

Request

Conditional Use Permit (Tattoo Parlor & Body Piercing Establishment)

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

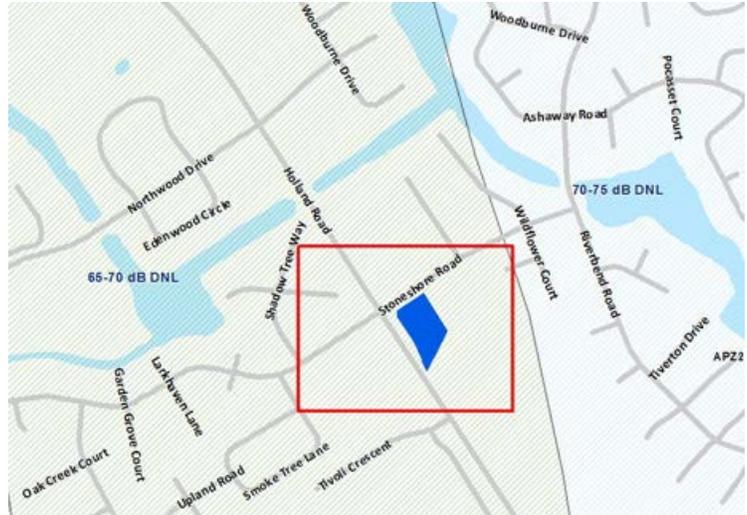
Health clinic / O-2 Office

East

Office / O-2 Office

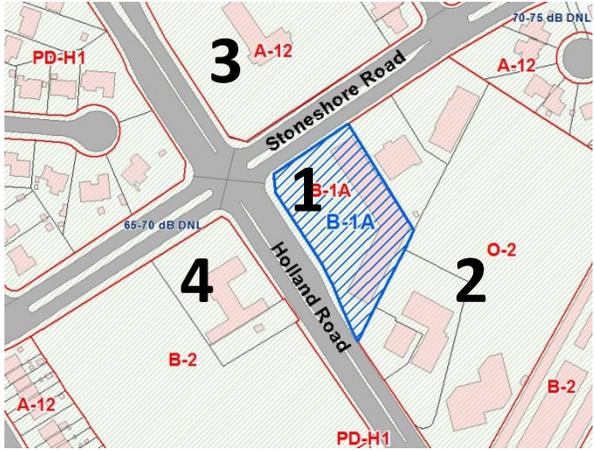
West

Holland Road
 Auto sales / B-2 Community Business



Background and Summary of Proposal

- 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 would like to offer the application of permanent makeup and body piercing for clients at the beauty school. As microblading is classified as tattooing by the City of Virginia Beach Zoning Ordinance, a Conditional Use Permit is requested for a Tattoo Parlor and Body Piercing Establishment.
- The property is currently zoned B-1A Limited Community Business, and the proposed uses are not allowed. The property owner, Holland South Investments, LLC, has filed a request to conditionally rezone the site to B-2 Community Business (Item 5 in the Staff's reports).
- It is anticipated that two employees will be onsite for these services, and the business will typically operate during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

	<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

This request for Conditional Use Permit for Tattoo Parlor and Body Piercing Establishment is acceptable. In Staff's opinion, these uses are compatible with the surrounding commercial uses and are consistent with the Comprehensive Plan's land use policies for the Suburban Area.

Prior to operating on the site as a Tattoo Parlor and Body Piercing Establishment, the applicant is required to obtain a business license and the Health Department must verify that the business meets all the requirements of Chapter 23 of the City Code. This section of the code establishes standards for disclosure, hygiene, licenses, waivers, proof of age, recordkeeping, inspections, cleanliness, vaccinations, and permitting. A Certificate of Occupancy will not be issued until the requirements of the Health Department are met.

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

Recommended Conditions

1. A business license for the tattoo parlor and body piercing establishment shall not be issued to the applicant without the approval of the Health Department for consistency with the provisions of Chapter 23 of the City Code.
2. The actual application of tattoos and body piercings shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any on-site signage shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. Window signage shall not be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of the signage.

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

Site Photos





- 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: _____
 If an LLC, list all member's names:

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: Holland South Investments, LLC
 If an LLC, list the member's names: Diane S. Monroe, Frank M. Monroe, Jr.



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 type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<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?

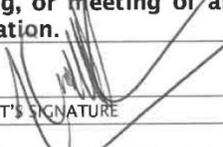
Disclosure Statement



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.

	Oanh Dang	05/30/17
APPLICANT'S SIGNATURE	PRINT NAME	DATE



OWNER

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	
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Sykes, Bourdon, Ahern & Levy, P.C.
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<i>Diane S Monroe</i>	DIANE S MONROE	5/30/17
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE