City of Virginia Beach

Applicant **Grier Hahn Enterprises, Inc.**
Property Owner **Poole's Dockside, LLC**
Public Hearing **September 12, 2018**
City Council Election District **Lynnhaven**

Agenda Item

2

Request
Modification of Conditions (Commercial Marina)

Staff Recommendation
Approval

Staff Planner
Marchelle Coleman

Location
3311 Shore Drive

GPINS
1489883682, 1489884699, 1489884455, 1489884670, 1489885516, 1489885487, 1489886304

Site Size
2.07 Acres

AICUZ
Less than 65 dB DNL

Watershed
Chesapeake Bay

Existing Land Use and Zoning District
Restaurant, marina / B-4 Mixed Use (Shore Drive Corridor Overlay District)

Surrounding Land Uses and Zoning Districts

North
Shore Drive
Multi-family, senior housing / B-4 Mixed Use (Shore Drive Corridor Overlay District)

South
Lynnhaven River

East
Vista Circle
Single-family dwelling / B-4 Mixed Use (Shore Drive Corridor Overlay District)

West
Restaurant / B-4 Mixed Use (Shore Drive Corridor Overlay District)

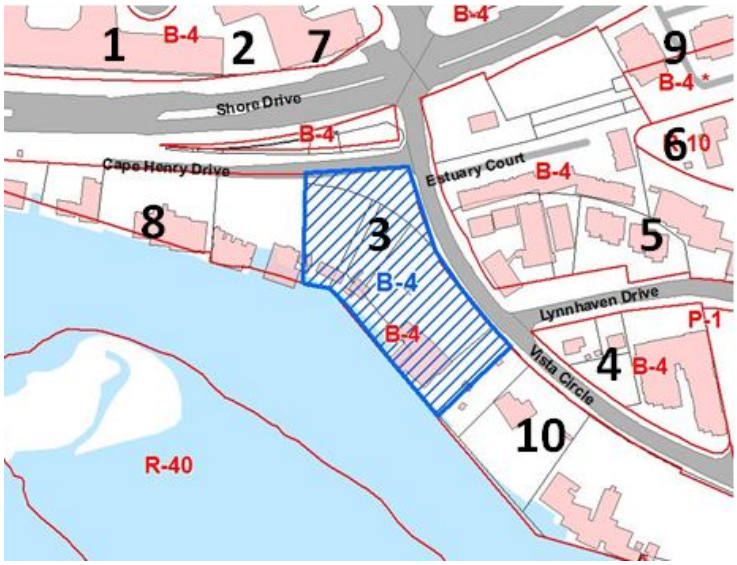
Background and Summary of Proposal

- In April 1974, a Conditional Use Permit for a Marina was granted on this property. A Modification to the Conditional Use Permit is requested in order to expand the existing dock system. The improvements to the marina include an 8 foot by 16 foot extension to an existing dock, a 12 foot by 37.4 foot fixed dock, two 12 foot by 12 foot boat lifts with piers, an 18 foot boat ramp, and a proposed floating dock.

- The overall purpose of the additions and extensions of the dock system is to improve the site and provide higher quality amenities for customers. The applicant is proposing the floating dock additions to enable customers to easily get on and off of their boats. These additions will also be beneficial to owners with larger boats who purchase fuel at the site. At this time, piers are not leased to customers; however, the applicant does provide slip rentals to commercial watermen.

- In addition to the dock system enhancements, a pump-out station will be constructed on site. Pursuant to Section 28.2-1205C of the Code of Virginia, the Virginia Department of Health requires that a pump-out station be installed for boaters to off-load sewage. The applicant submitted the plans for the pump-out station to the Virginia Department of Health and has obtained approval for the sanitary facility.

- The applicant has also submitted the required Joint Permit Application, which is currently under review by the Virginia Marine Resources Commission, the Army Corps of Engineers, and the Department of Planning & Community Development Waterfront Office.



Zoning History

#	Request
1	**CUP** (Housing for Seniors & Disabled Persons) Approved 06/16/2015
2	**MOD** Approved 07/08/2014 **CUP** (Multi-Family Dwelling) Approved 12/07/2004
3	**CUP** (Outdoor Recreation) Approved 07/10/2007
4	**CUP** (Parking Lot) Approved 04/27/2004
5	**STC** Approved 10/10/2000
6	**STC** Approved 05/08/1996
7	**CUP** (Motor Vehicle Rentals) Approved 08/09/1995
8	**MOD** Approved 02/08/1995 **MOD** Approved 06/14/1995 **CUP** (Outdoor Recreation) Approved 03/09/1994
9	**CRZ** (R-10 to Conditional B-4) Approved 06/08/1994
10	**CUP** (Commercial Marina) Approved 05/11/1994

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

The proposed request for a Modification of Conditions to expand the existing docks; and to construct new docks, boat lifts and a ramp, in Staff's opinion, is acceptable. No wetlands will be impacted; therefore, no Wetlands Board approval is required, and the improvements are exempt from the provisions of the Chesapeake Bay Preservation Area Ordinance. A Joint Permit Application is currently under review for the proposed additions to the docks and for the new boat lifts, and will be subject to the City Council's approval of this request.

Furthermore, Traffic Engineering Staff indicates that the additions to this existing docking system will not generate any additional traffic. Staff does not anticipate any increase in parking on site, as no additions to the restaurant are proposed. In Staff's opinion, the improvements to the marina will not adversely affect the surrounding properties. As such, Staff recommends approval of this request, subject to the conditions below.

Recommended Conditions

The conditions of the Conditional Use Permit for a Marina dated April 22, 1974 are hereby deleted and replaced with the following conditions:

1. With the exception of any modifications required by any of these conditions or as a result of the Joint Permit Application approval, the additions and proposed changes to the marina shall be developed substantially in conformance with the exhibit entitled, "CONDITIONAL USE PERMIT EXHIBIT FOR DOCKSIDE RESTAURANT LOCATED AT 3311 SHORE DRIVE, VIRGINIA BEACH, VIRGINIA," prepared by Gallup Surveyors & Engineers, LTD., date March 15, 2018, as exhibited to City Council and is on file with the Department of Planning & Community Development.

2. The applicant shall obtain Joint Permit Application approval from the Department of Planning & Community Development prior to any construction.

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 in Suburban Focus Area 1 – Shore Drive Corridor. The Shore Drive Corridor is an integral part of the Bayfront Community, extending from North Independence Boulevard to First Landing State Park. While primarily a residential community, the corridor shares the responsibility of being one of Virginia Beach's primary east-west connectors, creating unique and sometimes problematic challenges. The area is considered a resort neighborhood and not a resort destination. The Shore Drive Corridor is primarily a residential neighborhood area with commercial uses to support the residents.

Natural and Cultural Resources Impacts

The site is located adjacent to the Lynnhaven River and is within the Chesapeake Bay watershed. As the proposed improvements to the marina are classified as "water dependent" under the provisions of the Chesapeake Bay Preservation Area Ordinance, review by the Chesapeake Bay Preservation Area Board is not required. There does not appear to be any significant cultural resources associated with the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Shore Drive	30,553 ADT [1]	17,300 ADT [1] (LOS [2] "C") 27,300ADT [1] (LOS [2] "D") 31,700 ADT [1] (LOS [2] "E")	No Change Anticipated [3]
Vista Circle	No Data Available	6,200 ADT [1] (LOS [2] "C") 9,900 ADT [1] (LOS [2] "D") 11,100 ADT [1] (LOS [2] "E")	

[1] Average Daily Trips [2] LOS = Level of Service [3] as defined by additions to existing commercial marina

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

Shore Drive in the vicinity of this application is considered a four-lane divided major urban arterial. The MTP proposes a six-lane facility within a 165 foot right-of-way.

There is a roadway CIP project proposed for this area. The Shore Drive Corridor Improvements Phase III (CIP 2-117) project will improve vehicular and pedestrian traffic flow and safety in the roadway and intersections and will include a multi-use trail, a five-foot sidewalk, on-street bike lanes and enhanced lighting. The limits of the project begins at Vista Circle, near the eastern end of the Lesner Bridge, and extends eastward through the Great Neck Road intersection and terminates at Croix Drive. The project is currently under design with construction estimated to begin in the fall of 2018.

Vista Circle in the vicinity of this application is considered a two-lane undivided local street. Currently, this segment of roadway is not designated on the MTP and it is not listed in the CIP to be upgraded.

Public Utility Impacts

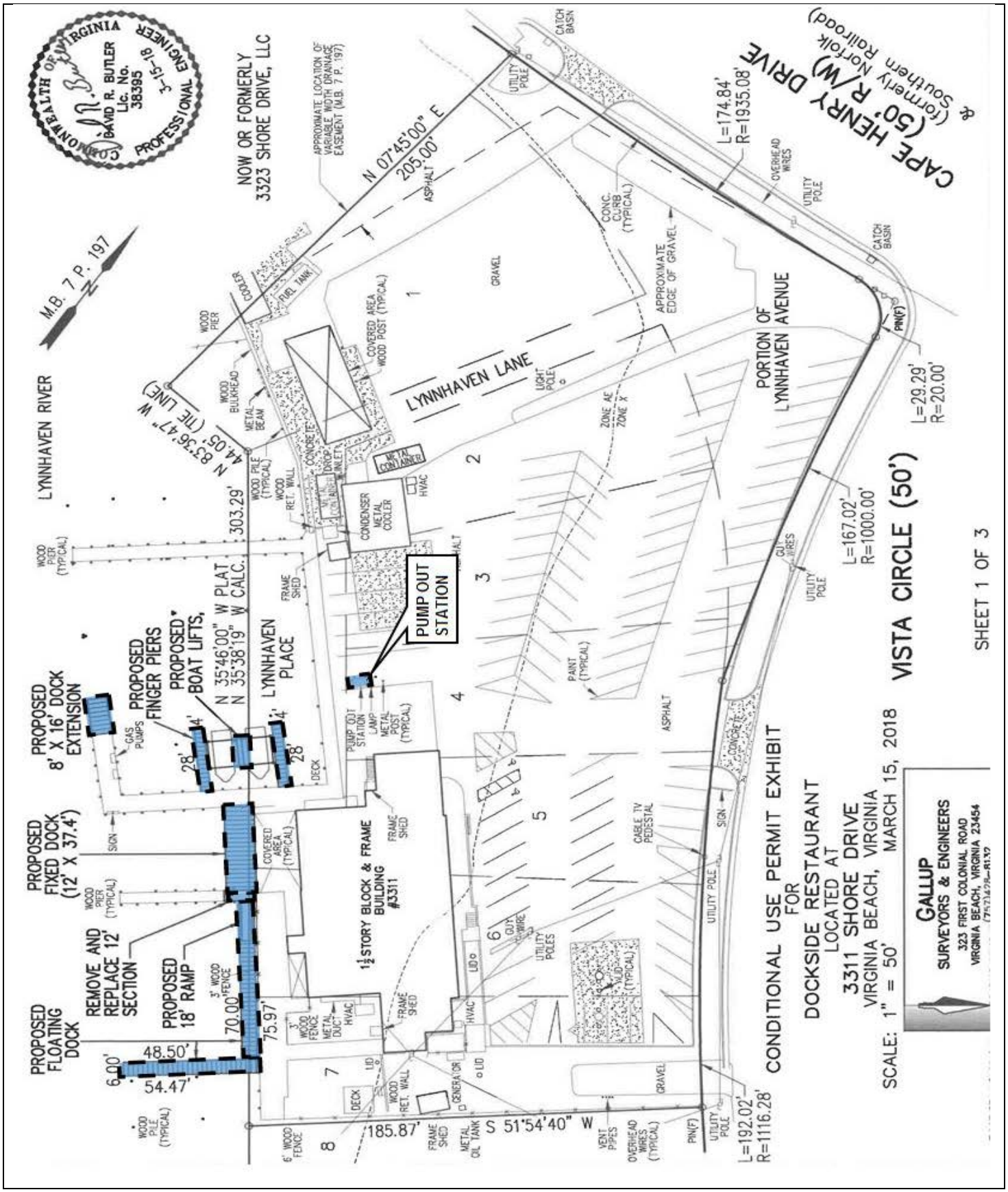
Water

The site currently connects to City water. The existing 1.5-inch meter may be used or upgraded to accommodate the proposed development.

Sewer

The site currently connects to City sanitary sewer.

Proposed Site Layout



Site Photos

City of Virginia Beach

APPLICANT'S NAME Grier Hahn Ent. Inc.

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

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: Grier Hahn Ent. Inc.
If an LLC, list all member's names:

Jason Feuerhahn
Kevin Seldon

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: Poole's Dockside LLC
If an LLC, list the member's names: Elizabeth Hedlund, Suzanne Warner

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	
☒	☐	Architect / Landscape Architect / Land Planner	Dave Butler, Gallup
☐	☒	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	Flint Marine Const.
☒	☐	Engineers / Surveyors/ Agents	Dave Butler, Gallup
☐	☒	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
☐	☒	Legal Services	
☒	☐	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Billy Garrington GPC

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
	Kevin L. Seldon	6/12/18

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	Dave Butler, Gallup
☐	☒	Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser's service providers	
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Virginia Beach

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PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE
Elizabeth Hedlund	Elizabeth Hedlund	4-14-18