



Planning Commission Agenda

January 12, 2022

VB City of
Virginia Beach

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

Planning Commission Hearing Procedures

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

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

1. Register for the WebEx at:
<https://vbgov.webex.com/vbgov/onstage/g.php?MTID=e8ff40763984991820d320769453fcd44>
2. Register with the Planning Department by calling 757-385-4621 or via email at niGarrido@vbgov.com prior to 5:00 p.m. on January 11, 2022.

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

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

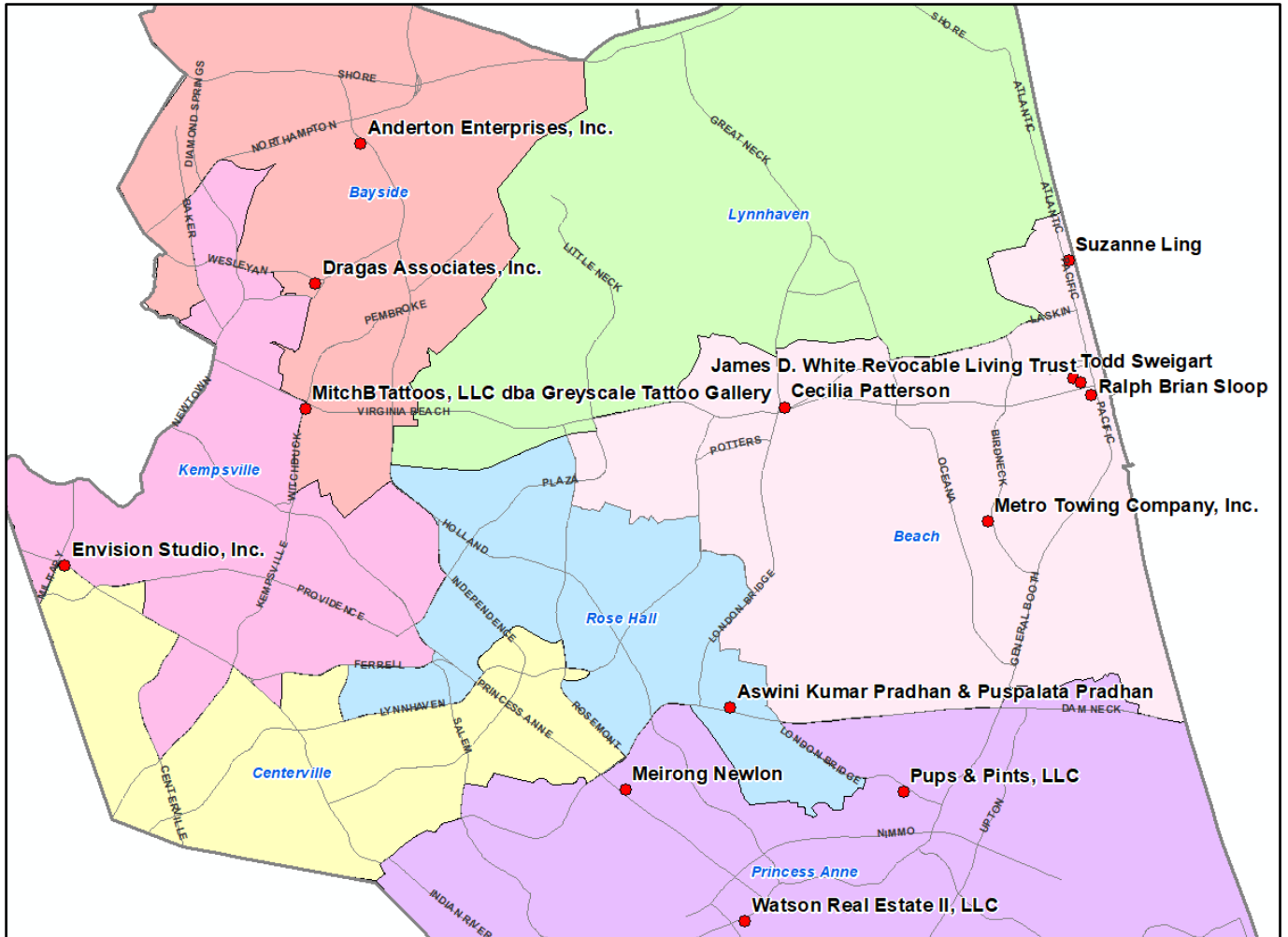
Please check our website at www.vbgov.com/pc for the most updated meeting information.

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

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

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

JANUARY 12, 2022 PLANNING COMMISSION AGENDA



JANUARY 12, 2022 PLANNING COMMISSION AGENDA

A. COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION

12:00 P.M. – PUBLIC HEARING

1. City of Virginia Beach – An Ordinance to amend Section 1301 and 1303 of the City Zoning Ordinance in regard to Historic and Cultural Districts, adding Historic and Cultural District Design Guidelines and staff exceptions.

2. City of Virginia Beach – An Ordinance to amend the Comprehensive Plan 2016 with the addition of the Virginia Beach Historic & Cultural District Design Guidelines, Nov 2021, and revisions to the Comprehensive Plan 2016 in regard thereto.

3.
Cecilia Patterson (Applicant)
Chambord Commons, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 328 N Great Neck Road, Suite 103

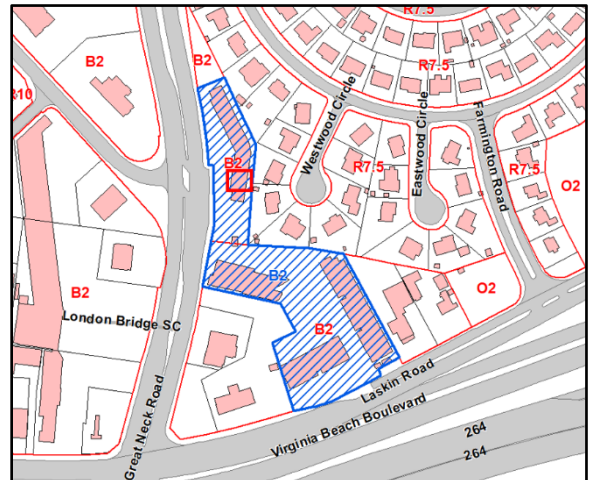
GPIN(s): 2407065012

Council District: Beach

Accela Record: 2021-PCCC-00339

Staff Planner: Marchelle Coleman

Request for tattoo studio within an existing salon.



4. & 5.
Watson Real Estate II, LLC (Applicant)
Southern Conference of the United Church of Christ, Inc. (Property Owner)

Conditional Use Permits (Animal Hospital & Commercial Kennel)

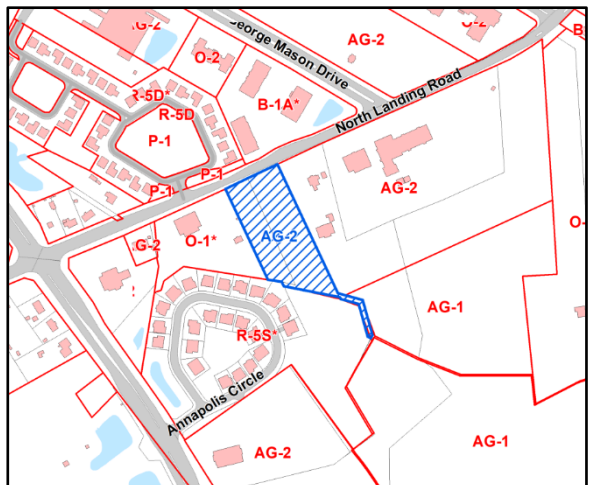
Address: 2497 North Landing Road

GPIN(s): 1494811072, 1494800978

Council District: Princess Anne

Accela Record(s): 2020-PCCC-00205, 2020-PCCC-00236

Staff Planner: Marchelle Coleman



Request to construct a vet office with a commercial kennel for the boarding of animals.

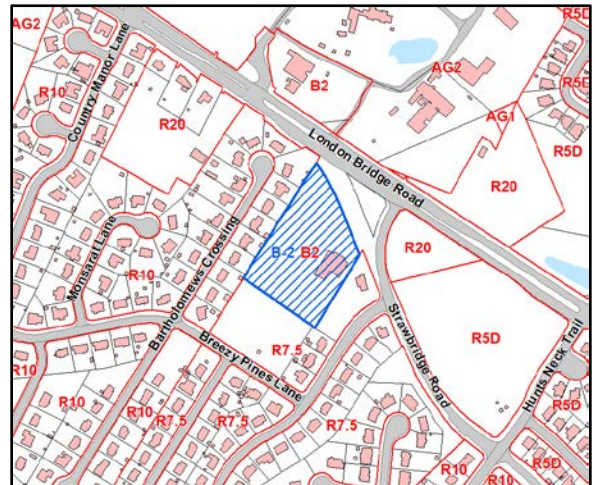
6.

Pups & Pints, LLC (Applicant)
Navy Federal Credit Union (Property Owner)

Conditional Use Permit (Craft Brewery)

Address: 2413 London Bridge Road
GPIN(s): 2404896739
Council District: Princess Anne
Accela Record(s): 2021-PCCC-00287
Staff Planner: Hoa N. Dao

Request to operate a craft brewery.



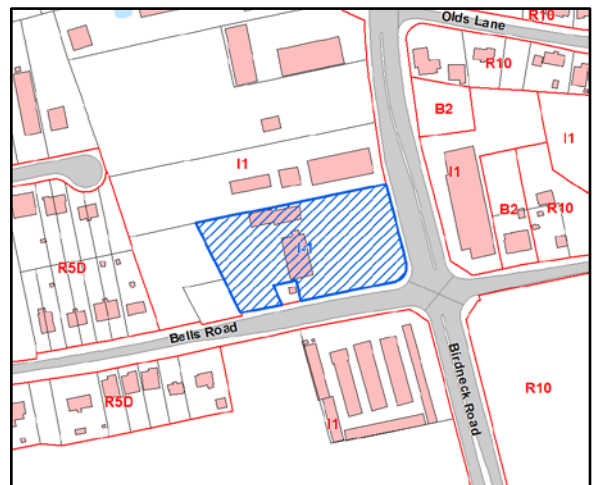
7.

Metro Towing Company, Inc (Applicant)
Intracoastal Assets, LLC (Property Owner)

Conditional Use Permit (Bulk Storage Yard)

Address: 1194 Bells Road
GPIN(s): Portion of 2416474808
Council District: Beach
Accela Record(s): 2021-PCCC-00302
Staff Planner: Hoa N. Dao

Request for a tow lot on the eastern portion of the lot.



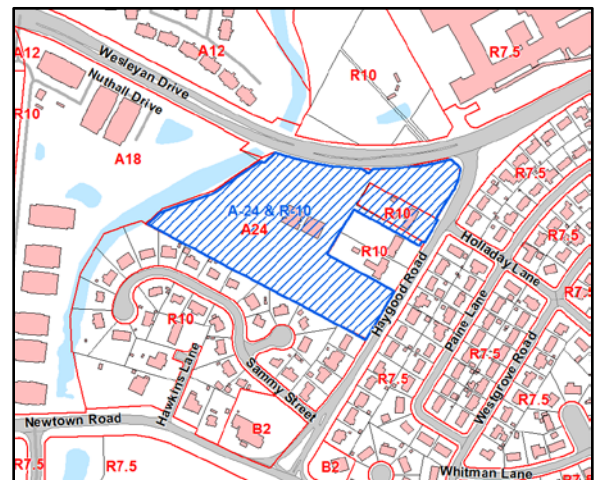
8. & 9.

Dragas Associates, Inc (Applicant)
Hawkins Mill, LC, Hawkins Mill at Haygood Condominium Association, Inc (Property Owners)

Conditional Rezoning (R-10 Residential District to Conditional A-24 Apartment District (0.69-acres))
Modification of Proffers

Address: 5000 & 5024 Haygood Road
GPIN(s): 1468934983, 1468933539
Council District: Bayside
Accela Record(s): 2021-PCCC-00299, 2021-PCCC-00300
Staff Planner: Hoa N. Dao

Requests to rezone and include an additional 0.69 acre with the existing 8.96 acres multi-family development for a total of 104 units at a density of 10.78 units per acre.



10.

Aswini Kumar Pradhan & Puspallata Pradhan

(Applicants & Property Owners)

Modification of Proffers

Address: Along Horse Pasture Road, between 1521 Taylor Farm Road and 2617 Horse Pasture Road

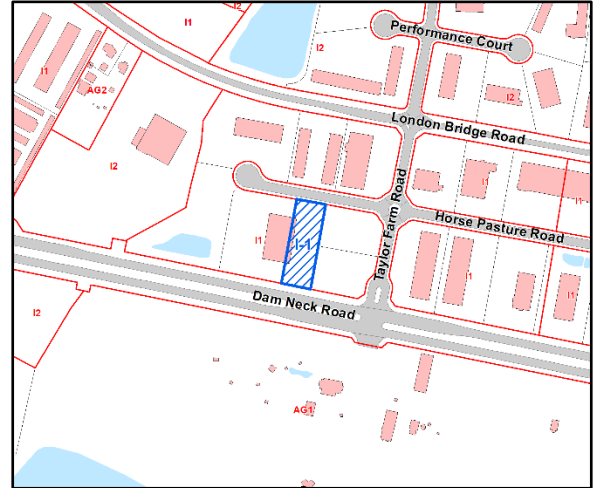
GPIN(s): 1495750349

Council District: Rose Hall

Accela Record: 2021-PCCC-00233

Staff Planner: Hoa N. Dao

Proposal to change the western side yard setback from 30 feet (proffered) to 15 feet, exclusively for this site.



11.

MitchBTattoos, LLC dba Greyscale Tattoo Gallery

(Applicant)

Southern Star Commons, LLC (Property Owner)

Conditional Use Permit (Tattoo Parlor)

Address: 265 Jersey Avenue, Suite 106

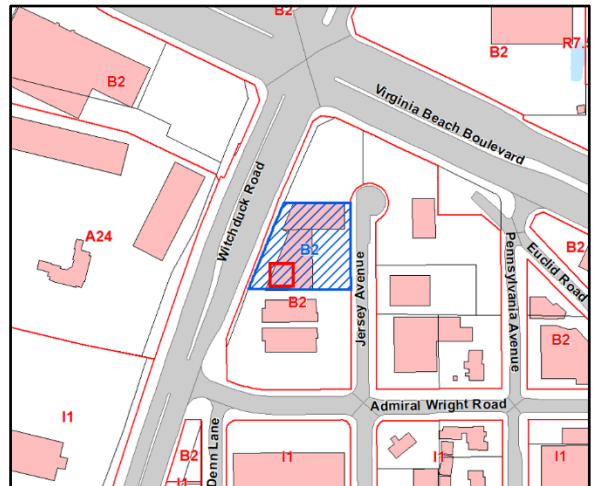
GPIN(s): 1467856427

Council District: Bayside

Accela Record: 2021-PCCC-00344

Staff Planner: Elizabeth Nowak

Request to operate a tattoo studio.



12.

Anderton Enterprises, Inc. (Applicant)

Clemson JBS, LLC (Property Owner)

Conditional Use Permit (Automobile Repair Garage)

Address: 4912 Rutherford Road, Suite 104

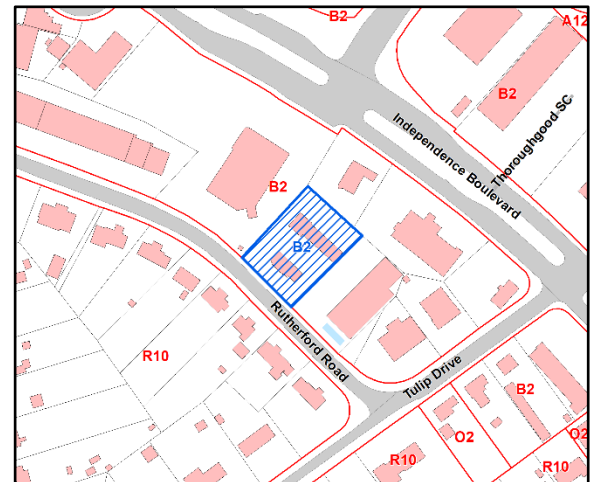
GPIN(s): 1479233301

Council District: Bayside

Accela Record: 2021-PCCC-00318

Staff Planner: Michaela McKinney

Proposal to operate an auto repair facility for vehicles with advanced driver assistance, alignments, and calibrations.



Envision Studio, Inc. (Applicant)
Woodway Knob Hill, LLC (Property Owner)

Address: 6361 Indian River Road, Suite 107
GPIN(s): 1456244833
Council District: Centerville
Accela Record: 2021-PCCC-00345
Staff Planner: Michaela McKinney

Meirong Newlon (Applicant)
Landstown Commons Owner, LLC (Property Owner)

Address: 3312 Princess Anne Road
GPIN(s): 1495001218
Council District: Princess Anne
Accela Record: 2021-PCCC-00347
Staff Planner: Michaela Mckinney

Todd Sweigart (Applicant & Property Owner)

Address: 505 19th Street
GPIN(s): 2427071526
Council District: Beach
Accela Record: 2021-PCCC-00341
Staff Planner: Jenizza Badua/Hank Morrison

16.

Ralph Brian Sloop (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 313 15th Street

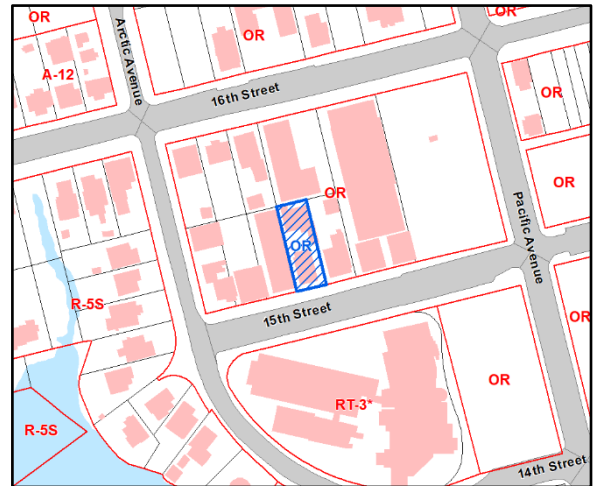
GPIN(s): 2427163367

Council District: Beach

Accela Record: 2021-PCCC-00317

Staff Planner: Jenizza Badua/Hank Morrison

Request for a 4-bedroom short term rental.



17.

Suzanne Ling (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 4005 Atlantic Avenue, Unit 114

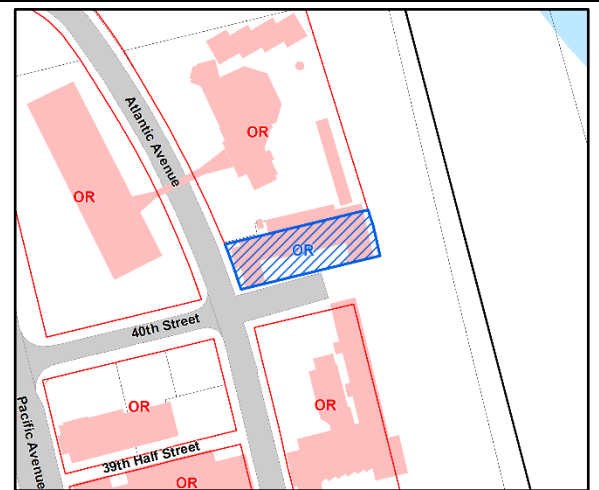
GPIN(s): 2428051448

Council District: Beach

Accela Record: 2021-PCCC-00263

Staff Planner: Jenizza Badua/Hank Morrison

Request for a 1-bedroom short term rental.



18.

James D. White Revocable Living Trust (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 407 18th Street, Unit A

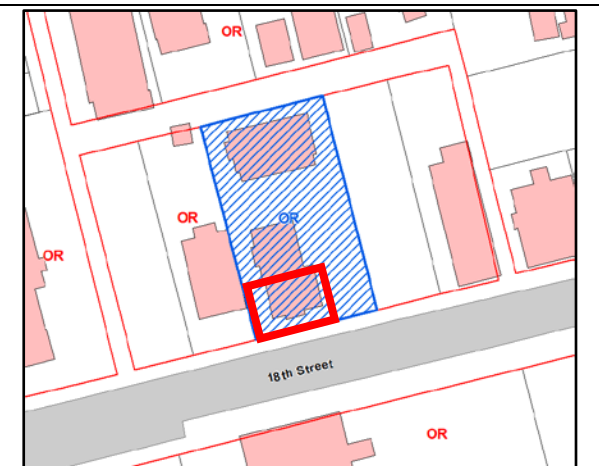
GPIN(s): 24270763310001

Council District: Beach

Accela Record(s): 2021-PCCC-00146

Staff Planner: Brandon Hackney

Request for a 3-bedroom Short Term Rental.





Applicant **City of Virginia Beach**

Planning Commission Public Hearing **January 12, 2022**

Amendment to Article 13, Sections 1301 & 1303, of the City Zoning Ordinance & Amendments to the City of Virginia Beach Comprehensive Plan 2016, with the addition of Virginia Beach Historic & Cultural District Design Guidelines

Agenda Items

1 & 2

Request

An Ordinance to amend Article 13 of the Zoning Ordinance to reference the Historic and Cultural District Design Guidelines and revise exceptions for Certificates of Appropriateness as well as amend the Reference Handbook section of the City of Virginia Beach Comprehensive Plan, 2016, to incorporate the development of Design Guidelines for Historic and Cultural Districts under Special Area Development Guidelines.

Summary of Request

The purpose of these amendments is to update Article 13 of the Zoning Ordinance, and the Reference Handbook of the Comprehensive Plan, 2016, to incorporate and reference the recently developed Design Guidelines for the City's Historic and Cultural Districts for the information and use of property owners in these districts. The Design Guidelines are intended to establish expectations for property owners, Staff, and the Historical Review Board and to facilitate consistent decision making by interpreting the standards outlined in Article 13 of the Zoning Ordinance. The Design Guidelines have been developed by a professional cultural resource management firm to ensure they are consistent with best practices as understood within the professional preservation community and as outlined in National Park Service guidance. They are in alignment with the Secretary of Interior's Standards for Rehabilitation and the guidelines for Treatment of Historic Properties. These amendments support expectations and requirements for the City's Certified Local Government designation.

The amendments to Article 13 of the Zoning Ordinance also include revisions to exceptions to include administrative review by Staff for several categories of repair and modification that will help streamline the process for property owners.

Recommendation

Public outreach was conducted to involve property owners in the existing local historic districts, and other interested citizens, in the Design Guidelines development process. Virtual public meetings were held via WebEx on April 15 and June 23, 2021. Press releases to inform the public about the meetings were distributed and direct mailings were made to all property owners within the sixteen (16) Historic and Cultural Districts to inform them about the project and the meetings.

Staff recommends approval of these amendments to the Comprehensive Plan and Article 13 of the Zoning Ordinance as it will provide for the utilization of the recently developed Design Guidelines for the Historic and Cultural Districts as a tool for property owners planning projects and serve as a guidance document for Staff and Historical Review Board members reviewing proposed projects.

AN ORDINANCE TO AMEND SECTIONS
1301 AND 1303 OF THE CITY ZONING
ORDINANCE PERTAINING TO HISTORIC
AND CULTURAL DISTRICTS DESIGN
GUIDELINES AND STAFF EXCEPTIONS

Sections Amended: §§ 1301 and 1303 of the
City Zoning Ordinance

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

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

That Sections 1301 and 1303 of the City Zoning Ordinance is hereby amended
and reordained to read as follows:

Sec. 1301. Establishment.

- (a) In accordance with the provisions of City Code section 2-5, the historic preservation commission shall advise city council on the consideration of the need for establishing, expanding, reducing, or removing an Historic and Cultural District in a specified geographical area of the city. In rendering such advice to the city council, the commission shall give due consideration to the views of owners of property being considered for inclusion in such new or expanded district.
- (b) Prior to the establishment or expansion of a Historic and Cultural District, the planning director shall prepare, in writing, a report containing: (i) an inventory of all landmarks, buildings and other structures, sites and objects being considered for inclusion within the proposed district, (ii) recommendations, if any, for detailed zoning and other regulations to be applied within the district, and (iii) a listing of the criteria to be used to determine which properties shall be included within the district. The planning director shall seek the advice and guidance of the historic preservation commission in preparing such report and shall give due consideration to the views of owners of property being considered for inclusion in such new or expanded district.
- (c) No Historic and Cultural District shall be established or expanded unless the area to be encompassed thereby contains one or more places or buildings or other structures:
 - (1) Listed on the Virginia Landmarks Register, the Virginia Beach Historical Register, or the National Register of Historic Places;
 - (2) That are of significant historic, architectural, archaeological, or cultural interest;
 - (3) In which historic events occurred; or

47 (4) That have special public value because of notable architectural,
48 archaeological, or other features relating to the cultural or artistic heritage of
49 the city that are of such significance as to warrant conservation and
50 preservation.
51

52 (d) Only the geographical area in which a majority of the properties meet the criteria
53 established in accordance with this section shall be designated as a Historic and
54 Cultural District; provided, however, that parcels of land contiguous to arterial
55 streets or highways found by the city council to be significant routes of tourist
56 access to the city or to designated historic landmarks, buildings, structures, or
57 districts therein, or in a contiguous locality, may also be included in a Historic and
58 Cultural District.
59

60 (e) The planning commission shall review the report of the planning director, together
61 with the ordinance establishing or expanding a Historic and Cultural District and any
62 proposed zoning and other regulations to be applied within the district and shall
63 recommend to the city council approval in whole or in part, with or without
64 modifications, or shall recommend rejection thereof.
65

66 (f) The city council may, by ordinance, establish or expand a Historic and Cultural
67 District if it finds that the proposed district or expansion thereof meets the
68 requirements of this section, and may adopt such zoning or other regulations
69 pertaining to property within the district, consistent with general law, as it may deem
70 appropriate. The city council shall give due consideration to the views of owners of
71 property being considered for inclusion in such new or expanded district. Upon city
72 council approval of a new or expanded Historic and Cultural District, the official
73 zoning map shall be amended accordingly. City council may also, by ordinance,
74 and by the same process as above, reduce or remove Historical & Cultural Districts
75 from the zoning map.
76

77 (g) The establishment or expansion of Historic and Cultural Districts shall be subject to
78 the applicable provisions of section 107 of the city zoning ordinance and Code of
79 Virginia, Tit. 15.2, Ch. 22, Art. 7 (Virginia Code sections 15.2-2280 et seq.), as
80 amended, or any successor ordinances or statutes.
81

82
83

84 **Sec. 1303. Certificates of appropriateness.**
85

86 (a) *Requirements of certificates of appropriateness.* Except as provided in subsection
87 (e), no building or structure, including signs, within a Historic and Cultural District
88 shall be constructed, altered, repaired, relocated, or demolished, and no building or
89 other required permit authorizing such action, shall be issued unless and until the
90 historical review board has issued a certificate of appropriateness therefor. A
91 certificate of appropriateness shall certify only that the requirements of this section

and the intent of the Design Guidelines for Historic and Cultural Districts have been met and shall not excuse compliance with any other applicable requirements of law.

(b) *Materials to be submitted for review.*

(1) *Required plans, etc.* The historical review board may require submission of any or all of the following materials as part of an application: architectural plans, site plans, landscaping plans, proposed signs with appropriate details as to location, size, number and character, proposed exterior lighting arrangements, elevation drawings, indications as to construction materials, design of doors and windows, ornamentation and colors, photographs or perspective drawings indicating visual relationship to adjoining structures and spaces and such other exhibits and reports as are reasonably necessary in making its determination to grant or deny the certificate of appropriateness.

(2) *Application review.* Applications for a certificate of appropriateness shall be submitted to the planning director, who shall determine whether the proposed building or structure conforms to the requirements of the city zoning ordinance. No application shall be deemed complete unless it contains sufficient information for the planning director to make such determination.

(c) *Grounds for issuance and denial of certificate of appropriateness.*

(1) *Issuance.* The historical review board shall issue a certificate of appropriateness only if it finds that the proposed building or structure is architecturally compatible with the historic landmarks, buildings, or structures in the district. In issuing its approval, the board may attach such reasonable conditions, consistent with applicable city ordinances, ~~and~~ development standards, and the Historic and Cultural District Design Guidelines as are necessary or appropriate to ensure that the proposed building or structure meets the requirements of this section.

The board shall consider, in determining whether a proposed building or structure is architecturally compatible with the historic landmarks, buildings and structures in the district, the following factors:

A. The conformity with the intent of the Historic and Cultural District Design Guidelines ~~design~~, development standards, and criteria established for the district pursuant to section 1301;

B. The appropriateness of the general overall design of the proposed building or structure in relation to the District's character-defining features as described in the Historic and Cultural District Design Guidelines ~~architecture of other building or structures within the historic cultural overlay zoning district~~;

- 138 C. The extent to which the proposed building or structure will be harmonious
 139 or incompatible with the other buildings or structures in the district;
 140 D. The degree to which the proposed building or structure advances the
 141 Comprehensive Plan's goals;
 142
 143 E. The impact of the proposed building or structure upon the historic context;
 144
 145 F. The degree to which the proposed building or structure conforms to the
 146 intent of the Historic and Cultural District Design Guidelines, which utilize
 147 the provisions of applicable provisions of the Secretary of the Interior's
 148 Standards for Rehabilitation, as set forth in Title 36, section 67.7 of the
 149 Code of Federal Regulations, or any successor regulations, not
 150 inconsistent with the provisions of this section.
 151
 152 (2) *Denial; appeals.* The historic review board shall state the reasons for denial in
 153 writing. The applicant for the certificate of appropriateness may appeal a denial
 154 of such certificate to the city council by letter filed with the planning director
 155 stating the grounds for appeal no later than thirty (30) days after the date of the
 156 denial.
 157
 158 (3) *Notice of appeal.* Upon receipt of such letter, the planning director shall
 159 schedule the appeal to be heard by the city council at a regular meeting and
 160 shall give written notice of the time, date, and place of the city council meeting
 161 to the applicant, or his agent, and any persons who submitted to the planning
 162 director written objections to the application, no less than twenty-one (21) days
 163 before the meeting. The applicant shall post a sign provided by the planning
 164 director on the property, which sign shall state the time and date of the city
 165 council meeting and the nature of the appeal, at least fifteen (15) days prior to
 166 the city council meeting at which the matter is scheduled. Such sign shall be
 167 posted in accordance with the provisions of section 108(a) of the city zoning
 168 ordinance. No further public notice shall be required.
 169
 170
 171 (4) *Appeals to the circuit court.* The applicant, and any person appearing before
 172 the city council in opposition to the application, may appeal the decision of the
 173 city council to the circuit court by filing a petition at law, setting forth the alleged
 174 illegality of the action of the city council, provided the petition is filed within
 175 thirty (30) days after the date of the city council's decision. The filing of the
 176 petition shall stay the decision of the city council pending the outcome of the
 177 appeal to the court, unless the decision denies the right to raze or demolish a
 178 historic landmark, building or structure. The court may reverse or modify the
 179 decision of the city council, in whole or in part, if it finds upon review that such
 180 decision is contrary to law or is arbitrary and constitutes an abuse of discretion,
 181 or it may affirm the decision of the governing body.
 182

- 183 (5) *Time limits.* The board shall approve or deny a certificate of appropriateness
 184 within ninety (90) days from the filing of a completed application. The failure to
 185 approve or deny an application shall constitute a denial thereof.
 186
- 187 (d) *Demolition.* In the event the historical review board determines that the preservation
 188 of a building or structure is found to be physically ~~or economically~~ unfeasible, it
 189 shall issue the certificate of appropriateness allowing the demolition of such
 190 building or structure. If the preservation of such building or structure is physically
 191 ~~and economically~~ feasible, the board shall deny the application. In the event the
 192 application is denied, the applicant may: (i) appeal such decision to the city council
 193 by letter filed with the planning director stating the grounds for appeal no later than
 194 thirty (30) days after the date of the denial; or (ii) elect to proceed pursuant to the
 195 provisions of section 1304. The procedure for appeals to the city council shall be in
 196 accordance with subdivision (3). The city council may, after consultation with the
 197 board, affirm or deny the board's decision. In the event the city council affirms the
 198 decision of the board, the applicant shall have the right to appeal such decision to
 199 the circuit court in accordance with the procedures set forth in subdivision (4).
 200
- 201 (e) *Exceptions.* The following actions shall not require the issuance of a certificate of
 202 appropriateness:
 203
- 204 (1) Addition or removal of impermanent window air conditioning units; Repainting
 205 resulting in the same or like color, provided that the initial painting of masonry
 206 surfaces shall require a certificate of appropriateness;
 207 ~~(2) The addition or deletion of windows, storm windows, doors, and storm doors~~
 208 ~~that match existing windows, storm windows, doors, storm doors and broken~~
 209 ~~window panes, and the addition or removal of air conditioning units;~~
 210 (2) The addition or deletion of television or radio antennas, ~~skylights, solar~~
 211 ~~collectors, wind energy conversion systems or satellite dishes if such~~
 212 ~~structures are not visible from a public street or right-of-way;~~
 213 ~~(4) The repair of existing materials and features with equivalent material through~~
 214 ~~stabilization, consolidation and conservation of historic materials, features and~~
 215 ~~workmanship when the physical condition of a building or structure, or portion~~
 216 ~~thereof, has deteriorated;~~
 217 (3) Planting of grass, flowers, trees, and shrubs. but not including landscape
 218 treatment that substantially alters the contour of a landmark site; This does not
 219 include changes to a landscape plan such as the introduction of new planter
 220 beds, pavers or other hardscaping, plantings that touch or attach to buildings
 221 or structures on the property, substantial alterations to the master site plan, or
 222 removal of historic landscape features such as mature trees and plantings,
 223 hardscape, garden structures, and established gardens; and
 224 ~~(6) Permitted outside storage in any residential, office, business, or industrial~~
 225 ~~district, which is not visible from a public street; and~~
 226 (4) Any interior changes.
 227

228 (f) Staff exceptions. The following actions shall not require the issuance of a certificate
229 of appropriateness but shall require staff review and approval. If denied by staff,
230 the applicant may apply for a certificate of appropriateness pursuant to section
231 1303 above:

- 232
- 233 (1) Repainting of a previously painted building, regardless of color. This does not
234 include the initial painting of masonry surfaces, which shall require a
235 certificate of appropriateness;
- 236 (2) In-kind replacement of existing modern materials;
- 237 (3) Routine maintenance and repair of existing materials and features, with
238 equivalent material through stabilization, consolidation and conservation of
239 historic materials, features and workmanship when the physical condition of a
240 building or structure or portion thereof has deteriorated;
- 241 (4) The addition or removal of windows, storm windows, doors, and storm doors
242 that match existing windows, storm windows, doors, storm doors and broken
243 windowpanes;
- 244 (5) The addition or removal of skylights, solar collectors, or wind energy
245 conversion systems; and
- 246 (6) Permitted outside storage in any residential, office, business or industrial
247 district which is not visible from a public street.

