

# Planning Commission Agenda

April 10, 2019

**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 recablecast 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 PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.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.

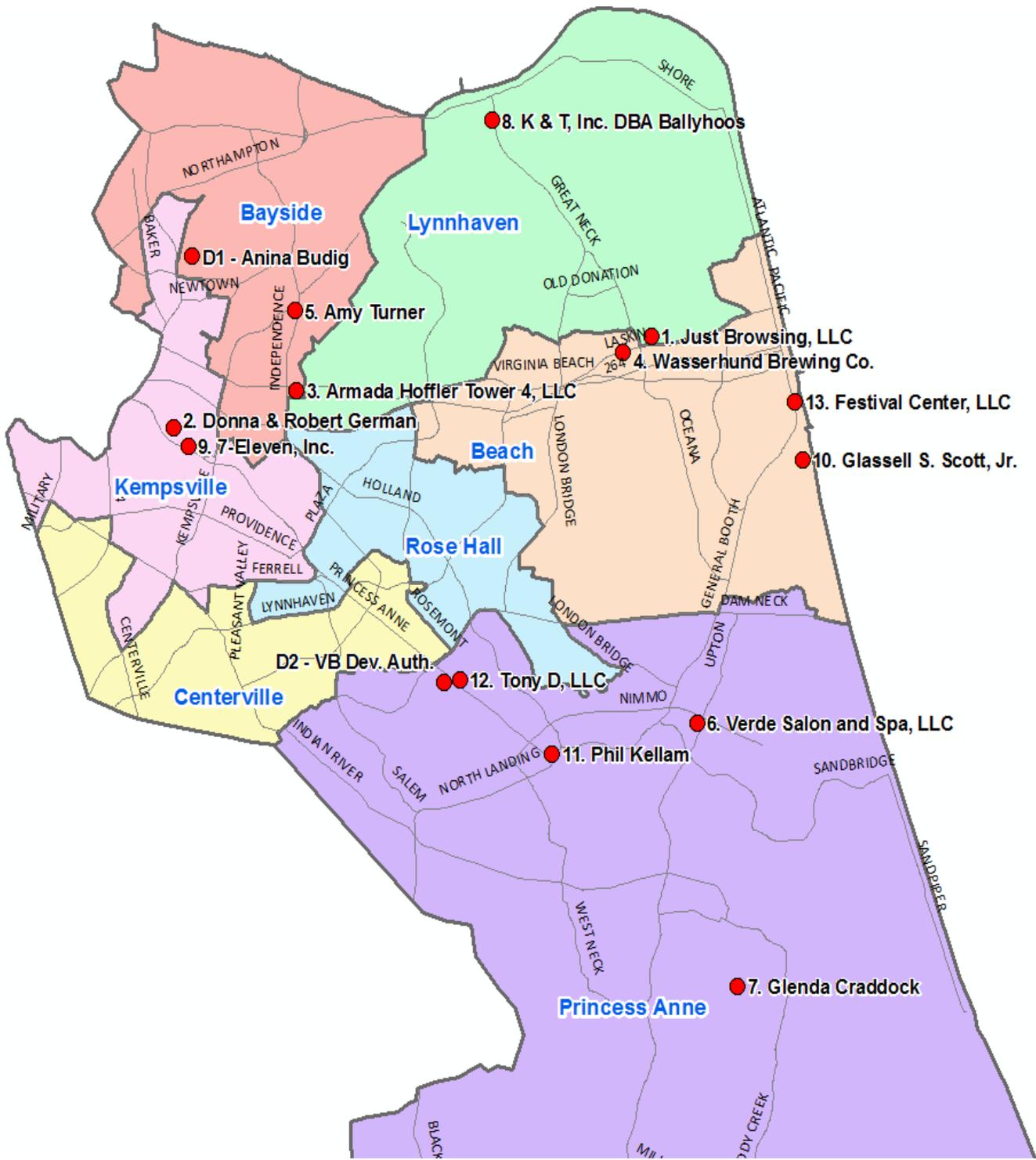
**3. REGULAR AGENDA: The Commission will then proceed with the remaining items on the agenda, according to the following process:**

- 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

APRIL 10, 2019  
 PLANNING COMMISSION AGENDA



\* Deferral  
 \*\* Withdrawal

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

**B.  
STAFF BRIEFINGS**

Parking Program – Rob Fries, Parking Manager - SGA Office

**12:00 P.M. – PUBLIC HEARING**

**2019 Planning Design Awards Ceremony**

**1.  
Just Browsing, LLC [Applicant]  
SUSU Developers, LLP [Owner]**

**Conditional Use Permit** (Tattoo Parlor)

1612 Laskin Road, Suite 774

(GPIN 2407898434)

**COUNCIL DISTRICT – LYNNHAVEN  
Staff Planner – Marchelle Coleman**



**2.  
Donna & Robert German [Applicant]  
German Living Trust [Owner]**

**Conditional Use Permit** (Family Day-Care Home)

212 Upperville Road

(GPIN 1467317630)

**COUNCIL DISTRICT – KEMPSVILLE  
Staff Planner – Jonathan Sanders**



\* Deferral  
\*\* Withdrawal

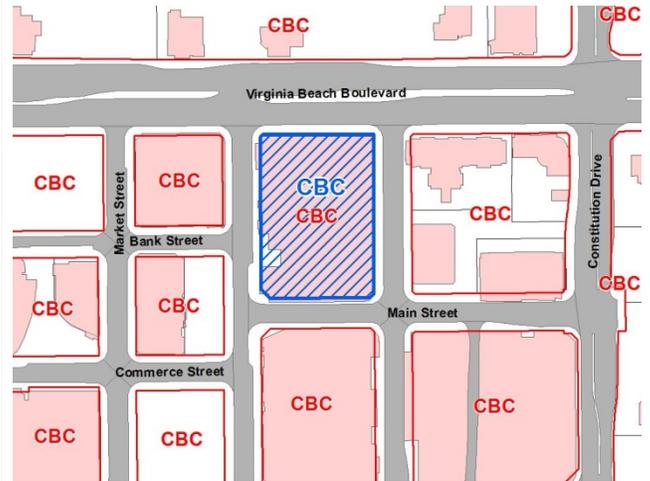
**3.**  
**Armada Hoffer Tower 4, LLC** [Applicant & Owner]

**Conditional Use Permit** (Private University/College)

222 Central Park Avenue

(GPIN 1477554031)

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



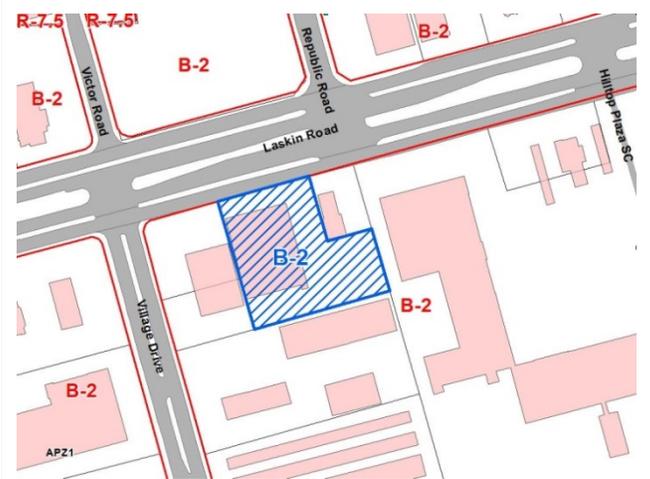
**4.**  
**Wasserhund Brewing Company** [Applicant]  
**Conte Acquisitions, LLC** [Owner]

**Modification of Conditions** (Craft Brewery)

1805 Laskin Road, Suite 102

(GPIN 2407683131)

COUNCIL DISTRICT – BEACH  
**Staff Planner – Jonathan Sanders**



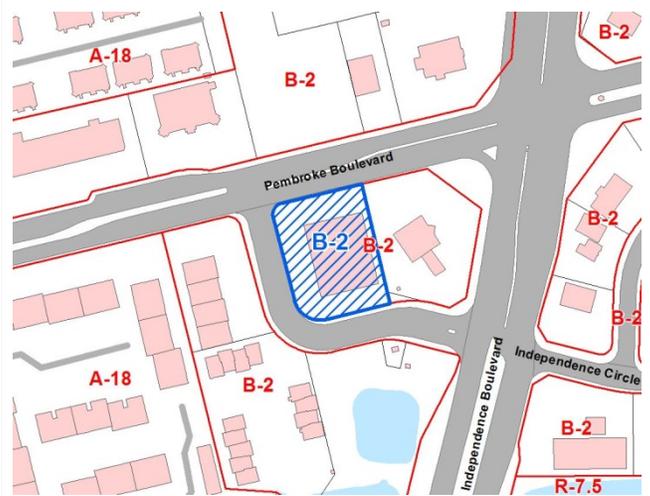
**5.**  
**Amy Turner** [Applicant]  
**Star Real Estate LLC** [Owner]

**Conditional Use Permit** (Tattoo Parlor)

4604 Pembroke Lake Circle, Unit 105

(GPIN 1478511874)

COUNCIL DISTRICT – BAYSIDE  
**Staff Planner – Jonathan Sanders**



\* Deferral  
 \*\* Withdrawal

6.

**Verde Salon and Spa, LLC** [Applicant]  
**Lake Gem D1 LLC** [Owner]

**Conditional Use Permit** (Tattoo Parlor –  
Permanent Make-Up)

2137 Upton Drive, Suite 314

(GPIN 2414352667)

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



7.

**Glenda Craddock** [Applicant & Owner]

**Conditional Use Permit** (Outdoor Recreation  
Facility)

**WITHDRAWAL REQUESTED**

Vacant parcel on Charity Neck Road,  
approximately 290 feet from Robinson Road

(GPIN 2412717407)

COUNCIL DISTRICT – PRINCESS ANNE  
Staff Planner – **Bill Landfair**



8.

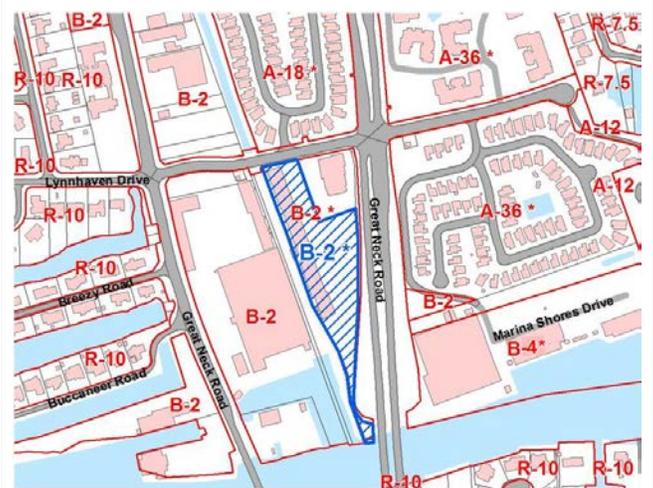
**K & T, Inc. DBA Ballyhoos** [Applicant]  
**Marina Shores Repair Corp** [Owner]

**Conditional Use Permit** (Assembly Use &  
Outdoor Recreation Facility)

2865 Lynnhaven Drive, Suite D3

(GPIN 1499389741)

COUNCIL DISTRICT – LYNNHAVEN  
Staff Planner – **Jonathan Sanders**



\* Deferral  
\*\* Withdrawal

9.

7-Eleven, Inc. [Applicant]  
ZP NO 31, LLC[Owner]

**Conditional Rezoning** (Conditional B-1  
Neighborhood Business to Conditional B-2  
Community Business)

**Conditional Use Permit** (Automobile Service  
Station)

5300 Princess Anne Road

(GPIN 1466591917)

COUNCIL DISTRICT – KEMPSVILLE  
Staff Planner – Jonathan Sanders



10.

Glassell S. Scott, Jr. [Applicant]

**Street Closure**

Adjacent to 616 Sunship Avenue

(Adjacent GPIN 2426383787)

COUNCIL DISTRICT – BEACH  
Staff Planner – Bill Landfair

**DEFERRAL REQUESTED**



\* Deferral  
\*\* Withdrawal

11.

Phil Kellam [Applicant]  
VBK Properties, LLC [Owner]

**Conditional Use Permit** (Assembly Use & Open-Air Market)

2384 Princess Anne Road and vacant parcels on Princess Anne Road

(GPINS 1494924949, 1494933251, 1494936055)

COUNCIL DISTRICT – PRINCESS ANNE  
Staff Planner – Bill Landfair



12.

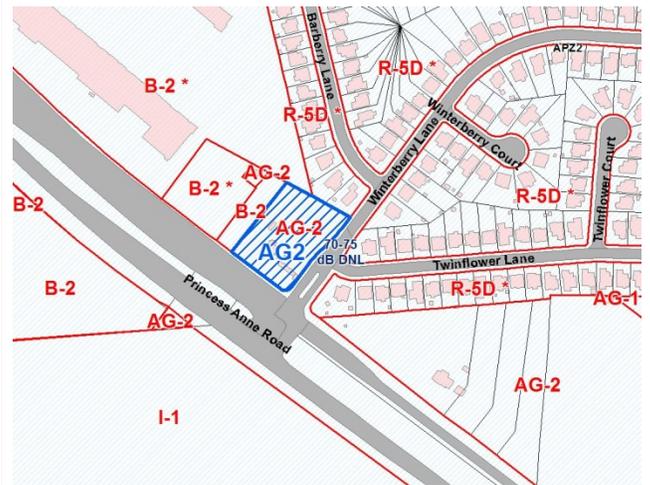
Tony D, LLC [Applicant]  
City of Virginia Beach [Owner]

**Conditional Rezoning** (AG-2 Agricultural to Conditional O-2 Office)

Northwest Corner of the intersection of Princess Anne Road and Winterberry Lane

(GPIN 1494096364)

COUNCIL DISTRICT – PRINCESS ANNE  
Staff Planner – Bill Landfair



13.

Festival Center, LLC [Applicant & Owner]

**Conditional Use Permit** (Open Air-Market)

712 Atlantic Avenue

**WITHDRAWAL REQUESTED**

(GPIN 2427235940)

COUNCIL DISTRICT – BEACH  
Staff Planner – Ashby Moss



\* Deferral  
\*\* Withdrawal

**PREVIOUSLY DEFERRED**

**D1.**

**Anina Budig** [Applicant]  
**Weblin Properties, LLC** [Owner]

**Conditional Rezoning** (R-10 Residential to Conditional PD-H2(R-10 Overlay) Planned Unit Development)

5588 Moores Pond Road

(GPIN 1468564635)

COUNCIL DISTRICT – BAYSIDE  
**Staff Planner – Jonathan Sanders**



**D2.**

**Virginia Beach Development Authority**  
 [Applicant]  
**City of Virginia Beach** [Owner]

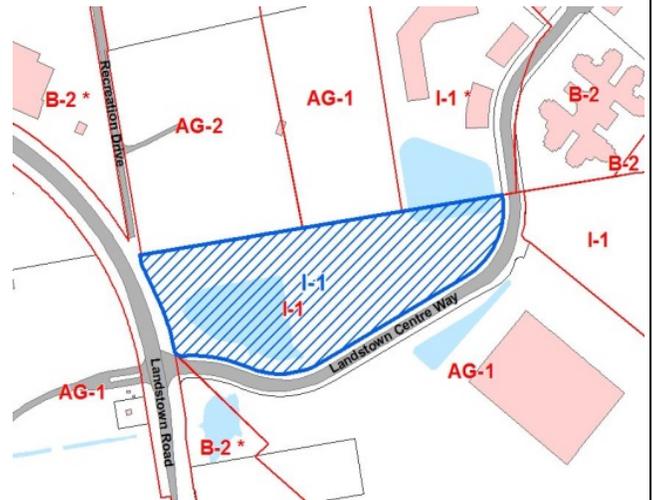
**Modification of Proffers**

**Conditional Use Permit** (Outdoor Recreational Facility)

Northeast Corner of Landstown Road & Landstown Centre Way

(GPIN 1484882692)

COUNCIL DISTRICT – PRINCESS ANNE  
**Staff Planner – Bill Landfair**



\* Deferral  
 \*\* Withdrawal



**Request**

**Conditional Use Permit** (Tattoo Parlor)

**Staff Recommendation**

Approval

**Staff Planner**

Marchelle Coleman

**Location**

1612 Laskin Road, Suite 774

**GPIN**

2407898434

**Site Size**

18.4 acres

**AICUZ**

Greater than 75 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Retail / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Laurel Lane

Single-family dwellings / R-7.5 Residential

**South**

Laskin Road

Retail / B-2 Community Business

**East**

Retail / B-2 Community Business

**West**

Retail / B-2 Community Business



## Background and Summary of Proposal

- The applicant is requesting a Conditional Use Permit for a Tattoo Parlor, specifically for the application of permanent makeup, known as microblading. The operation will occur within an existing salon in the Hilltop Shopping Center along Laskin Road.
- According to the application, the microblading portion of the business will have one employee. The typical hours of operation will be between 10:00 a.m. – 6:00 p.m., Wednesday through Saturday.
- No exterior changes are proposed to the building or to the existing signage.

	<b>Zoning History</b>	
	<b>#</b>	<b>Request</b>
	1	CUP (Tattoo Parlor) Approved 03/21/2017
	2	CUP (Automobile Repair Garage) Approved 12/08/2015
	3	CUP (Open Air Market) Approved 02/26/2013
	4	MOD Approved 04/28/2009 CUP (Tattoo Studio) Approved 09/23/2008
	5	SVR Approved 05/11/2004 CUP (Automated Car Wash) Approved 08/27/2002
	6	CUP (Indoor Recreation Center) Approved 02/27/2001 CUP (YMCA and Child Care Center) Approved 01/12/1993
	7	CUP (Private School) Approved 09/14/1999 CUP (Private School) Approved 05/28/1996
	8	CRZ (R-10 & B-2 to Conditional B-2) Approved 02/23/1999
	9	CUP (Church) Approved 10/24/1993
10	CUP (Indoor Recreation Center for Children) Approved 02/09/1993	
11	CUP (Eating & Drinking Establishment and Commercial Recreational Facility) Approved 10/13/1992	
<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 request for the Conditional Use Permit is, in Staff's opinion, acceptable given that the use will be compatible with the other existing commercial businesses within the shopping center and along this section of Laskin Road.

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 requirements of Chapter 23 of the City Code. This section of the codes 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 listed 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 to ensure consistency with the provisions of Chapter 23 of the City Code.
2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent makeup shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. 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. Building signage designed to be a “box sign” and signage for windows shall not be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

## Comprehensive Plan Recommendations

The Comprehensive Plan identifies this site as being located within the Hilltop Strategic Growth Area (SGA). The Hilltop SGA is home to a wealth of local businesses with a variety of retail, restaurant, office, health, and recreational uses. The Hilltop Strategic Growth Area Master Plan provides recommendations for this SGA. 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 businesses with an equally memorable built setting. (Sec. 1.2, pp.1-47, 1 – 48)

## Natural and Cultural Resources Impacts

The site is located within the Chesapeake Bay Watershed. As the site is already developed, there does not appear to be any significant environmental or cultural features on the site.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Laskin Road	31,190 ADT <sup>1</sup>	27,300 ADT <sup>1</sup> (LOS <sup>2</sup> “D”) 31,700 ADT <sup>1</sup> (LOS <sup>2</sup> “E”)	No Change Anticipated <sup>3</sup>
First Colonial Road	39,100 ADT <sup>1</sup>	27,300 ADT <sup>1</sup> (LOS <sup>2</sup> “D”) 31,700 ADT <sup>1</sup> (LOS <sup>2</sup> “E”)	
<sup>1</sup> Average Daily Trips <sup>2</sup> LOS = Level of Service <sup>3</sup> average daily trips not expected to change			

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

First Colonial Road, in this vicinity, is considered a four-lane divided major urban arterial. The existing infrastructure currently resides in a 90-foot right-of-way. The MTP proposes a six-lane facility within a 165-foot right-of-way. Currently, this segment of roadway is functioning over the maximum Level of Service “E” and there currently is no CIP projects slated for this segment of First Colonial Road.

Laskin Road, in this vicinity, is considered a four-lane divided major urban arterial. In addition to the existing four-lane section of road, there are two lane local access roads parallel to the mainline portion of roadway. One on the south side of Laskin Road and one on the north side of Laskin Road. The existing infrastructure currently resides in a 160 foot right-

of-way. The MTP proposes an eight lane facility within a 165 foot right-of-way. Currently, this segment of roadway is functioning over-capacity at a Level of Service E.

There is a roadway CIP project slated for this area. Laskin Road – Phase I (CIP 2-156) is for the construction of an eight lane divided highway in a 160 foot right-of-way from Republic Road to Winwood Drive and a six lane divided highway in a 150 foot right-of-way from Winwood Drive to Oriole Drive with multi-use path and sidewalk. These limits include the intersections at First Colonial Road and at Birdneck Road. Construction of this project will begin in 2019.

## **Public Utility Impacts**

### **Water & Sewer**

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

Site Layout – Specific Unit Identified



**Just Browsing, LLC**  
**1612 Laskin Road, Suite 774**  
**Virginia Beach, VA**

**Legend**

-  Unit
-  Site
-  Parking Lot Drive Aisle
-  Building

Site Photo





**APPLICANT'S NAME** Just Browsing, 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 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: Just Browsing, LLC

If an LLC, list all member's names:

Julie A. Fobear

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>

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## 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: SUSU Developers, LLP

If an LLC, list the member's

names: See attached Exhibit A



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 checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Dawn Kroboth, Accountant
<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?**

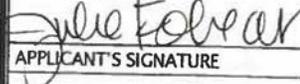
If yes, what is the name of the official or employee and what is the nature of the interest?



**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.

	Julie Fobear	2-20-19
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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Richard M. Jacobson, Leasing Agent for Hilltop North Shopping Center

**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?**

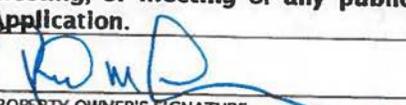
If yes, what is the name of the official or employee and what is the nature of the interest?

**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.

	*	Richard M. Jacobson,	3-06-2019
PROPERTY OWNER'S SIGNATURE		PRINT NAME Managing Partner of SUSU Developers, LLP	DATE

  
 Alan L. Nordlinger, 3-06-2019  
 Managing Partner of SUSU  
 Developers, LLP

- \* Please note that this Conditional Use Permit is being approved by the property owner, SUSU Developers, LLP for the consent to allow the performance of permanent makeup and microblading within Salon Plaza, a tenant within Hilltop North Shopping Center.

**EXHIBIT A  
Partners of Property Owner  
Property Owner: SUSU Developers, LLP**

**Attachment to Conditional Use Permit Application  
(Page 2, Section 2, (A))**

**Applicant Name: Just Browsing, LLC**

<u>Names of Partners</u>	
Alan Nordlinger	
Amy R. Shook-Perez	
Ana Salzberg	
Amy Pearce Stokes	
APSFP, LLC	
Charles S. Nusbaum, Trustee of the Bertram S. Nusbaum, Jr. Trust dated 8/26/1992	
Beth Nusbaum Curtiss	
Charles S. Nusbaum	
Charles S. Nusbaum and Beth N. Curtiss, Trustees of the Lois S. Nusbaum Family Trust	
Foundation Realty	
George G. Ginsburg	
GKSFP, LLC	
Gordon K. Stokes	
Jana R. Pariser	
Jo Anne Salzberg Adams	
John Randolph Stokes	
JRSFP, LLC	

## Disclosure Statement

Julie Lynn Harrison	
Julie L. Harrison Irrevocable Trust	
Linda S. Laibstain	
Marc A. Shook, Trustee of the Marc A. Shook and Cynthia S. Shook Revocable Living Trust dated 6/1/2007	
Matthew Salzberg	
Maxine H. Baicker	
Michael S. Pariser	
Richard M. Jacobson	
Richard Salzberg	
Robert C. Nusbaum	
Robert C. Nusbaum, Jr.	
Ruth H. Weinberg	
Sharon K. Nusbaum	
Stanley L. Harrison Irrevocable Inter Vivos Trust dated 8/24/1983	
SunTrust Bank, Agent for Donald J. Horne under IMA dated 9/14/2012	
Susan H. Crittenden	
Thomas H. Watts	
TJJ Harrison, LLC	
TLSFP, LLC	
William J. Silberman	
William L. Nusbaum	

Exhibit A, Page 2 of 2

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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 approvals allowed by this application 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.



**Request**

**Conditional Use Permit** (Family Day-Care Home)

**Staff Recommendation**

Approval

**Staff Planner**

Jonathan Sanders

**Location**

212 Upperville Road

**GPIN**

1467317630

**Site Size**

10,872 square feet

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Single-family dwelling / R-7.5 Residential

**Surrounding Land Uses and Zoning Districts**

**North**

Single-family dwelling / R-7.5 Residential

**South**

Single-family dwelling / R-7.5 Residential

**East**

Single-family dwellings / R-7.5 Residential

**West**

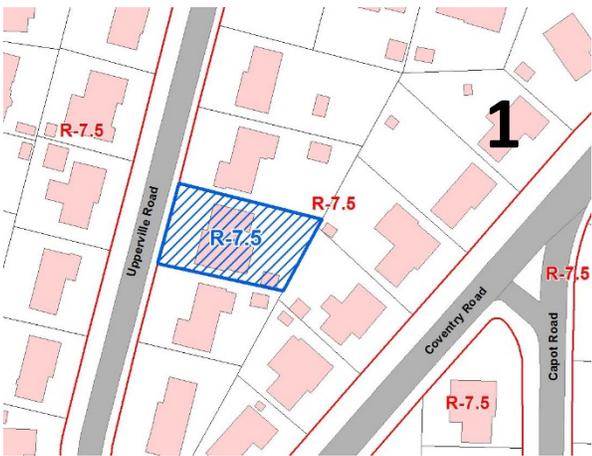
Upperville Road

Single-family dwellings / R-7.5 Residential



## Background and Summary of Proposal

- The applicants request a Conditional Use Permit for a Family Day-Care Home to care for up to 12 children within a single-family dwelling in the Huntington Estates neighborhood.
- According to the application, as a matter of right, child care has been provided for up to four children in the home. The applicants have been granted a Conditional License from the Virginia Department of Social Services to care for up to four children through September 2019.
- The applicants have over 25 years of experience working with infants and pre-school children in a small day care setting and are First Aid and CPR certified. Instructional programs that they are familiar with and implement in early education are Kid Crafters, Preschool Prep, and the ABeka Homeschool systems. No assistants are proposed.
- The property has a large enclosed backyard for the children to play safely outdoors.
- The proposed typical hours of operation will be from 7:00 a.m. to 5:00 p.m., Monday through Friday.

	<p><b>Zoning History</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="width: 5%;">#</th> <th style="width: 95%;">Request</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>CUP (Residential Kennel) Approved 05/23/2006</td> </tr> </tbody> </table>	#	Request	1	CUP (Residential Kennel) Approved 05/23/2006
#	Request				
1	CUP (Residential Kennel) Approved 05/23/2006				
<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 proposed Conditional Use Permit request for a Family Day-Care Home is, in Staff’s opinion, consistent with the Comprehensive Plan’s land use policies for residential areas, as it will provide a valuable service for families in the Suburban Area. To alleviate the potential for congestion of client parking in the right-of-way, Staff recommends a condition to stagger pickup and drop off times. Staff recommends approval of this application, subject to the following conditions.

## Recommended Conditions

1. Arrival and departure times shall be staggered to avoid vehicular congestion.
2. The Family Day-Care Home shall be limited to a total of twelve (12) children, other than children living in the home.
3. The applicant shall maintain a license for the in-home daycare operation with the Commonwealth of Virginia, Department of Social Services.
4. No more than one (1) person, other than the applicant, shall assist with the operation of the family day-care home at any one time.
5. Any sign identifying the Home Occupation shall be non-illuminated, not more than one (1) square foot in area and shall only be mounted flat against the residence.
6. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Day-Care Home.

*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 approvals allowed by this application 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 Area. Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a frame work for neighborhoods and places that are increasingly vibrant and distinctive. The Plan's primary guiding principle for the Suburban Area is to create "Great Neighborhoods," and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future.

## 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 resources associated with the site.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Upperville Road	No Data Available	No Data Available	Existing Land Use <sup>2</sup> - 10 ADT Proposed Land Use <sup>3</sup> - 64 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a single-family dwelling	<sup>3</sup> as defined by a single-family dwelling with a daycare with up to 12 kids	<sup>4</sup> LOS = Level of Service

## Public Utility Impacts

### Water & Sewer

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

Existing 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: German Living Trust

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)*

Donna German, Robert German

- (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



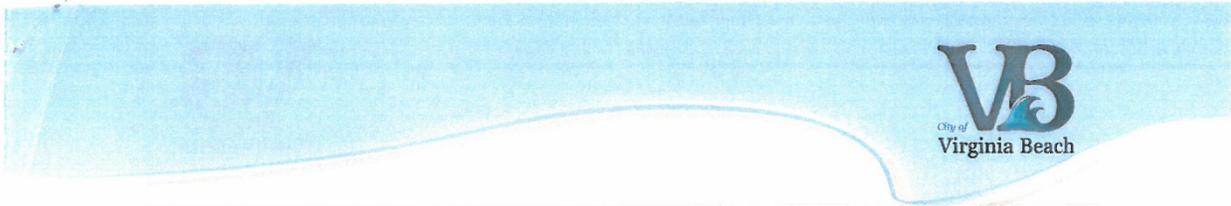
**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input 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)	Chartway Federal Credit Union
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES  NO 
 Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

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



**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>Donna M. German</i>	Donna M. German	1-15-19
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	
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**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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	Donna M. German	1-15-19
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

## Next Steps

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- 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.



**Request**

**Conditional Use Permit** (Colleges & Universities, public or private)

**Staff Recommendation**

Approval

**Staff Planner**

Ashby Moss

**Location**

222 Central Park Avenue

**GPIN**

1477-55-4031-0003

**Site Size**

7,480 square feet on 2nd floor of existing structure

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Mixed use building with office, retail, & structured parking / CBC Central Business Core

**Surrounding Land Uses and Zoning Districts**

**North**

Virginia Beach Boulevard

Retail / CBC Central Business Core

**South**

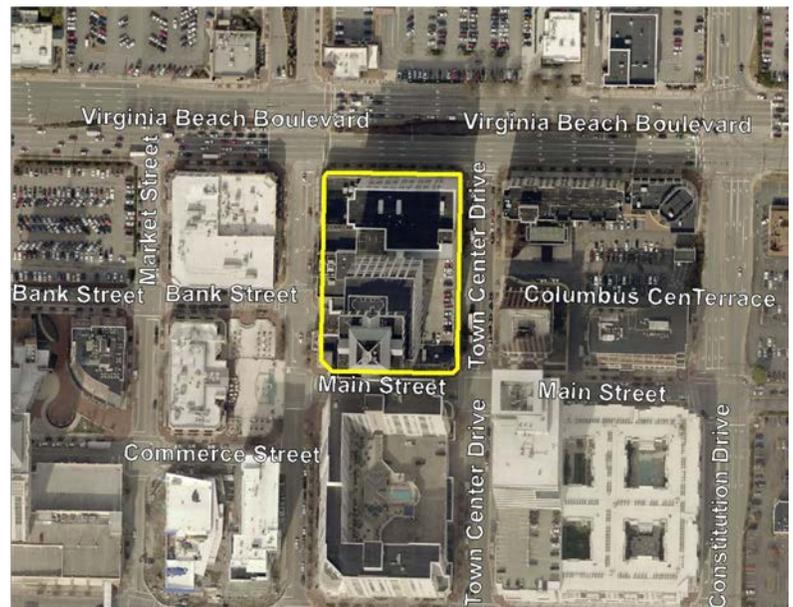
Mixed use building with office, retail, apartment, & structured parking / CBC Central Business Core

**East**

Mixed use building with office, retail, bank, & hotel / CBC Central Business Core

**West**

Mixed use building with office, & retail / CBC Central Business Core



## Background and Summary of Proposal

- Strayer University is relocating from its current location at Town Center’s Block 3 to a new location, also in Town Center, on the 2<sup>nd</sup> floor of the west retail unit of Town Center Condominium 4 located at 222 Central Park Avenue.
- Strayer University received a Conditional Use Permit for its current location on July 11, 2006, with no conditions.
- The school is seeking to operate within 7,480 square feet of leased area.
- Projected student enrollment is 600, yet only 60-90 students are typically enrolled in on-site classes, as 85-90% of students matriculate on-line.
- The anticipated number of employees is approximately 10 full-time or part-time staff on-site during normal business hours.
- The maximum number of students anticipated to be on-site at any given time is approximately 50 for classes and 100 for special events. The occupancy based on square footage and floor plan is up to 221 people.

		<h3>Zoning History</h3>															
		<table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>All</td> <td>REZ (B-3A to CBC) Approved 02/25/2012</td> </tr> <tr> <td>1</td> <td>CUP (Multi-family Dwellings) Approved 06/28/2005 REZ (B-3 to B-3A) Approved 03/09/2004</td> </tr> <tr> <td>2</td> <td>CUP (Multi-family Dwellings) Approved 08/25/2009 STC Approved 03/24/2009</td> </tr> <tr> <td>3</td> <td>CUP (Private College/University) Approved 03/24/2009 STC Approved 03/11/2003 CUP (Multi-family Dwellings) Approved 09/24/2002</td> </tr> <tr> <td>4</td> <td>CUP (Religious Use) Approved 08/09/2011 CUP (Multi-family Dwellings) Approved 10/10/2006 CUP (Private College/University) Approved 06/14/2006 REZ (B-3 to B-3A) Approved 05/10/2005</td> </tr> <tr> <td>5</td> <td>CUP (Private College/University) Approved 06/25/2006</td> </tr> <tr> <td>6</td> <td>CUP (Private College/University) Approved 11/12/2008 REZ (B-3 to B-3A) Approved 10/10/2000</td> </tr> </tbody> </table>	#	Request	All	REZ (B-3A to CBC) Approved 02/25/2012	1	CUP (Multi-family Dwellings) Approved 06/28/2005 REZ (B-3 to B-3A) Approved 03/09/2004	2	CUP (Multi-family Dwellings) Approved 08/25/2009 STC Approved 03/24/2009	3	CUP (Private College/University) Approved 03/24/2009 STC Approved 03/11/2003 CUP (Multi-family Dwellings) Approved 09/24/2002	4	CUP (Religious Use) Approved 08/09/2011 CUP (Multi-family Dwellings) Approved 10/10/2006 CUP (Private College/University) Approved 06/14/2006 REZ (B-3 to B-3A) Approved 05/10/2005	5	CUP (Private College/University) Approved 06/25/2006	6
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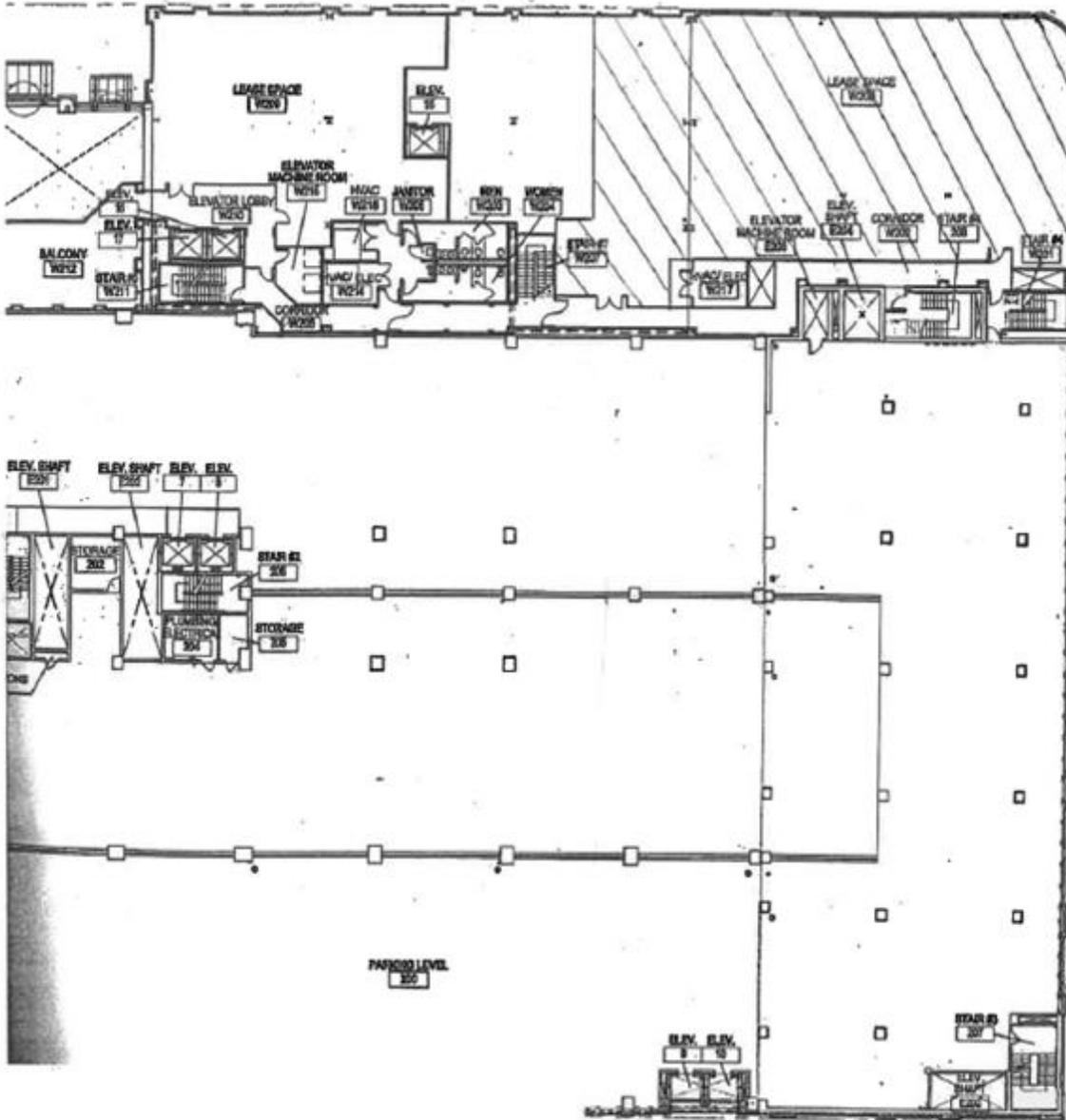
## Comprehensive Plan Recommendations

The subject site is located within the Central Business Core District of the Pembroke Strategic Growth Area (SGA). Mixed uses offering an efficient use of land resources, full use of urban services, detailed human-scale design and a compatible mix of uses are recommended for this area.

## Evaluation and Recommendation

The proposed Conditional Use Permit simply enables an existing, compatible use to relocate to another leased space in Town Center. As the school currently exists with a similar student population within close proximity to this site, Staff does not anticipate any impacts to the existing traffic patterns, parking availability or other infrastructure. Educational facilities such as this one complement and support the surrounding uses and reinforce Town Center's mixed use, urban environment. Staff recommends approval of this application.

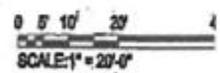
Block 4, 2<sup>nd</sup> Floor Proposed Lease Space



PLANS OF TOWN CENTER CONDOMINIUM 4  
BLOCK 4, TOWN CENTER  
VIRGINIA BEACH, VIRGINIA

DATE: 12/13/2002

SHEET 05 OF 31



**Block 4 Second Floor Proposed Floorplan**



TESTFIT - OPT 1  
 222 CENTRAL PARK AVENUE SUITE 210,  
 VIRGINIA BEACH, VA 23462  
**OTJ**  
 ARCHITECTS

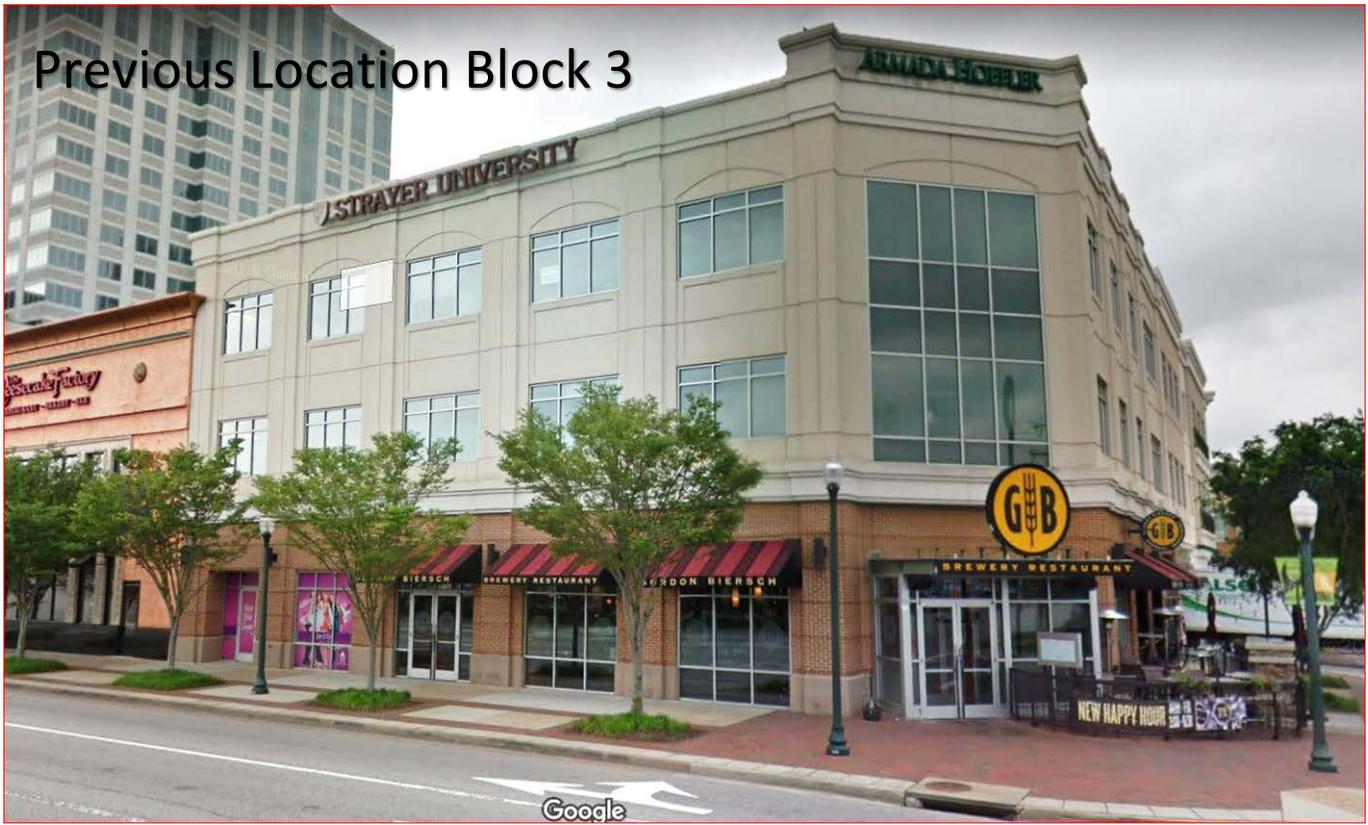
STRAYER UNIVERSITY - VIRGINIA BEACH  
 09/14/18

Site Photos

Proposed Location Block 4



Previous Location Block 3





**APPLICANT'S NAME** Armada Hoffler Tower 4, L.L.C.

**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).		
<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: Armada Hoffer Tower 4, L.L.C.  
 If an LLC, list all member's names:  
 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-subidiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*  
 See Attached.

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 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	OTJ Architects
<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	AHP Construction, LLC
<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	Faggert & Frieden, P.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Divaris Real Estate, Inc.

**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



<b>CERTIFICATION:</b> 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.		
	See Attached	
APPLICANT'S SIGNATURE	PRINT NAME	DATE

## Disclosure Statement

**APPLICANT'S NAME:** Armada Hoffler Tower 4, L.L.C.

**Manager:** Tower Manager, LLC

**Members:** Armada Hoffler, L.P.  
New Armada Hoffler Properties I, L.L.C.  
Tower Manager, LLC

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**APPLICANT'S MANAGER:**

**Name:** Tower Manager, LLC

**Managers:** Louis S. Haddad  
Michael P. O'Hara

**Sole Member:** Armada Hoffler, L.P.

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**APPLICANT'S MEMBERS (other than the Manager named above that is also a Member):**

**Name:** Armada Hoffler, L.P.  
[the "Operating Partnership" for the REIT\*]

**General Partner:** The REIT\*

**Limited Partners:** The REIT\* which has the controlling interest in the Operating Partnership. There are multiple other fluctuating minority limited partner investors in the Operating Partnership.

**Name:** New Armada Hoffler Properties I, L.L.C.

**Managers:** None – Member managed

**Sole Member:** the Operating Partnership

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**THE REIT\*:**

**Name:** Armada Hoffler Properties, Inc.

**Executive Officers:** Daniel A. Hoffler – Executive Chairman of the Board  
A. Russell Kirk – Vice Chairman of the Board

**Authorized Officers:** Louis S. Haddad – President & CEO  
Michael P. O'Hara – CFO, Secretary & Treasurer

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**Affiliates/Subsidiaries:** The Operating Partnership has numerous affiliates/subsidiaries unrelated to the subject matter of the Application in which it is the sole owner or has a controlling interest.

\*The REIT is a publicly traded company.

S:\Clients\5152\055\CUP\Disclosure Statement Attachment.docx

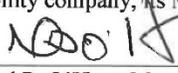
**Signature Page  
Conditional Use Permit Application  
Block 4 – Town Center, Virginia Beach, Virginia**

IN WITNESS WHEREOF, the Applicant has caused this Application to be signed by its duly authorized representative.

APPLICANT:

ARMADA/HOFFLER TOWER 4, L.L.C.,  
a Virginia limited liability company

By: TOWER MANAGER, LLC, a Virginia  
limited liability company, its Manager

By:  (SEAL)  
Michael P. O'Hara, Manager

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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 approvals allowed by this application 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.



**Request**

**Modification of Conditions (Craft Brewery)**

**Staff Recommendation**

Approval

**Staff Planner**

Jonathan Sanders

**Location**

1805 Laskin Road, Suite 102

**GPIN**

2407683131

**Site Size**

1.24 acres

**AICUZ**

Greater than 75 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Retail, craft brewery / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Laskin Road

Grocery store / B-2 Community Business

**South**

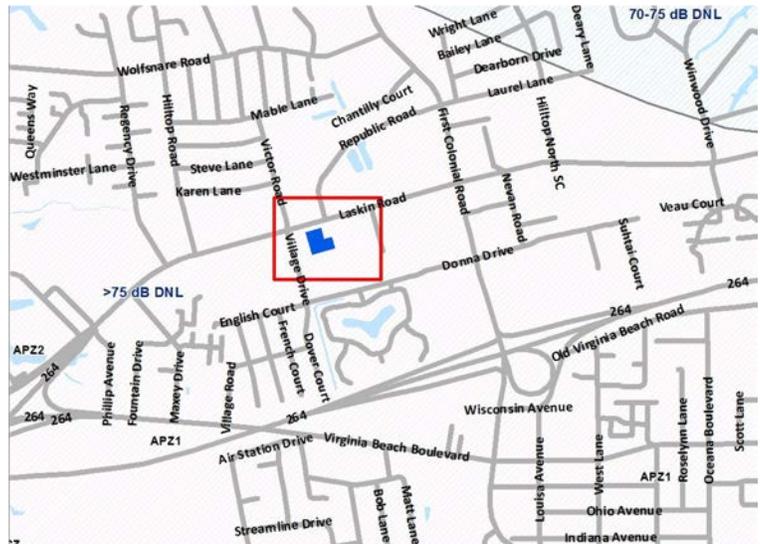
Mixed retail / B-2 Community Business

**East**

Shopping center / B-2 Community Business

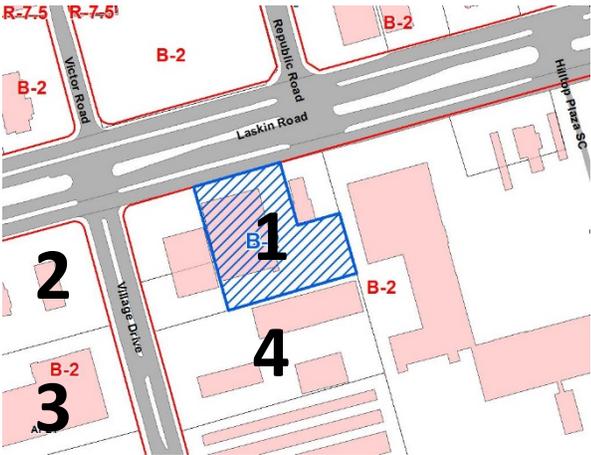
**West**

Medical Office / B-2 Community Business



## Background and Summary of Proposal

- A Conditional Use Permit for a Craft Brewery was approved by City Council on May 5, 2015. At that time, the Zoning Ordinance prohibited food preparation and service within a brewery. Despite this restriction, the brewery has been serving food successfully with Health Department approval since its opening, as the applicant was unaware of this prohibition. All other conditions of the 2015 approval have been met. In 2016, the Ordinance was amended to allow food preparation and service, but only if requested in conjunction with a Conditional Use Permit application for a Craft Brewery. Based on this, Staff views this Modification of Conditions application as a clarification of the record to incorporate the food preparation and service as a part of the Conditional Use Permit.
- The existing hours of operation are 12:00 p.m. to 10:00 p.m., Monday - Thursday, 12:00 p.m. to 12:00 a.m., Friday - Saturday, and 12:00 p.m. to 10:00 p.m. on Sunday. The business currently has 26 employees.
- No changes are proposed to the building or to the signage as part of this request.

	<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CUP (Craft Brewery) Approved 05/05/2015</td> </tr> <tr> <td>2</td> <td>CUP (Fuel Sales) Approved 05/28/2002</td> </tr> <tr> <td>3</td> <td>CUP (Mini Storage) Approved 12/10/2002</td> </tr> <tr> <td>4</td> <td>CUP (Tattoo Parlor) Approved 11/07/2017 CUP (Motor Vehicle Rental &amp; Bulk Storage) Approved 03/22/2005</td> </tr> </tbody> </table>	#	Request	1	CUP (Craft Brewery) Approved 05/05/2015	2	CUP (Fuel Sales) Approved 05/28/2002	3	CUP (Mini Storage) Approved 12/10/2002	4	CUP (Tattoo Parlor) Approved 11/07/2017 CUP (Motor Vehicle Rental & Bulk Storage) Approved 03/22/2005
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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

It is Staff's view there are no negatives associated with serving food to patrons who consume alcohol. As the Zoning Ordinance has changed to allow Craft Breweries the ability to prepare and serve food, combined with the fact that the restaurant has been preparing and serving food without issue, Staff finds the request for the modification acceptable.

Staff recommends approval of the request, subject to the following conditions.

## Recommended Conditions

1. The following conditions of approval associated with the May 5, 2015 Conditional Use Permit for a Craft Brewery on this site shall remain in effect.
  1. Bicycle racks shall be added directly adjacent to the Building Suite containing the Wasserhund Brewing Company. The bicycle racks shall provide enough space to accommodate a minimum of ten (10) bicycles.
  2. Any on-site signage for the Brewery shall meet the requirements of the City Zoning Ordinance (CZO). A permit shall be obtained from the Planning Department for the installation of any signage.
2. Indoor food preparation and service shall be permitted in conjunction with the Conditional Use Permit for a Craft Brewery.

*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 approvals allowed by this application 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 Hilltop Strategic Growth Area (SGA). The Hilltop SGA is home to a wealth of local businesses with a variety of retail, restaurant, office, health, and recreational uses. The Hilltop Strategic Growth Area Master Plan provides recommendations for this SGA. 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 businesses with an equally memorable built setting.

## Natural and Cultural Resources Impacts

The site is located within the Chesapeake Bay Watershed. As the site is already developed, there does not appear to be any significant environmental or cultural features on the site.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Laskin Road	29,900 ADT <sup>1</sup>	27,300 ADT <sup>1</sup> (LOS <sup>3</sup> "C") 31,700 ADT <sup>1</sup> (LOS <sup>3</sup> "E")	No change anticipated <sup>2</sup>
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a craft brewery with food service	<sup>3</sup> LOS = Level of Service	

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

Laskin Road in the vicinity of this application is considered a four-lane divided major urban arterial. In addition to the existing four-lane section of road, there are two 2-lane local access roads parallel to the mainline portion of roadway on the north and south sides of Laskin Road. The existing infrastructure currently resides in a 160 foot right-of-way. The

MTP proposes a six-lane facility within a 165 foot right-of-way. Currently, this segment of roadway is functioning over-capacity at a Level of Service E.

## Public Utility Impacts

### Water & Sewer

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

Existing 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: Wasserhund Brewing Company  
 If an LLC, list all member's names:

Christine Holley  
 Aaron Holley

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: Conte's Acquisitions, LLC  
 If an LLC, list the member's names: David Conte, Wayne Souza



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)*

Conte's Bike Shop

<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	Ryan Gore
<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	Sussex Corporation
<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)	Sheri Brown - BB&T
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Kyle Korte - Wolcott Rivers Gates
<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.

<i>Christine Holley</i>	Christine Holley	1/10/2019
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	Beth Moore, CPA; Beth Moore and Associates
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Kevin Humphries; The Patrina Group
<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)	Virginia Community Capital
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Wayne Souza, Esq.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	



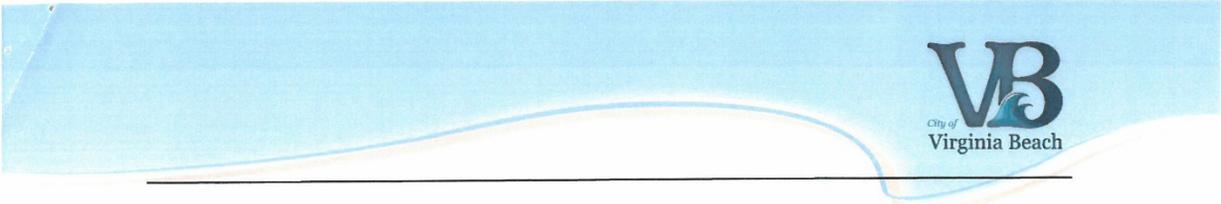
**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

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.

By: <i>Wayne Souza, Co-Manager</i>	<i>Wayne Souza</i>	<i>1/10/19</i>
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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 approvals allowed by this application 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.



**Request**

**Conditional Use Permit** (Tattoo Parlor)

**Staff Recommendation**

Approval

**Staff Planner**

Jonathan Sanders

**Location**

4604 Pembroke Lake Circle, Unit 105

**GPIN**

1478511874

**Site Size**

37,300 square feet

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Mixed retail / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Pembroke Boulevard

Vacant lot / B-2 Community Business

**South**

Pembroke Lake Circle

Townhouses / B-2 Community Business

**East**

Bank / B-2 Community Business

**West**

Pembroke Lake Circle

Mixed retail / B-2 Community Business



## Background and Summary of Proposal

- The applicant plans to operate a beauty salon within a unit in the existing building on the site. She proposes to offer microblading, which is the application of permanent makeup, to her clients. Based on this, a Conditional Use Permit for a Tattoo Parlor is required.
- According to the application, one employee will specialize in microblading while the salon is open, with typical hours of operation between 9:00 a.m. and 5:00 p.m., Tuesday through Saturday.
- No exterior changes to the building are proposed.
- The existing box sign above the entry will display the name of the salon in white letters with a black background.



### Zoning History

#	Request
1	CUP (Indoor Recreation) Approved 04/13/1999

### 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

The proposed request for the Conditional Use Permit for Tattoo Parlor is, in Staff's opinion, acceptable given that the use will be compatible with the other existing commercial businesses along this section of Pembroke Boulevard.

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 listed below.

## Recommended Conditions

1. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
2. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
3. The actual application of permanent makeup shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. The proposed sign for the business shall have a black background with white letters and shall be limited to the name of the salon and shall not identify the business as a tattoo parlor.
5. 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. 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 approvals allowed by this application 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 Area.” Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a frame work for neighbors and places that are increasingly vibrant and distinctive. The Plan’s primary guiding principle for the Suburban Area is to create “Great Neighborhoods,” and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future.

## Natural and Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. There are no significant natural or cultural resources associated with this predominately impervious site, as it is developed as a shopping center.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Pembroke Boulevard	No Data Available	9,900 ADT <sup>1</sup> (LOS <sup>2</sup> "D")	No Change Anticipated

<sup>1</sup> Average Daily Trips      <sup>2</sup> LOS = Level of Service

## Public Utility Impacts

### Water & Sewer

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

Existing Site Layout



Site Photos





**APPLICANT'S NAME** Amy Turner

**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).			
<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: \_\_\_\_\_  
 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: Star Real Estate, LLC  
 If an LLC, list the member's names: Dong Jo Kim, Jin Suk Kim



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 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?**

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.

APPLICANT'S SIGNATURE	PRINT NAME	DATE
<i>Amy Turner</i>	Amy Turner	1/30/19



**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	AJ White Association, Inc.
<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 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)	WSFS Bank
<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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PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE
	JIN SUK KIM	1-18-19

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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 approvals allowed by this application 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.



**Request**

**Conditional Use Permit** (Tattoo Parlor)

**Staff Recommendation**

Approval

**Staff Planner**

Marchelle Coleman

**Location**

2137 Upton Drive, Suite 314

**GPIN**

2414352667

**Site Size**

6.5 acres

**AICUZ**

65-70 dB DNL

**Watershed**

Southern Rivers

**Existing Land Use and Zoning District**

Retail / B-2 Community Business

**Surrounding Land Uses and Zoning Districts**

**North**

Retail / B-2 Community Business

**South**

Restaurant, retail / B-2 Community Business

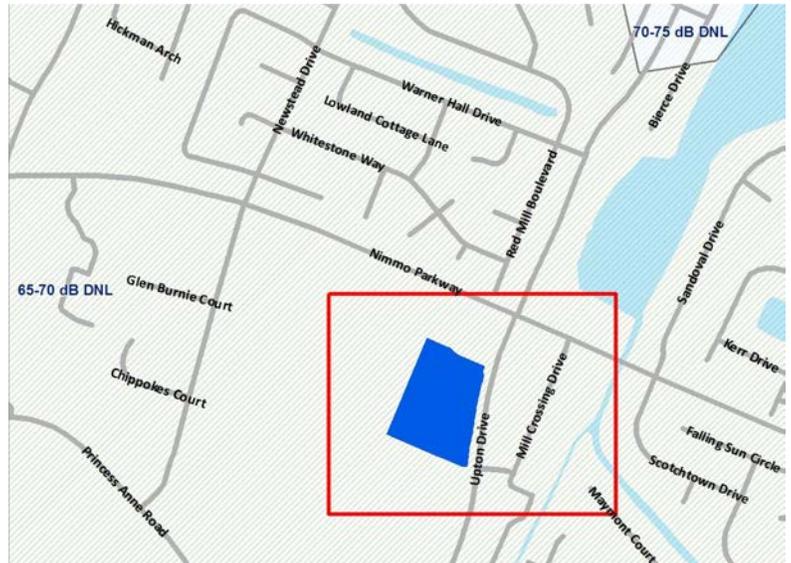
**East**

Upton Drive

Multi-family dwellings / A-18 Apartment

**West**

Retail / B-2 Community Business



## Background and Summary of Proposal

- The applicant is requesting to operate a tattoo parlor for permanent makeup, known as microblading, in a unit within an existing salon along Upton Drive.
- According to the application, the permanent makeup portion of the business will have one employee. The typical hours of operation are 10:00 a.m. to 7:00 p.m., Tuesday and Thursdays, from 10:00 a.m. to 8:00 a.m. on Wednesdays, 10:00 a.m. to 6:00 p.m. on Fridays, and 10:00 a.m. to 4:00 p.m. on Saturdays.
- No exterior changes are proposed to 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 (Bulk Storage Yard) Approved 08/21/2018 CUP (Bulk Storage Yard) Approved 09/20/2016 MOD Approved 08/12/2008 CUP (Automobile Service Establishment) Approved 08/21/2018</td> </tr> <tr> <td>2</td> <td>MOD Approved 04/27/2010 CUP (Seasonal Outdoor Green Market) Approved 05/26/2009</td> </tr> <tr> <td>3</td> <td>CUP (Automobile Repair Garage) Approved 03/23/2004</td> </tr> <tr> <td>4</td> <td>CUP (Automobile Service Station and Car Wash) Approved 08/26/2003</td> </tr> <tr> <td>5</td> <td>CRZ (B-2 to Conditional A-18 &amp; Conditional B-2) Approved 03/25/2003</td> </tr> </tbody> </table>		#	Request	1	CUP (Bulk Storage Yard) Approved 08/21/2018 CUP (Bulk Storage Yard) Approved 09/20/2016 MOD Approved 08/12/2008 CUP (Automobile Service Establishment) Approved 08/21/2018	2	MOD Approved 04/27/2010 CUP (Seasonal Outdoor Green Market) Approved 05/26/2009	3	CUP (Automobile Repair Garage) Approved 03/23/2004	4	CUP (Automobile Service Station and Car Wash) Approved 08/26/2003	5	CRZ (B-2 to Conditional A-18 & Conditional B-2) Approved 03/25/2003
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## Evaluation and Recommendation

The proposed request for the Conditional Use Permit is, in Staff's opinion, acceptable given that the land use will be compatible with the other existing commercial businesses along this section of Upton Drive.

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 requirements of Chapter 23 of the City Code. This section of the codes 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 listed 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 to ensure consistency with the provisions of Chapter 23 of the City Code.

2. This Conditional Use Permit for a Tattoo Parlor shall be limited to only microblading, a tattooing technique used in the application of permanent make-up. No other form of tattooing shall be permitted.
3. The actual application of permanent makeup shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
4. 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. Building signage designed to be a “box sign” and signage for windows shall not be permitted. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

## Comprehensive Plan Recommendations

The Comprehensive Plan recognizes this property as being within the “Suburban Area.” Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a framework for neighborhoods and places that are increasingly vibrant and distinctive. The Plan’s primary guiding principle for the Suburban Area is to create “Great Neighborhoods,” and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future.

## Natural and Cultural Resources Impacts

The site is located within the Southern Rivers watershed. There does not appear to be any significant natural resources or cultural features associated with the site.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Upton Drive	19,300 ADT <sup>1</sup>	22,800 ADT <sup>1</sup> (LOS <sup>2</sup> “D”)	No Change Anticipated <sup>3</sup>
<sup>1</sup> Average Daily Trips <sup>2</sup> LOS = Level of Service <sup>3</sup> average daily trips not expected to change			

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

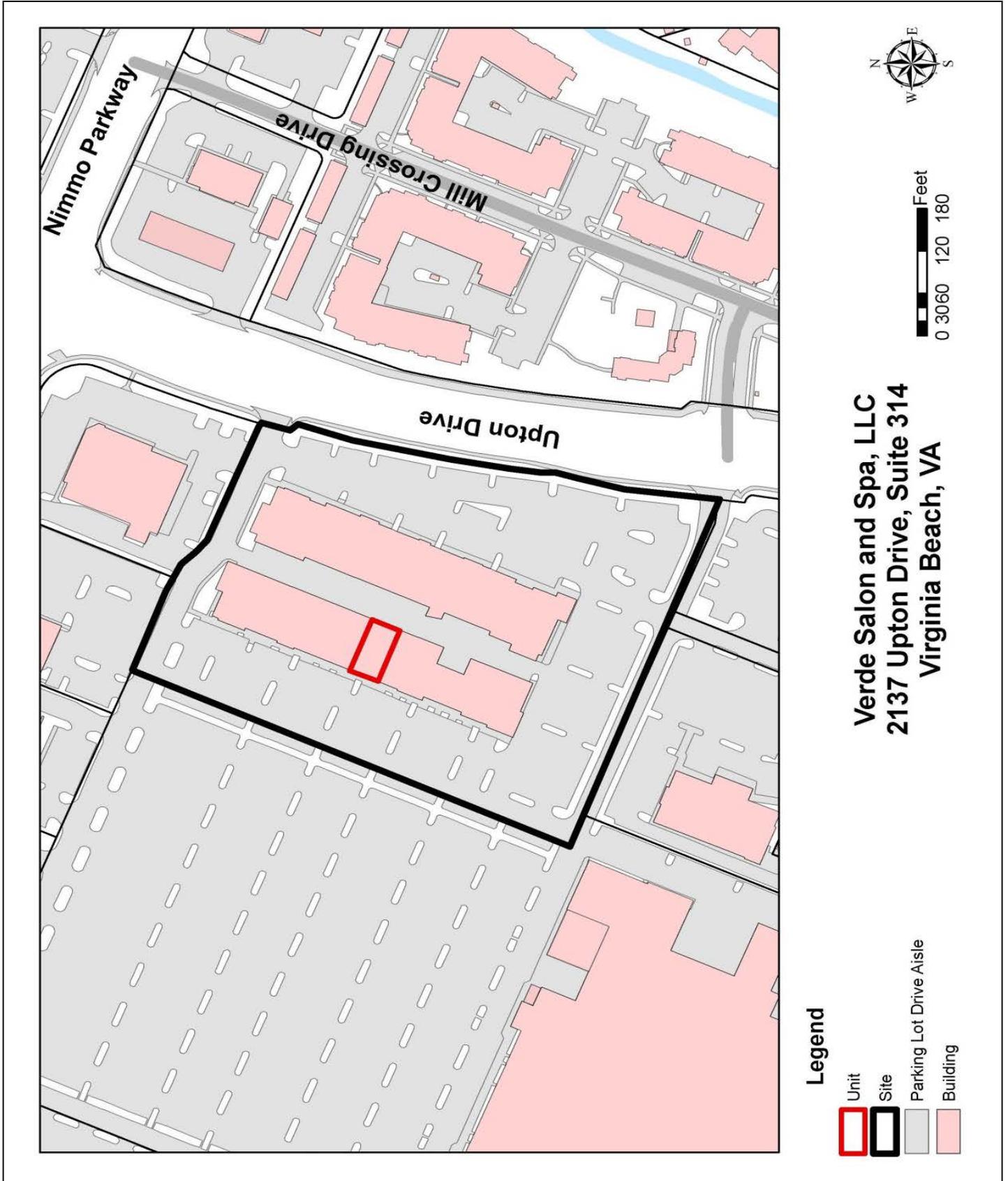
Upton Drive, in this vicinity, is considered a four-lane divided minor urban arterial. There are no roadway CIP projects slated for this area.

## Public Utility Impacts

### Water & Sewer

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

# Site Layout



Site Photo





**APPLICANT'S NAME** Verde Salon and Spa, 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 Board of Zoning Appeals	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Certificate of Appropriateness (Historic Review Board)	Encroachment Request	Rezoning
Chesapeake Bay Preservation Area Board	Floodplain Variance	Street Closure
Conditional Use Permit	Franchise Agreement	Subdivision Variance
	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 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: Verde Salon and Spa, LLC

If an LLC, list all member's names:

Joanne Bryant

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: Lake Gem D1, LLC

If an LLC, list the member's

names: Gem Sandbridge, LLC, John Gibson, Lakeside Group, LLC, Eric Anderson



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 checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Desroches & Company CPA's, P.C. Robin A. Harvey
<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"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES     NO 

**Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?**

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

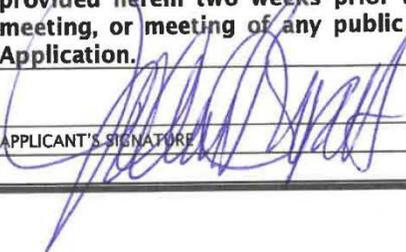
# Disclosure Statement



**CERTIFICATION:**

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	JoAnn Bryant	1/23/19
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	BDO
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	GE Captial
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Venture Realty Group

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES     NO 

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<i>Verde Salon &amp; Spa, LLC</i> <i>by John Gibson</i>	<i>John Gibson</i> <i>Eric Anderson</i>	<i>1-31-19</i>
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE
<i>[Signature]</i>		

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
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- 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.



**The Applicant has requested a withdrawal of this application.**

**Request**

**Conditional Use Permit** (Outdoor Recreation Facility)

**Staff Recommendation**

Approval of Withdrawal

**Staff Planner**

Bill Landfair

**Location**

Vacant parcel on Charity Neck Road,  
 approximately 290 feet from Robinson Road

**GPIN**

2412717407

**Site Size**

28.70 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Southern Rivers





**Request**

**Conditional Use Permits** (Outdoor Recreation & Assembly Use)

**Staff Recommendation**

Approval

**Staff Planner**

Jonathan Sanders

**Location**

2865 Lynnhaven Drive, Suite D3

**GPIN**

1499389741

**Site Size**

2.98 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Shopping Center / B-2 Community Business  
 (Shore Drive Overlay District)

**Surrounding Land Uses and Zoning Districts**

**North**

Lynnhaven Drive  
 Single-family dwellings / A-18 Apartment (Shore Drive Overlay District)

**South**

Long Creek

**East**

N. Great Neck Road  
 Single-family dwellings, marina / A-36  
 Apartment, B-2 Community Business, B-4 Mixed Use (Shore Drive Overlay District)

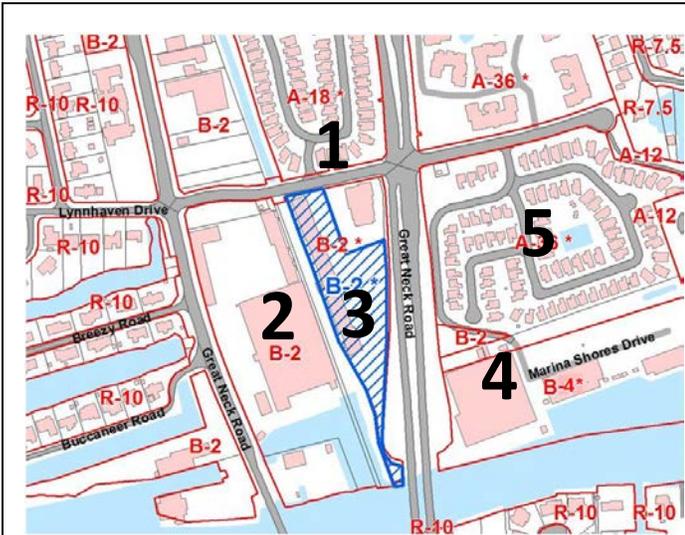
**West**

Boat dry storage / B-2 Community Business  
 (Shore Drive Overlay District)



## Background and Summary of Proposal

- The existing 2.98 acre site features an existing shopping center with restaurants, beauty, hardware and other uses. The applicant is a tenant at the south end of the parcel and owns the Ballyhoos Restaurant, which opened in June 2018. The restaurant features a recently completed (in 2018) enclosed outdoor patio area. A large 20-foot by 40-foot white tent has been rented monthly by the applicant, without the benefit of a Special Event Permit, in the winter months to provide shelter for outdoor recreation activities such as corn hole and bocce ball.
- Several events have been held on the property, as the applicant was unaware of the need for the Conditional Use Permit for an Assembly Use for large events/gatherings, weddings, outdoor bands and an Outdoor Recreational Facility for the outdoor activities. When seeking a permit for the tent, the applicant was informed of the need for the Conditional Use Permits, and has thus submitted the application.
- The applicant proposes to use the approximately 10,000 square foot vacant land to the south of the restaurant for event space with picnic tables, bocce ball, and corn hole.
- The applicant proposes to continue to host events of up to 250 people for reunions, weddings, outdoor bands, etc. Larger events, such as oyster roasts and tuna tournaments, are also anticipated. It is the applicant's intention to pursue Special Event Permits for these larger events that will exceed 250 people. These events will include a detailed review by City Staff regarding parking, traffic flow, permitting, etc.
- The property contains 245 parking spaces. With a combined square footage of 51,500 square feet (buildings and 10,000 square feet of assembly use), the minimum parking required for is 206 spaces. Of the 39 surplus parking spaces, nine are inaccessible due to the location of a stage, picnic tables and the tent. The applicant has provided two shared parking agreement letters that result in an additional 60 parking spaces available for events. Parking agreements are with nearby Lynnhaven Marine, located at 2150 West Great Neck Road, and Inlet Fitness, located at 2101 W. Great Neck Road, as provided on pages 7 & 8 of this report.
- A temporary, green, plastic fence separates the tent, stage and southern yard area from the parking lot. To ensure the safety and separation of events from the parking lot, and to improve the aesthetics of the fence, a condition is recommended that an attractive, four-foot fence be installed, as depicted on the plan on page 6 of this report.
- The applicant held a question and answer forum about the proposed Assembly and Outdoor Recreation uses with neighbors on March 30<sup>th</sup>. The forum was attended by 25 people including the President of the Arbors Condominiums HOA, the Marina Shores Apartments property manager, and a board member for Long Bay Creek. The applicant will also be doing a follow up through each neighborhood newsletter to make sure that residents have the correct information.



