

A photograph of a lighthouse on a grassy dune at sunset. The lighthouse is a tall, black and white tower with a red lantern room. The sun is low on the horizon, casting a warm glow over the scene. The foreground shows a sandy path leading up to the dune, with some dry grass and a wooden fence. The sky is a mix of blue and orange.

# Planning Commission Agenda

## February 8, 2023



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

# Planning Commission Hearing Procedures

A Public Hearing of the Virginia Beach Planning Commission will be held on **Wednesday, February 8, 2023 at 12:00 p.m. in the Council Chamber at City Hall, 2<sup>nd</sup> Floor at 2401 Courthouse Drive Building 1, Virginia Beach, VA 23456**. Members of the public will be able to observe the Planning Commission meeting through livestreaming on [www.vbgov.com](http://www.vbgov.com), broadcast on VBTv, and via WebEx. Citizens who wish to speak can sign up to speak either in-person at the Council Chamber or virtually via WebEx by completing the two-step process below. A Staff briefing session will be held at 9:00 a.m.. All interested parties are invited to observe.

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

1. Register for the WebEx at:  
<https://vbgov.webex.com/vbgov/onstage/g.php?MTID=ee9f5bb6b24610cd248edeb98ad13348f>
2. Register with the Planning Department by calling 757-385-4621 or via email at [mbharris@vbgov.com](mailto:mbharris@vbgov.com) prior to 5:00 p.m. on February 7, 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.vbgov.com/pc](http://www.vbgov.com/pc). For information call 757-385-4621. Staff Reports will be available on the webpage 5 days prior to the meeting.

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

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

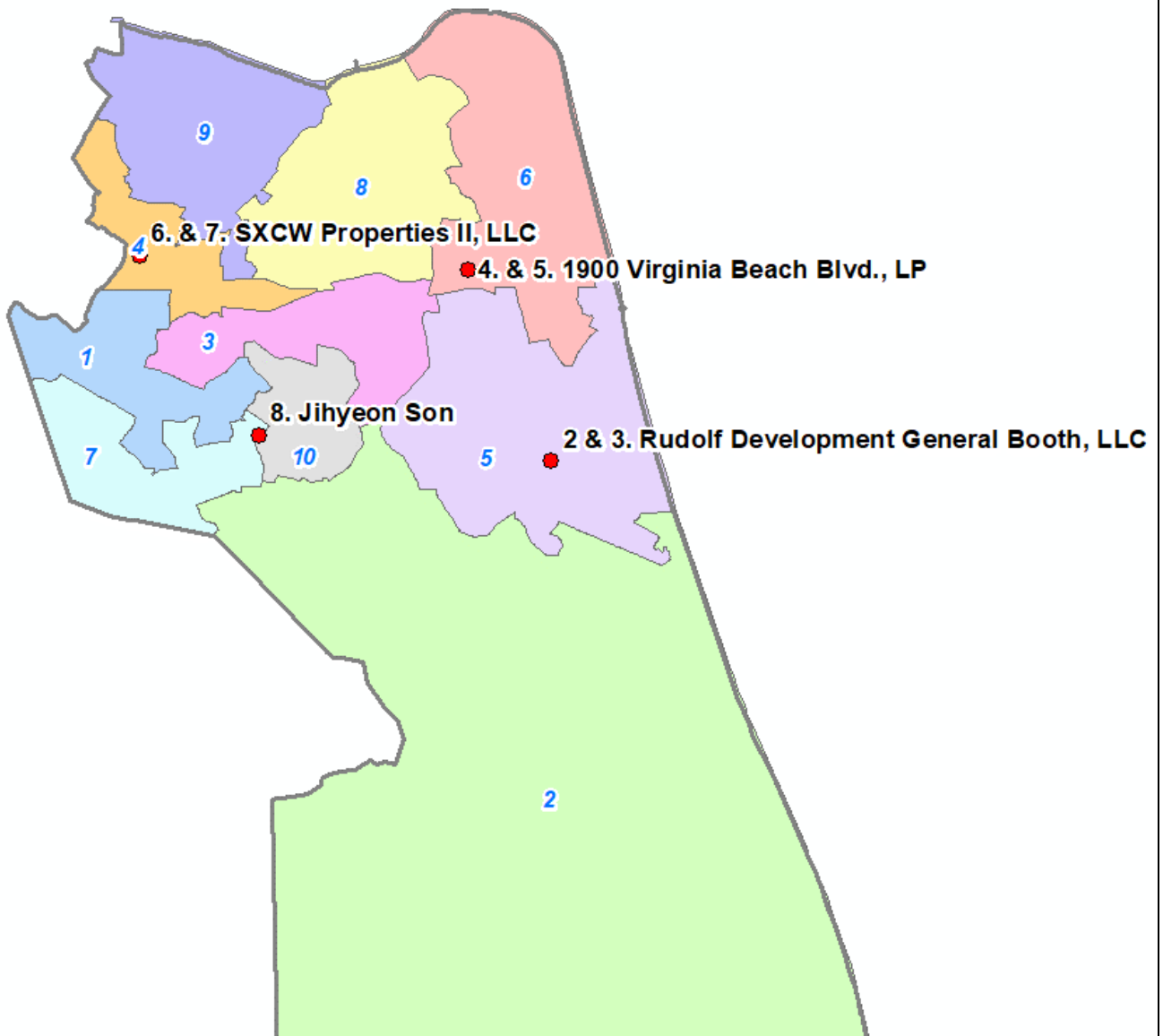
# Planning Commission Hearing Procedures

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

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

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

FEBRUARY 8, 2023  
PLANNING COMMISSION AGENDA





## PLANNING COMMISSION AGENDA

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

### B. BRIEFINGS

1. Amendment to Section 104 of the Zoning Ordinance pertaining to Short Term Rentals, Beverly K. Wilson – Deputy City Attorney
2. Update on STR Regulations from recent VA General Assembly action, Beverly K. Wilson – Deputy City Attorney
3. 2022 Year End Report, Hoa N. Dao – Planning Evaluation Coordinator

### 12:00 P.M. – PUBLIC HEARING

#### 1. City of Virginia Beach

City of Virginia Beach - An Ordinance to amend Section 2004 of the City Zoning Ordinance pertaining to the dimensional and other requirements in the Historic Kempsville Area Overlay District. (Sponsored by Council Member Berlucchi)

**2. & 3.**  
**Rudolf Development General Booth, LLC & Atlow Group, Inc** (Applicants)  
**Rudolf Development General Booth, LLC** (Property Owner)

#### Modification of Proffers

#### Conditional Use Permit (Indoor Recreational Facility)

**Address:** Parcel directly east of 1700 General Booth Boulevard & north of Edison Road

**GPIN(s):** 2415532272

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

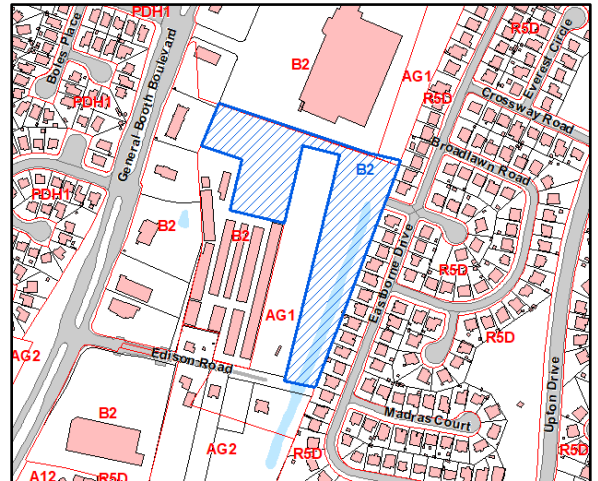
**Accela Record(s):** 2022-PCCC-00277, 2022-PCCC-00261

**SGA:** No

**Overlay:** No

**Staff Planner:** Hoa N. Dao

*Request to amend approved proffers to change the building design and site layout along with a Conditional Use Permit to construct and operate an Indoor Recreational Facility.*



**4. & 5.**

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

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

**Conditional Use Permit** (Bulk Storage Yard)

**Addresses:** 1900, 1902, 1904, 1906, and 1912 Virginia Beach Boulevard; 303, 305, 307, 309, 311, 313 and 315 Maxey Drive

**GPIN(s):** 2407467406, 2407466302

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

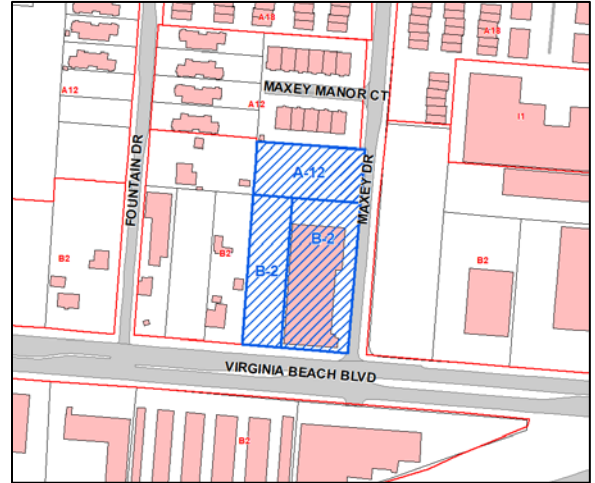
**Accela Record(s):** 2022-PCCC-00211, 2022-PCCC-00239

**SGA:** Yes – Hilltop

**Overlay:** No

**Staff Planner:** Marchelle Coleman

*Request to rezone portion of property from A-12 to B-2 and a Conditional Use Permit request for a Bulk Storage Yard.*



**6. & 7.**

**SXCW Properties II, LLC** (Applicant)

**Victor Alpha Associates, LLC** (Property Owner)

**Conditional Use Permits** (Car Wash Facility & Automobile Service Station)

**Address:** 5480 Virginia Beach Boulevard

**GPIN(s):** Portion of 1467482294

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

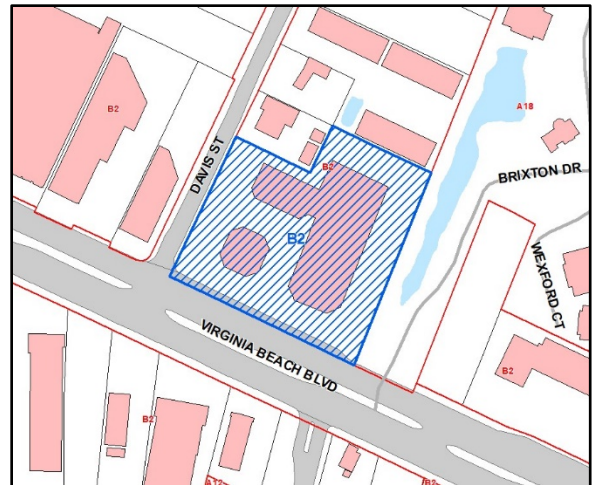
**Accela Record(s):** 2022-PCCC-00264, 2022-PCCC-00265

**SGA:** No

**Overlay:** No

**Staff Planner:** Marchelle Coleman

*Requests to construct and operate a single-bay automated car wash facility and an automobile service station with 10 fuel pumps.*



8.

Jihyeon Son (Applicant)

SCI Lynnhaven Fund, LLC (Property Owner)

**Conditional Use Permit** (Tattoo Parlor)

**Addresses:** 2077 Lynnhaven Parkway, Suite 103

**GPIN(s):** Portion of 1475859946

**Council District:** District 7, formerly Rose Hall

**Accela Record(s):** 2022-CCG-10258

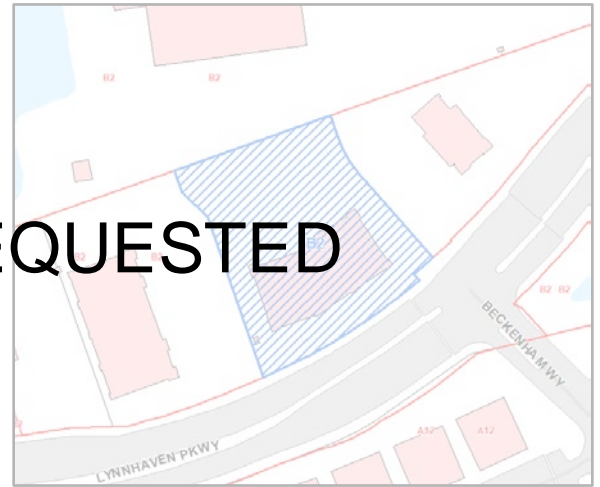
**SGA:** No

**Overlay:** No

**Staff Planner:** Michaela D. McKinney

*Request to operate a tattoo parlor within a unit of the Salem Crossing Shopping Center.*

DEFERRAL REQUESTED







Applicant **City of Virginia Beach**  
Planning Commission Public Hearing **February 8, 2023**  
**Historic Kempsville Area Overlay District**

Agenda Item

**1**

## Request

An Ordinance to amend Section 2004 of the City Zoning Ordinance pertaining to dimensional and other requirements in the Historic Kempsville Area Overlay District.

## Summary of Request

This amendment is sponsored by Council Member Berlucchi. The request came after the City received developer inquiries on parcels encumbered by environmental features.

The Historic Kempsville Area is not only one of the primary crossroads within the City, but is also the location of the third courthouse in Princess Anne County, the site of a Revolutionary War skirmish, an early cultural and economic hub within the City, and is surrounded by many stable and attractive residential communities. As such, its appearance and revitalization is important to the physical and economic vitality of the City. The purpose of the Historic Kempsville Area Overlay District is to enhance the appearance of the area encompassed by the District and to help restore its vitality as an important and historic location within the City.

Multiple-family dwellings are permitted in the Historic Kempsville Overlay with a conditional use permit. The existing ordinance limits the density of multiple-family dwellings to eighteen (18) units per acre or the maximum density permitted by the regulations of the underlying zoning district, whichever is the lesser. Due to the environmental features within the overlay, the qualifying parcel area used to determine density is restricted on certain parcels. This amendment would increase the maximum density to twenty-four (24) units per acre to provide an option for those parcels encumbered by certain environmental features through a conditional use permit.

The proposed ordinance provides the following considerations for the increase in density from eighteen to twenty-four units during the conditional use permit process:

- The property is irregularly shaped
- The property is impacted by environmental constraints including, but not limited to, Floodplain, Chesapeake Bay Preservation Area, Southern Rivers Watershed Management Area
- The massing and scale of the proposed development is consistent with the surrounding character

If approved, this amendment would permit a density of up to twenty-four units per acre for multiple-family developments with a conditional use permit on properties which are encumbered as outlined above.

## Recommendation

Staff recommends approval of this Ordinance as it will allow an option for those parcels whose qualifying parcel area is otherwise restricted to have density consistent with the surrounding area by clustering development outside of environmentally sensitive areas with a conditional use permit within the Historic Kempsville Area Overlay.

REQUESTED BY COUNCILMEMBER  
BERLUCCHI

PLANNING COMMISSION VERSION

AN ORDINANCE TO AMEND SECTION 2004  
OF THE CITY ZONING ORDINANCE  
PERTAINING TO DIMENSIONAL AND  
OTHER REQUIREMENTS IN THE HISTORIC  
KEMPSVILLE AREA OVERLAY DISTRICT

Section Amended: § 2004 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 2004 of the City Zoning Ordinance is hereby amended and  
reordained to read as follows:

**Sec. 2004. Dimensional and other requirements; density; landscape screening  
and buffering.**

Subject to the provisions of section 2003 of this ordinance, dimensional and other  
requirements for uses and structures located within the Historic Kempsville Area  
Overlay District shall be as specified in the underlying zoning district; provided,  
however, that:

- (a) The density of multiple-family dwellings shall not exceed eighteen (18) units  
per acre or the maximum density permitted by the regulations of the underlying  
zoning district, whichever is the lesser, on a zoning lot. Through the  
Conditional Use Permit Process, City Council may approve additional units  
above the eighteen (18) units per acre up to twenty-four (24) to allow for  
development outside of environmentally sensitive areas subject to the following  
considerations:
  - a. The property is irregularly shaped;
  - b. The property is impacted by environmental constraints such as, but not  
limited to, Floodplain, Chesapeake Bay Preservation Area, Southern  
Rivers Watershed Management; and
  - c. The massing and scale of the proposed development is consistent with  
surrounding character;

44 (b) Where a zoning lot within the B-2(HK) or B-4(HK) district adjoins any district in  
45 which single-family dwellings, duplexes, attached dwellings or multiple-family  
46 dwellings are permitted as a conditional or principal use, without an intervening  
47 street, alley or body of water over twenty-five (25) feet in width, a fifteen-foot  
48 minimum yard shall be required along all lot lines adjoining such district.  
49 Category IV landscape screening shall be required, and no other uses or  
50 structures shall be permitted, within the yard.

51 (c) The requirements within the B-4K (HK) Mixed Use Business District for  
52 minimum lot area, width, yard spacing and maximum lot coverage for  
53 residential dwellings and commercial structures are set forth in Article 9 of this  
54 ordinance..

55 ....

Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
Planning Department

\_\_\_\_\_  
City Attorney's Office

CA15959  
R-2  
January 11, 2023





## Requests

**#2 - Modification of Proffers**

**#3 - Conditional Use Permit** (Indoor  
Recreational Facility)

## Staff Recommendation

Approval

## Staff Planner

Hoa N. Dao

## Location

Parcel directly east of 1700 General Booth  
Boulevard & north of Edison Road

## GPIN

2415532272

## Site Size

6.46 acres

## AICUZ

70-75 dB DNL, >75 dB DNL

## Watershed

Southern Rivers

## Existing Land Use and Zoning District

Undeveloped parcel / Conditional B-2  
Community Business

## Surrounding Land Uses and Zoning Districts

### North

Shopping center / B-2 Community Business

### South

Edison Road

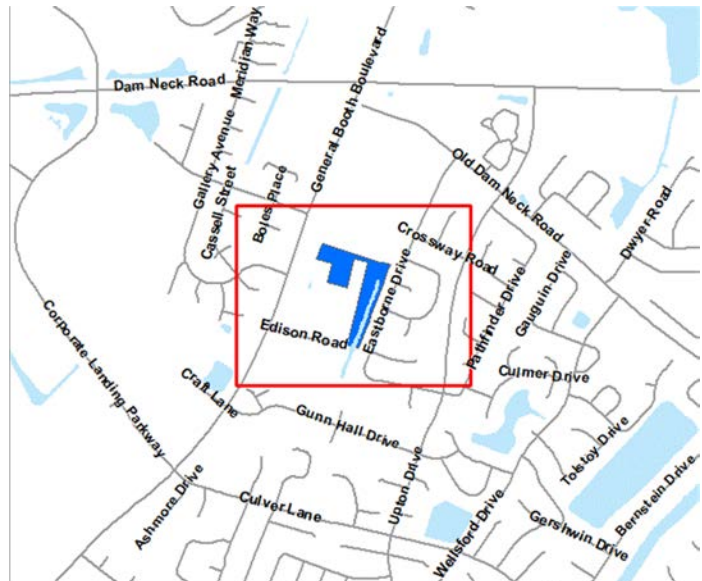
Retail commercial, mini-warehouses,  
undeveloped lot / B-2 Community Business, AG-  
1 Agriculture, AG-2 Agriculture

### East

Single-family dwellings / R-5D Residential

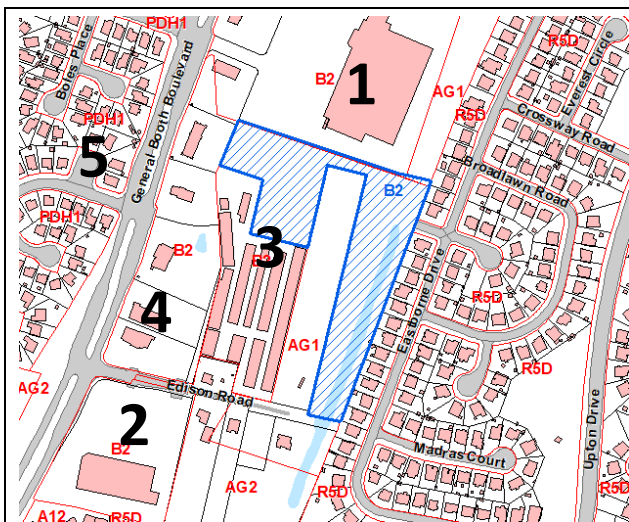
### West

Restaurants, commercial retail / B-2 Community  
Business



## Background & Summary of Proposal

- The applicant, Rudolf Development General Booth, LLC, seeks a Modification of Proffers to a Conditional Rezoning approved by City Council in 2003. Proposed modifications include changes to the proffered site layout and building design. In addition, the co-applicant, Atlow Group, Inc., seeks a Conditional Use Permit to construct and operate a 32,625 square feet indoor recreation facility.
- The property is located within the 70-75 dB DNL and greater than 75 dB DNL of the Air Installation Compatible Use Zones (AICUZ). It is surrounded by commercial, warehouse, and shopping center uses to the north, west, and south. A residential neighborhood exists to the east, across a 105-foot wide drainage easement.
- As shown on the concept plan, the building will be approximately 420 feet from the residential properties to the east. The applicant proposes to retain the existing vegetation within this area to provide screening of the onsite activities from the adjacent dwellings.
- The proffered elevations depict exterior building materials consisting of metal panels, cement block, glazed aluminum windows, and metal canopies.
- As proposed, the use requires 163 parking spaces. The 166 parking spaces depicted on the proffered concept plan exceed the parking requirement of the Zoning Ordinance by three spaces.



### Zoning History

#	Request
1	CUP (Tattoo Parlor) Approved 09/08/2020 CUP (Indoor Recreational Facility) Approved 05/16/2017 CUP (Motor Vehicle/Truck & Trailer Rentals) Approved 05/27/2014
2	CRZ (AG-2 to Conditional B-2) Approved 12/08/2015
3	CUP (Communications Tower) Approved 05/25/2010 CUP (Mini-warehouse) Approved 06/10/2003 CRZ (AG-1 & AG-2 to Conditional B-2) Approved 06/10/2003
4	CUP (Automobile Repair Garage) Approved 01/12/1999
5	LUP (PD-H1) Approved 1981

### Application Types

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

## Evaluation & Recommendation

The request to amend the proffered site layout and building design and the request for a Conditional Use Permit to operate an indoor recreation facility are acceptable in Staff's opinion. The Comprehensive Plan recommends sustainable and complementary non-residential uses that maintain or enhance the existing characteristics of surrounding residential areas in this area of the city. In addition, non-residential development should include special considerations that mitigate potential noise, sight, and safety impacts on existing neighborhoods.

As this site is located within the high noise zones of the AICUZ where residential uses are deemed incompatible, an expansion or establishment of a commercial or industrial user may be the only development opportunity for this property. While the proposed building exteriors resemble an industrial warehouse building, the proposed exterior design is compatible to the mini-warehouse storage facility on the adjacent parcel. In addition, this location has very little exposure from General Booth Boulevard as access to the site is solely through an internal shared access road.

The site is situated between commercial uses that front General Booth Boulevard and the Upton Estates residential neighborhood to the east. The proposed proffered layout was designed to reduce any perceived intrusion upon the residential properties. The proposed building is located on the western side of the parcel, away from the portion of the property that adjoins the neighborhood. Additionally, there is an existing 105-foot wide drainage and impoundment easement with vegetation that runs along the eastern property line which will limit future development in that area. Other than what removal may be required for maintenance of the drainage and impoundment easement, the existing vegetation will be retained and will continue to screen activities on this site from the adjacent residences. Furthermore, in Staff's view, the proposed use is compatible with other retail uses in the area.

The proposed use will generate less traffic volume compared to many uses that could be developed as a matter of right under the existing B-2 zoning designation such as a fast food restaurant. In addition, Staff has reviewed the conceptual stormwater management strategy and agrees it has the ability 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.

In sum, Staff recommends approval of these requests subject to the proffers as offered by the applicant and conditions listed below.

## Proffers

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

Solely with respect to the Property herein described, the five (5) proffers contained in the 2003 Proffers are deleted and replaced with the following proffers:

### **Proffer 1:**

When the Property is developed and landscaped, it shall be substantially as depicted on the exhibit entitled "Conceptual Site Design – Parcel B", prepared by WPL and dated October 15, 2022, which has been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development ("hereinafter "Site Plan").

### **Proffer 2:**

When the building shown on the Site Plan is developed, the architectural design, exterior building materials and colors shall be substantially as depicted and described on the pages number 2 and 3 of the renderings designated "South Elevation – View Towards Parking"; "North Elevation – View Towards One Life Fitness"; "East Elevation – View Towards Wooded Area"; and "West Elevation – View Towards General Booth Blvd.", on that exhibit entitled "Skyzone Elevations", dated October 15, 2022, prepared by Cuboid Architecture, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development ("hereinafter "Renderings").

**Proffer 3:**

The proffers, covenants, restrictions and conditions contained in the 2003 Proffers remain in full force and effect solely as to the balance of the original Parcel therein described.

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

## Recommended Conditions

1. Any onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign" and the proposed sign package shall be submitted to the Department of Planning for review and approval.
2. A Landscape Plan shall be submitted at the time of final site plan review reflective of the location and plant material depicted on the exhibit entitled "Conceptual Planting Plan", prepared by WPL and dated October 15, 2022, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
3. When developed, a photometric plan for the exterior portions of the Property shall be provided as part of the final site plan submittal. The exterior lighting shall be no taller than 20 feet in height, with the exception of any lighting of the overflow parking area on the eastern side of the property and the driveway leading to it which shall not exceed 14 feet in height. All lighting shall be shielded and directed down and inward toward the property and away from adjacent properties.
4. Any trash compactors or dumpsters located on the Property when developed shall be screened in accordance with the Virginia Beach Landscaping Guide.
5. The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the preliminary stormwater analysis utilizing the same basis of design.

## Proffers from 2003 CRZ

**Proffer 1:**

The site layout shall be developed substantially as shown on that certain exhibit entitled "Conceptual Site Layout and Landscape Plan of Commercial Use & Mini-Storage General Booth Boulevard VA. Beach, VA." Prepared by MSA, PC and dated 3/27/03 (the "Site Plan"), which has been exhibited to City Council and is on file with the Planning Department.

**Proffer 2:**

When developed, that portion of the Property depicted on the Site Plan as the Mini-Storage Area (the "Mini-Storage Area") shall be developed for a mini-warehouse facility, with accessory parking and other accessory site features.

**Proffer 3:**

When developed, that portion of the Property depicted on the Site Plan as the Commercial Area (the "Commercial Area") shall be developed for uses permitted in the B-2 District along with accessory parking and other accessory site features.

**Proffer 4:**

The architectural design of the improvements in the Commercial Area shall be substantially compatible with the architectural style and materials reflected in the rendering entitled “Commercial Area” prepared by Ansell Collins Astrin Architects, which has been exhibited to City Council and is on file with the Planning Department.

**Proffer 5:**

The architectural design of the improvements located in the northern and western portions of the Mini-Storage Area shall be substantially compatible with the architectural style and materials reflected in the rendering entitled, “Storage Facility” prepared by Ansell Collins Astrin Architects and dated 12/20/02, which has been exhibited to City Council and is on file with the Planning Department.

## Comprehensive Plan Recommendations

The subject property is located in the Suburban Area. One of the guiding development principles of the Suburban Area is the creation and maintenance of “Great Neighborhoods,” which are stable and sustainable, and supported by complementary non-residential uses. Preserving neighborhood quality and characteristics requires non-residential uses to maintain or enhance the existing characteristics of surrounding residential areas, including special considerations to mitigating potential noise, sight, and safety impacts.

## Natural & Cultural Resources Impacts

The site is located in the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high water surface elevations in downstream receiving waters. There are no known cultural or historical resources that would be affected by this project.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
General Booth Boulevard	29,000 ADT <sup>1</sup>	32,700 ADT <sup>1</sup> (LOS <sup>4</sup> “D”)	Existing Land Use <sup>2a</sup> – 0 ADT Existing Zoning <sup>2b</sup> – 3,520 ADT Proposed Land Use <sup>3</sup> – 460 ADT
<sup>1</sup> Average Daily Trips	<sup>2a</sup> as defined by a vacant lot  <sup>2b</sup> as defined by a 6.4-acre parcel zoned B-2	<sup>3</sup> as defined by a 32,625 square feet indoor recreation facility	<sup>4</sup> LOS = Level of Service

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

Access to this site is from an internal commercial access road that connects to General Booth Boulevard, which is a four-lane major suburban arterial, controlled access roadway, with variable (120 feet to 160 feet) right-of-way width. General Booth Boulevard is designated in the MTP as a six-lane, 150-foot right-of-way width arterial, and no roadway CIP projects are currently planned for this roadway.

## Stormwater Impacts

### Project Stormwater Design Staff Summary

The project site consists of a proposed indoor recreation facility to be situated on a 6.46-acre parcel off General Booth Boulevard and Edison Road. Approximately 4.2 acres of land disturbance is anticipated for this development. The



proposed development is designed to drain into a proposed onsite stormwater management facility (SWMF) before discharging into an existing ditch that leads into Redwing Lake.

Stormwater runoff from the site currently drains via overland flow towards an existing public drainage impoundment that runs along the eastern perimeter of the property. Stormwater runoff from the proposed building and surface parking lot will be collected by an onsite storm drainage system that will drain into a proposed Constructed Wetland facility to be located in the rear of the site. The proposed SWMF will treat both water quality and water quantity from the private development before discharging into the existing public drainage impoundment and leaving the site.

The provided preliminary stormwater management design demonstrates conveyance of the runoff from the proposed development for storms up to and including the 100-year event plus 1.5' of sea-level rise (SLR). The City's Stormwater Master Drainage Model was used in the Preliminary Stormwater Analysis and included an offsite analysis to demonstrate that the development will not have a negative impact or increase flooding levels on the existing stormwater system upstream or downstream.

Based on the information provided by John Sandow Engineering in the Preliminary Stormwater Analysis, the DSC agrees that the proposed conceptual stormwater management strategy has the ability 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. More detailed project stormwater information is listed below.

### **Project Information**

**Total project area:** 4.2 Acres

**Pre-Development impervious area:** 0 Acres

**Post-Development impervious area:** 2.09 Acres

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

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

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

**Type of facility proposed:** Level II Constructed Wetlands

**Total storage volume provided in proposed stormwater management facility:** 57,100 cf. (between normal water elevation and top of bank elevation)

**Description of outfall:** Runoff is proposed to leave the site from the constructed wetlands through an outfall pipe and/or emergency spillway that discharges into the existing public drainage impoundment along the eastern perimeter of the site. Drainage leaves the site through a series of existing channels and storm pipe networks that ultimately drain into Redwing Lake.

**Downstream conveyance path:** Drainage from Redwing Lake is part of the Dam Neck drainage basin which drains into Lake Tecumseh and into Back Bay. Back Bay drains through the Currituck Sound and ultimately out into the Atlantic Ocean.

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

**Pounds of phosphorus removal per year (lb/yr) required:** 4.43 lb/yr

**Method of treatment proposed:** 4.43 lb/yr will be removed with the Level II Constructed Wetlands

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

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



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

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

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

## Public Utility Impacts

### Water

The site must connect to City water. There is an existing eight-inch City water main along the north side of the property.

### Sewer

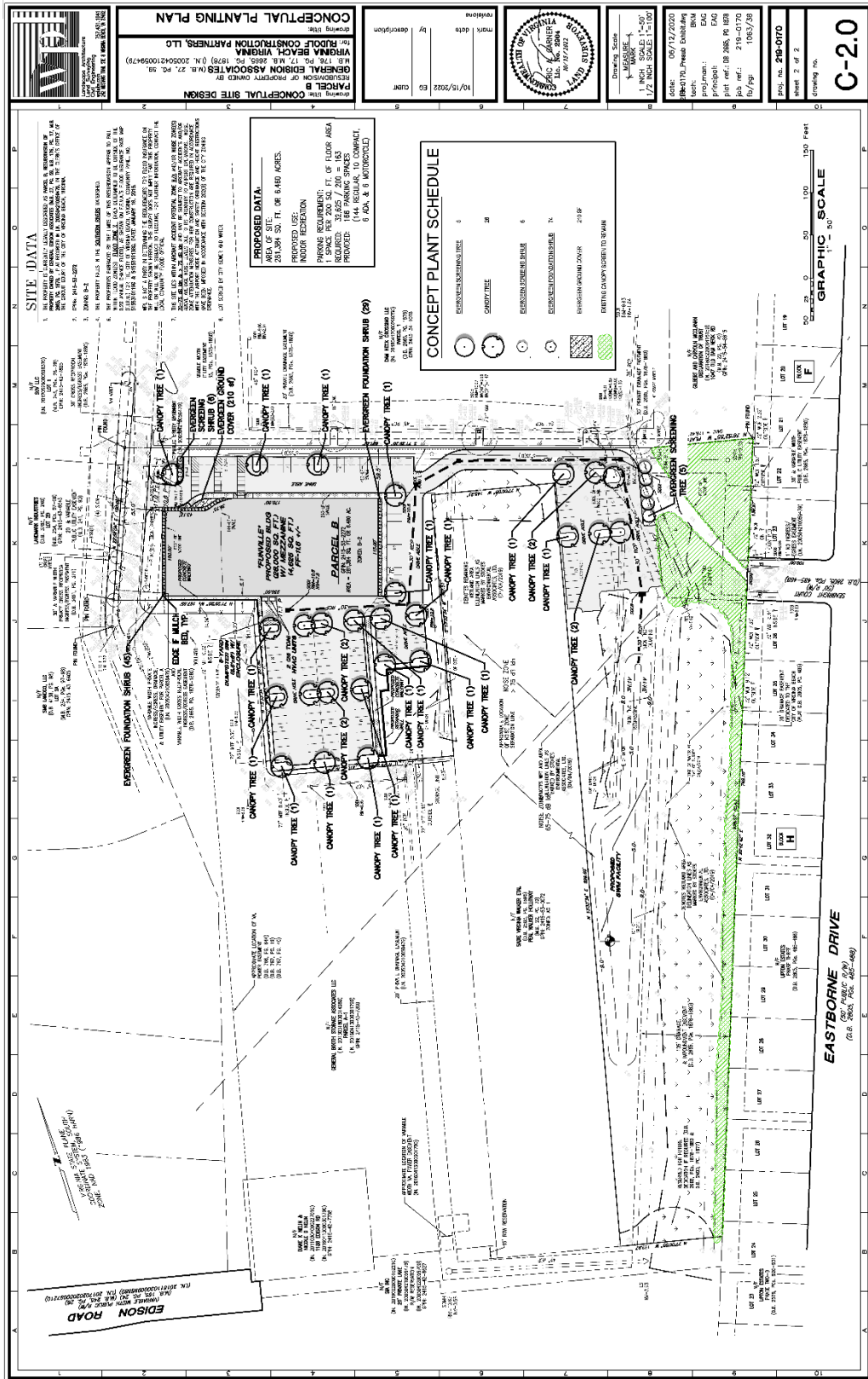
The site must connect to City sewer. There is an existing eight-inch City sanitary sewer gravity main along the north side of the property.

## Public Outreach Information

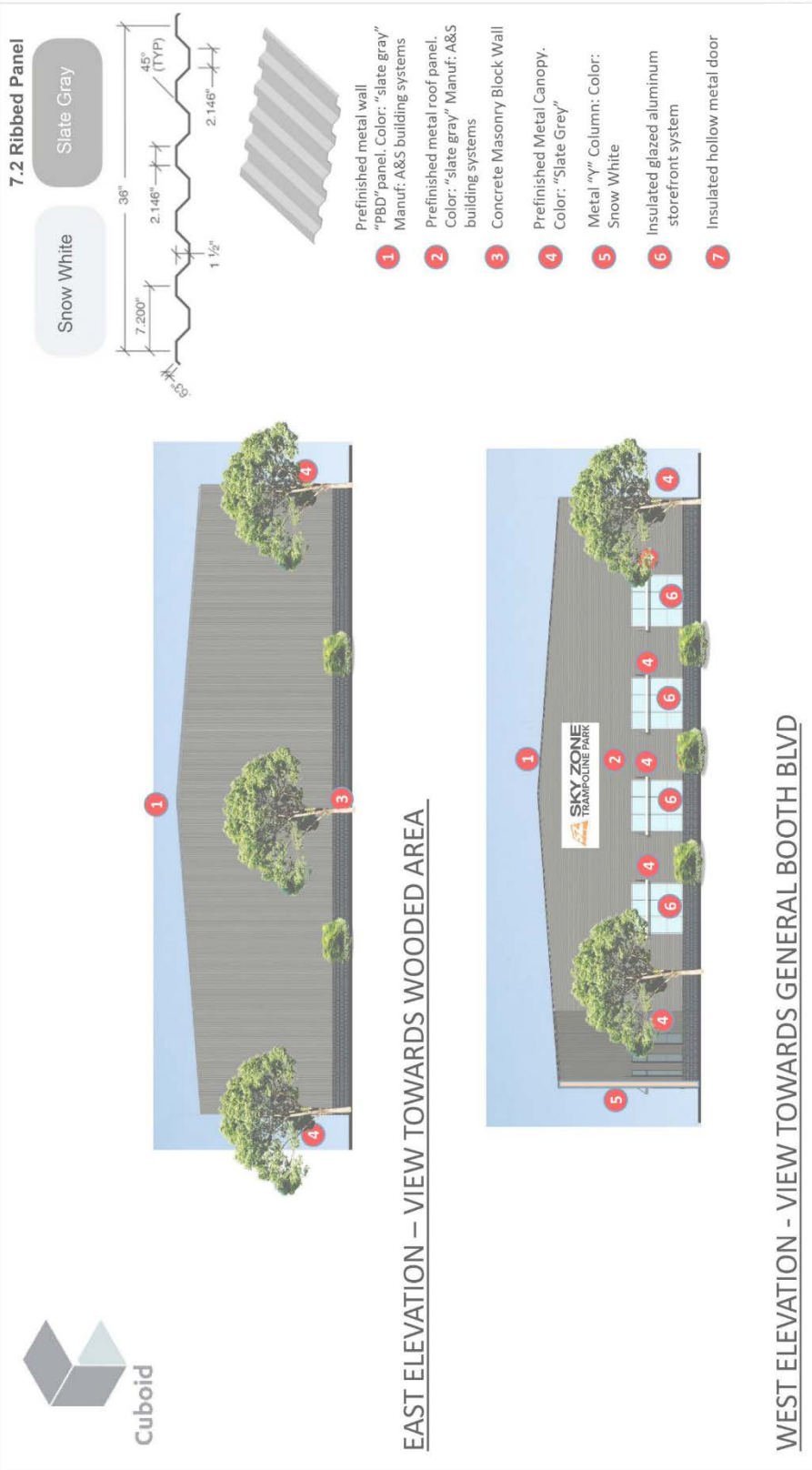
### Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 9, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 22, 2023 and January 29, 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 January 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.vbgov.com/pc](http://www.vbgov.com/pc) on February 2, 2023.

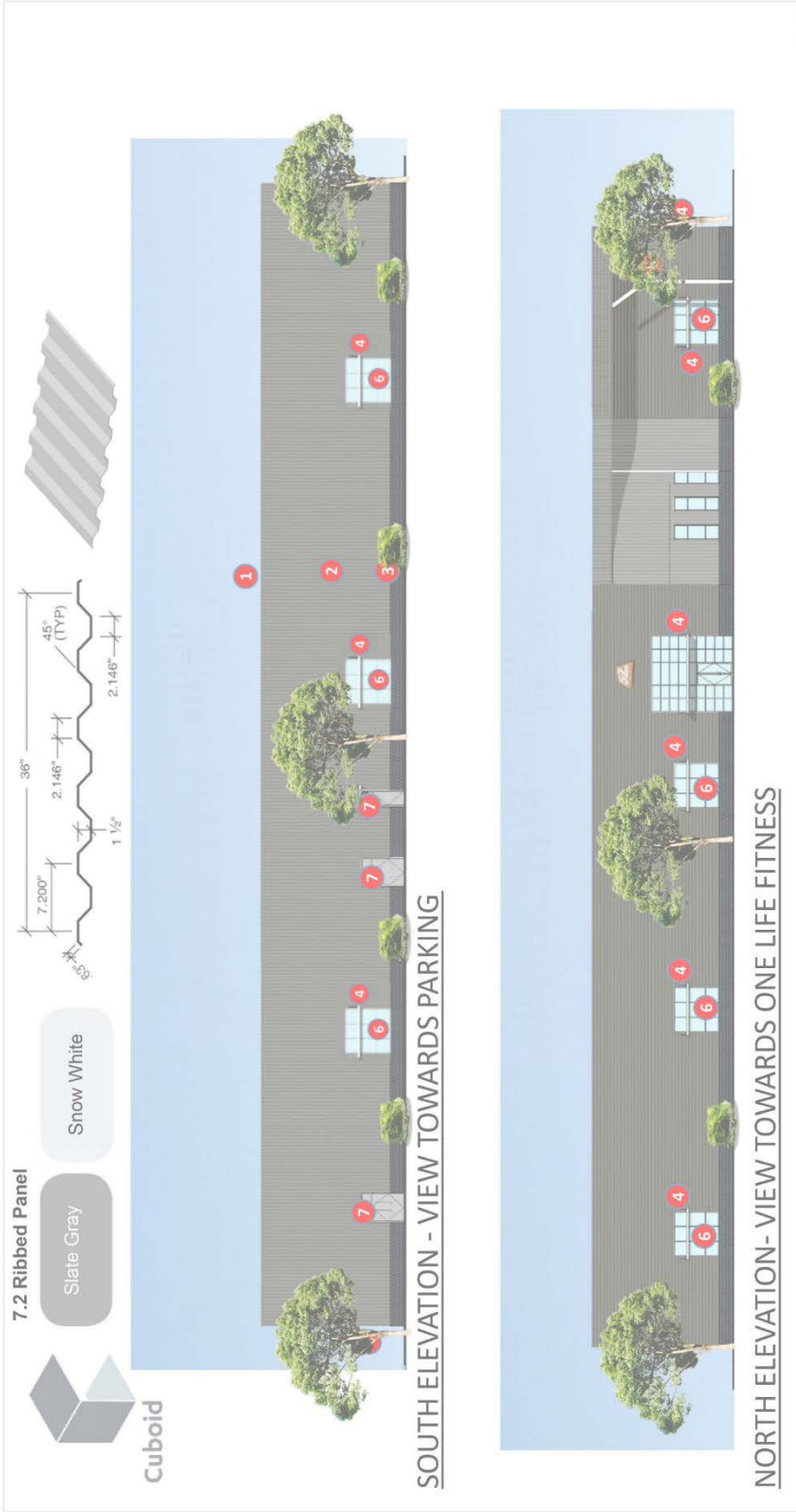
## Proposed Site Layout & Landscape Plan



## Proposed Elevation Plans



Proposed Elevation Plans





Site Photos



### Disclosure Statement



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

#### Applicant Disclosure

**Applicant Name** Rudolf Development General Booth, LLC

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

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

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

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

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

Chester D. Rudolf, IV, President

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

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

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



### Disclosure Statement



#### Known Interest by Public Official or Employee

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

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

#### Applicant Services Disclosure

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

☒ Yes ☐ No

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

TowneBank

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

☒ Yes ☐ No

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

Don Crigger, Colliers International

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.

Sullivan Andrews & Taylor

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.

Ram Surendren, Cuboid Architecture

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.

Chip Rudolf, Rudolf Construction Partners, LLC

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

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

John Sandow, Sandow Engineering; Eric Garner, WPL

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.

Rudolf Development General Booth, LLC

By:

Applicant Signature

Chester D. Rudolf, IV, President

Print Name and Title

5/2/22

Date

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

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

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

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

## Next Steps

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



### Requests

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

**#5 - Conditional Use Permit** (Bulk Storage Yard)

### Staff Recommendation

Approval

### Staff Planner

Marchelle Coleman

### Location

1900, 1902, 1904, 1906 and 1912 Virginia Beach Boulevard; 303, 305, 307, 309, 311, 313, 315 Maxey Drive

### GPINs

2407467406, 2407466302

### Site Size

1.88 acres

### AICUZ

Greater than 75 dB DNL; APZ-1

### Watershed

Chesapeake Bay

### Existing Land Use and Zoning District

Bulk storage yard, mixed retail, office warehouse, auto repair / A-12 Apartment

### Surrounding Land Uses and Zoning Districts

#### North

Townhouses / A-12 Apartment

#### South

Mixed retail, office warehouse, auto repair / B-2 Community Business

#### East

Maxey Drive

Office warehouse, bulk storage yard / B-2 Community Business

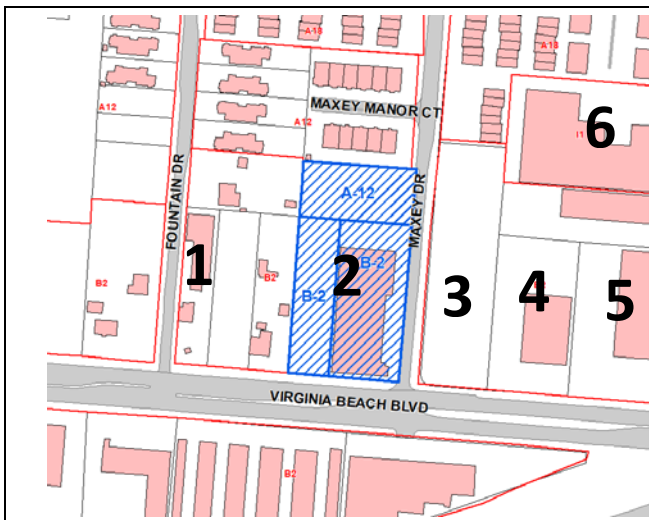
#### West

Single-family dwellings / B-2 Community



## Background & Summary of Proposal

- The applicant is requesting to rezone the A-12 Apartment District portion of the eastern property along Maxey Drive to Conditional B-2 Community Business and a Conditional Use Permit for a Bulk Storage Yard for a 31,710 square-foot portion of these two parcels located in the Hilltop Strategic Growth Area (SGA).
- The A-12 zoned portion of this parcel and a portion of the western B-2 zoned parcel have been used as a Bulk Storage Yard since the early 1960's and is a legally nonconforming use.
- The southern portion of the split-zoned parcel and the western parcel are both zoned B-2 Community Business and are developed with a variety of uses such as mixed retail, office warehouse, and auto repair.
- Both parcels are within the greater than 75 dB DLN noise zone and within the Accident Potential Zone 1 (APZ-1). Residential uses are not deemed compatible with Naval flight operations in these zones, as outlined in Section 1800 of the Zoning Ordinance.
- As Bulk Storage Yards are not a permitted as a by-right or conditional use in Apartment Districts and require a Conditional Use Permit in B-2 Community Business, the two requests to rezone the A-12 Apartment zoned portion of the property to B-2 Community Business and for a Conditional Use Permit will resolve the existing nonconformity and will bring this use into compliance with the current standards identified in the Zoning Ordinance.
- Section 228 of the Zoning Ordinance requires that the area for Bulk Storage Yards be entirely screened with Category VI landscaping, which includes a solid fence, not less than six feet in height, with plants along the exterior of the fence. The applicant is requesting a deviation to the required landscaping requirements through the provisions of Section 221(i) of the Zoning Ordinance. The submitted landscape plan, depicted on page seven of this report, displays the existing six-foot tall solid wood privacy fence, however; the applicant is requesting a deviation to the installation of plantings along the privacy fence north of the western parcel. The applicant owns both of these parcels and believes additional plantings north of the western parcel are unnecessary adjacent to their own property. Landscape plantings will be installed along the exterior of the fence along Maxey Drive. Due to limited space along the northern and western property lines, the applicant proposes to install the plantings along the interior of the fence rather than along the exterior of the fence.
- As the site is located in the greater than 75 dB DNL noise zone and the APZ-1, a proffer has been offered that restricts any future development of the site to uses that are compatible with flight operations at Naval Air Station Oceana, as described in Section 1804 of the Zoning Ordinance.



### Zoning History

#	Request
1	CUP (Motor Vehicle Sales) Approved 10/08/1996
2	APZ CUP (Auto Repair Facility) Approved 2/25/2009
3	CUP (Bulk Storage Yard) Approved 05/15/2018
4	CUP (Automobile Repair Garage) Approved 02/22/2000
5	CUP (Bulk Storage Yard) Approved 08/25/2009
6	CRZ (B-2 to Conditional I-1) Approved 03/14/2006

### Application Types

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

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

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

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

## Evaluation & Recommendation

These requests, to conditionally rezone the A-12 Apartment District zoned portion of this parcel along Virginia Beach Boulevard and Maxey Drive to Conditional B-2 Community Business District and for a Conditional Use Permit for a Bulk Storage Yard to store construction vehicles and equipment, are acceptable. One of the guiding principles for the Hilltop SGA is that development proposals comply with AICUZ land use zoning requirements. These requirements prohibit uses that are identified as being incompatible with Naval flight operations, such as eating and drinking establishments, health care facilities, and outdoor recreational facilities. Bulk Storage Yards are compatible AICUZ uses for the greater than 75 dB noise level and APZ-1 and continuation of the existing Bulk Storage Yard on this property aligns with this guiding principle for the Hilltop SGA.

Though a portion of the property is zoned A-12 Apartment District, the property cannot be developed with residential uses as it is located in the APZ-1 per section 601 (c) of the Zoning Ordinance. As proffered, all future development must be a compatible use as identified in the Land Use Compatibility Tables of Article 18, Section 1804 of the City of Virginia Beach Zoning Ordinance.

As stated previously, the applicant is requesting a deviation to the required landscaping through the provisions of Section 221(i) of the Zoning Ordinance, which allows City Council to grant deviations if “for good cause shown upon a finding that there will be no significant detrimental effects on surrounding properties.” In Staff’s view, the deviations (as described above) are minimal, and the storage area will be appropriately screened. The deviations will not negatively impact surrounding properties but rather will improve the aesthetics of the site by providing additional plantings that aid in screening the site. Staff does recommend a condition that the landscape screening surrounding the outdoor storage be installed and maintained for the duration of the use as a Bulk Storage Yard. Staff concludes that the proposed deviations to this requirement are acceptable and recommends approval.

Based on these considerations, Staff recommends approval of these two applications, subject to the proffers and conditions listed below and deviations to the required landscaping, as noted.



## 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:

The Property shall only be used for one (1) or more of the principal uses or conditional uses permissible in the Zoning District which are also designated as compatible (“C”) with flight operations at N.A.S. Oceana Naval Air Base in the Land Use Tables contained in Article 18, Section 1804(b), Table 1 and Table 2 as of the date this Agreement is put to record in the land records maintained by the Clerk of the Circuit Court of the City of Virginia Beach, Virginia.

### Proffer 2:

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

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

## Recommended Conditions

1. The outdoor storage area shall be fenced and screened as depicted on the Landscape Plan entitled, “Landscape Plan for Bulk Storage Yard Lots 90, 91, & 6, 7, 8, Plat of Maxey Manor, Virginia Beach, Virginia”, dated January 10, 2023, prepared by Commonwealth Engineering Group, LTD, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development. This is a deviation to the Category VI screening required by the Zoning Ordinance around the perimeter of a Bulk Storage Yard.
2. A solid privacy fence with a minimum height of six feet shall be installed and maintained surrounding the Bulk Storage Yard as shown on the Landscape Plan identified above in Condition 1 and shall be maintained for the duration of the use as a Bulk Storage Yard. Evergreen plant material shall be installed and maintained inside the fence along the northern and western property lines in lieu of the required plants outside of the fence and shall be installed outside the fence in all other areas. As noted above in Condition 1, this is a deviation to the Category VI screening required by the Zoning Ordinance around the perimeter of a Bulk Storage Yard.
3. Should outdoor lighting be installed within the Bulk Storage Yard area, a Lighting Plan shall be provided to the Department of Planning and Community Development for review and approval. All outdoor lights shall comply with the following:
  - a. Shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
  - b. Lighting fixtures shall not be erected any higher than fourteen (14) feet.

## Comprehensive Plan Recommendations

This site is located in the Hilltop Strategic Growth Area (SGA), as identified by the Comprehensive Plan. The vision for the Hilltop SGA is a pedestrian friendly retail destination within close proximity to the oceanfront with improved streets, crosswalks, landscaping, and lighting. The land use plan designates this site for non-residential mixed-use with a



maximum height of 3 stories. One of the guiding principles for the Hilltop SGA is that development proposals comply with AICUZ land use Zoning requirements.

## Natural & Cultural Resources Impacts

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

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Maxey Drive	No Data Available <sup>1</sup>	9,900 ADT <sup>1</sup> (LOS <sup>3</sup> "D")	No Change Anticipated <sup>2</sup>
<sup>1</sup> Average Daily Trips <sup>2</sup> as defined by a Bulk Storage Yard <sup>4</sup> LOS = Level of Service			

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

Maxey Drive in the vicinity of this site is considered a two-lane undivided local street. The 30-foot wide right-of-way is not designated on the MTP. There are currently no roadway CIP projects to upgrade this roadway at this time.

## Public Utility Impacts

### Water & Sewer

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

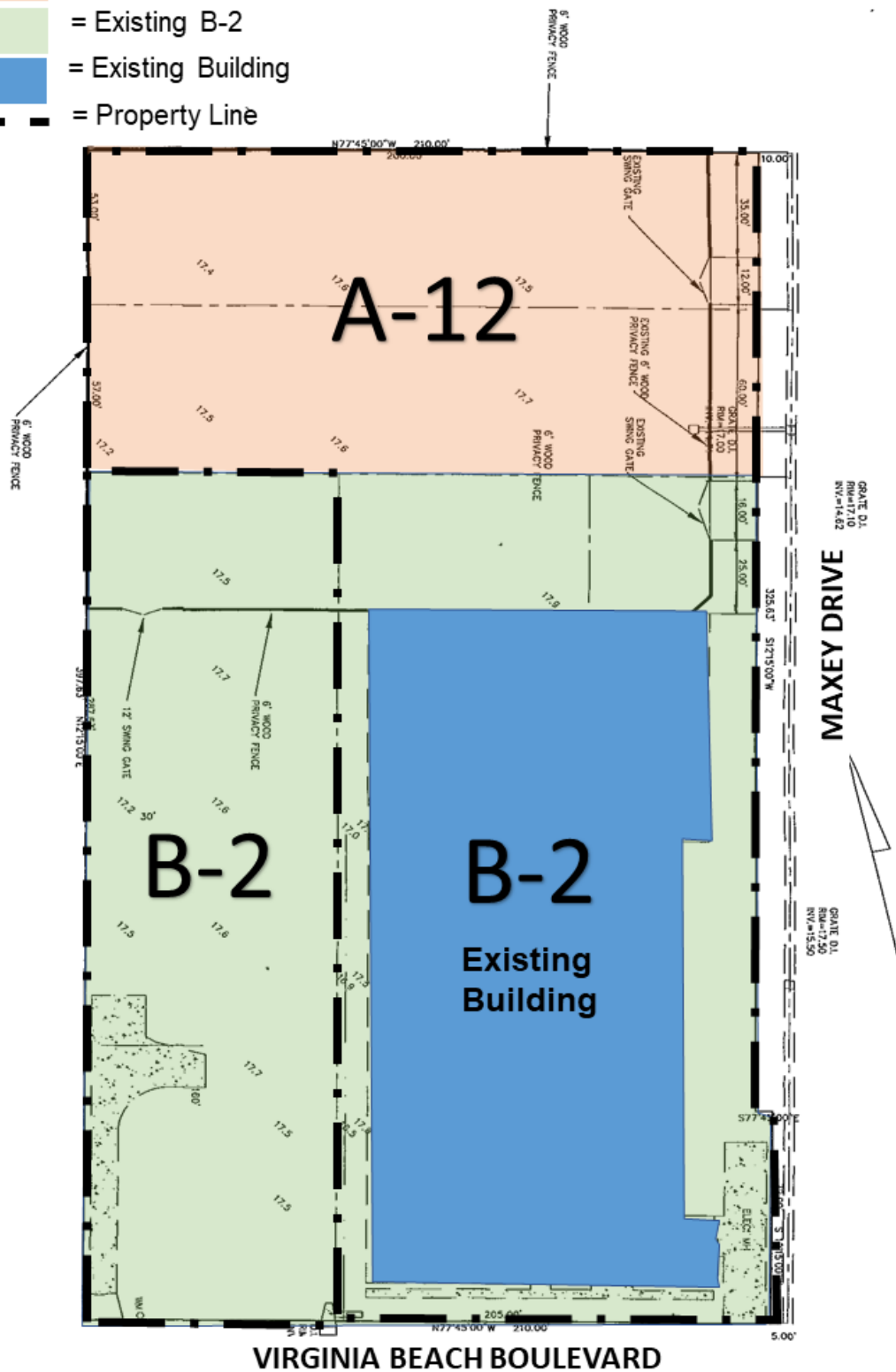
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### Planning Commission

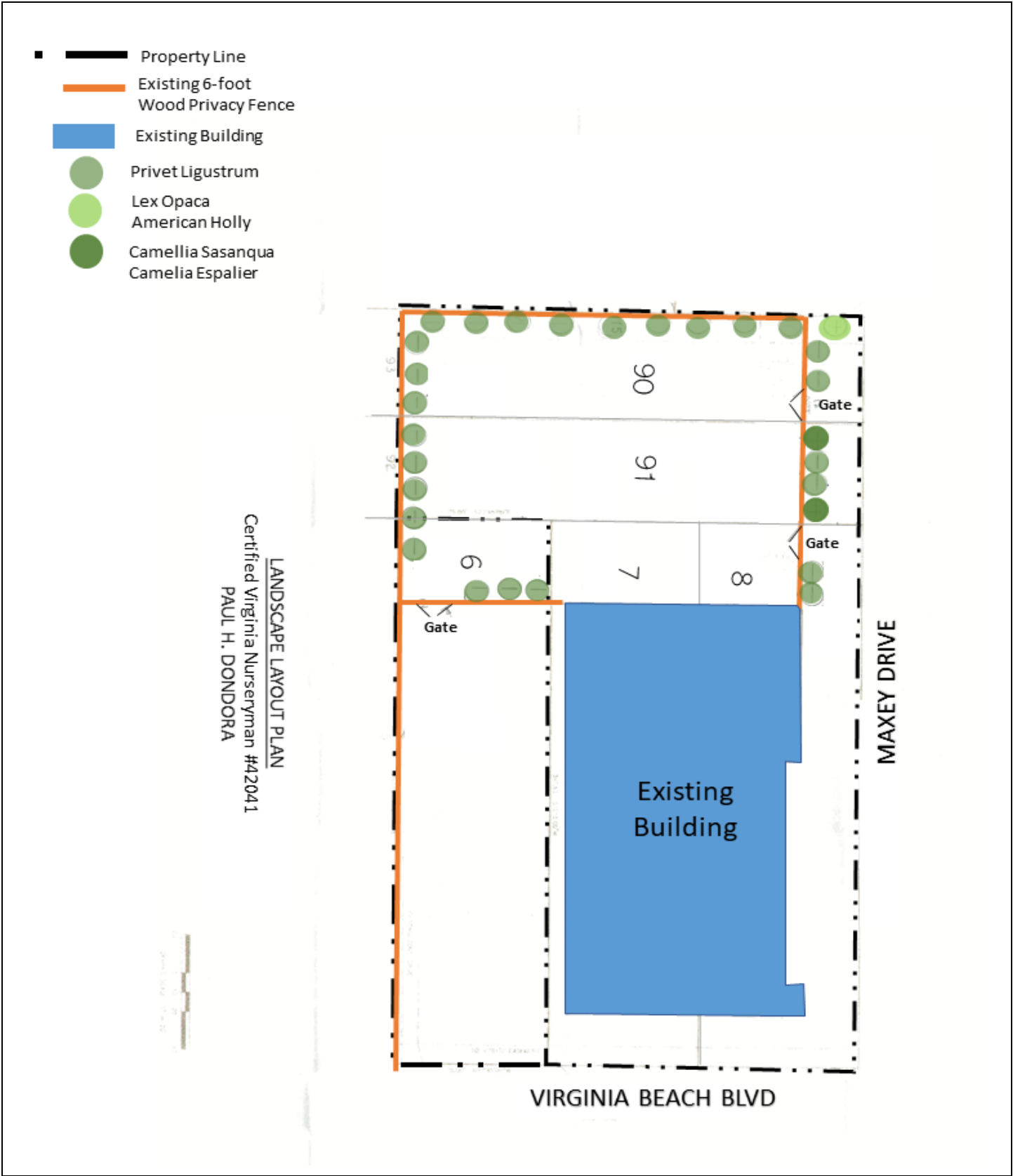
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 9, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 22, 2023 and January 29, 2023.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on January 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.vbgov.com/pc](http://www.vbgov.com/pc) on February 2, 2023.

# Rezoning Exhibit

- = Rezone to Conditional B-2
- = Existing B-2
- = Existing Building
- = Property Line



# Proposed Landscape Plan



## Site Photos





## Site Photos





### Disclosure Statement



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#### Applicant Disclosure

**Applicant Name** 1900 Virginia Beach Blvd. LP, a Virginia limited partnership

**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)

General Partner: Oceana Storage, Inc.: William M. Wilcox, President; Martin A. Palacios, Vice President; Ashley C. Wilcox, Secretary

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

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

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### Disclosure Statement



#### Known Interest by Public Official or Employee

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

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#### Applicant Services Disclosure

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

☒ Yes ☐ No

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

GBTC VA, Inc.

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.

Paul H. Dondoro, Certified VA Nurseryman

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

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

## Disclosure Statement



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

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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.

Commonwealth Engineering Group, Ltd. - R. Mitchell Wilcox.

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

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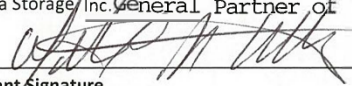
R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

### 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.**

Oceana Storage, Inc. General Partner of 1900 Virginia Beach Blvd. LP

By:

  
Applicant Signature

William M. Wilcox, President

Print Name and Title

Date

8/30/2022

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

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

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

<input type="checkbox"/>	No changes as of	Date	Signature	
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## 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.
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- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.





### Requests

**#6 - Conditional Use Permit** (Car Wash Facility)

**#7 - Conditional Use Permit** (Automobile Service Station)

### Staff Recommendation

Approval

### Staff Planner

Marchelle Coleman

### Location

5480 Virginia Beach Boulevard

### GPIN

Portion of 1467482294

### Site Size

3.17 acres

### AICUZ

Less than 65 dB DNL

### Watershed

Chesapeake Bay

### Existing Land Use and Zoning District

Retail / B-2 Community Business

### Surrounding Land Uses and Zoning Districts

#### North

Auto repair, office park / B-2 Community Business

#### South

Virginia Beach Boulevard  
Retail, auto repair/ B-2 Community Business

#### East

Multi-family dwellings / A-18 Apartment

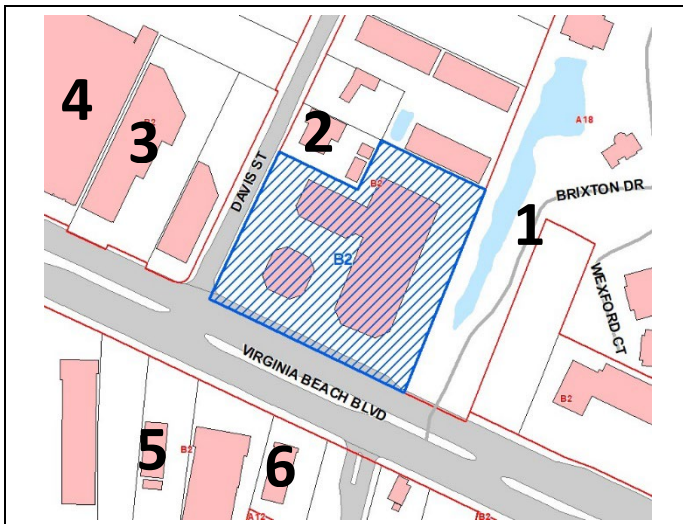
#### West

Davis Street  
Retail / B-2 Community Business



## Background & Summary of Proposal

- The applicant is requesting two Conditional Use Permits to operate a 4,114 square-foot, single-bay, automated Car Wash Facility, and an Automobile Service Station with 10 fuel pumps on a B-2 Community Business District zoned property near the intersection of Virginia Beach Boulevard and Davis Street.
- The submitted Conceptual Site Plan depicts two ingress/egress points, one along Virginia Beach Boulevard and the other along Davis Street. A subdivision of the property is proposed to create a separate lot for this development; therefore, a shared access agreement will be required for the proposed access along Davis Street.
- The Conceptual Landscape Plan shows the required building foundation and interior parking lot plantings. Due to a 15-foot wide VEPCO Easement on the property, the applicant is requesting a deviation to the required 15-foot wide buffer with Category IV landscape plantings along the eastern property line and the street frontage requirements. In lieu of the required 15-foot wide Category IV landscape buffer, the applicant is proposing to install a four-foot wide buffer with an eight-foot tall privacy fence with evergreen shrubs. For street frontage, the applicant is proposing to install a hedgerow of evergreen shrubs outside of the 15-foot wide VEPCO easement located along the frontage of Virginia Beach Boulevard.
- The proposed building elevations depict an exterior façade to be constructed with gray brick, cement stucco, glass, and spandrel panels. At the tallest point, the building will be 28 feet and 4 inches in height.
- The fuel canopy is proposed along the western property line and is designed with a similar color scheme and materials as the car wash building.
- Outdoor vending machines are proposed near the vacuum stations. The vending machines will be screened, as required by the Zoning Ordinance, and will not be visible from the public right-of-way.
- A freestanding monument sign with a brick base is proposed along Virginia Beach Boulevard.
- The Conceptual Site Plan depicts 26 parking spaces, of which 20 are designated for the vacuum stations and six spaces are designated for employee parking. This parking provided on site satisfies the requirements of the Zoning Ordinance.
- The proposed hours of operation for the Car Wash Facility are 7:30 a.m. to 9:00 p.m. daily and 6:00 a.m. to 10:00 p.m. daily for the Automobile Service Station.



### Zoning History

#	Request
1	CRZ (A-18 & B-2 to Conditional A-18) Approved 08/09/2022
2	CUP (Bulk Storage Yard) Approved 10/01/2019
3	CUP (Church) Approved 05/09/2000
4	CUP (Auto Sales and Storage) Approved 05/14/1996 CUP (Rehabilitation Center/Sanitorium) Approved 09/17/1991
5	CUP (Small Engine Repair) Approved 03/12/2002
6	CUP (Automobile Repair Garage) Approved 02/05/2019

### 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

These requests for a Conditional Use Permit for a Car Wash Facility and Automobile Service Station, in Staff's opinion, are acceptable. The requests are in keeping with the policies and goals set forth in the Comprehensive Plan for the Suburban Area, as it pertains to infill development. The proposed uses are compatible to the existing commercial development in the vicinity along this section of Virginia Beach Boulevard. With the proposed screenings, it is anticipated that the Car Wash Facility and Automobile Service Station will have minimal impacts on the adjacent properties and will provide a service to the surrounding businesses and residences.

As stated previously, the applicant is requesting deviations to the required landscaping through the provisions of Section 221(i) of the Zoning Ordinance, which allows City Council to grant deviations if "for good cause shown upon a finding that there will be no significant detrimental effects on surrounding properties." In Staff's view, the deviations, as described above, will provide appropriate screening to the adjacent property owners and development of the site will be set back from the property line and the 15 foot VEPCO easement. The deviations will not negatively impact surrounding properties, as the applicant has agreed to install an 8-foot tall privacy fence along the apartment zoning district and a 10-foot long and 8-foot high wall at the entrance and exit of the car wash facility to assist with noise mitigation. In addition, a hedgerow of evergreen shrubs will be installed at 3 to 4 feet tall and be maintained at a minimum height of 10 feet. Staff concludes that the proposed deviations to this requirement are acceptable and recommends approval.

The applicant sent the proposed Conceptual Site Plan to Dominion Energy to ensure that there were no concerns with the site layout in relation to the 15-foot VEPCO Easement on the site. Dominion Energy indicated that there were no concerns with the proposed site layout but indicated that an existing pad mount transformer will need to be relocated out of the proposed driveway toward the north of the property. The applicant has agreed to move the transformer to another location on site, subject to Dominion Energy approval.

As this site is located in the Chesapeake Bay Watershed, a preliminary stormwater analysis is not required prior to this item being reviewed by Planning Commission and City Council. According to the applicant, underground storage is proposed to address water quality and quantity on site. An in-depth review of the stormwater management strategy to ensure that it complies with all stormwater regulations and that no negative impacts will occur upstream and downstream as a result of this development will take place during the site plan review process.

Based on the considerations above, Staff recommends approval of these requests with the conditions listed below.

## Recommended Conditions for Car Wash Facility & Automobile Service Station

1. The applicant/owner shall submit a subdivision plat to the Department of Planning & Community Development to create two separate lots. Said plat shall be subject to the review and approval of the Department of Planning & Community Development, and plat shall be recorded with the City of Virginia Beach Circuit Court Clerk's Office within 365 days from the date of the City Council action.
2. When the site is developed, it shall be in substantial conformance with the submitted Conceptual Site Plan exhibit entitled "SAM'S XPRESS CAR WASH – 5476 VIRGINIA BEACH BLVD., VA VIRGINIA", prepared by Eagle Engineering, dated ~~01/05/2023~~ 02/07/23 which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
3. A Landscape Plan shall be submitted at the time of final site plan review reflective of the location and plant material depicted on the site layout exhibit referenced in Condition ~~1~~ 2 above, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development. A 4-foot wide buffer with a, 8-foot tall privacy fence and evergreen shrubs shall be installed along the eastern property line. This is a deviation to the 15-foot wide Category IV buffer requirement adjacent to residential or apartment zoning districts.
4. The hedgerow of evergreen shrubs proposed along Virginia Beach Boulevard shall be three (3) to four (4) feet in height at installation and maintained at a minimum of 10 feet. This is a deviation to the street frontage requirements per the Virginia Beach Landscaping Guide.
5. The exterior of the proposed building, fuel canopy, vacuum canopy, vending enclosure, and dumpster enclosure shall substantially adhere in appearance, size, and materials to the elevations entitled "Sam's Xpress Car Wash – Color Elevations – 5480 Virginia Beach Blvd, Virginia Beach, VA," prepared by Oakline Studio Architecture + Design, and dated November 30, 2022, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
6. All on-site signage must meet the requirements and regulations of the Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals. A separate permit from the Department of Planning and Community Development is required for all signage installed on the site.
7. The freestanding sign shall be monument style with a brick base that matches the brick exterior of the car wash building and substantially adhere in appearance, size, and materials to the submitted freestanding sign exhibit entitled, "SXCW VB Blvd. - Virginia Beach, VA" prepared by ASI Signage Innovations", which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
8. Outdoor vending machines and/or display of merchandise may be permitted only if fully screened from view from the right-of-way as approved by the Planning Director.
9. When developed, a photometric plan for the exterior portions of the property shall be provided as part of the final site plan submittal. All exterior lighting shall be no taller than 14 feet in height and all lighting shielded and directed down and inward to the property and away from adjacent properties.
10. The hours of operation of the Car Wash Facility shall be limited to the hours of 7:30 a.m. to 9:00 p.m. daily and the Automobile Service Station shall be limited to the hours of 6:00 a.m. to 10:00 p.m. daily.

11. Signage for the site shall be limited to:

- a. Directional signs
- b. One (1) pricing board sign
- c. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base to match the building brick and two (2) building and/or canopy signs.
- d. No striping shall be permitted on the fuel canopy. Signage on the canopy shall not be internally or externally illuminated.
- e. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
- f. Any onsite signage shall meet the requirements of the City Zoning Ordinance, unless otherwise approved by the Board of Zoning Appeals, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, or electronic display signs or accents, installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a “box sign” and the proposed sign package shall be submitted to the Zoning Administrator.

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

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

## Comprehensive Plan Recommendations

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

## Natural & Cultural Resources Impacts

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

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Virginia Beach Boulevard	37,500 ADT <sup>1</sup>	74,000 ADT <sup>1</sup> (LOS <sup>4</sup> “D”)	Existing Land Use <sup>2</sup> – 0 ADT Existing Zoning (B-2 zoned lot- 2.96 acres) – 1,630 ADT Proposed Land Use <sup>3</sup> –1,720 ADT
Davis Street	2,300 ADT <sup>1</sup>	9,900 ADT <sup>1</sup> (LOS <sup>4</sup> “D”)	
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a vacant lot	<sup>3</sup> as defined by a fuel station with 10 fuelling pumps and a car wash facility	<sup>4</sup> LOS = Level of Service



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

Virginia Beach Boulevard, in the vicinity of this application, is considered an eight-lane divided major urban arterial. The MTP proposes a divided facility within an existing 150-foot right-of-way section. Davis Street is a two lane undivided local roadway. There are no plans to improve either Virginia Beach Boulevard or Davis Street in the vicinity of this site.

### **Public Utility Impacts**

#### **Water & Sewer**

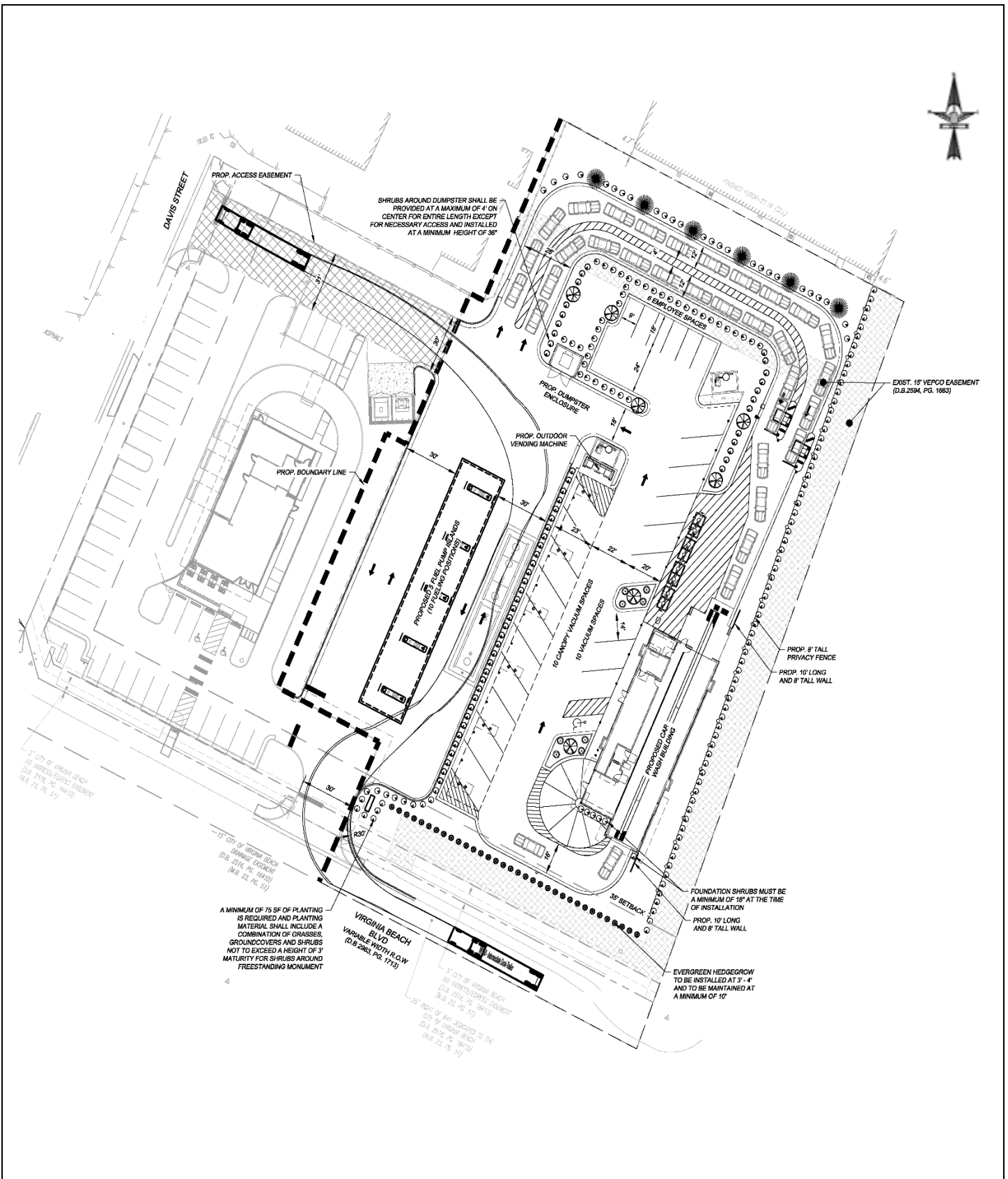
The site is currently connected to both City water and sanitary sewer services.

### **Public Outreach Information**

#### **Planning Commission**

- The applicant reported that they reached out to the apartment complex to the east of the property, and no objections were raised.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on January 9, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, January 22, 2023 and January 29, 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 January 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.vbgov.com/pc](http://www.vbgov.com/pc) on February 2, 2023.

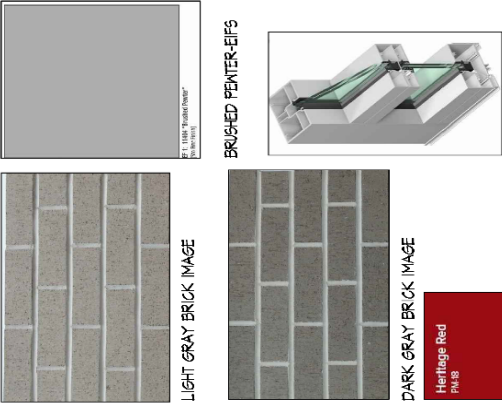
## Proposed Conceptual Site Plan



Proposed Elevations – Car Wash Facility

EXTERIOR MATERIAL SCHEDULE

MATERIAL	MANUFACTURER	MODEL	COLOR	NOTES
PARAPET WALL COPING	CARLISLE SYNTAC SYSTEMS	SECUREEDGE 300	DOVE GRAY A01	GALVANIZE, PRE-FINISHED, KYNAR 500, 24 GAUGE METAL
RED TRELLIS	TBD.		HERITAGE RED FM-18	PROVIDED BY GC.
GRAY EIFS	STO CORP.	S04THM C1 Emuraas INSULATED WALL CLADDING SYSTEM (S0296)	BRUSHED PEWTER	INSTALL OVER STYROGARD LIQUID APPLIED INS. COLOR AND TEXTURE TO BE APPROVED BY OWNER.
DARK GRAY BRICK	TAYLOR CLAY PRODUCTS	322 GRAY	DARK GRAY	RUNNING BOND FACE BRICK. MORTAR COLOR TO BE DETERMINED.
LIGHT GRAY BRICK	TAYLOR CLAY PRODUCTS	320 GRAY	LIGHT GRAY	RUNNING BOND FACE BRICK. SOLDIER & SILL COURSE. MORTAR COLOR TO BE DETERMINED.
ROLL UP DOOR	WAYNE DALTON	MODEL 400	CLEAR ANODIZED	
ALUMINUM CURTAIN WALL	TUBLITE	SERIES 200	CLEAR ANODIZED	2" X 5 1/2" FRAMES WITH 1" CLEAR INSULATED GLASS. SEE GLAZING SCHEDULE.
ALUMINUM STOREFRONT	KANKEER	TRIFAB V545T S66	CLEAR ANODIZED	SEE GLAZING SCHEDULE.
GRAY METAL GLAZING PANEL	CITADEL	GLAZEGUARD 000	DOVE GRAY	
BERG, OVERFLOW SPOUT	SEE PLUMBING DRAWS.		DOVE GRAY A01	
STANDING SEAM METAL ROOF (VACUUM CANOPY)	CONSTRUCTION METAL PRODUCTS	SERIES 2000	DOVE GRAY A01	12" PRE-FINISHED, SILICONIZED POLYESTER PAINT, UNDERSIDE WHITE SEM-GLOSS.

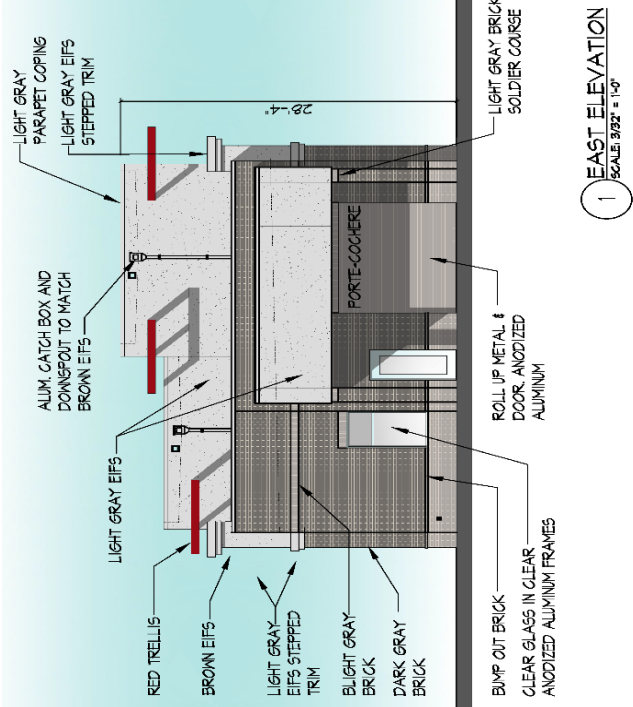
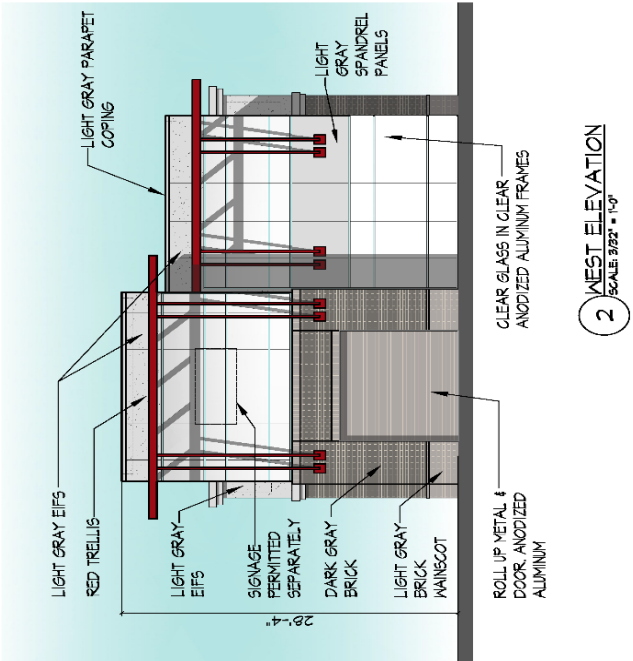


CLEAR ANODIZED ALUMINUM

RED TRELLIS, VENDING  
ENCLOSURE & EQUIPMENT  
COLOR

SAM'S XPRESS CAR WASH  
COLOR ELEVATIONS  
5480 VIRGINIA BEACH BLVD.  
VIRGINIA BEACH, VA

oakline  
architecture + design  
421 PENMAN STREET, SUITE 200  
OAKLAND, CA 94612  
704.379.1800 OAKLINESTUDIO.COM



# Proposed Elevations – Car Wash Facility

**oak|line**studio  
architecture + design  
421 PENMAN STREET, SUITE 200  
CHARLOTTE, NC 28205  
704.375.1800 OAKLINESTUDIO.COM

SAM'S XPRESS CAR WASH  
COLOR ELEVATIONS  
5480 VIRGINIA BEACH BLVD.  
VIRGINIA BEACH, VA

DATE: 11/30/22

PROJECT #:

