
Planning
Commission
Agenda
March 13, 2025
CITY OF
VIRGINIA
BEACH

Planning Commission Hearing Information

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

A Public Hearing of the Virginia Beach Planning Commission will be held on **Thursday, March 13, 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 kbauer@vbgov.com prior to **5:00 p.m**. on **Wednesday, March 12, 2025**
2. Download WebEx and view the meeting at: https://vbgov.webex.com/vbgov/j.php?MTID=mf317af472cec8b6c1cd7edf0786beb46

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

If you require a reasonable accommodation for this meeting due to a disability, please call the Planning Department at 757-385-4621. If you are hearing impaired, you can contact Virginia Relay at 711 for TDD service.

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.

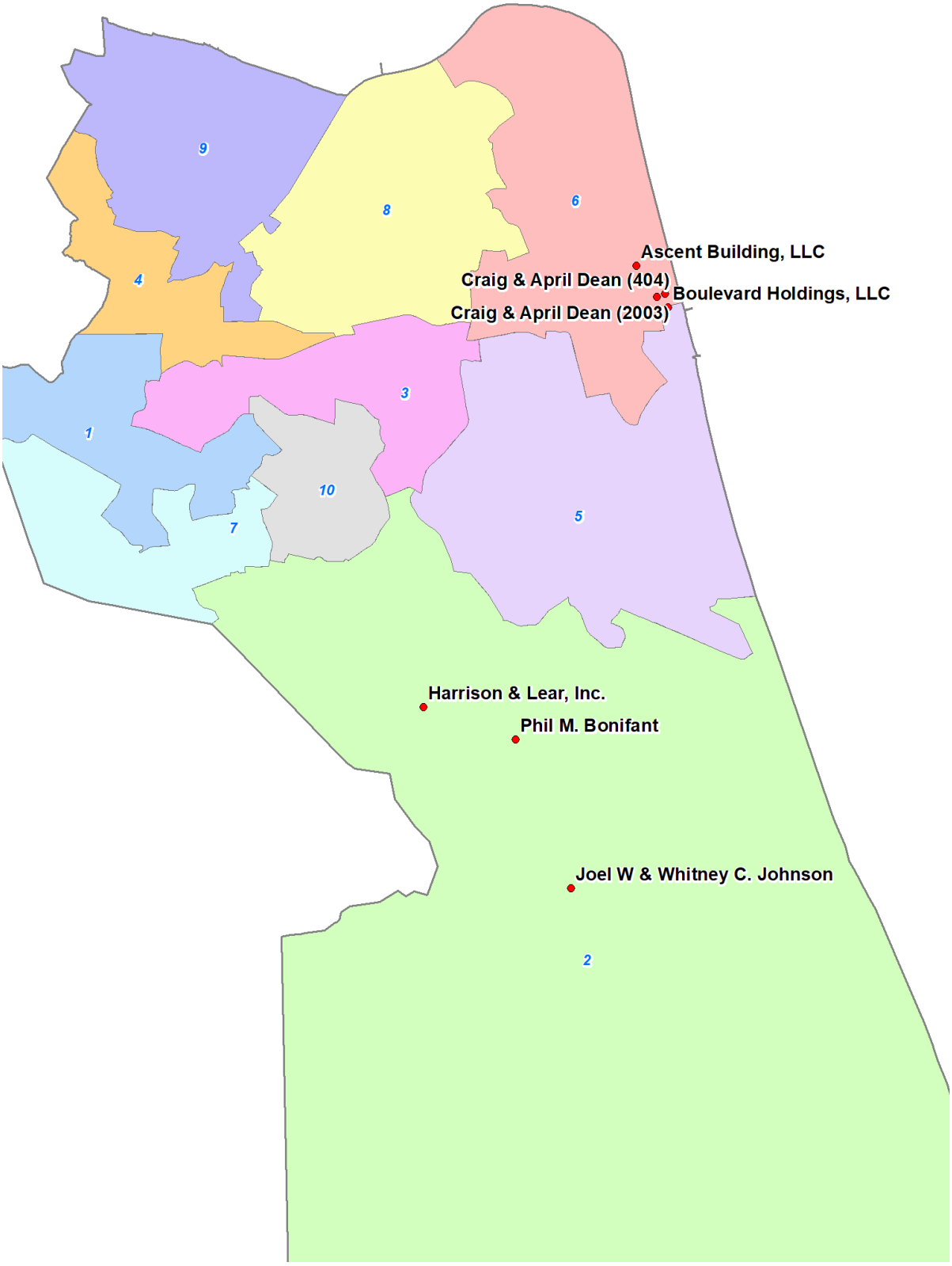
Planning Commission Hearing Procedures

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.

March 13, 2025 Planning Commission Agenda



Planning Commission Agenda

1. **COMMENTS BY CHAIR OF COMMISSION**
2. **BRIEFINGS**

    A. CBPA Ordinance Update – Hannah Sabo, Planning Evaluation Coordinator
    B. Comprehensive Plan Update

12:00 Noon: Public Hearing

APPROVAL OF MINUTES:

- **JANUARY 30, 2025 COMPREHENSIVE PLAN WORKSHOP MINUTES**
- **FEBRUARY 12, 2025 INFORMAL MINUTES**
- **FEBRUARY 12, 2025 FORMAL MINUTES**
- **MARCH 6, 2025 SITE VISIT MINUTES**

1. **City of Virginia Beach - AN ORDINANCE TO AMEND SECTION 201 OF THE CITY ZONING ORDINANCE PERTAINING TO YARDS.**

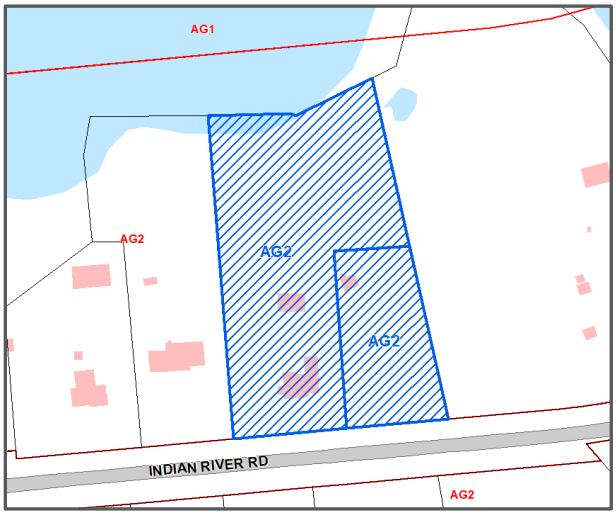
2. **City of Virginia Beach – AN ORDINANCE TO DELETE CITY CODE SECTION 8-31.1 PERTAINING TO FENCES AND WALLS.**

3. **Joel W. & Whitney C. Johnson**

Property Owner: Joel W. & Whitney C. Johnson
Subdivision Variance (4.4(b)) of the Subdivision Regulations)
Address: Parcel directly south of 2000 & 1992 Gum Bridge Road
GPIN: 2411057939
City Council: District 2 (Henley)
Accela Record: 2025-PCCC-00001
AICUZ: <65 dB DNL
SGA: No
Overlay: No
Staff Planner: Aubrey Trebilcock

Request to deviate from the required lot width requirements.

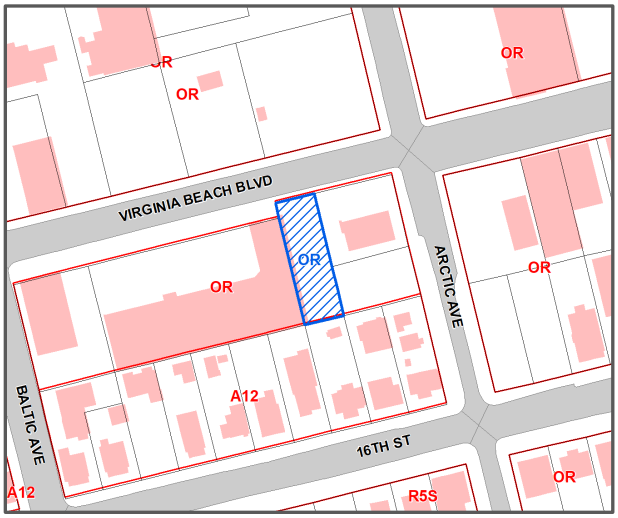
4. Phil M. Bonifant



Property Owner: Phil M. & Teresa C. Bonifant
Modification of Conditions (Assembly Use)
Addresses: 2244 & 2252 Indian River Road
GPINs: 2403419483, 2403418534
City Council: District 2 (Henley)
Accela Record: 2025-PCCC-00003
AICUZ: <65 dB DNL
SGA: No
Overlay: Transition Area
Staff Planner: Marchelle Coleman

Request to modify conditions to construct a 4,600 square foot building for a wedding venue.

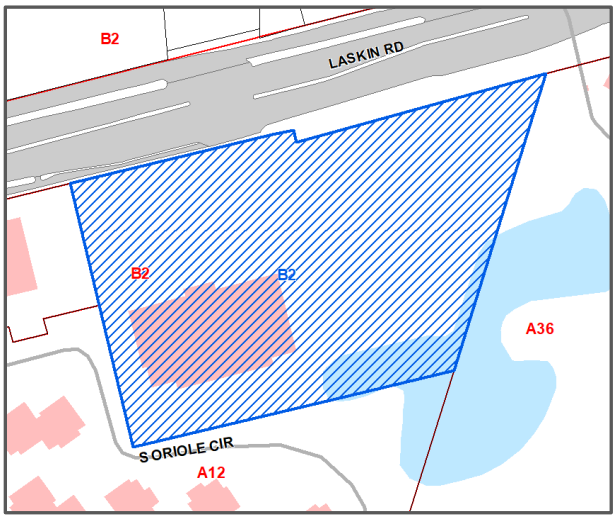
5. Boulevard Holdings, LLC



Property Owner: Boulevard Holdings, LLC
Alternative Compliance
Address: 409 Virginia Beach Boulevard
GPIN: 2427068795
City Council: District 5 (Wilson)
Accela Record: 2024-PCCC-00189
AICUZ: 65-70 dB DNL - Sub-Area 1
SGA: Resort Area
Overlay: Short Term Rental
Staff Planner: Laine Harrington

Request to operate a temporary parking lot.

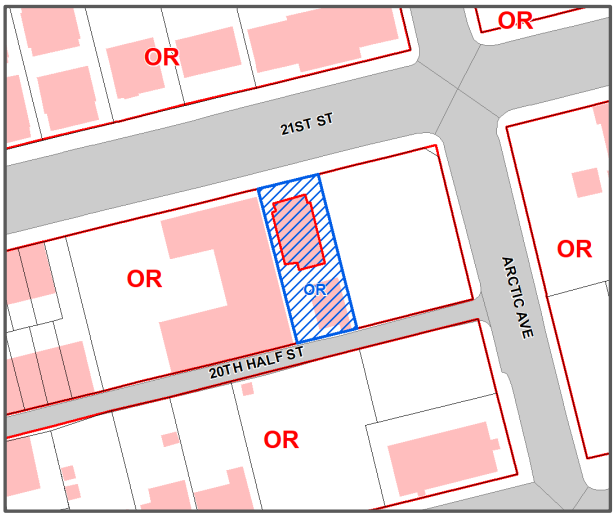
6. Ascent Building, LLC



Property Owner: Laskin Road Associates, L.P.
Conditional Use Permit (Religious Use)
Address: 941 Laskin Road
GPIN: 2418716272
City Council: District 6 (Remick)
Accela Record: 2025-PCCC-00002
AICUZ: 70-75 dB DNL - APZ-2
SGA: Resort Area
Overlay: No
Staff Planner: Alexis Bailey

Request to operate space for religious use.

7. Craig & April Dean

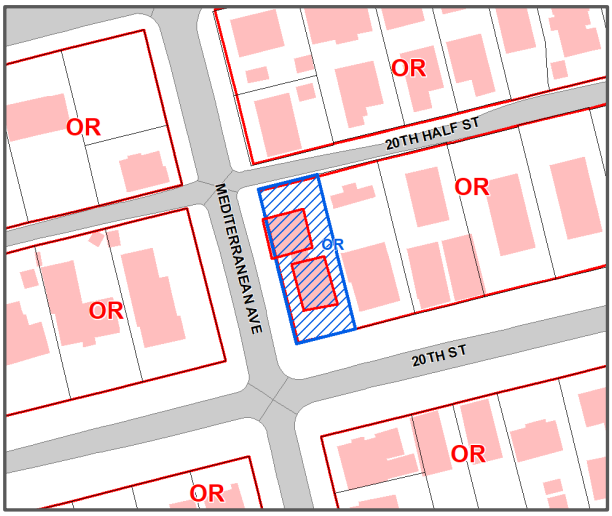


Property Owner: Craig Dean
Conditional Use Permit (Short Term Rental)
Address: 404 21st Street, Unit C
GPIN: 2427085169
City Council: District 6 (Remick)
Accela Record: 2024-PCCC-00218
AICUZ: 65-70 dB DNL - Sub-Area 1
SGA: Resort Area
Overlay: Short Term Rental
Staff Planner: Alexis Bailey

Request to operate 3-bedroom short term rental.

8. Craig & April Dean

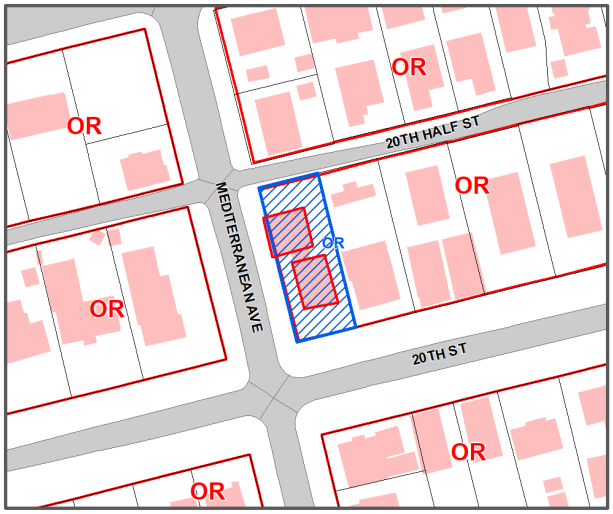
Property Owner: Stephen S. Siksay
Conditional Use Permit (Short Term Rental)
Address: 2003 Mediterranean Avenue, Unit A
GPIN: 2417977800
City Council: District 6 (Remick)
Accela Record: 2024-PCCC-00219
AICUZ: 65-70 dB DNL - Sub-Area 1
SGA: Resort Area
Overlay: Short Term Rental
Staff Planner: Alexis Bailey



Request to operate 3-bedroom short term rental.

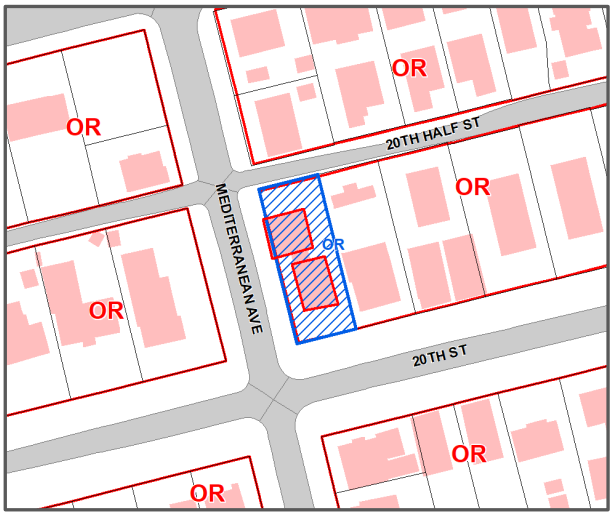
9. Craig & April Dean

Property Owner: Stephen S. Siksay
Conditional Use Permit (Short Term Rental)
Address: 2003 Mediterranean Avenue, Unit B1
GPIN: 2417977800
City Council: District 6 (Remick)
Accela Record: 2024-PCCC-00220
AICUZ: 65-70 dB DNL - Sub-Area 1
SGA: Resort Area
Overlay: Short Term Rental
Staff Planner: Alexis Bailey



Request to operate 4-bedroom short term rental.

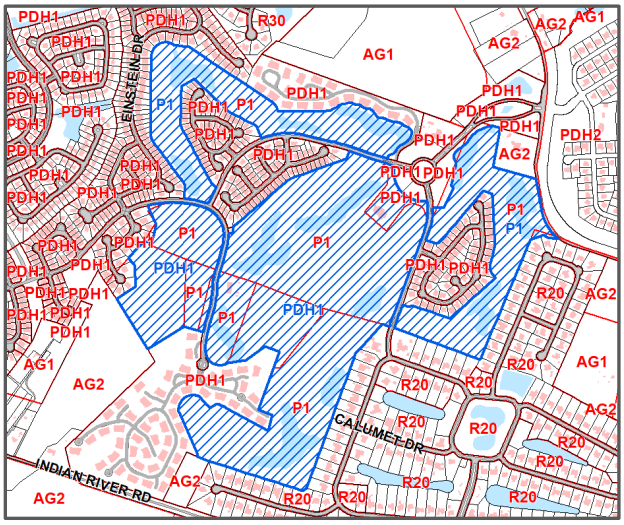
10. <u>Craig & April Dean</u>



Property Owner: Stephen S. Siksay
Conditional Use Permit (Short Term Rental)
Address: 2003 Mediterranean Avenue, Unit B2
GPIN: 2417977800
City Council: District 6 (Remick)
Accela Record: 2024-PCCC-00221
AICUZ: 65-70 dB DNL - Sub-Area 1
SGA: Resort Area
Overlay: Short Term Rental
Staff Planner: Alexis Bailey

Request to operate 1-bedroom short term rental.

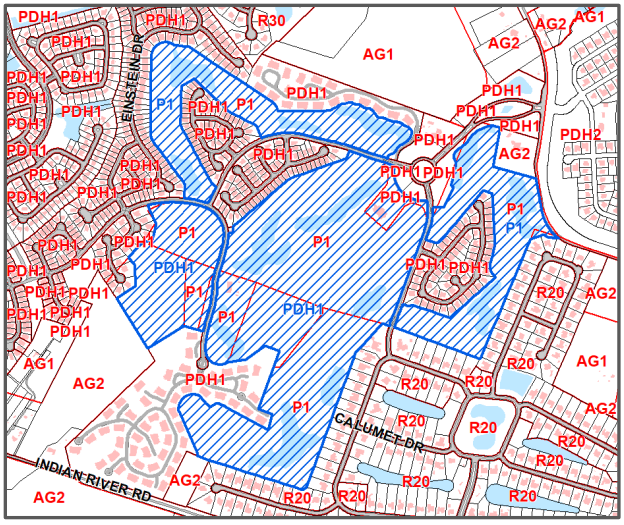
11. Harrison and Lear, Inc.



Property Owner: JBWK, LLC
Modification of Proffers
Address: 3100 Arnold Palmer Drive
GPINs: 1493543952, 1493667436, 1493859520, and a portion of 1493637894
City Council: District 2 (Henley)
Accela Record: 2024-PCCC-00144
AICUZ: <65 dB DNL & 65-70 dB DNL
SGA: No
Overlay: Transition Area & Interfacility Traffic Area
Staff Planner: Marchelle Coleman

Request to amend the previous approval to redevelop the existing defunct golf course with 127 single-family-style dwellings and 30 multifamily units.

12. Harrison and Lear, Inc.



Property Owner: JBWK, LLC
Conditional Rezoning (P-1 (Preservation District) & PD-H1 (Planned Unit Development District) to Conditional PD-H2 Planned Unit Development District R-20 (Residential District))
Address: 3100 Arnold Palmer Drive
GPINs: 1493543952, 1493667436, 1493859520, and a portion of 1493637894
City Council: District 2 (Henley)
Accela Record: 2024-PCCC-00143
AICUZ: <65 dB DNL & 65-70 dB DNL
SGA: No
Overlay: Transition Area & Interfacility Traffic Area
Staff Planner: Marchelle Coleman

Request to rezone the property to redevelop the existing defunct golf course with 127 single-family-style dwellings and 30 multifamily units.

Agenda Item 1

Applicant: City of Virginia Beach
Planning Commission Public Hearing: March 13, 2025
Fence Permit Ordinance Amendment

Request

An ordinance to amend Section 201 of the City Zoning Ordinance pertaining to yards.

Summary of Request

This text amendment updates the zoning ordinance to reflect the policies of the Zoning Division regarding permit requirements for fences. Section 201(e) of the ordinance regulates the location, material, and permitting requirement for fences. Currently the ordinance requires a permit be issued for the construction and repair of all fences or walls. In July 2023, the Zoning Administrator implemented a policy where fences meeting the following criteria would not require a permit.

- Fences located in a residential zoning district
- Fences that are accessory to a single-family residence
- Fences on an interior lot
- Fences no closer than 30 feet from the right-of-way (ROW)
- Fences no taller than four feet in the front yard and eight feet in any other yard

Fences and walls that did not meet these criteria still require a permit. This proposed amendment removes the existing language regarding the permit requirements. Language is added that specifies that a permit is only required for fences located within thirty (30) feet of a public right-of-way. Additionally, the amendment will codify a fifty ($50.00) dollar fee for a fence permit in the Zoning Ordinance. The fifty ($50) dollar fee is the same fee that the zoning office is currently charging, as specified in Section 8.31-1 of the City Code. The proposed text amendment will also require that the finished side of the fence must face the right-of-way.

Recommendation

Staff recommends approval of this ordinance. This amendment will make the zoning ordinance consistent with the current policies and practices of the Zoning Division for issuing fence permits.

AN ORDINANCE TO AMEND SECTION 201 OF THE CITY ZONING ORDINANCE PERTAINING TO YARDS

Section Amended: § 201

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 201 of the City Zoning Ordinance is hereby amended and reordained to read as follows:

Sec. 201. Yards.

. . . .

(e) *Requirements for fences and walls.* Except as may be provided by the regulations of the Oceanfront Resort District Form-Based Code, the following requirements shall apply to fences and walls:

. . . .

(8) ~~A zoning permit shall be required for the construction of all fences and walls, and for repairs, replacements, and/or reconstruction of fences and walls that involve more than fifty percent (50%) of the existing fence or wall, measured in linear feet. A permit is not required for: hedges or rows of shrubbery; or an interior barrier located entirely within a portion of a yard not directly adjacent to property not owned by the homeowner, including garden fences or dog pens; and temporary fences or walls. A current site survey or other documentation sufficient to ensure that the fence is placed in the correct location is required for such permit. A fence permit shall be valid for 180 days from the date of issuance.~~ A permit shall be required for the construction, reconstruction, replacement or relocation of any fence or wall located within thirty (30) feet of a public right-of-way, except fences or walls used principally for agricultural or horticultural purposes in an AG Agricultural Zoning District. Such fencing shall have the finished side of the fence facing the right of way. Any such fence or wall located upon more than one (1) lot shall require a separate permit for each such lot, except lots under common ownership.

(8a) The fee for permits required by this section shall be fifty dollars ($50.00).

. . . .

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day of _____, 2025.

APPROVED AS TO CONTENT:

_____
Planning Department

APPROVED AS TO LEGAL SUFFICIENCY:

_____
City Attorney's Office

CA16817
R-1
February 18, 2025

Agenda Item 2

Applicant: City of Virginia Beach
Planning Commission Public Hearing: March 13, 2025
Fence Permit Ordinance Amendment

Request

An ordinance to delete City Code Section 8-31.1 Pertaining to fences and walls.

Summary of Request

Currently, Section 8-31.1 of the City Code requires that a permit must be obtained for any fence or wall that is constructed, reconstructed, replaced, or relocated within thirty (30) feet of a public right-of-way. This section also establishes a permit fee of fifty ($50.00) dollars.

This proposed amendment would remove Section 8-31.1 from the City Code. The requirements currently established in Section 8-31.1 will be moved to Section 201(e) of the Zoning Ordinance. The text amendment adding this language to Section 201(e) of the Zoning Ordinance is included on this agenda.

Recommendation

Staff recommends approval of this Ordinance. This amendment will consolidate all requirements for fences and walls into Section 201(e) of the Zoning Ordinance, which staff feels is appropriate as the Zoning Division is responsible for issuing fence permits and enforcing the regulations.

AN ORDINANCE TO DELETE CITY CODE SECTION 8-31.1
PERTAINING TO FENCES AND WALLS

Section Deleted: 8-31.1

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

Section 8-31.1 of the City Code is hereby deleted and reordained to read as follows:

~~**Sec. 8-31.1. Fences and walls.**~~

~~(a) A permit shall be required for the construction, reconstruction, replacement or relocation of any fence or wall located within thirty (30) feet of a public right-of-way, except fences or walls used principally for agricultural or horticultural purposes in an AG Agricultural Zoning District. Any such fence or wall located upon more than one (1) lot shall require a separate permit for each such lot, except lots under common ownership.~~

~~(b) The fee for permits required by this section shall be fifty dollars ($50.00).~~

Adopted by the Council of the City of Virginia Beach, Virginia on the _____ day of _____, 2025.

APPROVED AS TO LEGAL SUFFICIENCY:

_____
City Attorney's Office

CA16817
R-1
February 14, 2025

Agenda Item 3

Applicant & Property Owner: Joel W. & Whitney C. Johnson
Planning Commission Public Hearing: March 13, 2025
City Council District: District 2 (Henley)

Project Details

Request

Subdivision Variance (Variance to Section 4.4(b) of the Subdivision Regulations for Lot Width)

Staff Recommendation

Approval

Staff Planner

Aubrey A. Trebilcock

Location

Parcel directly south of 2000 & 1992 Gum Bridge Road

GPIN

24110579390000

Site Size

3.82 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Cultivated field / AG-1 & AG-2 Agricultural

Surrounding Land Uses and Zoning Districts

North

Gum Bridge Road
Single-family Dwellings / AG-2 Agricultural

South

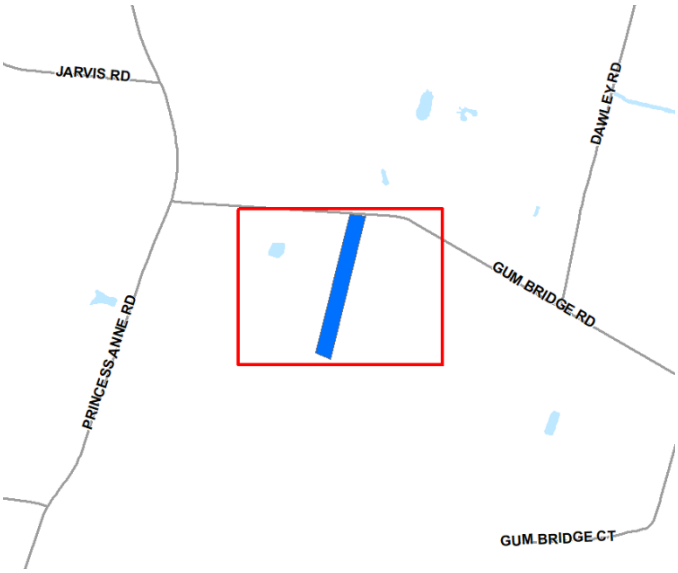
Cultivated field / AG-1 & AG-2 Agricultural

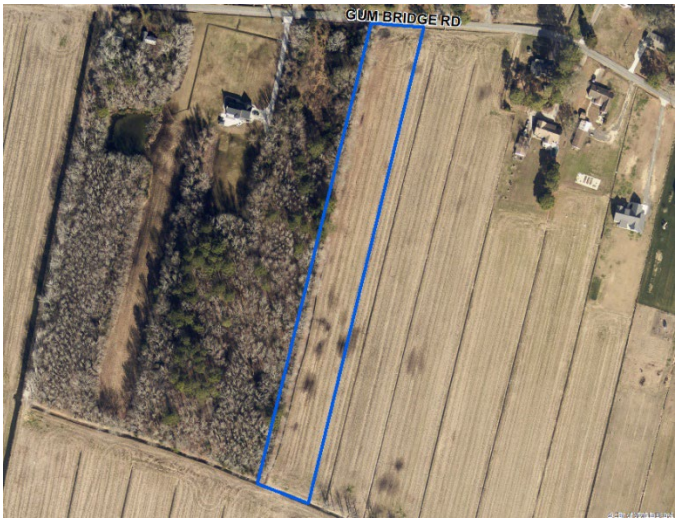
East

Cultivated field / AG-1 & AG-2 Agricultural

West

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





Background & Summary of Proposal

- The subject property, known as Lot 11, was created by a partition plat (Map Book 85, Page 23) recorded in 1971 to define the boundaries of land distributed by the last will and testament of J.T. Tatem.

- The partition plat was recorded without the benefit of a review by the Planning Department and does not contain the Planning Director's signature of approval. As such, the partition plat, while recorded, does not constitute a valid subdivision of land per the City Code.

- At the time the partition plat was recorded, the property was zoned A-R Agricultural Restricted Zoning District. The requirements for residential construction in the A-R consisted of a minimum 10,000 square foot lot size and a 100-foot lot width. Had the partition plat been submitted to the Planning Department, the subject lot would have met these requirements with its 3.82acre lot size and 138 feet of lot width.

- Since the lot was created without the benefit of a Planning Department approved plat, it is required to meet the Zoning Regulations currently in place. The current zoning is AG-1 and AG-2 Agricultural District, which require a minimum lot area of 1 acre and lot width of 150 feet for residential uses. The 138 feet of lot width does not meet the width requirement, creating the need for a Subdivision Variance to be granted before a plat can be put to record.

Proposed Lot	Required Lot Width (feet)	Proposed Lot Width (feet)	Required Lot Area (acres)	Proposed Lot Area (acres)
Lot 11	150	138*	1	3.86

Zoning History

Map Key No.	Request
1	**CUP** (Horse Boarding) Approved 08/09/1995
2	**SVR** (Variance to Lot Width) Approved 03/19/2019
3	**SVR** (Variance to Lot Width) Approved 01/15/2019
4	**SVR** (Variance to Lot Width) Approved 02/04/2025

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

Section 9.3 of the Subdivision Regulations states:

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

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

The 1971 partition plat divided a nearly 42-acre parcel, owned at the time by the J.T. Tatem Estate, into 11 parcels with lot sizes and widths that met the zoning requirements of the Agricultural Restricted District at the time. This partition plat was never approved by the Planning Department, and therefore, is not recognized as a legal subdivision. In order for the subject parcel, Lot 11, to be legalized, a subdivision plat must be put to record. The zoning district has since changed from A-R Agricultural Restricted Zoning District to AG-1 & AG-2 Agricultural District, which requires 150 feet of lot width rather than the 100 feet required under the A-R. A Subdivision Variance must be approved for the 138-foot width before a plat can be approved for recordation.

Several of the other lots involved in the 1971 partition plat, Lots 1-5, were granted a Subdivision Variance in 2019 for their substandard lot widths. Lot 10 was granted a Subdivision Variance earlier this year in February for its lot width. These lots are called out in this Zoning History section of this report under Map Key Number 3. While these lots and Lot 11 were not reviewed by the Planning Department in 1971, they were designed to comply with the Zoning regulations of the time. This section of Gum Bridge Road is fronted by many single-family homes on lots that do not conform with the present lot width standards, so this application should not adversely affect the character of the neighborhood. To further ensure preservation of the character of the "Rural Area" of the City, Staff also recommends a condition that requires the newly constructed dwelling to

contain some elements of the architectural design that are consistent with the recommendations in the Comprehensive Plan's Rural Area Design Guidelines, such as a front porch, pitched roof lines, board and batten siding, and a side-loading garage.

Recommended Conditions

1. When subdivided, the property shall be developed as shown on the submitted subdivision exhibit entitled "SUBDIVISION OF LOT 11, PARTITION OF PROPERTY OF J.T. TATEM ESTATE, ET AL" dated 11/24/2024, and prepared by Fox Land Surveying, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.

2. Approval for private well and septic facilities must be granted by the Virginia Beach Health Department prior to obtaining a building permit.

3. When developed the architectural design of any new dwelling shall reflect the recommendations found in the Rural Area Design Guidelines under Section 1.5 of the Comprehensive Plan.

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 recognizes this property as being within the "Rural Area." Guiding principles have been established in the Comprehensive Plan to preserve the rural character of the area through planning objectives that emphasize its agricultural and environmental economic value, in an effort to preserve the area for future generations. The Plan's principles include preserving and promoting a vibrant agricultural economy, reinforcing rural heritage and way of life, sustaining natural resources for future generations and managing rural area development and design. (p. 1.113 - 1.128)

Natural & Cultural Resources Impacts

The site is located in the Southern Rivers 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
Gum Bridge Road	No Data Available	9,900 ADT [1] (LOS [4] "D")	Existing Land Use [2] – 0 ADT Proposed Land Use [3] – 10 ADT

[1] Average Daily Trips

[2]As defined by 3.86 acres of cultivated land

[3]As defined by a single-family dwelling

[4]LOS = Level of Service

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

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

Active Transportation Plan

Gum Bridge Road is not shown as having future proposed facilities under the Active Transportation Plan.

Public Utility Impacts

Water

City water is not available. A private well must be approved by the Health Department.

Sewer

City sanitary sewer is not available. A private septic system must be approved by the Health Department.

Public Outreach Information

Planning Commission

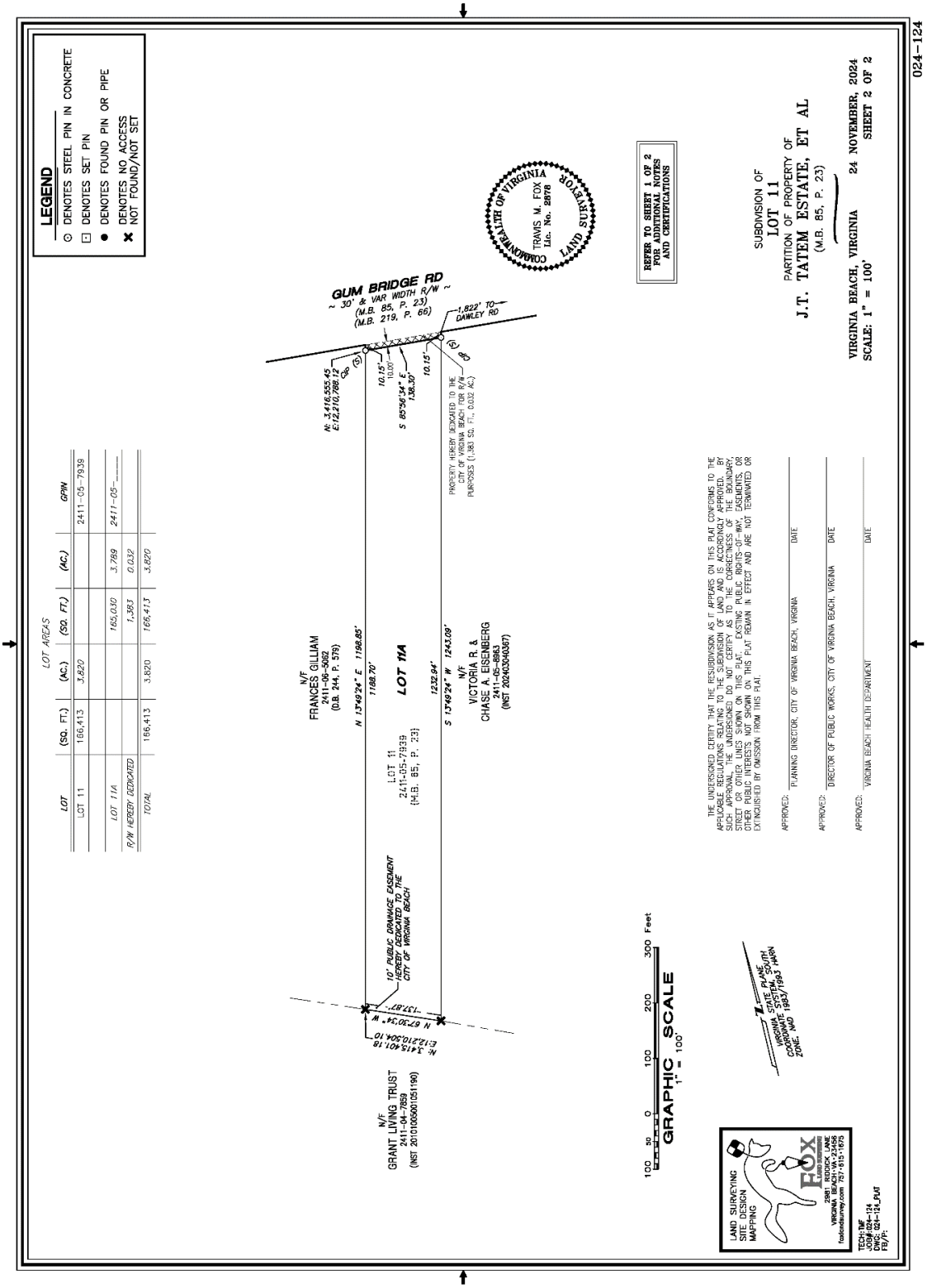
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 11, 2025.

- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, February 26, 2025 and March 5, 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 February 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 March 6, 2025.

Proposed Site Layout



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 Joel W. & Whitney C. Johnson

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., Sykes, Bourdon, Ahern & Levy, P.C.

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 *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	(•)	( )	Colonial Farm Credit, ACA
Real Estate Broker/Agent/Realtor	( )	(•)	

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	◉	
Architect/Designer/Landscape Architect/Land Planner	○	◉	
Construction Contractor	○	◉	
Engineer/Surveyor/Agent	◉	○	Travis Fox, Fox Land Surveying
Legal Services	◉	○	R. Edward Bourdon, Jr., Esq., Sykes, Bourdon,

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.*

Joel W. Johnson & Whitney C. Johnson	Joel W. Johnson Whitney C. Johnson	12/17/2024
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 4

Applicant: Phil M. Bonifant
Property Owner: Phil M. & Teresa C. Bonifant
Planning Commission Public Hearing: March 13, 2025
City Council District: District 2 (Henley)

Project Details

Request

Modification of Conditions (Assembly Use)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

2244 & 2252 Indian River Road

GPINs

2403419483, 2403418534

Site Size

3.82 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Country Inn, single-family dwelling, wedding venue / AG-2 Agricultural

Surrounding Land Uses and Zoning Districts

North

West Neck Creek / AG-1 Agricultural

South

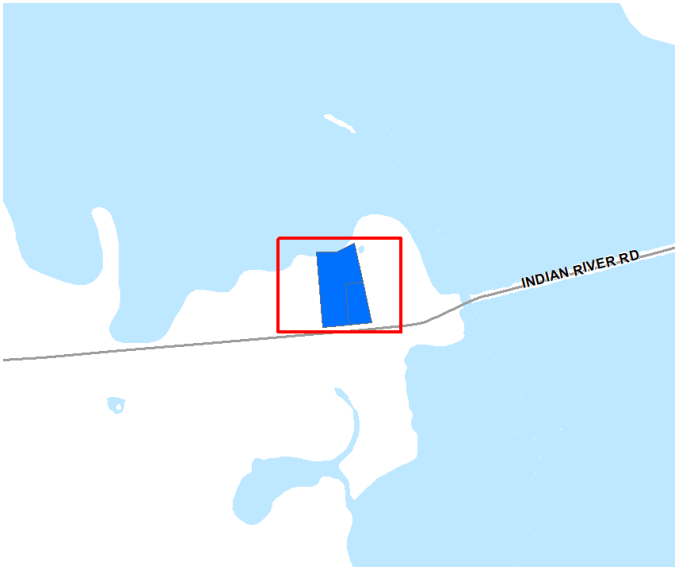
Indian River Road
Single-family dwellings / AG-2 Agricultural

East

Single-family dwellings / AG-2 Agricultural

West

Single-family dwellings / AG-2 Agricultural



Background & Summary of Proposal

- On June 7, 2016, City Council approved a Conditional Use Permit for an Assembly Use to operate a wedding venue on these AG-2 Agricultural District zoned parcels, totaling approximately 3.82-acres.

- Since 2003, the single-family residence on the site has also been operating as a Country Inn. The City's Zoning Ordinance defines a County Inn as a building in which not more than five (5) rooms are provided for lodging transients, for compensation, for daily or weekly terms, with or without board. Rooms in Country Inns shall not have an entrance or exit to the outside of the building, and no such room shall exceed 300 square feet in floor area. The City Council approved the Conditional Use Permit for the Country Inn on December 9, 2003, with a subsequent modification on June 7, 2016, permitting a third guest room, an expanded open-air pavilion, and daily breakfast service instead of breakfast service for weekends only as originally conditioned. Staff is unaware of any violations on the property, and it appears the uses have been operating without incident and with support from adjacent property owners and residents in the surrounding area.

- The applicant resides in the existing single-family dwelling on the property and has hosted weddings and large gatherings, with attendance of up to 150 people, for nearly 10 years. The weddings are typically held outdoors behind the single-family dwelling or within the existing 3,080 square-foot pole barn located at 2252 Indian River Road. A 620 square foot wedding auxiliary building is located at 2244 Indian River Road, which is frequently used by the wedding party for dressing and socializing before the event. Parking for events has been provided on the gravel and grassy area located at 2244 Indian River Road, south of the wedding venue auxiliary building.

- The applicant is now seeking a modification of the Conditional Use Permit for an Assembly Use to construct a new 4,600 square foot pavilion building in the rear of the property at 2252 Indian River Road. The pavilion will be 23 feet and 7 inches in height and will be constructed with a concrete floor, steel, and glass. All exposed structural elements and exterior framing will be finished in a dark bronze color, as shown in the proposed building rendering on page 12 of this report.

- With the proposed larger building, the applicant will be able to accommodate larger events ranging from 250 to 400 guests.

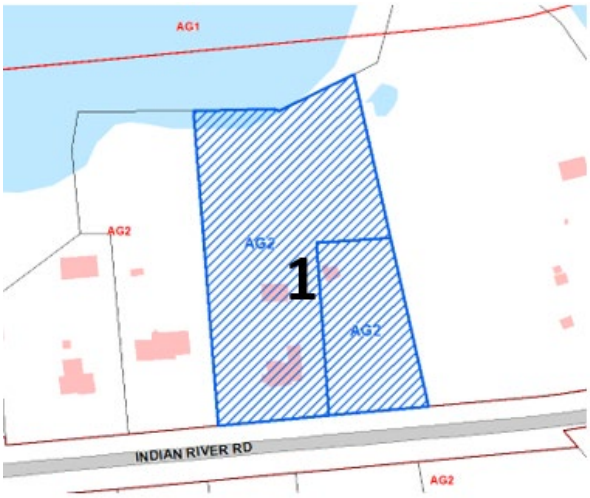
- Consistent with the original approval, events will not begin before 12:00 noon and will conclude by 10:00 p.m. According to the applicant, there may be instances where event preparations begin at 10:00 a.m. to allow for decorating and setup. Typically, two to three part-time employees are hired to assist with event setup and breakdown, along with a subcontractor to provide bartending services.

- Per Section 203 of the Zoning Ordinance, an Assembly Use requires one parking space per one hundred (100) square feet of floor area or at least one space per five (5) fixed seats, whichever is greater. This equates to 83 required parking spaces for this use. As shown on the conceptual site layout, 83 parking spaces are provided. Should additional parking be necessary for larger events, the applicant has coordinated with the owner of the Pungo Square Shopping Center (1776 Princess Anne Road) to utilize

their parking and shuttle guests to and from the venue. The applicant intends to finalize a contractual agreement with Pungo Square Shopping Center to ensure sufficient parking for larger events. In accordance with Condition 14, a parking attendant will be present at each wedding, party, or similar gathering held on-site to direct guests to parking spaces and assist with entering and exiting the site.

Zoning History

Map Key No.	Request
1	**CUP** (Assembly Use) Approved 06/07/2016 **MDC** (Country Inn) Approved 06/07/2016 **CUP** (Country Inn) Approved 12/09/2003



Application Types

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

Evaluation & Recommendation

The request for a Modification of Conditions for the Assembly Use is, in Staff's opinion, acceptable. The property is located in the Southern Rivers watershed and within the Transition Area. As indicated above, the Assembly Use has been operating on this property since 2016. There have been no zoning violations issued for the property, and the applicant maintains a positive relationship with their neighbors, several of whom, according to the applicant, support the proposal.

Since 2016, the largest wedding held on this site accommodated 150 people. In addition to providing a heated and cooled space for events, the proposed building will also allow the applicant to host larger events with a greater number of guests, potentially up to 400 at a single event. While the previous Conditional Use Permit did not set a limit on the number of guests per event, Staff believes it will be in the best interest of surrounding property owners and those utilizing Indian River Road if such a limitation is established. It is staff's opinion that the number of guests should not exceed 250 people, which is 100 more guests than can currently be accommodated on site. Providing such a limit will help ensure that the Assembly Use will not interfere with the

reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking. Condition 5 has been recommended to ensure that the number of guests on site does not exceed 250, unless a Special Event Permit is granted by the Special Events Office.

While the required number of parking spaces are provided on site, the applicant intends to obtain additional off-site parking spaces through an agreement with a commercial property owner located approximately 1.3 miles from the subject site and will provide shuttle services for guests. The additional parking will provide a safeguard in the future should an event require parking beyond what is provided on site.

As indicated above, the applicant intends to use gravel as an alternative parking surface for the proposed parking area. The request is supported by the Director of Planning & Community Development pursuant to Section 203(b)(5) of the Zoning Ordinance.

The City's Traffic Engineering Staff believes that, based on the proposed use, the access point along Indian River Road must comply with the Public Works Design Standards Manual (PWDSM) for a commercial entrance. Section 3.9.C of the PWDSM states "Commercial entrances will have a width of 30 feet at the point of tangent in the entrance". To address this, the applicant revised the plan to show the proposed commercial entrance, which appears to be in full compliance with the Public Works Design Standards and will be reviewed in greater detail during the site plan review process.

The proposal was reviewed by the Fire Marshal's Office, who indicated that fire apparatus must be able to reach the most exterior wall from an approved roadway within 150 feet. Any private lane designed for this purpose must conform to the Virginia Statewide Fire Prevention Code for fire apparatus access. The lane must be a minimum 20-feet wide, be able to support 82,000 pounds of vehicle loading, and be all-weather. The applicant is aware of the requirement. Further review for compliance with these requirements will occur during site plan review.

The proposal was presented to the Transition Area/Interfacility Traffic Area Citizen's Advisory Committee (TA/ITA CAC) on February 6, 2025. The Committee voted to support the proposal, contingent upon receiving a favorable recommendation from the Department of Planning & Community Development/Development Services Center regarding the submitted preliminary drainage analysis, approval from the Virginia Department of Health for the well and septic system capacity for the proposed site improvements, confirmation of sufficient parking, compliance with ingress/egress requirements from Indian River Road, and support from surrounding neighbors.

Given that this property is located within the Southern Rivers watershed and will involve the disturbance of over 2,500 square feet of land, a preliminary stormwater analysis was submitted for review. Staff reviewed the preliminary stormwater management strategy and agreed it has the potential to successfully comply with the stormwater regulations. Final design and detailed updates will be made during site plan submittal to ensure conformance with all applicable requirements.

Based on these considerations above, Staff recommends approval of these requests subject to the conditions below.

Recommended Conditions

1. The conditions of the Conditional Use Permit for an Assembly Use approved by the City Council on June 7, 2016 shall be replaced with the conditions below. The previous conditions associated with the Modification of Conditions for the Country Inn, approved by City Council on June 7, 2016, shall remain in effect.

2. The site shall be developed in substantial conformance with the submitted concept site plan entitled "PLAN OF PROPERTY – PARCEL B-1 & B-2 SUBD. OF PARCEL B A.E. FENTRESS – VIRGINIA BEACH, VA, dated January 17, 2016, Rev. February 8, 2025, and prepared by Bonifant Land Surveys, which has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning & Community Development.

3. The applicant/owner shall install and maintain a City standard commercial entrance on Indian River Road. Said entrance shall be installed in accordance with the City of Virginia Beach Department of Public Works Design Standards Manual (PWDSM).

4. The applicant shall obtain all necessary permits and inspections from the Department of Planning & Community Development/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official's Office for use of the building as an Assembly Use.

5. Events shall be limited to no more than fifty (50) per calendar year and the maximum number of attendees shall not exceed 250 per event, unless a Special Events permit is issued from the City of Virginia Beach Special Events office or the maximum occupancy load shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy, and posted by the Fire Marshal.

6. The Assembly Use shall comply with all applicable Fire and Building code requirements.

7. All lighting shall be contained on the subject property. The source of the light is to be shielded so as to not be visible from the property line of any adjacent residential use properties. Prior to final site plan approval, a Lighting Plan in accordance with Sections 252 and 254 of the Zoning Ordinance, or as amended, shall be approved by the Department of Planning and Community Development.

8. Except for ADA parking, alternative surface (gravel) may be permitted on-site for the minimum required number of parking spaces. ADA parking shall be provided in accordance with ADA criteria.

9. Prior to each event, the applicant shall notify the Police Department, the Fire Prevention Bureau, the Health Department and Emergency Medical Services of the event's time, size and scope of activities.

10. A Tourist Establishment Permit must be obtained from the Virginia Beach Department of Health.

11. There shall be a parking attendant provided at each wedding, party, or similar gathering being held on site to direct guests where to park and to assist guests entering and exiting the site. All required parking shall be met on site.

12. There shall be no additional signage permitted on the site.

13. There shall be no weddings, parties, or other similar events between the hours of 10:00 p.m. and 12:00 p.m. (noon).

14. There shall be no amplified music permitted outside between the hours of 10:00 p.m. and 12:00 p.m. (noon).

15. The Assembly Use, as conditioned herein, shall not cause public inconvenience, annoyance, or disturbance, nor be incompatible with other uses in the vicinity. The use shall not interfere with the reasonable use and enjoyment of neighboring properties due to excessive noise, traffic, or overflow parking.

16. A Site Plan shall be submitted to the Department of Planning & Community Development/Development Services Center to ensure compliance with applicable regulations for all proposed on-site improvements. Site Plan approval shall be obtained prior to issuance of a building permit, which shall be required for the proposed venue structure and any other improvements, per City regulations.

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

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

Previous Conditions from June 7, 2016 MDC (Country Inn) & CUP (Assembly Use)

1. The conditions of the Conditional Use Permit approved by the City Council on December 9, 2003 shall be replaced with the conditions below.

2. A Certificate of Occupancy and all applicable approvals from the Fire Prevention Bureau must be obtained for the additional guest room and the additional Assembly Use on the site.

3. All applicable permits shall be obtained from the Planning Department, Permits and Inspections Division, for the expansion of the open-air pavilion (labeled "Pole Barn" on the submitted site plan referenced in Condition 6 below).

4. Prior to each event, the applicant shall notify the Police Department, the Fire Prevention Bureau, the Health Department and Emergency Medical Services of the event's time, size and scope of activities.

5. A Tourist Establishment Permit must be obtained from the Virginia Beach Department of Health.

6. The site shall be developed and operated in substantial adherence to the submitted Site Plan entitled "PHYSICAL SURVEY PARCEL 8-1 SUBD. OF PARCEL B A.E. FENTRESS, VIRGINIA BEACH, VIRGINIA," dated

January 17, 2016 and prepared by Bonifant Land Surveys. Said Site Plan has been displayed to the City Council and is on file with the Planning Department.

7. The Country Inn shall be limited to three (3) guest rooms.

8. Food and beverage service shall be full breakfast service seven days per week and complimentary snacks and beverages. Food and beverage service is limited to guests only and in no event shall seating capacity exceed twenty-five persons, including lodging guests.

9. There shall be a parking attendant provided at each wedding, party, or similar gathering being held on site to direct guests where to park and to assist guests entering and exiting the site. All parking shall be on site.

10. There shall be no additional signage permitted on the site.

11. There shall be no weddings, parties, or other similar events between the hours of 10:00 p.m. and 12:00 p.m. (noon).

12. There shall be no amplified music permitted outside between the hours of 10:00 p.m. and 12:00 p.m. (noon).

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 designates the subject property as being located within the Transition Area. The Transition Area serves as a unique land use buffer for the low-density Rural Area from the more densely developed Suburban Area. Policies for the Transition Area call for development patterns with 50 percent open space, a density of no more than one dwelling unit per acre, and preservation of natural features (p. 9, TADG). Proposed development should incorporate the specific planning and design principles cited in the Transition Area Design Guidelines. These Design Guidelines emphasize good design within the Transition Area that provides larger open spaces, protects natural resources, provide amenities, consider views, and integrates quality design in a creative manner (p. 11-17, TADG).

Natural & Cultural Resources Impacts

The site is located in the Southern Rivers watershed and is adjacent to wooded property within the 100-year floodplain and contiguous to West Neck Creek. Portions at the rear of the site are within the AE Flood Zone. There are no proposed improvements within this area.

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*
Indian River Road	4,960 ADT[1]	12,500 ADT [1] (LOS [4] "D")	Existing Land Use [2] – No Data Available Proposed Land Use [3] – No Data Available

[1] Average Daily Trips

[2]As defined by a country inn & event venue

[3]As defined by a country inn & event venue

[4]LOS = Level of Service

*The existing use as a country inn is not one for which trip generation data exists. Additionally, Traffic Engineering does not produce trip generation estimates for events or gatherings.

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

This segment of Indian River Road is a two-lane minor arterial rural roadway. The site is located on the north side west of West Neck Creek.

Active Transportation Plan

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

Stormwater Impacts

Project Stormwater Design Staff Summary

Stormwater runoff from the northern portion of the site currently sheet flows towards West Neck Creek and runoff from the southern portion of the site is currently directed into the roadside ditch along Indian River Road. Stormwater runoff from the proposed pavilion will be directed into bioretention beds that will treat for both water quality and water quantity before discharging into West Neck Creek. Stormwater runoff from the parking lot will be collected into an underground stormwater management detention facility before releasing into the existing roadside ditch along Indian River Road.

Based on the information provided by Gallup Surveyors and Engineers in the Preliminary Drainage Study, the DSC agrees that the proposed conceptual stormwater management strategy can successfully comply with the stormwater requirements. Final design and detailed updates will be made during site plan submittal to ensure

conformance with all requirements set forth in the Public Works Design Standards Manual. More detailed project stormwater information is listed below.

Project Information

Total project area: 0.63 acres

Pre-Development impervious area: 0.00 acres

Post-Development impervious area: 0.46 acres

Stormwater Management Facility Design Information

Type of facility proposed: Bioretention and Underground Detention

Description of outfall: Stormwater runoff from the Pavilion will be treated by bioretention facilities that will discharge towards West Neck Creek. Stormwater runoff from the parking lot will be treated by an underground detention facility that will connect into the public roadside ditch system along Indian River Road.

Downstream conveyance path: This site is part of the Upper West Neck Creek Drainage Basin. Drainage from this site drains to West Neck Creek, into the North Landing River, and ultimately into Back Bay. Back Bay drains through the Currituck Sound and into the Atlantic Ocean.

Public Utility Impacts

Water

City water is not available. Health Department approval is required for private wells.

Sewer

City sanitary sewer is not available. Health Department approval is required for septic systems.

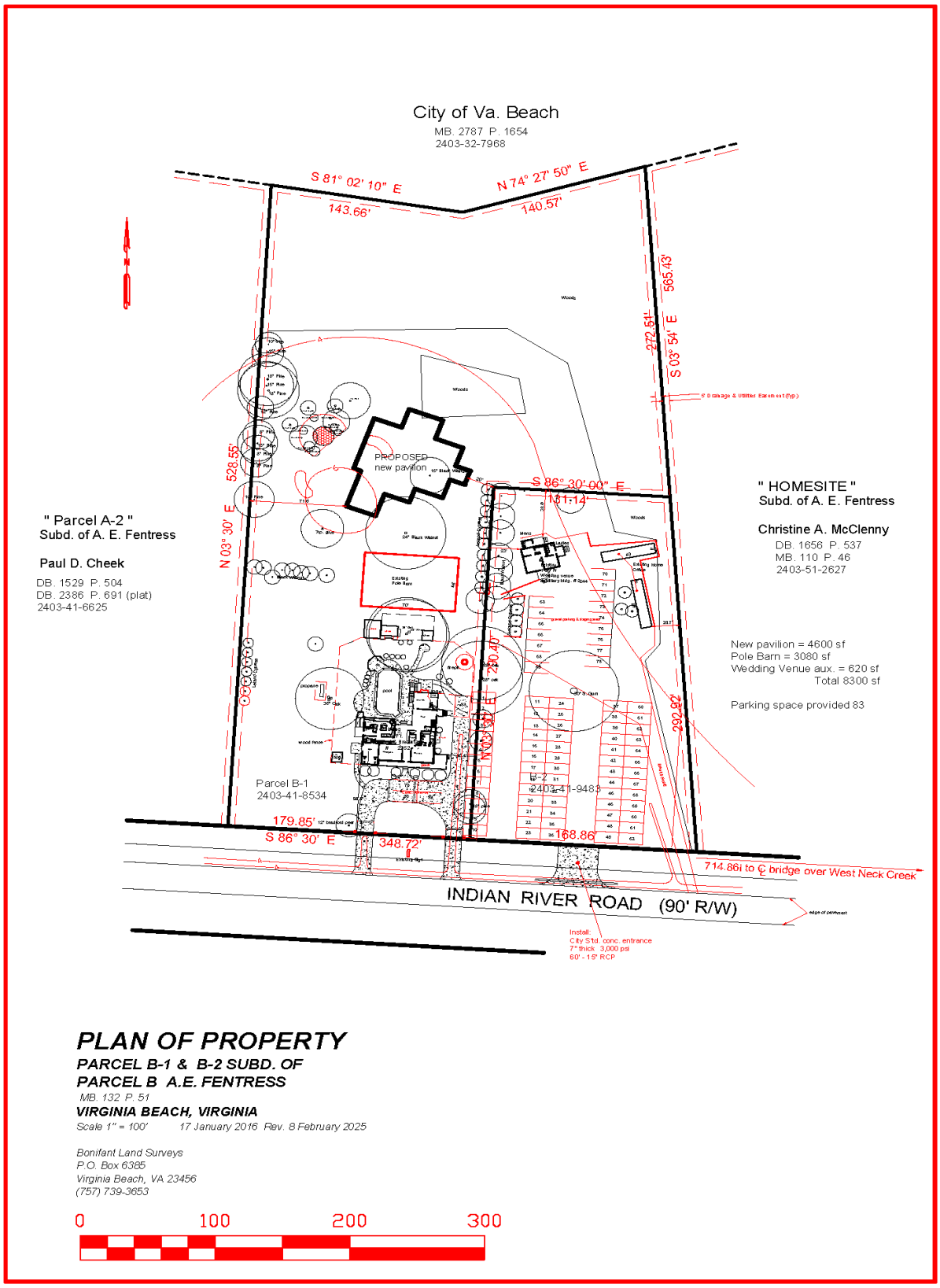
Public Outreach Information

Planning Commission

- The applicant reported that they met with the surrounding property owners, and no objections were raised.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 11, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, February 26, 2025 and March 5, 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 February 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 March 6, 2025.

