City of Virginia Beach

Applicant **Princess Anne Meadows, LLC**
Property Owner **Princess Anne Meadows, LLC, & William Snowden and James Snowden**
Public Hearing **September 12, 2018**
City Council Election District **Princess Anne**

Agenda Items
8 & 9

Request
Conditional Rezoning (AG-1 Agricultural to Conditional R-10 Residential)
Modification of Proffers

Staff Recommendation
Approval

Staff Planner
Jonathan Sanders

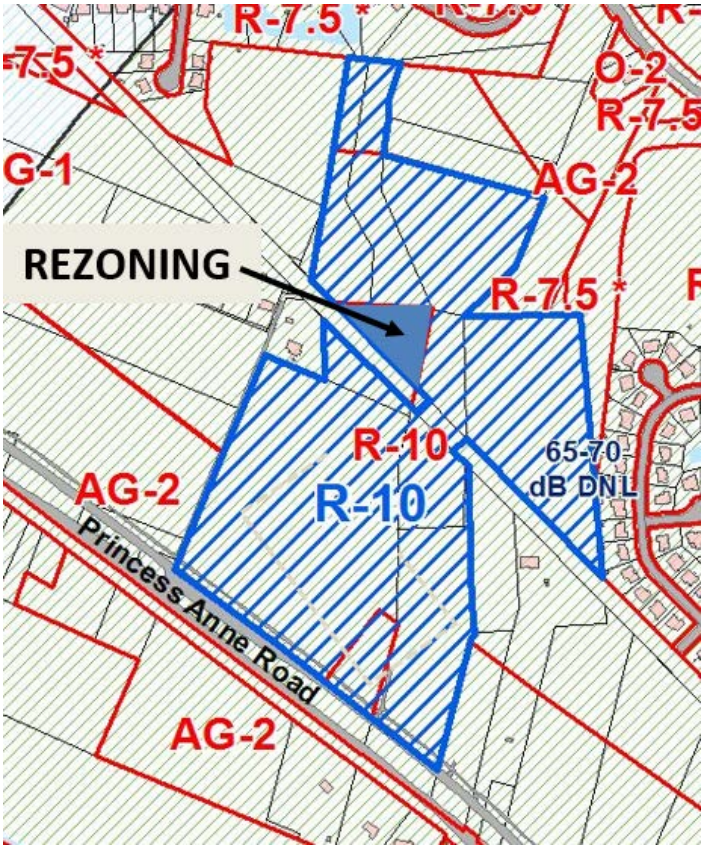
Location
2800-2900 Block of Princess Anne Road
GPINs
1494470310, 1494461695, 1494471877, 1494464666, 1494475502, 1494475947, 1494479615, 1494481279, 1494482492, 1494485388, 1494483050 & portion of 1485841210
Site Size
43.75 acres
AICUZ
65-70 dB DNL; Sub-Area 2
Watershed
Southern Rivers

Existing Land Use and Zoning District
Single-family development under construction / Conditional R-10 Residential

Surrounding Land Uses and Zoning Districts
North
Single-family dwellings, woods / AG-1 Agricultural, R-7.5 Residential
South
Princess Anne Road
Masonic lodge, single-family dwelling, woods / AG-2 Agricultural
East
Single-family dwellings, woods, right-of-way / R-7.5 Residential, AG-1 & AG-2 Agricultural
West
Single-family dwelling, woods / AG-1 & AG-2 Agricultural

Background and Summary of Proposal

- This request is two-fold: a Conditional Rezoning application from AG-2 Agricultural District to Conditional R-10 Residential District for three new parcels on 55,500 square feet of land adjacent to the Princess Anne Meadows residential subdivision (under construction), and a Modification of Proffers in order to incorporate these new parcels into the approved development plan.



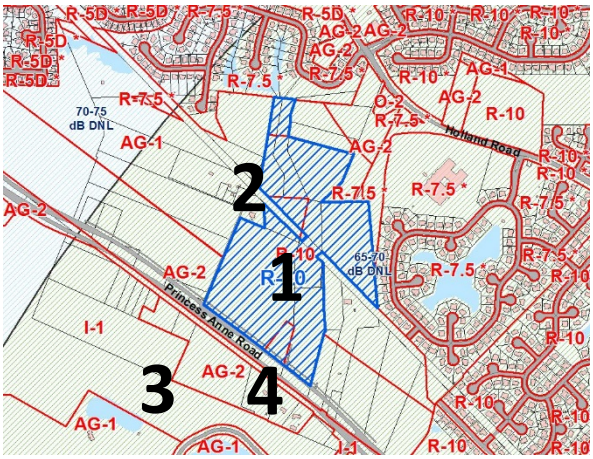
- In 2016, a Conditional Rezoning to R-10 Residential District for an 80-unit single-family residential neighborhood on 42.45 acres of developable land was approved by the City Council.

- Recently, the developer entered into a contract with an adjacent property owner for approximately 55,500 square feet to add three additional residential lots to the neighborhood, as depicted as lots 81, 82 and 83 on the Proposed Site Layout on page 8 of this report. The three lots will front an existing road in the neighborhood.

- As depicted on the Proposed Site Layout, immediately to the west of the three proposed single-family lots is an area of open space that will be incorporated into the overall open space of the neighborhood.

- The proposed house designs will follow the same architectural style as the development under construction, and as depicted on pages 9 to 12 of this report. As proffered, the exterior building materials will be a combination of architectural-grade shingles, raised metal-seam roof accents, fiber-cement siding, and masonry.

- The stormwater system for the neighborhood under construction has sufficient capacity to accommodate the additional three houses.



Zoning History

#	Request
1	**CRZ** (AG-1 & AG-2 to Conditional R-10) Approved 01/05/2016 **CRZ** (AG-1 & AG-2 to PD-H2 [R-10]) Denied 11/18/2014
2	**SVR** Approved 01/09/2007
3	**CRZ** (AG-1 & AG-2 to Conditional I-1) Approved 12/13/2016 **REZ** (O-2, B-2, R-10, P-1 & H-1 to AG-1) Approved 05/27/1997 **CUP** (Outdoor Recreation – Golf Course) Approved 05/27/1997
4	**CUP** (Assembly Use) Approved 11/21/2017

Application Types		
CUP – Conditional Use Permit	MOD – Modification of Conditions or Proffers	FVR – Floodplain Variance
REZ – Rezoning	NON – Nonconforming Use	ALT – Alternative Compliance
CRZ – Conditional Rezoning	STC – Street Closure	SVR – Subdivision Variance

Evaluation and Recommendation

It is Staff's opinion that the proposed rezoning to Conditional R-10 Residential and the modification of the existing proffered plan to permit three additional lots is acceptable, as it will have the same zoning, lot configuration pattern, house designs, and proffered standards as the existing approved proffers for Princess Anne Meadows. Furthermore, these attributes are consistent with the land use policies for Suburban Focus Area 2.1 North Courthouse which calls for maintaining low residential density, consolidation of parcels into a single, open spaces areas which include preservation of mature trees stands, and a well-configured tract of land that enables a safe, coordinated, and attractively designed development plan.

As recommended by the Comprehensive Plan, the applicant has submitted a preliminary drainage study to the Development Services Center (DSC) outlining their proposed stormwater strategy for the modified development. The DSC is confident that the submitted strategy has the potential to successfully comply with stormwater regulations for the site.

As this site is located in the 65-70 dB DNL, Sub Area 2, the City-Navy Joint Review Process Group (JRP) reviewed the proposal on April 25, 2018. The JRP determined that the proposal is consistent with the recommendations of the Comprehensive Plan, and will have a resulting density lower than the surrounding established residential communities. The evaluation portion of the letter is provided on page 13 of the report.

For the reasons stated above, Staff recommends approval of the requests, subject to the proffers below.

Proffers Rezoning & Modification

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to "offset identified problems to the extent that the proposed rezoning is acceptable," (§107(h)(1)). Should this application

be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

Proffer 1:
When the Property is developed, it shall be as a residential subdivision of single family homes, substantially in accordance with the Plan designated "Plan of Princess Anne Meadows", dated September 22, 2015 and revised August 2, 2018 prepared by Kotarides Developers, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Plan").

Proffer 2:
When the Property is developed, the primary vehicular Ingress and Egress to the Property shall be from Princess Anne Road as depicted on the Plan. The Applicant shall include in each sales contract as well as part of the Homeowners Association Documents a Statement that the City of Virginia Beach shall close the primary vehicular Ingress and Egress to the Property, ceasing its use for that purpose, in the event that any roadway or public right-of-way located within the property is connected to any roadway located outside the Property limits, and such roadway provides a link to Princess Anne Road at its existing intersection with Tournament Drive. Such roadway may be either 'London Bridge Ext South' as designated in the 2009 Master Transportation Plan or any other roadway meeting the same or greater construction standard than the roadways located on the Property. The City of Virginia Beach, Department of Public Works, Engineering, Specifications and Standards shall be used to determine if the construction standard is the same or greater.

Proffer 3:
When the Property is developed, it will be subdivided into no more than 83 single family residential building lots. When the Property is developed, the total number of single family dwellings permitted to be constructed on the property shall not exceed 83. Each two-story dwelling shall contain a minimum of 2,400 square feet of enclosed living area excluding garage and each one-story dwelling shall contain a minimum of 2,150 square feet of enclosed living area excluding garage. Every dwelling shall have a 2-car garage and off street parking for at least two vehicles.

Proffer 4:
When the Property is developed the areas shown on the Plan outside the 83 lots, rights-of-way to be dedicated to the Grantee, and reservation to the Grantee for future street purposes, are designated as Open Space areas. The Open Space areas shown on the Plan as "Forested Open Area" shall remain in their natural state and shall not be disturbed. The Open Space areas shown on the Plan shall be maintained by a Homeowner's Association to be established by the Grantor upon development of the Property. Membership in the Homeowners Association shall be mandatory.

Proffer 5:
When the Property is developed, street lights shall be a black colonial head mounted on a black pole at distances and heights to be determined during site plan review.

Proffer 6:
The Applicant shall submit for review by the Director of Planning, during site plan review and prior to the application for building permits, the exterior elevations, architectural features and building materials for each of the home designs proposed for construction. The exterior building materials shall be a combination of architectural shingles, raised metal seam roof accents, Hardie Plank or similar fiber cement siding, or masonry, as depicted or substantially similar to the Exhibits entitled "Princess Anne Meadows Elevations", which are on file with the Virginia Beach Department of Planning.

Proffer 7:
Further conditions may be required by the Grantee during Subdivision Plan review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Proffer 8:
The above conditions, having been proffered by the Applicant and allowed and accepted by the Grantee as part of the amendment to the Zoning Ordinance, shall continue in full force and effect until a subsequent amendment changes the zoning of the Property and specifically repeals such conditions. Such conditions shall continue despite a subsequent amendment to the Zoning Ordinance even if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Ordinance until specifically repealed. The conditions, however, may be repealed, amended, or varied by written instrument recorded in the Clerk's office of the circuit Court of the City of Virginia Beach, Virginia, and executed by the record owner of the Property at the time of recordation of such instrument, provided that said instrument is consented to by the Grantee in writing as evidenced by a certified copy of an ordinance or a resolution adopted by the governing body of the grantee, after a public hearing before the Grantee which was advertised pursuant to the provisions of Section 15.2-2204 of the code of Virginia, 1950, as amended. Said ordinance or resolution shall be recorded along with said instrument as conclusive evidence of such content, and if not so recorded, said instrument shall be void.

Proffer 9:
The Grantor covenants and agrees that:

a. The Zoning Administration of the City of Virginia Beach, Virginia, shall be vested with all necessary authority on behalf of the governing body of the City of Virginia Beach, Virginia, to administer and enforce the foregoing conditions and restrictions, including the authority (i) to order in writing that any non-compliance with such conditions be remedied and (ii) to bring legal action or suit to insure compliance with such conditions including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings.

b. Failure to meet all conditions and restrictions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate.

c. If aggrieved by any decision of the Zoning Administrator made pursuant to the provisions of the City Code, the Zoning Ordinance, or this Agreement, the Grantor shall petition the governing body of Grantee for the review of such decision prior to instituting proceedings in court.

d. The Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the Property on the map and that the ordinance and the conditions may be readily available and accessible for public inspection in the office of the Zoning Administrator and in the Planning Department and that they shall be recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, and indexed in the name of the Grantor and Grantee.

Staff Comments:
The submitted Proffers are acceptable and ensure that the modification of the development will integrate the new property and architectural features consistent with the previously approved plan.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any 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 recognizes this property as being within the Suburban Focus Area (SFA) 2.1 – North Courthouse. Bounded on the north by the proposed Southeastern Parkway interchange, on the south and east by the Christopher Farms subdivision, and on the west by Princess Anne Road, the SFA consists of approximately 100 acres. It is located within the 65 to 70 dB DNL AICUZ (Sub-Area 2) and thus residential development is subject to the AICUZ overlay Ordinance. One of the goals for SFA 2.1 is that properties will be accessed by a proposed connector road that would cross through this area to link Holland Road with Princess Anne Road, aligning with the entrance to the Virginia Beach National Golf Course.

As many parcels as possible should be consolidated into a single, well-configured tract of land that enables a safe, coordinated, and attractively designed development plan. Exceptional open spaces areas and vistas should be provided which include preservation of mature trees stands. Stormwater management facilities should designed as an amenity. Consistent with the provisions of Section 1804 of the Zoning Ordinance, single-family residential development with an overall maximum density of 3.3 dwellings units per acre.

The development site is located within an area designated as Sub-Area 2 of the *Princess Anne Corridor Study*. Sub-Area 2 is located directly south of the future Southeastern Parkway interchange on the east side of Princess Anne Road and in 2009 consisted of 27 privately-owned parcels with a few single-family residences. The viewshed of adjacent land uses and landscape visible from Princess Anne Road should be controlled through the appropriate use of planting and design.

Natural and Cultural Resources Impacts

Prior to the Conditional Rezoning for the 80-house development, the applicant conducted Phase 1 and Phase II archeological surveys of the development site. The surveys were a component of the non-tidal wetlands permitting process of the Corps of Engineers.

The site is located in the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high water surface elevations in downstream receiving waters.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Princess Anne Road	30,878 ADT [1]	32,500 ADT [1] (LOS [4] "C") 34,900 ADT [1] (LOS [4] "E")	Existing Land Use [2] - 784 ADT Proposed Land Use [3] - 812 ADT
[1] Average Daily Trips	[2] as defined by a 55,500 square foot lot zoned AG-1, and 80 single-family houses	[3] as defined by 83 single-family houses	[4] LOS = Level of Service

Public Utility Impacts

Water

There is an eight-inch City water main along Allen Gimbert Way.

Sewer

There is an eight-inch City sanitary sewer main along Allen Gimbert Way.

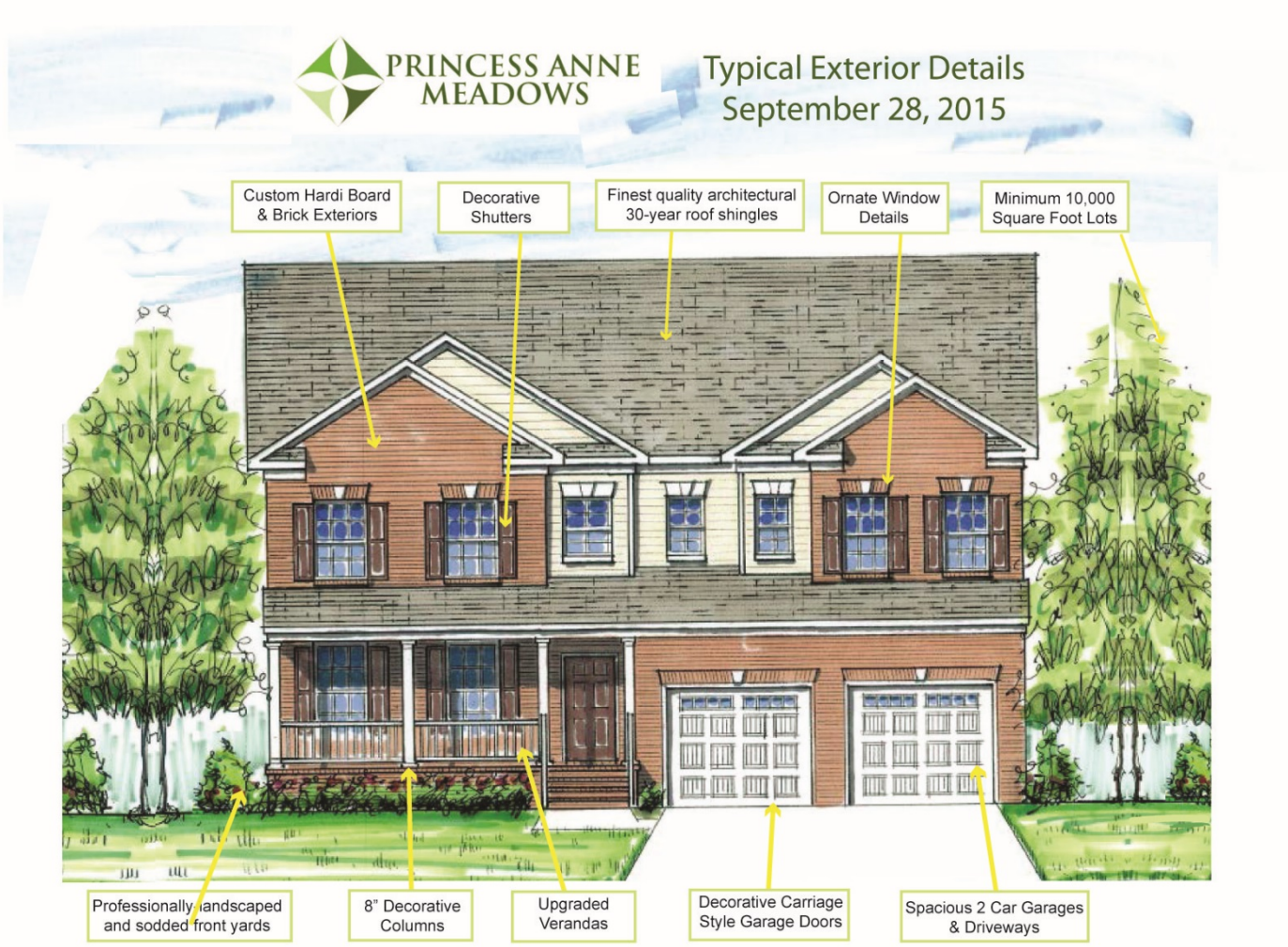
School Impacts

School	Current Enrollment	Capacity	Generation [1]	Change [2]
Christopher Farms Elementary	687	738	1	1
Landstown Middle	1,423	1,571	0	0
Landstown High	2,139	2,594	1	1

[1] "Generation" represents the number of students that the development will add to the school.
[2] "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 Site Layout

Proposed Elevations



Proposed Elevations

PRINCESS ANNE MEADOWS

Proposed Elevations

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Proposed Elevations

PRINCESS ANNE MEADOWS

EVALUATION

The Joint Review Process Group evaluated this application for compliance with the above provisions of Section 1804(c)(2) of the City Zoning Ordinance. The points of discussion follow.

With regard to the first criteria provided in 1804(c)(2) pertaining to density, the proposed density of 1.91 units per acre for the Princess Anne Meadows development is less than the densities of the surrounding residential communities which include Christopher Farms (Phases 1 and 2) at 2.7 units per acre, Christopher Farms (Phase 3) at 2.3 units per acre, Buryn Farm South at 2.8 units per acre and Woods of Piney Grove at 3.0 units per acre.

With regard to the second criteria provided in 1804(c)(2) pertaining to conformance with the Comprehensive Plan, the proposed development site is located within an area designated as Sub-Area 2 of the Princess Anne Corridor Study (no relationship to Sub-Area 2 of the 65-70 AICUZ). The recommendations for this Sub-Area call for a 'base density' of two dwelling units per acre.

It is the opinion of the Joint Review Process Group that, the proposed residential density of 1.91 units to the acre meets both Section 1804(c)(2)(i) and 1804(c)(2)(ii). It is lower than both the densities of similar residential development of the area and it is consistent with the recommendations of the Comprehensive Plan.

Based on the above, the Joint Review Process Group finds that the proposal does meet the requirements of Section 1804(c)(2).

For the City-Navy Joint Review Process Group –

Jimmy McNamara

Jimmy McNamara,
Department of Planning and Community Development

Site Photos

City of Virginia Beach

APPLICANT'S NAME Princess Anne Meadows, 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 Franchise Agreement	Street Closure
Chesapeake Bay Preservation Area Board	Lease of City Property	Subdivision Variance
Conditional Use Permit	License Agreement	Wetlands Board

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

Page 1 of 7

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).			
☐	APPLICANT NOTIFIED OF HEARING	DATE:	
☐	NO CHANGES AS OF	DATE:	
☐	REVISIONS SUBMITTED	DATE:	

City of Virginia Beach

☐ 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: Princess Anne Meadows, LLC
If an LLC, list all member's names:

Kotarides Holdings, Pete Alex Kotarides, Pete Odysseus Kotarides, Petro Alex Kotarides and Basil Odysseus Kotarides

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 [1] or affiliated business entity [2] relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes [1] and [2]

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

☒ Check here if the **PROPERTY OWNER *IS NOT*** a corporation, partnership, firm, business, or other unincorporated organization.

☐ Check here if the **PROPERTY OWNER *IS*** a corporation, partnership, firm, business, or other unincorporated organization, ***AND THEN,*** complete the following.

(A) List the Property Owner's name: William & James Snowden
If an LLC, list the member's names:

City of Virginia Beach

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

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

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

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

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

City of Virginia Beach

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☒	☐	Accounting and/or preparer of your tax return	BDO USA LLP
☒	☐	Architect / Landscape Architect / Land Planner	Custom Home Designs
☐	☒	Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser's service providers	
☐	☒	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
☒	☐	Construction Contractors	Vico Construction Corporation
☒	☐	Engineers / Surveyors/ Agents	American Engineering
☒	☐	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	BB&T
☒	☐	Legal Services	Harry Purkey
☐	☒	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?

City of Virginia Beach

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.**

APPLICANT'S SIGNATURE	PRINT NAME	DATE
	PETRO KOTARIDIS FOR PRINCESS ANNE MEADOWS LLC its MANAGER	7/2/18

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☐	X	Accounting and/or preparer of your tax return	
☐	X	Architect / Landscape Architect / Land Planner	
☐	X	Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser's service providers	
☐	X	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
☐	X	Construction Contractors	
☐	X	Engineers / Surveyors/ Agents	
☐	X	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
☐	X	Legal Services	
☐	X	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	
☐	X	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?

Virginia Beach

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William Snowden	William Snowden	6/29/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

City of Virginia Beach

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☐	☒	Accounting and/or preparer of your tax return	
☐	☒	Architect / Landscape Architect / Land Planner	
☐	☒	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
☐	☒	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
☐	☒	Construction Contractors	
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☐	☒	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?

Virginia Beach

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James Snowden	James Snowden	7-26-18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE