



Applicant **Luciana Crespo**  
 Property Owner **The Bruce W. & Ellen B. Gallup Joint Revocable Inter Vivos Trust Agreement, dated December 21, 2015**  
 Public Hearing **January 10, 2018**  
 City Council Election District **Beach**

Agenda Item

**1**

**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

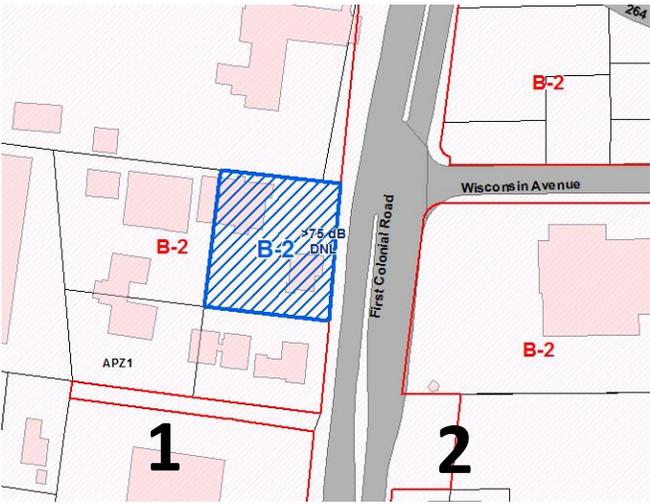
**West**

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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1	CUP (Fuel Sales in Conjunction with a Convenience Store) Approved 12/14/2004							
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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

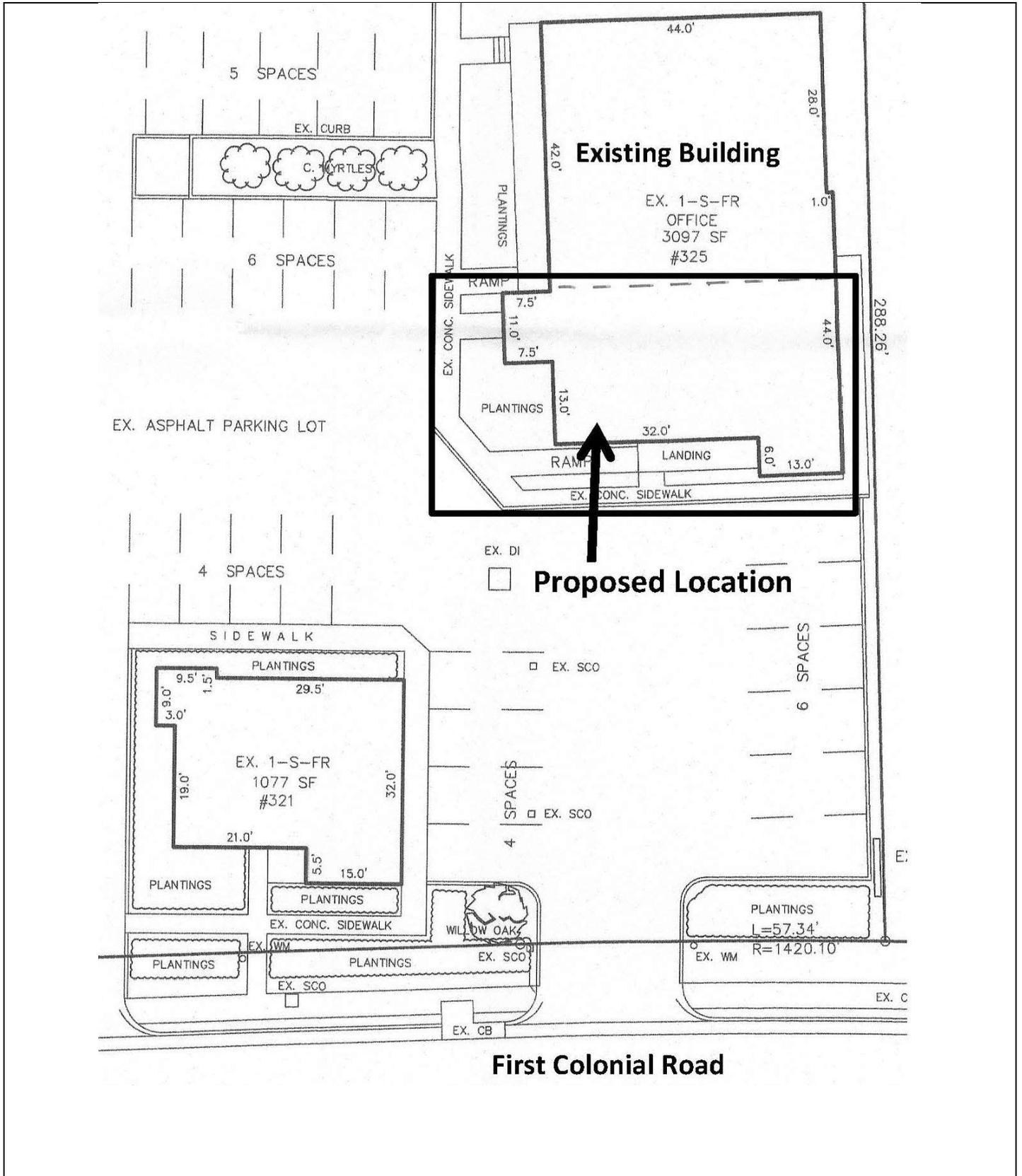
This site is located in the Chesapeake Bay watershed. There does not appear to be any significant natural resources associated with the site, as it is fully developed with a business park and parking lot.

## Public Utility Impacts

### Water & Sewer

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

# 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: 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	
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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