Proposed Conceptual Site Layout

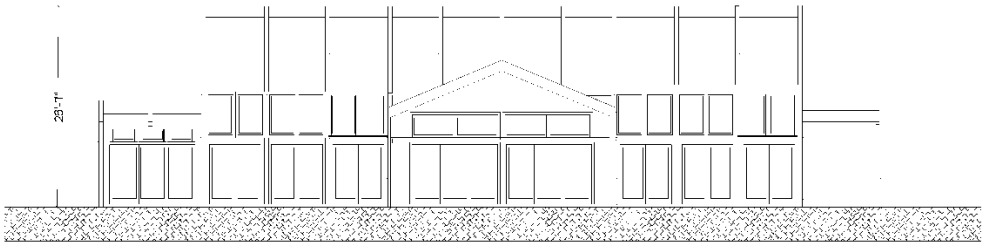


Proposed Building Rendering

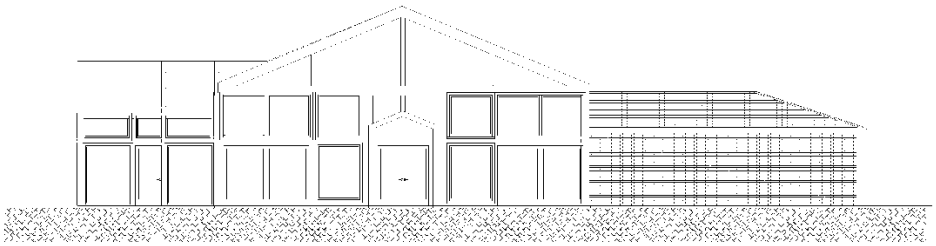
Proposed Building Elevations

ALL EXPOSED STRUCTURAL ELEMENTS
AND STORE FRONT FRAMING ARE TO BE
DARK BRONZE

ALL GLAZING SHALL BE INSULATED BRONZE



North Elevation

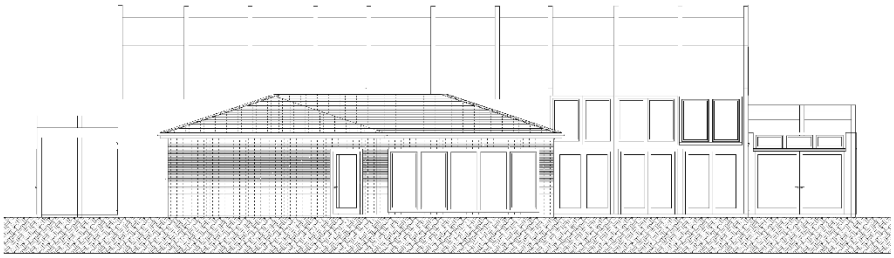


West Elevation

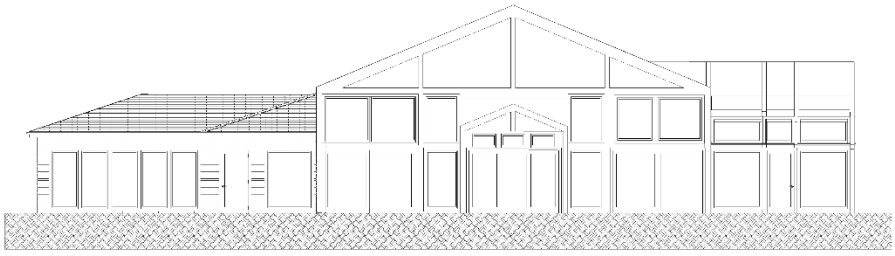
d. w. chase ra
duchasera@gmail.com
757-342-3014

DATE:
1/14/2025
SCALE:
1/4" = 1'-0"
SHEET:
CS

1/14/2025
NEW WEDDING PAVILION
FOR
COUNTRY VILLA WEDDINGS
2252 INDIAN RIVER ROAD
VIRGINIA BEACH



South Elevation



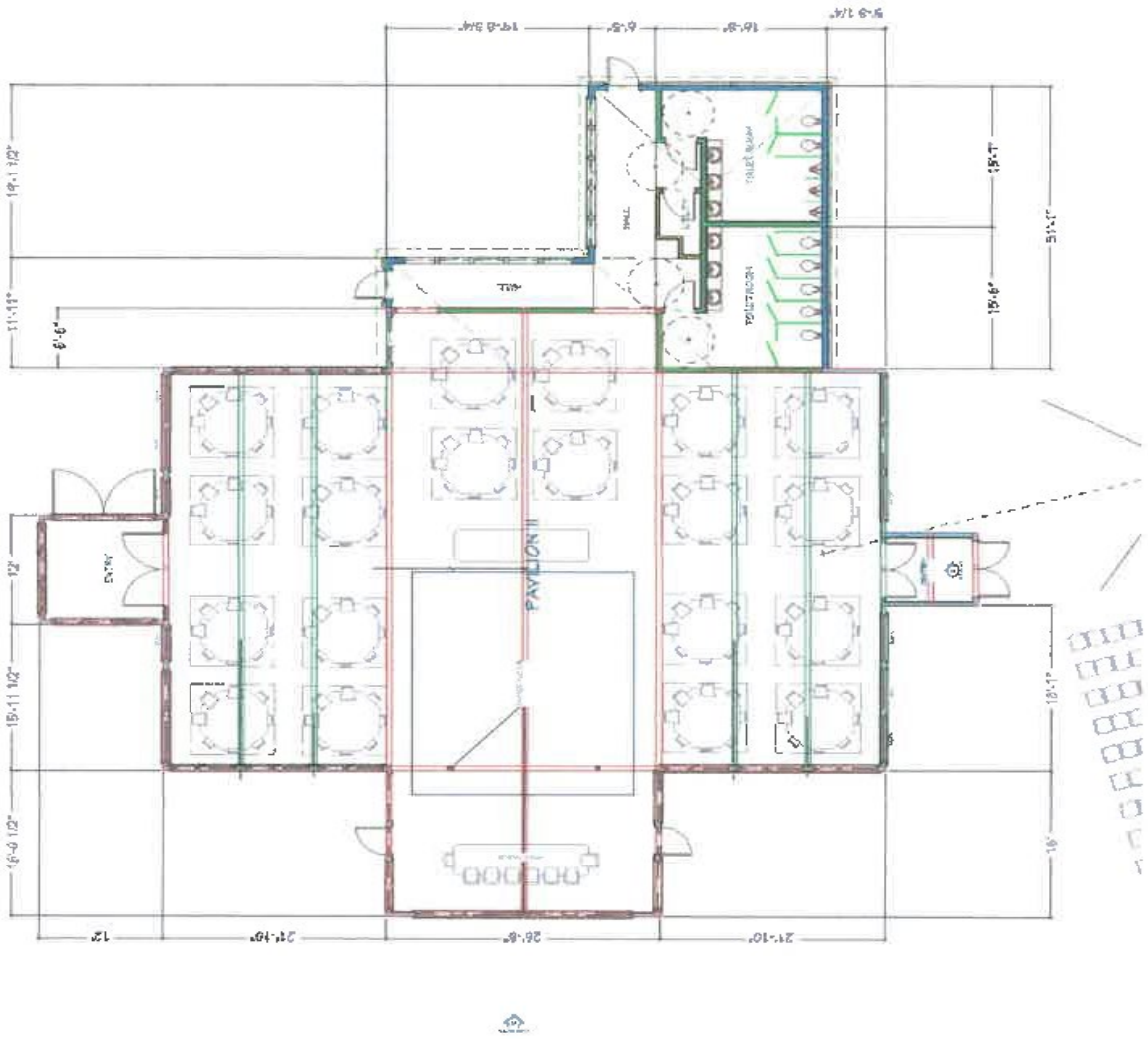
East Elevation

d. w. chase ra
duchasera@gmail.com
757-342-3014

DATE
1/14/2025
SCALE
1/4" = 1'-0"
SHEET
A-1

1/14/2025
NEW WEDDING PAVILION
FOR
COUNTRY VILLA WEDDINGS
2252 INDIAN RIVER ROAD
VIRGINIA BEACH

Proposed Floor Plan



Site Photos

Site Photos

Site Photos

Site Photos

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 PHIL M. BONIFANT

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 (X)

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 *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	( )	(✓)	
Real Estate Broker/Agent/Realtor	( )	(✓)	

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	☑	○	DAWSON'S ACCOUNTING SERVICES
Architect/Designer/Landscape Architect/Land Planner	☑	○	DAVE CHASE
Construction Contractor	☑	○	JIM BEALE
Engineer/Surveyor/Agent	☑	○	PHIL BONIFANT
Legal Services	○	○	

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.*

PHIL M. BONIFANT — Applicant Name (Print)

Applicant Signature

01/10/2025 — 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.*

[redacted]

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* PHIL M. BONIFANT & TERESA C. BONIFANT

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: _____

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.)	○	✓	
Real Estate Broker/Agent/Realtor	○	✓	
Accounting/Tax Return Preparation	✓	○	DAWSON'S ACCOUNTING
Architect/Designer/Landscape Architect/Land Planner	✓	○	DAVE CHASE
Construction Contractor	✓	○	JIM BEALE
Engineer/Surveyor/Agent	✓	○	PHIL BONIFANT
Legal Services	○	✓	

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.*

PHIL M. BONIFANT — Property Owner Name (Print)

Property Owner Signature

09/10/2025 — 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 5

Applicant & Property Owner: Boulevard Holdings, LLC
Planning Commission Public Hearing: March 13, 2025
City Council District: District 5 (Wilson)

Project Details

Request

Alternative Compliance (Temporary commercial parking lot)

Staff Recommendation

Approval

Staff Planner

Laine Harrington

Location

409 Virginia Beach Boulevard

GPIN

24270687950000

Site Size

8,183.31 square feet

AICUZ

65-70 dB DNL; Sub-Area 1

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Vacant lot / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

Virginia Beach Blvd, Vacant lot, Eating and drinking establishment / OR Oceanfront Resort

South

Dwellings, Single-Family and Duplex / A-12
Apartment

East

Automobile repair garage / OR Oceanfront Resort

West

Automobile repair garage / OR Oceanfront Resort

Background & Summary of Proposal

- The applicant, Boulevard Holdings LLC, is seeking to construct a temporary commercial parking lot at 409 Virginia Beach Boulevard. The location is within the Oceanfront Resort District, the Short Term Rental Overlay, and the ViBe District Overlay.

- The lot is currently a vacant, undeveloped lot.

- The proposed parking lot will consist of 11 parking spaces, accessed through an automated gate which will open once a patron pays to park in the lot. The lot is intended for beach goers and shoppers seeking parking within this area of the Oceanfront.

- The proposed lot is to be gravel with parking curb stops. While the use of gravel has been approved by the Planning Director, the use of railroad ties or other similar curb stop alternatives shall not be used as a replacement for traditional concrete curb stops.

- As required by the Oceanfront Resort District Form Based Code, a 15-foot Category IV landscape buffer will be installed along the southern property line adjacent to the protected district (A-12, residentially developed) to the south.

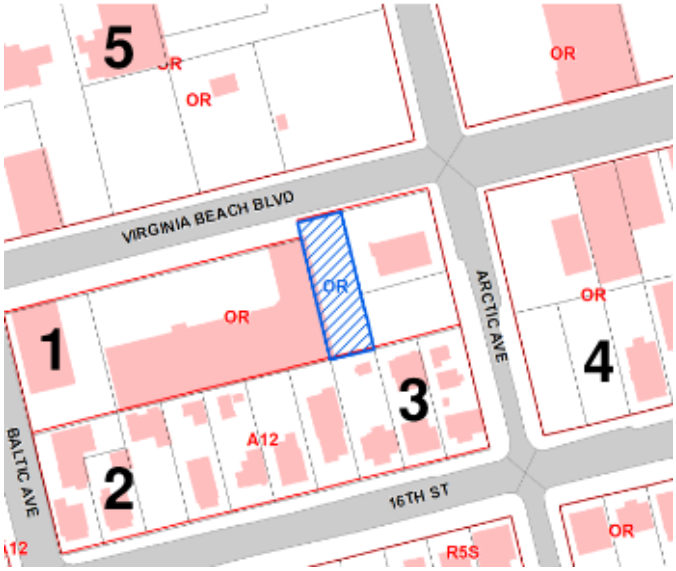
- To provide an additional buffer from the protected district to the south, a solid, vinyl fence, 6 feet in height, is to be erected along the southern property line. The applicant does not intend to install a fence on the eastern property line as it borders a parking lot and building façade.

- A standard commercial entrance, as required by the Public Works Design Standards Manual (PWDSM), was not possible given the narrow width of the parcel. The applicant worked closely with the Department of Public Works, on the entrance design and while the ultimate dimensions do not adhere to the requirements for a commercial entrance as established in the PWDSM, namely the 13-foot entrance radii instead of the required 15-foot radii, the proposed entrance geometry is the best design possible given the lot width constraint.

- [strikethrough] ~~If approved, the applicant has agreed to a conditioned 3-year use limit on the Alternative Compliance.~~ [end strikethrough]

Zoning History

Map Key No.	Request
1	**CUP** (Craft Distillery) Approved 03/17/2025
2	**CUP** (Short Term Rental) Approved 06/09/2020
3	**NON** (Enlargement of a non-conforming use) Approved 08/08/2006 **NON** (Enlargement of a non-conforming use) Approved 05/08/2012
4	**REZ** (A-1 to B-4) Approved 11/22/1985
5	**CUP** (Automobile Museum) Approved 12/07/2010



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 following standards are outlined to assess the extent to which the proposed development meets the intent of the Alternative Compliance application type set forth by the Oceanfront Resort Form-based Code (Sec. 7.3.3).

1. Promotes modes of transportation other than the automobile, including walking, biking, and transit.

   This development would encourage automobile use in the area, as the use is solely for patrons to park their car.

2. Creates a built environment that is in scale with pedestrian-oriented activities and provides visual interest and orientation for pedestrians.

   This development does not include or promote pedestrian-oriented activities, although it does provide opportunity for patrons to walk to other parts of the Oceanfront area after parking their car.

3. Contributes to a mix of uses in the area that are compatible with each other and work together to create memorable and successful place.

   This development would attempt to provide temporary assistance towards the parking availability in the Oceanfront Resort area.

4. Is consistent with the intent of the regulations applicable to the street frontage in which it is located, as set forth in Section 2.1 of this code.

   This property is located on a shopping frontage, which are intended to be the most walkable places in the Resort Area. The focus of the shopping frontage is on pedestrian movement and activity, with the inclusion of mixed-use buildings. This temporary use will not contribute to the intention set forth in the code for this street frontage.

5. The Alternative Compliance is physically and functionally integrated with the built environment in which it is located.

   The proposed development will have the required landscaping and buffering standards, helping to protect the surrounding neighborhood from the impacts of parking lots.

6. The Alternative Compliance advances the goals and objectives of the parking strategy for the district (See Section 6.2 of the Form-based Code).

   The purpose of this development is to provide an additional parking option for visitors in the Oceanfront Resort area. This is not the long-term desire of the applicant for this property.

The property lies within the ViBe District Overlay, an area of Virginia Beach dedicated to economic growth through the promotion of artistic and cultural businesses/events. The ViBe is a home for artists, museums, restaurants, creative businesses, and more. Although the ViBe District Overlay does permit temporary commercial parking lots (with up to two (2) one-year extensions granted until December 31, 2026), this site lies within an area in which temporary commercial parking lots are restricted as stated in Section 5.3.7 of the Oceanfront Resort Form-based Code. More specifically, temporary commercial parking lots are not permitted south of Virginia Beach Boulevard/17th Street, where this property is located.

Although the site layout and parking lot design does not comply with the required Public Works Design Standards, it has been confirmed the current site layout is the most compliant design possible for this property and the proposed use given the narrow lot width. Although the proposed use does not assist with the long-term goals for the ViBe District, staff believes and the ViBe District Board Members agree that the temporary use of the site as a parking lot would contribute to the current needs of the area for parking and tourism.

Recommended Conditions

1. The Alternative Compliance approval is valid for [strikethrough] ~~three (3)~~ [end strikethrough] five (5) years from the date of [strikethrough] ~~completion of the parking lot~~ [end strikethrough] City Council approval. Any requests to extend the use beyond [strikethrough] ~~three (3)~~ [end strikethrough] five (5) years shall require the approval of a new request from the City Council.

2. The applicant will acquire the necessary parking lot permits with the Planning Department and Public Works Parking Management prior to beginning operation of the parking lot. All required permits shall be kept in good standing and renewed through the standards set forth by Parking Management and the Planning Department.

3. The applicant will provide a minimum of five bicycle parking spaces through the placement of a bicycle rack within a pedestrian accessible part of the property or at an alternative location along 17th Street as agreed upon by the applicant and staff.

4. The applicant shall submit a Site Development Plan to the Planning Department, Development Services Center for review and ultimate approval prior to operating the lot.

5. The applicant shall submit a sign package to the Planning Department, Zoning Administration to review for consistency with the Oceanfront Resort District Design Guidelines. Planning Department approval is required prior to erecting any signs on the property.

6. The applicant shall submit a detail of any gate, fencing, light fixtures, or any other structures proposed to the Planning Department, Zoning Administration to review for consistency with the Oceanfront Resort District Design Guidelines.

7. The site shall be in substantial conformance with the submitted conceptual site plan and landscaping exhibit titled “VBB Parking; Alternative Compliance Exhibit” as prepared by WPL, and dated February 27, 2025.

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 to be within the Resort SGA, where priorities are geared towards impactful projects that support diverse uses, multiple modes of transportation, and compatible urban infill projects. In the ViBe District Connectivity Plan, there is a "decent sidewalk" currently along the proposed project (p. 4) and there is a long-term vision for a sidewalk of 8 feet or greater and space for on-street bicycle facilities, as 17th Street/Virginia Beach Boulevard is an east/west corridor (p. 6). The 17th Street Improvements Phase 1 CIP will address the proposed transportation improvements stated in the Connectivity Plan.

Per Section 5.3.7(A)(2) of the Oceanfront Resort Form-based Code, "temporary commercial parking lots are not permitted south of Virginia Beach Blvd/17th Street, west of Pacific Ave, and north of 14th Street. This parcel is located south of Virginia Beach Blvd, west of Pacific Ave, and north of 14th Street. The parcel is on a "Shopping Frontage" which is "intended for the most walkable places in the Resort Area, with a focus on pedestrian movement and activity. In the Oceanfront Resort District Design Guidelines, goal #7 is to "reduce the amount and impact of on-site surface parking along streets and walkways" (p. 3)

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
Virginia Beach Blvd	0 ADT[1]	0 ADT [1] (LOS [4] "D")	Existing Land Use [2] – 0 ADT Proposed Land Use [3] – 0 ADT

[1] Average Daily Trips

[2]As defined by a Vacant Lot

[3]As defined by a Parking Lot

[4]LOS = Level of Service

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

Virginia Beach Blvd in the vicinity of this site is a four-lane undivided minor urban arterial. Virginia Beach Blvd. has a variable width right-of-way. The 17th Street Improvements-Phase I CIP project will improve 17th Street from Cypress Avenue to Pacific Avenue and provides essential connectivity and improved aesthetics for the 17th Street Corridor through the implementation of an 80-foot typical section consisting of wide sidewalks, street trees, bicycle lanes, traffic signals, curb and gutter, and four lanes of traffic. Associated utility and accessibility upgrades including undergrounding of overhead utilities, new storm, sewer, and water infrastructure, improved crosswalks, and curb ramps will be implemented. This project is currently in the final design phase and is scheduled to begin construction in 2025. It should be understood that the construction

plans show that the project includes complete block-by-block closures of 17th Street during the first phase of construction.

Active Transportation Plan

The Active Transportation Plan identifies this portion of Virginia Beach Boulevard as being a Core City Network (p. 45). This route is intended to provide a safe, comfortable experience between the City's most significant destinations. These corridors are often the most direct routes between destinations, and where walking and bicycling can be the most treacherous (p. 42).

Public Utility Impacts

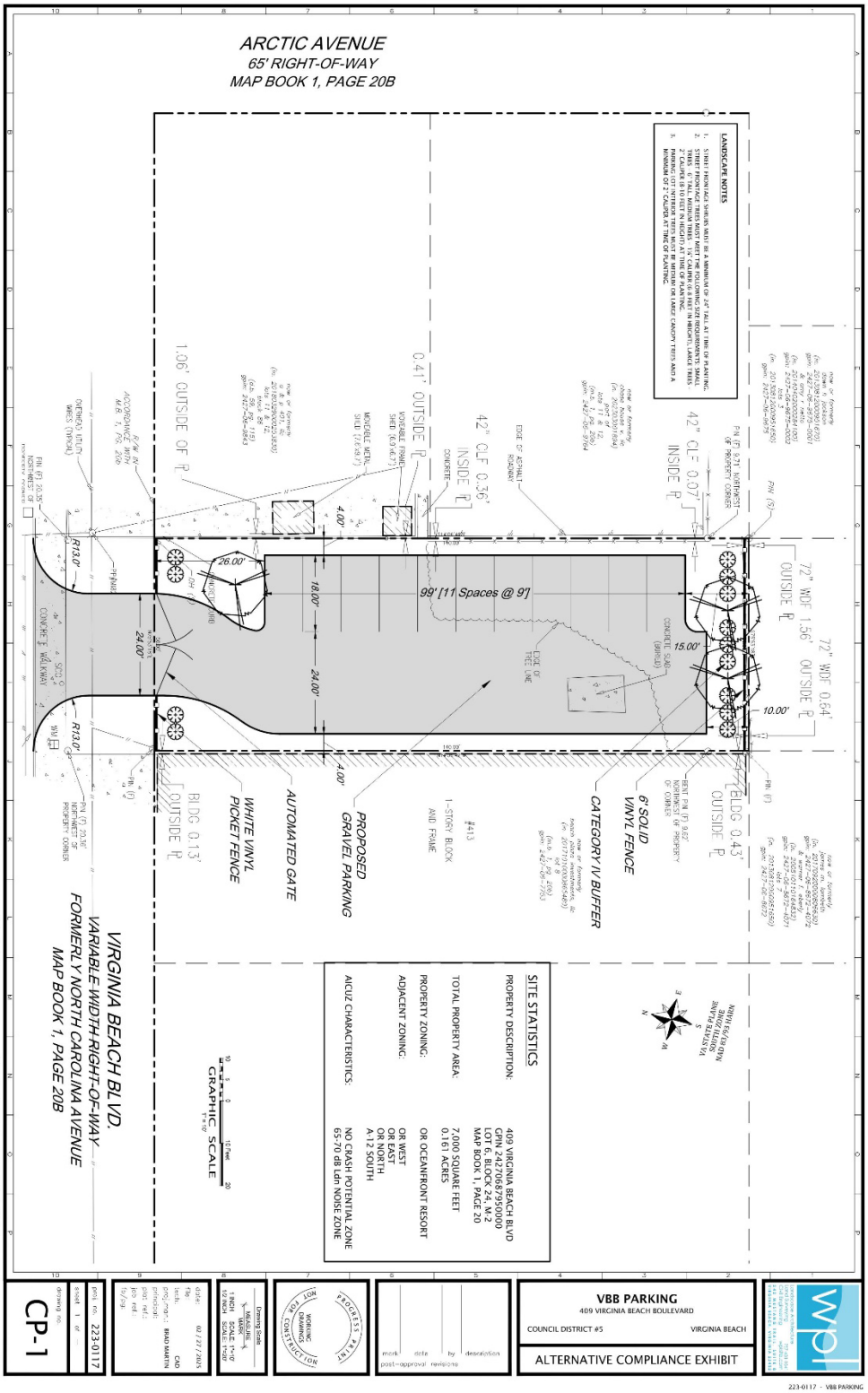
There are no anticipated public utility impacts with this application.

Public Outreach Information

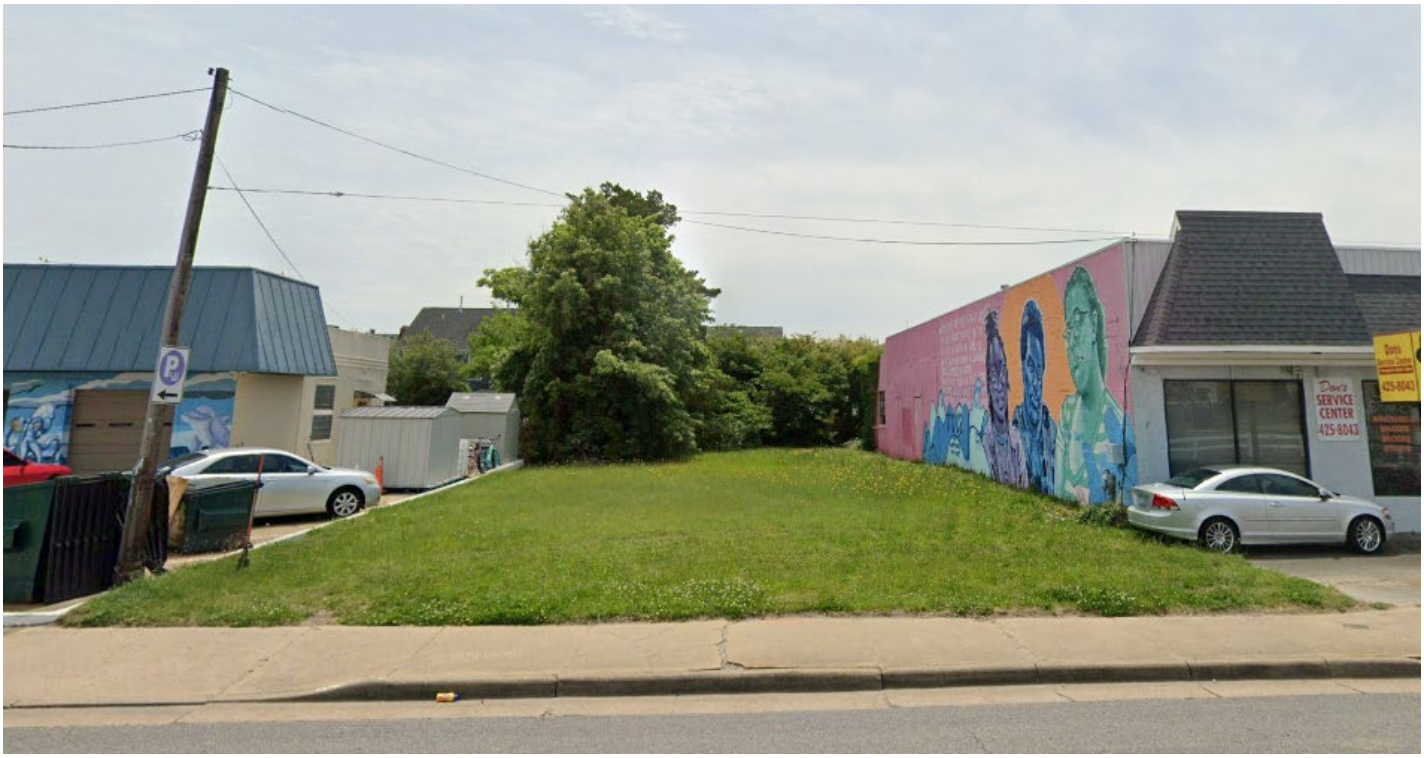
Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 10, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, February 26, 2025 and March 5, 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 February 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 March 6, 2025.

Proposed Site Layout



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 Boulevard Holdings, 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., Sykes, Bourdon, Ahern & Levy, P.C.

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.)

Members: ORP Ventures, LLC (Managing Member): Steven W. Bishard & John K. Bishard, Members;
AP2, LLC (Member): Michael J. Standing, Jr.

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.

Michael J. Standing, Jr., Member of the Virginia Beach Development Authority

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 *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	( )	(•)	
Real Estate Broker/Agent/Realtor	( )	(•)	

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	◉	
Architect/Designer/Landscape Architect/Land Planner	○	◉	
Construction Contractor	○	◉	
Engineer/Surveyor/Agent	◉	○	WPL
Legal Services	◉	○	R. Edward Bourdon Jr. and Harry R Purkey Jr.

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.*

Steven W Bishard		10/28/2024
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 6

Applicant: Ascent Building, LLC
Property Owner: Laskin Road Associates LP
Planning Commission Public Hearing: March 13, 2025
City Council District: District 6 (Remick)

Project Details

Request

Conditional Use Permit (Religious Use)

Staff Recommendation

Approval

Staff Planner

Alexis Bailey

Location

941 Laskin Road

GPIN

2418716272

Site Size

4.0881 acres

AICUZ

70-75 dB DNL; APZ-2

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Movie theater / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Laskin Road
Shopping Center / B-2 Community Business

South

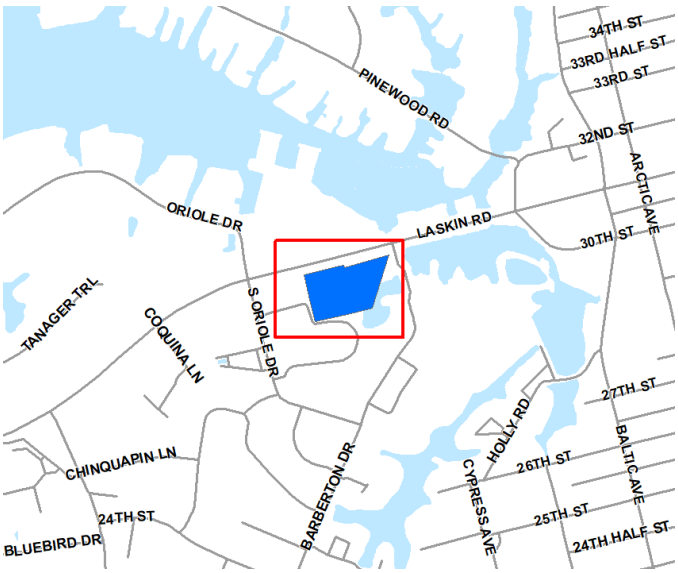
Apartments / A-12 Apartment/ A-36 Apartment

East

Wooded Lot / A-36 Apartment

West

Fitness Studio, Apartments / B-2 Community Business, A-36 Apartment

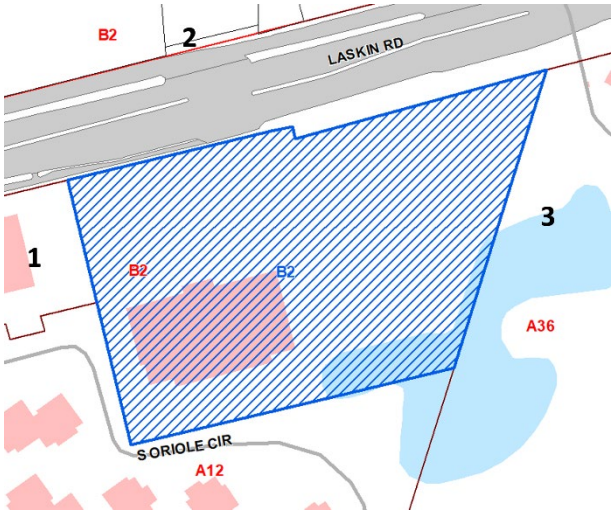


Background & Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Religious Use to redevelop the existing movie theater into a church.
- The entire parcel is located in the 70-75 dB DNL noise zone and the Accident Potential Zone-2 (APZ-2).
- The existing movie theater, Beach Cinema, was constructed in 1991 and continues to operate on the site. The applicant is proposing to reuse the existing building and convert the space into a church to include an 802-seat sanctuary, classrooms, meeting space, and offices.
- Church services will take place on Sunday from 8:00 a.m. to 1:00 p.m., while weekday operations will take place Monday through Friday from 8:00 a.m. to 5:00 p.m. and include administrative functions, meetings, and small group activities. Community programs will occur from 6:00 p.m. to 9:00 p.m. Monday through Sunday to include youth programs, support groups, and educational workshops.
- The church will employ a total of eleven (11) employees, some of whom will be full-time and others part-time.
- Minor changes are proposed to the exterior of the building to include repainting the facade in a light grey with teal accents.
- The applicant intends to reuse and reface the existing monument sign located at the entrance to the site on Laskin Road. The two existing building-mounted signs will be removed, and one will be replaced with a new building-mounted sign with the church's logo.
- Per Section 203 of the Zoning Ordinance one parking space per five seats or bench seating in the main auditorium is required for a Religious Use. A total of 160 parking spaces are required for the proposed 802-seat sanctuary, while 284 parking spaces currently exist on the site thereby exceeding the required number of spaces. Per Section 203 (b)(8) and Section 203(b)(9) of the Zoning Ordinance in a business district the number of off-street parking spaces shall not exceed the required number by more than fifty percent unless approved by the Planning Director. Since no exterior site work is proposed and removing parking to meet the parking requirement would result in land disturbance over 2,500 square feet, thereby requiring formal site plan review, the Planning Director felt approval of the additional parking was appropriate.
- A portion of this site is located within the 100-foot Chesapeake Bay Preservation Area (CBPA) Resource Protection Area (RPA). Since this request will not result in a change in impervious cover or further encroachment into the RPA beyond what currently exists, review and approval by the CBPA Board was not required.

Zoning History

#	Request
1	**CUP** (Operate a Craft Distillery) Approved 01/7/2020
2	**CUP** (Non-Commercial Private Marina) Approved 07/7/2015
3	**STC** Approved 01/22/2002 **CRZ** (B-2 and R-7.5 to Conditional A-36) Approved 06/12/2001 **STC** Approved 06/12/2001 **STC** Approved 06/12/2001 **STC** Approved 06/12/2001 **STC** Approved 06/12/2001 **STC** Approved 06/12/2001



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 Religious Use is, in Staff's opinion, acceptable. This site is located in the Resort Area SGA which calls for the rehabilitation and preservation of historic structures and properties and while this site is not historic, the proposal is an adaptive reuse of an existing building. While the Resort Area SGA Plan recommends for parking to be located behind buildings, when possible, since the applicant does not intend to modify the site or parking layout and is proposing to retain the existing landscaping along Laskin Road, staff finds the proposed reuse appropriate.

Minimal changes are proposed to the exterior of the building to include repainting, removal of the existing building mounted signs, and replacement of one building mounted sign with the logo of the church as exhibited on page 11. Staff does not anticipate any adverse traffic impacts as a result of the proposed use since the peak number of average daily trips (ADT) for this site will occur on Sundays and will be less than the number of average daily trips for the existing use of the site.

As previously mentioned, 160 parking spaces will be required for the proposed use and the site provides 284 spaces. Per Section 203 (b)(8) and Section 203(b)(9) of the Zoning Ordinance in a business district the number of off-street parking spaces shall not exceed the required number by more than fifty percent unless approved by the Planning Director. The Director was amendable to the additional parking in this instance since no

exterior site work is proposed and removing parking to meet the parking requirement would result in land disturbance over 2,500 square feet, thus triggering a site plan review.

Ultimately, Staff recommends approval of this request subject to the conditions list below.

Recommended Conditions

1. The exterior of the building shall substantially adhere in appearance, size, and materials to the submitted renderings entitled "Renovations for Ascent Church" and exhibited on page 11, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development.

2. The site shall be developed in substantial conformance with the submitted landscape plan entitled, "Ascent Church – 941 Laskin Rd," dated 1/31/2025, prepared by KZLD, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

3. The church shall not exceed eight hundred and two (802) seats in the main sanctuary; however, the maximum number of individuals within the facility shall not exceed the maximum number as required by applicable building codes, noted on the Certificate of Occupancy and posted by the Fire Marshal.

4. The applicant shall obtain all necessary permits and inspections from the Planning Department/Permits and Inspections Division.

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.

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 project falls within the Resort Area SGA. Goal #2 of RASAP: "Provide a safe and comfortable place for residents and visitors." (p. 10, RASAP). Goal #7 of RASAP: "Rehabilitate and preserve historic structures and properties." (p. 10, RASAP). "Locate buildings close to the pedestrian street with off- street parking behind or beside buildings." (p. B-1, Reference Handbook). "Pedestrian routes not less than five feet in width should be direct and minimize conflicts with vehicles. Where there are pedestrian pathways from the street to parking

areas between buildings ensure, a reasonably safe, and uninterrupted access. Provide a visible crosswalk where pedestrian pathways cross an internal driveway or curb cut." (p. B-1, Reference Handbook). "Parking areas should not dominate the frontage of streets. Off street parking areas should be located behind buildings or in the interior of a block whenever possible." (p. B-1, Reference Handbook). "Bicycle rack parking and storage lockers are encouraged inside the parking structure." (p. B2, Reference Handbook). "Provisions should be made for wider sidewalks in urban commercial areas (minimum range of 12 to 16 feet wide) to accommodate uses such as vendors, merchandising and outdoor seating." (p. B-5, Reference Handbook).

Natural & Cultural Resources Impacts

The site is located in the Chesapeake Bay Watershed and a portion of the property is located in the Special Flood Hazard Area, Zone AE with a Base Flood Elevation of 7 feet. The proposed project does not impact the special flood hazard area, as no new construction or additions are proposed.

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
Laskin Road	24,900 ADT[1]	34,800 ADT [1] (LOS [4] "D")	Existing Land Use [2] – 2,200 ADT Proposed Land Use [3] – 160 vpd (weekday) based on 20,000 sf church 630 vpd (Sunday) based on 20,000 sf church

[1] Average Daily Trips

[2]As defined by four acres of B-2 Zoning

[3]As defined by a 20,000 sf church

[4]LOS = Level of Service

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

Laskin Road in the vicinity of this application is considered a four-lane divided major urban arterial.

There is a roadway Capital Improvement Program project slated for this area. Laskin Road Phase II (CIP 2-156) is for the construction of a six-lane divided highway in a 150 foot right-of-way from Oriole Drive to the Laskin Road roundabout. The feeder roads along Laskin Road within the project limits will also be removed. There is currently no funding for this project and because of that the design phase has not been initiated for this project.

Active Transportation Plan

The Active Transportation Plan calls for a Shared Use Path along Laskin Road.

Public Utility Impacts

Water

There is an existing 12-inch city water main along Laskin Road. The site is currently connected to city water.

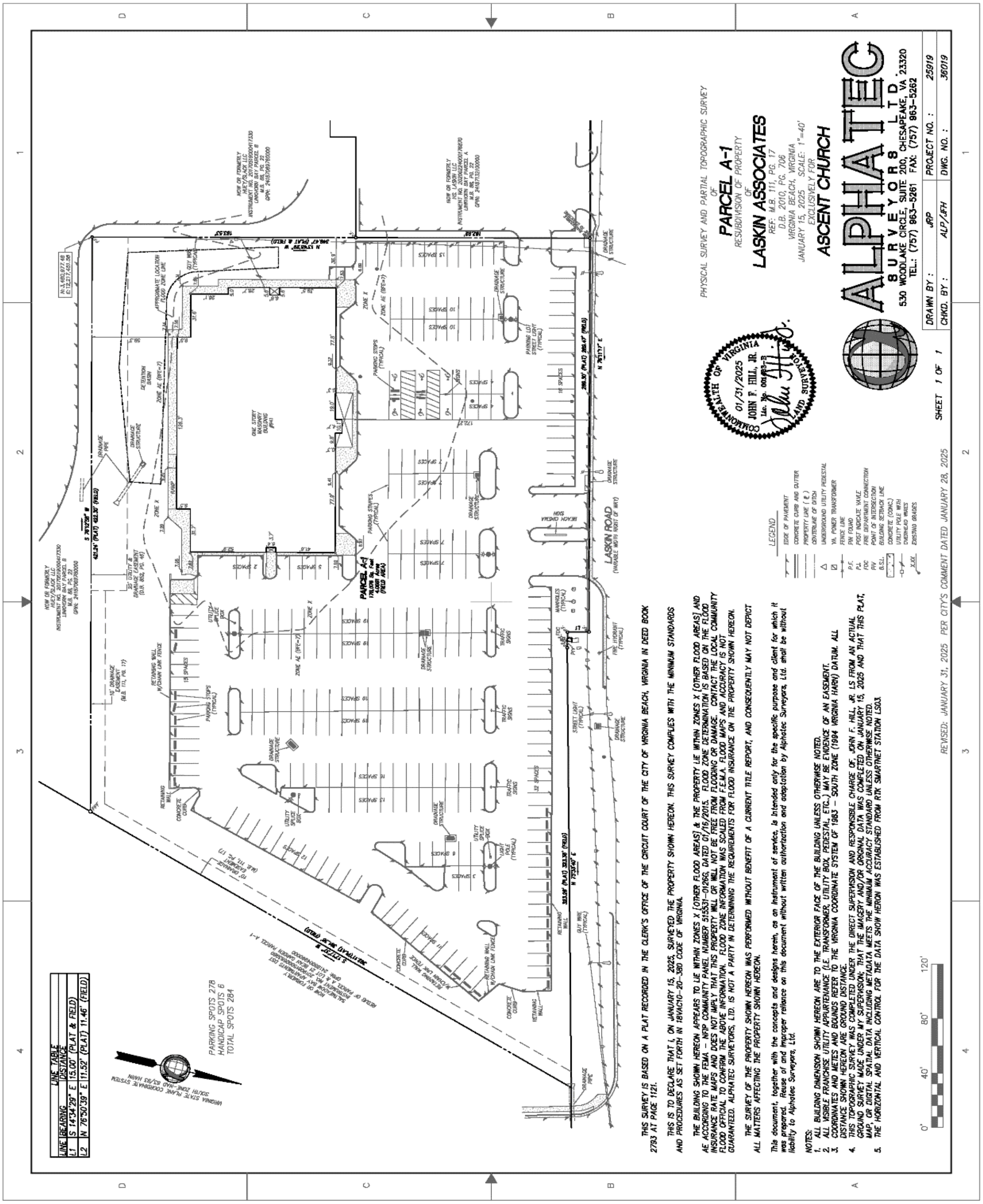
Sewer

There is an existing 8-inch city sanitary sewer gravity main along Laskin Road. The site is currently connected to city sanitary sewer.

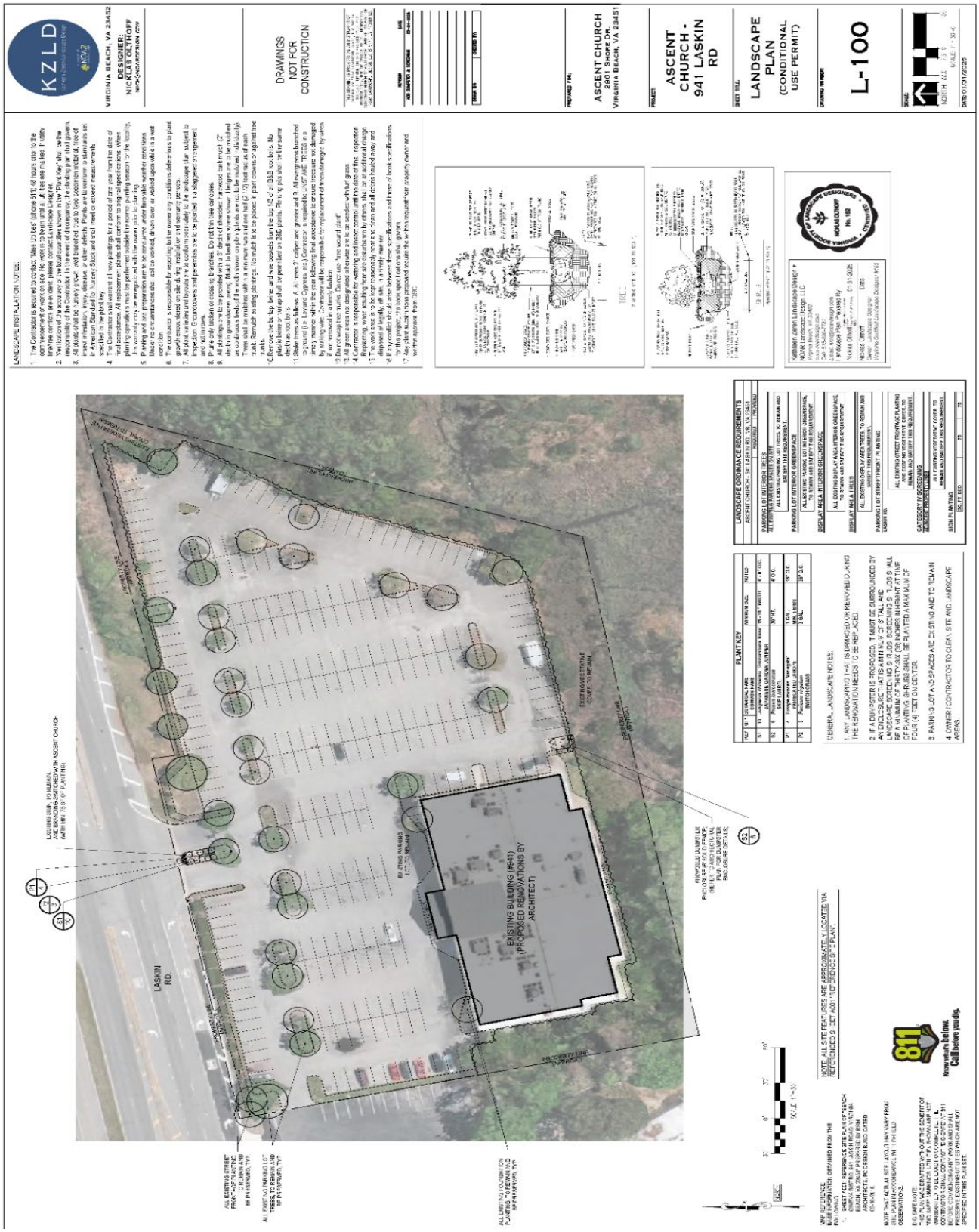
Public Outreach Information

Planning Commission

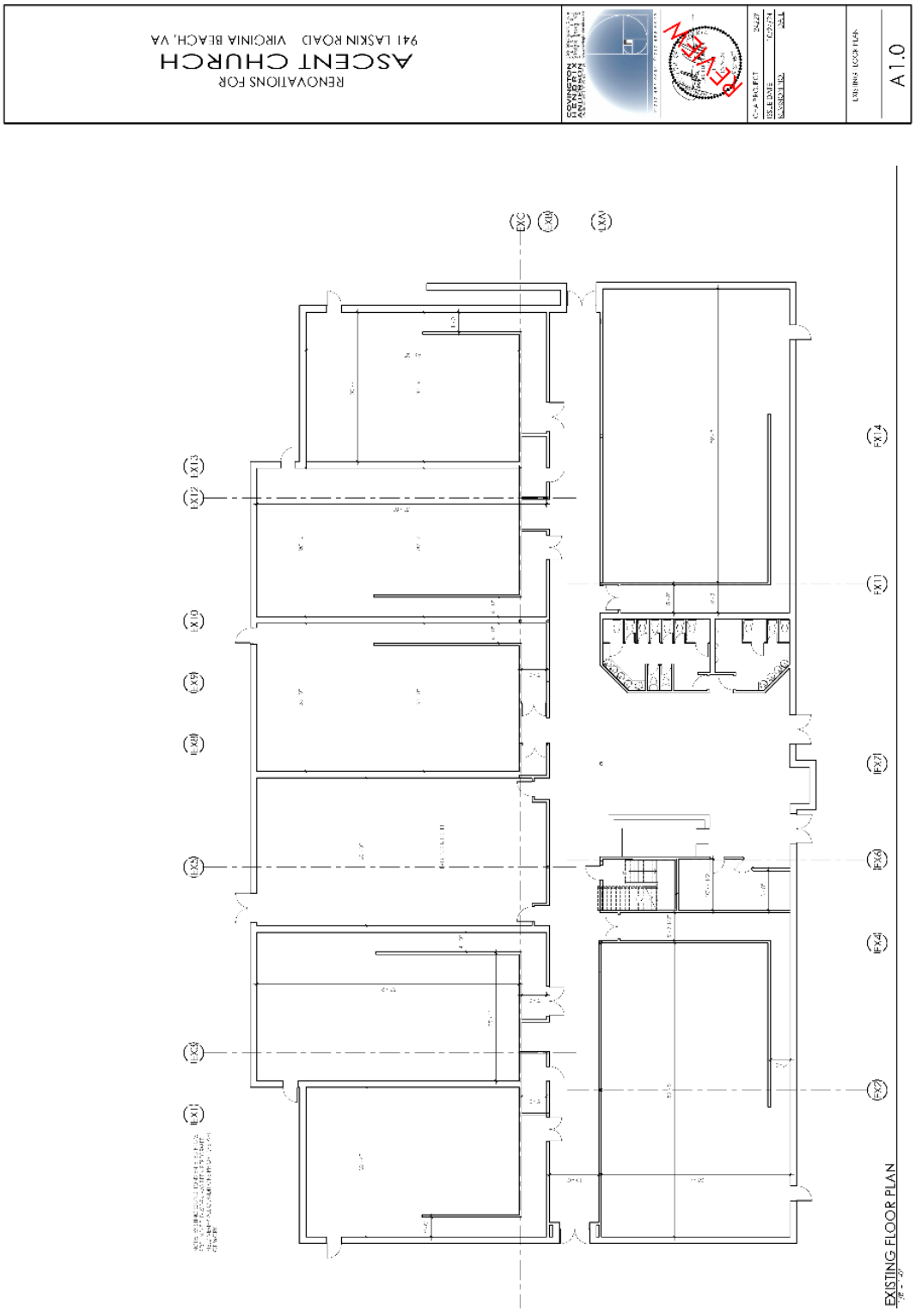
- Nine letters of opposition have been received by Staff noting concerns about traffic, a decrease in property values, and saving the movie theater.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 11, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, February 26, 2025 and March 5, 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 February 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 March 6, 2025.


PHYSICAL SURVEY AND PARTIAL TOPOGRAPHIC SURVEY
OF
PARCEL A-1
RESUBDIVISION OF PROPERTY
OF
LASKIN ASSOCIATES
REF: M.B. 111, PG. 17
D.B. 2010, PG. 706
VIRGINIA BEACH, VIRGINIA
JANUARY 15, 2025 SCALE: 1"=40'
EXCLUSIVELY FOR
ASCENT CHURCH
ALPHATEC
SURVEYORS LTD
530 WOODLAKE CIRCLE, SUITE 200, CHESAPEAKE, VA 23320
TEL.: (757) 963-5261 FAX: (757) 963-5262
DRAWN BY : JRP
PROJECT NO. : 25919
CHKD. BY : ALP/JFH
DWG. NO. : 36019
SHEET 1 OF 1
COMMONWEALTH OF VIRGINIA
01/31/2025
JOHN F. HILL, JR.
LAND SURVEYOR
REVISED: JANUARY 31, 2025 PER CITY'S COMMENT DATED JANUARY 28, 2025
THIS SURVEY IS BASED ON A PLAT RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH, VIRGINIA IN DEED BOOK 2793 AT PAGE 1121.
THIS IS TO DECLARE THAT I, ON JANUARY 15, 2025, SURVEYED THE PROPERTY SHOWN HEREON. THIS SURVEY COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES AS SET FORTH IN 18VAC10-20-380 CODE OF VIRGINIA.
THE BUILDING SHOWN HEREON APPEARS TO LIE WITHIN ZONES X [OTHER FLOOD AREAS] & THE PROPERTY LIE WITHIN ZONES X [OTHER FLOOD AREAS] AND AE ACCORDING TO THE FEMA – NFIP COMMUNITY PANEL NUMBER 515531-0126G, DATED 01/16/2015. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL TO CONFIRM THE ABOVE INFORMATION. FLOOD ZONE INFORMATION WAS SCALED FROM F.E.M.A. FLOOD MAPS AND ACCURACY IS NOT GUARANTEED. ALPHATEC SURVEYORS, LTD. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON.
THE SURVEY OF THE PROPERTY SHOWN HEREON WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT, AND CONSEQUENTLY MAY NOT DEPICT ALL MATTERS AFFECTING THE PROPERTY SHOWN HEREON.
This document, together with the concepts and designs herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Alphatec Surveyors, Ltd. shall be without liability to Alphatec Surveyors, Ltd.
NOTES:
1. ALL BUILDING DIMENSION SHOWN HEREON ARE TO THE EXTERIOR FACE OF THE BUILDING UNLESS OTHERWISE NOTED.
2. ALL VISIBLE FRANCHISE UTILITY APPURTENANCE (I.E. TRANSFORMER, UTILITY BOX, PEDESTAL, ETC.) MAY BE EVIDENCE OF AN EASEMENT.
3. COORDINATES AND METES AND BOUNDS REFER TO THE VIRGINIA COORDINATE SYSTEM OF 1983 – SOUTH ZONE (1994 VIRGINIA HARN) DATUM. ALL DISTANCE SHOWN HEREON ARE GROUND DISTANCE.
4. THIS TOPOGRAPHIC SURVEY WAS COMPLETED UNDER THE DIRECT SUPERVISION AND RESPONSIBLE CHARGE OF, JOHN F. HILL, JR. LS FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION; THAT THE IMAGERY AND/OR ORIGINAL DATA WAS COMPLETED ON JANUARY 15, 2025 AND THAT THIS PLAT, MAP, OR DIGITAL SPATIAL DATA INCLUDING METADATA MEETS THE MINIMUM ACCURACY STANDARD UNLESS OTHERWISE NOTED.
5. THE HORIZONTAL AND VERTICAL CONTROL FOR THE DATA SHOW HERON WAS ESTABLISHED FROM RTK SMARTNET STATION LS03.
LEGEND
EDGE OF PAVEMENT
CONCRETE CURB AND GUTTER
PROPERTY LINE
CENTERLINE OF DITCH
UNDERGROUND UTILITY PEDESTAL
VA. POWER TRANSFORMER
FENCE LINE
P.F. PIN FOUND
P.I. POST INDICATE VALVE
FDC FIRE DEPARTMENT CONNECTION
PIV POINT OF INTERSECTION
B.S.L. BUILDING SETBACK LINE
CONCRETE (CONC.)
UTILITY POLE WITH OVERHEAD WIRES
EXISTING GRADES
LINE TABLE
LINE | BEARING | DISTANCE
L1 | S 14°34'29" E | 15.00' (PLAT & FIELD)
L2 | N 76°50'39" E | 11.52' (PLAT) 11.46' (FIELD)
PARKING SPOTS 278
HANDICAP SPOTS 6
TOTAL SPOTS 284
VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE-NAD 83/93 HARN
PARCEL A-1
178,076 Sq. Feet
4.0881 Acres
(FIELD AREA)
ONE STORY MASONRY BUILDING #941
LASKIN ROAD
(VARIABLE WIDTH RIGHT OF WAY)
NOW OR FORMERLY HUEY/SLACK LLC
NOW OR FORMERLY HS LASKIN LLC
DETENTION BASIN
ZONE AE (BFE=7)
ZONE X
0' 40' 80' 120'

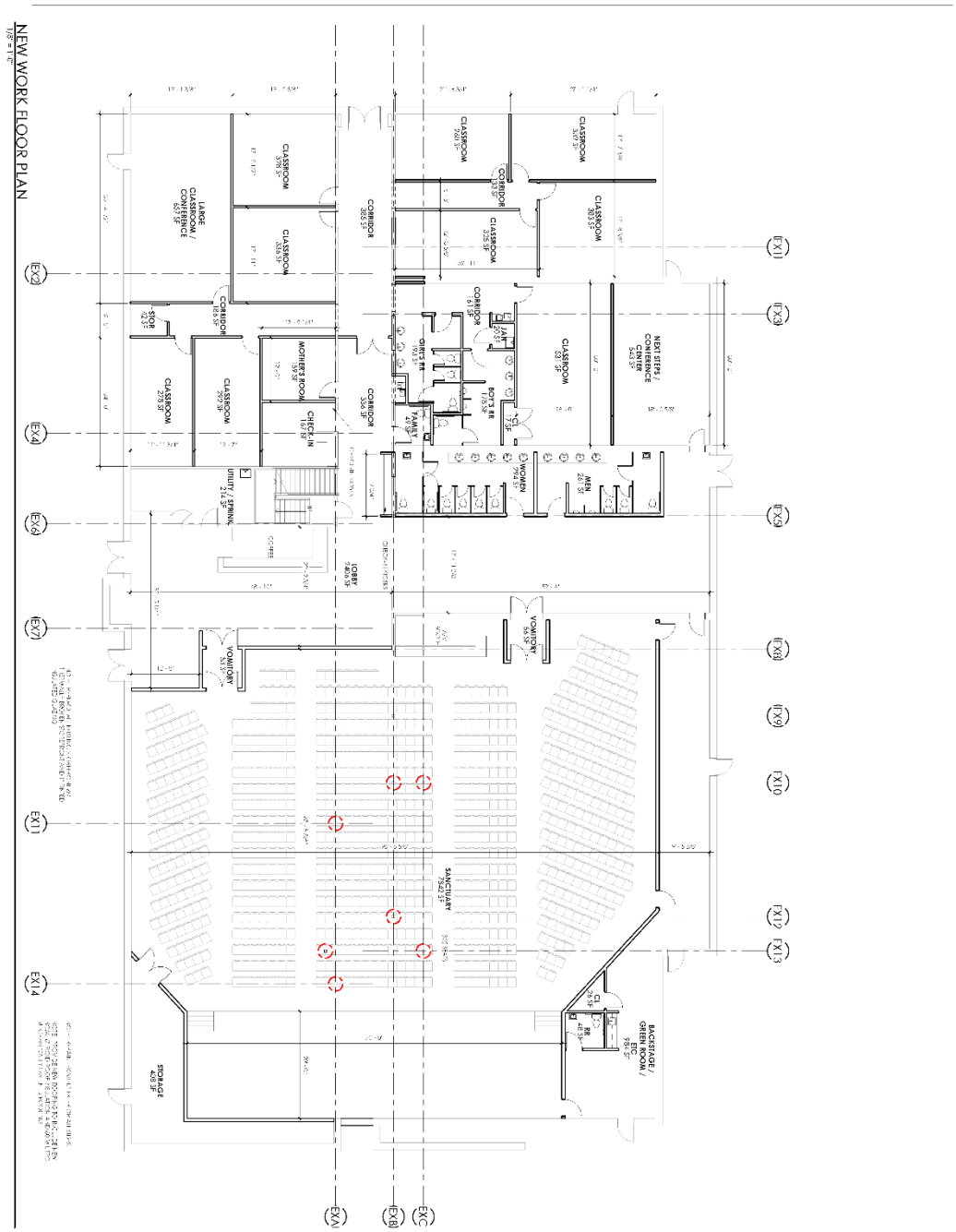
Proposed Landscape Plan



Existing Floor Plan



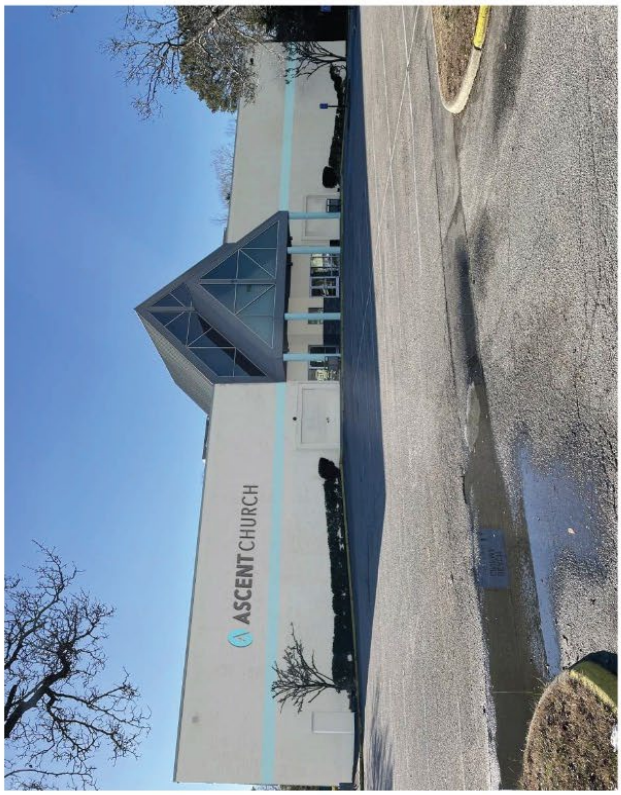
Proposed Floor Plan



A2.0	NEW WORK FLOOR PLAN	CHA PROJECT 21479 ISSUE DATE 10/21/2022 REVISION NO. DATE	REVIEW CHAMBERLAIN ARCHITECTURE TRENDMAKER HOMES ANDERSON CONSTRUCTION

RENOVATIONS FOR
ASCENT CHURCH
941 LASKIN ROAD VIRGINIA BEACH, VA

Proposed Exterior Renovations



AFTER

BEFORE

RENOVATIONS FOR
ASCENT CHURCH
941 LASKIN ROAD VIRGINIA BEACH, VA

Proposed Freestanding Signage

SIGNS of Success inc. 757 481-4788

529 North Birdneck Rd.
Virginia Beach, Va.
23454

CUSTOMER:
Ascent Church
941 Laskin Road
Virginia Beach, Va. 23451

EXISTING SIGNAGE:

PROPOSED SIGNAGE:

195 L/F of building frontage
Existing Street Sign 60.75'' tall x 168'' wide each

Site Photos

Site Photos


BEACH CINEMA
ALEHOUSE
JAN 31 DOG MAN COMPANION
VALIANT ONE GONE WITH THE WIND

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 Ascent Building, LLC, a wholly owned susidiary of Ascent Church

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: Jeremiah M. Yourth/Gregory P. Bergethon - Sands Anderson PC

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.)

Brandon Faison, Aaon Ahloe, Natalie McCartney, Jay Wertz, Thomas Lan

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 *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	◉	◯	TowneBank
Real Estate Broker/Agent/Realtor	◉	◯	Jason Oliver - Divaris Real Estate

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	◉	○	Startchurch - Jo Roberts
Architect/Designer/Landscape Architect/Land Planner	◉	○	Covington Hendrix Anderson Architects
Construction Contractor	◉	○	Hoy Construction - Adam Ritt
Engineer/Surveyor/Agent	○	◉	
Legal Services	◉	○	Sands Anderson PC/Jeremiah M. Yourth and Gregory P. Bergethon

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.*

Brandon Faison	DocuSigned by: Brandon Faison 584881822213D4DA...	1/24/2025
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

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:
as listed on application Laskin Road Associates, L.P.

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.)

Laskin Road Associates Inc, Leslie Siegel, The Smolen Family Trust, Siegel Family Properties LLC, Adam Schwarz,

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.)	◉	○	Southern Bank; Trent Dudley
Real Estate Broker/Agent/Realtor	◉	○	Divaris Real Estate, Inc.; Gerald Divaris & Sezin Cortinas
Accounting/Tax Return Preparation	◉	○	Wall Einhorn Chernitzer; Alvin Wall
Architect/Designer/Landscape Architect/Land Planner	○	◉	
Construction Contractor	○	◉	
Engineer/Surveyor/Agent	○	◉	
Legal Services	◉	○	Williams Mullen; Cartwright R. Reilly

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.*

Laskin Road Associates, LP		1/23/25
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 7

Applicant: Craig Dean and April Dean
Property Owner: Craig Dean
Planning Commission Public Hearing: March 13, 2025
City Council District: District 6 (Remick)

Project Details

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Alexis Bailey

Location

404 21st Street, Unit C

GPIN

24270851690000

Site Size

1,940 square feet

AICUZ

65-70 dB DNL; Sub-Area 1

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Single-family dwelling with two apartments / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

21st Street
Condominiums / OR Oceanfront Resort

South

20th ½ Street
Parking Lot / OR Oceanfront Resort

East

Commercial Parking Lot / OR Oceanfront Resort

West

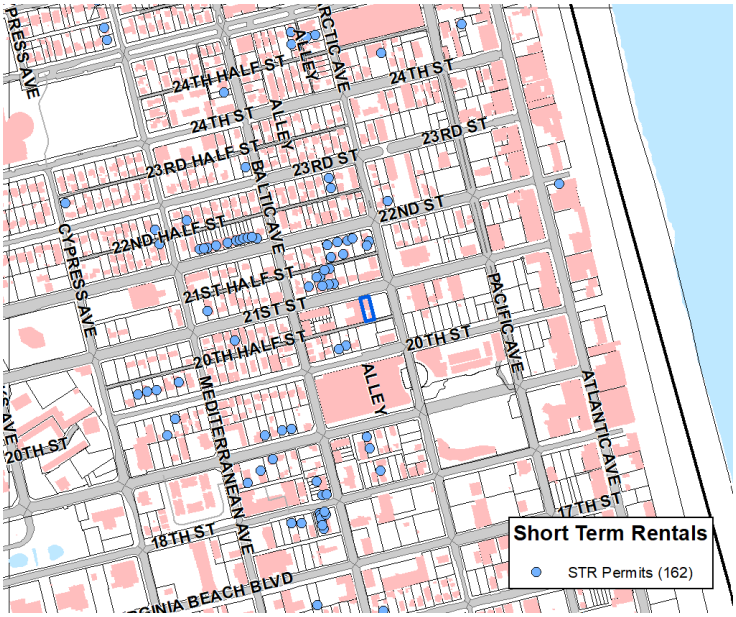
Hotel / OR Oceanfront Resort

Background & Summary of Proposal

- The applicant is seeking a Conditional Use Permit for a Short Term Rental at 404 21st Street Unit C. The 1,940 square foot parcel contains a single-family dwelling with two apartments and is zoned Oceanfront Resort District.
- According to City records, this three-bedroom single-family home was constructed in 1945.
- Staff inspected the site on January 29, 2025, to observe site conditions and take photographs for this report.
- The property lies within the Residential Parking Permit Program boundary, where parking during the evening and overnight hours is limited. Based on this, a condition is recommended that would prohibit the occupants of the STR from parking on the street during the restricted hours.
- There are no prior zoning complaints associated with this address.
- 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 January 16, 2025:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	August 4, 2022	No

Short Term Rentals in the Vicinity



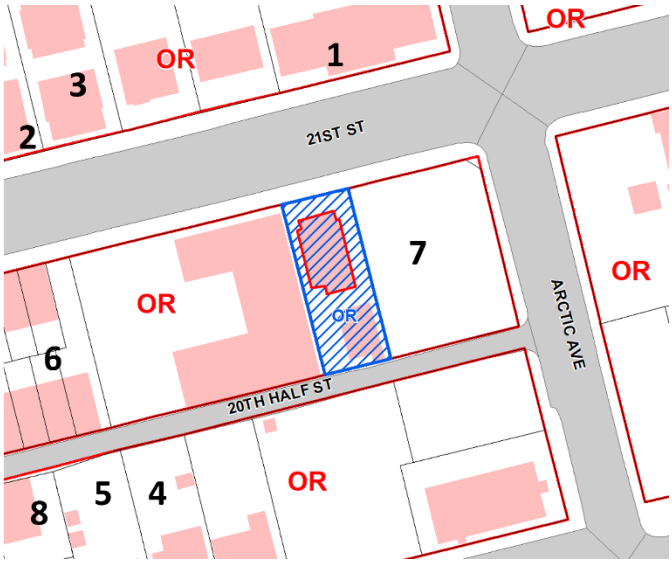
Summary of Proposal

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

Zoning History

#	Request
1	**CUP** (Short Term Rental) Approved 01/19/2021
2	**CUP** (Short Term Rental) Approved 08/25/2020 **CUP** (Short Term Rental) Approved 08/18/2020 **CUP** (Short Term Rental) Approved 07/07/2020 **ALT** Approved 04/18/2017
3	**CUP** (Short Term Rental) Approved 07/14/2020 **CUP** (Short Term Rental) Approved 07/14/2020 **CUP** (Short Term Rental) Approved 07/14/2020 **CUP** (Short Term Rental) Approved 07/14/2020 **ALT** Approved 04/18/2017
4	**CUP** (Short Term Rental) Approved 06/09/2020
5	**CUP** (Short Term Rental) Approved 06/09/2020 **CUP** (Short Term Rental) Approved 06/09/2020
6	**SVR** Approved 09/06/2016
7	**ALT** Approved 10/08/2013 **SVR** Approved 10/08/2013
8	**MDC** Approved 11/09/2010 **CUP** (Commercial Parking Lot) Approved 03/10/2009



Application Types

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

Evaluation & Recommendation

The applicant is requesting to operate a three-bedroom Short Term Rental within an existing single-family home on the site. The other structure on the site, which contains two units and fronts 20th ½ Street, is not a subject of this application.

The three-bedroom Short Term Rental is required to have three off-street parking spaces and the two units require two off-street parking spaces each for a total of four off-street parking spaces. The site has a two-car driveway, a four-car driveway, and the applicant has an agreement to lease a gravel parking space from the neighboring commercial parking space to the east for a total of seven parking spaces meeting the required three parking spaces for the Short Term Rental and the required four parking spaces for the other two units. Staff believes that all other requirements of Section 241.2 and Section 2303 of the Zoning Ordinance pertaining to Short Term Rentals can be reasonably be met and that the use of the property at this location for Short Term Rentals is appropriate.

Since the property is within the boundary of the Residential Parking Permit Program (RPPP), parking passes issued for the subject dwelling unit(s) will be limited to two resident passes for each unit; guest and temporary passes will not be permitted while the Conditional Use Permit is active.

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 404 21st Street Unit C, 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. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. Accessory structures shall not be used or occupied as Short Term Rentals.

13. No signage shall be on-site, except that each short term rental shall have one (1) four-square foot sign posted on the building, or other permanent structure or location approved by the Zoning Administrator, that identifies the property as a short term rental and provides the telephone numbers for the Short Term Rental Hotlines in text large enough to be read from the public street.

14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.

15. 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.

16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

17. 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).

18. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

    a) Properties managed by Short Term Rental Companies certified by the Department of Planning shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the short term rental management company and be documented on a form prescribed by the Planning Department and shall be provided during the yearly permitting process.

    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 yearly permit process.

19. A structural safety inspection report shall be provided to the city every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

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

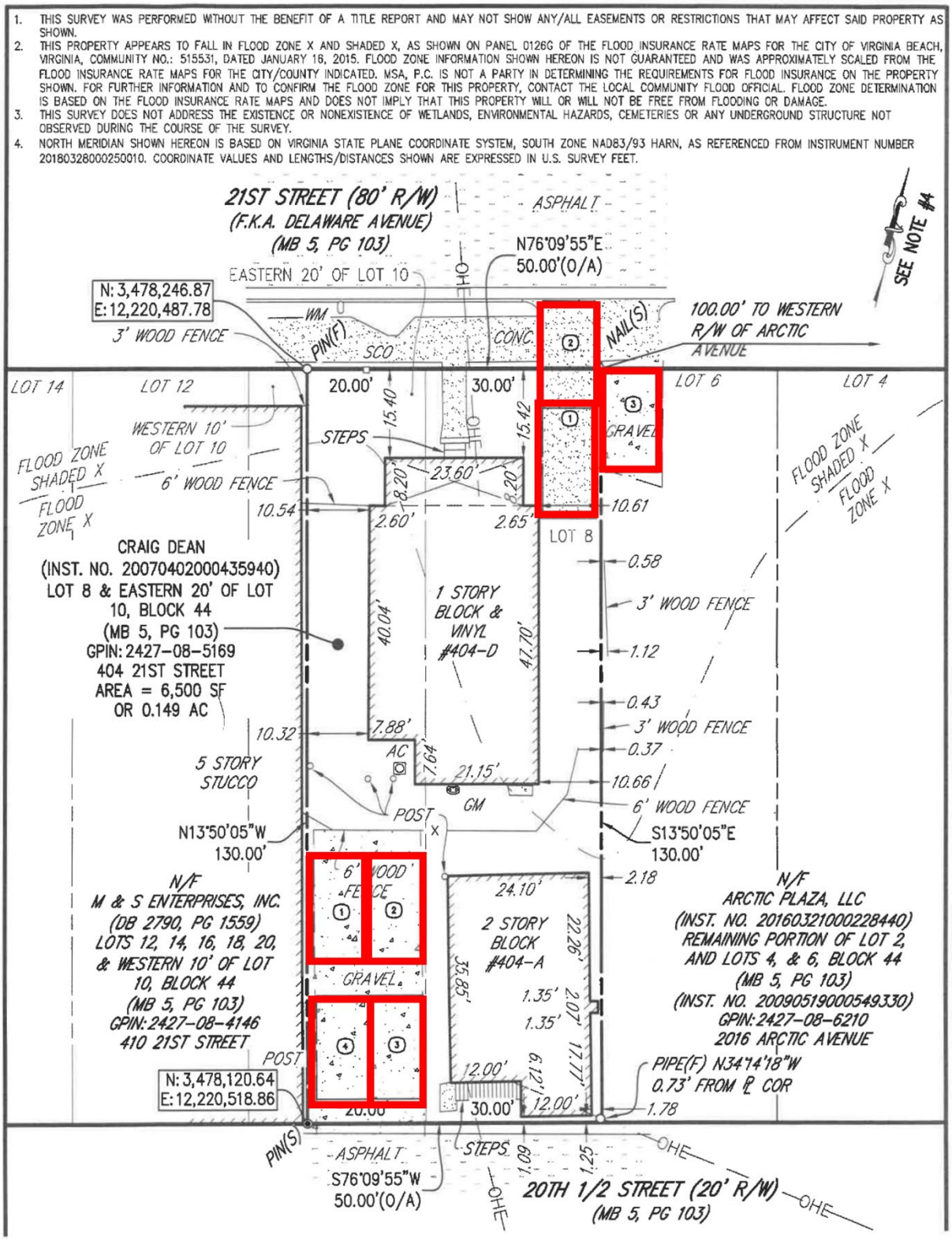
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 11, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, February 26, 2025 and March 5, 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 February 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 March 6, 2025.

Site Layout & Parking Plan



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 CRAIG DEAN APRIL DEAN

Is Applicant also the Owner of the subject property? Yes (X) No ( )

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

Does Applicant have a Representative? Yes ( ) No (X)

If yes, name Representative: _____

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

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 (X)

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 (X)

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 *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	( )	(X)	
Real Estate Broker/Agent/Realtor	( )	(X)	

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	⊗	
Architect/Designer/Landscape Architect/Land Planner	○	⊗	
Construction Contractor	○	⊗	
Engineer/Surveyor/Agent	○	⊗	
Legal Services	○	⊗	

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.*

CRAIG DEAN		1/15/25
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 CRAIG DEAN

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: _____

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.)	◯	⊗	
Real Estate Broker/Agent/Realtor	◯	⊗	
Accounting/Tax Return Preparation	◯	⊗	
Architect/Designer/Landscape Architect/Land Planner	◯	⊗	
Construction Contractor	◯	⊗	
Engineer/Surveyor/Agent	◯	⊗	
Legal Services	◯	⊗	

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.*

CRAIG DEAN — Property Owner Name (Print)

Property Owner Signature

1/15/25 — 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 Items 8, 9, 10

Applicant: Craig Dean and April Dean
Property Owner: Steven Siksay
Planning Commission Public Hearing: March 13, 2025
City Council District: District 6 (Remick)

Project Details

Request

Conditional Use Permit (Short Term Rental)

Staff Recommendation

Approval

Staff Planner

Alexis Bailey

Location

2003 Mediterranean Avenue, Unit A, B1, & B2

GPIN

24179778000000

Site Size

6,402 square feet

AICUZ

65-70 dB DNL; Sub-Area 1

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Four-plex / OR Oceanfront Resort

Surrounding Land Uses and Zoning Districts

North

20th ½ Street
Single-family dwelling / OR Oceanfront Resort

South

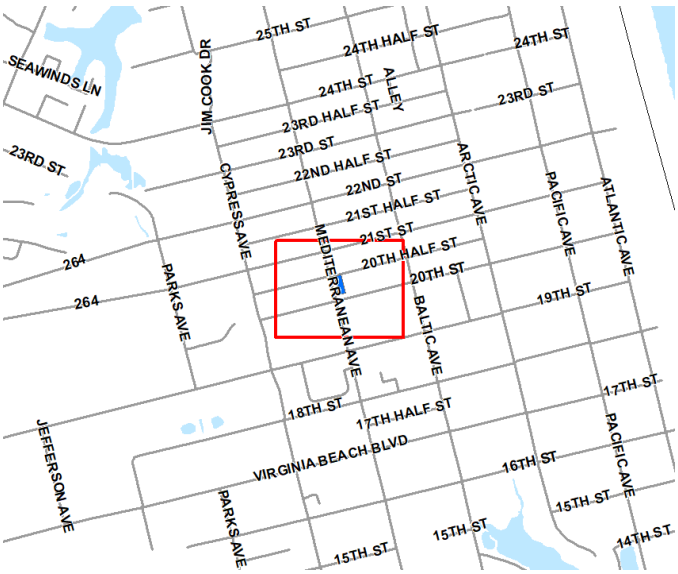
20th Street
Single-family dwelling / OR Oceanfront Resort

East

Single-family Dwelling / OR Oceanfront Resort

West

Mediterranean Avenue
Single-family dwelling / OR Oceanfront Resort



Background & Summary of Proposal

- The applicant is seeking a Conditional Use Permit for three Short Term Rentals at 2003 Mediterranean Avenue Unit A, B1, and B2. The 6,402 square foot parcels contain a four-plex and is zoned Oceanfront Resort District.

- According to City records, these three-bedroom, four-bedroom, and one-bedroom units were constructed in 1953.

- Staff inspected the site on January 29, 2025 to observe site conditions and take photographs for this report.

- The property lies within the Residential Parking Permit Program boundary, where parking during the evening and overnight hours is limited. Based on this, a condition is recommended that would prohibit the occupants of the STR from parking in the street during the restricted hours.

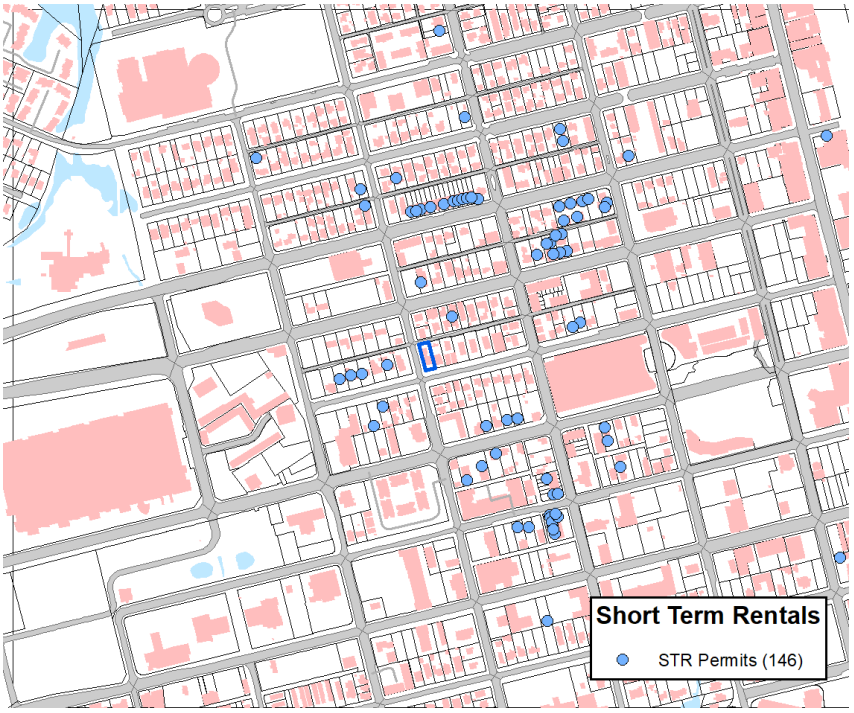
- A Notice of Violation was issued on May 23, 2023, for operation of a Short Term Rental without an approved Conditional Use Permit or Short Term Rental Zoning Permit. While a summons was issues on May 23, 2023, and a second issued on September 11, 2023, the case was ultimately dismissed after the advertisement was removed and the Short Term Rental activity ceased, bringing the unit into compliance.

- Since this property was not registered or 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 January 17, 2025:

CURRENTLY ADVERTISED	LAST KNOWN RENTAL	REGISTERED WITH THE COMMISSIONER OF THE REVENUE
No	September 11, 2023	No

Short Term Rentals in the Vicinity



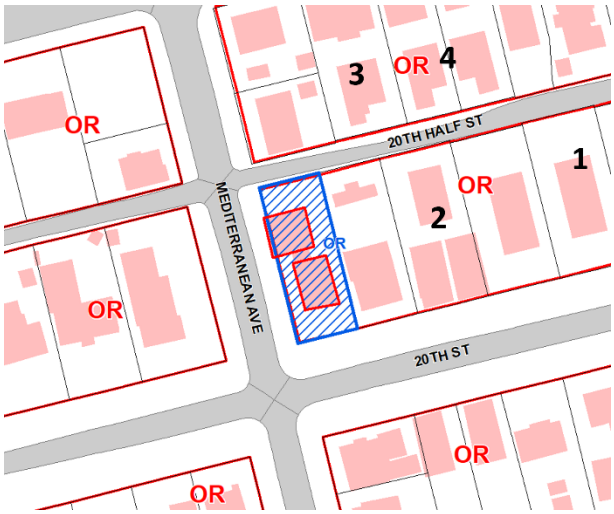
Summary of Proposal

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.

Short Term Rental Details	Unit A	Unit B1	Unit B2
Number of bedrooms:	3	4	1
Maximum number of guests permitted after 11:00 p.m.	6	8	2
Number of parking spaces required (1 space per bedroom)	3	4	1
Number of parking spaces provided on site	3	4	1

Zoning History

#	Request
1	**CUP** (Short Term Rental) Approved 07/12/2022
2	**ALT** Approved 06/19/2018
3	**ALT** Approved 06/07/2016
4	**ALT** Approved 09/16/2014
5	**NON** Approved 04/27/1993



Application Types

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

Evaluation & Recommendation

The applicant is requesting to operate a four-bedroom, a three-bedroom, and a one-bedroom Short Term Rental within an existing four-plex.

The four-bedroom is required to have four off-street parking spaces, the three-bedroom is required to have three off-street parking spaces, and the one-bedroom is required to have one off-street parking space for a total of eight required parking spaces. The site has eleven parking spaces exceeding the required number of parking spaces for these Short Term Rentals. Staff believes that all other requirements of Section 241.2 and Section 2303 of the Zoning Ordinance pertaining to Short Term Rentals can be reasonably met and that the use of the property at this location for Short Term Rentals is appropriate.

Since the property is within the boundary of the Residential Parking Permit Program (RPPP), parking passes issued for the subject dwelling unit(s) will be limited to two resident passes for each unit; guest and temporary passes will not be permitted while the Conditional Use Permit is active.

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 2003 Mediterranean Avenue, Unit A, B1, and B2, 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 dwellings 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. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. Accessory structures shall not be used or occupied as Short Term Rentals.

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14. The Short Term Rental shall have no more than one (1) rental contract for every seven (7) consecutive days.

15. 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.

16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

17. 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).

18. The property owner, or their representative, shall provide to the City Planning Department permission to inspect the Short Term Rental property annually. Such inspection shall include: 1) At least one fire extinguisher has been installed inside the unit (in the kitchen) and in plain sight 2) Smoke alarms and carbon monoxide detectors are installed in accordance with the building code in effect at the of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms, and when activated, be audible in all sleeping rooms, and 3) All smoke alarms and carbon monoxide detectors have been inspected within the last twelve months and are in good working order.

    a) Properties managed by Short Term Rental Companies certified by the Department of Planning shall only be required to be inspected every three years. The inspection for compliance with the requirements above shall be performed by the short term rental management company and be documented on a form prescribed by the Planning Department and shall be provided during the yearly permitting process.

    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 yearly permit process.

19. A structural safety inspection report shall be provided to the city every three (3) years indicating all exterior stairways, decks, porches, and balconies have been inspected by a licensed design professional qualified to perform such inspection (engineer or architect) and are safe for use. The report must indicate the maximum number of occupants permitted on each level of these structures and placards indicating the maximum number of occupants of all exterior stairways, decks, porches, and balconies must be posted on each level of these structures.

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

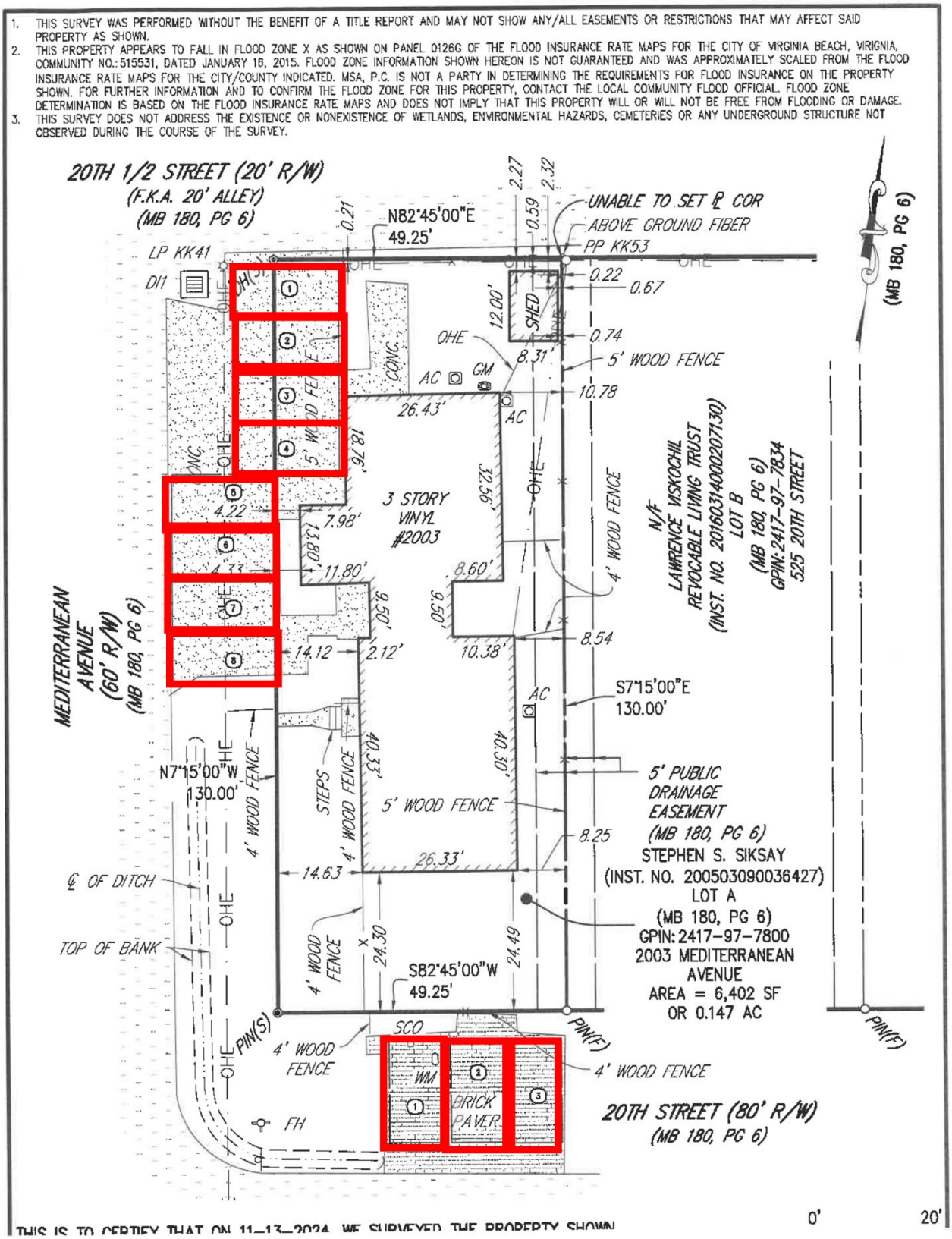
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Public Outreach Information

Planning Commission

- One letter of opposition has been received by Staff noting concerns about the amount of Short Term Rentals in the area, parking, and impact to property values.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 11, 2025.
- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, February 26, 2025 and March 5, 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 February 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 March 6, 2025.

Site Layout and Parking Plan



Site Photos

Site Photos

CITY OF VIRGINIA BEACH

Disclosure Statement

STEVE

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 CRAIG DEAN APRIL DEAN

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.)

CRAIG DEAN

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

If yes, name proposed or pending purchaser: CRAIG DEAN

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 *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	◯	⊗	
Real Estate Broker/Agent/Realtor	◯	⊗	

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	⊗	
Architect/Designer/Landscape Architect/Land Planner	○	⊗	
Construction Contractor	○	⊗	
Engineer/Surveyor/Agent	○	⊗	
Legal Services	○	⊗	

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.*

CRAIG DEAN _____ 1/15/25

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 STEVE SIKSAY

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: CRAIG DEAN

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.)	○	⊗	
Real Estate Broker/Agent/Realtor	○	⊗	
Accounting/Tax Return Preparation	○	⊗	
Architect/Designer/Landscape Architect/Land Planner	○	⊗	
Construction Contractor	○	⊗	
Engineer/Surveyor/Agent	○	⊗	
Legal Services	○	⊗	

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.*

X STEVE SIKSAY — Property Owner Name (Print)
X [signature] — Property Owner Signature
1/19/25 — 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 Items 11 & 12

Applicant: Harrison and Lear, Inc
Property Owner: JBWK LLC
Planning Commission Public Hearing: March 13, 2025
City Council District: District 2 (Henley)

Project Details

Requests

Conditional Rezoning (P-1 Preservation District & PD-H1 Planned Unit Development to Conditional PD-H2 Planned Unit Development (R-20 Residential))

Modification of Proffers

Staff Recommendation

Denial

Staff Planner

Marchelle Coleman

Location

3100 Arnold Palmer Drive

GPINs

1493543952, 1493667436, 1493859520, and a portion of 1493637894

Site Size

198.58 acres

AICUZ

Less than 65 dB DNL, 65-70 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Single-family dwellings, townhomes, duplexes, multi-family dwellings, restaurant, former golf course / PD-H1 Planned Unit Development, P-1 Preservation

Surrounding Land Uses and Zoning Districts

North

Multi-family dwellings, undeveloped land, single-family dwellings / PD-H1 Planned Unit Development, AG-1 & AG-2 Agricultural

South

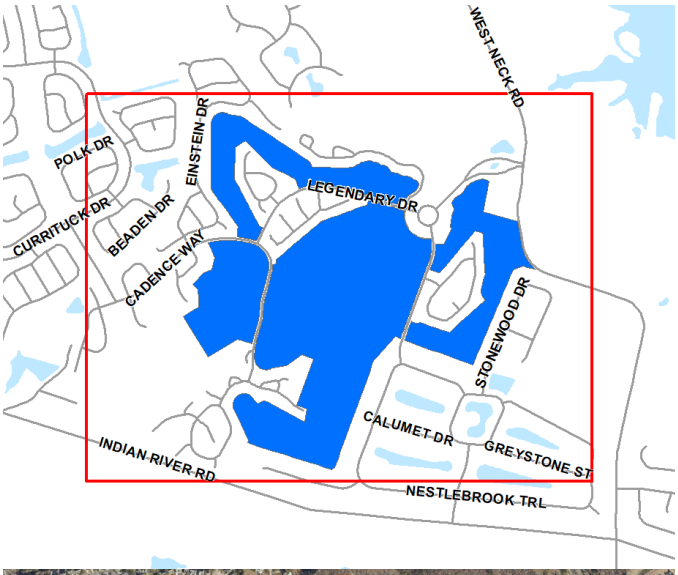
Indian River Road
Single-family dwellings / R-20 Residential, AG-1 & AG-2 Agricultural

East

Single-family dwellings, open space / PD-H1 Planned Unit Development, R-20 Residential

West

West Neck Road
Single-family dwellings / PD-H2 Planned Unit Development, R-20 Residential, P-1 Preservation



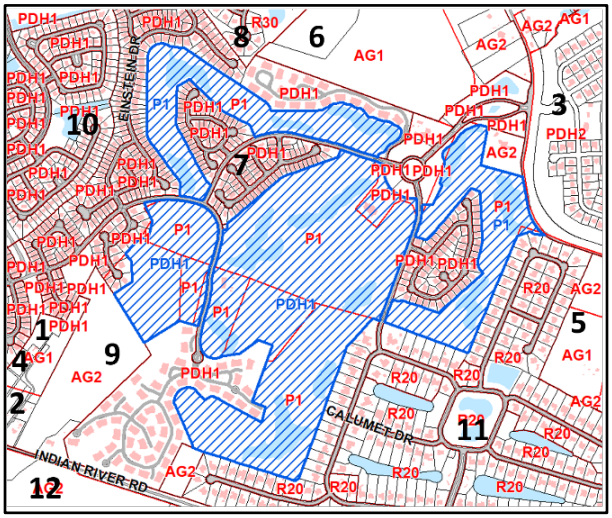
Background & Summary of Proposal

- The applicant is requesting to rezone a 198.58-acre property, currently designated as Conditional PD-H1 Planned Unit Development District (23.2 acres) and P-1 Preservation District (175.38 acres), to Conditional PD-H2 Planned Unit Development District (R-20 Residential District). In addition, the applicant seeks to revoke the Conditional Use Permit for the previously approved golf course and modify the proffers to allow for the development of Signature Meadows, a 157-unit residential community, on the former golf course site at the Villages at West Neck. This development will result in an overall density of 2.83 units per acre.
- On May 11, 1999, City Council granted a Conditional Rezoning and Conditional Use Permit (golf course) for the development of a 974-unit, active-adult community (ages 55 and older) in conjunction with an 18-hole Arnold Palmer signature golf course on a 419.8-acre site. After excluding 33.6 acres of wetlands, 386.2 acres remained as developable land. The project was designed at a density of 2.52 units per acre which included a diverse mix of single-family homes, townhouses, duplexes, and multi-family dwellings.
- On June 26, 2001, a Modification of Proffers was approved by City Council to modify the land use plan and the architectural elevations for the Village Commons area to provide additional open space for the community. With this subsequent modification, the two townhouse buildings and apartment units originally approved for Village Commons were removed and two 6,000 square foot commercial buildings were proposed in their place. As a result of this change, the overall number of residential units was reduced from 974 units to 934; however, a total of 936 units were ultimately constructed, resulting in an overall density of 2.42 units per acre.
- The applicant is now seeking to rezone the property, amend the existing proffers, and revoke the Conditional Use Permit of the former golf course in order to develop 157 residential units on the site. The proposed 157 residential units will include 127 single-family homes, ranging from one to two stories, and 30 two-story multi-family condominium units within a newly established homeowners association (HOA). Similar to the existing Villages at West Neck, the development will be exclusively for residents aged 55 and older.
- According to the applicant, the proposed development is expected to be completed in five years, with construction occurring in phases to reduce impact to nearby residents. The applicant has stated that most residents will not experience any significant disruption, as only 2.7% of existing homes are located near the section of the golf course proposed to be redeveloped.
- As proffered, the building renderings will feature Southern Living and Craftsman-style architecture, incorporating elements that reflect a rural transitional aesthetic. These features include front porches, understated porch columns, horizontal siding, and pitched rooflines, all of which are compatible with the Transition Area Design Guidelines. The square footage of the single-family dwellings will range in size from approximately 1,600 square feet to approximately 5,000 square feet. The multi-family dwelling units will range in size from 1,600 square feet to 2,400 square feet. Exterior building materials will be of high quality and include the use of cement fiber siding, brick, and asphalt shingle roofing. Vinyl siding will not be allowed on the principal dwellings, as specified in the proffers.

- As required by Section 1124 of the Zoning Ordinance, the applicant submitted development criteria that would govern the minimum lot sizes, setbacks, lot coverage and height restrictions for the proposed development. A copy of the development criteria is provided on pages 19-22 of this staff report.
- The proposed plans depict redeveloped active and passive open space areas, all of which are connected through a network of trails and sidewalks that traverse the entire site. Active open space amenities include athletic courts such as pickleball and bocce ball, nearly 7 miles of walking and biking trails, kayak launches, outdoor exercise areas, and dog parks. Additionally, passive open space is proposed in the form of the preservation of forested wetlands, creation of large reforestation areas, managed meadows, community gardens, and vegetated buffers. All of the proposed open space areas and amenities will be available for use by the residents of Signature Meadows as well as those living in the Villages at West Neck and Indian River Plantation.
- As depicted in the proffered exhibits, which can be seen on pages 32-35 of this report, the proposed roadway network for the development features a combination of one-way and two-way streets. The majority of which will be public except for the multi-family area which will be accessed via a 50-foot-wide private street. The submitted exhibits provide detailed roadway sections, including designated areas for street trees, utilities, and sidewalks. The typical sections for the proposed roadways within the development have been reviewed by Public Works Traffic Engineering and appear to be designed in accordance with city standards.
- A Traffic Signal Warrant Analysis was conducted for the proposed development and provided to Staff for review. The analysis confirmed that based on the additional trips generated by the proposed residential units, a traffic signal is warranted at the intersection of West Neck Road and Signature Drive. The traffic signal will be designed and constructed at the developer's expense and shall be installed, and fully operational once the development reaches 50% occupancy, as noted in Proffer 9.
- Since the property is located within the Transition Area, the applicant appeared before the Transition Area/Interfacility Traffic Area Citizen's Advisory Committee (TA/ITA CAC) on September 5, 2024, to brief the Committee on the proposal. The Committee found the proposal to be inconsistent with key components of the Transition Area Guidelines and as such voted to deny the proposal by a recorded vote of 8 to 1.
- A Phase 1 Environmental Site Assessment (ESA) was provided by Map Environmental, Inc, dated November 9, 2023. The Phase I Environmental Site Assessment found no evidence of Recognized Environmental Conditions (REC), Controlled Recognized Environmental Conditions (CRECs), or Historical Recognized Environmental Conditions (HREC) connected with the property. A CREC is a recognized environmental condition resulting from past releases of hazardous substances or petroleum by products that has undergone some assessment or remediation with satisfactory results. A REC is the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property. It is the opinion of Map Environmental, Inc that the subject property does not pose a significant risk to human health or to the environment and additional environmental investigation is not warranted, at this time.
- As a small portion of the site, approximately 500 square feet, is located in the 65-70 dB DNL noise zone, the proposal was considered by the Joint City-Navy Review Process (JRP) Group on August 23, 2024. Since this portion of the proposed development is to remain in its current forested state, the Group found the proposal to be consistent with the provisions of Article 18 of the Zoning Ordinance. Details of the JRP's findings are provided in the Evaluation Section of this report.

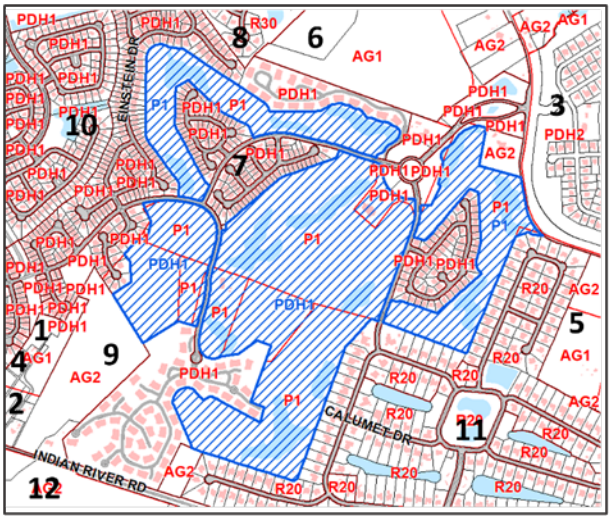
Zoning History

#	Request
1	**SVR** Approved 07/11/2023
2	**CUP** (Residential Kennel) Approved 11/21/2018
3	**MDP** Approved 06/07/2016 **CRZ** (AG-1and AG-2 to Conditional PD-H2 (R-20 and P-1)) Approved 03/03/2015 **FVR** Approved 03/03/2015
4	**SVR** Approved 09/15/2015
5	**CUP** (Assembly Use (Fraternal Lodge)) Approved 02/12/2013
6	**CUP** (Private Sewage Treatment System) Approved 05/24/2011 **REZ** Approved 06/08/2010
7	**LUP** (Amendment) Approved 05/13/2008 **MDP** Approved 11/23/2004 **MDP** Approved 06/26/2001 **CUP** (Golf Couse) Approved 05/11/1999 **CRZ** (AG-1 to Conditional AG-1 with PD-H1 Overlay, AG-1 to Conditional AG-1 with PD-H1 Overlay, AG-2 to Conditional AG-2 with PD-H1 Overlay, R-40 to Conditional R-40 with PD-H1 Overlay, R-20 to Conditional R-20 with PD-H1 Overlay, AG-1 to Conditional P-1, AG-2 to Conditional P-1, R-20 to Conditional P-1. and R-40 to Conditional P-1) Approved 05/11/1999
8	**CRZ** (AG-1 and AG-2 with a Historic and Cultural Overlay to Conditional R-10 with a PD-H2 Overlay) Approved 08/24/2004 **CRZ** (AG-1 and AG-2 to Conditional R-30) Approved 03/04/2003 **CUP** (Open Space) Approved 03/04/2003 **SVR** Approved 03/04/2003
9	**CUP** (Cemetery, Columbarium, Crematory, and Mausoleum) Approved 03/09/1999
10	**LUP** (Administrative Change) Approved 01/14/1998 **LUP** (Amendment) Approved 06/02/1993 **LUP** (Courthouse Estates) Approved 05/11/1970



Zoning History

#	Request
11	**SVR** Approved 01/04/1994 **REZ** Approved 01/04/1994 **SVR** Approved 07/14/1992 **CUP** (Golf Course) Approved 07/14/1992 **CRZ** (R-10 to Conditional R-40) Approved 07/14/1992 **CRZ** (R-15 to Conditional R-40) Approved 07/14/1992 **CRZ** (AG-1 to Conditional R-40) Approved 07/14/1992 **CRZ** (AG-2 to Conditional R-40) Approved 07/14/1992 **CRZ** (R-20 to Conditional AG-2) Approved 07/14/1992 **CRZ** (R-10 to Conditional AG-2) Approved 07/14/1992 **CRZ** (AG-2 to Conditional R-40) Approved 07/14/1992 **CRZ** (R-15 to Conditional AG-2) Approved 07/14/1992
12	**CUP** (TV Transmitter Tower and Satellite Up-Link Site) Approved 03/21/1986 **CUP** (Recreational Facilities of an Outdoor Nature (Tent Site)) Approved 07/16/1985



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 request to rezone 198.58 acres from Conditional PD-H1 Planned Unit Development District and P-1 Preservation District to Conditional PD-H2 Planned Unit Development District (R-20 Residential District), along with a Modification of Proffers and the revocation of the Conditional Use Permit for the former golf course, does not align with the density and open space recommendations set forth in the Transition Area Design Guidelines. While Staff believes the proposal presents many positive elements, attractive high-quality design, and new recreation opportunities, the higher density and deficiency in the recommended open space has led Staff to recommend denial of this proposal. Staff's rationale is provided below.

Since the property is located within the Transition Area as defined by the Comprehensive Plan, Staff has evaluated the proposal to determine its compliance with the Comprehensive Plan and, specifically, the Transition Area Design Guidelines (TADG). The Design Guidelines call for creative and high-quality developments of low-impact, low-density residential; low-intensity, neighborhood serving, non-residential uses, along with open space, recreational, and agricultural uses. By employing creative planning and development techniques, the guidelines provide a pattern that emphasizes flexible community planning with a greater integration of open space and natural resources that respect and protect the unique character of the area and enable a true transition into the Rural Area to the south. Additionally, the guidelines encourage residential developments to have a maximum average calculated density of up to and no more than one unit per developable acre, with a preference for minimum lot sizes of 15,000 square feet. Smaller lot sizes may be considered if they include additional active open space, as recommended by the Transition Area Design Guidelines. In staff's view, the proposal's overall density of 2.83 units per developable acre does not align with the recommended density of one unit per developable acre, as outlined in the guidelines and as such staff cannot fully support the proposal. While staff recognizes the proposed density when looking solely at the 124.69-acre Signature Meadows development is 1.25 units per acre, when considering the existing 936 units constructed within the Villages at West Neck, of which this land was originally a part of, the overall density for the entire community would be 2.83 units per acre.

In 1999, the Villages at West Neck development was approved by City Council for 974 units at a density of 2.52 units per acre; however, with a subsequent modification approved in 2001, the number of units was reduced to 934, resulting in a density of 2.42 units per acre. While a total of 936 units were ultimately built, the overall density remains at 2.42 units per acre. When the Villages at West Neck was originally approved, the 1997 Comprehensive Plan in effect at the time, viewed residential density differently than the TADG and our current Comprehensive Plan. Although the Plan still recommended a limit on residential density within the Transition Area, the Plan stated that residential development within the Transition Area should be developed at a density not to exceed the traffic equivalent of one dwelling unit per acre which was established as ten generated trips per developable acre. Based on the analysis in the 1999 Staff Report, a "density credit" was applied to this development due to the development being age-restricted and thereby placing less strain on city infrastructure and generating fewer trips per developable acre than an age-unrestricted development would. Using this rationale, the traffic equivalent of 1 unit per acre was doubled. Additionally, the 1999 staff report indicates that staff evaluated the proposed development in conjunction with two adjacent developments, Courthouse Estates and Indian River Plantation, both of which were developed by the same developer. As such, unused dwelling units from these two adjacent neighborhoods were allocated to the Villages at West Neck development. This allowed for a calculated potential development of up to 1,082 units at the Villages at West Neck. While the 1997 Comprehensive Plan supported this rationale, the current Comprehensive Plan

does not contain the same language as it relates to density. As such, staff believes the new development should not be a further departure from the current Comprehensive Plan recommendations for the Transition Area, which call for one dwelling per developable acre.

Furthermore, the Transition Area Design Guidelines recommend that open space, both passive and active, be a key component of the development. More specifically for residential developments, open space should encompass at least 50% of the developable land. In 1999, the rezoning of the Villages at West Neck utilized an exhibit that calculated open space between both Indian River Plantation and the Villages at West Neck collectively. The total open space provided was 236.6 acres or 38% of the combined developments. With the proposed Signature Meadows development, approximately 25.8 acres will be allocated for the new homes, roadways, and infrastructure, resulting in a reduction of the overall open space from 236.6 acres to 210.8 acres, or approximately 34%. While this represents a decrease in the total open space within both Indian River Plantation and the Villages at West Neck, there is an increase in the amount of accessible and usable open space for both communities. It is evident that the applicant was thoughtful in the approach to open space and has made great efforts to include additional active and passive open space opportunities for this development as well as the adjacent developments. Open space amenities include nearly seven miles of walking and biking trails, athletic courts (e.g., pickleball, bocce ball), kayak launches, dog parks, and outdoor exercise areas. When looking solely at the 198.58-acres of the proposed Signature Meadows development, the applicant estimates that around 63% of the Signature Meadows will be dedicated to open space and that with the inclusion of lakes and water features, the total open space is greater than 85% of the project area, all of which will be owned and maintained by the new homeowner's association (HOA). The proposed open space will seek to preserve natural areas such as forested wetlands and woodlands, create reforestation zones, establish a tree farm, and include managed meadows, vegetated buffers, community gardens, and provide both active and passive recreational areas. The project will also replace the golf course's managed turf with more natural landscapes which has demonstrated environmental benefits. Additionally, over 70 acres will be protected by a conservation easement, limiting land use and prohibiting active recreation in certain areas to preserve woodlands and meadows. While the applicant has come up with innovative ways to increase access to open space within the development, removal of the former golf course with the proposed development of 157 residential units will leave the development short of the 50% of both passive and active open space, as recommended in the Transition Area Design Guidelines.

In many ways, the project aligns with the recommendations in the Transition Area Design Guidelines, such as in the architectural designs for the proposed single-family dwellings and the multi-family townhouse units. Specifically, the proposed renderings reflect the rural transitional architecture outlined in the Transition Area Design Guidelines (TADG). The proposed designs incorporate key elements and characteristics of the rural transitional style with features to include front porches, understated porch columns, horizontal siding, and pitched rooflines. Additionally, the use of high-quality materials such as cement fiber siding, brick, and asphalt shingle roofing, along with front facades facing other homes and streets, supports both aesthetic and durability standards. This design is further enhanced by porches, sidewalks, and connections to common open spaces ensuring a harmonious integration with the surrounding environment while maintaining a timeless and appealing character, consistent with the TADG's emphasis on blending with the natural landscape and creating a cohesive neighborhood feel.

The Design Guidelines also emphasize the importance of adequate infrastructure to service the needs of proposed developments without compromising the existing infrastructure to the detriment of existing development. The request has been reviewed by the City of Virginia Beach Public Schools and since the community is designated for active adults 55 years or older, it will have little to no effect on the public school system population. In addition, the proposed request has also been reviewed by both the Department of Public Utilities and the Department of Public Works Traffic Engineering. As noted below in the Public Utility Impact section of this report, hookup to both City water and sewer will be required. The Department of Public Utilities has stated future interest in expanding the existing 50'x50' pump station parcel to meet their current standards of 100'x100'. This will allow space for future replacement of the existing pump station along West Neck Road. Public Utilities requires that no buildable area be located within 100' of the existing or future pump station wet well. The applicant is aware of this requirement and does not show any encroachment into this area with this development.

Additionally, a Traffic Signal Warrant Analysis, performed by VHB and dated January 2025, has been submitted and reviewed by the Department of Public Works/Traffic Engineering. Staff has determined that the traffic generated by this development will result in approximately 1,555 average daily trips. The analysis studied the unsignalized intersection in the existing conditions and in the future with the traffic generated by the proposed 157 residential units, along with some nominal growth on West Neck Road. The analysis showed that while a traffic signal could be considered with the existing traffic, it currently only meets a single warrant and based on other factors, a traffic signal would not be currently recommended. However, the analysis shows that with the addition of the traffic generated by the proposed residential units, the intersection will meet multiple signal warrants for the majority of the daytime hours, thereby indicating that a traffic signal should be seriously considered for installation. As part of the analysis accepted by Traffic Engineering staff and as outlined in Proffer 9, the traffic generated from an additional 157 residential units on the site will add to traffic delays, justifying the need for a traffic signal at the intersection of West Neck Road, Signature Drive, and Tin Barn Way. As part of the site plan approval process, and subject to approval by the Department of Public Works/Traffic Engineering, the developer will design and install the traffic signal, in accordance with the City of Virginia Beach Public Works Design Standards Manual. The developer will bear the full cost of design and construction, and the traffic signal will be installed and fully operational once the Signature Meadows development reaches 50% occupancy.

Lastly, the site is located in the Southern Rivers watershed and a narrative was provided to the Development Services Center (DSC) by the applicant outlining the proposed stormwater strategy indicating the applicant's intention to address water quality and quantity on site. As indicated in the Transition Area Design Guidelines, stormwater management should be incorporated into project design according to state stormwater management regulations. The existing stormwater management facilities were designed in accordance with the regulation in place at the time of their construction. The developer plans to upgrade the system to address any existing deficiencies and meet the needs of the proposed development, ensuring compliance with current standards. These upgrades will boost the system's capacity by 50%, improve water flow, enhance the natural environment, and increase infiltration and filtration. Additionally, vegetated wetland benches will be introduced to filter pollutants, stabilize soil, and provide wildlife habitat. The DSC has reviewed the narrative and finds that the submitted stormwater strategy can successfully comply with stormwater regulations for this site. More detailed information can be found in the Stormwater Impacts section of this report.

As previously stated, a Joint City-Navy Review Process Group (JRP) meeting was held on August 23, 2024, to discuss the residential development proposal. The Joint Review Process Group determined that, based on the criteria for discretionary proposals, the proposed development will not encroach into the approximately 500-square-foot area that is located within the 65-70 dB DNL noise contour, making it consistent with the recommendations outlined in Article 18 of the Ordinance.

The proffered conceptual site plan has been reviewed by the Fire Marshal's Office, and no concerns were raised regarding the proposed layout and circulation. Additional review, however, will take place during the final site plan review process.

While Staff acknowledges and commends the applicant for this well-designed proposal, which offers attainable housing for aging residents, improves the site's aesthetics through regular vegetation maintenance, creation of natural meadows and reforestation areas, increases usable recreational open space, and upgrades the stormwater system, Staff finds the proposal to be inconsistent with two key factors, density and open space, as outlined in the Transition Area Design Guidelines. As a result, Staff recommends denial of these requests. Proffers are provided below should the Planning Commission deem this proposal appropriate for redevelopment of the former golf course within the Villages at West Neck.

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 layout, land uses, recreation and open spaces shall be in substantial conformance with the exhibit entitled, "Conceptual Master Plan, Signature Meadows, Virginia Beach, VA," prepared by WPL and found on pages 1 and 2 of the multi-page document entitled "Signature Meadows Development & Design Criteria Land Use Plan," prepared by WPL, VHB, and Harrison and Lear, dated January 24, 2025, which have been exhibited to the City of Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development and incorporated herein by reference (hereinafter the "Concept Plan" and "Signature Meadows Development & Design Criteria Land Use Plan", respectively).

Proffer 2

When the Property is developed, the land uses; layout; trail section; roadway sections with street widths, curb heights; and development criteria to include building elevations, lot dimensions, setbacks, building heights, buffers, and reforestation shall be as set forth in the multi-page document entitled, "Signature Meadows Design & Development Criteria Land Use Plan", prepared by WPL, VHB, and Harrison & Lear, Inc., dated January 24, 2025, and 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 incorporated herein by reference. The dimensional requirements identified in the Signature Meadows Design & Development Criteria Land Use

Plan shall be in lieu of all corresponding criteria in the Virginia Beach Zoning Ordinance (the "Zoning Ordinance") applicable to the R-20 Residential District.

Proffer 3

When the Property is developed, the number of residential dwelling units thereon shall not exceed one hundred fifty-seven (157).

Proffer 4

When the Property is developed, all single-family residential structures constructed on the Property shall be in substantial conformance with the conceptual architectural exhibits entitled, "Residential Dwelling Precedent Images (Southern Living Inspired Single Family), Signature Meadows" and "Residential Dwelling Precedent Images (Central Green Luxury Craftsman), Signature Meadows", which have been provided within the Signature Meadows Development & Design Criteria Land Use Plan and exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development and incorporated herein by reference. Exterior building materials shall be of high quality and include the use of cement fiber siding, brick, and asphalt shingle roofing. The use of exterior vinyl siding shall be prohibited on the principal dwellings.

Proffer 5

When the Property is developed, all multi-family residential structures constructed on the Property shall be in substantial conformance with the conceptual architectural exhibit entitled, "Luxury Townhome, Precedent Images, Signature Meadows", which has been provided within the Signature Meadows Development & Design Criteria Land Use Plan and exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development. Exterior building materials shall be of high quality and include the use of cement fiber siding, brick, and asphalt shingle roofing. The use of exterior vinyl siding shall be prohibited.

Proffer 6

As and when each subdivision plat of the Property is recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia ("Clerk's Office"), the Grantors shall record in the Clerk's Office a Declaration submitting the property shown thereon to restrictive covenants governing the use and occupancy of the Property, including, without limitation, a covenant that imposes a mandatory membership in the Signature Meadows Homeowners' Association ("HOA") for each owner of a subdivided residential lot. The open space and other common areas shown on such subdivision plats shall be conveyed to the HOA, which shall be responsible for maintaining all of the following areas on the Property: common areas, multi-use trail system, community outdoor recreation space, park areas (including any improvements and equipment thereon), entrance feature signage, and other improvements in the common area of the Property as depicted on the Concept Plan.

Proffer 7

The amenities and water quality improvements depicted on the Concept Plan shall be installed in two (2) phases: Phase 1 shall include the installation of trails, reforestation efforts, native/pollinator managed meadows, and stormwater management modifications and, unless otherwise required in Proffer 15 below, said installation shall commence within twelve (12) months of approval of the Erosion and Sediment Control/Stormwater Management Plan or Construction Plan by the City of Virginia Beach, whichever is approved first; and Phase 2 shall include the construction of all other community open space amenities depicted on the Concept Plan and commence within twelve (12) months of approval of the Erosion and Sediment Control/Stormwater Management Plan or Construction Plan by the City of Virginia Beach, whichever is approved first.

Proffer 8

Prior to the turnover of the HOA from the Grantors to the property owners, as set forth in the Virginia Property Owners Association Act established in Title 55.1 Chapter 18 of the Code of Virginia, the Grantors shall perform a Reserve Study and post a Performance Bond, to the benefit of the HOA, to subsidize any deficit identified in the Reserve Study.

Proffer 9

As part of the site plan approval process and subject to the approval of the Department of Public Works / Traffic Engineering Staff ("Traffic Engineering Staff"), the Grantors will design and construct a traffic signal at the intersection of Signature Drive and West Neck Road (the "Traffic Signal"), in accordance with the City of Virginia Beach Public Works Design Standards Manual. The cost of design and construction of the Traffic Signal will be at the Grantors' sole expense; and the Traffic Signal shall be installed and fully operational once the Signature Meadows development attains fifty percent (50%) occupancy.

Proffer 10

The design and building materials of all street lighting shall be substantially similar to the lighting within the Villages at West Neck and Indian River Plantation.

Proffer 11

The design and building materials of all new fencing or fencing which is replaced when the Property is developed shall be open-style fencing and substantially similar to the fencing within the Villages at West Neck and Indian River Plantation.

Proffer 12

The design, dimensions, and building materials of any monument-style neighborhood identification sign shall be complementary to the neighborhood identification signs throughout the Villages at West Neck and Indian River Plantation. The logo used on any neighborhood identification sign within Signature Meadows shall be in substantial conformance with the exhibit entitled, "Community Branding Signage Concepts, Signature Meadows," provided within the Signature Meadows Development & Design Criteria Land Use Plan, 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 incorporated herein by reference.

Proffer 13

The final stormwater management plan submitted to the Development Services Center (DSC) during the site plan review process for the development of the Project shall comply with applicable City Stormwater Management Ordinance(s).

Proffer 14

Prior to issuance of the first building permit for the construction of a residential dwelling unit on the Property, through the establishment and dedication of conservation easement(s), deed restriction(s), or other legal means deemed acceptable to the City Attorney's Office, areas identified on the exhibit entitled "Conservation Area Overlay" and identified on the Concept Plan as "Conservation Area" shall be encumbered so as to restrict land development of those areas to uses of passive recreation, such as, but not limited to, pedestrian and bicycle trails and kayak launches. Boundaries and locations of the Conservation Area(s) may shift based on final evaluation of suitability of said area(s), but in no case will the Conservation Area(s) total less than seventy (70) acres.

Proffer 15

A Naturalization Plan shall be prepared for the Property for the areas identified on the Concept Plan as "Reforestation + Conservation Area," and "Native/Pollinator Managed Meadow." Said Plan shall be prepared by a Landscape Architect, VNLA Certified Horticulturist, ISA Certified Arborist and include location of areas, installation specifications within each area as applicable, and recommended short and long-term maintenance procedures. The "Reforestation + Conservation Areas" shall be as located on the Concept Plan and categorized as on the exhibit entitled "Reforestation& Buffer Overlay" (hereinafter the Reforestation & Buffer Overlay) provided within Signature Meadows Development & Design Criteria Land Use Plan as either high (Area A) or low-density(Areas B, C, D) tree planting areas with strategically located stands of evergreen(Areas A & B) and evergreen and hardwood tree species (Areas C,D), as defined within the Development & Design Criteria Land Use Plan. To promote the establishment of a less naturalized and a more traditionally managed buffer in areas along the property lines shared with Indian River Plantation ("Area C Buffer"), Area C Buffer may include, where appropriate, intermittent, undulating, and meandering berms that shall be routinely maintained by the Grantors at an interval of no less than four (4) times per year. Maintenance of the Area C Buffer may include, but is not limited to, the removal of undesirable and invasive plants, selective tree and shrub removal, and the cutting of grass. Ultimate approval of the Naturalization Plan and any deviations to the Concept Plan and the Reforestation & Buffer Overlay for reforestation and conservation efforts deemed appropriate due to final neighborhood design shall be by the Director of the Virginia Beach Department of Planning and Community Development. The naturalization efforts for the areas identified as "Reforestation + Conservation" and "Native/Pollinator Managed Meadow" on the Concept Plan and including Area A, AreaB, Area C, and Area D on the Reforestation & Buffer Overlay shall be the responsibility of the Grantor. Unless otherwise stipulated herein, installation of Area A, Area B, and Area D shall commence within twelve (12) months and Area C within nine (9) months of approval of the Erosion and Sediment Control/Stormwater Management Plan or

Construction Plan by the City of Virginia Beach, whichever is approved first, for those respective portions of the Property and shall be completed prior to issuance of final occupancy permit for the last dwelling unit within that phase of Signature Meadows.

Proffer 16

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

Proffer 17

Further conditions lawfully imposed by applicable development ordinances may be required by Grantee during detailed site plan and/or resubdivision review and administration of applicable City Codes by all relevant City agencies and departments to meet all applicable City Code Requirements.

Proffer 18

All references hereinabove to the PD-H2 Zoning District and to the requirements and regulations applicable thereto refer to the Comprehensive Zoning Ordinance and Subdivision Ordinance of the City of Virginia Beach, Virginia, in force as of the date of approval of this Agreement by City Council, which are by this reference incorporated herein.

Proffer 19

Except as expressly superseded and/or modified herein, all Covenants, Restrictions and Conditions as set forth in the "Proffered Covenants, Restrictions and Conditions" dated January 14, 1999, accepted by the Grantee and are recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, in Deed Book 4081, at Page 206, and any amendments thereto, are ratified, affirmed, and remain binding on the Property.

Proffer 20

The above conditions, having been proffered by the Grantors and allowed and accepted by the Grantee as part of the amendment to the Zoning Ordinance, shall continue in full force and effect until a subsequent amendment changes the zoning of the Property and specifically repeals such conditions. Such conditions shall continue despite a subsequent amendment to the Zoning Ordinance even if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Ordinance until specifically repealed. The conditions, however, may be repealed, amended, or varied by written instrument recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, and executed by the second by the record owner of the Property at the time of recordation of such instrument, provided that said instrument is consented to by the Grantee in writing as evidenced by a certified copy of an ordinance or a resolution adopted by the governing body of the Grantee, after a public hearing before the Grantee which was advertised pursuant to the provisions of Section 15.2-2204 of the Code of Virginia, 1950, as amendment. Said ordinance or resolution shall be recorded along with said instruments as conclusive evidence of such consent, and if not so recorded, said instrument shall be void.

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 area of the city as the Transition Area which consists of about 5,900 acres bounded by Princess Anne and Sandbridge Roads along the 'Green Line' to the north, North Landing and the Princess Anne Commons area to the west, Indian River Road to the South, and New Bridge Road to the east. The objective for the Transition Area is to be "respectful of (the Transition Area's) natural heritage and historical legacy and sensitive to its environmental value" (p. 5, TADG). It is characterized by several high-quality neighborhoods that include significant open space and recreational areas. Commercial development is primarily located at major intersections.

The Plan calls for an integration of natural resources and open space to protect the unique natural character of the area and to enable a true transition into the Rural Area to the south. In order to provide an apparent visual shift from the suburban development character and form to rural development character and form, it should reflect a noticeable transitional pattern with contiguous and unified open space throughout. (p. 11, TADG)

Uses in this area should be limited to low-impact, low-density residential, low-intensity non-residential, open space and recreation, and agricultural, including row-crop farming and equestrian uses. For residential development, a maximum average of up to and no more than one unit per developable acre can be earned through demonstrated conformance with the Transition Area Design Guidelines. Minimum lot sizes of 15,000 square feet are preferred; however, lot sizes of less than 15,000 square feet are appropriate if additional active open space location recommendations as set forth in the Transition Area Design Guidelines are incorporated into the site design. (p. 9, TADG)

Focus should be placed on an attractive streetscape view into the site from the roadway. Parking areas should be situated behind or on the side of buildings and should incorporate landscaping throughout the parking areas. (p. 17, TADG)

The Plan calls for open space areas to be deliberately included and designed as a site amenity in all development. Open space should comprise a minimum of 50 percent of the developable area for residential development and 30 percent for non-residential development and should provide a balance of both "active" and "passive" open space areas. Roadway buffers are designated along certain roadways containing both landscaping and a primary public multi-purpose trail within a public access easement, to provide for screening of the development and to promote trail connectivity throughout the Transition Area. These buffers may be used for open space and residential density calculations. (p. 27-32, TADG)

A Rural Transitional architectural theme is preferred. Rural Transitional is defined as featuring certain architectural treatments that take cues from local farm buildings, hunting clubhouses and other examples that reflect the architectural heritage and agrarian character of southern Virginia Beach, and that demonstrate a change from the design of development north of the Green Line. Architectural features may include large, open wraparound porches, pitched roof lines, cross-gabled, front gabled or front-to-back main gabled roof forms and detached or side-loading garages. Beyond these architectural features, the Rural Transitional theme

extends to building materials, site design and landscaping forms that are reflective of the existing traditional rural character. (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. The applicant has provided a preliminary stormwater analysis for their proposal, which is discussed in detail below.

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

Stormwater Impacts

Project Stormwater Design Staff Summary

This project consists of the construction of single-family and multi-family developments along with their associated recreational amenities. The project area currently consists of a golf course, cart paths and wet ponds.

Stormwater runoff from the site is currently directed towards the existing golf course wet ponds, which ultimately drain into West Neck Creek. The wet ponds that currently serve the site are interconnected and will be expanded and reshaped to provide additional stormwater storage volume designed to accommodate and treat the proposed development. Public drainage easements have been taken into account for wet ponds that will treat public water. The wet ponds will be retrofitted to meet current Department of Quality (DEQ) and City of Virginia Beach Public Works standards.

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

Project Information

Total project area: 198 acres

Pre-Development impervious area: 37.1 acres

Post-Development impervious area: 70.3 acres

Stormwater Management Facility Design Information

Type of facility proposed: Wet Ponds

Description of outfall: Stormwater runoff from the project will collect through the onsite wet ponds, before discharging into a ditch that outfalls into West Neck Creek.

Downstream conveyance path: This site is part of the Upper West Neck Creek drainage basin. Stormwater runoff from this site drains across West Neck Road through a ditch and culvert system that leads into West Neck Creek. West Neck Creek ultimately drains into the North Landing River, through the Currituck Sound and into the Atlantic Ocean.

Traffic Impacts/Transportation

Traffic Counts

Street Name	Present Volume	Present Capacity	Generated Traffic
West Neck Road	7,550 ADT[1]	11,200 ADT [1] (LOS [4] "D")	Existing Land Use [2] – 0 ADT Proposed Land Use [3] – 1,555 ADT

[1] Average Daily Trips

[2]As defined by an abandoned 175-acre golf course

[3]As defined by 127 single-family units and 30 multi-family units

[4]LOS = Level of Service

Master Transportation Plan (MTP) and Capital Improvement Program (CIP)
West Neck Road, in the vicinity of this application, is a two-lane undivided minor suburban arterial.

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

Public Utility Impacts

Water
There is an 8-inch City water main along Browning Drive (private). There is a 6-inch City water main along Legendary Drive. is a 10-inch City water main along Cadence Way. There is a 6-inch City water main along Wilderness Lane. There is a 6-inch City water main along Arnold Palmer Drive (private). A 20-foot public utility easement must be recorded over the water main if not existing. There is an 8-inch City sanitary sewer gravity main along Signature Circle.

City water mains designed to Public Utilities Standards must be extended to serve the proposed development. Single-family dwellings must be individually served by an exclusive water service line and meter, and any multi-family area must be master-metered.

Sewer

There is a 10-inch City sanitary sewer gravity main along the western portion of Legendary Drive. There is an 8-inch City sanitary sewer lateral extended to GPIN 1493-66-7436. There is an 8-inch City sanitary sewer gravity main along Cadence Way. There is a 10-inch City sanitary sewer gravity main along Wilderness Lane. There is an 8-inch City sanitary sewer gravity main along Signature Circle.

City sanitary sewer gravity mains designed to Public Utilities Standards must be extended to serve the proposed development. Single-family dwellings must be individually served by an exclusive sanitary sewer lateral and cleanout, and any multi-family area must be served by a single sanitary sewer lateral.

City Sanitary Sewer Pump Station #635 is adjacent to the proposed project. Public Utilities would have interest in expanding this 50'x50' pump station parcel to our current standard of 100'x100'. This will allow space for future replacement of the pump station.

Public Utilities requires that no buildable area be located within 100' of the existing or future pump station wet well. This is to reduce odor complaints and frequent maintenance work in close proximity to homes. Additionally, when this pump station requires future replacement, sheet piling will need to be driven deep for construction of a new wet well. This can potentially damage nearby structures, causing significant cost to the City for monitoring and repair.

Public Outreach Information

Planning Commission

- The applicant has actively engaged with homeowners throughout the nearly three-year development and planning phase of this project, incorporating community input and suggestions into the project's design. Outreach efforts began in 2022 and have included two community-wide meetings (April 2022 with approximately 250 attendees and October 2023 with about 125 attendees), nine steering committee meetings from Spring 2022 to Summer 2024 with up to 30 residents per session, and a meeting with the Villages at West Neck Board in March 2022. Additionally, two video presentations were released—one in August 2023 highlighting the application and the other in November 2023 summarizing the October open house-style meeting. The applicant also developed a project website where conceptual plans and designs are publicly available, along with responses to frequently asked questions from residents. In total, 16 community meetings have been hosted, with attendance ranging from 12 to 350 participants, engaging 450 West Neck and Indian River Plantation residents. An additional meeting was scheduled on February 26, 2025. The team has sent over 1,000 mailings to West Neck and Indian River Plantation residents in October, January, and February.

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on February 11, 2025.

- As required by State Code, this item was advertised in the Virginian-Pilot on Wednesdays, February 26, 2025 and March 5, 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 February 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 March 6, 2025.

Signature Meadows Development & Design Criteria Land Use Plan

Total Number of Residential Dwelling Units	The number of single-family dwellings shall not exceed 127 and the number of multi-family units shall not exceed 30.
Southern Living & Craftsman Inspired Single Family Dwellings	
Minimum Lot Area	4,000 square feet
Lot Area outside of Water, Marsh, Wetlands	4,000 square feet
Minimum Lot Width	50 feet
Minimum Front Yard Setback from a public right-of-way	20 feet
Except as provided in Section 502 (a) Subsection (6.1) of the Zoning Ordinance, Minimum Side Yard Setback except when adjacent to a street	5 feet
Minimum Side Yard Setback - Accessory Structures no larger than a 150 square foot footprint with a height to eave of no higher than 8 feet	5 feet

DEVELOPMENT CRITERIA
SIGNATURE MEADOWS

Minimum Side Yard Setback adjacent to a street	15 feet
Minimum Side Yard Setback - Adjacent to a public right-of-way	15 feet
Minimum Rear Yard Setback except for Accessory Structures	10 feet
Except As Provided In Section 502 (a) Subsection (6.1) of the Zoning Ordinance, Minimum Rear Yard Setback for Accessory Structures	3 feet
Minimum Rear Yard Setback - Accessory Structures no larger than a 150 square foot footprint with a height to eave of no higher than 8 feet	3 feet
Minimum Setback On Through Lots For Accessory Structures that are physically located to the rear of the Principal Structure	3 feet
Maximum Lot Coverage In Percent	60%
Maximum Building Height	45 feet

DEVELOPMENT CRITERIA
SIGNATURE MEADOWS

Mechanical Equipment, Generators, & Chimneys Setback In Side & Rear Yards	3 feet
Off-Street Parking Requirement for each single-family dwelling unit shall be a minimum of 2 parking spaces on the driveway, each no less than 18 feet by 9 feet, for a total of 254 spaces. Each single-family dwelling unit shall also have a 2-car garage for an additional 254 off-street garage parking spaces.	
Luxury Multi-Family Units	
Minimum Lot Area	75,000 square feet
Minimum Lot Width	75 feet
Minimum Principal Building Setback Along Legendary Road	10 feet
Minimum Principal Building Front Yard Setback From Back of Curb?	30 feet - The Front Yard within the multi-family section of Signature Meadows shall be the facade of the principal building facing the private street and not the facade facing the public right-of-way of Legendary Road.
Minimum Principal Building Rear Yard Setback	10 feet
Minimum Principal Building Side Yard Setback	10 feet
Minimum Setback Between Exterior Walls Of Principal Buildings	20 feet
Maximum Lot Coverage	60%

Maximum Building Height	35 feet
Off-Street Parking Requirement for each multi-family dwelling unit shall be a minimum of 2 parking spaces on the driveway, each no less than 18 feet by 9 feet, for a total of 60 spaces. Each multi-family dwelling unit shall also have a 2-car garage for an additional 60 off-street garage parking spaces.	

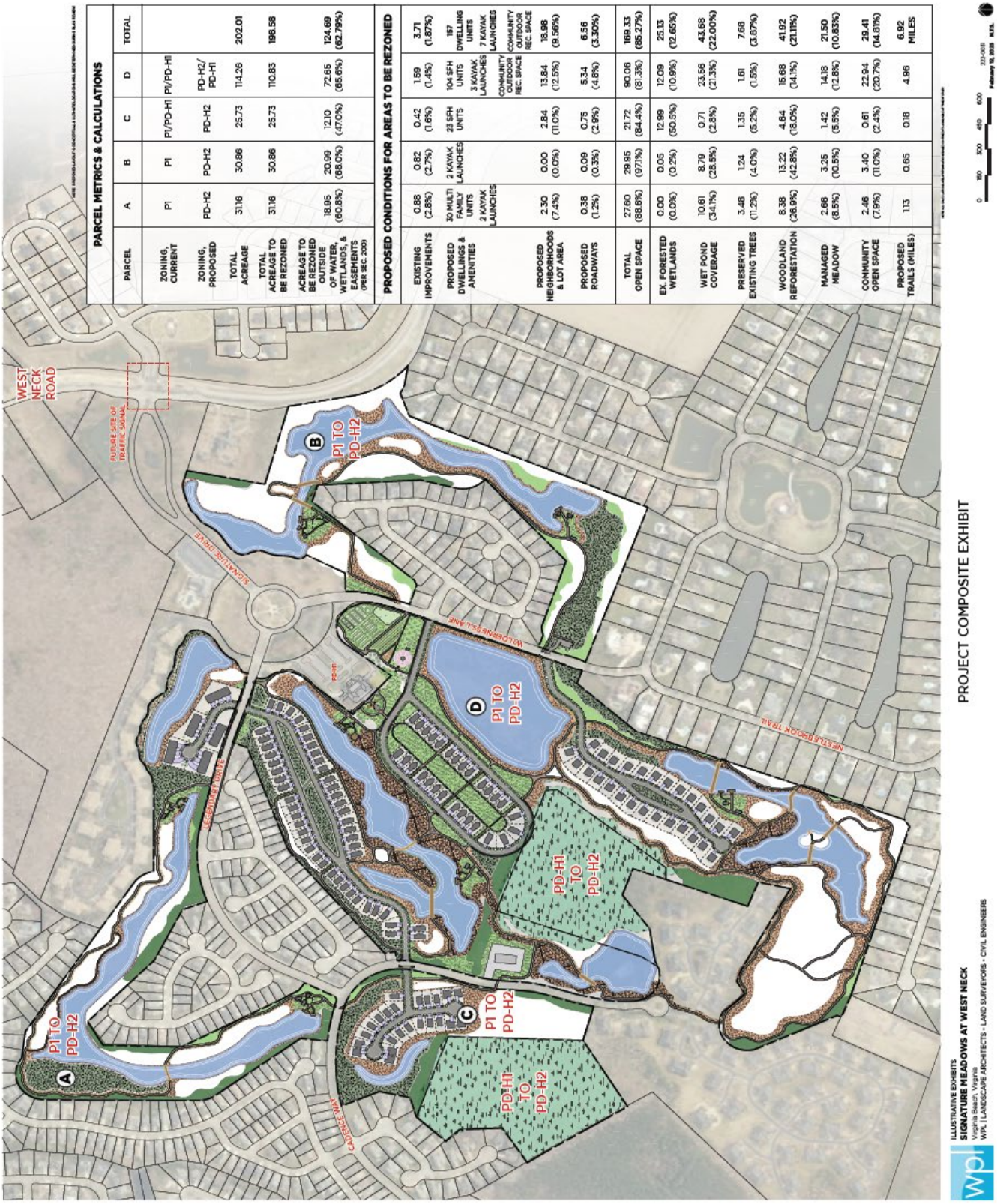
DEVELOPMENT CRITERIA
SIGNATURE MEADOWS

CONCEPTUAL MASTER PLAN
SIGNATURE MEADOWS

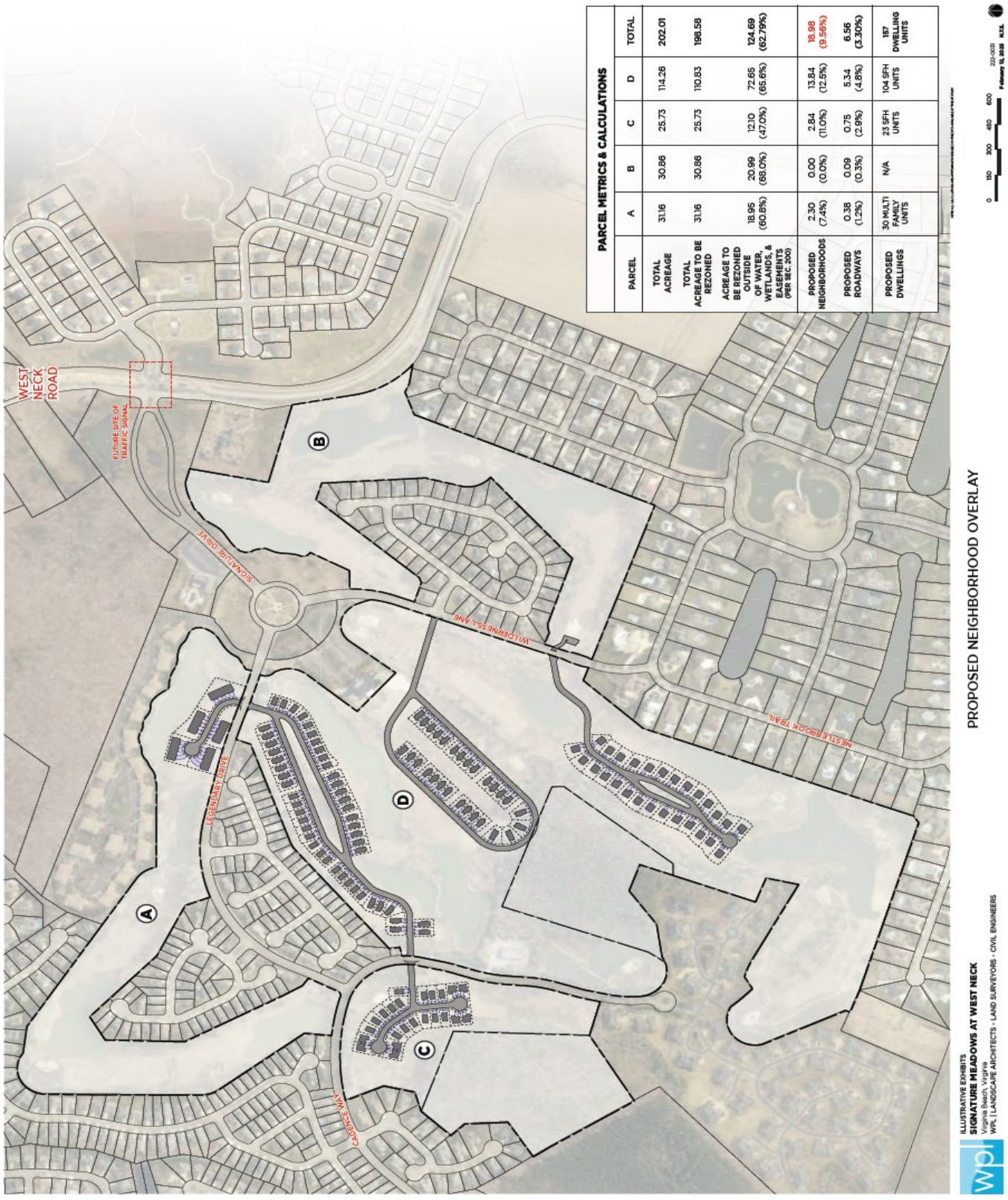
Conceptual Master Plan

CONCEPTUAL MASTER PLAN
SIGNATURE MEADOWS

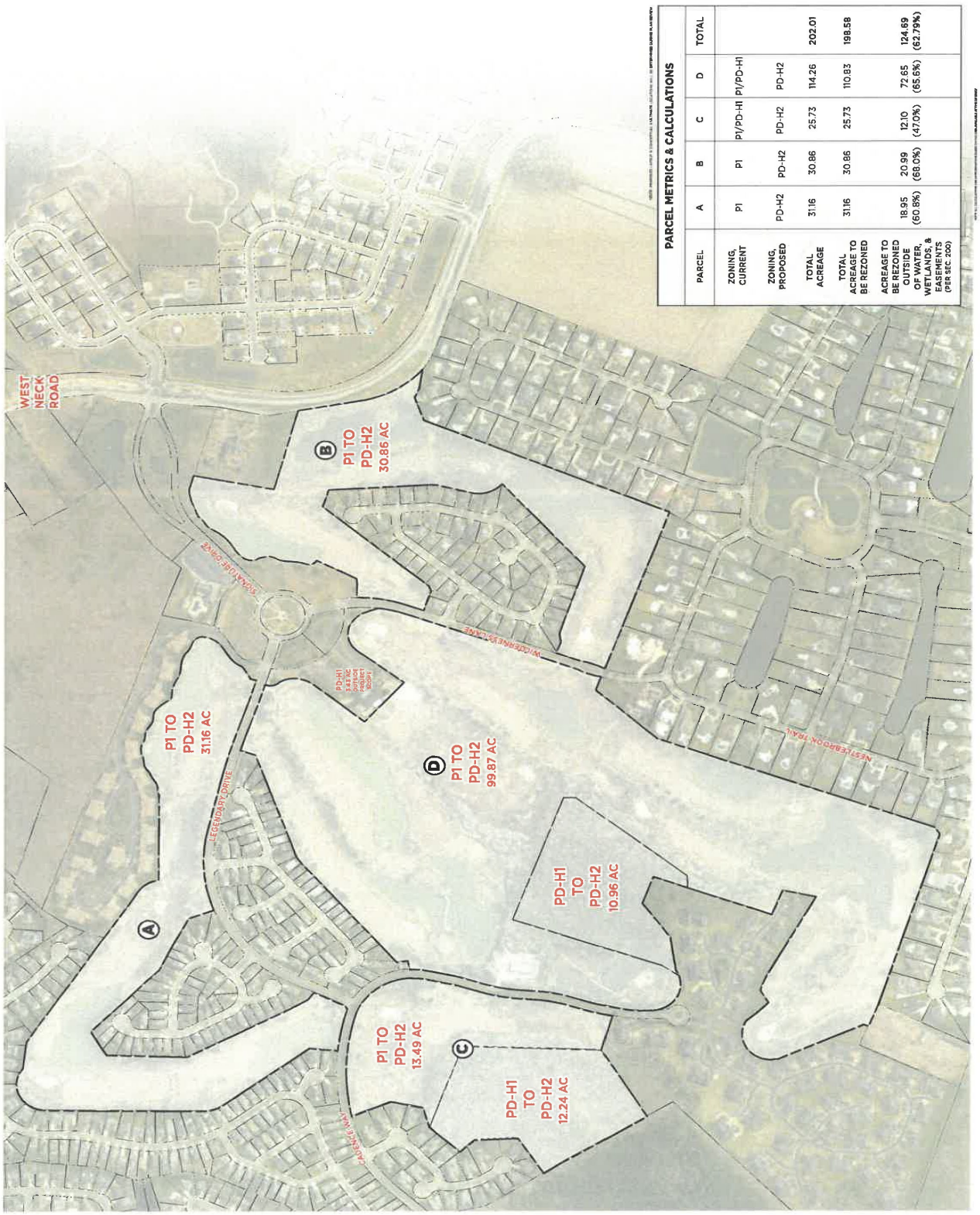
Project Composite Exhibit



Proposed Neighborhood Overlay



Lot Lines & Zoning Overlay



PARCEL METRICS & CALCULATIONS

PARCEL	A	B	C	D	TOTAL
ZONING, CURRENT	P1	P1	P1/PD-H1	P1/PD-H1	
ZONING, PROPOSED	PD-H2	PD-H2	PD-H2	PD-H2	
TOTAL ACREAGE	31.16	30.86	25.73	114.26	202.01
TOTAL ACREAGE TO BE REZONED	31.16	30.86	25.73	110.83	198.58
ACREAGE TO BE REZONED OUTSIDE OF WATER, WETLANDS, & EASEMENTS (PER SEC. 200)	18.95 (60.8%)	20.99 (68.0%)	12.10 (47.0%)	72.65 (65.6%)	124.69 (62.79%)

LOT LINES & ZONING OVERLAY
SIGNATURE MEADOWS

Proposed Home Styles

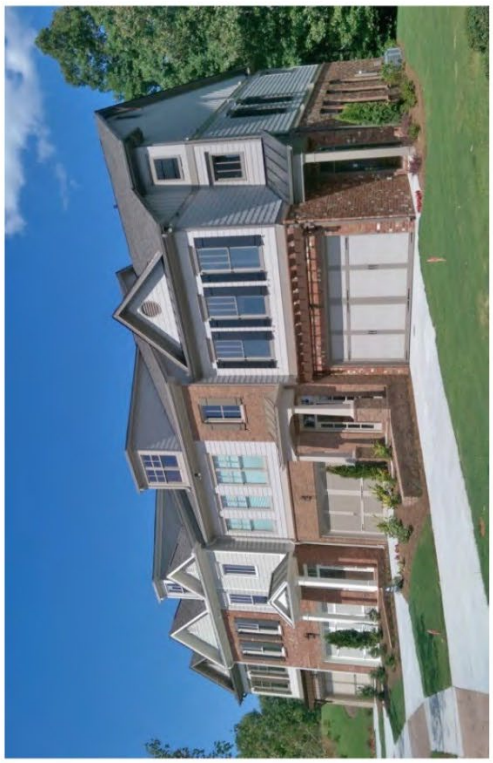
RESIDENTIAL DWELLING PRECEDENT IMAGES (CENTRAL GREEN LUXURY CRAFTSMAN)
SIGNATURE MEADOWS

11

Proposed Home Styles

RESIDENTIAL DWELLING PRECEDENT IMAGES (SOUTHERN LIVING INSPIRED SINGLE FAMILY)
SIGNATURE MEADOWS

Proposed Home Styles



LUXURY TOWNHOME PRECEDENT IMAGES

SIGNATURE MEADOWS

Proposed Community Branding Signage Concepts

CONCEPT A

Signature Meadows
COMMUNITY

CONCEPT B

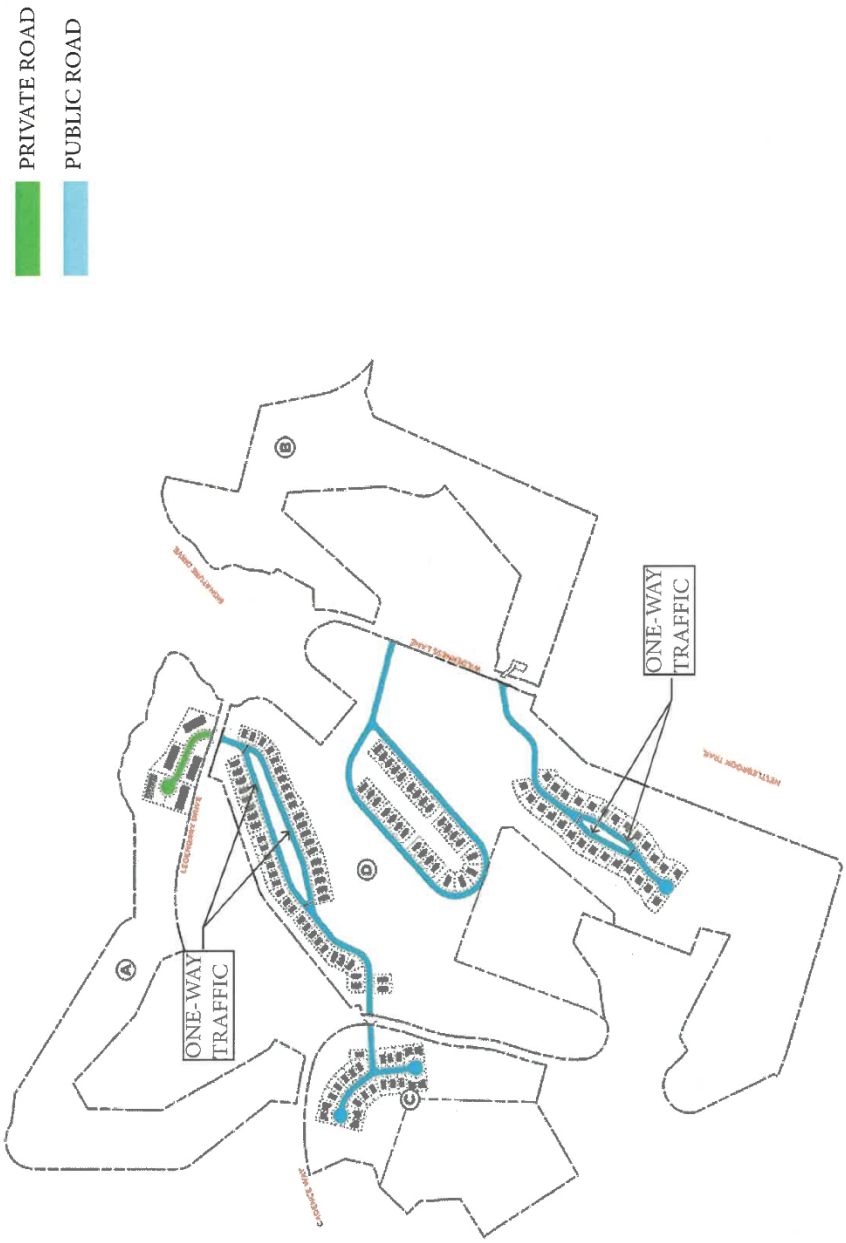
Signature Meadows

CONCEPT C

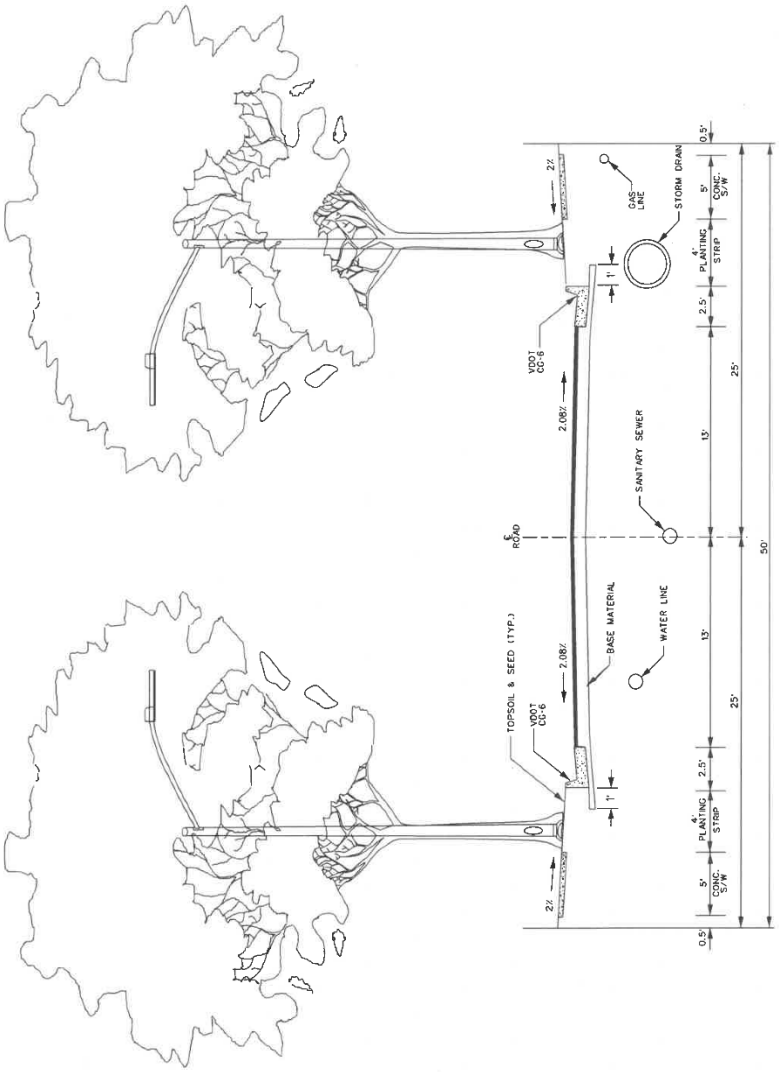
Signature
MEADOWS

COMMUNITY BRANDING SIGNAGE CONCEPTS
SIGNATURE MEADOWS

Public/Private & Two Way/One Way Streets Overlay

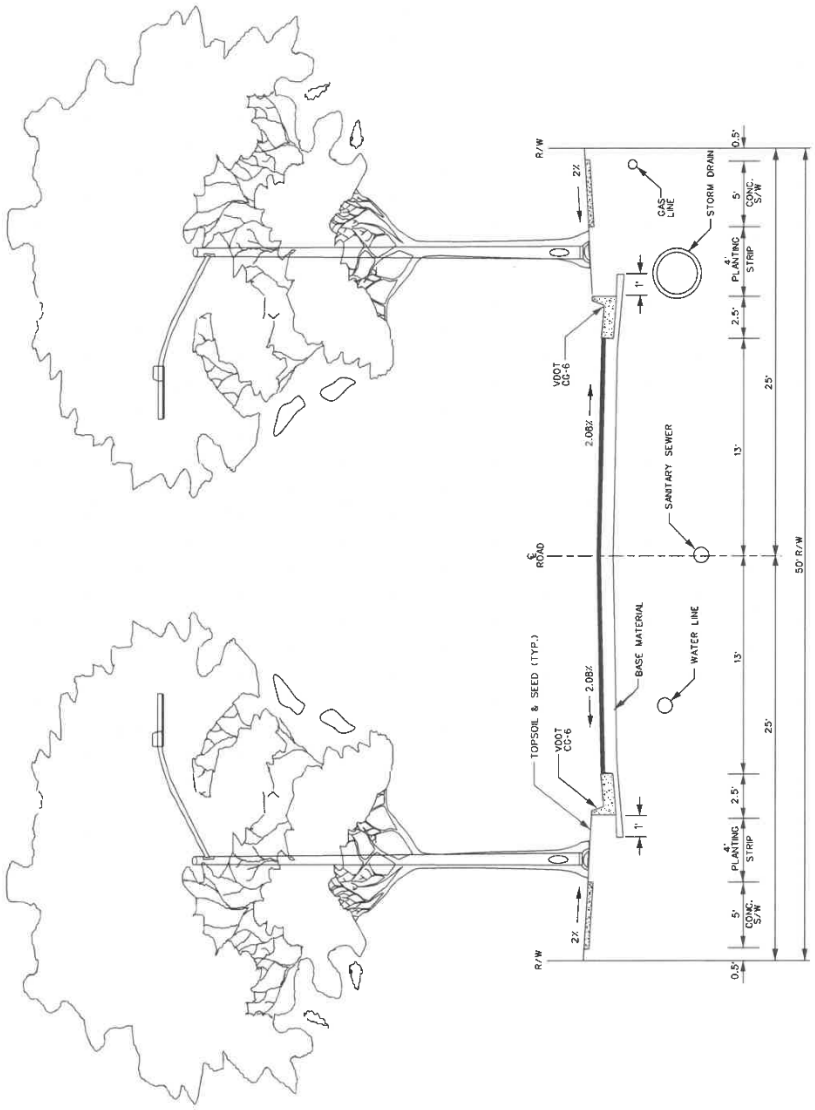


Typ. 50-foot Two-Way Section (Private)



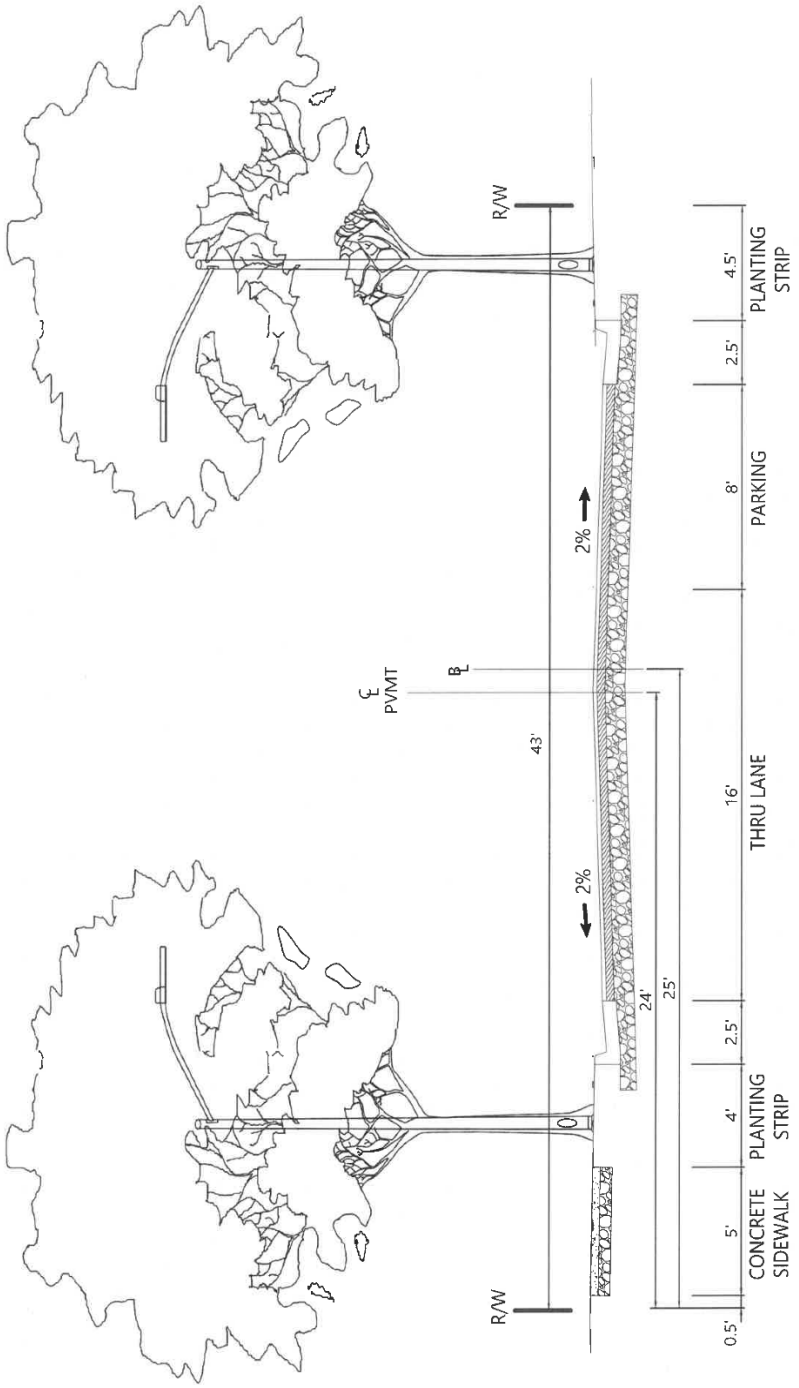
TYP. 50' TWO-WAY SECTION (PRIVATE)
SIGNATURE MEADOWS

Typ. 50-foot Two-Way Section (Public)



TYP. 50' TWO-WAY SECTION (PUBLIC)
SIGNATURE MEADOWS

Typ. 43-foot One Way Section (Public)



TYP. 43' ONE-WAY SECTION (PUBLIC)
SIGNATURE MEADOWS

PARCEL METRICS & CALCULATIONS

PARCEL	A	B	C	D	TOTAL
TOTAL ACREAGE	31.16	30.86	25.73	114.26	202.01
TOTAL ACREAGE TO BE REZONED	31.16	30.86	25.73	110.83	198.58
WET POND COVERAGE	10.61 (34.1%)	8.79 (28.5%)	0.71 (2.8%)	23.56 (21.3%)	43.68 (22.00%)
PROPOSED AMENITIES	2 KAYAK LAUNCHES	2 KAYAK LAUNCHES	N/A	3 KAYAK LAUNCHES	7 KAYAK LAUNCHES
				COMMUNITY GARDENS (0.35 AC)	COMMUNITY GARDENS (0.35 AC)
				COMMUNITY OUTDOOR REC. SPACE (0.50 AC)	COMMUNITY OUTDOOR REC. SPACE (0.50 AC)
EX. CART PATHS (MILES)	0.91	0.84	0.44	3.20	5.39 MILES
MULTI-USE TRAILS (MILES)	1.13	0.55	0.18	4.96	6.92 MILES (+28%)

ACTIVE RECREATION OVERLAY
SIGNATURE MEADOWS

PARCEL METRICS & CALCULATIONS

PARCEL	A	B	C	D	TOTAL
TOTAL ACREAGE	31.16	30.86	25.73	114.26	202.01
TOTAL ACREAGE TO BE REZONED	31.16	30.86	25.73	110.83	198.58
CONSERVATION AREA	14.52 (46.6%)	17.71 (57.4%)	7.41 (28.8%)	31.47 (28.4%)	71.11 (35.81%)
TOTAL OPEN SPACE OF AREA TO BE REZONED	27.60 (88.6%)	29.95 (97.1%)	21.72 (84.4%)	90.06 (81.3%)	169.33 (85.27%)
FORESTED WETLANDS	0.00 (0.0%)	0.05 (0.2%)	12.99 (50.5%)	12.09 (10.9%)	25.13 (12.65%)
WET POND /DRY BASIN	10.61 (34.1%)	8.79 (28.5%)	0.71 (2.8%)	23.56 (21.3%)	43.68 (22.00%)
PRESERVED EXISTING TREES	3.48 (11.2%)	1.24 (4.0%)	1.35 (5.2%)	1.61 (1.5%)	7.68 (3.87%)
WOODLAND REFORESTATION	8.38 (26.9%)	13.22 (42.8%)	4.64 (18.0%)	15.68 (14.1%)	41.92 (21.11%)
MANAGED MEADOW	2.66 (8.5%)	3.25 (10.5%)	1.42 (5.5%)	14.18 (12.8%)	21.50 (10.83%)
COMMUNITY OPEN SPACE	2.46 (7.9%)	3.40 (11.0%)	0.61 (2.4%)	22.94 (20.7%)	29.41 (14.81%)

NATURALIZATION & PLANTING OVERLAY
SIGNATURE MEADOWS

PARCEL METRICS & CALCULATIONS

PARCEL	A	B	C	D	TOTAL
TOTAL ACREAGE	31.16	30.86	25.73	114.26	202.01
TOTAL ACREAGE TO BE REZONED	31.16	30.86	25.73	110.83	198.58
CONSERVATION AREA	14.52 (46.6%)	17.71 (57.4%)	7.41 (28.8%)	31.47 (28.4%)	71.11 (35.81%)
PRESERVED EXISTING TREES	3.48 (11.2%)	1.24 (4.0%)	1.35 (5.2%)	1.61 (1.5%)	7.68 (3.87%)
WOODLAND REFORESTATION	8.38 (26.9%)	13.22 (42.8%)	4.64 (18.0%)	15.68 (14.1%)	41.92 (21.11%)

HIGHER DENSITY AREA A
Type: Predominantly Evergreen Seedlings, majority Pine
Density: Apx 350 Trees per Acre
Location: Areas typically located away from property lines shared with existing residential dwellings
Layout: Based on VA Dept. of Forestry Standards

LOWER DENSITY AREA B
Type: Predominantly Evergreen Seedlings, majority Pine
Density: Apx 110 Trees per Acre
Location: Areas typically located in closer proximity to property lines shared with ex. residential dwellings
Layout: Grouped & undulating to contain vistas, allow for views of ponds, and support understory plantings

LOWER DENSITY AREA C
Type: Diverse Mix of Native Hardwood Deciduous Seedlings & Evergreen Seedlings, majority Pine
Density: Apx 110 Trees per Acre
Location: Reforestation buffers adjacent to the shared property line with Indian River Plantation
Layout: Grouped & undulating to contain vistas, allow for views of ponds, and support understory plantings May contain meandering & undulating earth berms to enhance viewsheds & character of buffer

LOWER DENSITY AREA D
Type: Diverse Mix of Native Hardwood Deciduous Seedlings & Evergreen Seedlings, majority Pine
Density: Apx 110 Trees per Acre
Location: Areas typically located in closer proximity to multi-use trails & proposed residential dwellings
Layout: Thoughtfully spaced to allow for dappled sunlight to enhance pedestrian experience, convey native character of site, and support understory plantings

REFORESTATION & BUFFER OVERLAY
SIGNATURE MEADOWS

LITTLE BLUESTEM
SCHIZACHYRIUM S.

NEW ENGLAND ASTER
ASTER NOVAE-ANGLIAE

LANCELEAF COREOPSIS
COREOPSIS LANCEOLATA

MISTFLOWER
EUPATORIM COELESTINUM

NARROW MOUNTAIN MINT
PYCNANTHEMUM T.

BLACKEYED SUSAN
RUDBECKIA HIRTA

VIRGINIA WILD RYE
ELYMUS VIRGINICUS

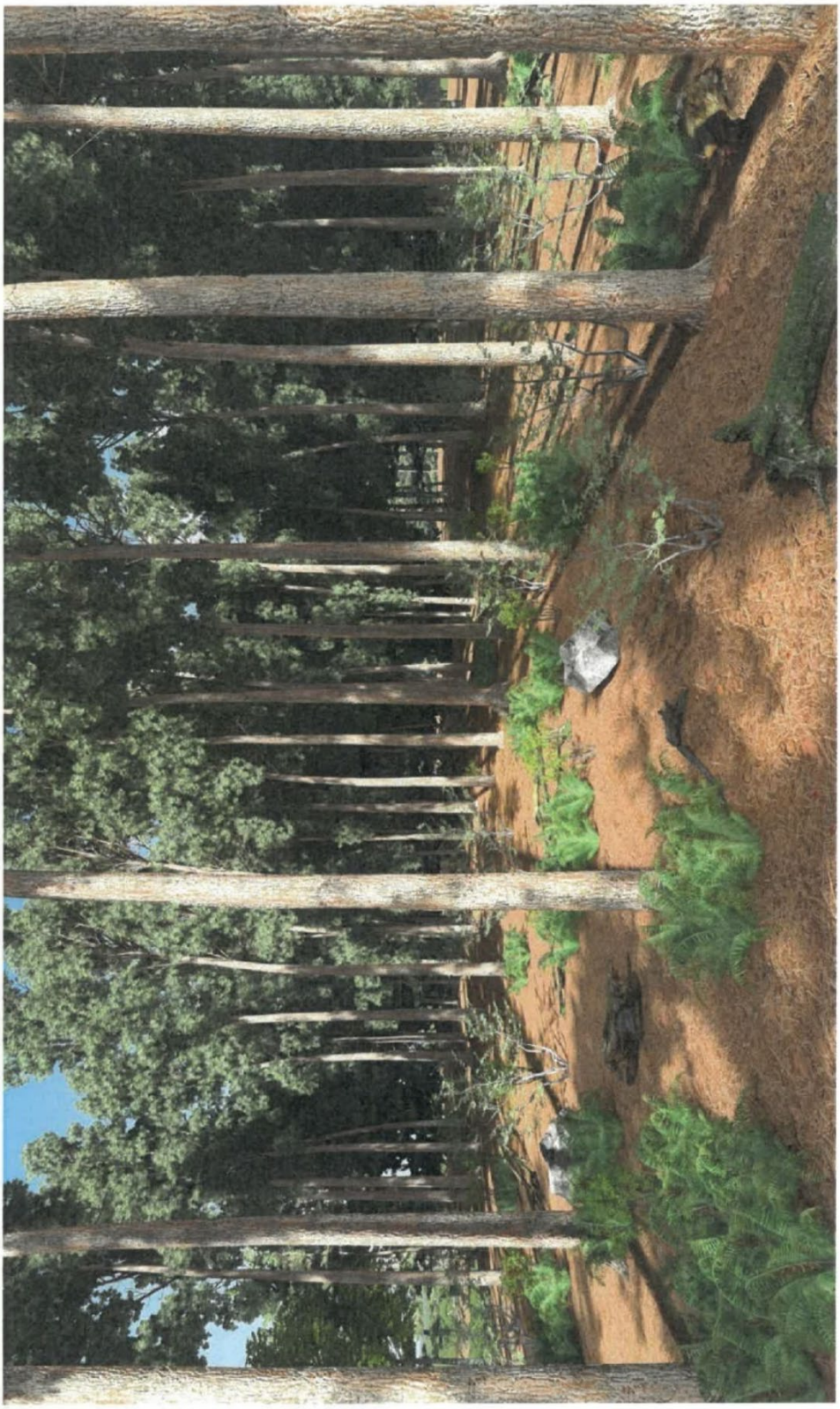
MANAGED MEADOW COMPOSITION INCLUDES GRASSES, GRASS-LIKE SPECIES, HERBACEOUS PERENNIALS & HERBACEOUS FLOWERING SPECIES. PLANTS SHOWN ABOVE ARE CONCEPTUAL & TYPICAL OF REGIONAL MEADOW COMPOSITIONS. FINAL PALETTE TO BE DEVELOPED & DEFINED DURING SITE PLAN DOCUMENTATION PHASE.

MANAGED MEADOW CONCEPTUAL PALETTE

SIGNATURE MEADOWS

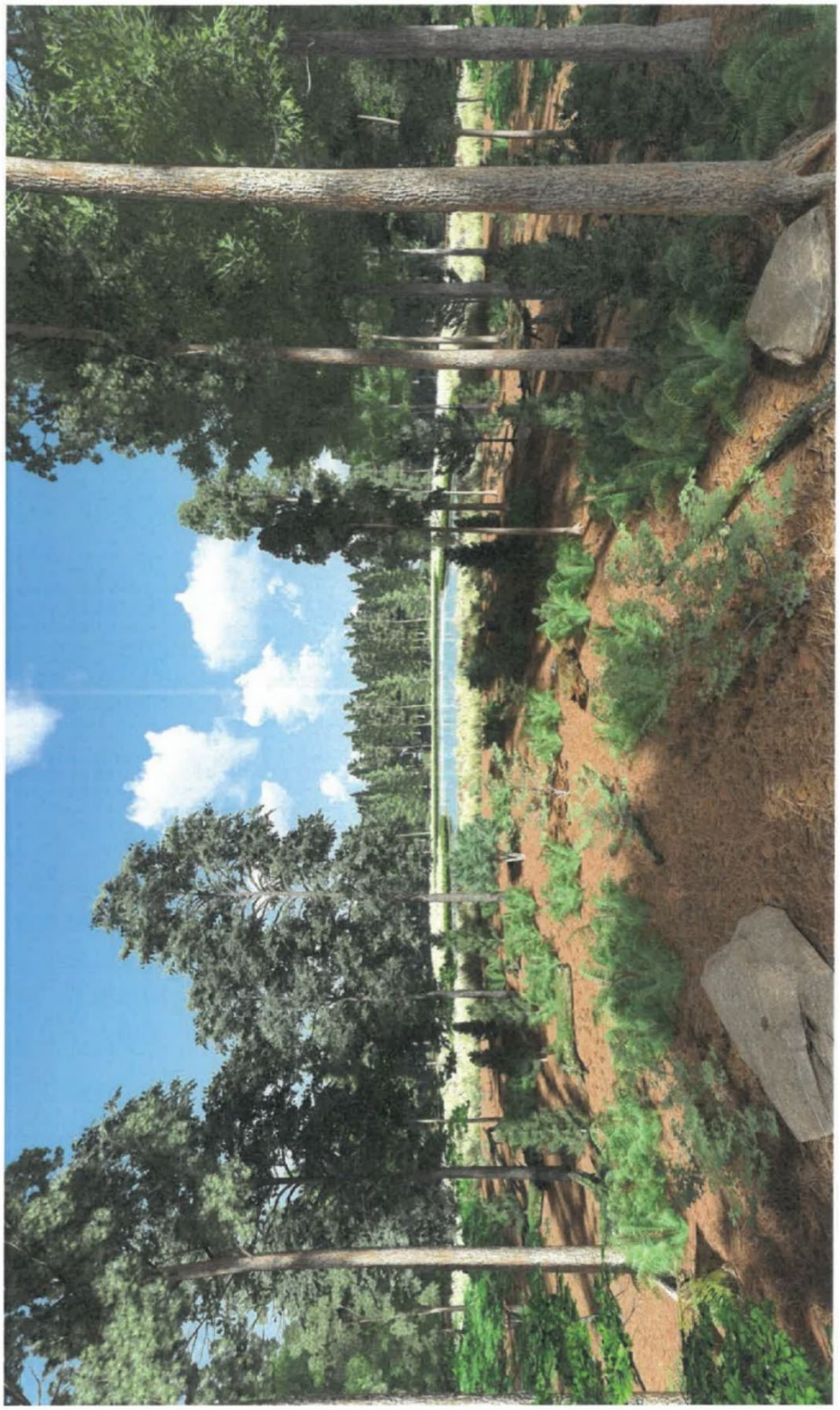
21

Reforestation Typology-(Higher Density/Area A)



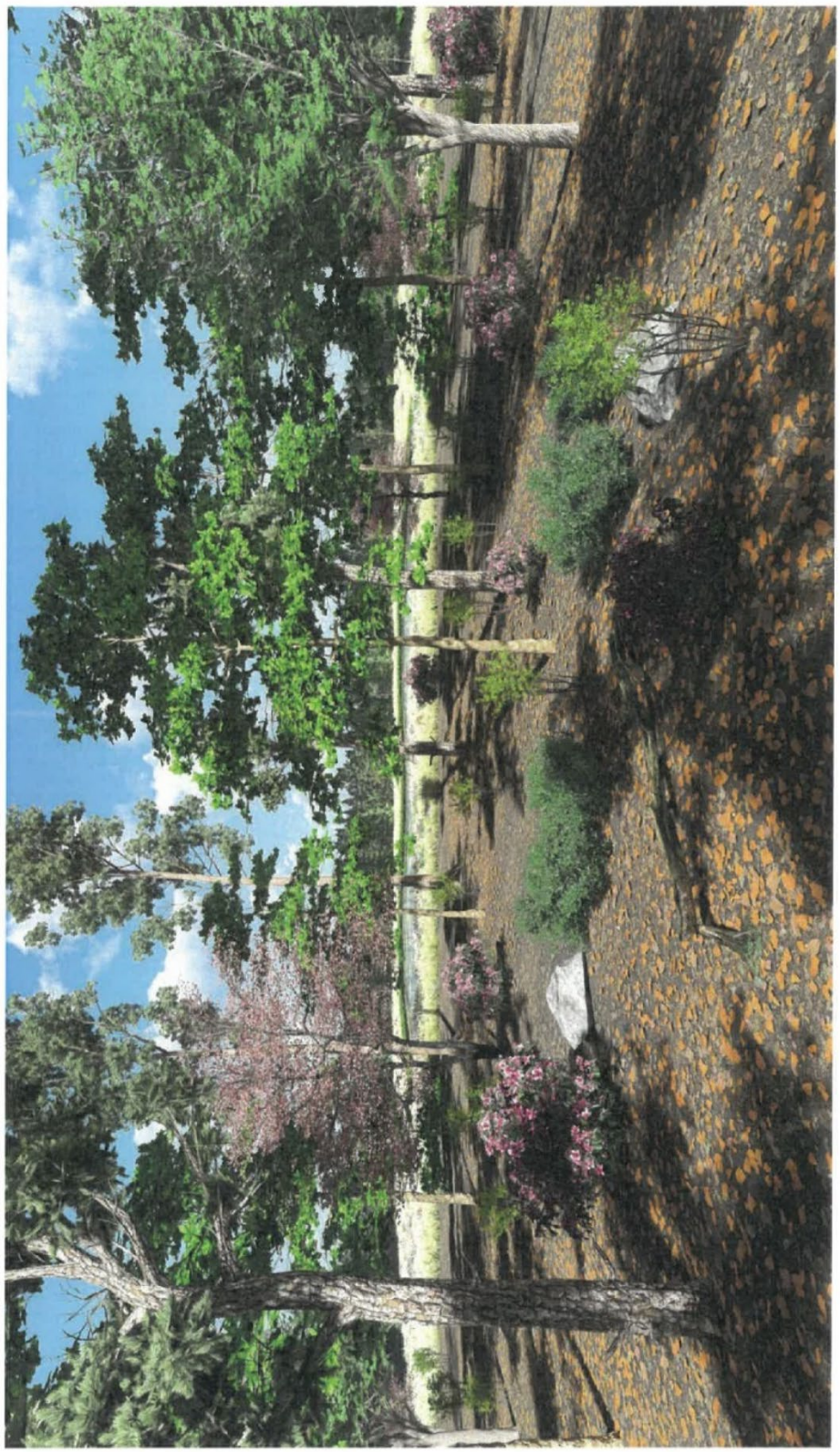
REFORESTATION TYPOLOGY - (HIGHER DENSITY / AREA A)
SIGNATURE MEADOWS

Reforestation Typology – (Lower Density / Area B)



REFORESTATION TYPOLOGY - (LOWER DENSITY / AREA B)
SIGNATURE MEADOWS

Reforestation Typology – (Lower Density Mixed Forest / Area C & D)



REFORESTATION TYPOLOGY - (LOWER DENSITY MIXED FOREST / AREA C & AREA D)
SIGNATURE MEADOWS

Buffer Exhibit (Carrollton Neighborhood)

BUFFER EXHIBIT (CARROLLTON NEIGHBORHOOD)
SIGNATURE MEADOWS

Buffer Exhibit (The Grove Neighborhood)

Buffer Exhibit (Indian River Plantation Neighborhood)

BUFFER EXHIBIT (INDIAN RIVER PLANTATION NEIGHBORHOOD)

SIGNATURE MEADOWS

Buffer Exhibit (Villages At West Neck)

BUFFER EXHIBIT (ARTHUR PARKE NEIGHBORHOOD)
SIGNATURE MEADOWS

CONSERVATION AREA OVERLAY
SIGNATURE MEADOWS

8-foot Concrete Multi-Use Trail Exhibit

8' CONCRETE MULTI-USE TRAIL, TYP.
SIGNATURE MEADOWS

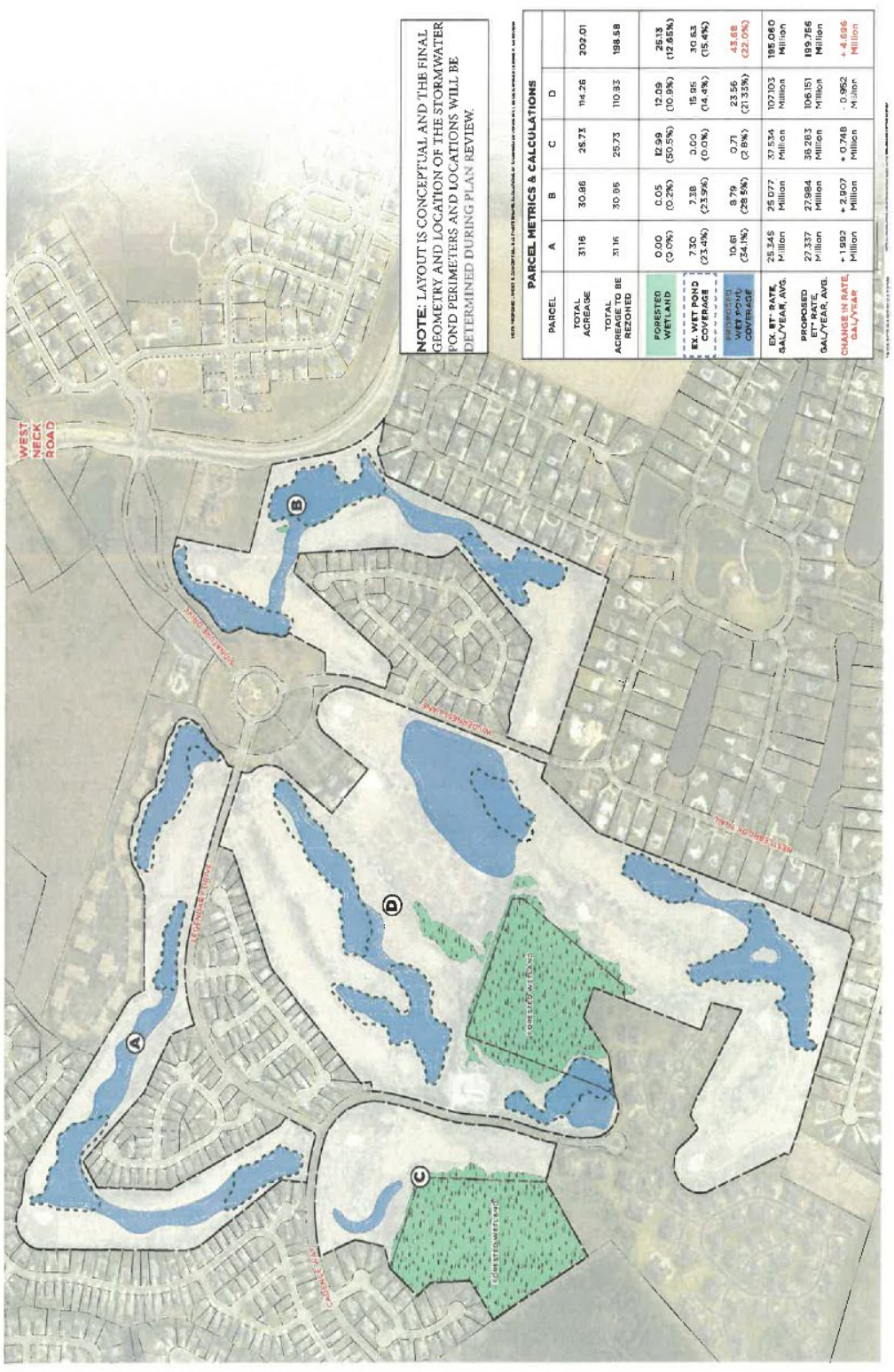
5-foot Concrete Pedestrian Sidewalk Exhibit

5' CONCRETE PEDESTRIAN SIDEWALK, TYP.
SIGNATURE MEADOWS

ILLUSTRATIVE RENDERING OVERLAY

SIGNATURE MEADOWS

Hydrology Overlay



HYDROLOGY OVERLAY
SIGNATURE MEADOWS

Site Photos

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 Harrison and Lear, Inc.

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: Jonathan Skinner

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.)

Rebecca H. Thompson - Chairman/CEO
Jonathan Skinner - President
Melissa Cooke - Treasurer

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

If yes, name proposed or pending purchaser: Harrison and Lear, Inc.

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 *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	○	◉	
Real Estate Broker/Agent/Realtor	○	◉	

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	◉	
Architect/Designer/Landscape Architect/Land Planner	⊘	◉	WPL - Landscape Architecture
Construction Contractor	○	◉	
Engineer/Surveyor/Agent	⊘	◉	VHB - Civil Engineering
Legal Services	⊘	◉	Wolcott, Rivers and Gates

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.*

Jonathan Skinner		01/29/2025
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

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:
as listed on application JBWK 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-subsidiary [1] or affiliated business entity [2] relationship with the applicant. (Attach list if necessary.)

David La Clair - Manager and Sole Member

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

If yes, name proposed or pending purchaser: Harrison and Lear, Inc.

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.)	( )	(•)	
Real Estate Broker/Agent/Realtor	( )	(•)	
Accounting/Tax Return Preparation	( )	(•)	
Architect/Designer/Landscape Architect/Land Planner	( )	(•)	
Construction Contractor	( )	(•)	
Engineer/Surveyor/Agent	( )	(•)	
Legal Services	(•)	( )	McIntyre Stein, PLLC

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.*

David La Clair		01/29/2025
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.