



# Planning Commission Agenda

## January 10, 2024

**VB** City of  
**Virginia Beach**

The Virginia Beach Planning Commission Public Hearing is carried LIVE on VBTv, which is available on Cox Cable Channel 48, Verizon Cable Channel 45 and on [www.virginiabeach.gov](http://www.virginiabeach.gov) - Media Center webpage. The meeting is recast on Cox Channel 48 and Verizon Channel 45 the following morning at 9 a.m. and on Cox Channel 47 and Verizon Cable Channel 47 at 7 p.m. on the two consecutive Fridays following the live meeting. The meeting will also be available on the Media Center webpage for two months beginning the Friday after the live hearing.

# Planning Commission Hearing Procedures

A Public Hearing of the Virginia Beach Planning Commission will be held on **Wednesday, January 10, 2024 at 12:00 p.m. in the Council Chamber at City Hall, Building 1, 2<sup>nd</sup> Floor at 2401 Courthouse Drive, Virginia Beach, VA 23456**. Members of the public will be able to observe the Planning Commission meeting through livestreaming on [www.virginiabeach.gov](http://www.virginiabeach.gov), broadcast on VBTV, and via WebEx. Citizens who wish to speak can sign up to speak either in-person at the Council Chamber or virtually via WebEx by completing the two-step process below. A Staff briefing session will be held at 9:00 a.m.. All interested parties are invited to observe.

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

1. Register for the WebEx at:  
<https://vbgov.webex.com/vbgov/j.php?MTID=m3f02ca762a155bc49e0570696fbd7fb3>
2. Register with the Planning Department by calling 757-385-4621 or via email at [mbHarrisEichholz@vbgov.com](mailto:mbHarrisEichholz@vbgov.com) prior to 5:00 p.m. on January 9, 2024.

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

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

Please check our website at [www.virginiabeach.gov/planningcommission](http://www.virginiabeach.gov/planningcommission) for the most updated meeting information.



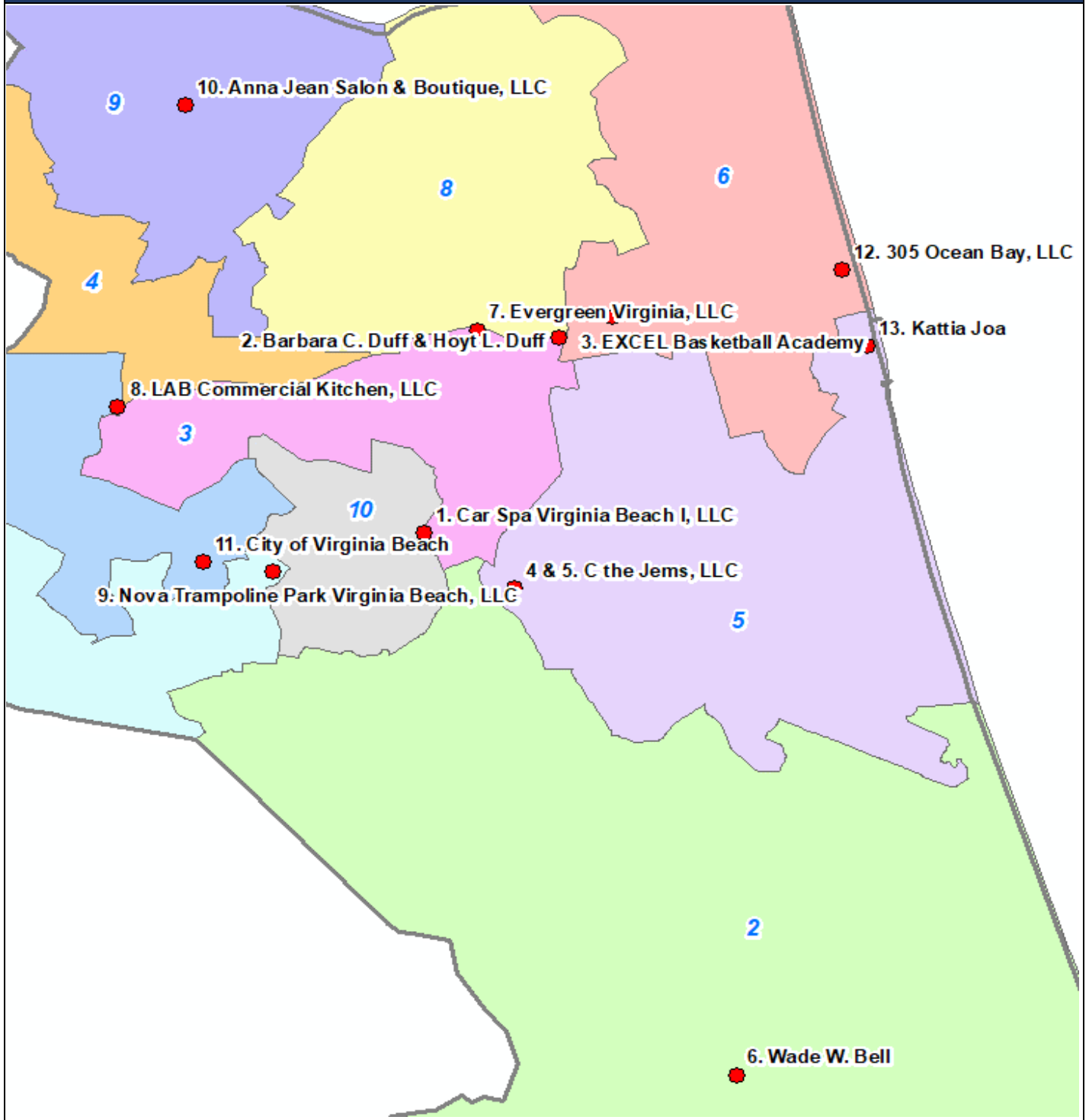
# Planning Commission Hearing Procedures

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

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

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

# JANUARY 10, 2024 PLANNING COMMISSION AGENDA





## PLANNING COMMISSION AGENDA

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

#### 12:00 P.M. – PUBLIC HEARING

1.  
**Car Spa Virginia Beach I, LLC** (Applicant & Property Owner)

##### Modification of Conditions

**Address:** 3282 Holland Road

**Adjacent GPIN(s):** 1485999736

**City Council:** District 3

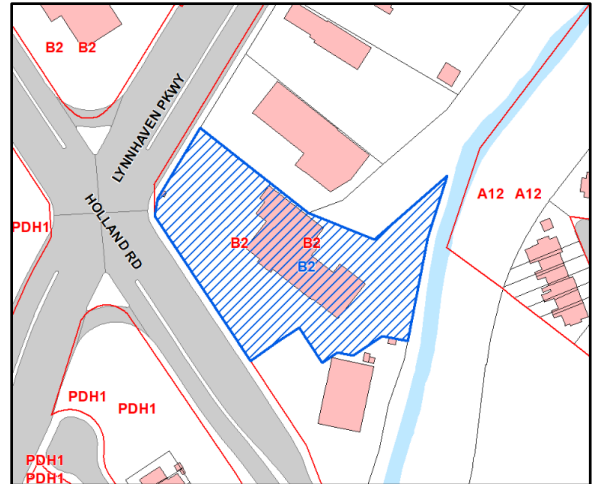
**Accela Record(s):** 2023-PCCC-00152

**SGA:** No

**Overlay:** No

**Staff Planner:** Hoa N. Dao

*Request to amend previous approval to include self-service vacuum & electrical car charger stations for the existing car wash facility.*



2.  
**Barbara C. Duff & Hoyt L. Duff, II, Virginia Beach AVA RE, LLC** (Applicants)

##### Street Closure

**Adjacent Address:** 2325 Virginia Beach Boulevard

**Adjacent GPIN(s):** 1497958048, 2407050086

**City Council:** District 3

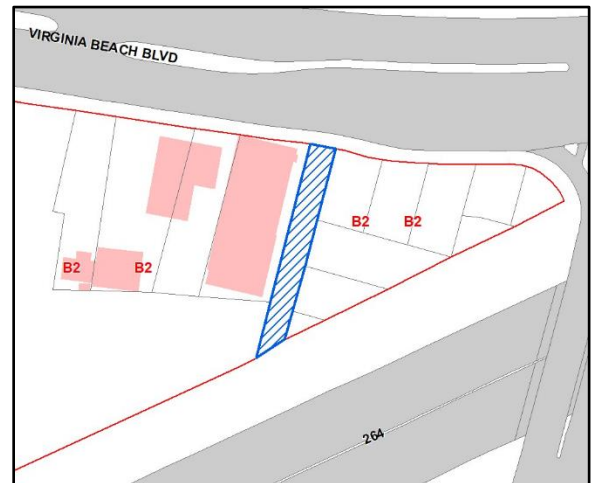
**Accela Record(s):** 2023-PCCC-00175

**SGA:** Lynnhaven

**Overlay:** No

**Staff Planner:** Hoa N. Dao

*Request for closure of 6,564 square feet of an unimproved right-of-way between Virginia Beach Blvd and I-264.*



3.

**EXCEL Basketball Academy** (Applicant)  
**BNM Laskin, LLC** (Property Owner)

**Conditional Use Permit** (Indoor Recreation Facility)

**Address:** 2037 Laskin Road

**GPIN(s):** 2407367754

**City Council:** District 6

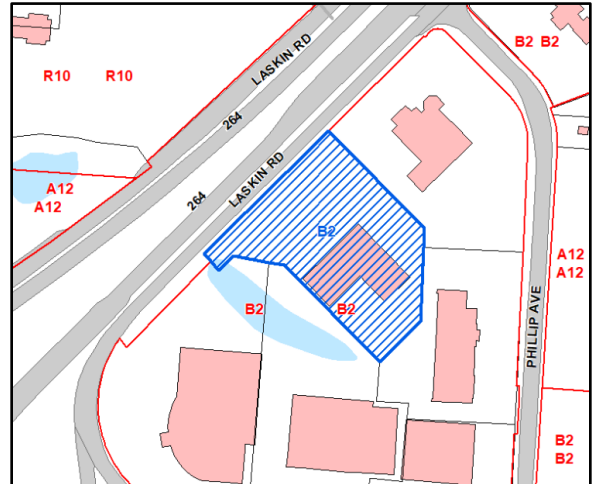
**Accela Record(s):** 2023-PCCC-00142

**SGA:** Yes - Hilltop

**Overlay:** No

**Staff Planner:** Hoa N. Dao

*Request to expand the existing building footprint to operate a basketball club.*



4 & 5.

**C the Jems, LLC** (Applicant)  
**Jonathan Properties, LLC** (Property Owner)

**Modification of Proffers**

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

**Address:** 2625 Horse Pasture Road

**GPIN(s):** 1495656521

**City Council:** District 5

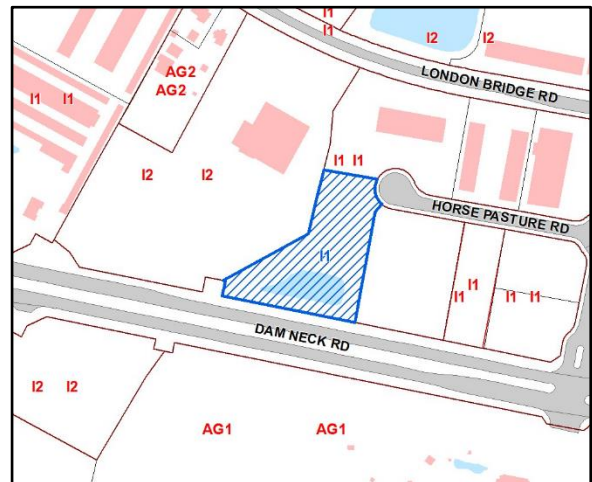
**Accela Record(s):** 2023-PCCC-00187 & 2023-PCCC-00188

**SGA:** SEGA – South Oceana

**Overlay:** No

**Staff Planner:** Hoa N. Dao

*Request to amend previous proffers along with a request to operate a towed lot for motor vehicles.*



6.

**Wade W. Bell** (Applicant & Property Owner)

**Subdivision Variance**

**Addresses:** 3957, 3961, 3969 Dawley Road, & parcel between 3957 & 3961 Dawley Road

**GPIN(s):** 2411277361, 2411278385, 2411278241, 2411278120

**City Council:** District 2

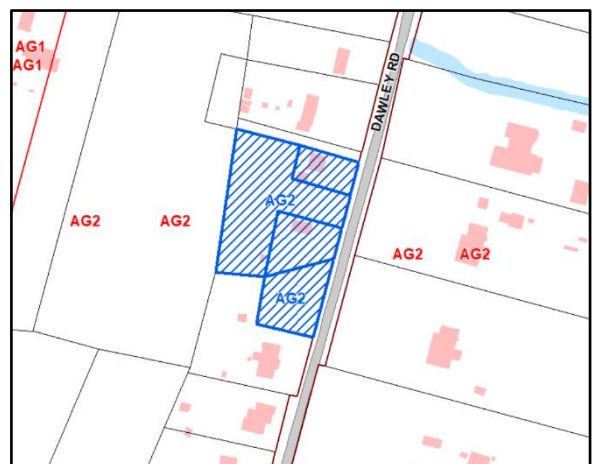
**Accela Record(s):** 2023-PCCC-00177

**SGA:** No

**Overlay:** No

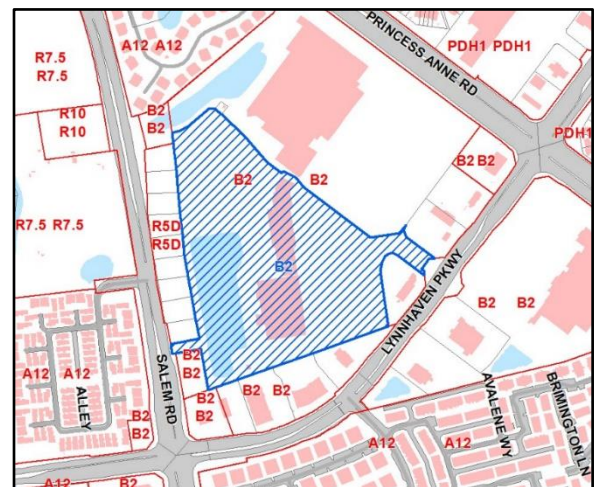
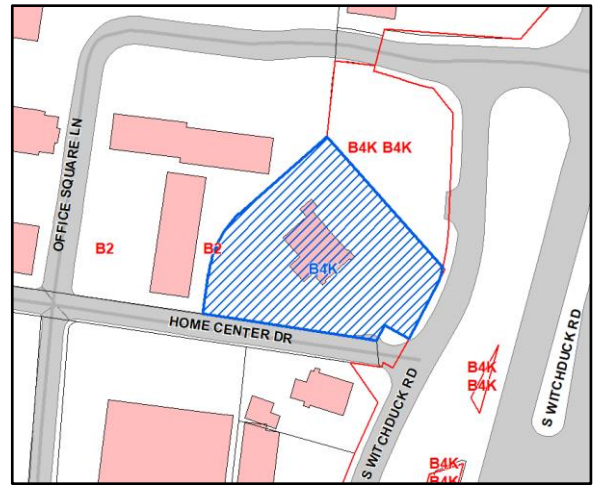
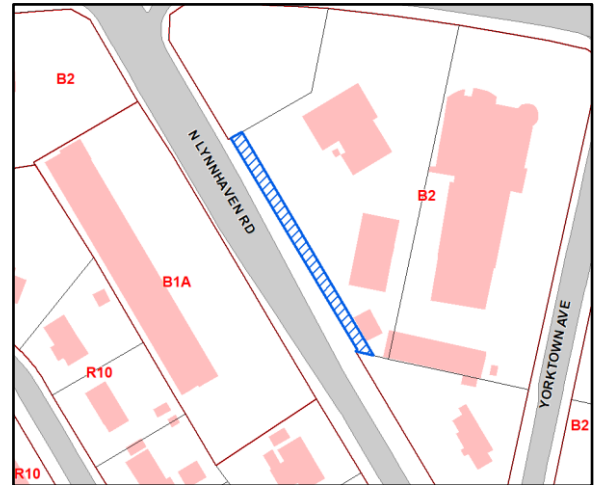
**Staff Planner:** Hoa N. Dao

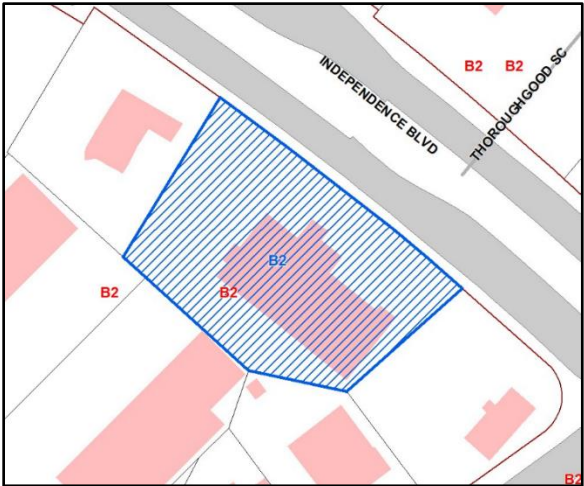
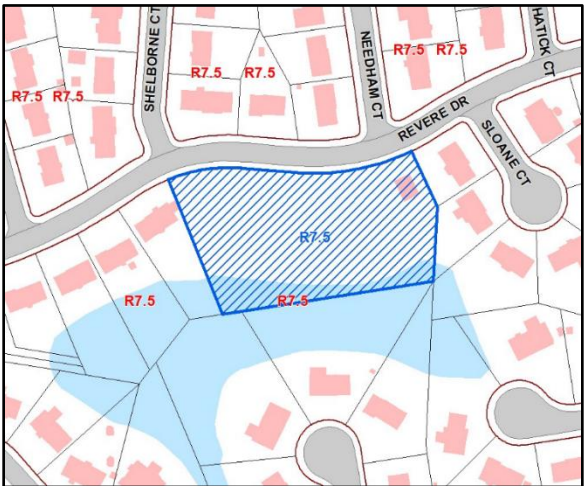
*Request to reconfigure four nonconforming lots into three lots, where the proposed lots are deficient in lot*





<p>with, street line frontage, and lot area for property zoned AG-2.</p>	
<p><b>7.</b>  <b><u>Evergreen Virginia, LLC</u></b> (Applicant)  <b>Street Closure</b>  <b>Adjacent Addresses:</b> 2865 Virginia Beach Boulevard &amp; 240 N. Lynnhaven Road  <b>Adjacent GPIN(s):</b> 1497358684, 1497357774, 1497356822, 1497358365  <b>City Council:</b> District 3  <b>Accela Record(s):</b> 2023-PCCC-00191  <b>SGA:</b> Yes – Lynnhaven  <b>Overlay:</b> No  <b>Staff Planner:</b> Marchelle Coleman  <i>Request to close a portion (2,854 SF) of N Lynnhaven Road</i></p>	
<p><b>8.</b>  <b><u>Lab Commercial Kitchen, LLC</u></b> (Applicant)  <b>Bonney Brothers Corporation</b> (Property Owner)  <b>Conditional Use Permit</b> (Bulk Storage Yard)  <b>Address:</b> 405 South Witchduck Road  <b>GPIN(s):</b> 1466795644  <b>City Council:</b> District 1  <b>Accela Record(s):</b> 2023-PCCC-00143  <b>SGA:</b> No  <b>Overlay:</b> Historic Kempsville  <b>Staff Planner:</b> Elizabeth Nowak  <i>Request for storage of food trucks on-site.</i></p>	
<p><b>9.</b>  <b><u>Nova Trampoline Park Virginia Beach, LLC</u></b> (Applicant)  <b>Elias Properties Salem Crossing</b> (Property Owner)  <b>Modification of Conditions</b> (Indoor Recreational Facility)  <b>Address:</b> 2029 Lynnhaven Parkway  <b>Adjacent GPIN(s):</b> 1475868600  <b>City Council:</b> District 7  <b>Accela Record(s):</b> 2023-PCCC-00171  <b>SGA:</b> No  <b>Overlay:</b> No  <b>Staff Planner:</b> Elizabeth Nowak</p>	



<p><i>Request to amend the 2013 Conditional Use Permit approval to operate a 55,046 square feet Indoor Recreational Facility at the Salem Crossing Shopping Center.</i></p>	
<p><b>10.</b>  <b><u>Anna Jean Salon and Boutique, LLC</u></b> (Applicant)  <b>Rogers Properties, LLC</b> (Property Owner)  <b>Conditional Use Permit</b> (Tattoo Parlor)  <b>Address:</b> 1637 Independence Boulevard, Suites A &amp; B  <b>GPIN(s):</b> 1479235308  <b>City Council:</b> District 9  <b>Accela Record(s):</b> 2023-PCCC-00185  <b>SGA:</b> No  <b>Overlay:</b> No  <b>Staff Planners:</b> Madison Eichholz / Michaela D. McKinney  <i>Request to operate a Tattoo Parlor for the application of permanent makeup within the existing salon.</i></p>	
<p><b>11.</b>  <b><u>City of Virginia Beach</u></b> (Applicant &amp; Property Owner)  <b>Rezoning</b> (R-7.5 Residential District to P-1 Preservation District)  <b>Address:</b> 4549 Revere Drive  <b>GPIN(s):</b> 1475378501  <b>City Council:</b> District 1  <b>Accela Record(s):</b> 2023-PCCC-00181  <b>SGA:</b> No  <b>Overlay:</b> No  <b>Staff Planner:</b> Michaela D. McKinney  <i>Request to rezone 1.7± acres from R-7.5 to P-1 for the redevelopment of a neighborhood park.</i></p>	



## SHORT TERM RENTALS

12.

**305 Ocean Bay, LLC** (Applicant & Property Owner)

**Conditional Use Permit** (Short Term Rental)

**Address:** 305 26<sup>th</sup> Street

**GPIN(s):** 24280054740305

**City Council:** District 5

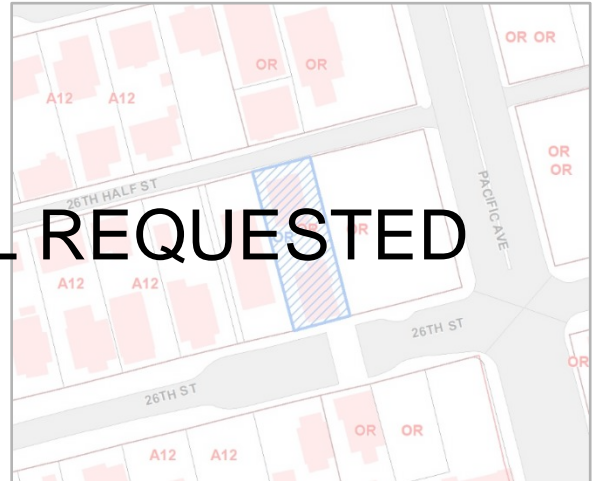
**Accela Record(s):** 2023-PCCC-00190

**SGA:** Oceanfront Resort

**Overlay:** Short Term Rental

**Staff Planner:** Michaela D. McKinney

*Request to operate a 4-bedroom Short Term Rental.*



13.

**Kattia Joa** (Applicant & Property Owner)

**Conditional Use Permit** (Short Term Rental)

**Address:** 929 Pacific Avenue, Unit B

**GPIN(s):** 24272444111175

**City Council:** District 5

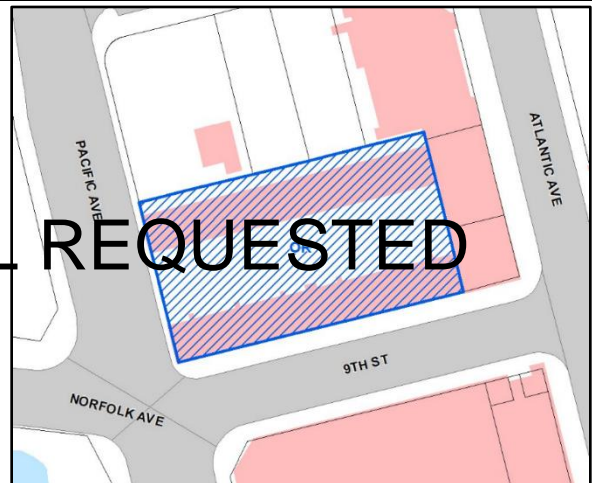
**Accela Record(s):** 2023-PCCC-00179

**SGA:** Oceanfront Resort

**Overlay:** Short Term Rental

**Staff Planner:** Michaela D. McKinney

*Request to operate a 1-bedroom Short Term Rental.*







**Request**

**Modification of Conditions** (Car Wash Facility Expansion)

**Staff Recommendation**

Approval

**Staff Planner**

Hoa N. Dao

**Location**

3282 Holland Road

**GPIN**

1485999736

**Site Size**

1.71 acres

**AICUZ**

70-75 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Car wash facility, automobile service station / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Mixed retail / B-2 Community Business

**South**

Holland Road

Townhouses / PD-H1 Planned Unit

Development

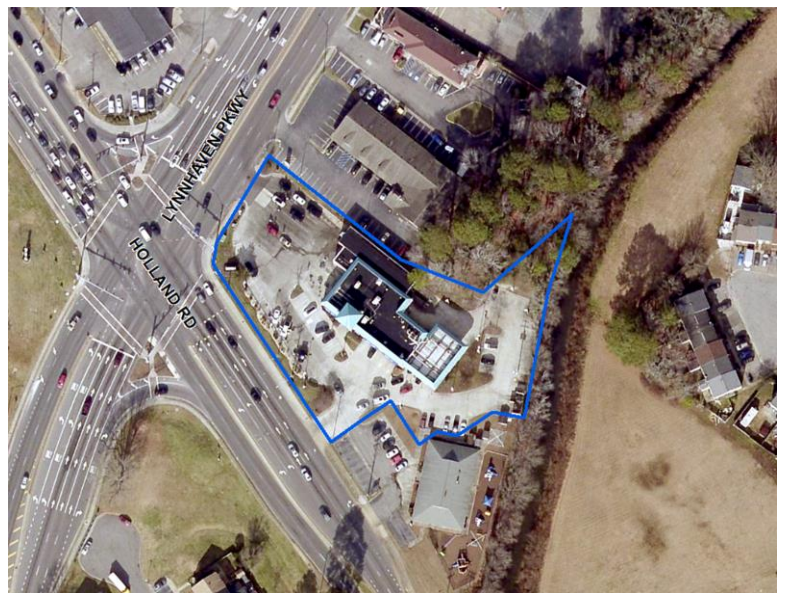
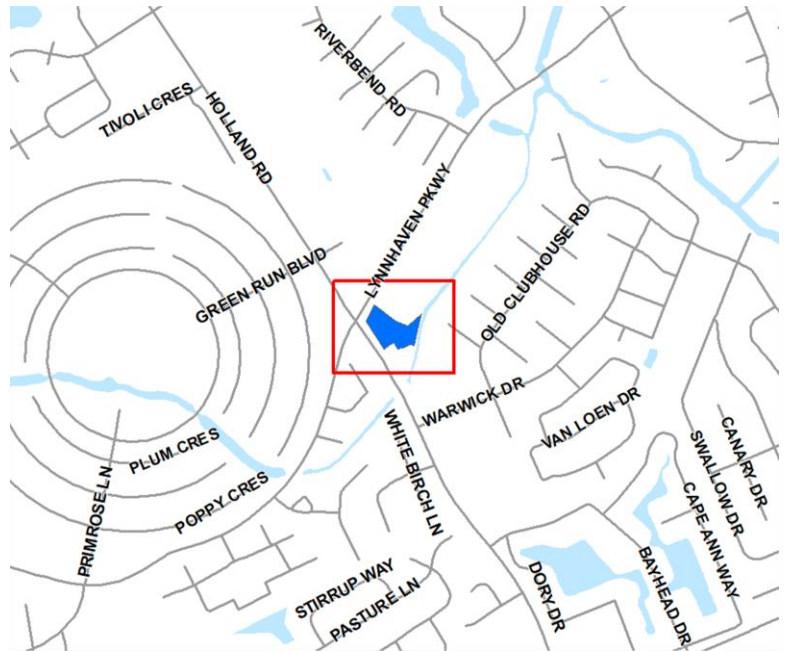
**East**

Day-care, townhouses, vacant parcel / B-2 Community Business, A-12 Apartment

**West**

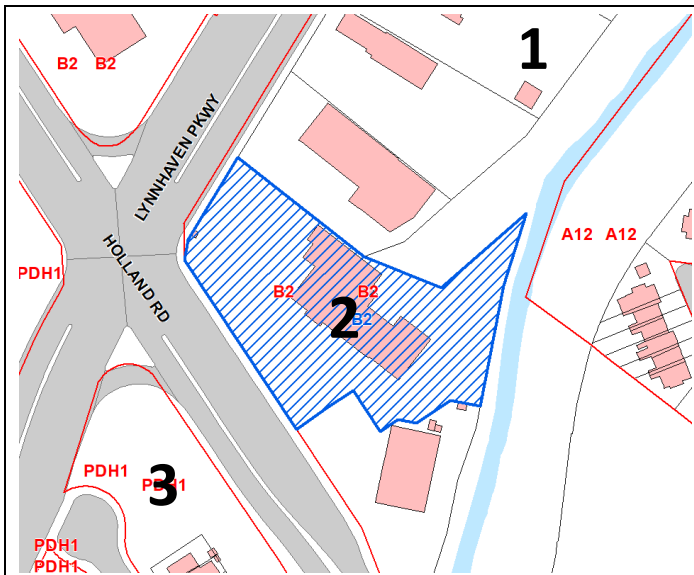
Lynnhaven Parkway / Holland Road

Single-family dwellings / PD-H1 Planned Unit Development



## Background & Summary of Proposal

- The applicant seeks to amend the 1999 Conditional Use Permit approval and expand onsite services to include 22 self-service vacuum stations. Existing services on this 1.71-acre parcel site, zoned B-2 Community Business District, include an automated car wash facility, automotive service station, and an automobile repair garage.
- Except for the addition of the vacuum stations and changes to the parking layout, no other changes are proposed.
- 49 parking spaces are provided while 35 parking spaces are required, exceeding the parking requirement by 14 spaces.
- The proposed vacuum stations are neutral in color and complement the existing building. Eleven vacuum stations located interior to the site include overhead canopies, while eleven vacuum stations along Holland Road are proposed to have vacuum systems mounted onto six-foot tall posts.
- A row of evergreen shrubs is proposed to be installed along Holland Road to help screen the vacuum stations from the public right-of-way.
- A VEPCO Easement runs parallel to Holland Road where the row of evergreen shrubs is proposed. The applicant provided a letter from Dominion Energy approving the planting of vegetation within their easement.



### Zoning History

#	Request
1	CUP (Motor Vehicle Rentals) Approved 05/17/2022
2	CUP (Automobile Service Station, Automobile Repair Garage, Car Wash Facility) Approved 08/24/1999
3	LUP (Green Run) Approved 1974

### Application Types

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

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

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

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

## Evaluation & Recommendation

The request to expand services offered onsite to include self-service vacuum stations is, in Staff's opinion, acceptable. The proposed self-service vacuum stations will complement existing services offered on this site associated with the car wash facility, automobile service station, and automobile repair garage. These auto-related uses are compatible with commercial centers that service the surrounding neighborhoods and communities.

Staff does not anticipate any negative impacts with the addition of the self-service vacuum stations and as such, Staff is recommending approval of the request subject to the conditions recommended below.

## Recommended Conditions

1. All conditions associated with the 1999 Conditional Use Permit approval shall remain in effect and Conditions 2, 3, 4, 5, as indicated below, shall be added.
2. The site layout shall be in substantial conformance to the submitted exhibit entitled, "Concept Plan Car Spa", dated December 11, 2023, prepared by Bowman, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
3. Prior to the operation of the vacuum stations, a Landscape Plan shall be submitted to the Department of Planning & Community Development for review and approval.
4. The proposed row of evergreen plantings along Holland Road shall be installed at a minimum height of 3 feet and be maintained at a minimum height of 4.5-feet.
5. The proposed vacuum stations, canopies, and vacuuming equipment shall be in substantial conformance to the submitted exhibit entitled, "Car Spa Virginia Beach: Material Board", dated December 18, 2023, prepared by Randall Paulson Architects, which has been exhibited to the Virginia Beach City Council is on file in the Department of Planning & Community Development.

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

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

## Previous Conditions from 1999 CUP

1. The applicant shall reserve 15 feet (or as otherwise required by the Department of Public Works) along Lynnhaven Parkway for the future widening to six lanes.
2. At a minimum, the applicant shall install a 10 foot landscape buffer with trees and shrubs along Lynnhaven Parkway outside of the Lynnhaven Parkway reservation (as shown on the site plan, entitled, "Conditional Use Permit Plan - Car Spa - Lynnhaven Parkway and Holland Road," prepared by Langley and McDonald, P.C., dated August 12, 1999).
3. The applicant shall reserve 12 feet (or as otherwise required by the Department of Public Works) along Holland Road for the future widening of Holland Road.
4. At a minimum, the applicant shall install a 10 foot landscape buffer with trees and shrubs along Holland Road, outside of the required reservation for Holland Road.
5. A landscape plan shall be submitted with the final site plan for review and approval by Planning Department staff.

6. The building setbacks from the right-of-way must include the required reservations as stated in conditions 1 and 3.
7. There shall be no additional encroachment of impervious surfaces into the Resource Protection Area than what currently exists on the site. The existing impervious surfaces are indicated on a survey prepared by Charles H. Fleet & Associates, P.C., dated March 23, 1999.
8. Stormwater runoff from at least 50 percent of the impervious area (post-development) on this site shall be treated for both quality and quantity, prior to exiting the site, by the stormwater management facility.
9. The exact location of the 125 foot drainage easement located along the eastern property line must be determined and any required encroachment easements shown to be necessary based on the exact location must be obtained from the City of Virginia Beach prior to first detailed site plan review.
10. The freestanding sign to be erected on the Property shall be constructed in monument style with a brick base matching the brick on the buildings depicted on the Sketch Plan.
11. The architectural design, building materials, colors, and site layout shall be substantially in keeping with the color elevation drawings by Lyall Design Architects, entitled, "Car Spa," dated August 13, 1999, and the site plan, entitled, "Conditional Use Permit Plan - Car Spa - Lynnhaven Parkway and Holland Road," prepared by Langley and McDonald, P.C., dated August 12, 1999.
12. The freestanding sign to be erected on the Property shall be constructed in monument style with a brick base matching the brick on the buildings depicted on the color elevation drawings described in Condition #10.

## Comprehensive Plan Recommendations

The Comprehensive Plan identifies this site as being located within the Suburban Area. The general planning principles for the Suburban Area focus on creating and maintaining great neighborhoods through stability and sustainability; protecting and enhancing open spaces and places of cultural and historical significance; and creating and maintaining a transportation system that provides connectivity and mobility. Achieving these goals requires that all land use activities either maintain or enhance the existing neighborhood through compatibility with surroundings, quality, and attractiveness of site and buildings, improved mobility, environmental responsibility, livability, and effective buffering with respect to type, size, intensity and relationship to the surrounding uses.

The request for modifications is seen as reasonable for Comprehensive Planning, especially the improvement in circulation. Furthermore, to continue the improvement of circulation and access, there should be clearly marked and visible crosswalks for pedestrians. Bicycle racks should be posted near the building to encourage multimodal transportation for primarily employees as this is an automobile service station. Wherever possible, it is recommended to boost landscaping amenities through using native species around the site as natural screening from the road and to boost the overall aesthetic of the property.

## Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. A portion of this site is located in the Resource Protection Area, the most stringently regulated portion of the Chesapeake Bay Preservation Area. No development is proposed in this portion of the site. There do not appear to be any significant cultural resources associated with the site.



## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Lynnhaven Parkway	34,200 ADT <sup>1</sup>	55,500 ADT <sup>1</sup> (LOS <sup>4</sup> "D")	Existing Land Use <sup>2</sup> – 500 ADT Proposed Land Use <sup>3</sup> – 500 ADT
Holland Road	31,500 ADT <sup>1</sup>	32,700 ADT <sup>1</sup> (LOS <sup>4</sup> "D")	
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by an automated car wash facility	<sup>3</sup> as defined by an automated car wash facility	<sup>4</sup> LOS = Level of Service

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

This portion of Holland Road is considered a four-lane divided minor urban arterial. The Master Transportation Plan shows an ultimate six-lane facility.

Lynnhaven Parkway in the vicinity of this application is considered a six-lane divided major urban arterial. The existing infrastructure currently resides in a 95 foot right-of-way. The Master Transportation Plan proposes a six-lane facility within a 165 foot right-of-way.

There are no roadway Capital Improvement Program projects slated for this area.

## Public Utility Impacts

### Water & Sewer

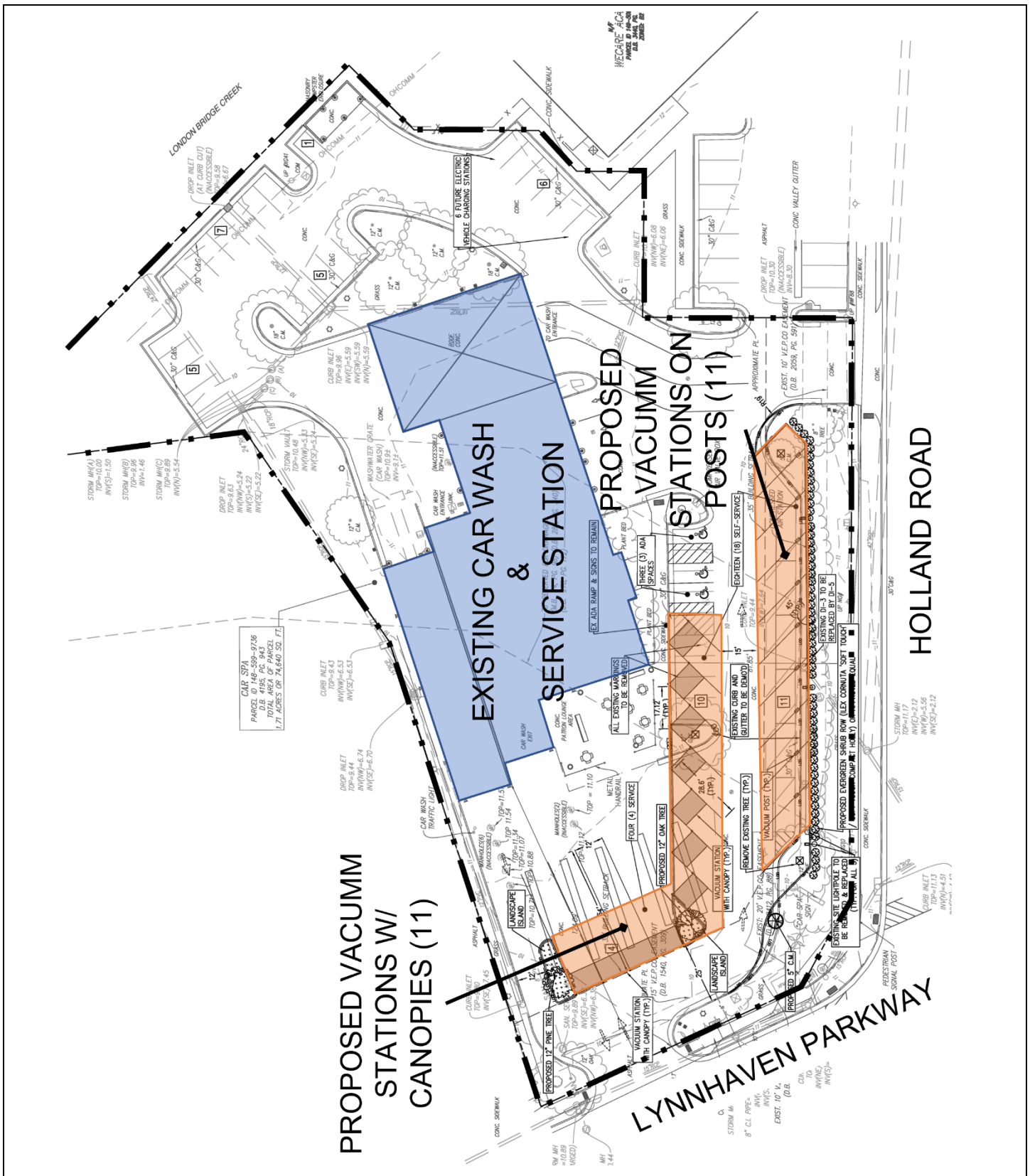
The property is connected to City water and sanitary sewer services.

## Public Outreach Information

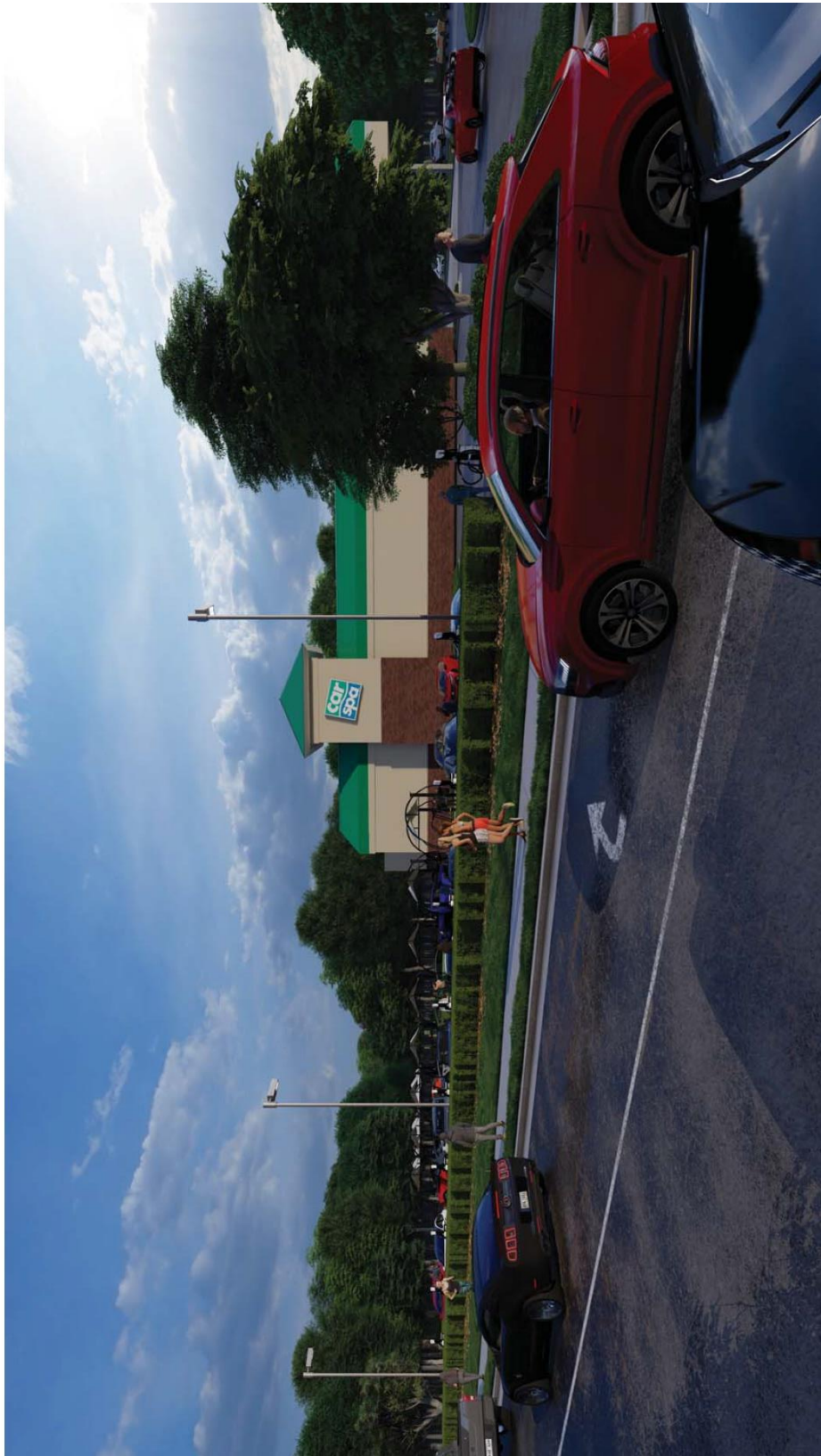
### Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of [www.viriniabeach.gov/pc](http://www.viriniabeach.gov/pc) on January 4, 2024.

## Proposed Site Layout



## Proposed Renderings





CAR WASH FABRIC CANOPY  
(NATURAL COLOR)



RANDALL  
PAULSON  
ARCHITECTS

CAR SPA VIRGINIA BEACH: MATERIAL BOARD  
CAR SPA  
VIRGINIA, VA | RPA JOB # 2023241.00 | 12/18/2023 | SCALE:



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 ~~Car Spa, Inc.~~ Car Spa Virginia Beach I, LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Bowman Consulting Group Ltd.

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)

Bruce Bender

Alexander Rangos

Erdogan Eminoglu

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

Car Spa Virginia Beach I, LLC

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

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



### Disclosure Statement



#### Known Interest by Public Official or Employee

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

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

#### Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

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

Randall Paulson Architects - Marcus Mello

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

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



## Disclosure Statement

### Disclosure Statement



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

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

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

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

Bowman - Brett Hammonds

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

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

#### Applicant Signature

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

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

Applicant Signature

Bruce A Bender Chief Operating Officer

Print Name and Title

A handwritten date '9/13/2023' in black ink, written over a horizontal line.

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 757-385-5692.
- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Request**

**Street Closure** (Unnamed 30' ROW)

**Staff Recommendation**

Approval

**Staff Planner**

Hoa N. Dao

**Location**

Adjacent to 2325 Virginia Beach Boulevard

**Adjacent GPINs**

1497958048, 2407050086

**Site Size**

6,564 square feet

**AICUZ**

Greater than 75 dB DNL; APZ-1

**Watershed**

Chesapeake Bay

**Existing Land Use**

Unimproved right-of-way

**Surrounding Land Uses and Zoning Districts**

**North**

Virginia Beach Boulevard

Retail / B-2 Community Business

**South**

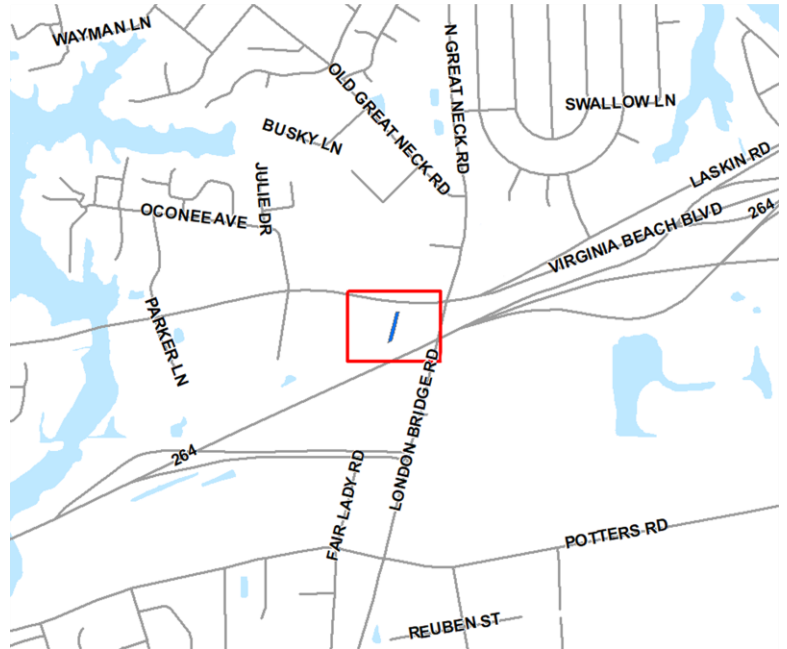
Interstate 264

**East**

Undeveloped parcels / B-2 Community Business

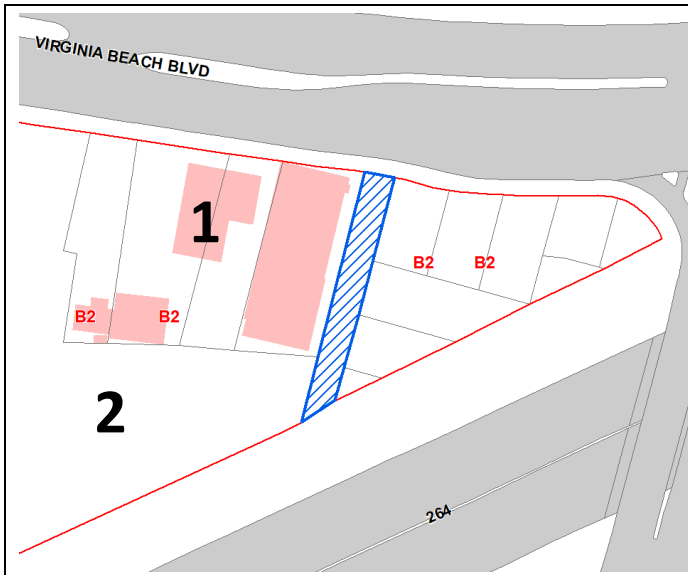
**West**

Retail / B-2 Community Business



## Background & Summary of Proposal

- The applicants are seeking to close a 30-foot wide right-of-way between Virginia Beach Boulevard and Interstate 264. As shown on the submitted street closure exhibit, the proposal includes closure of the unnamed and unimproved right-of-way, totaling 6,564 square feet, and incorporating that land into the adjacent parcels.
- The applicants intend to redevelop the property with a motor vehicle dealership for low-speed vehicles.



### Zoning History

#	Request
1	CUP (Tattoo Parlor) Approved 11/23/2004
2	CUP (Motor Vehicle Sales) Approved 10/12/1993

### 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

A Viewers' meeting was held on October 20, 2023, that included City Staff from the Departments of Public Works, Public Utilities, Planning & Community Development, and the Office of the City Attorney, to consider this application. The Viewers determined that the proposed closure will not result in any public inconvenience; therefore, the proposed closure is deemed acceptable.

Currently, a retail business for lawn care equipment is operating in the building adjacent to the proposed right-of-way for closure with equipment being displayed and stored within the proposed closure area. The property is under contract to be sold and the new owner (Rudolf Construction Partners) seeks to renovate the existing building to operate a motor vehicle dealership for low-speed vehicles. The closure area will be incorporated into the adjoining properties to provide parking and display areas for the dealership.

Based on these considerations, Staff recommends approval of the proposed Street Closure subject to the conditions listed below.



## Recommended Conditions

1. The City Attorney's Office shall make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the "Policy Regarding Purchase of City's Interest in Streets Pursuant to Street Closures," approved by City Council.
2. The applicant, or the applicant's successors and assigns, shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lots. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval.
3. The applicant, or the applicant's successors and assigns, shall verify that no other private utilities exist within the right-of-way proposed for closure. If other private utilities do exist, an easement satisfactory to the appropriate utility company must be provided.
4. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved for recordation within one year of the City Council vote to close the rights-of-way this approval shall be considered null and void.

*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.*

## Natural & Cultural Resources Impacts

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

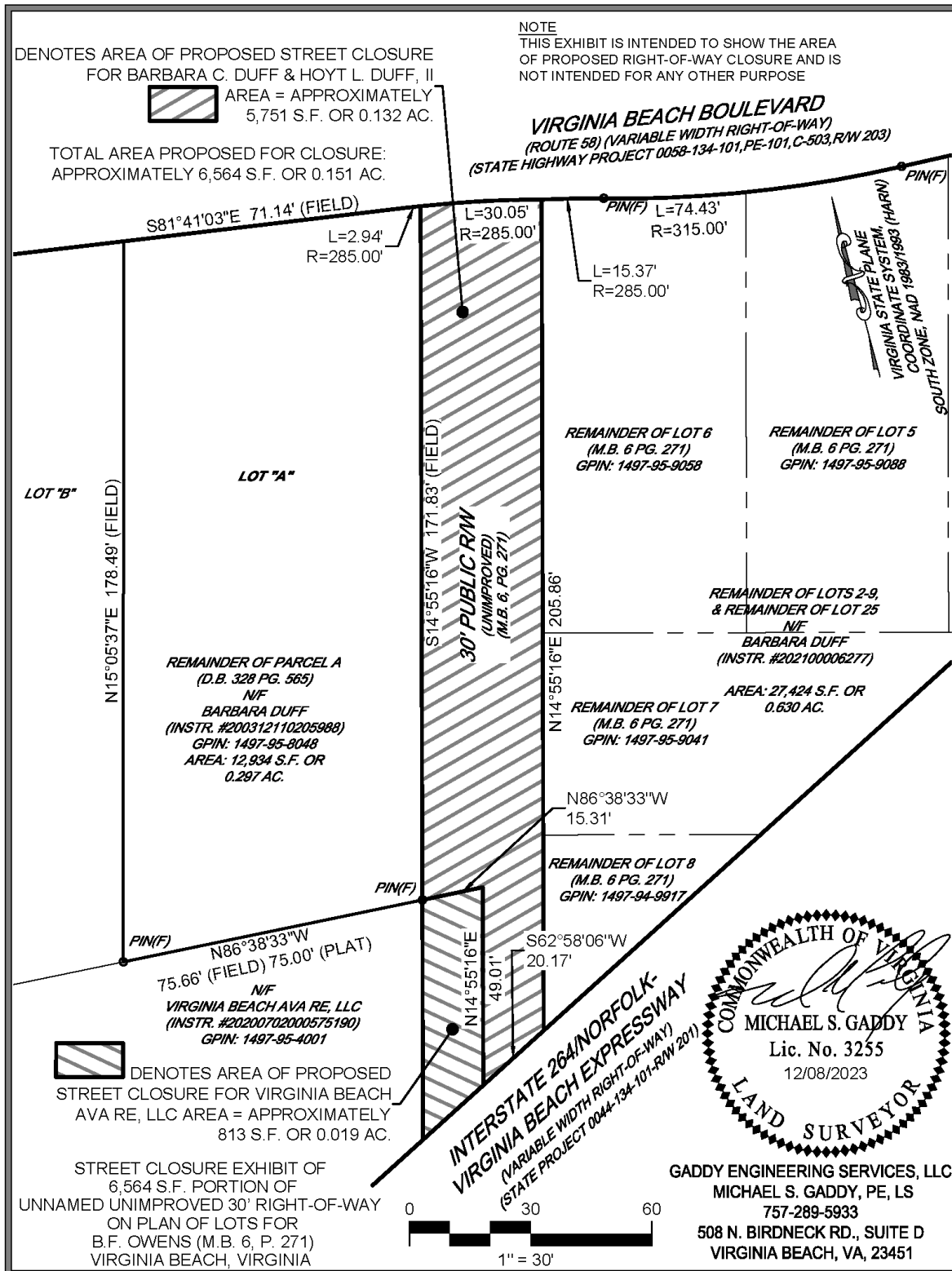
## Public Outreach Information

### Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 2023.

- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of [www.viriniabeach.gov/pc](http://www.viriniabeach.gov/pc) on January 4, 2024.

# Proposed Street Closure Exhibit

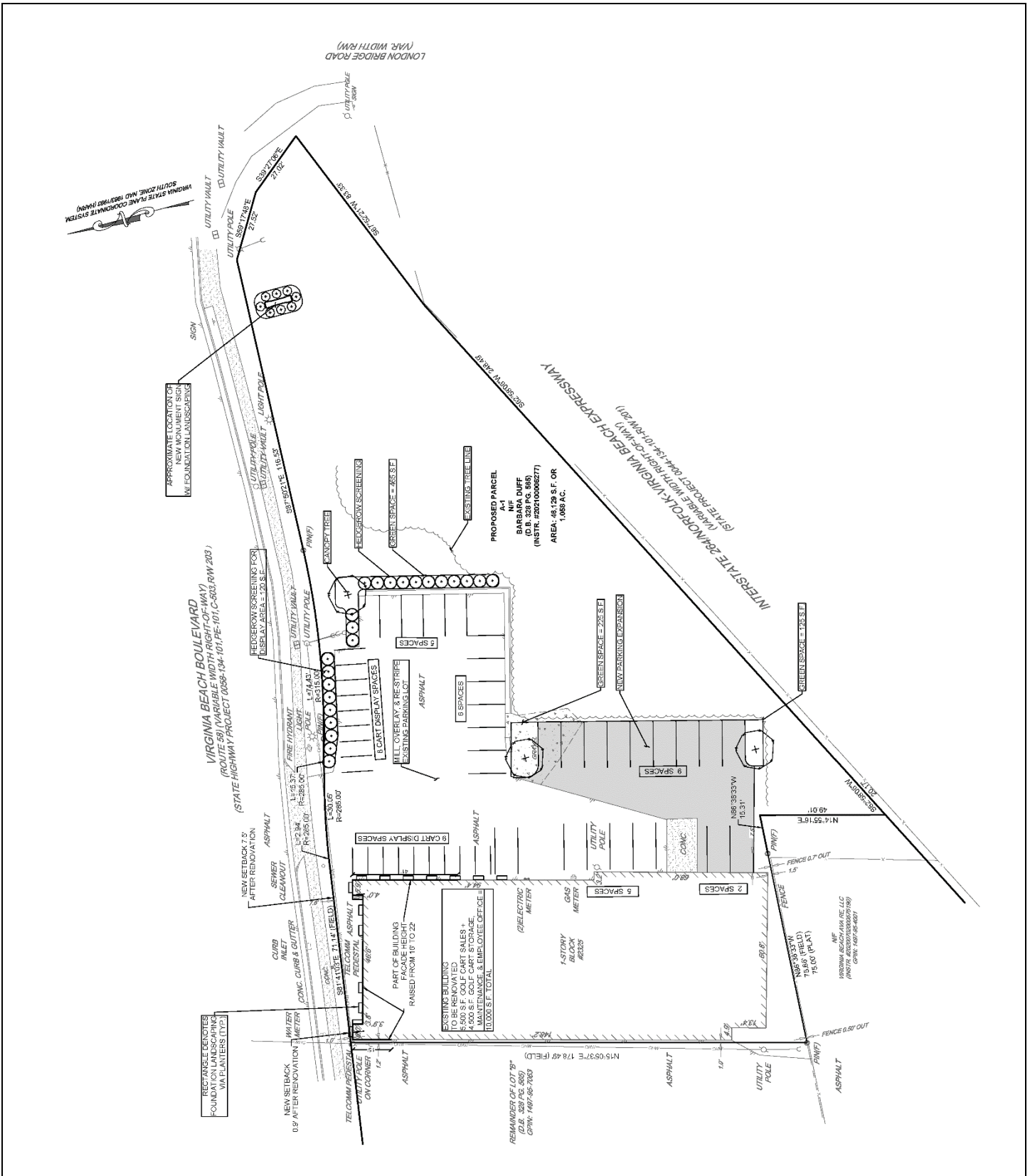


Barbara C. Duff, Hoyt L. Duff, II, Virginia Beach AVA RE, LLC

Agenda Item 2

Page 5

## Concept Plan of Intended Use





## Site Photo



## Disclosure Statement

### Disclosure Statement



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

#### Applicant Disclosure

**Applicant Name** Barbara C. Duff & Hoyt L. Duff, II

**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)

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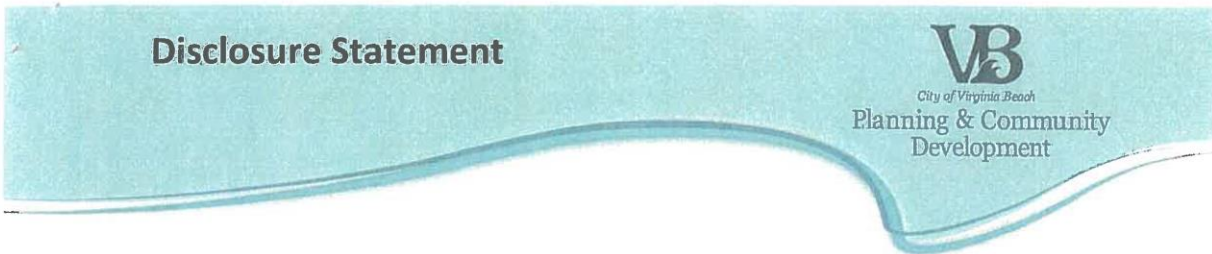
- If **yes**, list the businesses that have a parent-subsidary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

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<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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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.

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.

John Katsias, The Katsias Company

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

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

David Brotman, Jacobson Brotman, CPA's

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

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

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

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

Chip Rudolf, Rudolf Construction Partners



## Disclosure Statement

### Disclosure Statement



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

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

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

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Mike Gaddy, Gaddy Engineering

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., 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.



Applicant Signature

Barbara C. Duff

Hoyt L. Duff, II

Print Name and Title

October 2, 2023

Date

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

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

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

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

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**Applicant Name** Virginia Beach AVA RE, LLC

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

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

R. Edward Bourdon, Jr., 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)

Ali Ahmed, Manager

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

Atlantic VA RE, LLC owns 100% of Virginia Beach AVA RE, LLC. Atlantic VA RE, LLC also owns Greenbrier AVA RE, LLC, Norfolk AVA RE, LLC,

Roanoke AVA RE, Newport AVA RE, LLC.

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

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☒ Yes ☐ No

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

Ally Bank

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

☐ Yes ☒ No

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Crowe, LLP. Matthew Brown, CPA

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

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## Disclosure Statement

### Disclosure Statement



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Mike Gaddy, Gaddy Engineering Services

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.; Margaux Bacro-Duverger, Esq., ACMGMT, LLC

#### 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.

Virginia Beach AVA RE, LLC

By:   
ID: pvtgA7DCR3paXBETieJHkLnK

#### Applicant Signature

Ali Ahmed, Manager

#### Print Name and Title

November 11, 2023 11/17/2023

#### Date

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

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

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

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

*Revised 11.09.2020*

3 | Page

## 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 757-385-5692.
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- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Request**

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

**Staff Recommendation**

Approval

**Staff Planner**

Hoa N. Dao

**Location**

2037 Laskin Road

**GPIN**

2407367754

**Site Size**

1.37 acres

**AICUZ**

Greater than 75 dB DNL; APZ-2

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Office / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Laskin Road

Retail / B-2 Community Business

**South**

Retail / B-2 Community Business

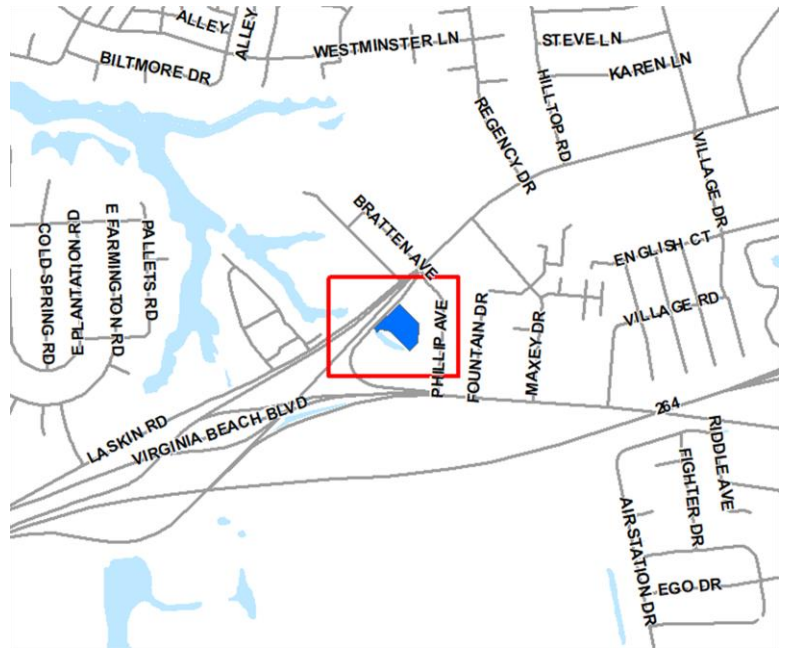
**East**

Office / B-2 Community Business

**West**

Laskin Road

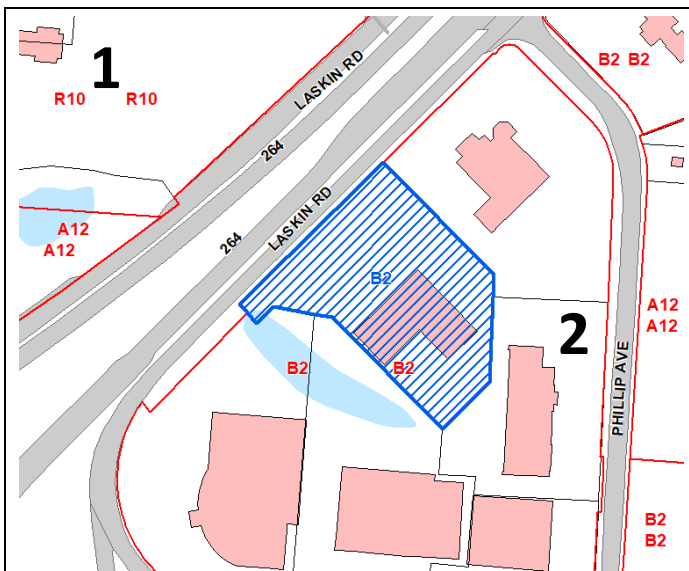
Religious Use / R-10 Residential





## Background & Summary of Proposal

- The applicant seeks to renovate the existing 9,875 square foot building and construct a 4,000 square foot addition to include a basketball court, restrooms, offices, and open space for the operation of an indoor basketball training academy. As the Indoor Recreational Facility exceeds 7,500 square feet, a Conditional Use Permit is required.
- The property is zoned B-2 Community Business and is located within the Hilltop SGA.
- The existing brick veneer building will be repainted to a neutral color that matches the addition to the building which will be constructed using insulated metal panels.
- 70 parking spaces are required for the 13,875 square feet Indoor Recreational Facility while 44 parking spaces are provided. The applicant submitted shared parking agreements with the two adjoining properties (2013 Laskin Road & 329 Phillip Avenue) to address the deficiency to the parking requirement.
- According to the applicant, only training sessions will occur at this facility. There will be no scrimmages or tournaments held on site. Training sessions are from 6:00 pm to 9:00 pm Monday through Friday and from 9:00 am to 4:00 pm on Saturday and Sunday.
- It's estimated that each training session will consist of 10-20 students and two coaches.



### Zoning History

#	Request
1	CUP (Cemetery) Approved 10/06/2015
2	CRZ (A-1 to Conditional B-2) Approved 08/13/1984

### Application Types

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

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

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

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

## Evaluation & Recommendation

The request to operate a basketball club, in Staff's opinion, is acceptable. The existing office building will be renovated and expanded to include an indoor basketball court.

As the site will be deficient by 26 parking spaces, the applicant provided shared parking agreements with the two adjoining parcels. The Zoning Administrator reviewed both shared parking agreements and determined they meet the

requirements of Section 203(b)(10)(ii) of the Zoning Ordinance and adequate parking will be available to serve the proposed use.

It is Staff's opinion, that the proposed use will have minimal impact to the surrounding area as the facility is limited to practices only. Therefore, based on the considerations described above and conditions recommended below, Staff recommends approval for the reuse of this vacant commercial building for operation of a basketball training academy.

## Recommended Conditions

1. When redeveloped, the site layout shall be in substantial conformance to the submitted exhibit entitled, "Excel Basketball Academy – Preliminary Development Plan", dated July 27, 2023, prepared by AES Consulting Engineers, copies of which have been exhibited to the Virginia Beach City Council are on file with the Virginia Beach Department of Planning & Community Development.
2. When redeveloped, the building addition shall be in substantial conformance to the submitted exhibit entitled, "Excel Basketball – Exterior Elevations", dated August 1, 2023, prepared by Lemole Architects, copies of which have been exhibited to the Virginia Beach City Council are on file with the Virginia Beach Department of Planning & Community Development.
3. Unless the parking requirement is met on-site, Shared Parking Agreement(s) shall be maintained for the duration of the use in accordance with Section 203(b)(10)(ii) of the Zoning Ordinance, or as amended.
4. The proposed facility shall only be used for practices. Scrimmages and tournaments shall be prohibited.

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

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

## Comprehensive Plan Recommendations

The Comprehensive Plan identifies this site as being located within the Suburban Area. The general planning principles for the Suburban Area focus on preserving and protecting the overall character, economic value, aesthetic quality of the stable neighborhoods, and reinforcing the suburban characteristics of commercial centers and other non-residential areas that comprise part of the Suburban Area. Means to achieve these goals may include: all land use activities either maintain or enhance the existing neighborhood through compatibility with surroundings; new site layouts and buildings be of high quality and attractive design; plans reflect enhanced mobility and connectivity; designs incorporate environmental responsibility; and effective buffering with respect to type, size, intensity and relationship to the surrounding uses.

## Natural & Cultural Resources Impacts

The property is located within the Chesapeake Bay watershed. There do not appear to be significant natural or cultural resources associated with the site.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Laskin Road	30,000 ADT <sup>1</sup>	36,900 ADT <sup>1</sup> (LOS <sup>4</sup> "D")	Existing Land Use <sup>2a</sup> – 0 ADT Existing Zoning <sup>2b</sup> – 770 ADT Proposed Land Use <sup>3</sup> – No Data Available
<sup>1</sup> Average Daily Trips	<sup>2a</sup> as defined by a vacant commercial building  <sup>2b</sup> as defined by a 1.37-acre parcel zoned B-2	<sup>3</sup> No information available in the ITE Trip Generation Manual for basketball training academy	<sup>4</sup> LOS = Level of Service

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

This portion of Laskin Road is considered a four-lane divided major urban arterial. There are also two, 2-lane service roads parallel to the mainline portion of roadway.

There is a roadway Capital Improvement Program project for Laskin Road in front of this site. Laskin Road – Phase III is a city-managed project for the construction of a six-lane divided highway with bike accommodations from Republic Road to just west of Phillip Avenue, a distance of approximately 0.7 miles. The existing service/feeder roads along Laskin Road from Regency Hilltop to Republic Road will also be removed with this project. This project is scheduled to begin construction in 2032.

## Public Utility Impacts

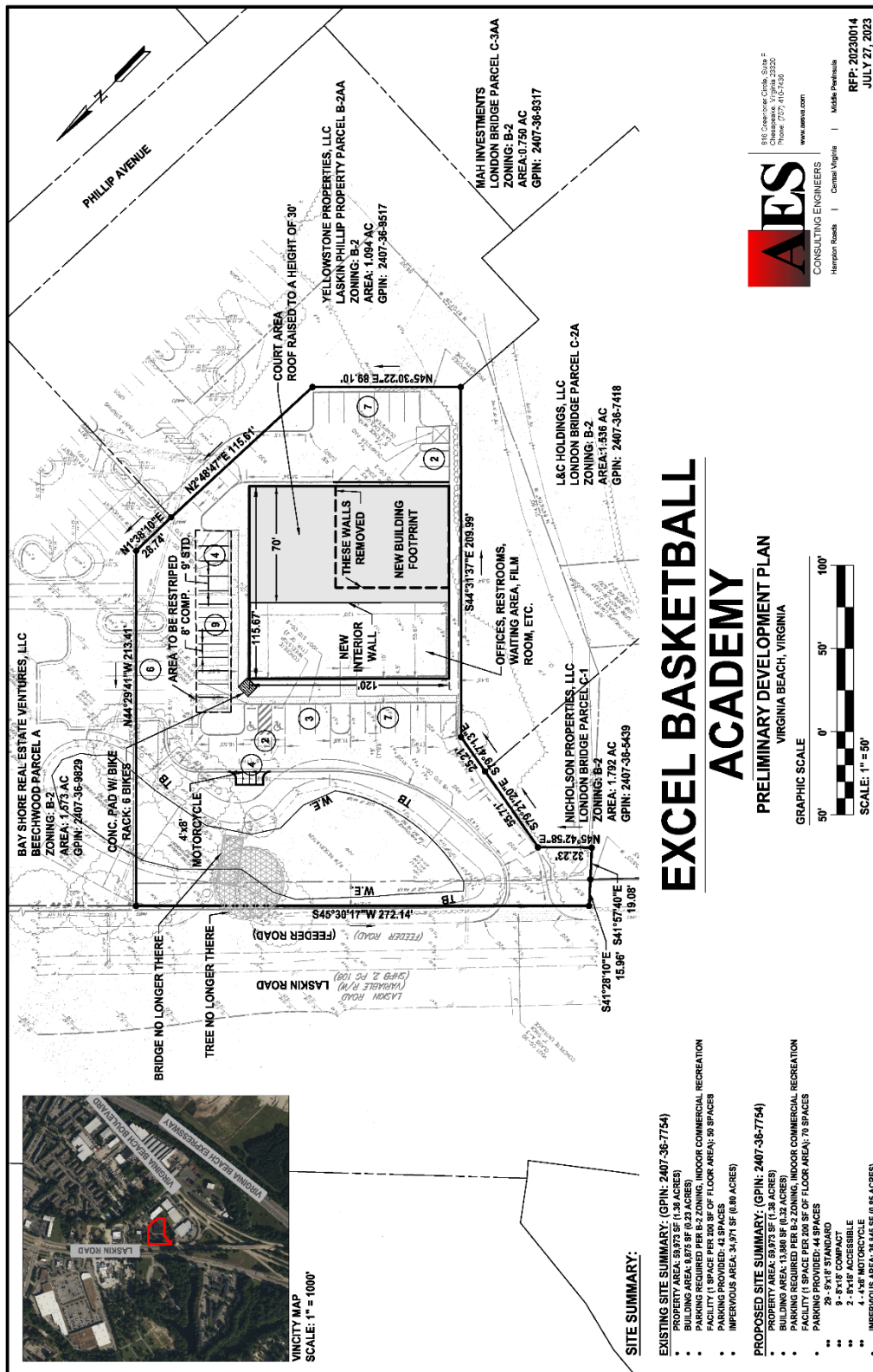
### Water & Sewer

The property is connected by City water and sanitary sewer services.

## Public Outreach Information

### Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of [www.virginiabeach.gov/pc](http://www.virginiabeach.gov/pc) on January 4, 2024.

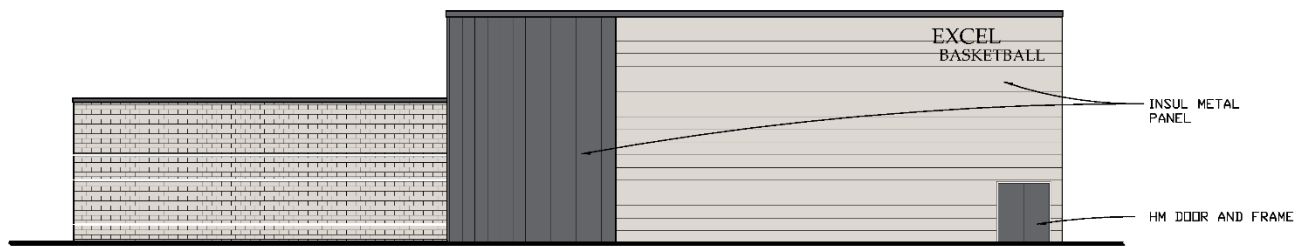




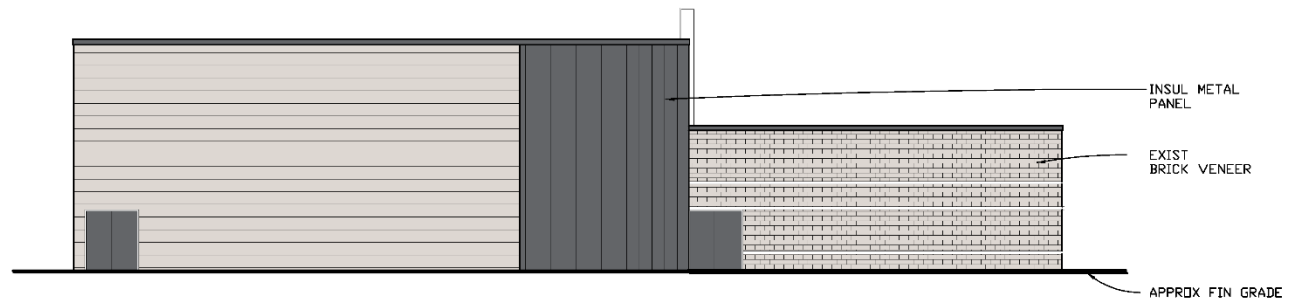
# Proposed Elevation Plan



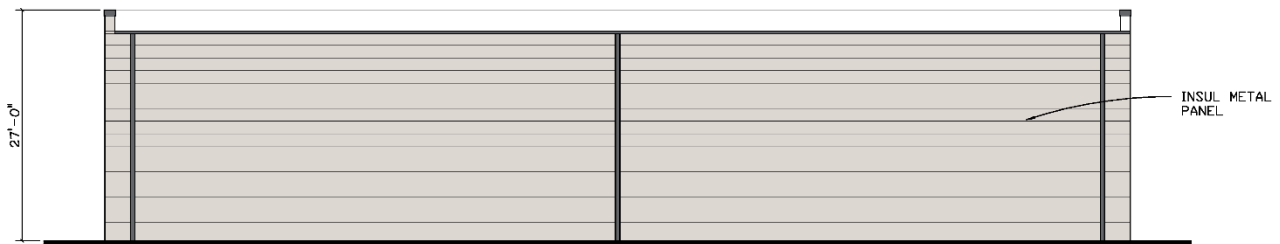
**A**  
EXTERIOR ELEVATION  
1/8" = 1'-0"



**B**  
EXTERIOR ELEVATION  
1/8" = 1'-0"

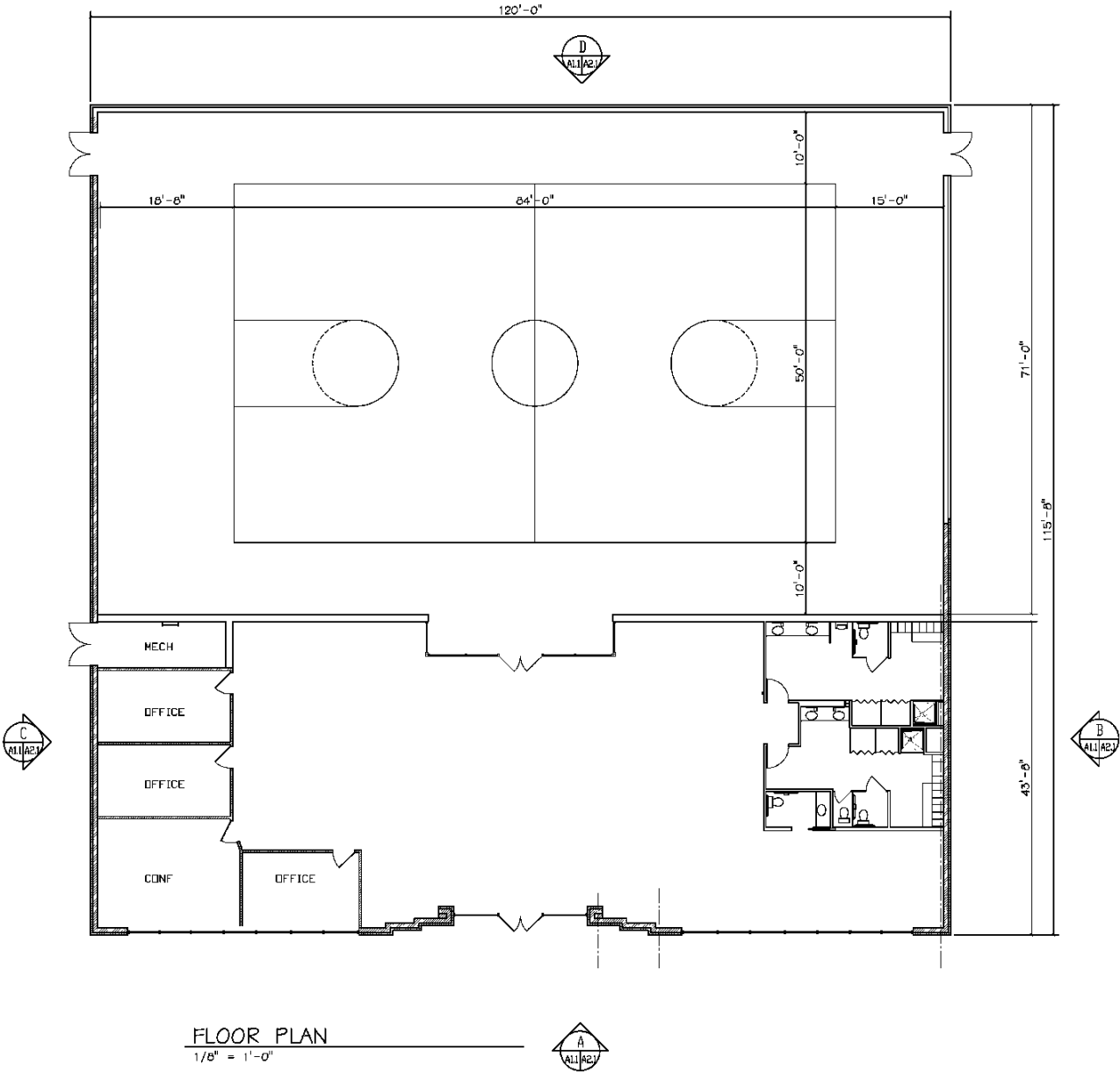


**C**  
EXTERIOR ELEVATION  
1/8" = 1'-0"



**D**  
EXTERIOR ELEVATION  
1/8" = 1'-0"

Proposed Floor Plan



## Site Photos



## Site Photos





### Disclosure Statement



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

#### Applicant Disclosure

**Applicant Name** EXCEL Basketball Academy

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

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

Lisa M. Murphy, 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)

The Applicant is a Virginia nonstock corporation.

The Directors are Stephen D. Halliday, Susan Gray, Jason Blanchette, Lance Hurdle & Traci Corcoran.

Stephen D. Halliday is the President & Treasurer and Traci Corcoran is the Vice President.

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

BNM Laskin, LLC

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

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

### Disclosure Statement



#### Known Interest by Public Official or Employee

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

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

#### Applicant Services Disclosure

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

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

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

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

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

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

Larry Kaplan of Smoak, Davis & Nixon, LLP

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.

Larry Barry & Jason Seas - AES Consulting Engineers/Steve Pincus & David Brown - CL Pincus Jr. & Co.

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

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

## Disclosure Statement

### Disclosure Statement



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

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

Steve Pincus - CL Pincus Jr. & Co.

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

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

Larry Barry & Jason Seas - AES Consulting Engineers & Lisa M. Murphy, Esq. of Willcox & Savage, P.C.

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.

Lisa M. Murphy, Esq., Stephen W. Brewer, Esq. & Mark E. Slaughter - Willcox & Savage, 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.

*Stephen D. Halliday*

Applicant Signature

Stephen D. Halliday, President

Print Name and Title

July 31, 2023

Date

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

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

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

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

## Disclosure Statement



### Owner Disclosure

Owner Name BNM Laskin, LLC

Applicant Name EXCEL Basketball Academy

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)

The sole member of BNM Laskin, LLC is Stephen D. Halliday.

Stephen D. Halliday is the Manager of BNM Laskin, LLC.

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

EXCEL Basketball Academy

### 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-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>4</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



#### 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.

Southern 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.

Larry Kaplan - Smoak, Davis & Nixon, LLP

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.

Larry Barry & Jason Seas - AES Consulting Engineers/Steve Pincus & David Brown - CL Pincus Jr. & Co.

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.

Steve Pincus - CL Pincus Jr. & Co.

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.

Larry Barry & Jason Seas - AES Consulting Engineers/Lisa M. Murphy, Esq. of Willcox & Savage, P.C.

## Disclosure Statement

### Disclosure Statement



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

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

Lisa M. Murphy, Esq., Stephen W. Brewer, Esq. & Mark E. Slaughter - Willcox & Savage, P.C.

#### Owner Signature

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

Stephen D. Halliday

Owner Signature

Stephen D. Halliday, Sole Member/Manager of BNM Laskin, LLC

Print Name and Title

July 31, 2023

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 757-385-5692
- 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 - Modification of Proffers** (Amend Proffers from 2004)

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

### Staff Recommendation

Approval

### Staff Planner

Hoa N. Dao

### Location

2625 Horse Pasture Road

### GPIN

1495656521

### Site Size

2.44 acres

### AICUZ

Greater than 75 dB DNL; APZ-1

### Watershed

Southern Rivers

### Existing Land Use and Zoning District

Vacant lot / I-1 Light Industrial

### Surrounding Land Uses and Zoning Districts

#### North

Horse Pasture Road

Office/warehouse / I-1 Light Industrial

#### South

Dam Neck Road

Single-family dwellings, cultivated field / AG-1  
Agricultural

#### East

Office/warehouse / I-1 Light Industrial

#### West

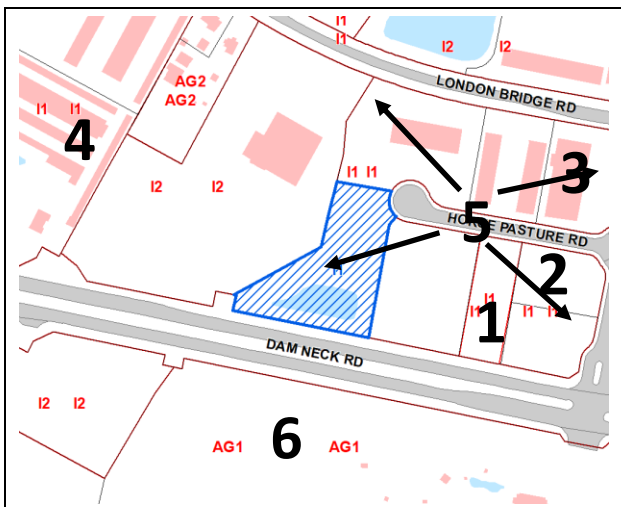
Office/warehouse / I-1 Light Industrial





## Background & Summary of Proposal

- The subject site is located within the Taylor Farm Commerce Park and was rezoned to Conditional I-1 Light Industrial on May 14, 2002. In 2004, the proffers were amended to require a minimum side yard setback of 30 feet for lots that abut Dam Neck Road.
- The applicant seeks a Modification of Proffers to amend Subsection G of Proffer 2 from the 2004 amended proffers to allow vehicular parking and outdoor storage to be located between the building and Dam Neck Road. The amendment to Subsection G will only be applicable to this parcel. The remaining parcels in this Commerce Park will remain subject to the 2004 amended proffers. In conjunction with this request, the applicant also seeks a Conditional Use Permit to construct and operate a tow/impound lot for motor vehicles, which is classified as a Bulk Storage Yard in our Zoning Ordinance.
- The property is located within the greater than 75 dB DNL and APZ-1 of the AICUZ. The proposed use of a tow lot is compatible within both the noise and accident potential zones.
- The development includes a 300 square foot office building consisting of wood or cement siding, architectural asphalt shingles, vinyl clad windows, and shutters.
- Parking surfaces are required to be constructed of concrete, asphalt, or of a suitable material approved by the Planning Director per Section 203(b)(5). The applicant seeks to be allowed to use gravel as a parking surface.



### Zoning History

#	Request
1	MDP Approved 02/15/2022
2	MDP Approved 05/18/2021
3	CUP (Craft Brewery) Approved 03/20/2018
4	CUP (Bulk Storage Yard) Approved 07/02/2013 CRZ (AG-1 & AG-2 to Conditional I-1) Approved 01/11/2005
5	MDP Approved 09/14/2004 CRZ (AG-1 & AG-2 to Conditional I-1) Approved 05/14/2002
6	CUP (Outdoor Recreational Facility) Approved 09/23/1997

### Application Types

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

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

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

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

## Evaluation & Recommendation

In Staff's opinion, the applicant's request for a bulk storage yard to store motor vehicles outdoors within the Taylor Farm Commerce Park is acceptable. The storage yard will be screened by an eight-foot privacy fence with Category VI landscaping. In addition, the bulk storage yard is proposed to be setback 164 feet from Dam Neck Road. Furthermore, there is an existing 50-foot wide landscape buffer running parallel to Dam Neck Road and an stormwater management pond that will further screen the site from Dam Neck Road.

Through Section 203(b)(5) of the Zoning Ordinance, the applicant seeks to utilize gravel as an alternative parking surface for the bulk storage area. The Planning Director has considered and approved the use of gravel as an alternative parking surface for this use.

As the site drains into the Southern Rivers Watershed, a conceptual stormwater management strategy was submitted and reviewed by Staff. Staff agrees it can successfully comply with the stormwater requirements. Final design and detailed updates will be made during site plan submittal to ensure conformance with all requirements set forth in the Public Works Design Standards Manual.

As proposed, the storage yard will be well-screened from the public right-of-way. Based on these considerations, Staff recommends approval of these requests subject to the proffers 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.

### Proffer 1:

Subsection “g” of amended proffer numbered 2 as contained in the 2004 Amended Proffer recorded in the above referenced Clerk’s Office as Instrument Number 200409220151888 is hereby modified and replaced with the following:

- g) No onsite vehicular parking, outdoor storage, loading docks, or loading areas shall be permitted between Dam Neck Road and any building on a parcel adjacent to Dam Neck Road unless the use is setback no less than 140 feet from Dam Neck Road and screened by Category VI Landscape Buffer.

### Proffer 2:

Except as expressly modified herein, with respect to the Property, all of the proffers, covenants, restrictions and conditions set forth in the Original Proffers as modified by the 2004 Amended Proffer are ratified, affirmed and remain binding upon the Property and upon any party holding title under, by or through the Grantor.

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

## Recommended Conditions

1. Development of the site shall be in substantial conformance to the submitted exhibit entitled, “Preliminary Layout for Affordable Towing Storage Yard”, dated October 16, 2023, prepared by CECS, copy of which have been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning & Community Development.
2. When developed, the office building shall be in substantial conformance to the submitted exhibit entitled, “2625 Horse Pasture Rd Elevations”, dated December 1, 2023, copy of which have been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning & Community Development.
3. The fencing shall be installed at a minimum height of 8 feet, earth-tone in color, and be of a maintenance-free material approved by the Planning Director.

4. The final stormwater management plan submitted to the Development Services Center (DSC) shall be in substantial conformance with the Preliminary Drainage Study and shall comply with the Stormwater Management Ordinance.
5. Prior to final site plan approval, a Lighting Plan in accordance with Sections 252 and 254 of the Zoning Ordinance, or as amended, shall be submitted for review and approval by the Department of Planning and Community Development. Outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

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

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

## 2004 Amended Proffers

1. Proffer numbered "2" is amended to read:  
The parcels shall be subject to the following mandatory site development guidelines:
  - a) A fifty-foot (50') landscape setback from Dam Neck Road shall be maintained by the Property Owners Association and no improvements shall be located within the landscape setback.
  - b) A twenty-foot (20) landscape setback from London Bridge road shall be maintained by the Property Owners Association and no improvements shall be located within the landscape setback.
  - c) A minimum fifty-foot (50') building setback shall be required from London Bridge Road.
  - d) A minimum thirty-foot (30') side yard building setback shall be required on those lots with a rear property line which abuts Dam Neck Road.
  - e) A minimum fifteen foot (15') side yard building setback shall be required on those lots which do not have a property line abutting Dam Neck Road, provided a ten foot (10') wide Category II Landscape Buffer is maintained along the entire length of the side property line from which the fifteen foot (15') setback is measured.
  - f) No freestanding signage shall be permitted adjacent to either Dam Neck Road or London Bridge Road and all signage shall comply with the "SIGN CRITERIA FOR TAYLOR FARM CORPORATE PARK", dated March 15, 2002 which are included in the Deed Restrictions described in Proffer number 3.
  - g) No onsite vehicular parking, outdoor storage, loading docks or loading areas shall be permitted between Dam Neck Road and any building on a parcel adjacent to Dam Neck Road.
  - h) No building shall exceed forty-five feet (45') in height and the primary exterior surface of all buildings shall be either brick, split face block, painted block, concrete panel, stone, wood, EIFS, or metal and shall be an earth-tone color or colors. The exterior surface of any building on parcels numbered 8 through 14 on the site plan, which are visible from Dam Neck Road shall be either brick, split face block or stone." The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA).

## 2002 Proffers

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

## Comprehensive Plan Recommendations

The subject property is located within the South Oceana Special Economic Growth Area (SEGA), which the Comprehensive Plan identifies as having significant economic value and growth potential. Developments along key roadways are desired to have attractive and high-quality architectural building materials and designs. This particular portion of the SEGA is designated for a mix of light industrial, low-rise office, and limited retail use. As such, the proposed bulk storage yard would be considered a compatible use.



## Natural & Cultural Resources Impacts

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

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Horse Pasture Road	No Data Available	9,900 ADT <sup>1</sup> (LOS <sup>4</sup> "D")	Existing Land Use <sup>2a</sup> – 0 ADT Existing Zoning <sup>2b</sup> – 182 ADT Proposed Land Use <sup>3</sup> – No Data Available
<sup>1</sup> Average Daily Trips	<sup>2a</sup> as defined by a vacant lot  <sup>2b</sup> as defined by a 2.44-acre parcel zoned I-1	<sup>3</sup> No information available in the ITE Trip Generation Manual for a tow lot	<sup>4</sup> LOS = Level of Service

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

This portion of Horse Pasture Road is considered a two-lane collector roadway. There are no CIP roadway projects planned for this area.

## Stormwater Impacts

### Project Stormwater Design Staff Summary

This project consists of a storage yard for towed vehicles. In addition to the storage yard, this project will include a small building, and an underground stormwater management facility to support the proposed development.

Stormwater runoff from the site currently sheet flows in two directions, towards the public wet pond to the south, and towards the drainage ditch to the west. Stormwater runoff from the proposed building and storage yard will be collected into an underground detention system that will treat for both water quality and water quantity before discharging into the existing public wet pond to the south. The purchase of offsite nutrient credits will be utilized for any remaining water quality pollutant load reduction requirements not treated by the underground detention system.

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

### Project Information

**Total project area:** 0.76 acres

**Pre-Development impervious area:** 0.03 acres

**Post-Development impervious area:** 0.55 acres

### Stormwater Management Facility Design Information

**Type of facility proposed:** Underground Detention

**Description of outfall:** Stormwater runoff from the site that enters into the Stormwater Management Facility will discharge into an onsite public storm pipe that discharges into the existing public pond..

**Downstream conveyance path:** This site is part of the Upper West Neck Creek Drainage Basin. Drainage from this site drains from the onsite pond into a large public drainage ditch, which crosses south under Dam Neck Road, then into West Neck Creek, through the North Landing River, and ultimately into Back Bay. Back Bay drains through the Currituck Sound and into the Atlantic Ocean.

## Public Utility Impacts

### Water & Sewer

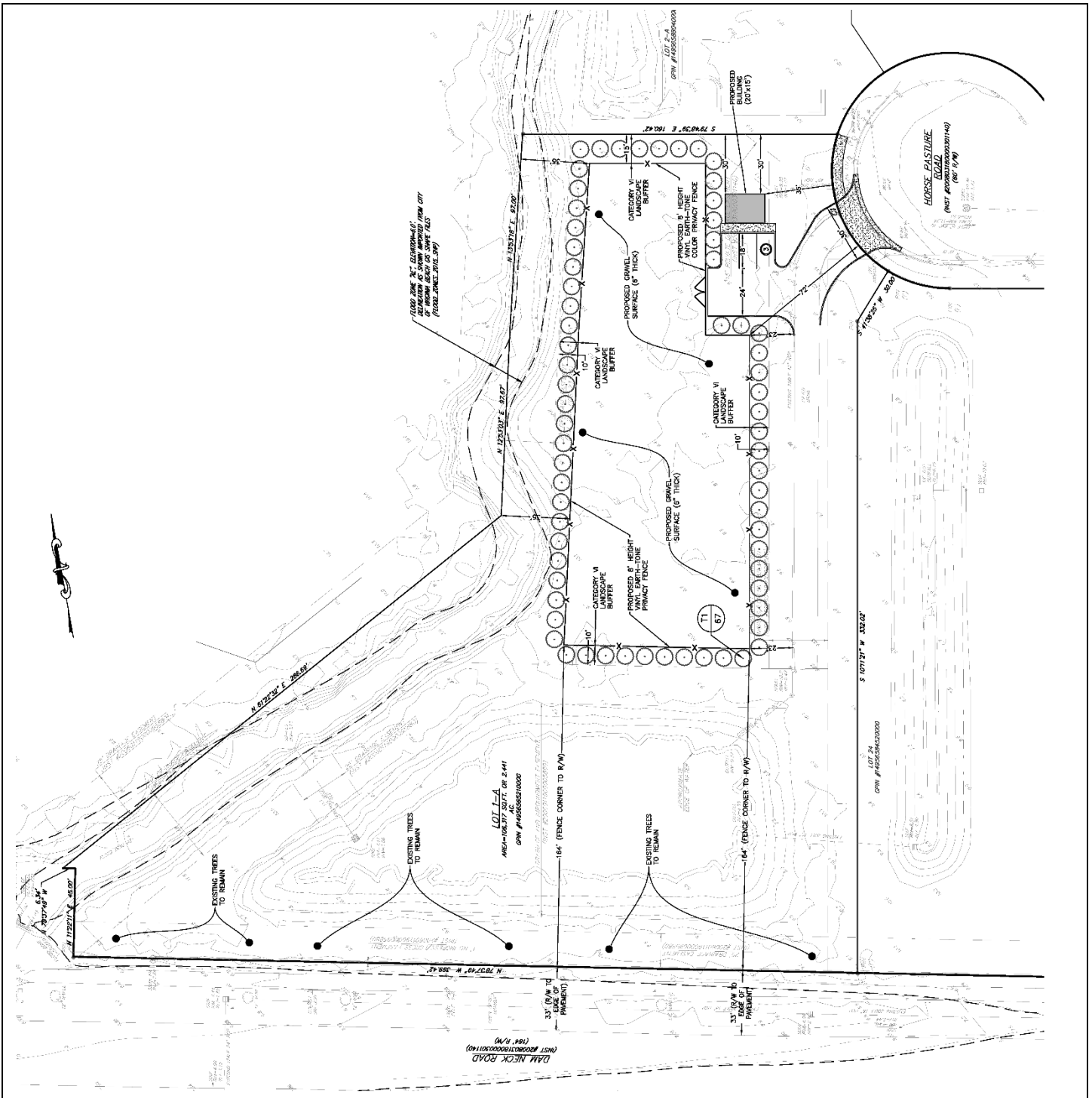
City water and sanitary sewer services are available for connection. There is a 10-inch City water main and an 8-inch City sanitary sewer gravity main along Horse Pasture Road.

## Public Outreach Information

### Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of [www.viriniabeach.gov/pc](http://www.viriniabeach.gov/pc) on January 4, 2024.

## Proposed Site Layout



## Proposed Elevation Plan



2625 HORSE PASTURE RD  
VIRGINIA BEACH, VA 23453  
ELEVATIONS

A0

JEMS LLC  
12/01/2023



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** C the Jems, 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)

Stacie Lanee Sawyers & Jonathan Mark Sawyers, Members & Managers

- 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.

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.

Stacie Sawyers, Wainwright Real Estate

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.

Zukerman & Associates

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

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

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

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

## Disclosure Statement

### Disclosure Statement



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

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

Applicant

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

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

Robert Sawyer/Sam Baraki, CECS

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.

Robert Roussos, 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.

C the JEMS, LLC

By: 

Applicant Signature

Jonathan Mark Sawyers, Manager

Print Name and Title

10-31-23

Date

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

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

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

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



### Disclosure Statement



#### Owner Disclosure

**Owner Name** Jonathan Properties, LLC

**Applicant Name** C the Jems, 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)

Jonathan Guion, Sole Member/Manager

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

#### Known Interest by Public Official or Employee

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

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

<sup>3</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>4</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



#### Owner Services Disclosure

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

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

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

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

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

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

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

---

## Disclosure Statement

### Disclosure Statement



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

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

Coleman & Coleman, P.C.

#### Owner Signature

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

Jonathan Properties, LLC

By: \_\_\_\_\_

Owner Signature

Jonathan Guion, Manager/Sole Member

Print Name and Title

Jonathan Guion, Manager / Sole Member 10-30-23

Date

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-5692.
- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.





**Request**

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

**Staff Recommendation**

Approval

**Staff Planner**

Hoa N. Dao

**Location**

3957, 3961, 3969 Dawley Road, parcel between  
3957 & 3961 Dawley Road

**GPINs**

2411278385, 2411277361, 2411278241,  
2411278120

**Site Size**

1.52 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Southern Rivers

**Existing Land Use and Zoning District**

Single-family dwelling, vacant lots / AG-2  
Agricultural

**Surrounding Land Uses and Zoning Districts**

**North**

Single-family dwelling / AG-2 Agricultural

**South**

Single-family dwelling / AG-2 Agricultural

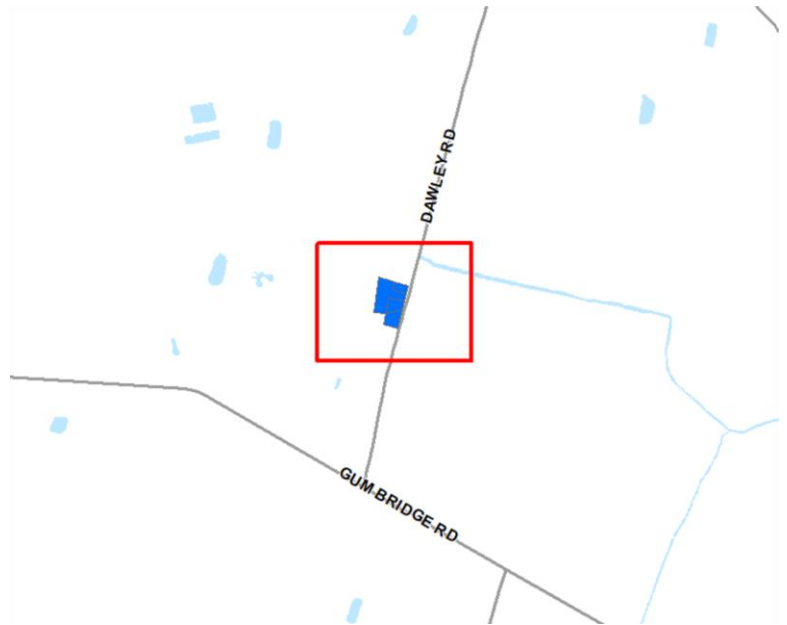
**East**

Dawley Road

Single-family dwellings / AG-2 Agricultural

**West**

Cultivated field / AG-2 Agricultural



## Background & Summary of Proposal

- This request was deferred on the December 13, 2023 Planning Commission public hearing to allow the applicant and the adjoining western property owner to discuss the potential of an alternative subdivision layout that would provide access to the western parcel. Staff has since been informed that the adjoining property owner will pursue alternative methods for access to their site and as such there is no change to the subdivision layout as proposed.
- The applicant seeks to reduce and reconfigure four (4) lots that were improperly created by deed between 1955 and 1974 into three (3) lots. All four existing lots are substandard with regards to the dimensional requirements for property zoned AG-2 Agricultural District. As the lots were deeded after the adoption of the Princess Anne County Subdivision Ordinance in 1953 which required lots be subdivided via recorded plat, a Subdivision Variance is required.
- History:

Existing Lot	GPIN	Deeded (Yr)	Structure (Yr)
Lot A	2411-27-8385	1955	Single-Family Dwelling (1940)
Lot B	2411-27-8241	1958	Single-Family Dwelling (1940)
Lot C	2411-27-8120	1956	No Record Found
Lot D	2411-27-7361	1974	No Record Found

- Dimensional Standards:

Existing Lot	Existing Lot Area (sq. ft.)	Existing Lot Width (ft)	Existing Street Line Frontage (ft)	Existing Side Yard (ft)	Existing Rear Yard (ft)
Lot A	7,360	64	64	0	8.89
Lot B	10,821.45	94.78	68.47	0	18.59
Lot C	12,402.54	115.92	140.26	n/a	n/a
Lot D	34,240.72	68.58	68.58	n/a	n/a
Proposed Lot	Proposed Lot Area (sq. ft.)	Proposed Lot Width (ft)	Proposed Street Line Frontage (ft)	Proposed Side Yard (ft)	Proposed Rear Yard (ft)
Lot 3	26,192 *	113.94 *	113.94 *	0 *	136.63
Lot 2	24,459 *	113.94 *	113.94 *	17.83 *	130.50
Lot 1	15,659 *	115.92 *	113.95 *	n/a	n/a
For Single-Family in AG-2	Required Lot Area (sq. ft.)	Required Lot Width (ft)	Required Street Line Frontage (ft)	Required Side Yard (ft)	Required Rear Yard (ft)
	43,650	150	120	20	20
* Variance Requested					

- While the proposed three lots will remain substandard in lot area, lot width, street line frontage, and side yard setback for properties zoned AG-2 Agricultural District, the proposed reconfiguration of these lots will improve the degree of non-conformity.

- The applicant currently resides on Lot A (proposed Lot 3) and intends to sell proposed Lots 1 and 2 to be developed with single-family dwellings.
- The proposed subdivision exhibit shows a 10-foot wide right-of-way dedication along Dawley Road.



### Zoning History

#	Request
1	CUP (Horse Riding Academy) Approved 04/22/2008
2	CUP (Horse Riding Academy) Approved 08/09/2005 CUP (Boarding Horses) Approved 10/24/1995

### Application Types

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

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

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

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

## Evaluation & Recommendation

The request to reconfigure four non-conforming lots to make three lots that are more conforming with regards to lot area, lot width, street line frontage, and building setback, is, in Staff's opinion, acceptable. It was common practice in the past for property owners to deed a small portion of their land to a family member, which was the case in this instance. These lots are owned by the Bell family and two of the four lots have been developed with single-family dwellings since 1940. Once reconfigured, the proposed lots will be similar in size and shape to the lots immediately to the north and south of this site.

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

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

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

**Staff Analysis:** *These properties are substandard and were established after the adoption of the Subdivision Regulations. However, they were developed with single-family dwellings in the 1940's, prior to the adoption of the Subdivision Regulations.*

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

**Staff Analysis:** *The surrounding area consists of single-family dwellings. The proposed single-family developments would not be detrimental or adversely affect the character of the area as it will continue the established pattern of development.*



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

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

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

**Staff Analysis:** *The hardship is not self-inflicted. These properties were deeded by previous property owners and the proposed reconfiguration of these lots will make them more conforming.*

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

**Staff Analysis:** *The hardship is created by the requirements of the Ordinance. The four existing lots are substandard in lot area, lot width, street line frontage, and building setbacks. The proposed reconfiguration will reduce the number of lots to three and make all lots more conforming in dimensional standards for properties zoned AG-2 Residential District.*

The Rural Development Guidelines set forth in the City of Virginia Beach Comprehensive Plan recommend a minimum 50-foot wide, vegetative buffer be installed between proposed residential structures and abutting agricultural operations. As there is active cultivation operation on the adjacent western parcel at this time, it is recommended that this buffer be required. Staff also recommends a condition that requires the newly constructed dwelling to contain some elements of the architectural design that are consistent with the recommendations in the Rural Area Design Guidelines, such as a front porch, pitched roof lines, board and batten siding, and a side-loading garage.

Based on these considerations, Staff recommends approval of the request subject to the conditions and deviation as noted.

## Recommended Conditions

1. When redeveloped, a maximum of one (1) dwelling unit shall be permitted on each lot. The architectural design of any new dwelling shall reflect the recommendations found in the Rural Area Design Guidelines.
2. Construction of new single-family dwellings shall meet the minimum required building setbacks on each lot.
3. Approval from the Virginia Beach Department of Public Health Department shall be required for development on each lot.
4. The 50-foot wide, vegetative buffer set forth in the Rural Area Development Guidelines of the Comprehensive Plan shall be required along property lines abutting agricultural operations.
5. A subdivision plat shall be required to be recorded prior to release of the first building permit. The lots shall be in substantial conformance with the conceptual subdivision plan entitled "Re-Subdivision Exhibit of Property Owned by Wade W. Bell", dated October 23, 2023, and prepared by Parrish Layne Design Group, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and are incorporated herein by this reference.

*Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes*

and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.

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

## Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as being within the Rural Area. The Rural Area is located in the southern half of the city, south of Indian River and Sandbridge Roads. It is characterized as low, flat land with wide floodplains and altered drainage with a presence of agricultural and rural-related activities including traditional and specialty crop cultivation, tree farms, equestrian facilities, wetland banks, fish farms and other similar uses. It is an important objective to protect and sustain all of our valuable environmental, scenic, and agricultural resources against inappropriate activities and intense growth. Successful rural residential developments do not dominate, but rather, complement the setting and showcase the attractiveness of the natural surrounding countryside.

## 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 does not appear to be any significant cultural resources associated with the site.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Dawley Road	No Data Available	No Data Available	Existing Land Use <sup>2</sup> – 10 ADT Proposed Land Use <sup>3</sup> – 30 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a single-family dwelling	<sup>3</sup> as defined by three single-family dwellings	<sup>4</sup> LOS = Level of Service

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

This portion of Dawley Road is considered a two-lane rural roadway. There is no CIP project slated for this roadway.

## Public Utility Impacts

### Water & Sewer

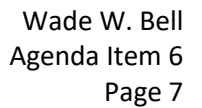
City water & sanitary sewer service is not available for connection. The proposed lots will be required to obtain approval from the Department of Public Health for well water and on-site septic system.

## Public Outreach Information

### Planning Commission

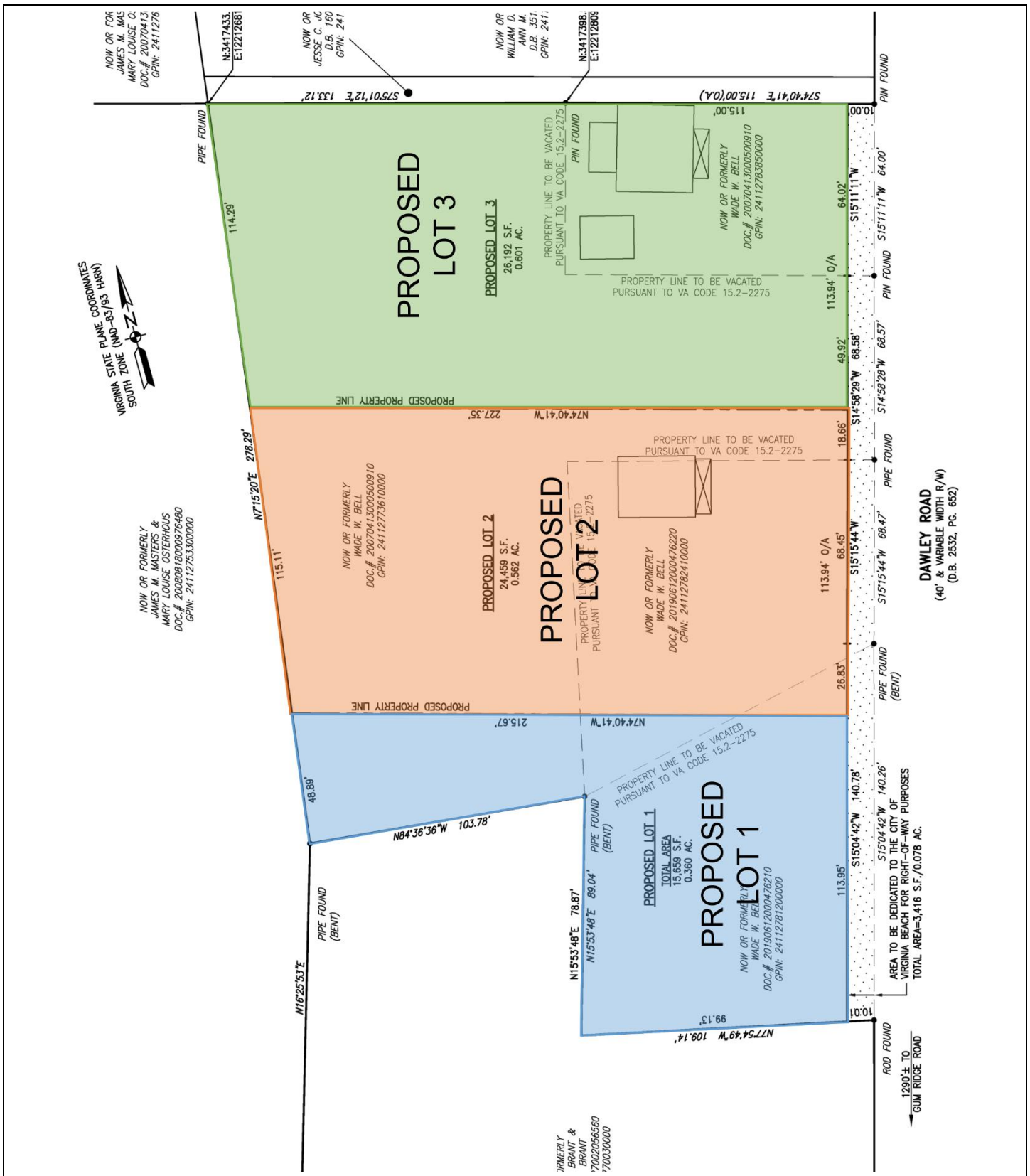
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of [www.viriniabeach.gov/pc](http://www.viriniabeach.gov/pc) on January 4, 2024.

## Existing Configuration





## Proposed Reconfiguration





Site Photos





Site Photos



## Disclosure Statement

### Disclosure Statement



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#### Applicant Disclosure

Applicant Name Wade W. Bell

Does the applicant have a representative? ☒ Yes ☒ No

- If yes, list the name of the representative.

Pettrey Law, PLC Kevin Pettrey

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)

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- 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)

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<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

### 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.

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.

*Parrish/Lane Design Group Engineer-Surveyors-Planners*

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

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

## Disclosure Statement

### Disclosure Statement



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

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

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

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

Parrish / Lane Design Group Engineer-Surveyors-Planners

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.

Pettrey Law, PLC , Kevin Pettrey

#### 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.

Wade W. Bell

Applicant Signature

Wade W. Bell

Print Name and Title

October 2 2023

Date

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

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

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

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

## Next Steps

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

**Request**

**Street Closure**

**Staff Recommendation**

Approval

**Staff Planner**

Marchelle Coleman

**Location**

Portion of right-of-way on N. Lynnhaven Road adjacent to 2865 Virginia Beach Boulevard

**GPINs**

1497358684, 1497357774, 1497356822, 1497358365

**Site Size**

2,854 square feet

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Public right-of-way

**Surrounding Land Uses and Zoning Districts**

**North**

Virginia Beach Boulevard

Shopping center/ B-2 Community Business

**South**

N. Lynnhaven Road

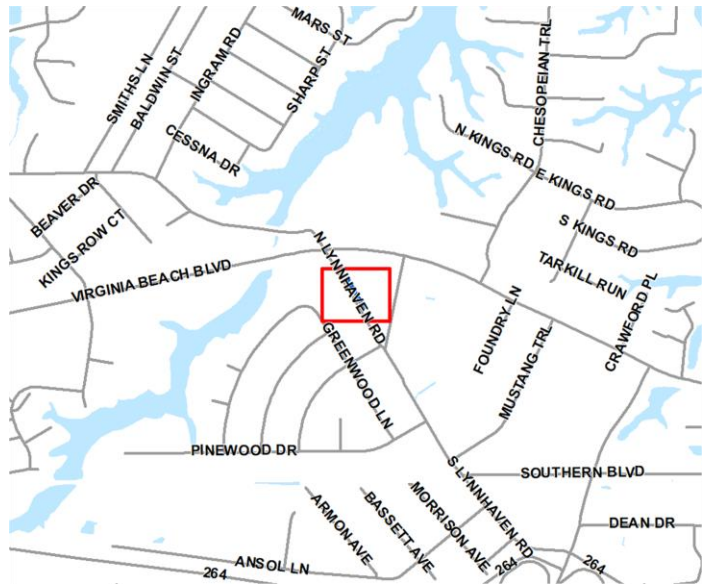
Single-family dwellings / R-10 Residential

**East**

Motor Vehicle Sales/ B-2 Community Business

**West**

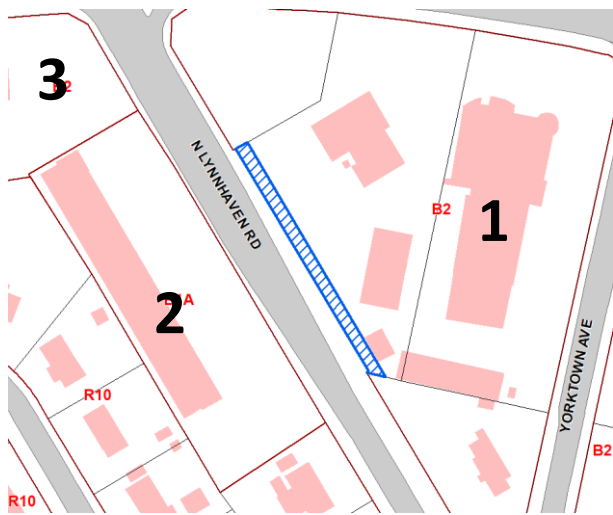
Auto Sales & Service, shopping center, / B-2 Community Business, B-1A Limited Community Business





## Background & Summary of Proposal

- The applicant is requesting to close a portion of N. Lynnhaven Road, south of Virginia Beach Boulevard. As shown on the submitted street closure exhibit, a total of 2,854 square feet of N. Lynnhaven Road is proposed to be closed and incorporated into the adjacent commercial lot to the east, addressed 2865 Virginia Beach Boulevard.
- The area proposed for closure was acquired by the City of Virginia Beach through a Street Dedication Plat recorded on June 22, 1973, in M.B. 97, PG. 35. Therefore, the City owns the underlying fee in the portion of the street proposed for closure.
- The applicant is the owner of all parcels adjacent to the area proposed for closure and has provided documentation to indicate that the street will vest into Evergreen Virginia, L.L.C. upon closure.
- There is an existing Dominion Energy pole within the public right-of-way. The Viewers determined that it would be in the best interest of the City if the pole remained in the public right-of-way instead of being placed within an easement. Due to this request from Staff, there will be a 10-foot right-of-way vacation instead of the 15-foot right-of-way vacation initially proposed in order to keep the existing Dominion pole within the right-of-way.
- All improvements shown on the conceptual plan, including all work associated with the relocation of the existing 24-inch stormwater pipe and existing sidewalk, will be done by the applicant at their expense.

		<h3>Zoning History</h3> <table><tr><td></td><td></td></tr><tr><td>1</td><td><b>MDC</b> Approved 11/14/2023 <b>MDC</b> Approved 04/17/2018 <b>CUP</b> (Car Wash Facility) Approved 04/17/2018 <b>CUP</b> (Motor Vehicle Sales) Approved 07/09/1997 <b>CUP</b> (Motor Vehicles Sales) Approved 09/18/1989 <b>CUP</b> (Motor Vehicle Sales and Rental) Approved 12/14/1987 <b>REZ</b> (CL-1 Limited Commercial to CG-1 General Commercial) Approved 12/20/1971 <b>CUP</b> (Motor Vehicle Sales and Service) Approved 12/20/1971</td></tr><tr><td>2</td><td><b>CRZ</b> (B-2 &amp; R-10 to Conditional B-1A) Approved 02/27/2007</td></tr><tr><td>3</td><td><b>CUP</b> (Fuel Station &amp; Car Wash Facility) Approved 05/29/1990</td></tr></table>				1	<b>MDC</b> Approved 11/14/2023 <b>MDC</b> Approved 04/17/2018 <b>CUP</b> (Car Wash Facility) Approved 04/17/2018 <b>CUP</b> (Motor Vehicle Sales) Approved 07/09/1997 <b>CUP</b> (Motor Vehicles Sales) Approved 09/18/1989 <b>CUP</b> (Motor Vehicle Sales and Rental) Approved 12/14/1987 <b>REZ</b> (CL-1 Limited Commercial to CG-1 General Commercial) Approved 12/20/1971 <b>CUP</b> (Motor Vehicle Sales and Service) Approved 12/20/1971	2	<b>CRZ</b> (B-2 & R-10 to Conditional B-1A) Approved 02/27/2007	3	<b>CUP</b> (Fuel Station & Car Wash Facility) Approved 05/29/1990				
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## Evaluation & Recommendation

As required by City Code, a Viewers' Meeting was held on November 17, 2023, that included City Staff from the Departments of Public Works, Public Utilities, Parks & Recreation, Planning and Community Development, and the Office of the City Attorney, to consider this request.

The Viewers determined that the proposed closure will not result in a public inconvenience; therefore, closure of this portion of right-of-way is deemed acceptable.

There are no public utilities within this area of the right-of-way, as indicated by the Department of Public Utilities; however, the Department of Public Works has specified a need for a drainage easement over the proposed closed area to be included on the resubdivision plat, as recommended in Condition 2.

As stated previously, a 10-foot right-of-way vacation is proposed to keep the existing Dominion pole within the public right-of-way. Due to this, a portion of the 10-foot landscape buffer along N. Lynnhaven Road may encroach into the City's right-of-way upon closure. Condition 5 has been recommended by Staff to indicate that an encroachment request must be submitted to the Department Public Works/Real Estate, if it is determined that there is an encroachment into the public right-of-way.

Based on the considerations above, Staff recommends approval of the proposed Street Closure subject to the conditions listed below.

## Recommended Conditions

1. The City Attorney's Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the "Policy Regarding Purchase of the City's Interest in Streets Pursuant to Street Closures," approved by City Council. Copies of the policy are available in the Planning Department.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining lots. The resubdivision plat must be submitted and approved for recordation prior to the final street closure approval. Said plat shall include the dedication of a public drainage easement over the closed portion of the lane to the City of Virginia Beach, subject to the approval of the Department of Public Works, and the City Attorney's Office, which easement shall include a right of reasonable ingress and egress.
3. The applicant or the applicant's successors or assigns shall verify that no private utilities exist within the right-of-way proposed for the closure. If private utilities do exist, easements satisfactory to the utility company, must be provided.
4. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by the City Council. If the conditions noted above are not accomplished and the final plat is not approved for recordation within one year of the City Council vote to close the right-of-way this approval shall be considered null and void.
5. If it is determined that an encroachment will be needed for the applicant's improvements to the property, an encroachment agreement shall be submitted to the Department of Public Works/Real Estate prior to the closure being finalized.

*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.*

## Natural & Cultural Resources Impacts

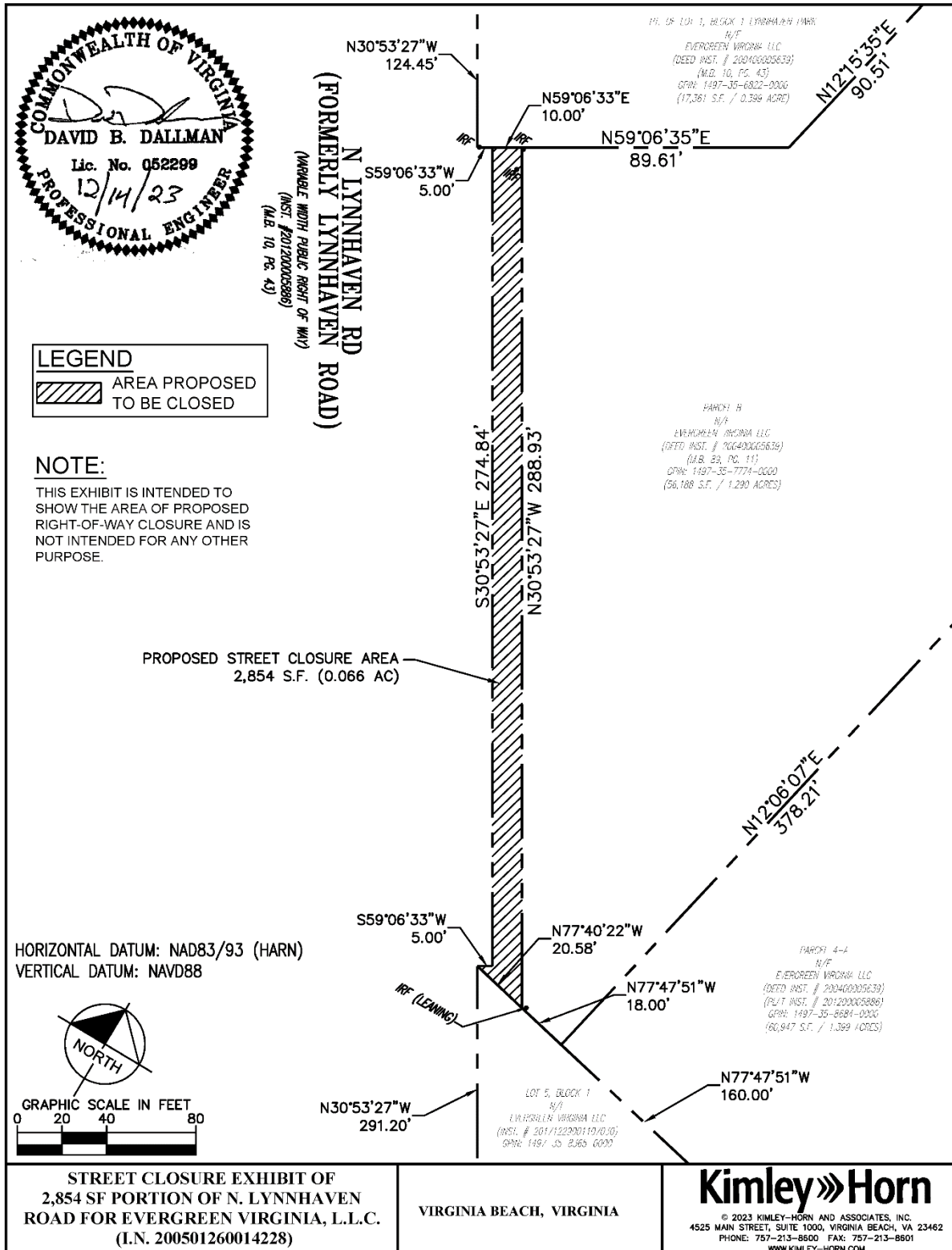
The site is located in the Chesapeake Bay watershed and outside of the Chesapeake Bay Resource Protection Area. There does not appear to be any significant cultural resources associated with the site.

## Public Outreach Information

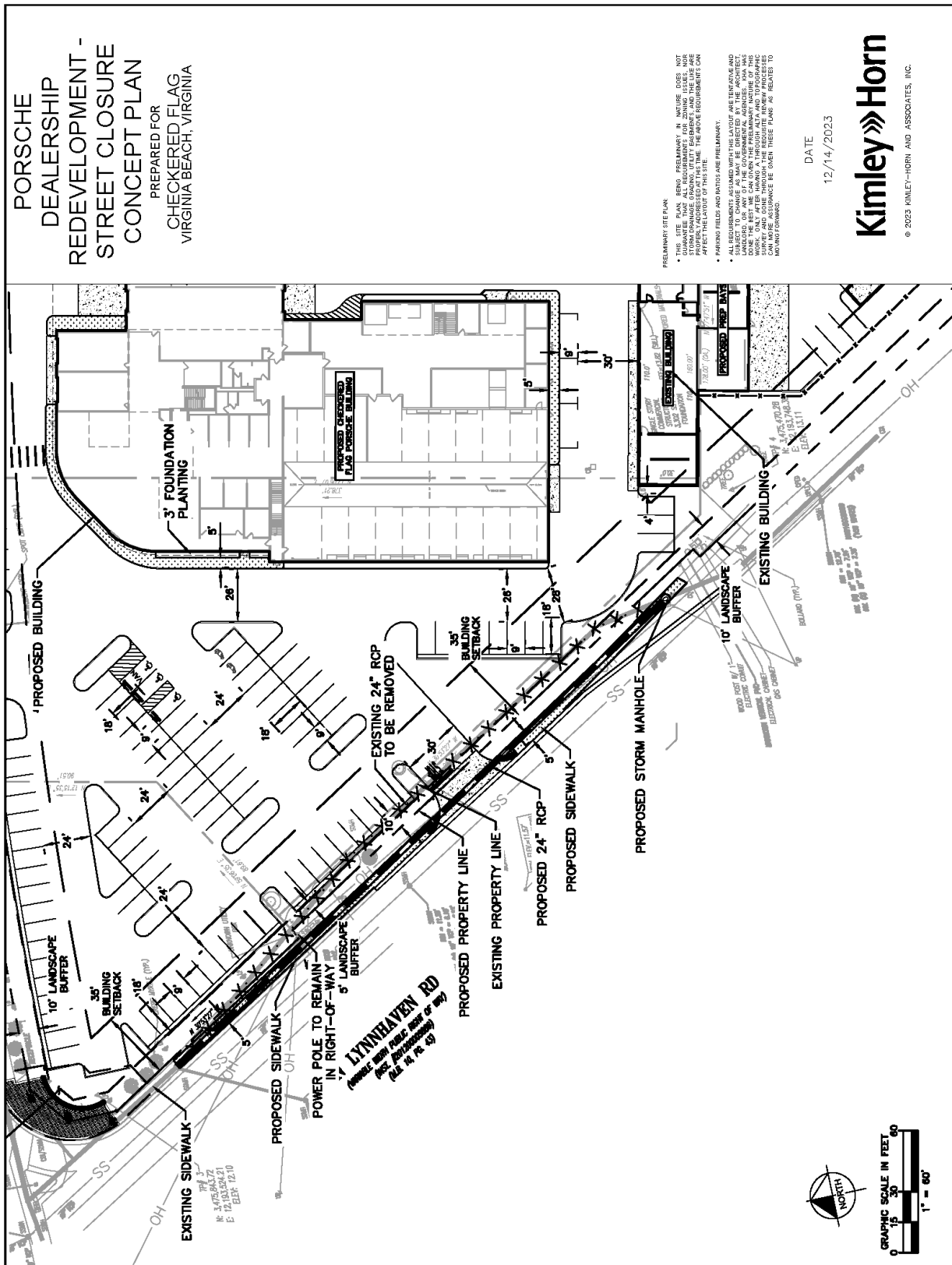
### Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of [www.virginiabeach.gov/pc](http://www.virginiabeach.gov/pc) on January 4, 2024.

# Street Closure Exhibit







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** EVERGREEN VIRGINIA, L.L.C.

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

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

KYLE D. KORTE & BILLY GARRINGTON

**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)

WINNER'S PROPERTIES, LLC, MEMBER OF EVERGREEN VIRGINIA, L.L.C.

MEMBERS OF WINNERS PROPERTIES, LLC: STEPHEN M. SNYDER, BENJAMIN M. SNYDER, WILLIAM E. SNYDER

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

SEE ATTACHED EXHIBIT "A"

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

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

### Disclosure Statement



#### Known Interest by Public Official or Employee

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

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

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.

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.

N/A

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.

COVINGTON HENDRIX, JERRY SMITH

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.

N/A

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.

David Dallman (engineer) w/ KIMLEY-HORN (757) 548-7376 & Seyler Robertson (surveyor) w/ MAS-LD (757) 650-4205

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., KYLE D. KORTE

#### 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

*Stephen Snyder, Manager*

Print Name and Title

11-1-2023

Date

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

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

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

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

### **Exhibit A**

*List of Winner's Properties, LLC Affiliated Entities*

- CHECKERED FLAG MOTOR CAR COMPANY, INC.
- CHECKERED FLAG STORE #1, L.L.C.
- CHECKERED FLAG STORE #2, L.L.C.
- CHECKERED FLAG STORE #3, L.L.C.
- CHECKERED FLAG STORE #4, L.L.C.
- CHECKERED FLAG STORE #5, L.L.C.
- CHECKERED FLAG STORE #6, L.L.C.
- CHECKERED FLAG STORE #8, L.L.C.
- CHECKERED FLAG STORE #9, L.L.C.
- CHECKERED FLAG STORE #10, L.L.C.
- CHECKERED FLAG STORE #11, L.L.C.
- CHECKERED FLAG STORE #12, L.L.C.
- EVERGREEN VIRGINIA, LLC
- CHECK LEASE, LLC
- CAVALIER PROPERTY, LLC
- PATRICK HENRY PROPERTY, LLC
- CENTRAL DRIVE PROPERTY, LLC
- 1801 VB BLVD, LLC
- 2697 DEAN DRIVE, LLC
- 4525 SOUTH BLVD, LLC
- 4560 SOUTH BOULEVARD, LLC

*As of 04/19/2023*

## Next Steps

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

**Request**

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

**Staff Recommendation**

Approval

**Staff Planner**

Elizabeth Nowak

**Location**

405 S. Witchduck Road

**GPIN**

1466795644

**Site Size**

33,044 square feet

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Commercial kitchen / B-2 Community Business  
(Historic Kempsville Overlay)

**Surrounding Land Uses and Zoning Districts**

**North**

Park, Office/ B-4K Historic Kempsville Area  
Mixed Use, B-2 Community Business (Historic  
Kempsville Overlay)

**South**

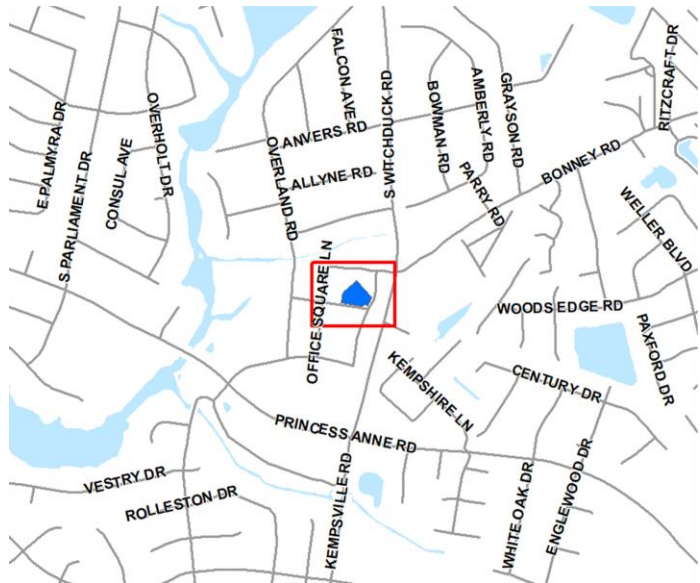
Home Center Drive  
Shopping Center / B-2 Community Business  
(Historic Kempsville Overlay)

**East**

S. Witchduck Road

**West**

Office / B-2 Community Business (Historic  
Kempsville Overlay)





## Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Bulk Storage Yard to allow the storage of food trucks and trailers in the parking lot of this 33,044 square-foot parcel zoned B-2 Community Business District. This application was submitted in response to a Notice of Violation sent to the applicant on July 30, 2023, that stated storage of food trucks and trailers requires a Conditional Use Permit for a Bulk Storage Yard. The parcel is located in the Historic Kempsville District Overlay.
- Lab Commercial Kitchen operates as a commercial kitchen, a standalone food preparation and storage facility. Independent food truck operators use the commercial kitchen to complete food prep and to store perishable items.
- Since Lab Commercial Kitchen has been operating in this location, it began to lease parking spaces to food truck vendors to allow them to store their food truck/trailers on site. Many food truck vendors who complete prep work at Lab Commercial Kitchen are unaffiliated with stand-alone restaurants or other eateries and have no other place to store their trucks/trailers. City regulations prohibit parking of food trucks or trailers in residentially-zoned districts. Parking spaces at Lab Commercial Kitchen has made it possible for these independent operators to store their vehicles in a commercially-zoned location.
- The applicant is requesting to store up to 20 food trucks or trailers on site:
  - Six trucks and trailers to be stacked along the rear drive aisle adjacent to the northeast property line;
  - Two trucks or trailers to be located parallel to the building: one along the rear elevation and one along the south elevation;
  - Eight trucks or trailers to be parked in angled spaces along the south side of the building; and
  - Four trucks or trailers to be parked in spaces perpendicular to Home Center Lane.

Nine parking spaces located on the north side of the building will be used as a loading zone for food trucks and trailers. The remaining 16 parking spaces on site will be used for parking of passenger vehicles.

- Section 203(a)(35) of the Zoning Ordinance stipulates that uses permitted pursuant to a Conditional Use Permit shall comply with off-street parking requirements specified in that permit. There are no specific requirements for Bulk Storage Yards or for Commercial Kitchens.
- There are four existing exterior power points on the building that the applicant intends to make available to food trucks or trailers at Space 19 and Space 20, as well as the loading zone. Additionally, the applicant will reuse two former drive-thru signs as external power points to provide power to a few vehicles using Spaces 1 through 4 and Spaces 5 through 9.
- Section 228(a) of the Zoning Ordinance requires that Bulk Storage Yards be fully enclosed with a minimum six-foot opaque wall or fence in combination with Category VI landscape plantings. The applicant is requesting a deviation to this requirement to install a six-foot tall privacy fence along the northwest and northeast property lines and to install smaller scale plants between the fence and Patriot Park to the northeast. The applicant's request for a deviation to the landscape screening requirements is predicated on the amount and location of existing paving, entrance points to the property, and the need to maintain existing drive aisles to provide adequate turn radii for food trucks and trailers.
- Dumpsters are required to be enclosed with a solid, minimum six-foot tall privacy fence and to be screened with landscaping on three sides. A six-foot tall vinyl fence is shown on the concept landscape plan submitted by the

applicant. Although not shown on the concept plan, the applicant has indicated they will install plantings as required by the Site Plan Ordinance.

### Zoning History

#	Request
1	CUP (Tattoo Parlor) Approved 05/16/2023
2	REZ (B-2 to B-4K) Approved 09/24/2013
3	CUP (Motor Vehicle Rentals) Approved 06/25/1996

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

## Evaluation & Recommendation

In Staff’s opinion, this request for a Conditional Use Permit for a Bulk Storage Yard to store food trucks and trailers is acceptable. This property is located in the Historic Kempsville area, a Suburban Focus Area identified in the Comprehensive Plan, and is within the bounds of the Historic Kempsville Overlay District. This area is notable as an early crossroad community and long range planning goals include development of a mixed-use, medium-density area that emphasizes residential development and experiences. While there have been several petitions to rezone properties here B-4K Historic Kempsville Area Mixed Use District, this property is one of a few in the heart of Kempsville that retains B-2 Community Business zoning. Bulk Storage Yards are conditional uses in B-2 Community Business; they are not permitted in B-4K Historic Kempsville Area Mixed Use. It is Staff’s opinion that the uniqueness of this specific Bulk Storage Yard and the business it supports are compatible with Historic Kempsville. This parcel falls within the area recommended for commercial use and supports many small, local businesses. It is a viable reuse of a parcel originally developed as a drive-thru restaurant.

The local food truck industry has grown in recent years, primarily with independent operators. For food truck or food trailer operators who are unaffiliated with a brick-and-mortar restaurant, it is challenging to find locations to park/store their vehicles and to have access to commercial kitchen spaces. The applicant provides both these opportunities and is an incubator for the local food scene. By prepping food and storing vehicles here, it is easier for operators to comply with local food and health requirements.

The requested deviations to the screening requirements for this property are also, in Staff’s opinion, acceptable. Most of the site is currently impervious surface, either as part of the parking lot, the walkway around the building, or the building itself. This limits where screening and landscaping elements can be installed without substantial land disturbance. The parcel is set back from the primary corridor of S. Witchduck Road and is accessed by means of a secondary road. This distance softens the visual impact of this and adjacent properties from this primary corridor in Historic Kempsville. The property is immediately adjacent to Patriot’s Park, a City-owned park on the corner of S. Witchduck Road and Office Square Lane. To prevent visitors to the park from crossing over into the storage yard or cutting through the existing mature landscaping along the property line, the applicant, at Staff’s recommendation, is

proposing to extend a privacy fence the length of this property line. Plants installed by the applicant in addition to the plants in the park will soften and screen the fence.

Parking requirements for this use are controlled by Section 203(a)(35)—which states that the amount of parking shall be as set forth in the relevant Conditional Use Permit—as Section 228 has no parking requirements and Section 203(a) has no specific standard for the use of the site as a commercial kitchen for food trucks and trailers. In Staff’s opinion, this use, including the storage of the food trucks and trailers, is very similar to food and beverage manufacturing uses, which are, per Section 203(a)(29), required to provide one parking space per every 250 square feet of floor area. The building on site is approximately 2,600 square feet and would require 10 parking spaces. As the applicant is reserving 16 spaces for customer parking, will have 20 dedicated spaces for food trucks and trailers, and will have an additional nine spaces in the designated loading zone, Staff believes sufficient parking will be met on site with the current conditions. Staff is recommending Condition 7 to address this requirement.

The applicant presented their request to the Historic Kempsville Citizen Advisory Committee at its November 27, 2023 meeting. While there were comments shared with the applicant regarding preferred screening options (i.e., only using landscaping along the property line with Patriot’s Park rather than including the fence and the landscaping), there was general support for the application. Staff recommends approval of the application subject to the following conditions listed below.

### Recommended Conditions

1. The Bulk Storage Yard shall be screened with a minimum six-foot tall privacy fence and landscape plantings that are in substantial conformance to the concept landscaping plan entitled “Site Landscape Plan” and dated November 22, 2023. This is a deviation to Section 228(a) of the Zoning Ordinance.
2. Food trucks and trailers shall only be stored in the spaces as identified on the concept plan “Site Landscape Plan” and dated November 22, 2023.
3. Food trucks and trailers shall only be in the loading zone when actively loading or unloading a vehicle. This area shall not be used for long-term parking or storage.
4. No more than 20 food trucks or trailers shall be permitted on site at any one time (e.g., no more than 20 food trucks or trailers shall be on site total between the loading zone and the storage spaces).
5. Total storage may not exceed 20 food trucks or trailers.
6. The food truck/trailer parking stalls as shown on the landscaping plan entitled “Site Landscape Plan” and dated November 22, 2023 shall be striped.
7. A minimum of 16 spaces shall be provided for customer parking with an additional nine spaces available in the loading area as shown on the landscaping plan entitled “Site Landscape Plan” and dated November 22, 2023.
8. No food truck or trailer build outs, engine repair, body work, automobile repair activities, or other substantial alteration or repair shall be conducted on site, to include removal and installation of appliances. This condition shall not be construed to prohibit light maintenance such bulb repair or replacement, cleaning, and similar light work.
9. Generators shall not be run between the hours of 11:00 p.m. and 7:00 a.m.
10. All exterior power points on the property shall be covered, grounded, and provided in such a way that is safe for all users and that is in substantial conformance with the locations as noted on the concept landscaping plan entitled “Site Landscape Plan” and dated November 22, 2023.

11. The dumpster shall be enclosed with a minimum six-foot tall privacy fence and required plantings as set in the landscape requirements in the Site Plan Ordinance.

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

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

## Comprehensive Plan Recommendations

This proposal is located in the Suburban Area, within the Historic Kempsville Overlay District. The Historic Kempsville Master Plan calls for a denser, mixed-use pattern of development, with a focus on improved walkability.

## Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay Watershed.

The site is in the Historic Kempsville District Overlay and is immediately adjacent to Patriot's Park, a public park. The storage operations have a strong visual impact on the area without appropriate screening.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
S. Witchduck Road	No counts available	9,900 ADT <sup>1</sup> (LOS <sup>4</sup> "D")	Existing Zoning <sup>2</sup> – 385 ADT Proposed Land Use <sup>3</sup> – No Data Available
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a .76-acre property zoned B-2 Community Business	<sup>3</sup> No information available in the ITE Trip Generation Manual for food truck storage yards	<sup>4</sup> LOS = Level of Service

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

The property is located on S. Witchduck Road service road and Home Center Drive. S. Witchduck Road service road is a two-lane local commercial street in the vicinity of this property. It has a variable-width right-of-way. Home Center Drive is a private driveway. No CIP projects are currently scheduled for this roadway.

## Public Utility Impacts

### Water

There is an existing 16-inch City water transmission along S. Witchduck Road.



## Sewer

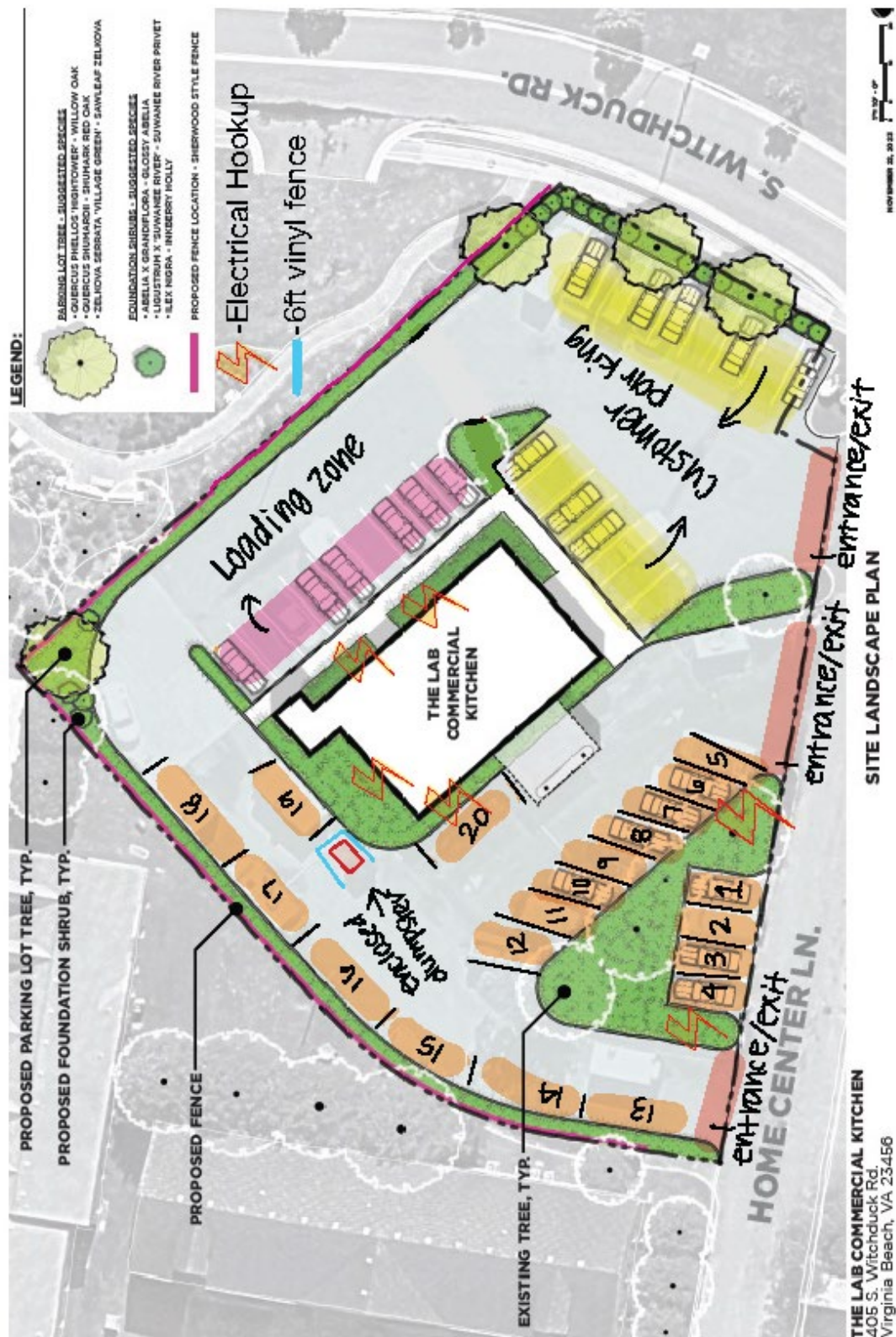
There is an existing eight-inch City sanitary sewer gravity main along S. Witchduck Road that partially encroaches through this property. There is also an existing eight-inch City sanitary sewer gravity main along Home Center Drive.

## Public Outreach Information

### Planning Commission

- The applicant representative met with the Historic Kempsville Citizen Advisory Committee on November 27, 2023 to discuss the details of the request.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 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 January 4, 2024.

## Proposed Site Layout





## Site Photos



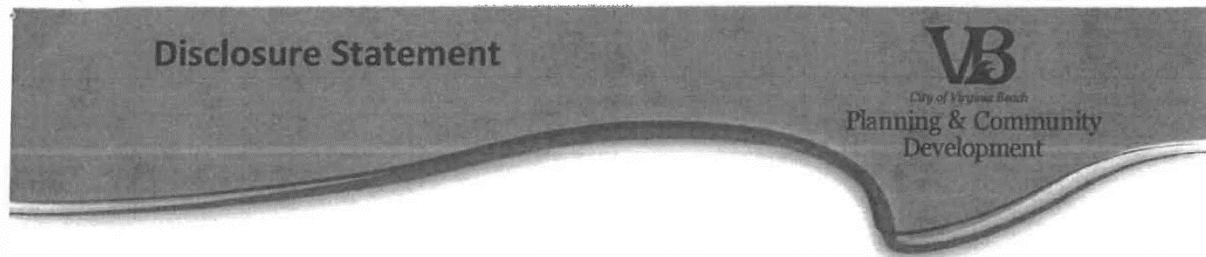


Site Photos





## Disclosure Statement



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

### Applicant Disclosure

Applicant Name LAB Commercial Kitchen LLC

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Nick Mariano, Gilbert Mariano, Jr.

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

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

Nick Mariano

Gilbert Jr Mariano

Gilbert Sr Mariano

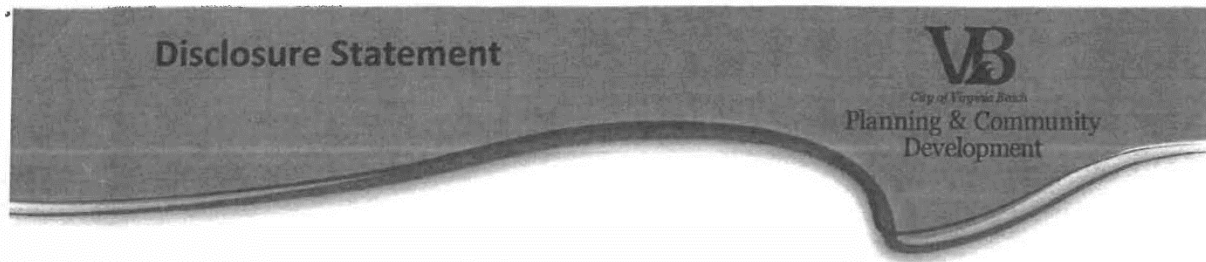
- If yes, list the businesses that have a parent-subsidary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

Luvabowls, Sweet Tweets, Shake Your Crepe, Don't Be Jelly

<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.

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.

H&R Block - Eina Wright

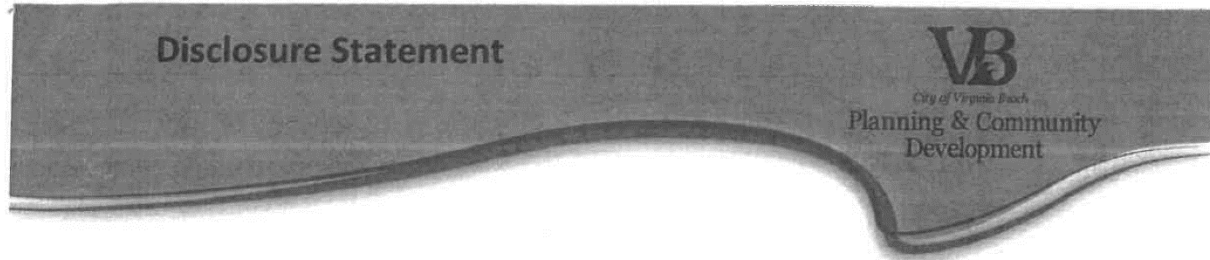
4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☒ **No**

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

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

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

## Disclosure Statement



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

### Applicant Signature

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

Applicant Signature

Print Name and Title

Date

*[Handwritten Signature]*  
**GILBERT MARIANO** OWNER.  
 8/4/23

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

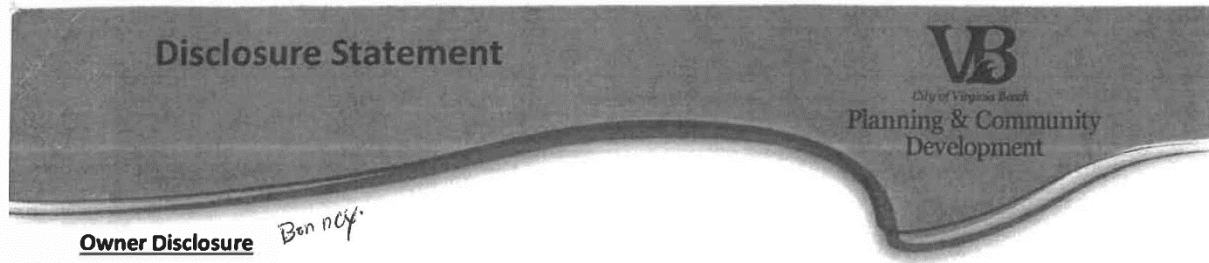
- If yes, you do not need to fill out the owner disclosure statement.

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

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



## Disclosure Statement



### Owner Disclosure

Owner Name Bonney Brothers Corporation

Applicant Name Lab Commercial Kitchen 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)

Albert L. Bonney, Jr.  
Judy W. Bonney

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

### Known Interest by Public Official or Employee

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

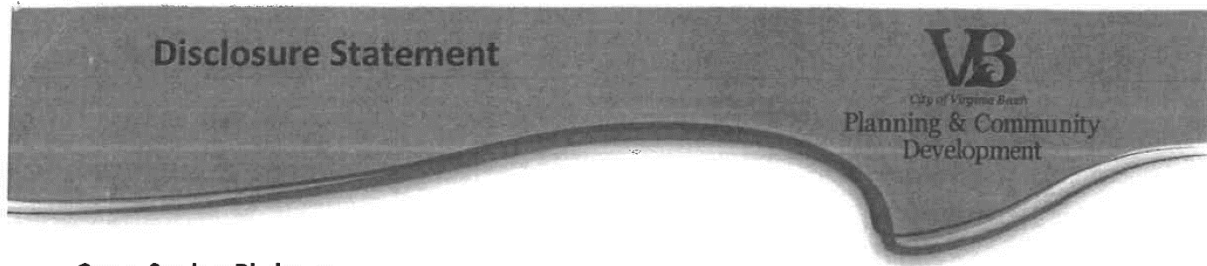
- If yes, what is the name of the official or employee and what is the nature of the interest?

<sup>3</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>4</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



### Owner Services Disclosure

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

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

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

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

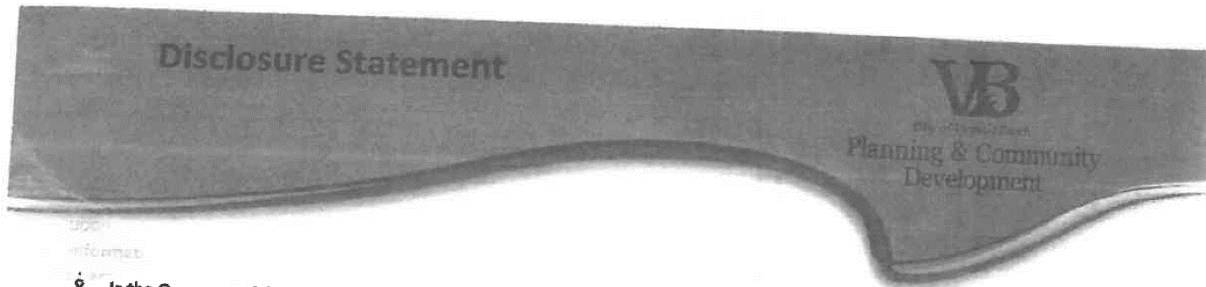
---
5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☒ No  
  - If **yes**, identify the purchaser and purchaser's service providers.

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

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

---

## Disclosure Statement



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

### Owner Signature

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

*Robert L. Bonney Jr.*

Owner Signature

Robert L. Bonney Jr. Pres.

Print Name and Title

8-3-23

Date

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-5692.
- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Request**

**Modification of Conditions** (Indoor  
Commercial Recreational Facility)

**Recommendation**

Approval

**Staff Planner**

Elizabeth Nowak

**Location**

2029 Lynnhaven Parkway

**GPIN**

1475868600

**Site Size**

50,046 square feet

**AICUZ**

Less than 65 dB DNL

**Watershed**

Southern Rivers

**Existing Land Use and Zoning District**

Shopping center / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Shopping center, multi-family dwellings / B-2  
Community Business, A-12 Apartment

**South**

Shopping center/ B-2 Community Business

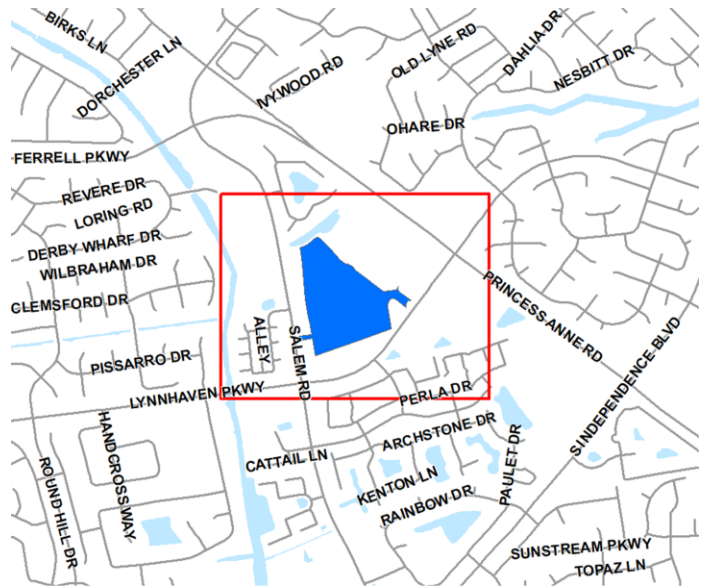
**East**

Shopping center / B-2 Community Business

**West**

Salem Road

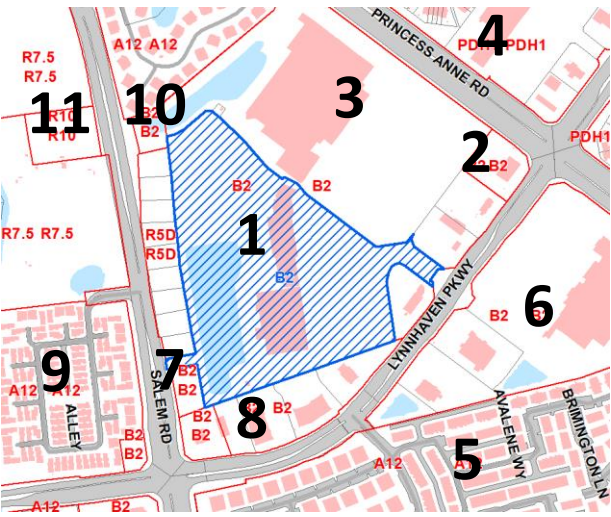
Park, multi-family dwellings / P-1 Preservation,  
A-12 Apartment





## Background & Summary of Proposal

- The applicant is requesting a Modification of Conditions to a 2013 Conditional Use Permit for an approximately 18,150 square-foot Indoor Commercial Recreation Facility at the Salem Crossing Shopping Center to increase its size to 55,046 square feet and to permit other indoor recreational activities aside from trampolining. Conditional Use Permits are required in the B-2 Community Business district for Indoor Commercial Recreation Facilities greater than 7,500 square feet.
- The applicant intends to combine two suites in the Salem Crossing Shopping Center: the former Sky Zone Trampoline Park and the former Kroger's Formal Training Center. Condition 1 of the current Conditional Use Permit limits the facility to the southernmost unit of the Salem Crossing Shopping Center and will need to be modified to include this second unit.
- Nova Trampoline Park will provide indoor trampolines, arcade and virtual reality games, and similar amusements. Condition 7 of the current Conditional Use Permit limits the facility to trampoline-related activities only. The applicant seeks to remove this condition to permit the other amusements as listed.
- The proposed hours of operation will be 3:00 p.m. to 10:00 p.m., Monday through Thursday; noon to 11:00 p.m. on Friday; 10:00 a.m. to 11:00 p.m. on Saturday; and 10:00 a.m. to 10:00 p.m. on Sunday.
- 25 to 35 employees are expected.
- Per Section 203(a)(33) of the Zoning Ordinance, one parking space is required for every 250 square feet for a shopping center of this size. The Salem Crossing Shopping Center has 531 parking spaces. The shopping center is approximately 93,022 square feet, which requires 372 parking spaces. There is sufficient parking on site.
- Exterior alterations are limited to the installation of new signage.

		Zoning History	
		#	Request
		1	CUP (Tattoo Parlor) Approved 09/06/2022 CUP (Indoor Commercial Recreational Facility) Approved 09/10/2013 CUP (Indoor Recreation) Approved 10/11/2011 MDC Approved 02/27/1996 CRZ (I-1 to B-2) Approved 07/11/1995
		2	MDP Approved 02/16/2021
		3	CUP (Bulk Storage Yard) 08/21/2018 CUP (Bulk Storage Yard) 09/20/2016 MDC Approved 02/27/1996 CRZ (I-1 to B-2) Approved 07/11/1995
		4	CUP (Indoor Recreational Facility) Approved 08/09/2011 LUP (Green Run) Approved 01/01/1974
		5	CRZ (R-5D & R-10 to Conditional A-36, Conditional B-4, Conditional A-12) Approved 06/26/2007
		6	CUP (Bulk Storage Yard) Approved 03/25/2003 CRZ (R-5D to Conditional B-2) Approved 06/22/1999
		7	CRZ (R-5D to Conditional B-2) Approved 08/27/2002
		8	CUP (Fuel Sales w/Convenience Store) Approved 09/25/2001 MDP Approved 09/25/2001 CRZ (R-5D to Conditional B-2) Approved 07/14/1998 CUP (Church) Approved 04/14/1986
		9	CRZ (R-10 to A-12 with PD-H Overlay) Approved 09/22/1998
		10	CRZ (R-5D to Conditional B-2) Approved 02/27/1996
		11	CUP (Home for the Aged) Approved 01/20/1987
Application Types			
CUP – Conditional Use Permit	MDC – Modification of Conditions	STC – Street Closure	SVR – Subdivision Variance
REZ – Rezoning	MDP – Modification of Proffers	FVR – Floodplain Variance	LUP – Land Use Plan
CRZ – Conditional Rezoning	NON – Nonconforming Use	ALT – Alternative Compliance	STR – Short Term Rental

## Evaluation & Recommendation

In Staff's opinion, this request for a Modification of Conditions is acceptable. Large Indoor Recreational Facilities are compatible with larger-scale neighborhood shopping centers, such as Salem Crossing Shopping Center, that have parking available on site and that serve as local destinations. This proposed modification provides a recreational opportunity for residents in an established retail center, which is a complementary non-residential use that is recommended in the overarching goals of the Suburban Area as defined by the Comprehensive Plan. In Staff's opinion, this is a supportable, resident-oriented reuse of the former Kroger Training Facility in this shopping center.

As the expansion will only occur on the interior of the existing building, there will be no change to the overall size of the shopping center, which, in turn, will require no additional parking on site. As an expected strip commercial center use and as the proposed hours of operation do not begin until later in the afternoon, no significant changes are expected in traffic for the Salem Crossing Shopping Center.

There is no known opposition to this application and Staff recommends approval subject to the following conditions and exhibits.

## Recommended Conditions

1. This Conditional Use Permit applies only to the southernmost building (approximately 50,046 square feet) of the Salem Crossing Shopping Center as indicated on the exhibit entitled "Proposed Renovations for Kroger – Training Center," dated April 27, 2023, and prepared by Federal Hill Architect as exhibited to City Council and on file with the Department of Planning & Community Development.
2. The proposed exterior building signage shall comply with the requirements of the Zoning Ordinance for signs.
3. The applicant shall obtain all necessary permits and inspections from the Planning Department/Permit and Inspections Division, Health Department, and Fire Department. The applicant shall obtain a Certificate of Occupancy from the Building Official prior to commencing operation.
4. The facility shall operate only between the hours of 7:00 a.m. and 12:00 a.m. (midnight).
5. "Court Rules for Jumpers" shall be posted within the facility at the main entrance, visible by all who enter the facility, as well as at the entrance of each trampoline court area.
6. All individuals under thirteen (13) years of age shall be accompanied by an adult chaperone.
7. The maximum number of individuals within the facility shall not exceed the maximum number as determined by the Fire Marshal.
8. There shall be a minimum of two (2) staff members on Site at all times that are certified for First Aid and Automated External Defibrillator (AED) training.
9. There shall be no sale of alcohol at this location. There shall be no State ABC License associated with this business.

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

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

## 2013 Conditions

1. This Use Permit applies only to the southernmost building (approximately 18,300 square feet) of the Salem Crossing Shopping Center.
2. The proposed exterior building signage shall comply with the requirements of the Zoning Ordinance for signs.
3. The applicant shall obtain all necessary permits and inspections from the Planning Department/Permit and Inspections Division, Health Department, and Fire Department. The applicant shall obtain a Certificate of Occupancy from the Building Official prior to commencing operation.
4. The facility shall operate only between the hours of 7:00 a.m. and 12:00 a.m. (midnight).

5. "Court Rules for Jumpers," as submitted by the applicant, shall be posted within the facility at the main entrance, visible by all who enter the facility, as well as at the entrance of each trampoline court area.
6. All individuals under thirteen (13) years of age shall be accompanied by an adult chaperone.
7. Recreational trampoline-related activities shall be the only type of indoor recreation allowed.
8. The maximum number of individuals within the facility shall not exceed the maximum number as determined by the Fire Marshal.
9. There shall be a minimum of one (1) staff member on Site at all times that is certified for First Aid and Automated External Defibrillator (AED) training.
10. There shall be no sale of alcohol at this location. There shall be no State ABC License associated with this business.

## Comprehensive Plan Recommendations

The Comprehensive Plan identifies this area as being in the Suburban Area of the city. The vision for the Suburban Area emphasizes suburban patterns of residential development that are supported by residential services and other complementary non-residential uses, such as recreational opportunities. Commercial development, such as shopping centers, should be located near, but not within, residential neighborhoods and should have complementary massing, scale, and overall design. This application proposes no exterior alterations in an existing shopping center and will reuse a large, vacant commercial suite for a complementary non-residential use.

## Natural & Cultural Resources Impacts

The site is located in the Southern Rivers Watershed. There are no exterior alterations or site disturbance proposed with this application.

The project will affect no historical or cultural resources.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Lynnhaven Parkway	24,200 ADT <sup>1</sup>	Up to 36,900 ADT <sup>1</sup> (LOS <sup>4</sup> “D”)	No Change Anticipated
Princess Anne Road	46,100 ADT	Up to 74,000 ADT (LOS “D”)	
<sup>1</sup> Average Daily Trips		<sup>2</sup> LOS = Level of Service	

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

The MTP lists this segment of Lynnhaven Parkway as four-lane minor arterial. Princess Anne Road is listed as an eight-lane major arterial. There are no CIP projects in the area.



## Public Utility Impacts

### Water & Sewer

The site connects to both City water and sanitary sewer.

## Public Outreach Information

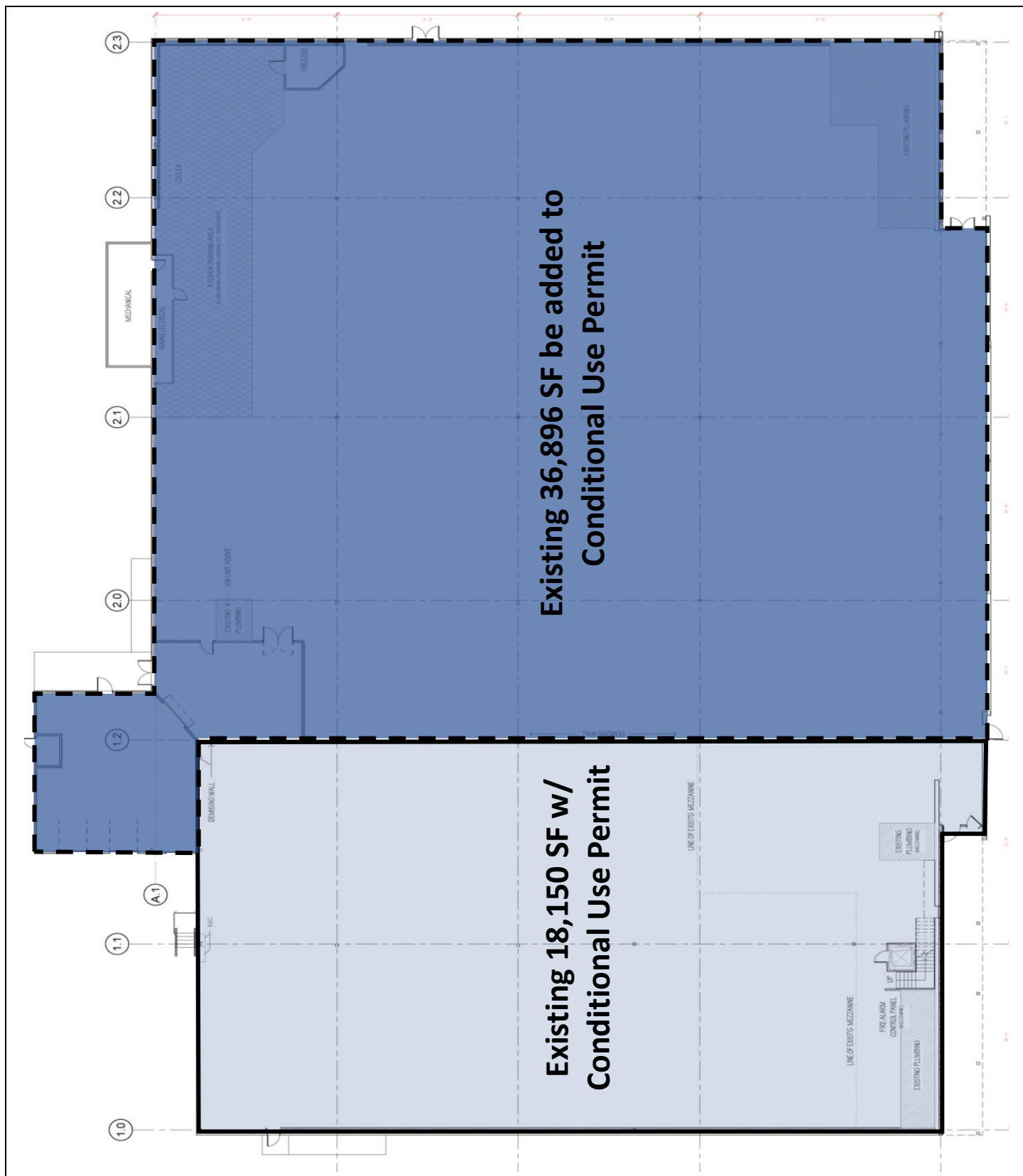
### Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of [www.virginiabeach.gov/pc](http://www.virginiabeach.gov/pc) on January 4, 2024.

Site Location



## Proposed Floor Plan

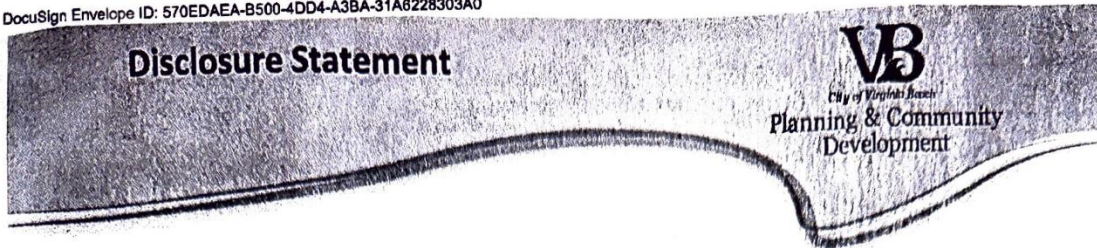








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The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications 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 Nova Trampoline Park

Does the applicant have a representative? ☒ Yes ☐ No

- If yes, list the name of the representative.

Jun Wang

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)

Jiamin chen (owner / manager)

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

Nova Trampoline Park Rochester, Nova Trampoline Park Plymouth,  
Nova Trampoline Park Nashua, Nova Trampoline Park Weymouth

<sup>1</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>2</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.

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## Disclosure Statement



### Known Interest by Public Official or Employee

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

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

### Applicant Services Disclosure

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

Unite express Acc't and Tax Inc.

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.

Federal Hill Group LLC - Architects.

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

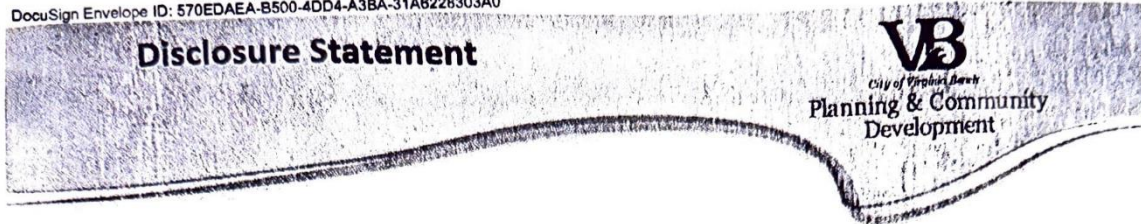
- If yes, identify the purchaser and purchaser's service providers.

Revised 11.09.2020

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

## Applicant Signature

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

*Jun Wang*  
 Applicant Signature  
Jun Wang / Tenant Representative (Nova Trampoline Park)  
 Print Name and Title  
9-28-23  
 Date

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

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

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications			
<input type="checkbox"/>	No changes as of	Date	Signature
			Print Name

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Revised 11.09.2020

## Disclosure Statement

DocuSign Envelope ID: 570EDAEB-B500-4DD4-A3BA-31A8228303A0

### Disclosure Statement



#### Owner Disclosure

Owner Name Kroger Limited Partnership I

Applicant Name Jun Wang (Representative of Nova Trampoline Park)

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

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

see attached

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

see attached

#### Known Interest by Public Official or Employee

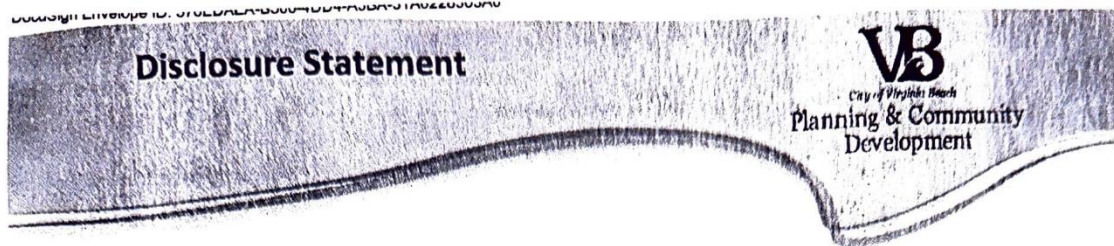
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? ☐ Yes ☒ No

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

<sup>3</sup> "Parent-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>4</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.





## Owner Services Disclosure

1. Does the Owner have any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing in connection with the subject of the application or any business operating or to be operated on the property?  
☐ Yes ☒ No  
• If yes, identify the financial institutions providing the service.  
\_\_\_\_\_
2. Does the Owner have a real estate broker/agent/realtor for current and anticipated future sales of the subject property?  
☐ Yes ☒ No  
• If yes, identify the company and individual providing the service.  
\_\_\_\_\_ CBRE Cincinnati for the sublease of property \_\_\_\_\_
3. Does the Owner have services for accounting and/or preparation of tax returns provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No  
• If yes, identify the firm and individual providing the service.  
\_\_\_\_\_
4. Does the Owner have services from an architect/landscape architect/land planner provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No  
• If yes, identify the firm and individual providing the service.  
\_\_\_\_\_
5. Is there any other pending or proposed purchaser of the subject property? ☐ Yes ☒ No  
• If yes, identify the purchaser and purchaser's service providers.  
\_\_\_\_\_
6. Does the Owner have a construction contractor in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No  
• If yes, identify the company and individual providing the service.  
\_\_\_\_\_
7. Does the Owner have an engineer/surveyor/agent in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☒ No  
• If yes, identify the firm and individual providing the service.  
\_\_\_\_\_

Revised 11/09/2020

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

### Owner Signature

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

DocuSigned by:

Robert T. Lancaster

Owner Signature

Robert T. Lancaster

Print Name and Title

9/29/23

Date

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-5692.
- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Request**

**Conditional Use Permit** (Tattoo Parlor)

**Staff Recommendation**

Approval

**Staff Planner**

Madison Eichholz

**Location**

1637 Independence Boulevard, Suites A & B

**GPIN**

1479235308

**Site Size**

30,990 square feet (1,221 square feet Suites)

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Shopping Center / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Independence Boulevard

Shopping Center / B-2 Community Business

**South**

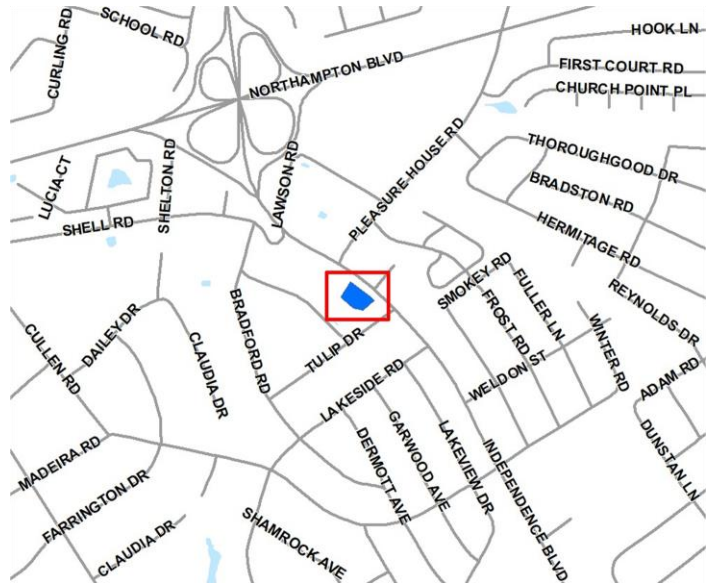
Retail, office, auto repair / B-2 Community Business

**East**

Restaurant / B-2 Community Business

**West**

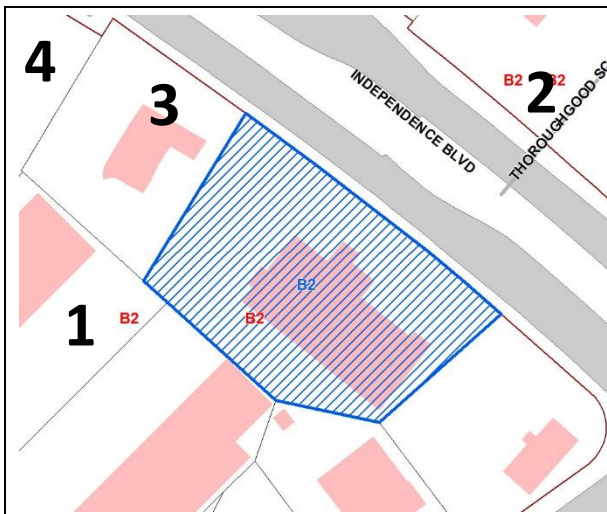
Fast Food Restaurant / B-2 Community Business





## Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to operate a Tattoo Parlor, specifically for the application of permanent makeup, known as microblading, within an existing beauty salon in the Bayside Crossing Shopping Center. The shopping center is located along Independence Boulevard on property zoned B-2 Community Business District.
- According to the applicant, one additional employee is anticipated.
- The typical hours of operation will coincide with the current business hours which are 9:00 a.m. to 5:00 p.m., Tuesday through Saturday.
- No exterior changes to the building are proposed.



### Zoning History

#	Request
1	CUP (Automobile Repair Garage) Approved 03/01/2022
2	CUP (Church) Approved 03/11/2008 CUP (Church) Approved 10/02/2001
3	CUP (Car Wash Facility) Approved 03/23/1999 CUP (Car Wash Facility) Approved 08/14/1996
4	CUP (Automobile Service station) Approved 08/10/1994

### Application Types

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

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

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

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

## Evaluation & Recommendation

The request for a Conditional Use Permit for a Tattoo Parlor, specifically for the application of permanent makeup, in Staff's opinion, is acceptable given that the use is compatible with the other existing commercial businesses located in the vicinity. The application of permanent makeup within an existing commercial space is not expected to negatively impact other uses within the shopping center or the vicinity.

Prior to commencing operations on the site, the applicant must obtain a business license and the Health Department must verify that the business meets all the requirements of Chapter 23-51 of the City Code. Chapter 23-51 details the standards for disclosure, hygiene, licenses, waivers, proof of age, recordkeeping, inspections, cleanliness, vaccinations, and permitting applicable to such establishments. A Certificate of Occupancy will not be issued until the requirements are satisfied and Health Department approval is obtained. It is Staff's opinion that the proposed tattoo parlor will not result in a significant increase in traffic in this established strip shopping center as the use is consistent with typical strip shopping center uses.

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

## Recommended Conditions

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure compliance with the provisions of Chapter 23-51 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to the application of permanent makeup. No other form of tattooing shall be permitted.
3. The actual application of permanent makeup shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar signage installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Department of Planning & Community Development for the installation of any new signs.

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

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

## Comprehensive Plan Recommendations

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

## Natural & Cultural Resources Impacts

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

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Independence Boulevard	39,300 ADT <sup>1</sup>	36,900 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 Tattoo Parlor in an existing Shopping Center <sup>3</sup> LOS = Level of Service			

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

Independence Boulevard in the vicinity of this application is considered a four-lane divided major urban arterial. The Master Transportation Plan proposes a six-lane facility within a 150 foot right-of-way. No roadway Capital Improvement Program projects are slated for this area.

### **Public Utility Impacts**

#### **Water & Sewer**

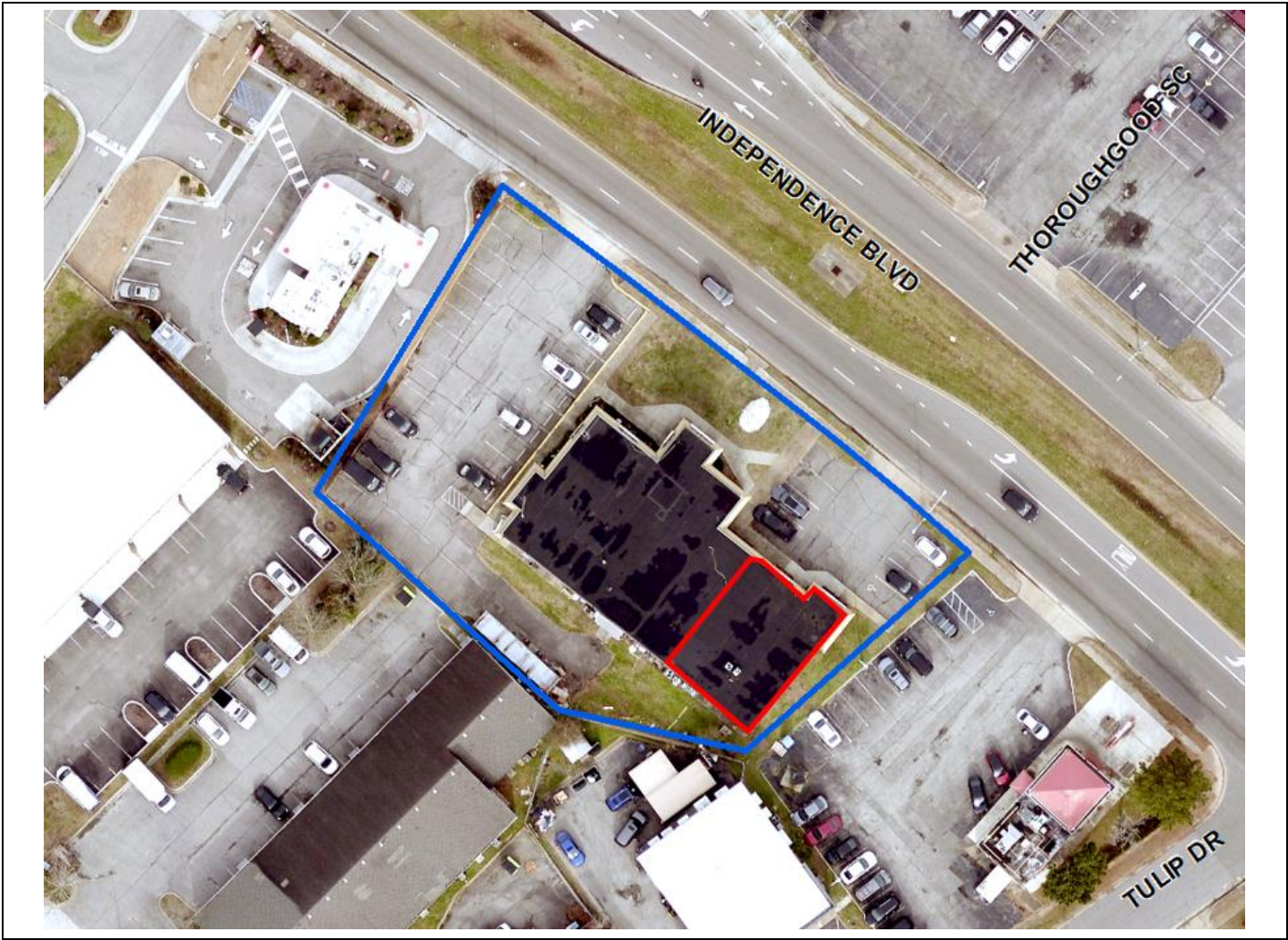
The site is connected to City water & sanitary sewer.

### **Public Outreach Information**

#### **Planning Commission**

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of [www.viriniabeach.gov/pc](http://www.viriniabeach.gov/pc) on January 4, 2024.

Proposed Site Layout





Site Photos





## Site Photos





## Disclosure Statement

### Disclosure Statement



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

#### Applicant Disclosure

Applicant Name Anna Jean Salon and Boutique L.L.C.

Does the applicant have a representative? ☐ Yes ☒ No

- If yes, list the name of the representative.

N/A

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)

CEO - Anna Jean Carr

managing member - Michael James Carr

- 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)

N/A

<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

**Disclosure Statement**

**VB**  
City of Virginia Beach  
Planning & Community  
Development

**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.  
N/A

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.  
N/A

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

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## Disclosure Statement

### Disclosure Statement



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

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

N/A

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.

N/A

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.

N/A

#### Applicant Signature

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

Michael Carr

Applicant Signature

Michael James Carr managing member

Print Name and Title

10/30/2023

Date

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


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

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

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

## Disclosure Statement

Disclosure Statement



**Owner Disclosure**

Owner Name Greg Rogers / Rogers Properties L.L.C.

Applicant Name Anna Jean Salon and Boutique L.L.C.

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)  
n/a

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

**Known Interest by Public Official or Employee**

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

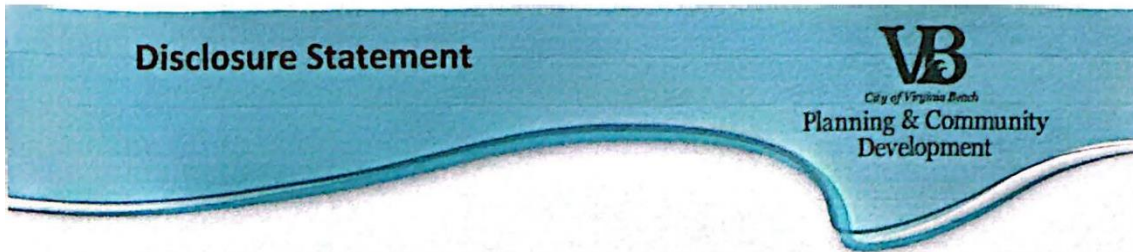
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<sup>3</sup> "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict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

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## Disclosure Statement



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

## Disclosure Statement

### Disclosure Statement



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

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

N/A

#### Owner Signature

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

  
\_\_\_\_\_  
Owner Signature

Grey Rogers - Owner  
\_\_\_\_\_  
Print Name and Title

10/31/2023  
\_\_\_\_\_  
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.
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- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Request**

**Rezoning** (R-7.5 Residential to P-1  
Preservation)

**Staff Recommendation**

Approval

**Staff Planner**

Michaela McKinney

**Location**

4549 Revere Drive

**GPIN**

1475378501

**Site Size**

1.70 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Southern Rivers

**Existing Land Use and Zoning District**

Park / R-7.5 Residential

**Surrounding Land Uses and Zoning Districts**

**North**

Revere Drive

Single-family dwellings / R-7.5 Residential

**South**

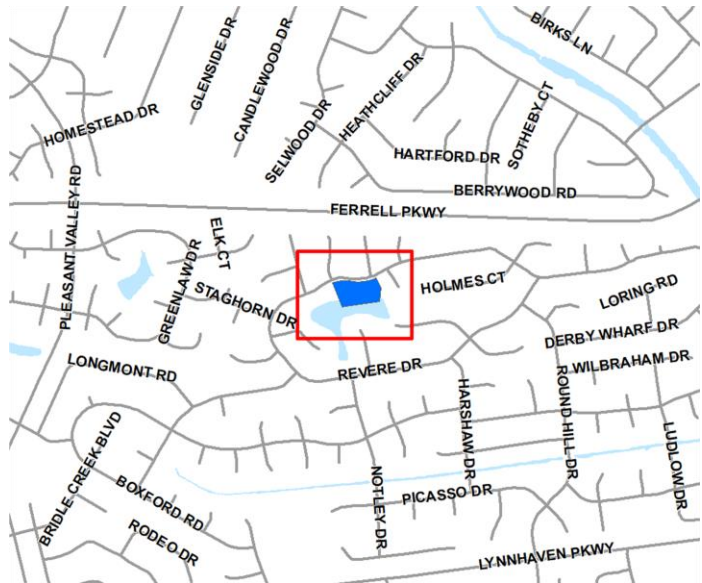
Single-family dwellings / R-7.5 Residential

**East**

Single-family dwellings / R-7.5 Residential

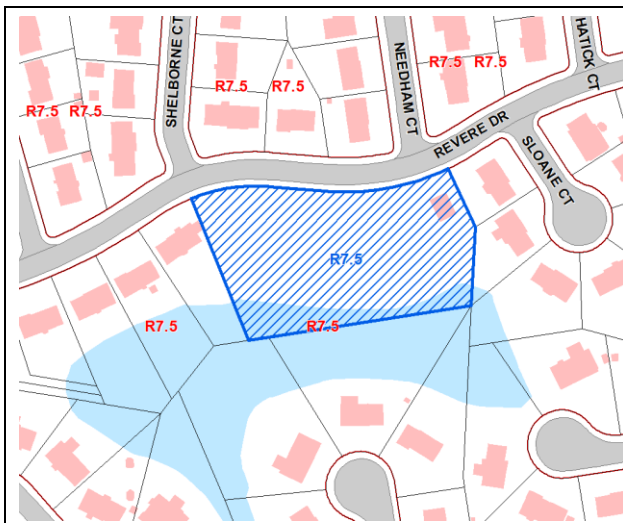
**West**

Single-family dwelling / R-7.5 Residential



## Background & Summary of Proposal

- The applicant is requesting to rezone the property at 4549 Revere Drive from R-7.5 Residential to P-1 Preservation.
- This parcel was previously owned by the Salem Woods Civic Association. For financial reasons, the neighborhood dedicated the park to the City of Virginia Beach.
- As indicated in the Deed of Dedication (Instrument # 202000105846), a conveyance was made conditionally that the City would rezone the parcel to P-1 Preservation within two years of the date of the deed. The City of Virginia Beach missed the original deadline, but the civic association was willing to provide the City with an additional two years to complete the agreement. The applicant is now coming forward to satisfy the condition.
- The applicant intends to continue utilizing this space as a neighborhood park. The park will be used as a passive park that is open to the public in the interim and will eventually be developed with typical park amenities to include playground equipment, picnic tables, and walkways, as depicted on the proposed conceptual site plan on page five of this report. However, there is no funding designated for the improvements at this time.



**No Zoning History**

### Application Types

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

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

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

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

## Evaluation & Recommendation

This request to rezone this property from R-7.5 Residential to P-1 Preservation is acceptable. The site is located within the Suburban Area and Staff believes that the proposed rezoning falls within the Comprehensive Plan's guiding principle to create great neighborhoods while protecting and enhancing natural areas and open space. In Staff's opinion, rezoning this site to P-1 Preservation is complementary to this area as the existing use of the site will not change. Instead, the proposed zoning district will allow the natural area to be protected and improved while enhancing the community.

## Comprehensive Plan Recommendations

This property is located within the Suburban Area of the city, as designated by the Comprehensive Plan. Guiding principles have been established in the Comprehensive Plan to protect the stability of the Suburban Area and to protect

and enhance natural areas and open spaces. The Plan's primary guiding principle is to create "Great Neighborhoods," and to support those neighborhoods with complementary non-residential uses in such a way that the stability of the Suburban Area is maintained in a sustainable way.

## **Natural & Cultural Resources Impacts**

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

## **Public Utility Impacts**

### **Water & Sewer**

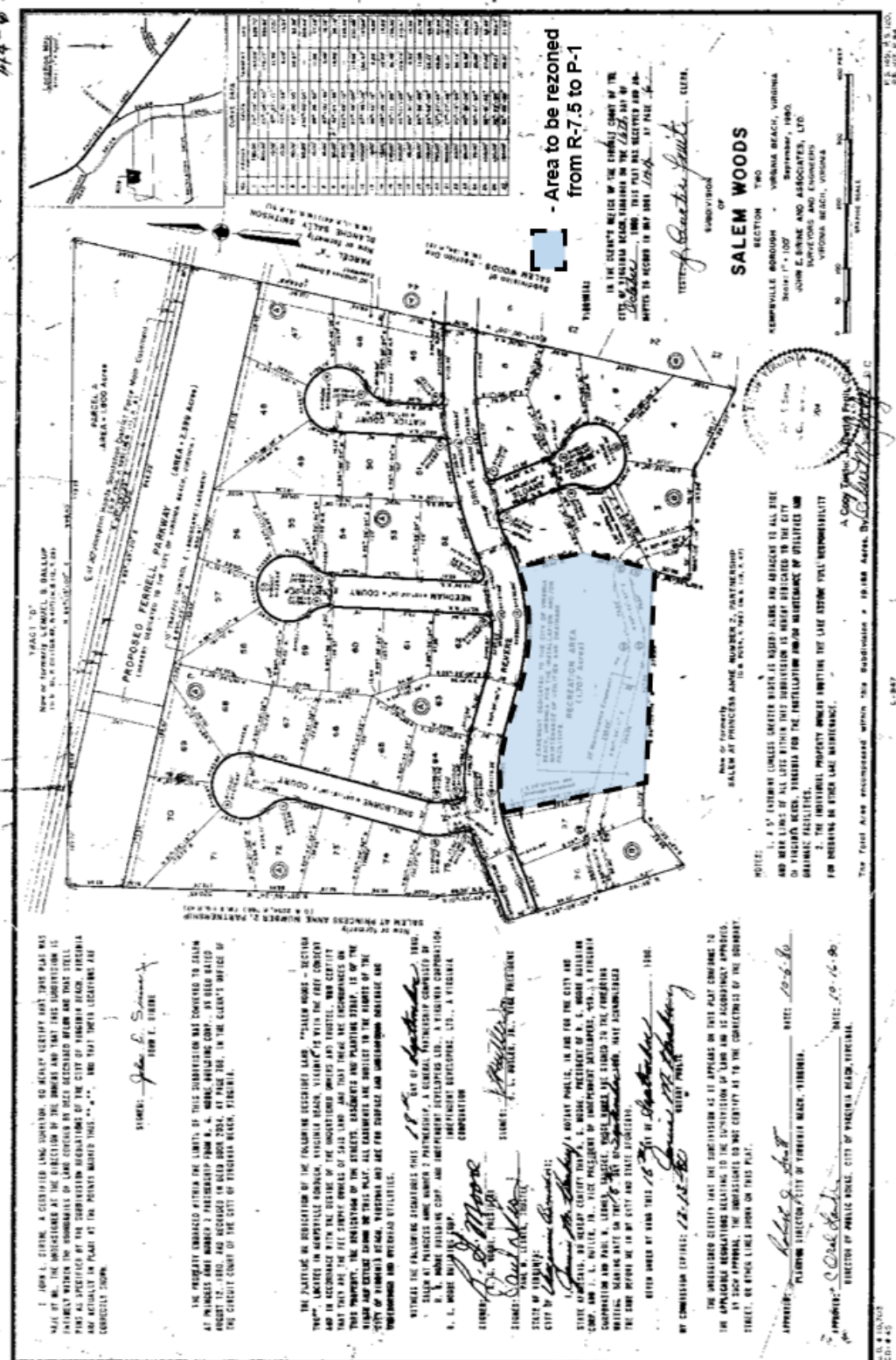
This site must connect to city water and sanitary sewer.

## **Public Outreach Information**

### **Planning Commission**

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on December 11, 2023.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, December 27, 2023 and January 3, 2024.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on December 26, 2023.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of [www.viriniabeach.gov/pc](http://www.viriniabeach.gov/pc) on January 4, 2024.





Proposed Conceptual Site Plan





## Site Photos



## Site Photos





## 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 757-385-5692
- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.



The applicant is requesting a withdrawal of this application as this property is a grandfathered Short Term Rental.

**Request**

**Conditional Use Permit** (Short Term Rental)

**Staff Recommendation**

Withdrawal

**Staff Planner**

Michaela McKinney

**Location**

305 26th Street

**GPIN**

24280054740305

**Site Size**

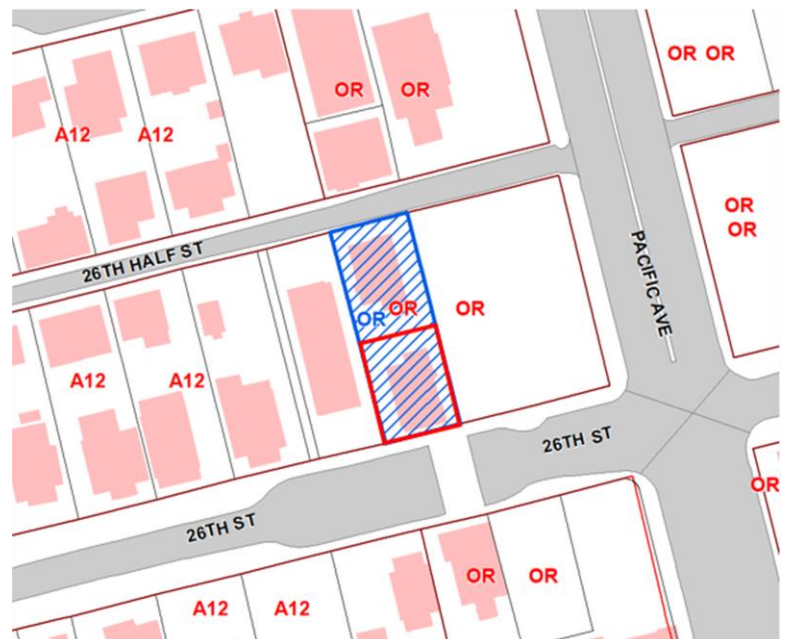
7,000 square feet (2,418 square feet Suite)

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay





The applicant is requesting a withdrawal of this application as this property is a grandfathered Short Term Rental.

**Request**

**Conditional Use Permit** (Short Term Rental)

**Staff Recommendation**

Withdrawal

**Staff Planner**

Michaela McKinney

**Location**

929 Pacific Ave, Unit B

**GPIN**

24272444111175

**Site Size**

34,984 square feet (450 square feet Suite)

**AICUZ**

Less than 65 dB DNL

**Watershed**

Atlantic Ocean

