

# Planning Commission Agenda

January 10, 2018

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

The Virginia Beach Planning Commission Public Hearing is carried LIVE on VBTV, which is available on Cox Cable Channel 48, Verizon Cable Channel 45 and on VBgov.com's Media Center webpage at <http://www.vbgov.com/media/pages/videos.aspx>. The meeting is recast on Cox Channel 48 and Verizon Channel 45 the following morning at 9 a.m. and on Cox Channel 47 and Verizon Cable Channel 47 at 7 p.m. on the two consecutive Fridays following the live meeting. The meeting will also be available on the Media Center webpage for two months beginning the Friday after the live hearing.

# Planning Commission Hearing Procedures

The Virginia Beach Planning Commission Public Hearing is held at 12:00 Noon in the Council Chamber of the City Hall Building, Municipal Center. A staff briefing is held at 9:00 a.m. in the City Manager's Conference Room, City Hall Building.

Those members of the public interested in attending the 12:00 Noon Public Hearing should be advised that, for reasons the Planning Commission deems appropriate, certain items on the agenda may be heard out of order and that it should not be assumed that the order listed in this document will be exactly followed during the public hearing.

**PLEASE TURN OFF YOUR CELL PHONE WHILE IN THIS CHAMBER.**

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/BEACON.

**IF YOU ARE ATTENDING THE HEARING AND DESIRE TO SPEAK ON AN ITEM, FILL OUT A 'SPEAKER CARD' AT THE DESK OUTSIDE THE COUNCIL CHAMBER PRIOR TO THE MEETING.**

**THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING**  
(IF YOU DO NOT UNDERSTAND, ASK A STAFF MEMBER SITTING AT THE DESK AT THE FRONT OF THE CHAMBER OR THE STAFF MEMBER AT THE DESK OUTSIDE THE CHAMBER).

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 in attendance 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 PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.
  - a. An applicant may withdraw an application without the Commission's approval at any time prior to the commencement of the public hearing for that item. After the commencement of the hearing, however, the applicant must request that the Planning Commission allow the item to be withdrawn.
  - b. In the case of DEFERRALS, the Commission's policy is to defer the item indefinitely with the understanding that the item will be placed back on the Commission's agenda at the earliest possible date. Although the Commission allows an item to be deferred upon request of the applicant, the Commission will ask those in attendance if there are any objections to the request for deferral. If you wish to oppose a deferral request, let the Commission know when they ask if there is anyone in attendance who is opposed to the deferral. PLEASE confine your remarks to the deferral request and do not address the issues of the application – in other words, please let the Commission know why deferring 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
  - a. that the Planning Commission believes are unopposed and
  - b. which have a favorable Staff recommendation.

- \* Deferral
- \*\* Withdrawal

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. It is important, therefore, if you have an objection to an item being placed on the Consent Agenda to note your objection as the Commission goes through the items being considered for the Consent Agenda. Also note that some consent agenda items may be subject to certain conditions, as in those items that are Conditional Use Permits.

***Process for the Consent Agenda:***

- The Commission will announce the item number and item title being considered for inclusion on the Consent Agenda.
- The Commission will ask if there is anyone in the audience representing the item, and if so, ask them to go up to the podium and state their name for the record.
- If there are conditions attached to the approval of the item, the Commission will ask the representative of the item if they are aware of the conditions and if they agree to the conditions.
- The Commission will then ask if there is anyone in the audience in opposition to the item. If you are opposed to the item, stand or raise your hand to let the Commission know.
- If the item is opposed, it will be removed from the consent agenda and heard in its normal place on the agenda.
- After the Commission has gone through all of the items that it believes should be on the Consent Agenda, it will vote at one time for all of the items, announcing the number of each item being voted on. Pay attention to the list of items being voted on.

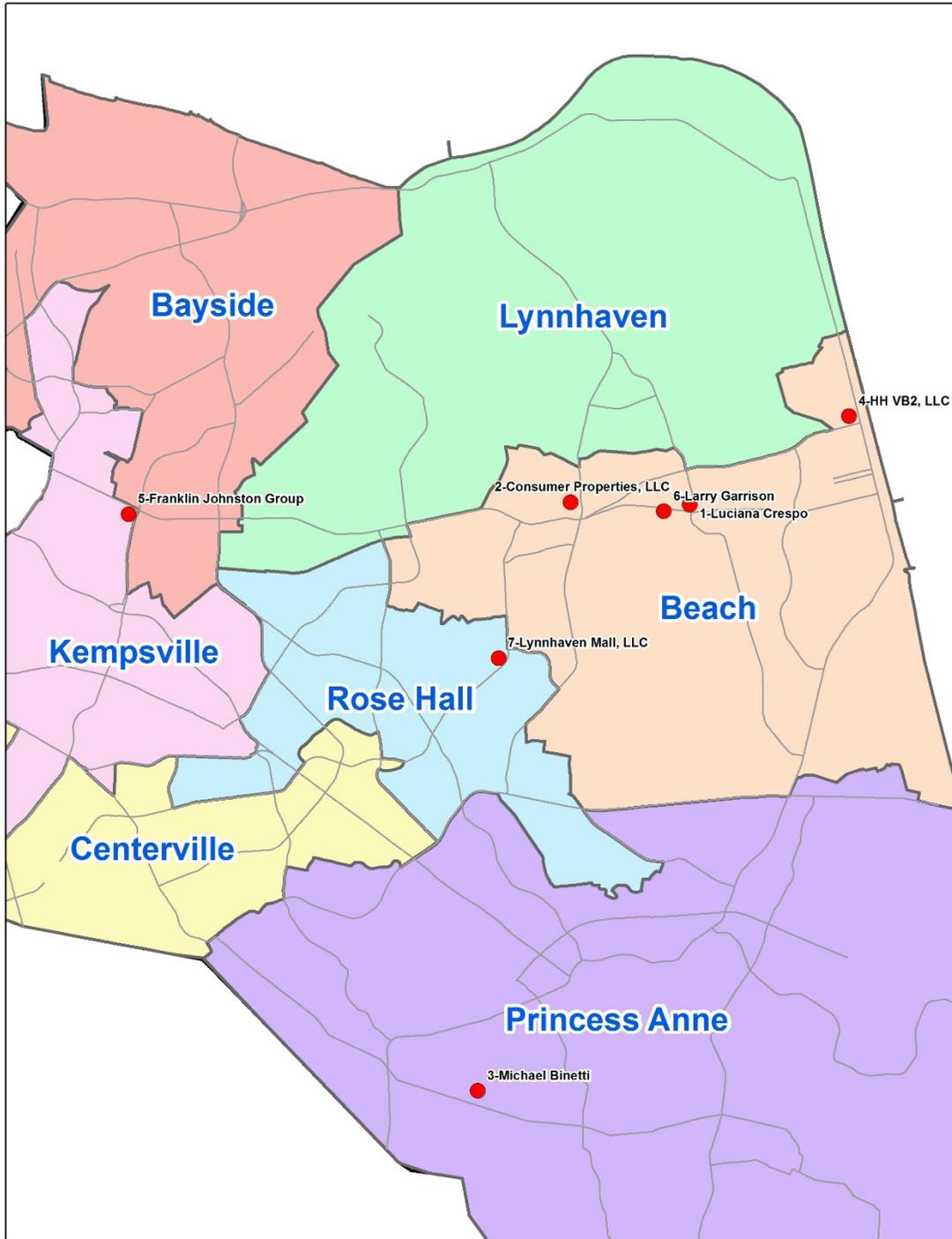
**3. REGULAR AGENDA: The Commission will then proceed with the remaining items on the agenda, according to the following process:**

- 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. The Commission may, however, allow additional comments from the opposition if a member of the Commission sponsors the opposition. Normally, you will be sponsored only if it appears that new information is available and the time will be limited to 3 minutes.
- 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. Do not repeat something that someone else has already stated. 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, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

The staff reviews of some or all of the items on this agenda suggest that certain conditions be attached to approval by City Council. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. Staff agencies may impose further conditions and requirements during administration of applicable city ordinances

- \* Deferral
- \*\* Withdrawal

JANUARY 10, 2018  
PLANNING COMMISSION AGENDA



\* Deferral  
\*\* Withdrawal

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

**B.  
STAFF BRIEFINGS**

Burton Station SGA Plan Update – Mark Shea, Comprehensive Planning Coordinator  
Year End Report – Jimmy McNamara, Planner

**12:00 P.M. – PUBLIC HEARING**

**1.**  
**Luciana Crespo** [Applicant]  
**The Bruce W. & Ellen B. Gallup Joint  
Revocable Inter Vivos Trust Agreement, dated  
December 21, 2015** [Owner]

**Conditional Use Permit** (Tattoo Parlor)

325 First Colonial Road

(GPIN 2407861291)

COUNCIL DISTRICT – BEACH  
**Staff Planner – Robert Davis**



**2.**  
**Consumer Properties, LLC** [Applicant &  
Owner]  
**Subdivision Variance** (Section 4.4(b) of the  
Subdivision Regulations)

2311 Busky Lane

(GPIN 1497965483)

COUNCIL DISTRICT – BEACH  
**Staff Planner – Robert Davis**



\* Deferral  
\*\* Withdrawal

**3.**

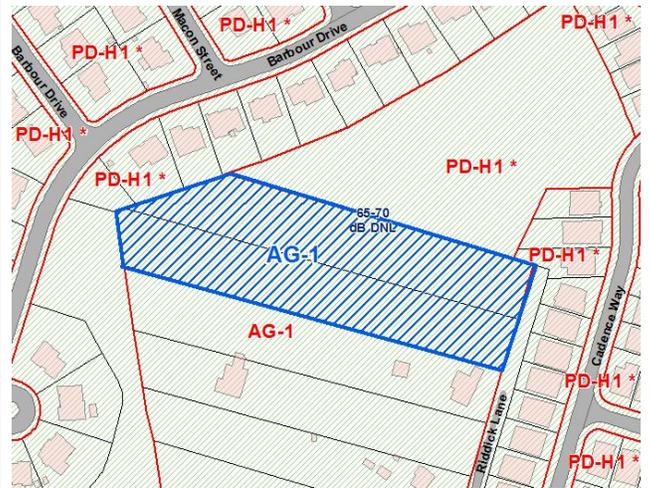
**Michael Binetti [Applicant]  
Michael Binetti & Jeffrey Murphy [Owners]**

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

West side of Riddick Lane, approximately 1379 feet from Indian River Road

(GPINS 1493249463, 1493249592)

COUNCIL DISTRICT – PRINCESS ANNE  
**Staff Planner – Marchelle Coleman**



**4.**

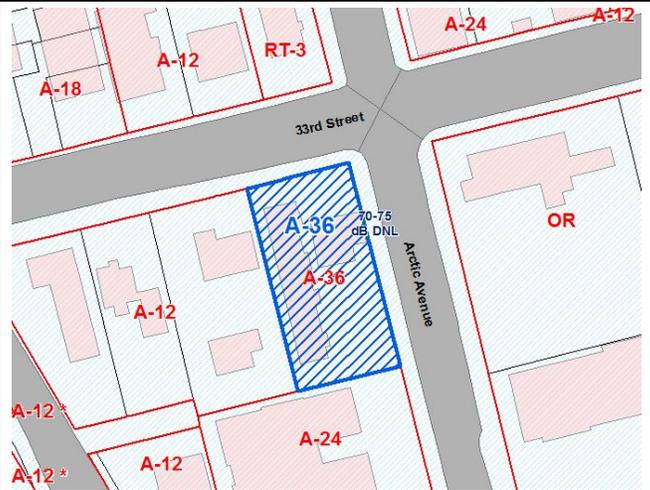
**HH VB2, LLC [Applicant & Owner]**

**Modification of Conditions**

400 33<sup>rd</sup> Street

(GPIN 2418925567)

COUNCIL DISTRICT – BEACH  
**Staff Planner – Kevin Kemp**



**5.**

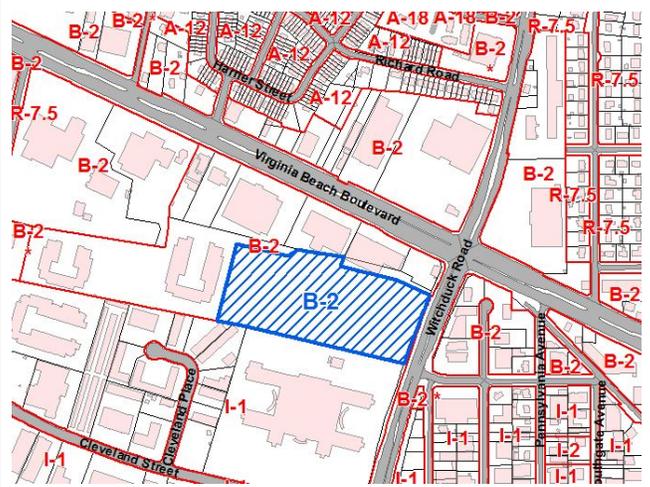
**Franklin Johnston Group Management & Development, LLC [Applicant]  
School Board of the City of Virginia Beach [Owner]**

**Conditional Change of Zoning** (B-2 Community Business to Conditional A-24 Apartment)

273 N. Witchduck Road

(GPIN 1467758675)

COUNCIL DISTRICT – KEMPSVILLE  
**Staff Planner – Ashby Moss**



\* Deferral  
\*\* Withdrawal

**6.**

**Larry Garrison [Applicant]  
Hilltop Investors, LLC [Owner]**

**Conditional Use Permit** (Motor Vehicle Sales)

1805 Virginia Beach Boulevard, Suite 102

(GPIN 2407652769)

**COUNCIL DISTRICT – BEACH  
Staff Planner – Jimmy McNamara**



**7.**

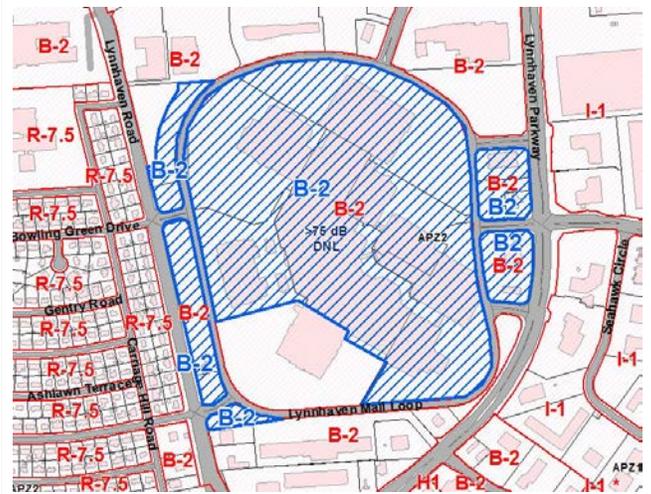
**Lynnhaven Mall, LLC [Applicant & Owner]**

**Major Entertainment Venue Signage Permit**

701, 739, 745, 757, & 773 Lynnhaven Parkway,  
1001, 1005, & 1009 Lynnhaven Mall Loop

(GPINS 1496269419, 1496268097, 1496350434,  
1496341955, 1496342787, 1496363430,  
1496461559, 1496453926, 1496358830,  
1496455278, 1496353639, 1496468297,  
1496468027, 1496469093, 1496459637)

**COUNCIL DISTRICT – ROSE HALL  
Staff Planner – Kevin Kemp**



\* Deferral  
\*\* Withdrawal



**Request**

**Conditional Use Permit** (Tattoo Parlor)

**Staff Recommendation**

Approval

**Staff Planner**

Robert Davis

**Location**

325 First Colonial Road

**GPIN**

2407861291

**Site Size**

18,671 square feet

**AICUZ**

Greater than 75 dB DNL; APZ 1

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Office, retail / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Religious use / B-2 Community Business

**South**

Convenience store / B-2 Community Business

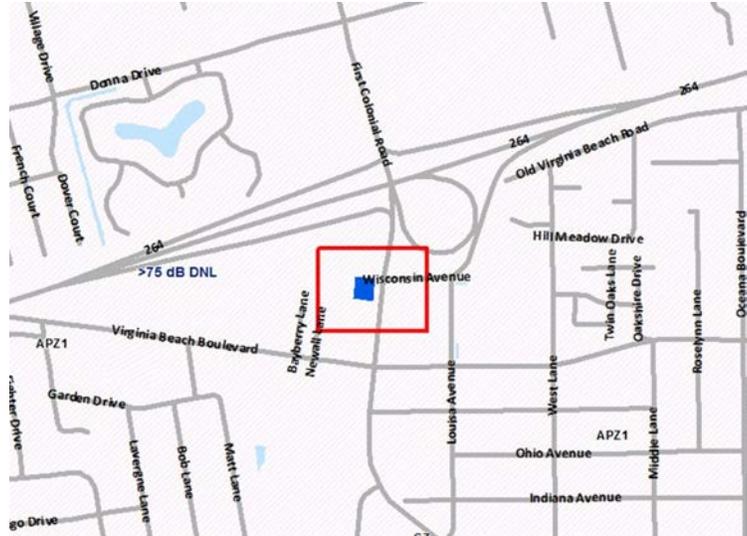
**East**

First Colonial Road

Retail / B-2 Community Business

**West**

Office / B-2 Community Business



## Background and Summary of Proposal

- The applicant currently operates a massage center within a business park adjacent to First Colonial Road. A Conditional Use Permit for a Tattoo Parlor is requested in order to offer permanent cosmetic makeup services, known as microblading, to her clients.
- The proposed hours of operation are 12:00 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 3:00 p.m., Saturday and Sunday.
- No changes are proposed to the exterior of the building or to the existing signage.

		<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CUP (Fuel Sales in Conjunction with a Convenience Store) Approved 12/14/2004</td> </tr> <tr> <td>2</td> <td>CUP (Bulk Storage Yard) Approved 09/14/2004</td> </tr> </tbody> </table>	#	Request	1	CUP (Fuel Sales in Conjunction with a Convenience Store) Approved 12/14/2004	2	CUP (Bulk Storage Yard) Approved 09/14/2004
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<b>Application Types</b>								
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MOD – Modification of Conditions or Proffers NON – Nonconforming Use STC – Street Closure	FVR – Floodplain Variance ALT – Alternative Compliance SVR – Subdivision Variance						

## Evaluation and Recommendation

In Staff's opinion, the proposed Conditional Use Permit for a Tattoo Parlor is consistent with the Comprehensive Plan's land use policies for the Hilltop Area and with the commercial nature of the surrounding properties. According to Traffic Engineering Staff, the addition of the proposed use at this location will have no impact on traffic movements along First Colonial Road, nor is it expected to generate traffic above a typical specialty retail operation.

Prior to operating on the site, 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 application, subject to the conditions below.

## Recommended Conditions

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department for consistency with the provisions of Chapter 23 of the City Code.
2. The actual application of tattoos/permanent makeup 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 for the establishment 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 any new signs.

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

## Comprehensive Plan Recommendations

This subject site is located in the Hilltop Strategic Growth Area (SGA) as identified by the 2016 Comprehensive Plan and the Hilltop SGA Master Plan. The Plan's vision is to transform this area into a convenient, regional retail destination within close proximity to the beach. For the subject site, the Plan calls for a mixture of retail, office, and other non-residential uses.

## Natural and Cultural Resources Impacts

This site is located in the Chesapeake Bay watershed. There does not appear to be any significant natural resources associated with the site, as it is fully developed with a business park and parking lot.

## Public Utility Impacts

### Water & Sewer

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



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: Luciana Crespo  
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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>



**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: The Bruce W. & Ellen B. Gallup Joint Revocable  
If an LLC, list the member's Inter Vivos Trust Agreement, dated December 21, 2015  
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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

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

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

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### 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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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.

<i>Luciana Crespo</i>	<i>Luciana Crespo</i>	<i>10/1/17</i>
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	Jacobson Brotman PC
<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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<i>Druce W. Gallup</i> <i>Ellen B. Gallup</i>	<i>Druce W. Gallup</i> <i>Ellen B. Gallup</i>	<i>10/4/17</i> <i>10/4/17</i>
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

**Request**

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

**Staff Recommendation**

Approval

**Staff Planner**

Robert Davis

**Location**

2311 Busky Lane

**GPIN**

1497965483

**Site Size**

7,260 square feet

**AICUZ**

Greater than 75 dB DNL; APZ 2

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Single-family dwelling / R-10 Residential

**Surrounding Land Uses and Zoning Districts**

**North**

Busky Lane

Religious use, single-family dwelling / R-10 Residential

**South**

Vacant lot / R-10 Residential

**East**

Single-family dwelling / R-10 Residential

**West**

Single-family dwelling / R-10 Residential

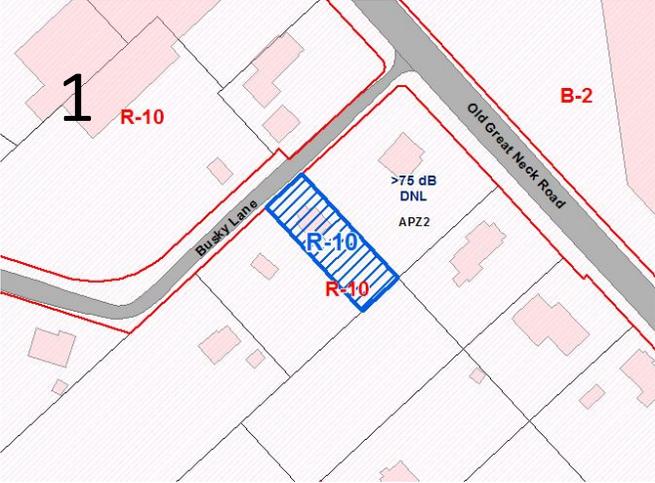


## Background and Summary of Proposal

- A single-family dwelling currently exists on the site. It is the intent of the applicant to demolish the existing residence and build a new single-family home. Upon the request for a building permit for the subject parcel, it was discovered that the lot was never legally put to record.
- In April 1944, a plat was recorded that contained the area of the subject parcel as part of Parcel D (Map Book 16, Page 22). In 1949, a portion of Lot D was subdivided by deed (Deed Book 822, Page 321) creating the subject lot D-1, but it was never recorded. The lot was a conforming subdivision when it was created by deed; however, for reasons unknown, the plat was not recorded until January 1964. In 1964, all new subdivisions were required to be created by plat. Based on this, a Subdivision Variance to both lot width and lot area are required in order to correct this oversight and legally create the parcel.
- As the subject lot is currently zoned R-10 Residential District, a minimum lot width of 80 feet and a minimum lot area of 10,000 square feet are required. The existing lot is deficient in both of these standards, as the lot width exists as 50 feet and the parcel is just 7,260 square feet in size. A Subdivision Variance to both lot width and lot area are requested to rectify the situation and legally establish the parcel.

	Required (Single-Family Dwellings)	Proposed Lot D-1
Lot Width (feet)	80	50*
Lot Area (square feet)	10,000	7,260*

\*Subdivision Variance required for lot width and area.

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## Evaluation and 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.

It was not uncommon for lots to be created, albeit illegally, by deed from the 1940s through the mid-1970s. The subject property was subdivided by deed in 1949. Since that time, the remaining property of the original Parcel D has been sold and is currently under separate ownership. As such, it is impossible to rectify the situation by combining both parcels to meet the dimensional requirements of the Zoning Ordinance for the R-10 Residential District. Thus, this Subdivision Variance is requested to remedy the situation and to properly record the parcel and execute the pending redevelopment of the property. The applicant has provided an elevation for the proposed dwelling, which Staff has determined that, while rudimentary, does depict a home that will be similar in size and height to the single-family dwellings along this street. The two-story single-family dwelling will have vinyl siding as the primary exterior building material with an attached garage.

Staff finds that the subject parcel, as it exists today, does not adversely impact the character of the existing neighborhood and is consistent with the Comprehensive Plan. Based on the considerations above, Staff recommends approval of this request subject to the conditions below.

## Recommended Conditions

1. The applicant shall be required to submit a subdivision plat substantially in accordance with the submitted subdivision exhibit depicted on page 5 entitled, "SUBDIVISION OF PROPERTY LOT D-1 S. J. POYNER ESTATE," dated September 22, 2017, and prepared by Bonifant Land Surveys, Inc. Said plat has been exhibited to the Virginia Beach City Council and is on file in the Planning Department and Community Development.
2. When Lot D-1 is developed, the dwelling when constructed shall substantially adhere in appearance and size to the submitted elevation, entitled, "DATE JUNE 2017, PROPOSED NEW DWELLING, DRAWN BY A. J. LYONS, 2311 BUSKY LANE," found on page 6 of this Staff Report. Said elevation has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.

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

## **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 a careful mix of land uses and compatible infill development, site and building design that is visually interesting, encourages greater social interaction and provides a memorable character, improved mobility, and promote sustainability and responsive action to changes in our environment. (pp. 1-61-1-62)

## **Natural and Cultural Resources Impacts**

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

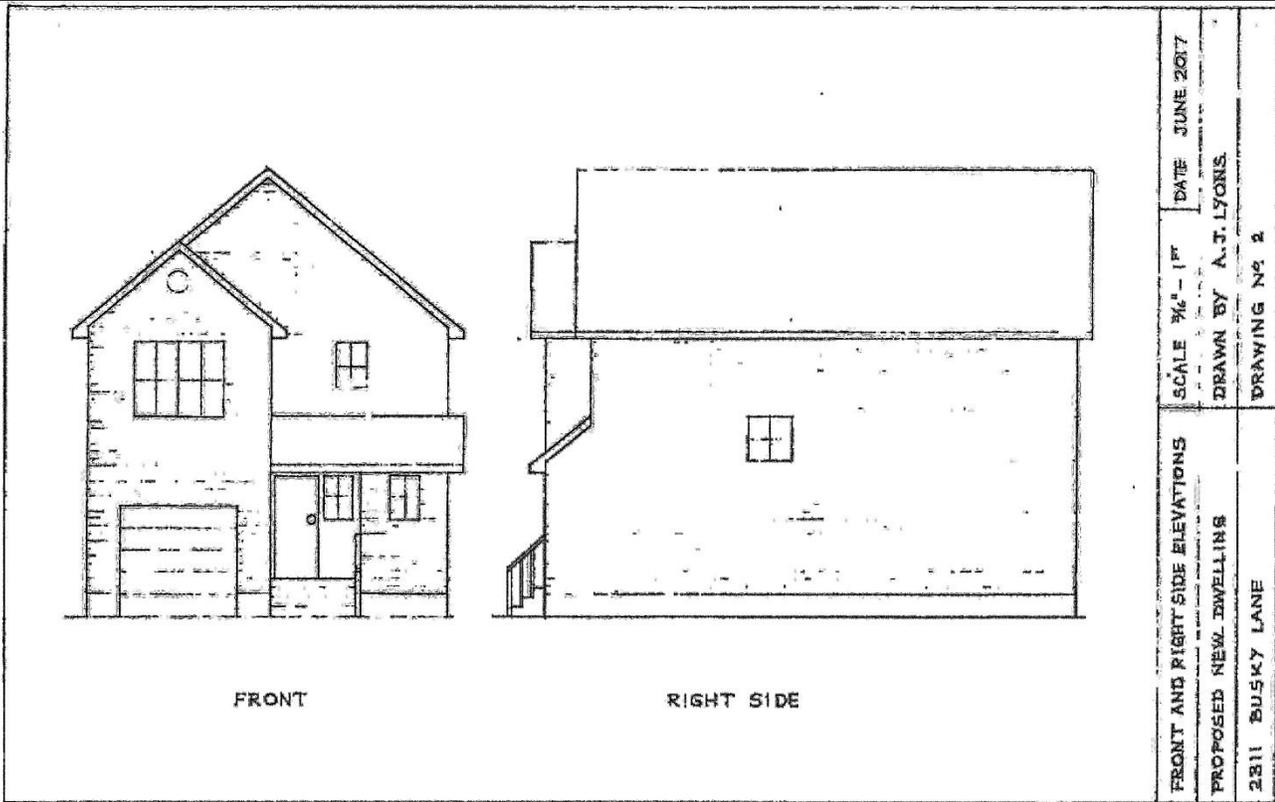
## **Public Utility Impacts**

### **Water & Sewer**

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

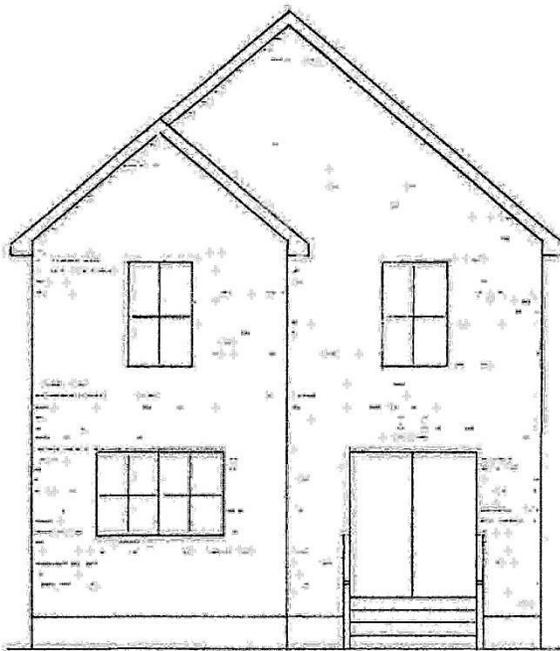


# Proposed Elevation

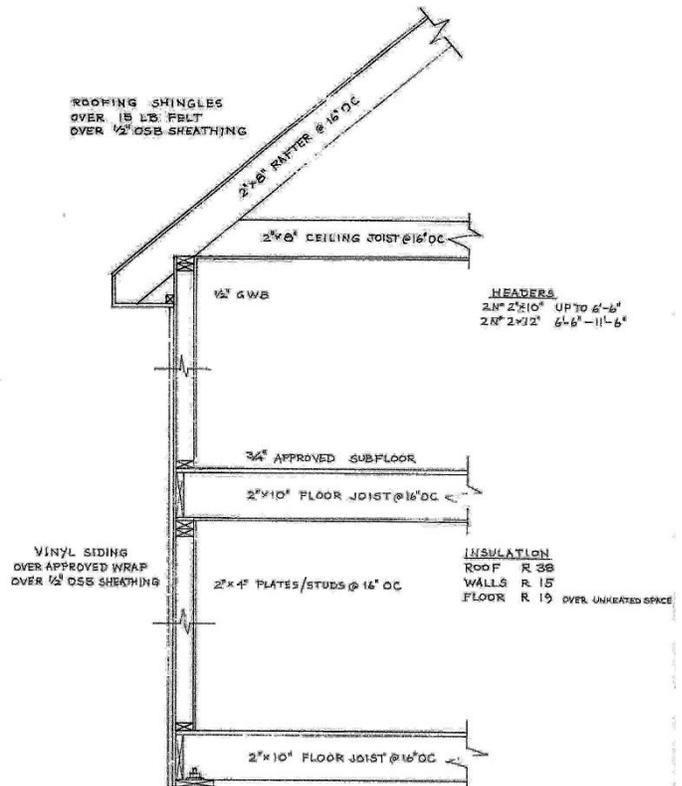


FRONT

RIGHT SIDE



REAR



Site Photos





**APPLICANT'S NAME** Consumer Properties, LLC

**DISCLOSURE STATEMENT FORM**

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<b>Acquisition of Property by City</b>	<b>Disposition of City Property</b>	<b>Modification of Conditions or Proffers</b>
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	X Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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<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: Consumer Properties, LLC

If an LLC, list all member's names:

C. Jeffery Moore

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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>



**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<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

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

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**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 type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Bonifant Land Surveys, LLC
<input 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)	
<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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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.

<i>Consumer Properties, LLC by Jeffrey Moore</i>	<i>Jeffrey Moore</i>	<i>10/17/17</i>
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

**Request**

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

**Staff Recommendation**

Approval

**Staff Planner**

Marchelle Coleman

**Location**

West side of Riddick Lane, approximately 1379 feet from Indian River Road

**GPINS**

1493249463, 1493249592

**Site Size**

Lot H – 1.7 acres

Lot I – 1.5 acres

**AICUZ**

65-70 dB DNL

**Watershed**

Southern Rivers

**Existing Land Use and Zoning District**

Undeveloped lots / AG-1 Agricultural

**Surrounding Land Uses and Zoning Districts**

**North**

Undeveloped lot / AG-1 Agricultural

**South**

Single-family dwelling / AG-1 Agricultural

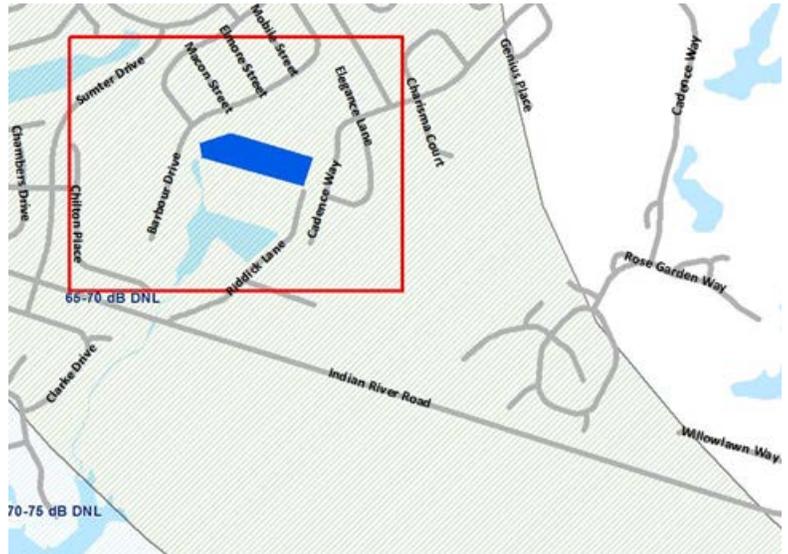
**East**

Riddick Lane

Single-family dwellings / PD-H1 Planned Unit Development

**West**

Single-family dwellings / PD-H1 Planned Unit Development



## Background and Summary of Proposal

- The applicant is proposing to reconfigure Lots H & I from an east/west orientation to a north/south orientation.
- These two lots are legally nonconforming, as they were recorded by plat on October 26, 1956 (Map Book 42, Page 55) but do not meet current regulations with regard to direct access to a public street and to lot width.
- Both lots lack direct access to a public street, as required by Section 4.4(d) of the Subdivision Regulations, as Riddick Lane is a private street. Vehicular ingress and egress is via a 30-foot wide private easement.
- Per Section 4.4(b) of the Subdivision Regulations, Lots within the AG-1 Agricultural District require a minimum lot width of 150 feet and a minimum lot area of one acre. Both lots meet the lot area requirement. Technically, each lot has a zero lot width, as Riddick Lane is a private street.

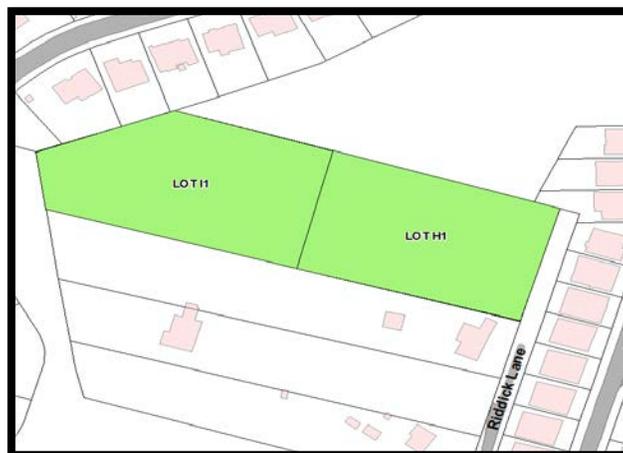
	Required in AG-1	Lot H	Lot I
Lot Width in feet	150 feet	0 feet	0 feet
Lot Area in Acres	1 acre	1.7 acres	1.5 acres

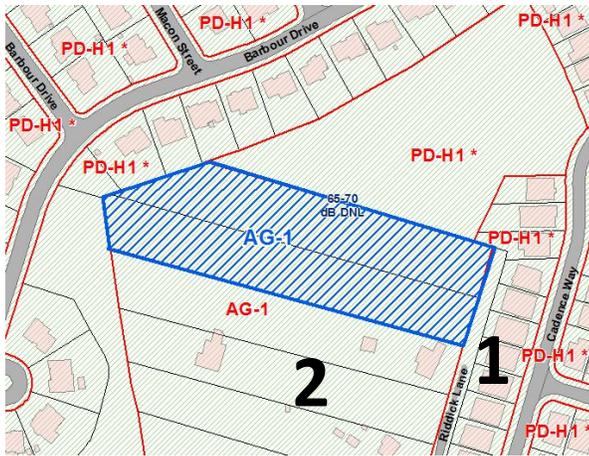
### Existing Lots H & I



- The proposed reconfiguration of Lots H & I requires a Subdivision Variance to both lot width and direct access to a public street.

### Proposed Lot Configuration





### Zoning History

#	Request
1	PD-H1 Approved 05/13/2008
2	SVR Approved 02/16/2016

### Application Types

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

MOD – Modification of Conditions or Proffers  
 NON – Nonconforming Use  
 STC – Street Closure

FVR – Floodplain Variance  
 ALT – Alternative Compliance  
 SVR – Subdivision Variance

## Evaluation and 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 request to reconfigure Lot H & I into a north/south orientation is consistent with the subdivision variances that have recently been approved in the vicinity along Riddick Lane. This request would not increase residential density and therefore; in Staff’s opinion, is compatible with the area. Although these two lots will continue to lack direct access to a public street, both lots are accessible via the existing ingress/egress easement on Riddick Lane from Indian River Road.

Being that these lots are in the Southern Rivers Watershed, the applicant has provided a preliminary stormwater strategy to address stormwater management. Staff has reviewed the submitted strategy and it appears that the realignment of the parcels will have no appreciable impact on stormwater. Further review will take place during the site plan review process.

Based on these considerations, Staff believes that there will be no adverse impacts on the adjacent properties and recommends approval of this request subject to the conditions below.

## Recommended Conditions

1. The reconfiguration of Lot H & I shall be substantially in accordance with the submitted subdivision exhibit entitled “Preliminary Resubdivision of Lots H & I, Property of Willie Riddick,” dated 12/12/2017 and prepared by WPL. Said plan has been exhibited to the Virginia Beach City Council and is on file in the Planning Department. A final plat shall be recorded with the Clerk of Court reflective of the layout referenced herein.
2. When the property is developed, the residential dwellings constructed shall have architectural features, and appearance of like quality and character to the homes depicted on page 8, entitled “Proposed Dwellings”, in this Staff Report, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development.
3. The site shall connect to water and sanitary sewer by any of the acceptable options approved by the City of Virginia Beach Public Utilities Department, as described in the “Public Utility Impacts” section on page 5 of this report or as otherwise deemed acceptable by the Department of Public Utilities.

*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.*

## Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as being within the Transition Area. Development policies for the Transition Area are not intended to be a continuation of the higher density development patterns and form found in the Suburban and Urban Areas to the north. Rather, they enable a more limited type of development, with its own development standards suitable to the character of the Transition Area, where greater integration of natural resources and more open space is planned to respect and protect the unique natural character of the area and to enable a true transition into the Rural Area to the south.

## Natural and Cultural Resources Impacts

The subject property is located within the Southern Rivers Watershed. Besides the timber from the wooded lots, there are no known cultural or environmentally significant features on the property.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Indian River Road	5,637 ADT <sup>1</sup>	15,000 ADT <sup>1</sup> (LOS <sup>4</sup> “D”)	Existing Land Use <sup>2</sup> – 20 ADT Proposed Land Use <sup>3</sup> - 20 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by two single-family dwellings	<sup>3</sup> as defined by two single-family dwellings	<sup>4</sup> LOS = Level of Service

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

The site is on Riddick Lane, a private street off of Indian River Road, which the Master Transportation Plan lists with an ultimate 150-foot right-of-way with four lanes. There are no CIP projects on this segment of Indian River Road.

## **Public Utility Impacts**

### **Water**

City water does not front the property, but the following options are available:

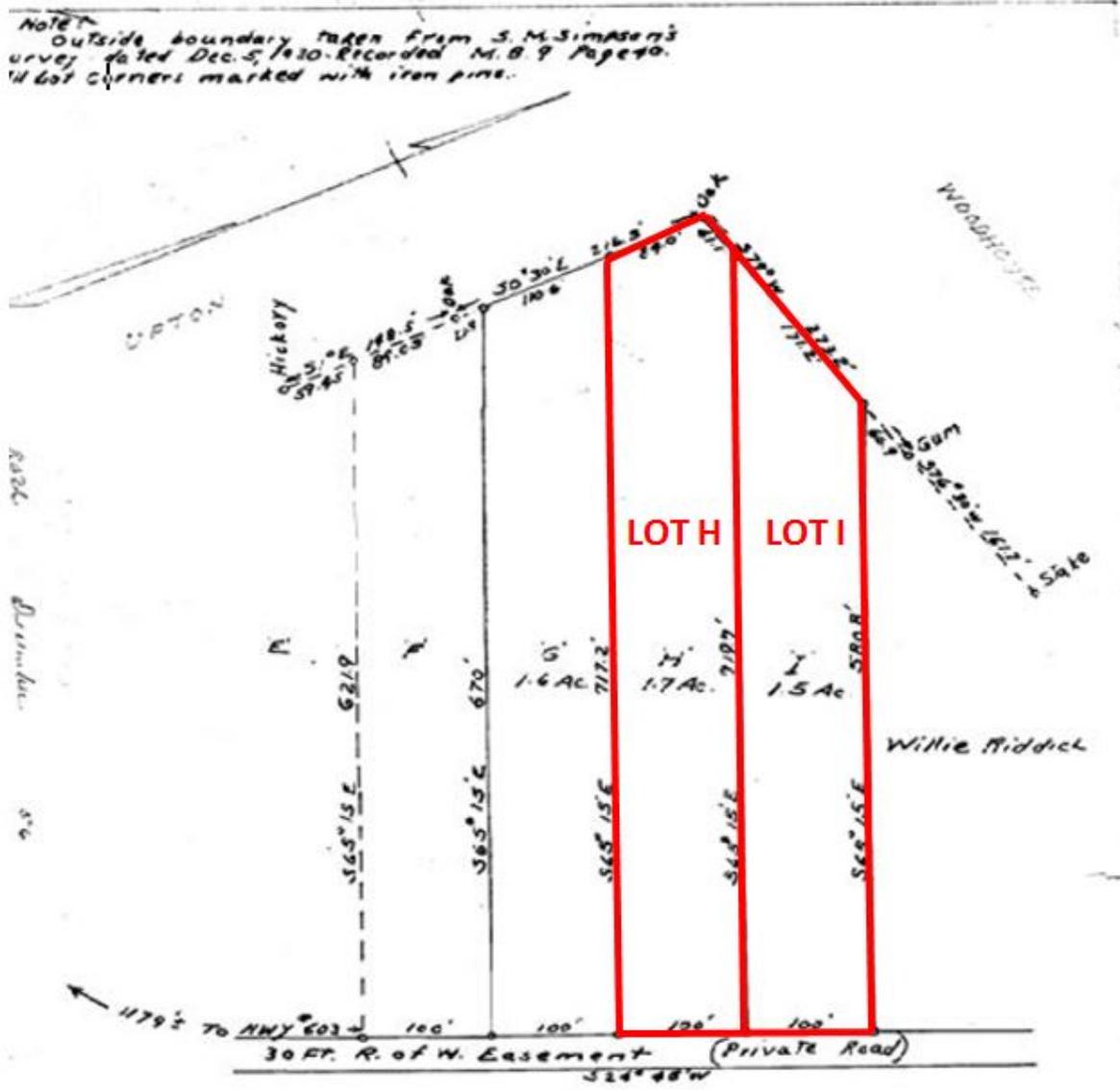
1. A private well may be installed with Health Department approval.
2. City water may be extended to the property in accordance with Public Utilities standards, including a variance to install public water within an easement.

### **Sewer**

City sanitary sewer does not front the property, but the following options are available:

1. A private septic system may be installed with Health Department approval.
2. Individual grinder pumps and private force mains may be installed with approval of an encroachment agreement.
3. City sanitary sewer may be extended to the property in accordance with Public Utilities standards, including a variance to install public sewer within an easement.

**Existing Recorded Plat (Lots H & I)**



Property of Willie Riddick  
 Located near  
 NORTH LANDING - PRINCESS ANNE CO, VA.  
 Scale: 1"=100' Oct. 26, 1956  
 W. S. Galley - County Surveyor

ON 1000's H-17  
 709,53



Proposed Dwellings





**APPLICANT'S NAME** Michael Binetti

**DISCLOSURE STATEMENT FORM**

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Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
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	License Agreement	

◆—————◆  
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 ◆—————◆

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- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Michael Binetti  
 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-subsidiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes<sup>1</sup> and <sup>2</sup>

---

## 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: Michael Binetti & Jeffrey Murphy  
 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<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

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**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	
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WPL
<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 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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

**Disclosure Statement**



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	Michael Binetti	10/31/17
APPLICANT'S SIGNATURE	PRINT NAME	DATE



**OWNER**

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)	
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

# Disclosure Statement



**CERTIFICATION:**

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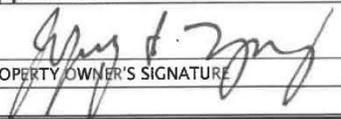
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	Michael Binetti	10/31/17
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



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	Jeffrey S. Murphy	16/31/17
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

**Request**

**Modification of Conditions**

**Staff Recommendation**

Approval

**Staff Planner**

Kevin Kemp

**Location**

400 33rd Street

**GPIN**

2418925567

**Site Size**

11,250 square feet

**AICUZ**

70-75 dB DNL

**Watershed**

Atlantic Ocean

**Existing Land Use and Zoning District**

Apartments / A-36 Apartment

**Surrounding Land Uses and Zoning Districts**

**North**

33rd Street

Office & Apartments / RT-3 Resort Tourist

**South**

Apartments / A24 Apartment

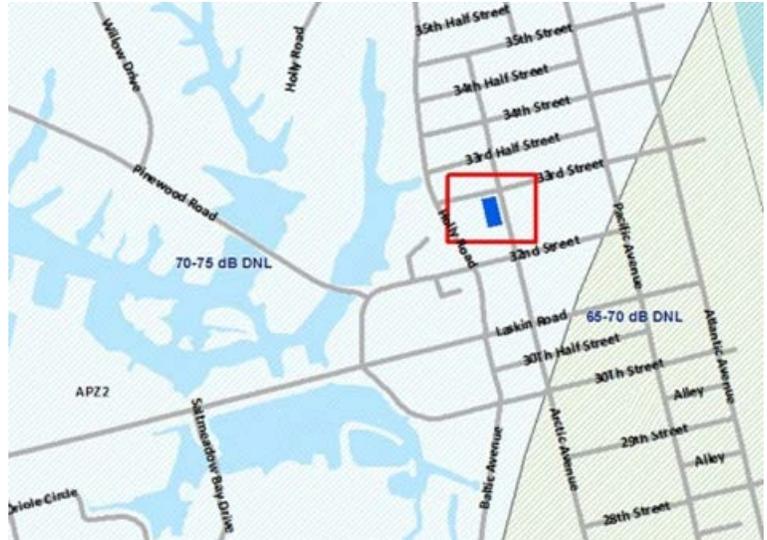
**East**

Arctic Avenue

Post Office / OR Oceanfront Resort

**West**

Single-family dwellings / A-12 Apartment



## Background and Summary of Proposal

On August 14, 1972, City Council granted a Conditional Use Permit on the subject property for the development of an eight-unit apartment complex. At the time, the site was zoned R-3 residential and had one single-family dwelling on it. The use permit allowed the site to be developed with additional units; nine units in total. The property owner would now like to make alterations to the existing single-family home and the apartment building, and thus has requested this modification. The proposed alterations are described below:

- Interior renovations to the existing apartment building. The total number of units will be reduced from eight unit to seven units.
- A two-story deck will be added to the existing single-family dwelling. The deck will square-off the footprint of the home.
- The existing single-family home will be converted into a duplex. The first floor will be one unit, the second floor will be a second. A majority of the renovations are interior, and no substantial changes to the exterior of the building are proposed.

No substantial alterations are proposed to the site. The number of dwelling units on the site (nine) will remain the same. The existing single-family dwelling is 4.3-feet from the property line adjacent to Arctic Avenue, and the deck addition will not encroach any further.

	<p><b>Zoning History</b></p> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CUP (8 Apartment Units) Approved 08/14/1972</td> </tr> <tr> <td>2</td> <td>MOD Approved 06/07/2016</td> </tr> </tbody> </table>	#	Request	1	CUP (8 Apartment Units) Approved 08/14/1972	2	MOD Approved 06/07/2016
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<p><b>Application Types</b></p>							
<p>CUP – Conditional Use Permit  REZ – Rezoning  CRZ – Conditional Rezoning</p>	<p>MOD – Modification of Conditions or Proffers  NON – Nonconforming Use  STC – Street Closure</p>	<p>FVR – Floodplain Variance  ALT – Alternative Compliance  SVR – Subdivision Variance</p>					

## Evaluation and Recommendation

Staff recommends approval of this application. The proposed alterations are mostly interior, and will improve the appearance and condition of the existing property. The number of dwelling units will remain the same, and staff feels that the conversion of the single-family home to a duplex is within the character of the neighborhood and will not have any adverse impacts on the surrounding area.

## Recommended Conditions

1. When developed, the site shall be developed in substantial conformance to the submitted exhibit included in this report entitled, "PHYSICAL SURVEY OF PARCEL B, EXCLUSIVELY FOR HH VB2, LLC," dated September 2, 2016 and prepared by Fox Land Surveying.
2. When constructed, the deck additions shall be in substantial conformance to the submitted building elevations entitled "LEFT SIDE ELEVATION" and "REAR ELEVATION."
3. The existing single-family dwelling shall not be altered to include more than two-dwelling units.
4. The total number of dwelling units on the site shall not exceed nine units.

*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.*

## Comprehensive Plan Recommendations

This site is located within the Resort Area Strategic Growth Area (SGA). The Resort Area Strategic Action Plan, adopted in 2008, is the master plan prepared for this SGA and identifies the potential for three distinct yet complementary districts: Laskin Gateway, Central Beach and Rudee Marina. The Plan provides a vision for enhancing the energy at the beach into these three areas by developing synergies between the cultural and commercial life, the recreational and the natural life, and an overall focus of drawing residents and visitors into the area.

## Natural and Cultural Resources Impacts

The site is located in the Atlantic Ocean watershed. There does not appear to be any significant natural or cultural features associated with the site.

## Traffic Impacts

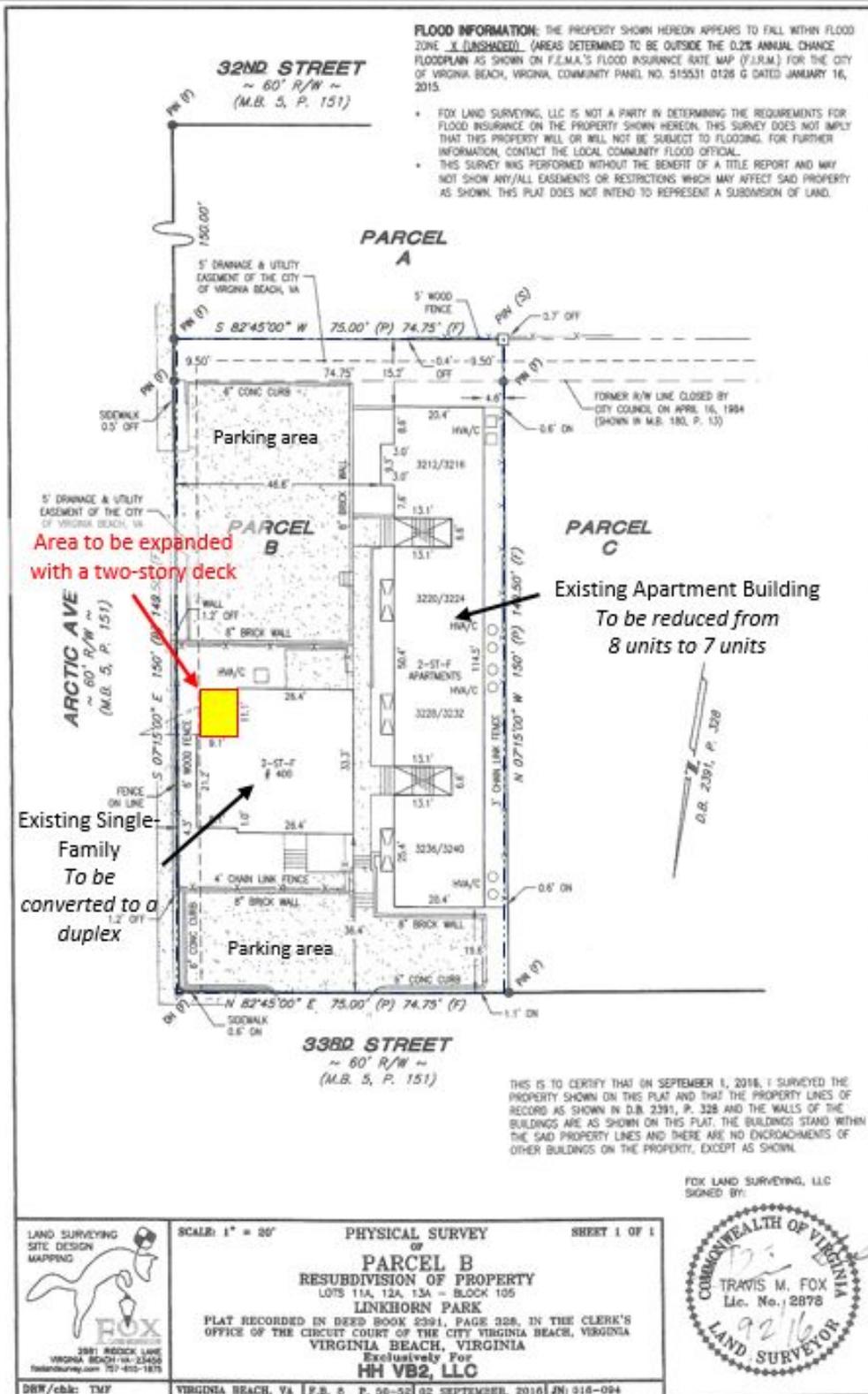
Street Name	Present Volume	Present Capacity	Generated Traffic
Arctic Avenue	No Data to Report		Existing Land Use <sup>1</sup> - 60 ADT Proposed Land Use <sup>2</sup> - 60 ADT
<sup>1</sup> as defined by nine apartment units	<sup>2</sup> as defined by nine apartment units		

## Public Utility Impacts

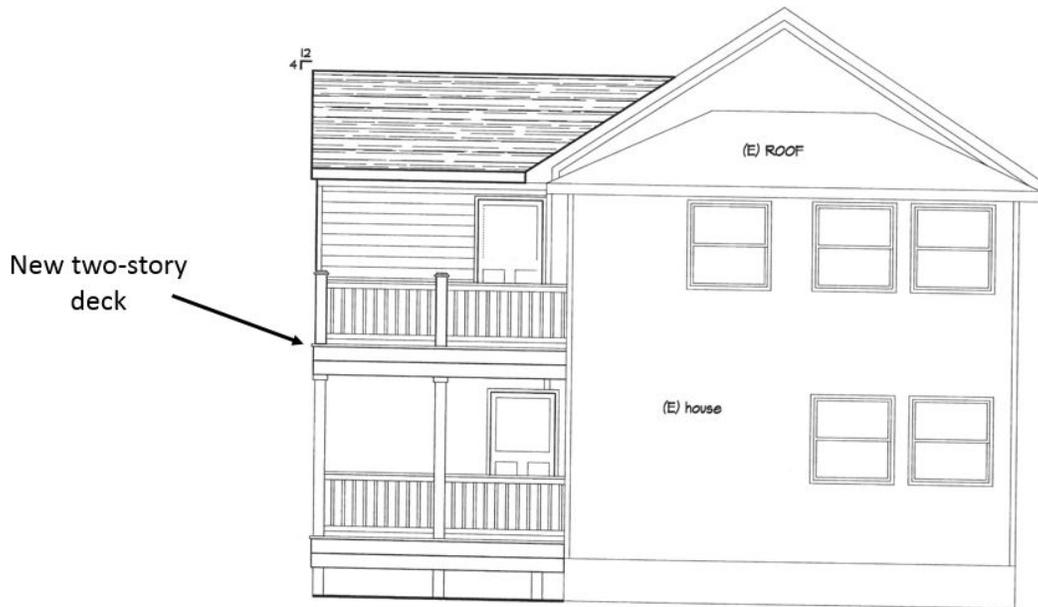
### Water & Sewer

The site currently connects to City water and sewer service.

# Proposed Site Layout



# Proposed Elevations



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

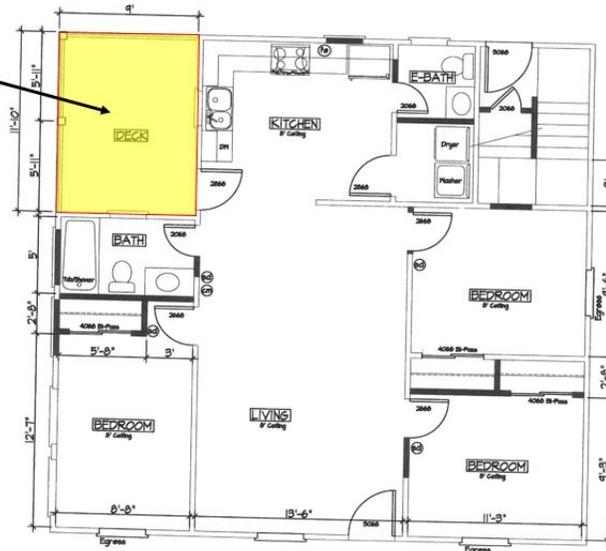


REAR ELEVATION

SCALE: 1/4" = 1'-0"

# Proposed Floor Plans

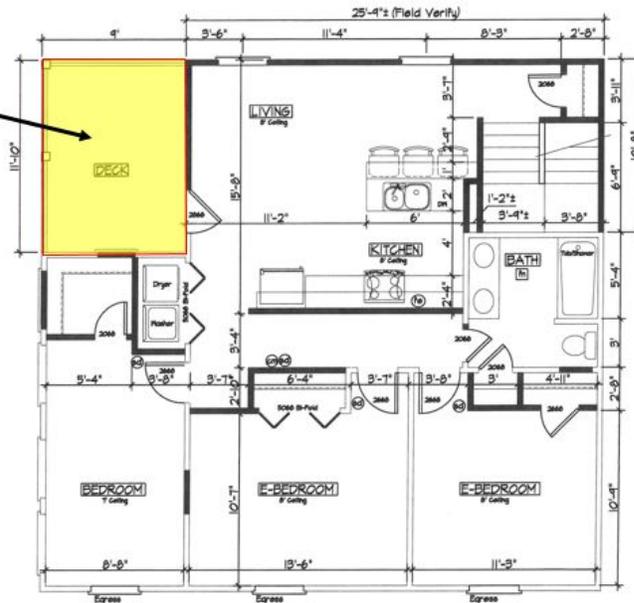
New two-story deck



FIRST FLOOR "UNIT A" PLAN 1,031 S.F.  
SCALE: 1/4" = 1'-0"

- EXISTING HALL TO BE REMOVED
- EXISTING HALL TO REMAIN
- NEW HALL CONSTRUCTION
- EXHAUST FAN / LIGHT
- WIRED SMOKE DETECTOR
- CARBON MONOXIDE DETECTOR
- FIRE EXTINGUISHER

New two-story deck



SECOND FLOOR "UNIT B" PLAN 1,110 S.F.  
SCALE: 1/4" = 1'-0"

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: HH VB2, LLC  
 If an LLC, list all member's names:  
 Members: W. Matthew Harding; Brian Horan

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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

---

## 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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

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

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



**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	McPhillips, Roberts & Dean
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Summerset Development
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Fox Land Surveys
<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, PC *
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

\*Harry R. Purkey, Jr., Esquire



**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.

HH VB2, LLC	W. Matthew Harding, Member	10/24/17
By: 	PRINT NAME	DATE
APPLICANT'S SIGNATURE		

**Request**

**Conditional Rezoning** (B-2 Community Business to Conditional A-24 Apartment)

**Staff Recommendation**

Approval

**Staff Planner**

Ashby Moss

**Location**

273 N. Witchduck Road

**GPIN**

1467758675

**Site Size**

10.69 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Mostly vacant, partially used for overflow parking by adjacent businesses; formerly Virginia Beach Central Academy / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Auto parts store & furniture store / B-2 Community Business

**South**

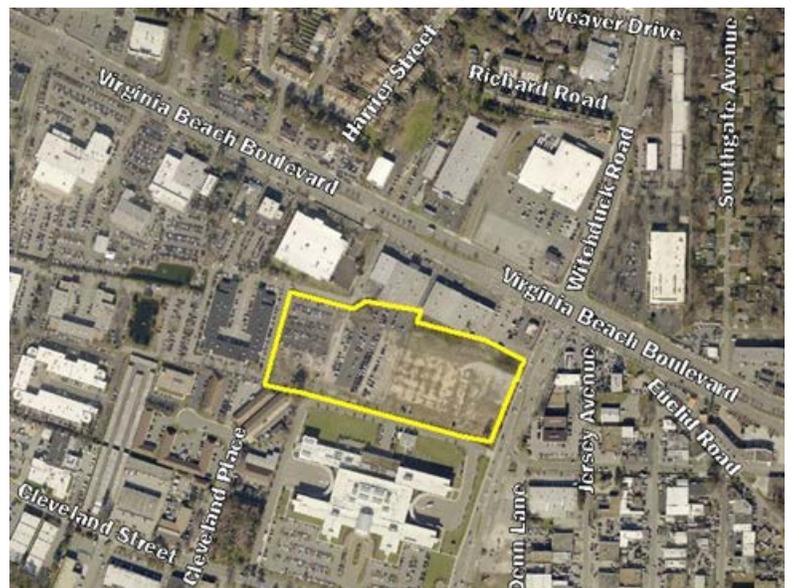
Renaissance Academy  
School / I-1 Light Industrial

**East**

Witchduck Road  
Commercial strip center / B-2 Community Business

**West**

Office complex / B-2 Community Business



## Background and Summary of Proposal

- The applicant proposes a 240-unit mixed-income apartment community comprised of one, two, and three-bedroom units on the 10.58 acre site (23 units per acre).
- The proffered site plan shows six detached apartment buildings, 478 surface parking spaces, a two-story clubhouse, swimming pool, dog park and tot lot, and three stormwater ponds designed to also provide an aesthetic outdoor amenity. A network of sidewalks connects the buildings to each other through the parking lots and to Witchduck Road.
- Vehicular access for residents and visitors is limited to one right-in/right-out access point on Witchduck Road. Interior gates restrict access beyond the front entrance and clubhouse area. An access for emergency vehicles only is provided from the neighboring Renaissance Academy.
- The proffered elevations depict contemporary style buildings with some design features, materials, and colors similar to the adjacent Renaissance Academy. The four-story buildings will be constructed of cement fiber board panels, brick veneer, and commercial grade vinyl siding. The buildings are divided into modules that project and recess to provide variation in the vertical and horizontal planes of the building.
- The applicant will apply for tax credits from the Virginia Housing and Development Authority (VHDA) for 80% of the units. This would cap household incomes for those units at 60% of area median income.
- The applicant may decide to pursue tax exempt bonds for financing through VHDA for the remaining 20% of units, which would cap household income for those units at 150% of area median income.
- The project is divided into two phases, with the last two buildings on the north side reserved for the second phase.

	<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CUP (Line-of-site relay device) Approved 02/01/2000</td> </tr> <tr> <td>2</td> <td>CUP (Automobile Repair Garage) Approved 11/12/2013 STC (Portion of Jersey Avenue) Approved 06/23/2009 CUP (Automobile Sales and Service) Approved 12/02/2008 STC (Portion of Jersey Avenue) Approved 05/23/2006</td> </tr> <tr> <td>3</td> <td>CUP (Adult Day Care) Approved 09/10/2013</td> </tr> </tbody> </table>	#	Request	1	CUP (Line-of-site relay device) Approved 02/01/2000	2	CUP (Automobile Repair Garage) Approved 11/12/2013 STC (Portion of Jersey Avenue) Approved 06/23/2009 CUP (Automobile Sales and Service) Approved 12/02/2008 STC (Portion of Jersey Avenue) Approved 05/23/2006	3	CUP (Adult Day Care) Approved 09/10/2013
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<b>Application Types</b>									
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MOD – Modification of Conditions or Proffers NON – Nonconforming Use STC – Street Closure	FVR – Floodplain Variance ALT – Alternative Compliance SVR – Subdivision Variance							

## Evaluation and Recommendation

The subject property is one of a few of excess properties owned by the City of Virginia Beach Public Schools. With the help of the City's Economic Development Department, Schools initially marketed the property for commercial use consistent with its current B-2 zoning. However, due to limited street frontage and vehicular access, there was no commercial interest in developing this site. The applicant submitted an unsolicited offer to purchase the property for multi-family residential, contingent on obtaining zoning approval for that use.

Although apartment buildings were not originally included in the vision for the Western Campus District, the proposal is consistent with the broader vision for the Pembroke SGA as described in the Plan's six Development Principles. When the plan was adopted in 2009, the subject site was tagged for a new elementary or middle school since it had been the traditional practice of Schools to retain all of their property. However, with declining enrollment Citywide, Schools has deemed this as excess property to be sold and developed rather than continuing to sit vacant. Introducing new, medium to high density residential within this predominately commercial area forwards the Plan's principle of providing a compatible mix of residential and non-residential uses within reasonable walking distances of one another. The proposal also addresses a demonstrated need for high quality, mixed-income affordable housing.

The site is well-suited for multi-family residential, given appropriate buffers from the adjacent commercial properties lining Virginia Beach Boulevard. There are bus stops headed in both directions on Virginia Beach Boulevard within easy walking distance of the site. Once Witchduck Road Phase 2 is complete, residents will be able to enjoy the improved pedestrian infrastructure to access the expanding public transportation network.

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

## Proffers

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

### **Proffer 1:**

When developed, the Property shall be developed in substantial conformity with the conceptual site plan entitled "Renaissance Apartments", dated November 30, 2017, and prepared by Cox, Kleiwer & Company, P.C. (the "Concept Plan"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

### **Proffer 2:**

The quality of architectural design and materials of the multifamily residential buildings constructed on the Property, when developed, shall be in substantial conformity with the exhibit prepared by Cox, Kleiwer & Company, P.C., entitled "Conceptual Elevations – Renaissance Apartments", and dated November 30, 2017 (the "Elevations"), a copy of which is on file with the Department of Planning and has been exhibit to the Virginia Beach City Council. Upgrades to the architectural design and materials of the multifamily residential buildings constructed on the Property shall be permitted subject to approval by the City Planning Director.

**Proffer 3:**

Landscaping installed on the Property, when developed, shall be in substantial conformity with that shown on the exhibit prepared by Siska Aurand Landscape Architects, Inc., entitled “Overall Site Sheet Index – Renaissance Apartments”, and dated December 1, 2017 (the “Landscape Plan”), a copy of which is on file with the Department of Planning and has been exhibit to the Virginia Beach City Council. The exact species of the various types of landscaping may vary from the Landscape Plan depending upon the availability of landscape material at the time of installation.

**Proffer 4:**

The number of multifamily residential units located on the Property, when developed, shall not exceed a total of two-hundred forty (240).

**Proffer 5:**

Freestanding signage located on the Property shall be monument-style, no larger than eight feet (8’) in height, and shall be constructed of materials compatible with those used for the buildings located on the Property.

**Proffer 6:**

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

**Staff comments:**

The proffers address site layout, architectural design and materials, landscape design, signage, and the maximum number of multi-family dwelling units in order to ensure the end product meets or exceeds the level of quality presented in this rezoning application.