DRAWN BY: VJW

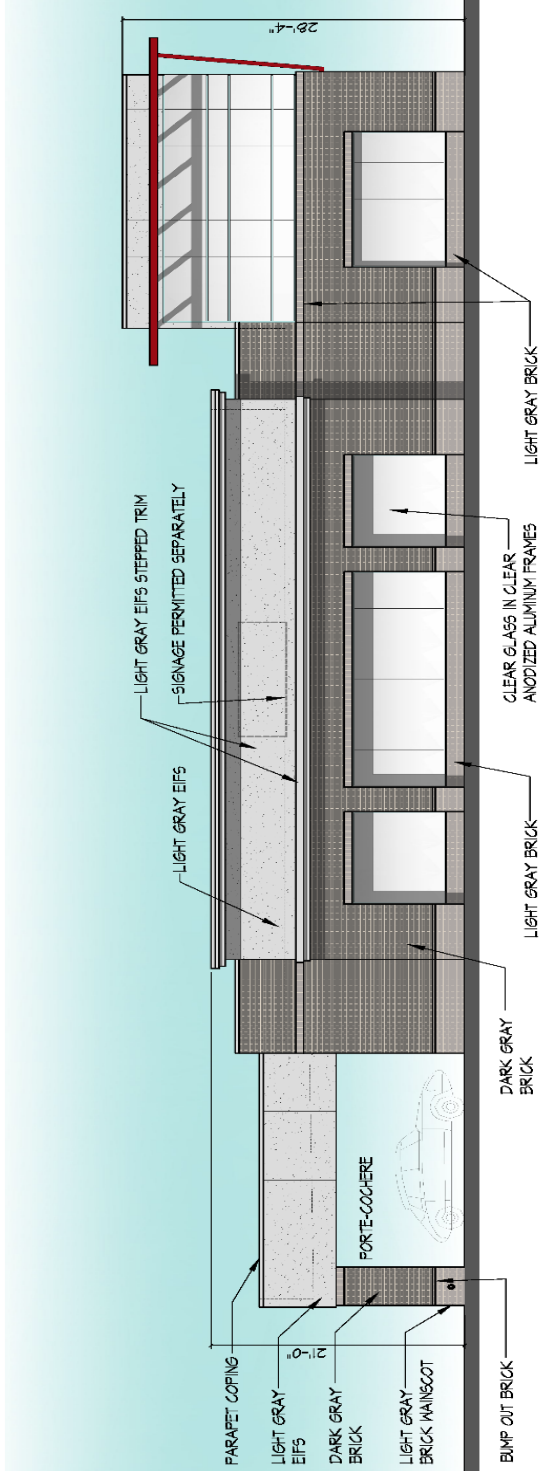
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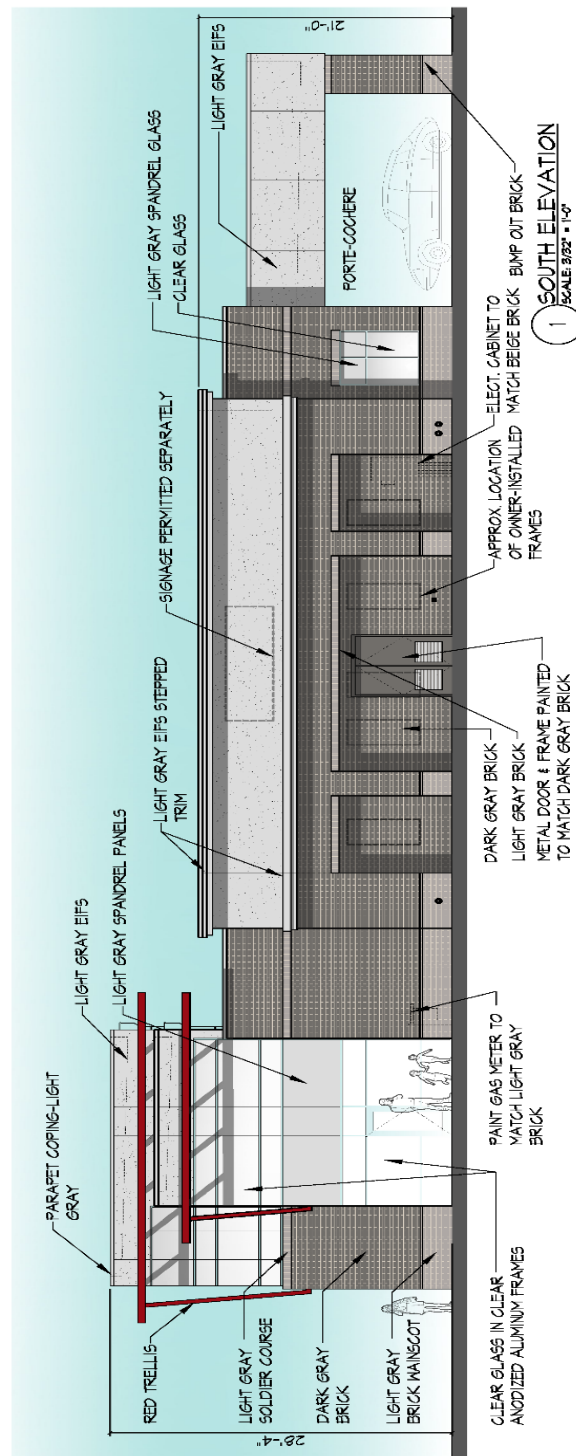
Sheet

2

EXTERIOR MATERIALS SCHEDULE AND IMAGES ON PAGE 1



2 NORTH ELEVATION  
SCALE: 3/32" = 1'-0"



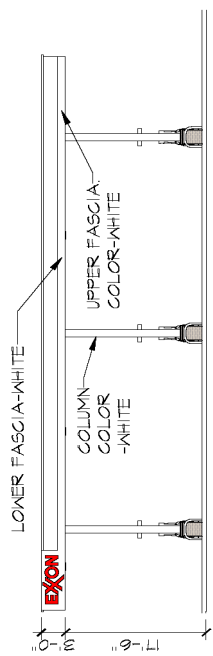
1 SOUTH ELEVATION  
SCALE: 3/32" = 1'-0"

# Proposed Elevations – Fuel Canopy

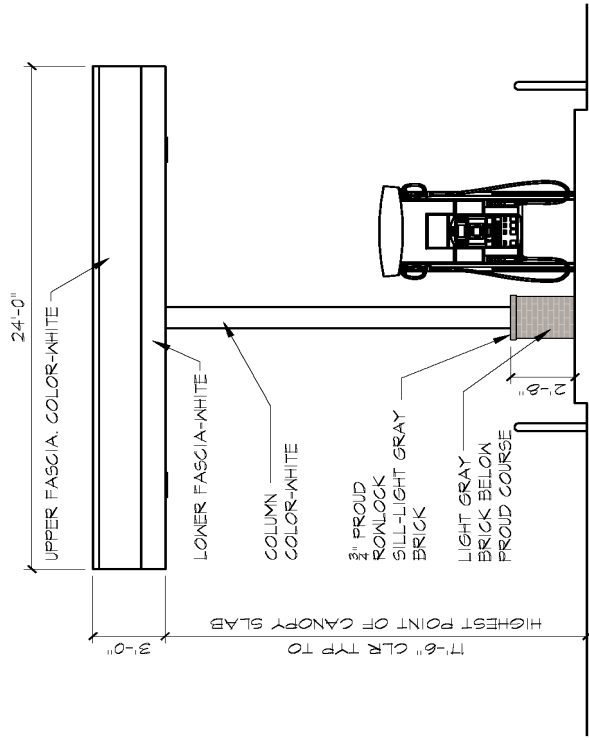
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architecture + design  
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CHARLOTTE, NC 28203  
704.373.1900 OAKLINESTUDIO.COM

SAM'S XPRESS CAR WASH  
5480 VIRGINIA BEACH BLVD.  
VIRGINIA BEACH, VA

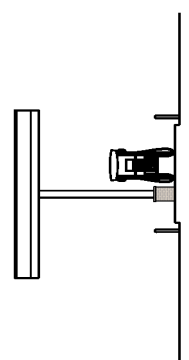
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PROJECT #:  
DRAWN BY: VW  
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Sheet  
**6**



3 FUEL CANOPY-FRONT VIEW  
SCALE: 1/16" = 1'-0"



1 FUEL CANOPY-ENLARGED ELEVATION  
SCALE: 3/16" = 1'-0"



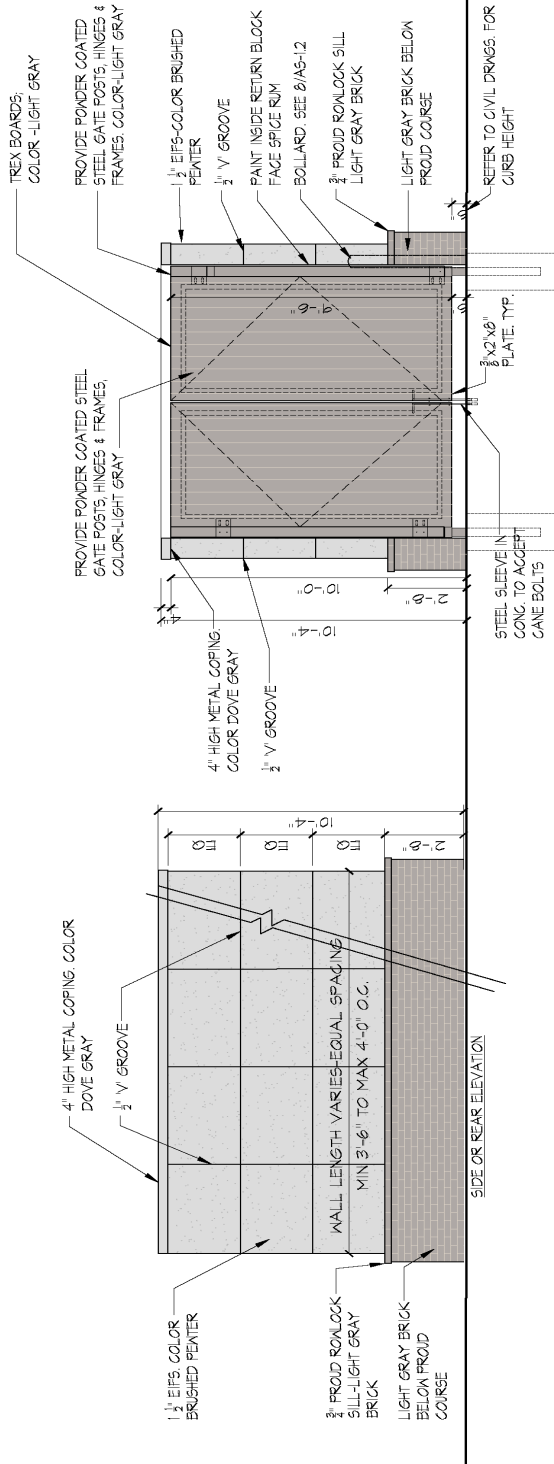
2 FUEL CANOPY-SIDE VIEW  
SCALE: 1/16" = 1'-0"

# Proposed Elevations - Dumpster & Vacuum Canopy

**oakline**  
studio  
architecture + design  
421 PENMAN STREET, SUITE 200  
OAKLAND, CA 94612  
510.437.1900 OAKLINESTUDIO.COM

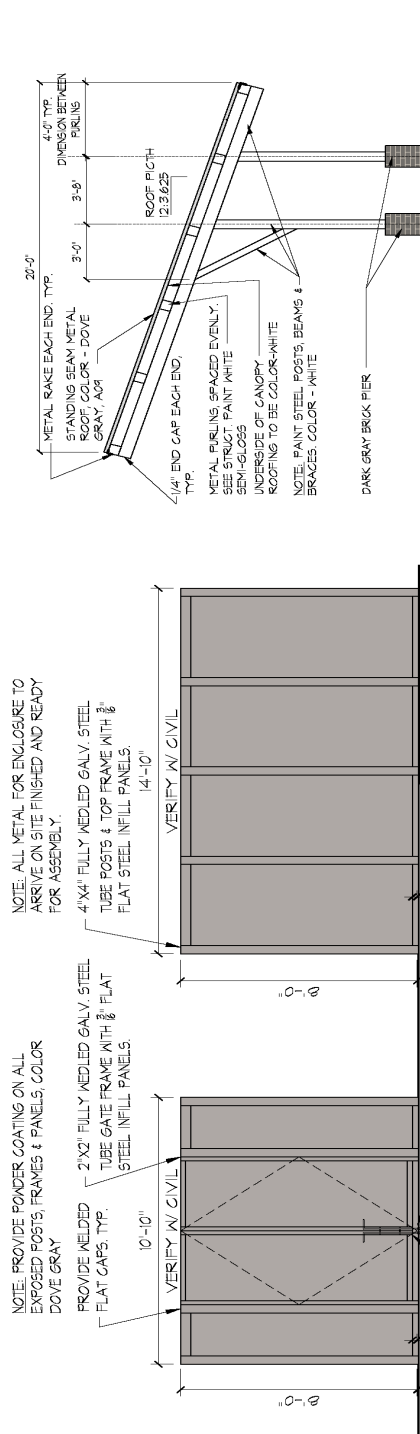
**SAM'S XPRESS CAR WASH**  
COLOR ELEVATIONS  
5480 VIRGINIA BEACH BLVD.  
VIRGINIA BEACH, VA

DATE: 11-30-22  
PROJECT #:  
DRAWN BY: VVV  
CADD FILE NAME:  
SHEET  
**3**



**3 DUMPSTER ENCLOSURE**  
SCALE: 1/4" = 1'-0" VACUUM ENCLOSURE SIMILAR

**4 DUMPSTER ENCLOSURE**  
SCALE: 1/4" = 1'-0" VACUUM ENCLOSURE SIMILAR

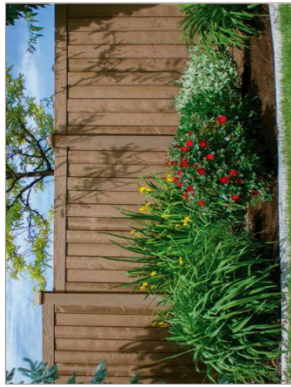


**2 VACUUM ENCLOSURE ELEVATION**  
SCALE: 1/4" = 1'-0"

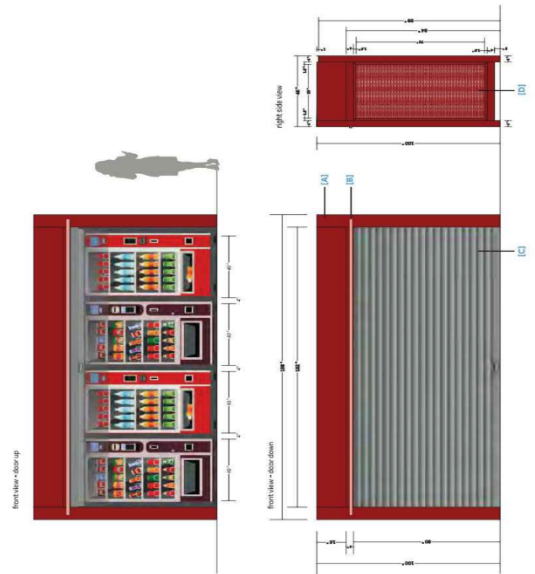
**1 VACUUM CANOPY**  
SCALE: 3/8" = 1'-0"



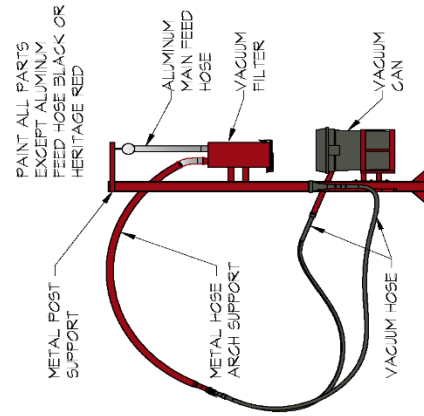
SXCW Properties II, LLC  
Agenda Items 6 & 7  
Page 12



2 VENDING ENCLOSURE  
SCALE: 3/8" = 1'-0"



1 VACUUM HOSE ARCH ELEVATION  
SCALE: 1/4" = 1'-0"



SAM'S XPRESS CAR WASH  
COLOR ELEVATIONS  
5480 VIRGINIA BEACH BLVD.  
VIRGINIA BEACH VA

DATE: 1-6-23  
PROJECT #:  
DRAWN BY: VSM  
CADD FILE NAME:

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architecture + design

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CHARLOTTE, NC 28203  
704.373.1900 OAK|INESTUDIO.COM

# Proposed Freestanding Sign

## Signage Specifications

**[A] LIGHTED ALUMINUM SIGN CABINET**  
108" x 66" x 20" deep internally lighted sign cabinet constructed from aluminum with 1-1/2" aluminum angle retainers and dividers. Retainers constrain the sub surface printed translucent polycarbonate panels and surface painted aluminum panels. All face panels are removable.

**Background Method:** Surface painted.  
**Background Color:** White with a semi gloss finish.  
**Mounting:** Cabinet with internal sleeves mounts down over two 4" square steel support posts.

**[B] & [C] POLYCARBONATE SIGN PANELS**  
3-1/16" clear polycarbonate face panels with all colors / graphics digitally printed and applied to second surface.

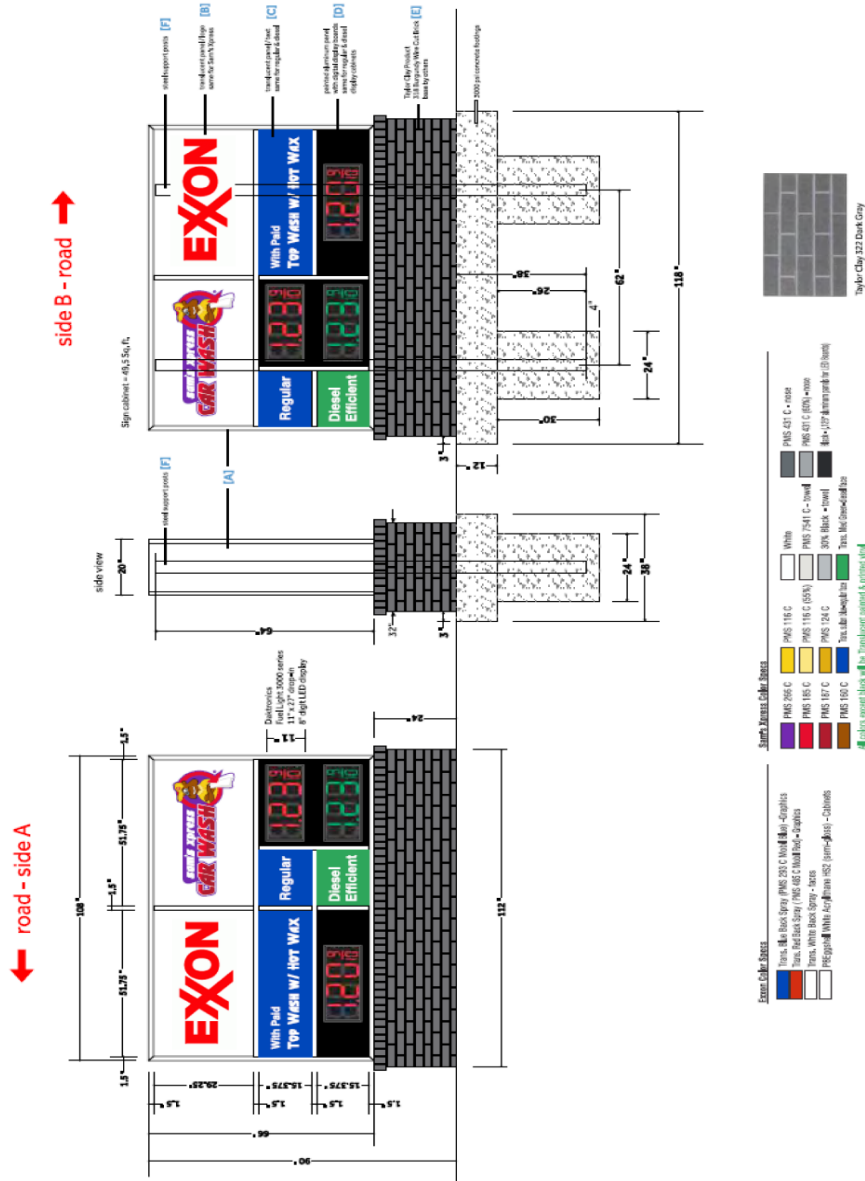
**Graphics Method:** Second surface digital print.  
**Letter Style:** Per supplied artwork.  
**Graphics Colors:** To match supplied artwork and PMS swatches as shown.  
**Background Method:** Second surface digital print.  
**Background Color:** Colors to match supplied artwork. See color swatches.

**[D] ALUMINUM FACE PANELS**  
1/8" painted aluminum panels with openings for LED display units.

**Background Method:** Surface painted.  
**Background Color:** Black with a semi gloss finish.

**[E] BRICK BASE**  
Brick base constructed by others using Taylor Clay Product brick to match brick on bldg.

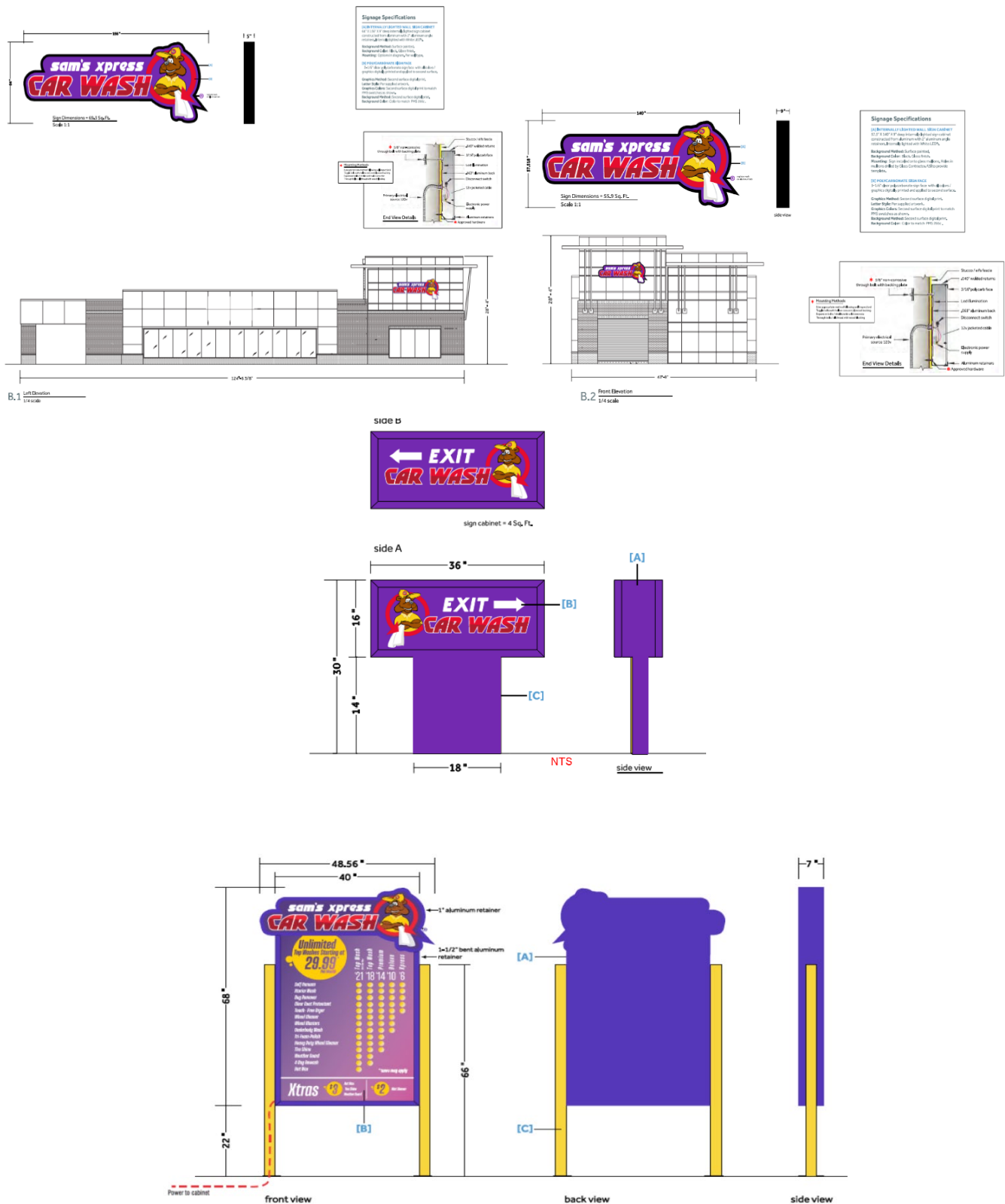
**[F] STEEL SUPPORT POSTS**  
4" x 4" x .1875" x 126" length square steel support posts embedded through brick base and 38" into concrete foundation / footings. Posts extend 64" up into sign and mechanically attaches to internal sleeves.



SXCW VB Blvd.  
Virginia Beach, VA  
Proposed



## Proposed Signs – Car Wash Facility



## Site Photos





## Site Photos





### Disclosure Statement



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

#### Applicant Disclosure

**Applicant Name** SXCW PROPERTIES II, LLC

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

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

Wolcott Rivers P.C.; Christopher A. Pocta, Esq. & Leslie R. Watson, Esq.

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

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

Sami I Nafisi, Manager and CEO of the Applicant; Sam's Car Wash Holdings, LLC, sole member of the Applicant

Anthony Warren, Development Director

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

Sam's Car Wash Holdings, LLC

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

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

### Disclosure Statement



#### Known Interest by Public Official or Employee

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

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

N/A

#### Applicant Services Disclosure

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

☐ Yes ☒ No

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

N/A

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.

In-House Broker

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

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

N/A

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

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

Eagle Engineers, Sulaiman Farooqi

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

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

N/A

## Disclosure Statement

### Disclosure Statement



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

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

TBD

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.

Eagle Engineers, Sulaiman Farooqi

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

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

Wolcott Rivers P.C.; Christopher A. Pocta, Esq. & Leslie R. Watson, Esq.

#### Applicant Signature

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

Applicant Signature

Anthony Warren, Development Director

Print Name and Title

10/31/22

Date

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

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

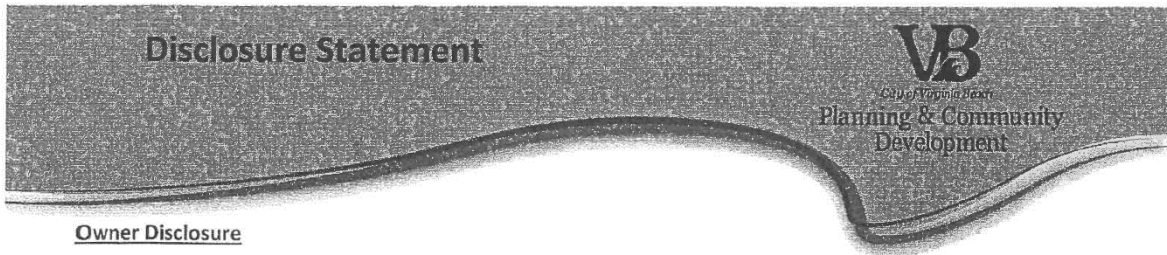
**FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications**

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

Revised 11.09.2020

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## Disclosure Statement



### Owner Disclosure

Owner Name VICTOR ALPHA ASSOCIATES, LLC

Applicant Name SXCW PROPERTIES II, LLC

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

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

JRA Family, LLC

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

Jeffrey R. Anderson as Manager of JRA Family, LLC

### Known Interest by Public Official or Employee

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

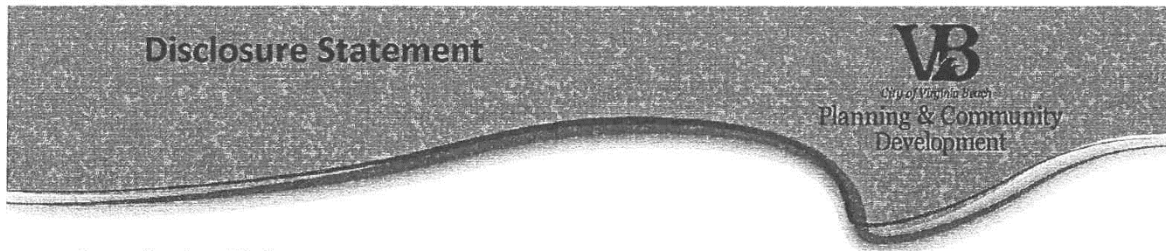
- If yes, what is the name of the official or employee and what is the nature of the interest?

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

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



## Disclosure Statement



### 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.

Central 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.

In-house management.

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.

Kimley Horn, Jeremy Yee

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.

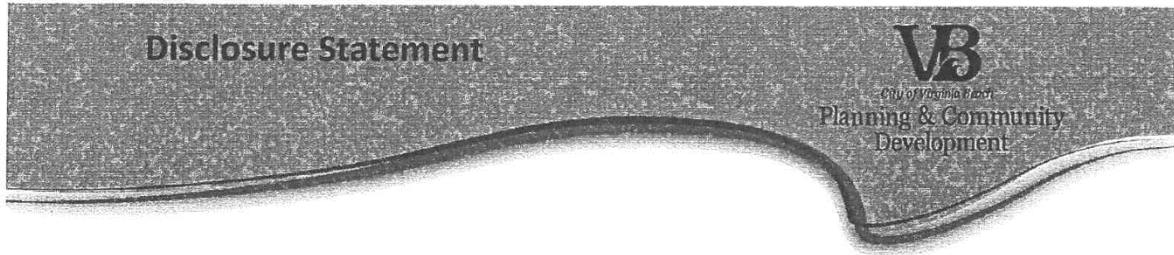
7. Does the Owner have an engineer/surveyor/agent in connection with the subject of the application or any business operating or to be operated on the property? ☒ Yes ☐ No

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

MidAtlantic Surveying and Land Design, Inc.



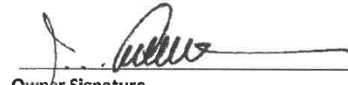
## Disclosure Statement



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.

  
\_\_\_\_\_  
J.K. Anderson | Vice President

Print Name and Title

10/26/2022

Date

## Next Steps

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



The applicant is requesting for indefinite deferral of this application to address outstanding application materials.

**Request**

**Conditional Use Permit** (Tattoo Parlor)

**Staff Recommendation**

Indefinite Deferral

**Staff Planner**

Michaela McKinney

**Location**

2077 Lynnhaven Parkway, Unit 103

**GPIN**

1475859946

**Site Size**

10,970 square feet (1,689 square feet Suite)

**AICUZ**

Less than 65 dB DNL

**Watershed**

Southern Rivers