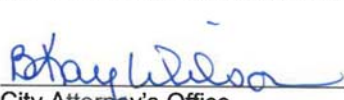
248
249 Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
250 of _____, 202_.

APPROVED AS TO CONTENT:



Planning Department

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA15635
R-4
December 22, 2021

1 AN ORDINANCE TO AMEND THE VIRGINIA
2 BEACH COMPREHENSIVE PLAN 2016 WITH
3 THE ADDITION OF THE VIRGINIA BEACH
4 HISTORIC & CULTURAL DISTRICT DESIGN
5 GUIDELINES, NOV. 2021, AND REVISIONS
6 TO THE COMPREHENSIVE PLAN 2016 IN
7 REGARD THERETO
8

9 WHEREAS, the public necessity, convenience, general welfare and good zoning
10 practice so require;
11

12 WHEREAS, the City of Virginia Beach became a designated Certified Local
13 Government (CLG) in 2016 in a program jointly administered by the National Park
14 Service and the State Historic Preservation Office (Virginia Department of Historic
15 Resources) to assist localities with local preservation efforts;
16

17 WHEREAS, the agreement with the Commonwealth requires the City to develop
18 Design Guidelines, and the City with its consultants, Commonwealth Preservation
19 Group, and the help of a Steering Committee and stakeholder input have compiled the
20 Design Guidelines, attached hereto and made a part hereof, for use in the preservation
21 effort in Virginia Beach;
22

23 WHEREAS, the Design Guidelines require minor revisions to the Comprehensive
24 Plan 2016, also attached hereto and made a part hereof; and
25

26 WHEREAS, the Planning Commission at its January 12, 2022 public hearing
27 recommended the approval of the attached Design Guidelines and revisions to the
28 Comprehensive Plan 2016.
29

30 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
31 BEACH, VIRGINIA:
32

33 That the Comprehensive Plan 2016 is hereby amended and reordained to
34 include the Virginia Beach Historic & Cultural Design Guidelines and the revisions to the
35 Comprehensive Plan 2016 attached hereto.
36

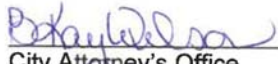
Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2022

APPROVED AS TO CONTENT:



Planning Department

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA15636/R-1/December 20, 2021

*City of Virginia Beach Comprehensive Plan – It's Our Future: A Choice City
Reference Handbook
May, 17, 2016*

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- Sidewalks and pathways should provide safe and attractive pedestrian connections within the core and a continuous link one end of the settlement to the other with a minimum of vehicular conflict points.

TRANSITION AREA DESIGN GUIDELINES

The Transition Area (see Section 1.4 of the Comprehensive Plan Policy Document) is meant to serve as a buffer between the City's Suburban and Rural Areas. Accordingly, it should provide an apparent visual shift from suburban development character and form to rural development character and form as one travels from north to south. Therefore, development in the Transition Area should reflect a noticeable transitional pattern with contiguous and unified open space throughout, also in keeping with the accompanying Transition Area Design Guidelines. The Guidelines are adopted by reference as part of the Comprehensive Plan and are available in the online document library at www.vbgov.com/Planning. These guidelines articulate a high quality, 'Rural Transitional' design theme, unique to the Transition Area vision.

HISTORIC AND CULTURAL DISTRICTS DESIGN GUIDELINES

The Historic and Cultural Districts have been established to protect the historic significance and integrity of the properties contained therein. These designations encourage sound stewardship of the city's historic resources and foster a sense of place in the city's residents. The establishment of new districts is initiated by the Historic Preservation Commission and approved by City Council.

Proposed alterations, repairs, new construction, relocations, demolitions, and signage for properties within a Historic and Cultural District require a Certificate of Appropriateness (COA). Such proposals are considered and issued by the Historical Review Board if deemed acceptable based on its architectural compatibility with the historic landmarks, buildings, and structures in the district.

Property owners, design professionals, staff, and the Historical Review Board reference the Virginia Beach Historic and Cultural District Design Guidelines when planning or reviewing projects proposed for these districts. The Design Guidelines are consistent with the Secretary of the Interior's Standards for Rehabilitation, as set forth in Title 36, Section 67.7 of the Code of Federal Regulations, and successor regulations. These guidelines identify character defining features and contributing and non-contributing resources for each district. They also provide guidance on appropriate design elements and materials for various types of improvements, new construction, and repairs.

Designated as a Certified Local Government (CLG) by the National Park Service in 2016, Virginia Beach meets the requirements and expectations of the CLG program through the establishment via ordinance of historic districts and the adoption of Design Guidelines. The Design Guidelines document is the basic reference for managing change in the districts and is the primary tool for ensuring a consistent approach to the maintenance of the historic character of each district.

currently exist in the neighborhood; however, there is a consistent rhythm that a design for an infill lot can strive to reach. To achieve a design that fits the rhythm of the other structures on the street as closely as possible, it will be necessary to utilize the full width of the lot. A minimum lot width of 35 feet with a buildable width of 25 feet should be strived for.

- The front yard setback should meet the requirements of the Zoning Ordinance, while at the same time, be consistent with the front yard setbacks of the adjacent structures. In some cases, it might be necessary to encroach into the required rear yard setback due to the need to have a dwelling that has adequate floor area but still maintains proper height and width proportions.

Materials and Details

- Compatibility cannot be achieved if the building materials used on the facade (outside visible wall) of the structure and the details (windows, doors, decoration) differ substantially from those predominantly found on the other dwellings in the neighborhood. The common facade materials in Shadowlawn are brick and clapboard-style siding (wood and vinyl). New infill structures, therefore, should utilize brick or clapboard-style siding on the exterior facade. Use of materials such as dryvit, stucco, or grooved plywood would reduce the possibility that the new structure would be compatible to the neighborhood.
- Similarly, compatibility can only be achieved if the decorative and functional details of the structure are as similar as possible to the surrounding dwellings. For example, if the surrounding dwellings commonly utilize multi-pane, double-hung windows, of a certain proportion, then the windows to be installed in the new structure should be as similar as possible to them in those respects. Installation of windows with large areas of glass and of irregular shapes probably would not be appropriate.

Parking

- If dealt with successfully, the manner in which the parking is arranged can ensure compatibility of the new dwelling to the surrounding dwellings. The predominant method of parking in the neighborhood is either on the street or on a single-stack driveway. This method of parking arrangement permits the remainder of the front yard area to be left as open space and lawn. New structures should try to achieve the same effect by installing a single-stack driveway and leaving the remaining portion of the front yard as open space or lawn. The paving of the entire front yard area is not desirable, because it will greatly reduce the potential compatibility of the dwelling with the surrounding dwellings. If it is absolutely necessary to utilize the entire front yard area for parking, the surface material should be of a type that permits a lawn groundcover to grow through, such as porous pavers.

HISTORIC PROPERTIES

~~In 1976, the Secretary of the Interior published standards for the preservation of historic properties listed in or eligible for listing in the National Register of Historic Places. Since their publication, these standards have been adopted by hundreds of preservation commissions nationwide in local design guidelines.~~

Special Purpose Guidelines / C-4

Generally speaking the National Register defines "historic" depend on / uses as their "Criteria for Evaluation": "the quality of significance and association with American historical events, figures, architecture, archaeology, engineering, and culture that is present in districts, sites, buildings, structure, and objects and possess integrity of location, design, setting, workmanship, materials, feeling, and association."

The Standards for Rehabilitation

The intent of the Standards is to assist the long term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and interior of the buildings. They also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction.

The Standards serve to provide guidance that repairs and alterations not damage or destroy materials, features or finishes that are important in defining the building's historic character. For example, certain treatments if improperly applied may cause or accelerate physical deterioration of the historic building. This can include using improper repointing or exterior masonry cleaning techniques, or introducing insulation that damages historic fabric. In almost all of these situations, use of these materials and treatments will result in a project that does not meet the Standards.

The following guidelines are adapted from The Secretary of the Interior's Standards for Rehabilitation with Guidelines for Rehabilitating Historic Buildings 1990. GPO stock number: 024-005-01230-3.

- A property shall be used for its historic purpose or be placed in a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
- The historic character of a property shall be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.



Frank Lloyd Wright Designed Home

Special Purpose Guidelines / C-5

- ▲ ~~Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.~~
- ▲ ~~Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.~~
- ▲ ~~Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.~~
- ▲ ~~Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.~~
- ▲ ~~New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.~~
- ▲ ~~New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.~~
- ▲ ~~The landscape surrounding a historic building and contained within an individual parcel of land is considered the building site. The site, including its associated features, contributes to the overall character of the historic property. As a result, the relationship between the buildings and landscape features within the site's boundaries should be considered in the overall planning for rehabilitation project work.~~

Special Purpose Guidelines / C-6

Request

Conditional Use Permit (Tattoo Parlor)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

328 N. Great Neck Road, Suite 103

GPIN

2407065012

Site Size

3.46 acres

AICUZ

Greater than 75 dB DNL; APZ-2

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Shopping center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Parking lot, single-family dwellings / B-2 Community Business, R-7.5 Residential

South

Laskin Road, Virginia Beach Boulevard
I-264

East

Single-family dwellings / R-7.5 Residential

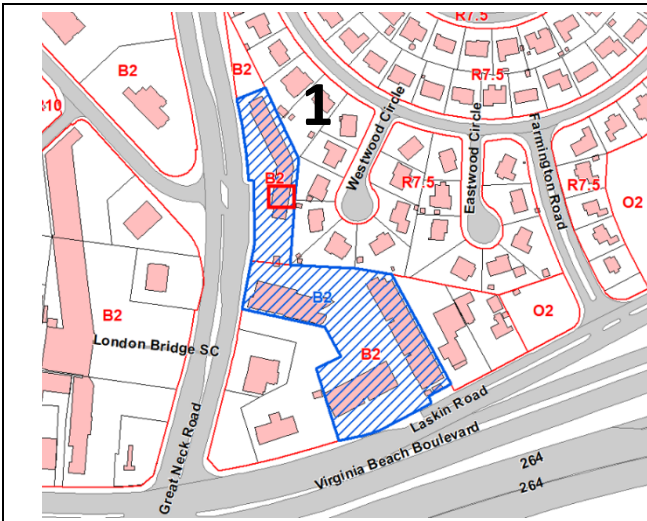
West

North Great Neck Road
Restaurant, shopping center / B-2 Community Business



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Tattoo Parlor. The applicant will be providing traditional tattooing services as well as, specifically for the application of permanent makeup, known as microblading. The operation will occur within an existing 1,480 square foot salon in the Chambord Commons Shopping Center. The property is zoned B-2 Community Business.
- The proposed tattoo parlor will employee one to two tattoo artists. The typical hours of operation will be 10:00 a.m. to 6:00 p.m., Tuesday through Friday.
- No exterior changes to the building or to the existing signage are proposed.
- There are no other tattoo parlors within 600 feet of this location.



Zoning History

#	Request
1	CUP (Family Day-Care Home) Approved 03/26/2013

Application Types

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

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

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

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

Evaluation & Recommendation

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

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

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

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

Recommended Conditions

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

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

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

Comprehensive Plan Recommendations

The Comprehensive Plan recognizes this property as being within the Lynnhaven Strategic Growth Area (SGA). The Comprehensive Plan designates as one of the eight urban areas in the City that envisions to accommodate future growth and adopt a more urban style in the City. The land use plan for the subject area is designated for major new open space opportunities, which are uses designated for low lying areas along the Lynnhaven River and tributaries.

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
N. Great Neck Road	39,300 ADT ¹	36,900 ADT ¹ (LOS ² “D”)	No Change Anticipated ³
¹ Average Daily Trips ² LOS = Level of Service ³ average daily trips not expected to change			

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

North Great Neck Road is a suburban major arterial that has a divided four lane typical section in front of the subject site. The MTP shows North Great Neck Road as a divided facility with a bikeway in a 120 foot right-of-way. There are no roadway CIP projects in the vicinity.

Water & Sewer

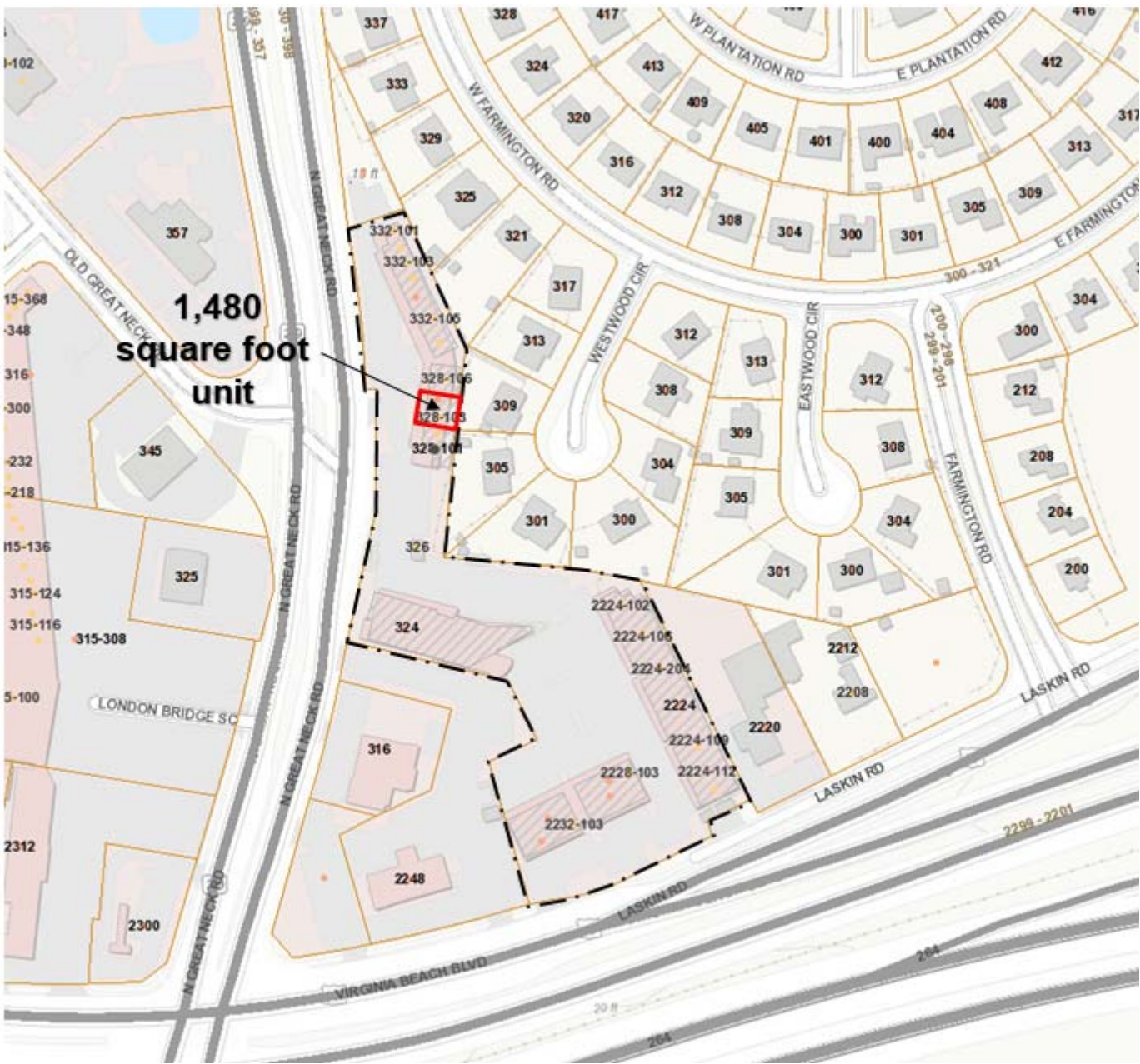
The site is currently connected to both City water and sanitary sewer service.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on January 6, 2022.

Proposed Site Layout



Site Photos



Disclosure Statement



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

Applicant Disclosure

Applicant Name Cecilia Patterson

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

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

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

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

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

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

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

Disclosure Statement



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

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

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

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

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

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

Applicant Signature

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

Cecilia Marie Patterson

Applicant Signature

Cecilia Patterson Tattoo Artist/ Owner

Print Name and Title

November 1, 2021

Date

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

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

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

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

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name

Chambord Commons LLC

Applicant Name

Cecilia M. Patterson

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)

Fred G Summs III

- 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.

Private Mortgage holder - Jack O Symms Jr.

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.

Jones, Madden, & Council, PLC completes taxes for
Chamberd Commons LLC

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

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

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

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

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

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

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

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

Disclosure Statement



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

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

Owner Signature

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

Owner Signature

Fred G Summs III

Print Name and Title

12/14/2021

Date

Next Steps

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



Applicant **Watson Real Estate II, LLC**
Property Owner **The Southern Conference of the United Church of Christ**
Planning Commission Public Hearing **January 12, 2022**
City Council Election District **Princess Anne**

Agenda Items

4 & 5

Requests

#4 Conditional Use Permit (Animal Hospital)

#5 Conditional Use Permit (Commercial Kennel)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

2497 North Landing Road

GPINs

1494811072, 1494800978

Site Size

2.87 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Undeveloped lots / AG-2 Agricultural

Surrounding Land Uses and Zoning Districts

North

North Landing Road

Single-family dwellings, mixed retail / PD-H2

Planned Unit Development, B-1A Limited Business

South

Single-family dwellings, open space / R-5S

Residential

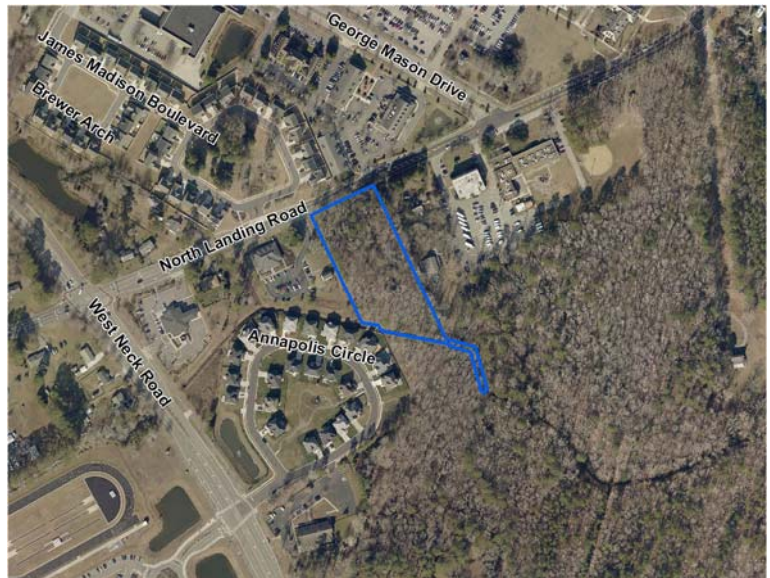
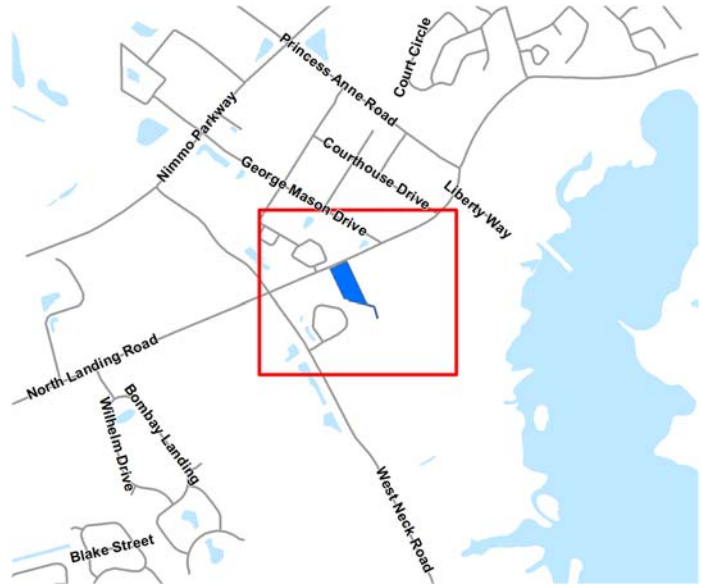
East

Single-family dwelling / AG-1 & AG-2

Agricultural

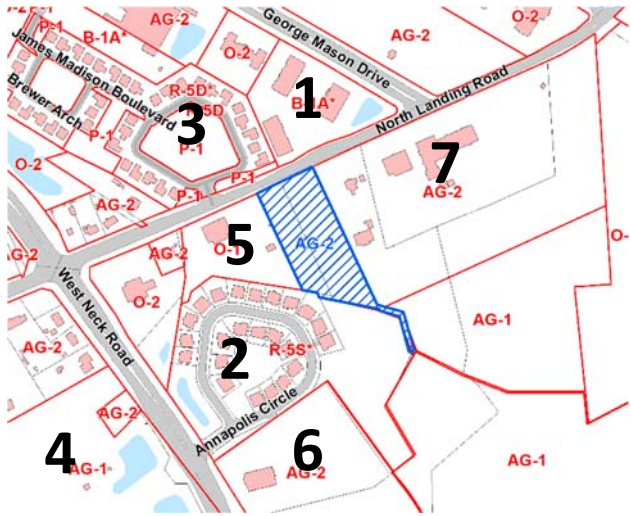
West

Medical office / O-1 Office



Background & Summary of Proposal

- The applicant is requesting Conditional Use Permits for an Animal Hospital and a Commercial Kennel in order to construct a 12,000 square foot veterinary practice and boarding facility on this 2.87-acre property zoned AG-2 Agricultural Zoning District and within the Courthouse Historic and Cultural Districts.
- As depicted on the conceptual site layout, the one-story, 12,000 square foot building will have two enclosed outdoor areas for the animals.
- Per Section 223 of the Zoning Ordinance, at least one off-street parking space per four hundred square feet of floor area shall be provided. The proposed parking on site exceeds the parking requirement by 36 spaces.
- The building elevation and renderings display a façade of Hardie board fiber cement siding, an asphalt shingle roof, and vinyl windows that coincide with the historic character of the area and adhere to the Historic and Cultural District design guidelines, as depicted on pages 10 through 12 of this report. The proposal was considered by the Historical Review Board (HRB) and received a Certificate of Appropriateness from the HRB on December 15, 2021.
- The Transition Area design guidelines call for non-residential development to provide a 50-foot buffer with robust landscaping along selected roadways. As depicted on the conceptual site layout, the proposed building is setback 51 feet from the right-of-way with the shortest elevation of the building facing the road with the parking lot situated along the western side of the building.
- The veterinary practice will provide boarding facilities to animals being treated at the clinic, as part of an overnight kennel and doggy day care center. All of the animals will be kept within the soundproofed, air-conditioned building unless otherwise in the enclosed outdoor areas for exercise and relief.
- As mentioned previously, there will be two outdoor yard enclosures for the animals, one will be approximately 450 square feet and the other will be approximately 1,425 square feet in size. The outdoor yard enclosures will be used only between the hours of 8:00 a.m. through 5:00 p.m. daily. The animals will be let out for exercise in the outdoor run area throughout the day, with only 15 animals in the yard at any given time. According to the applicant, for every 15 animals, one team member will be outside to supervise activities and behavior.
- The outdoor activities that are performed throughout the day are to enrich the animals' stay and to maintain a safe and monitored environment for each animal. Play time and brain activities for the animals are part of the day care and boarding programs. These activities include group sit, dog recall, and gate boundary skills. During play time, interaction with both play equipment and employees will occur.

	<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>MOD Approved 01/16/2018 MOD Approved 03/09/2004 CRZ (AG-2 to Conditional B-1A) Approved 02/08/1994</td></tr><tr><td>2</td><td>CRZ (Conditional O-2 & AG-2 to Conditional R-5S) Approved 02/11/2014 CRZ (AG-1 & AG-2 to Conditional O-2) Approved 04/08/2008</td></tr><tr><td>3</td><td>REZ (Conditional PD-H2 to P-1) Approved 08/14/2012 CRZ (AG-1 & B-1A to Conditional PD-H2) Approved 07/12/2011</td></tr><tr><td>4</td><td>CUP (Private Sewage Treatment System) Approved 05/24/2011 REZ (R-10 to AG-1) Approved 06/08/2010</td></tr><tr><td>5</td><td>CRZ (Conditional O-1 to Conditional B-1) Approved 11/18/2014 CRZ (AG-2 to Conditional O-1) Approved 10/10/2006</td></tr><tr><td>6</td><td>MOD (Pre-School/Day Care Facility) Approved 10/01/2019 CUP (Pre-School/Day Care Facility) Approved 07/03/2001</td></tr><tr><td>7</td><td>CUP (Group Home) Approved 05/24/1994</td></tr></table>				#	Request	1	MOD Approved 01/16/2018 MOD Approved 03/09/2004 CRZ (AG-2 to Conditional B-1A) Approved 02/08/1994	2	CRZ (Conditional O-2 & AG-2 to Conditional R-5S) Approved 02/11/2014 CRZ (AG-1 & AG-2 to Conditional O-2) Approved 04/08/2008	3	REZ (Conditional PD-H2 to P-1) Approved 08/14/2012 CRZ (AG-1 & B-1A to Conditional PD-H2) Approved 07/12/2011	4	CUP (Private Sewage Treatment System) Approved 05/24/2011 REZ (R-10 to AG-1) Approved 06/08/2010	5	CRZ (Conditional O-1 to Conditional B-1) Approved 11/18/2014 CRZ (AG-2 to Conditional O-1) Approved 10/10/2006	6	MOD (Pre-School/Day Care Facility) Approved 10/01/2019 CUP (Pre-School/Day Care Facility) Approved 07/03/2001	7	CUP (Group Home) Approved 05/24/1994
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Evaluation & Recommendation

The proposed Conditional Use Permits for both the Animal Hospital and Commercial Kennel, in Staff's opinion, are acceptable. The proposal is in keeping with the policies and goals set forth in the Comprehensive Plan as it relates to non-residential uses in the Transition Area, as it is a low intensity use that provides a complementary and valuable service to nearby residents. The development, as recommended in the Transition Area design guidelines, complements the surrounding rural character in terms of size, scale, architecture, and materials. The building is low in scale, expresses architectural fenestration, and incorporates Colonial Revival-style elements, gable roofing, and windows that have symmetrical window grids that are of a rural vernacular design, ultimately reflecting the architectural character found in this Historic and Cultural District.

Section 223 of the Zoning Ordinance requires the structure occupied by animals be 100 feet from the property line of any adjacent lot, except where animals are kept in soundproof, air-conditioned buildings. As the animals will be kept within the soundproofed, air-conditioned building and only outdoors for play, exercise, and relief, this section of the ordinance is met. The building location is proposed as far away from the existing residential dwellings to the southwest as possible, while at the same time reducing impacts upon the environmentally sensitive areas on the property. The outdoor exercise area is approximately 178 feet from the nearest home. The land between the residence along West Neck Road and the proposed veterinary clinic is heavily wooded and will remain in this condition. There is also a wooded buffer between the outdoor exercise area and the residence to the north, which will remain, providing a buffer in between the two properties.

Staff finds the applicant's process for treating animal waste on site to be acceptable. In addition, the turf area is proposed with antimicrobial properties to help with cleanliness and odor and will have a drainage system where

rainwater and urine can easily flow through the turf. The yard will be cleaned weekly with a spray deodorizer. Each day, the premises will be monitored by Staff to check for trash and animal waste.

The proposal was presented to the Transition Area and Interfacility Traffic Area Citizen's Advisory Committee on October 1, 2020 and no objections were raised.

On December 15, 2020, the Historical Review Board issued a Certificate of Appropriateness for the exterior design of the proposed building and non-internally lit signage. Originally, the applicant proposed a smaller, 8,000 square foot building, with a future 4,000 square foot building expansion. Upon reconsideration, the applicant decided not to phase construction, but rather build the full 12,000 square foot building. This change required a reconsideration by the HRB for the larger building and other small adjustments to the plan, which was approved by the HRB on December 15, 2021.

It is the opinion of Staff that the traffic generated by this veterinary clinic and commercial kennel will result in 258 average daily trips. Based on the projected number of vehicles generated, the one vehicular ingress/egress access point proposed for the site will be able to accommodate the traffic generated from this use. Traffic Engineering Staff will provide more detailed comments during the site plan review process.

As depicted on the conceptual site layout, there are some wetlands on this site. These are not wetlands regulated by the City of Virginia Beach; however, approval from the United States Army Corps of Engineers for impacts will be required. The design of the site minimizes impacts to wetlands to a portion of the parking lot.

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

Based on the considerations above, Staff recommends approval of these requests subject to the conditions below.

Recommended Conditions (Animal Hospital)

1. The applicant/owner shall submit a resubdivision plat to vacate the interior property line with the City of Virginia Beach Department of Planning & Community Development. Said plat shall be subject to review and approval of the Department of Planning & Community Development, and plat shall be recorded with the City of Virginia Beach Circuit Court Clerk's Office within 365 days from the date of the City Council action.
2. When the property is developed, it shall be in substantial conformance with the concept plan entitled "CONCEPT SITE DIAGRAM – Revised Footprint, COURTHOUSE VETERINARY CLINIC & PET BOARDING, 2497 N. LANDING ROAD, VIRGINIA BEACH, VA.", dated 10/20/2021 and prepared by BDA ARCHITECTURE, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning and Community Development for review and ultimate approval prior to the issuance of a Certificate of Occupancy. The Landscaping Plan shall address all requirements of the Landscaping Guide including, but not limited to, the installation of street frontage plantings, building foundation plantings, and interior parking lot plantings.
4. The exterior of the proposed buildings shall substantially adhere in appearance, size, materials to the submitted elevations entitled "EXTERIOR ELEVATIONS - COURTHOUSE VETERINARY CLINIC & PET BOARDING, 2497 NORTH

LANDING ROAD, VIRGINIA BEACH, VA 23456", dated 8/18//2020 and prepared by BDA ARCHITECTURE, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

5. The signage design shall substantially adhere in appearance, size, materials to the submitted elevations entitled "SIGNAGE DESIGN - COURTHOUSE VETERINARY HOSPITAL, 2497 NORTH LANDING ROAD, VIRGINIA BEACH, VA 23456", dated 09/23/2020 and prepared by BDA ARCHITECTURE, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
6. The applicant shall comply with Section 223 of the Zoning Ordinance.
7. The final stormwater plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis utilizing the same basis of design.

Recommended Conditions (Commercial Kennel)

1. The applicant/owner shall submit a resubdivision plat to vacate the interior property line with the City of Virginia Beach Department of Planning & Community Development. Said plat shall be subject to review and approval of the Department of Planning & Community Development, and plat shall be recorded with the City of Virginia Beach Circuit Court Clerk's Office within 365 days from the date of the City Council action.
2. When the property is developed, it shall be in substantial conformance with the concept plan entitled "CONCEPT SITE DIAGRAM – Revised Footprint, COURTHOUSE VETERINARY CLINIC & PET BOARDING, 2497 N. LANDING ROAD, VIRGINIA BEACH, VA.", dated 10/20/2021 and prepared by BDA ARCHITECTURE, P.C., which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
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6. The applicant shall ensure that all dogs are properly vaccinated and immunized and are licensed through the City of Virginia Beach.
7. All dogs, when outside, shall be supervised at all times, and shall not be a nuisance to any other property owners or residents.
8. All signage on the site must be in accordance with sign regulations of the Zoning Ordinance.
9. The commercial dog kennel structure shall be maintained in a safe and sanitary condition.

10. All animal waste from the commercial dog kennel shall be collected and disposed of in a lawful manner on a daily basis.
11. Dog shows shall be prohibited.
12. The commercial dog kennel structure shall be constructed to be soundproofed and air-conditioned.
13. The applicant shall comply with Section 223 of the Zoning Ordinance.
14. The final stormwater plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis utilizing the same basis of design.

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

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

Comprehensive Plan Recommendations

The Comprehensive Plan designates this property as being within the Transition Area. The Transition Area serves as a unique land use buffer between the low-density Rural Area from the more densely developed Suburban Area. Within the Transition Area, the Plan calls for development patterns that promote open space, low per acre density and preservation of natural features. Discretionary development proposals within the Transition Area, according to the Plan, should be well-planned, cluster residential development at densities no more than one dwelling unit per acre. New development should incorporate the specific planning and design principles established in the Transition Area Design Guidelines as well as adhere to the provisions of the Oceana Land Use Conformity and AICUZ programs.

Natural & Cultural Resources Impacts

The site is located in the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high-water surface elevations in downstream receiving waters. The mostly wooded site does contain a small portion of jurisdictional wetlands that are not regulated by the City of Virginia Beach. Staff is unaware of any cultural resources on the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
North Landing Road	10,800 ADT ¹	12,500 ADT ¹ (LOS ⁴ "D")	Existing Zoning Land Use ² –10 ADT Proposed Land Use ³ – 258 ADT
¹ Average Daily Trips ² as defined by a 2.87-acre AG-2 zoned parcel ³ as defined by a veterinary clinic ⁴ LOS = Level of Service			

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

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

Watson Real Estate II, LLC
Agenda Items 4 & 5
Page 6

Public Utility Impacts

Water

The site must connect to City water. There is a 16-inch City water main along North Landing Road.

Sewer

The site must connect to City sanitary sewer. There is an eight-inch City sanitary sewer gravity main and a 16-inch City sanitary sewer force main along North Landing Road.

Stormwater Impacts

Project Stormwater Design Staff Summary

The project consists of a 2.87 acre development at 2497 N Landing Road. In the existing conditions, the area is grassy, wooded, and has some (unmarked/not yet flagged) wetlands areas. The proposed development is designed to drain into a proposed onsite stormwater management facility (SWMF) before discharging into an existing ditch that leads into West Neck Creek. The proposed SWMF will consist of a dry pond detention system that will be located south of the parking lot. The detention pond will be used to satisfy water quantity requirements, and offsite nutrient credits will be used to satisfy water quality requirements.

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

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

Project Information

Total project area: 2.87 Acres

Pre-Development impervious area: 0.0 Acres

Post-Development impervious area: 0.61 Acres

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

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

Stormwater Management Facility Design Information

Type of facility proposed: Dry detention pond

Total storage volume provided in proposed stormwater management facilities: 15,000 cubic feet

Description of outfall: Runoff is proposed to leave the site from the dry detention pond facility that discharges into the existing ditch along the rear property line.

Downstream conveyance path: The existing ditch along the rear property line drains east into West Neck Creek, which outfalls into the North Landing River, through the Currituck Sound, and ultimately into the Atlantic Ocean.

Stormwater Quality Compliance Design Information

Pounds of phosphorus removal per year (lb/yr) required: 2.33 lb/yr

Method of treatment proposed: The required 2.33 lb/yr reduction is proposed to be provided through the purchase of nutrient credits from an offsite nutrient bank.

Stormwater Quantity Compliance Design Information

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

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

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

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

Public Outreach Information

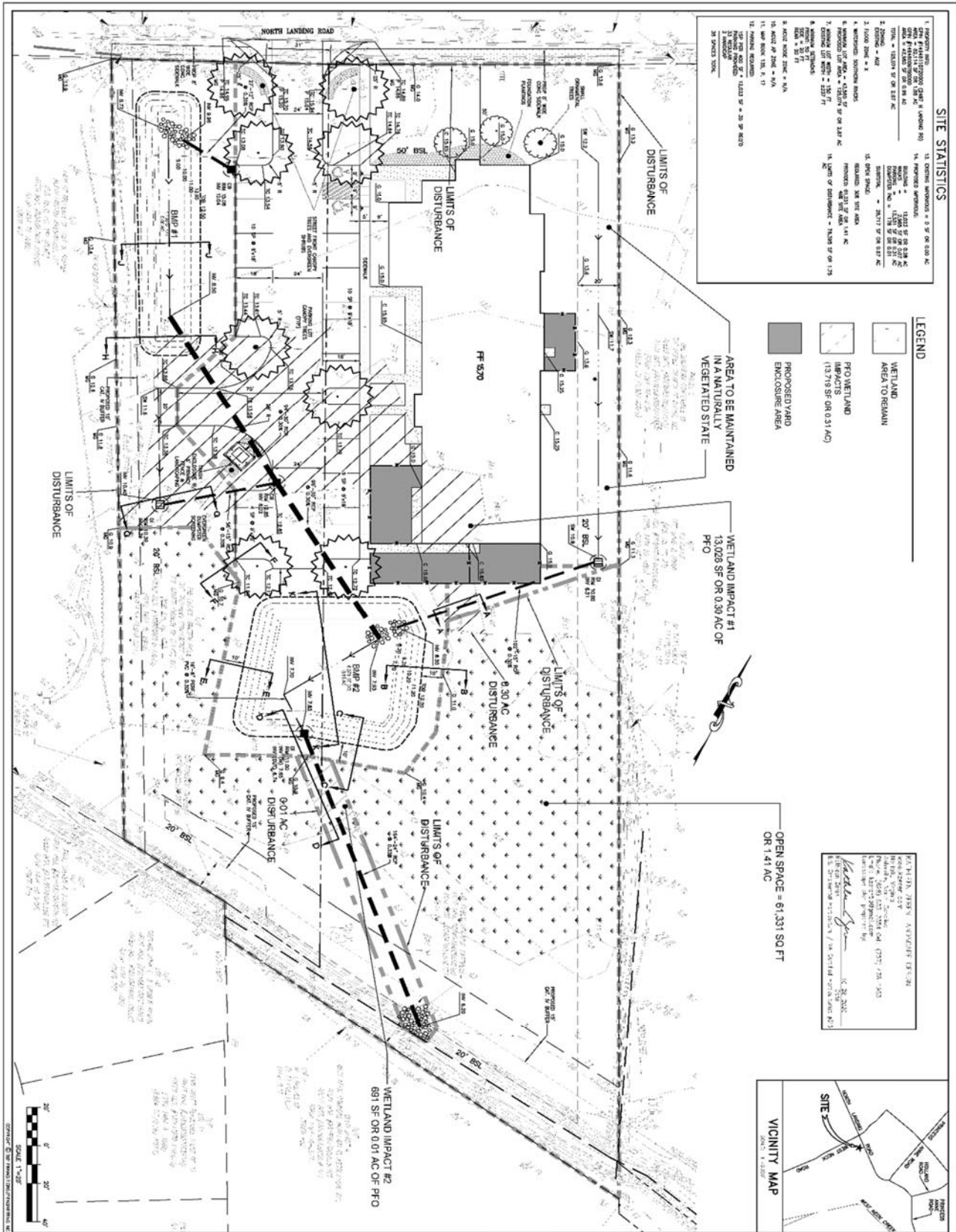
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on January 6, 2022.

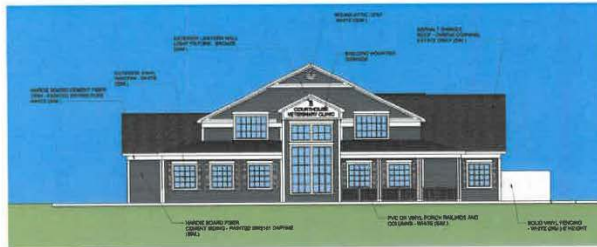
Proposed Conceptual Site Layout



Proposed Conceptual Landscape Plan



Proposed Building Elevations



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

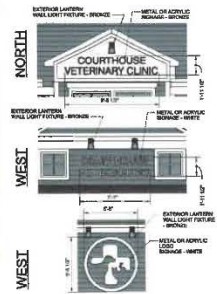


WEST ELEVATION
SCALE: 1/8" = 1'-0"

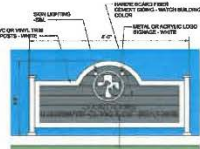


EAST ELEVATION
SCALE: 1/8" = 1'-0"

FINAL DESIGN REVIEW AND APPROVAL
This design is subject to review and approval by the City of Madison, Wisconsin. Any changes or modifications must be approved by the City of Madison, Wisconsin. Please contact the City of Madison, Wisconsin for more information.

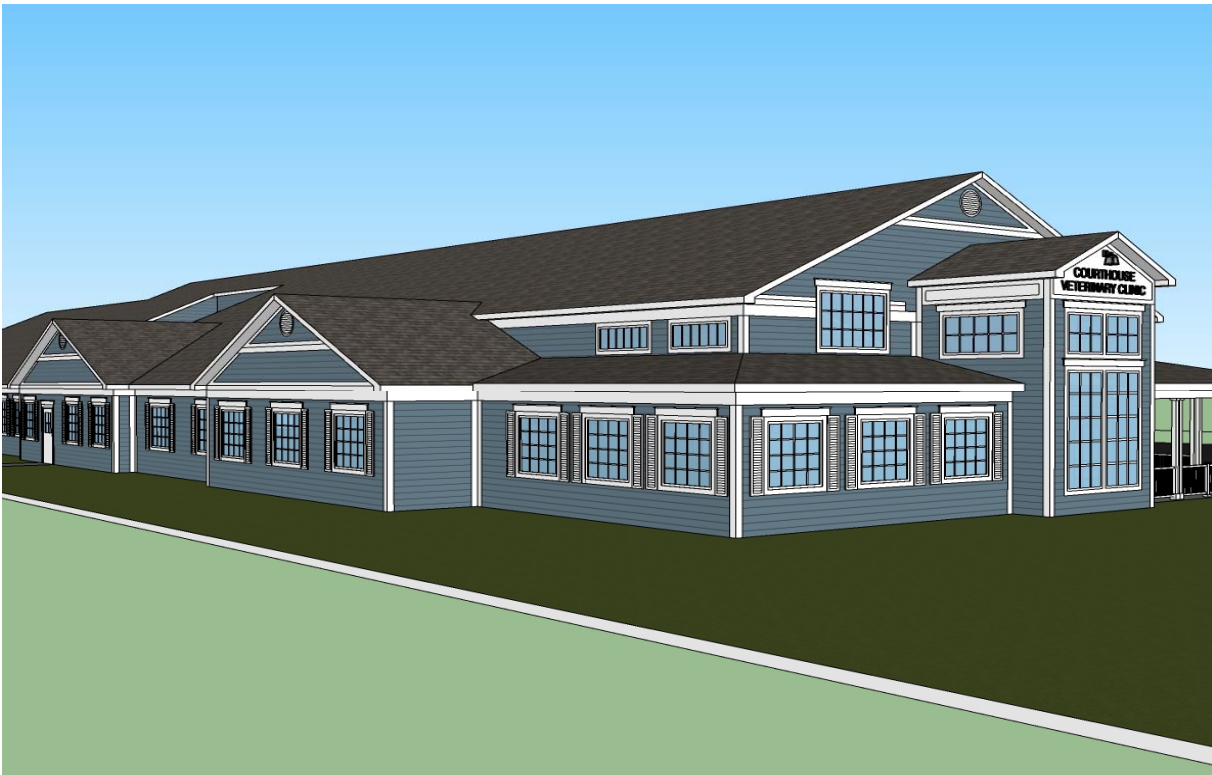


BLDG MOUNTED SIGNS
SCALE: 1/4" = 1'-0"



MONUMENT SIGN
SCALE: 1/2" = 1'-0"

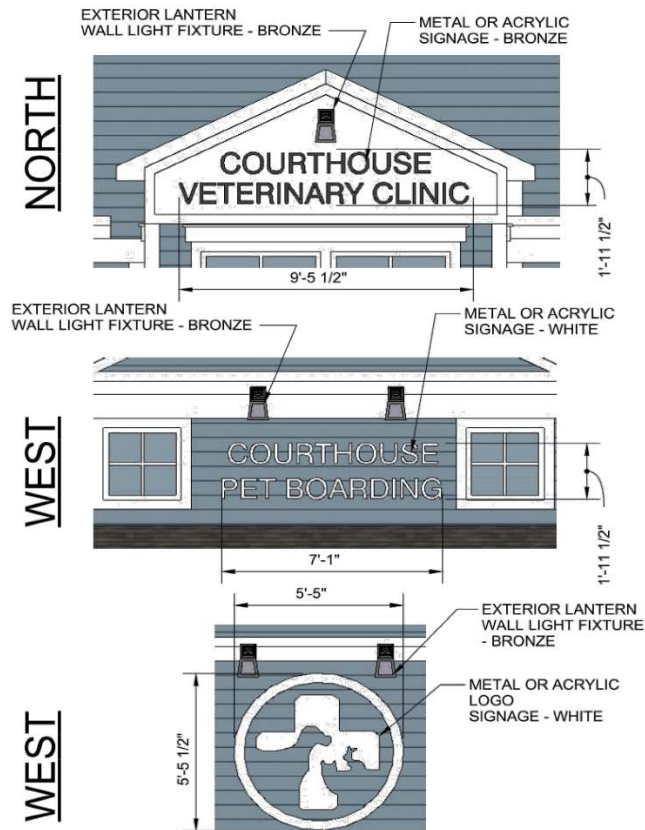
Proposed Building Renderings



Proposed Building Renderings

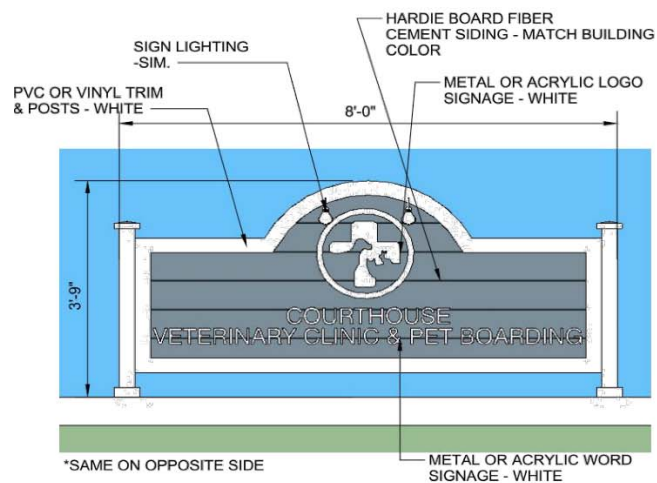


Proposed Sign Renderings



BLDG MOUNTED SIGNS

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



MONUMENT SIGN

SCALE: 1/2" = 1'-0"

Site Photo



Disclosure Statement



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

Applicant Disclosure

Applicant Name Watson Real Estate II, LLC

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

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

Leslie Watson, Esq.

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)

Brian Watson

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

Watson Real Estate, LLC; Courthouse Veterinary Clinic, LLC; Courthouse Veterinary Hospital, 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.

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.

Wes Barnes C.P.A., Partner of Barnes, Brock, Cornwell, and Heilman

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.

BDA Architecture, P.C. Becky Gasser Rodney Flores, Pinnacle Group Engineering, Inc.

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

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

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.

Rodney Flores, Pinnacle Group Engineering Inc.

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

Les Watson, Wolcott, Rivers, Gates

Applicant Signature

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

Applicant Signature

Watson Real Estate II, LLC

Print Name and Title

11/08/21

Date

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

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

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

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

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name The Southern Conference of the United Church of Christ, Inc.

Applicant Name Watson Real Estate II, LLC

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

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

See Exhibit 1 Attached to this Disclosure Statement

- 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.

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 real estate broker/realtor.

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 or 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 or individual providing the service.

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

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

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 construction contractor.

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 engineer/surveyor/agent.

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 name of the attorney or firm providing legal services.

Thompson Hine LLP

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.**

Rev. Dr. Edward Davis

Owner Signature

REV. DR. EDWARD DAVIS

Print Name and Title

11-17-2020

Date

Exhibit 1

Officers, Directors, Members, Trustees of The Southern Conference of the United Church of Christ, Inc.

Officers

The Rev. Dr. Edward Smith Davis
Conference Minister

Angela Artis
EVA President

Dannie Williams
President

Brenda James
WNCA President

Bob Thompson
Secretary

Micah Royal
ENCA President

Monroe Miles
Treasurer

Bettie Griffin
SOC Women's President

Board of Directors

Monroe Miles
Brenda James
Caryn Duchesneau
Cheryl McNair
John Monet
Lisa Goins
Betty Graves
Micah Royal
William Helton
Kevin Langley
Jeffrey Smallwood
Anne Wepner
Kathy Winters
Angela Artis
Joshua Sigmon

Thomas Jones
Sam Askew
Lisa Dlubala
Virginia Himmelheber
Betty Griffin
Veronica Williams
Pattie Freeman
Ronnie Bradley
Clifton Murphy
Bob Thompson
Dannie Williams
David Renfro
Derrick Best
Melissa Marvin
Nate Wright

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 (Craft Brewery)

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

2413 London Bridge Road

GPIN

2404896739

Site Size

3.34 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Vacant site / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

London Bridge Road

Unimproved right-of-way

Hunt Club Farm / AG-1 Agricultural

South

Middle Oaks Plantation Park / R-7.5 Residential

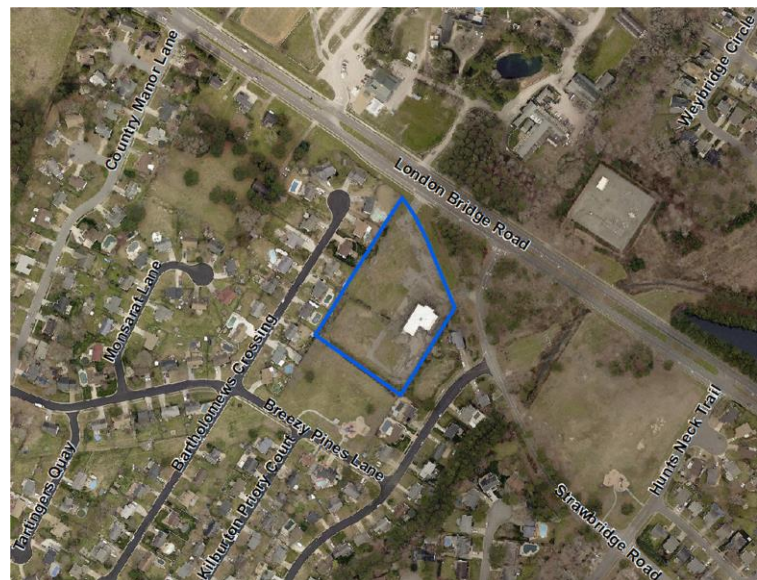
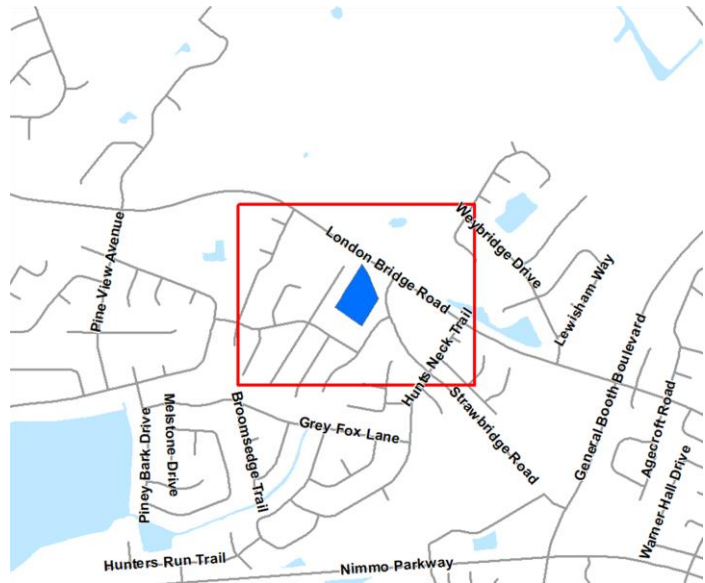
East

Strawbridge Road

Single-family dwelling / R-7.5 Residential

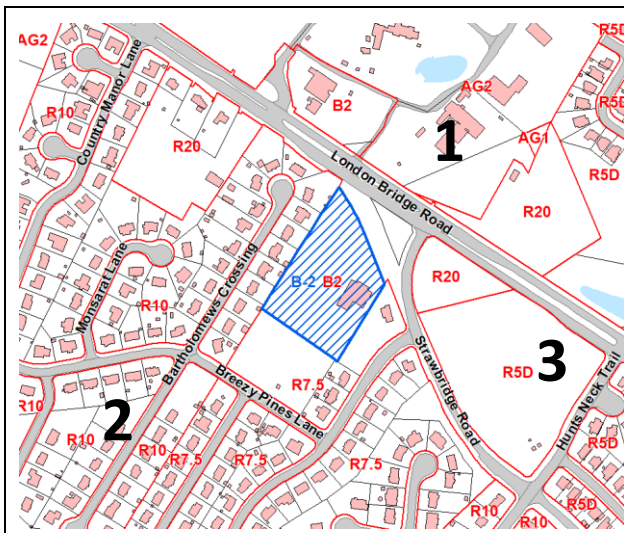
West

Single-family dwellings / R-10 Residential



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to operate a Craft Brewery on a 3.34-acre property zoned B-2 Community Business.
- The proposal will reuse the existing 6,590 square foot commercial building that was previously occupied by the Strawbridge Garden Center.
- The submitted Concept Plan depicts 4,430 square feet of brewery space and 2,160 square feet for a membership only doggie daycare, which is classified as a commercial kennel in the Zoning Ordinance. Commercial kennels are permitted to operate in the B-2 zoning district as a matter of right. While the doggie daycare is shown on the Concept Plan, is not part of this Conditional Use Permit request and has not been reviewed for compliance with the Zoning Ordinance. This review will be completed at site plan review. According to the applicant, there will be no overnight boarding of animals on-site.
- The proposal for the Craft Brewery includes an outdoor picnic area between the building and adjacent community park (Middle Oaks Plantation Park), an enclosed dog exercise area west of the picnic area, an outdoor game area south on the southern portion of the site, and an area to watch outdoors sporting events, etc. on the southern building wall. The projector screening will not include amplified sound.
- Food and beverages will be served for on-site consumption and a small area is designated for the sale of merchandise. These are all allowed uses in the B-2 zoning district, not subject to the Conditional Use Permit.
- The proposed hours for the Craft Brewery are 9:00 a.m. to 5:00 p.m. and the eating and drinking establishment will be opened from 6:30 a.m. to 11:00 p.m., daily. The animal daycare will operate between 6:30 a.m. to 10:00 p.m. Again, both eating and drinking establishment and the daycare are permitted as a matter of right under the provision of the B-2 zoning district.
- Live entertainment is proposed inside the brewery between 2:00 p.m. to 11:00 p.m., Thursday through Sunday, and on holidays. No outdoor amplified music is proposed or permitted.
- Section 903 of the Zoning Ordinance requires a 15-foot wide landscape buffer with Category IV screening between commercial and residentially zoned properties. The Concept Plan shows existing six-foot tall privacy fence and eight-foot chain-link fence to remain, and existing and proposed Category VI landscape screening where the property abuts residentially zoned properties. The proposal exceeds the screening requirements set forth in Section 903 of the Zoning Ordinance.
- Per the Zoning Ordinance, 36 parking spaces are required for the proposed use: 30 parking spaces for the brewery and six parking spaces for the animal daycare. The submitted concept plan depicts 61 parking spaces, exceeding the parking requirement by 25 spaces. Since the number of parking spaces proposed exceeds the minimum number of required parking spaces by more than fifty percent, approval by the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance is required for the number of parking space above the maximum. A condition is recommended to reinforce the need for that variance, which will be reviewed during final site plan review.



Zoning History

#	Request
1	<p>MDC Approved 11/17/2015</p> <p>MDC Approved 12/02/2014</p> <p>CUP (Outdoor Recreational Facilities) Approved 07/08/2008</p> <p>MDC Approved 10/23/2007</p> <p>MDC Approved 11/14/2006</p> <p>SVR (Section 4.4(b) of the Subdivision Ordinance) Approved 04/12/2005</p> <p>CUP (Outdoor Recreational Facility) Approved 05/23/2000</p> <p>CRZ (AG-2 Agricultural District to B-2 Community Business District) Approved 03/11/1992</p>
2	CUP (Communications Tower) Approved 09/09/1998
3	LUP Approved 1983

Application Types

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

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

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

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

Evaluation & Recommendation

The proposed Conditional Use Permit request for the Craft Brewery, in Staff's opinion, is acceptable. The proposal is in keeping with the policies and goals set forth in the Comprehensive Plan and its guiding principles of supporting and sustaining "Great Neighborhoods" with complementary non-residential uses.

The site is well-screened by the existing mature vegetation along its perimeter. The proposal will retain existing vegetation around the property along with the installation of new plant material where there is a gap in the existing buffer. As stated above, the proposal exceeds the screening requirements of the Zoning Ordinance. To help mitigate potential noise impacts from uses on this site to the surrounding neighbors, Staff recommends a condition to limit all outdoors activities on the site to between the hours of 8:00 a.m. to 8:00 p.m. or dusk, whichever of the later. The applicant is agreeable to this condition.

Traffic Engineering reviewed the request and is concerned with the parking on this site spilling over onto the streets of the neighboring community. While there is a designated area for overflow parking shown on the Concept Plan to address this concern, Staff recommends a condition that will prohibits parking within the public rights-of-way. All parking must be on-site for all activities on this parcel.

As mentioned above, since the number of parking spaces exceeds the minimum number of required parking spaces by more than fifty percent or 54 spaces in this instance, during final site plan review the applicant must demonstrate that the proposed use necessitates the additional parking spaces and submit the required plans to the Planning Director for review pursuant to Section 203(b)(9) of the Zoning Ordinance.

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

Recommended Conditions

1. The property shall be redeveloped in substantial conformity with the preliminary site plan entitled “Pups and Pints Redevelopment Concept Plan”, (Concept Plan) revised November 29, 2021, prepared by AES Consulting Engineers, a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.
2. When redeveloped, the elevations and building materials shall be in substantial conformity with the exhibit entitled “Pups and Pints – Preliminary Design Development Drawings” dated November 26, 2021, prepared by Riddick Fiedler Stern, PC, a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.
3. The use of amplified sound outdoor shall be prohibited.
4. A Certificate of Occupancy shall be obtained prior to operation of the Craft Brewery.
5. 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.
6. Vehicular parking for activities on this site, including but not limited to the doggie daycare and eating & drinking establishment, shall be on-site only and not within the public rights-of-way.
7. The hours of operation shall be as follows:
 - a. The brewery shall be limited to the hours of 6:30 a.m. to 11:00 p.m., daily.
 - b. Outdoor activities associated with the brewery shall be limited to the hours of 10:00 a.m. to 8:00 p.m. or dusk, whichever is later.
 - c. Outdoor activities associated with the kennel shall be limited to the hours of 8:00 a.m. to 8:00 p.m.
8. Live entertainment will only be allowed inside the establishment when all the doors and windows are closed. No outdoor live entertainment will be permitted.
9. The occupancy load for the Craft Brewery shall be established by the Certificate of Occupancy as approved by the Permits and Inspections Division of the Department of Planning.
10. Any conditions associated with the license issued by the Virginia Alcoholic Beverage Control Board shall be deemed to be incorporated as conditions with this Conditional Use Permit.
11. All light poles shall be no taller than 14 feet in height and all lighting shall be shielded to be contained on site.
12. The existing pole sign shall be removed prior to the issuance of a Certificate of Occupancy for the Craft Brewery. Any new freestanding sign shall be a monument style sign, the plans for which shall be submitted to the Planning Department for review and approval for compliance with the Zoning Ordinance. If the new freestanding sign is to be located where depicted on the Concept Plan, submittal and approval of an Encroachment Application is required.
13. Any onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, or electronic display signs or accents, installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a “box sign” and the proposed sign package shall be submitted to the Zoning Administrator.

14. Except as permitted by Section 4.1 of the City Code for Special Events, Assembly Uses on the property shall be prohibited unless a Conditional Use Permit is obtained.

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

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

Comprehensive Plan Recommendations

The Comprehensive Plan identifies this site as being located within the Suburban Area. The general planning principles for the Suburban Area focus on preserving and protecting the overall character, economic value, aesthetic quality of the stable neighborhoods, and reinforcing the suburban characteristics of other non-residential areas that comprise part of the Suburban Area. Achieving these goals requires that all land use activities either maintain or enhance the existing neighborhood through compatibility with surroundings, quality, and attractiveness of site and buildings, improved mobility, environmental responsibility, livability, and effective buffering with respect to type, size, intensity, and relationship with surrounding uses.

Natural & Cultural Resources Impacts

The site is located in the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high-water surface elevations in downstream receiving waters. There do not appear to be any significant natural resources associated with the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
London Bridge Road	27,592 ADT ¹ (2012)	32,700 ADT ¹ (LOS ⁴ "D")	Existing Land Use ^{2a} – 0 ADT Existing Zoning ^{2b} – 1,837 ADT Proposed Land Use ³ – No Data Available
Strawbridge Road	No Data Available	9,900 ADT ¹ (LOS ⁴ "D")	
¹ Average Daily Trips	^{2a} as defined by a vacant parcel ^{2b} as defined by a 3.34-acre parcel zoned B-2	³ No information available in the ITE Trip Generation Manual for a craft brewery or member doggie daycare	⁴ LOS = Level of Service

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

London Bridge Road is a four-lane divided minor suburban arterial. The MTP indicates a future right-of-way width of 100 feet containing a divided highway with bike path. There are currently no CIPs for this section of London Bridge Road.

Strawbridge Road is a two-lane local roadway and there are no current plans to improve this roadway.

Public Utility Impacts

Water

The site is connected to City water. There is a 10-inch City water main along London Bridge Road.

Sewer

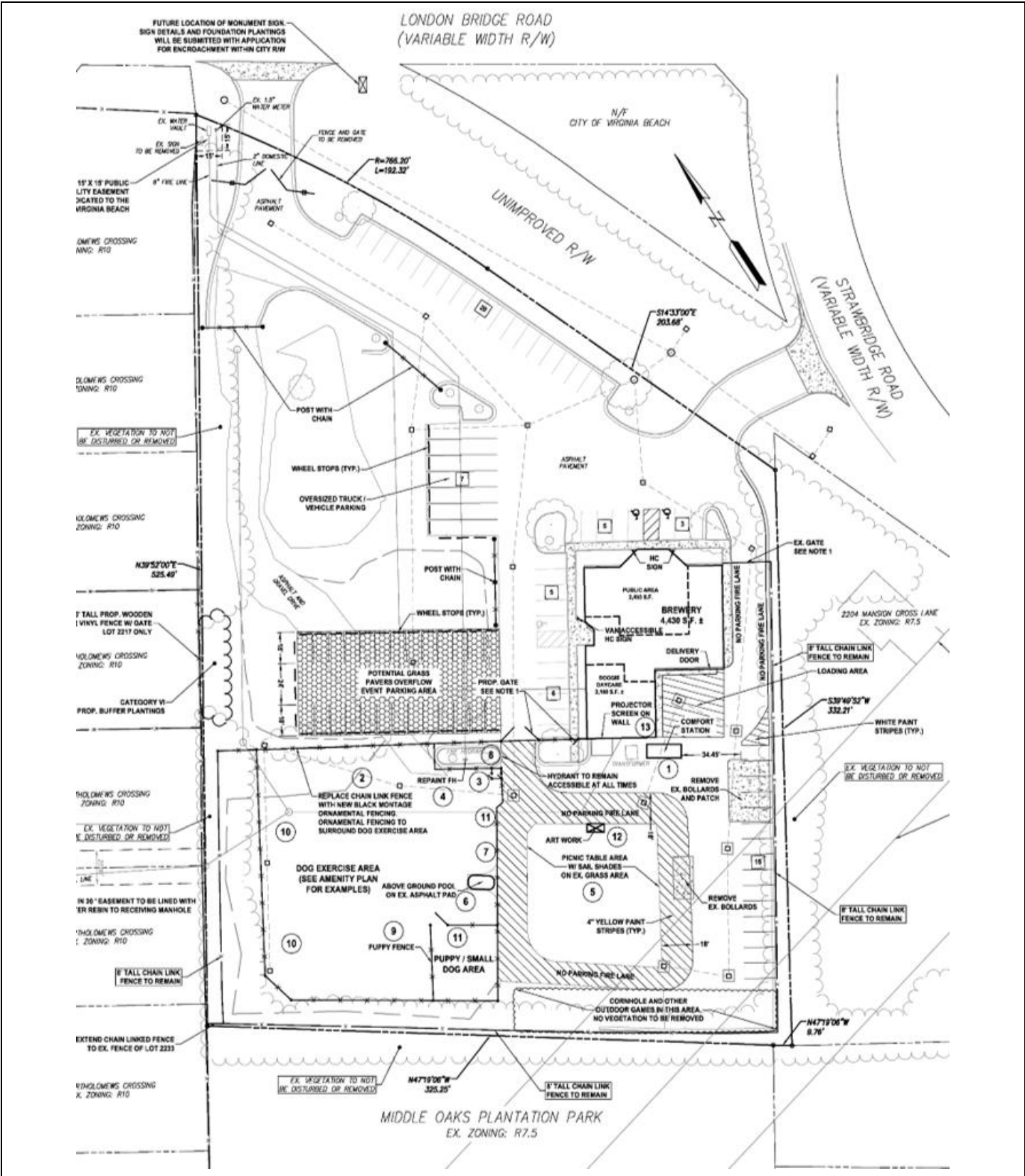
The site must connect to City sanitary sewer. There is an eight-inch City sanitary sewer gravity main along Bartholomews Crossing.

Public Outreach Information

Planning Commission

- The applicant reported that they met with the surrounding property owners. Two letters of opposition have been received by Staff noting concerns related to noise, odor, traffic, parking, and incompatible use in residential neighborhood.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on January 6, 2022.

Proposed Site Layout



Pups and Pints
2413 LONDON BRIDGE ROAD, VIRGINIA BEACH, VA
PRELIMINARY DESIGN DEVELOPMENT DRAWINGS

January 3, 2022



NORTH ELEVATION

NOT TO SCALE

NEW ALUMINUM FENCE - PREFINISHED.

- NEW ALUMINUM STOREFRONT WINDOW - PREFINISHED.
- EXISTING ALUMINUM STOREFRONT - FIELD PAINTED.
- NEW FAUX LEDGE STONE
- EXISTING METAL COLUMN COVER - FIELD PAINTED.
- NEW FORMED METAL COPING - PREFINISHED.
- EXISTING METAL SIDING - FIELD PAINTED.
- NEW FORMED METAL REVEAL - PREFINISHED.
- NEW METAL SIDING - FIELD PAINTED.
- EXISTING CMU - FIELD PAINTED.

Proposed Elevation Plans

Pups and Pints 2413 LONDON BRIDGE ROAD, VIRGINIA BEACH, VA PRELIMINARY DESIGN DEVELOPMENT DRAWINGS

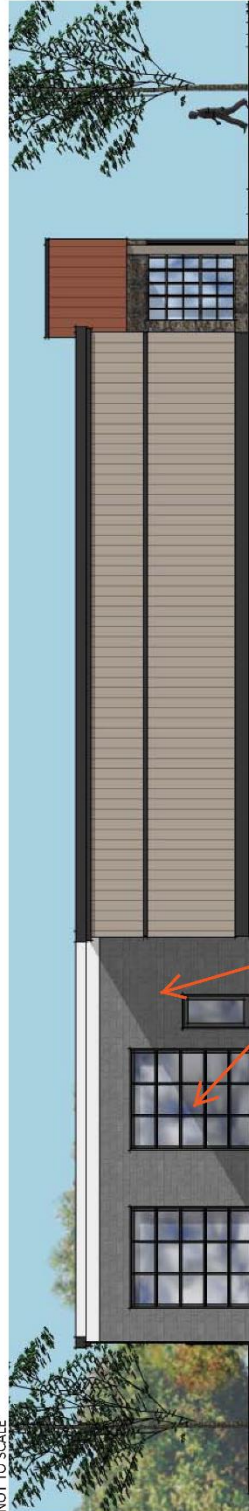
January 3, 2022



WEST ELEVATION

NOT TO SCALE

EXISTING ALUMINUM STOREFRONT - FIELD PAINTED.

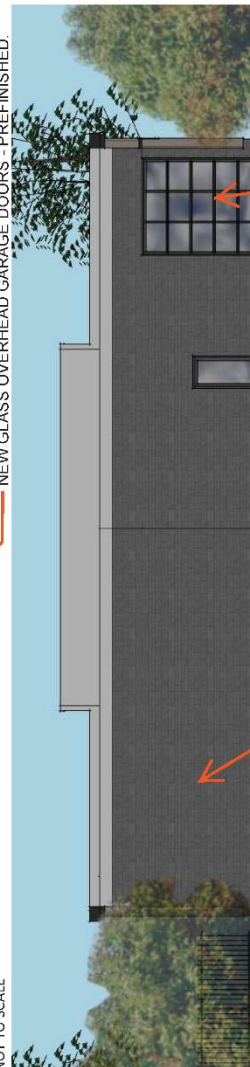


EAST ELEVATION

NOT TO SCALE

EXISTING CMU - FIELD PAINTED

NEW GLASS OVERHEAD GARAGE DOORS - PREFINISHED.



SOUTH ELEVATION

NOT TO SCALE

EXISTING CMU - FIELD PAINTED.

NEW GLASS OVERHEAD GARAGE DOORS - PREFINISHED.

3

Proposed Floor Plan



Site Photos



Site Photos



Disclosure Statement



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

Applicant Disclosure

Applicant Name Pups and Pints, 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)

Alexandria Lawson, Owner; Christina Sims, Owner

- 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.

Purchasing the property with Southern Bank, 403 Boush Street, Norfolk, Virginia 23510; John Maloney, Vice President

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.

Gresh Wall, Commonwealth Commercial

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.

DesRoches & Company, CPAs

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.

Bob Fielder, AIA, Riddick Fielder Stern

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

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

Disclosure Statement

Disclosure Statement



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

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

TBD - waiting on bids

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.

Larry Barry, PE, AES Consulting 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.

R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C. & Aaron Ambrose, Reaves Coley, PLLC

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.**

~~Andrew Dog Parks, LLC~~ Pups and Pints, LLC

By:

Applicant Signature

Alexandria Lawson, Owner

Print Name and Title

9.23.2021

Date

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

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name Navy Federal Credit Union, a federally chartered credit union

Applicant Name Pups and Pints, 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)

Laws of the United States of America; See attached for list of directors and officers.

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

Navy Federal Financial Group

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.

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Disclosure Statement



Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☒ Yes ☐ No

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

Collier's International

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

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

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

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

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

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

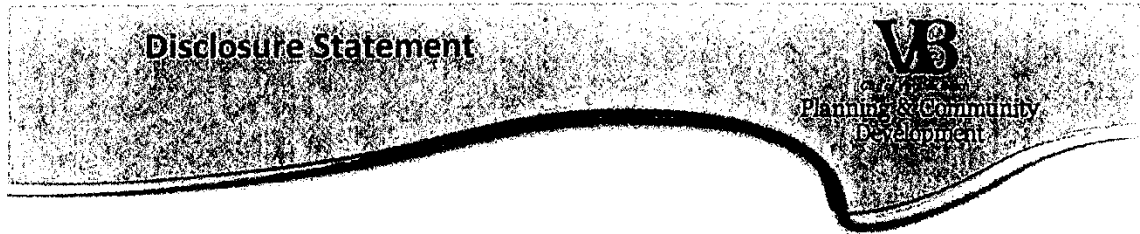
6. Does the Owner have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

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

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

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

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.

David C. Hannah, Esq., Hirschler

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.

Navy Federal Credit Union

By: Dana Vader

Owner Signature

DANA VADER, SUP, PROCUREMENT & VENDOR MANAGEMENT

Print Name and Title

10/12/21

Date



Navy Federal Board of Directors

John A. Lockard
Bruce B. Engelhardt
Edward R. Cochrane, Jr.
Mary A. McDuffie
William P. Mizerak
Annie B. Andrews
Kirk A. Foster
Neil W.T. Hogg
Pasquale M. Tamburrino, Jr.

Navy Federal Management Council

Aaron Aggerwal
Alex Daman
Annie Sebastian
Brittani Ivey
Dana Vader
Debbie Calder
Diane Young
Dietrich Kuhlmann
Emily Troncoso
Gale Lewis
George Eichert
Holly Kortright
John Collins
Judy Harrison
Kara Cardona
Keith Hoskins
Lou Brenner
Pam Piligian
Steve Romano
Tony Gallardy
Tracy Roller

PO Box 3000 Merrifield VA 22119-3000

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 (Bulk Storage Yard)

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

1194 Bells Road

GPIN

Portion of 2416474808

Site Size

0.75 acres

AICUZ

Greater than 75 dB DNL; APZ-2

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Bulk storage yard (contractor's storage yard) / I-1 Light Industrial

Surrounding Land Uses and Zoning Districts

North

Office, warehouse / I-1 Light Industrial

South

Bells Road

Mini-warehouses / I-1 Light Industrial

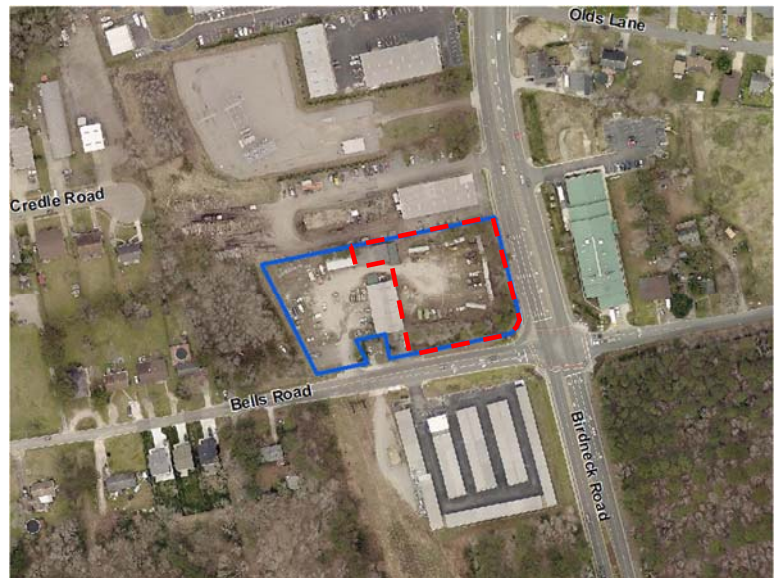
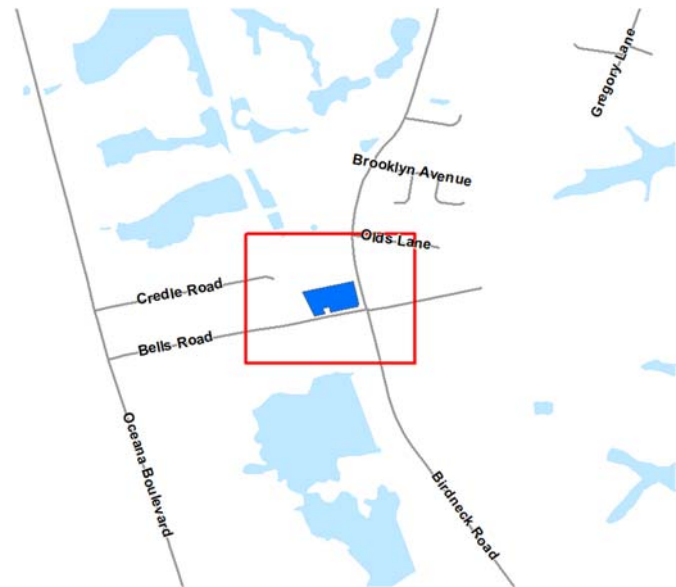
East

South Birdneck Road

Office, warehouse / I-1 Light Industrial

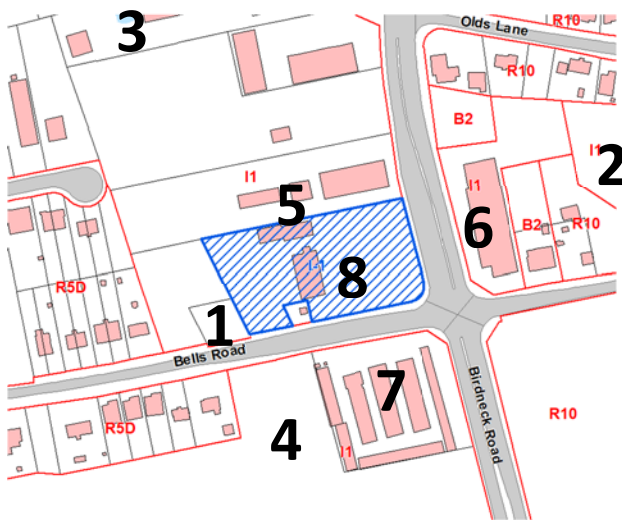
West

Undeveloped parcel / I-1 Light Industrial



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Bulk Storage Yard at the northwest corner of South Birdneck and Bells Roads to store vehicles for a towing business, Metro Towing Company, LLC. The tow lot will occupy the eastern half of the 0.75-acre parcel. The remaining western half is occupied by a contractor's storage yard for the storage of construction vehicles and materials that was approved in 1985. The applicant estimates that up to 30 vehicles will be stored on-site.
- An existing building on site will continue to be used for office space and the proposed office hours 9:00 a.m. to 5:00 p.m., Monday through Friday.
- As the current use as a contractor's storage yard has existed on the site since 1985, it does not meet the current regulations for a bulk storage yard as it lacks the fencing and landscaping requirements. This application will serve to bring the property into conformance with current standards as well as authorize use of a portion of the site for a towed vehicle storage area.
- Section 228 of the Zoning Ordinance requires that Bulk Storage Yards be completely enclosed by a fence with Category VI screening. The applicant proposes to replace an existing six-foot tall chain-link fence with a six-foot tall wood privacy fence along the eastern, southern, and northern boundaries and install additional plant material to screen the storage area from view of the rights-of-way and adjacent properties. The applicant, however, seeks a deviation to the required screening along the western boundary of the tow lot that will abuts the existing contractor's storage yard.
- The property is subject to a Navy Restrictive Easement. The Navy has reviewed the request and has no objection to the proposal.

		<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>CUPs (Automobile Repair Garage, Bulk Storage Yard) Approved 03/21/2018</td></tr><tr><td>2</td><td>CRZ (R-10 to Conditional I-1) Approved 02/13/2017 SVR Approved 03/08/2000</td></tr><tr><td>3</td><td>CUP (Boat Maintenance, Storage) Approved 06/25/2013</td></tr><tr><td>4</td><td>MDP Approved 08/28/2007</td></tr><tr><td>5</td><td>CUP (Bulk Storage Yard) Approved 04/12/2005</td></tr><tr><td>6</td><td>CRZ (B-2 and R-10 to Conditional I-1) Approved 07/13/2004</td></tr><tr><td>7</td><td>CUP (Communication Tower) Approved 02/11/2001 CUP (Wireless Communication Facility) Approved 01/08/1997 CUP (Wireless Communication Facility) Approved 01/08/1997</td></tr><tr><td>8</td><td>CUP (Contractor's Storage Yard) Approved 07/08/1985</td></tr></table>		#	Request	1	CUPs (Automobile Repair Garage, Bulk Storage Yard) Approved 03/21/2018	2	CRZ (R-10 to Conditional I-1) Approved 02/13/2017 SVR Approved 03/08/2000	3	CUP (Boat Maintenance, Storage) Approved 06/25/2013	4	MDP Approved 08/28/2007	5	CUP (Bulk Storage Yard) Approved 04/12/2005	6	CRZ (B-2 and R-10 to Conditional I-1) Approved 07/13/2004	7	CUP (Communication Tower) Approved 02/11/2001 CUP (Wireless Communication Facility) Approved 01/08/1997 CUP (Wireless Communication Facility) Approved 01/08/1997	8	CUP (Contractor's Storage Yard) Approved 07/08/1985
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<h3>Application Types</h3>																					
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 Comprehensive Plan designates the subject property as located in both the Historic Seatack Suburban Focus Area (SFA) and East Oceana Special Economic Growth Area (SEGA), Special Economic Growth Area 1 – East Oceana (SEGA 1). Based on the location, sensitivity to the neighborhood context and needs of the Historic Seatack community are noted as essential considerations for new development proposed along this portion of South Birdneck Road. The Plan further states that proposed developments should respect the historic settlement of this area and uses should be compatible with the neighborhood. Significant landscape screening buffers should be established between existing residential areas and new non-residential development to mitigate any visual and noise impacts. The Comprehensive Plan's recommendations for SEGA 1 include a vision of low intensity light industrial uses (and limited retail) consistent with the AICUZ with significant buffers to shield the surrounding residential neighborhoods from intrusive impacts. In Staff's view, due to the fact that a contractor's storage yard has existed on this property for many years without incident, the distance to the nearest residential dwelling from the tow yard, and the installation of additional screening along the rights-of-way all provide merit towards acceptability of the use at this location.

Furthermore, the property is encumbered by a Navy Restrictive Easement and is located in the greater than 75 dB noise zone, the highest noise zone, and Accident Potential Zone 2 (APZ-2) of the Air Installations Compatible Use Zones (AICUZ). The use is consistent with the terms of the Navy Restrictive Easement and with the limited uses identified in Article 18 of the Zoning Ordinance that are deemed compatible with Naval flight operations, as well as the terms of the Navy easement and the AICUZ.

The existing mature vegetated buffers along Bells and South Birdneck Roads provide some screening of the site from the rights-of-way. The applicant will install the required Category VI landscape along the northern property line and additional trees along Bells Road, where the existing landscape buffer is lacking. The applicant will also replace an existing chain-link fence with a six-foot tall privacy wood fence along the southern, eastern, and northern boundaries of the tow lot. As mentioned above, the applicant seeks a deviation from installation of the full required landscape screening along the western boundary on the tow lot, which is only visible from within the property and therefore not impactful to surrounding properties. Staff is supportive of the deviation request as the tow lot will not be seen from the rights-of-way or the adjoining lot with the proposed fencing and plantings. In addition, the existing buildings provide additional screening to properties to the west.

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

Recommended Conditions

1. This portion of the site shall be developed and maintained substantially in conformance with the submitted exhibit entitled, "Landscape Plan: Metro Towing", prepared by Diane E. Smith – Di-namic Landscape Designs, dated November 11, 2021, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development. This is a deviation to the required landscape screening along the western boundary of the proposed use.
2. Any onsite signage shall meet the requirements of the City Zoning Ordinance. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.

3. 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.
4. There shall be no motor vehicle repair work on-site.
5. There shall be no outside storage of equipment, parts, or materials.
6. The loading and unloading of vehicles within the rights-of-way shall be prohibited.

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

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

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as located in both the Historic Seatack Suburban Focus Area (SFA) and East Oceana Special Economic Growth Area (SEGA), which calls for low intensity light industrial uses (and limited retail) with significant buffers to shield the surrounding residential neighborhoods from intrusive impacts. Both areas identify that sensitivity to the neighborhood context and needs of the Historic Seatack community are important for new developments to consider. Proposed developments should respect the historic settlement of this area and uses should be compatible with the neighborhood. Significant landscape screening buffers should be established between existing residential areas and new non-residential development to mitigate any visual and noise impacts.

Natural & Cultural Resources Impacts

The site is located in the Atlantic Ocean watershed. There are no known significant natural or cultural resources associated with this site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
South Birdneck Road	14,400 ADT ¹	32,700 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 11 ADT Proposed Land Use ³ – No Data Available
Bells Road	6,500 ADT ¹	8,700 ADT ¹ (LOS ⁴ "D")	
¹ Average Daily Trips	² as defined by a 5,800 square feet office/warehouse space	³ No information available in the ITE Trip Generation Manual for tow lot	⁴ LOS = Level of Service

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

South Birdneck Road is a four-lane divided minor suburban arterial with a variable-width right-of-way. The MTP map indicates an ultimate six-lane roadway for this section of South Birdneck Road; however, no CIP projects are currently scheduled for this roadway.

Bells Road is considered a two-lane undivided local street. There are no plans to improve this roadway in the MTP or current CIP slated for this portion of the roadway.

Public Utility Impacts

Water & Sewer

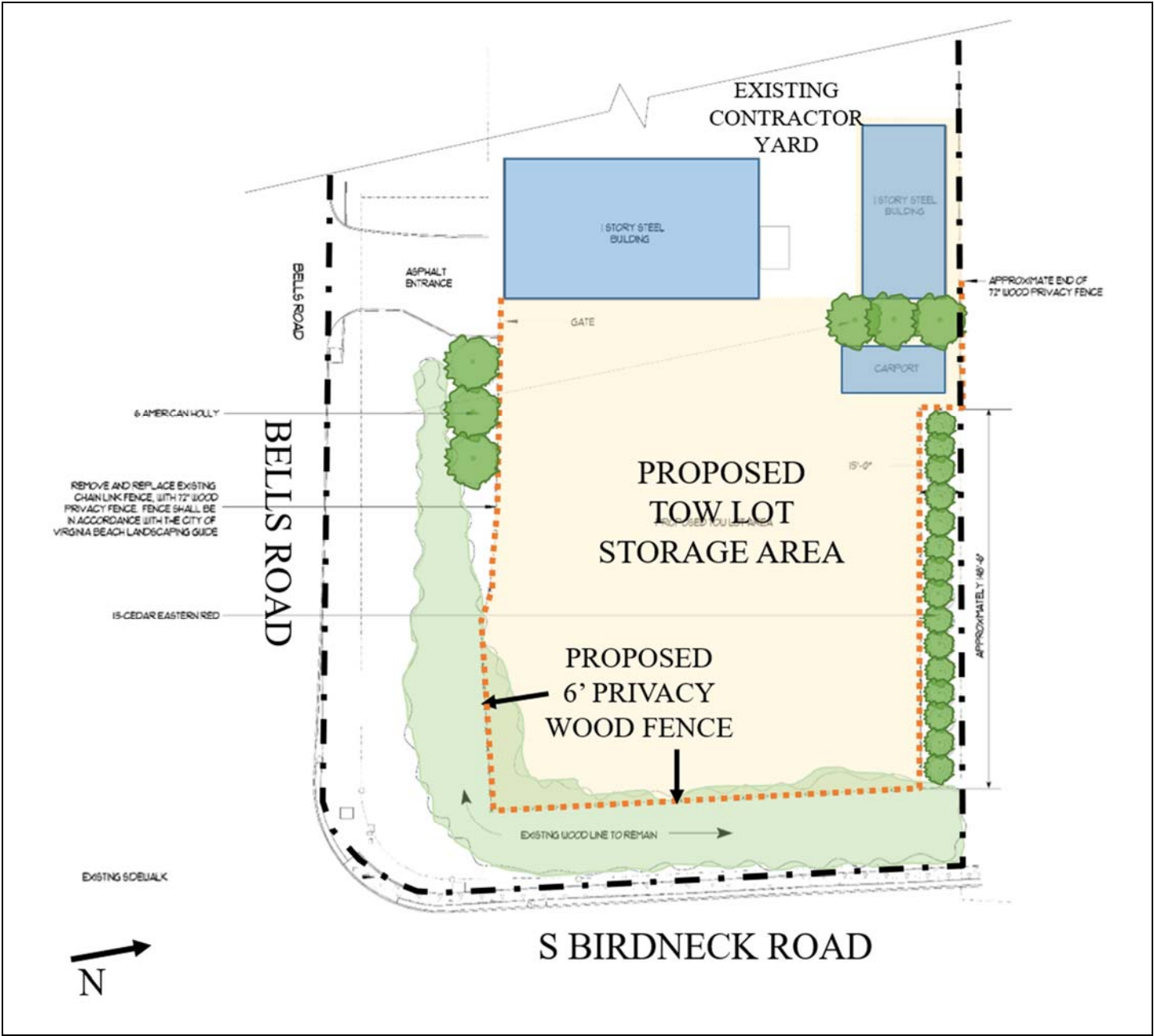
This site is connected to City water and sanitary sewer services.

Public Outreach Information

Planning Commission

- The applicant reported that they presented the request to the Seatack Civic League on December 9, 2021, and no objections were raised.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on January 6, 2022.

Proposed Site Layout



Site Photos



Site Photos



Navy Easement Compliance Review



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

IN REPLY REFER TO:
4535
Ser N4/315
22 Oct 21

Mr. Stephen Silliphant
5870 Curlew Drive
Norfolk, VA 23502

Dear Mr. Silliphant:

Thank you for the request for an easement compliance review for the use of a property identified as 1194 Bells 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 a Declaration of Taking filed by the United States of America. Enclosed is a copy of the Review and Findings for your convenience.

Accordingly, the proposed use of the property, described as the operation of a towing business and the storage of vehicles, is permitted under the terms of the Declaration of Taking, provided you do not store petrochemicals, petroleum or related products in bulk storage tanks.

Be aware that our determination is based on the 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.moomaw@navy.mil.

Sincerely,


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)

EI-0548
14 October 2021

REAL ESTATE CONTRACTING OFFICER'S REVIEW AND FINDINGS

Request Received:

On 13 October 2021, I received an easement compliance review request from Mr. Stephen Silliphant, with Metro Towing (METRO), requesting a determination of the use of a property located 1194 Bells Road, Virginia Beach, VA. I emailed Mr. Silliphant on 14 October 2021 notifying him of the need to provide a detailed narrative of the proposed use of the property. Mr. Silliphant responded on 14 October 2021.

Property Location:

The subject property is located within P-995, Parcel 489, and is identified as GPIN 24164748080000. The United States acquired certain rights over Parcel 489 through a Declaration of Taking (DT) filed 18 July 1983. The Navy refers to the DT as EI-0548.

Proposed Use:

The request specifically states:

The property will be primarily as vehicle storage. We are a towing company that tows for the Virginia Beach Police Department. Vehicles are removed from accident and/or arrest location and stored for insurance or owner retrieval. Office will be used by one employee from 9 AM – 5 PM, Monday through Friday. Tow trucks and tow truck operators will only be on site long enough to drop off vehicles. No tow trucks will be stored on site.

Review of Restrictive Easement(s):

The restrictions begin with paragraph 1. Paragraph 1.a prohibits any obstruction extending more than 172 feet above mean sea level. Paragraph 1.b states "...the property shall not be used for any of the following uses or structures:" and proceeds to list seventeen (17) specific uses. Paragraph 1.b.(11) prohibits the storage, handling or distribution of explosives, petrochemicals, petroleum and related products, except for petrochemicals, petroleum, and related products incidental to uses not prohibited within the DT. Paragraph 1.b.(15) prohibits offices, except those maintained in connection with uses not prohibited within the DT. Paragraph 1.c provides for ingress and egress for the purposes of enforcing the rights within the DT.

Paragraph 2 states "All uses and structures not prohibited herein are permitted, including, but not limited to, the following:" and proceeds to list twenty-six (26) specific uses. Paragraph 2.1 lists commercial parking lots, parking garages and storage garages. Paragraph 2.o lists automotive repair and service stations.

Conclusions:

METRO proposes to use the property for vehicle storage and the operation of a towing business.

Towing businesses are not specifically prohibited within the DT, although they are not provided as an example of a business that would be permitted. However, the DT states "All uses and structures not prohibited herein are permitted". Since the towing business is not prohibited, the

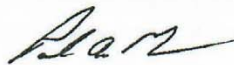
EI-0548
14 October 2021

use of the property for a towing business is compliant with the language in the DT and is therefore permitted.

Although paragraph 1.b.(11) prohibits petrochemicals, petroleum and related products, those products that are incidental to a use not prohibited within the DT are permitted. Since towing businesses are not prohibited within the DT, the use of the property for the incidental storage of petrochemicals, petroleum and related products is compliant with the language in the DT and is therefore permitted, as long as bulk petroleum storage tanks are not kept onsite.

Although paragraph 1.b.(15) prohibits offices, offices maintained in connection with uses that are not prohibited within the DT are permitted. Since towing businesses are not prohibited within the DT, the use of the property for office space is compliant with the language in the DT and is therefore permitted.

Since all uses proposed by METRO appear to be compliant with the language in the DT, the overall use of the property is compliant with the language in the DT and is therefore permitted.



PAUL MOOMAW
Real Estate Contracting Officer

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 METRO TOWING COMPANY, INC.

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)

STEPHEN A. SILLIPHANT-PRESIDENT

- 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 black ink, appearing to read 'Stephen A. Silliphant', written over a horizontal line.

Applicant Signature

STEPHEN A SILLIPHANT - PRESIDENT

Print Name and Title

9-30-2021

Stephen Silliphant President Owner

Date 9-30-21

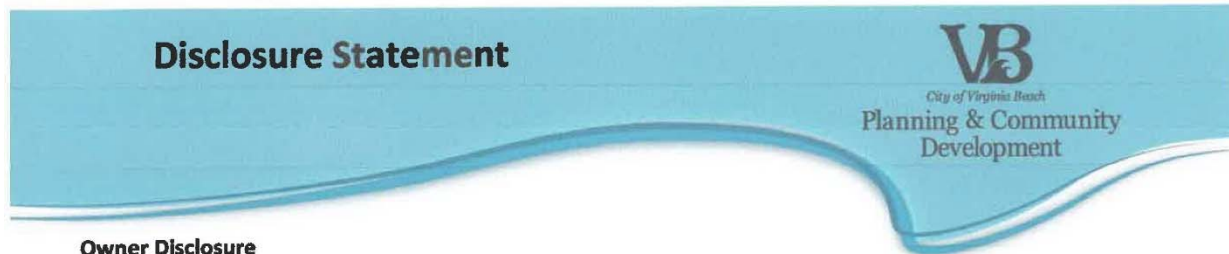
Is the applicant also the owner of the subject property? ☐ Yes ☒ No

- 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 INTRACOASTAL ASSETS LLC

Applicant Name METRO TOWING COMPANY, INC.

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

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

Dean & Emily Ives

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

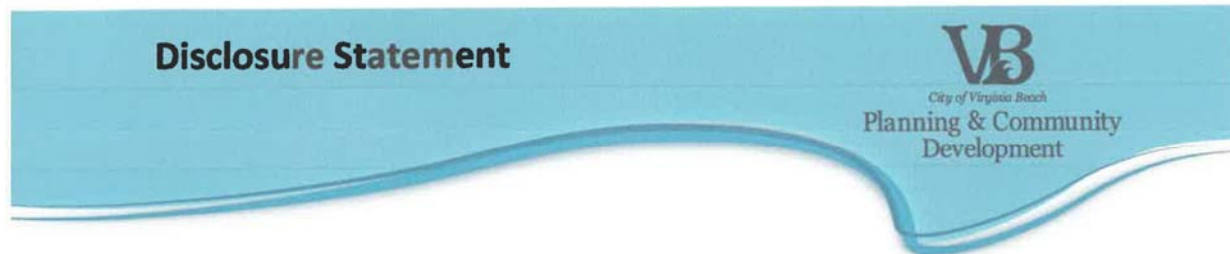
Known Interest by Public Official or Employee

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

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

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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.

SBA

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.

Stewart & Company , Jan Kuster

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.

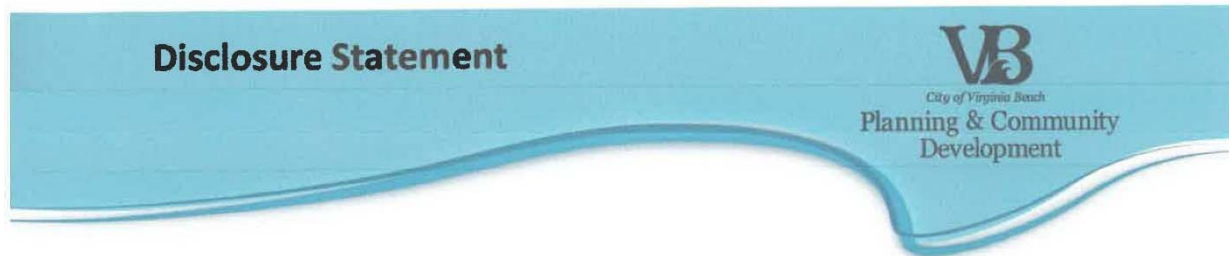
6. Does the Owner have a construction contractor in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- 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.**

Dean Ives

Owner Signature

Dean Ives, Owner

Print Name and Title

9/30/21

Date

Next Steps

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



Applicant **Dragas Associates, Inc**
Property Owners **Hawkins Mill, LC, Hawkins Mill at Haygood Condominium Association, Inc**
Planning Commission Public Hearing **January 12, 2022**
City Council Election District **Bayside**

Agenda Items

8 & 9

Requests

#8 - Conditional Rezoning (R-10 Residential District to Conditional A-24 Apartment District)

#9 - Modification of Proffers

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

5000 & 5024 Haygood Road

GPINs

1468934983, 1468933539

Site Size

9.65 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Single-family dwellings, multi-family dwellings / R-10 Residential, Conditional A-24 Apartment

Surrounding Land Uses and Zoning Districts

North

Wesleyan Drive

Multi-family dwellings, Bayside High School / Conditional A-12 Apartment, R-10 Residential

South

Single-family dwellings / R-10 Residential

East

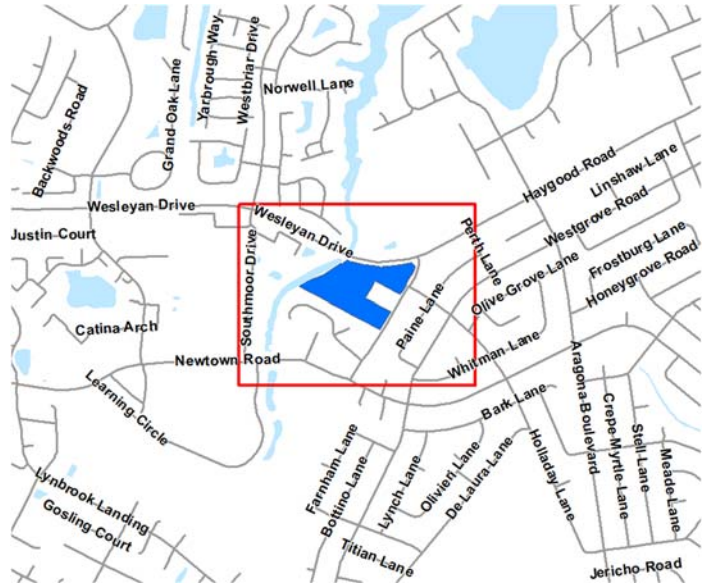
Haygood Road

Single-family dwellings / R-10 Residential

West

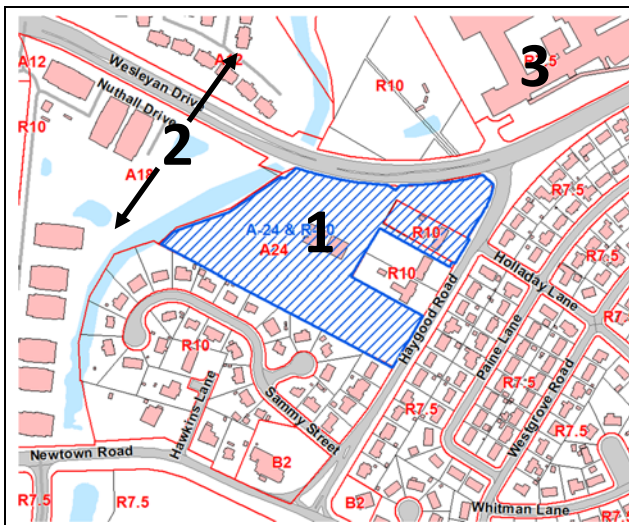
Creek

Multi-family dwellings / Conditional A-18 Apartment



Background & Summary of Proposal

- The applicant seeks to rezone a 0.69-acre parcel from R-10 Residential District to Conditional A-24 Apartment District and modify the boundary of a condominium community that was approved by the City Council in 2018. These requests would result in the incorporation of the parcel into the existing multi-family development (8.96 acres) and increase the overall density by 16 units resulting in a total of 104 multi-family dwellings units on 9.65 acres. The new density of the development will increase from 9.82 to 10.78 units per acre.
- Four quad unit buildings, two-stories in height, with vinyl exteriors are proposed to be added to the existing development. These proposed buildings will match the look and materials of the existing buildings within the community.
- The existing development contains a community pool and a pond surrounded by a walking path with vehicular access along Wesleyan Drive. This proposed expansion will not alter the existing amenities or the access point of the development.
- An existing two to three-foot high, undulating berm with multi-layered ornamental plantings and a hedgerow along Haygood Road will be extended across the 0.69-acre parcel. The required 10-foot vegetated buffer adjacent to the existing single-family dwellings is depicted on the proffered concept plan.
- The 209 parking spaces depicted on the concept plan exceed the minimum 195 parking spaces required by the Zoning Ordinance.



Zoning History

#	Request
1	CRZ (R-10 to Conditional A-24) Approved 05/01/2018
2	CRZ (B-2, A-12, R-2.5, R-10 & R-15 to Conditional R-5D, A-12 & A-18) Approved 10/12/2004
3	CUP (Communications Tower) Approved 03/10/1998

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's request to incorporate the 0.69-acre parcel into the existing Hawkins Mill condominium community in order to expand the development by 16 dwelling units in Staff's opinion is acceptable. The existing community includes recreational amenities, such as a swimming pool, a pedestrian trail, and 40 percent of open space, thereby addressing one of the Comprehensive Plan's recommendations for development within the Suburban Area. The landscaping buffers

along the perimeter of the site exceed the minimum requirement and create an aesthetically pleasing environment while also screening the site from the rights-of-way.

While this proposal will slightly increase the overall density from 9.82 units per acre to 10.78 units per acre, the proposed density will remain lower when compared to the residential community that is located immediately west of the site and that was developed at a density of 14.10 units per acre. As such, the proposed site will serve as a transition between the higher density developments to the west and the lower density developments to the south and east. In addition, the public schools in the vicinity will remain below optimum operating capacity despite this slight increase in student population.

At the time of final site plan submittal, modifications to the existing stormwater management strategy will be required to be reviewed under current stormwater regulations. The applicant is aware and agreeable to this requirement. As mentioned above, the access point for this development will remain the same. Traffic Engineering review the proposal and no concern were raised.

Based on the considerations described, Staff recommends approval of these requests subject to the proffers listed below.

Proffers

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

Proffer 1:

When the Combined Properties are developed, it shall be as a residential condominium community, substantially in accordance with the “HAWKINS MILL Conceptual Site Plan” dated “July 1, 2021”, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development (the “Concept Plan”).

Proffer 2:

When the Combined Properties are developed, it will feature a heavily landscaped streetscape frontage on Haygood Road and Wesleyan Drive, a monument style community identification sign, community pool and cabana, two (2) community water features with aerated fountains, and vegetated buffers adjacent to abutting properties as depicted and described on the Concept Plan.

Proffer 3:

The total number of dwelling units permitted on the Combined Properties shall not exceed one hundred four (104) and the total number of residential buildings shall not exceed twenty-six (26). Each dwelling unit shall contain a minimum of one thousand six hundred (1,600) square feet of living area.

Proffer 4:

The architectural design and exterior building materials of the residential buildings will be substantially as depicted and described on the Hawkins Mill “Architectural Elevation Luxury Vilas” dated July 1, 2021, which has been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development (the “Elevations”).

Proffer 5:

When the Combined Properties are developed, the Grantors shall record a Declaration submitting the Combined Properties to the Condominium Act of the Commonwealth of Virginia. The Condominium Unit Owners' Association shall be responsible for maintaining all open spaces, common areas, amenities, landscaping and other improvements on the Combined Properties as depicted on the Concept Plan. Membership, by all residential unit owners, in the Condominium Association shall be mandatory.

Proffer 6:

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

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

Comprehensive Plan Recommendations

The Comprehensive Plan designates the site as being located within the Suburban Area. One of the guiding development principles of Suburban Areas is the creation of "Great Neighborhoods," which is defined as stable and sustainable. To achieve the Great Neighborhood objective, development of new residential areas should provide site and building design that is visually interesting and encourage greater social interaction, accommodate for multiple modes of transportation (i.e., pedestrians, bicyclists, and drivers), and promote sustainable and responsive design.

Creation and preservation of open spaces is also a guiding principle for the Suburban Area. All new development and redevelopment should preserve the quality of the City's natural environment by adhering to established natural resource planning principles. Carefully planned open space areas add to the attractiveness and livability of suburban neighborhoods and have a positive effect on the market value of surrounding properties and, thus, help to advance our City's economic vitality.

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Wesleyan Drive	17,400 ADT ¹	32,700 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 644 ADT Proposed Land Use ³ – 761 ADT
Haygood Road	2,800 ADT ¹	9,900 ADT ¹ (LOS ⁴ "D")	
¹ Average Daily Trips		² as defined by 88 condominium units	³ as defined by 104 condominium units
		⁴ LOS = Level of Service	

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

Wesleyan Drive is considered a four-lane divided minor urban arterial. Haygood Road is considered a two-lane undivided local collector street. There are no CIP slated for this area.

Public Utility Impacts

Water

This site is connected to City water. There is an existing 10-inch City water main along Haygood Road.

Sewer

The site is connected to City sanitary sewer. There is an existing 14-inch City sanitary sewer force main and an 8-inch City sanitary sewer gravity main along Haygood Road.

School Impacts (on 0.69 acres)

School	Current Enrollment	Capacity	Generation ¹	Change ²
Luxford Elementary	491 students	547 students	2 students	2 students
Bayside Middle	770 students	893 students	1 student	1 student
Bayside High	1,871 students	2,061 students	1 student	1 student

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

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

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission’s meeting, was posted on the Commission’s webpage of www.vbgov.com/pc on January 6, 2022.

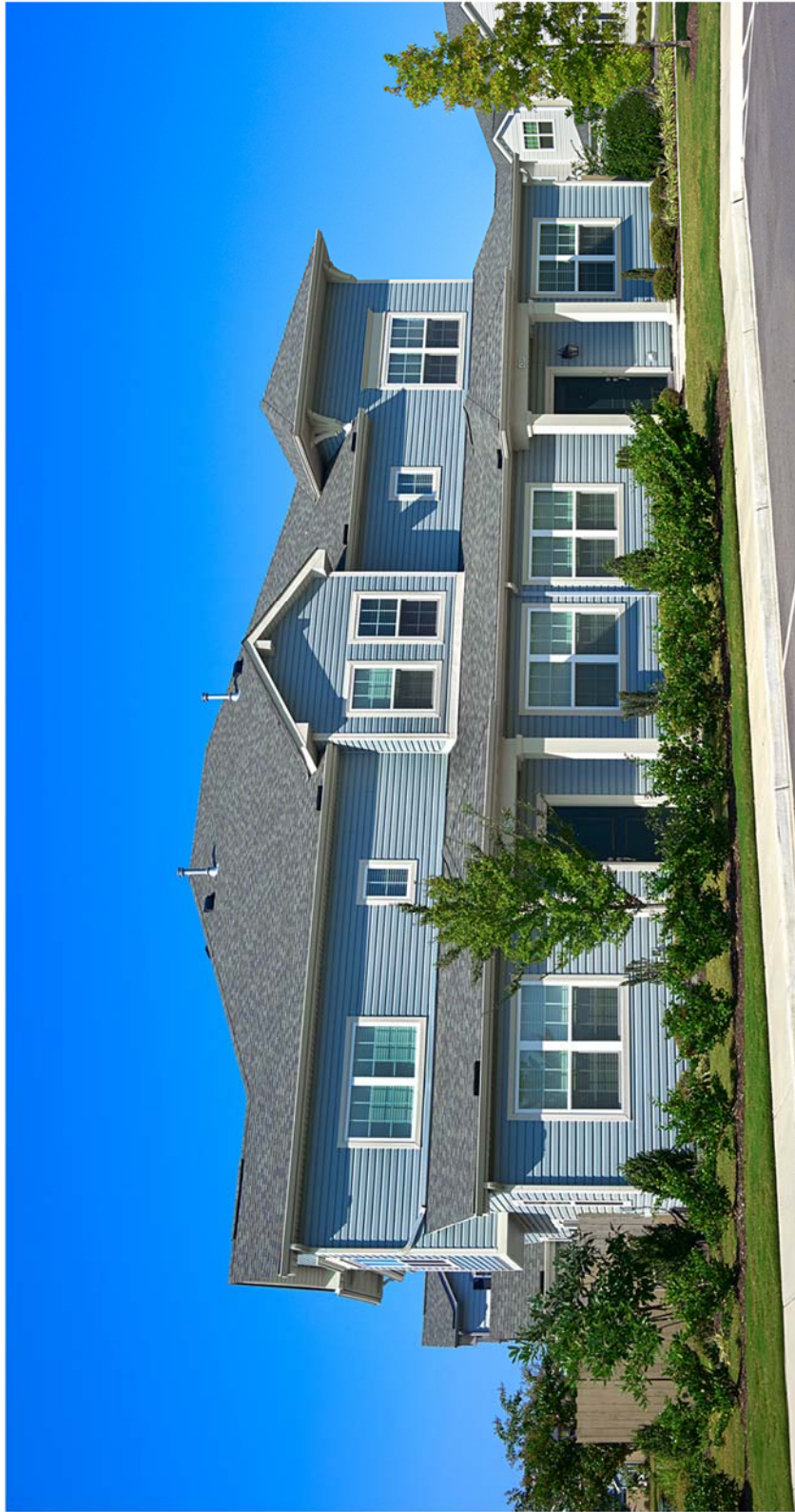
Proposed Conceptual Site Layout



DRAGAS
COMPANIES

Conceptual Site Plan
July 1, 2021

HAWKINS MILL



DRAGAS
COMPANIES

Architectural Elevation
Luxury Villas
July 1, 2021

HAWKINS MILL

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 Dragas Associates, Inc. on behalf of Hawkins Mill at Haygood Condominium Association, Inc

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

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

Andrew Vakos, Dragas Management Corporation; 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)

Joyce B. Witt, President; Sally Vandergriff, Vice President; Robert C. Makin, Treasurer; Jessica Simpkins, Secretary; Helen E. Dragas, Director

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

Dragas Associates, Inc.: Helen E. Dragas, President/CEO/Chairman; Robert C. Makin, CPA/Treasurer; Joyce B. Witt, Secretary

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.

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Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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.

Dragas Realty, Inc. , Sally Vandergriff

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.

The Pinnacle Group Engineering, Rodney Flores

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.

Dragas Management Corporation , Brian Kokoska

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

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

The Pinnacle Group Engineering, Rodney Flores

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

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

Howard R. Sykes, Jr., Esq.; 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.**

Hawkins Mill at Haygood Condominium Association, Inc.

By: Helen E. Dragas

Applicant Signature

Helen E. Dragas, Director

Print Name and Title

11.19.21

Date

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

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name Hawkins Mill at Haygood Condominium Association, Inc.

Applicant Name Dragas Associates, Inc. on behalf of Hawkins Mill at Haygood Condominium Association, Inc.

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

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

Joyce B. Witt, President; Sally Vandergriff, Vice President; Robert C. Makin, Treasurer; Jessica Simpkins, Secretary; Helen E. Dragas, Director

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

Dragas Associates, Inc.: Helen E. Dragas, President/CEO/Chairman; Robert C. Makin, CPA/Treasurer; Joyce B. Witt, Secretary

Known Interest by Public Official or Employee

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

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Disclosure Statement



Owner Services Disclosure

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

☐ Yes ☒ No

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

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.

Dragas Realty, Inc. , Sally Vandergriff

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

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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

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The Pinnacle Group Engineering, Rodney Flores

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

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Dragas Management Corporation , Brian Kokoska

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

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The Pinnacle Group Engineering, Rodney Flores

Disclosure Statement

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

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Hawkins Mill at Haygood Condominium Association, Inc.

By: _____

Owner Signature

Helen E. Dragas, Director

Print Name and Title

11.19.2021

Date

Disclosure Statement



Owner Disclosure

Owner Name Hawkins Mill, L.C., a Virginia limited liability company

Applicant Name Dragas Associates, Inc., a Virginia corporation

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Manager: Dragas Associates, Inc., a Virginia corporation: Helen E. Dragas, President/CEO/Chairperson; Robert C. Makin, CPA/Treasurer; Joyce B. Witt, Secretary

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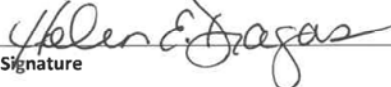
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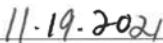
Hawkins Mill, L.C.



Owner Signature

Helen E. Dragas, President of Dragas Associates, Inc., its Manager

Print Name and Title



Date

Next Steps

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- 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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- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Request

Modification of Proffers

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

Along Horse Pasture Road, between 1521 Taylor Farm Road & 2617 Horse Pasture Road

GPIN

1495750349

Site Size

1.0 acre

AICUZ

70-75 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Undeveloped land / I-1 Light Industrial

Surrounding Land Uses and Zoning Districts

North

Horse Pasture Road

Office, warehouse / I-1 Light Industrial

South

Dam Neck Road

Outdoor recreation facility / AG-1 Agricultural

East

Office / I-1 Light Industrial

West

Office-warehouse / I-1 Light Industrial



Background & Summary of Proposal

- This request was deferred at the November 10, 2021 Planning Commission hearing at the applicant's request in order to revise the proposal to address comments received from concerned neighbors. Since the deferral, the applicant submitted revised proffers and conceptual exhibit for review. The revised exhibit shows the building setback of the eastern side yard increases to 30 feet compares to the 15 feet setback that was originally proposed. Staff has updated this report to reflect the new proposal.
- The subject site is located within the Taylor Farm Commerce Park and was rezoned to Conditional I-1 Light Industrial on May 14, 2002. In 2004, the proffers were amended to require a minimum side yard setback of 30 feet for lots that abut Dam Neck Road.
- The applicant seeks a Modification of Proffers to amend Subsection D of Proffer 1 for only this property to allow the construction a 16,714 square foot office/warehouse building with a 15-foot side yard setback, rather than the 30 feet required by the original proffer agreement. The building and reduced 15-foot side yard would be located on the western side of the parcel. The eastern side yard will maintain the 30 feet setback as proffered.

Zoning History

#	Request
1	MDP Approved 05/18/2021
2	CUP (Bulk Storage Yard) Approved 12/11/2018
3	CUP (Bulk Storage Yard) Approved 05/01/2018
4	CUP (Craft Brewery) Approved 03/20/2018
5	MDP Approved 09/14/2004 CRZ (AG-1 & AG-2 to Conditional I-1) Approved 05/14/2002
6	CUP (Outdoor Recreational Facility) Approved 09/23/1997

Application Types

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

Evaluation & Recommendation

In Staff's opinion, the applicant's request to reduce the western side yard setback from 30 feet to 15 feet associated with the construction of the proposed 16,714 square foot office/warehouse building within the Taylor Farm Commerce Park is acceptable. According to the applicant, due to the narrow width of the parcel, this request is required to accommodate a reasonably sized industrial building with the required parking spaces and drive aisle. As noted in the table below, there is a 0-foot side yard setback requirement for parcels zoned I-1 Light Industrial District. The proposal to adjust the proffer to allow a reduction in the side yard setback from 30 feet to 15 feet on the western side of the parcel will continue to exceed the zoning requirement. Although the setback is requested to be reduced, the parcel will continue to exceed this minimum standard for properties zoned I-1, as well as exceed minimum requirements for lot area and lot width.

	LOT STANDARD for I-1	LOT 23C
LOT AREA	20,000 square feet	43,560 square feet
LOT WIDTH	100 feet	122.50 feet
FRONT YARD SETBACK	30 feet	30 feet
SIDE YARD SETBACK	0 feet	15 feet (west) & 30 feet (east)

The elevations depicted on page seven of this report show the building to be of similar construction materials and architectural designs to other buildings within this Commerce Park. Based on these considerations, Staff recommends approval of the request subject to the proffers listed below.

Proffers

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

Proffer 1:

Proffer numbered “1(d)” is amended to read:

- d) A minimum fifteen-foot (15’) side yard building setback shall be required on the western side of Lot 23C and a minimum side yard building setback of thirty-foot (30’) shall be required on the eastern side of Lot 23C despite a rear property line abutting Dam Neck Road.

Proffer 2:

All of the terms, conditions, covenants, and agreement set forth in the Proffer, save and except proffer numbered “1(d)” which is amended herein, are ratified, affirmed and remain binding upon the Property and upon all parties and persons claiming under, by or through the Grantor.

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.

2004 Proffers

1. Proffer numbered “2” is amended to read:
The parcels shall be subject to the following mandatory site development guidelines:
 - a) A fifty-foot (50’) landscape setback from Dam Neck Road shall be maintained by the Property Owners Association and no improvements shall be located within the landscape setback.
 - b) A twenty-foot (20) landscape setback from London Bridge road shall be maintained by the Property Owners Association and no improvements shall be located within the landscape setback.
 - c) A minimum fifty-foot (50’) building setback shall be required from London Bridge Road.
 - d) A minimum thirty-foot (30’) side yard building setback shall be required on those lots with a rear property line which abuts Dam Neck Road.
 - e) A minimum fifteen foot (15’) side yard building setback shall be required on those lots which do not have a property line abutting Dam Neck Road, provided a ten foot (10’) wide Category II Landscape Buffer is maintained along the entire length of the side property line from which the fifteen foot (15’) setback is measured.

- f) No freestanding signage shall be permitted adjacent to either Dam Neck Road or London Bridge Road and all signage shall comply with the “SIGN CRITERIA FOR TAYLOR FARM CORPORATE PARK”, dated March 15, 2002 which are included in the Deed Restrictions described in Proffer number 3.
- g) No onsite vehicular parking, outdoor storage, loading docks or loading areas shall be permitted between Dam Neck Road and any building on a parcel adjacent to Dam Neck Road.
- h) No building shall exceed forty-five feet (45') in height and the primary exterior surface of all buildings shall be either brick, split face block, painted block, concrete panel, stone, wood, EIFS, or metal and shall be an earth-tone color or colors. The exterior surface of any building on parcels numbered 8 through 14 on the site plan, which are visible from Dam Neck Road shall be either brick, split face block or stone.” The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA).

2002 Proffers

1. When the Property is developed, it shall be developed into no more than fourteen (14) parcels substantially as shown on the exhibit entitled “TAYLOR FARM CORPORATE PARK SITE PLAN Virginia Beach, Virginia”, dated 03/11/02 and prepared by Spectra Group, which has been exhibited to the Virginia Beach City WOMACK – CHAPPEL Agenda Item # 19 Page 3 Council and is on file with the Virginia Beach Department of Planning (hereinafter “Site Plan”).
2. The parcels shall be subject to the following mandatory site development guidelines:
 - a) A fifty-foot (50') Landscape setback from Dam Neck Road shall be maintained by the Property Owners Association and no improvements shall be located within the Landscape setback.
 - b) A twenty-foot (20') Landscape setback from London Bridge Road shall be maintained by the Property Owners Association and no improvements shall be located within the Landscape setback.
 - c) A minimum fifty-foot (50') building setback shall be required from London Bridge Road
 - d) A minimum thirty-foot (30') side yard building setback and rear yard building setback (on non-through lots) shall be required.
 - e) No freestanding signage shall be permitted adjacent to either Dam Neck Road or London Bridge Road and all signage shall comply with the “SIGN CRITERIA FOR TAYLOR FARM CORPORATE PARK” dated March 15, 2002 which are included in the Deed Restrictions described in Proffer #3.
 - f) No onsite vehicular parking, outdoor storage, loading docks or loading areas shall be permitted between Dam Neck Road and any building on any parcel adjacent to Dam Neck Road.
 - g) No building shall exceed forty-five feet (45') in height and the primary exterior surface of all buildings shall be either brick, split face block, painted block, concrete panel, stone, wood, EIFS or metal and shall be an earth-tone color or colors. The exterior surface of any building on parcels numbered 8 through 14 on the site plan, which is visible from Dam Neck Road shall be either brick, split face block or stone.
3. When the property is subdivided it shall be subject to a recorded Declaration of Protective Covenants, Conditions and Restrictions (“Deed Restrictions”) administered by a mandatory membership Property Owners Association. In addition to the requirements set forth herein, the Deed Restrictions shall include Articles requiring mandatory assessments for maintenance of the landscape buffers and entrance features as well as Architectural Controls. The Deed Restrictions have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning.
4. Further conditions 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 within the South Oceana Special Economic Growth Area (SEGA), which the Comprehensive Plan identifies to have significant economic value and growth potential. Developments along key roadways are desired to have attractive and high-quality architectural building materials and designs.

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Dam Neck Road	36,300 ADT ¹	39,700 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 0 ADT Proposed Land Use ³ – 30 ADT
Horse Pasture Road	No Data Available	9,900 ADT ¹ (LOS ⁴ "D")	
¹ Average Daily Trips		² as defined by a vacant 1-acre parcel	³ as defined by a 16,714 square foot warehouse/office building
⁴ LOS = Level of Service			

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

Horse Pasture Road and Dam Neck Road are in the vicinity of this application. Horse Pasture Road is considered a two-lane collector roadway and Dam Neck Road is considered a four-lane major suburban arterial. There are no CIP roadway projects planned for this area.

Public Utility Impacts

Water

City water is available for connection. There is a 10-inch City water main along Horse Pasture Road.

Sewer

City sanitary sewer is available for connection. There is an eight-inch City sanitary sewer gravity main along Horse Pasture Road.

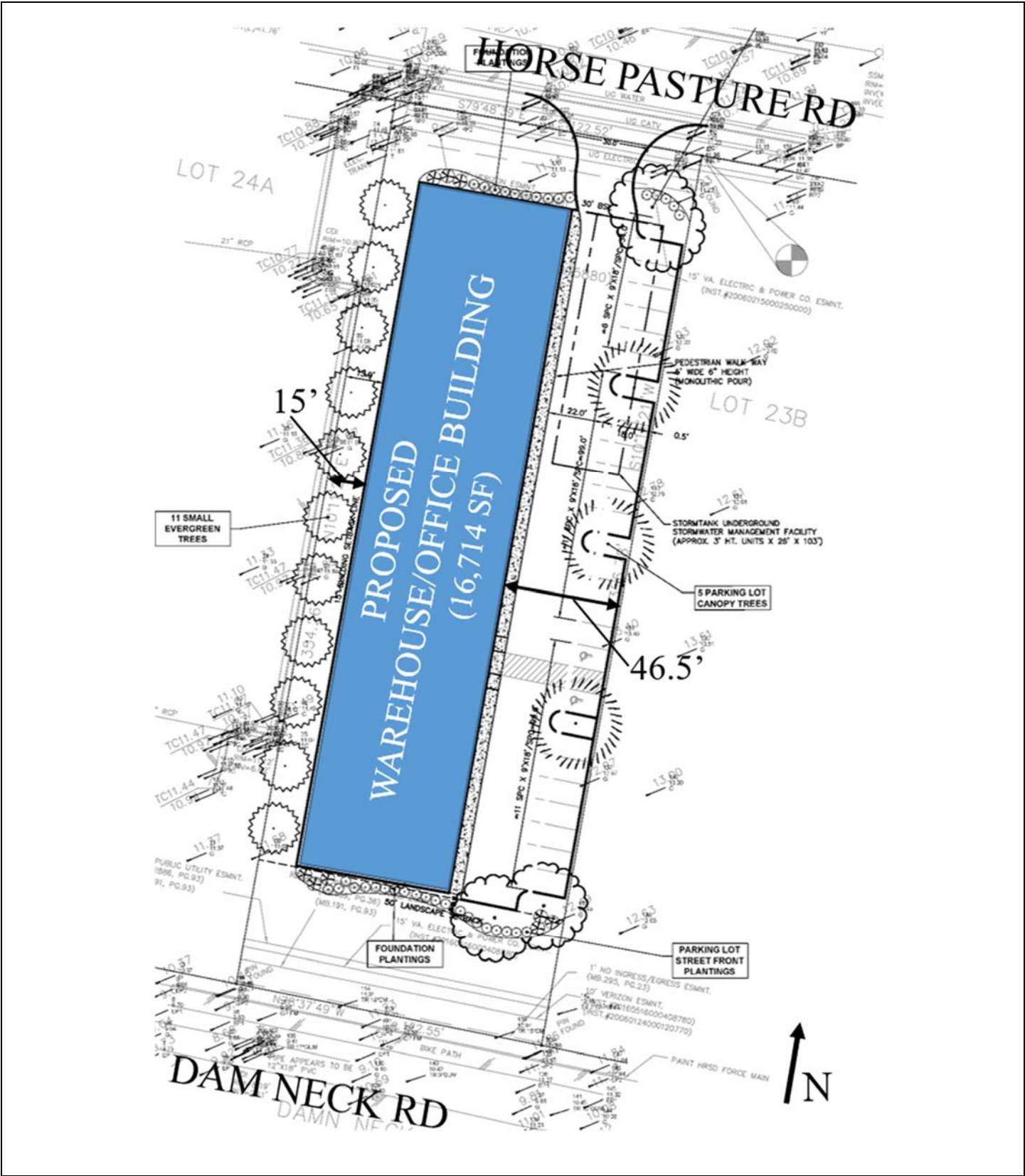
Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on January 6, 2022.

Proposed Site Layout & Landscape Plan



Proposed Elevations



Site Photos



Navy Easement Compliance Review



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

IN REPLY REFER TO:
4535
N4/300
13 Oct 21

Dr. Aswini Pradhan
2349 Newstead Drive
Virginia Beach, VA 2345r

Dear Dr. Pradhan:

Thank you for the request for an easement compliance review for the use of a property identified as GPIN 14957503490000, located on Horse Pasture 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.

You have not proposed a use of the property, but have proposed to build a "spec" building, which you describe will be "used primarily warehousing and office". Accordingly, since there is no proposed use of the property, and the structure may or may not be permitted under the terms of the Grant of Easement, the U.S. Navy cannot provide a determination as to whether the use or structure is permitted.

Be aware that our determination is based on the representations of the use and location of the property. Please be advised, you must contact the U.S. Navy whenever a user of the property is identified, so the Government may provide a determination of the use at that time. Failure to request a determination could potentially result in a tenant/user of the building being notified their use is not permitted under the terms of the Grant of Easement. This notification could result in the tenant/user being forced to relocate their business/use.

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.moomaw@navy.mil.

Sincerely,

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)

EI-0395
28 September 2021

REAL ESTATE CONTRACTING OFFICER'S REVIEW AND FINDINGS

Request Received:

On 24 September 2021, I received an easement compliance review request from Dr. Aswini Pradhan, for a property identified as GPIN 14957503490000 on Horse Pasture Road, Virginia Beach, VA.

Property Location:

The subject property is located within P-995, Parcel 500. The United States acquired certain rights over Parcel 453 through a Grant of Easement dated 14 June September 1983. The Navy refers to the GOE covering Parcel 500 as EI-0395.

Proposed Use:

According to the request the property has no identified use. A "spec" building will be built on site and future uses will be determined when tenants are found. The request specifically states:

The property will be used primarily for warehousing and office space. The tenants are undetermined at this time, but the typical operations anticipated by tenants will be racking in warehouse areas for storage, minor packaging to prepare items to be shipped on a low-volume basis, incidental filing/administration/accounting directly associated with the operations in the warehouse, and potential minor refurbishing of equipment. All materials will be received at the proposed location and stored inside the building until they are sold and distributed to retailers. No maintenance or repair of vehicles is proposed as part of this development.

Review of Restrictive Easement(s):

The restrictions begin with paragraph 1. Paragraph 1 prohibits any obstruction extending more than 170 feet above mean sea level. Paragraph 2 states "the property shall not be used for any of the following uses or structures:" and proceeds to list seventeen (17) specific uses. Paragraph 2.k prohibits the manufacturing, storage, handling or distribution of explosives, petrochemicals or petroleum and related products. Paragraph 2.o prohibits offices or office buildings, except those maintained in connection with uses not prohibited in paragraph 2. Paragraph 2.p prohibits retail sales except as an auxiliary function of enterprises and/or uses not prohibited in paragraph 2; the gross building area of any area open to the public and/or showrooms devoted to a permitted retail sale, shall not exceed ten (10) percent of the gross building area.

Paragraph 3 provides for the Government's ingress and egress of the property for purposes of exercising the rights contained within the GOE.

Paragraph 4. States "All uses and structures not prohibited herein above are permitted, including but not limited to the following:" and proceeds to list twenty-six (26) specific uses.

EI-0395
28 September 2021

Conclusions:

Dr. Pradhan proposes to build a “spec” building without any identified tenants or users of the property. The GOE prohibits certain “structures” and “uses”. Without an identified “use” the Government cannot provide a determination as to whether the “use” of the property is compliant with the language in the GOE.

Dr. Pradhan describes the building for “primarily warehousing and office space”. Office space is only permitted if it is maintained in connection with a use that that is not prohibited. Warehousing of explosives, petrochemicals, petroleum and related products is prohibited. The Government cannot provide a determination as to whether the “structure” is compliant with the language in the GOE until uses of the property are proposed



PAUL MOOMAW
Real Estate Contracting Officer

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 Aswini Kumar Pradhan and Puspallata Pradhan

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

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

John Sandow Engineering, LLC (John Sandow)

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

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

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

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

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



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.

John Sadow Engineering, 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.

Steve Pincus, C.L. Pincus Jr. & Co., 2700 Sonic Drive, Virginia Beach, VA 23453 (757) 468-5100

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

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

John Sandow Engineering, LLC

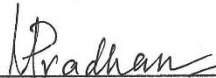
8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☒ **Yes** ☐ **No**

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

Joseph V. Sherman, 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.

 P. Pradhan

Applicant Signature

Aswini Kumar Pradhan and Puspallata Pradhan, Owner

Print Name and Title

09/23/2021

Date

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

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

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

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

Next Steps

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

Request

Conditional Use Permit (Tattoo Parlor)

Staff Recommendation

Approval

Staff Planner

Elizabeth Nowak

Location

265 Jersey Avenue, Suite 106

GPIN

146785627

Site Size

29,520 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Shopping Center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Virginia Beach Boulevard

Retail / B-2 Community Business

South

Office, warehouse / B-2 Community Business, I-1 Light Industrial

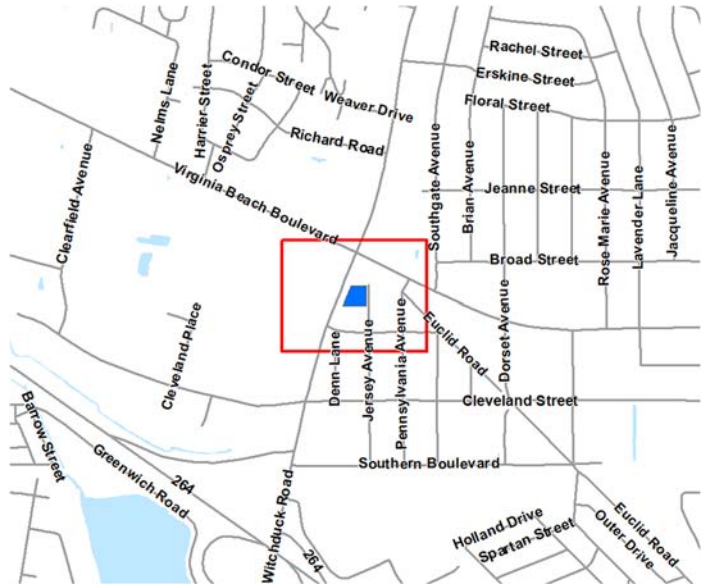
East

Auto sales & service / B-2 Community Business

West

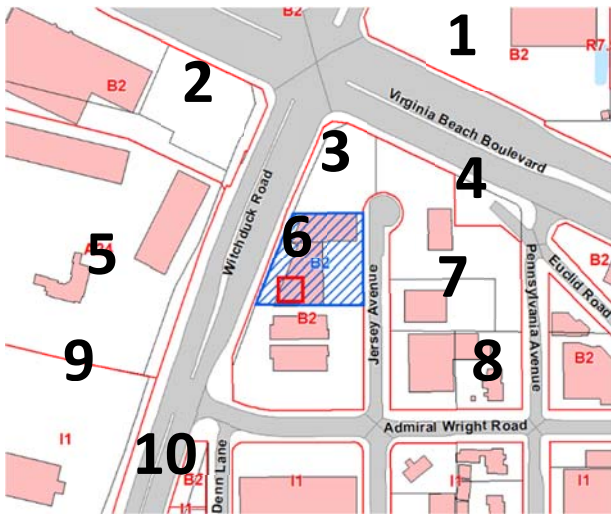
North Witchduck Road

Retail, apartments, adult learning center / B-2 Community Business, A-24 Apartment, I-1 Light Industrial



Background & Summary of Proposal

- The applicant is requesting to operate a Tattoo Parlor within an existing 1,789 square-foot unit in a shopping center along Witchduck Road. The property is zoned B-2 Community Business and is located within the Pembroke Strategic Growth Area.
- Three tattoo artists will operate in the space.
- The typical hours of operations are proposed as follows:
 - 10:00 a.m. to 6:00 p.m. on Monday for consultations only.
 - 10:00 a.m. to 6:00 p.m. on Tuesday for consultations only.
 - By appointment only, Wednesday through Sunday.
- Each artist will work with one client per session for a total of three patrons at any one time.
- The only exterior changes that are proposed relate to signage. The applicant proposes modification of two existing wall-mounted internally-illuminated box signs (one on the west and one on the east elevations) and the addition of the business to the existing sign plates on a free-standing sign for the shopping center. Only the sign plates will be modified from “FOR LEASE” to the proposed business’s sign face. The applicant also proposes modifying a square, non-illuminated wall sign on the east elevation near the entry door to the business from a “FOR LEASE” sign to one that includes the business’s name and suite number.
- There are presently 30 parking spaces available for the shopping center. The current number of parking spaces is less than the 56 that would be required by the Zoning Ordinance; however, in 2015, the City of Virginia Beach and the owner of the subject property, Southern Star Commons, LLC, entered into an acquisition agreement as part of a taking by the City to accomplish improvements to Witchduck Road. Clause No. 22 of the agreement acknowledges that the Landowner and the City agree that the subject property will have diminished number of parking spaces as a result of the improvement project and establishes that the current floor area size and uses of the property are grandfathered as legal, non-conforming and will continue to be treated as such.
- There are no tattoo parlors within 600 feet of this operation.

	<h3>Zoning History</h3>						
	#	Request					
	1	MODC (Modification of CUP granted 10/07/2014) Approved 10/04/2020 MODC (Modification of CUP granted 06/25/2013) Approved 10/07/2014 CUP (Indoor Recreation Facility) Approved 06/25/2013 CUP (Motor Vehicle Sales and Service) Approved 02/23/2010 CUP (Motor Vehicle Repair Facility) Approved 08/12/2008					
	2	CUP (Bulk Storage Yard and Truck & Trailer Rentals) Approved 03/07/2021					
	3	STC Approved 06/22/2004 STC Approved 06/12/2001 STC Approved 03/14/2000 CUP (Automobile Sales and Service) Approved 10/13/1999					
	4	MODC (Motor Vehicle Sales) and STC Approved 09/06/2017 STC Approved 06/23/2009 CUP (Motor Vehicle Sales/Rentals) Approved 12/02/2008 STC Approved 05/23/2006					
	5	CRZ (B1 to Conditional A-24) Approved 02/07/2018					
	6	CUP (Motor Vehicle Repair Garage) Approved 11/12/2013					
	7	CUP (Motor Vehicle Sales and Service) Approved 06/09/1992					
	8	CUP (Motor Vehicle Repair) Approved 03/17/2015					
	9	CUP (Telecommunications Tower) Approved 02/01/2000					
10	CUP (Expansion of Motor Vehicle Sales) Approved 12/05/2006 CRZ (I-1 to Conditional B-2) Approved 02/22/2000 NON (Extension of Legally Non-conforming Motor Vehicles Sales) Approved 03/14/1995						
<h3>Application Types</h3>							
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 Conditional Use Permit request for a Tattoo Parlor is, in Staff's opinion, acceptable given that the use will be compatible with the other existing commercial businesses in the area. The proposed signage meets the standards of the Zoning Ordinance and will not introduce new signs, instead merely modifying existing sign plates. No additional parking would be required to accommodate the Tattoo Parlor given the legally nonconforming status of the property as stated above.

The site is surrounded by commercial properties, including automobile sales and service, and will complement the vision of the mixed uses envisioned in the Pembroke Strategic Growth Area (SGA) plan. The Pembroke SGA plan identifies this property as being in the Western Campus District as well as being immediately adjacent to the Central Village District. The Western Campus District envisions a park-like academic and recreational setting, it also encourages School-to-Job

training and a mix of uses to support economic development of downtown. The Central Village District envisions an area with a healthy diversity of small businesses, activities, and interests. This proposed use aligns with both these areas goals for diversity of small businesses to support economic development in the Pembroke SGA.

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.

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

Recommended Conditions

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
2. 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. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

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

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

Comprehensive Plan Recommendations

The subject property is located within the Pembroke Strategic Growth Area (SGA), which the Comprehensive Plan designates as one of the eight urban areas in the City that envisions to accommodate future growth and adopt a more urban style in the City. The subject area is in the Western Campus District at the western edge of the Pembroke SGA. The Western Campus District is a park-like academic and recreational setting that is envisioned to showcase a pedestrian-friendly district that will draw School-to-Job training, as well as a mix of uses to complement and support the economic development activity of the new downtown.

The property is also immediately adjacent to the Central Village District of the Pembroke Strategic Growth Area. The Central Village District is proposed to “draw from a plethora of activities, interests, and a variety of housing options, all woven into an eclectic bohemian neighborhood supporting small business and entertainment venues.”

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. There does not appear to be any significant natural resources or cultural features associated with the site. No above- or below-ground historical or cultural resources will be affected by this project.

Traffic Impacts

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

Analysis from Traffic Engineering Staff concluded that there will be no significant change in traffic based on a tattoo use in the existing strip commercial center. Additionally, Jersey Avenue is not included on the MTP; no improvements are planned for this roadway.

Public Utility Impacts

Water

The site is already connected to City water. There is an eight-inch City water main along North Witchduck Road.

Sewer

The site is already connected to City gravity sewer. There are eight-inch sanitary sewer gravity mains along both North Witchduck Road and Jersey Avenue.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on January 6, 2022.

Site Layout



Proposed Signs




<p>PROPERTY OF</p> <p>Cardinal SIGN CORPORATION</p> <p>2629 Dean Drive Virginia Beach, Va. 23452</p> <p>Phone: (757) 486-3412</p> <p>Fax: (757) 486-7658</p> <p>E-Mail: SSTOLLINGS@ CARDINALSIGN.COM</p> <p>Client: Grayscale Tattoo Gallery</p> <p>Sign Location: 265 Jersey Ave #106 Va Beach VA</p> <p>Design No.: 30340-C</p> <p>Designer: KD</p> <p>Salesman: Stan Stollings</p> <p>Scale: 3/4"=1'-0"</p> <p>Date: 12-30-21</p> <p>Customer Approval: Signature: _____ Date: _____</p> <p><small>THIS SIGN MEETS ALL UNDERPINNINGS LABORATORY STANDARDS AND WILL BEAR THE UL LABEL FOR PERMIT PURPOSES</small></p>	<div style="text-align: center;">  <p>GRAYSCALE TATTOO GALLERY</p> </div> <p>SIGN C: PANFORMED FACE CHANGE 30" X 144" = 30 SF</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>EXISTING (NTS)</p> </div> <div style="text-align: center;">  <p>PROPOSED (NTS)</p> </div> </div>
--	--

Figure 1 - West elevation fronting N Witchduck Road.



<p>PROPERTY OF</p> <p>Cardinal SIGN CORPORATION</p> <p>2629 Dean Drive Virginia Beach, Va. 23452</p> <p>Phone: (757) 486-3412</p> <p>Fax: (757) 486-7658</p> <p>E-Mail: SSTOLLINGS@ CARDINALSIGN.COM</p> <p>Client: Grayscale Tattoo Gallery</p> <p>Sign Location: 265 Jersey Ave #106 Va Beach VA</p> <p>Design No.: 30340-D</p> <p>Designer: KD</p> <p>Salesman: Stan Stollings</p> <p>Scale: 1-1/2"=1'-0"</p> <p>Date: 12-30-21</p> <p>Customer Approval: Signature: _____ Date: _____</p> <p><small>THIS SIGN MEETS ALL UNDERPINNINGS LABORATORY STANDARDS AND WILL BEAR THE UL LABEL FOR PERMIT PURPOSES</small></p>	<div style="text-align: center;">  <p>GRAYSCALE TATTOO GALLERY</p> </div> <p>SIGN D: VINYL FOR EXISTING TENANT PANELS 12.5" X 39" = 3.38 SF</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>EXISTING (NTS)</p> </div> <div style="text-align: center;">  <p>PROPOSED (NTS)</p> </div> </div>
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Figure 2 - Shopping center sign located at north end of parcel.

Proposed Signs




<p>PROPERTY OF</p> <p>Cardinal SIGN CORPORATION</p> <p>2629 Dean Drive Virginia Beach, Va. 23452</p> <p>Phone: (757) 486-3412</p> <p>Fax: (757) 486-7658</p> <p>E-Mail: SSTOLLINGS@ CARDINALSIGN.COM</p> <p>Client: Grayscale Tattoo Gallery</p> <p>Sign Location: 265 Jersey Ave #106 Va Beach VA</p> <p>Design No.: 30340-B</p> <p>Designer: KD</p> <p>Salesman: Stan Stollings</p> <p>Scale: 1"=1'-0"</p> <p>Date: 12-30-21</p> <p>Customer Approval: _____ Date: _____</p> <p><small>THIS SIGN MEETS ALL UNDERWRITERS LABORATORIES STANDARDS AND WILL BEAR THE UL LABEL FOR PERMIT PURPOSES</small></p>	<div style="text-align: center;">  <p>GRAYSCALE TATTOO GALLERY</p> </div> <p>SIGN B: PANFORMED FACE CHANGE 24" X 60" = 10 SF</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>EXISTING (NTS)</p> </div> <div style="text-align: center;">  <p>PROPOSED (NTS)</p> </div> </div>
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Figure 3 - East elevation fronting Jersey Avenue.


<p>PROPERTY OF</p> <p>Cardinal SIGN CORPORATION</p> <p>2629 Dean Drive Virginia Beach, Va. 23452</p> <p>Phone: (757) 486-3412</p> <p>Fax: (757) 486-7658</p> <p>E-Mail: SSTOLLINGS@ CARDINALSIGN.COM</p> <p>Client: Grayscale Tattoo Gallery</p> <p>Sign Location: 265 Jersey Ave #106 Va Beach VA</p> <p>Design No.: 30340</p> <p>Designer: KD</p> <p>Salesman: Stan Stollings</p> <p>Scale: 1"=1'-0"</p> <p>Date: 12-30-21</p> <p>Customer Approval: _____ Date: _____</p> <p><small>THIS SIGN MEETS ALL UNDERWRITERS LABORATORIES STANDARDS AND WILL BEAR THE UL LABEL FOR PERMIT PURPOSES</small></p>	<div style="text-align: center;">  <p>265 GRAYSCALE TATTOO GALLERY Suite 106</p> </div> <p>SIGN A: VINYL FOR EXISTING WALL PLAQUE 15.5" X 21.75" = 2.34 SF</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>PROPOSED</p> </div> <div style="text-align: center;">  <p>EXISTING (NTS)</p> </div> </div>
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Figure 4 - East elevation fronting Jersey Avenue. Wall sign located next to door.

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 MitchBTattoos LLC dba Greyscale Tattoo Gallery / Mitchell Anthony Baer

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)

Mitchell Anthony Baer, Owner, President

April CP Baer, Vice-President

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

No.

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. Maria Reich, Accountant

On Call Accountants, 575 Lynnhaven Pkwy, Ste 270, Virginia Beach, VA 23452, ph# 757-802-4987

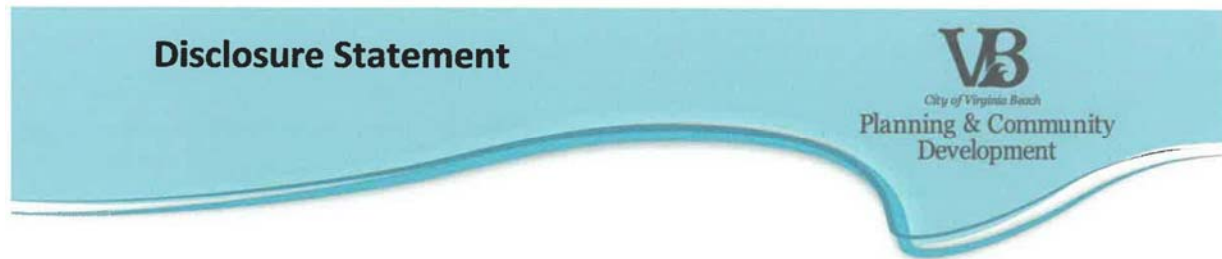
4. Does the applicant have services from an architect/landscape architect/land planner provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

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

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

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

Disclosure Statement



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

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

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

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

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

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

Applicant Signature

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

Mitchell A. Baer

Applicant Signature

Mitchell A. BAER

Print Name and Title

10/21/2021

Date

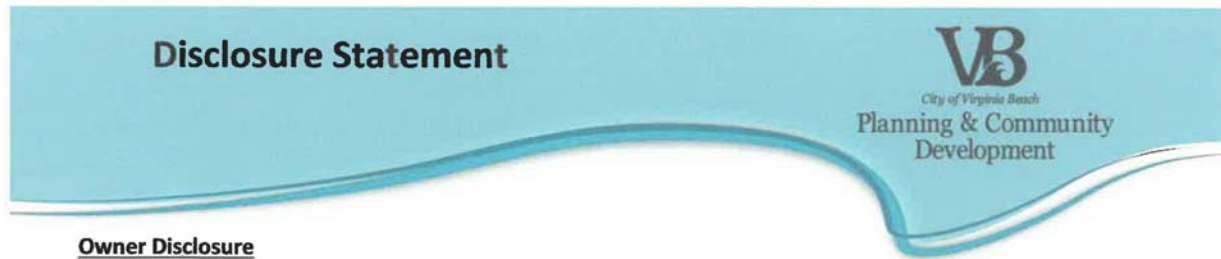
Is the applicant also the owner of the subject property? ☐ Yes ☒ No

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name Southern Start Commons, LLC

Applicant Name MitchBTattoos LLC dba Greyscale Tattoo Gallery / Mitchell Anthony Baer

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)

Ronnie L. Shank, Manager
Melissa L. Shank, Officer
Ronnie L. Shank, Jr., Officer

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

Southern Star Commons, LLC

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement

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.

Zuckerman & Assoc - Herb Zuckerman

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.

Jeff Brooke, Esq. of Poole Brooke Plumlee PC

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.

Ronnie L. Shank

Owner Signature

Ronnie L. Shank, Owner

Print Name and Title

October 21, 2021

Date

Next Steps

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

Request

Conditional Use Permit (Automobile Repair Garage)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

4912 Rutherford Road, Suite 104

GPIN

1479233301

Site Size

25,979 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Office warehouse / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Restaurant / B-2 Community Business

South

Rutherford Road

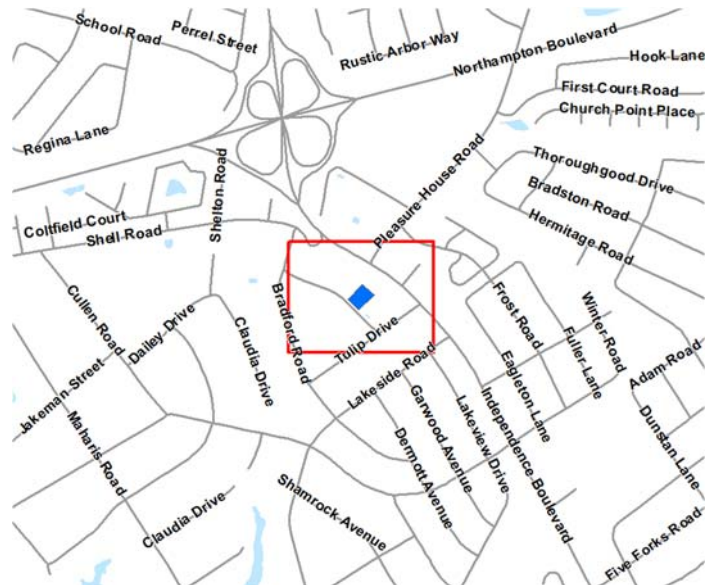
Single-family dwellings / R-10 Residential

East

Office / B-2 Community Business

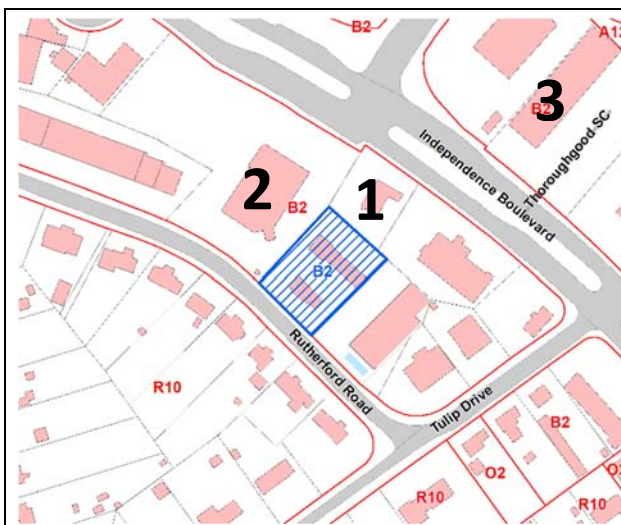
West

Retail / B-2 Community Business



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to operate an Automobile Repair Garage on property zoned B-2 Community Business District. The property is bordered by retail and office uses to the north, east and west, and residential uses to the south across Rutherford Road.
- The repair garage, which will occupy one suite of the office warehouse building, will have a total floor area of 1,710 square feet. The auto repair business will provide light auto repairs consisting of alignments and calibrations on vehicles equipped with “Advanced Drive Assistance Systems” (ADAS). There will be no fluid services, oil changes, or tire mountings.
- According to the applicant, vehicles will be brought to this facility from two other auto care businesses that are also operated by the applicant. This facility will not be open to the general public, but rather the vehicles will be transported to this site by employees of the operation.
- All work and storage of materials will occur within the building.
- The typical hours of operation are proposed as 8:00 a.m. to 6:00 p.m., Monday through Friday. One employee is anticipated to work at the site.
- Per Section 203 of the City Zoning Ordinance, one parking space per 330 square feet of floor is required for the office use and one space per employee on a maximum working shift is required for the warehousing uses. The existing parking lot consists of 18 parking spaces that are shared between the five suites of this building complex, thereby, the parking requirement is met on site for this establishment.



Zoning History

#	Request
1	CUP (Car Wash with Office Building) Approved 03/23/1999
2	CUP (Automobile Service Station) Approved 08/10/1994
3	CUP (Automobile Service Station) Approved 09/24/2013

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 proposed Conditional Use Permit for an Automobile Repair Garage is consistent with the Comprehensive Plan’s land use policies for the Suburban Area. One of the guiding development principles of the Suburban Area is the creation of “Great Neighborhoods”, which includes stable and sustainable neighborhoods

supported by complementary non-residential uses. The proposed use is compatible with the adjacent properties and will provide a service to the community.

This property was built in 2021 and will operate as a satellite location for the full-service automobile repair garage business, First Landing Auto Care. The First Landing Auto Care business has two full service shops in Virginia Beach, one on Thoroughgood Road and the other on Shore Drive. Vehicles in need of alignments and calibrations equipped with Advanced Drive Assistance Systems (ADAS) will be transported to the site by technicians who will perform the work. This operation is not open to the general public and there will be no staff at this location unless they are working on a vehicle. Once the calibrations are complete, vehicles will be driven back to one of the First Landing Auto Care sites, so there will be no vehicle storage on-site. To help mitigate any potential noise generated by this use from impacting the adjacent residences and offices, Staff is recommending a condition that all repairs be performed within the building with the bay door closed. As mentioned above, the 18 parking spaces are shared between the five suites. Condition 9 recommends a limitation on the number of vehicles on-site associated with this use to no more than four to ensure sufficient parking spaces remain available for the other businesses within this complex.

Section 224 of the Zoning Ordinance requires automobile repair garages to be enclosed by Category VI landscaping which includes a solid privacy fence, minimum of six feet in height, with evergreen shrubs planted on the outside of the fence. The applicant seeks to deviate from this requirement in part because much of the site is adjacent to properties of similar zoning. Also, no exterior storage of vehicles is proposed, and the walls of the building provide a screen to the activities related to the proposed use. In Staff's view, the existing streetscape plantings that was recently installed with the construction of the building, a mix of trees and shrubs, along Rutherford Road enhances the aesthetics of the property and over time will provide adequate screening of all of the office warehouse uses on this site. For this reason, Staff is supportive of the deviation request.

In Staff's opinion, this use will not be detrimental or negatively impact adjacent properties, subject to the installed street frontage plantings and operational procedures conditioned below. The conditions ensure that there will be a limited number of vehicles on-site at any given time and all repairs will occur within the building. Based on the considerations above, Staff recommends approval of this request subject to the conditions below.

Recommended Conditions

1. The Category VI landscaping requirement which includes a solid privacy fence, minimum of six feet in height, with evergreen shrubs planted on the outside of the fence will not be installed. This is a deviation to the City Zoning Ordinance.
2. The landscaping on site shall be installed in conformance with the approved Landscape Plan entitled "Landscape Plan", prepared by Gallup Surveyors & Engineers, date July 10, 2019, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
3. 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.
4. There shall be no outside storage of equipment, parts, tires, or materials.
5. No motor vehicle repair work shall take place outside of the building. All repairs shall take place inside the building with the bay door closed.
6. No motor vehicles shall be parked within any portion of the public right-of-way.

7. Vehicles associated with the operation, employees or otherwise, shall not exceed more than four (4) at any given time.
8. All on-site signage must meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
9. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site or on the vehicles. There shall be no signs which are painted, pasted, or attached to the windows, utility poles, trees, or fences, or in an unauthorized manner to walls or other signs.
10. There shall be no portable or nonstructural signs or electronic display signs on the site.
11. All outdoor lights shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

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

Comprehensive Plan Recommendations

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

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Rutherford Rd	No Data Available	No Data Available	Existing Land Use ² – 0 ADT Proposed Land Use ³ – 5 ADT
¹ Average Daily Trips	² as defined by a 1700 square foot unoccupied unit	³ as defined by a 1,700 square foot automobile repair garage	

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

Rutherford Road in the vicinity of this application is considered a two-lane undivided local street. There are no roadway CIP projects slated for this area.

Public Utility Impacts

Water & Sewer

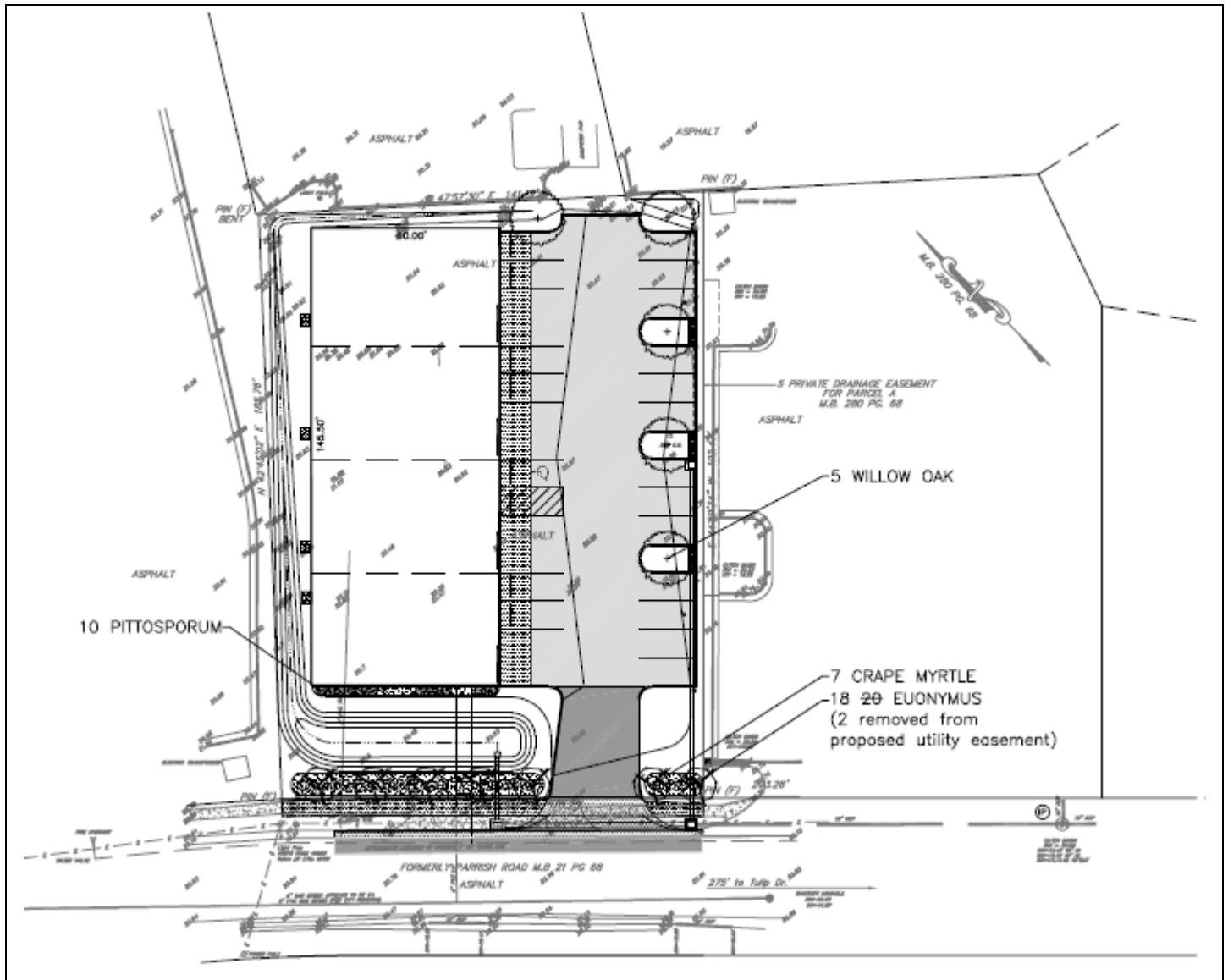
This site is currently connected to both City water and sanitary sewer service.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on January 6, 2022.

Proposed Site Layout



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 Anderton Enterprises, Inc.

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

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

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

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

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

Mark Anderton President

- 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.

TBD

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.

Paar, Melis & Associates PC Mount Airy, MD

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.
- 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.**

A handwritten signature in black ink, appearing to read 'Mark Anderton'.

Applicant Signature

Mark Anderton, President - Anderton Enterprises, Inc. t/a First Landing Autocare

Print Name and Title

10/4/21

Date

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

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name CLEMSON JBS, LLC, a Virginia limited liability company

Applicant Name Anderton Enterprises, Inc.

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

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

James M. Sykes, Managing Member

- 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.

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Disclosure Statement



Owner Services Disclosure

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

☒ **Yes** ☐ **No**

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

Oscar L. Everett, III

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.

Bruce Sedel, Sedel & Associates Realty, Inc.

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.

A handwritten signature in dark ink, appearing to read 'James M. Sykes', written over a horizontal line.

Owner Signature

James M. Sykes, Managing Member - Clemson JBS, LLC

Print Name and Title

10-14-21

Date

Next Steps

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

Request

Conditional Use Permit (Tattoo Parlor)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

6361 Indian River Road, Unit 107

GPIN

1456244833

Site Size

1.61 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Shopping Center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Indian River Road

Single-family dwellings / R-10 Residential

South

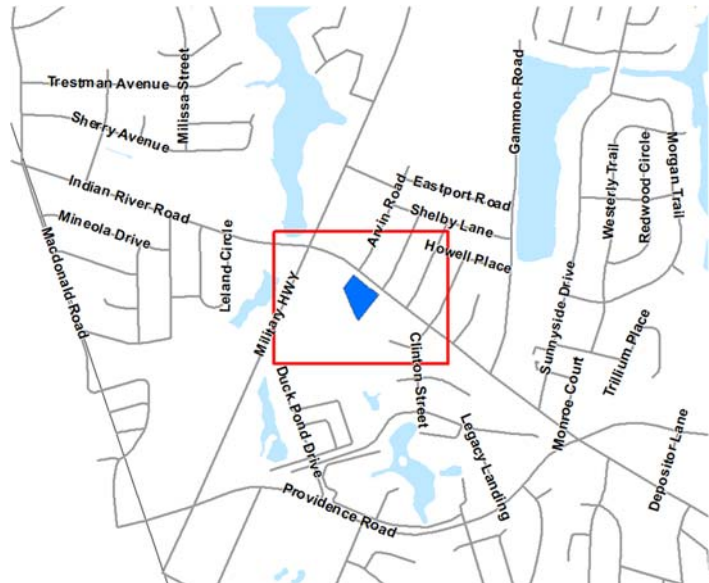
Shopping Center / B-2 Community Business

East

Automobile repair and service, single-family dwelling / B-2 Community Business, R-10 Residential

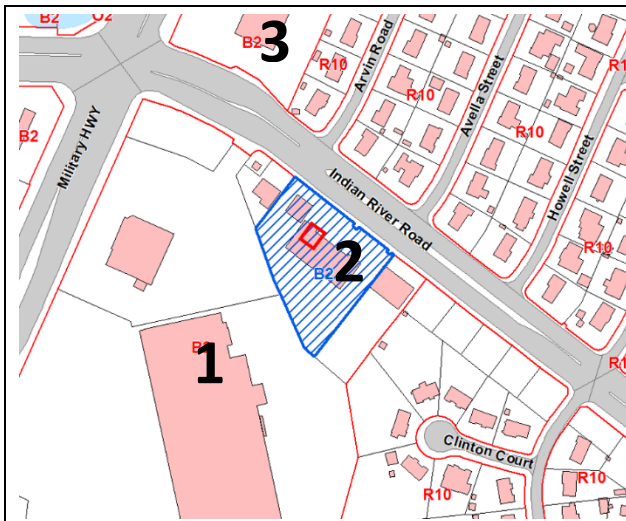
West

Automobile repair garage / B-2 Community Business



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Tattoo Parlor. The operation will occur within an existing 2,250 square foot unit in the Kings Creek Shoppes Shopping Center. The site is located along Indian River Road and is zoned B-2 Community Business District.
- The typical hours of operation will be 10:00 a.m. to 7:00 p.m., Monday through Sunday.
- There are currently two employees, but the applicant will rent out booth space to up to six tattoo artists.
- No exterior changes are proposed to the building, as well as no new signage.
- There are no other tattoo parlors within 600 feet of this location.