*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.*

## Comprehensive Plan Recommendations

The Housing & Neighborhood section of the 2016 Comprehensive Plan frequently emphasizes the importance of a varied housing stock with “affordable housing alternatives for all people, including members of the vital services community, young professionals, the workforce, families, and senior citizens” (p. 2-63). According to the *2017 Virginia Beach Housing Needs Assessment, Market Analysis, and Re-investment Study*, the City’s affordable housing stock is decreasing while our population of low income households is increasing (p. 3). The Study goes on to demonstrate how neglecting the problem will lead to further deterioration of our aging housing stock. Recognizing the challenges private developers face financing low-to-moderate-income multi-family rental housing, especially units priced for households with incomes between 30-80% of the area median income, the Study recommends the City offer a range of incentives to encourage private developers to fulfill this need (p.6).

The property is located within the Pembroke Strategic Growth Area (SGA), the master plan for which was adopted by City Council in 2009. The Plan identifies six Development Principles to guide future development throughout the Pembroke SGA (pp. 15-18):

1. Efficient use of land resources
2. Full use of urban services

3. Compatible mix of uses
4. Transportation opportunities
5. Detailed human-scale design
6. Environmental stewardship

More specifically, the site is located in the Pembroke SGA’s Western Campus District, envisioned to become a “mid to low-rise academic village and service district” consisting of a mix of commercial, office, residential, and educational facilities (pp. 35-36). Building heights should not exceed a range of 30 to 50 feet, and open space district-wide should equal at least 40% of the land area, three-quarters of which should be green (p. 58).

## Natural and Cultural Resources Impacts

There do not appear to be any significant cultural or natural resource impacts resulting from the proposed development.

## Traffic Impacts

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

The MTP shows an ultimate eight-lane facility within a 155-foot right-of-way. Currently, this segment of roadway is functioning over capacity at Level of Service D.

N. Witchduck Road in the vicinity of this application is under construction and will be completed in early 2020 as a six-lane divided major urban arterial (CIP 2-025, Witchduck Road-Phase II). Enhanced streetscapes will include moving overhead utilities underground and constructing a 16-foot-wide sidewalk with brick paver accents, street trees, and street lights.

Access to the site will be limited to a right-in/ right-out only from Witchduck Rd.

The developer will need to coordinate with the contractor for the Witchduck Road capital project in order to install the required right turn lane, curb and gutter, and sidewalk at the correct alignment on Witchduck Rd.

Street Name	Present Volume	Present Capacity	Generated Traffic
N. Witchduck Road	47,814 ADT <sup>1</sup>	42,100 ADT <sup>1</sup> (LOS <sup>4</sup> “D”) 48,200 ADT <sup>1</sup> (LOS <sup>4</sup> “E”)	Existing Land Use <sup>2</sup> – 5,940 ADT Proposed Land Use <sup>3</sup> – 1,596 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by 10.8 acres of B-2 zoning	<sup>3</sup> as defined by 240 multi-family dwellings	<sup>4</sup> LOS = Level of Service

## Public Utility Impacts

### Water

This site must connect to City water. There is an existing 16-inch City water main along North Witchduck Road.

### Sewer

This site must connect to City sanitary sewer. There is an existing eight-inch City sanitary sewer gravity main along North Witchduck Road.

Water and sanitary sewer service must be verified and improved if necessary so that the proposed development will have adequate water pressure, fire protection, and sanitary sewer service.

## School Impacts

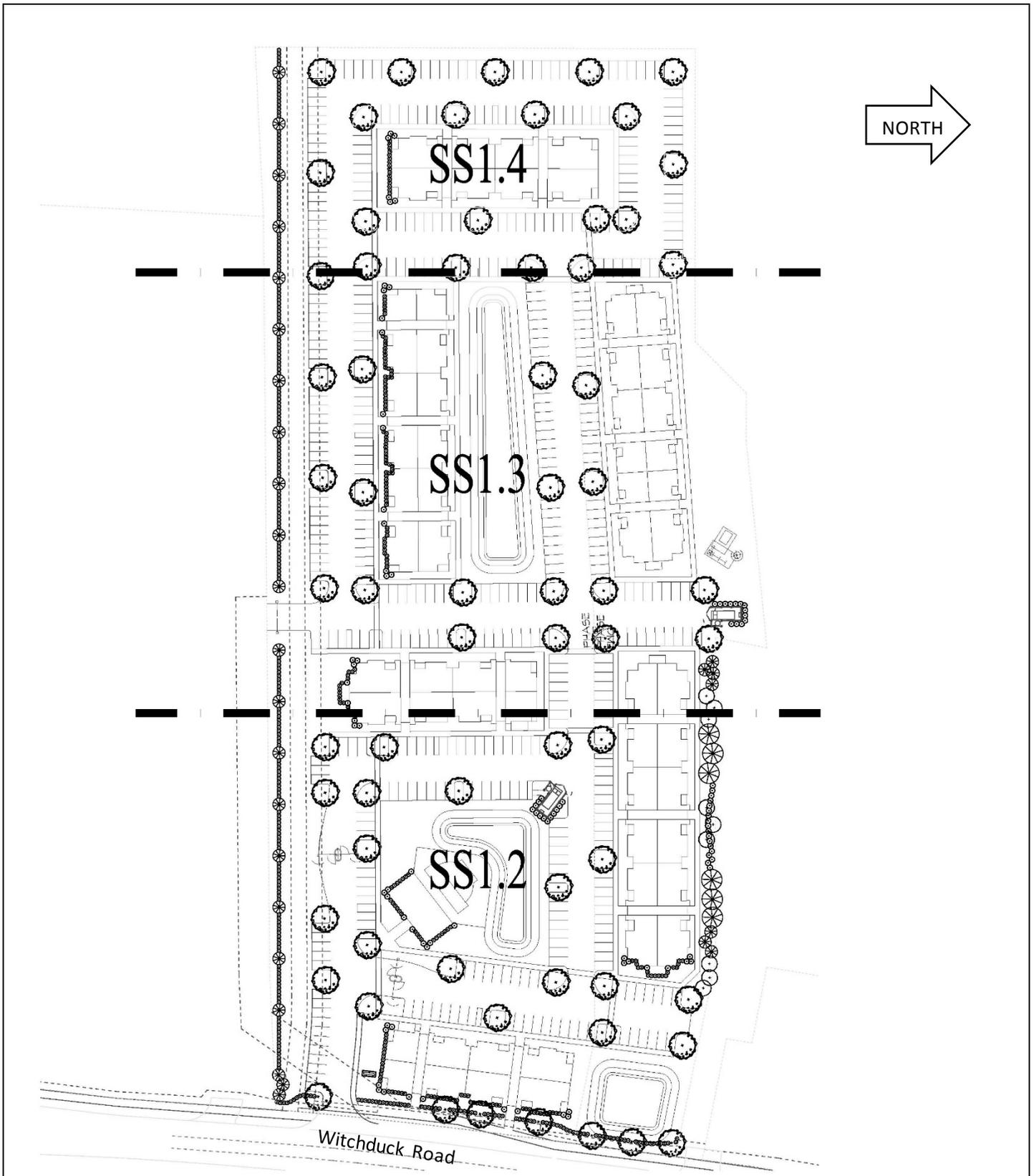
School	Current Enrollment	Capacity	Generation <sup>1</sup>	Change <sup>2</sup>
Point O'View Elementary	702	707	24	24
Larkspur Middle	1,523	1,763	10	10
Kempsville High	1,632	1,969	11	11

<sup>1</sup> "Generation" represents the number of students that the development will add to the school.

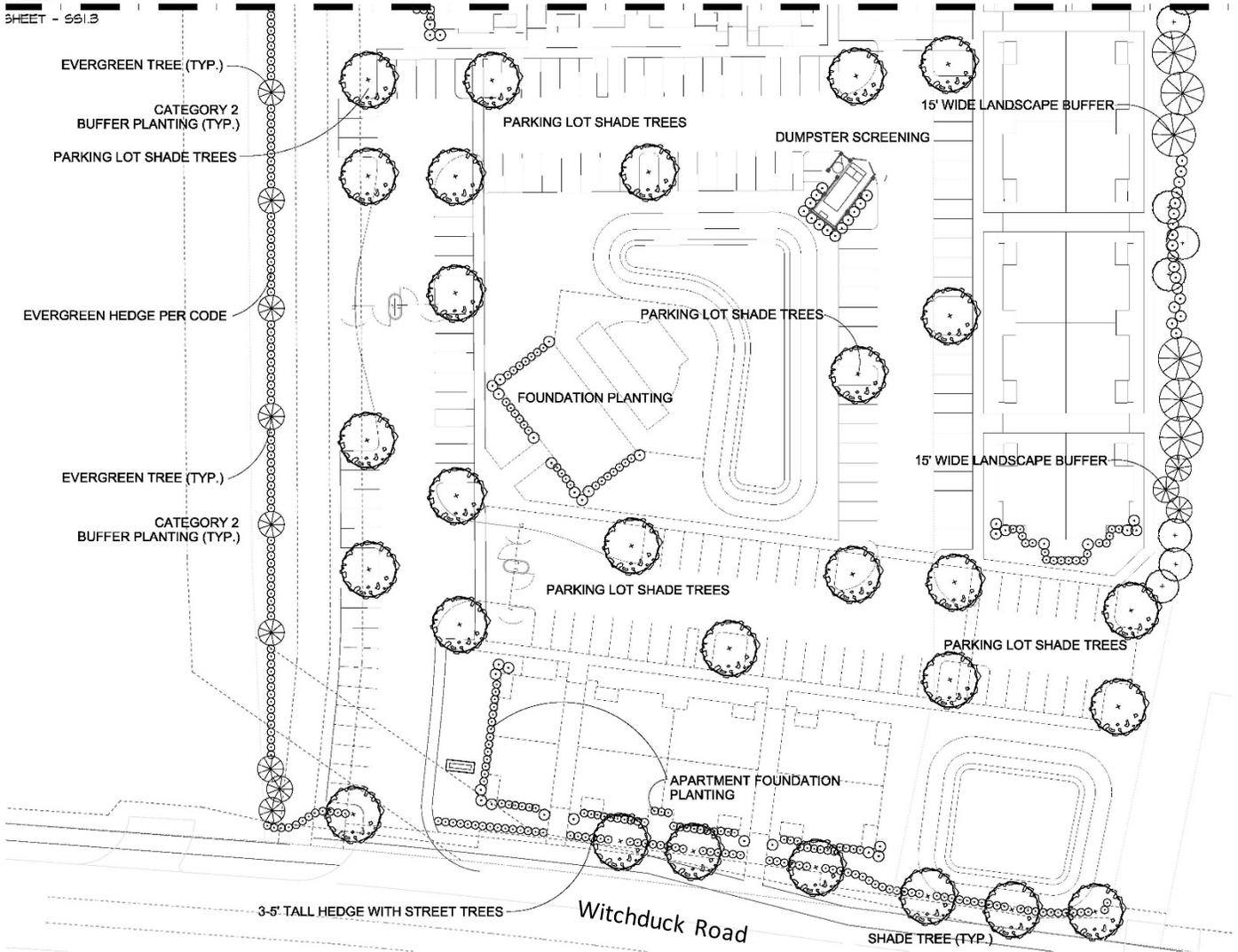
<sup>2</sup> "Change" represents the difference between the number of potential or actual students generated under the existing zoning and the number generated under the proposed zoning. The number can be positive (additional students) or negative (fewer students).



Proposed Landscape Plan

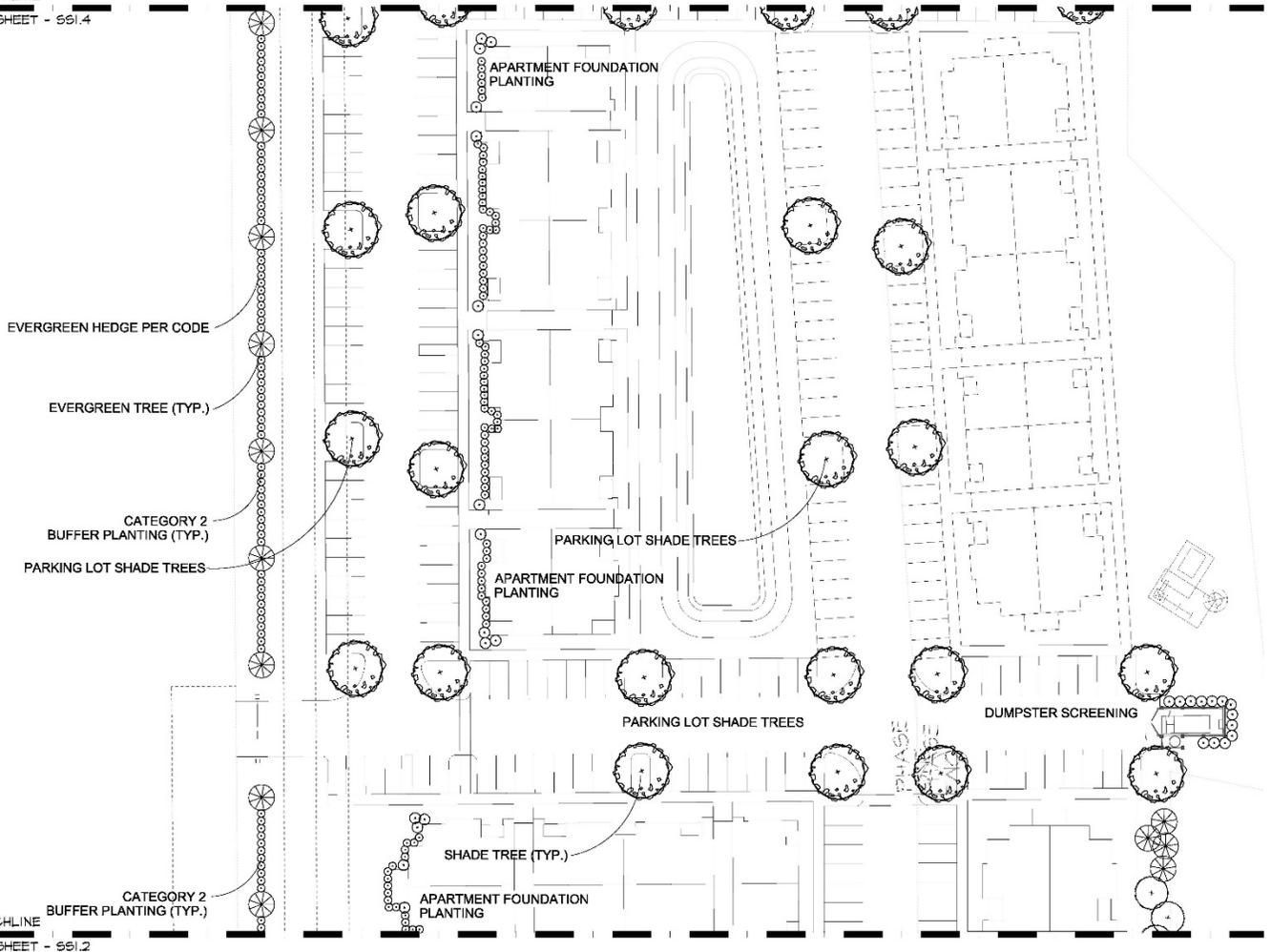


CHLINE  
SHEET - SS1.2

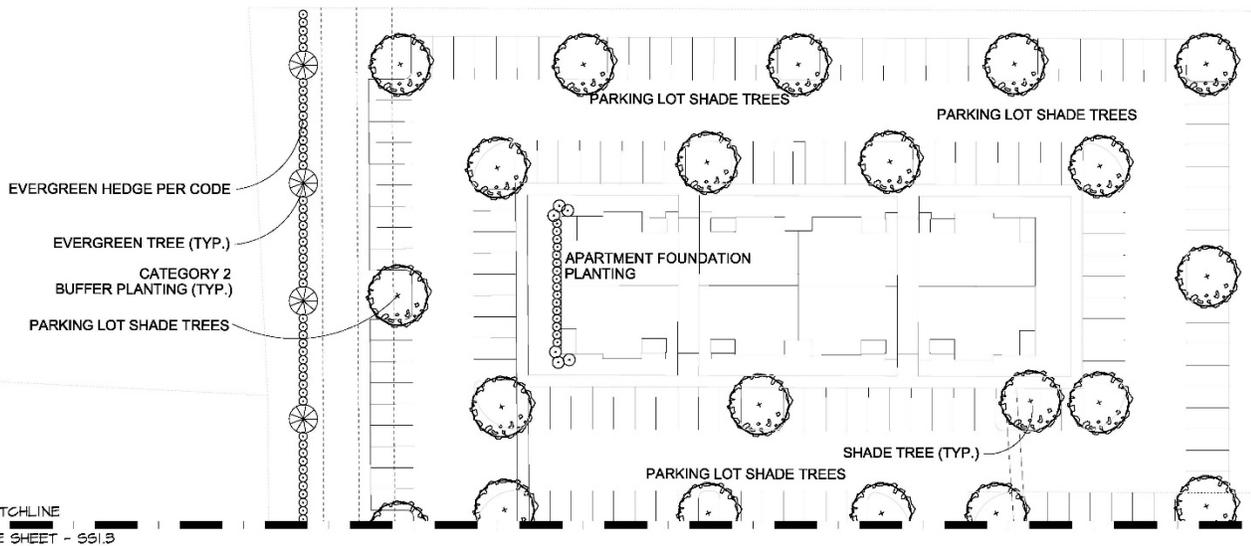


SS1.2

MATCHLINE  
SEE SHEET - SS1.4



# SS1.3



SS1.4

# Proposed Building Elevations



BUILDING #1 ELEVATION FACING WITCHDUCK RD. (REAR SIMILAR)

FIBER CEMENT FLAT PANEL SIDING WITH ALUMINUM FINISHES, TYP.



TYPICAL BUILDING END ELEVATION (@ 1 BR. UNIT)



CLUBHOUSE ELEVATION

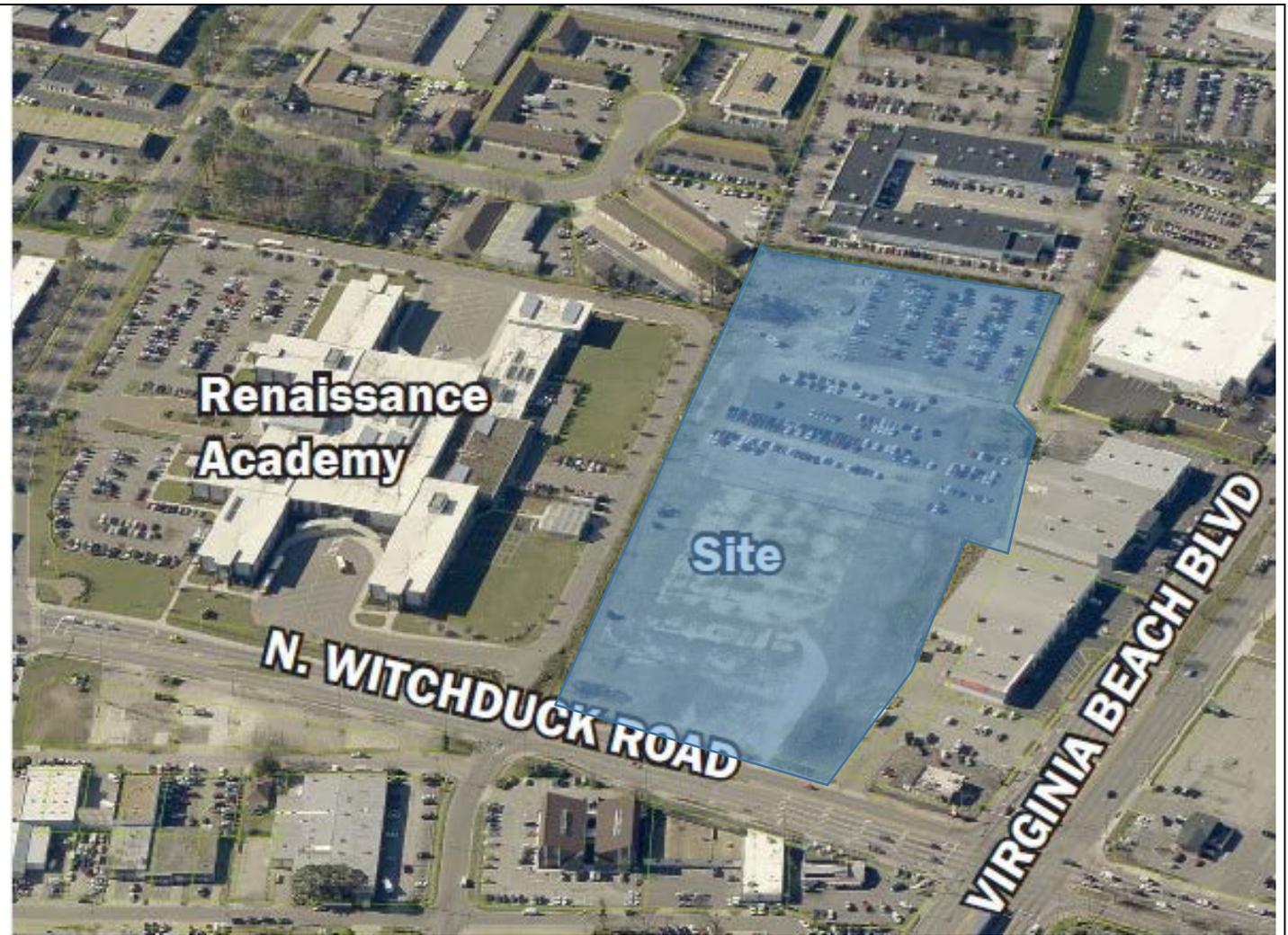


## Conceptual Elevations RENAISSANCE APARTMENTS

WITCHDUCK RD.  
VIRGINIA BEACH, VIRGINIA

NOVEMBER 30, 2017

Site Photos



View from Witchduck Road



**APPLICANT'S NAME** Franklin Johnston Group Management & Development, 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).

Page 1 of 7

<input checked="" type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	12/8/17
<input checked="" type="checkbox"/>	NO CHANGES AS OF	DATE:	12/20/17
<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: Please see attached.  
If an LLC, list all member's names:  
Please see attached.

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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*  
Please see attached.

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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- 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: School Board of the City of Virginia Beach  
If an LLC, list the member's names: N/A

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

N/A

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

N/A

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

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### 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 SEPARATELY



## 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Cox, Kliever & Company, P.C.
<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	Hassell & Folkes, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Troutman Sanders LLP
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Thalhimer

### 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?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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

Bob Thornton/Planning Commissioner is the Applicant's Real Estate Broker

**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.

	Franklin Johnston Group Management & Development, LLC, Inc. Thomas M. Johnston	10/30/17
PROPERTY OWNER'S SIGNATURE Applicant's	PRINT NAME Manager	DATE



**OWNER**

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

---

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	ANTHONY L. ARNOLD, PE	11.30.17
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

**Conditional Re-Zoning Application of Franklin Johnston Group Management & Development, LLC**

**Applicant Disclosures**

(A) List the Applicant's name followed by the names of all officers, directors, members, trustees, partners, etc., below:

1. Applicant's Name: Franklin Johnston Group Management & Development, LLC
2. Managers of Franklin Johnston Group Management & Development, LLC:
  - a. Wendell C. Franklin
  - b. W. Taylor Franklin
  - c. Thomas M. Johnston
3. Members of Franklin Johnston Group Management & Development, LLC:
  - a. Beach One, LLC
  - b. Stephen W. Cooper
  - c. M. David Jester
  - d. Johnston Family Group, LLC
  - e. Cherie James
  - f. Chris McKee

(B) List the businesses that have a parent-subsiary or affiliated business entity relationship with the Applicant:

- a. F & J Developers, LLC
- b. Shorehaven Developers, LLC
- c. Pickett Farms Developers, LLC
- d. GreenPlain Properties, LLC
- e. Aquia Apts., LLC
- f. Aquia GP, LLC
- g. Aquia Developers, LLC
- h. Kellingwood Apartments, LLC
- i. Franklin Johnston Associates, LLC
- j. Southern Pine One, LLC
- k. Quill Developers, LLC
- l. South Riding Apts LP
- m. South Riding GP, LLC
- n. Arbor Lakes LP
- o. Arbor Lakes GP, LLC
- p. Belleharbour Apts. LP
- q. BelleHarbour GP, LLC
- r. Fountain Park Apts LP

- s. Fountain Park GP, LLC
- t. Summerland Heights III LP
- u. Summerland Heights III GP, LLC
- v. South Riding II LP
- w. South Riding II GP, LLC
- x. SLN 5100 LP
- y. SLN 5100 GP, LLC/Heritage Forrest II GP, LLC
- z. I Square Apartments LP
- aa. I Square Apts., LP
- bb. Edward Street LLC
- cc. Twin Branch LP
- dd. Twin Branch GP, LLC
- ee. Dunlop Farms LLC
- ff. Belleville Seniors Apts LP
- gg. Belleville Seniors GP, LLC
- hh. Pickett Farms Apts LP
- ii. Pickett Farms GP, LLC/Quill GP, LLC
- jj. River House Apts LLC
- kk. River House Apts., LLC
- ll. Sea Pines LP
- mm. Sea Pines GP, LLC
- nn. Shorehaven Apts LP
- oo. Shorehaven GP, LLC
- pp. Somerset Apts LP
- qq. Somerset GP, LLC
- rr. Heritage Hampton LP
- ss. Chippenham Apts LP
- tt. Chippenham GP, LLC
- uu. Southwind Apts LP
- vv. Southwind GP, LLC
- ww. Spring Water, LLC
- xx. Summerland Heights LP
- yy. Summerland Heights GP, LLC
- zz. Tanglewood Lake Apts LLC
- aaa. Whispering Oaks Apts LP
- bbb. Whispering Oaks GP, LLC
- ccc. Woodberry Forest Apts LLC
- ddd. Price Pond, LLC
- eee. TFJG Price Street Apts. I, LP
- fff. TFJG Price Street GP I, LLC

**Request**

**Conditional Use Permit** (Motor Vehicle Sales)

**Staff Recommendation**

Approval

**Staff Planner**

Jimmy McNamara

**Location**

1805 Virginia Beach Boulevard, Suite 102

**GPIN**

2407652769

**Site Size**

0.84 acres

**AICUZ**

Greater than 75 dB DNL; APZ 1

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Laundromat / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Virginia Beach Boulevard

**South**

Single-family dwellings / R-7.5 Residential

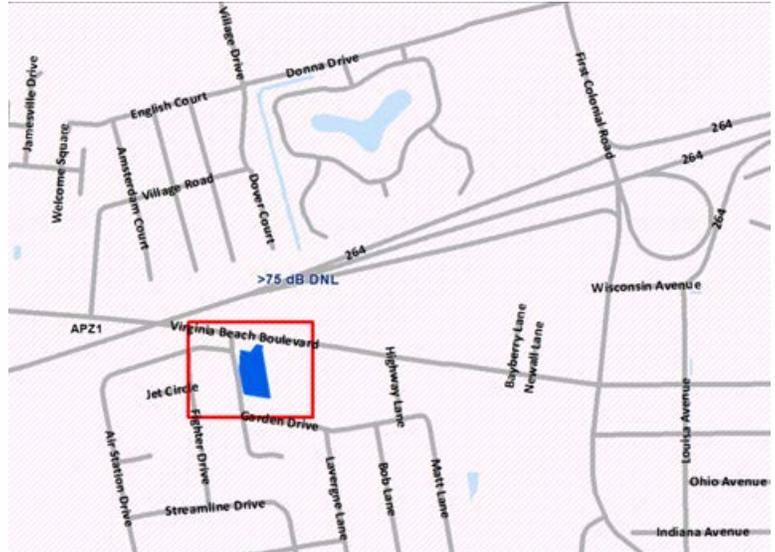
**East**

Motor vehicle sales / B-2 Community Business

**West**

Riddle Avenue

Single-family dwellings / R-7.5 Residential



## Background and Summary of Proposal

- The subject site is developed with a 9,600 square-foot building with two units. A laundromat currently operates in the 8,400 square-foot suite at the front of the building. This is a request to operate a motor vehicle sales operation within the 1,200 square-foot unit in the rear of the building.
- The applicant has rented space on the adjacent site for a car dealership for the past 15 years. That site is being sold and the applicant is in the process of relocating. The applicant proposes to use the subject site for the display of up to 10 vehicles, primarily sold via the internet, and office space for the small dealership. No changes to the building are proposed other than a single wall-mounted sign above the entryway into the office.
- Most of the applicant's business will be conducted through online transactions; however, per the Virginia Department of Motor Vehicle's licensing standards, the applicant must have the ability to display a minimum of 10 vehicles on the site.
- The concept plan depicts the display area for the 10 vehicles on the rear of the site. Five existing parking spaces will be converted to display area as well as five parallel display area spaces will be created along the drive aisle.
- There are two existing landscaping islands that will meet the minimum planting area requirement for display area landscaping.
- A solid vinyl fence, six feet in height, is proposed along the southern property line adjacent to the single-family residential neighborhood. A row of existing mature trees also currently exists along this property line. A solid fence is also proposed to enclose the existing dumpster on the site.
- The 38 parking spaces onsite meet the requirement for both the laundromat and the proposed motor vehicle sales operation.

	<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>REZ (R-7.5 to B-2) Approved 03/10/1998</td> </tr> <tr> <td>2</td> <td>CUP (Motor Vehicle Sales) Approved 11/13/2001 CUP (Automobile Repair Garage) Approved 04/28/1998</td> </tr> <tr> <td>3</td> <td>CUP (Motor Vehicle Sales) Approved 11/09/1999</td> </tr> </tbody> </table>	#	Request	1	REZ (R-7.5 to B-2) Approved 03/10/1998	2	CUP (Motor Vehicle Sales) Approved 11/13/2001 CUP (Automobile Repair Garage) Approved 04/28/1998	3	CUP (Motor Vehicle Sales) Approved 11/09/1999
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<b>Application Types</b>									
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MOD – Modification of Conditions or Proffers NON – Nonconforming Use STC – Street Closure	FVR – Floodplain Variance ALT – Alternative Compliance SVR – Subdivision Variance							

## Evaluation and Recommendation

The permitted uses on the subject site are limited by virtue of its location within the greater than 75 noise zone, the highest noise zone and within the Accident Potential Zone 1. Per Section 1800 of the Zoning Ordinance, this proposed use is deemed compatible within the AICUZ. Due to the online nature of his business, the applicant proposes a small display area for up to 10 cars to be located behind the existing building, which will not be visible from Virginia Beach Boulevard.

The existing landscape islands provide sufficient space to meet the landscaping requirement for display area. The applicant has agreed to plant trees and shrubs within these areas to bring the site into conformance with this standard. In addition to maintaining the existing mature trees along the southern property line, the applicant intends to install a six-foot solid fence to further screen the adjacent residential dwellings from the car sales operation.

In Staff's view, the auto sales use is appropriate on this site given the AICUZ restrictions, the existing and proposed screening and the existing auto sales uses in the vicinity. As such, Staff recommends approval of the request subject to the conditions below.

## Recommended Conditions

1. There shall be no more than 10 cars displayed and all displayed vehicles shall be located within the vehicle display area as designated by the site layout exhibit, found on page 5 of this report.
2. One medium shade tree and understory shrubs, as determined by the Development Services Center's Landscape Architect, shall be planted and maintained within the two landscape islands, as depicted in the site layout exhibit referenced in Condition 1 above.
3. A six-foot solid fence shall be installed and maintained along the southern property line.
4. The existing dumpster shall be screened by a fence or wall no less than six feet in height.
5. All signage on the site shall meet the requirements of the Zoning Ordinance. The motor vehicle sales operation shall be limited to one wall-mounted sign, which location is depicted on the site layout exhibit referenced in Condition 1 above.
6. No vehicles shall be parked or displayed within 30 feet of the Riddle Avenue right-of-way.
7. No outside paging or amplified music system shall be permitted.
8. There shall be no decorative pennants, feather flags, streamers, air dancers, inflatables or other similar advertising items located on the site.
9. No vehicles in a state of obvious disrepair shall be stored on the site.
10. There shall be no vehicle repair performed 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 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.*

## Comprehensive Plan Recommendations

The subject site is located in the Hilltop Strategic Growth Area (SGA). The Hilltop SGA Plan is guiding planning policy for land use and development in this area. The general planning principles for the Hilltop SGA includes providing a mix of retail, restaurants, and office uses; building a network of streets to improve traffic flow; and matching quality of local business with an equally memorable built setting.

