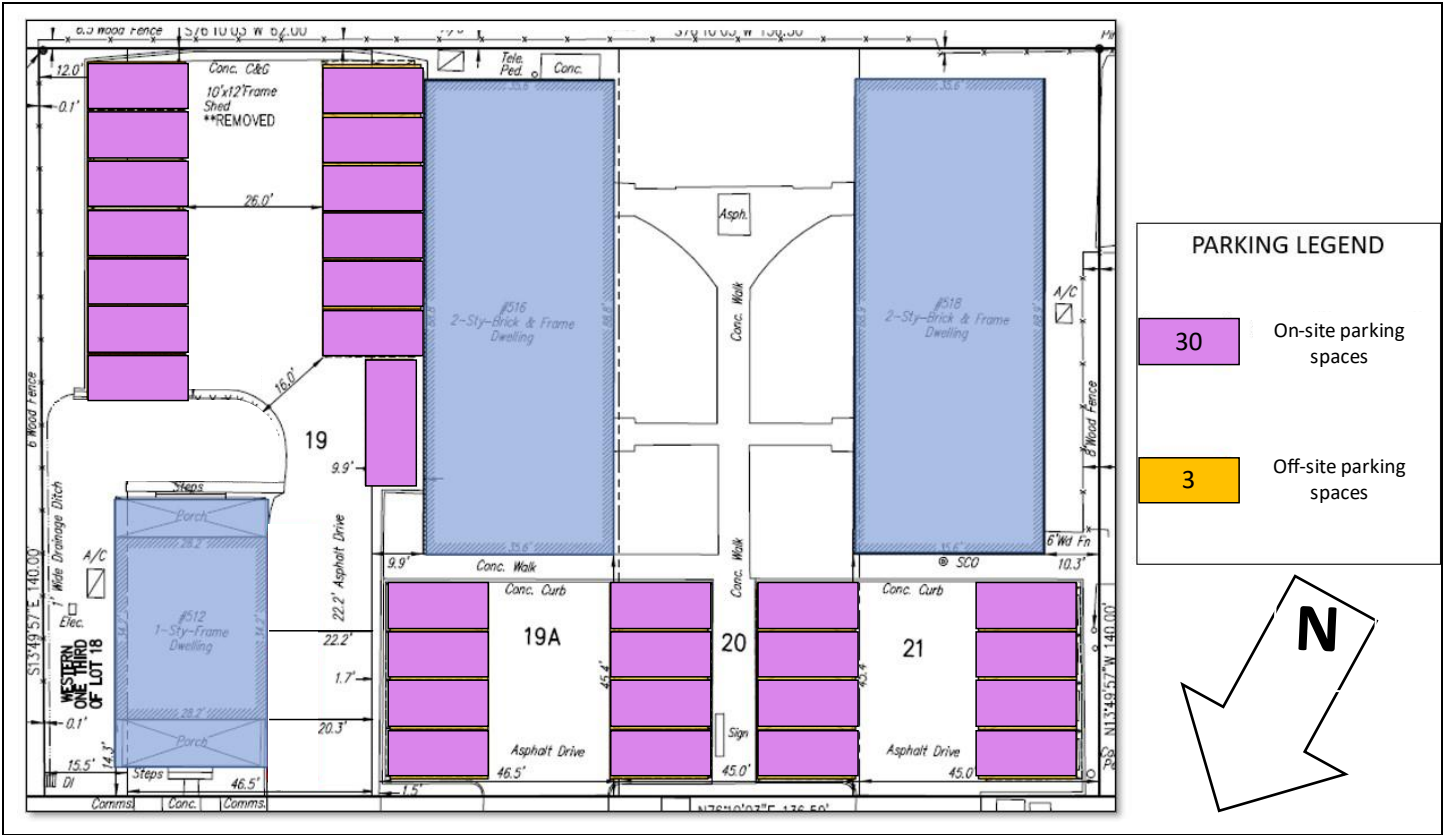
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

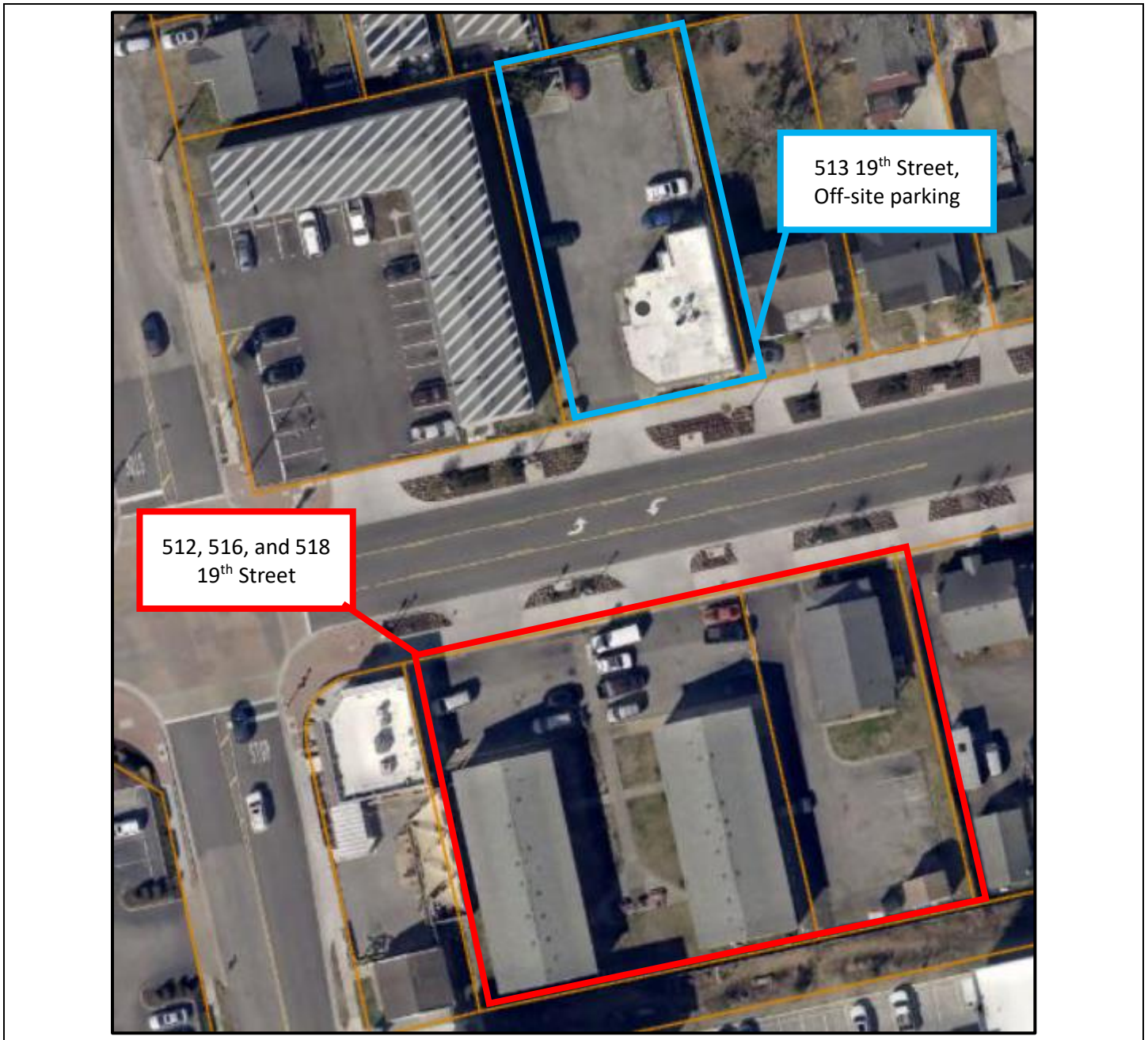
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 10, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, October 23, 2022, and October 30, 2022.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 24, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on November 3, 2022.

Site Layout and Parking Plan



Off-site Parking Location



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 JD Enterprises VA, LLC

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)

Daniel Davis

Justin Taylor

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

JD Enterprises VA, LLC

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

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

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

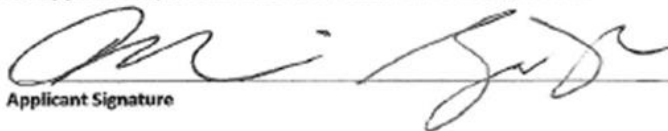
Disclosure Statement



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

Daniel Davis owner Justin Taylor owner

Date 3/18/22


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	
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Owner Disclosure

Owner Name LOROM, Inc

Applicant Name JD Enterprises VA, 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)
Richard L. Neathery, President

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

Known Interest by Public Official or Employee

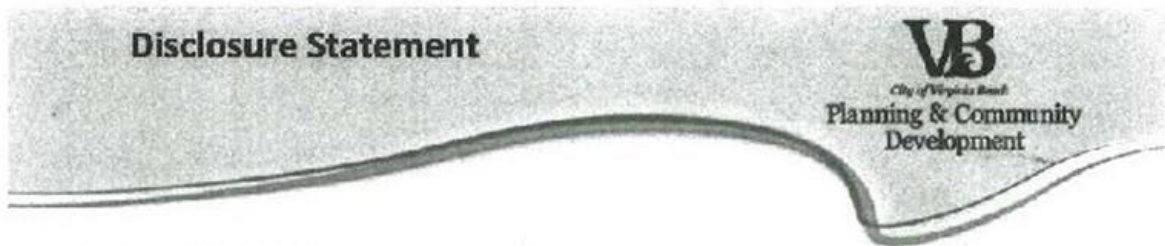
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

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

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

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Owner Services Disclosure

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

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

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.

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

Disclosure Statement



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

Owner Signature

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

Richard L. Neathery, President
Owner Signature

Richard L. Neathery
Print Name and Title

08-24-2022
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.