



Planning Commission Agenda

November 8, 2023

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 www.virginiabeach.gov - Media Center webpage. The meeting is recast on Cox Channel 48 and Verizon Channel 45 the following morning at 9 a.m. and on Cox Channel 47 and Verizon Cable Channel 47 at 7 p.m. on the two consecutive Fridays following the live meeting. The meeting will also be available on the Media Center webpage for two months beginning the Friday after the live hearing.

Planning Commission Hearing Procedures

A Public Hearing of the Virginia Beach Planning Commission will be held on **Wednesday, November 8, 2023 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.virginiabeach.gov, 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/j.php?MTID=m3e9348b3eef0fcde1e96b5a9d8a6d95d>
2. Register with the Planning Department by calling 757-385-4621 or via email at mbharriseichholz@vbgov.com prior to 5:00 p.m. on November 8, 2023.

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.virginiabeach.gov/planningcommission. 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.virginiabeach.gov and Facebook Live.

Please check our website at www.virginiabeach.gov/planningcommission for the most updated meeting information.

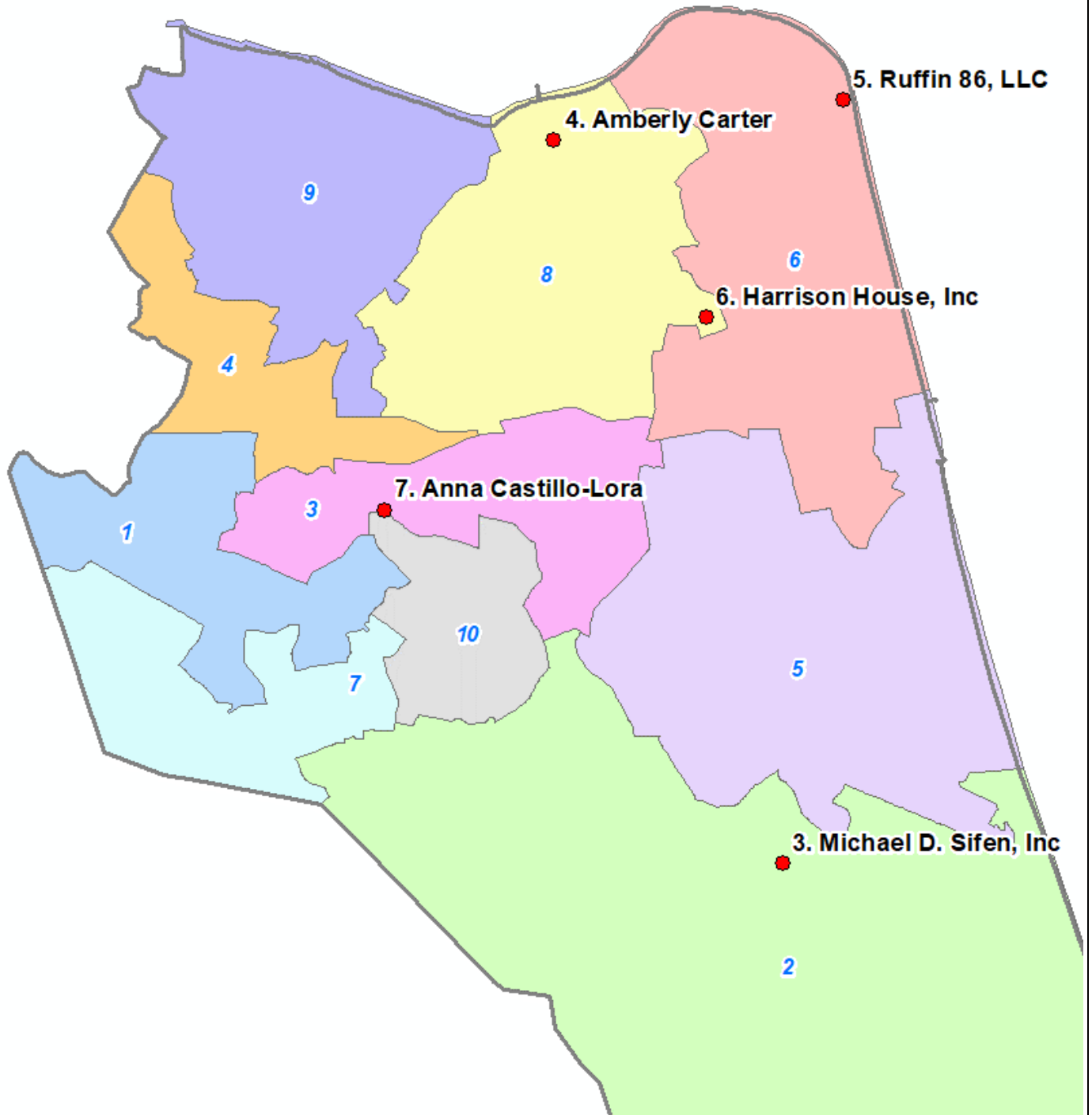
Planning Commission Hearing Procedures

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.

NOVEMBER 8, 2023
PLANNING COMMISSION AGENDA



PLANNING COMMISSION AGENDA

A. COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION

B. BRIEFINGS

1. Active Transportation Committee, Walter Camp, Chair

12:00 P.M. – PUBLIC HEARING

1. City of Virginia Beach

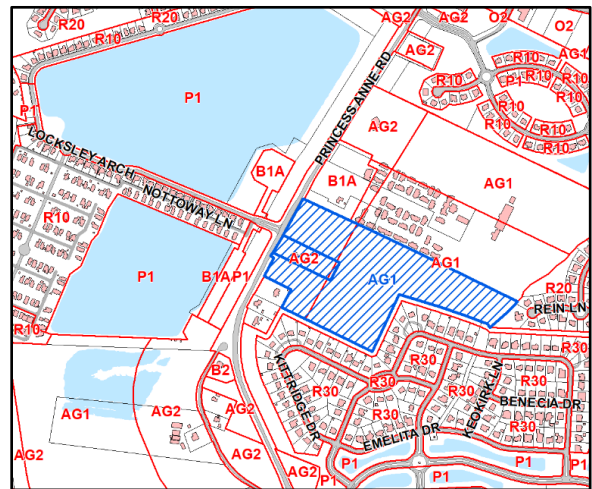
An Ordinance to amend Section 1804 of the City Zoning Ordinance pertaining to discretionary development applications

2. City of Virginia Beach

An Ordinance to add Sections 237 and 901 of the City Zoning Ordinance pertaining to the use of Mini-warehouses in the B-4C Zoning District

3.
Michael D. Sifen, Inc (Applicant)
Robert W. White, Jr. & et al, Robert W. White, Jr. (Property Owners)
Conditional Rezoning (AG-1 & AG-2 Agricultural Districts to Conditional R-10 Residential District
Addresses: 2000 & 2004 Princess Anne Road
GPIN(s): 2413088768, 2413093020
City Council: District 2
Accela Record(s): 2023-PCCC-00101
SGA: No
Overlay: Yes – TA/ITA
Staff Planner: Hoa N. Dao

Request to rezone ~38.57 acres from AG-1 & AG-2 to Conditional R-10 to develop a 38 single-family lot subdivision at a density of 0.98 units per acre.



4.

Amberly Carter (Applicant)

Longbay Point Partners, LLC (Property Owner)

Modification of Conditions (Assembly Use)

Address: 2105 West Great Neck Road

GPIN(s): 1499382174

City Council: District 8

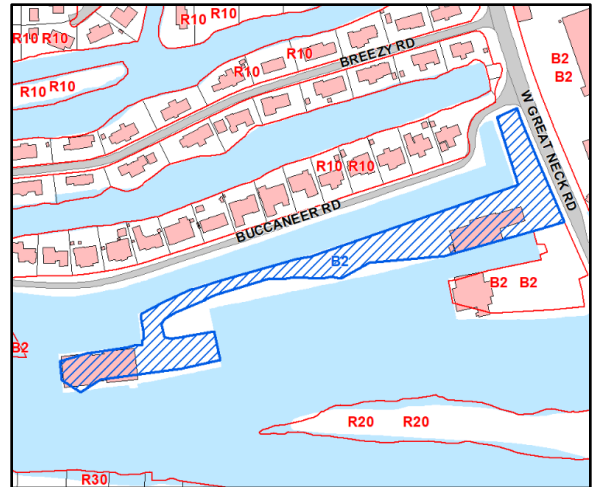
Accela Record(s): 2023-PCCC-00157

SGA: No

Overlay: Yes - Shore Drive Corridor Overlay
District

Staff Planner: Marchelle Coleman

Request to amend previous approval to include the outdoor terrace space for events & to allow speakers to be used outdoors.



5.

Ruffin 86, LLC (Applicant & Property Owner)

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

Addresses: 109A & 109B 86th Street, 8600
Ocean Front Avenue

GPIN(s): 2510517095 & 2510518047

City Council: District 6

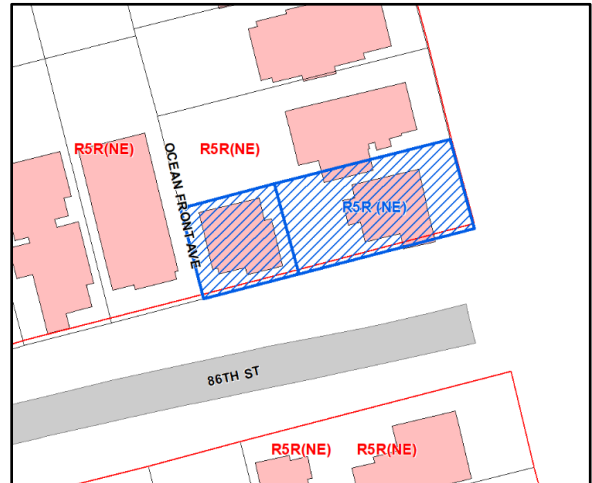
Accela Record(s): 2023-PCCC-00155

SGA: No

Overlay: North End Overlay

Staff Planner: Marchelle Coleman

Request to deviate from the required lot width for a corner lot to redevelop the existing parcels with one single-family dwelling.



6.

Harrison House, Inc (Applicant)
The Regent of Virginia Beach, LLC (Property Owner)

Modification of Conditions

Address: 1851 Old Donation Parkway

GPIN(s): 24084334511851

City Council: District 8

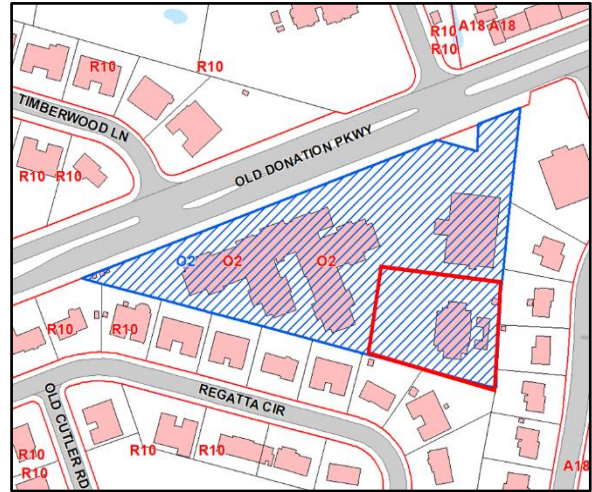
Accela Record(s): 2023-PCCC-00130

SGA: No

Overlay: No

Staff Planner: Marchelle Coleman

Request to amend previously approved condition to allow treatment of substance abuse patients.



7.

Anna Castillo-Lora (Applicant)
Windsor Oaks West Parcel 3, LLC (Property Owner)

Conditional Use Permit (Assembly Use)

Address: 4356 Holland Road, Suite 101

GPIN(s): 1476873632

City Council: District 3

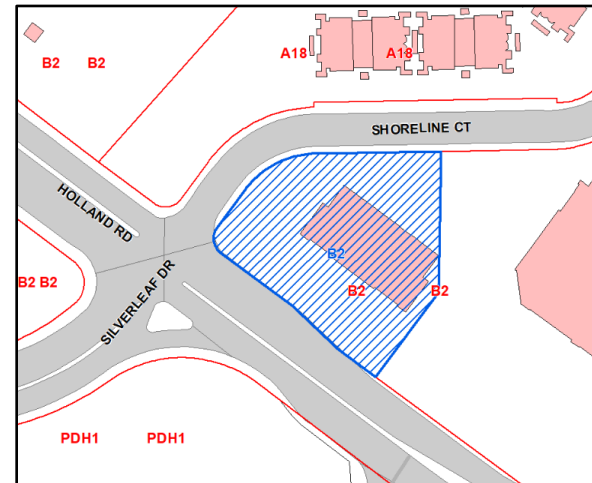
Accela Record(s): 2023-PCCC-00151

SGA: No

Overlay: No

Staff Planner: Michaela D. McKinney

Request to operate an event venue within a unit of the Holland Plaza Shopping Center.





Applicant **City of Virginia Beach**

Planning Commission Public Hearing **November 8, 2023**

Discretionary Development Applications in the AICUZ

Agenda Item

1

Request

An Ordinance to amend Section 1804 of the City Zoning Ordinance pertaining to discretionary development applications.

Summary of Request

The purpose of this amendment is to allow the City Council to consider a discretionary application or modification that would allow (1) Previously Authorized Dwelling Units to be changed in form and/or relocated; (2) the incorporation of additional land; or (3) the introduction of compatible uses, as per Section 1804.

In August 2005, the Base Realignment and Closure (BRAC) Commission NAS Oceana to the list of installations to be closed or realigned by relocating the East Coast Master Jet Base to Cecil Field in Jacksonville, Florida, if, among other things, the cities of Virginia Beach and Chesapeake failed to enact and enforce legislation to prevent further encroachment of NAS Oceana by the end of March 2006 by adopting zoning ordinances requiring governing bodies to follow Air Installations Compatibility Use Zone (AICUZ) guidelines in deciding discretionary development applications for property in noise level 70 dB DNL or greater. The impact of such a move would have been devastating for the region and the state, predicting a 10-year recession to result, based on economic studies. As a result, the City adopted Article 18 - Special Regulations in Air Installations Compatible Use Zones (AICUZ).

Residential density for discretionary development in the AICUZ is currently limited by the actual number of residential units on the property at the time the application is submitted, rather than the number of dwelling units authorized in the underlying zoning district. However, if the property were to develop by-right, the AICUZ provisions of Article 18 would not apply and thus the property could be developed at the maximum residential density of the underlying zoning district. As a result, property owners and developers typically prefer to build by-right development to get the maximum density, which disincentivizes the rezoning of parcels to allow for a mixed-used development or other development pattern that is more desirable or that better aligns with the Comprehensive Plan.

The proposed amendment defines Previously Authorized Dwelling Units, which are residential uses currently permitted or approved prior to December 1, 2005, and also allows the City Council to consider a discretionary application or modification that would allow:

- 1) the Previously Authorized Dwelling units to be changed in form and/or relocated;
- 2) the incorporation of additional land;
- 3) or the introduction of compatible uses, as per section 1804

The aforementioned allowances are subject to the following:

- 1) No Previously Authorized Dwelling Units shall be relocated into a higher noise zone or into an Accident Potential Zone or Clear Zone; and
- 2) Previously Authorized Dwelling Units that are affected or changed by the proposed discretionary action shall be reduced by 5%

Nothing in this amendment shall require the reduction of Previously Authorized Dwelling Units for discretionary actions that:

- 1) Shift Previously Authorized Dwelling Units to a lower noise zone, but only for those Previously Authorized Dwelling Units that are actually moved, not the entire development; or
- 2) Modify conditions or proffers where the number of Previously Authorized Dwelling Units are not increased, the site layout or building design is modified, and no additional uses are proposed; or
- 3) It is determined by the Zoning Administrator to be Redevelopment and meets the criteria as set forth in section 1804 (d) of this ordinance.

Furthermore, no actions taken in accordance with subdivision (e) of this section shall be allowed to take the additional bonus density of the City Zoning Ordinance, Article 21, Workforce Housing.

Recommendation

Staff recommends approval of this Ordinance as it allows for development patterns that are more consistent with the Comprehensive Plan, while also decreasing the overall density within the AICUZ.

AN ORDINANCE TO AMEND SECTION 1804
OF THE CITY ZONING ORDINANCE
PERTAINING TO DISCRETIONARY
DEVELOPMENT APPLICATIONS

Section Amended: § 1804 of the City Zoning
Ordinance

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

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

That Section 1804 of the City Zoning Ordinance is hereby amended and
reordained to read as follows:

....

(d) *Redevelopment.* The provisions of this section shall not apply to discretionary
development applications for the redevelopment of property where the proposed
dwelling unit density is the same as or lower than the actual unit density existing at
the time the application is submitted. Actual units are those units that exist on the
property at the time of application.

(e) Dwelling unit density - Reduction in density required.

(1) Definitions

(i) For purposes of this section Previously Authorized Dwelling Units is
defined as residential uses currently permitted or approved prior to
December 1, 2005:

- (1) as a matter of right;
- (2) subject to a conditional use permit or proffer agreement; or
- (3) subject to any prior City Council approval.

(2) Notwithstanding the provisions of subsection (a) above, where Previously
Authorized Dwelling Units are permitted on one or more contiguous properties,
City Council may consider an application or modification that would allow (1) the
Previously Authorized Dwelling units to be changed in form and/or relocated; (2)
the incorporation of additional land; (3) or the introduction of compatible uses, as
per section 1804, subject to the following:

(i) No Previously Authorized Dwelling Units shall be relocated into a higher
noise zone or into an Accident Potential Zone or Clear Zone; and

- 47 (ii) Previously Authorized Dwelling Units that are affected or changed by the
48 proposed discretionary action shall be reduced by 5%, except as noted
49 below.
50
51 (3) Nothing in this section shall require the reduction of Previously Authorized
52 Dwelling Units for discretionary actions that:
53
54 (i) Shift Previously Authorized Dwelling Units to a lower noise zone, but only
55 for those Previously Authorized Dwelling Units that are actually moved,
56 not the entire development; or
57 (ii) Modify conditions or proffers where the number of Previously Authorized
58 Dwelling Units are not increased, the site layout or building design is
59 modified and no additional uses are proposed; or
60 (iii) It is determined by the Zoning Administrator to be Redevelopment and
61 meets the criteria as set forth in section 1804 (d) of this ordinance.
62
63 (4) No actions taken in accordance with subdivision (e) of this section shall be
64 allowed to take the additional bonus density of the City Zoning Ordinance, Article
65 21, Workforce Housing.

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 20__.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA15506
R-6
October 25, 2023



Applicant **City of Virginia Beach**
Planning Commission Public Hearing **November 8, 2023**
Mini-Warehouse Use in the B-4C Zoning District

Agenda Item

2

Request

An Ordinance to amend Section 237 and 901 of the City Zoning Ordinance pertaining to the use of Mini-Warehouses in the B-4C Zoning District.

Summary of Request

The purpose of this amendment is to permit the *Mini-Warehouse* use, with an approved Conditional Use Permit, in the B-4C Central Business Mixed-Use Zoning District. Additionally, in acknowledgment of the urban form desired in the Pembroke Strategic Growth Area, the amendment would add additional form standards for the *Mini-Warehouse* use.

The B-4C zoning district is geographically limited to the Pembroke SGA, more specifically the Core Area, Bonney Area, and Waterfront Area. The purpose of the B-4C district is to provide an area that complements the Central Business Core District through quality mixed-use development at intensities and patterns that support multiple modes of transportation, higher residential densities, including high-quality workforce housing in appropriate areas within the district, and an integrated mix of residential and non-residential uses within the same building or on the same lot. Currently, mini-warehouses are not a permitted use within this district.

This amendment will require mini-warehouses to be contained on the upper-floors of a mixed-use building which features a minimum of one additional use unrelated to the mini-warehouse. The mixed-use building housing the mini-warehouse use would be subject to the same site criteria as any other development in the B-4C district, including the street setback minimum of zero feet and the maximum of 10 feet and the height minimum of 35 feet, both of which align with the dense, urban environment envisioned by the Pembroke SGA. This amendment will not permit the traditional mini-warehouse layout of a horizontal storage unit compound found within the rest of the City.

Recommendation

Staff recommends approval of this Ordinance as it expands the uses available to developers within the Pembroke SGA while also ensuring that development of the mini-warehouse use is consistent with the vision and goal of the urban core of the City.

AN ORDINANCE TO AMEND SECTIONS 237
AND 901 OF THE CITY ZONING
ORDINANCE PERTAINING TO MINI-
WAREHOUSES

Sections Amended: §§ 237 and 901

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

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

That Sections 237 and 901 of the City Zoning Ordinance are hereby amended
and reordained to read as follows:

Sec. 237. Mini-warehouses.

In addition to general requirements, the following special requirements and
limitations shall apply to mini-warehouses in all districts, excluding the B-4C district, in
which they are generally permitted:

(a) *Lighting.* All outdoor lights shall be shielded to direct light and glare onto the
mini-warehouse premises; said lighting and glare shall be deflected, shaded,
and focused away from all adjoining property. Any outdoor lighting fixtures
shall not be erected any higher than fourteen (14) feet.

(b) *Fencing.* The mini-warehouse facility shall be completely enclosed, except for
necessary openings for ingress and egress, by a fence or wall not less than six
(6) feet in height, except where prohibited by section 201(e)(1) of this
ordinance, and Category VI landscaping.

(c) *Form.* Mini-warehouses in B-4C shall be a multi-story fully enclosed mixed-use
building.

(1) Such building shall include two (2) or more uses within the building.
Applicable uses include Retail Sales, Services, and Office; Institutional;
Recreational; and/or Industrial, and as permitted by the governing zoning
district. The storage facility shall be counted as one of the uses.

(2) No storage units shall be located on the ground floor; however, a maximum
of thirty (30) percent of the ground floor area may be used as storage
related office and/or retail space.

....

47 **Sec. 901. Use regulations.**

48

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

Use	B-1	B-1A	B-2	B-3	B-4	B-4C	B-4K
....							
Mini-warehouses; must comply with the provisions of section 237	X	C	C	C	C	X C	X
....							

56

57 Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
58 of _____, 2023.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA16284
R-4
October 12, 2023

Request

Conditional Rezoning (AG-1 & AG-2
Agriculture to Conditional R-10 Residential)

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

2000 & 2004 Princess Anne Road

GPINs

2413088768, 2413093020

Site Size

38.6 acres

AICUZ

Less than 65 dB DNL, 65-70 dB DNL; Sub-Area 2

Watershed

Southern Rivers

Existing Land Use and Zoning District

Vacant, cultivated field / AG-1 & AG-2

Agricultural

Surrounding Land Uses and Zoning Districts

North

Single-family dwelling, cultivated field / AG-1 & AG-2 Agricultural, B-1A Limited Community Business

South

Single-family dwellings / R-30 Residential, P-1 Preservation

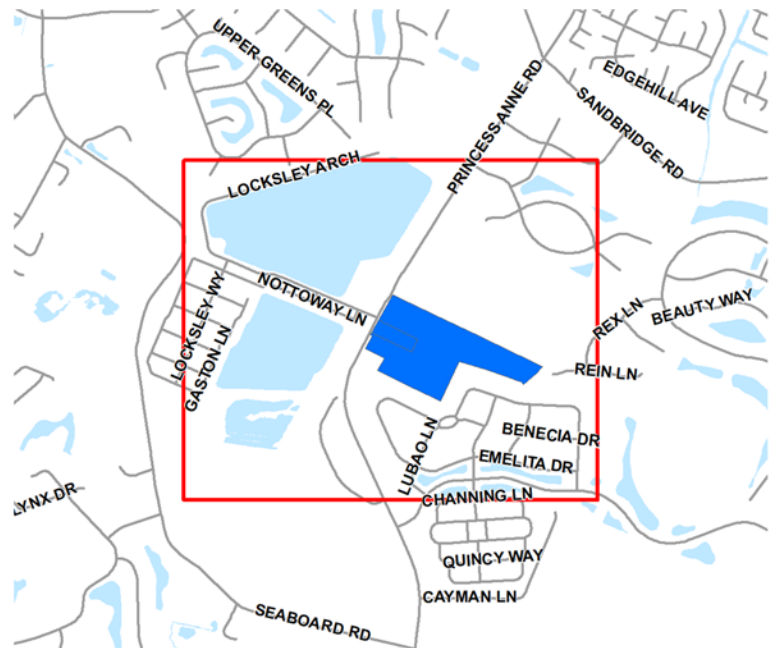
East

Single-family dwellings / R-20 & R-30 Residential, P-1 Preservation

West

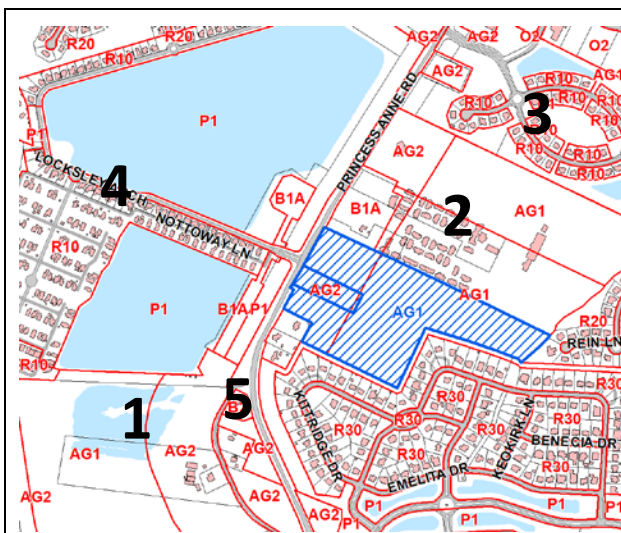
Princess Anne Road

Eating & drinking establishment, single-family dwellings / B-1A Limited Community Business, R-10 Residential, P-1 Preservation



Background & Summary of Proposal

- The applicant seeks to rezone approximately 38.6 acres of properties zoned AG-1 & AG-2 Agricultural District to Conditional R-10 Residential District to develop a 38-lot single-family subdivision at a density of 0.98 units per acre.
- The subject site lies within the Transition Area and the eastern portion is located within the 65-70 dB DNL, Sub-Area 2 of the Air Installations Compatible Use Zone (AICUZ). Developments within this noise zone and sub-area are restricted to a density similar to that of the surrounding developments. All residential building lots are proposed to be outside of the limits of the 65-70 dB DNL noise zone and Sub-Area 2.
- The proffered plan depicts residential lots on the western half of the site and a stormwater management pond in the middle. The eastern half of the site, which falls within the noise zone and Sub-Area 2 of the AICUZ, is proposed to be reforested. The plan also depicts a 150-foot landscape buffer with a multi-use trail along Princess Anne Road, pedestrian paths throughout the site, a playground, gazebo, and benches along pedestrian paths.
- Consistent with the Transition Area Design Guidelines, the proposed house styles reflect the Tidewater vernacular and rural architecture. All exteriors will feature architectural shingles, cementitious siding, brick or masonry stone. Each dwelling will have a front porch with varied rooflines.
- The applicant appeared before the Transition Area/Interfacility Traffic Area Citizen's Advisory Committee (TA/ITA CAC) on October 5, 2023, to share details of the project. The TA/ITA CAC supports the proposal, finding it to be consistent with the recommendations of the Transition Area Design Guidelines.
- The applicant also appeared before the Joint Review Process (JRP) Group to discuss the proposed project on September 20, 2023. Since all the residential lots are proposed outside of the noise zone and sub-area, the JRP Group finds the proposal to be in compliance with Article 18 of the Zoning Ordinance.
- Deviation from the required 50-foot wide vegetative buffer for residential development abutting agricultural operations is requested for Lots 6 through 9.
- The applicant was made aware of and intends to seek a deviation from the fire code requirement that requires two separate points of access for residential subdivisions containing more than thirty lots. The Fire Department has not taken a position on the proposed deviation and will review the request during the subdivision plan submittal.



Zoning History

#	Request
1	MDC (Borrow Pit) Approved 01/21/2020 CUP (Borrow Pit) Approved 09/27/2005
2	CRZ (AG1 & AG-2 to Conditional B-1A) Approved 03/11/2014 CUPs (Housing for the Disabled, Commercial Kennel, Assembly Use, Indoor & Outdoor Recreational Facilities, Horses for Hire/Boarding) Approved 03/11/2014
3	MDP Approved 12/10/2013 CRZ (AG1 & AG-2 to Conditional R-10 & P-1 w/ PD-H2 Overlay) Approved 03/28/2006
4	NON Approved 09/24/2013 CRZ (AG-2 to Conditional O-2) Approved 11/08/1995 CUP (Athletic Club) Approved 11/08/1995
5	CRZ (AG-2 to Conditional B-2) Approved 07/07/2009

Application Types

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

Evaluation & Recommendation

The proposal to rezone approximately 38.6 acres to allow for the construction of 38 single-family dwellings, in Staff's opinion, is acceptable. The development is consistent with the Comprehensive Plan's recommendations including a density of less than 1 unit per acre, inclusion of more than 50 percent of open space, and high-quality rural vernacular character housing styles.

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

- Residential developments are recommended to have a density of no more than one unit per acre of developable land. This proposal, at 0.98 units per acre, meets the density recommendation.
- Residential developments are required to provide a 150-foot buffer with robust landscaping along selected roadways. The proffered plan depicts a 150-foot reservation along Princess Anne Road to include a ten-foot wide asphalt shared-use path.
- Fifty percent open space is required. The proposed development consists of 23.4 acres, or 62%, of open space including, outdoor recreational areas with benches, a playground, gazebo, and recreational paths that connect to the path surrounding the stormwater management pond.
- Lot sizes less than 15,000 square feet may be considered when located within a half-mile distance of active open space and each lot should be located to maximize views of the open space. The proposed lots vary in size between 12,000 and 19,500± square feet with a pedestrian sidewalk that connects each lot to the open space amenities outlined above.
- The eight (8) housing styles proposed are reflective of the recommended high-quality rural transitional architecture.

The Rural Development Guidelines set forth in the City of Virginia Beach Comprehensive Plan recommends a minimum 50-foot wide, vegetative buffer be installed between proposed residential structures and abutting agricultural operations. The applicant seeks to provide a 20-foot wide buffer rather than the required 50-foot wide vegetative buffer for the proposed lots 6, 7, 8, and 9. Currently, there are agricultural operations abutting this site to the north; however, a portion (7.2 acres) of the 74.54± acre site to the north was rezoned in 2014 to Conditional B-1A. This rezoning was associated with Conditional Use Permits for Housing for the Disabled, Outdoor Recreational Facilities, Indoor Recreational Facilities, Commercial Kennel, Horses for Hire/Boarding, and Assembly Uses, all associated with the proposed Vanguard Landing development. The site received site plan approval for these operations in 2021. As such, Staff is supportive of the deviation request.

The proffered Conceptual Plan shows a stormwater retention pond and community park at the center of the development. Staff has reviewed the conceptual stormwater management strategy and agrees it has the potential to successfully comply with the stormwater requirements. Final design and detailed updates will be made during site plan submittal to ensure conformance with all requirements set forth in the Public Works Design Standards Manual. The development will include a 50-foot dedication along Princess Anne Road for the future widening of the roadway. In addition, left and right turn lanes on Princess Anne Road will be installed to provide safe access for this development.

In sum, Staff recommends approval of the rezoning application. The proposed development largely adheres to the recommendations found in the Transition Area Design Guidelines. This includes recommendations related to density,

open space, pedestrian connectivity, and architectural character. According to Public Works staff, Princess Anne Road has adequate capacity to support the proposed development. While Virginia Beach City Public Schools (VBCPS) Staff indicated that Princess Anne Middle School currently exceeds the optimum capacity, the proposed development is only anticipated to generate an additional six middle school aged students and the capacity will be within the 10 percent threshold that is considered acceptable. According to VBCPS staff, the optimum capacity fluctuates annually to meet curriculum needs and enrollment of students can fluctuate daily throughout the school year.

Proffers

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

Proffer 1:

When the Property is subdivided, developed and landscaped, it shall have the entrance, neighborhood identification sign, typical street section, landscaping, trails and open spaces, including the 150’ Transition Area Buffer substantially as depicted and described on the exhibits entitled, “ROBERT WHITE FARM COMMUNITY – VIRGINIA BEACH, VA. CONCEPTUAL LAYOUT”, dated July 15, 2023 and “ROBERT WHITE FARM COMMUNITY – VIRGINIA BEACH, VA. CONCEPTUAL LANDSCAPE PLAN”, dated July 15, 2023, prepared by Timmons Group, copies of which have been exhibited to the Virginia Beach City Council are on file with the Virginia Beach Department of Planning (the “Conceptual Subdivision Plan” and “Conceptual Landscape Plan”) and are incorporated herein by this reference. A detailed landscape plan for the designated landscaped buffers as depicted on the Conceptual Landscape Plan shall be submitted with the Subdivision Construction Plan and the landscaped buffer on the north side of the Property along with the designated area to be reforested shall be in lieu of the landscape buffer specified by the rural residential development guidelines to protect adjoining agriculturally zoned property.

Proffer 2:

When the Property is developed, it will be subdivided into no more than thirty-eight (38) single family residential building lots each having a minimum of 12,000 square feet of area. The thirty-eight (38) new homes will be built with a crawlspace or a raised slab foundation and they will contain a minimum of 2,200 square feet of living area for a two story dwelling and 2,000 square feet of living area for a one story dwelling. Each home shall have no less than a two (2) car garage and utilize the quality architectural features and design elements substantially as depicted on the eight (8) pictorial exhibits designated “Robert White Farm Subdivision – Home Quality Example” (1 through 8), which have been exhibited to the Virginia Beach City Council are on file with the Virginia Beach Department of Planning (the “Quality Home Depictions”) and are incorporated herein by this reference.

Proffer 3:

When the Property is developed, the exterior building materials to be used on the residential structures shall consist primarily of high quality architectural shingles, cementitious siding (e.g., “HardiPlank”), brick or masonry stone, or a combination of those materials along with high-quality accent or ancillary material such as metal roof accents and vinyl shutters. The quality and colors of the exterior building materials shall be substantially as depicted and described on the “ROBERT WHITE FARM SUBDIVISION PROFFERED MATERIAL SELECTION” containing nine (9) pages and dated July 15, 2023, which has been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning (the “Material Selection”) and is incorporated herein by this reference.

Proffer 4:

When the Property is developed, the “playground” area designated within one of the “OPEN SPACE” areas on the Conceptual Subdivision Plan shall be equipped with a children’s swing and “PRANCING PANDA” playground equipment

substantially as depicted on the six (6) page exhibit entitled “ROBERT WHITE FARM SUBDIVISION – PLAYGROUND EQUIPMENT dated July 15, 2023”, which has been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning (the “Playground Equipment”) and is incorporated herein by this reference. The area designated “REFORESTED PASSIVE OPEN SPACE 8.8± AC” will be sprigged with indigenous evergreen and deciduous trees and otherwise allowed to reforest and regenerate naturally.

Proffer 5:

When the Property is developed, on street parking within the community shall be restricted to one (1) side of the street. In addition to the added turn lanes within the Princess Anne Road right of way, and other required improvements within the existing rights of way to create the entrance to this community, as depicted on the Conceptual Subdivision Plan, additional intersection traffic signalization will be installed at the intersection by the party of the first part. As depicted on the Conceptual Subdivision Plan, the community entrance road will be a divided roadway with a curbed median in lieu of a second access vehicular point to this small community.

Proffer 6:

When the Property is developed, the party of the first part shall record a Declaration submitting the building lots, all of the other property, and where applicable any easements outside the public rights of way to a mandatory membership Home Owners’ Association which shall own and be responsible for maintaining all open space areas, common areas, Transition Area Buffer Easement, vegetated buffer areas, entrance feature signage, landscaping, benches, playground equipment and other improvements within the Open Space Areas, as depicted on the Subdivision Plans. The open spaces and landscape buffers, including the 150’ Transition Area Buffer shall be conveyed to the Home Owners’ Association prior to the issuance of the first occupancy permit.

Proffer 7:

When the Subdivision Plat and Subdivision Construction Plans are submitted, the final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the Preliminary Drainage Study and shall comply with the Stormwater Management Ordinance.

Proffer 8:

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

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

Comprehensive Plan Recommendations

The Comprehensive Plan designates this area of the city as the Transition Area. The Transition Area serves as a unique land use buffer for the low-density Rural Area from the more densely developed Suburban Area by promoting open space and low-density development. Development within the Transition Area should adhere to the planning and design principles cited in the Transition Area Design Guidelines.

Natural & Cultural Resources Impacts

The site is a cultivated farm field within the Southern Rivers watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high-water surface elevations in downstream receiving waters. There does not appear to be any significant natural or cultural resources associated with the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Princess Anne Road	12,960 ADT ¹	15,400 ADT ¹ (LOS ⁴ “D”)	Existing Land Use ^{2a} – 0 ADT Existing Zoning ^{2b} – 10 ADT Proposed Land Use ³ – 380 ADT
¹ Average Daily Trips	^{2a} as defined by a vacant 38-acre property ^{2b} as defined by a 38-acre property zoned AG-1 & AG-2	³ as defined by 38 single-family dwellings	⁴ LOS = Level of Service

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

Access to this site is from Princess Anne Road opposite Locksley Arch at a signalized intersection. Princess Anne Road is a 2-lane rural highway, with a one-hundred-foot (100') right-of-way width. The City's Master Transportation Plan (MTP) map shows Princess Anne Road as a four-lane parkway with 135-ft right-of-way width. The Capital Improvements Plan (CIP) project, Princess Anne Road Phase VII-A, is proposed to address some safety and drainage improvements, the scope of which have not been fully identified, in the vicinity of this site along Princess Anne Road. This project is unfunded, has not begun design and is tentatively scheduled to begin construction in 2031, outside of the six-year CIP budget.

Traffic signal improvements will be required at the intersection of Princess Anne Road and Locksley Arch. Improvements include signaling the development's entrance and providing protected pedestrian crosswalks across Princess Anne Road and the development's entrance.

Stormwater Impacts

Project Stormwater Design Staff Summary

This project consists of the construction of a single-family subdivision, including 38 lots. In addition to the lots, this project will include associated right-of-way improvements and a stormwater management facility to support the proposed development.

Stormwater runoff from the site currently sheet flows in two directions, towards the public drainage system in Princess Anne Road, and towards the historic ditch to the east. Stormwater runoff from the proposed buildings and right-of-way improvements will be collected into a wet pond that will treat for both water quality and water quantity before discharging into the historic ditch. Manufactured Treatment Devices will be utilized for any remaining water quality pollutant load reduction requirements not treated by the onsite wet pond.

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

Project Information

Total project area: 38.60 acres

Pre-Development impervious area: 0.00 acres

Post-Development impervious area: 11.00 acres

Stormwater Management Facility Design Information

Type of facility proposed: Wet Pond

Description of outfall: Stormwater runoff from the site that enters into the Stormwater Management Facility will discharge directly into the historic ditch.

Downstream conveyance path: This site is part of the Dam Neck Drainage Basin. Drainage from this site drains through the historic ditch into Redmill Pond, which outfalls into Ashville Bridge Creek, then into Back Bay. Back Bay drains through the Currituck Sound and into the Atlantic Ocean.

Public Utility Impacts

Water

City water is available for connection. There is a 10-inch city water main along Princess Anne Road.

Sewer

City sanitary sewer is available for connection. There is a 12-inch city sanitary sewer force main along Princess Anne Road and an 8-inch city sanitary sewer gravity main along Locksley Arch.

School Impacts

School	Current Enrollment	Capacity	Generation ¹	Change ²
Three Oaks Elementary	654 students	718 students	10 students	10 students
Princess Anne Middle	1,395 students	1,315 students	6 students	6 students
Kellam High	1,875 students	2,093 students	8 students	8 students

¹ "Generation" represents the number of students that the development will add to the school.
² "change" represents the difference between the number of potential or actual students generated under the existing zoning and the number generated under the proposed zoning. The number can be positive (additional students) or negative (fewer students).

Public Outreach Information

Planning Commission

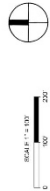
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 9, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, October 25, 2023 and November 1, 2023.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 23, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.virginiabeach.gov/pc on November 2, 2023.

Proposed Site Layout



ROBERT WHITE FARM COMMUNITY - VIRGINIA BEACH, VA

CONCEPTUAL LAYOUT - July 15, 2023

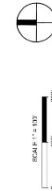


Proposed Landscape Plan



ROBERT WHITE FARM COMMUNITY - VIRGINIA BEACH, VA

CONCEPTUAL LANDSCAPE PLAN - July 15, 2023



Proposed Housing Styles



Proposed Housing Styles



Proposed Housing Styles



Proposed Housing Styles



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 Michael D. Sifen, Inc., a Virginia stock corporation

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)

President - Michael Sifen, 1st Vice President/Chief Financial Officer/SEC - Barry A. Sifen, Vice President - Donald R. Smith

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ Yes ☒ No

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

TBD

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

☐ Yes ☒ No

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

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

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

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.

FRANKENFIELD DESIGN + DEVELOPMENT, LLC, Barry Frankenfield, FASLA

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.

The applicant

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

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

John Zaszewski, The Timmons Group

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.**

Michael D. Sifen, Inc.

By:

Applicant Signature

Donald E. Smith, Vice President

Print Name and Title

Date

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

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

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

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

Disclosure Statement



Owner Disclosure

Owner Name See Attachment Exhibit "A"

Applicant Name Michael D. Sifen, Inc., a Virginia stock corporation

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

- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)
2. Robert W. White, Sr. Revocable Living Trust under agreement dated August 22, 2001.

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

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



Owner Services Disclosure

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

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

Keller Williams Realty Town Center, Bob Williams

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

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

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

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

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

Disclosure Statement

Disclosure Statement



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

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

Kaufman & Canoles, P.C., Michael E. Barney, Esq.

Owner Signature

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

Robert W. White, Jr.

Owner Signature

Robert W. White, Jr.

Print Name and Title

07/26/2023

Date

EXHIBIT "A"

Property Owners

1. Robert W. White, Jr.
2. Robert W. White, Sr. Revocable Living Trust under agreement dated August 22, 2001
3. Kimberly S. White
4. Kylie S. Driver
5. Kaitlin Elizabeth White
6. Kathryn L. Martin
7. Kolby Madison White

Address

3004 Seaboard Road, Virginia Beach, VA 23456

Phone

Email

H:\MRG\EB\2000 Princess Anne Rd\EXHIBIT A to the CRZ application - White Farm 3.27.23.docx

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 (Assembly Use)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

2105 West Great Neck Road

GPIN

1499382174

Site Size

3.20 acres (7,963 square foot space)

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Retail, Restaurant, Commercial Marina / B-2
Community Business

Surrounding Land Uses and Zoning Districts

North

Buccaneer Road

Single-family Dwellings/ R-10 Residential (Shore
Drive Corridor Overlay)

South

Long Creek

Indoor Recreation Facility, single-family
Dwellings/ B-2 Community Business, R-30
Residential (Shore Drive Corridor Overlay)

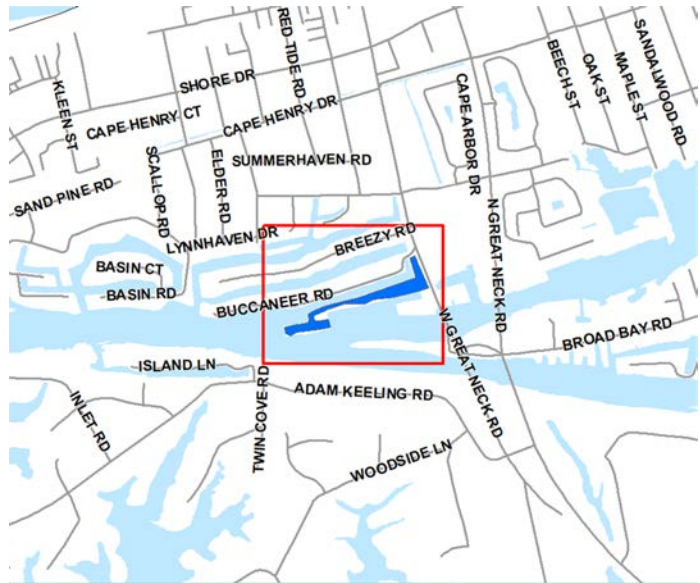
East

West Great Neck Road

Commercial Marina, Boat Sales, Boat Repair
Yards / B-2 Community Business (Shore Drive
Corridor Overlay)

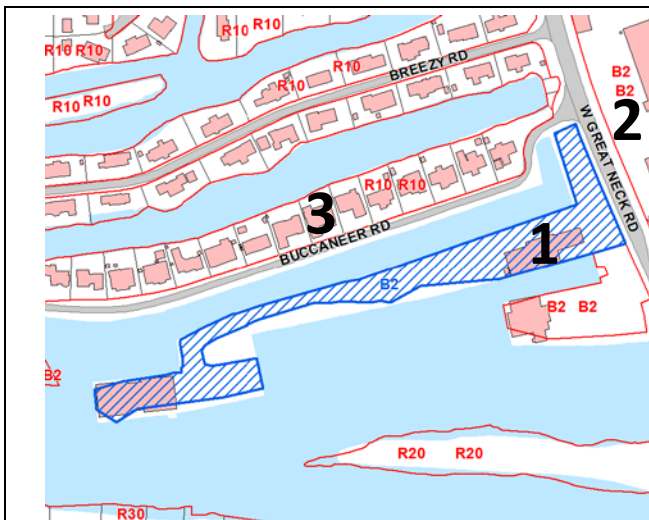
West

Long Creek



Background & Summary of Proposal

- The applicant is requesting to modify a condition associated with the Conditional Use Permit for an Assembly Use approved by City Council in 2020 on this B-2 Community Business District zoned parcel. Specifically, the applicant is seeking to revise Condition 9 which restricted the use of speakers and amplified music outside of the main building.
- The applicant seeks to amend the condition to offer renters an option to host events outside, to include the use of speakers and amplified music. With the previous approval, all events were to occur inside of the main building.
- The applicant now intends to renovate the existing covered patio at the rear of the building, to provide outdoor event space. Renovations will include structural changes, including the removal of the center windows to construct doors to the main ballroom, a landing with a ramp, and remodeling of an existing restroom accessible from the outdoor patio area. The outdoor space will be used as needed from 4:00 p.m. to 8:00 p.m., Thursday through Sunday.
- No net increase in attendees per each event is expected with inclusion of the patio area. The maximum occupant load for this building, which includes the patio in its calculation, is 197. The occupancy load is determined by the Building Official & Fire Marshal's Office.
- Per Section 203 of the Zoning Ordinance, when a shopping center with more than 50% of the total floor area is occupied by restaurant uses, a parking requirement of one parking space per 100 square feet of floor area of the building is required. As the combined floor area of these buildings is 11,240 square feet, 113 on-site parking spaces are required. There is also a marina on the property which has 216 boat slips. The minimum parking requirement for the marina is 108 parking spaces. The submitted concept plan depicts 298 on-site parking spaces. Based on this, the minimum parking requirements for all uses on site are met and are exceeded by 77 spaces. While not required, to safeguard against a deficiency of parking for both tenants and guests, the applicant has entered into parking agreements with surrounding property owners. The off-site parking locations are depicted on the exhibit on page 8 of this report. When these satellite parking areas are in use, shuttles will bring attendees to and from the property.
- No new signage is proposed on the site.



Zoning History

#	Request
1	CUP (Assembly Use) Approved 02/18/2020
2	CUP (Dry Storage Boatel) Approved 05/13/1997
3	SVR Approved 05/08/1996

Application Types

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

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

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

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

Evaluation & Recommendation

The request for a Modification of Conditions is, in Staff's opinion, acceptable given that the use will be compatible with the other commercial uses along this section of W. Great Neck Road.

As noted in the 2020 Conditional Use Permit request, while the site exceeds the parking requirement for the shopping center and marina, the applicant has obtained additional off-site parking spaces via shared parking agreements. While the extra parking locations are in place as a future safeguard, the applicant has indicated that in the four years of operation, the off-site parking spaces have never been needed to provide additional parking for any events.

To alleviate any nuisance to adjacent property owners, a condition is recommended restricting the use of amplified music and use of speakers outside of the main building after 8:00 p.m. The applicant is agreeable to this condition. Staff does not anticipate any negative impacts to the surrounding property owners, as the outdoor space is in the rear of the building, shielded from the residential properties along Buccaneer Road, and will be restricted from the use of speakers and amplified music after 8:00 p.m.

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

Recommended Conditions

1. All previous conditions attached to the previous Conditional Use Permit granted on February 18, 2020 shall be voided and replaced with the following conditions below.
2. A business license for the Assembly Use 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.
3. The applicant shall obtain all necessary permits and inspections from the Planning Department/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for use of the existing building as an Assembly Use.
4. The maximum number of individuals within the facility to include the covered patio shall not exceed 197 or the maximum number as required by applicable building codes, noted on the Certificate of Occupancy and posted by the Fire Marshal.
5. 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.
6. All lighting, temporary or permanent, related to events held on the subject property, shall be directed downward and towards the interior of the site and contained such that the source of light shall be shielded from view from any area outside of the property.
7. Any outdoor storage of materials associated with the Assembly Use shall be prohibited.
8. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall not be allowed to accumulate.
9. Consistent with the requirements for a Special Event, for each event exceeding 250 people, the applicant shall obtain a Special Event Permit and shall notify the Police Department, the Fire Prevention Bureau, the Health Department and Emergency Medical Services of the event's time, size, and scope of activities.

10. No amplification of music or use of speakers shall be permitted outside of the main building after 8:00 p.m.

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.

Previous Conditions from 2020 CUP

1. A business license for the Assembly Use 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 applicant shall obtain all necessary permits and inspections from the Planning Department/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for use of the existing building as an Assembly Use.
3. The maximum number of individuals within the facility shall not exceed 150 or the maximum number as required by applicable building codes, noted on the Certificate of Occupancy and posted by the Fire Marshal.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.
5. All lighting, temporary or permanent, related to events held on the subject property, shall be directed downward and towards the interior of the site and contained such that the source of light shall be shielded from view from any area outside of the property.
6. Any outdoor storage of materials associated with the Assembly Use shall be prohibited.
7. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall not be allowed to accumulate.
8. Consistent with the requirements for a Special Event, for each event exceeding 250 people, the applicant shall obtain a Special Event Permit and shall notify the Police Department, the Fire Prevention Bureau, the Health Department and Emergency Medical Services of the event's time, size, and scope of activities.
9. No amplification of music or use of speakers shall be permitted except within the main enclosed building.
10. Subject to Section 221 (k) of the Zoning Ordinance, an annual review based on the date of City Council approval shall be performed by the Planning Director of the Assembly Use Conditional Use Permit. This use may be allowed to remain on the site subject to a determination by the Planning Director that the presence of the use is not detrimental to the public health, safety, and welfare. Furthermore, this use, as conditioned herein, shall not cause public inconvenience, annoyance, disturbance, or be incompatible with other uses in the vicinity or otherwise interfere with the reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking.

Comprehensive Plan Recommendations

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

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
West Great Neck Road	8,500 ADT ¹	12,500 ADT ¹ (LOS ² "D")	No Change Anticipated
¹ Average Daily Trips		² LOS = Level of Service	

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

West Great Neck Road is a two-lane urban collector roadway. There are currently no CIP projects scheduled to upgrade this roadway.

Public Utility Impacts

Water & Sewer

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

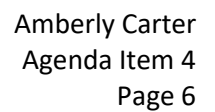
The existing 1.5-inch meter may be used or upgraded to accommodate the proposed use. If a plumbing permit is required, the water meter size will be evaluated by Public Utilities prior to permit issuance. Depending on the number and type of fixtures and use within the building, the water meter may need to be upgraded.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 9, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, October 25, 2023 and November 1, 2023.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 23, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.virginiabeach.gov/pc on November 2, 2023.

Site Layout

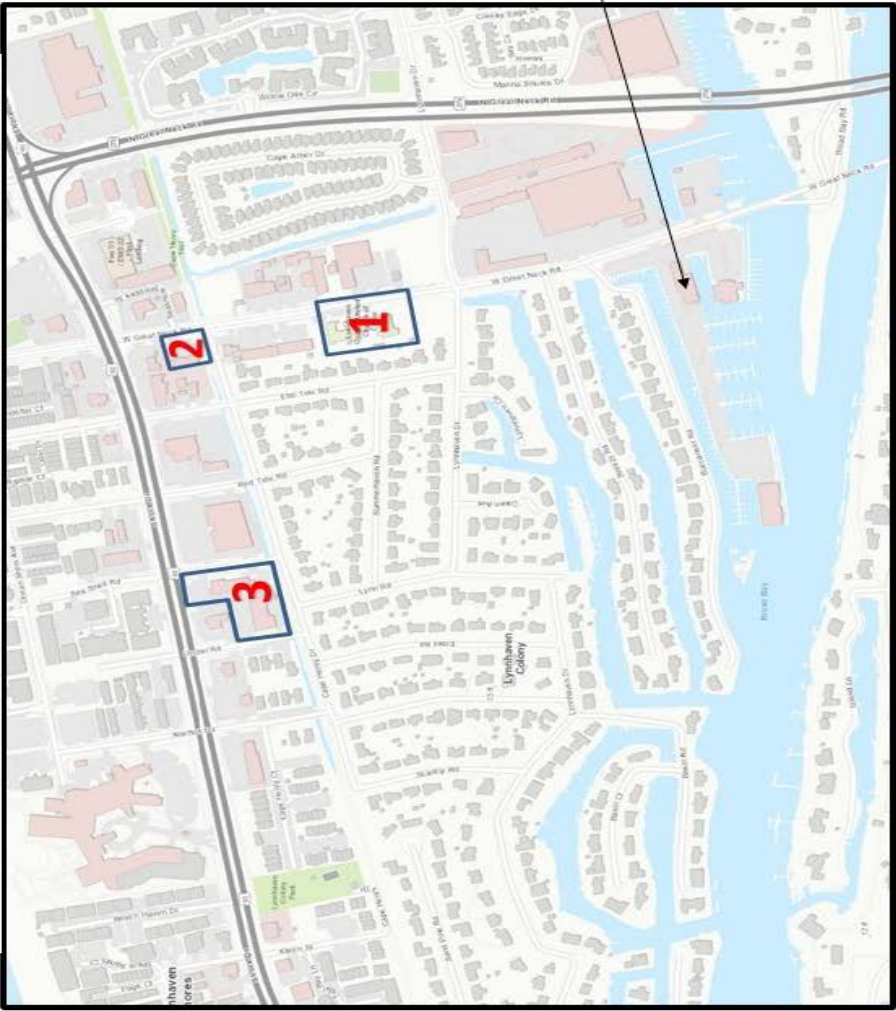


Proposed Outdoor Patio Renovations



Off-Site Parking Locations

The Gala 417 at 2105 W Great Neck Road



Key

- 1 Lynnhaven Colony UCC Church
- 2 Citrus
- 3 Lynnhaven Colony Shoppes

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 Amberly Carter

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

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

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

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

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

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

Disclosure Statement

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.

Gary Pecker, CPA, LLC

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.

Reich Design LLC, Armond Reich

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.

Amberly Carter
Applicant Signature

Amberly Carter, Owner
Print Name and Title

9/11/23
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 Longbay Point Partners, LLC

Applicant Name Amberly Carter

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)

Jim Underhill

- If yes, list the businesses that have a parent-subsiary³ 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-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

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

Disclosure Statement

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.

Fulton Financial Corporation

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.

Davis, Josay, Letting & Hottel, LLC individual, James Davis

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 'Jim Underhill', written over a horizontal line.

Owner Signature

A handwritten name 'Jim Underhill' in black ink, written over a horizontal line.

Print Name and Title

A handwritten date '9-12-23' in black ink, written over a horizontal line.

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

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

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

109 A & B 86th Street & 8600 Ocean Front Avenue

GPINs

2510517095, 2510518047

Site Size

7,500 square feet

AICUZ

Less than 65 dB DNL

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Duplex, Single-family Dwelling / R-5R Residential (NE) North End Overlay

Surrounding Land Uses and Zoning Districts

North

Single-family Dwelling / R-5R Residential (NE) North End Overlay

South

86th Street

Single-family Dwellings / R-5R Residential (NE) North End Overlay

East

150-foot unimproved right-of-way

West

Ocean Front Avenue

Single-family Dwelling / R-5R Residential (NE) North End Overlay

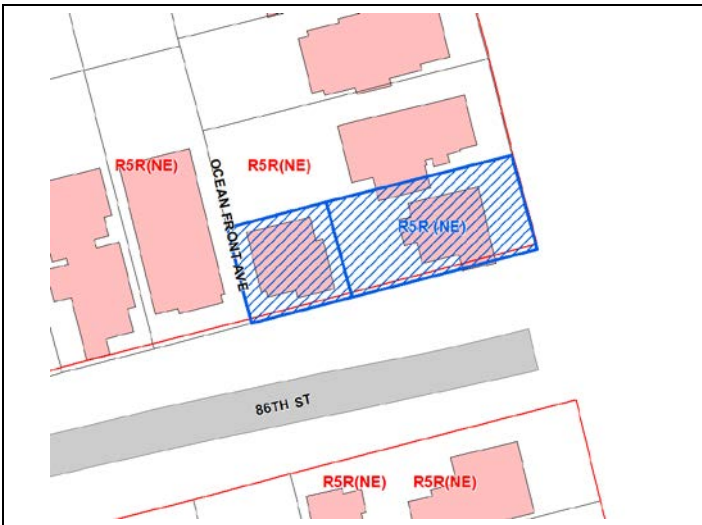


Background & Summary of Proposal

- Lot 6 was recorded on May 25, 1925 in M.B. 1, PG. 8b as a 50-foot by 150-foot parcel. In 1944, Lot 6 was subdivided by deed into two lots, consisting of a 50-foot by 54-foot lot and a 50-foot by 96-foot lot. In 1960, the lots were subdivided again into the current configuration, including a 50-foot by 50-foot lot (duplex lot) and a 50-foot by 100-foot lot (single-family lot). In 2021, the Zoning Administrator determined the lot was improperly subdivided by deed in 1960, as the parcels were not created by a plat as required by the Princess Anne County subdivision ordinance in place at that time, thus resulting in loss of the nonconforming development rights.
- The applicant now seeks to vacate the interior property lines to restore the R-5R (NE) Residential (North End Overlay) parcels to the original 50-foot by 150-foot lot, as was recorded prior to 1944. By doing so, the proposed Lot 6A will not meet the current regulations for lot width for corner lots.
- Per Section 4.4(c) of the Subdivision Regulations, corner lots shall be platted not less than ten feet wider than the minimum required by the Zoning Ordinance for interior lots in the district. A Subdivision Variance is required as proposed Lot 6A will have a width of 50 feet, rather than the required 60 feet.
- Three dwelling units exist on these two lots: a duplex, constructed in 1935, located at 109 86th Street, and a single-family dwelling, constructed in 1934, located at 8600 Ocean Front Avenue. The applicant intends to remove the three units, vacate the interior property lines, and develop the lot with one single-family dwelling.
- The applicant will be attending the Board of Zoning Appeals (BZA) to request variances to the building setback and building height for the proposed single-family dwelling. Condition 3 has been added to address this requirement.

	Required Lot Width for Corner Lots in R5R(NE) (feet)	Proposed Lot Width for Corner Lots in R5R(NE) (feet)	Required Street Line Frontage in R5R(NE) (feet)	Proposed Street Line Frontage in R5R(NE) (feet)	Required Lot Area in R5R(NE) (feet)	Proposed Lot Area in R5R(NE) (acre)
Parcel Lot 6A	60 feet	50 feet*	40 feet	50 feet	5,000 feet	7,500 feet

*Variance required



No Zoning History to Report

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

Section 9.3 of the Subdivision Regulations states:

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

- A. Strict application of the ordinance would produce undue hardship.
- B. The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the neighborhood will not be adversely affected.
- C. The problem involved is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance.
- D. The hardship is created by the physical character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a variance.
- E. The hardship is created by the requirements of the zoning district in which the property is located at the time the variance is authorized whenever such variance pertains to provisions of the Zoning Ordinance incorporated by reference in this ordinance.

This request for a Subdivision Variance to Section 4.4 (c) of the Subdivision Regulations for a reduction in lot width for this corner lot is acceptable, as Staff finds the proposal to be consistent with the principles of the Comprehensive Plan for the North End of the City.

The current Zoning Ordinance requires that corner lots be platted not less than ten feet wider than the minimum required by the Zoning Ordinance for interior lots in the district; however, this was not required when this lot was originally created, and the applicant is seeking to restore the dimensions as platted prior to 1944. As mentioned previously, lot width is the only deficiency; all other dimensional standards will be met. Since this request will decrease the number of lots from two to one, reduce the existing nonconformities, will not create any new nonconformities, and will restore the property back to its originally recorded parcel size (M.B.1, PG 8b) of 50-foot by 150-foot, Staff is amenable to this request as it will not change the character of the neighborhood, nor will it have any adverse impacts to the surrounding area.

Currently, there are two units on one of the existing lots and one single-family dwelling on the other. All units will be demolished, and a new home will be constructed that will be compatible with the surrounding area. The exterior design of the proposed home reflects the character of the area and incorporates attractive, high-quality materials and a design that is capable of withstanding severe weather events as is recommended by the Comprehensive Plan. Condition 2 has been recommended to ensure that the proposed single-family dwelling substantially adheres to the proposed elevations submitted with this application.

In the early 2000s, the City Council directed the Department of Public Works to review parking within the North End of the City in an attempt to provide additional public parking within the public right-of-way. Driveways for new developments in the North End must meet the regulations identified in the Public Works Design Standards Manual, Section 3.9.E, Residential Entrances in the North Beach Area. As such, Staff is recommending Condition 2 to indicate that the two existing driveways on 86th Street shall be removed and replaced with one 12-foot-wide driveway, measured at the edge of pavement. Additional detailed Traffic Engineering comments will be provided to the applicant during the site plan review process.

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

Recommended Conditions

1. When the Property is developed, it shall be developed substantially as shown on the exhibit entitled "SUBDIVISION VARIANCE EXHIBIT – LOT 6, BLOCK 3, CAPE HENRY SYNDICATE, SECTION "D" (M.B. 1, PG. 8b), VIRGINIA BEACH, VIRGINIA FOR RUFFIN 86, LLC", prepared by WPL, dated April 19, 2021, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
2. ~~The two existing driveways on 86th Street shall be removed and replaced with one 12-foot-wide driveway, measured at the edge of pavement, unless a variance is approved by Public Works. This is in accordance with the Public Works Standards Manual, Section 3.9.E, Residential Entrances in the North Beach Area.~~ The existing driveways on 86th Street shall be redesigned in a manner deemed acceptable to the Department of Public Works.
3. The proposed single-family dwelling shall meet the minimum dimensional requirements of the R-5R Residential (NE) North End Overlay zoning district, unless a BZA Variance is granted by the Board of Zoning Appeals. If a BZA Variance is required, the variance shall be granted on the property prior to the site plan approval for the proposed single-family dwelling.

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 being located in the North End Suburban Focus Area. The Comprehensive Plan recommends that parcels in the North End should be consolidated only when best management practices for stormwater control are included in the reconstruction. The inclusion of porous materials for driveways,

this proposed home shall be attractive, high quality, and capable of withstanding severe weather events. Staff recommends incorporation of standards and guidelines found in the recently adopted Flood Resiliency Toolkit to prepare and mitigate for flooding and storm surges. Existing natural features should be considered early in the development process, especially with such close proximity to the Atlantic shoreline and dunes. Natural drainage patterns and unusual topography that would support environmental and human health should be preserved to the highest degree possible.

Natural & Cultural Resources Impacts

The site is located in the Atlantic Ocean Watershed.

8600 Ocean Front Avenue is known as the Faulkner House. It was listed in the Virginia Beach Historical Register in 2003. Demolition of the building will result in its delisting from the local register. The site was recommended not eligible for listing in the National Register in the 2018 survey update of the northern half of the City. The property was presented to the Historic Preservation Commission on September 6, 2023. When a building is listed in the Virginia Beach Historical Register, the committee prefers that if it is in good condition that it be preserved. After deliberation, it was determined that there were not sufficient preservation incentives to present to the property owner to retain this historic structure.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
86th Street	No Data Available	9,900 ADT ¹ (LOS ⁴ “D”)	Existing Land Use ² – 30 ADT Proposed Land Use ³ – 10 ADT
¹ Average Daily Trips	² as defined by a single-family dwelling and a duplex	³ as defined by a single-family dwelling	⁴ LOS = Level of Service

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

86th Street is a two-lane local neighborhood street. There are currently no CIP projects scheduled to upgrade this roadway.

Public Utility Impacts

Water

The site currently connects to City water. Any unused services must be abandoned. There is an existing four-inch City water main along 86th Street.

Sewer

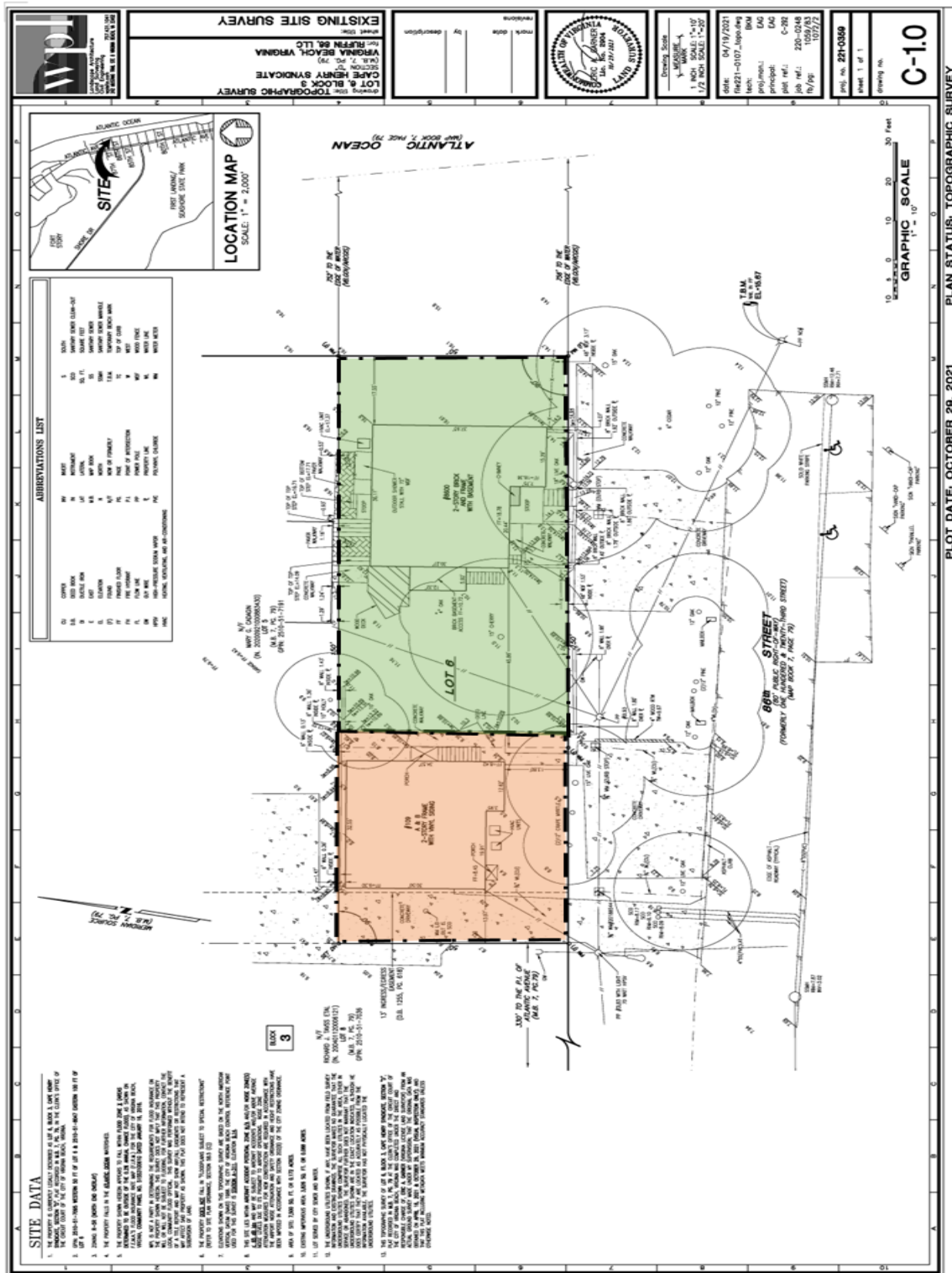
The site currently connects to City sanitary sewer. Any unused services must be abandoned. There is an existing eight-inch City sanitary sewer gravity main along 86th Street.

Public Outreach Information

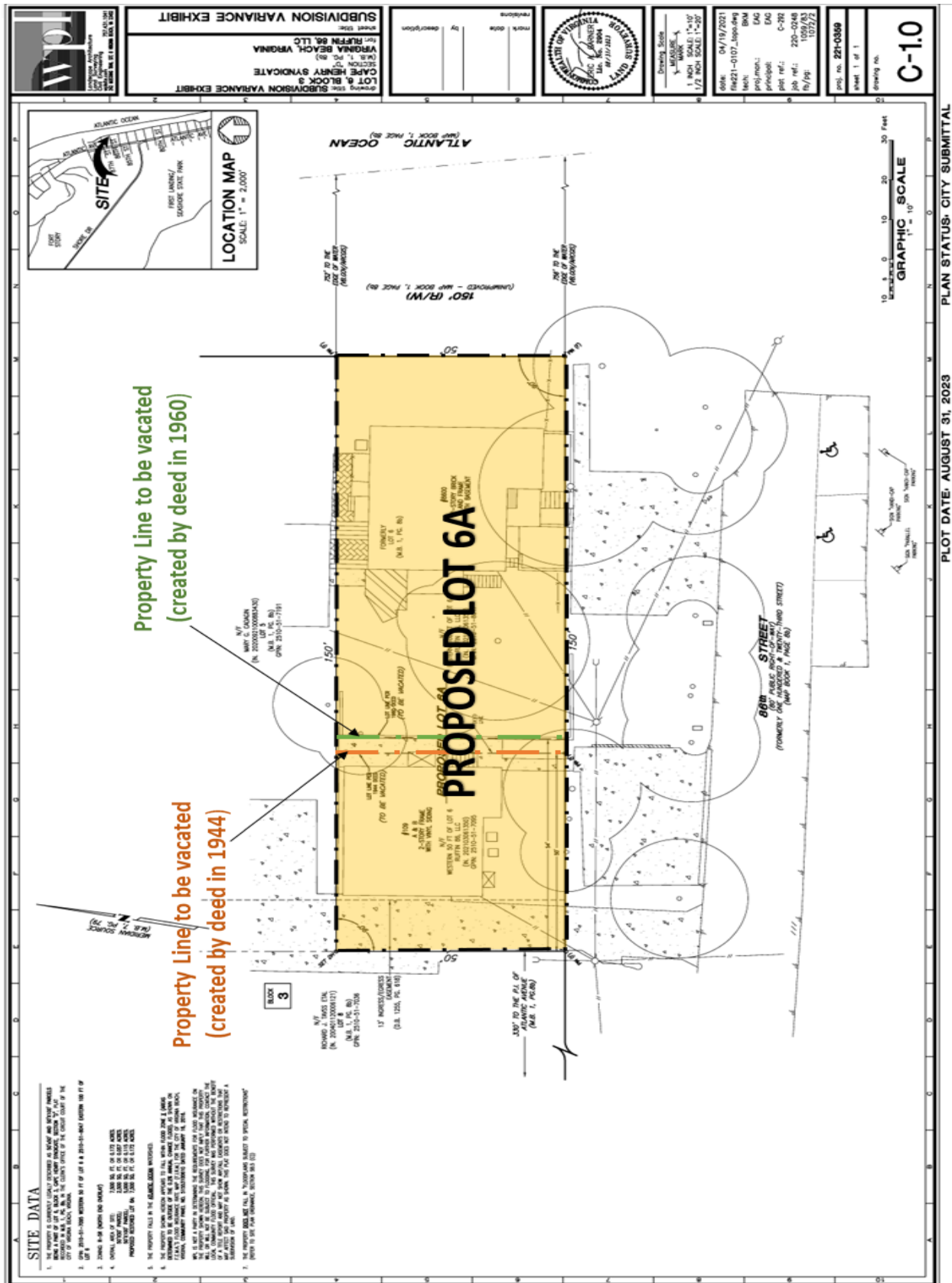
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 9, 2023.

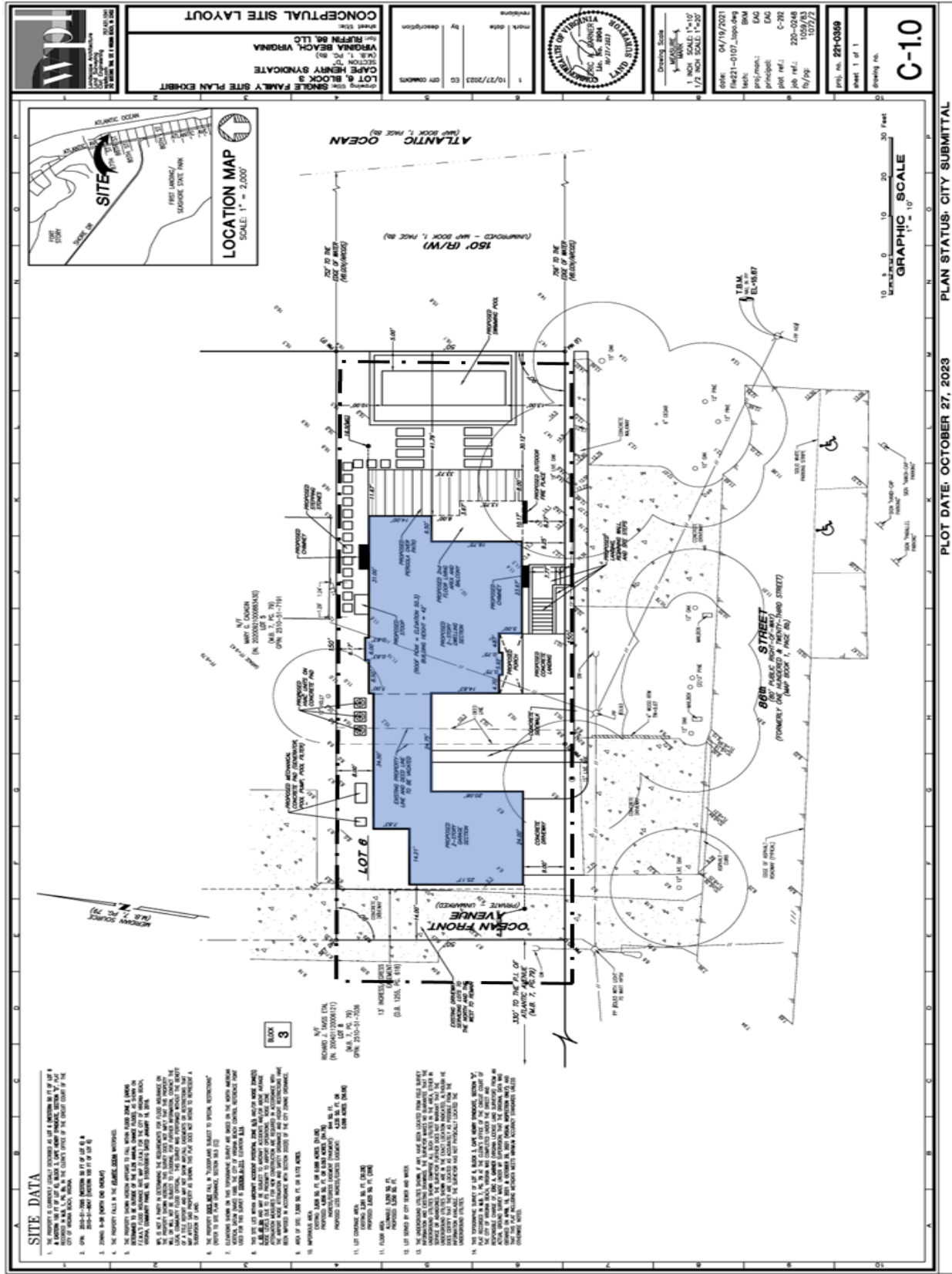
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, October 25, 2023 and November 1, 2023.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 23, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.viriniabeach.gov/pc on November 2, 2023.



Subdivision Variance Exhibit



Proposed Site Layout



Proposed Building Elevations



0 2 4 6 1/8" = 1'-0"

PROPOSED NORTH ELEVATION

RUFFIN RESIDENCE | MASTER PLAN | 28 JUNE 2023



31



0 2 4 6 1/8" = 1'-0"

PROPOSED SOUTH ELEVATION

RUFFIN RESIDENCE | MASTER PLAN | 28 JUNE 2023



30



EAST ELEVATION

0 2 4 8 1/8" = 1'-0"



33

PROPOSED EAST ELEVATION

RUFFIN RESIDENCE | MASTER PLAN | 26 JUNE 2023



WEST ELEVATION (HOUSE)



WEST ELEVATION (GARAGE)

0 2 4 8 1/8" = 1'-0"



32

PROPOSED WEST ELEVATIONS

RUFFIN RESIDENCE | MASTER PLAN | 26 JUNE 2023

Site Photos



Site Photos



Disclosure Statement

Disclosure Statement



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Applicant Disclosure

Applicant Name Ruffin 86, LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Billy Garrington, GPC, Inc

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)

The Dare Marie Ruffin Irrevocable Trust is the Sole Member of Ruffin 86, LLC.

Clark L. Davidson is the Trustee of the Trust. John Babb is the Manager of Ruffin 86, LLC

- 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.

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.

3North, Erin Webb

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.

WPL, Eric Garner

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

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

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

John Babb, Manager

Print Name and Title

7/3/23

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 (Facility for the Disabled)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

1851 Old Donation Parkway

GPIN

2408433451

Site Size

4.13 acres

AICUZ

70-75 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Sanatorium, rehab facility, medical office / O-2 Office

Surrounding Land Uses and Zoning Districts

North

Old Donation Parkway

Fire Station, single-family dwellings / R-10 Residential

South

Regatta Circle

Single-family dwellings / R-10 Residential

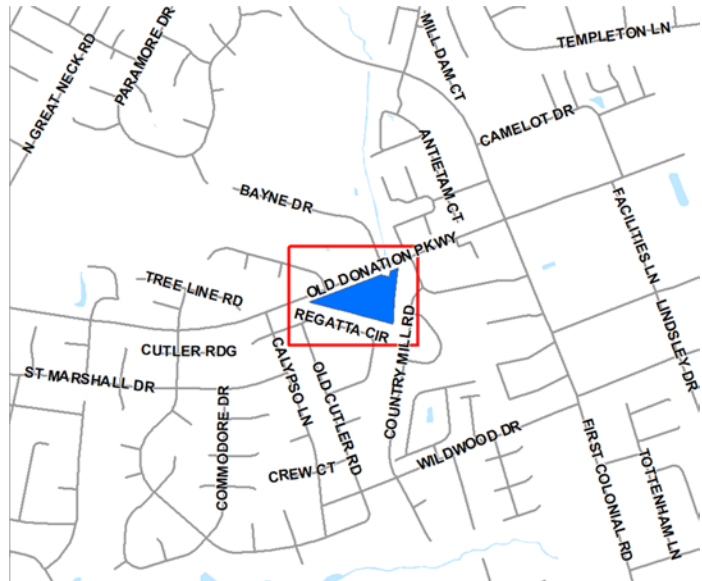
East

Country Mill Road

Single-family dwellings / R-10 Residential

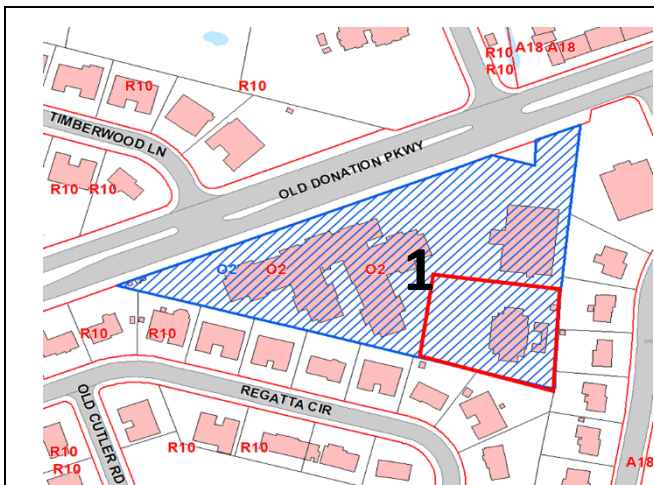
West

Single-family dwellings / R-10 Residential



Background & Summary of Proposal

- The applicant is requesting to modify a condition associated with a Conditional Use Permit for a Facility for the Disabled approved by City Council in 2004 on this parcel zoned O-2 Office District. Specifically, the applicant is seeking to remove Condition 5 which restricted the treatment of patients seeking admission for drug and alcohol addiction.
- In 2004, the rehab facility sought to serve patients with neurological disabilities only.
- The applicant now intends to provide services to patients seeking treatment for substance use and co-occurring disorders by providing medically monitored inpatient withdrawal management care. A 24-hour staff team consisting of a board-certified Medical Director, nurses, and operational staff will supervise the patients under treatment. A licensed therapist and clinical staff will provide therapy for the treatment of anxiety, depression, and trauma consisting of counseling and group therapy sessions. Violent offenders, sex offenders, and individuals with acute psychiatric disorders will not be treated at this facility.
- The applicant will occupy the existing building, which is currently vacant. There will be no exterior changes to the building or to the site layout, except for the installation of a 24" x 18" nameplate to be posted on the building. A rendering of the proposed nameplate can be found on page seven of this report.
- The facility will operate 24 hours a day, seven days a week with up to 35 employees. It is anticipated that there will be three to 15 employees working within the facility at any given time. The facility will serve up to 30 patients at one time with a maximum length of stay of 30 days. Patients served will be 18 years of age and older.



Zoning History

#	Request
1	MDC Approved 07/12/2011 CUP (Facility for the Cognitively Impaired) Approved 07/18/2006 CUP (Facility for the Disabled) Approved 11/09/2004

Application Types

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

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

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

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

Evaluation & Recommendation

The request for a Modification of Conditions is, in Staff's opinion, acceptable given that the use is compatible with the surrounding area as the site is currently developed with a memory care facility to treat those diagnosed with Alzheimer's disease, dementia, and related conditions and medical offices specializing in orthopedic care and sports medicine.

Due to opposition received at the City Council meeting in 2004, Condition 5 was added to restrict care for patients seeking substance abuse and alcohol treatment to alleviate concerns from surrounding property owners. Being informed of this by Staff, the applicant met with some of the surrounding property owners to inform them of the proposal and to answer any questions.

Staff is amendable to the removal of this condition, as the property is well screened with a six-foot tall privacy fence and 20-foot-wide Category IV buffer, which isolates the facility from the surrounding residential areas. Staff does not foresee any negative impacts to the surrounding community, as the patients within the facility will be under the supervision of a trained professional Staff and will only stay within the facility for treatment for up to 30 days. This change, to remove the condition to allow treatment of substance abuse and alcohol patients, will most likely go unnoticed by surrounding properties. It is also important to note that Staff reached out to the Virginia Beach Police Department, and they did not have any concerns with the proposed use.

Based on these considerations, Staff is recommending approval of this request subject to the condition listed below. With the exception of the removal of Condition 5, all other conditions attached to the 2004 Conditional Use Permit will remain in effect.

Recommended Condition

1. All previous conditions attached to the previous Conditional Use Permit granted on November 9, 2004 shall remain in effect, except for Condition 5: "The Rehabilitation Center will not treat patients seeking admission for drug and alcohol addiction" which shall be deleted.

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.

Previous Conditions from 2004 CUP

1. The site will be developed in substantial conformance with the site plan entitled "Conceptual Site Plan Voogt Rehabilitation Center" prepared by WP Large. This plan has been exhibited to City Council and is on file in the Department of Planning.
2. The building will be constructed in substantial conformance with the elevation entitled "Voogt Rehabilitation Center" prepared by Cox, Kliwer and Company, P.C. and dated September 24, 2004. This plan has been exhibited to City Council and is on file in the Department of Planning.
3. Landscaping on the site should be installed substantially as depicted in the "Conceptual Landscape Plan Voogt Rehabilitation Center" dated October 13, 2004 (Landscape Plan). This plan has been exhibited to the City Council and is on file in the Department of Planning. All of the perimeter plantings, with the exception of the Red Maple, shall be comprised of the largest size plant material in local nurseries available for this purpose and shall be installed after site demolition and grading work, and prior to the start of construction of the rehabilitation center. Appropriate fencing shall be installed to protect this landscaping during construction. Additional shade tree

plantings, consisting of Red Maple as shown on the Landscape Plan, shall be installed following completion of the office and Rehabilitation Center on the property.

4. The building will be classified as Use Group 1-2 for building permit purposes. The facility will be fully sprinklered, as required for all institutional (Group I) uses.
5. The Rehabilitation Center will not treat patients seeking admission for drug and alcohol addiction.
6. A lighting plan showing all new external lighting fixtures proposed shall be submitted for review with the detailed site plan.
7. All existing mature trees, located outside of the construction footprint, shall remain on the site. All trees to remain shall be protected during construction.
8. A copy of the Reciprocal Parking Agreement with the office building must be provided during detailed site plan review.
9. The two dumpster pad areas shown on the south side of the new facility must be relocated to the north side.
10. The height of the building shall not exceed forty-six (46) feet as shown on the submitted plans.

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as being located in the Suburban Area. Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a framework for neighborhoods and places that are increasingly vibrant and distinctive. The Plan's primary guiding principle for the Suburban Area is to create "Great Neighborhoods," and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future. Since there is no change in the building or site plan, this request would be supported by the Comprehensive Plan.

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
Old Donation Parkway	8,010 ADT ¹	28,900 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 100 ADT Proposed Land Use ³ – 100 ADT
¹ Average Daily Trips	² as defined by an rehabilitation facility	³ as defined by a rehabilitation facility	⁴ LOS = Level of Service

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

Old Donation Parkway is classified as a four-lane divided collector street. There are no CIP projects scheduled for this area.

Public Utility Impacts

Water

There is an existing eight-inch and a 12-inch City water main along Old Donation Parkway. There is also an existing eight-inch City water main along Country Mill Road. The site is already connected to City water. The existing 2-inch meter may be used to accommodate the proposed use.

Sewer

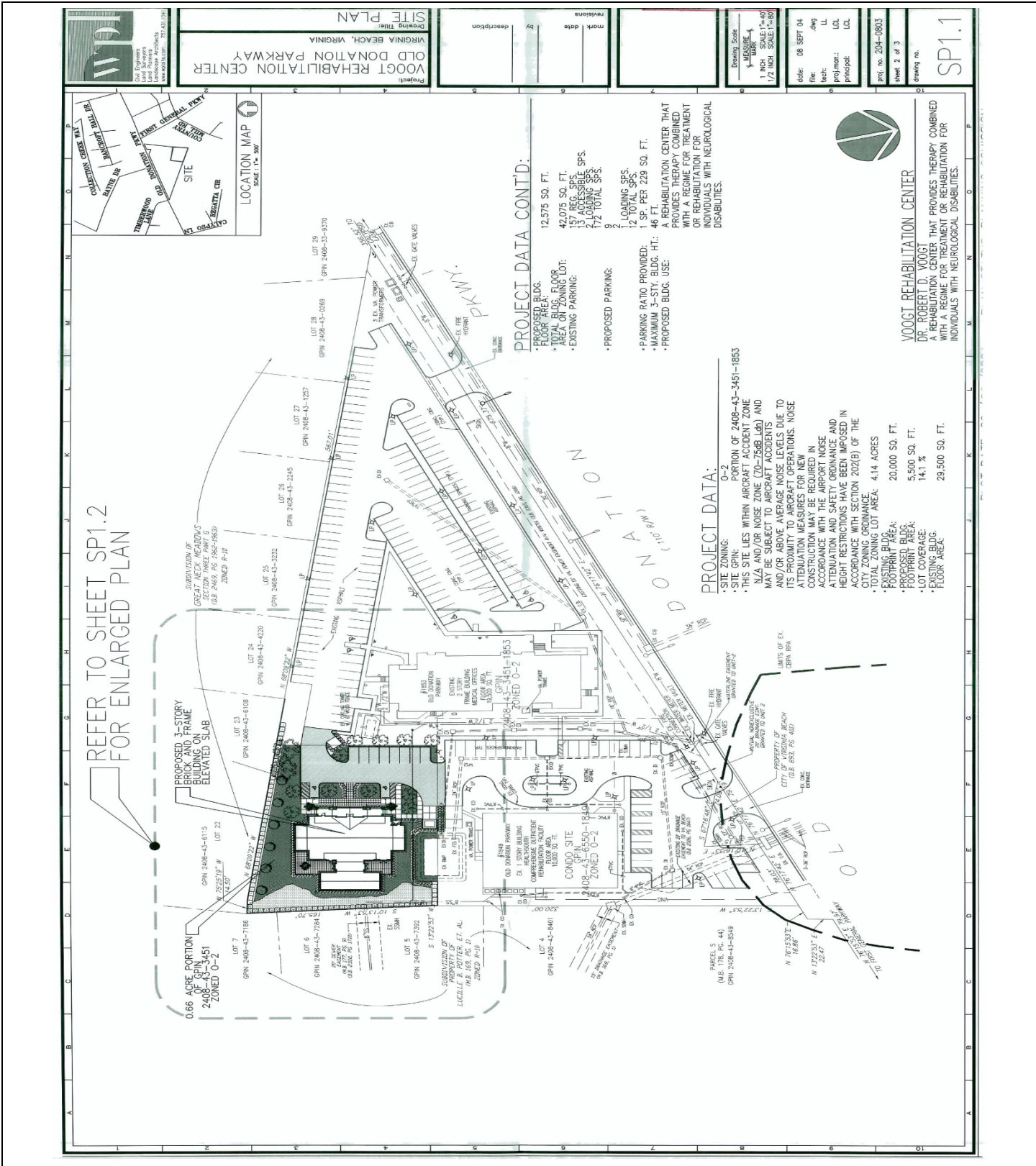
There is an existing eight-inch sanitary sewer gravity main along Country Mill Road. The site is already connected to City sanitary sewer via a private sanitary sewer gravity main.

Public Outreach Information

Planning Commission

- The applicant met with the surrounding property owners to include a representative from the Great Neck Meadows Civic League on October 25, 2023 to discuss the details of the request. According to the applicant, 20 people were in attendance. Some of the concerns raised at the meeting were regarding safety, height of the existing building, and reduction in property values.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 9, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, October 25, 2023 and November 1, 2023.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 23, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.virginiabeach.gov/pc on November 2, 2023.

Existing Site Layout



Proposed Nameplate Bldg. Sign



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 Harrison House, Inc. DBA Recovery Unplugged Northern Virginia

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)

Andrew Sossin, Marshall Geisser, Robert Sossin

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

N/A

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

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

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

☐ **Yes** ☒ **No**

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

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

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

Kaufman Rossin, LLC- Andy Taubman, CPA

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

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

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

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

Disclosure Statement

Disclosure Statement



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

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

Sal Lemole- architect

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.

Bean, Kinney & Korman, P.C.,- located in Arlington, VA- James Irving, JD

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 dark ink, appearing to read 'Andrew Sossin', written over a horizontal line.

Applicant Signature

Andrew Sossin, CEO/Owner

Print Name and Title

7/26/2023

Date

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

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

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

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

Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name The Regent of Virginia Beach, LLC

Applicant Name Harrison House, Inc. DBA Recovery Unplugged Northern Virginia

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)

Stephen M. Krutowsky, JR Capital, LLC

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

N/A

Known Interest by Public Official or Employee

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

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

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

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

Disclosure Statement



Owner Services Disclosure

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

☒ **Yes** ☐ **No**

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

Towne Bank

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

☐ **Yes** ☒ **No**

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

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.

Ron Cooper, CPA- In house accountant

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.

Harrison House, Inc. DBA Recovery Unplugged Northern Virginia

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.

MEYERS, ROMAN, FRIEDBERG & LEWIS - BRYAN DARDIS

Owner Signature

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

Owner Signature

STEPHEN M. KOWTOWSKY, MANAGING MEMBER

Print Name and Title

7/25/23

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 (Assembly Use)

Staff Recommendation

Approval

Staff Planner

Michaela D. McKinney

Location

4356 Holland Road, Suite 101

GPIN

1476873632

Site Size

40,458 square feet (2,070 square-foot suite)

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Shopping Center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Shoreline Court

Multi-family dwellings/ A-18 Apartment

South

Holland Road

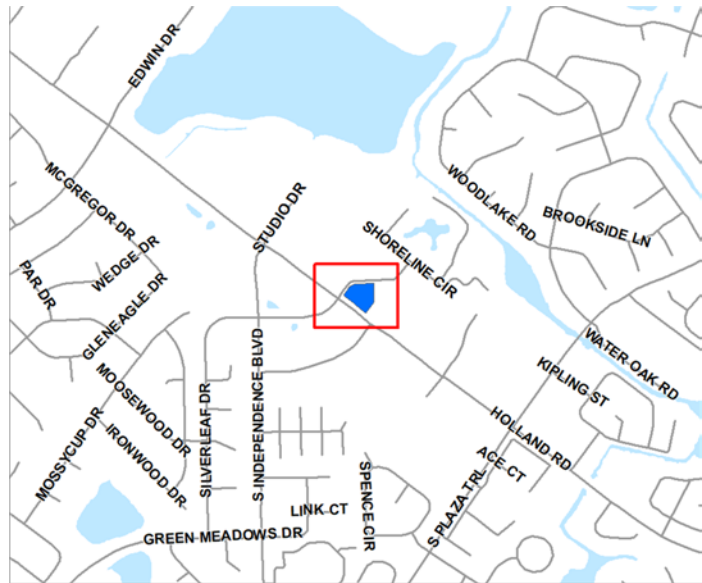
Government Office / PD-H1 Planned Unit Development

East

Shopping Center / B-2 Community Business

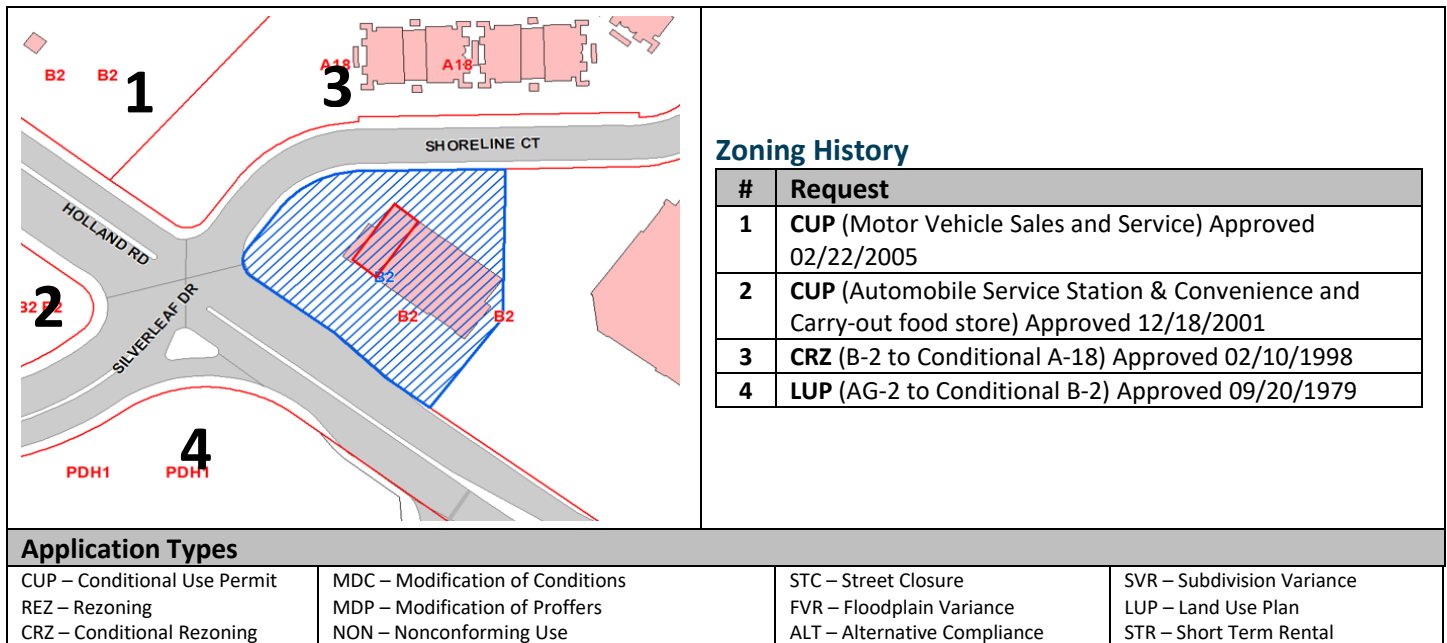
West

Multi-family dwelling / A-18 Apartment



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for an Assembly Use to operate an alcohol- and tobacco-free venue in an existing 2,070 square foot suite in the Holland Plaza Shopping Center. The shopping center is located along Holland Road on property zoned B-2 Community Business District.
- The venue, "Weddings and Events", will host weddings, elopements, receptions, and private events. Food will only be prepped and served as there will be no kitchen onsite. No alcoholic beverages or smoking products will be served or allowed onsite.
- The applicant estimates the number of guests at any event will range from 70 to 80; however, the maximum occupant load of the event space will ultimately be determined by the Building Official and the Fire Marshal.
- The space will be available to rent from 9:00 a.m. to 10:00 p.m., seven days a week.
- Since this parcel and the adjacent parcel to the east are under common ownership and are not separated by an alleyway or other right-of-way, the two lots are considered one zoning lot. Given this, parking spaces on these lots can be shared. There are 396 parking spaces across the two lots, which meets the minimum parking requirement for the shopping center.
- The applicant proposes to have building and door signage on the exterior of the building. No other exterior changes to the building are proposed.



Evaluation & Recommendation

In Staff's opinion, this request for a Conditional Use Permit for an Assembly Use is acceptable. The use is consistent with the Comprehensive Plan's recommendations for the Suburban Area and is compatible with the existing shopping center. Due to the business's proximity to residences to the north and west, staff has conditioned that all activities and music shall take place inside the building. This is reflected in conditions 5 & 6 below and the applicant is agreeable to these conditions.

As mentioned previously, adequate parking is provided on site for the proposed assembly use, exceeding the minimum parking requirement, as defined in Section 203(33) of the Zoning Ordinance.

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

Recommended Conditions

1. A business license for the Assembly Use shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provision of Chapter 23 of the City Code.
2. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy for use of the existing building as an Assembly Use.
3. The maximum occupancy load shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.
5. All event activities shall occur within the building. Outdoor events shall be prohibited unless specifically permitted with a Special Event permit.
6. No amplification of music or use of speakers shall be permitted except within the enclosed building.
7. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m., Monday through Sunday.

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 Suburban Area of the City. 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. The proposed use moving into an existing shopping center would be in keeping with the Comprehensive Plan.

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Holland Road	37,900 ADT ¹	32,700 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 110 ADT Proposed Land Use ³ – No Data Available
¹ Average Daily Trips	² as defined by a 2,000 square foot strip retail center	³ No information available in the ITE Trip Generation Manual for event venues	⁴ LOS = Level of Service

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

Holland Road in the vicinity of this application is considered a four-lane divided minor urban arterial. The MTP proposes a six-lane facility within a 165-foot right-of-way. There is a CIP project funded for this section of Holland Road, which is scheduled to begin construction in 2031. This project will reconfigure Holland Road as a six-lane superstreet by adding additional through lanes in both directions from South Independence Boulevard to South Plaza Trail and by installing Restricted Crossing U-Turn (R-CUT), which helps reduce crashes at the intersections that lack a traffic signal. The project will also include continuous five-foot wide sidewalk on both sides of Holland Road, as well as LED streetlights and installation of bus shelters at four existing bus stops.

Public Utility Impacts

Water & Sewer

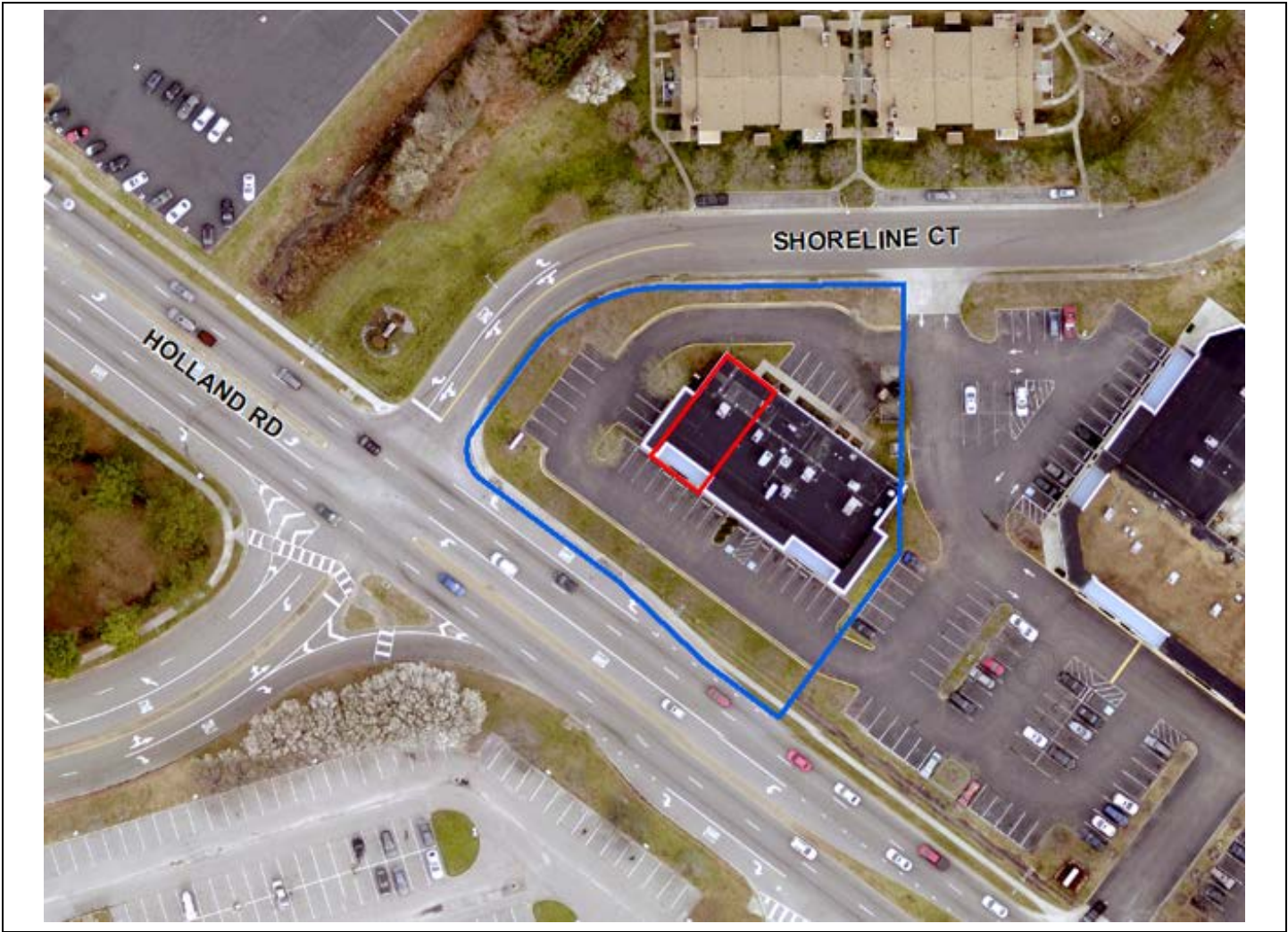
This site is connected to City water and city sanitary sewer.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on October 9, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, October 25, 2023 and November 1, 2023.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on October 23, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.virginiabeach.gov/pc on November 2, 2023.

Site Layout



Site Photos



Disclosure Statement

Disclosure Statement



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

Applicant Disclosure

Applicant Name Anna Castillo-Lora

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)
Owner Anna Castillo-Lora

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

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

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

Disclosure Statement



Known Interest by Public Official or Employee

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

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

Applicant Services Disclosure

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

☐ **Yes** ☒ **No**

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

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

☐ **Yes** ☒ **No**

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

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

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

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

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

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

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

Disclosure Statement

Disclosure Statement



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

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

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

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

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

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

Applicant Signature

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

Applicant Signature

Print Name and Title

Anna Castillo-Lora

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 Windsor Oaks West Parcel 3, LLC

Applicant Name Anna Castillo-Lora

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)

Shorehaven Properties, LLC; Sycamore Road Properties, LLC;

General Investors Realty Associates; Cohen Family Limited Partnership;

Arleen Cohen 2021 Irrevocable Trust, Michael D. Newsome, Managing Member

- If **yes**, list the businesses that have a parent-subsiary³ 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-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

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

Disclosure Statement



Owner Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

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

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

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

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

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

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

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

Disclosure Statement



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

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

Owner Signature

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

A handwritten signature in black ink, appearing to read 'Michael D. Newsome', written over a horizontal line.

Owner Signature

Michael D. Newsome, Managing Member

Print Name and Title

A handwritten date in black ink, 'August 29, 2023', written over a horizontal line.

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.