Zoning History

#	Request
1	REZ (A-24 to B-2) Approved 08/09/2007
2	CUP (Small Engine Repair) Approved 02/21/2017
3	CRZ (I-1 to Conditional B-2) Approved 04/13/1999

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 Military Highway Corridor Suburban Focus Area and is consistent with the commercial nature of the surrounding properties. Development within the Military Highway Corridor focuses on creating great neighborhoods by sustaining and stabilizing existing neighborhood with non-residential uses.

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.

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

The Comprehensive Plan designates the subject property in the Military Highway Corridor Suburban Focus Area (SFA), which is characterized with low to medium density residential to the west and light industrial uses including auto and truck sales, rentals, and repairs, outdoor storage, and warehousing to the east. Any change of land use in this corridor located near or adjacent to existing stable neighborhoods must be compatible uses and employ appropriate buffering features to protect the residential areas. New and redeveloped uses should improve the aesthetic of this corridor through high quality building design, signage, and landscaping. One of the guiding development principles of Suburban Areas is the creation of “Great Neighborhoods,” which should depict a stable and sustainable neighborhood supported by complimentary non-residential uses. Compatibility among proposed and existing uses within a particular area in the Suburban Area is vital to the stability of these neighborhoods.

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Indian River Rd	29,810 ADT ¹	55,500 ADT ¹ (LOS ² "D")	No Change Anticipated ³
¹ Average Daily Trips ² LOS = Level of Service ³ average daily trips not expected to change			

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

Indian River Rd in the vicinity of this site is a six-lane divided major suburban arterial. The right-of-way is 110 feet in the vicinity of this site. The MTP shows a 6-lane road with an ultimate right-of-way of 150 feet. There are currently no CIP projects for Indian River Rd. scheduled in the vicinity of this site.

Public Utility Impacts

Water & Sewer

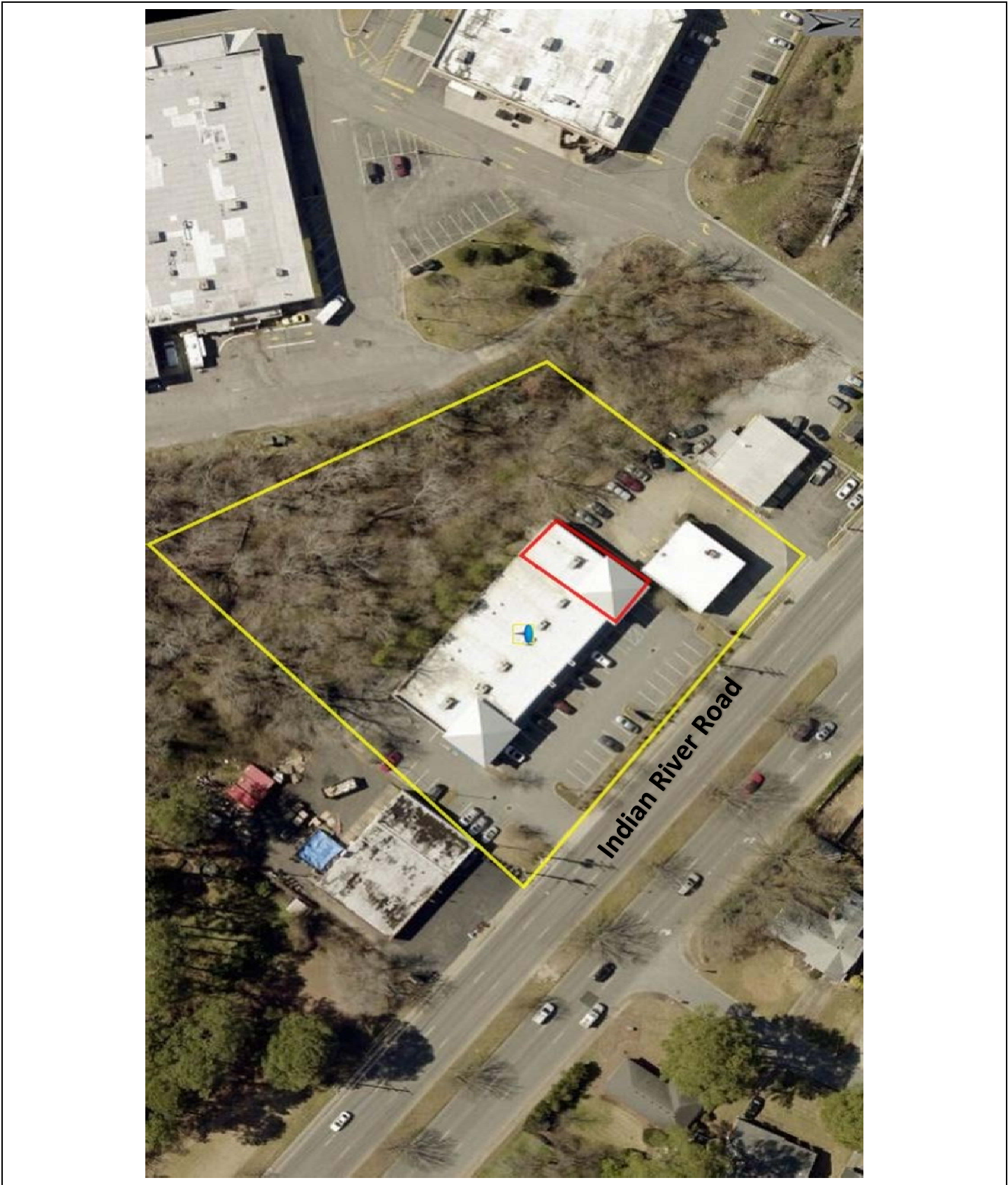
This site is currently connected to both City water and sanitary sewer service.

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Planning Commission

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- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 2022.
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Proposed Site Layout



Site Photos



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Applicant Disclosure

Applicant Name Envision Studio Inc

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

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

Jon Berry

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)

Kristin Canady

Jon Berry

- 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.

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 black ink, appearing to read 'Kristin N. Canady', written over a horizontal line.

Applicant Signature

KRISTIN N. CANADY - DIRECTOR

Print Name and Title

10/28/2021

Date

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

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name Woodway Knob Hill LLC

Applicant Name Envision Studio Inc

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

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

Woodway Investments, LLC, Sole Member

Members of Woodway Investments - (1)Ira Steingold Trust, (2) Lawrence Steingold Trust, (3) Joseph Steingold Trust,
(4) Sammuel Steingold Trust

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

See Above

Known Interest by Public Official or Employee

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

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Disclosure Statement

Disclosure Statement



Owner Services Disclosure

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

☒ Yes ☐ No

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

Towne Bank

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

☒ Yes ☐ No

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

Colliers International Ricky Anderson Jeff Fritz

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.

Strickland Architects and Associates Clifton N. Strickland III

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

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

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

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

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

Disclosure Statement



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

Owner Signature

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

A handwritten signature in black ink, appearing to read 'Lawrence L. Steingold'.

Owner Signature

Lawrence L. Steingold Manager

Print Name and Title

October 26, 2021

Date

Next Steps

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

Request

Conditional Use Permit (Tattoo Parlor)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

3312 Princess Anne Road, Suite 111

GPIN

1495001218

Site Size

35.29 acres

AICUZ

70-75 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Shopping Center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Shopping center, single-family dwellings / B-2
Community Business, R-5D Residential

South

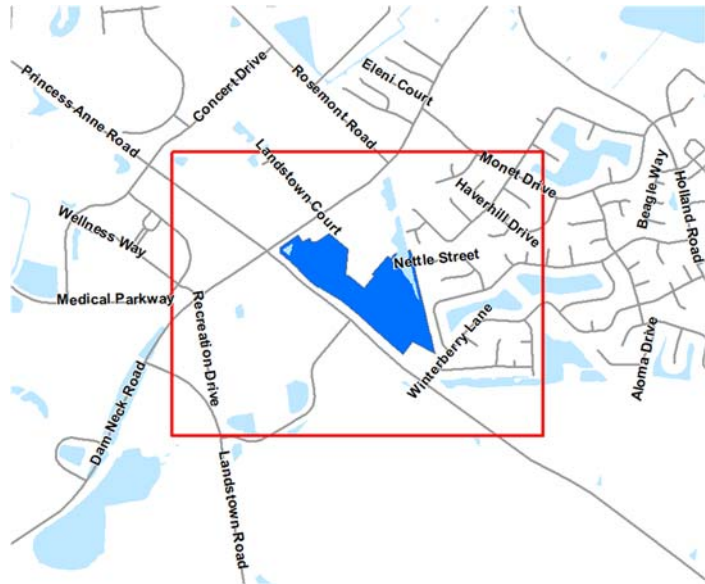
Princess Anne Road
Shopping Center, funeral home, cemetery / B-2
Community Business, AG-1 Agricultural, AG-2
Agricultural

East

Single-family dwellings / R-5D Residential

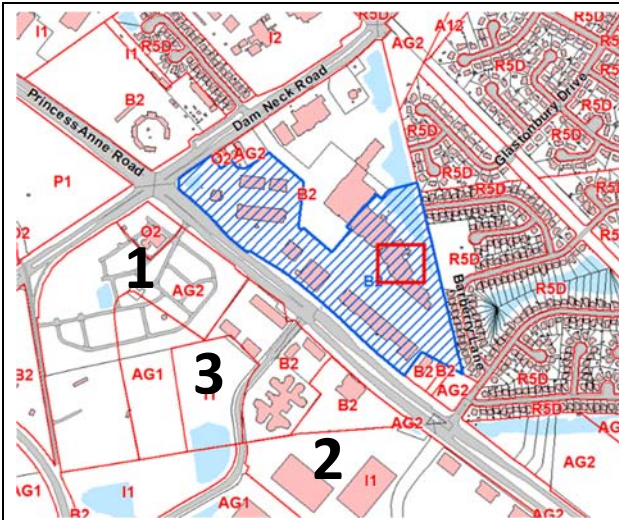
West

Dam Neck Road
Farmers' market, single-family dwellings / B-2
Community Business, R-5D Residential



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Tattoo Parlor, specifically for the application of permanent make-up, known as microblading. The operation will occur within an existing salon in the Landstown Commons Shopping Center. The property is zoned B-2 Community Business.
- The proposed tattoo parlor will have one employee. The typical hours of operation will be 8:00 a.m. to 8:00 p.m., Monday through Friday.
- No exterior changes to the building or to the existing signage are proposed.
- There are no other tattoo parlors within 600 feet of this location.



Zoning History

#	Request
1	CRZ (AG-2 to Conditional O-2) Approved 05/14/2013
2	CRZ (AG-1 to Conditional B-2) Approved 02/03/2009
3	CRZ (AG-1 & AG-2 to Conditional B-2) Approved 04/24/2012

Application Types

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

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

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

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

Evaluation & Recommendation

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

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

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

Recommended Conditions

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23-51 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
3. This Conditional Use Permit shall be limited to Suite 111 within the Phenix Salon Suites.
4. The actual application of permanent make-up shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
5. All signage on the site must be in accordance with the sign regulations of the Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

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

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

Comprehensive Plan Recommendations

The subject property is located within the Suburban Area of the city, which the Comprehensive Plan designates to be preserved and protected. One of the guiding development principles of Suburban Areas is the creation of “Great Neighborhoods,” which should depict a stable and sustainable neighborhood supported by complimentary non-residential uses. Compatibility among proposed and existing uses within a particular area in the Suburban Area is vital to the stability of these neighborhoods.

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
Dam Neck Road	34,700 ADT ¹	36,700 ADT ¹ (LOS ² “D”)	No Change Anticipated ³
Princess Anne Road	36,700 ADT ¹	55,500 ADT ¹ (LOS ² “D”) 39,700ADT ¹ (LOS ² “D”)	
¹ Average Daily Trips ² LOS = Level of Service ³ average daily trips not expected to change			

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

The site is located in the Landstown Commons shopping center in the northeast quadrant of the Dam Neck Road and Princess Anne Road intersection. The site is located on a private internal roadway within the Landstown Commons development, which has direct access to Dam Neck Road and Princess Anne Road via one signalized intersection each.

Dam Neck Road is a four-lane major suburban arterial. It is shown in the MTP map as a divided roadway with a 165' right-of-way. There are currently no CIP projects slated for this segment of the roadway.

Princess Anne Road is a major suburban arterial that transitions from eight lanes north of Dam Neck Road to six lanes south of the site access point down to Winterberry Lane to a divided four lane Parkway section from Winterberry Lane south to Nimmo Parkway. This section of Princess Anne Road is contained within a 250' right-of-way. There are currently no CIP projects slated for this segment of the roadway.

Public Utility Impacts

Water & Sewer

The site currently connects to City water and sewer through a shared private water and sewer system.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on January 6, 2022.

Proposed Site Layout



Site Photos



Disclosure Statement



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

Applicant Disclosure

Applicant Name Meirong Newlon

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)

VB Nail Spa LLC

Meirong Newlon (Sole Member)

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

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

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



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

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

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

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

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

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

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

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

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

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

Disclosure Statement



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

Applicant Signature

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

A handwritten signature in black ink, appearing to read "Meirong Newlon", is written over a horizontal line.

Applicant Signature

Meirong Newlon, Owner

Print Name and Title

10-29-2021

Date

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

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

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

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

Disclosure Statement

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Disclosure Statement



Owner Disclosure

Owner Name Landstown Commons Owner LLC

Applicant Name _____

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

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

Acadia Strategic Opportunity Fund V LLC, sole member

Douglas Austin

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

Acadia Strategic Opportunity Fund V LLC, sole member

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.

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Disclosure Statement



Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

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

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

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

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

- 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

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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.

DocuSigned by:
Douglas Austin
7E7EC79EE7CB476

Owner Signature

Douglas Austin, Authorized Signatory

Print Name and Title

9/29/2021

Date

Next Steps

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

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planners

Jenizza Badua
Hank Morrison

Location

505 19th Street

GPIN

24270715260000

Site Size

7,064 square feet

Existing Land Use and Zoning District

Single Family Dwelling / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts
North

Single Family Dwelling / OR Oceanfront Resort

South

19th Street
Single Family Dwelling / OR Oceanfront Resort

East

Single Family Dwelling / OR Oceanfront Resort

West

Single Family Dwelling / OR Oceanfront Resort



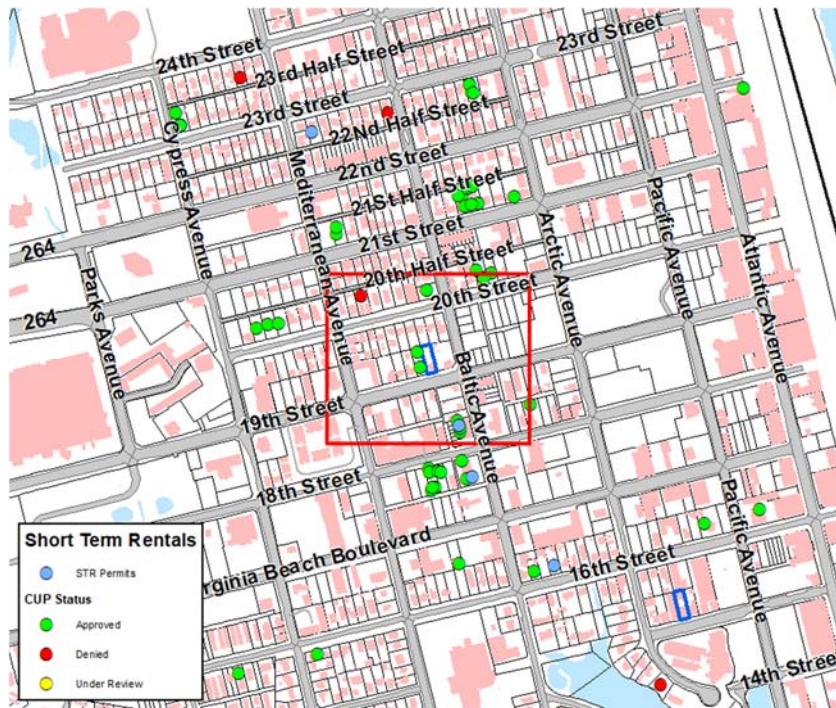
Background & Summary of Proposal

Site Conditions and History

- The 7,000 square foot parcel is located within the Oceanfront Resort District and consists of a three-bedroom single-family dwelling that was constructed in 1945, according to City records.
- No previous zoning violations related to Short Term Rental use were found associated with this address.
- On-street parking is not permitted on this portion of 19th Street
- Staff visited the site on November 19, 2021 to observe site conditions and take photographs for this report.
- Known Short Term Rental activity as of December 3, 2021:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
Yes* (*As 30 day or more rental: The applicant has rented this property for the last 17 years with long-term lease contracts.)	12/21	No

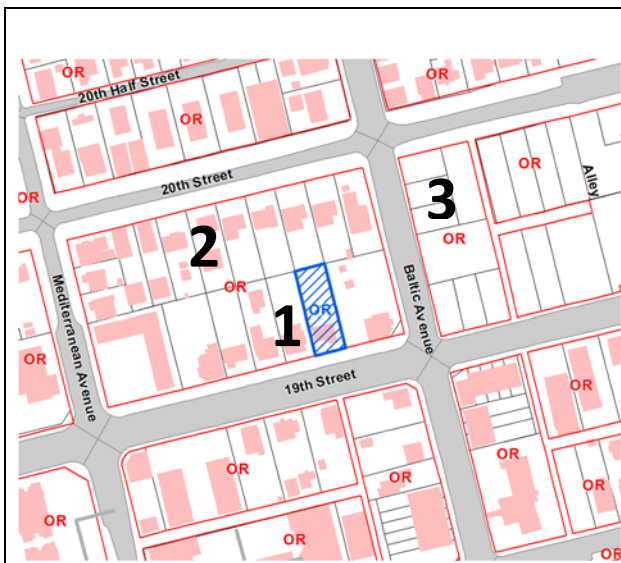
Short Term Rentals in the Vicinity



Summary of Proposal

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

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



Zoning History

#	Request
1	CUP (Short Term Rental) Approved 07/06/2021
2	NON (Expansion of Nonconforming Single-Family Home Under Previous RT-3 Zoning) Approved 04/27/1993
3	ALT (Special Exception for Alternative Compliance) Approved 08/17/2021

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 site is within the ViBe Creative District in the Resort Strategic Growth Area (SGA), which consists of single-family and multi-family residential dwellings, as well as multiple commercial uses that are oriented to resort living and activities. Along with the Virginia Museum of Contemporary Art (MOCA) and 17th to 22nd Street corridors, the ViBe Creative District has been identified as part of the Central Beach District in the Resort Area Strategic Action Plan (RASAP) 2030. The resort-oriented mixed-uses and activities in the Central Beach District play a key role in achieving the goal of a year-round resort. Thus, the use of the dwelling as a Short Term Rental helps achieve this goal by providing diverse lodging opportunities for the visitors or travelers wanting the Resort Area experience.

The applicant is proposing three parking spaces on-site to meet the requirement for the three-bedroom Short Term Rental request. Two of the parking spaces can be accommodated on the concrete driveway and one on the compacted gravel area that has been on the property for a number of years. As permitted by Section 241.2(1) of the City Zoning Ordinance, the Zoning Administrator reviewed the parking plan and deemed it acceptable.

This site and the property to the west, 507 19th Street, share a driveway that provides vehicular access from 19th Street to the rear of both dwelling units. The western 4.1-feet of the subject property contains an ingress/egress easement for use by the property to the west, 507 19th Street (lot 7) (Deed Book 680, page 172). The applicant also owns 507 19th Street, which was approved by City Council for a Short Term Rental Conditional Use Permit on July 6, 2021.

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 505 19th Street and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. 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.

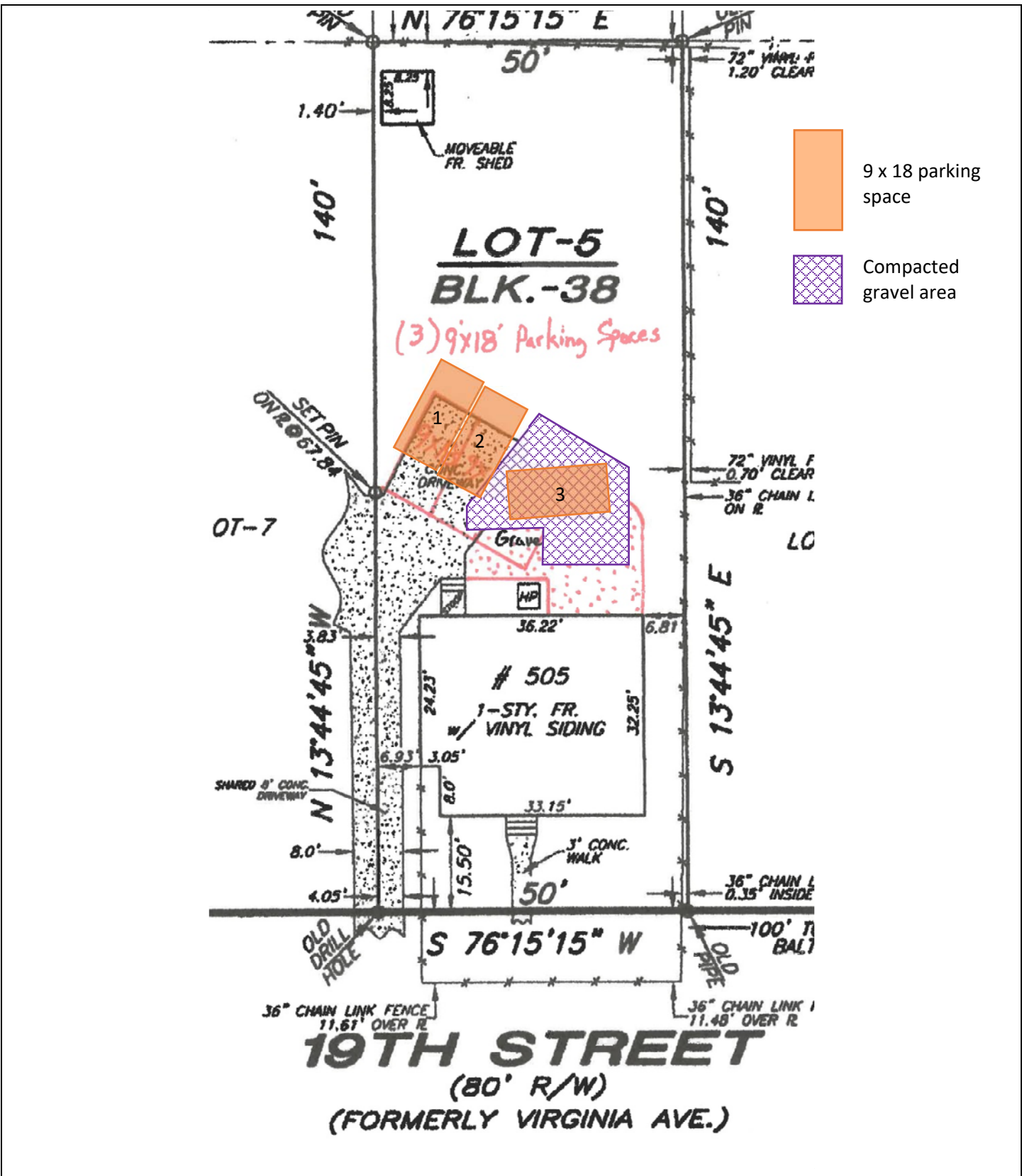
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021, and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on January 6, 2021.

Site Layout & Parking Plan



Site Photos



Site Photos



Disclosure Statement



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

Applicant Disclosure

Applicant Name Todd Sweigart

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.

David Brotman, Jacobson Brotman 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.

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
Todd E. Sweigart, Owner

Print Name and Title
October 28, 2021

Date

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

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

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

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

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

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Hank Morrison
Jenizza Badua

Location

313 15th Street

GPIN

24271633670000

Existing Land Use and Zoning District

Single-family dwelling / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts
North

Multi-family dwellings / OR Oceanfront Resort

South

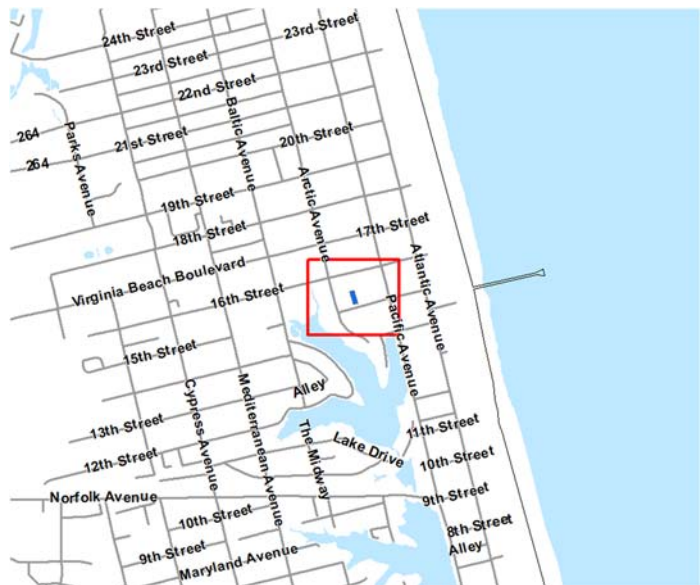
15th Street
Star of the Sea Catholic Church / RT-3 Resort
Tourist

East

Townhouse / OR Oceanfront Resort

West

Townhouse / OR Oceanfront Resort



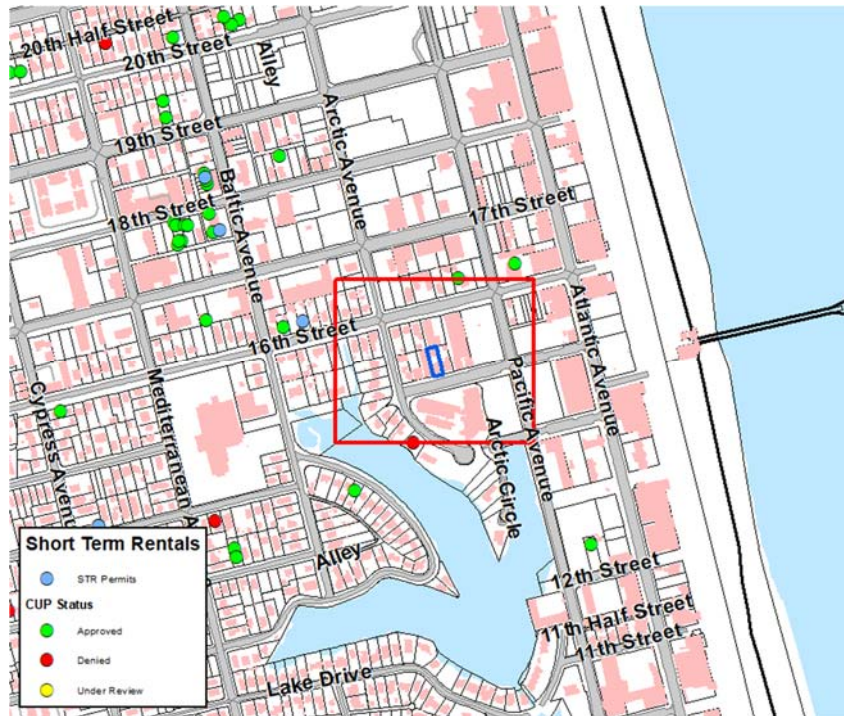
Background & Summary of Proposal

Site Conditions and History

- The site contains a 2,500 square foot, four bedroom, single-family dwelling constructed in 2015 on property zoned Oceanfront Resort District.
- No previous zoning violations related to Short Term Rental use were found associated with this address.
- Staff inspected the site on November 19, 2021 to observe site conditions and take photographs for this report.
- Known Short Term Rental activity as of December 2, 2021:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
Yes	11/2021	No

Short Term Rentals in the Vicinity

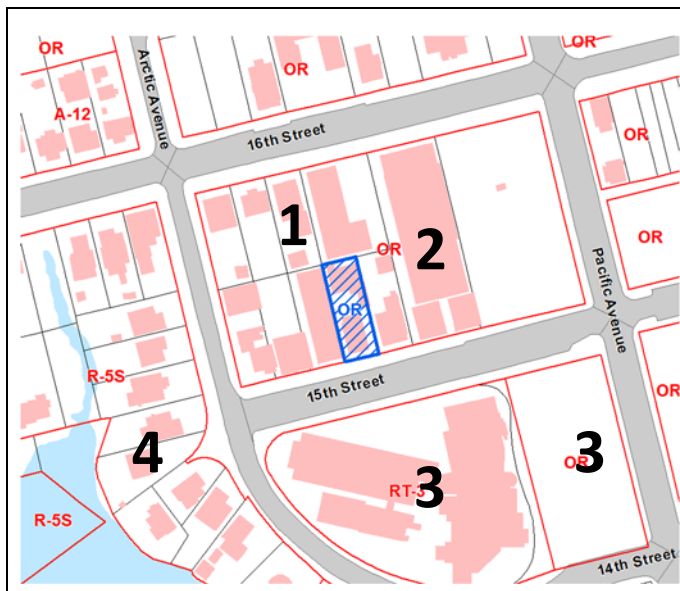


Summary of Proposal

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

- Number of bedrooms in the Short Term Rental: 4

- Maximum number of guests permitted on the property after 11:00 pm: 8
- Number of parking spaces required (1 space per bedroom required): 4
- Number of off-street parking spaces provided: 4



Zoning History

#	Request
1	NON (Expansion of a Nonconforming Structure) Approved 04/14/2009
2	CUP (Church/school expansion) Approved 05/09/1995 CUP (Church and Accessory Uses) Approved 11/09/2004 CRZ (From A-12 Apartment District and R5-S Residential District to Conditional RT-3 Resort Tourist District) Approved 11/9/2004
3	CUP (School Expansion) Approved 05/25/2004 CUP (Church Addition) Approved 04/12/1994 STC (Street Closure) Approved 03/10/1992
4	STC (Street Closure) Approved 12/16/1997

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 four-bedroom Short Term Rental in a single-family home. The property is zoned OR and is surrounded by a mixture of residential uses and a religious institution. Four parking spaces are required for the use, which the applicant has provided entirely on-site within the driveway. 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 resort and will enable the Resort Area to become a more walkable community. Thus, the use of the dwelling as a Short Term Rental helps achieve this goal by providing diverse lodging opportunities for the visitors or travelers wanting the Resort Area experience.

A nearby property on Arctic Crescent requesting to operate a Short Term Rental was denied by City Council on July 6, 2021. Though walking distance from one another, the subject property (313 15th Street) is located within the Short Term Rental Overlay District while the property on Arctic Crescent is located outside the District.

As the property is within the boundaries of the Residential Parking Permit Program (RPPP), where on-street parking is limited, Staff recommends Condition 3 that would limit the number of guest and temporary passes while the Conditional Use Permit is active. In addition, the requirements of Section 241.2 and Section 2303 of the Zoning Ordinance pertaining to Short Term Rentals can be reasonably met by the applicant.

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

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 313 15th Street and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. While this Conditional Use Permit is active, parking passes issued for the subject dwelling unit(s) through the Residential Parking Permit Program (RPPP) shall be limited to two residential 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 Condition 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 Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
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 Rental.
13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
14. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
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 (\$1,000,000.00) 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.

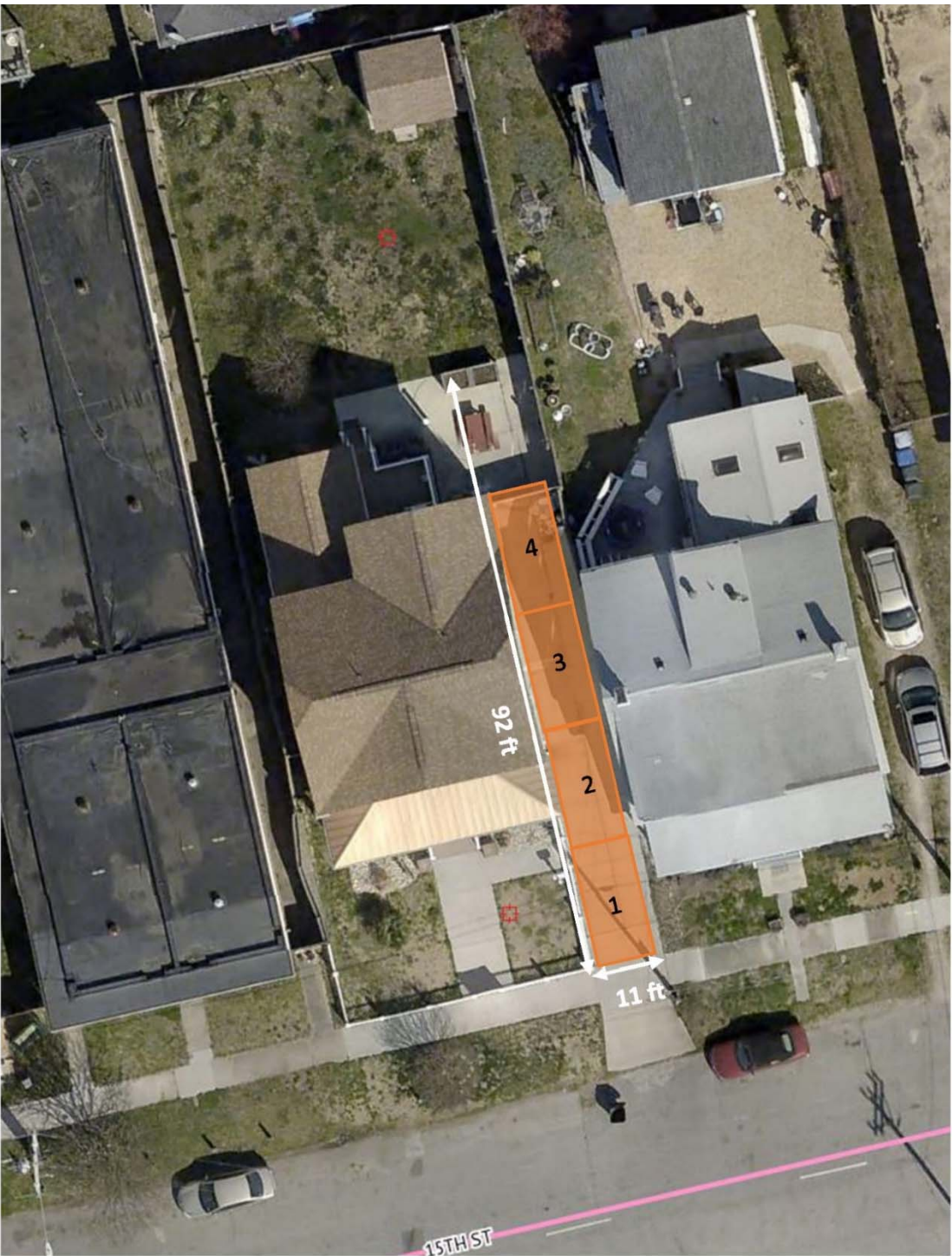
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 6, 2021.

Site Layout & Parking Plan



9' x 18' driveway parking space

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 Ralph BRIAN Sloop

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Sierra Eberle

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)

R BRIAN Sloop

David W Dowdy

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

3 D Builders Investments 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

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.

PennyMac (Purchased from TowneBank Mortgage, Chris Busching)

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.

Sierra Eberle

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.**

R B Sloop
Applicant Signature

R BRIAN Sloop OWNER
Print Name and Title

10/5/21
Date

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

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

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

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

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

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Jenizza Badua
Hank Morrison

Location

4005 Atlantic Avenue, Unit 114

GPIN

24280514483910

Site Size

14,500 square feet

Existing Land Use and Zoning District

Multi-family dwellings / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts North

Multi-family dwellings / OR Oceanfront Resort

South

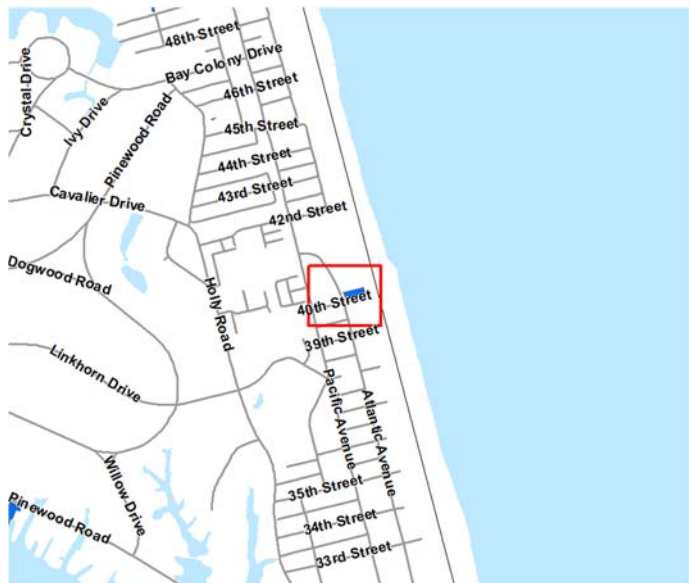
40th Street (pedestrian beach access), hotel /
OR Oceanfront Resort

East

Public beach of the Atlantic Ocean / OR
Oceanfront Resort

West

Atlantic Ocean
Multi-family dwellings / OR Oceanfront Resort



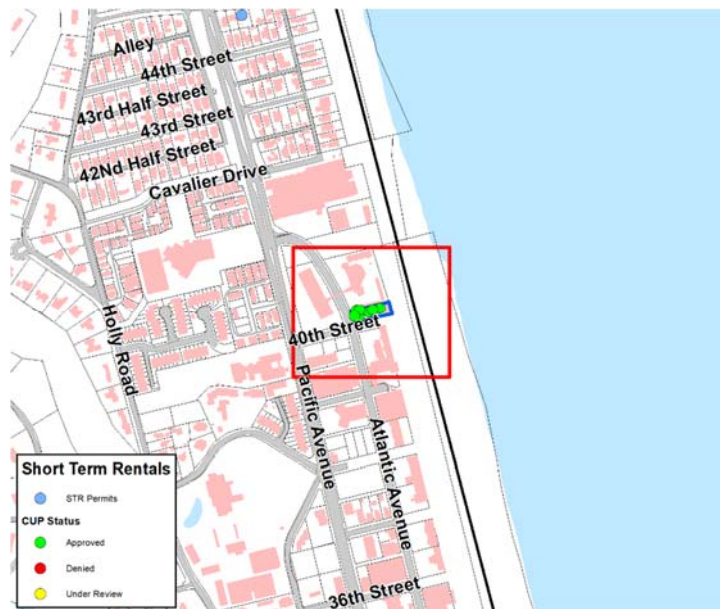
Background & Summary of Proposal

Site Conditions and History

- This 14,500 square foot parcel contains the Oceans II Condominiums in the Oceanfront Resort District.
- According to City records, Oceans II Condominiums includes 42 condominium units constructed in 1976. However, part of the building was previously a motel that was constructed in 1973.
- There are 42 off-street and off-site parking spaces within walking distance of the property. Each condominium unit is assigned one parking space. Twenty-two of these spaces are located in a parking lot across the street (40th Street connector park) to the south adjacent to the Holiday Inn. The remaining 20 parking spaces are located in a lot diagonally across the street from the condominium development.
- On-street parking is not permitted on this portion of Atlantic Avenue.
- Eight Conditional Use Permits for Short Term Rentals have been approved on this site by the City Council.
- No past zoning violations were found on this property.
- The applicant purchased the subject unit (#114) in January 2021.
- Known Short Term Rental activity as of December 3, 2021:

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

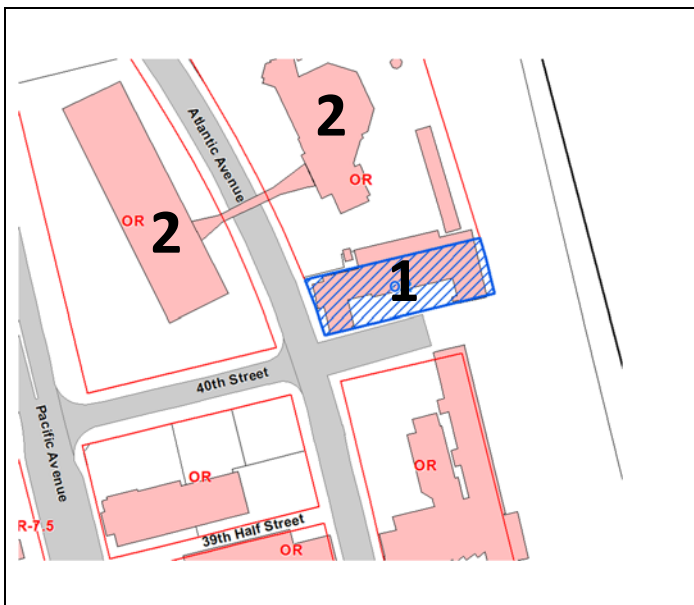
Short Term Rentals in the Vicinity



Summary of Proposal

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

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



Zoning History

#	Request
1	CUP (13 room addition to 30-room motel) Approved 10/08/1973 CUP (Short Term Rentals - 5) Approved 08/25/2020 CUP (Short Term Rentals - 2) Approved 02/04/2020 CUP (Short Term Rentals - 1) Approved 11/17/2020
2	CUP (Condominium) Approved 2/18/1972 NON (Stockbroker's office) Approved 11/10/1980

Application Types

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

MOD – Modification of Conditions or Proffers
 NON – Nonconforming Use
 STC – Street Closure

FVR – Floodplain Variance
 ALT – Alternative Compliance
 SVR – Subdivision Variance

LUP – Land Use Plan
 STR – Short Term Rental

Evaluation & Recommendation

The proposed Short Term Rental unit is located in the Oceans II Condominiums, directly adjacent to the public beach, where Short Term Rental use is to be expected. Eight Short Term Rental Conditional Use Permits have previously been approved on the property. The condominium building is at the northern terminus of the Oceanfront boardwalk. The surrounding area is a mixture of high-rise multi-family dwellings, hotels and other commercial and resort-oriented uses. 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 resort and will enable the Resort Area to become a more walkable community. Thus, the use of the dwelling as a Short Term Rental helps achieve this goal by providing diverse lodging opportunities for the visitors or travelers wanting the Resort Area experience.

There are two nearby off-site parking lots dedicated to Oceans II Condominiums, as shown on the parking plan provided in this report. The applicant has one assigned parking space (#29) in parking lot 2, thus, fulfilling the parking requirement. While the required parking space is off-site, per Section 241.2(1) of the City Zoning Ordinance, the Zoning Administrator reviewed the parking plan and deemed it acceptable. All other requirements of Section 241.2 and Section

2303 of the Zoning Ordinance regulating Short Term Rentals can be reasonably met with this application. Based on the considerations above, Staff recommends approval of this request with the conditions listed below.

Staff has received one letter of opposition from a nearby property owner adjacent to the Oceans II Condominiums.

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 4005 Atlantic Avenue Unit 114, and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire, or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rentals.

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

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

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

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

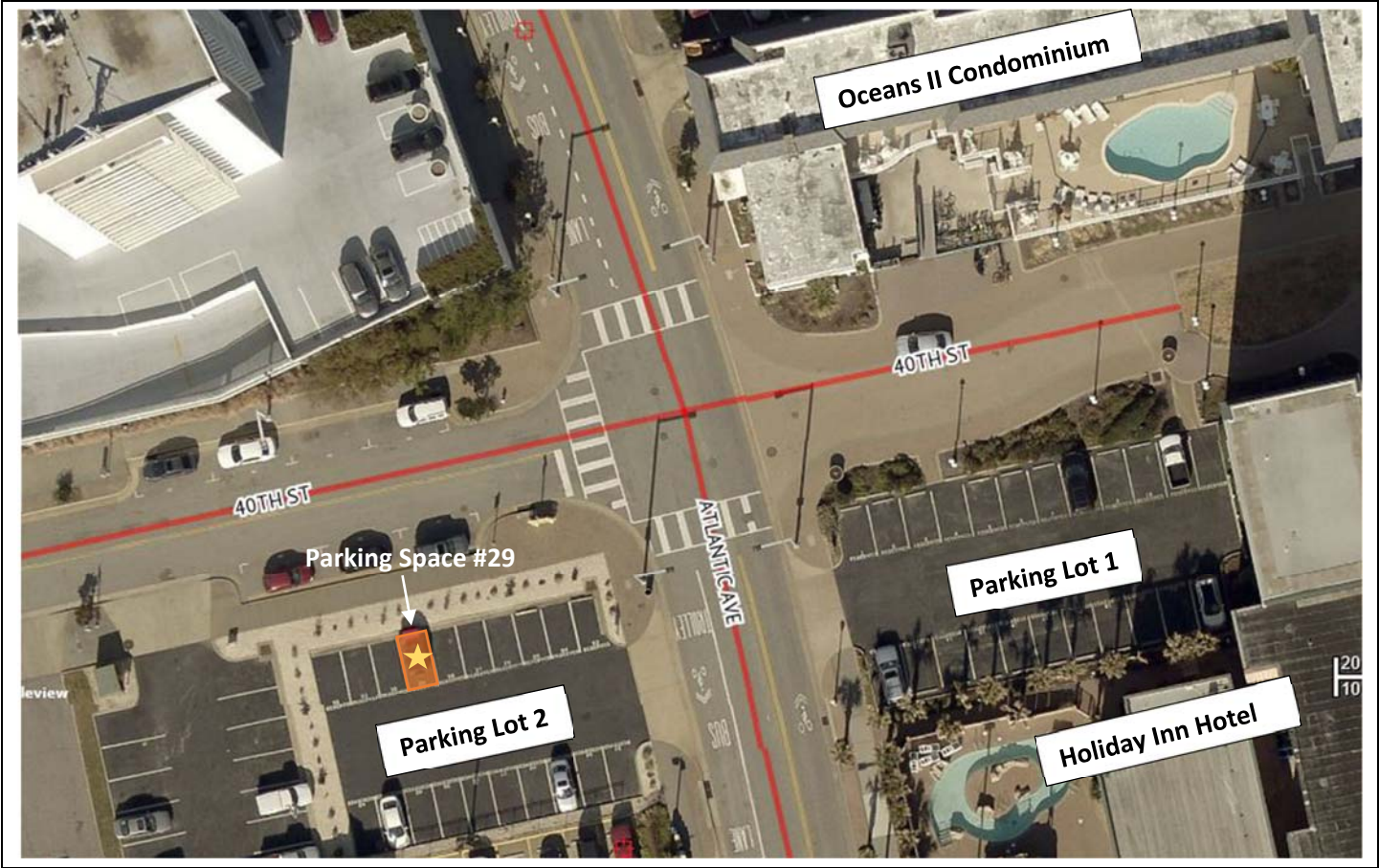
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The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this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

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021, and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on January 6, 2021.

Site Layout & Parking Plan



Parking Plan

Parking Lot 2 Updated June 2020

(Entrance)

Unit	Owner	Space #		Space #	Owner	Unit
207	Cunningham	23		33	Oceanfront Escape, LLC	203
304	Yarup	24		34	Brinkley	214
219	Johnson	25		35	Eberly	213
115	Stoyanov	26		36	Long Creek, LLC	110
116	Red Lion Properties, LLC	27		37	Heidel	113
101	Simons	28		38	Joynes	206
114	Minor	29		39	Oleszko	117
215	Tritsch	30		40	Burroughs	112
109	Ruloff	31		41	Long Creek, LLC	111
204	Kelsey	32		42	Wilbourne	103

Minor was the previous owner of Unit 114.

The applicant (Suzanne Ling) purchased the unit in January 2021. Parking space #29 is the assigned space for Unit 114.

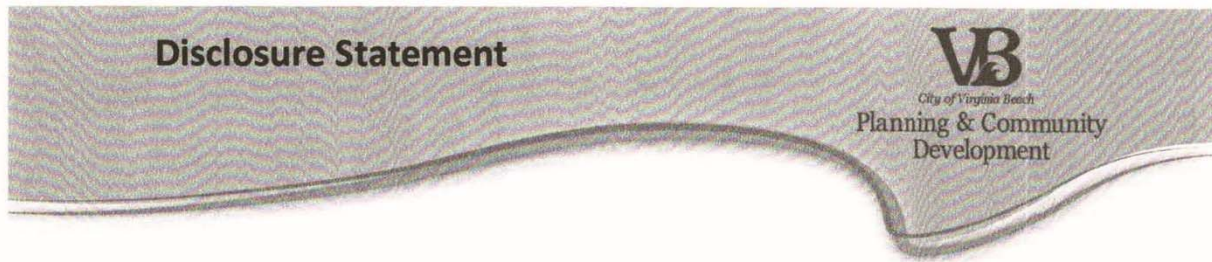
Site Photos



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 Suzanne Ling

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

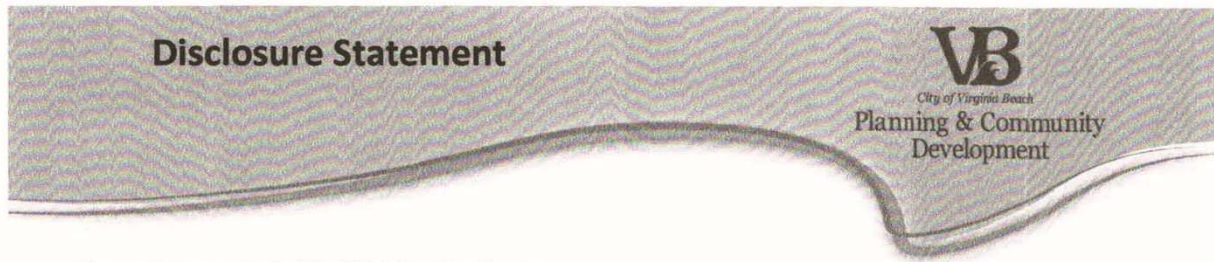
Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? ☐ Yes ☒ No

- 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.



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.

Sun West Mortgage **Zan DuRoy**

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

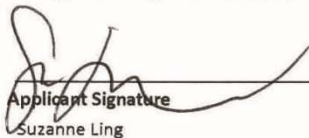
Disclosure Statement



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
Suzanne Ling

Print Name and Title

6/21/2021

Date

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

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

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

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

Next Steps

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



Applicant & Property Owner: **James D. White Revocable Living Trust**

Planning Commission Public Hearing: **January 12, 2022**

City Council Election District **Beach**

Agenda Item

18

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Brandon Hackney

Location

407 18th Street, Unit A

GPIN

24270763310001

Site Size

11,124 square feet

Existing Land Use and Zoning District

Multi-family dwelling / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

Multi-family dwellings / OR Oceanfront Resort

South

18th Street

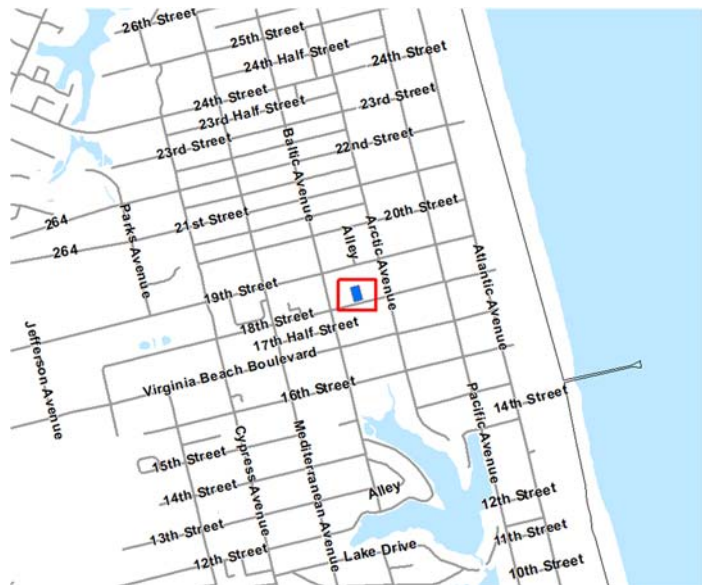
Commercial towing company / OR Oceanfront Resort

East

Office / OR Oceanfront Resort

West

Duplex / OR Oceanfront Resort



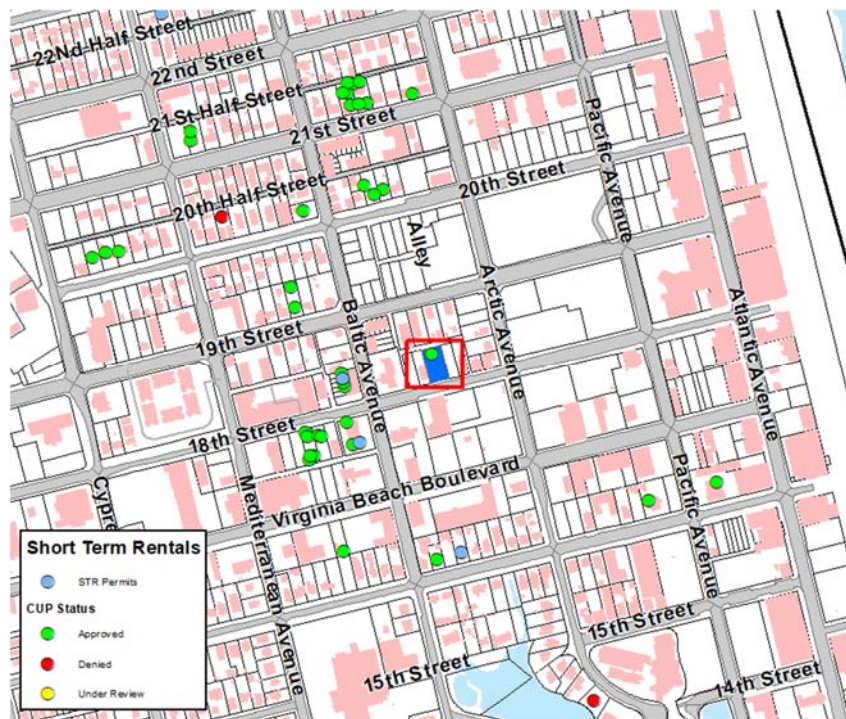
Background & Summary of Proposal

Site Conditions and History

- This application was originally heard at the November 2021 Planning Commission Public Hearing and was recommended for approval by a 10-0 vote. Due to an error with the legal advertisement, this application is required to come before the Planning Commission again.
- This parcel is 11,124 square feet and zoned OR Oceanfront Resort.
- According to City records, this three-bedroom home was constructed in 2008.
- Unit A is one of four dwelling units located on the property.
- In 2020, Unit D was approved for a Conditional Use Permit for a four-bedroom Short Term Rental.
- This application is for Unit A, which has three bedrooms.
- This site is located in the ViBe Creative District and is approximately 0.3 miles from a public beach access.
- Staff inspected the site on July 8, 2021 to observe site conditions and take photographs for this report.
- According to the applicant, this property was not used for Short-Term Rental purposes prior to July 1, 2018; therefore, a Conditional Use Permit for the Short Term Rental use is required.
- Known Short Term Rental activity as of 09/12/2021:

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

Short Term Rentals in the Vicinity

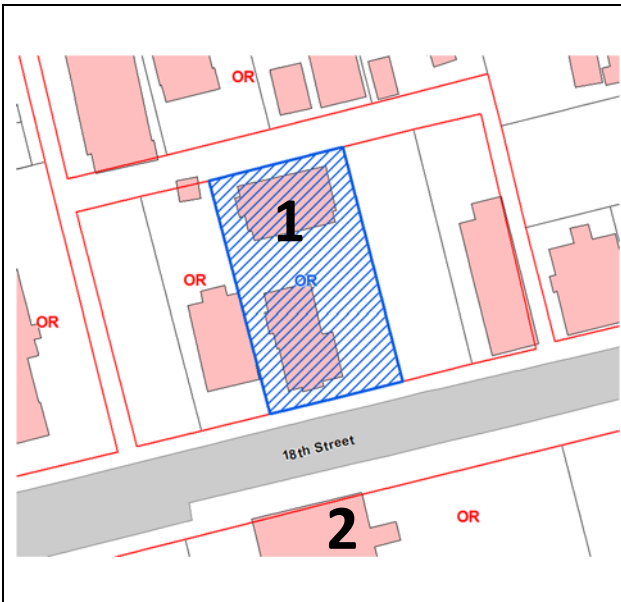


Summary of Proposal

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

- Number of bedrooms in the Short Term Rental: 3
- Maximum number of guests permitted on the property after 11:00 pm: 6 - As required in condition 19
- Number of parking spaces required (1 space per bedroom required): 3
- Number of off-street parking spaces provided: 3*

*2 parking spaces will be leased at the parking lot for Beads and Rocks, located 0.2 miles from the subject property at 335 Virginia Beach Boulevard.



Zoning History

#	Request
1	CUP (Short Term Rental) Approved 06/09/2020
2	CUP (Automobile Museum) Approved 12/07/2010

Application Types

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

Evaluation & Recommendation

The request for a three-bedroom short term rental is acceptable. There are two driveways, one running along each shared property line with the adjacent sites. Units A and D share one driveway, while Units B and C share the other driveway. Since the driveway is shared by two units, no parking on the driveway by the occupants of Unit A is permitted as it would block full driveway access to Unit D. The applicant has submitted a parking plan that depicts one parking space provided for Unit A on-site in the two-car garage, as permitted per Section 203 of the Zoning Ordinance. As a minimum of three parking spaces are required, the applicant also submitted proof of a parking agreement with the property owner of 335 Virginia Beach Boulevard to lease two parking spaces, thus ensuring that the parking requirement is met.

As allowed under the provisions of the Zoning Ordinance, the Zoning Administrator reviewed and approved the use of the two-car garage for one of the three required off-street parking spaces as well as the applicant’s proposal to lease the remaining two parking spaces from the property owner of 335 Virginia Beach Boulevard. Thus, the requirements of Section 241.2 and Sections 2303 of the Zoning Ordinance regulating Short-Term Rentals can be reasonably met by the applicant. As the proposed Short Term Rental use is within the boundaries of the Residential Parking Permit Program (RPPP) where parking is limited, a condition is recommended to limit the number of guest and temporary passes while the Conditional Use Permit is active. This program was established to ensure the protection of stable residential neighborhoods while addressing the need for employee parking for businesses at the oceanfront.

Three letters of support have been received from the property owners of the other three units within the multi-family building. 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 407 18th Street Unit A, and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
5. Two (2) 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.

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

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

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

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

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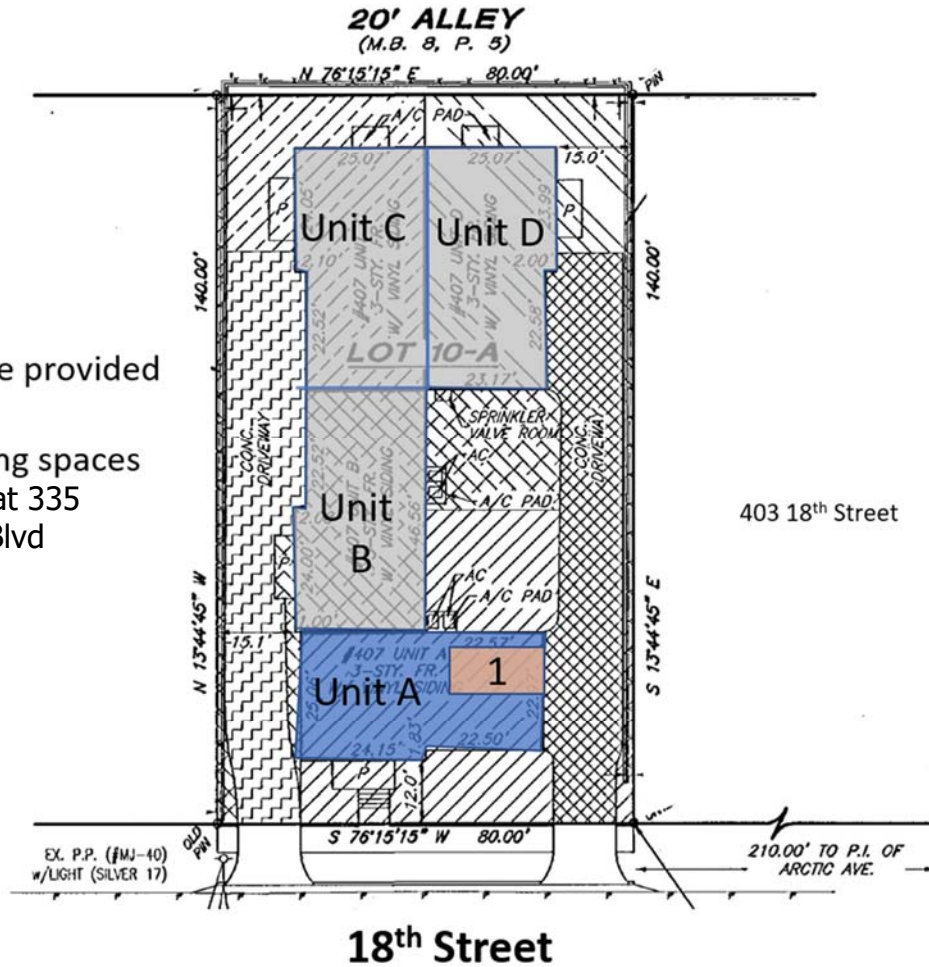
Public Outreach Information

Planning Commission

- Three letters of support and one letter of opposition have been received by Staff noting concerns related to off-site parking.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 13, 2021.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, December 26, 2021 and January 2, 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 December 27, 2021.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on December 6, 2021.

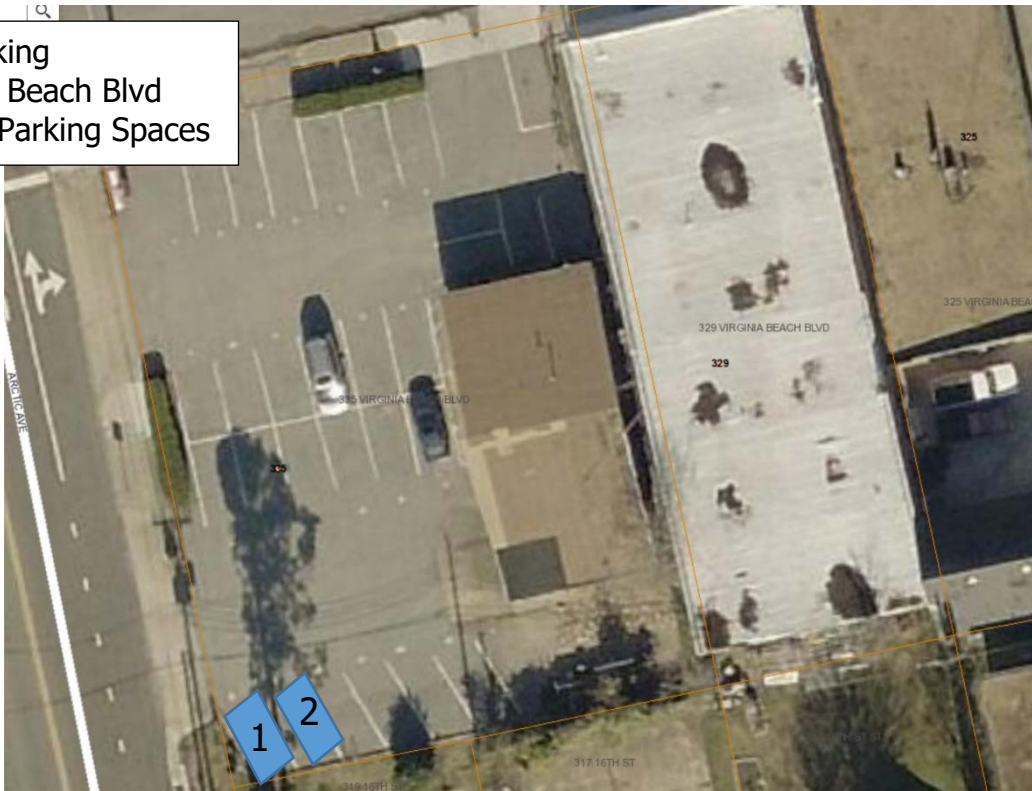
Site Layout & Parking Plan

- 3-bedroom condominium
- 1 parking space provided on-site
- 2nd & 3rd parking spaces Leased off site at 335 Virginia Beach Blvd



Proposed Off-Site Parking

Off Site Parking
335 Virginia Beach Blvd
2 Reserved Parking Spaces



407-A 18th St
STR



Two Off-site parking spaces at
335 Virginia Beach Blvd

Site Photos



Disclosure Statement

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Applicant Disclosure

Applicant Name James D. White Revocable Living Trust

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

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

Krista White

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)

James White, Trustee

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

N/A

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

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Disclosure Statement

Disclosure Statement



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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.

Wells Fargo / 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.

Jones CPA

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

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

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

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

Disclosure Statement

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No
- If **yes**, identify the company and individual providing the service.
-
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
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-
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 black ink, appearing to read 'James White', written over a horizontal line.

Applicant Signature
James White, Trustee

Print Name and Title
5/18/21

Date

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

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

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

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

- 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.