

Request

Conditional Rezoning (B-1A Limited Community Business to Conditional B-2 Community Business)

Staff Recommendation

Approval

Staff Planner

Jonathan Sanders

Location

3420 Holland Road

GPIN

1486823088

Site Size

1.36 Acres

AICUZ

65-70 dB DNL; Sub-Area 3

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Mixed retail / B-1A Limited Community Business

Surrounding Land Uses and Zoning Districts

North

Stoneshore Road
Religious use / A-12 Apartment

South

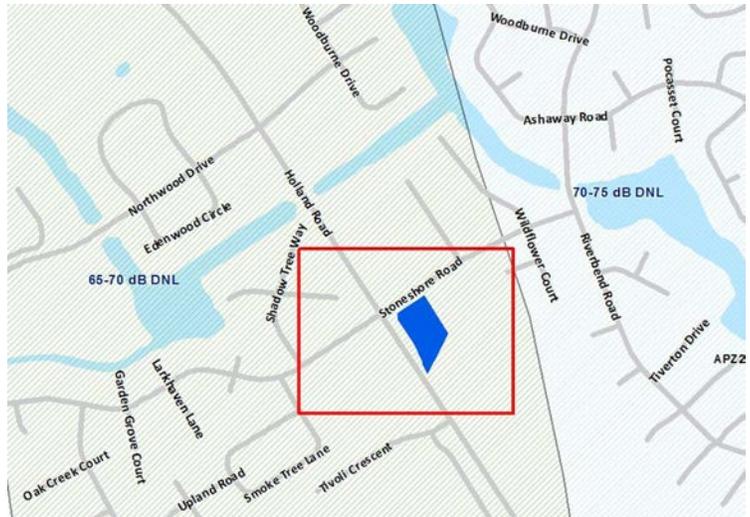
Health clinic / O-2 Office

East

Office / O-2 Office

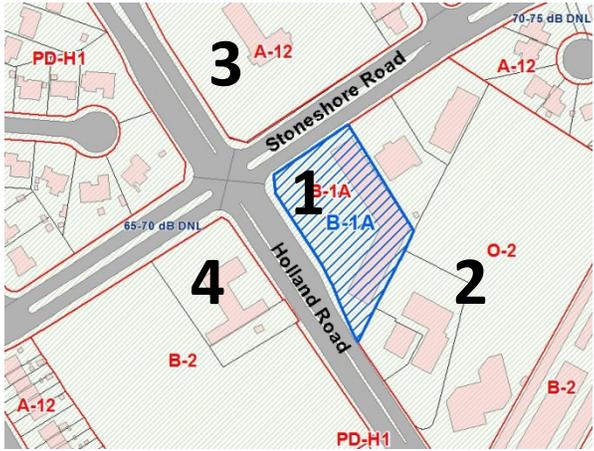
West

Holland Road
Auto sales / B-2 Community Business



Background and Summary of Proposal

- The 1.36 acre parcel is at the northeast corner of Stoneshore and Holland Roads and is currently zoned B-1A Limited Community Business. It is currently developed as a strip shopping center.
- In April of 2017, the City Council approved a Modification of a Conditional Use Permit for the expansion of a Vocational School (beauty school) within this shopping center.
- The applicant requests to rezone the property to Conditional B-2 Community Business to enable additional uses on the site, specifically a Tattoo Parlor and Body Piercing Establishment for the beauty school tenant. A Conditional Use Permit has been submitted in conjunction with the rezoning request under a separate applicant (Item 6).
- The proposed proffers specifically exclude the more intense uses in the B-2 District, such as animal pounds, shelters or commercial kennels, liquor stores, automobile repair garages, automobile service stations, and bars or night clubs.

	<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td> MOD (Business & Vocational School) Approved 04/04/2017 CUP (Business & Vocational School) Approved 03/03/2015 CUP (Child Care Center) Approved 02/08/2005 CUP (Religious Use) Approved 11/23/2004 CUP (Religious Use) Approved 11/27/2001 CUP (Religious Use) Approved 10/10/2000 CUP (Religious Use) Approved 11/22/1994 </td> </tr> <tr> <td>2</td> <td>CUP (Religious Use) Approved 07/14/2009</td> </tr> <tr> <td>3</td> <td>CUP (Religious Use) Approved 04/08/1992</td> </tr> <tr> <td>4</td> <td>MOD (Auto Repairs & Service) Approved 02/28/1995</td> </tr> </tbody> </table>		#	Request	1	MOD (Business & Vocational School) Approved 04/04/2017 CUP (Business & Vocational School) Approved 03/03/2015 CUP (Child Care Center) Approved 02/08/2005 CUP (Religious Use) Approved 11/23/2004 CUP (Religious Use) Approved 11/27/2001 CUP (Religious Use) Approved 10/10/2000 CUP (Religious Use) Approved 11/22/1994	2	CUP (Religious Use) Approved 07/14/2009	3	CUP (Religious Use) Approved 04/08/1992	4	MOD (Auto Repairs & Service) Approved 02/28/1995
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Comprehensive Plan Recommendations

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

Natural and Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. As the site is fully developed with a shopping center and a parking lot, there are no known significant natural or cultural features present.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Holland Road	28,116 ADT ¹	22,800 ADT ¹ (LOS ² "D") 27,400 ADT ¹ (LOS ² "E")	No Change Anticipated ³
Stoneshore Road	No Data Available	6,200 ADT ¹ (LOS ² "C") 11,100 ADT ¹ (LOS ² "E")	
¹ Average Daily Trips ² LOS = Level of Service ³ Based on the rezoning from B-1A Limited Community Business to Conditional B-2 Community Business			

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

The MTP proposes a six-lane facility within a 165-foot right-of-way. There are currently no roadway CIP projects to upgrade this section of Holland Road.

Public Utility Impacts

Water & Sewer

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

Evaluation and Recommendation

The request to rezone this parcel from Conditional B-1A Limited Community Business District to Conditional B-2 Community Business District, which will expand the permitted and conditional uses for the site, will be, in Staff’s view, compatible with the surrounding commercial and residential land uses. The proposed rezoning will enable a tenant to expand their services to include a Tattoo Parlor and Body Piercing Establishment. The application for the Conditional Use Permit is covered under Item 6 of the Staff’s reports for this month.

The proffers specifically exclude the more intense uses of the B-2 District, such as animal pounds, shelters or commercial kennels, liquor stores, automobile repair garages, automobile service stations, and bars or night clubs.

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

Proffers

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

Proffer 1:

The Property is developed with the "Holland South Shopping Center" substantially shown on that certified and sealed Physical Survey of 3420 HOLLAND ROAD, VIRGINIA BEACH, VIRGINIA", dated 8-31-05, prepared by Ward M. Holmes Land Surveyor, P.C., which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (hereinafter "Physical Survey").

Proffer 2:

The Property may be used for those uses (permitted or with an approved Conditional Use Permit) as allowed in the B-2 Zoning District under the Grantee's C.Z.O., with the following exceptions, which are not permitted:

- a. Animal pounds, shelters or commercial kennels;
- b. Building Mounted Antennas;
- c. Boat Sales;
- d. Commercial Parking Garages, Parking Structures and Storage Garages;
- e. Wholesaling and Distribution Operations;
- f. Grocery Stores, Carry-Out Food Stores and Convenience Stores;
- g. Liquor Stores;
- h. Colleges and Universities, public or private;
- i. Communications Towers;
- j. Mini-Warehouses;
- k. Automobile Repair Garages;
- l. Automobile Service Stations;
- m. Bars or Nightclubs; or
- n. Borrow Pits.

Proffer 3:

All outdoor lighting shall be shielded, deflected, shaded and focused to direct light down onto the premises and away from adjoining property.

Proffer 4:

Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City code requirements.

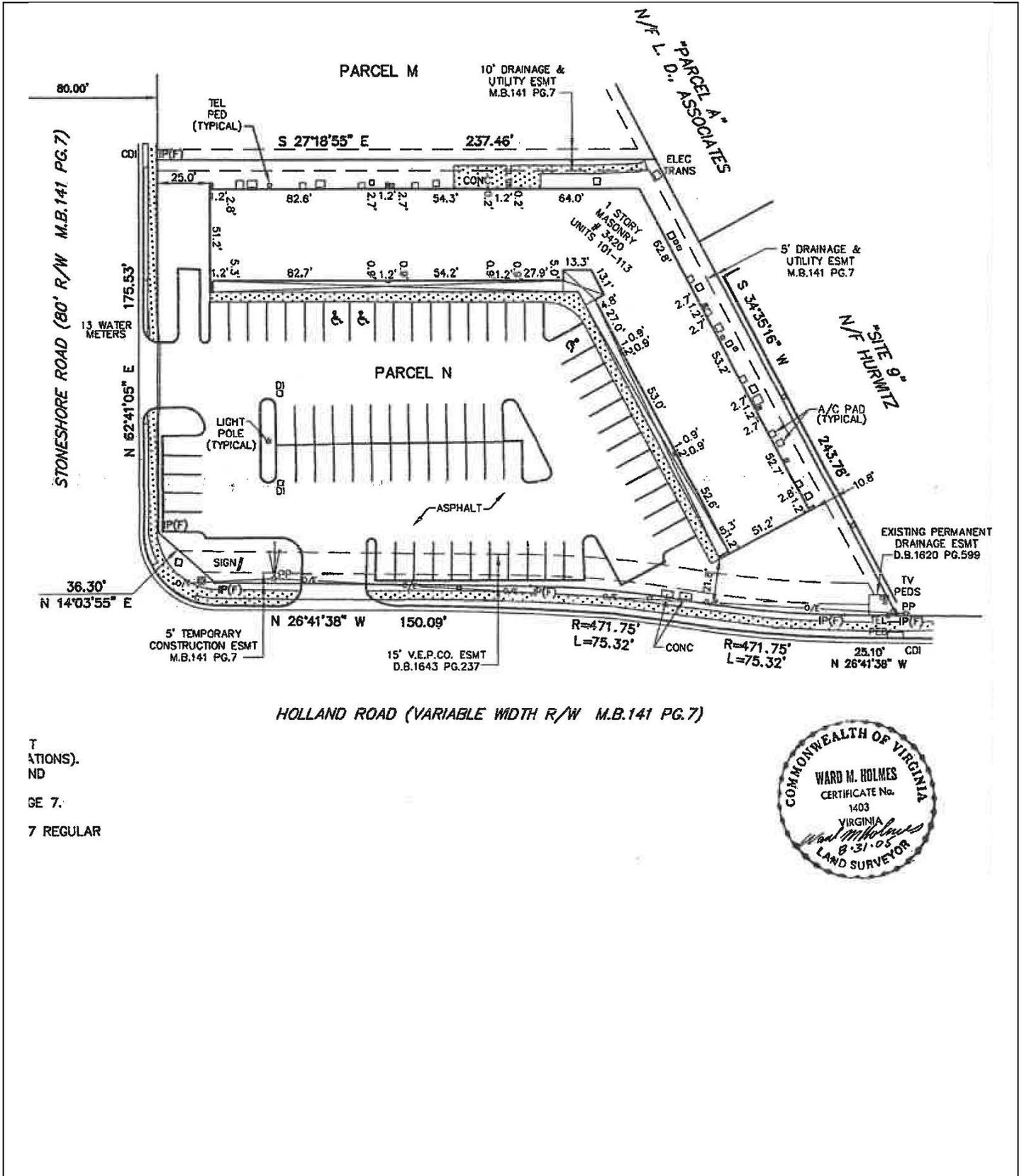
Staff Comments:

The proffers listed above are acceptable.

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 uses allowed by this Use Permit are valid.

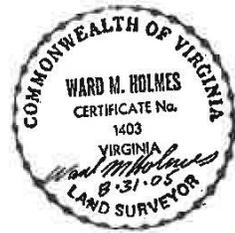
The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site

Existing Site Layout



T
ATIONS).
ND
GE 7:
7 REGULAR

HOLLAND ROAD (VARIABLE WIDTH R/W M.B.141 PG.7)



Site Photos





APPLICANT'S NAME Holland South Investments, LLC

DISCLOSURE STATEMENT FORM

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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.

SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).		
<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE: _____
<input type="checkbox"/>	NO CHANGES AS OF	DATE: _____
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE: _____



- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Holland South Investments, LLC
 If an LLC, list all member's names:
 Diane S. Monroe; Frank M. Monroe, Jr.

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

(B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²



SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

- Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: _____
 If an LLC, list the member's names:





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

- (B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Property Owner: *(Attach list if necessary)*

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

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

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Cavanaugh Nelson, PLC; Curt Geske
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Ward M. Holmes Land Surveyor, P.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	TowneBank
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Sykes, Bourdon, Ahern & Levy, P.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES NO

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?

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



CERTIFICATION:
 I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, **I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.**

<i>Diane S Monroe</i>	Diane S. Monroe, Manager	6/30/17
APPLICANT'S SIGNATURE	PRINT NAME	DATE
Holland South Investments, LLC		