## Natural and Cultural Resources Impacts

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

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Virginia Beach Boulevard	30,570 ADT <sup>1</sup>	22,800 ADT <sup>1</sup> (LOS <sup>4</sup> "D") 27,400 ADT <sup>1</sup> (LOS <sup>4</sup> "E")	Existing Land Use <sup>2</sup> – Unknown Proposed Land Use <sup>3</sup> - 41 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> no data available for laundromat land use	<sup>3</sup> as defined by 1,200 square feet of used car sales	<sup>4</sup> LOS = Level of Service

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

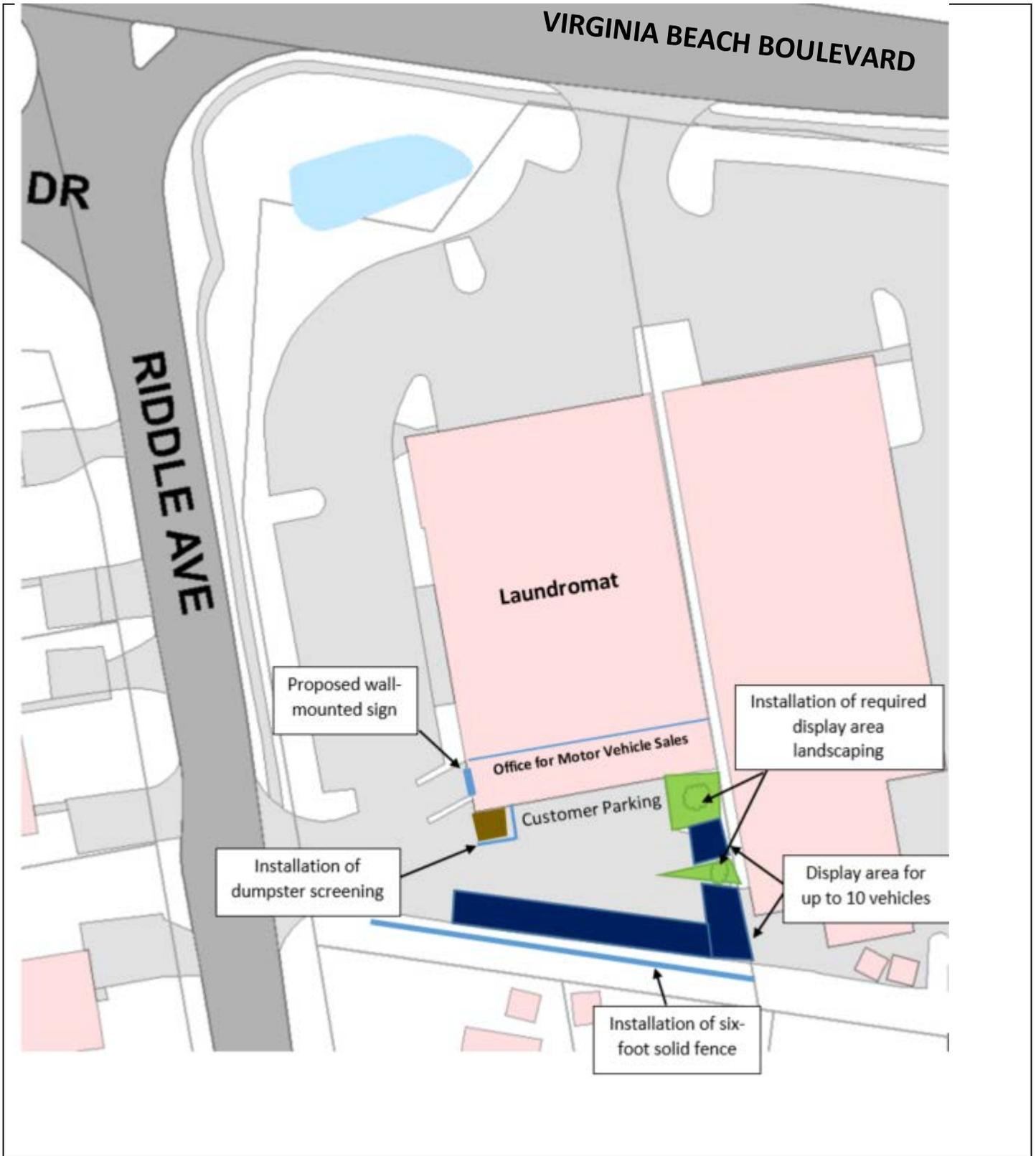
There is a roadway CIP project slated for this area. First Colonial Road and Virginia Beach Boulevard Intersection Improvements (CIP 2-072) will widen First Colonial Road from four to six lanes from Oceana Boulevard to the I-264 overpass. It also includes additional turn lanes and traffic signalization improvements. Right-of-way acquisition is in progress, and construction is currently scheduled to begin in summer 2018. It appears the subject site is outside the construction limits, so there will be no physical improvements to the property's frontage.

## Public Utility Impacts

### Water & Sewer

The site currently connects to City water and sewer service.

Proposed Site Layout



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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>



**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: Hilltop Investors, LLC  
 If an LLC, list the member's names: Edward Murray, Roberta Murray



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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*  
Chesapeake Coin-Op, Inc.

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

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



**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	Desrches & Company
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Wulcott & Rivers
<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.

	Larry Garrison	11.28.17
APPLICANT'S SIGNATURE	PRINT NAME	DATE



**OWNER**

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<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)	Bank of America
<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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

# Disclosure Statement



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	EDWARD MURRAY	11-28-17
PROPERTY OWNER'S SIGNATURE	PRINT NAME MEMBER	DATE



**Request**

**Major Retail Venue Signage Permit**

**Staff Recommendation**

Approval

**Staff Planner**

Kevin Kemp

**Location**

701, 739, 745, 757, & 773 Lynnhaven Parkway,  
1001, 1005, & 1009 Lynnhaven Mall Loop

**GPINs**

1496269419, 1496268097, 1496350434,  
1496341955, 1496342787, 1496363430,  
1496461559, 1496453926, 1496358830,  
1496455278, 1496353639, 1496468297,  
1496468027, 1496469093, 1496459637

**Site Size**

Appr. 4,000,000 square feet (92 acres)

**AICUZ**

Greater than 75 dB DNL; APZ 2

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Mall / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Lynnhaven Mall Loop  
Mixed Retail / B-2 Community Business

**South**

Lynnhaven Mall Loop  
Mixed Retail/Restaurants / B-2 Community Business

**East**

Lynnhaven Parkway  
Offices/Industrial / I-1 Light Industrial

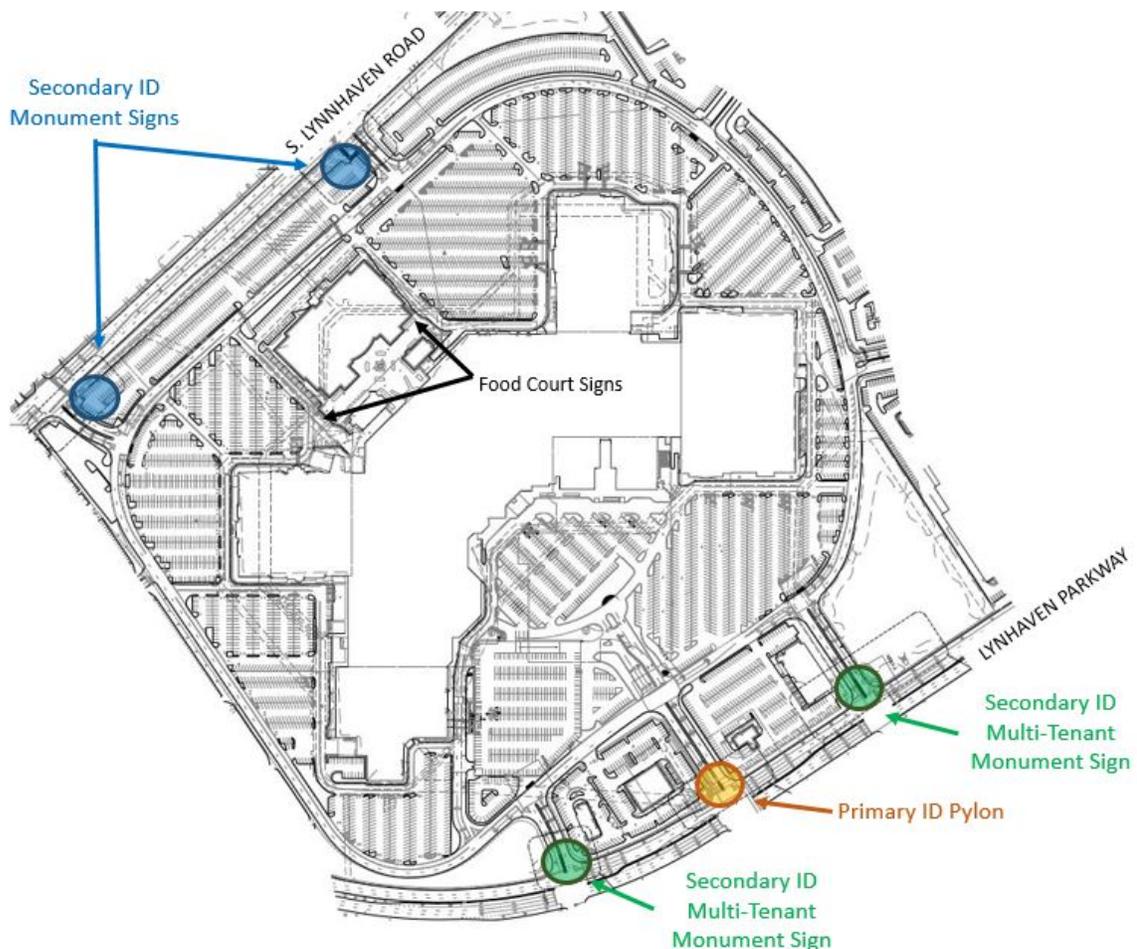
**West**

South Lynnhaven Road  
Single-family dwellings / R-7.5 Residential



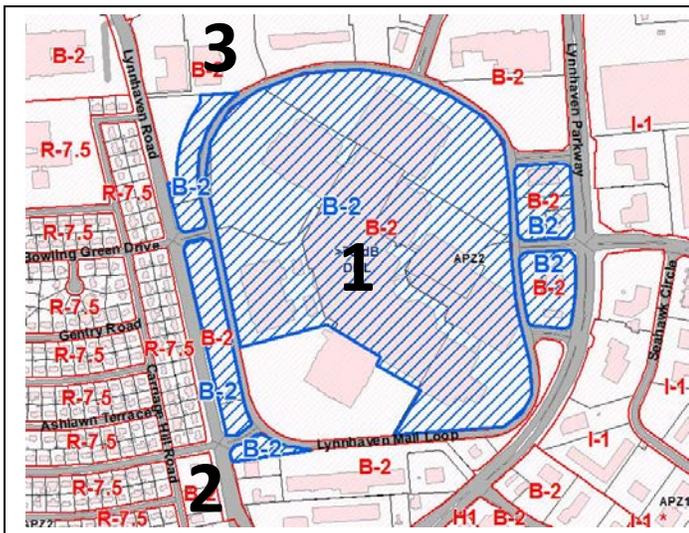
## Background and Summary of Proposal

- On January 9, 2017, City Council approved an amendment to the Zoning Ordinance that created a definition for a “Major Retail Venue.” According to the ordinance, a “major retail venue” is a zoning lot, containing at least 4,000,000 square feet and its primary use is providing retail and indoor recreation services. The ordinance stipulates that the signage package for a major retail venue is subject to Section 218 of the Zoning Ordinance, allowing City Council to consider and approve signage for these venues.
- Lynnhaven Mall is currently implementing a new and updated branding strategy. As part of this effort, they wish to replace the existing free-standing signs on the site. Many of the signs, interior to the Lynnhaven Mall Loop Road, have already been replaced. The free-standing signs at the major entrances to the mall property are located on the other side of the Lynnhaven Mall Loop Road, and therefore are off-site to the principal use and need City Council approval to replace, enlarge, or move. This request is to replace these free-standing signs that are in-line with the mall’s rebranding effort. Details of the proposal are listed below:



- Primary ID Pylon Sign (adjacent to Lynnhaven Parkway) - The existing freestanding sign is located in a discrete location on the south side of the intersection of Lynnhaven Parkway and East Mall Drive. The proposed sign will be relocated to the median strip of East Mall Drive. The proposed sign will be 12-feet in height and will display the names of the anchor tenants of Lynnhaven Mall.

- **Secondary ID Tenant Multi-Tenant Monument Signs** (adjacent to Lynnhaven Parkway) – Two existing freestanding signs will be replaced. The existing signs are located in discrete locations and are largely blocked by landscaping. One sign is located on the Carrabba’s parcel, and the other on the McDonald’s parcel. The location of the proposed monument signs will be shifted to the median strip of each of those mall access roads. The signs will be six-feet in height, and 12-feet in length. The signs will display “Lynnhaven Mall,” as well as the name of three other tenants.
- **Secondary ID Monument Signs** (adjacent to South Lynnhaven Road) – Two existing freestanding signs will be replaced in the same location at each mall access along South Lynnhaven Road. The proposed signs will display “Lynnhaven Mall.” Each sign will be six-feet in height and 12.5-feet in length.
- The two existing “Food Court” signs, each of which are taller than 20-feet, will be removed.



**Zoning History**

#	Request
1	CUP (Tattoo Parlor) Approved 07/09/2013 CUP (Indoor Recreation) Approved 01/08/2013 CUP (Commercial Recreation) Approved 03/24/1998 CUP (Car Rentals) Approved 06/23/1992
2	CUP (Motor Vehicle Sales) Approved 07/18/2017
3	CUP (Indoor Recreation) Approved 06/23/2009

**Application Types**

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

MOD – Modification of Conditions or Proffers  
NON – Nonconforming Use  
STC – Street Closure

FVR – Floodplain Variance  
ALT – Alternative Compliance  
SVR – Subdivision Variance

**Evaluation and Recommendation**

Staff recommends approval of this application. Lynnhaven Mall is a unique situation in regard to their existing signage. When the mall was developed and the primary free-standing signs were installed, the mall owned the Lynnhaven Mall Loop Road. The signs met all requirements of the Zoning Ordinance. Since that time, ownership of the Lynnhaven Mall Loop Road was transferred to the City. Because this road is now public right-of-way, the existing primary free-standing signs are off-site, and nonconforming. Consideration of replacing these signs under Section 218 of the Ordinance allows City Council to address this unique situation.

The submitted signage package is, in Staff’s opinion, a tremendous upgrade from the existing, oyster-themed signage currently used. Many of the signs interior to the mall loop road have been replaced with the new branding effort, and they have proven to be an aesthetic upgrade. The new signage package both modernizes and provides greater visibility for Lynnhaven Mall from the major thoroughfares, and therefore benefits a use that attracts a large number of visitors each year. This site is unique, and Staff feels that the submitted sign package is appropriate in size, location and appearance to the area and to this major retail venue.

## Recommended Conditions

1. When installed, the free-standing signs shall be installed in a location substantially conforming to the site layout included in the submitted sign package entitled, "GGP GENERAL GROWTH PROPERTIES, LYNNHAVEN MALL REFRESH PHASE 3, SITE SIGNAGE, 701 LYNNHAVEN PARKWAY, VIRGINIA BEACH, VA," dated September 13, 2017 and prepared by CANNONDESIGN.
2. When installed, the free-standing signs shall be substantially conforming in size and appearance to the elevation drawings included in the submitted sign package entitled, "GGP GENERAL GROWTH PROPERTIES, LYNNHAVEN MALL REFRESH PHASE 3, SITE SIGNAGE, 701 LYNNHAVEN PARKWAY, VIRGINIA BEACH, VA," dated September 13, 2017 and prepared by CANNONDESIGN.
3. No additional free-standing signs shall be installed to the signs shown in the submitted sign package entitled "GGP GENERAL GROWTH PROPERTIES, LYNNHAVEN MALL REFRESH PHASE 3, SITE SIGNAGE, 701 LYNNHAVEN PARKWAY, VIRGINIA BEACH, VA," dated September 13, 2017 and prepared by CANNONDESIGN.
4. All approvals from the Department of Public Works, Real Estate division must be obtained prior to the installation of any signs located within the public right-of-way.
5. A permit must be obtained from the Planning Department, Zoning Division, for all signage prior to installation.

*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.*

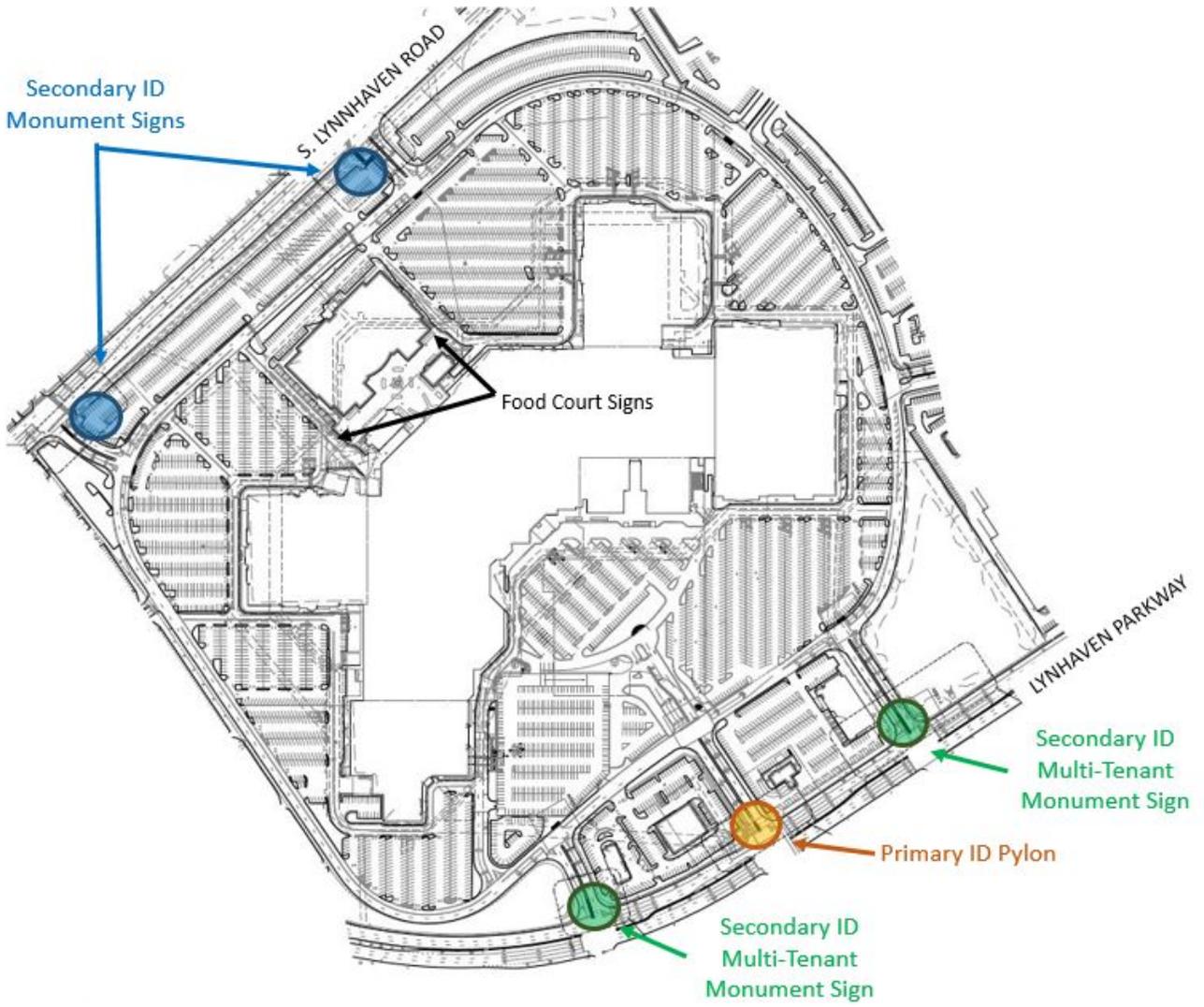
## Comprehensive Plan Recommendations

This site is located in Special Economic Growth Area (SEGA) 2 West Oceana. SEGAs are viewed as special areas with significant economic value and growth potential, with a primary consideration being adjacency to NAS Oceana or within the Interfacility Traffic Area high noise overflight zone. The area west of Lynnhaven Parkway is recommended for corporate office, retail, and other comparable commercial use due to this site's high visibility.

## Natural and Cultural Resources Impacts

This site is within the Chesapeake Bay watershed. As the property is developed with a mall and parking lot, there do not appear to be any significant natural or cultural resources associated with the site.

# Location of Proposed Signs





# Secondary Multi-Tenant Monument Sign



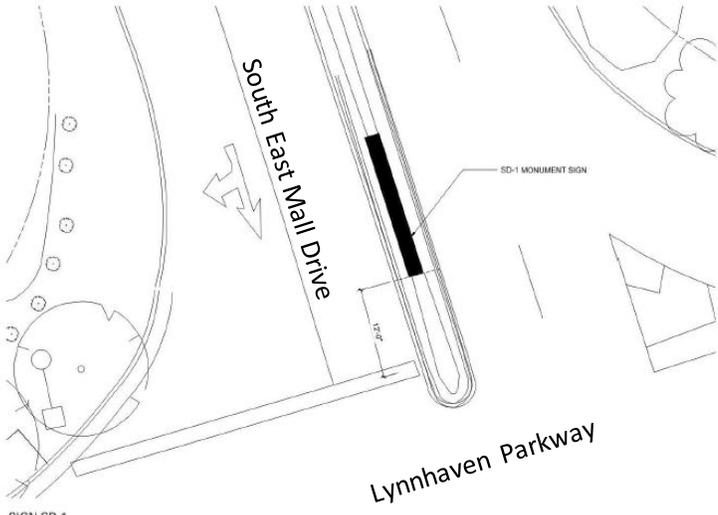
**SIGN TYPE SD 1 & 2 - SIDE ELEVATION**  
SCALE: 1/2" = 1'-0"

**SIGN TYPE SD 1 & 2 - FRONT ELEVATION SOUTH**  
SCALE: 1/2" = 1'-0"

**SIGN TYPE SD 1 & 2 - SIDE ELEVATION**  
SCALE: 1/2" = 1'-0"

	PROJECT	LYNNHAVEN MALL - SIGN SYSTEM	DWG TITLE	SD TENANT MONUMENT	SCALE	DATE	REVISIONS	1	2	3	<b>3.0</b>
	ARCHITECT	CANNON DESIGN	DEVELOPER	GENERAL GROWTH PROPERTIES	AS NOTED	09.06.2017	4	5	6	7	
	DRAWN BY	DR	CHECKED BY	SHC	PROOFED BY	LD					

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SIGN SD-1  
1/8" = 1'-0"

	PROJECT	LYNNHAVEN MALL - PH2	DWG TITLE	SIGN LOCATION DETAILS	SCALE	DATE	REVISIONS	1	2	3	<b>LOC 05</b>
	ARCHITECT	Cannon Design	DEVELOPER	GGP	1/8" = 1'-0"	09.06.2017	4	5	6	7	
	DRAWN BY	SHC	CHECKED BY	LD	PROOFED BY	LD					

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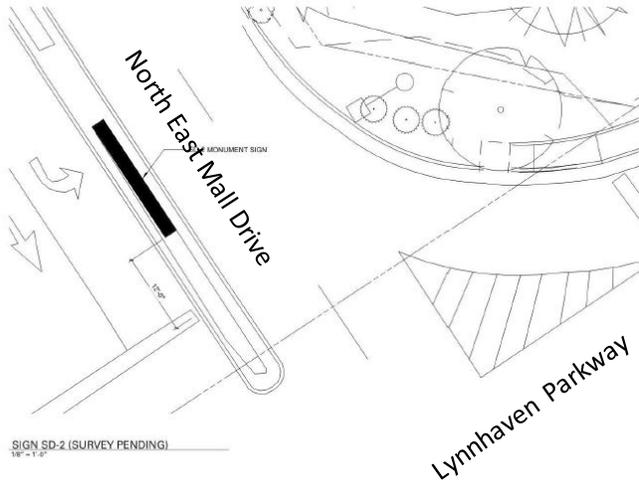
Proposed Location Existing Monument

# Secondary Multi-Tenant Monument Sign



	PROJECT	LYNNHAVEN MALL	DWG TITLE	SD TENANT MONUMENT	SCALE	DATE	REVISIONS	1	2	3	<b>3.0</b>
	ARCHITECT	CANNON DESIGN	DEVELOPER	GENERAL GROWTH PROPERTIES	AS NOTED	09.06.2017	4	5	6	7	
					DRAWN BY	DR	CHECKED BY	SHC	PROOFED BY	LD	

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	PROJECT	LYNNHAVEN MALL - PH3	DWG TITLE	SIGN LOCATION DETAILS	SCALE	DATE	REVISIONS	1	2	3	<b>LOC 06</b>
	ARCHITECT	Cannon Design	DEVELOPER	GGP	1/2" = 1'-0"	09.06.2017	4	5	6	7	
					DRAWN BY	DR	CHECKED BY	SHC	PROOFED BY	LD	

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# Secondary ID Monument Sign

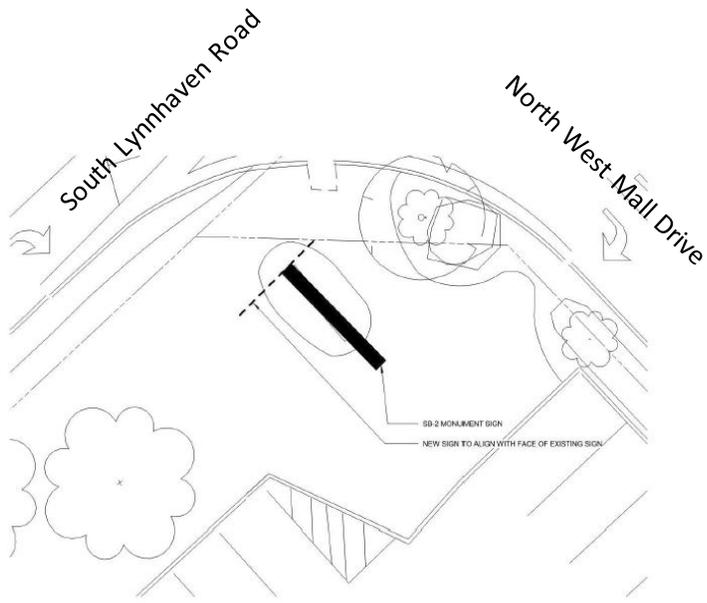


**SIGN TYPE SB - SIDE VIEW**  
SCALE: 1/2" = 1'-0"

**SIGN TYPE SB - FRONT ELEVATION**  
SCALE: 1/2" = 1'-0"

**SIGN TYPE SB - SIDE VIEW**  
SCALE: 1/2" = 1'-0"

	PROJECT	LYNNHAVEN MALL	DWG TITLE	SECONDARY ID MON.	SCALE	DATE	REVISIONS	1	2	3	<b>2.0</b>
	ARCHITECT	CANNON DESIGN	DEVELOPER	GENERAL GROWTH PROPERTIES	AS NOTED	03.06.2017	4	5	6	7	
					DRAWN BY		CHECKED BY	PROOFED BY			
					DR		SHC	LD			



**SIGN SB-2**  
1/8" = 1'-0"

	PROJECT	LYNNHAVEN MALL - PWS	DWG TITLE	SIGN LOCATION DETAILS	SCALE	DATE	REVISIONS	1	2	3	<b>LOC 04</b>
	ARCHITECT	CANNON DESIGN	DEVELOPER	GDP	1/8" = 1'-0"	06.08.2017	4	5	6	7	
					DRAWN BY		CHECKED BY	PROOFED BY			
					SMC			EB			



Existing Monument.  
Proposed Sign in same location

# Food Court Signs



Signs to be Removed

# Color Palette

## PAINT\*

**NOT USED IN THIS PACKAGE**

P1 PAINT TO MATCH PMS 300 C  
 P2 PAINT TO MATCH PMS 301 C  
 P3 PAINT TO MATCH PMS WARM GRAY 9C  
 P4 PAINT TO MATCH PMS WARM GRAY 9C  
 P5 PAINT TO MATCH PMS WARM GRAY 9C ACE (SOKENS) 483-F4  
 P6 PAINT TO MATCH PMS 1463 ACE (SOKENS) 431-B2  
 P7 PAINT TO MATCH PMS 124  
 P8 PAINT TO MATCH MATHEWS PAINT MP55685 SNOWLAKE  
 P9 PAINT TO MATCH PMS WARM GRAY 11C MATHEWS PAINT MP07650 BEAR CREEK  
 P10 PAINT TO MATCH APPROVED GARAGE SAMPLE-AZ20 NOBEL METALLIC SEVEN  
 P11 PAINT TO MATCH EXTING  
 P12 PAINT TO MATCH EXTING  
 P13 TRIARCH: GRANITE #152 ZIMBAWE  
 P14 PAINT TO MATCH PMS 300 C AZ20 (SOKENS) 404-C8  
 P15 PAINT TO MATCH PMS 301 C AZ20 (SOKENS) 418-C8

## VINYL\*

**NOT USED IN THIS PACKAGE**

V1 3M SCOTCHLITE REFLECTIVE GRAPHIC FILM WHITE SERIES 680  
 V2 3M SCOTCHLITE REFLECTIVE GRAPHIC FILM LIGHT BLUE SERIES 680-70  
 V3 3M SCOTCHLITE REFLECTIVE GRAPHIC FILM RED SERIES 680  
 V4 3M SCOTCHLITE PERFORATED GRAPHIC FILM LIGHT BLUE SERIES 680-70  
 V5 3M SCOTCHLITE TRANSLUCENT GRAPHIC FILM WHITE 3638-20

**NOT USED IN THIS PACKAGE**

**MATERIALS\***

M1 BRUSHED ALUMINUM

**DIGITAL GRAPHICS\***

D1 C: 90 M: 30 Y: 5 K: 18  
 D2 C: 40 M: 18 Y: 3 K: 10

\*PRINTED COLORS ARE FOR REFERENCE ONLY AND SHOULD NOT BE MATCHED FROM THIS PAGE OR ANY OTHER PAGES IN THIS DOCUMENT.

\*\*TYPEFACES AND ARTWORK ARE INDICATED FOR REFERENCE ONLY AND SHALL NOT BE SCANNED FROM THIS PAGE OR ANY OTHER PAGES IN THIS DOCUMENT. USE ONLY ELECTRONIC ART PROVIDED BY THE CLIENT OR HUIE DESIGN. FOR TYPEFACES USE ONLY COMPUTER GENERATED FONTS.

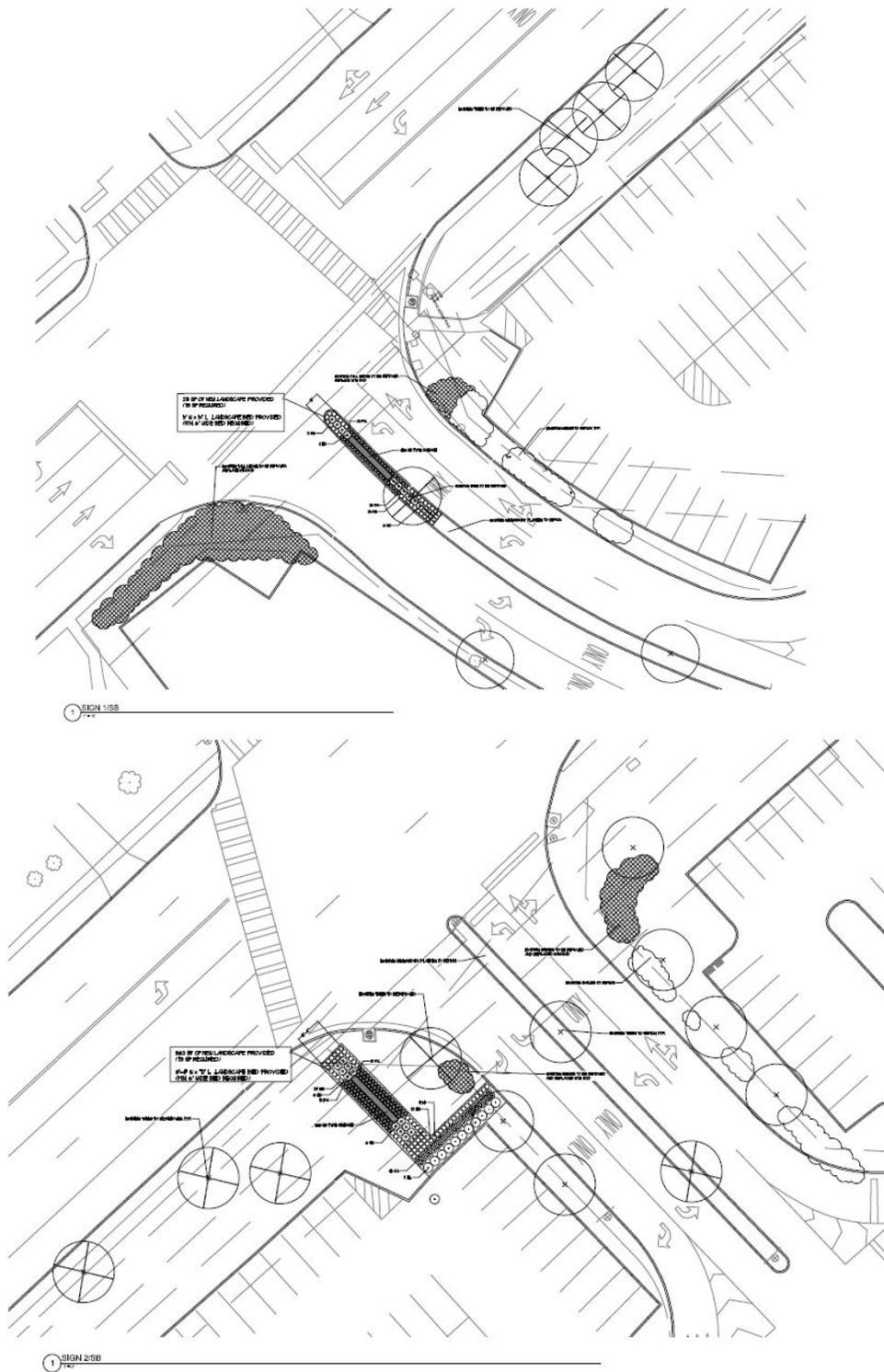
NOTE: ALL PAINT FINISHES TO BE LOW GLOSS.

	PROJECT	LYNNHAVEN MALL <i>Exterior Sign System</i>
	ARCHITECT	CANNON DESIGN

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## Secondary Monument Signs

Existing Freestanding Signs







- 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: Lynnhaven Mall L.L.C.  
 If an LLC, list all member's names:  
 GGPLP LLC, sole member.

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<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*  
 GGP Nimbus, LP

See next page for information pertaining to footnotes<sup>1</sup> and <sup>2</sup>

---

## 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: Lynnhaven Mall L.L.C.  
 If an LLC, list the member's names: GGPLP L.L.C., Sole Member



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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

GGP Nimbus, LP

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

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

**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 checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	huie design, inc.
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Grady A. Palmer, Esq., Williams Mullen
<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.

Lynnhaven Mall L.L.C. By: GGPLP L.L.C.		John Charters	11/30/2017
APPLICANT'S SIGNATURE		PRINT NAME	DATE



**OWNER**

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 checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	hule design inc.
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Grady A. Palmer, Esq., Williams Mullen
<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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

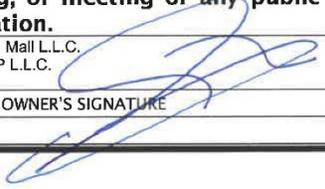
If yes, what is the name of the official or employee and what is the nature of the interest?

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Lynnhaven Mall L.L.C. By: GGPLP L.L.C. By: 	John Charters	11/30/2017
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE