



Planning Commission Agenda

December 10, 2025



Planning Commission Hearing Information

The Virginia Beach Planning Commission Public Hearing airs live on VB NOW on Cable TV (Cox channel 48, Verizon channel 45), in your browser (<https://virginiabeach.gov/connect/multimedia>, City of Virginia Beach Facebook Page), on the VB NOW app on your mobile device (Android, iOS) or on your home device (Apple TV, Amazon Fire, Roku). The meeting is rebroadcast on the same cable channel Thursdays at 9 a.m. and Saturdays at 7 p.m. After the live meeting it is also available on-demand via the VB NOW app and the City of Virginia Beach's YouTube channel (<https://www.youtube.com/@VirginiaBeachNOW>).

A Public Hearing of the Virginia Beach Planning Commission will be held on **Wednesday, December 10, 2025 12:00 p.m. in the Council Chamber at City Hall, Building 1, 2nd Floor at 2401 Courthouse Drive, Virginia Beach, VA 23456**. Members of the public will be able to observe the Planning Commission meeting through livestreaming on <https://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 with the Planning Department by calling 757-385-4621 or via email at bnharriso@vbgov.com prior to **5:00 p.m.** on Tuesday, December 9, 2025
2. Download WebEx and view the meeting at:
<https://vbgov.webex.com/vbgov/j.php?MTID=m61c4e99bcfd31ed384c8ee5e40ef3e48>

Copies of the proposed plans, ordinances, amendments and/or resolutions are on file and may be examined by appointment in the Planning Department at Building 3, Municipal Center, 2403 Courthouse Drive, Virginia Beach, VA 23456 or online at <https://virginiabeach.gov>. 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.

Please check our website at <https://virginiabeach.gov/pc> for the most updated meeting information.

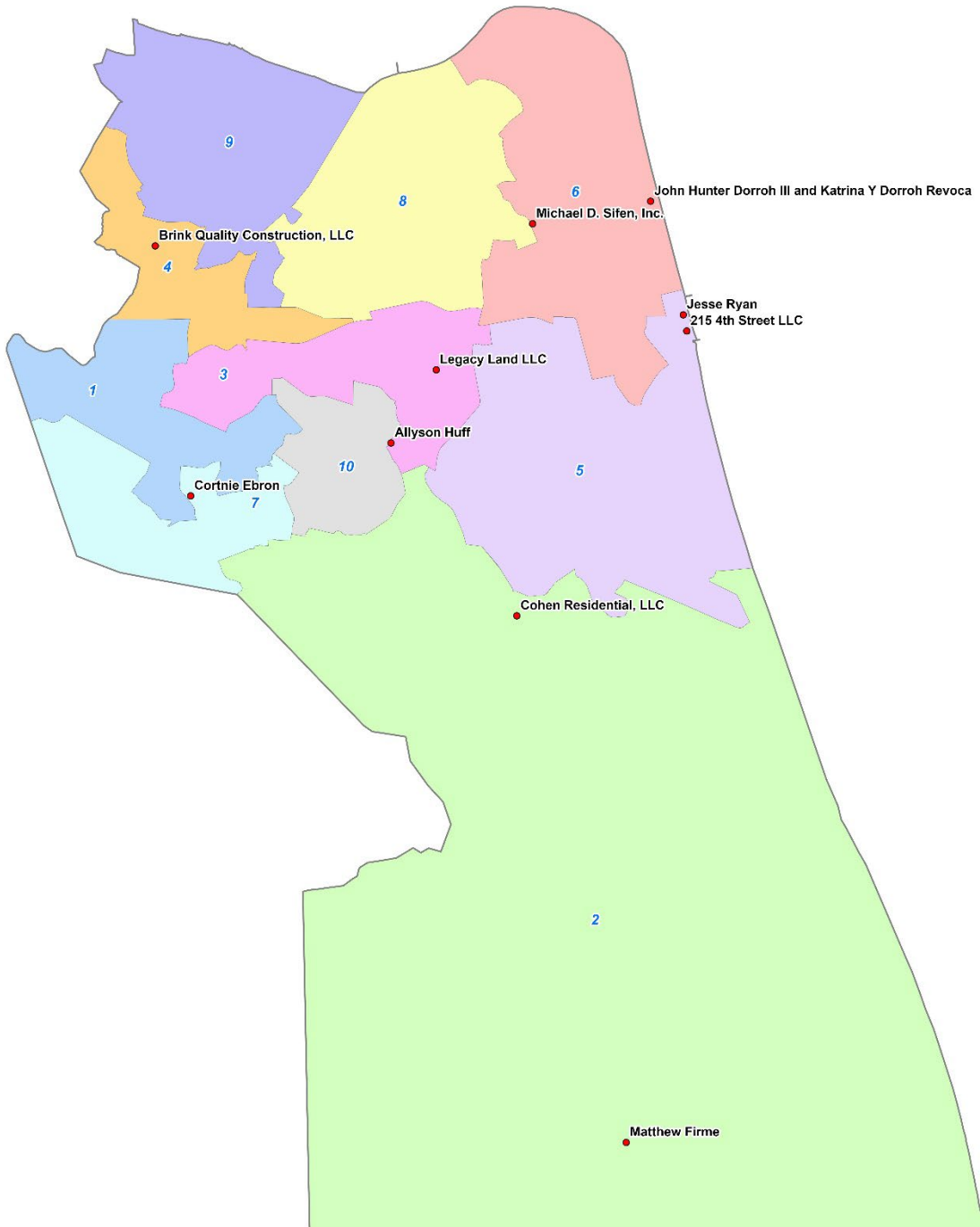
Planning Commission action is not a final determination regarding the application, but only a recommendation to the City Council of the viewpoint of the Planning Commission. Final determination of the application will be made by City Council at a later date after public notice in the Virginian Pilot.

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.

December 10, 2025 Planning Commission Agenda



Planning Commission Agenda

1. **COMMENTS BY CHAIR OF COMMISSION**
2. **AGENDA REVIEW**
3. **BRIEFINGS**
 - A. Historic & Cultural Districts presented by Mark Reed, Historic Preservation Planner
 - B. Master Transportation Plan Briefing
4. **PLANNING COMMISSION LIAISON REPORTS**

12:00 Noon: Public Hearing

APPROVAL OF MINUTES:

- SEPTEMBER 24, 2025 PC RETREAT MINUTES
- NOVEMBER 12, 2025 INFORMAL
- NOVEMBER 12, 2025 FORMAL
- DECEMBER 4, 2025 SITE VISIT

ELECTION OF PLANNING COMMISSION OFFICERS FOR 2026

1. **CITY OF VIRGINIA BEACH - A RESOLUTION TO SCHEDULE MONTHLY MEETINGS OF THE PLANNING COMMISSION OF THE CITY OF VIRGINIA BEACH FOR JANUARY 2026 TO DECEMBER 2026**
2. **CITY OF VIRGINIA BEACH - AN ORDINANCE TO REMOVE GPIN 24140508440000 AND A PORTION OF GPIN 24140549120000 FROM THE NIMMO CHURCH HISTORIC AND CULTURAL DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF VIRGINIA BEACH TO ELIMINATE THE NIMMO CHURCH HISTORIC AND CULTURAL DISTRICT**
3. **CITY OF VIRGINIA BEACH – AN ORDINANCE TO ADD SECTION 208.1 TO THE CITY ZONING ORDINANCE PERTAINING TO THE REGULATION OF ROLL OFF CONTAINERS (INDEFINITE DEFERRAL REQUESTED)**

4. John Hunter Dorroh III and Katrina Y Dorroh Revocable Trust (30 DAY DEFERRAL REQUESTED)

Property Owner: John Hunter Dorroh III and Katrina Y Dorroh Revocable Trust

Modification of Conditions

Address: 304 45th Street

GPIN: 2418868908

City Council: District 6 (Remick)

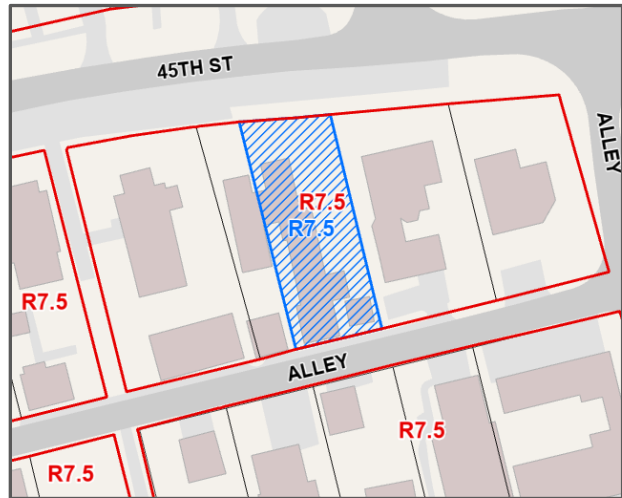
Accela Record: 2025-PCCC-00145

AICUZ: 65-70 dB DNL - Sub-Area 1

SGA: No

Overlay: No

Staff Planner: Alexis Bailey



Request to modify conditions of previously approved Change in Nonconformity related to required exterior building materials.

5. Cohen Residential, LLC

Property Owner: Barbara A Cason et al.

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

Address: 2597 Leroy Road

GPIN: 2404410451

City Council: District 2 (Henley)

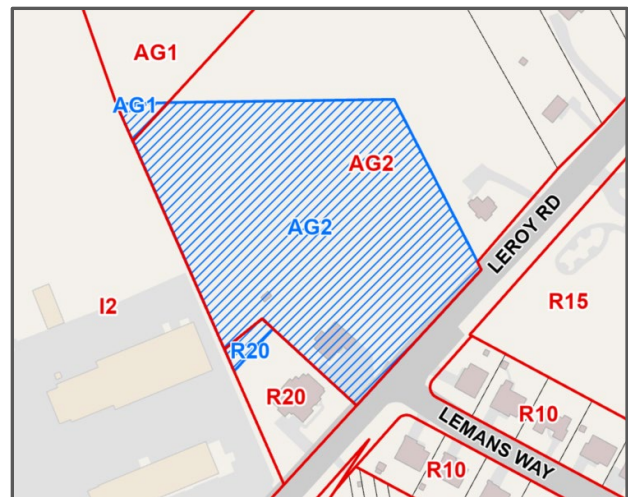
Accela Record: 2025-PCCC-00142

AICUZ: <65 dB DNL

SGA: No

Overlay: Transition Area

Staff Planner: Michael Hayes



Request to rezone from AG-1 & AG-2 Agricultural District to Conditional R-10 Residential District to develop four single-family lots.

6. Brink Quality Construction, LLC

Property Owner: Chinese Comm Assoc of Hampton Etc

Conditional Rezoning (Conditional B-1 Neighborhood Business to Conditional A-18 Apartment District)

Address: 722 Newtown Road

GPIN: 1468422093

City Council: District 4 (Ross-Hammond)

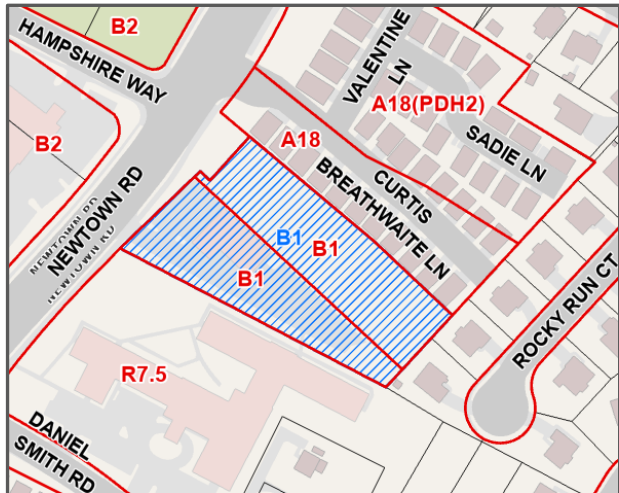
Accela Record: 2025-PCCC-00143

AICUZ: <65 dB DNL

SGA: No

Overlay: No

Staff Planner: Michael Hayes



Request to rezone property from Conditional B-1 Neighborhood Business to Conditional A-18 Apartment District to construct an 18-unit townhome condominium community.

7. Michael D. Sifen, Inc.

Property Owners: 1120 First Colonial Storage, LLC

Conditional Rezoning (O-2 Office District to Conditional B-2 Community Business District)

Address: 1120 First Colonial Road

GPIN: 2408547489

City Council: District 6 (Remick)

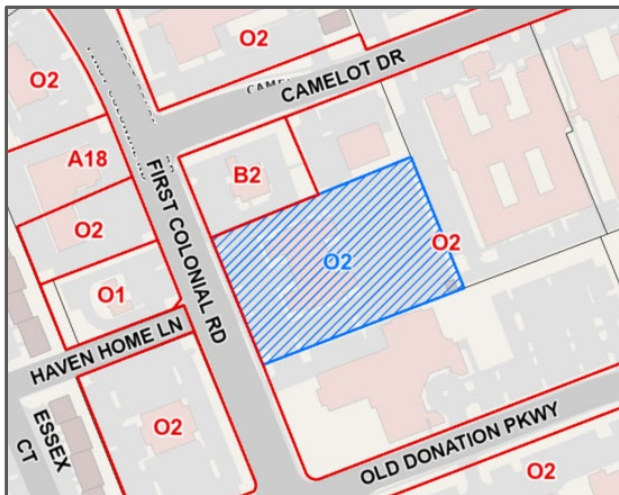
Accela Record: 2025-PCCC-00156

AICUZ: 70-75 dB DNL

SGA: No

Overlay: No

Staff Planner: Michael Hayes



Request to rezone the property to Conditional B-2 Community Business District to construct a self-storage facility.

8. Michael D. Sifen, Inc.

Property Owners: 1120 First Colonial Storage, LLC

Conditional Use Permit (Mini-Warehouse)

Address: 1120 First Colonial Road

GPIN: 2408547489

City Council: District 6 (Remick)

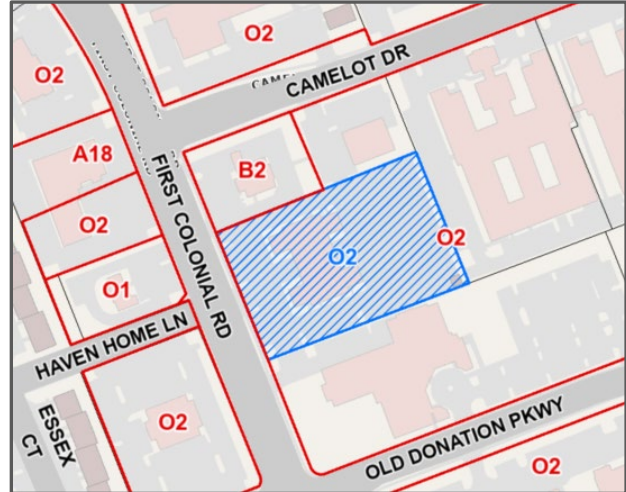
Accela Record: 2025-PCCC-00157

AICUZ: 70-75 dB DNL

SGA: No

Overlay: No

Staff Planner: Michael Hayes



Request to operate a 4-story self-storage facility.

9. Matthew Firme

Property Owners: Matthew & Jessica Firme

Conditional Use Permit (Home Occupation)

Address: 1492 Back Bay Landing Road

GPIN: 2318631219

City Council: District 2 (Henley)

Accela Record: 2025-PCCC-00151

AICUZ: <65 dB DNL

SGA: No

Overlay: No

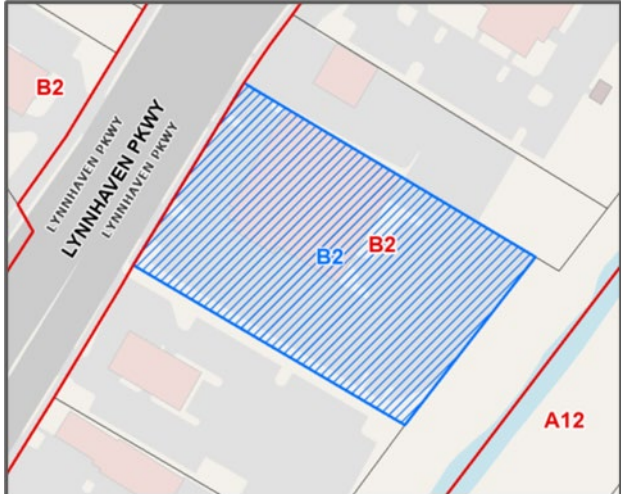
Staff Planner: Alexis Bailey



Request to operate an in-home business dedicated to working on parts for small engines within the detached garage of an existing single-family dwelling.

10. Allyson Huff

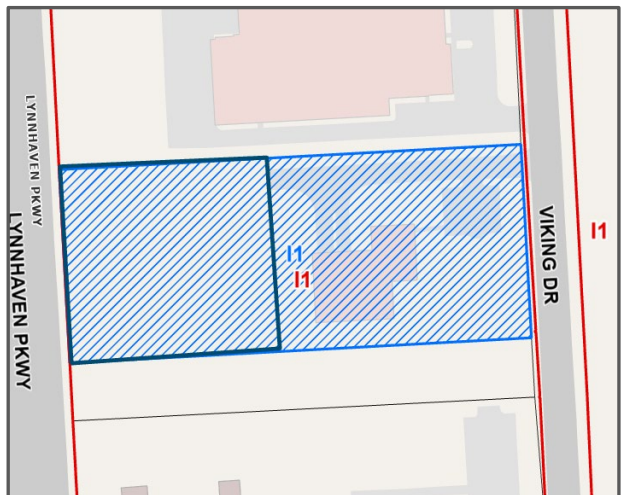
Property Owners: Sincavage Enterprises LLC
Conditional Use Permit (Open Air Market)
Address: 1136 Lynnhaven Parkway
GPIN: 1496002218
City Council: District 3 (Berlucchi)
Accela Record: 2025-PCCC-00153
AICUZ: 70-75 dB DNL - APZ-2
SGA: No
Overlay: No
Staff Planner: Alexis Bailey



Request to operate a coffee shop within a mobile trailer on site.

11. Legacy Land LLC

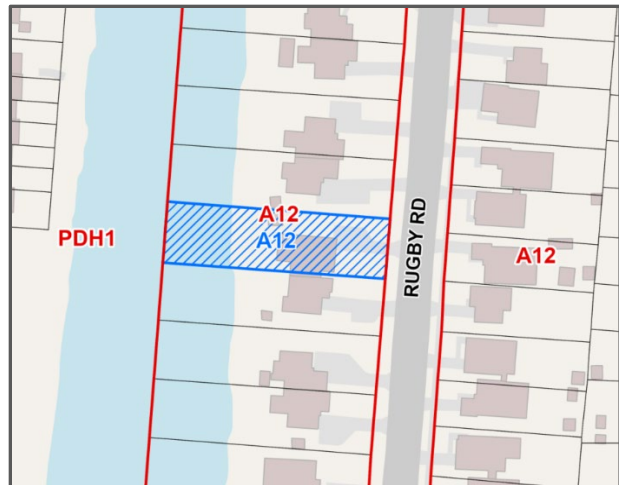
Property Owners: Viking Drive Holdings LLC
Conditional Use Permit (Bulk Storage Yard)
Address: 525 Viking Drive, Unit B
GPIN: 14965833080002
City Council: District 3 (Berlucchi)
Accela Record: 2025-PCCC-00155
AICUZ: >75 dB DNL - APZ-2
SGA: No
Overlay: No
Staff Planner: Marchelle Coleman



Request to operate a bulk storage yard.

12. Cortnie Ebron (WITHDRAWAL REQUESTED)

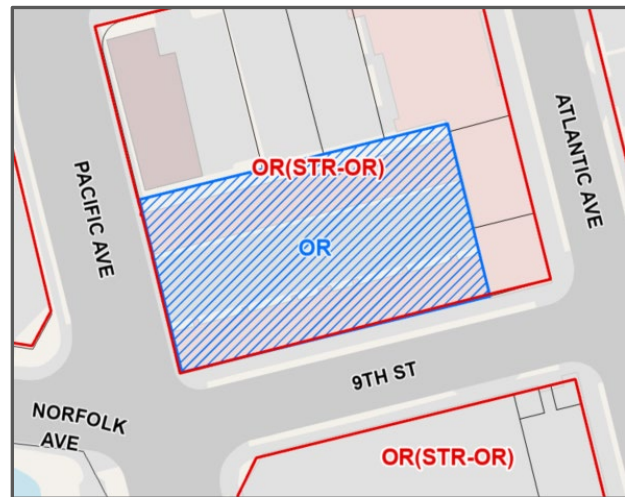
Property Owner: Valroy F Williams
Conditional Use Permit (Group Home)
Address: 5004 Rugby Road
GPIN: 1465840522
City Council: District 7 (Jackson-Green)
Accela Record: 2025-PCCC-00125
AICUZ: <65 dB DNL
SGA: No
Overlay: No
Staff Planner: Marchelle Coleman



Request to operate a youth group home with up to eight children.

13. Jesse Ryan

Property Owner: Jesse Ryan and Nicole Levitt
Conditional Use Permit (Short Term Rental)
Address: 919 Pacific Ave, Unit B
GPIN: 24272444111110
City Council: District 5 (Wilson)
Accela Record: 2025-PCCC-00152
AICUZ: 65-70 dB DNL - Sub-Area 1
SGA: Resort Area
Overlay: Short Term Rental
Staff Planner: Alexis Bailey



Request to operate a 1-bedroom short term rental.

14. 215 4th Street LLC

Property Owners: 215 4th Street, LLC
Conditional Use Permit (Short Term Rental)

Address: 215 4th Street
GPIN: 24272286045680

City Council: District 5 (Wilson)

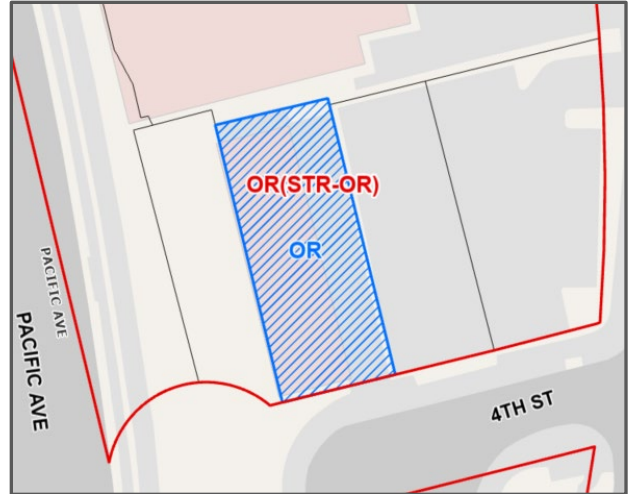
Accela Record: 2025-PCCC-00150

AICUZ: 65-70 dB DNL - Sub-Area 1

SGA: Resort Area

Overlay: Short Term Rental

Staff Planner: Alexis Bailey



Request to operate a 3-bedroom short term rental.

Agenda Item 1

Applicant: City of Virginia Beach

Planning Commission Public Hearing: December 10, 2025

RESOLUTION OF 2026 PLANNING COMMISSION DATES



Request

A resolution to schedule monthly meetings of the Planning Commission of the City of Virginia Beach for January 2026 to December 2026

Summary of Request

This resolution is to set the monthly Planning Commission of the City of Virginia Beach schedule for January 2026 to December 2026. The regularly scheduled public hearing meetings shall take place at noon on the second Wednesday of every month from January 2026 to December 2026, except for November 2026, when the public hearing shall take place on the second Thursday, due to the City being closed in observance of Veterans Day. This resolution also schedules the informal public hearings that take place at 9:00 a.m. on the same dates listed below:

- January 14, 2026
- February 11, 2026
- March 11, 2026
- April 8, 2026
- May 13, 2026
- June 10, 2026
- July 8, 2026
- August 12, 2026
- September 9, 2026
- October 14, 2026
- November 12, 2026, 2nd Thursday due to the City being closed in observance of Veterans Day
- December 9, 2026

If a meeting is cancelled due to hazardous conditions, the applicants thereon shall be continued to the next regularly scheduled meeting without further advertising.

Recommendation

Staff recommends approval of this resolution.

Resolution

1 A RESOLUTION TO SCHEDULE MONTHLY
2 MEETINGS OF THE PLANNING COMMISSION OF
3 THE CITY OF VIRGINIA BEACH FOR JANUARY 2026
4 TO DECEMBER 2026
5

6 WHEREAS, the Planning Commission of the City of Virginia Beach regularly meets on the
7 second Wednesday of every month for its regularly scheduled meetings, and applications on
8 such agendas require advertising as required by law; and
9

10 WHEREAS, on occasion the Chairman, or in his or her absence the Vice-Chairman, may
11 find and declare that weather or other conditions are such that it is hazardous for members to
12 attend the regularly scheduled meeting; and
13

14 WHEREAS, such findings shall be communicated to the members and the press as
15 promptly as possible;
16

17 WHEREAS, the Planning Commission will in such a situation hear the applications
18 scheduled for the cancelled meeting at its next regularly scheduled meeting, without further
19 advertising in accordance with Virginia Code Section 15.2-2214; and
20

21 WHEREAS, a copy of this Resolution shall be published in a newspaper of general
22 circulation at least seven days before the January 2026 meeting date.
23

24 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE
25 CITY OF VIRGINIA BEACH, VIRGINIA:
26

27 That in accordance with Virginia Code Section 15.2-2214, the Planning Commission
28 establishes its regularly scheduled public hearing meetings at noon on the second Wednesday
29 of every month from January 2026 to December 2026, and its informal hearings at 9:00 AM on
30 the same dates listed here:
31

32 January 14, 2026

33 February 11, 2026

34 March 11, 2026

35 April 8, 2026

36 May 13, 2026

37 June 10, 2026

38 July 8, 2026

39 August 12, 2026

40 September 9, 2026

41 October 14, 2026

42 November 12, 2026 *hearing will be held on the 2nd Thursday of the month
43 due to the City being closed in observance of Veterans Day

44 December 9, 2026
45

46 If a meeting is cancelled due to hazardous conditions, the applications thereon shall be continued
47 to the next regularly scheduled meeting without further advertising.

Resolution

Adopted by the Planning Commission of the City of Virginia Beach, Virginia, on the 10th day of December 2025.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Kaitlen Alcock, Planning Administrator
Planning Department

Diamond C. Royster, Assistant City Attorney
City Attorney's Office

Agenda Item 2

Applicant: City of Virginia Beach
Planning Commission Public Hearing: December 10, 2025
Nimmo Church Historic and Cultural District Removal



Project Details

Request

Removal of Zoning Overlay

Staff Planner

Mark Reed

Location

2040 Nimmo Church Lane
2204 Princess Anne Road

GPINS

2414054912, 2414050844

Site Size

±11.34 acres

AICUZ

65-70 dB DNL; Sub-Area 2

Watershed

Southern Rivers

Existing Land Use and Zoning District

Retail and Religious Assembly/ B-2 Community
Business and R-20 Residential

Surrounding Land Uses and Zoning Districts

North

General Booth Boulevard
Medical Office, Multi-family dwellings / O-1 Office,
A-18 Apartment

South

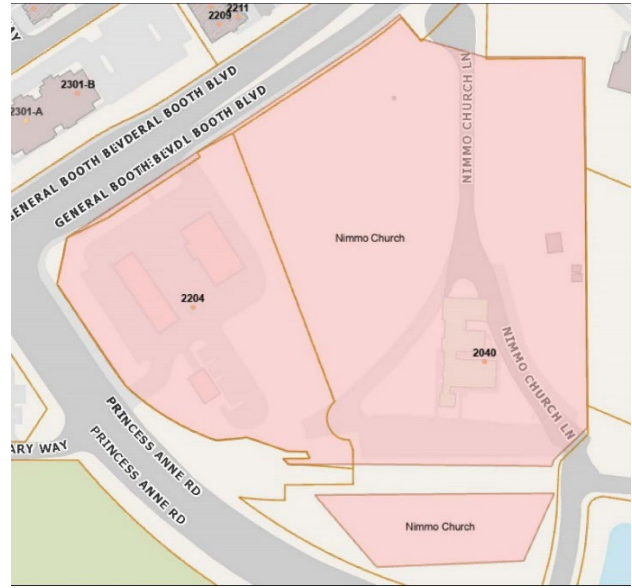
Princess Anne Road
Park / P-1 Preservation

East

Single-family dwellings / AG-2 Agricultural, R-20
Residential

West

Princess Anne Road
Gas Station / B-2 Community Business



Request

An ordinance to remove GPIN 2414050844 and a portion of GPIN 2414054912 from the Nimmo Church Historic and Cultural District and to amend the Official Zoning Map of the City of Virginia Beach to eliminate the Nimmo Church Historic and Cultural District.

Summary of Request

Nimmo United Methodist Church has requested removal from the Nimmo Church Historic and Cultural District (HCD) due to significant material and labor costs associated with repairs and improvements desired by the Church.

Historic and Cultural Districts are established to protect the historical significance and integrity of properties that are recognized for their association with historic events, historically significant persons, that possess distinctive characteristics of a type, period, or method of construction, or that have the potential to yield significant archaeological or historical information. Nimmo United Methodist Church was founded in 1791 when Anne Nimmo deeded one acre of land for a religious structure. The Church is one-story and made of wood frame weatherboard. A steeple was added on the front of the church in 1893, and several other additions were constructed between 1958 and 1990. The Church exemplifies a rural American church building in the early Republic architectural style. The Nimmo Church HCD was established by the City Council on August 25, 1980, with a subsequent expansion of the District approved on March 9, 1981.

Recommendation

This request was presented to the Historical Review Board (HRB) on October 15, 2025. The HRB voted unanimously to oppose the request, noting the removal of the zoning overlay will set a negative precedent and threaten the integrity of Virginia Beach's historic preservation program and the City's standing as a Certified Local Government. The HRB stated the only justifiable reasons to remove the zoning overlay from a Historic and Cultural District would be if the historic resource was no longer extant or if it was damaged or altered to the extent that it no longer possessed historical integrity or significance, which they did not find to be the case with Nimmo Church.

The request ~~was [begin strikethrough] is scheduled to be [end strikethrough]~~ presented to the Historic Preservation Commission (HPC) on December 3, 2025. ~~[begin strikethrough] Further details regarding the HPC's vote will be provided following the meeting. [end strikethrough]~~. The HPC voted unanimously to oppose the request, noting it would be contrary to the intent of the establishment of the district and would remove the basic protections for a building that is significant to the City's historical identity. The HPC also noted the precedent that would be set if the Nimmo Church HCD were removed and the negative impact it could have on the City's model historic preservation program. The HPC did not find the reasons for the request to warrant the removal of the Historic and Cultural District designation.

Ordinance

1 AN ORDINANCE TO REMOVE GPIN 24140508440000
2 AND A PORTION OF GPIN 24140549120000 FROM THE
3 NIMMO CHURCH HISTORIC AND CULTURAL DISTRICT
4 AND TO AMEND THE OFFICIAL ZONING MAP OF THE
5 CITY OF VIRGINIA BEACH TO ELIMINATE THE NIMMO
6 CHURCH HISTORIC AND CULTURAL DISTRICT
7

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

10
11 WHEREAS, Historic and Cultural Districts are established to protect the historic
12 significance and integrity of properties that are recognized for their association with
13 historic events, historically significant persons, that possess distinctive characteristics of
14 a type, period or method of construction or have the potential to yield significant
15 archaeological or historical information;

16
17 WHEREAS, City Council voted on August 25, 1980 to create the Nimmo Church
18 Historic and Cultural district, and again on March 9, 1981 to expand the district;

19
20 WHEREAS, the City Zoning Ordinance Section 1301 calls for due consideration
21 to the views of owners of property being considered for inclusion in such district;

22
23 WHEREAS, Nimmo United Methodist Church has requested removal from the
24 Nimmo Church Historic and Cultural District due to significant material and labor costs
25 associated with necessary repairs, and dense commercial and residential development
26 in the surrounding area;

27
28 WHEREAS, the removal of GPIN 24140508440000 and a portion of GPIN
29 24140549120000 from the Nimmo Church Historic and Cultural District, and therefore
30 elimination of the district in its entirety was presented to the Historical Review Board on
31 October 15, 2025, the Historic Preservation Commission on December 3, 2025, and the
32 Planning Commission on December 10, 2025 for their consideration;

33
34 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
35 VIRGINIA BEACH, VIRGINIA:

36
37 GPIN 24140508440000 and a portion of GPIN 24140549120000 are removed
38 from the Nimmo Church Historic and Cultural District, and the Nimmo Church Historic
39 and Cultural District is eliminated in its entirety in accordance with Article 1300 of the
40 City Zoning Ordinance and this Ordinance.

41
42 NOW, THEREFORE, BE IT ALSO ORDAINED BY THE COUNCIL OF THE CITY

Ordinance

43 OF VIRGINIA BEACH, VIRGINIA:

44

45 That the official zoning map of the City of Virginia Beach be, and hereby is,
46 amended by the removal of the Nimmo Church Historic and Cultural District, located at
47 GPIN 24140508440000 and a portion of GPIN 24140549120000 as shown on the
48 official zoning map of the City of Virginia Beach, displayed to the City Council and on file
49 in the Department of Planning and Community Development.

Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day
of _____, 2026

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA-16971
R-2
October 13, 2025

Agenda Item 3

Applicant: City of Virginia Beach

Planning Commission Public Hearing: December 10, 2025

Portable Storage Containers Ordinance Amendment



Request

An ordinance to add Section 208.1 to the City Zoning Ordinance pertaining to the regulation of roll-off containers.

Summary of Request

This text amendment updates the zoning ordinance to add Section 208.1, roll-off containers. Roll-off containers are heavy-duty trash containers used for construction or large cleanup projects. Currently, the Zoning Ordinance has limitations for portable storage containers, but those do not include roll-off containers. This ordinance amendment will allow City Staff to regulate roll-off trash containers in residential districts by the Zoning Division:

- One roll-off container permitted for a period not to exceed 16 days in any 6-month period.
- Roll-off containers shall be allowed during permitted construction activities.

The Coastal Virginia Building Industry Association (CVBIA) was briefed and provided their support for this ordinance amendment during their November 19, 2025 meeting.

Recommendation

Staff recommends approval of this ordinance. This amendment will allow enforcement of roll-off containers by the Zoning Division.

AN ORDINANCE TO ADD SECTION 208.1 OF THE CITY ZONING ORDINANCE PERTAINING TO THE REGULATION OF ROLL OFF CONTAINERS

SECTION ADDED: § 208.1

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

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

That Section 208.1 is hereby added to the City Zoning Ordinance of Virginia Beach, Virginia, and ordained to read as follows:

Sec. 208.1. Roll Off Containers.

(A) General regulations. In residential districts, roll off containers and roll off dump containers shall be permitted only as specified and subject to the following regulations:

- (1) One (1) roll off container shall be allowed for a period not exceeding a total of 16 days in any consecutive 6-month period, except that:
 - (i) Roll off containers shall be allowed during permitted construction, reconstruction, alteration or renovation for the duration of the active building permit and for an additional period of twenty-four (24) hours before and after.

(2) All roll off containers must comply with Chapter 31 – Solid Waste in the City Code.

(B) Violations; penalties. Any person who violates any of the provisions of this section shall be assessed a civil penalty in the amount of one hundred dollars (\$100.00) for the initial violation and two hundred fifty dollars (\$250.00) for each additional violation. The assessment of a civil penalty shall not preclude the institution of a civil action by the zoning administrator pursuant to section 103(a) of this ordinance, but no such violation shall be prosecuted as a criminal misdemeanor. Each day during which the violation is found to have existed shall constitute a separate offense; provided, however, that specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of five thousand dollars (\$5,000.00). The procedure in cases of violations shall be as specified in section 217(b) of this ordinance.

Ordinance

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2026.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA16974
R-3
December 1, 2025

Agenda Item 4

Applicant & Property Owner: John Hunter Dorroh III and Katrina Y Dorroh Revocable Trust
Planning Commission Public Hearing: December 10, 2025
City Council District: District 6 (Remick)



Project Details

Request

Modification of Conditions

Staff Recommendation

Approval

Staff Planner

Alexis Bailey

Location

304 45th Street

GPIN

2418868908

Site Size

6,346 square feet

AICUZ

65-70 dB DNL; Sub-Area 1

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Semi-detached dwelling / R-7.5 Residential

Surrounding Land Uses and Zoning Districts

North

45th Street

Single-family dwellings / R-7.5 Residential

South

Alley

Single-family dwelling / R-7.5 Residential

East

Single-family dwelling / R-7.5 Residential

West

Single-family dwelling / R-7.5 Residential

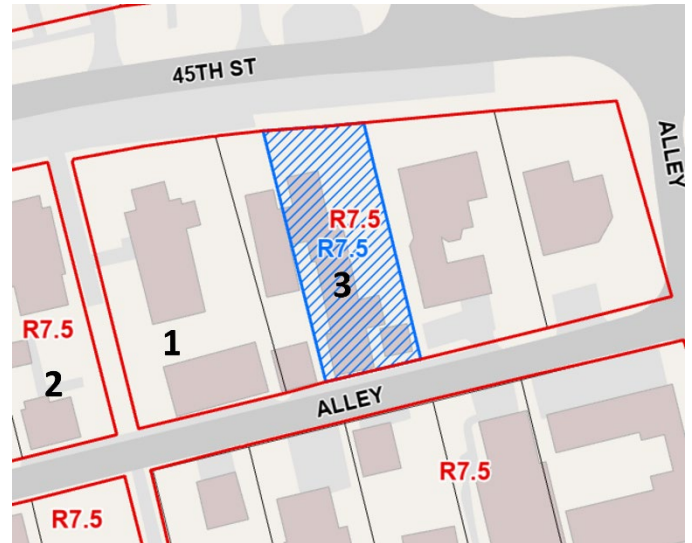


Background & Summary of Proposal

- The applicant is requesting a Modification of Conditions to a previously approved Change in Nonconformity on this 6,346 square foot R-7.5 Residential zoned parcel. More specifically, the applicant seeks to enhance the existing breezeway connection between the two dwellings on the property, to include the installation of a standing seam metal roof, a new front door, and a glass enclosure, as well as the installation of cedar shake roof shingles on the primary structure.
- On June 25, 2002, a Change in Nonconformity was granted on this property to enlarge the existing semidetached single-family dwelling. The conditions specified that the site be developed in substantial conformance to the conditioned elevations and that the roofing materials shall consist of asphalt fiberglass shingles. Therefore, a Modification of Conditions is required to accommodate the use of cedar shake shingles and standing seam metal roofing.
- The subject property, 304 45th Street, was developed in 1945, prior to the adoption of a Zoning Ordinance in the City of Virginia Beach. There are several existing nonconformities associated with this property, including:
 - A semi-detached dwelling located on a lot zoned R-7.5 Residential District
 - A second dwelling unit in the form of a guest cottage
- The breezeway enhancement will include the installation of two new front doors to create a more defined entryway. Additionally, the applicant is proposing to use a standing seam metal roof on an existing bump-out on the west side of the dwelling.

Zoning History

#	Request
1	NON Approved 01/14/2014
2	NON Approved 01/09/2007
3	NON Approved 07/25/2002



Application Types

CUP: Conditional Use Permit
REZ: Rezoning
CRZ: Conditional Rezoning
MDC: Modification of Conditions

MDP: Modification of Proffers
NON: Nonconforming Use
STC: Street Closure
FVR: Floodplain Variance
ALT: Alternative Compliance

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

Evaluation & Recommendation

In Staff's opinion, the proposed Modification of Conditions to the previously approved Change in Nonconformity to allow for enhancements to the existing breezeway, the use of a standing seam metal roof, and the use of cedar shake roofing is acceptable.

This site is located in the Suburban Area, within the North End Suburban Focus Area (SFA). A design principle of which is to utilize attractive and high-quality materials that can withstand weather events. The materials proposed, including the cedar shake roofing and standing seam metal roofing, are durable and of a high quality.

Given the site's location within the North End SFA, the applicant was advised to appear before the North Virginia Beach Civic League Zoning Review Committee. The applicant presented the proposal to the Committee on October 29, 2025, during which the Committee voted to support the project as proposed.

Staff does not foresee any adverse impacts to the surrounding properties as result of the request, and for this reason Staff recommends approval of this application, subject to the conditions listed below.

Recommended Conditions for Modification of Conditions (MDC)

1. All previous conditions attached to the Change in Nonconformity approval of June 25, 2002, shall be voided and replaced with the following conditions below.
2. The addition to the semidetached single-family dwelling shall be in substantial conformance with the submitted plan titled Physical Survey of Lot 79, Cavalier Shores Section B Virginia Beach, Virginia for William H. Gallup & Jo A. Gallup, submitted May 21, 2002, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.
3. The delineated parking area depicted on the submitted plan titled "Physical Survey of Lot 79, Cavalier Shores Section B Virginia Beach, Virginia for William H. Gallup & Jo A. Gallup, submitted May 21, 2002," shall be installed on the site. The parking area shall be finished in concrete, asphalt, or paver blocks.
4. The exterior of the dwelling shall substantially adhere in appearance, size, materials, and color palette to the building elevations entitled "John and Katrina Dorroh," dated 10/24/2025 and prepared by Ocean Grand, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.
5. The applicant shall obtain all necessary permits and inspections from the Permits and Inspections Division of the Department of Planning and 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 2002 Change in Nonconformity

1. The addition to the semidetached single-family dwelling shall be in substantial conformance with the submitted plan titled Physical Survey of Lot 79, Cavalier Shores Section B Virginia Beach, Virginia for William H. Gallup & Jo A. Gallup, submitted May 21, 2002. Said plan is on file in the Planning Department, City of Virginia Beach.
2. The structure shall be in substantial conformance with the First Floor plan, Second Floor plan, and building elevation, submitted May 21, 2002. Said plans are on file in the Planning Department, City of Virginia Beach. The building materials shall be as specified in the application. The roofing materials shall be asphalt

fiberglass shingles, the exterior siding shall be lap siding, and the windows shall be double hung colonial style.

- The delineated parking area depicted on the submitted plan titled “Physical Survey of Lot 79, Cavalier Shores Section B Virginia Beach, Virginia for William H. Gallup & Jo A. Gallup, submitted May 21, 2002,” shall be installed on the site. The parking area shall be finished in concrete, asphalt, or paver blocks.

Comprehensive Plan Information

The site falls within the Suburban Area in the North End Suburban Focus Area. Design principles applicable to this site include the use of “attractive and high-quality materials capable of withstanding severe weather events should be used” (p. 1-92, Comp Plan Policy Document). Additionally, “the mass, or overall size, and height of the structure should be appropriate to the surroundings” (p. B-10, Reference Handbook).

Natural & Cultural Resources Impacts

The site is located in the Atlantic Ocean watershed.

There are no known historic or cultural resources that will be affected by this project.

Traffic Impacts/Transportation

Traffic Counts

Street Name	Present Volume	Present Capacity	Generated Traffic
45th Street	No traffic counts available	No traffic counts available	Existing Land Use ² – 10 ADT Proposed Land Use ³ – 10 ADT

¹ Average Daily Trips

²As defined by a single-family dwelling

³As defined by a single-family dwelling

⁴LOS = Level of Service

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

There are no MTP or CIP projects in the vicinity of the site.

Active Transportation Plan

There are no improvements or recommendations in the Active Transportation Plan applicable to this site.

Public Utility Impacts

Water & Sewer

The site is currently connected 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 November 10, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, November 26, 2025 and December 3, 2025.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 24, 2025.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of viriniabeach.gov/pc on December 4, 2025.

Resolution

1 A RESOLUTION TO MODIFY THE CONDITIONS OF A
2 NONCONFORMING STRUCTURE ON PROPERTY
3 LOCATED AT 304 45TH STREET
4

5 WHEREAS, John Hunter Dorroh III and Katrina Y Dorroh Revocable Trust (the
6 “Applicant”) has made application to the City Council for authorization to modify the
7 conditions associated with the previously approved change in nonconformity to enlarge a
8 nonconforming semi-detached single-family dwelling located at 304 45th Street and
9 zoned R-7.5 Residential;
10

11 WHEREAS, this parcel currently contains a single-family dwelling that does not
12 meet the current zoning regulations. The dwelling is a semi-detached single-family
13 dwelling, which is not permitted under the City Zoning Ordinance within the R-7.5
14 Residential District. This parcel also contains a second dwelling unit in the form of a guest
15 cottage, which is not permitted under the City Zoning Ordinance. The dwellings were
16 constructed prior to the adoption of the applicable zoning regulations and is therefore
17 nonconforming;
18

19 WHEREAS, on June 25, 2002, City Council authorized, with three conditions, the
20 enlargement of the nonconforming dwelling for this parcel;
21

22 WHEREAS, the Applicant seeks to enhance the existing breezeway connection
23 between the two dwellings on the parcel, to include the installation of a standing seam
24 metal roof, a new front door, a glass enclosure, and install cedar shake roof shingles on
25 the primary structure;
26

27 WHEREAS, the Planning Commission of the City of Virginia Beach recommended
28 approval of this application on December 10, 2025; and
29

30 WHEREAS, pursuant to Section 105 of the City Zoning Ordinance, the expansion
31 of a nonconforming structure is unlawful in the absence of a resolution of the City Council
32 authorizing such action upon a finding that the proposed structure as expanded is equally
33 appropriate or more appropriate to the zoning district than the existing structure.
34

35 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
36 VIRGINIA BEACH, VIRGINIA:
37

38 That the City Council hereby finds that the proposed nonconforming structure as
39 altered, will be equally appropriate to the district as is the existing structure under the
40 conditions of approval set forth herein below.
41

42 BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA
43 BEACH, VIRGINIA:
44

- 45 1. All previous conditions attached to the Change in Nonconformity approval of June 25,
46 2002, shall be voided and replaced with the following conditions below.
47

Resolution

- 48 2. The addition to the semidetached single-family dwelling shall be in substantial
49 conformance with the submitted plan titled Physical Survey of Lot 79, Cavalier Shores
50 Section B Virginia Beach, Virginia for William H. Gallup & Jo A. Gallup, submitted May
51 21, 2002, which has been exhibited to the Virginia Beach City Council and is on file
52 with the Department of Planning & Community Development.
53
- 54 3. The delineated parking area depicted on the submitted plan titled “Physical Survey of
55 Lot 79, Cavalier Shores Section B Virginia Beach, Virginia for William H. Gallup & Jo
56 A. Gallup, submitted May 21, 2002,” shall be installed on the site. The parking area
57 shall be finished in concrete, asphalt, or paver blocks.
58
- 59 4. The exterior of the dwelling shall substantially adhere in appearance, size, materials,
60 and color palette to the building elevations entitled “John and Katrina Dorroh,” dated
61 10/24/2025 and prepared by Ocean Grand, which has been exhibited to the Virginia
62 Beach City Council and is on file with the Department of Planning and Community
63 Development.
64
- 65 5. The applicant shall obtain all necessary permits and inspections from the Permits
66 and Inspections Division of the Department of Planning and Community
67 Development.
68

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2026.

APPROVED AS TO CONTENT:

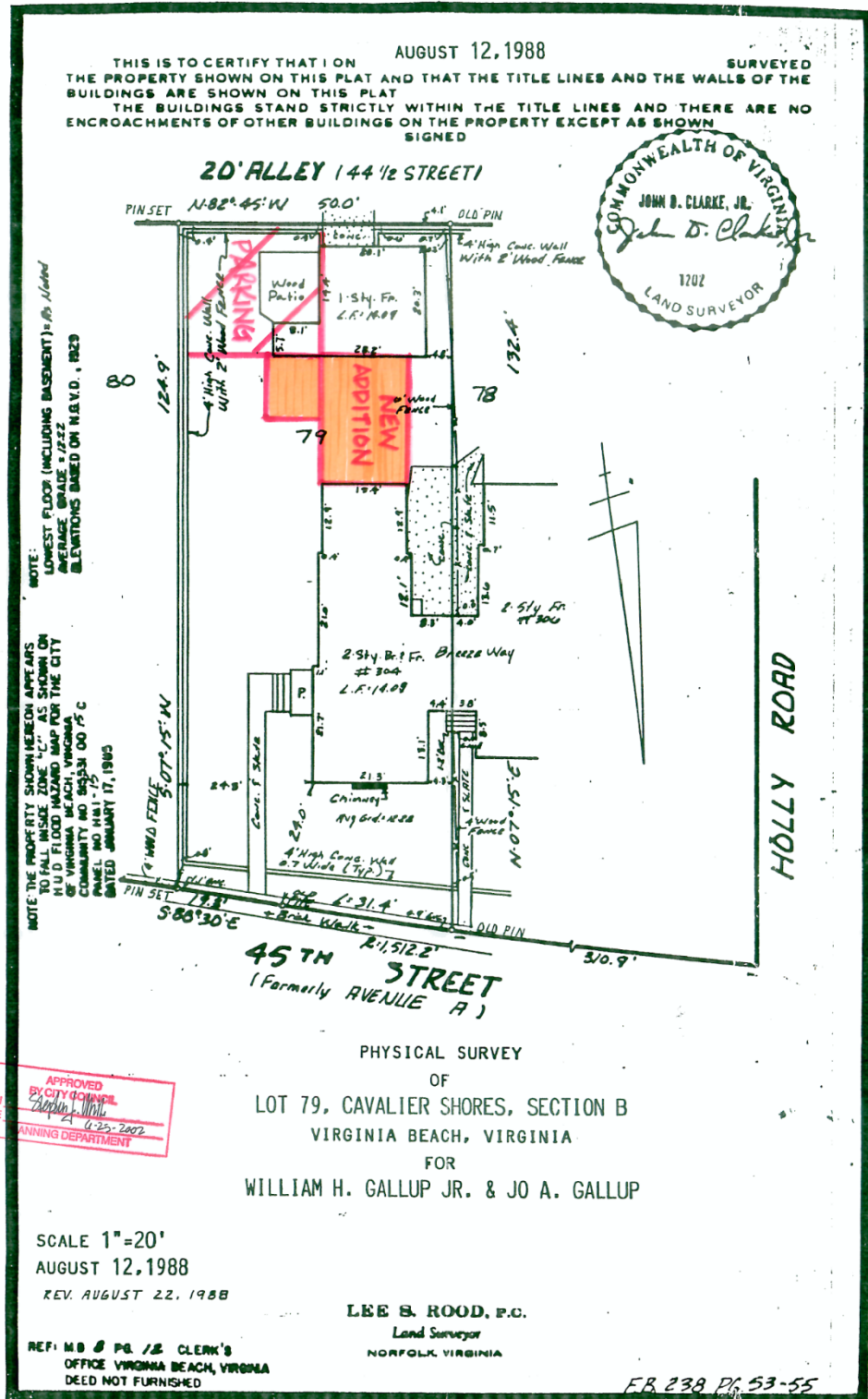
APPROVED AS TO LEGAL SUFFICIENCY:

Planning and Community
Development

City Attorney’s Office

CA17070
R-1
December 2, 2025

2002 Approved Site Layout



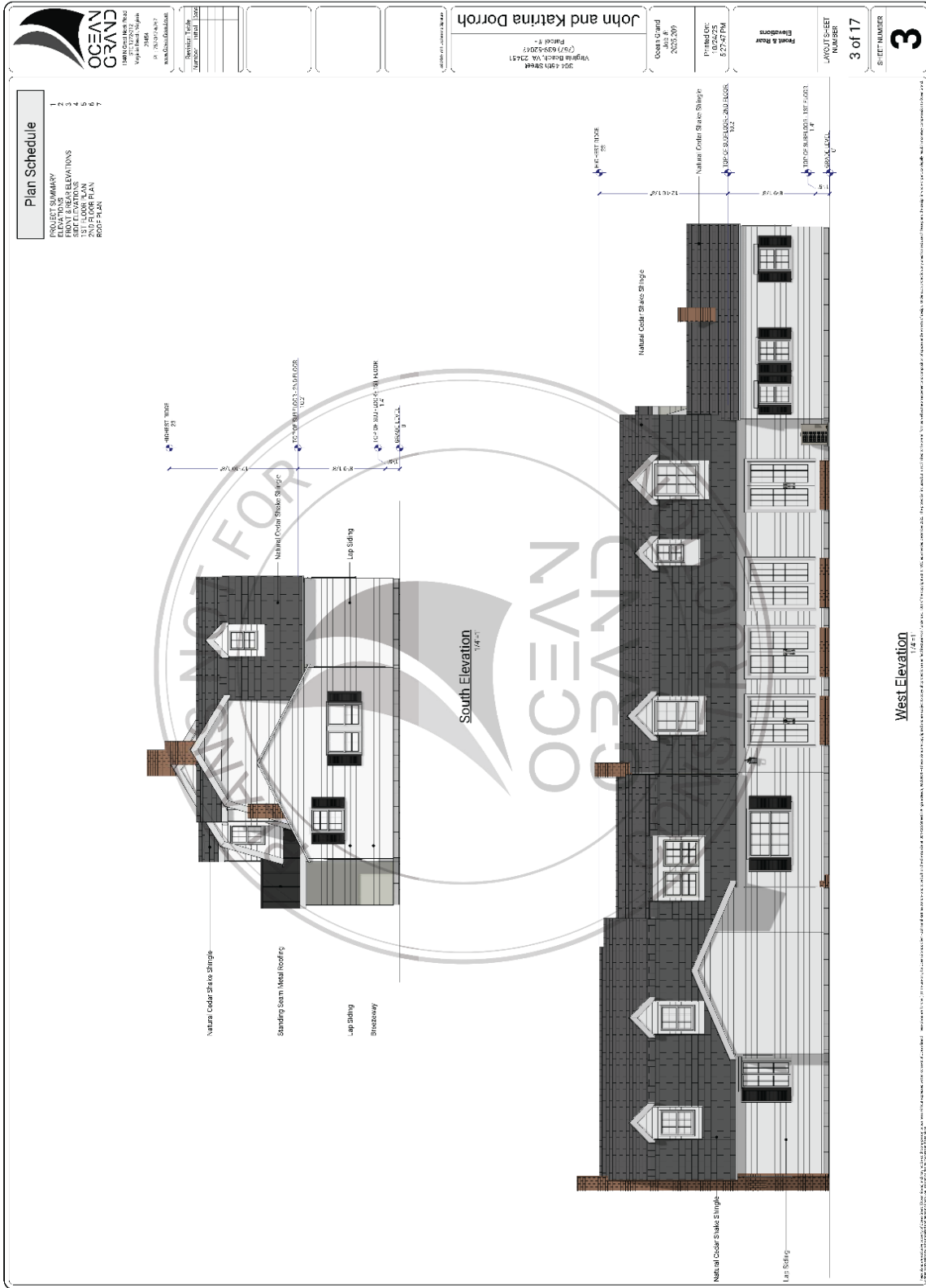
REF: 16,448-88

29,208-88


10 se

3

Proposed Elevation Plan



Proposed Elevation Plan



OCEAN GRAND
 1000 Ocean Grand Blvd
 Virginia Beach, VA 23462
 Phone: 757.463.7000
 www.oceanguard.com

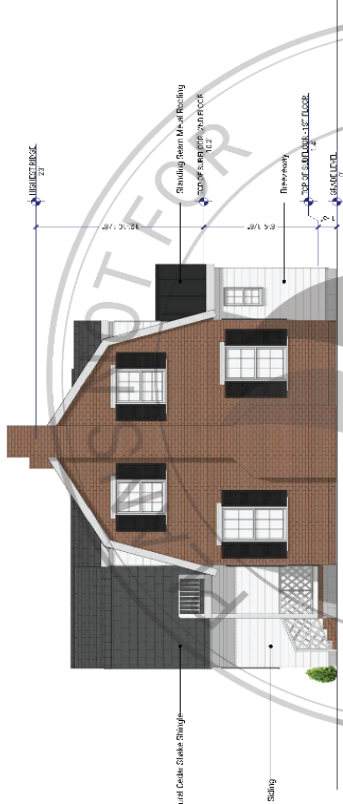
John and Katrina Dorroh

Down Ground
 2025.209
 Planned On:
 11/18/2025
 5:27:53 PM

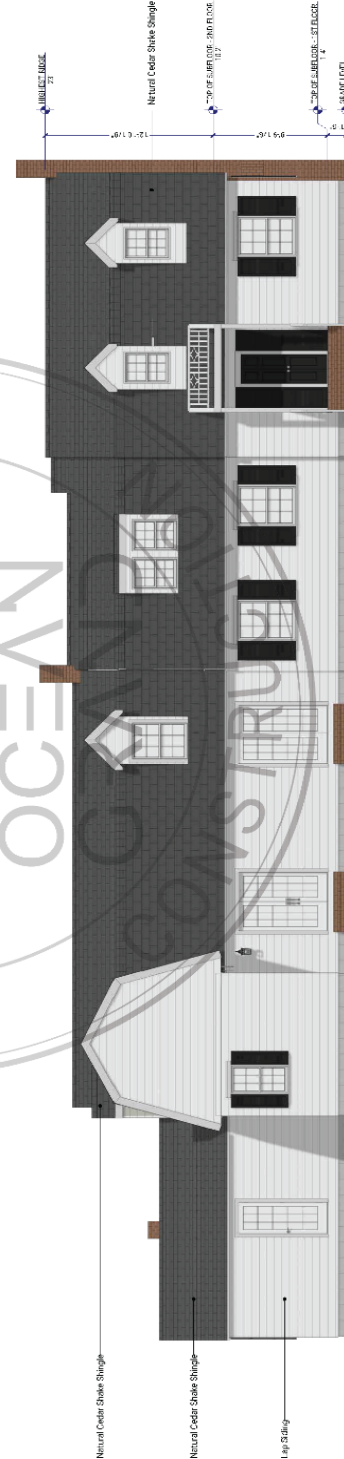
Side Elevations

1. LAYOUT SHEET NUMBER
4 of 17

2. SHEET NUMBER
4



North Elevation
1/4" = 1'

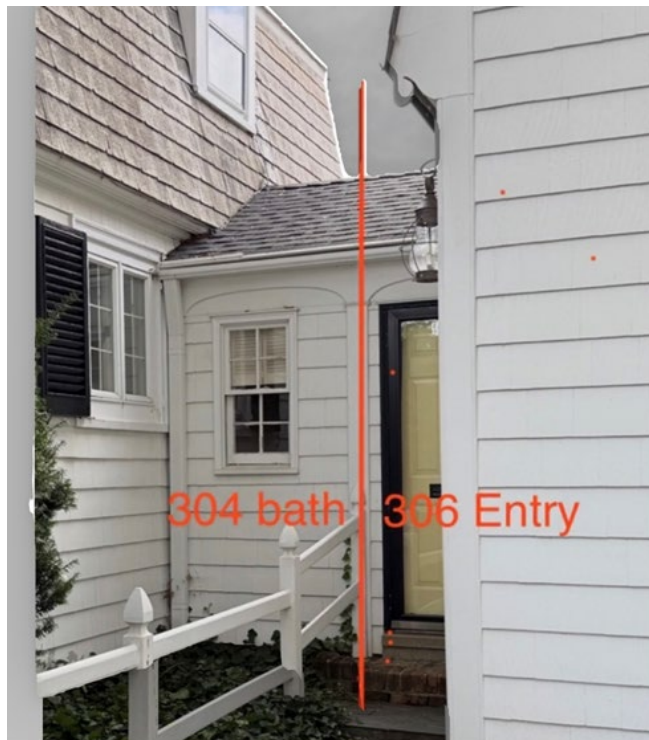


East Elevation
1/4" = 1'

Site Photos



Site Photos





The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. 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, boards, commissions, or other bodies.

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: John Hunter Dorroh III & Katrina Dorroh Revocable Trust
as listed on application

Is Applicant also the Owner of the subject property? Yes No
If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes No
If yes, name Representative: Sally Brown

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes No
If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

John Hunter Dorroh III and Katrina Dorroh

Does the subject property have a proposed or pending purchaser? Yes No
If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	

Disclosure Statement

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input checked="" type="radio"/>	<input type="radio"/>	Ocean Grand Coastal Structure and Design
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	Elizabeth Design Co
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	WPL
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

APPLICANT CERTIFICATION

READ: I certify that all information contained in this 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 three 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.

Katrina Dorroh	<i>Katrina Dorroh</i>	10/28/2025
Applicant Name (Print)	Applicant Signature	Date

¹ "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.

² "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.

FOR CITY USE ONLY:

No changes as of (date): _____

_____	_____	_____
Staff Name (Print)	Staff Signature	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.

Agenda Item 5

Applicant: Cohen Residential, LLC

Property Owner: Barbara A. Cason et al

Planning Commission Public Hearing: December 10, 2025

City Council District: District 2 (Henley)



Project Details

Request

Conditional Rezoning (AG-1 & AG-2 Agricultural Districts to Conditional R-10 Residential District)

Staff Recommendation

Approval

Staff Planner

Michael Hayes

Location

2597 Leroy Road

GPIN

2404410451

Site Size

5.03 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

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

Surrounding Land Uses and Zoning Districts

North

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

South

Leroy Road

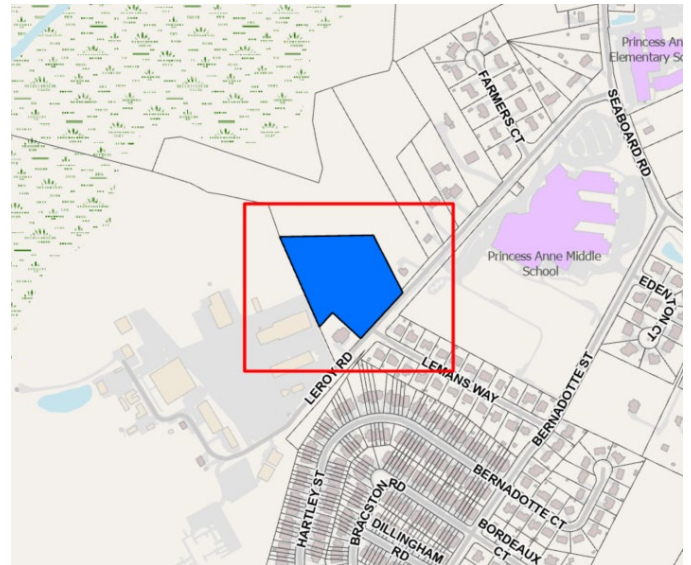
Single-family dwellings, school / R-10 Residential, R-15 Residential

East

Single-family dwelling / AG-2 Agricultural

West

Single-family dwelling, City-owned fleet management yard / R-20 Residential, I-2 Heavy Industrial

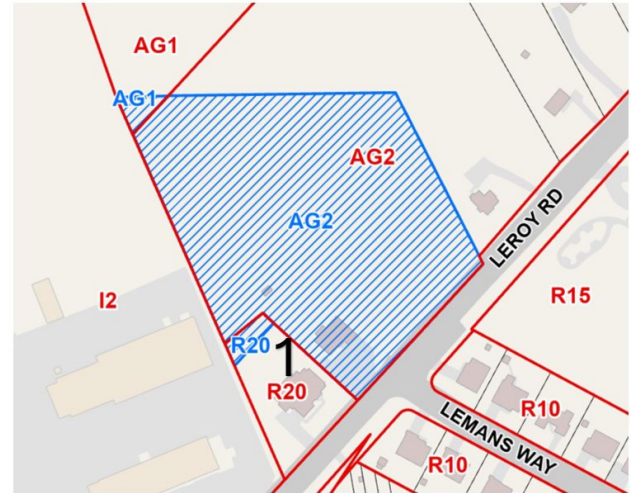


Background & Summary of Proposal

- The applicant is requesting to rezone a 5.03-acre parcel from AG-1 and AG-2 Agricultural Districts to Conditional R-10 Residential District to develop four new single-family lots with a resulting density of 0.79 units per acre.
- The site, located along Leroy Road, is within the Transition Area and is currently developed with one single-family dwelling.
- Each new lot would contain over one acre of land and have at least 80 feet of frontage along Leroy Road, satisfying all dimensional requirements of the R-10 Residential District and the lot size and density recommendations for the Transition Area.
- A portion of each new lot is proposed to be preserved as open space. The total preservation area is 3.18± acres or approximately 63%, exceeding the 50% minimum open space required by the Transition Area Design Guidelines.
- Curb and gutter improvements along Leroy Road will be installed across the frontages of all lots with the construction of the first home.
- In addition to the 2-car garage proffered for each dwelling, each lot has adequate space to accommodate the two required parking spaces, excluding the garage space, for each single-family dwelling.
- Although architectural building elevations have not been provided for the proposed single-family dwellings, the applicant has proffered general architectural features, scale, and materials to be used in the design of each home to include exterior building materials consisting of architectural shingles, premium vinyl, cementitious siding (e.g., "HardiPlank"), brick or masonry stone, or a combination of those materials along with high-quality accent or ancillary material such as metal-roof accents-and vinyl-shutters along with photographs of existing homes to be used as an example. As noted in Proffer 2, the photos submitted by the applicant depict the style of homes to be constructed which will include design elements such as aligning windows, porches, substantial columns, and eaves.
- The proposed single-family dwellings would be constructed on either a crawl space or raised slab foundation. The homes will be either one or two-story in height, thereby satisfying the 35-foot maximum building height in the R-10 Residential District. The minimum proposed square footage for the one and two-story dwellings is 2,200 square feet and 2,400 square feet, respectively.

Zoning History

Map Key No.	Request
1	REZ (AG-2 Agricultural to R-20 Residential) Approved 10/18/2016



Application Types

CUP: Conditional Use Permit

REZ: Rezoning

CRZ: Conditional Rezoning

MDC: Modification of
Conditions

MDP: Modification of Proffers

NON: Nonconforming Use

STC: Street Closure

FVR: Floodplain Variance

ALT: Alternative Compliance

SVR: Subdivision Variance

LUP: Land Use Plan

STR: Short Term Rental

Evaluation & Recommendation

The proposed Conditional Rezoning from AG-1 & AG-2 Agricultural Districts to Conditional R-10 Residential District to develop a four-lot single-family subdivision is, in Staff's opinion, acceptable. The site is located in the Transition Area, and the proposed development adheres to the Transition Area Design Guidelines. The proposed residential community meets the recommendations of the Comprehensive Plan by providing direct access to Leroy Road to limit impervious surface by not creating a new street and preserving over half of the site, approximately 3.18 acres, as open space. The 3.18 acres of open space, which is over 60% of the site, exceeds the 50% open space as recommended by the Transition Area Design Guidelines (TADG). The proposed layout also meets the dimensional requirements of the Zoning Ordinance, as well as the lot size and density recommended in the TADG, by providing at least one acre of area and 80 feet of width for each lot, with a resulting density of 0.79 units per acre. The applicant is also proffering building design elements that adhere to the character and quality of materials recommended in the Transition Area Design Guidelines.

Further, through the proffer agreement, the applicant proposes to install right-of-way improvements, to include curb, gutter, and sidewalks, when the first lot is developed to assure the entire frontage is completed and consistent. Given the scale of the subdivision, which does not include any new roads, and the applicant's intent to install the infrastructure on Leroy Road with the development of the first lot, a preliminary drainage study was not required. Each lot will be designed and developed using an individual single-family site plan and Agreement in Lieu to satisfy drainage requirements.

Information provided by the Virginia Beach City Public School Staff indicates that the number of students expected from the proposed residences is limited to two, which is within the acceptable threshold for increases in student population.

The proffered conceptual site plan has been reviewed by the Fire Marshal's Office and no concerns were raised with the proposed layout or circulation. Further review will be conducted during the final site plan review process.

Since the property is located within the Transition Area, the applicant's representative presented the application and proposed development to the Transition Area/Interfacility Traffic Area Citizens' Advisory Committee (TA/ITA CAC) on October 2, 2025. The Committee voted unanimously in favor of the proposed development.

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

Proffers

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

Proffer 1

When the Property is developed, the additional 10' by 325.2' of right of way dedication along Leroy Road shall be dedicated to the Grantee and improved by the Grantor with curb and gutter and a sidewalk as a condition of the site plan approval for the first lot to be developed, substantially as depicted and described on the exhibit entitled, "LEROY ROAD CONCEPTUAL SUBDIVISION – LOT Y", dated August 29, 2025, prepared by WPL, a copy of which has been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning (together referenced to as the "Conceptual Subdivision Plan") and are incorporated herein by reference.

Proffer 2

When the Property is developed, it will be subdivided into no more than four (4) single family residential building lots each containing over 45,000 square feet of area and a minimum of 17,886 square feet of land outside the forested Reserved Open Area on said Lot. The four (4) new homes will be built with a crawlspace or a raised slab foundation and they will contain a minimum of 2400 square feet of living area for a two-story dwelling and a minimum 2200 square feet of living area for a one-story dwelling. Each home shall have no less than a two (2) car garage and utilize the quality architectural features and design elements substantially as depicted on the four (4) picture exhibit "LEROY ROAD QUALITY HOME DEPICTIONS", dated 8/29/2025, prepared by the Applicant, which has been exhibited to the Virginia Beach City Council is on file with the Virginia Beach Department of Planning (the "Quality Home Depictions") and are incorporated herein by this reference.

Proffer 3

When the Property is developed, the exterior building materials to be used on the residential structures shall consist primarily of high quality architectural shingles, premium vinyl, cementitious siding (e.g., "HardiPlank"), brick or masonry stone, or a combination of those materials along with high-quality accent or ancillary material such as metal-roof accents-and vinyl-shutters. The quality and colors of the exterior building materials shall be substantially consistent with the Quality Home Depictions.

Proffer 4

When the Property is developed, the maximum impervious surface, outside of the Reserved Open Space Area, permitted on each Lot except Lot Y4 shall be eight thousand (8,000) square feet and on Lot Y4 the maximum permitted impervious surface shall be ten thousand (10,000) square feet.

Proffer 5

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

Proffer 6

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

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

Comprehensive Plan Information

The subject property falls within this Transition Area, which provides a strategic land use and density buffer between the suburban area to the north and the rural area to the south. In order to guide development in form and scale, the Transition Area Design Guidelines (TADG) were adopted, and state that development should be low-impact, low-intensity, and low-density. Specifically, residential development should be no greater than one unit per developable acre, with minimum lot sizes of 15,000 square feet being preferred. (p.9, TADG) Lot development should be designed with nature in mind, avoiding floodplains, limiting impervious surface, and preserving natural open spaces. (p.13, TADG)

Natural & Cultural Resources Impacts

The site is located in the Southern Rivers watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high-water surface elevations in downstream receiving waters.

There are no known historic or cultural resources that will be affected by this project.

Traffic Impacts/Transportation

Traffic Counts

Street Name	Present Volume	Present Capacity	Generated Traffic
Leroy Road	1,350 ADT ¹	8,700 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 10 ADT Proposed Land Use ³ – 40 ADT

¹ Average Daily Trips

²As defined by an 1
single-family dwelling

³As defined by a 4
single-family
dwellings

⁴LOS = Level of
Service

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

Leroy Road is a two-lane undivided local collector roadway. There are currently no CIP projects scheduled for this segment of Leroy Road.

Active Transportation Plan

There are no improvements or recommendations in the Active Transportation Plan applicable to the subject site. However, the Department of Parks & Recreation recommends pedestrian facilities be installed along the front of the property, along Leroy Road, to include standard 5-foot wide sidewalks.

Public Utility Impacts

Water

There is an eight-inch to 12-inch City water main along Leroy Road. Due to proximity requirements, piping of the existing ditch in its current location may require relocation of the 8-inch city water main along Leroy Road.

Sewer

There is an existing eight-inch sanitary sewer gravity main, a four-inch and eight-inch City sanitary sewer force main and abandoned six-inch City sewer force main along Leroy Road.

School Impacts

School	Current Enrollment	Capacity	Generation ¹	Change ²
Princess Anne Elementary	649 students	605 students	1 students	1 students
Princess Anne Middle	1,350 students	1,261 students	0 students	0 students
Kellam High	1,827 students	2,049 students	1 students	1 students

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

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

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 10, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, November 26, 2025 and December 3, 2025.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 24, 2025.
- This Staff report, as well as all reports for this Planning Commission’s meeting, was posted on the Commission’s webpage of viriniabeach.gov/pc on December 4, 2025.



LEROY ROAD QUALITY HOME DEPICTIONS
8/29/2025



Proposed Building Exhibit



Site Photos





The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. 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, boards, commissions, or other bodies.

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Cohen Residential, LLC, a Virginia limited liability company
as listed on application

Is Applicant also the Owner of the subject property? Yes No
If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes No
If yes, name Representative: R. Edward Bourdon, Jr., Esq.

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes No
If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)

Sanford M. Cohen, Manager

Does the subject property have a proposed or pending purchaser? Yes No
If yes, name proposed or pending purchaser: Applicant

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	None TBD
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	Lehman A. Little, Real Broker, LLC

Disclosure Statement

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input checked="" type="radio"/>	<input type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Eric Garner, WPL
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

APPLICANT CERTIFICATION

READ: I certify that all information contained in this 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 three 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.

Sanford M. Cohen, Manager

Applicant Name (Print)



Applicant Signature

9.2.25

Date

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

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

FOR CITY USE ONLY:

No changes as of (date): _____

Staff Name (Print)

Staff Signature

Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Barbara A. Cason

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: Applicant

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

READ: The Owner must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	Bethany White, KW Coastal Virginia Chesapeake
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

PROPERTY OWNER CERTIFICATION

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Barbara A. Cason

Property Owner Name (Print)

Barbara A. Cason

Property Owner Signature

10/31/2025

Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Bryon F. Harrington

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: Applicant

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

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Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
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Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
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PROPERTY OWNER CERTIFICATION

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Bryon F. Harrington

Property Owner Name (Print)

Bryon F. Harrington by Barbara D. Queen, his attorney in fact

Property Owner Signature

10/21/2025
Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Joseph H. Harrington, Jr.

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: Applicant

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

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SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	Bethany White, KW Coastal Virginia Chesapeake
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PROPERTY OWNER CERTIFICATION

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Joseph H. Harrington, Jr.

Property Owner Name (Print)

Joseph H. Harrington Jr. by Barbara D. Swan his attorney in fact

Property Owner Signature

10/21/2025
Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Kirk J. Harrington

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: Applicant

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

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SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	Bethany White, KW Coastal Virginia Chesapeake
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Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

PROPERTY OWNER CERTIFICATION

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Kirk J. Harrington Kirk J. Harrington by Barbara A. Owen his attorney in fact 10/21/2025
 Property Owner Name (Print) Property Owner Signature Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Loretta M. Harrington

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: Applicant

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

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Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

PROPERTY OWNER CERTIFICATION

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Loretta M. Harrington

Property Owner Name (Print)

Loretta M. Harrington by Barbara C. Chan, her attorney in fact

Property Owner Signature

10/21/2025
Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Wanda Parson

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: Applicant

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

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Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	Bethany White, KW Coastal Virginia Chesapeake
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

PROPERTY OWNER CERTIFICATION

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Wanda Parson
Property Owner Name (Print)

Wanda Parson by Barbara A. Coonher attorney in fact
Property Owner Signature

10/21/2025
Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Wilma Ross-Parson

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: Applicant

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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SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	Bethany White, KW Coastal Virginia Chesapeake
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

PROPERTY OWNER CERTIFICATION

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Wilma Ross-Parson Wilma Ross-Parson by Parson L. Carr, her attorney in fact 10/21/2025
 Property Owner Name (Print) Property Owner Signature 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.

Agenda Item 6

Applicant: Brink Quality Construction, LLC

Property Owner: Chinese Community Association of Hampton Roads, Inc.

Planning Commission Public Hearing: December 10, 2025

City Council District: District 4 (Ross-Hammond)



Project Details

Request

Conditional Rezoning (B-1 Neighborhood Business District & Conditional B-1 Neighborhood Business District to Conditional A-18 Apartment District)

Staff Recommendation

Approval

Staff Planner

Michael Hayes

Location

722 Newtown Road

GPIN

1468422093

Site Size

1.91 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Assembly use / B-1 Neighborhood Business

Surrounding Land Uses and Zoning Districts

North

Multi-family dwellings / A-18 Apartment (PDH-2 Overlay)

South

Nursing home / R-7.5 Residential

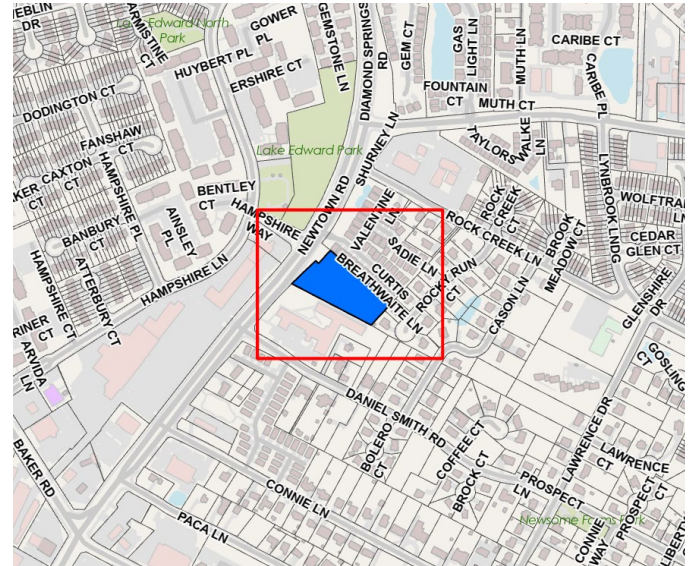
East

Single-family dwellings / R-7.5 Residential

West

Newtown Road, Hampshire Way

Shopping center / B-2 Community Business



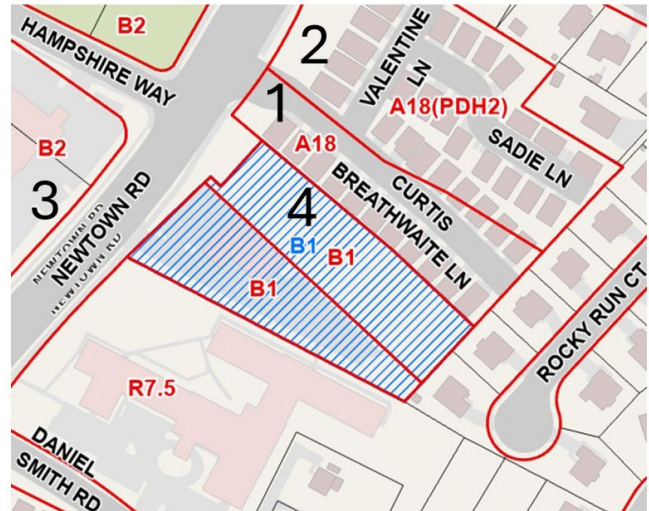
Background & Summary of Proposal

- The applicant is requesting to rezone this 1.91-acre split-zoned parcel from B-1 Neighborhood Business District & Conditional B-1 Neighborhood Business District to Conditional A-18 Apartment District to develop a multi-family community with 18 townhouse-style units with a resulting density of 9.6 units per acre.
- The parcel is currently split-zoned, with the southern portion of the site being B-1 Neighborhood Business District, and the northern portion of the site being Conditional B-1 Neighborhood Business District. The Conditional B-1 portion of the parcel was rezoned on November 9, 1999, to permit an expansion of the existing Chinese Community Center. That addition was never constructed.
- The existing building, located on the southern portion of the site, was constructed in 1990.
- The proposed development involves demolishing the existing building and constructing 18 condominium units along a private drive accessed from Newtown Road. The drive terminates in a hammerhead, which is approved by the Fire Department to serve as an emergency vehicle turnaround.
- The units are proposed to be between 2,300 and 2,800 square feet each.
- The proposed 45% lot coverage satisfies the 50% maximum lot coverage allowed in the A-18 Apartment District.
- Each unit is proposed to have its own two-car driveway and two-car garage. Additionally, three guest parking spaces will be provided toward the rear of the development. The proposed development requires 36 spaces, and 39 are provided, thereby satisfying the parking requirement.
- The units will be two stories tall, with a maximum height of 29 feet and 8 1/8 inches, which is below the maximum 35 feet height allowed in the A-18 Apartment District.
- As depicted on the proffered building elevations, the exterior materials include vinyl lap siding with vertical vinyl siding and brick accents, as well as composite asphalt architectural shingles.
- A six-foot tall monument sign with a brick base is proposed at the entrance, to include the required landscaping around the base of the sign. As proposed, the sign meets the dimensional requirements of the Zoning Ordinance.
- A Category IV landscape buffer, consisting of evergreen trees branching to the ground or a combination of trees and shrubs, is required along the south and east property lines to provide a physical and visual buffer from the adjacent R-7.5 Residential District. While the applicant is proposing to install the required landscaping along the eastern property line, the applicant is requesting a deviation to the buffer requirement, in accordance with Section 107(i) of the Zoning Ordinance, to install a six-foot tall, earthtone, vinyl fence along the southern property line, adjacent to the existing nursing home, rather than the required landscaping.

- In accordance with the Active Transportation Plan, the applicant intends to upgrade the existing sidewalks along the Newtown Road frontage of the site to an 11-foot wide sidepath, as depicted on the proffered Concept Plan.

Zoning History

Map Key No.	Request
1	CRZ (R-7.5 to Conditional PDH-2 & A-18) Approved 03/26/2013
2	MDC Approved 03/26/2013 CRZ (A-18 to Conditional PDH-2 & A-18) Approved 05/24/2011 CRZ (R-7.5 to Conditional A-18) Approved 05/25/2010
3	CUP (Vehicle Rental) Approved 07/03/2012 CUP (Religious Use) Approved 06/27/2006
4	CRZ (R-7.5 to Conditional B-1) Approved 11/09/1999



Application Types

CUP: Conditional Use Permit

REZ: Rezoning

CRZ: Conditional Rezoning

MDC: Modification of

Conditions

MDP: Modification of Proffers

NON: Nonconforming Use

STC: Street Closure

FVR: Floodplain Variance

ALT: Alternative Compliance

SVR: Subdivision Variance

LUP: Land Use Plan

STR: Short Term Rental

Evaluation & Recommendation

Staff finds the proposed request to rezone the property to Conditional A-18 Apartment District acceptable. The subject property is located within the Suburban Area as identified by the Comprehensive Plan. The proposed development is in keeping with the scale and character of the surrounding area.

While the density of 9.6 units per acre is within the threshold permitted within the A-12 Apartment District, the proposed development has a lot coverage of 45% which exceeds the 40% lot coverage permitted in the A-12 District. As such, the applicant is requesting to conditionally rezone the site to the A-18 Apartment District, which permits lot coverage up to 50%.

In working with staff to refine their request, the applicant has created a design that is of similar density to surrounding residential development, while also providing each unit with garage parking and additional driveway spaces. The design also includes the required landscaping between Newtown Road and the front units, including street trees behind the eleven-foot-wide side path, to be installed by the developer, and lower shrubs under the powerlines. Additional landscaping is provided in the front yards of the units. Category IV

landscaping is provided at the rear of the lot, which is adjacent to single-family residential lots. However, the applicant is requesting a deviation from the landscape requirement along the southern property line, adjacent to an existing nursing home within the R-7.5 Residential district. The applicant is requesting to deviate from the landscaping requirement in order to provide backyards for each unit and instead proposes to install a six-foot tall, earthtone, vinyl fence along the south property line. The applicant is requesting a deviation to this requirement through the provisions of Section 107(i) of the Zoning Ordinance, which allows the City Council to grant deviations if “for good cause shown upon a finding that there will be no significant detrimental effects on surrounding properties.” In Staff’s view, the proposed deviation to the landscape requirement will not result in any detrimental effects to the surrounding properties or negatively impact the aesthetics of the area, as it is in keeping with neighboring densities and the scale of buildings.

Other than the requested landscape deviation, the proposed development meets the requirements of the zoning ordinance, including setbacks, building height, and parking. Newtown Road has the capacity to accept the traffic generated from this site.

Information provided by the Virginia Beach City Public School Staff indicates that the proposed development is within the acceptable threshold for increases in student population. Based on this, the proposal is not expected to negatively impact current student enrollment.

The proffered conceptual site plan has been reviewed by the Fire Marshal’s Office, and no concerns were raised with the proposed layout or circulation. Further review will be conducted during the final site plan review process.

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

Proffers

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

Proffer 1

When the Property is redeveloped, it shall be improved with an eighteen (18) unit townhome condominium community with fencing, landscaping, access and parking substantially as shown on the exhibit entitled "HORIZON 722 – TOWNHOME CONDOMINIUM @ 722 NEWTOWN ROAD VIRGINIA BEACH, VIRGINIA", dated 08.29.2025, prepared by Kimley-Horn, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development and is incorporated herein by this reference (hereinafter "Conceptual Development Plan")

Proffer 2

The architectural design and features, along with the dimensions, primary exterior building materials and color palettes of the buildings depicted on the Concept Development Plan will be substantially as depicted and described on the exhibits entitled, "HORIZON 722 BUILDING ELEVATIONS", sheets A4 through A8 dated 08/29/25, prepared by Reich Design Associates, P.L.C. (hereinafter "Building Elevations"). The Building Elevations and Building Renderings have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development and are incorporated herein by this reference. A waiver of the required Category IV Landscape Buffer is requested along the southern boundary of the Property shared with the Heritage Hall Nursing Home.

Proffer 3

When the Property is developed, the community identification sign and fencing designated on the Conceptual Development Plan shall be as depicted and described on the Exhibit entitled "HORIZON 722 – ELEVATIONS", sheet A2 dated 8/29/25, prepared by Reich Design Associates, P.L.C. (hereinafter "Sign and Fence Details"). The sign and fence details have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development and are incorporated herein by reference.

Proffer 4

When the Property is developed, the party of the first part shall record a Declaration submitting the Property to the Condominium Act of the Commonwealth of Virginia which shall include restrictions prohibiting the rental of any unit for a term of less than thirty (30) days and prohibiting the conversion and use of any garage within a unit from vehicular parking or storage space to living area. The Condominium Unit Owners' Association shall be responsible for maintaining all open spaces, common areas, landscaping and other improvements on the Property as depicted on the Concept Plan. Membership, by all residential unit owners, in the Condominium Association shall be mandatory.

Proffer 5

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

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

Comprehensive Plan Information

The Comprehensive Plan designates this site as being located in the Suburban Area. According to the Comprehensive Plan, neighborhoods may be defined as a cohesive arrangement of properties, structures, streets, and uses, within an area most or all of which is residential, that shares distinct physical, social, and economic characteristics." Creating great neighborhoods through stability and sustainability is a key goal for the suburban area. Redevelopment and infill development should share similar characteristics to the existing neighborhood. (p. 1-60, Comp Plan Policy Document)

In designing development, such as the one proposed, the following elements from the Reference Handbook should be considered. Vehicle and pedestrian circulation within a site should be safe and convenient.

Residences should not front or back up directly onto arterial highways. A high-quality landscape buffer should be designed between the arterial and the residences. Landscaping should be used to improve the quality of the living environment and not designed solely as a buffer from surrounding development.

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed.

There are no known historic or cultural resources that will be affected by this project.

Traffic Impacts/Transportation

Traffic Counts

Street Name	Present Volume	Present Capacity	Generated Traffic
Newtown Road	26,300 ADT ¹	32,700 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – No Data Available Proposed Land Use ³ – 120 ADT

¹ Average Daily Trips

²As defined by an the existing community center

³As defined by a 18 attached single-family homes

⁴LOS = Level of Service

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

There are no future projects currently found in the MTP or CIP for this section of Newtown Road.

Active Transportation Plan

The Active Transportation Plan calls for the upgrade of the sidewalk along Newtown Road to an 11 foot wide sidepath, which may be located at the back of curb.

Public Utility Impacts

Water

The site currently connects to City water.

Sewer

The site currently connects to City sewer.

School Impacts

School	Current Enrollment	Capacity	Generation ¹	Change ²
Tri-Campus Elementary	1,303 students	1,332 students	2 students	2 students
Bayside Middle	918 students	979 students	1 student	1 student
Bayside High	1,902 students	2,039 students	1 student	1 student

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

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

Public Outreach Information

Planning Commission

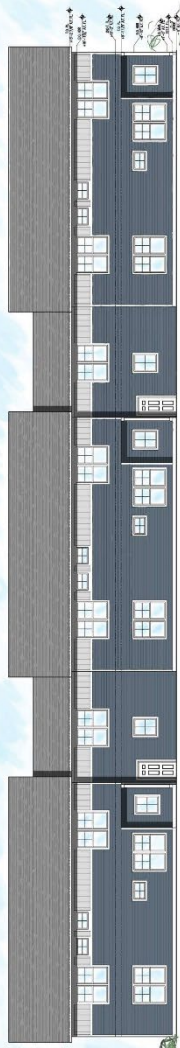
- The applicant has a community meeting scheduled for December 4th.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 10, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, November 26, 2025 and December 3, 2025.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 24, 2025.
- This Staff report, as well as all reports for this Planning Commission’s meeting, was posted on the Commission’s webpage of viriniabeach.gov/pc on December 4, 2025.

Proposed Elevation Plan

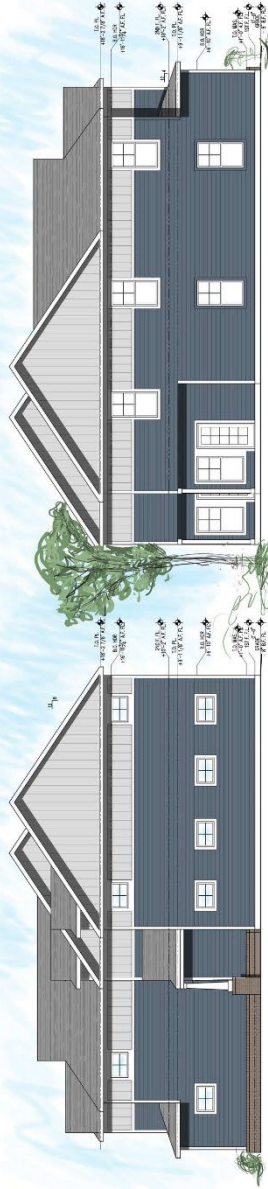
REVISIONS	08/27/25 DESIGN DEVELOPMENT CONCEPT	SHEET A5 6 of 10
HORIZON 722 ELEVATIONS 722 NETTUN ROAD VIRGINIA BEACH, VA		© 2025
Estsh design associates p.l.c. planning interior design 200 Market Avenue, Virginia Beach, VA 23462 757.433.9900 601.757.6110		



FRONT ELEVATION—BLDG 2
1/8" = 1'-0"



REAR ELEVATION—BLDG 2
1/8" = 1'-0"



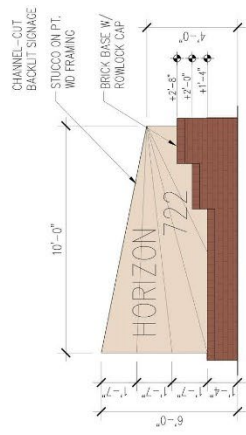
LEFT SIDE ELEVATION—BLDG 2
3/16" = 1'-0"



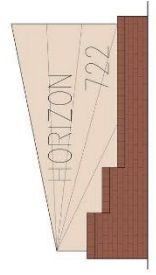
RIGHT SIDE ELEVATION—BLDG 2
3/16" = 1'-0"

Proposed Elevation Plan

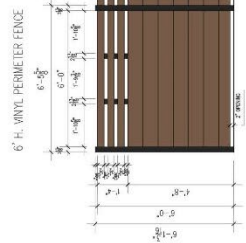
REVISIONS	DATE	DESCRIPTION
	06/28/23	ISSUED FOR PERMIT
		FOR SUBMITTAL
		DATE
		7/20/23
		SCALE
		3" = 1'-0"
		SHEET
		A2
		OF
		10
HORIZON 722 ELEVATIONS 722 NEWTON ROAD VIRGINIA BEACH, VA 23462-1100 757-435-1100 www.horizon722.com		
felix design associates, p.l.l.c. planning architecture interior design		
200 Middle Avenue Virginia Beach, VA 23462 757-435-1100 www.felixdesign.com		



LEFT SIDE VIEW OF DEVELOPMENT MONUMENT SIGN
1/2" = 1'-0"



RIGHT SIDE VIEW OF DEVELOPMENT MONUMENT SIGN
1/2" = 1'-0"



PARTIAL ELEVATION OF PERIMETER FENCE
1/2" = 1'-0"

Site Photos





The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. 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, boards, commissions, or other bodies.

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Brink Quality Construction, LLC, a Virginia limited liability company
as listed on application

Is Applicant also the Owner of the subject property? Yes No

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes No

If yes, name Representative: R. Edward Bourdon, Jr., Esq.

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes No

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Yujin Zhuang, Owner

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: Applicant

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

READ: *The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	Sharon Bai, Swell Realty Co.

Disclosure Statement

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input checked="" type="radio"/>	<input type="radio"/>	Armond G. Reich, AIA, Reich Design Associates, PLC
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	Brink Quality Construction, LLC
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Laurence Benson, Kimley-Horn
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

APPLICANT CERTIFICATION

READ: I certify that all information contained in this 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 three 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.
Brink Quality Construction, LLC

Yujin Zhuang, Owner
Applicant Name (Print)


Applicant Signature

09-02-25
Date

¹ "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.

² "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.

FOR CITY USE ONLY:

No changes as of (date): _____

Staff Name (Print)

Staff Signature

Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Chinese Community Association of Hampton Roads, Inc.

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)

George Wong, Chairman; Gary Mah, President; Benny Wong, Secretary; Linda Ark, Director; John Wong, Director

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: Applicant

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

READ: The Owner must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity or individual providing such services must be identified. (Attach list if necessary.)

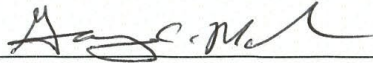
SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	Bobby Beasley, III, Harvey Lindsay Commercial Real Estate
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	Robert L. Gutterman, P.C.

PROPERTY OWNER CERTIFICATION

READ: I certify that all information contained in this 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 three 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.

Gary Mah, President

Property Owner Name (Print)



Property Owner Signature

08, 29, 2025

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.

Agenda Items 7 & 8

Applicant: Michael D. Sifen, Inc.
Property Owner: 1120 First Colonial Storage, LLC
Planning Commission Public Hearing: December 10, 2025
City Council District: District 6 (Remick)



Project Details

Requests

Rezoning (O-2 Office District to Conditional B-2 Community Business District)
Conditional Use Permit (Mini-warehouse)

Staff Recommendation

Denial

Staff Planner

Michael Hayes

Location

1120 First Colonial Road

GPIN

2408547489

Site Size

2.19 acres

AICUZ

70-75 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Medical office / O-2 Office

Surrounding Land Uses and Zoning Districts

North

Retail, medical office / B-2 Community Business, O-2 Office

South

Medical office / O-2 Office

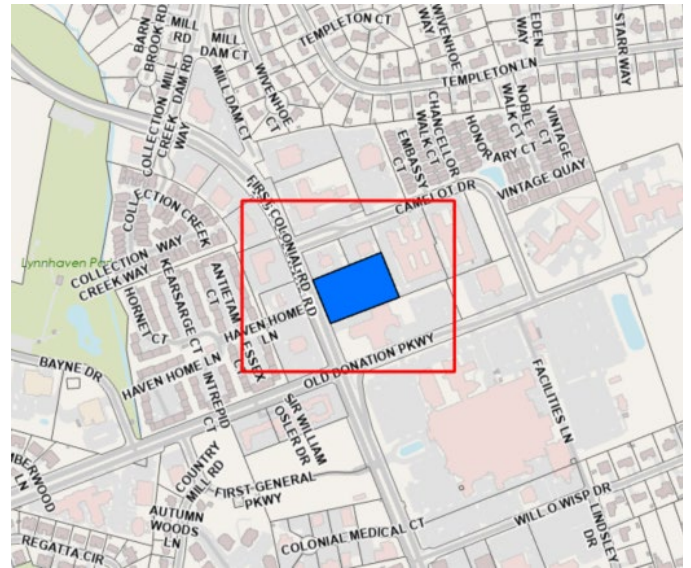
East

Housing for seniors and disabled persons / O-2 Office

West

First Colonial Road

Medical & dental offices / O-1 Office, O-2 Office



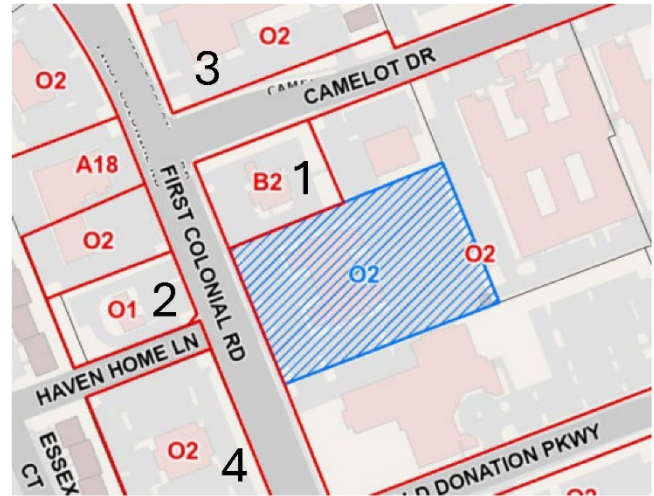
Background & Summary of Proposal

- The applicant is requesting to rezone a 2.19-acre parcel from O-2 Office District to Conditional B-2 Community Business District and a Conditional Use Permit for a Mini-Warehouse in order to construct a three-story climate-controlled self-storage facility.
- The property is located within the Suburban Focus Area 5 – First Colonial Medical Corridor. The existing building on the site, currently used for a medical office, will be demolished.
- The site is proposed to be redeveloped with a building footprint of 50,150 square feet and a total floor area of approximately 150,150 square feet. The height of the proposed building will be 35 feet.
- As depicted on the proffered conceptual site plan, the loading area will be located on the south side of the building and not facing First Colonial Road.
- In accordance with the Active Transportation Plan, the applicant proposes to install an 11-foot wide shared-use path, along First Colonial Road at the front of the site.
- A landscape buffer consisting of shade trees and shrubs is proposed to be installed behind the shared-use path. Additional landscaping proposed includes treed islands in the parking lot, foundation plantings on the front of the building, and the required plantings around the proposed sign in accordance with the City's Landscaping Guide.
- A six-foot tall faux wrought iron aluminum fence is proposed to enclose the loading area on the side of the building. It will extend across the drive aisle leading to the loading area from just behind the front of the building, run parallel to the side property line, then come back across to tie into the rear of the building.
- The proffered elevations show the exterior building materials to be a combination of brick and metal siding with metal accents and EIFS parapet, all in shades of cream and brown. The front elevation includes a series of faux windows and is anchored by the office space in the southwest corner of the building which includes a mix of storefront windows, doors, and brick. To provide additional visual relief, the applicant has proposed faux windows evenly spaced along all other sides of the structure.
- The facility will be accessible 24-hours a day to customers renting a storage space. The typical hours of operation for the office are 9:30 a.m. to 6:00 p.m. Monday through Friday, 8:30 a.m. to 6:00 p.m. on Saturday, and 9:30 a.m. to 5:00 p.m. on Sunday. The typical staffing for the facility is three to five employees.
- An eight-foot-tall freestanding monument-style sign is proposed in the northwest corner of the site along First Colonial Road. The monument-style sign will include a brick base and will utilize colors and materials to match the proposed building.
- The proffered conceptual site plan limits parking to a parking lot at the front of the site between the proposed building and First Colonial Road. Per Section 203(a)(32) of the Zoning Ordinance, the minimum

required parking spaces for this use are five spaces, which is based upon the maximum number of workers on a single shift. The proposed conceptual site plan shows 20 parking spaces provided. Per Section 203(b)(8) of the Zoning Ordinance, development in a business district may not exceed the minimum number of required spaces by 50%, 8 total spaces in this instance. The proposed number of spaces exceeds this requirement by 12 spaces.

Zoning History

Map Key No.	Request
1	CRZ (O-2 to Conditional B-2) Approved 12/05/2017
2	REZ (O-2 to O-1) Approved 07/07/2009
3	CUP (Convalescent/nursing home) Approved 08/12/1992
4	CRZ (A-2 to Conditional O-1) Approved 03/09/1987



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 requests to rezone the parcel from O-2 Office District to Conditional B-2 Community Business, along with the Conditional Use Permit for a Mini-Warehouse to develop and operate a self-storage facility, is inconsistent with the Comprehensive Plan policies for the Suburban Focus Area 5 - First Colonial Medical Corridor and is therefore unacceptable. The First Colonial Medical Corridor is anchored by Virginia Beach General Hospital, and the adopted policy recommends that the corridor provide medical-related uses as well as uses that complement or provide services to medical facilities. A mini-warehouse could potentially be supported in this area if the development incorporated medical offices or related uses on the first floor. This would continue the active medical presence on the site, meet City's policy, enhance the character of the medical corridor, while also providing for the market the applicant wishes to target. However, a three-story, 150,000 square foot storage facility without other uses incorporated into the development does not align with the vision of, and detracts from, this corridor.

The proposed development meets the dimensional standards for the proposed B-2 Community Business District, as well as landscaping requirements. The parking proposed exceeds the maximum permitted by Section 203 of the Zoning Ordinance, which requires one space per employee on the largest shift, which according to the applicant, would be 5 parking spaces, and permits up to 50% more spaces, totaling 8 spaces. For the 12 spaces over, approval must be granted by the Planning Director prior to site plan approval. The applicant has also proffered building, sign, and fence elevations. The building is intended to have the aesthetic of an office building and includes a significant amount of brick veneer on the façade, storefront windows and doors to highlight the office area for the storage facility, and faux windows evenly spaced along all sides of the building. The sign matches the style and materials of the building, and the fence is an aluminum faux wrought iron style.

Since Mini-warehouse uses produce significantly less traffic than other commercial uses, including medical offices, the proposed use will not have a negative impact on traffic on First Colonial Road.

Although staff recognize and appreciate the thoughtful building design, including the incorporation of a mix of materials and colors as well as the use of windows and faux windows to break up the façade, staff does not support the proposal, as the use does not conform to the Comprehensive Plan’s recommendation for this location and therefore recommends denial of the requests. Should the Planning Commission find these requests to be appropriate for this site, Staff has included the proffers and recommended conditions below.

Proffers

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

Proffer 1

When the Property is developed, it shall be developed with the access, site layout, fencing and landscaping substantially as shown on the exhibit entitled, “CONCEPTUAL SITE PLAN FOR FIRST COLONIAL SELF STORAGE GPIN 2408-54-7489-0000 VIRGINIA BEACH, VIRGINIA”, dated 09-18-2025 (“Site Plan”), 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.

Proffer 2

The exterior of the building depicted on the Site Plan shall be substantially similar in appearance, architectural features and materials as depicted and described on the exhibits entitled, “First Colonial Storage Elevations” and “Pictorial Rendering”, each dated 9-24-25, and the First Colonial Storage Fence Exhibit dated 10-06-25, which has been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (“Elevations”) and are incorporated herein by this reference.

Proffer 3

The freestanding sign in the location depicted on the Site Plan shall have a brick or brick veneer base height not to exceed eight (8) feet and appearance substantially as shown on the exhibit titled “First Colonial Storage – Monument Sign Exhibit” dated October 6, 2025, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and incorporated herein by reference.

Proffer 4

As depicted on the Site Plan, the access to the Property shall be solely from the one (1) curb cut and median break on First Colonial Road and there will not be any refuse dumpster on the Site. All outdoor lighting shall be shielded, directed, shaded, and focused to direct light down onto the premises and away from adjoining properties.

Proffer 5

Should the Property at any time not be used for self storage, the only permitted uses in the Conditional B-2 General Business District on this Property shall be limited to Business Studios, Offices and Clinics.

Proffer 6

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

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

Recommended Conditions (Conditional Use Permit)

1. When the Property is developed, it shall be developed with the access, site layout, fencing and landscaping substantially as shown on the exhibit entitled, “CONCEPTUAL SITE PLAN FOR FIRST COLONIAL SELF STORAGE GPIN 2408-54-7489-0000 VIRGINIA BEACH, VIRGINIA”, dated 09-18-2025, prepared by CECS, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning & Community Development.
2. Prior to site plan approval, the site entrance shall be designed and constructed in accordance with all applicable Public Works Design Standards, including, but not limited to, entrance width, radii, and throat length.
3. The exterior of the building depicted on the Site Plan shall be substantially similar in appearance, architectural features and materials as depicted and described on the exhibits entitled, “First Colonial Storage Elevations” and “Pictorial Rendering”, each dated 9-24-25, and the First Colonial Storage Fence Exhibit dated 10-06-25, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning & Community Development.
4. The freestanding sign in the location depicted on the Site Plan shall have a brick or brick veneer base height not to exceed eight (8) feet and appearance substantially as shown on the exhibit titled “First Colonial

Storage – Monument Sign Exhibit” dated October 6, 2025, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning & Community Development.

5. All on-site signage must meet the requirements and regulations of the Zoning Ordinance. A separate permit from the Department of Planning & Community Development is required for any new signage installed on the site.
6. Prior to the approval of the site plan, a Lighting Plan shall be provided to the Department of Planning and Community Development for review and approval. All outdoor lights shall comply with the following:
 - a. Shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property and right-of-way.
 - b. Lighting fixtures shall not be erected any higher than fourteen (14) feet except where a deviation has been granted.
7. The storage units shall be used only for storage of goods. The units shall not be used for office purposes, band rehearsals, residential dwellings, or any other purpose not consistent with the storage of goods.
8. There shall be no exterior (outside) storage on the property.
9. Parking above the maximum number of parking spaces shall only be permitted with approval by the Planning Director pursuant to Section 203(b)(9) of the Zoning Ordinance.

Comprehensive Plan Information

The Comprehensive Plan recognizes this location as falling within the Suburban Area with the primary guiding principle for the Suburban Area being to create “Great Neighborhoods”. Creating great neighborhoods requires support of the residential areas with complementary non-residential uses in a way that creates stability and sustainability. (p. 1-60, Comprehensive Plan Policy Document) The Plan also includes recommendations specific to the Suburban Focus Area 5 - First Colonial Medical Corridor, including giving priority to infill development that complements the area’s medical and healthcare uses, and further recognizes that uses that support the elderly are particularly appropriate in this corridor. (p. 1-87, Comprehensive Plan Policy Document)

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed.

There are no known historic or cultural resources that will be affected by this project.

Traffic Impacts/Transportation

Traffic Counts

Street Name	Present Volume	Present Capacity	Generated Traffic
First Colonial Road	28,300 ADT ¹	34,800 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 851 ADT Proposed Land Use ³ – 194 ADT

¹ Average Daily Trips

²As defined by an
25,000 SF Medical
Office

³As defined by a
150,000 SF Self
Storage Facility

⁴LOS = Level of
Service

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

First Colonial Road in the vicinity of this application is considered a four-lane divided major urban arterial. The existing infrastructure is currently within a 90-foot right-of-way. The MTP proposes a four-lane facility within a 145-foot right-of-way. There are currently no CIP projects slated for this segment of the roadway.

Active Transportation Plan

The Active Transportation Plan proposes a minimum 11-foot wide shared-use path along First Colonial Road.

Public Utility Impacts

Water

City water is available at the site, and the proposed project must connect to it. There is a 16-inch city water transmission main along First Colonial Road.

Sewer

City sanitary sewer is available at the site, and the proposed project must connect to it. There is a 15-inch city sanitary sewer gravity main along First Colonial Road.

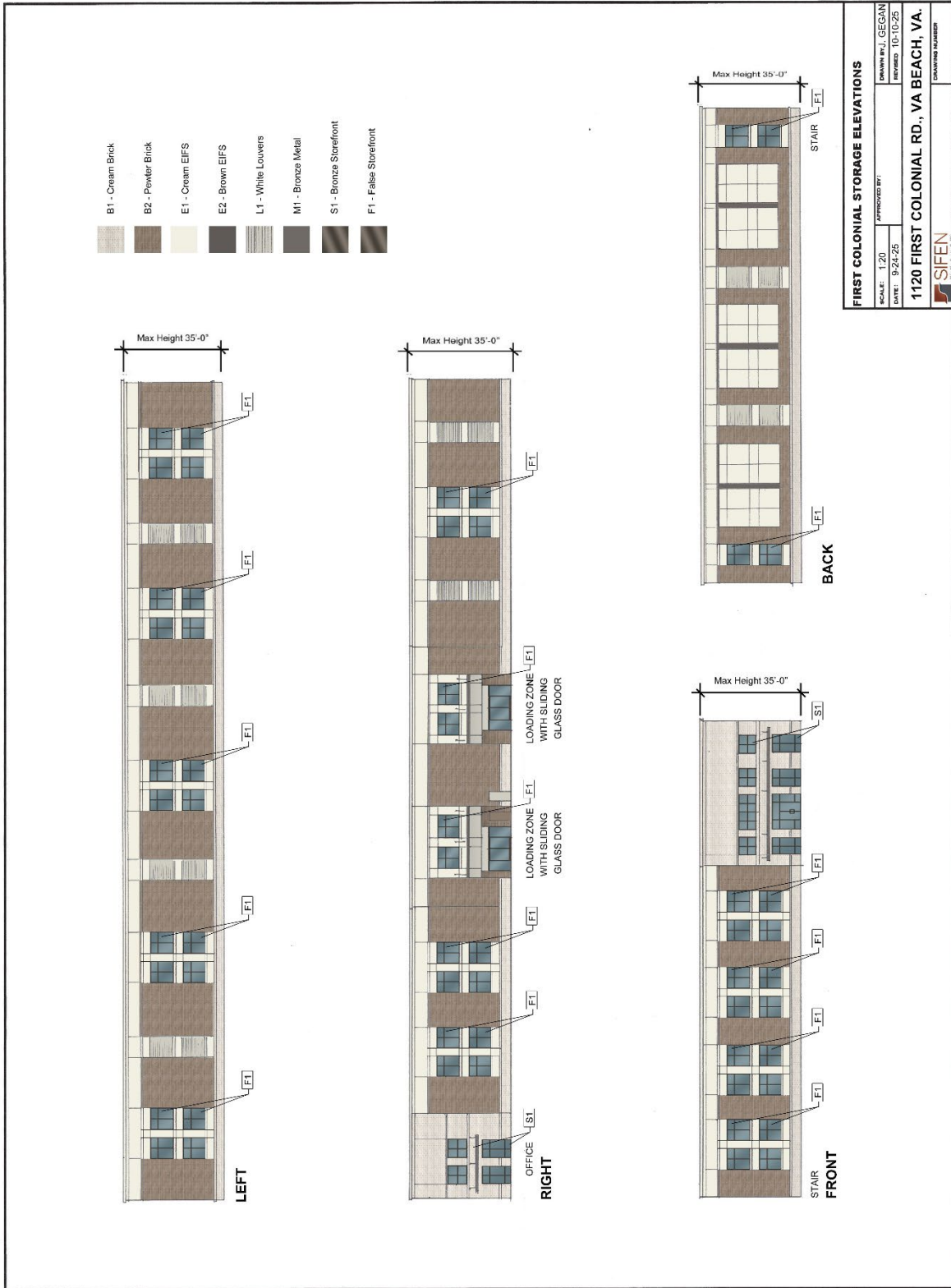
Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 10, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, November 26, 2025 and December 3, 2025.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 24, 2025.

- This Staff report, as well as all reports for this Planning Commission’s meeting, was posted on the Commission’s webpage of virginiabeach.gov/pc on December 4, 2025.

Proposed Elevation Plan





Pictorial Rendering
9-24-25

Proposed Building Renderings



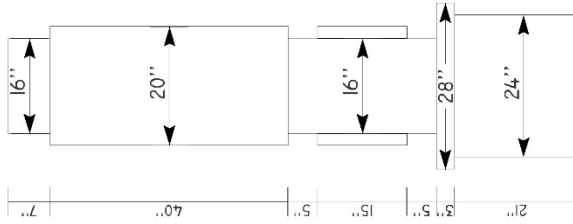
Pictorial Rendering
9-24-25

Proposed Sign Elevation



D/F FREESTANDING SIGN W/ EMBOSSED FACE
 40" X 99" = 27.5 SF
 15" X 84" = 8.75 SF
 36.25 TOTAL SF

First Colonial Storage - Monument Sign Exhibit
 10-06-2025



1 MONTH FREE

(2) EA.

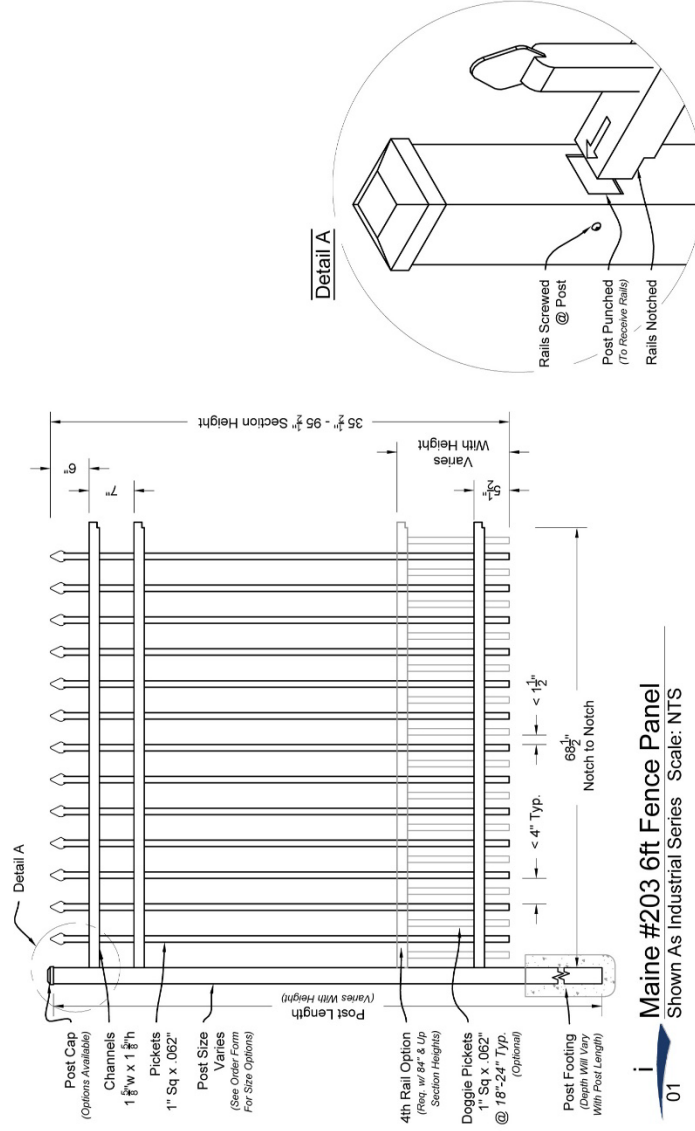
FREE TRUCK USE

(2) EA.

\$15 MOVES YOU IN

(2) EA.

Black Industrial Grade Aluminum Ornamental Fence



First Colonial Storage Fence Exhibit
10-06-25

Site Photos





The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. 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, boards, commissions, or other bodies.

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: as listed on application Michael D. Sifen, Inc., a Virginia corporation

Is Applicant also the Owner of the subject property? Yes No

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes No

If yes, name Representative: R. Edward Bourdon, Jr., Esq.

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes No

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Michael D. Sifen, President; Barry A. Sifen, CFO/Secretary; Donald R. Smith, Vice President

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input checked="" type="radio"/>	<input type="radio"/>	TBD
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	Troy Parker, Parker Burnell

Disclosure Statement

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Sam Baraki, CECS
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr, Esq., Sykes, Bourdon, Ahern & Levy, P.C.

APPLICANT CERTIFICATION

READ: I certify that all information contained in this 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 three weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

Michael D. Sifen, President  10/01/2025
 Applicant Name (Print) Applicant Signature Date

¹ "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.

² "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.

FOR CITY USE ONLY:

No changes as of (date): _____

 Staff Name (Print) Staff Signature Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name: as listed on application 1120 First Colonial Storage, L.L.C., a Virginia limited liability company

Is the Owner a corporation, partnership, firm, business, trust, or unincorporated business? Yes No
If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Michael D. Sifen, President; Barry A. Sifen, Vice President/CFO; Larry K. Sifen, Member; Donald R. Smith, Member

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

READ: *The Owner must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity or individual providing such services must be identified. (Attach list if necessary.)*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Sam Baraki, CECS
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

PROPERTY OWNER CERTIFICATION

READ: *I certify that all information contained in this 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 three weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.*

Michael D. Sifen, President

 Property Owner Name (Print)

Michael D Sifen

 Property Owner Signature

11-17-25

 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.

Agenda Item 9

Applicant: Matthew Firme

Property Owner: Matthew and Jessica Firme

Planning Commission Public Hearing: December 10, 2025

City Council District: District 2 (Henley)



Project Details

Request

Conditional Use Permit (Home Occupation)

Staff Recommendation

Approval

Staff Planner

Alexis Bailey

Location

1492 Back Bay Landing Road

GPIN

2318631219

Site Size

22,075 square feet

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Single-family dwelling / AG-2 Agricultural

Surrounding Land Uses and Zoning Districts

North

Wooded lot / AG-2 Agricultural

South

Back Bay Landing Road, Grimstead Road

Single-family dwelling, cultivated field / AG-2

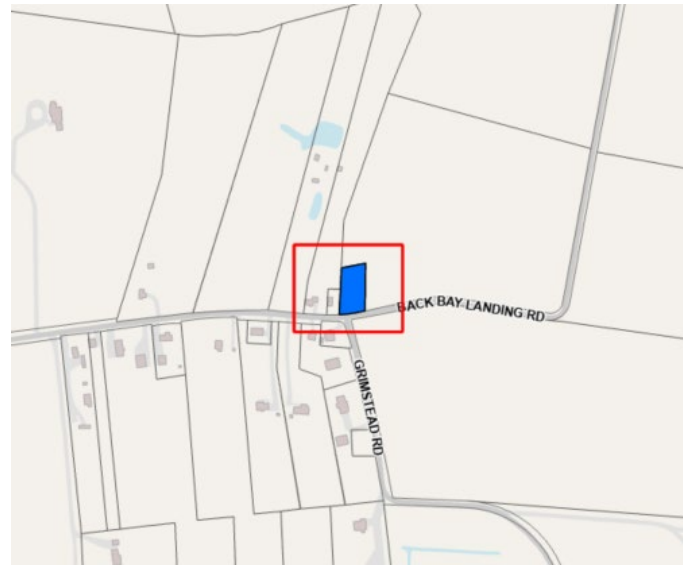
Agricultural

East

Wooded lot / AG-2 Agricultural

West

Single-family dwelling / AG-2 Agricultural



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Home Occupation to perform small parts repair within a portion of a detached garage on a 22,075 square-foot AG-2 Agricultural District zoned parcel.
- The work area will be approximately 200 square feet and will include a bench-top precision mill and lathe on a workbench to be used for the modification of cylinder heads found in small engines.
- It is anticipated that no customers will be coming to the site to deliver or receive parts. All parts will be shipped to and from the site. No signs or advertisements are proposed for the property.
- The applicant will be the sole operator of the business. No other employees are proposed.

Zoning History

No Zoning History to Report



Application Types

CUP: Conditional Use Permit

REZ: Rezoning

CRZ: Conditional Rezoning

*MDC: Modification of
Conditions*

MDP: Modification of Proffers

NON: Nonconforming Use

STC: Street Closure

FVR: Floodplain Variance

ALT: Alternative Compliance

SVR: Subdivision Variance

LUP: Land Use Plan

STR: Short Term Rental

Evaluation & Recommendation

The request for a Conditional Use Permit for a Home Occupation is, in Staff's opinion, acceptable. The applicant is proposing to conduct this Home Occupation for small parts repair within a 200 square foot portion of a detached garage. The site is located within the Rural Area, which calls for proposals to protect the rural character and not require the extension of urban services. The proposed Home Occupation will take place within an existing detached garage, resulting in no changes to the site or requiring the extension of city services.

Section 234 of the Zoning Ordinance allows up to 20 percent of the total floor area of the primary and ancillary structures on the site to be used in association with a home occupation. In this instance, 20 percent equates to 500 square feet. As the applicant only intends to utilize 200 square feet for the Home Occupation, the proposal satisfies the square footage requirement. In Staff's opinion, this use will not change the character of the area and will not adversely impact the surrounding properties. Based on the considerations above, Staff finds that the proposed use meets the requirements for a Home Occupation as stated in Section 234 of the Zoning Ordinance. As such, Staff recommends approval of the request subject to the conditions below.

Recommended Conditions

1. There shall be no sign identifying the business on the exterior of any building on the property or within the yard of the property.
2. There shall be no retail sales of any products or merchandise to the general public from the site.
3. The use shall not create noise, dust, smoke, vibration, smell, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the area under normal circumstances wherein no home occupation exists.
4. No more than twenty (20) percent of the floor area of the dwelling unit and accessory structures shall be used in the conduct of the activity. In addition, all activities related to the proposed Home Occupation shall only be conducted inside the 200 square foot area within the detached garage on the property.
5. No amplification of music or use of speakers shall be permitted except within the enclosed accessory structures.
6. There shall only be one (1) employee associated with this home based business.

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

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

Comprehensive Plan Information

The site falls within the Rural Area. A goal for the Rural Area includes protecting the rural character and existing scenic views, and that non-residential, locally oriented retail or services are limited in the rural area so as not to require the extension of urban services (p. B-13, Reference Handbook).

Natural & Cultural Resources Impacts

The site is located in the Southern Rivers watershed and the Special Flood Hazard Area Zone AE with a BFE of 3 feet.

There are no known historic or cultural resources that will be affected by this project.

Traffic Impacts/Transportation

Traffic Counts

Street Name	Present Volume	Present Capacity	Generated Traffic
Back Bay Landing Road	No Counts Available	No Counts Available	Existing Land Use ² – 10 ADT Proposed Land Use ³ – 10 ADT

¹ Average Daily Trips

²As defined by a
Single-family dwelling

³As defined by a
Single-family dwelling

⁴LOS = Level of
Service

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

There are no MTP or CIP projects in the vicinity of the site.

Active Transportation Plan

There are no improvements or recommendations in the Active Transportation Plan applicable to the subject site.

Public Utility Impacts

Water & Sewer

The site cannot connect to city water and sewer. The site is connected to well and septic.

Public Outreach Information

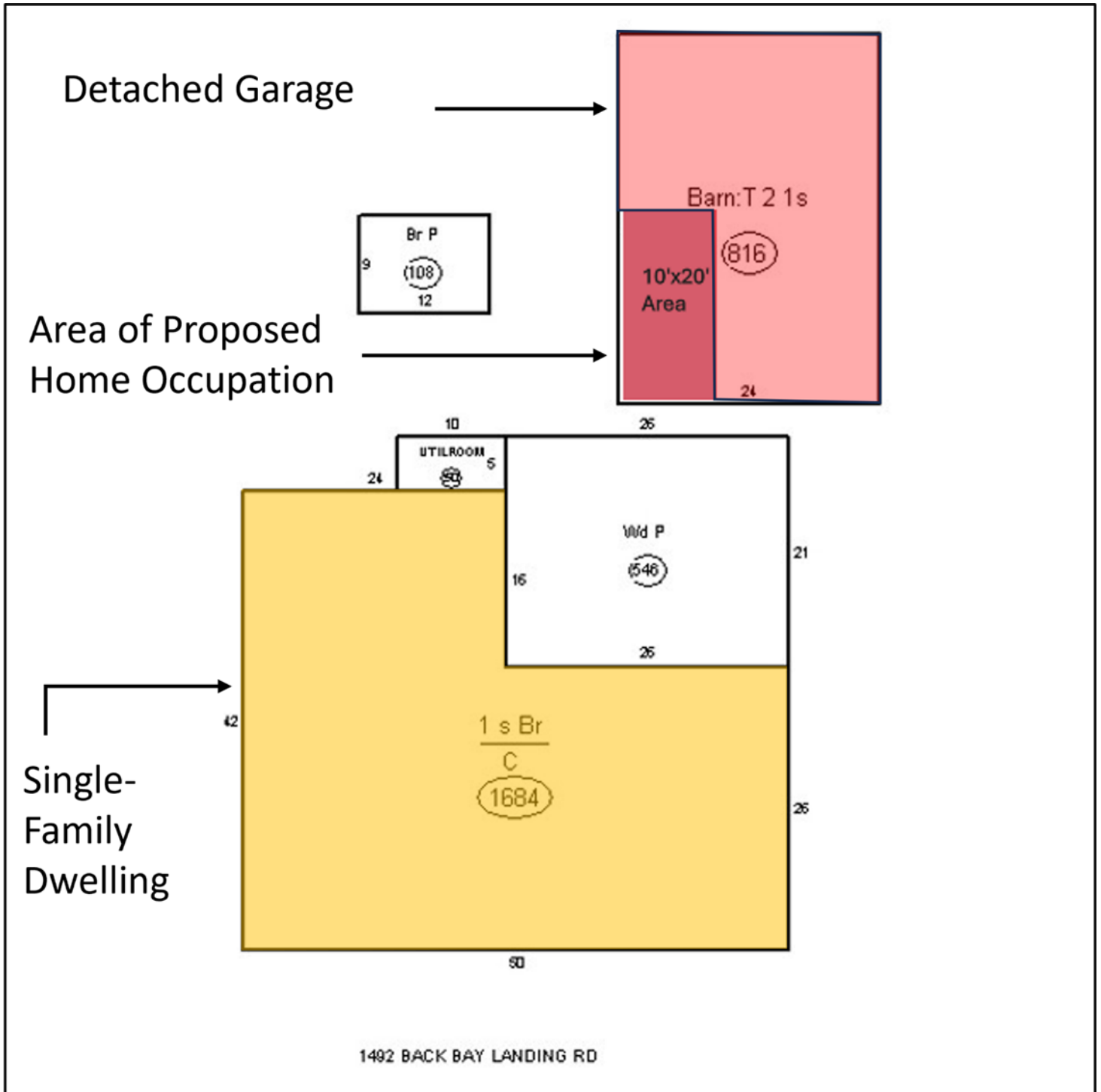
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 10, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, November 26, 2025 and December 3, 2025.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 24, 2025.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of viriniabeach.gov/pc on December 4, 2025.

Site Layout



Existing Building Footprints



Site Photos





CITY OF
**VIRGINIA
BEACH**

**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. 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, boards, commissions, or other bodies.

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Matthew Firme

Is Applicant also the Owner of the subject property? Yes No

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes No

If yes, name Representative: _____

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes No

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	

Disclosure Statement

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

APPLICANT CERTIFICATION

READ: I certify that all information contained in this 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 three 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 Name (Print) Applicant Signature Date

¹ "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.

² "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.

FOR CITY USE ONLY:

No changes as of (date): _____

Staff Name (Print)

Staff Signature

Date

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:
as listed on application Matthew and Jessica Firme

Is the Owner a corporation, partnership, firm, business, trust, or unincorporated business? Yes No
If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

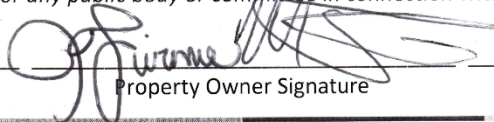
READ: The Owner must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

PROPERTY OWNER CERTIFICATION

READ: I certify that all information contained in this 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 three 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.

Matthew and Jessica Firme
Property Owner Name (Print)



Property Owner Signature

10OCT2025
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.

Agenda Item 10

Applicant: Allyson Huff
Property Owner: Sincavage Enterprises LLC
Planning Commission Public Hearing: December 10, 2025
City Council District: District 3 (Berlucchi)



Project Details

Request

Conditional Use Permit (Open-Air Market)

Staff Recommendation

Approval

Staff Planner

Alexis Bailey

Location

1136 Lynnhaven Parkway

GPIN

1496002218

Site Size

65,753 square feet

AICUZ

70-75 dB DNL; APZ-2

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Retail / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Automobile repair garage / B-2 Community Business

South

Motor Vehicle Rentals / B-2 Community Business

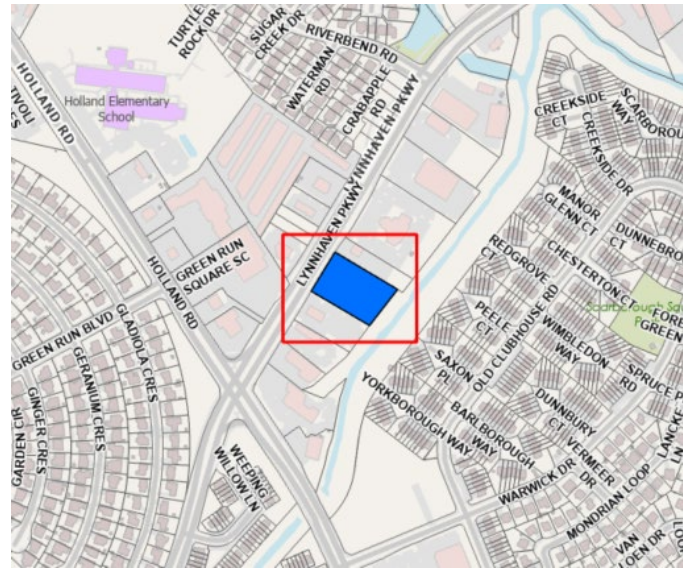
East

Vacant Lot / B-2 Community Business

West

Lynnhaven Parkway

Motor vehicle sales / B-2 Community Business

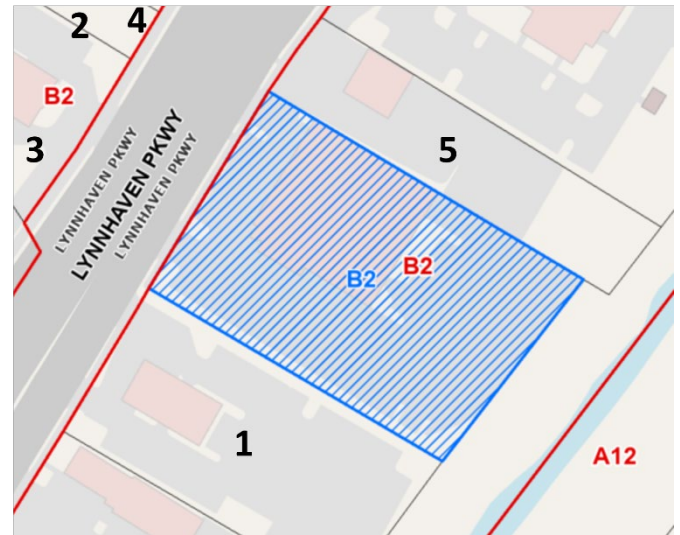


Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for an Open-Air Market to allow the continued operation of a food truck on a portion of this 65,753 square foot, B-2 Community Business District zoned parcel.
- The applicant received a Zoning Complaint on July 25, 2025, for the operation of a food truck without an approved Peddler's Permit or an approved Conditional Use Permit for an Open-Air Market. To rectify this issue, the applicant submitted the subject application.
- The applicant's food truck, Beach Bum Coffee, is a standalone food truck, located in the southeastern portion of the parcel. The primary structure on the property operates as a commercial kennel.
- The typical hours of operation for the food truck are 7:30 a.m. to 1:00 p.m., Tuesday through Saturday. Three to four employees are anticipated per shift.
- Per Section 203 of the Zoning Ordinance, commercial kennels require one space per 400 square feet of floor area and Open-Air Markets require 1 space per 250 square feet of floor area. There are 52 existing parking spaces on site, 3 of which are occupied by the food truck itself. The existing 15,651 square foot kennel requires 39 parking spaces, and 1 space is required for the food truck; thereby satisfying the parking requirement for both uses on the property.
- The site lies within the 70-75 dB noise zone and the Accident Potential Zone 2 (APZ-2). Eating and drinking establishments are listed as a compatible use within the 70-75 dB noise zone, but are not considered compatible within the APZ-2. However, the applicant is not proposing to locate any portion of the food truck within the APZ-2, and Condition 2 has been recommended to prohibit the food truck from locating within the APZ-2 area.

Zoning History

#	Request
1	CUP (Motor Vehicle Rentals) Approved 05/17/2021
2	MDC (Motor Vehicle Sales) Approved 06/02/2019
3	CUP (Motor Vehicle Sales) Approved 11/07/2017
4	CUP (Motor Vehicle Sales, Rental and Service) Approved 09/11/2012
5	CUP (Automotive Repair Establishment) Approved 05/11/1987



Application Types

CUP: Conditional Use Permit

REZ: Rezoning

CRZ: Conditional Rezoning

MDC: Modification of
Conditions

MDP: Modification of Proffers

NON: Nonconforming Use

STC: Street Closure

FVR: Floodplain Variance

ALT: Alternative Compliance

SVR: Subdivision Variance

LUP: Land Use Plan

STR: Short Term Rental

Evaluation & Recommendation

The proposed Conditional Use Permit for an Open-Air Market to operate a food truck is, in Staff's opinion, acceptable. The food truck provides an amenity for the community and will not result in any land disturbance. The use will have limited hours of operation, as noted in Condition 5.

Adequate parking is provided on site to accommodate the existing commercial kennel as well as the proposed food truck. While standard traffic counts are not available for the food truck use, Staff does not anticipate any adverse traffic impacts as a result of the food truck.

The proposed use complies with the AICUZ Overlay Ordinance, as the use is compatible in the 70-75 dB noise zone and no portion of the Open-Air Market (food truck) will be located within the Accident Potential Zone 2.

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

Recommended Conditions

1. The Open-Air Market shall be limited to one (1) food truck.
2. The Open-Air Market (food truck) shall be located in substantial conformance to the location depicted on the site plan entitled "Allyson Huff Food Truck," dated 11/24/2025 as depicted on the exhibit on Page 7 of this report and shall not be located on any portion of the property that falls within the Accident Potential Zone 2 (APZ-2).
3. There shall be no less than one (1) trash receptacle per one thousand (1,000) feet of the sales area. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall not be allowed to accumulate.
4. The placement of the food truck shall not obstruct drive aisles or designated fire lanes at any time.
5. The proposed hours of operation shall be from 7:30 a.m. to 1:00 p.m., Tuesday through Saturday.
6. There shall be no amplified music associated with the Open-Air Market (food truck).
7. The operator shall maintain a current Virginia Beach Fire Department Fire Prevention Bureau Inspection Sticker.

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 Information

This site falls within the Suburban Area and in the Inland Character Area. A key concern in this area is that it is more convenient, and more common, for shoppers to use personal vehicles to move about the shopping center than it is to walk. This currently is a burden on the vehicular infrastructure and also represents an opportunity for improvement in new developments (p. 32, CAPB).

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed.

There are no known historic or cultural resources that will be affected by this project.

Traffic Impacts/Transportation

Traffic Counts

Street Name	Present Volume	Present Capacity	Generated Traffic
Lynnhaven Parkway	32,100 ADT ¹	55,500 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – No Data Available Proposed Land Use ³ – There is no trip generation data available for a coffee trailer/truck; however, it is not expected to generate a significant amount of traffic, except perhaps in the AM peak hour.

¹ Average Daily Trips

³As defined by a

⁴LOS = Level of

²As defined by a

Commercial Kennel

Service

Commercial Kennel

and Food Truck

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

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 Capital Improvement Projects slated for this segment of the roadway.

Active Transportation Plan

There are no improvements or recommendations in the Active Transportation Plan applicable to the subject site.

Public Utility Impacts

Water & Sewer

The site currently connects to city water and sewer.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 10, 2025.

- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, November 26, 2025 and December 3, 2025.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 24, 2025.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of viriniabeach.gov/pc on December 4, 2025.

Site Photos





The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. 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, boards, commissions, or other bodies.

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Allyson Huff as listed on application

Is Applicant also the Owner of the subject property? Yes No

Does Applicant have a Representative? Yes No

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes No

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary 1 or affiliated business entity 2 relationship with the applicant. (Attach list if necessary.)

[Empty text box for listing officers and businesses]

Does the subject property have a proposed or pending purchaser? Yes No

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

[Empty text box for describing interest]

APPLICANT SERVICES DISCLOSURE

READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

Table with 4 columns: SERVICE, YES, NO, SERVICE PROVIDER. Rows include Financing and Real Estate Broker/Agent/Realtor.

Disclosure Statement

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

APPLICANT CERTIFICATION

READ: I certify that all information contained in this 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 three 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.

Allyson Huff	<i>Allyson Huff</i>	09/18/2025
Applicant Name (Print)	Applicant Signature	Date

¹ "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.

² "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.

FOR CITY USE ONLY:

No changes as of (date): _____

_____	_____	_____
Staff Name (Print)	Staff Signature	Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Sincavage Enterprises, LLC

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Paul Sincavage
Nicole Sincavage

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

READ: The Owner must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

PROPERTY OWNER CERTIFICATION

READ: I certify that all information contained in this 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 three 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.

Paul Sincavage _____ 9/26/2025
Property Owner Name (Print) Property Owner Signature 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.

Agenda Item 11

Applicant & Property Owner: Legacy Land LLC
Planning Commission Public Hearing: December 10, 2025
City Council District: District 3 (Berlucchi)



Project Details

Request

Conditional Use Permit (Bulk Storage Yard)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

525 Viking Drive, Unit B

GPIN

14965833080002

Site Size

1.54 acres

AICUZ

Greater than 75 dB DNL; APZ-2

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Industrial office / I-1 Light Industrial

Surrounding Land Uses and Zoning Districts

North

Industrial office / I-1 Light Industrial

South

Undeveloped wooded lot / I-1 Light Industrial

East

Viking Drive

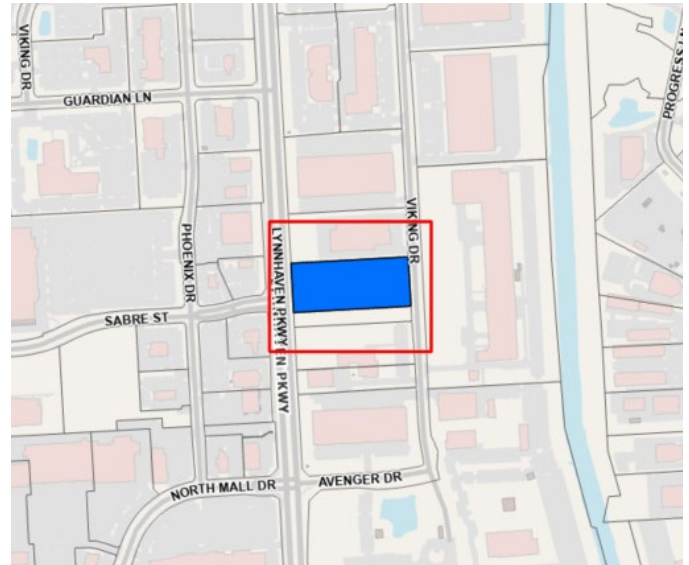
Industrial office / I-1 Light Industrial

West

Lynnhaven Parkway, Sabre Street

Eating and drinking establishments / B-2

Community Business, I-1 Light Industrial

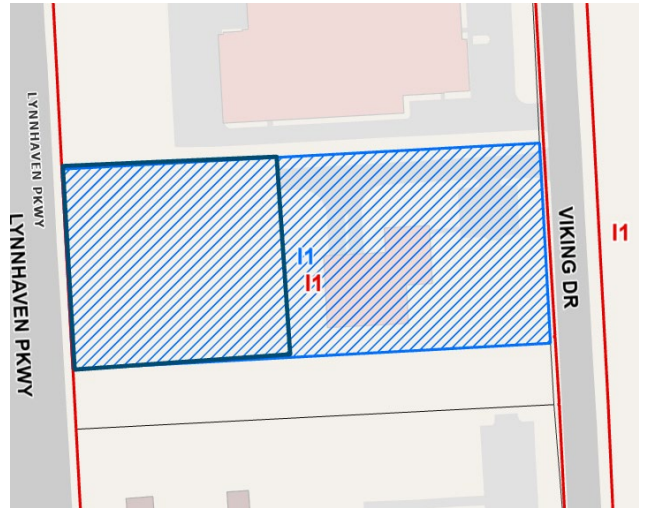


Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit to operate a Bulk Storage Yard on an approximately 1.54-acre portion of an I-1 Light Industrial District zoned parcel.
- The site is located within the greater than 75 dB DNL and APZ-2 of the AICUZ, is encumbered by a Navy Restrictive Easement, and is within the Special Economic Growth Area (SEGA) 2 - West Oceana. The proposed use of a bulk storage yard is considered a compatible use within both the noise and accident potential zone.
- The applicant's tenant owns a landscaping and site improvement company and is seeking to relocate their office and storage yard to support the expansion of their business in the area. The proposed storage yard will be used to store landscaping materials including pavers, plants, bricks, stones, and equipment.
- Section 228 of the Zoning Ordinance requires the Bulk Storage Yard area to be enclosed by Category VI screening. Category VI consists of a minimum six-foot tall solid fence with Category I plantings. The proposed Bulk Storage Yard will be fully enclosed with a six-foot tall solid privacy fence with Category I plantings, as depicted on the conceptual Landscape Plan thereby meeting this requirement. The conceptual Landscape Plan appears to meet the requirements of the Zoning Ordinance; however, a more detailed review of all screening and planting requirements will occur during the final site plan review.
- A fence rendering has been provided, depicting a western red cedar, six-foot tall, wood solid privacy fence.
- Parking surfaces are required to be constructed of concrete, asphalt, or other suitable material approved by the Planning Director per Section 203(b)(5). The applicant is requesting to use gravel as a parking surface. A condition is recommended requiring edge treatment along the perimeter of all gravel areas to prevent gravel from migrating onto adjacent paved surfaces, internal drive aisles, or travel lanes.

Zoning History

No Zoning History to Report



Application Types

CUP: Conditional Use Permit

REZ: Rezoning

CRZ: Conditional Rezoning

*MDC: Modification of
Conditions*

MDP: Modification of Proffers

NON: Nonconforming Use

STC: Street Closure

FVR: Floodplain Variance

ALT: Alternative Compliance

SVR: Subdivision Variance

LUP: Land Use Plan

STR: Short Term Rental

Evaluation & Recommendation

In Staff's opinion, this request for a Conditional Use Permit to operate a Bulk Storage Yard to store landscape materials and equipment is acceptable.

The property is located within the greater than 75 dB DNL noise zone and the APZ-2. The property is also identified in the Comprehensive Plan as within the Special Economic Growth Area (SEGA) 2 - West Oceana. SEGAs are viewed as special areas with significant economic value and growth potential. The Comprehensive Plan supports development and redevelopment of this area consistent with the City's AICUZ Ordinance provisions and the City's economic growth strategy. The proposed Bulk Storage Yard is consistent with the Comprehensive Plan's land use policies for this area, as the majority of the land in the vicinity is zoned for commercial and industrial uses and more specifically, uses that are compatible with Naval flight operations.

In Staff's view, the proposed use is compatible with the other industrial uses located along Viking Drive and is deemed compatible with Naval flight operations. While much of this area and the proposed property is subject to a Navy Restrictive Easement, the applicant was made aware that an Easement Compliance review should be conducted through the Department of the Navy to ensure the proposed use is consistent with the language of

the restrictive easement and is therefore, an appropriate use for this site. This is considered a private matter between the property and the Navy.

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

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

Recommended Conditions

1. A Landscape Plan shall be submitted to the Development Services Center of the Department of Planning & Community Development for review and ultimate approval prior to the issuance of a Certificate of Occupancy that is in substantial conformance to the conceptual landscape plan entitled, "525 VIKING DRIVE, CITY OF VIRGINIA BEACH, VIRGINIA – LANDSCAPE PLAN, Sheet No L1.1", dated 10/24/2025, prepared by Timmons Group, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
2. The outdoor storage materials shall not be stacked higher than the privacy fence.
3. The proposed fence shall be in substantial conformance to the fence rendering entitled "6' Wood Solid Privacy Fence – NTS", which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.
4. The required Category VI screening surrounding the Bulk Storage Yard shall be installed and maintained for the duration of the use of the site as a Bulk Storage Yard.
5. All outdoor lights shall comply with the following:
 - a. Shall be shielded to direct light and glare onto the premises, said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
 - b. Lighting fixtures shall not be erected any higher than fourteen (14) feet.
6. Edge treatment shall be installed along the perimeter of all gravel areas to prevent gravel from migrating onto adjacent paved surfaces, internal drive aisles, or travel lanes. The edge treatment shall be shown on the final site plan and maintained for the duration of the use.

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 Information

The subject property is located within the West Oceana Special Economic Growth Area (SEGA-2), 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. All new or improved development proposals must adhere to the City’s AICUZ provisions. (p. 2-88)

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed.

There are no known historic or cultural resources that will be affected by this project.

Traffic Impacts/Transportation

Traffic Counts

Street Name	Present Volume	Present Capacity	Generated Traffic
Viking Drive	3,100 ADT ¹	8,700 ADT ¹ (LOS ⁴ “D”)	Existing Land Use ² – 0 ADT Existing Zoning – 121 ADT (Based on vacant 1.54 acre I-1 zoned parcel) Proposed Land Use ³ – No Data Available*

¹ Average Daily Trips

²As defined by a 1.54-acre vacant I-1 zoned parcel

³As defined by a bulk storage yard

⁴LOS = Level of Service

*There is no trip generation data for the bulk storage yard use. However, the storage area will not generate a significant amount of traffic over what will be generated by the landscaping business.

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

Viking Drive is a two-lane undivided local industrial roadway. There are currently no CIP projects scheduled for this segment of Viking Drive.

Active Transportation Plan

There are no improvements or recommendations in the Active Transportation Plan applicable to the subject site along Viking Drive. An 11-foot wide shared-use path is proposed along Lynnhaven Parkway; however, the Lynnhaven Corridor Improvements project is underway and will construct a sidewalk on the eastern side of Lynnhaven Parkway. Since the City project will provide the necessary pedestrian facilities along Lynnhaven Parkway, the 11-foot wide shared-use path is not required.

Public Utility Impacts

Water & Sewer

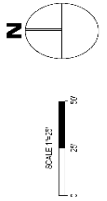
The site is already connected to city water and sanitary sewer. The existing 5/8-inch water meter (city ID #20203852) may be used or upgraded to accommodate the proposed use.

Public Outreach Information

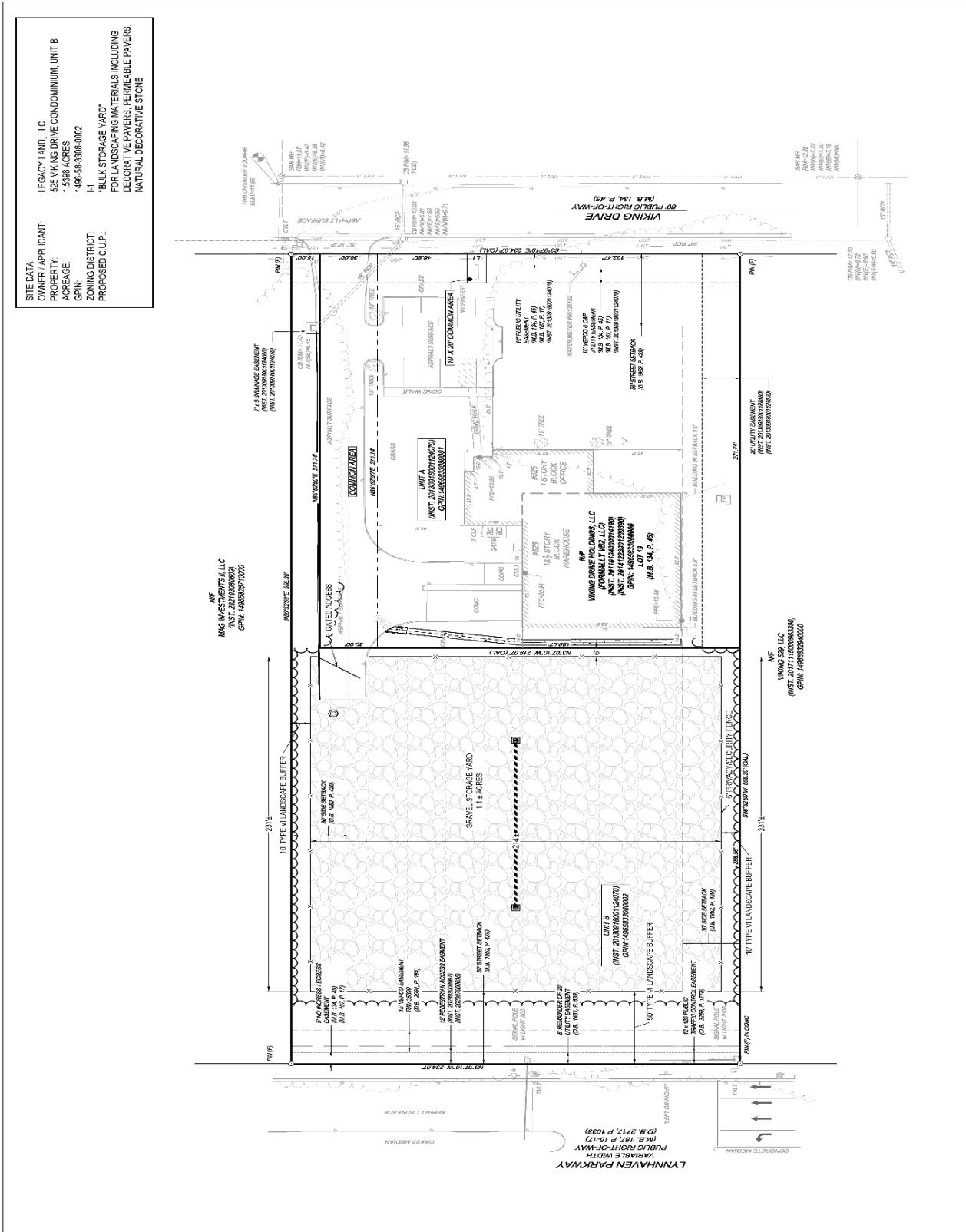
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 10, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, November 26, 2025 and December 3, 2025.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 24, 2025.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of viriniabeach.gov/pc on December 4, 2025.

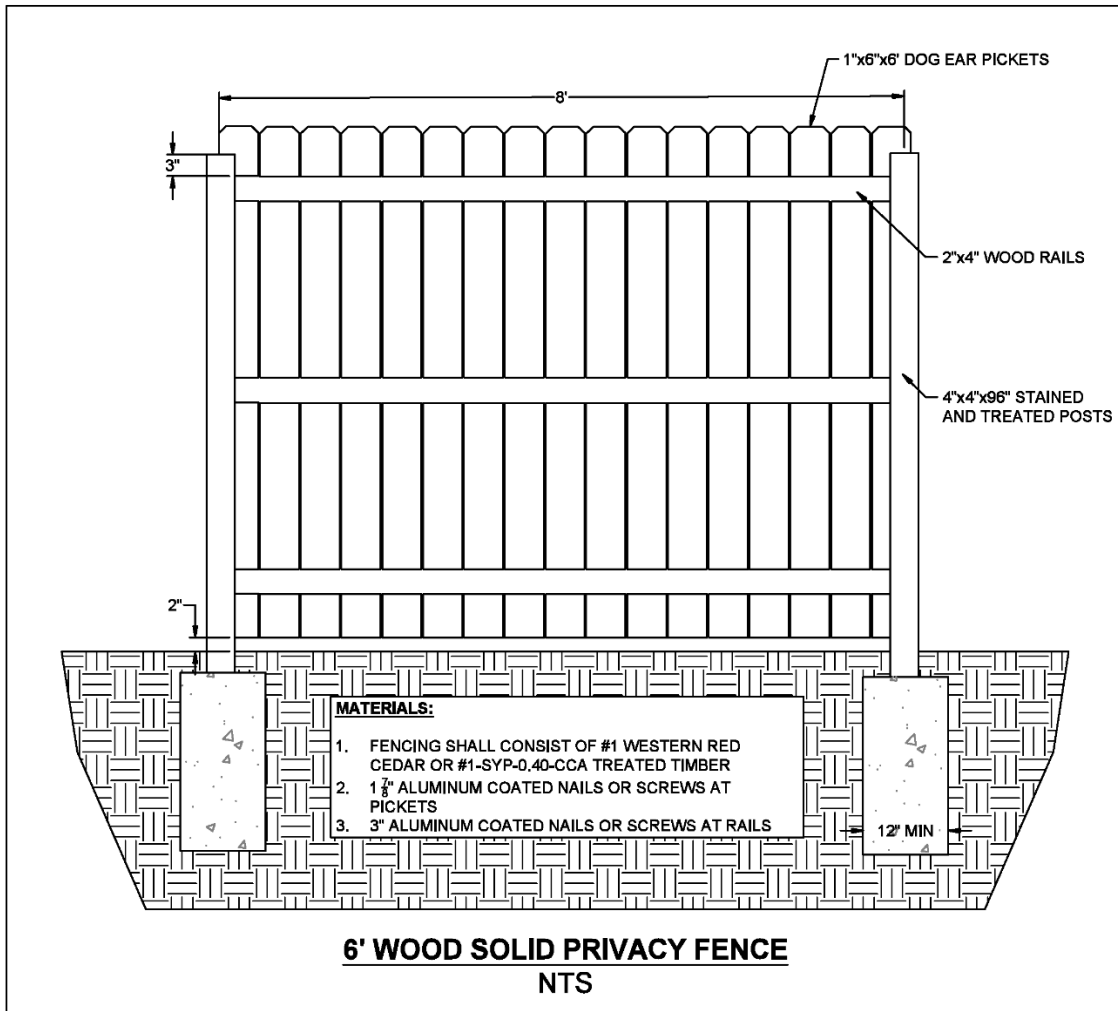
Proposed Conceptual Site Layout



525 VIKING DRIVE
Conceptual Development Plan - September 15, 2025



Fence Rendering



Site Photos



Site Photos





The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. 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, boards, commissions, or other bodies.

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Legacy Land LLC, a Virginia limited liability company

Is Applicant also the Owner of the subject property? Yes No

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes No

If yes, name Representative: R. Edward Bourdon, Jr., Esq.

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes No

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Stephen C. Barrs, Manager

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input checked="" type="radio"/>	<input type="radio"/>	TowneBank
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	

Disclosure Statement

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	C.A. Barrs Contractor, Inc.
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	John Zaszewski, Timmons Group
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

APPLICANT CERTIFICATION

READ: I certify that all information contained in this 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 three 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. Legacy Land LLC

Stephen C. Barrs, Manager

Applicant Name (Print)



Applicant Signature

9/22/25

Date

¹ "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.

² "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.

FOR CITY USE ONLY:

No changes as of (date): _____

Staff Name (Print)

Staff Signature

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.

Agenda Item 12

Applicant: Cortnie Ebron

Property Owner: Valroy F Williams

Planning Commission Public Hearing: December 10, 2025

City Council District: District 7 (Jackson-Green)



Project Details

Request

Conditional Use Permit (Group Home)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

5004 Rugby Road

GPIN

1465840522

Site Size

9,636 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Semi-detached dwelling / A-12 Apartment

Surrounding Land Uses and Zoning Districts

North

Semi-detached dwellings / A-12 Apartment

South

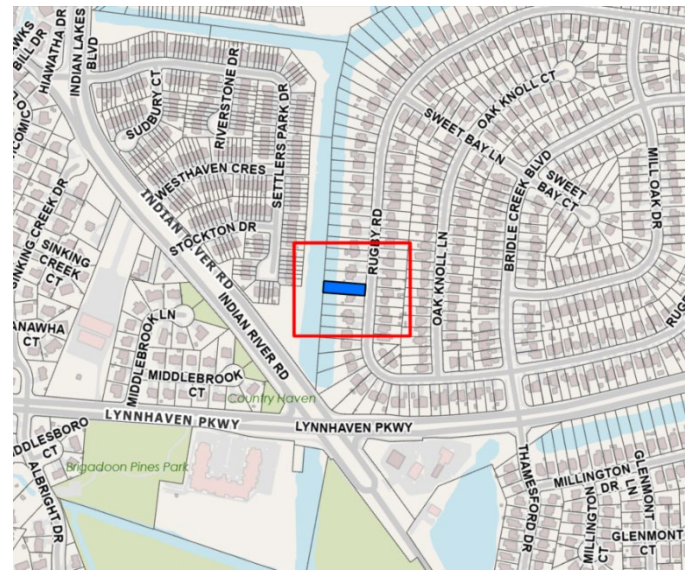
Semi-detached dwellings / A-12 Apartment

East

Semi-detached dwellings / A-12 Apartment

West

Lake



Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Group Home on this 9,636 square foot, A-12 Apartment District zoned parcel, located within the Rosemont Forest neighborhood.
- The site is developed with a 1,537 square foot, two-story, four-bedroom semi-detached dwelling. Three bedrooms will be used exclusively for the youth, and the fourth will be used as an office.
- The proposed group home will operate within the existing dwelling, providing 24/7 supervised care in a safe, secure, and supportive home environment. The Group Home will be licensed through the Virginia Department of Social Services as a Children's Residential Facility.
- While the Virginia Department of Social Services licensing allows up to eight children to be housed within a Group Home for a Children's Residential Facility, the applicant is proposing to care for no more than six male youth, ages 7 to 17, who have experienced trauma, displacement, or other adversities.
- A program has been designed to deliver structured, trauma-informed residential care aimed at fostering healing, personal growth, and empowerment. Each resident will receive an individualized treatment plan designed to support their healing, development, and long-term well-being.
- Services offered will include training in life skills, academic support, trauma-informed care, and family reunification planning. Residents will be referred through the local Department of Social Services, licensed child-placing agencies, or the court system.
- The Group Home will operate 24 hours a day, 7 days a week, with two to three direct care staff members scheduled per shift to ensure continuous supervision and support for the youth.
- Staff and visitor parking will be accommodated within the existing driveway on the site. Children residing in the home may have visits twice weekly, on Wednesdays from 5:00 p.m. to 6:30 p.m. and Sundays from 1:00 p.m. to 3:30 p.m. Visitation will be limited to a maximum of two individuals, who must be the parent or legal guardian. No other family members are permitted.
- No signage or exterior modifications to the home are proposed.

Zoning History

No Zoning History to Report



Application Types

CUP: Conditional Use Permit

REZ: Rezoning

CRZ: Conditional Rezoning

*MDC: Modification of
Conditions*

MDP: Modification of Proffers

NON: Nonconforming Use

STC: Street Closure

FVR: Floodplain Variance

ALT: Alternative Compliance

SVR: Subdivision Variance

LUP: Land Use Plan

STR: Short Term Rental

Evaluation & Recommendation

This request for a Conditional Use Permit for a Group Home, in Staff's opinion, is acceptable. The proposal aligns with the goals and principles of the Comprehensive Plan for the Suburban Area, which emphasize maintaining and enhancing great neighborhoods through compatible, stable, and sustainable development. The proposed Group Home will be integrated into the neighborhood using the existing residential structure without any exterior modifications or signage, preserving the character and appearance of the area. The use is consistent with the intent of the A-12 zoning district and is similar in scale and intensity to other residential uses permitted by-right in this zoning classification.

Staff finds the proposed use to be compatible with surrounding properties and presents minimal potential impact on neighborhood livability. Adequate parking for staff and visitors will be provided on site within the existing driveway, and no increase in impervious surfaces is proposed. The home's continuous staffing model and individualized treatment approach contribute to a safe and structured environment for residents, which also supports neighborhood safety and welfare. Moreover, the absence of exterior changes and the low volume of traffic associated with the use help ensure that the home will operate in a manner that is consistent with the goals of compatibility, sustainability, and livability outlined in the Comprehensive Plan.

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

Recommended Conditions

1. All necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division to include a Certificate of Occupancy from the Building Official shall be obtained prior to the occupancy of the Group Home.
2. All required licenses from the Virginia Department of Social Services shall be obtained and maintained prior to operating the Group Home as a licensed Children's Residential Facility.
3. The number of children associated with this conditional use permit shall be limited to 6 children or as determined by the occupancy load set by the Building Official's office for this Group Home, whichever count is lower.

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 Information

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. (pg.1-58 to 1-61)

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed.

There are no known historic or cultural resources that will be affected by this project.

Traffic Impacts/Transportation

Traffic Counts

Street Name	Present Volume	Present Capacity	Generated Traffic
Rugby Road	No Data Available	9,900 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 10 ADT Proposed Land Use ³ – No Data Available

¹ Average Daily Trips

²As defined by only one single-family dwelling

³As defined by a single-family dwelling with a group home

⁴LOS = Level of Service

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

Rugby Road, in the vicinity of this application, is considered a two-lane local street and is not included in the MTP.

Active Transportation Plan

There are no improvements or recommendations in the Active Transportation Plan applicable to the subject site.

Public Utility Impacts

Water & Sewer

There is an existing eight-inch water main and an eight-inch sanitary sewer gravity main along Rugby Road.

The site is connected to City water and sanitary sewer.

Public Outreach Information

Planning Commission

- The applicant conducted community outreach in advance of the October 2025 Planning Commission hearing by distributing informational flyers to nearby residents and businesses in the Rosemont Forest neighborhood. While conducting door-to-door outreach, the applicant and their representatives encountered several residents who declined to engage and expressed discomfort with in-person solicitation. In response, the applicant respectfully ceased door-to-door distribution and instead enrolled in the United States Postal Service's Every Door Direct Mail (EDDM) program to ensure that outreach materials could still reach a broad segment of the community. Flyers containing a QR code linked to a community survey were mailed to hundreds of nearby households through this service.
- Following the October 8, 2025, Planning Commission hearing, the applicant met with neighbors who had expressed opposition to the request. The applicant worked to address questions and concerns, providing clarification where needed. Despite several attempts, the applicant has still been unable to converse with the neighbor who resides on the other side of the semi-detached dwelling. The applicant plans to set up a candy table for neighborhood youth on Friday, October 31, 2025, providing another opportunity to engage with residents. Additionally, the applicant has communicated with several neighbors through the neighborhood's community app regarding the proposed group home. According to the applicant, some neighbors have since expressed a change in perspective. Due to prior issues encountered with door-to-door outreach, the applicant has instead posted notices informing neighbors of times when she will be available at the property to meet. Per the applicant, two neighbors have taken advantage of this opportunity and met on site.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 10, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, November 26, 2025 and December 3, 2025.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 24, 2025.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of viriniabeach.gov/pc on December 4, 2025.

Site Layout



Site Photos





The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. 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, boards, commissions, or other bodies.

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: as listed on application Cortnie Ebron

Is Applicant also the Owner of the subject property? Yes No

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes No

If yes, name Representative: _____

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes No

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Real Estate Broker/Agent/Realtor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Disclosure Statement

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Construction Contractor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Engineer/Surveyor/Agent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Legal Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

APPLICANT CERTIFICATION

READ: I certify that all information contained in this 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 three 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.

Cortnie Ebron  08/01/2025
 Applicant Name (Print) Applicant Signature Date

¹ "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.

² "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.

FOR CITY USE ONLY:

No changes as of (date): _____

_____ _____
 Staff Name (Print) Staff Signature Date

Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Valroy F. Williams

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

READ: The Owner must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Freedom Mortgage
Real Estate Broker/Agent/Realtor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Accounting/Tax Return Preparation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Construction Contractor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Engineer/Surveyor/Agent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Legal Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

PROPERTY OWNER CERTIFICATION

READ: I certify that all information contained in this 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 three 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.

Valroy F Williams
Property Owner Name (Print)

Valroy F. Williams
Property Owner Signature

7-31-2025
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.

Agenda Item 13

Applicant: Jesse Ryan
Property Owner: Jesse Ryan and Nicole Levitt
Planning Commission Public Hearing: December 10, 2025
City Council District: District 5 (Wilson)



Project Details

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Alexis Bailey

Location

919 Pacific Avenue, Unit B

GPIN

24272444111110

Site Size

34,984 square feet

AICUZ

65-70 dB DNL; Sub-Area 1

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Condominium Complex / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

Multi-family dwellings, commercial parking lot / OR Oceanfront Resort

South

9th Street
Municipal parking lot / OR Oceanfront Resort

East

Atlantic Avenue
Retail Shops / OR Oceanfront Resort

West

Pacific Avenue
Commercial parking lot / OR Oceanfront Resort



Background & Summary of Proposal

The applicant is seeking a Conditional Use Permit for a Short Term Rental at 919 Pacific Avenue, Unit B. The 34,984 square foot parcel contains the Pacific Place Condominiums and is zoned Oceanfront Resort District.

- According to City records, this multi-family condominium was constructed in 1969.
- Staff inspected the site on October 15, 2025 to observe site conditions and take photographs for this report.
- On-street parking is not permitted on this portion of Atlantic Avenue.
- There are no prior Zoning Violations on this site.
- Since this property was not registered nor paying transient occupancy taxes to the Commissioner of the Revenue prior to July 1, 2018, the property would not be considered a grandfathered Short Term Rental and requires a Conditional Use Permit prior to operating.
- Known Short Term Rental activity as of October 10, 2025, as shown below:

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

Short Term Rentals in the Vicinity



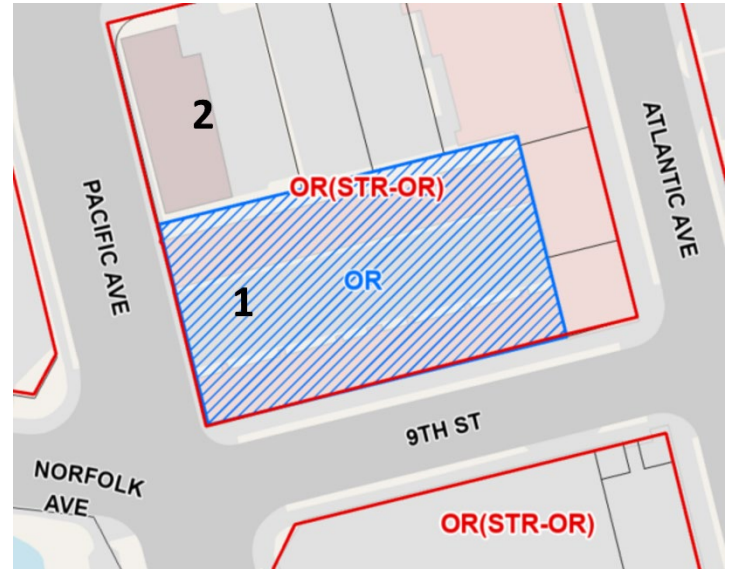
Summary of Proposal

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

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

Zoning History

#	Request
1	CUP (Short Term Rental) Approved 07/08/2025
	CUP (Short Term Rental) Approved 07/08/2025
	CUP (Short Term Rental) Approved 05/20/2025
	CUP (Short Term Rental) Approved 03/18/2025
	CUP (Short Term Rental) Approved 03/18/2025
	CUP (Short Term Rental) Approved 03/18/2025
	CUP (Short Term Rental) Approved 03/18/2025
	CUP (Short Term Rental) Approved 03/04/2025
	CUP (Short Term Rental) Approved 02/04/2025
	CUP (Short Term Rental) Approved 12/10/2024
	CUP (Short Term Rental) Approved 12/10/2024
	CUP (Short Term Rental) Approved 07/09/2024
	CUP (Short Term Rental) Approved 06/04/2024
	CUP (Short Term Rental) Approved 05/21/2024
	CUP (Short Term Rental) Approved 05/21/2024
	CUP (Short Term Rental) Approved 03/19/2024
	CUP (Short Term Rental) Approved 11/14/2023
	CUP (Short Term Rental) Approved 09/19/2023
	CUP (Short Term Rental) Approved 09/19/2023
	CUP (Short Term Rental) Approved 09/19/2023
	CUP (Short Term Rental) Approved 07/11/2023
	CUP (Short Term Rental) Approved 05/16/2023
	CUP (Short Term Rental) Approved 05/16/2023
	CUP (Short Term Rental) Approved 07/12/2022
	CUP (Short Term Rental) Approved 04/05/2022
	CUP (Short Term Rental) Approved 11/09/2021
	CUP (Short Term Rental) Approved 11/09/2021
CUP (Short Term Rental) Approved 04/06/2021	
CUP (Short Term Rental) Approved 03/02/2021	
CUP (Short Term Rental) Approved 10/20/2020	
CUP (Short Term Rental) Approved 08/25/2020	
CUP (Short Term Rental) Approved 08/25/2020	
CUP (Short Term Rental) Approved 06/11/2020	
CUP (Short Term Rental) Approved 02/04/2020	
2	CUP (Short Term Rental) Approved 12/13/2022
	CUP (Short Term Rental) Approved 12/13/2022
	CUP (Short Term Rental) Approved 12/13/2022
	CUP (Short Term Rental) Approved 12/13/2022
	CUP (Short Term Rental) Approved 12/13/2022
	CUP (Short Term Rental) Approved 12/13/2022



Application Types

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

Evaluation & Recommendation

The applicant is requesting to operate a one-bedroom Short Term Rental within the Pacific Place Condominiums. Short Term Rentals are prevalent on this property, with a total of 33 approved Conditional Use Permits for the operation of Short Term Rentals.

There is one assigned parking space per unit in the condominium's parking lot. According to Section 2303(b)a.ii. of the Zoning Ordinance, "There are certain condominium properties that have historically operated as short term lodging units and have not experienced any inconvenience to guests or the surrounding area without the required one (1) parking space per bedroom. Further, such properties are unable to provide the required parking on-site. For these condominium properties, the Zoning Administrator may, at his discretion, require one (1) parking space per dwelling unit similar to the requirement for lodging uses in the Oceanfront Resort District Form Based Code (ORDFBC). Such properties must provide written evidence of their past use and the Zoning Administrator shall find that there is no public inconvenience with the current parking design." Pacific Place is one such property granted a historical exception to the Short Term Rental Parking requirements of Section 241.2. All other requirements of Section 241.2 and Section 2303 of the Zoning Ordinance regulating Short Term Rentals can be reasonably met with this application.

The subject property lies in the Pacific Avenue corridor, which serves as the main north-south connector, including Atlantic Avenue, in the Resort Area. As identified in the Resort Area Strategic Action Plan (RASAP) 2030, both corridors serve as an area where many Resort Area visitors stay and gather. Therefore, the use of this unit as a Short Term Rental is consistent with this purpose. This unit would further provide diverse lodging opportunities for visitors and travelers wanting the Resort Area experience.

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

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 919 Pacific Avenue, Unit B, and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. All required parking spaces, including off-site spaces, shall be subject to review and approval by the Zoning Administrator and shall be available for use by the Short Term Rental occupants at all times.
5. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
13. Accessory structures shall not be used or occupied as Short Term Rentals.
14. No signage, except architectural signs naming the structure or other signs as permitted under Sec. 211 shall be permitted on-site, except that each short term rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street. The sign required by this section shall include the owner or property manager's contact information.
15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
19. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property at any time or times during the permitting process. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the time of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order, and 4) a document showing the required parking approved by the zoning administrator posted in the unit.

- a) A property inspection is required when an operator first applies for a short term rental permit and a subsequent inspection shall occur every five (5) years. In years when an inspection is not required, the property owner or their representative shall submit an attestation to the Department of Planning and Community Development confirming that the short term rental is in compliance with the requirements set forth in this section. If the planning department has good cause to believe that a safety violation exists on the property, it shall conduct an inspection prior to renewing the permit.
- b) Properties may be inspected annually for compliance with the requirements above by certified Short Term Rental Management Companies or Certified Home Inspectors. The compliance inspection shall be documented on a form prescribed by the Planning Department and shall be provided during the permit process.

20. A structural safety inspection report shall be provided to the city every five (5) years indicating all exterior stairways, decks, porches, and balconies with a finished height more than 30 inches above ground level have been inspected by either a licensed design professional, or a licensed and insured Class A, B, or C general contractor qualified to perform such inspection and are safe for use. The report must confirm the structure has been built to the applicable residential building code standards and are free of observable damage that would render the structure unsafe for use. However, said report shall not be required for an initial period of five (5) years for new construction inspected at the time of completion by the City's Permits and Inspections Division.

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 shall prepare and maintain, to the satisfaction of the City of Virginia Beach's Fire Marshal's Office, a fire safety and evacuation plan in accordance with Chapter 4 of the Virginia Statewide Fire Prevention Code.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 10, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, November 26, 2025 and December 3, 2025.
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Site Layout & Parking Plan



Site Photos





The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. 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, boards, commissions, or other bodies.

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Jesse Ryan

Is Applicant also the Owner of the subject property? Yes No
If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes No
If yes, name Representative: _____

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes No
If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No
If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input checked="" type="radio"/>	<input type="radio"/>	Cooper Family Living Trust
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	

Disclosure Statement

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

APPLICANT CERTIFICATION

READ: I certify that all information contained in this 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 three 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.

Jesse Ryan	Jesse Ryan <small>Digitally signed by Jesse Ryan Date: 2025.09.26 11:29:12 -04'00'</small>	09/26/2025
Applicant Name (Print)	Applicant Signature	Date

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FOR CITY USE ONLY:

No changes as of (date): _____

Staff Name (Print)	Staff Signature	Date
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Disclosure Statement

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:
as listed on application Jesse Ryan and Nicole Levitt

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: _____

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PROPERTY OWNER SERVICES DISCLOSURE

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Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input checked="" type="radio"/>	<input type="radio"/>	Cooper Living Trust
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
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Jesse Ryan & Nicole Levitt Jesse Ryan 09/26/2025
Property Owner Name (Print) Property Owner Signature Date

Digitally signed by Jesse Ryan
Date: 2025.10.13 14:45:18
-04'00'

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.
- The applicant shall prepare and maintain, to the satisfaction of the City of Virginia Beach's Fire Marshal's Office, a fire safety and evacuation plan in accordance with Chapter 4 of the Virginia Statewide Fire Prevention Code.

Agenda Item 14

Applicant & Property Owner: 215 4th Street LLC
Planning Commission Public Hearing: December 10, 2025
City Council District: District 5 (Wilson)



Project Details

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Alexis Bailey

Location

215 4th Street

GPIN

24272286045680

Site Size

1,736 square feet

AICUZ

65-70 dB DNL; Sub-Area 1

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Condominium Complex / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

Hotel / OR Oceanfront Resort

South

4th Street

Municipal parking lot / OR Oceanfront Resort

East

Parking lot / OR Oceanfront Resort

West

Pacific Avenue

Parking lot / RT-3 Resort Tourist



Background & Summary of Proposal

- The applicant is seeking a Conditional Use Permit for a Short Term Rental at 215 4th Street. The 1,736 square foot condominium unit is located within the Windward Landing Condominiums and is zoned Oceanfront Resort District.
- According to City records, this three-bedroom unit was constructed in 1996.
- Staff inspected the site on October 15, 2025 to observe site conditions and take photographs for this report.
- On-street parking is not permitted on this portion of 4th Street.
- On July 16, 2021, a Zoning Complaint was received for the operation of a Short Term Rental without an approved Conditional Use Permit or Short Term Rental Zoning Permit; however, that complaint was unsubstantiated as staff did not find any active listings or other evidence of short term rental use.
- Since this property was registered and paying transient occupancy taxes to the Commissioner of Revenue prior to July 1, 2018, the property would be considered a grandfathered Short Term Rental; however, since the property was not used as a Short Term Rental for a period of two (2) years or more, its grandfathered designation has been lost and a Conditional Use Permit is required prior to operating.
- Known Short Term Rental activity as of November 24, 2025, as shown below:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	August 1, 2025	Yes

Short Term Rentals in the Vicinity



Summary of Proposal

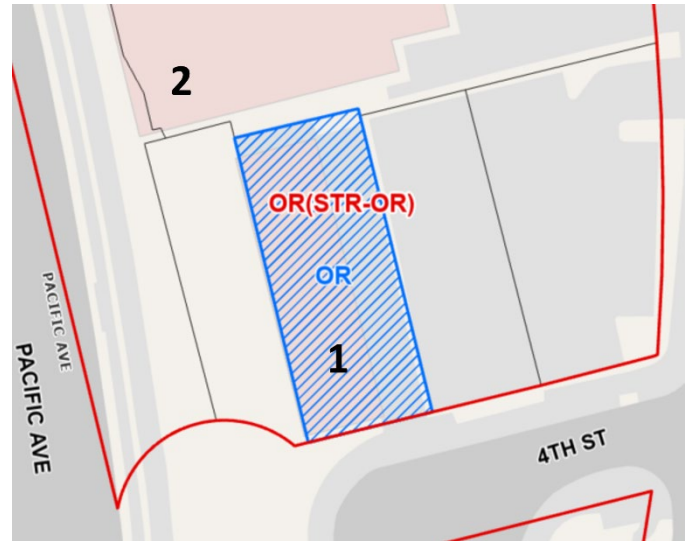
The applicant submitted a Conditional Use Permit request to operate a Short Term Rental on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

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

- Number of off-street parking spaces provided: 3 (2 spaces provided on site and 1 space provided off-site)

Zoning History

#	Request
1	CUP (Conditional Use Permit) Approved 09/16/2025
2	CUP (Communication Tower) Approved 03/14/1995



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 applicant is requesting to operate a three-bedroom Short Term Rental within the Windward Landing Townhome Condominiums.

The three-bedroom Short Term Rental is required to have three off-street parking spaces. The site has two assigned parking spaces for the unit, and the applicant has provided an Intent to Lease Off-Site Parking Agreement to lease one off-site parking space at the Municipal Parking Garage on 9th Street, located 0.25 miles from the site, for a total of three parking spaces.

All other requirements of Section 241.2 and Section 2303 of the Zoning Ordinance regulating Short Term Rentals can be reasonably met with this application.

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

Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 215 4th Street, and the Short Term Rental use shall only occur in the principal structure.
2. An annual (yearly) STR Zoning Permit must be obtained from the Department of Planning and Community Development (Zoning Administration) before using the dwelling for Short-Term Rental purposes.
3. Off-street parking shall be provided as required by Section 241.2 and 2303(b)(a)(i)(ii) of the City Zoning Ordinance or as approved by City Council.
4. All required parking spaces, including off-site spaces, shall be subject to review and approval by the Zoning Administrator and shall be available for use by the Short Term Rental occupants at all times.
5. For properties located within the boundaries of the Residential Parking Permit Program (RPPP), while the Short Term Rental use is active, parking passes issued for the subject dwelling unit(s) through the RPPP shall be limited to two (2) resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1.
8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes and to be physical present at the Short Term Rental within one (1) hour.
9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
 - a) A completed Department of Planning and Community Development Short Term Rental Zoning Permit; and
 - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
 - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
13. Accessory structures shall not be used or occupied as Short Term Rentals.
14. No signage, except architectural signs naming the structure or other signs as permitted under Sec. 211 shall be permitted on-site, except that each short term rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street. The sign required by this section shall include the owner or property manager's contact information.
15. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.
16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom, which number shall not include minors under the age of 16, provided that in no case may the total number of persons staying overnight at the property exceed the number of approved bedrooms multiplied by three (3).
19. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property at any time or times during the permitting process. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the time of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order, and 4) a document showing the required parking approved by the zoning administrator posted in the unit.

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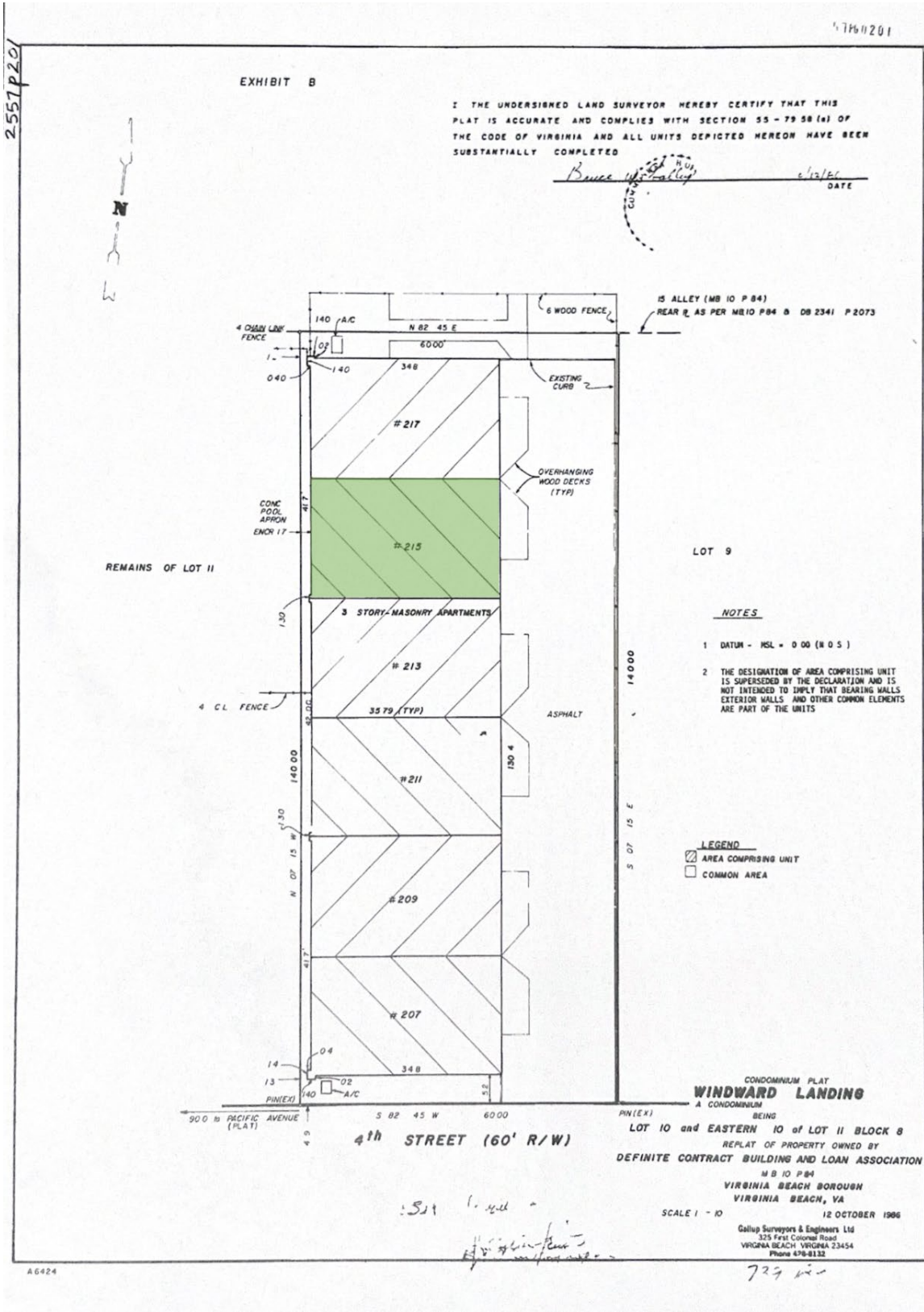
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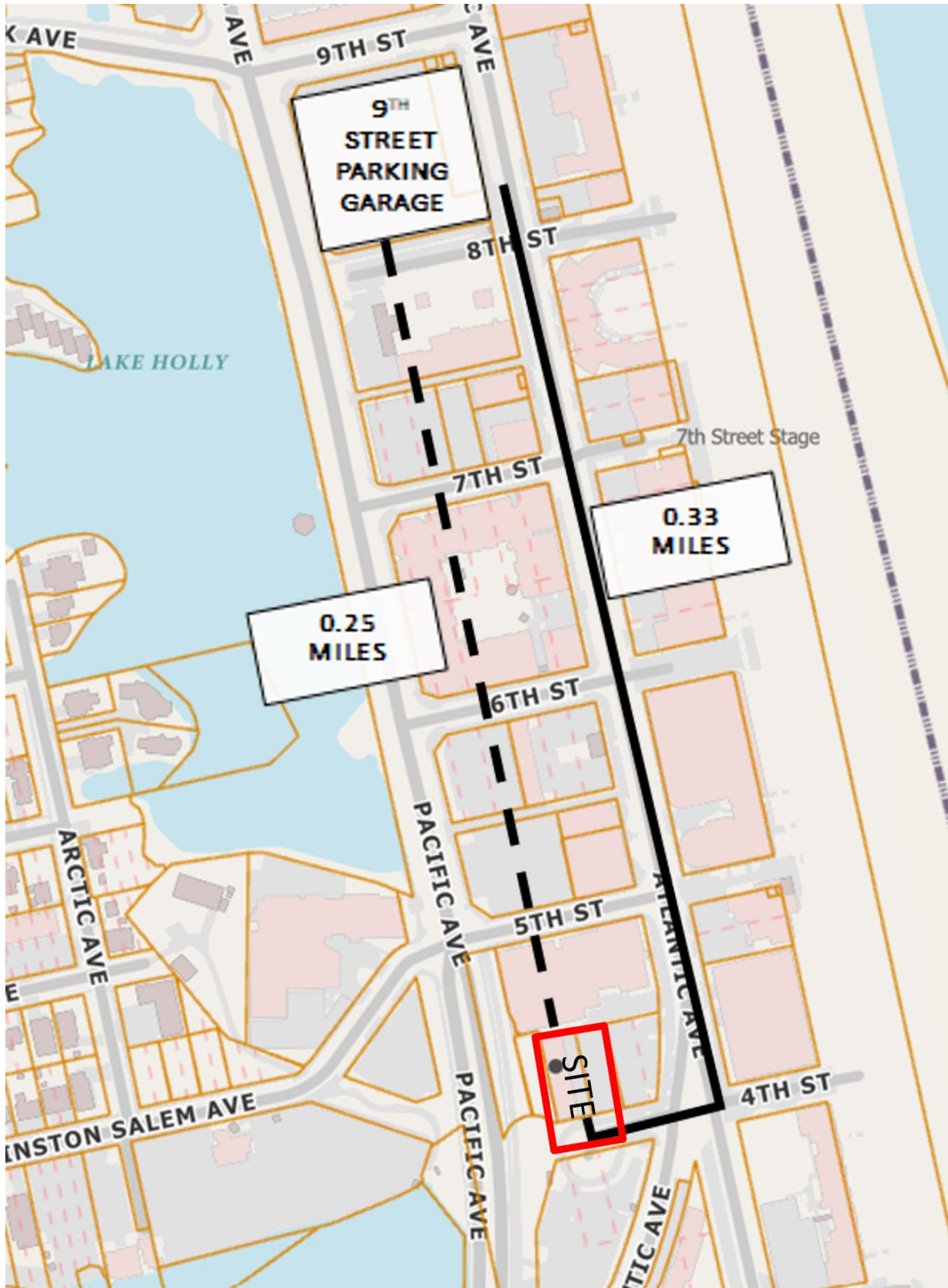
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Site Layout



Parking Plan



Site Photo





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APPLICANT INFORMATION

Applicant Name:
as listed on application 215 4th Street LLC

Is Applicant also the Owner of the subject property? Yes No

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes No

If yes, name Representative: Holly Davis

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes No

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)

Holly Davis, Dieter Lubinger, Daniel Jones

Does the subject property have a proposed or pending purchaser? Yes No

If yes, name proposed or pending purchaser: _____

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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SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
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Disclosure Statement

SECTION 1: APPLICANT DISCLOSURE *continued*

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FOR CITY USE ONLY:

No changes as of (date): _____

_____	_____	_____
Staff Name (Print)	Staff Signature	Date

Next Steps

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