



Planning Commission Agenda

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

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

1. Register for the WebEx at:
<https://vbgov.webex.com/vbgov/onstage/g.php?MTID=e6c8ddd71808e5a4230a1b81ac984c3b3>
2. Register with the Planning Department by calling 757-385-4621 or via email at planadmn@vbgov.com prior to 5:00 p.m. on October 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.

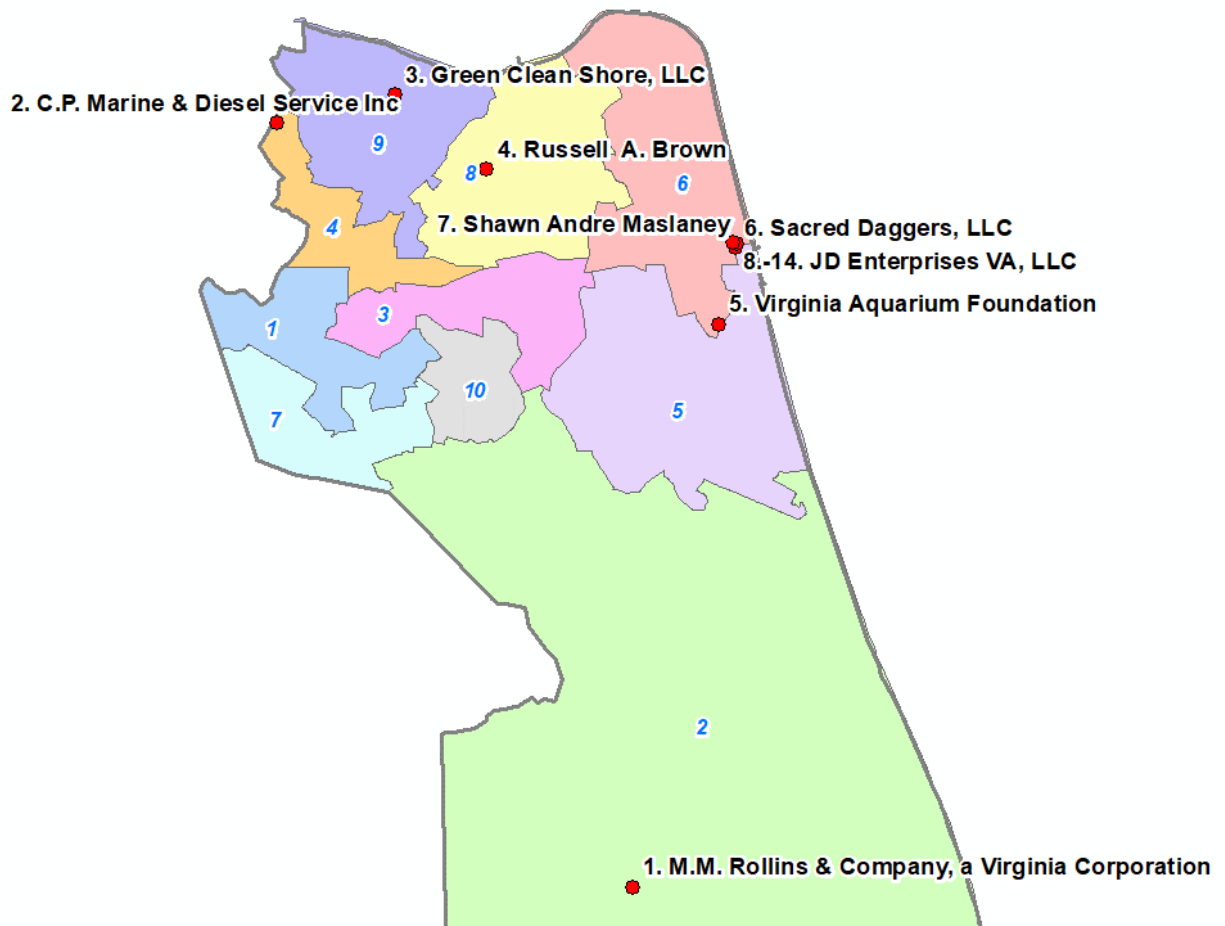
Planning Commission Hearing Procedures

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

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 **Please note the requests that are made, as one of the items being withdrawn or deferred may be the item that you have an interest in.** Please confine your remarks to the deferral or withdrawal request and do not address the issues of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

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

OCTOBER 12, 2022
PLANNING COMMISSION AGENDA



OCTOBER 12, 2022 PLANNING COMMISSION AGENDA

A. COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION

B. BRIEFINGS

The HIVE – VB Business Resource Center – Ishane Mouak, Business Development Coordinator

12:00 P.M. – PUBLIC HEARING

1. **M.M. Rollins & Company, a Virginia Corporation** (Applicant & Property Owner)

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

Address: 652 Princess Anne Road

GPIN(s): Portion of 2309603135

Council District: District 2, formerly Princess Anne

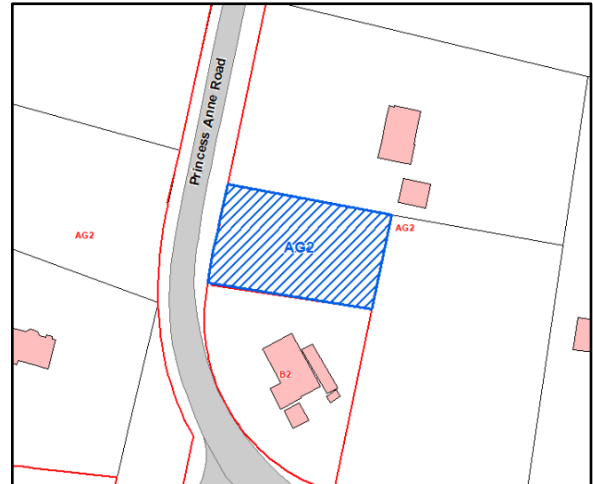
Accela Record(s): 2022-PCCC-00194

SGA: No

Overlay: No

Staff Planner: Marchelle Coleman

Request to rezone the 17,937 square foot northern portion of an existing 38,812 square foot lot from agricultural to business to make the lot one unified zoning classification.



2. **C.P. Marine & Diesel Service, Inc** (Applicant) **Carl & Gloria's Repair Shop, LLC** (Property Owner) **Modification of Conditions** (Automobile Repair Garage)

Address: 1399 Air Rail Avenue

GPIN(s): 1459832366

Council District: District 4, formerly Bayside

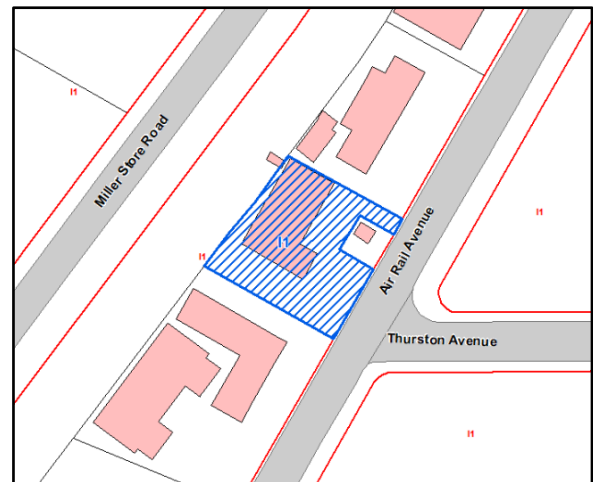
Accela Record(s): 2022-PCCC-00195

SGA: Yes – Burton Station

Overlay: No

Staff Planner: Elizabeth Nowak

Request to modify an existing Conditional Use Permit for an Automobile Repair Garage to address parking, outside storage of vehicles, and dumpster screening.



3.

Green Clean Shore, LLC (Applicant)

KS Shore, LLC (Property Owner)

Conditional Use Permit (Car Wash Facility)

Address: 4769 Shore Drive

GPIN(s): 1479473214

Council District: District 9, formerly Bayside

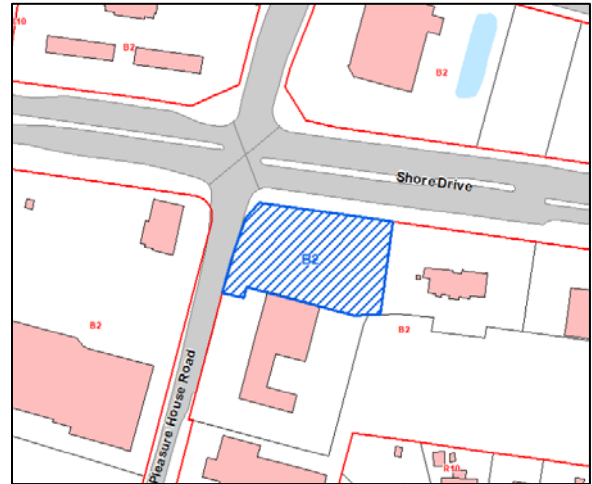
Accela Record(s): 2022-PCCC-00199

SGA: No

Overlay: Yes – Shore Drive

Staff Planner: Elizabeth Nowak

Request to construct a 3,780 square foot automated car wash facility.



4.

Russell A. Brown (Applicant & Property Owner)

Conditional Use Permit (Home Occupation – Retail Sales)

Address: 1212 Sycamore Road

GPIN(s): 1488676163

Council District: District 8, formerly Lynnhaven

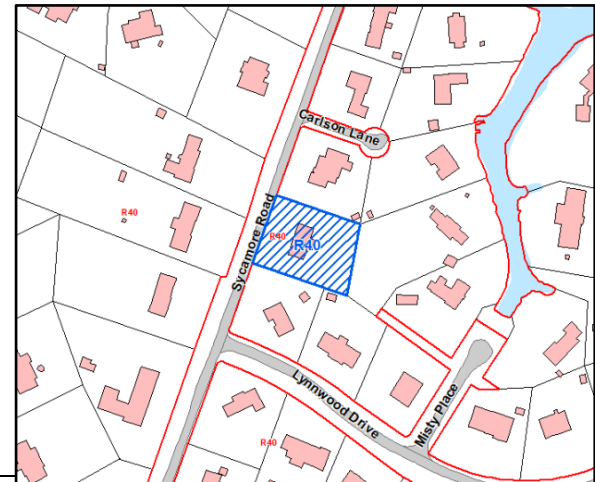
Accela Record(s): 2022-PCCC-00183

SGA: No

Overlay: No

Staff Planner: Michaela D. McKinney

Request to operate a firearm sales business within a single-family residence in the Lynnhaven neighborhood.



5.

Virginia Aquarium Foundation (Applicant)

City of Virginia Beach (Property Owner)

Conditional Use Permit (Wind Energy Conversion System)

Address: 801 General Booth Boulevard

GPIN(s): 2416758858

Council District: District 6, formerly Beach

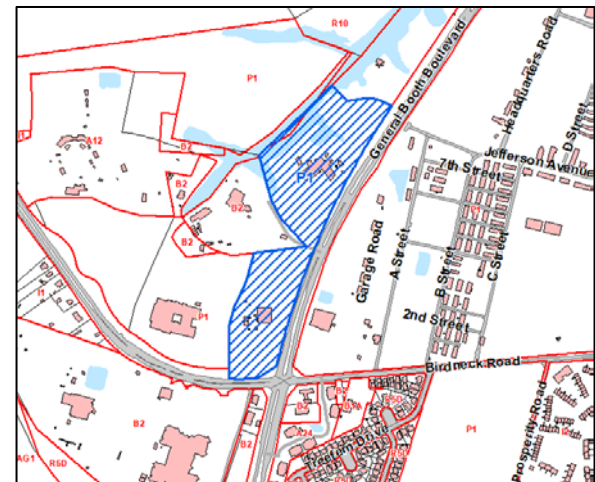
Accela Record(s): 2022-PCCC-00198

SGA: Yes – Resort Area

Overlay: No

Staff Planner: Michaela D. McKinney

Request to install an approximately 10-foot above ground wind turbine for a new outdoor exhibit.



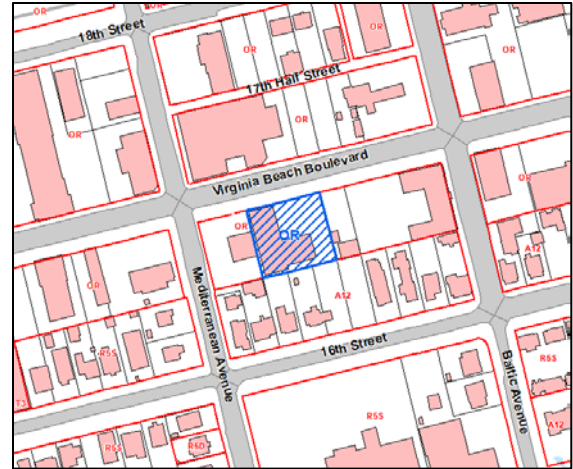
6.

Sacred Daggers, LLC (Applicant)
Pavement Paradise, LLC (Property Owner)

Alternative Compliance

Address: 529 Virginia Beach Boulevard
GPIN(s): 2427061559
Council District: District 5, formerly Beach
Accela Record(s): 2022-PCCC-00204
SGA: Yes – ViBe Creative District
Overlay: OR STR
Staff Planner: Garek Hannigan

Request to operate a Tattoo Parlor.



SHORT TERM RENTALS

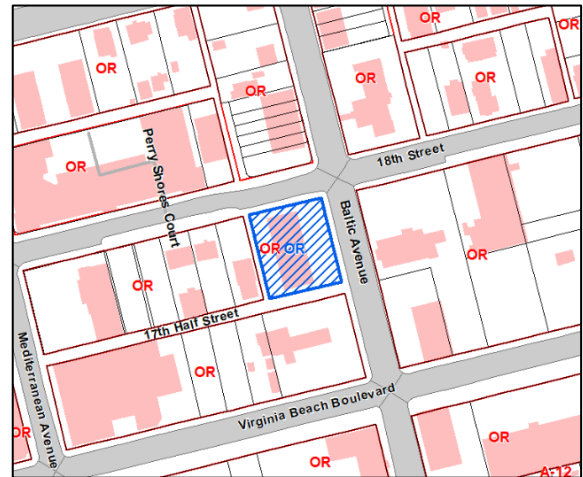
7.

Shawn Andrew Maslaney (Applicant & Property Owner)

Conditional Use Permit (Short Term Rental)

Address: 1724 Baltic Avenue
GPIN(s): 24270730526780
Council District: District 6, formerly Beach
Accela Record(s): 2022-PCCC-00189
SGA: Yes – Resort Area
Overlay: OR STR
Staff Planner: Garek Hannigan

Request for a 2-bedroom Short Term Rental.



8-14.

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

Conditional Use Permits (Short Term Rentals)

Address: 516 19th Street - Units A1, A2, A3, A4 & 518 19th Street, Units A1, A4
GPIN(s): 2417979219
Council District: District 6, formerly Beach
Accela Record(s): 2022-PCCC-00158, 2022-PCCC-00159, 2022-PCCC-00160, 2022-PCCC-00161, 2022-PCCC-00162, 2022-PCCC-00163
SGA: Yes – Resort Area
Overlay: OR STR
Staff Planner: Garek Hannigan

Requests for 5, 2-bedroom Short Term Rentals & 1, 1-bedroom Short Term Rental.



DEFERRAL REQUESTED

Request

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

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

652 Princess Anne Road

GPIN

Portion of 2309603135

Site Size

38,812 square feet

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Auto Sales & Service / AG-2 Agricultural, B-2 Community Business District

Surrounding Land Uses and Zoning Districts

North

Single-family dwelling / AG-2 Agricultural

South

Auto Sales & Service / AG-2 Agricultural, B-2 Community Business District

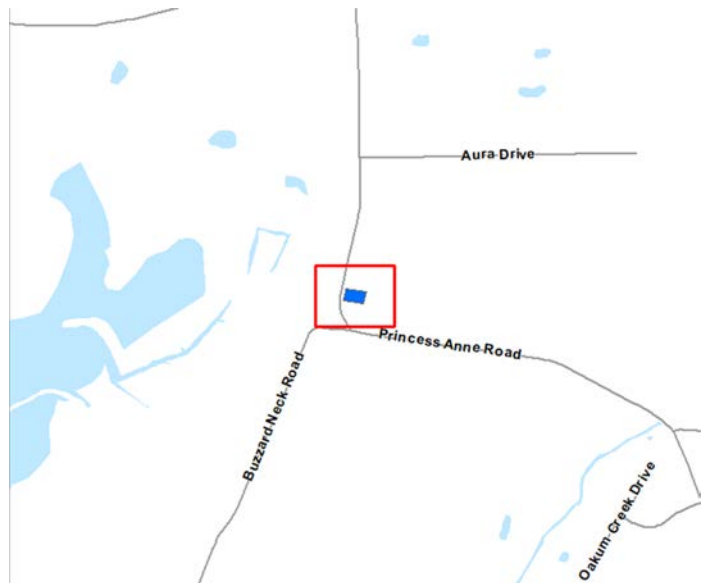
East

Undeveloped lot / AG-2 Agricultural

West

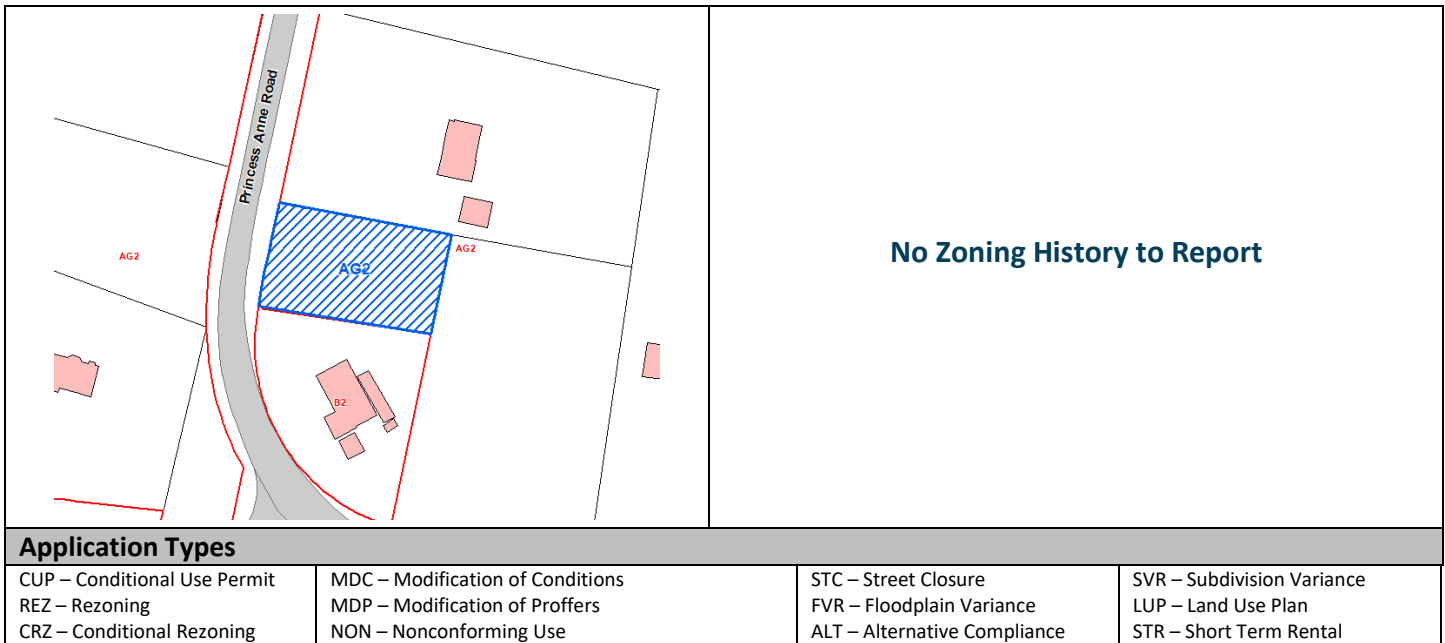
Princess Anne Road

Single-family dwelling, cultivated field / AG-2 Agricultural



Background & Summary of Proposal

- The applicant owns one parcel totaling 38,812 square feet that is zoned both AG-2 and B-2. This proposal is to rezone a portion of that site (17,937 square feet) currently zoned AG-2 Agricultural District to B-2 Community Business District.
- The overall property was originally two separate parcels. In May of 1985, a plat was recorded that consolidated both parcels into one lot, designated as Site 21C on the exhibit on page five of this report.
- A portion of the parcel, specifically the B-2 zoned area, has been operating as a legally nonconforming auto sales and service business since the early 1950s, prior to the merger of the City of Virginia Beach and Princess Anne County.
- The applicant, who just recently purchased the property, has entered into a five year lease with the current operator of the auto sales and service business, but only for the portion of the site that is currently zoned B-2 (approximately 20,874 square feet). The applicant's representative has indicated that there are no future plans at this time to expand that business onto the portion of the site that is proposed to be rezoned to B-2. If that occurs, the applicant is aware that a Conditional Use Permit for the operation will be necessary.
- Future use of the newly rezoned portion of the site as well as the existing B-2 zoned portion of the site will be required to comply with those identified in the Zoning Ordinance. Furthermore, the applicant's representative indicated that it is the property owner's intent that any future use will be in keeping with the goals and policies set forth in the Comprehensive Plan for the Rural Area of the City, specifically for the Rural Village of Creeds.



Evaluation & Recommendation

In Staff's opinion, the request to rezone a 17,937 portion of this parcel from AG-2 Agricultural District to B-2 Community Business District is acceptable. The applicant's representative indicated that the almost 18,000 square foot area to be rezoned is not large enough to support a viable agricultural operation.

The property is located in Creeds Village in the Rural Area of the City. Rural villages have historically served as the core for business and community activities providing basic retail and service uses for those who live and work in the immediate area. The Comprehensive Plan indicates that the rural villages can include a mix of locally-oriented retail and services and community facilities designed to be compatible with the area context. While there are no specific recommendations or planning guidelines identified in the Comprehensive Plan for the Creeds Rural Community, the rezoning to a commercial district does align with the Comprehensive Plan's vision as it will enhance expansion opportunities for service and commercial businesses in this rural area of the city.

In Staff's opinion, rezoning this split-zoned property from AG-2 Agricultural and B-2 Community Business to a uniformed B-2 Community Business zoning will not adversely change the character of the surrounding area, as the majority of this property has been operating as a commercial use for over six decades. It is important to note that the current boundary of the legally nonconforming use is restricted to the existing B-2 zoned area of this parcel, as it was developed prior to the current regulations outlined in the City's Zoning Ordinance. As noted above, the existing auto related use cannot be expanded beyond this boundary, identified on the exhibit on page five of this report as 'B-2 zoned area', without City Council approval.

To alleviate any confusion regarding the limited area of the existing legally nonconforming use (auto sales and service), the applicant has agreed to either install a fence or provide a noticeable demarcation to distinguish between the area that allows for the legally nonconforming use and the areas that do not. The existing auto related use will be monitored by Staff to ensure that the use remains within the boundary of the legal nonconformity.

As shown on aerial photography and as observed by Staff in the field, there has been some spill-over of the auto related use into this northern portion of the parcel that is zoned AG-2 Agricultural District. The applicant is aware of this oversight and has begun efforts to remove merchandise and equipment associated with the business that are located outside of the boundary designated for this legally nonconforming use.

Based on these considerations, Staff recommends approval of this request.

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as being in the Creeds Village in the Rural Area of the city. The Rural Area with primarily agricultural and rural related activities. Rural Villages have historically served as the Rural Area's business and community core area and provide basic retail and services to the local community. Development in these villages should include a mix of locally oriented retail or services and community facilities designed to be compatible with the area context. Non-residential development should be located within a rural village. An important objective of the Plan for the Rural Area is to protect and sustain all of Virginia Beach's valuable environmental, scenic, and agricultural resources against inappropriate activities and intense growth pressures. The vision for the rural area is to remain rural into the foreseeable future.

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 significant cultural resources associated with the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Princess Anne Road	6,250 ADT ¹	11,200 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 0 ADT Proposed Land Use ³ – 225 ADT
¹ Average Daily Trips	² as defined by a 18,000 square foot undeveloped agriculturally-zoned parcel	³ as defined by a 18,000 square foot B-2 zoned parcel	⁴ LOS = Level of Service

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

Princess Anne Road, in the vicinity of this site, is a rural two lane highway. Princess Anne Road has a variable width right-of-way. The MTP shows an undivided roadway with a bikeway and an ultimate right-of-way width of 100 feet. There are no CIP projects for Princess Anne Road in the vicinity of this site.

Public Utility Impacts

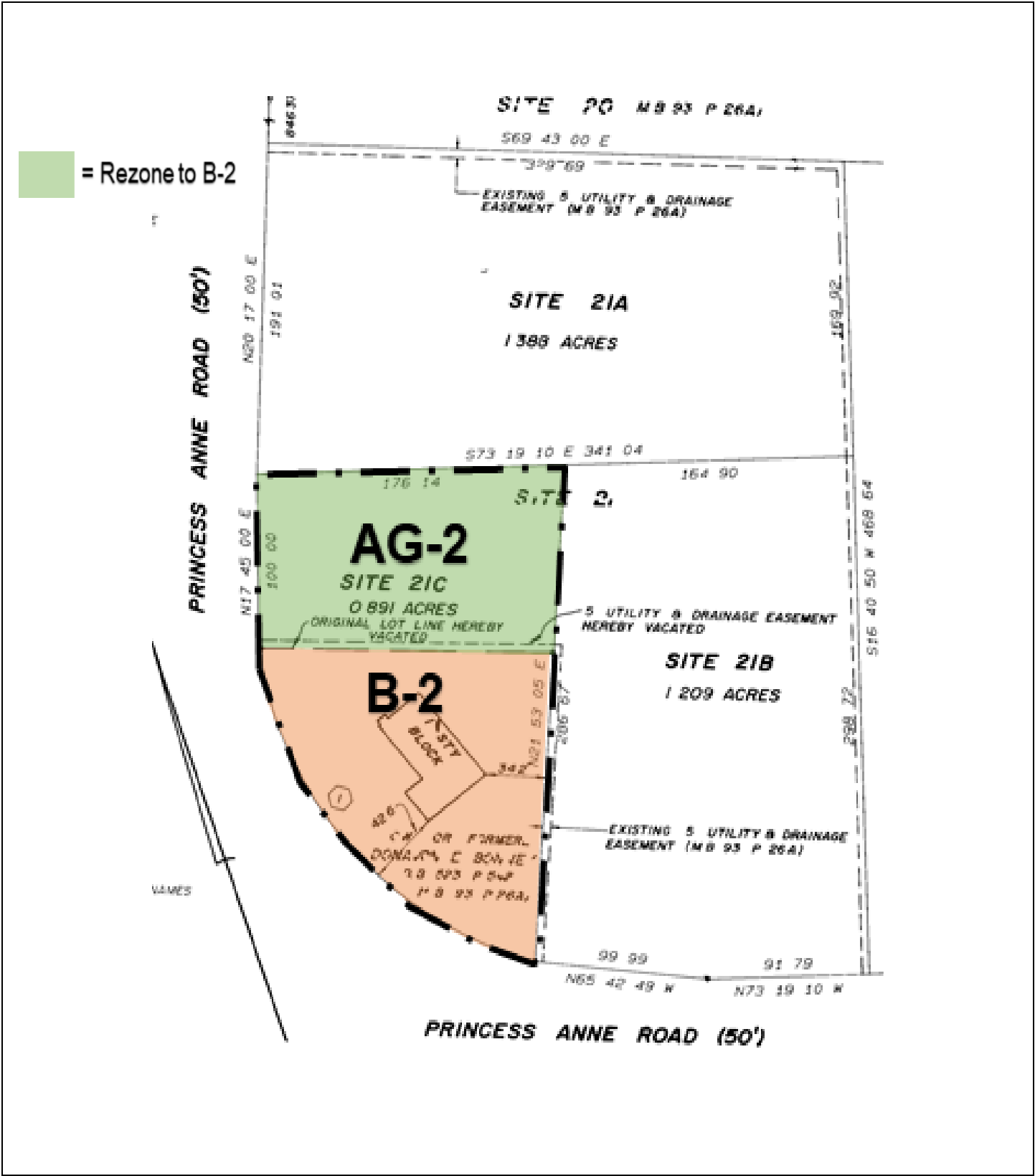
Water & Sewer

City water and sanitary sewer service are not available to this site. The site is served by a private well and private septic system.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on September 12, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, September 25, 2022 and October 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 September 26, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on October 6, 2022.



Site Photos



Site Photos



Disclosure Statement

Disclosure Statement



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

Applicant Disclosure

Applicant Name M.M. Rollins & Company

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

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

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

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

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

Marvin M. Rollins, Jr., President; Marvin M. Rollins, III, Vice President; Gayle B. Rollins, Treasurer; Ashley S. Rollins, Secretary

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

¹ "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.

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.

M.M. Rollins & Company

By: Marvin M. Rollins Jr.

Applicant Signature

Marvin M. Rollins, Jr., President

Print Name and Title

July 20, 2022

Date

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

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

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

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

Next Steps

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

Request

Modification of Conditions (Automobile Repair Garage)

Staff Recommendation

Approval

Staff Planner

Elizabeth Nowak

Location

1399 Air Rail Avenue

GPIN

1459832366

Site Size

17,465 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Automobile Repair Garage / I-1 Light Industrial

Surrounding Land Uses and Zoning Districts

North

Office / I-1 Light Industrial

South

Office / I-1 Light Industrial

East

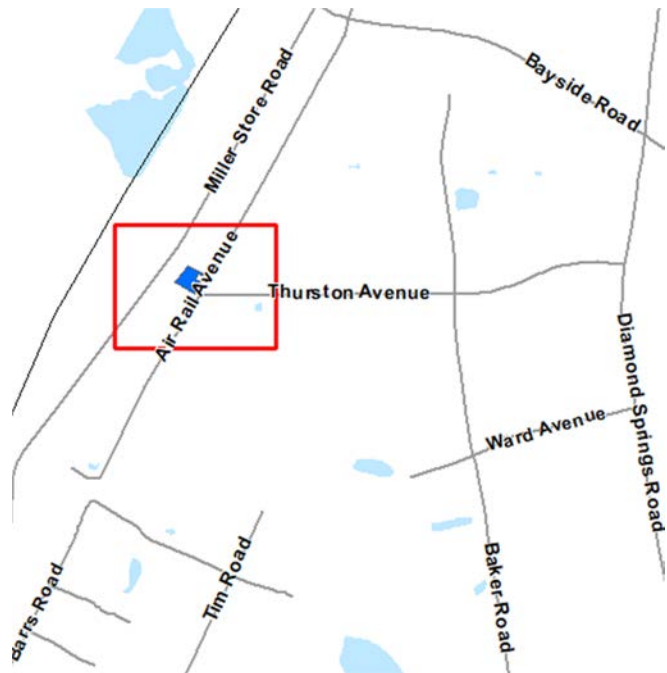
Air Rail Avenue

Warehouse / I-1 Light Industrial

West

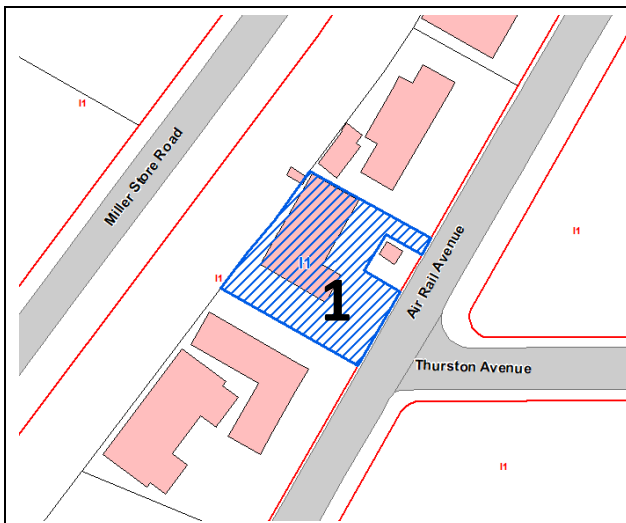
Railroad / Miller Store Road

Office / I-1 Light Industrial



Background & Summary of Proposal

- The applicant is requesting to modify the following conditions of a Conditional Use Permit for an Automobile Repair Garage that was approved by City Council on July 7, 2015:
 - Condition 3: Vehicles shall only be parked in the spaces shown on the Plan entitled “C.P. Marine & Diesel Services, Proposed Site Layout, 1399 Air Rail Avenue.” Four of the said parking spaces shall only be for employees, as designated on the Plan.
 - *Condition 6: The parking area shall be re-striped as shown on the Plan referenced in Condition Number 3 in accordance with Public Works Standards and Specifications.*
 - *Condition 9: There shall be no outside storage of vehicles in a state of obvious disrepair. If vehicles in this condition require storage, then such vehicles shall be stored within the building.*
 - Condition 13: The trash dumpster shall be screened with a six (6)-foot high privacy fence and gate at the opening.
 - *Condition 14: There shall be no bulk storage or motor vehicle sales permitted on the site.*
- In July 2022, a notice of violation was issued for this property for violating several conditions of the Conditional Use Permit for the Automobile Repair Garage, including conducting work outside; parking lot striping that differed from the approved site plan; vehicles parked in the easement referenced in Condition 5; missing screening for dumpsters; and outdoor storage of tires and other miscellaneous items. Included in this citation was a notice for insufficient landscaping, which the applicant has since remedied with approval from the Zoning Inspector.
- The applicant wants to modify Conditions 3 and 6 to retain their parking lot as its 12 parking spaces are currently configured. Per Section 203(a)(16), one space is required for every 900 square feet of floor area; this building is approximately 5,600 square feet, which would require seven parking spaces. The original concept plan for this site showed two parking spaces in the front of the building, two spaces perpendicular to Air Rail Avenue, and five parking spaces along the south elevation of the building. The present configuration of the parking lot includes three spaces in front of the building perpendicular to Air Rail Avenue and eight spaces along the south elevation of the building. The applicant states this configuration is better suited to circulation on their property.
- The applicant wishes to modify Condition 13 to reflect the fact that the dumpster they use is located on the adjacent property and have no ability to address an off-site requirement.



Zoning History

#	Request
1	CUP (Motor Vehicle Repair Garage) Approved 07/07/2015

Application Types

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

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

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

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

Evaluation & Recommendation

Staff is supportive of several of the requested modifications, including the new proposed parking lot layout, removal of the required 'employee only' specific parking spaces, and clarifications regarding the dumpster. The organization of the parking lot appears to provide adequate parking service for the current business and is located outside the private ingress/egress easement shared with the adjoining southern parcel. Staff does note that removal of one of the three spaces located in front of the office would create additional space to maneuver and/or queue automobiles without affecting neighboring properties, though the requested configuration should be sufficient to meet the recommended conditions of this approval. On a site this size, identifying parking for employees only is unnecessary. Based on this, Staff has no objection to the removal of the requirement that dedicates specific spaces to employees or customers. Finally, as the current dumpster is not located on this property, Staff is supportive of modifying the language of Condition 13 to refer generally to dumpsters that may be located on the lot (see language in the proposed condition below).

In Staff's opinion, the remaining conditions should remain as written, including Condition 9 and Condition 14. These are standard conditions that are recommended for typically all Automobile Repair Garage applications for Conditional Use Permits. The conditions specifically require such garages to be kept in an orderly fashion. Additionally, when the original Conditional Use Permit application came forward in 2015, the property owner of the parcel adjoining this site to the north shared several concerns about noise impacts, neatness of the site over time, and obstruction and encroachment into the shared access easement on the north side of the subject parcel. Ultimately, this property owner sent a letter of support to City Council for the application that was contingent on the conditions recommended by Planning Commission at the April 8, 2015 hearing. Staff shared the concerns expressed by the adjacent property owner in 2015 with the Commission and provided recommended conditions to address them. Staff maintains that these conditions are appropriate and relevant for the use of this site as an Automobile Repair Garage.

The auto-related use is compatible with the existing character of the area and with recommendations in the Comprehensive Plan for this part of the city. The site is located within an existing light industrial park and is adjacent to the Norfolk Airport. As this site is within a half mile of the city limits, comments from the City of Norfolk were solicited and no concerns were expressed regarding this request given its existing setting and as it has no conflict with any Norfolk transportation plans. As the size of the business is not increasing, Staff anticipates no impact on traffic due to the use. The parking minimum as required by the Zoning Ordinance is met and exceeded on site.

Staff is unaware of any opposition to this request and is recommending approval subject to the conditions recommended below.

Recommended Conditions

1. All conditions attached to the Conditional Use Permit granted on July 7, 2015 are hereby deleted and superseded by the following conditions.
2. Street front and foundation landscaping shall be installed on the subject site in accordance with the City of Virginia Beach Landscaping Guide.
3. Any trailers or equipment encroaching into the railroad right-of-way and the ten (10)-foot wide utility and drainage easement along the northwest lot line shall be removed.
4. Vehicles shall only be parked in spaces shown on the proposed LAYOUT SKETCH included in the staff report on page six.
5. A second overhead garage door may be installed on the northeastern side of the existing building, to the right of the existing overhead garage door, as depicted on the plan referenced in Condition Number 3. In no case, however, shall the northernmost edge of the opening for the new overhead garage door be any closer than six (6) to seven (7) feet from the northern side of the existing building, as depicted on the Plan referenced in Condition 3.
6. No vehicles waiting for service shall be stopped or parked at any time in the driveway section of the ingress/egress easement between parcels X-B (C.P. Marine) and X-C (Creative Sales, Inc.). There shall be no queuing of vehicles waiting to enter, or exit, the new overhead large garage door, referenced in Condition Number 4, such that the vehicles block the driveway.
7. The parking area shall be striped as shown on the Plan referenced in Condition Number 3 in accordance with Public Works Standards and Specifications.
8. All repair work shall be conducted inside the building.
9. The existing overhead garage doors located on the northern side of the building shall be enclosed on the interior to the building such that no access to and from the building shall be possible. The exterior of said doors shall be painted to match the color of the exterior of the building.
10. There shall be no outside storage of vehicles in a state of obvious disrepair. If vehicles in this condition require storage, then such vehicles shall be stored within the building.
11. There shall be no cargo container units, whether on or off a chassis, located on the site.
12. No outdoor vending machines and/or display of merchandise shall be permitted.
13. The corrugated metal portions of the building shall be repainted a neutral tone.
14. There shall be no bulk storage or motor vehicle sales permitted on the site.
15. Any trash dumpster located on the property shall be screened with a six (6)-foot high privacy fence and gate at the opening.
16. Parking above the maximum number of parking spaces shall only be permitted with approval by the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance.

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

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

Conditions of 2015 Conditional Use Permit Approval

1. Street front and foundation landscaping shall be installed on the subject site in accordance with the City of Virginia Beach Landscaping Guide.
2. The trailer and equipment encroaching into the railroad right-of-way and the ten (10)-foot wide utility and drainage easement along the northwest lot line shall be removed.
3. Vehicles shall only be parked in the spaces shown on the Plan entitled "C. P. Marine & Diesel Services, Proposed Site Layout, 1399 Air Rail Avenue." Four of the said parking spaces shall only be for employees, as designated on the Plan.
4. A second overhead garage door may be installed on the northeastern side of the existing building, to the right of the existing overhead garage door, as depicted on the plan referenced in Condition Number 3. In no case, however, shall the northernmost edge of the opening for the new overhead garage door be any closer than six (6) to seven (7) feet from the northern side of the existing building, as depicted on the Plan referenced in Condition Number 3.
5. No vehicles waiting for service shall be stopped or parked at any time in the driveway section of the ingress/egress easement between parcels X-B (C.P. Marine) and X-C (Creative Sales, Inc.). There shall be no queuing of vehicles waiting to enter, or exit, the new overhead large garage door, referenced in Condition Number 4, such that the vehicles block the driveway.
6. The parking area shall be re-striped as shown on the Plan referenced in Condition Number 3 in accordance with Public Works Standards and Specifications.
7. All repair work shall be conducted inside the building.
8. The existing overhead garage doors located on the northern side of the building shall be enclosed on the interior of the building such that no access to and from the building shall be possible. The exterior of said doors shall be painted to match the color of the exterior of the building.
9. There shall be no outside storage of vehicles in a state of obvious disrepair. If vehicles in this condition require storage, then such vehicles shall be stored within the building.
10. There shall be no cargo container units, whether on or off a chassis, located on the site.
11. No outdoor vending machines and / or display of merchandise shall be permitted.
12. The corrugated metal portions of the building shall be repainted a neutral tone.
13. The trash dumpster shall be screened with a six (6)-foot high privacy fence and gate at the opening.

14. There shall be no bulk storage or motor vehicle sales permitted on the site.

Comprehensive Plan Recommendations

The proposal is located in the Burton Station Strategic Growth Area, in the Airport Industrial Park. Industrial uses are expected in this area of the SGA, and the Plan calls for minor retrofits to safeguard the future success of the area.

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. There are no cultural resources located on this site.

Traffic Impacts

No change in traffic is expected with this proposal as the size and intensity of the use will remain unchanged. There are no available traffic counts for Air Rail Avenue.

Public Utility Impacts

Water

City water is currently connected to the site.

Sewer

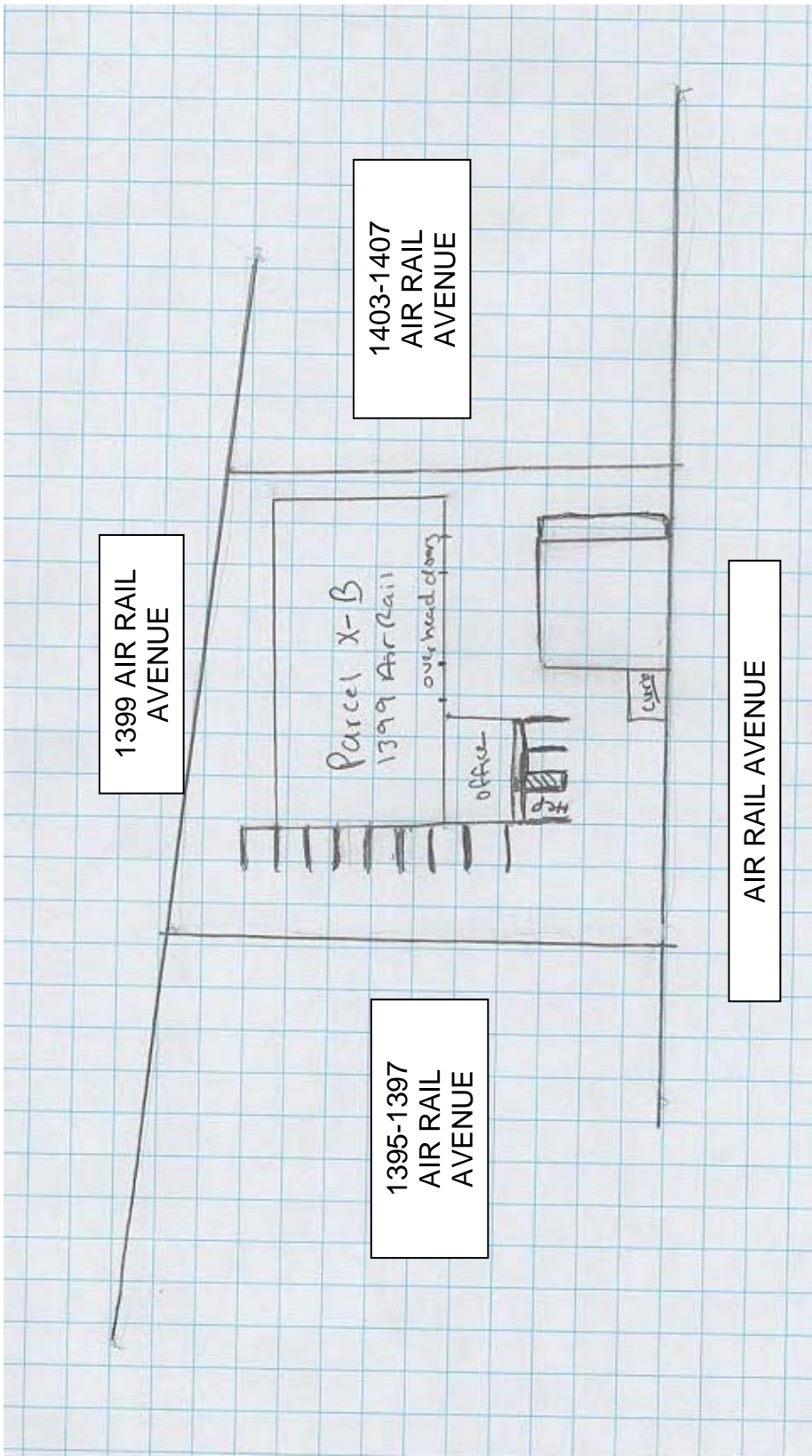
City sanitary sewer is currently connected to the site.

Public Outreach Information

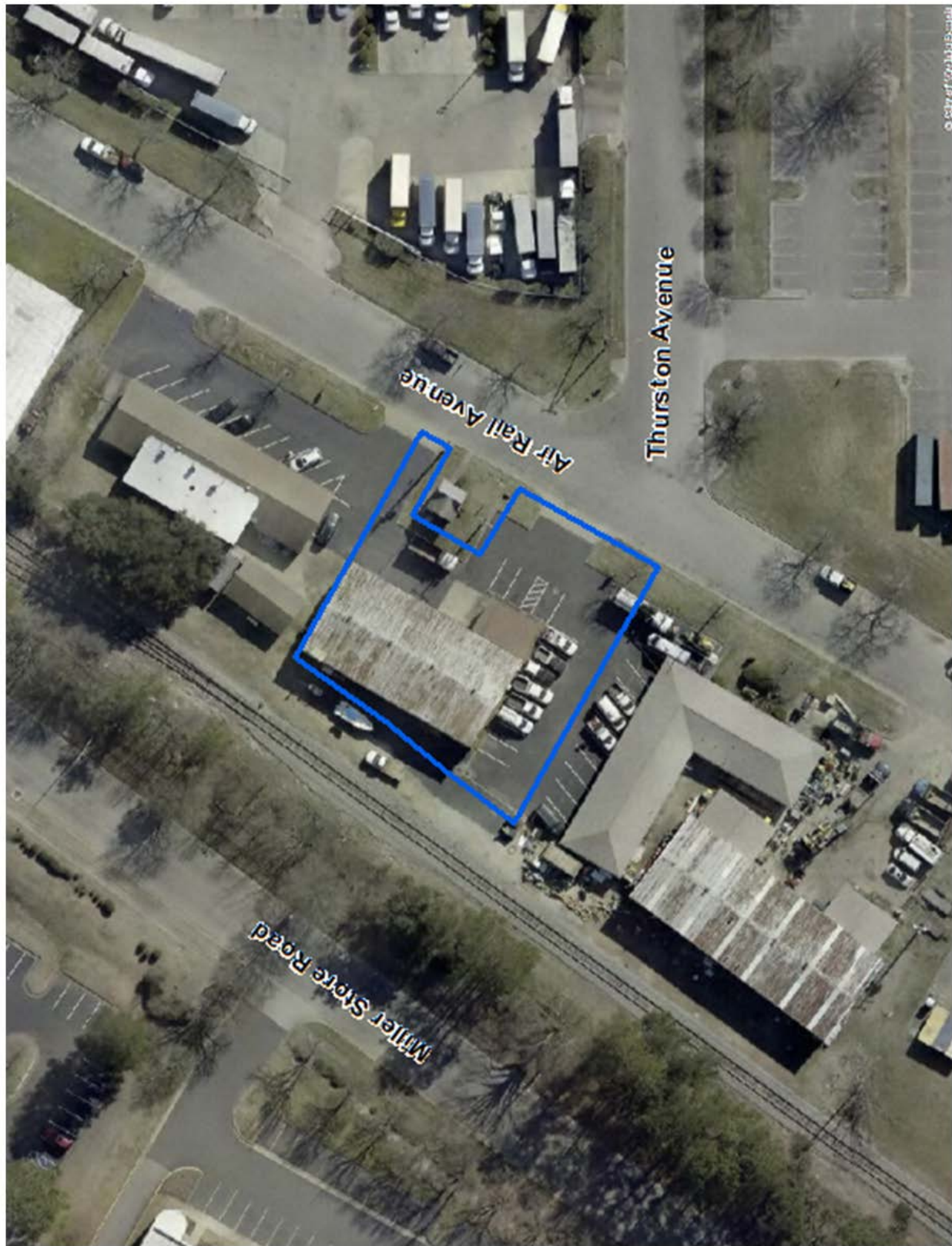
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on September 12, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, September 25, 2022 and October 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 September 26, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on October 6, 2022.

Proposed Site Layout



2021 Aerial Photograph – Parking Layout as Requested with Modification



Previously Approved Site Layout



**C. P. MARINE & DIESEL
SERVICES
PROPOSED SITE LAYOUT
1399 Air Rail Avenue**

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 CP Marine and Diesel Inc.

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

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

Carl S Pitt Jr

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

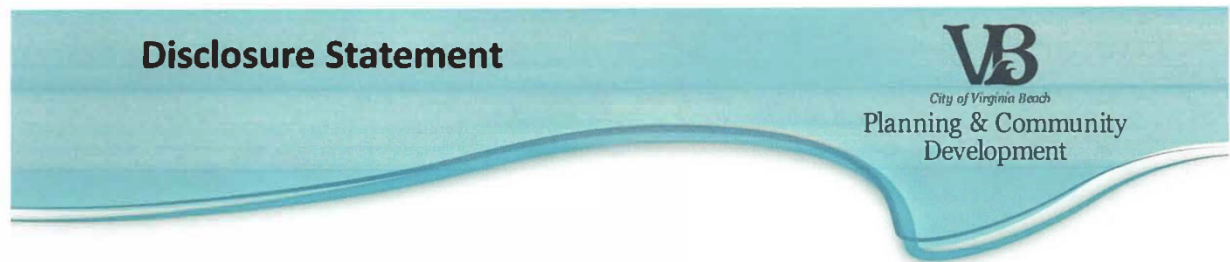
- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

Carl Pitt, Gloria Pitt

- 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.

Atlantic Accounting - Linda Passaro

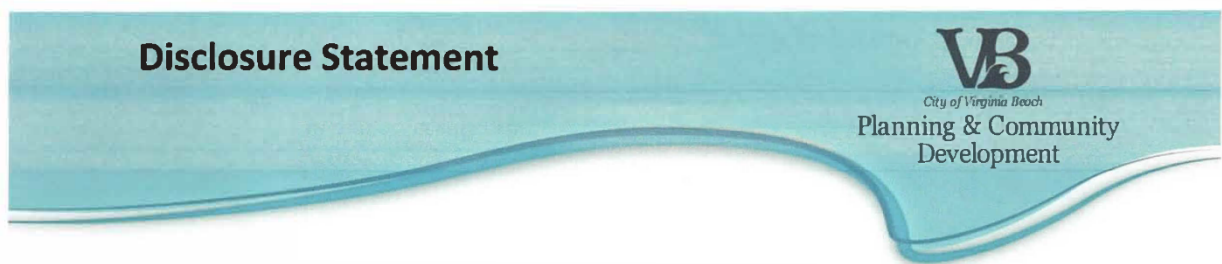
4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☒ **No**

- 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.

Gloria Pitt

Applicant Signature

Gloria Pitt Vice pres

Print Name and Title

9/28/2022

Date

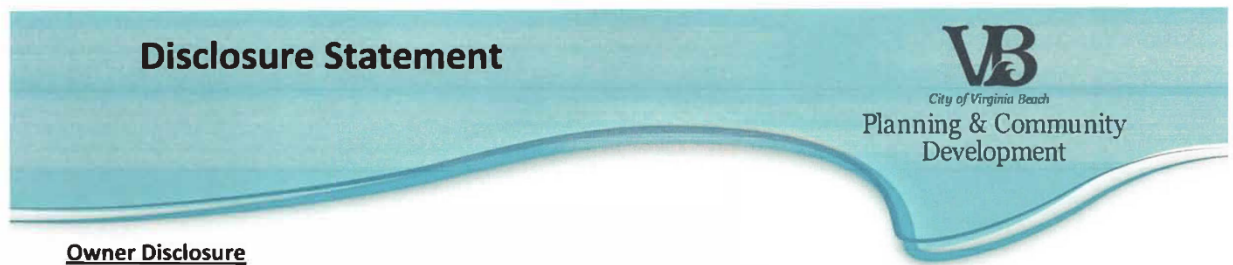
- Is the applicant also the owner of the subject property? ☒ Yes ☐ No

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name Carl and Gloria's Repair Shop, LLC

Applicant Name CP Marine and Diesel, 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)

Gloria Pitt, Carl Pitt

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

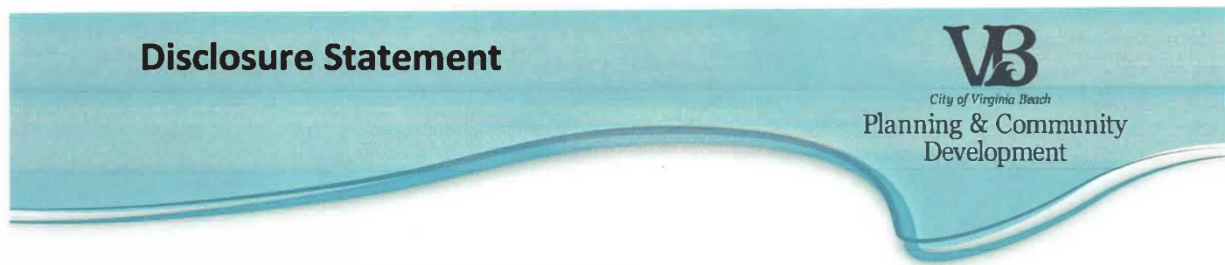
Known Interest by Public Official or Employee

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.



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.

Atlantic Accounting - Linda Passaro

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 black ink, appearing to read 'Gloria Pitt', written over a horizontal line.

Owner Signature

Gloria Pitt Vice pres

Print Name and Title

09/28/2022

Date

Next Steps

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

Request

Conditional Use Permit (Car Wash Facility)

Staff Recommendation

Approval

Staff Planner

Elizabeth Nowak

Location

4769 Shore Drive

GPIN

1479473214

Site Size

35,235 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Parking lot / B-2 Community Business

Shore Drive Corridor Overlay District

Surrounding Land Uses and Zoning Districts

North

Shore Drive

Pharmacy, gas station, car dealership / B-2

Community Business

South

Shopping center, assembly use, single-family

dwelling / B-2 Community Business

East

Restaurant, automotive sales, auto-parts shop /

B-2 Community Business

West

Pleasure House Road

Restaurant, gas station, shopping center / B-2

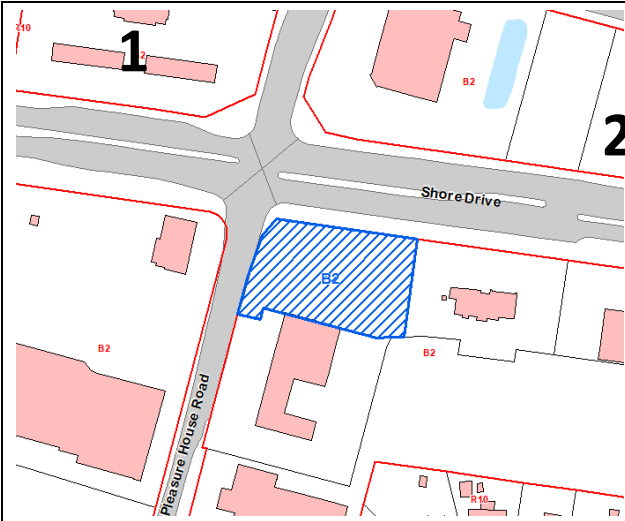
Community Business



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to operate a Car Wash Facility at 4769 Shore Drive, a 35,235 square foot, parcel that is currently developed as a surface parking lot. The property is zoned B-2 Community Business and is located along Pleasure House Road in the Shore Drive Corridor Overlay District.
- The applicant, Green Clean Car Wash, LLC, is proposing to develop a single-tunnel car wash with 11 vacuum stations. Two automatic pay stations for the car wash will be located on the west side of the parcel and an enclosed dumpster will be located on the east side of the parcel to be screened with plantings as required by the Zoning Ordinance.
- Three parking spaces are proposed, thereby meeting the minimum parking requirements set forth in the Zoning Ordinance.
- Hours of operation are proposed as between 7:00 a.m. and 8:00 p.m., daily and the facility will be staffed by up to three employees.
- The submitted building elevations depict a contemporary design and color palette. The exterior will be clad primarily with light gray brick with a contrasting darker gray foundation. Tower elements will be distinguished with hipped standing seam metal roofs and fiber cement siding with a natural wood finish. Flat awnings will be installed above aluminum storefront windows.
- The proposed vacuum stations will be black with black fabric canopies. Two pay stations will be located on the west side of the site near the entrance to the car wash tunnel. These stations will also have black canopies to match the vacuum stations.
- At present, this parcel has five ingress/egress points along the rights-of-way: three on Pleasure House Road and two on Shore Drive. The applicant proposes to close three of these entrances, two along Pleasure House Road and one along Shore Drive. The vehicular access point near the mid-point of the north parcel line along Shore Drive will be retained as the primary access into the site. The southernmost entrance on Pleasure House Road will be retained as it shares an access easement with the shopping center to the south, but the site design will not use that entrance as a means to enter the car wash site.
- The southernmost ingress/egress to the property on Pleasure House Drive is shared with an adjoining shopping center; while the applicant is not proposing to incorporate this entrance into their site plan, they will make necessary improvements to allow safe, continued use of the entrance by ensuring a minimum 15-foot radius is maintained onto Pleasure House Road.
- The sign package for this development includes two wall signs and a single free-standing, monument-style sign on Shore Drive. The wall signs will be located on the north elevation facing Shore Drive and the east elevation facing Pleasure House Road. The proposed monument sign will have a masonry base to match the proposed building and will not exceed eight feet in height. It appears that the signs do meet current sign standards within the Zoning Ordinance; however, a more detailed review will occur during the sign permit review.
- A dumpster will be located near the west property line. It will be enclosed with a masonry wall and screened with Category IV plantings, as required by the Zoning Ordinance.
- The submitted concept plan depicts streetscape plantings within 10-foot wide landscape beds proposed along Pleasure House Road and Shore Drive. Streetscape plantings include a combination of street trees and shrubs designed to provide a low screen of automobiles on the site from the right-of-way. In addition to the streetscape

plantings, the applicant is proposing an additional row of d shrubs between the vacuum stations and Shore Drive that will ‘green up the site’ and provide additional screening of the vacuum stations.



Zoning History

#	Request
1	CUP (Gasoline sales in conjunction with a convenience and carry-out food store) Approved 03/14/2000
2	CUP (Motor vehicle sales) Approved 02/25/2003

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 is acceptable. One of the guiding principles from the Comprehensive Plan for the Shore Drive Suburban Focus Area is to create and maintain “Great Neighborhoods” by developing complementary non-residential uses to support residential development. Given that the proposed site is located in a commercial node along Shore Drive, a new use such as a car wash would not detract from the residential quality of the area.

The proposed building design adheres to most of the key design principles of the Shore Drive Corridor Overlay District, as listed below:

- Encourage development consistent with the community’s goals that will achieve the physical characteristics necessary to enhance the economic vitality and visual aesthetics of the Shore Drive Corridor.
 - The proposed neutral and natural color palette is consistent with the established character of Shore Drive.
 - The roofline is punctuated with hipped roof tower elements, an architectural feature found throughout the Shore Drive Corridor and that ties the proposed development into the existing Shore Drive character.
 - Proposed plantings green the site and help screen the interior of the site.
 - The proposed canopies for the pay stations and vacuum stations visually minimize the presence of the equipment.
- Ensure that the scale and context of new buildings are compatible with the desired character of the community, while encouraging existing buildings to upgrade to meet the higher standards of design.
 - The building has compatible massing and scale with adjacent commercial development.
 - The proposed materials, including the brick, fiber cement siding accents, and standing seam metal roof, are high quality.
 - The proposed monument style sign is attractive and uses the same masonry materials as the building, tying the signage in with the building design.

- Ensure that development relates to the pedestrian as well as to the automobile, and that non-residential uses are compatible with adjacent residential areas.
 - The building is designed with regular, symmetric fenestration that is capped with horizontal awnings and the entrance is clearly indicated by changes in material. These design choices relate the building to the pedestrian environment.
 - Car wash facilities are a complementary non-residential use as they cater to service needs of automobile owners.
 - The concept landscape plan includes an interior landscape strip between the vacuum stations and Shore Drive to additionally soften visual and aural impacts of the site.

Staff does note, however, that a major recommendation in the Shore Drive Design Guidelines is to bring buildings forward to the street front and to locate parking behind the building. In this instance, Staff is supportive of the design as the unique site constraints limit the possible layouts for interior vehicular circulation and landscaping is proposed to screen the interior of the site. Additionally, this proposed layout will remove three extraneous entrances (one on Shore Drive and two on Pleasure House Road), improving the vehicular access management along both corridors.

The applicant worked closely with the Bayfront Advisory Commission and its Design Committee. The applicant presented to the Bayfront Advisory Commission twice—once in August and once in September—and received support provided that additional changes were made to the proposed screening for the vacuum stations. These changes include the addition of a black fabric canopy to the vacuum stations and changing the color of the vacuum stations and hoses to an all-black design. In discussing the overall design of the site with Staff and the Bayfront Advisory Commission Design Committee, the applicant also agreed to change the color of the pay station canopies to black to match the other site appurtenances and to remove a typical color-changing LED light strip on the pay station canopy edges. Staff is recommending Conditions and 3, 4, and 8 to address these comments.

Staff anticipates no adverse impact on traffic is anticipated with this development. Staff's traffic analysis shows that while an increase in average daily trips (ADT) is expected, the estimated 500 ADT is within the traffic capacities for Pleasure House Road and Shore Drive. There are two Capital Improvement Projects slated for Shore Drive and Pleasure House Road, but these projects are not yet funded and should not be affected by this proposal.

For these reasons, Staff is recommending approval subject to the following conditions and exhibits in this report.

Recommended Conditions

1. The site shall be developed and maintained substantially in conformance with the submitted site layout entitled "Concept Landscape Plan," dated September 2, 2022, and prepared by Kimley-Horn. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
2. The design, size, and materials of the building shall be substantially in adherence, with the submitted elevation exhibits entitled "Green Clean Auto Wash," dated September 7, 2022, and prepared by SBA Studios. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Department of Planning & Community Development.
3. The vacuum stations shall have an all-black assembly with black hoses, black trash receptacles, black posts, and black canopy cover.
4. The pay station canopies shall be substantially similar to the provided photographic exhibit but shall black with no color-changing LED lighting.

5. No window or outdoor advertising banners, pennants, streamers or other such visual devices beyond those permitted by the City Zoning Ordinance shall be permitted on the property.
6. No water produced by activities at the facility lot shall be permitted to fall upon or drain across public streets or sidewalks or adjacent properties.
7. All on-site signage shall meet the requirements of the City Zoning Ordinance. Any freestanding signage shall be limited to one monument-style sign that shall be no taller than eight feet in height and shall be constructed with a base to match the proposed building in terms of color and material. 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.
8. There shall be no portable or nonstructural signs or electronic display signs on the site.
9. 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.
10. All outdoor lights shall have static lighting and shall be natural hues (e.g., white light).
11. The location of the required three parking spaces will be finalized during site plan review (i.e., those spaces without vacuum stations).
12. 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.
13. The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis and shall comply with all adopted stormwater regulations.

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 part of the Suburban Area of the city in the Shore Drive Suburban Focus Area and the Shore Drive Corridor Overlay District. One of the guiding principles of the Suburban Area is the creation and maintenance of "Great Neighborhoods," which are stable, sustainable, and supported by a mix of complementary residential and non-residential uses.

The Shore Drive Suburban Focus Area (SFA) is primarily a residential area, but commercial uses are encouraged provided they support the needs of existing neighborhoods. One of the main goals of the SFA is to avoid over-commercialization

to ensure that resort-based uses complement, rather than dominate, the corridor. This particular area is designated as a “Gateway Zone,” which is recommended primarily for retail, service, and offices uses that are compatible with the needs of the surrounding neighborhoods.

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Shore Drive	20,500 ADT ¹	32,700 ADT ¹ (LOS ⁴ “D”)	Existing Land Use ² – 440 ADT Proposed Land Use ³ – 500 ADT
Pleasure House Road	10,470 ADT ¹	12,500 ADT ¹ (LOS ⁴ “D”)	
¹ Average Daily Trips	² as defined by a 0.8 acre of B-2 zoning	³ as defined by an automatic car wash with one tunnel	⁴ LOS = Level of Service

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

Shore Drive in the vicinity of this application is considered a four-lane divided major urban arterial. The MTP proposes a six-lane divided facility within a 150-foot wide right-of-way. Pleasure House Road in the vicinity of this application is considered a two-lane undivided collector street.

The Pleasure House Road Street Improvements Phase I project is currently in the CIP with no funding programmed through 2028. This project will provide street and safety improvements along Pleasure House Road from Shore Drive to Northampton Boulevard. Improvements will include new curb and gutter, drainage improvements, bike accommodations and a new five-foot wide sidewalk along Pleasure House Road.

A second roadway CIP project is slated for this area. Shore Drive Corridor Improvements - Phase II (CIP 2-116) will provide safety improvements, including pedestrian walkways and bikeways, along the Shore Drive corridor from South Oliver Drive/Waterspoint Place to Treasure Island Drive. It will also include improvements along Shore Drive at the Northampton Boulevard interchange and to the intersection at Pleasure House Road and at Greenwell Road. This project is currently not funded in the CIP.

Public Utility Impacts

Water

City water is available via an existing City water transmission line along Shore Drive and an existing City water main along Pleasure House Road.

Sewer

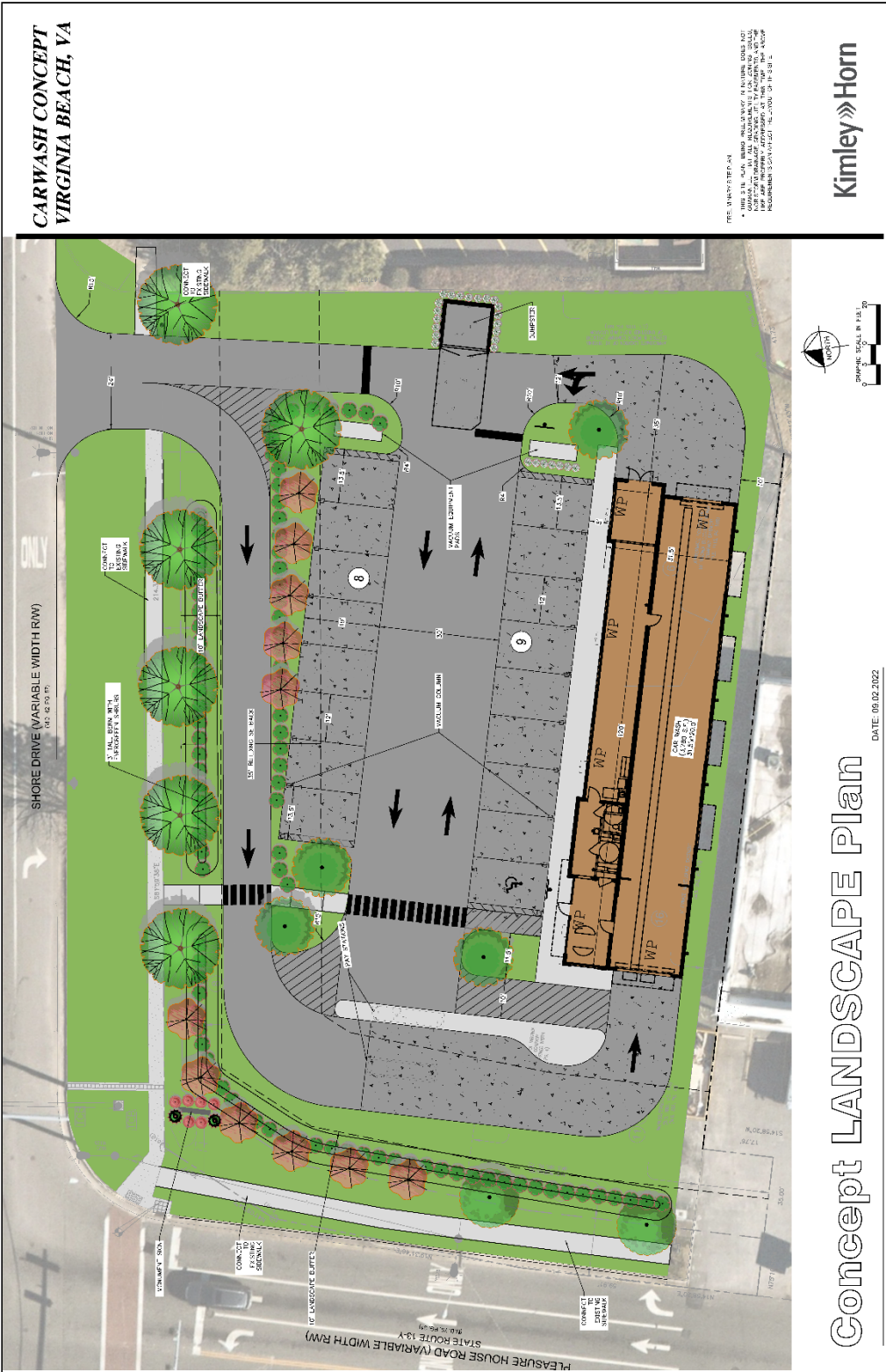
City sanitary sewer is available via two existing City sanitary sewer gravity mains along Pleasure House Road. There is also an existing Hampton Roads Sanitary District force main along Shore Drive and an existing private sanitary sewer gravity lateral along the adjacent eastern and southern properties.

This site must connect to City water and sewer.

Planning Commission

- The applicant's representative met with the Bayfront Advisory Commission on August 18, 2022 and September 15, 2022 to discuss the details of the request. Additionally, the applicant's representative coordinated with members of the Bayfront Advisory Design Committee throughout August and September. At its September 15, 2022 meeting, the Bayfront Advisory Commission voted unanimously to support the application with changes to the screening for vacuum stations as recommended by the Bayfront Advisory Design Committee as it meets the requirements of the Shore Drive Design Guidelines.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on September 12, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, September 25, 2022 and October 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 September 26, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on October 6, 2022.

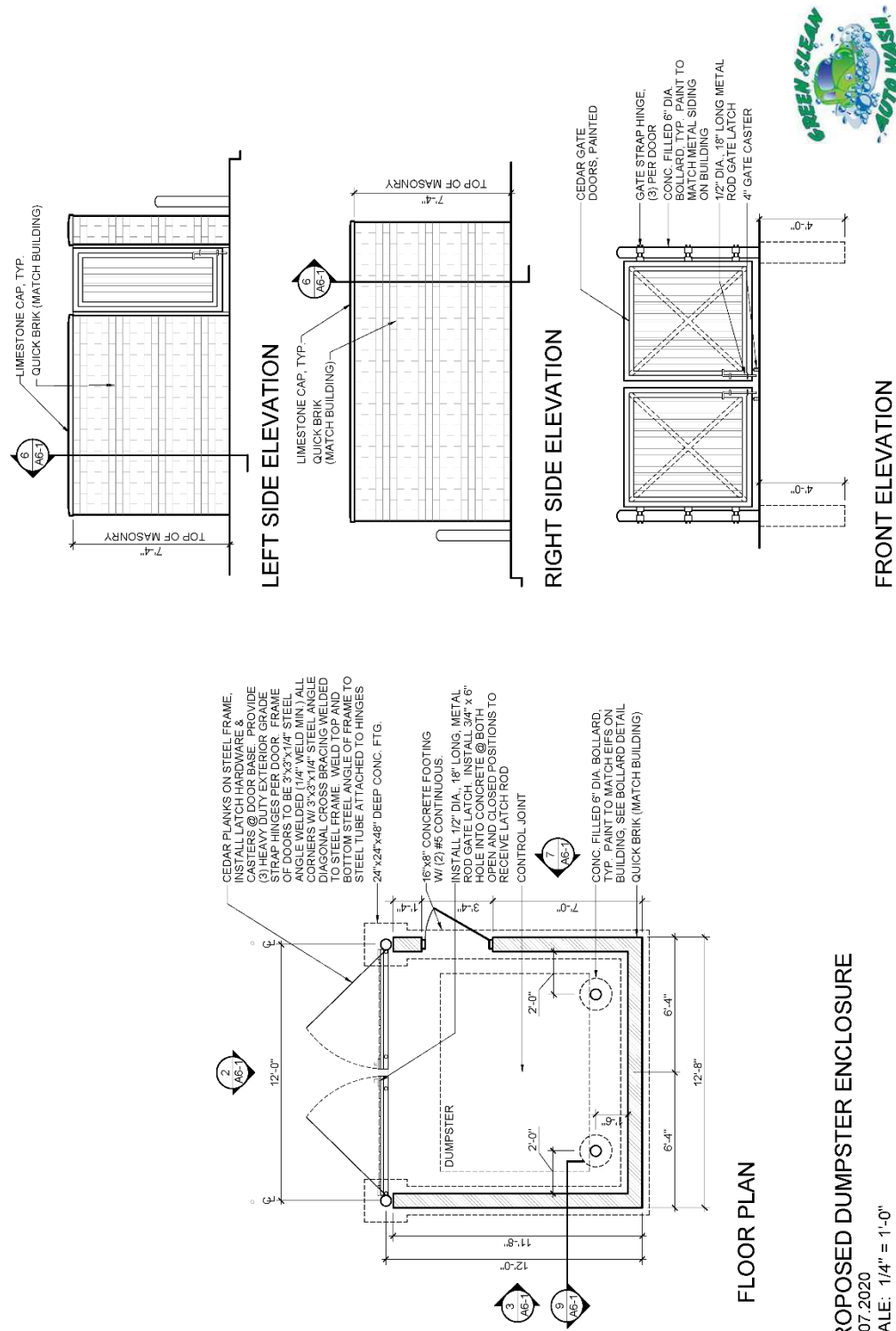
Proposed Site Layout

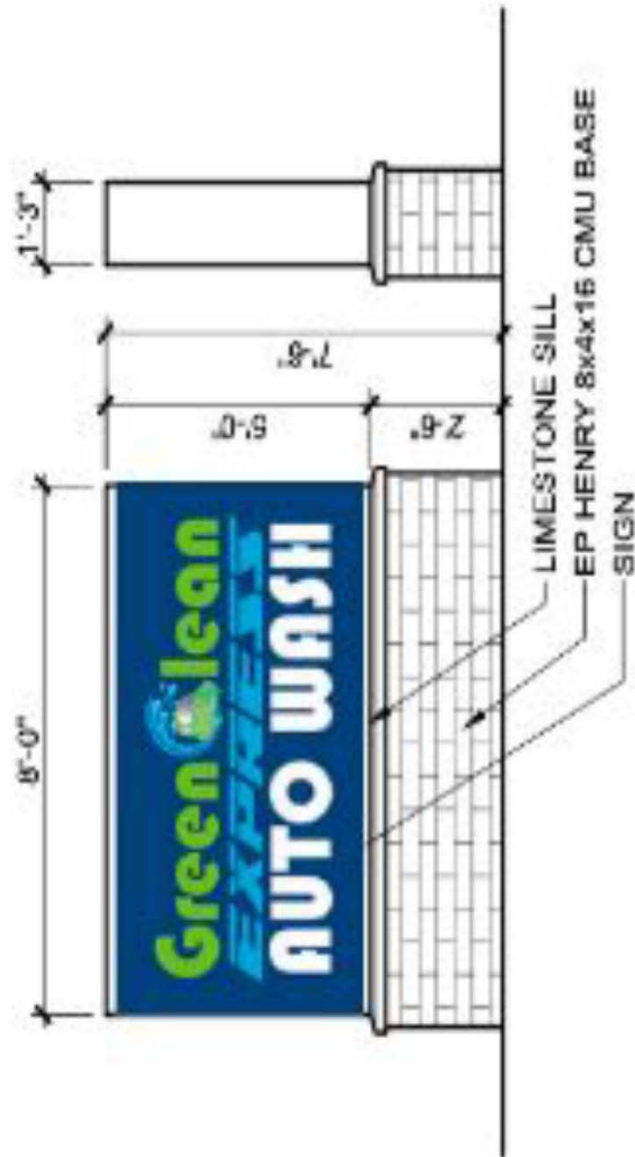


Proposed Building Elevations



Proposed Dumpster Enclosure





EXTERIOR MONUMENT SIGNAGE

Proposed Vacuum Stations and Canopy



Proposed Pay Stations & Canopies



Site Photos



Site Photos





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

Applicant Disclosure

Applicant Name Green Clean Shore LLC

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

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

Kimley-Horn - Grace Haverly, P.E.

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)

Shawn Everett, Craig Van Bremen

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

Green Clean Holdings LLC, Evergreen Car Wash Ventures

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

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.

MidCap Financial

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.

Wick Smith - Thalhimer

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.

Clark Schaefer Hackett - Steve Estelle

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

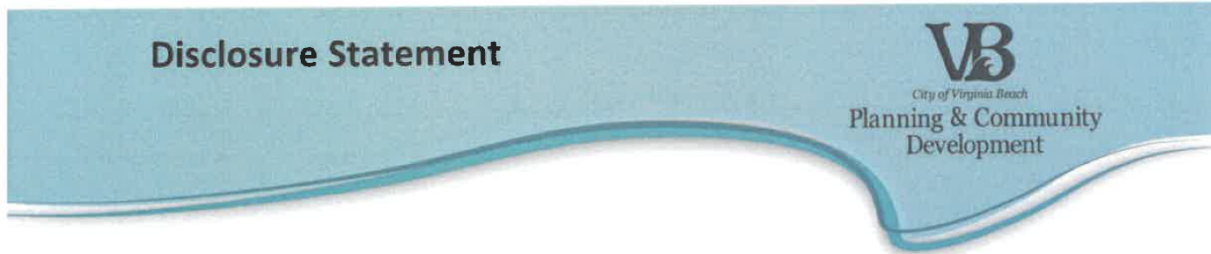
- If **yes**, identify the firm and individual providing the service.

SBA - Kevin Cieszykowski

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.

PG Harris - Austin Sybert

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

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

Kimley-Horn - Grace Haverly, P.E.

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

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

Eastern VA Law Group - Jerry Bowman

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

Craig Van Bremen VP Development Express Wash Concepts

Print Name and Title

07/29/22

Date

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

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name KS Shore LLC

Applicant Name Green Clean Shore LLC - Craig Van Bremen

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

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

See attached

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

Aled and O. Pete Kotarides and Sons LLC

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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.

MSA, P.C.

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.

Kaufman & Canoles, P.C.

Owner Signature

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

A handwritten signature in blue ink, appearing to read 'Pete Alex Kotarides', written over a horizontal line.

Owner Signature

Pete Alex Kotarides, Manager of KS Shore LLC

Print Name and Title

8/1/2022

Date

DISCLOSURE STATEMENT – ATTACHMENT TO PAGE 5

KS SHORE LLC

Sole Member:

- Alex and O. Pete Kotarides and Sons LLC

Members:

- Pete O. Kotarides and Basil O. Kotarides, Co-Trustees of the O. Pete Kotarides Revocable Trust U/A/D 3/19/2004, as amended
- Pete Alex Kotarides and Petro A. Kotarides, Co-Trustees of the Family Trust created under the Alex Pete Kotarides Revocable Trust U/A/D 3/19/2004, as amended
- Pete Alex Kotarides and Petro A. Kotarides, Co-Trustees of Marital Trust A created under the Alex Pete Kotarides Revocable Trust U/A/D 3/19/2004, as amended
- Pete Alex Kotarides and Petro A. Kotarides, Co-Trustees of Marital Trust B created under the Alex Pete Kotarides Revocable Trust U/A/D 3/19/2004, as amended
- Pete A. Kotarides
- Pete O. Kotarides
- Petro A. Kotarides
- Basil O. Kotarides

Managers:

- Pete A. Kotarides
- Pete O. Kotarides
- Petro A. Kotarides
- Basil O. Kotarides

Managers:

- Pete A. Kotarides
- Pete O. Kotarides
- Petro A. Kotarides
- Basil O. Kotarides

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 (Home Occupation-Retail Sales)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

1212 Sycamore Drive

GPIN

1488676163

Site Size

27,211 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Single-family dwelling / R-40 Residential

Surrounding Land Uses and Zoning Districts

North

Single-family dwelling / R-40 Residential

South

Single-family dwelling / R-40 Residential

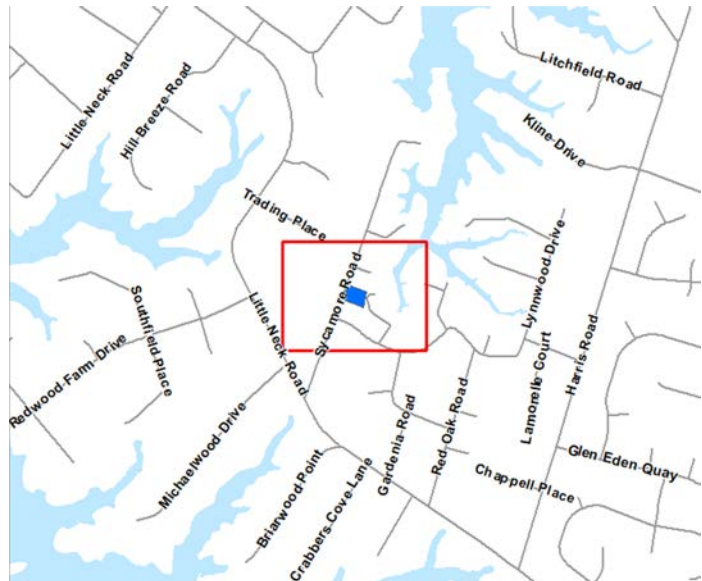
East

Single-family dwelling / R-40 Residential

West

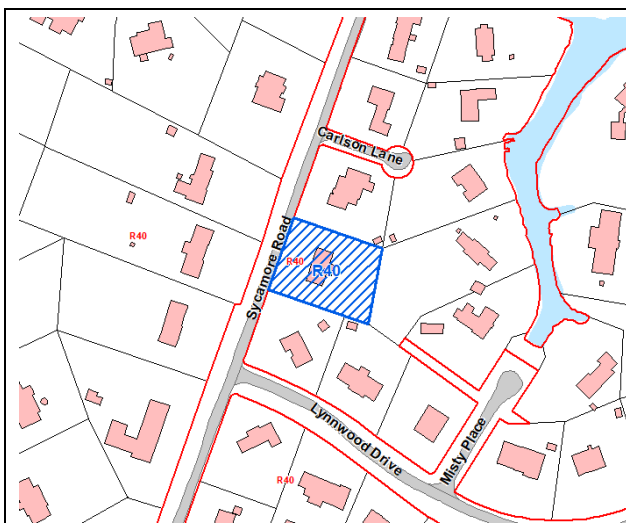
Sycamore Road

Single-family dwelling / R-40 Residential



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Home Occupation to operate a firearm sales and gunsmithing business within the attached garage of a single-family dwelling in the Lynnwood neighborhood. The 27,211 square foot parcel is zoned R-40 Residential District.
- It is the applicant's desire to operate the firearm sales and gunsmithing services within a 100 square foot designated area within the attached garage of the single-family dwelling.
- As required by law, all shipments in which either a firearm or federally controlled item is delivered to the home must be secured upon delivery by the applicant's signature. No packages containing such products will be left on the property without properly being transferred to the applicant.
- The applicant is currently in the reserves with 12 years of service and over 20 years of experience working with guns.
- It is anticipated that there will be a maximum of five customers per month by appointment only.
- No exterior changes are proposed to the home and no signs or advertisements are proposed for the property.
- The applicant will be the sole operator of the in-home business. No other employees are proposed.
- As required by federal law, the applicant intends to obtain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF). All firearms will be secured in the home accordance with ATF regulations.
- Additionally, a City of Virginia Beach Police Officer will conduct a security assessment of the home in the presence of the applicant within one month of obtaining a Conditional Use Permit.
- The typical hours of operation are proposed as 12:00 p.m. to 7:00 p.m., Thursday through Saturday.



No Zoning History to Report

Application Types

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

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

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

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

Evaluation & Recommendation

The applicant's request for a Conditional Use Permit for a Home Occupation for a firearm sales and gunsmithing business within the attached garage of the single-family dwelling is acceptable. In Staff's opinion, this use will not negatively alter the character of the neighborhood and will not adversely affect the surrounding properties, as it is a very low intensity use. All activities of the business will occur indoors and will be undetectable by pedestrians and immediate neighbors.

Section 234 of the Zoning Ordinance allows up to 20 percent of the total floor area of the primary and ancillary structures on the site to be used in association with a home occupation. In this instance, 20 percent equates to 554 square feet, the applicant proposes that the home occupation will occur in a designated 100 square foot space within the attached garage, which will be below the maximum allowed. The applicant offered to limit the number of customer appointments to no more than five per month, as a means to reduce potential traffic impacts to the surrounding residential properties. Being that there will only be one client on the property at one time, there is adequate parking within the driveway to reduce the amount of street parking necessary for the use.

The applicant intends to store firearms in a locked and secured vault, in accordance with ATF regulations. As stated previously, the Virginia Beach Police Department will conduct a security assessment of the home within in one month of the granting of the Conditional use Permit, as noted Condition 1. The assessment will consist of the following items:

- Inspect all exterior lighting and recommend strategies for best lighting practices to be used
- Inspect all landscaping, looking for any conflict with lighting and any area where there may be places to hide
- Inspect all interior and exterior door and window locking devices to ensure that they provide adequate home security against burglary
- Inspect all interior and exterior doors to determine adequacy of their strength against penetration by prying, force, or any other means
- Inspect and review any alarm system that may be installed on the home
- Inspect the room and safe where any firearms, firearm supplies, firearms parts, and money may be stored
- If there are children in the home, the assessing officer will review safety measures as it pertains to firearms and the children.

Based on the considerations above, Staff finds the proposal meets the requirements for a Home Occupation as stated in Section 234 of the Zoning Ordinance. The requirements of the Zoning Ordinance and the conditions recommended by Staff are anticipated to further ensure the compatibility of the proposed use and the safety of the neighborhood. As such, Staff recommends approval of the request subject to the conditions below.

Recommended Conditions

1. Any firearm or firearm parts kept on the property shall be stored in a locked, secured vault or similar container. The applicant shall contact the Police Department's Crime Prevention Office to arrange for a meeting at the property for the purpose of conducting a security assessment within one (1) month of the granting of this Conditional Use Permit. A report shall be written by the Police Department, a copy provided to the applicant, the Planning Department, and a copy retained by the Police Department.
2. The applicant shall obtain and maintain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF) in order to conduct business.

3. All small arms ammunition, primers, smokeless propellants, and black powder propellants stored or awaiting transfer at the residence shall comply with Section 3306 of the Virginia Statewide Fire Prevention Code and NFPA 495.
4. There shall be no sign identifying the businesses on the exterior of any building on the property or within the yard of the property.
5. There shall be no more than five (5) hand-to-hand transactions per month at the dwelling.
6. Delivery of firearms to the property shall be received on the applicant's property only, secured by the applicant's signature.
7. In accordance with Section 234 (d) of the City Zoning Ordinance, the use shall not create noise, dust, vibration, smell, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.
8. No more than twenty (20) percent of the floor area of the dwelling unit shall be used in conduct of the activity. In addition, all activities related to the proposed Home Occupation shall only be conducted inside of the of 170 square foot room on the property.
9. There shall be only one (1) employee associated with this home-based business.

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

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

Comprehensive Plan Recommendations

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

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Sycamore Road	No Data Available	9,900 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 10 ADT Proposed Land Use ³ – 10 ADT
¹ Average Daily Trips	² as defined by a single-family dwelling	³ as defined by a single-family dwelling with a home occupation	⁴ LOS = Level of Service

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

Sycamore Road in the vicinity of this application and are considered a two-lane local street.

Public Utility Impacts

Water & Sewer

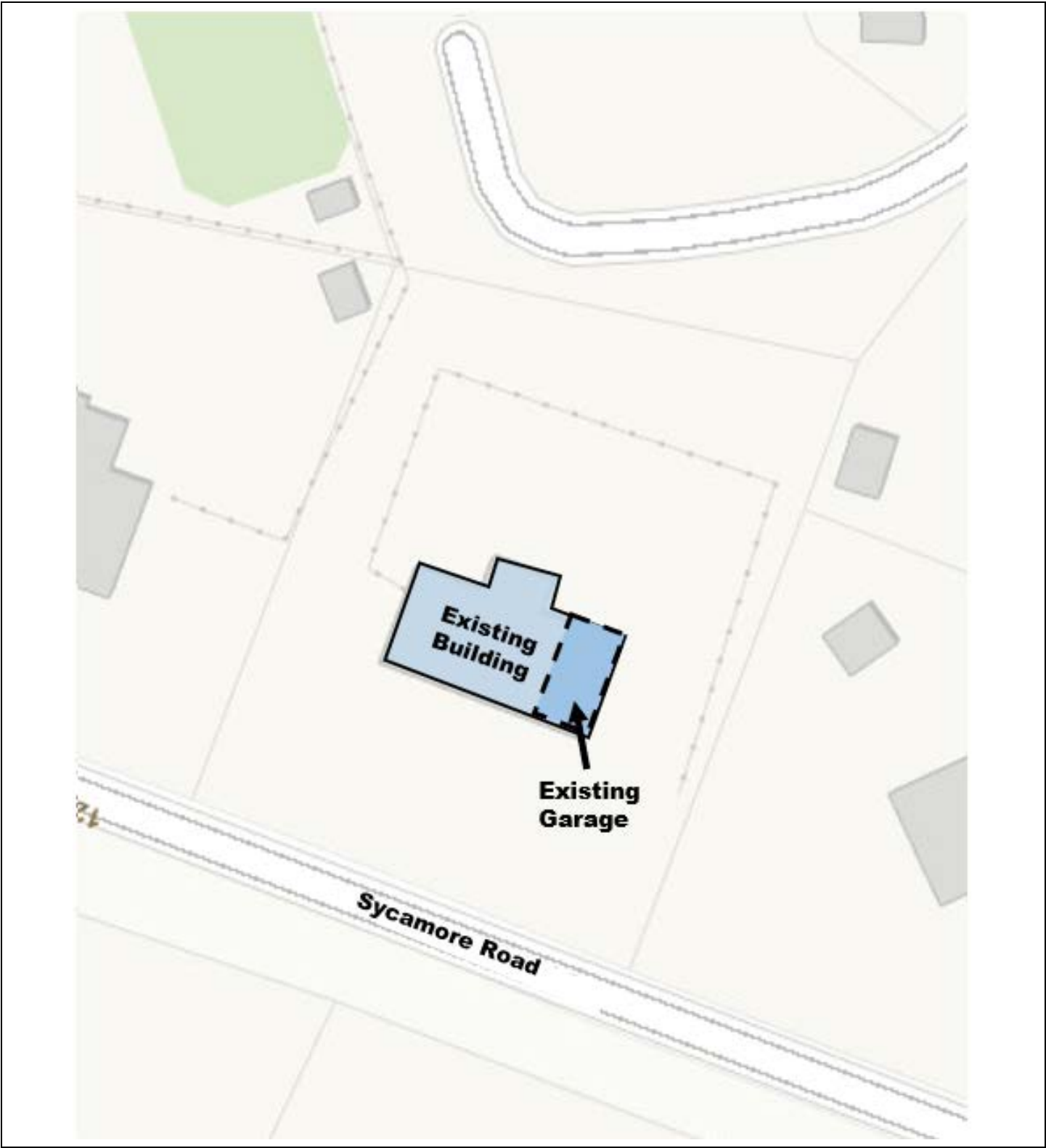
This site is connected to both City water and sewer.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on September 12, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, September 25, 2022 and October 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 September 26, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on October 6, 2022.

Proposed Site Layout 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 Russell A. Brown

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.

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 "Rll Brown", is written over a horizontal line.

Applicant Signature

Russell A. Brown

Print Name and Title

07 AUG 2022

Date

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

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

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

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

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 **Virginia Aquarium Foundation**
Property Owner **City of Virginia Beach**
Planning Commission Public Hearing **October 12, 2022**
City Council District **District 6**, formerly Beach

Agenda Item

5

Request

Conditional Use Permit (Wind Energy Conversion System - Wind Turbine)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

801 General Booth Boulevard

GPIN

2416758858

Site Size

25.70 acres

AICUZ

Greater than 75 dB DNL

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Virginia Aquarium / P-1 Preservation

Surrounding Land Uses and Zoning Districts

North

Owl Creek Preservation Area / P-1 Preservation

South

Owl Creek Tennis Center / P-1 Preservation

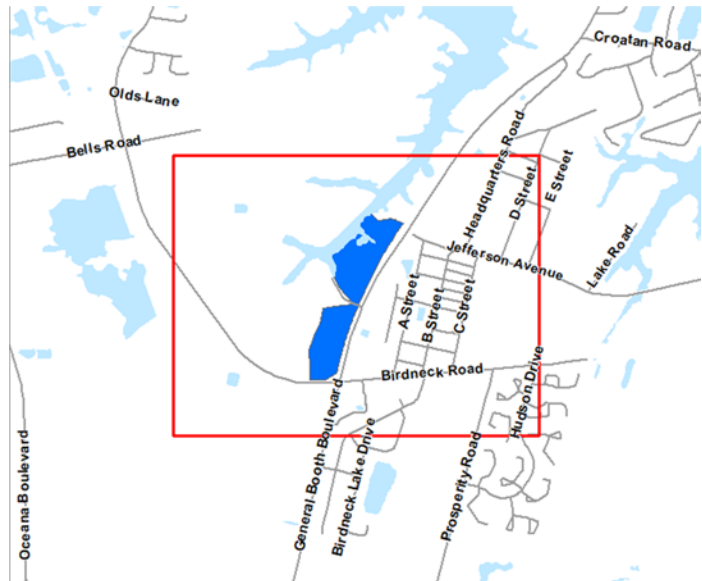
East

General Booth Boulevard

Camp Pendleton Army Base / P-1 Preservation

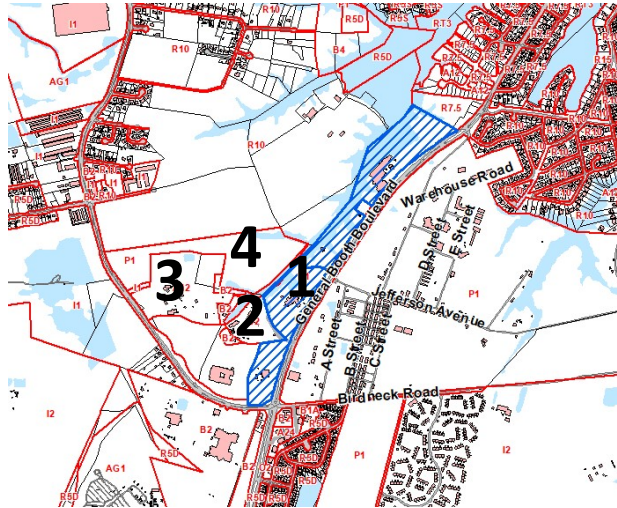
West

Water Park / B-2 Community Business



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to operate a Wind Energy Conversion System known as a Wind Turbine for a new outdoor watershed exhibit at South Building at the Virginia Aquarium. The 25.70-acre property along General Booth Boulevard is zoned P-1 Preservation District and is within the Resort Area Strategic Growth Area (SGA). The Virginia Aquarium first opened in 1986 and continues provide marine research conservation, educational resources to teachers and students while also serving as an educational amenity with over 500,000 visitors per year.
- The wind turbine will be constructed in the outdoor watershed exhibit at the newly renovated South Building of the Virginia Aquarium. This turbine is proposed with a footprint of 16 square feet with the lowest point of the turbine blade to be 10 feet above the ground. The base is intended to resemble a waterline while the top of the exhibit will resemble a turbine rising out of the ocean.
- Visitors will have an opportunity to manually power the wind turbine by using a stationary hand crank to produce energy into kilowatts. While this wind turbine is for educational purposes, as it will have the ability to produce wind energy into kilowatts, a Conditional Use Permit is required for the installation of a Wind Energy Conversion System.
- Hours of operation will be in conjunction with the Aquarium, 9:00 a.m. to 6:00 p.m., Monday to Sunday.

	Zoning History		
	#	Request	
	1	CUP (VB Campgrounds) Approved 10/26/1970 CRZ (I-2 to P-1) Approved 06/09/1980 CUP (Outside Storage) Approved 01/25/1982 CRZ (P-1 to B-2) Approved 01/25/1982 CRZ (B-2 to P-1) Approved 12/14/1987 CRZ (Conditional I-1 to P-1) Approved 01/14/2014	
	2	MDC (Recreation Facility of an Outdoor Nature) Approved 11/16/2016	
	3	CUP (Recreational Facilities of an Outdoor Nature) Approved 06/12/1986 MDC (Recreational Facilities of an Outdoor Nature) 06/23/1986 MDC (Recreational Facilities of an Outdoor Nature) Approved 11/26/1991 MDC (Recreational Facilities of an Outdoor Nature) Approved 05/14/1991 CUP (Recreational Facilities of an Outdoor Nature) Approved 02/11/2003 MDC (Recreational Facilities of an Outdoor Nature) Approved 09/09/2008	
4	CRZ (R-10, A-12, B-2 to Conditional I-1) Approved 01/27/2004		
Application Types			
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MDC – Modification of Conditions MDP – Modification of Proffers NON – Nonconforming Use	STC – Street Closure FVR – Floodplain Variance ALT – Alternative Compliance	SVR – Subdivision Variance LUP – Land Use Plan STR – Short Term Rental

Evaluation & Recommendation

This request for a Conditional Use Permit for a Wind Energy Conversion System, also known as a Wind Turbine, in Staff's opinion is acceptable. The request is in keeping with the policies and goals set forth in the Comprehensive Plan, as it aligns with the goal for all public and private development to employ design features that achieve higher levels of energy efficiency. With the addition of this wind turbine exhibit at the Virginia Aquarium, it will provide an educational tool for visitors to help further the City's energy resource management goals.

Section 209 of the City Zoning Ordinance regulates Wind Energy Conversion Systems. This section of the Ordinance promotes the use of renewable energy sources when such use is located within an appropriate location while minimizing visual, safety, and environmental impacts and promoting the safe, effective, and efficient use of such systems. In Staff's view, the proposal adheres to these provisions as it will be located in an area that will not detract from the characteristics or activities of the surrounding area.

Section 209(b) requires compliance with all applicable regulations of the Virginia Uniform Statewide Building Code and Federal Aviation Administration along with structural integrity. The proposed wind turbine is unlike a typical turbine, as visitors will use the stationary hand cranks to generate wind energy into kilowatts. Staff believes that this wind turbine is not subject to the compliance requirements for a traditional turbine as little to no kilowatts will be produced and the turbine will be used only for educational purposes.

Based on these considerations and the evaluation of the proposed Wind Energy Conversion System in accordance with the standards set forth in Section 209 of the Zoning Ordinance, Staff recommends approval of this request subject to the conditions listed below.

Recommended Conditions

1. The Wind Turbine shall be constructed substantially in adherence to the site plans entitled "VIRGINIA AQUARIUM MARSH PAVILION ENHANCEMENTS", prepared by Waller Todd & Sadler and dated December 3, 2018, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The Wind Turbine shall substantially adhere in appearance, size, and materials to the submitted conceptual sketch entitled "WIND TURBINE EXHIBIT CONCEPT SKETCH", depicted on page six of this report.
3. The wind turbine shall not exceed 30 feet in height.

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

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

Comprehensive Plan Recommendations

This site is located within the Resort Area Strategic Growth Area. The vision for the Resort Area is to develop synergies between the recreational and natural life while drawing residents and visitors into the area. Implementation strategies include promoting environmental stewardship and providing the highest quality spaces and experiences for locals and visitors.

Natural & Cultural Resources Impacts

The site is located in the Atlantic Ocean Watershed within natural area of Owls Creek, which is roughly 3,000 acres in size. This watershed is highly populated with businesses and homes on the east side and the military base on the southwest. It encompasses marinas, resort hotels and restaurants, mixed with open wetland areas.

Founded in 1986, The Virginia Aquarium & Marine Science Center provides customers over 800,000 gallons of underwater fish and animals, representing over 300 species. The Aquarium also provides state-of-the art and educational habitats and interactive exhibits.

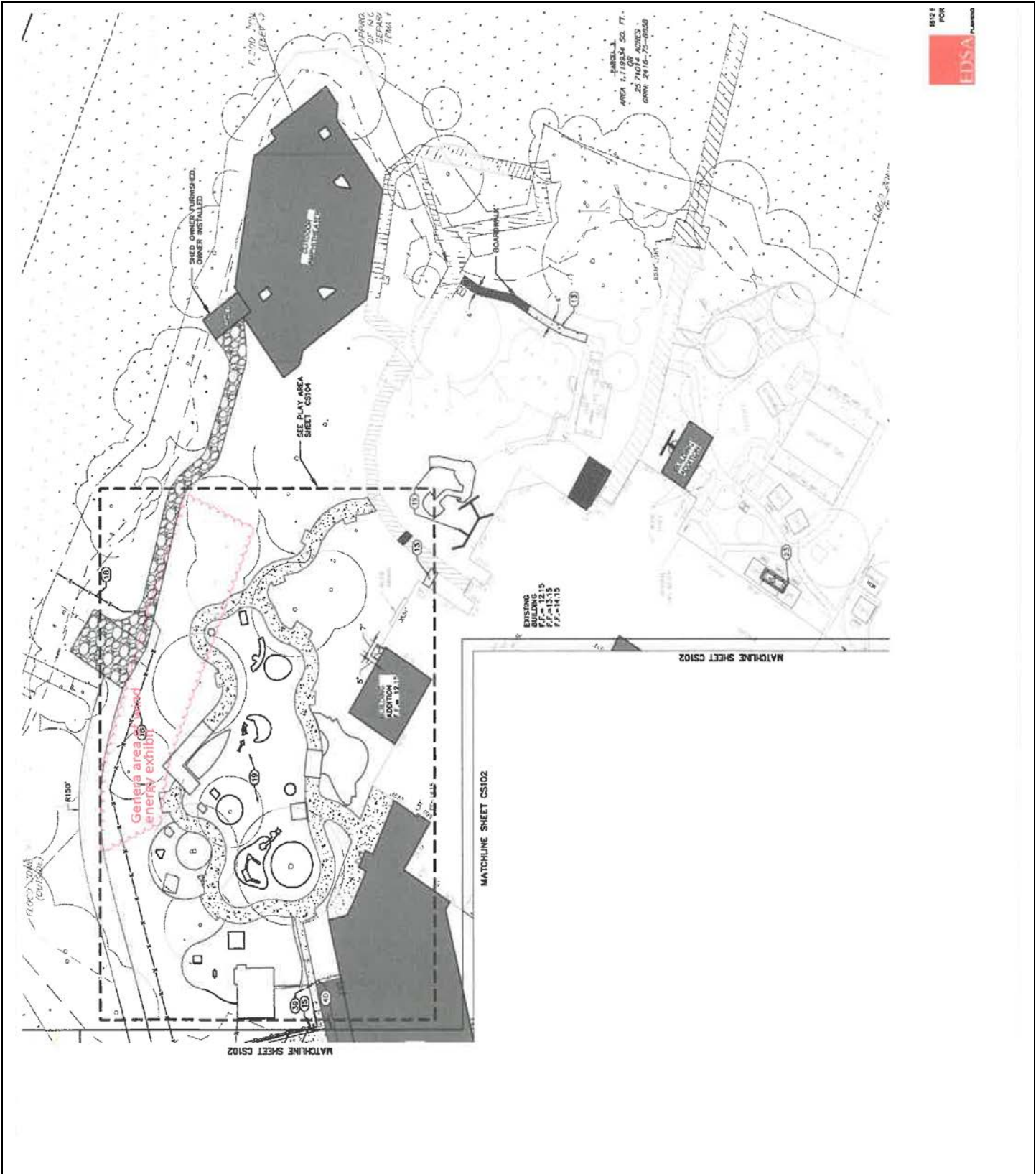
The area is also located in the X Flood Zone and is not within any Chesapeake Bay Preservation Area buffers. It is located above the elevation of the Jurisdictional Wetlands or 1.5 Mean High Water.

Public Outreach Information

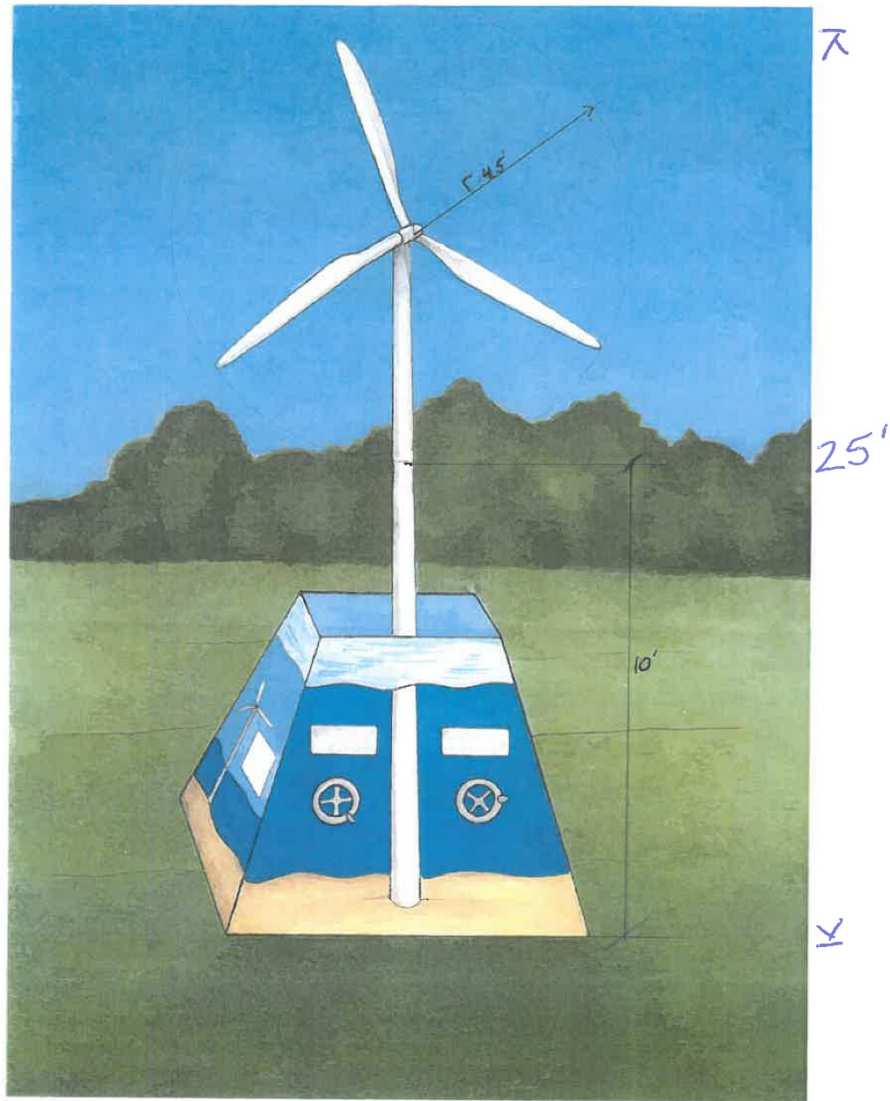
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on September 12, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, September 25, 2022 and October 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 September 26, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on October 6, 2022.

Proposed Area of Wind Turbine



Proposed Concept Sketch



Wind Turbine Exhibit Concept Sketch

Site Photos



Disclosure Statement



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

Applicant Disclosure

Applicant Name Virginia Aquarium Foundation

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)

To Be Submitted - See Attached

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

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

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Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ **Yes** ☒ **No**

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

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

☐ **Yes** ☒ **No**

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

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

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

BDO

Log Bixler

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

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

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

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Disclosure Statement

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
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-

Applicant Signature

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



Applicant Signature

Print Name and Title

Cynthia Whitbred-Spanoulis, Executive Director of the Virginia Aquarium Foundation

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 City of Virginia Beach

Applicant Name Virginia Aquarium Foundation

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

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

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

Known Interest by Public Official or Employee

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

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Disclosure Statement



Owner Services Disclosure

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Disclosure Statement

Disclosure Statement



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

Kenneth L. Chandler, Deputy City Manager

Print Name and Title

07-22-2022

Date

Virginia Aquarium & Marine Science Center Foundation, Inc. Board of Trustees

Salvatore J. DaBiero, Chair
William A. Hearst, Past Officer
Daniel R. Peterson, Treasurer
Andrew W. Vakos, Chair of Development and Governance Committee
Thomas M. McNicholas III, Chair of Mission and Advocacy Committee
Sherri L. Miles, Secretary
Robert C. Fort, Officer at Large
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Stephen M. Snyder
President
Checkered Flag Motor Co.
Virginia Beach, VA

Andrew W. Vakos
Owner
The Oceanfront Inn
Virginia Beach, VA

Mr. Walter D. Worrall (Dave)
President
LoanCare, LLC
Virginia Beach, VA

Updated 7/1/2022

Next Steps

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

Request

Alternative Compliance (Tattoo Parlor)

Staff Recommendation

Approval

Staff Planner

Garek Hall Hannigan

Location

529 Virginia Beach Boulevard

GPIN

2427061559

Site Size

20,970 square feet

AICUZ

70-75 dB DNL

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Retail / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts
North

Virginia Beach Boulevard
Art Gallery, Restaurant, Commercial / OR
Oceanfront Resort

South

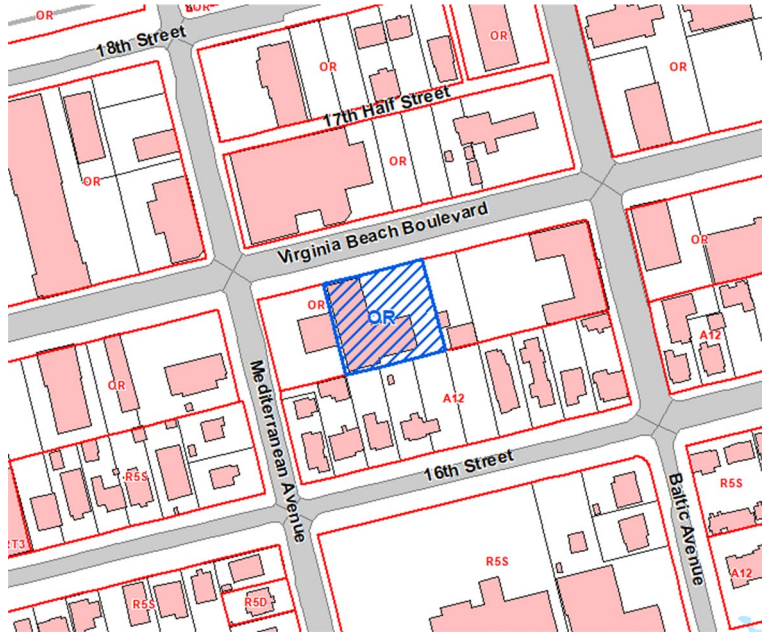
Single Family, Duplex, Residential / A-12
Apartment

East

Short Term Rental, Lodging / OR Oceanfront
Resort

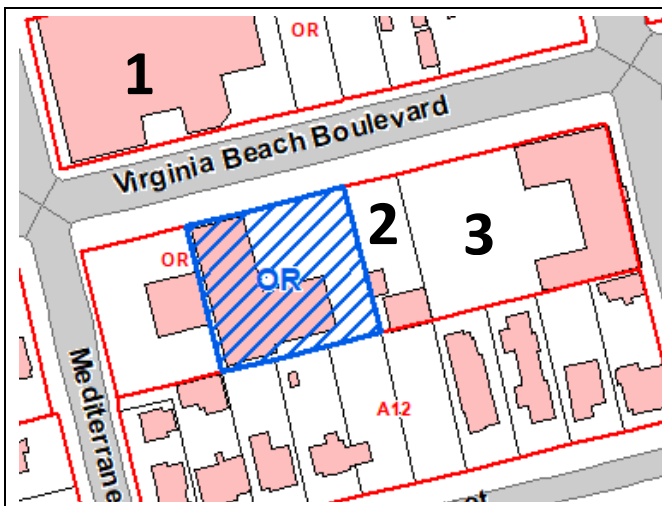
West

Auto Sales, Commercial / OR Oceanfront Resort



Background & Summary of Proposal

- The applicant is requesting a Special Exception of Alternative Compliance for a Tattoo Parlor as the use is not expressly listed in the use table of the Oceanfront Resort Form Based Code. The applicant will be providing traditional custom tattooing services. The existing 9,076 square foot structure was built in 1945, with multiple tenants including retail and office uses. The operation will occur within one of the units, approximately 1,500 square feet. The property is zoned OR Oceanfront Resort and is within the ViBe Creative District.
- The proposed tattoo parlor will employ eight tattoo artists. The typical hours of operation will be 12:00 p.m. to 8:00 p.m., Tuesday through Saturday. The business will be operated by appointment only and do not accept walk-in clients. There will also be an art gallery in the lobby to display original artwork prints by the resident artists.
- The applicant is proposing to remodel the interior, upfit the façade of the structure, and add new exterior wall signage and mural work consistent with the ViBe Creative District.



Zoning History

#	Request
1	ALT (Tattoo Parlor) Approved 05/17/2022
2	CUP (Short Term Rental) Approved 09/08/2020
3	CUP (Eating and Drinking Establishment) Approved 10/07/2014

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 Oceanfront Resort District Form-Based Code (ORDFBC) provides flexibility through the Alternative Compliance process to accommodate unique uses and development forms that contribute to the character and ambiance envisioned in the Resort Area Strategic Action Plan (RASAP 2030). Although the proposed use of ‘Tattoo Parlor’ is not expressly listed in the Oceanfront Form-Based Code, Staff supports the request as the proposed use will contribute to a mix of uses in the surrounding area which are compatible with one another. These creative uses support the goals of the Comprehensive Plan, specifically for developing and maintaining the goals and objectives for the ViBe Creative District, which fosters and promotes creative industries within the arts and cultural vocation.

The site is located near the southeast corner of Mediterranean Avenue and Virginia Beach Boulevard, with the storefront facing Virginia Beach Boulevard. This section of Virginia Beach Boulevard is designated as a “Shopping” street frontage type by the Oceanfront Resort Form-Based Code, which is intended as a frontage with high pedestrian activity stimulated by wide sidewalks and slower-moving traffic patterns. With the applicant proposing to treat the building façade and allow for pedestrian scaled mural work, the proposal encourages pedestrian activity and alternative modes of human-scale transportation.

There is an existing auto-oriented parking lot between Virginia Beach Boulevard and the façade of the structure which is not being proposed to be expanded under this application as the proposed use does not require any additional parking spaces: The use is similar in nature to the previous tenant, consistent with the parking requirements of the Oceanfront Resort Form-Based Code.

The applicant has received a letter of approval from the ViBe Creative District Board and the Friends of the Creative District (FCD) Board, submitted to Staff on September 13, 2022, and can be seen below. The Boards endorsed the artisan tattoo business, as the operation will be conducted by appointment only and concentrated on custom artwork tattoos with a high-level focus on original artwork, specializing in providing art therapy to patients with medical scars and military veterans. Additionally, the Boards supported the creative business providing community programming such as art exhibits featuring original artwork by the resident artists and visiting tattoo artist events to engage with the creative community.

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

The request for Alternative Compliance to allow a Tattoo Parlor within the boundaries of the ViBe Creative District, along with proposed façade improvements, is consistent with the RASAP 2030 vision of street activation, beautification, and creation of sense of arrival for the Central Beach District.

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 Resort Strategic Growth Area (SGA), which is designated as one of the eight urban areas in Virginia Beach that encourages land use patterns that foster economic growth through efficient use and reuse of land, neighborhood protection, green building and infrastructure opportunities, with a variety of civic, commercial, artistic, and ethnically diverse areas.

The property is located within the Central Beach District sub area, as designated by the Resort Area Strategic Action Plan (RASAP 2030), which encompasses the 21st Street Gateway, the ViBe Creative District, the Virginia Museum of Contemporary Art, and the 19th Street multimodal corridor. The Central Beach has been designated as one of the high-priority areas for streetscape improvements, including public art, lighting, landscaping, and outdoor amenity spaces. The Plan also prioritizes the need to create a sense of arrival and welcome into the Resort Area, with the goal of being a year-round resort destination. New developments should protect the character of the existing neighborhoods by designing at the neighborhood scale and providing amenities for both residents and visitors.

Natural & Cultural Resources Impacts

The site is located in the Atlantic Ocean 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 multi-tenant structure and parking lot.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Virginia Beach Boulevard	9,360 ADT ¹	25,100 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – No Data Available Proposed Land Use ³ – No Data Available
¹ Average Daily Trips	² as defined by a Shopping Center	³ as defined by a Shopping Center	⁴ LOS = Level of Service

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

Virginia Beach Boulevard is in the vicinity of this site is a four-lane undivided minor urban arterial. Virginia Beach Blvd. has a variable width right-of-way. The 17th Street Improvements- Phase I CIP project will improve 17th Street from Cypress Avenue to Pacific Avenue and provides essential connectivity and improved aesthetics for the 17th Street Corridor through the implementation of an 80-foot typical section consisting of wide sidewalks, street trees, bicycle lanes, traffic signals, curb and gutter, and four lanes of traffic. Associated utility and accessibility upgrades including undergrounding of overhead utilities, new storm, sewer, and water infrastructure, improved crosswalks, and curb ramps will be implemented. This project is currently in the design phase and is scheduled to begin construction in late 2022.

Public Utility Impacts

Water

This site currently connects to City water.

Sewer

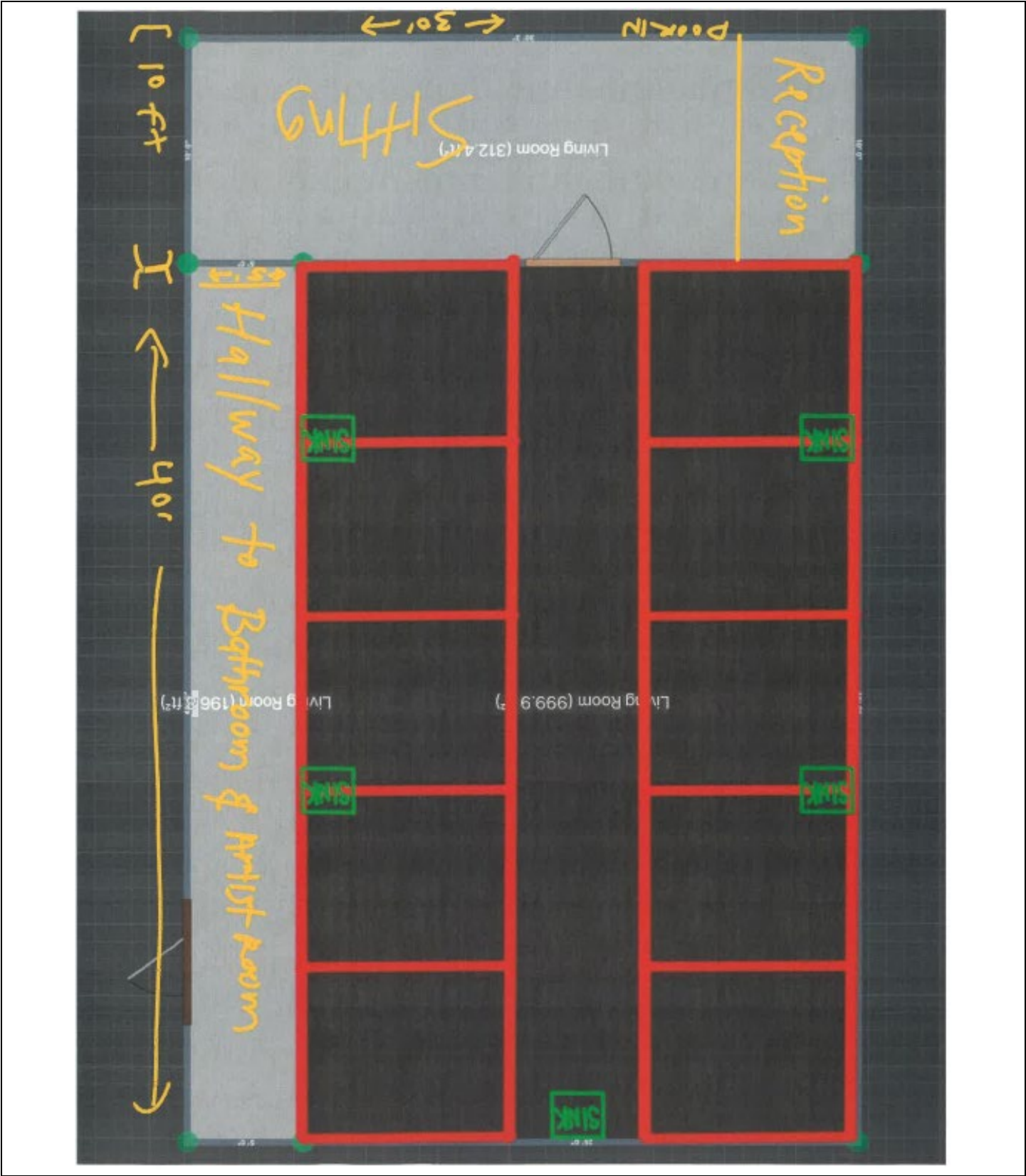
The site currently connects to City sanitary sewer.

Public Outreach Information

Planning Commission

- The applicant reported that they met with the members of the ViBe Creative District Board and the Friends of the Creative District (FCD) Board and received a letter of support from the Board members.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on September 12, 2022.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, September 25, 2022 and October 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 September 26, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on October 6, 2022.

Proposed Floor Plan



Proposed Elevation Rendering



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 Sacred Daggers LLC

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

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

Jackie Romano Smith

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

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

Michael A. Vasquez, President

Jackie Romano Smith, COO

- 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.

Applicant Signature

Print Name and Title

Date

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

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

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

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

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name Pavement Paradise, LLC

Applicant Name Sacred Daggers 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)

Amy O. Longacher, President

Joshua W. Longacher, ~~SE~~ Secretary

- 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.

existing mortgage with TowneBank on Building

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.

Current CPA Terri Stewart - prepares tax Returns each year.

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.

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- 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.

Am O. Langen
Owner Signature

Am O. Langen, President
Print Name and Title

8-18-22
Date

Next Steps

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

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Garek Hall Hannigan

Location

1724 Baltic Avenue

GPIN

24270730526800

Site Size

16,800 square feet

Existing Land Use and Zoning District

Apartments / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

18th Street

Townhouses, Brewery / OR Oceanfront Resort

South

17th ½ Street (alley)

Commercial / OR Oceanfront Resort

East

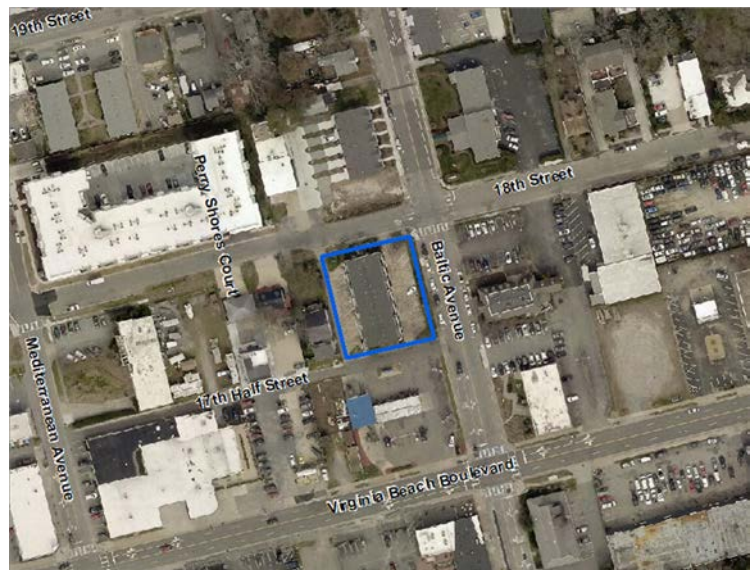
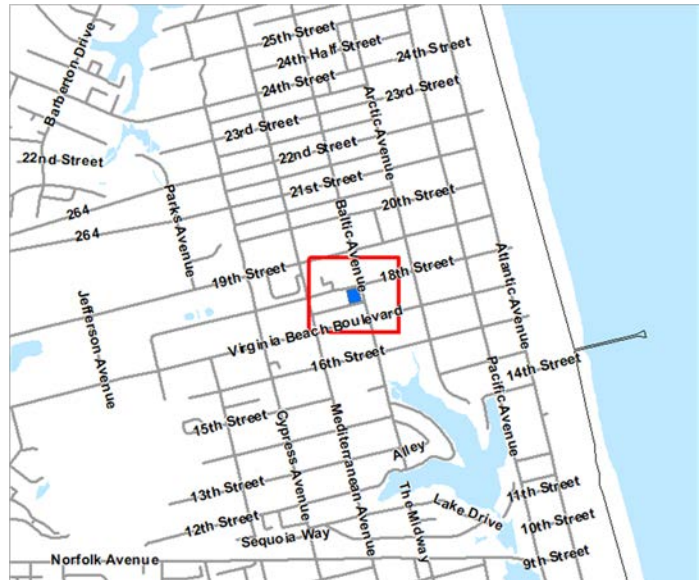
Baltic Avenue

Apartments / OR Oceanfront Resort

West

Alley

Single-family dwellings / OR Oceanfront Resort

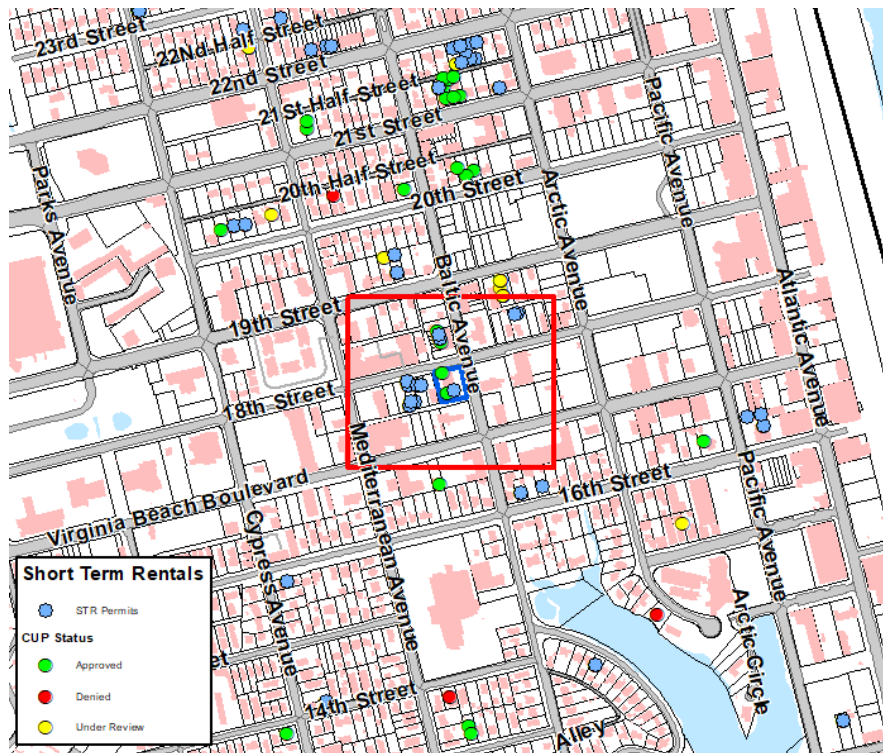


Background & Summary of Proposal

Site Conditions and History

- The site is a 16,800 square foot parcel located within the OR Oceanfront Resort Form Based Code District.
- The Short Term Rental will occupy 1 unit of a 14-unit condominium building that was constructed in 1984.
- Staff inspected the site on September 20, 2022, to observe site conditions and take photographs for this report.
- There are no records of zoning violations relating to Short Term Rental use were found associated with the subject address.

Short Term Rentals in the Vicinity

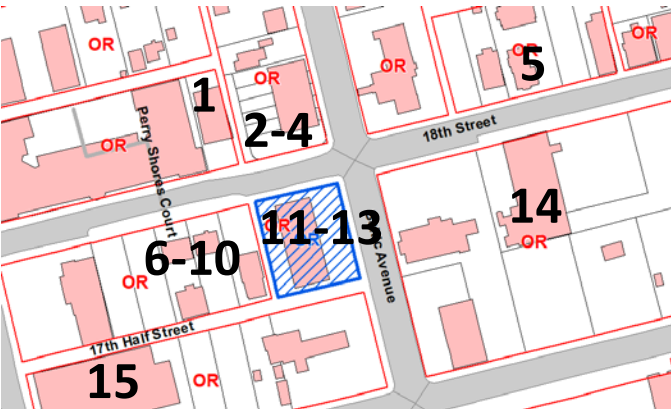


Summary of Proposal

The applicant submitted a Conditional Use Permit for a Short Term Rental in one condominium unit addressed 1728 Baltic Avenue. The regulations for Short Term Rental use are identified in Section 241.2 and 2300 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

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

*Each of the 14 units are provided with one parking space and there are 21 parking spaces available on site. The applicant/owner is leasing one of the on-site guest spaces to meet the parking requirement for Short Term Rental.

	<h3>Zoning History</h3> <table><tr><th>#</th><th>Request</th></tr><tr><td>1</td><td>CUP (Brewery) – Approved on 11/8/2017</td></tr><tr><td>2-4</td><td>STR – Approved on 08/25/2020 STR – Approved on 06/09/2020 STR – Approved on 02/18/2020 STR – Approved on 02/04/2020</td></tr><tr><td>5</td><td>STR – Approved on 01/18/2022</td></tr><tr><td>6-10</td><td>STR – Approved on 09/01/2020 STR – Approved on 09/01/2020 STR – Approved on 09/01/2020 STR – Approved on 09/01/2020 NON (Expansion of a nonconforming duplex dwelling) – 02/01/1992</td></tr><tr><td>11-13</td><td>STR – Approved on 08/18/2020 STR – Approved on 08/18/2020 STR – Approved on 06/09/2020</td></tr><tr><td>14</td><td>CUP (Automobile Museum) – Approved on 12/07/2020</td></tr><tr><td>15</td><td>ALT (Tattoo Parlor) – Approved on 05/17/2022</td></tr></table>				#	Request	1	CUP (Brewery) – Approved on 11/8/2017	2-4	STR – Approved on 08/25/2020 STR – Approved on 06/09/2020 STR – Approved on 02/18/2020 STR – Approved on 02/04/2020	5	STR – Approved on 01/18/2022	6-10	STR – Approved on 09/01/2020 STR – Approved on 09/01/2020 STR – Approved on 09/01/2020 STR – Approved on 09/01/2020 NON (Expansion of a nonconforming duplex dwelling) – 02/01/1992	11-13	STR – Approved on 08/18/2020 STR – Approved on 08/18/2020 STR – Approved on 06/09/2020	14	CUP (Automobile Museum) – Approved on 12/07/2020	15	ALT (Tattoo Parlor) – Approved on 05/17/2022
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Evaluation & Recommendation

The Short Term Rental request is for an existing 2-bedroom condominium unit, built in 1984, which is located at the corner of Baltic Avenue and 18th Street. The condominium is located within the Ocean Resort (OR) Short Term Rental Overlay District as well as the ViBe Creative District. The subject condominium unit shares the building with other multi-family condominium units and Short Term Rental units. The surrounding area is a mixture of multi-family dwellings, commercial retail, and eating and drinking establishment uses which are all typical of the Oceanfront Resort and ViBe Creative District

The unit in question has not yet been advertised nor utilized as a Short Term Rental, according to City records and Host Compliance. The applicant has stated that they do not intend to use this unit for Short Term Rentals prior to approval of this application. Due to these factors, there is not previous history for Staff to analyze regarding compliance with existing ordinances.

Currently, 6 of the 14 units within the condominium building are legally utilized as Short Term Rentals units, according to City records. The parking plans for this application does not conflict with the other six approved parking plans and is reflected in Site Layout & Parking Plan section below.

As of September 20, 2022, one letter of support for this application has been received by Staff. The letter of support is attached below.

For the reasons stated 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 1724 Baltic Avenue and the Short Term Rental use shall only occur within the dwelling unit.
2. An annual (yearly) Short Term Rental Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
 - a) The dwelling units shall comply with all required Fire and Building code requirements.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

11. Accessory structures shall not be used or occupied as Short Term Rentals.
12. No signage shall be on-site, except that each Short Term Rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.
13. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
17. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect 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.
19. Prior to approval of any Department of Planning and Community Development Short Term Rental Zoning Permit associated with the subject addresses, a parking plan consistent with the requirements of Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance, or as approved by City Council, must be submitted, and approved by the Zoning Administrator.

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.

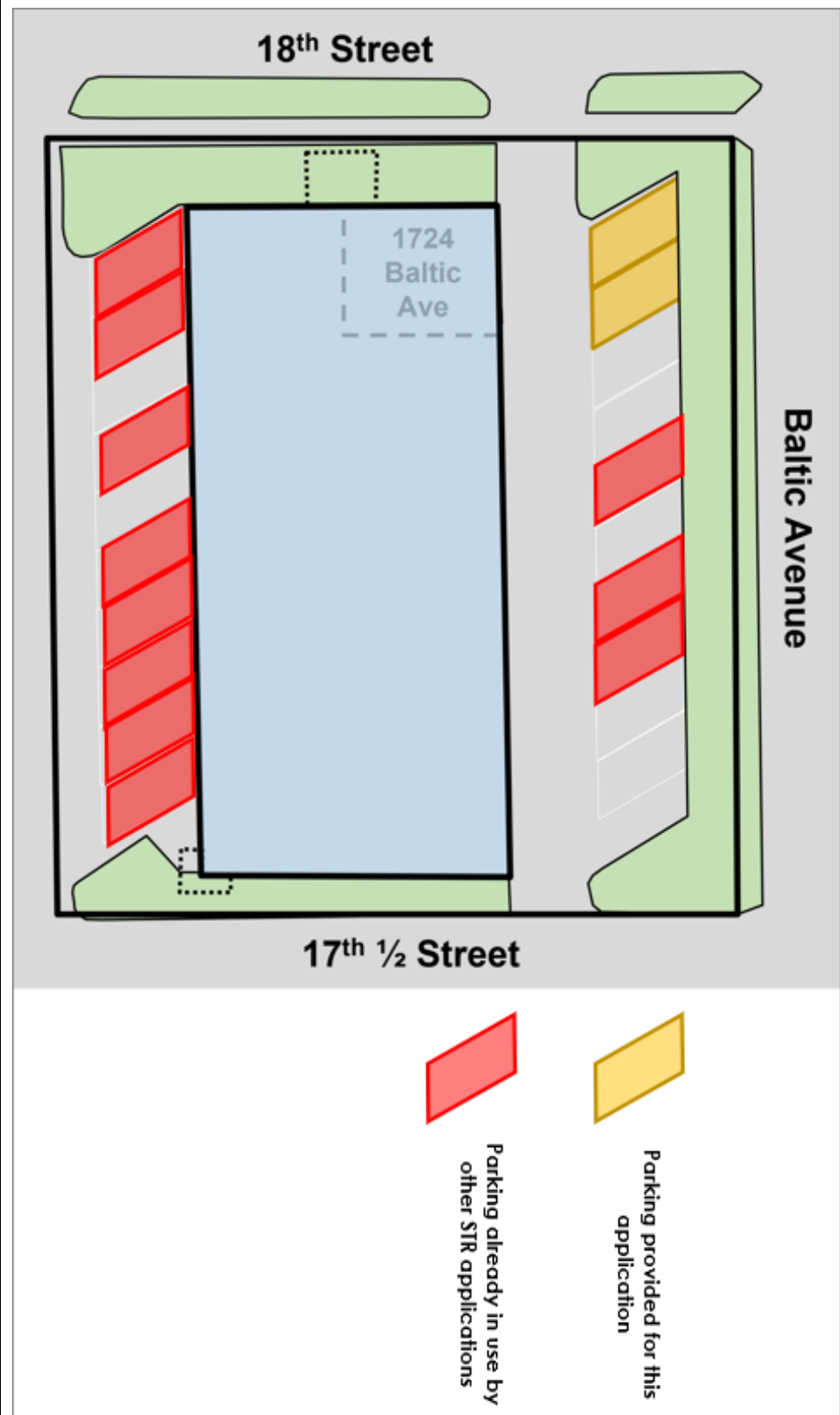
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- A letter of support was provided to Staff by the Condo Association.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on September 12, 2022.
- As required by State Code, this item was advertised in the Virginia Pilot Beacon on Sundays, September 25, 2022, and October 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 September 26, 2022.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on October 6, 2022.

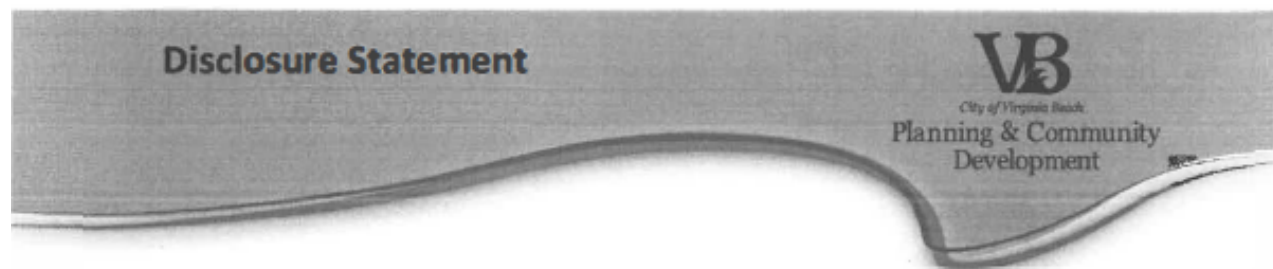
Site Layout & Parking Plan



Site Photos



Disclosure Statement



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

Applicant Disclosure

Applicant Name SHAWN ANDREW MASLANEY

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

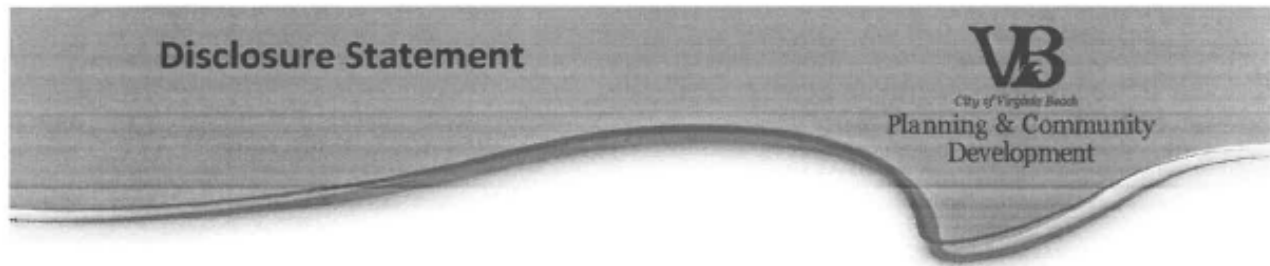
Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? ☐ Yes ☒ No

- 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.

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.

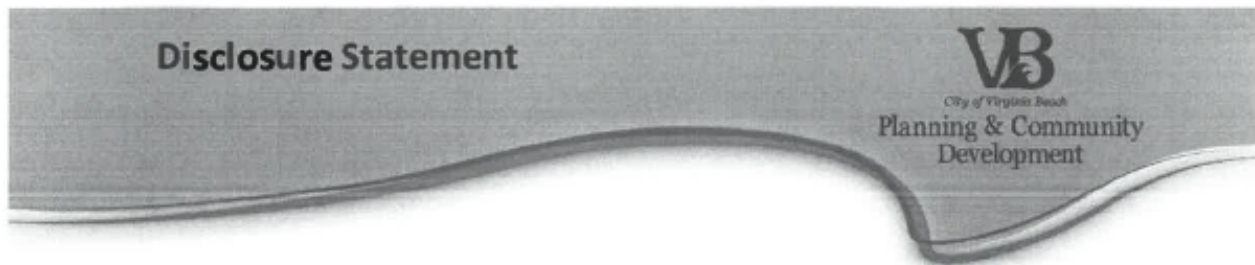
4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No

- 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.

Applicant Signature

SHAWN MASLANEY - PROPERTY OWNER / APPLICANT

Print Name and Title

07/15/22

Date

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

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

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

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

Next Steps

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



Applicant: **JD Enterprises VA, LLC**
Property Owner: **LOROM, LLC**
Planning Commission Public Hearing: **October 12, 2022**
City Council District: **District 6**, formerly Beach

Agenda Items

8-14

Staff is recommending a 30-day deferral of these applications as the applicant has similar requests on this subject property and the neighboring property that are scheduled to be on the November Planning Commission public hearing. In addition, the deferral is necessary to meet the legal advertising requirement as the incorrect property owner was erroneously listed.

Requests

Conditional Use Permits (Short Term Rentals)

Staff Recommendation

Deferral

Staff Planner

Garek Hall Hannigan

Location

516 19th Street, Units A1, A2, A3, & A4
518 19th Street, Units A1 & A4

GPIN

2417979219

Site Size

19,110 square feet