### Zoning History

#	Request
1	REZ (B-2 to A-18) Approved 01/04/1994
2	CUP (Dry storage boatel) Approved 12/14/1999
3	CUP (Yoga Studio) Approved 03/24/2009
4	CRZ (B-2, R-7.5 to Conditional B-4 & P-1) Approved 11/17/2017 CUP (Multi-Family Dwellings in the Shore Drive Overlay) Approved 11/17/2017 CRZ (B-2, R-7.5 to Conditional B-4 & P-1) Approved 11/17/2017 CUP (Commercial Marina) Approved 11/21/2017
5	CUP (Home Occupation - Retail Sales (Firearms)) Approved 11/17/2017

### 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

The applicant’s request for Conditional Use Permits to operate an Outdoor Recreation Facility and Assembly Use are, in Staff’s opinion, compatible with the other commercial uses along this section of N. Great Neck Road. With the parking agreements with two nearby properties for 60 additional parking spaces, Staff finds the parking is more than adequate for this request. Conditions related to outdoor noise from music and amplified sound prohibit noise after 10:00 p.m. In addition, the applicant has agreed that for larger events than 250 people, a Special Events Permit will be sought and Staff has recommended a condition for this requirement. Further, Staff recommends a condition for an annual review of the Conditional Use Permit for Assembly Use by the Planning Director to ensure that the operation has been complying with the approved conditions.

Based on these considerations above, Staff recommends approval of this request subject to the conditions below.

## Recommended Conditions

### Conditional Use Permit (Outdoor Recreation)

1. With the exception of any modifications required by any of these conditions or by any City regulations, the site shall be configured in conformance with the layout plan shown on page 6 of this report. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Department of Planning and Community Development.
2. No live music, amplification of music, use of speakers, or monitors will be permitted outdoors after 10:00 p.m.
3. All lighting shall be contained on the subject property. The source of the light is to be shielded so as to not be visible from the property line of adjacent residential properties.
4. Any outdoor storage of materials associated with the Outdoor Recreation Facility shall be prohibited.

### Conditional Use Permit (Assembly Use)

1. No live music, amplification of music, use of speakers, or monitors will be permitted outdoors after 10:00 p.m.
2. A four-foot fence, constructed of wooden or composite materials, shall be installed to separate the outdoor recreation and assembly use area from the parking lot.
3. All lighting shall be contained on the subject property. The source of the light is to be shielded so as to not be visible from the property line of adjacent residential properties.
4. All parking for the Assembly Use shall be on the property or met through a parking agreement.
5. Handicap spaces shall be provided adjacent to the event area in accordance with all ADA requirements.
6. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall be not be allowed to accumulate.
7. Any outdoor storage of materials associated with the Assembly Use shall be prohibited.
8. Consistent with the requirements for a Special Event, for each event exceeding 250 people, the applicant shall obtain a Special Event Permit and shall notify the Police Department, the Fire Prevention Bureau, the Health Department and Emergency Medical Services of the event's time, size and scope of activities.
9. A building permit shall be obtained prior the installation of the temporary tent, which shall only be permitted for up to six months per calendar year.
10. Subject to Section 221 (k) of the Zoning Ordinance, an annual review based on the date of City Council approval shall be performed by the Planning Director of the Assembly Use Conditional Use Permit. This use may be allowed to remain on the site subject to a determination by the Planning Director that the presence of the use is not detrimental to the public health, safety, and welfare. Furthermore, this use, as conditioned herein, shall not cause public inconvenience, annoyance, disturbance, or be incompatible with other uses in the vicinity or otherwise interfere with the reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking.

*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 approvals allowed by this application 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 Area. Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a frame work for neighborhoods and places that are increasingly vibrant and distinctive. The Plan's primary guiding principle for the Suburban Area is to create "Great Neighborhoods," and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future.

## Natural and Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. There does not appear to be any significant natural resources associated with the site, as it developed with a shopping center and asphalt parking lot.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
N. Great Neck Road	27,200 ADT <sup>1</sup>	36,900 ADT <sup>1</sup> (LOS <sup>2</sup> "D")	No Change Anticipated
<sup>1</sup> Average Daily Trips		<sup>2</sup> LOS = Level of Service	

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

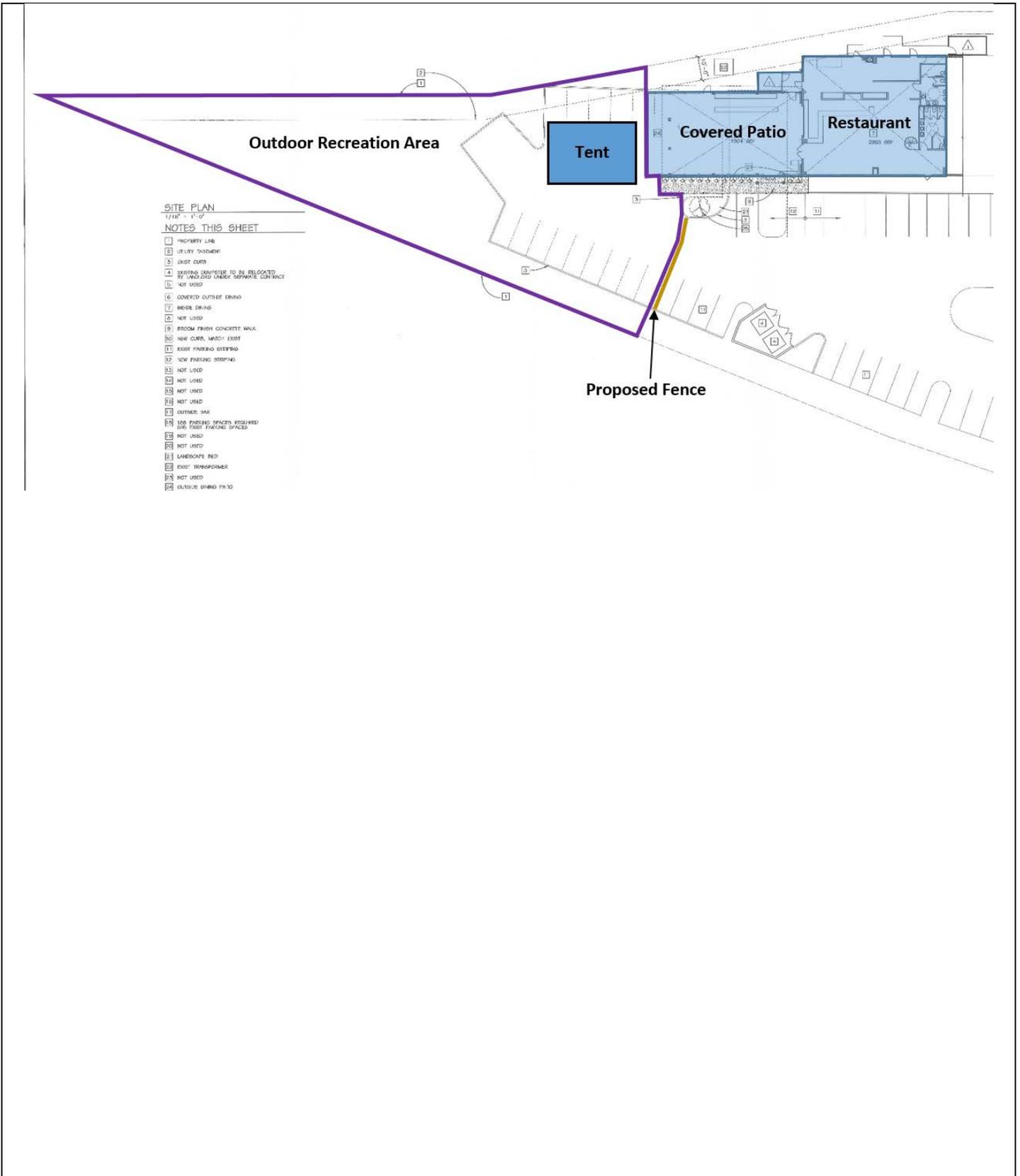
North Great Neck Road in the vicinity of this application is considered a four-lane divided major suburban arterial. The MTP proposes a divided facility with bikeway within a 120 foot right-of-way. No CIP projects are planned in the vicinity of this site.

## Public Utility Impacts

### Water & Sewer

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

# Proposed Site Layout





March 27, 2019

To Whom It May Concern:

Lynnhaven Marine, located at 2150 West Great Neck Road, Virginia Beach, Virginia has agreed to allow K&T Inc., DBA Ballyhoos to use 30 spaces for satellite/valet parking for special events.

Parking will be available on advanced pre-determined dates and times. K&T Inc., will take full responsibility for any vehicles parked on these special event dates. Parking will be located in designated areas.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chuck Guthrie", is written over a horizontal line.

Chuck Guthrie,  
cguthrie@lynnhavenmarine.com

## Parking Agreement Letter



March 29<sup>th</sup>, 2019

**To whom it may concern:**

Inlet Fitness located 2101 West Great Neck Rd in Virginia Beach has agreed to provide a minimum of 30 offsite/Valet parking for special events for K&T Inc dba Ballyhoos Restaurant. Dates and times of such events will be preapproved by Inlet Fitness and parking will be located in designated areas. K&T Inc will have sole responsibility for all vehicles parked and Inlet Fitness will not be held liable for any such vehicles.

A handwritten signature in black ink that reads "Phil Curtin". The signature is written in a cursive style with a large, prominent initial "P".

Phil Curtin  
Owner iNLeT Fitness

2101 West Great Neck Road • Virginia Beach, Virginia 23451 (757) 412-0600 • fax (757) 425-1747

2336 Elson Green Avenue • Suite 106 • Virginia Beach, Virginia 23456 (757) 689-2446 • fax (757) 689-2416

[www.inletfitness.com](http://www.inletfitness.com)

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: K& T Inc., DBA Ballyhoos  
 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)*

Craig Davis, James Jamison

(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)*

Honey Spoon, LLC

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: Marina Shores Repair Corp  
 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)*

Gale L. Higgs

**(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 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)	Towne Bank
<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.

	Craig Davis	1/31/19
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 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"/>	

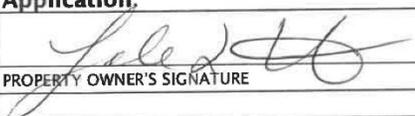
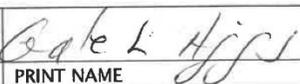
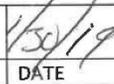
If yes, what is the name of the official or employee and what is the nature of the interest?

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Page 6 of 7

# Disclosure Statement



<b>CERTIFICATION:</b> 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.		
		
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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 approvals allowed by this application 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.



**Request**

**Conditional Rezoning** (Conditional B-1 Neighborhood Business District to Conditional B-2 Community Business District)

**Conditional Use Permit** (Automobile Service Station)

**Staff Recommendation**

Approval

**Staff Planner**

Jonathan Sanders

**Location**

5300 Princess Anne Road

**GPIN**

1466591917

**Site Size**

1.58 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Vacant building / Conditional B-1 Neighborhood Business

**Surrounding Land Uses and Zoning Districts**

**North**

Single-family dwelling / R-7.5 Residential

**South**

Princess Anne Road

Gas station, single-family dwelling / B-2

Community Business

**East**

South Parliament Drive

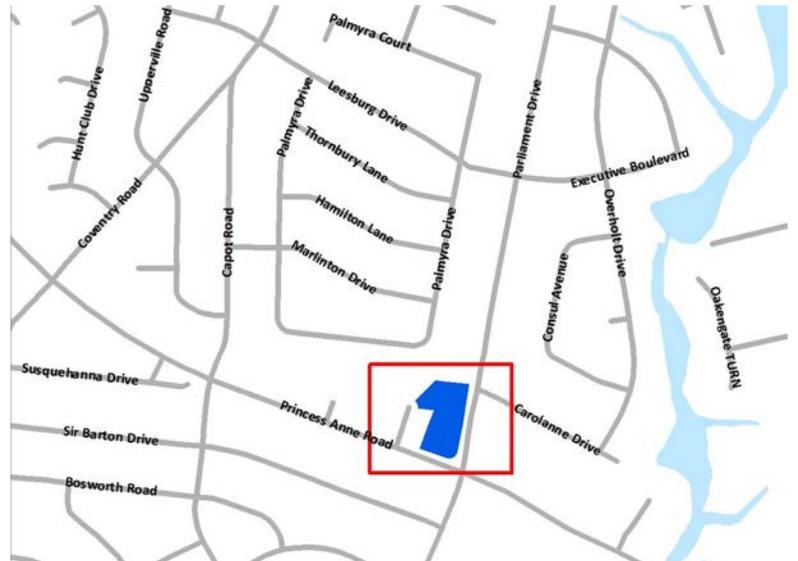
Auto repair, single-family dwellings / R-10

Residential, B-2 Community Business

**West**

Restaurant, single-family dwelling / B-2

Community Business, R-7.5 Residential



## Background and Summary of Proposal

- The 1.58 acre site is located at the corner of Princess Anne Road and Parliament Drive and is zoned Conditional B-1 Neighborhood Business District. The property is developed with a vacant retail building that was previously occupied by a drug store, and the associated parking lot.
- The property is proposed to be redeveloped with a convenience store with fuel pumps. As the B-1 zoning district does not permit an automobile service station, the request includes both a rezoning to Conditional B-2 Community Business and a Conditional Use Permit for Automobile Service Station.
- One existing vehicular access point on S. Parliament Drive will be closed, resulting in one remaining along S. Parliament Drive and a second along Princess Anne Road, where a new turn lane will be installed.
- The proffered landscape plan depicts the required Category IV screening and landscape buffer (a mix of trees and shrubs) along the northern and western property lines, adjacent to the residentially-zoned properties.
- The elevations depict a one-story convenience store designed with contemporary architecture that features a predominately reddish brown brick veneer exterior with a tan brick water table. As has been typical of the 7-Eleven stores on Hampton Roads built in the last five years, a black canopy with metal supports is proposed above the entrance. Likewise, the fuel canopy and dumpster enclosure will match the brick and color scheme of the proposed convenience store building.
- Per the proffers, an eight-foot tall monument-style freestanding sign with a brick base is proposed.
- The 20 parking spaces depicted on the concept plan will exceed the 17 parking spaces required by the Zoning Ordinance.
- According to the applicant's representative, a presentation to the Carolanne Farms Civic League is scheduled for April 2<sup>nd</sup>, on or about the date that this report is published. In addition, the applicant met with several property owners in the adjacent neighborhood, and has discussed the request with the leadership of the Ridglea and Carolanne Farms Civic Leagues. Finally, letters were sent by the applicant to property owners in the vicinity to provide details of the application as well as offering to meet to discuss the project.



**Zoning History**

#	Request
1	CRZ (R-7.5 & B-2 to Conditional B-1) Approved 05/27/1997

**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
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**Evaluation and Recommendation**

In Staff’s view, the proposal is acceptable. The proposed proffers will limit the more intense uses that are permitted in the B-2 district, such as auto repair and bars and nightclubs, which are not typically compatible adjacent to residential uses nor on properties located at the entrance into a neighborhood. The proffered landscape plan depicts significant improvements that will aid in screening activities on this parcel as well as improve the aesthetics of the site. The elimination of one vehicular ingress/egress along the S. Parliament Drive will reduce the number of potential conflict points between automobiles and pedestrians. Furthermore, the layout and building’s architecture are consistent with the Comprehensive Plan’s goals related to high quality building design and site configuration, as well as with the provision of appropriate screening within a wide buffer for the protection of stable neighborhoods. Staff recommends approval of this request subject to the conditions and proffers below.

**Recommended Conditions**

1. When the property is developed, it shall be in substantial conformance with the submitted Concept Plan entitled, “PA RD. AND PARLIAMENT DR. REZONING CONCEPT PLAN”, dated February 1, 2019, and prepared by Blakeway Corporation (the “Concept Plan”), which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning.
2. The exterior of the proposed building, fuel canopy, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations entitled “7-ELEVEN STORE #1044479”, dated March 1, 2019, and prepared by Intrepide Design (the “Exterior Elevations”), which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning.
3. Signage for the site shall be limited to:
  - a. Directional signs.
  - b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base and two (2) building and/or canopy signs.

- c. Striping on the canopy shall be limited to ten (10) feet on each side of the canopy or one-quarter of the length of each side. Signage on the canopy shall not be internally or externally illuminated.
  - d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
4. All light fixtures in the parking lot shall be limited to 14 feet in height and may remain on at any time, provided that the source of the light is shielded to not be visible from the property lines of adjacent properties and that the light be contained on the subject property.
  5. At the time of site plan review, a Photometric Plan shall be submitted for review and shall contain foot-candle lighting readings for all areas of the site including the perimeter. Said plan shall also specify light fixture height, light fixture type, proposed shielding, and light dimming capabilities.
  6. No outdoor vending machines and/or display of merchandise shall be permitted.

*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 approvals allowed by this application 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.*

## 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 “PA RD. AND PARLIAMENT DR. REZONING CONCEPT PLAN”, dated February 1, 2019, and prepared by Blakeway Corporation (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 architectural style and quality of materials used for the retail store building to be constructed on the Property, when constructed, will be in substantial conformity with the exhibit entitled “7-ELEVEN STORE #1044479”, dated March 1, 2019, and prepared by Intrepide Design (the “Exterior Elevations”), 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 3:**

When developed, the landscaping installed on the Property shall be in substantial conformity with the conceptual landscape plan entitled “PA RD. AND PARLIAMENT DR. CONCEPTUAL LANDSCAPE PLAN”, dated January 30, 2019, and prepared by Blakeway Corporation (the “Landscape 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 4:**

The following uses shall not be permitted on the Property: automotive repair garages, car wash facilities, motor vehicle sales, motor vehicle rentals, personal watercraft rentals, and bars or nightclubs.

**Proffer 5:**

Freestanding signage located on the Property shall be monument style, no larger than eight feet (8') in height, and constructed with a masonry base that is substantially compatible with the materials used for the primary building constructed 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 proposed proffers are acceptable and provide confidence that the site will be developed as depicted in terms of layout, landscaping and architectural quality.

## Comprehensive Plan Recommendations

The Comprehensive Plan recognizes this property as being within the "Suburban Area." Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a frame work for neighbors and places that are increasingly vibrant and distinctive. The Plan's primary guiding principle for the Suburban Area is to create "Great Neighborhoods," and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future.

## Natural and Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. There are no significant natural or cultural resources associated with this predominately impervious site, as it is currently developed as a building and parking lot.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Princess Anne Road	28,500 ADT <sup>1</sup>	32,700 ADT <sup>1</sup> (LOS <sup>4</sup> "D")	Existing Land Use <sup>2</sup> - 1,200 ADT Proposed Land Use <sup>3</sup> - 3,350 ADT
South Parliament Drive	No Data to Report	9,900 ADT <sup>1</sup> (LOS <sup>4</sup> "D")	
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by pharmacy with a drive-through	<sup>3</sup> as defined by 4,000 square foot convenience store with 12 fueling positions	<sup>4</sup> LOS = Level of Service

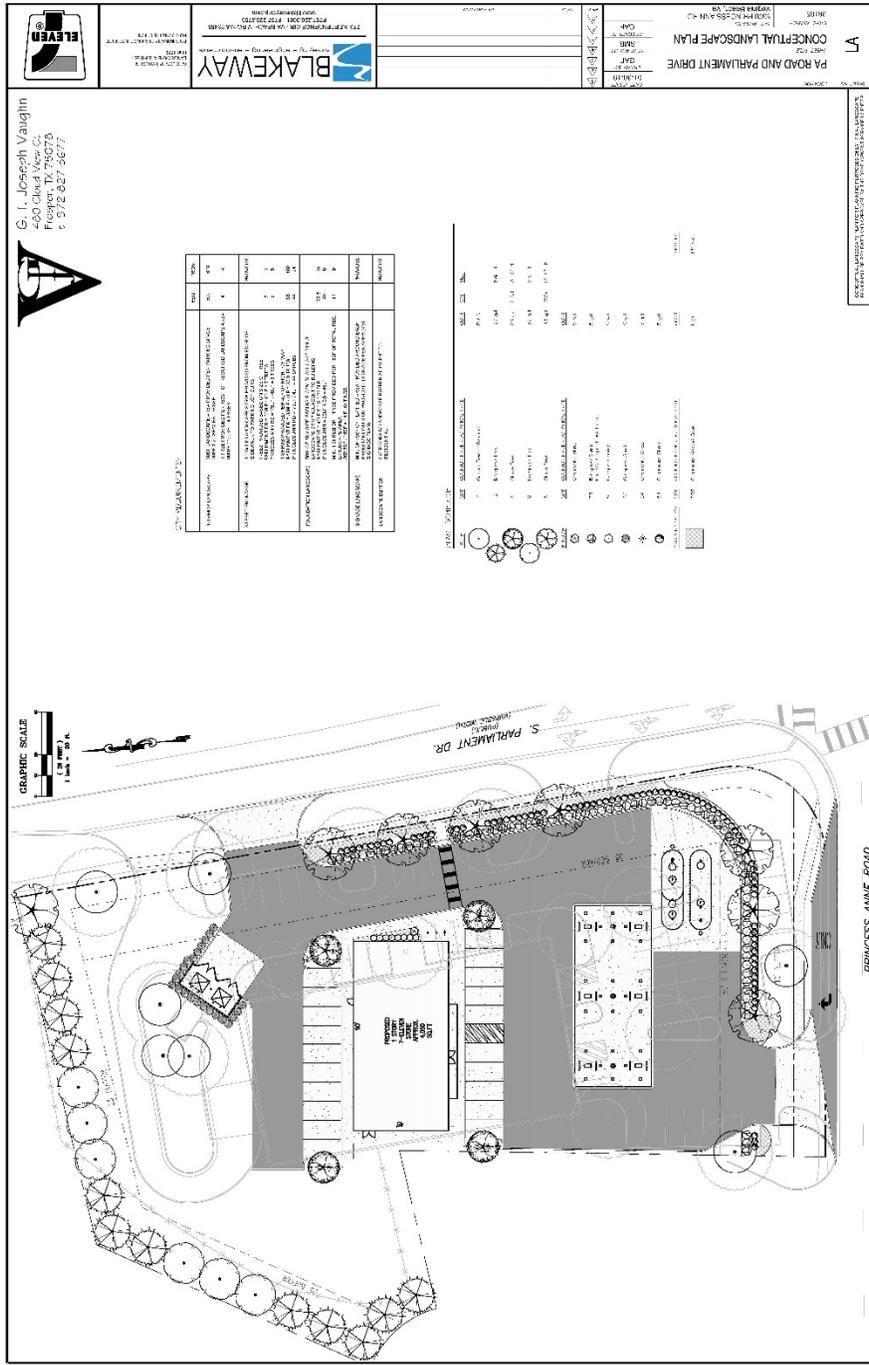
## Public Utility Impacts

**Water & Sewer**

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



# Proposed Landscape Plan



# Proposed Elevations



7-ELEVEN STORE # 1044479  
5900 PRINCESS ANNE ROAD  
VERMILION, ALABAMA 36152  
1211 SOUTH WHITE CHAPEL BOULEVARD  
SOUTH LAKELAND, FLORIDA 33502

PROJECT NO: 1044479  
DATE: 11/13/19  
DRAWN BY: J. J. J.  
CHECKED BY: J. J. J.  
SCALE: AS SHOWN

7-ELEVEN STORE # 1044479  
5900 PRINCESS ANNE ROAD  
VERMILION, ALABAMA 36152  
1211 SOUTH WHITE CHAPEL BOULEVARD  
SOUTH LAKELAND, FLORIDA 33502

THIS DRAWING IS  
REFERENCE ONLY -  
NOT FOR CONSTRUCTION

DATE: 11/13/19

EXTERIOR MATERIALS SCHEDULE	
101	BRICK, COMMON
102	BRICK, GLAZED
103	BRICK, RED
104	BRICK, RED, GLAZED
105	BRICK, RED, GLAZED, CORNER
106	BRICK, RED, GLAZED, CORNER, GLAZED
107	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED
108	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED, GLAZED
109	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED, GLAZED, GLAZED
110	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED
111	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED
112	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED
113	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED
114	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED
115	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED, GLAZED
116	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED
117	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED
118	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED
119	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED
120	BRICK, RED, GLAZED, CORNER, GLAZED, GLAZED



BRICK, GLAZED



BRICK, COMMON



BRICK, RED



BRICK, RED, GLAZED



BRICK, GLAZED



BRICK, COMMON



BRICK, RED



BRICK, RED, GLAZED



BRICK, GLAZED



BRICK, COMMON

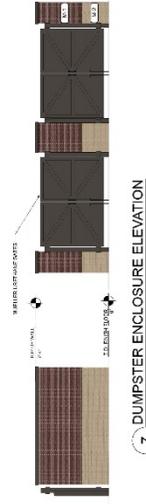


BRICK, RED

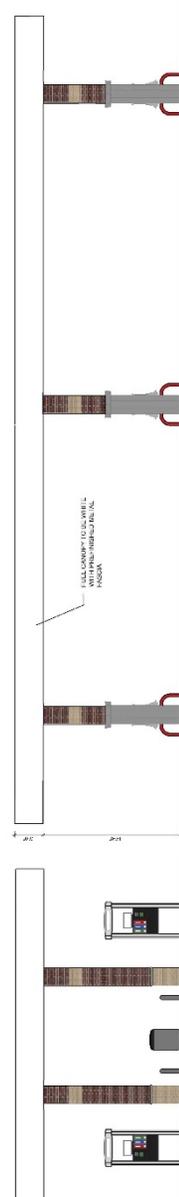


BRICK, RED, GLAZED

7 DUMPSTER ENCLOSURE ELEVATION



5 CANOPY ELEVATION LONG



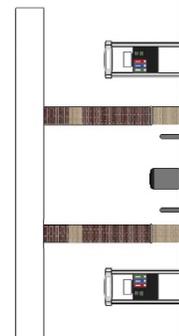
4 RIGHT ELEVATION



3 REAR ELEVATION



6 CANOPY ELEVATION SHORT



2 LEFT ELEVATION



1 FRONT ELEVATION



Site Photos





**APPLICANT'S NAME** 7-Eleven, 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	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 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: 7-Eleven, Inc.  
 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)*

Please see attached.

(B) List the businesses that have a parent-subsiidiary<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>



**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: ZP NO. 31, LLC  
 If an LLC, list the member's names: Please see attached.



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)*  
Please see attached.

<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	Intrepide Design
<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	Verdad Construction Services
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Blakeway Corporation
<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 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>Thomas C. Klein, Counsel to Applicant</i>	Thomas C. Klein <i>Counsel to Applicant</i>	2-1-19
APPLICANT'S SIGNATURE	PRINT NAME	DATE



**OWNER**

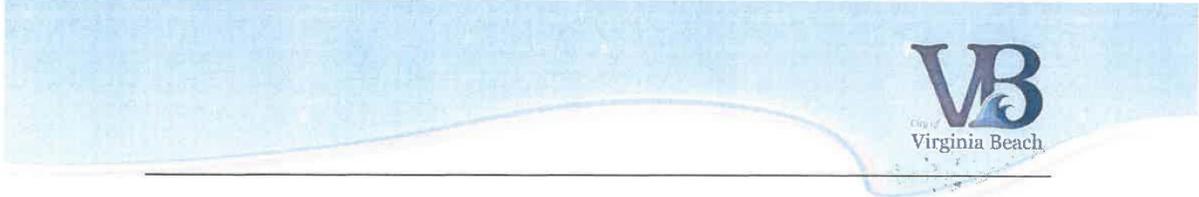
YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<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 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	Zimmer and Zimmer, LLP
<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"/>	

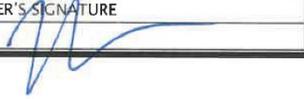
If yes, what is the name of the official or employee and what is the nature of the interest?

# 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.

ZP NO. 31, LLC		
By: ZP NO. 31 MEMBER, INC., its Managing Member		
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE
	Jeffrey L. Zimmer, President	1/31/2019

*tz*

Affiliates and Subsidiaries of 7-Eleven, Inc.:

Seven and I Holdings Co., Ltd.

Seven Eleven Japan Co., Ltd.

SEJ Asset Management & Investment  
Company

Principal Officers of 7-Eleven, Inc.:

Joseph M. DePinto Stanley W. Reynolds  
Christopher P. Tanco  
Sean P. Duffy  
Gregory A. Franks  
Rankin L. Gasaway  
Scott R. Hintz  
Alicia E. Howell  
Rajneesh ("Raj") Kapoor  
Gurmeet Singh  
John L. "Jack" Stout  
Koichi Takahashi  
Sean C. Thompson  
Bentley H. Tison  
Ken Wakabayashi  
Shinji Abe  
Yusuke Kato  
Ryoji Sakai  
David L. Seltzer

President and CEO  
Executive Vice President, CFO, and CAO  
Executive Vice President and COO  
Senior Vice President (SVP), Development  
SVP, Operations Support  
SVP, General Counsel and Secretary  
SVP, Human Resources  
SVP, Chief Accounting Officer  
SVP, Food & Beverage  
SVP and Chief Digital Officer  
SVP, Merchandising  
SVP, Advisor to Merchandising  
SVP & Chief Customer Officer  
SVP, Acquisition Integration  
SVP, Financial Planning and Strategy  
Vice President, Strategic Planning  
Vice President, Advisor to Operations  
Vice President, Strategic Planning  
Vice President and Treasurer

**ATTACHMENT NO. 1**

MEMBERS OF ZP NO. 31, LLC

<b>MEMBERS</b>	<b>OWNERSHIP</b>
ZP NO. 31 MEMBER, INC. *	1%
Herbert J. Zimmer	4.75%
Bradley T. Zimmer	10%
Landon G. Zimmer	10%
Alan M. Zimmer	6%
Brittney Hanna Zimmer	6.25%
Genna Ansley Zimmer	6.25%
Lindsey Anna Zimmer	6.25%
Jeffrey L. Zimmer	6%
Emily Zimmer Moree	6.25%
Rebecca Ashley Zimmer	6.25%
Lowell Andrew Zimmer	6.25%
Arlene Z. Schreiber	4.75%
Andrew M. Schreiber	10%
Mark H. Schreiber	10%

\* Shareholders of ZP NO. 31 MEMBER, INC.:

<b>SHAREHOLDERS</b>	<b>OWNERSHIP</b>
Herbert J. Zimmer	25%
Alan M. Zimmer	25%
Jeffrey L. Zimmer	25%
Arlene Z. Schreiber	25%

### ATTACHMENT NO. 2

ZP NO. 31, LLC is a separate and distinct Virginia limited liability company, whose main asset is real property located at 5300 Princess Anne Road, Virginia Beach, Virginia. No single member of this LLC owns in excess of 10% of the LLC; and the managing member of this LLC is a separate and distinct corporation; namely, ZP NO. 31 MEMBER, INC., a Virginia corporation.

The members of ZP NO. 31, LLC are members of the Zimmer family, who own 99% of this LLC. 1% is owned by ZP NO. 31 MEMBER, INC.

Members of the Zimmer family, either individually or through trusts established for the benefit of members of the Zimmer family, are members of hundreds of entities (LLC, corporations and/or partnerships) located in Virginia, as well as entities located in numerous other states.

Separate books and records are maintained for ZP NO. 31, LLC. The books and records are maintained by Zimmer Management Company, located in Wilmington, North Carolina.

A list of the various entities owned by the Zimmer family are as follows:

1. 2595 South 17<sup>th</sup> Street, LLC
2. Asheville Housing, LLC
3. Belle Meade Development Partners, LLC
4. Belle Meade Development Partners II, LLC
5. Brody Zimmer, LLC
6. Chapel Hill Housing, LLC
7. Eastgate Ventures, LLC
8. Eastgate Ventures Member, LLC
9. Eastgate Ventures Management, LLC
10. ZP-Eastgate Ventures, LLC
11. Edin-Apple, LLC
12. Fort Mill Housing, LLC
13. G. Center, A Limited Partnership
14. Garner Housing, LLC
15. Greenwave Center, Inc.
16. Hanes Mall Boulevard, LLC
17. Knoxville Housing, LLC
18. Morrisville Commons, LP
19. MP NO. 1, LLC
20. MP NO. 2, LLC
21. Mayfaire I, LLC
22. Mayfaire II, LLC
23. Mayfaire Management Company, LLC
24. Mayfaire SPE/A, LLC
25. Mayfaire SPE/B, LLC
26. Reeds Jewelers, Inc.

## Disclosure Statement

27. Shoppes at Glenburnie Owners Association, Inc.
28. Surf City Plaza, A Limited Partnership
29. Woodmont of Greensboro, LLC
30. Woodmont Station, LLC
31. Wrightsboro Plaza, A Limited Partnership
32. Wrightsboro Plaza No. 1, Inc.
33. ZAC, LLC
34. ZIMCO, A North Carolina General Partnership
35. Zimmer Brothers, A Partnership
36. Zimmer Development Company, LLC
37. Zimmer Management Company
38. Zimmer Development Company of Georgia No. 1, L.P.
39. Zimmer Development Company of Georgia, Inc.
40. Zimmer Development Company of Maryland, LLC
41. Zimmer Development Company of Tennessee No. 1, L.P.
42. Zimmer Development Company of Tennessee, Inc.
43. Zimmer Development Company of Virginia, L.P.
44. Zimmer Development Company of Virginia, Inc.
45. Zimmer Development Company of West Virginia, Limited Partnership
46. Zimmer Development Company of West Virginia, Inc.
47. Z-1 Commercial Properties, LLC
48. Zimmer Commercial Properties, LLC
49. ZP Group, LLC
50. Zimmer Properties No. 2, LLC
51. Zimmer Properties No. 2 Member, Inc.
52. Zimmer Properties No. 3, LLC
53. Zimmer Properties No. 3 Member, Inc.
54. Zimmer Properties No. 4, LLC
55. Zimmer Properties No. 4 Member, Inc.
56. Zimmer Properties No. 5, LLC
57. Zimmer Properties No. 5 Member, Inc.
58. Zimmer Properties No. 7, LLC
59. Zimmer Properties No. 7 Member, Inc.
60. Zimmer Properties No. 8, LLC
61. Zimmer Properties No. 8 Member, Inc.
62. Zimmer Properties No. 9, LLC
63. Zimmer Properties No. 9 Member, Inc.
64. ZP NO. 11, LLC
65. ZP NO. 11 MEMBER, INC.
66. ZP NO. 12, LLC
67. ZP NO. 12 MEMBER, INC.
68. ZP NO. 13, LLC
69. ZP NO. 13 MEMBER, INC.
70. ZP NO. 14, LLC
71. ZP NO. 14 MEMBER, INC.

## Disclosure Statement

72. ZP NO. 15, LLC
73. ZP NO. 15 MEMBER, INC.
74. ZP NO. 16, LLC
75. ZP NO. 16 MEMBER, INC.
76. ZP NO. 17, LLC
77. ZP NO. 17 MEMBER, INC.
78. ZP NO. 18, LLC
79. ZP NO. 18 MEMBER, INC.
80. ZP NO. 19, LLC
81. ZP NO. 19 MEMBER, INC.
82. ZP NO. 20, LLC
83. ZP NO. 20 MEMBER, INC.
84. ZP NO. 27, LLC
85. ZP NO. 27 MEMBER, INC.
86. ZP NO. 28, LLC
87. ZP NO. 28 MEMBER, INC.
88. ZP NO. 29, LLC
89. ZP NO. 29 BORROWER, LLC
90. ZP NO. 29 MEMBER, INC.
91. ZP NO. 31, LLC
92. ZP NO. 31 MEMBER, INC.
93. ZP NO. 33, LLC
94. ZP NO. 33 MEMBER, INC.
95. ZP NO. 36, LLC
96. ZP NO. 36 MEMBER, INC.
97. ZP NO. 37, LLC
98. ZP NO. 37 MEMBER, INC.
99. ZP NO. 39, LLC
100. ZP NO. 39 MEMBER, INC.
101. ZP NO. 43, LLC
102. ZP NO. 43 MEMBER, INC.
103. ZP NO. 44, LLC
104. ZP NO. 44 MEMBER, INC.
105. ZP NO. 45, LLC
106. ZP NO. 45 MEMBER, INC.
107. ZP NO. 46, LLC
108. ZP NO. 46 MEMBER, INC.
109. ZP NO. 48, LLC
110. ZP NO. 48 MEMBER, INC.
111. ZP NO. 55, LLC
112. ZP NO. 58, LLC
113. ZP NO. 60, LIMITED PARTNERSHIP
114. ZP NO. 60 MEMBER, INC.
115. ZP NO. 70, LLC
116. ZP NO. 70 MEMBER, INC.

## Disclosure Statement

117. ZP NO. 76, LLC
118. ZP NO. 76 MEMBER, INC.
119. ZP NO. 78, LLC
120. ZP NO. 78 BORROWER, LLC
121. ZP NO. 78 MEMBER, INC.
122. ZP NO. 82, LLC
123. ZP NO. 83, LLC
124. ZP NO. 84, LLC
125. ZP NO. 84 MEMBER, INC.
126. ZP NO. 88, LLC
127. ZP NO. 88 BORROWER, LLC
128. ZP NO. 88 MEMBER, INC.
129. ZP NO. 95, LLC
130. ZP NO. 99, LP
131. ZP NO. 99 MEMBER, INC.
132. ZP NO. 102, LLC
133. ZP NO. 107, LLC
134. ZP NO. 110, LLC
135. ZP NO. 116, LLC
136. ZP NO. 123, LP
137. ZP NO. 123 MEMBER, INC.
138. ZP NO. 127, LLC
139. ZP NO. 127 A, LLC
140. ZP NO. 127 MEMBER, LLC
141. ZP NO. 129, LLC
142. ZP NO. 130, LLC
143. ZP NO. 130 MEMBER, INC.
144. ZP NO. 131, LLC
145. ZP NO. 131 MEMBER, INC.
146. ZP NO. 132, LLC
147. ZP NO. 135 MEMBER, INC.
148. ZP NO. 138, LLC
149. ZP NO. 138 MEMBER, INC.
150. ZP NO. 139, LLC
151. ZP NO. 139 BORROWER, LLC
152. ZP NO. 139 MEMBER, INC.
153. ZP NO. 140, LLC
154. ZP NO. 140 BORROWER, LLC
155. ZP NO. 140 MEMBER, INC.
156. ZP NO. 141, LLC
157. ZP NO. 141 MEMBER, INC.
158. ZP NO. 142, LLC
159. ZP NO. 143, LLC
160. ZP NO. 159, LLC
161. ZP NO. 161, L.P.

## Disclosure Statement

162. ZP NO. 161 MEMBER, INC.
163. ZP NO. 162, LLC
164. ZP NO. 163, L.P.
165. ZP NO. 163 MEMBER, INC.
166. ZP NO. 165, LLC
167. ZP NO. 166, LLC
168. ZP NO. 170, LLC
169. ZP NO. 170 MEMBER, INC.
170. ZP NO. 171, LLC
171. ZP NO. 171 MEMBER, INC.
172. ZP NO. 173, LLC
173. ZP NO. 173 MEMBER, LLC
174. ZP NO. 183, LLC
175. ZP NO. 183 MEMBER, INC.
176. ZP NO. 185, LLC
177. ZP NO. 186, LLC
178. ZP NO. 187, LLC
179. ZP NO. 280, LLC
180. ZP NO. 303, LLC
181. ZP NO. 309, LLC
182. ZP NO. 310, LLC
183. ZP NO. 311, LLC
184. ZP NO. 312, LLC
185. ZP NO. 313, LLC
186. ZP NO. 314, LLC
187. ZP NO. 315, LLC
188. ZP NO. 317, LLC
189. ZP NO. 318, LLC
190. ZP NO. 319, LLC
191. ZP NO. 321, LLC
192. ZP NO. 323, LLC
193. ZP NO. 324, LLC
194. ZP NO. 326, LLC
195. ZP NO. 327, LLC
196. ZP NO. 328, LLC
197. ZP NO. 329, LLC
198. ZP NO. 330, LLC
199. ZP NO. 331, LLC
200. ZP NO. 332, LLC
201. ZP NO. 333, LLC
202. ZP NO. 334, LLC
203. ZP NO. 335, LLC
204. ZP NO. 337, LLC
205. ZP NO. 338, LLC
206. ZP NO. 340, LLC

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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 approvals allowed by this application 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.



**The application for Street Closure will be deferred to May 8, 2019  
as a result of an error in advertising.  
Staff supports the deferral.**

**Request**

**Street Closure**

**Staff Recommendation**

Deferral

**Staff Planner**

Bill Landfair

**Location**

Alley adjacent to vacant parcel on Vanderbilt Avenue, approximately 263 feet from Croatan Road

**GPIN**

2426383787

**Site Size**

375 square feet

**AICUZ**

65-70 dB DNL; Sub-Area 1

**Watershed**

Atlantic Ocean





**Request**

**Conditional Use Permit** (Assembly Use & Open Air Market)

**Staff Recommendation**

Approval

**Staff Planner**

Bill Landfair

**Location**

2384 Princess Anne Road & vacant parcels on Princess Anne Road

**GPINs**

1494924949, 1494933251, 1494936055

**Site Size**

5.68 acres

**AICUZ**

65-70 dB DNL

**Watershed**

Southern Rivers

**Existing Land Use and Zoning District**

Single-family dwelling / AG-2 Agricultural

**Surrounding Land Uses and Zoning Districts**

**North**

Single-family dwellings / AG-2 Agricultural, R-10 Residential

**South**

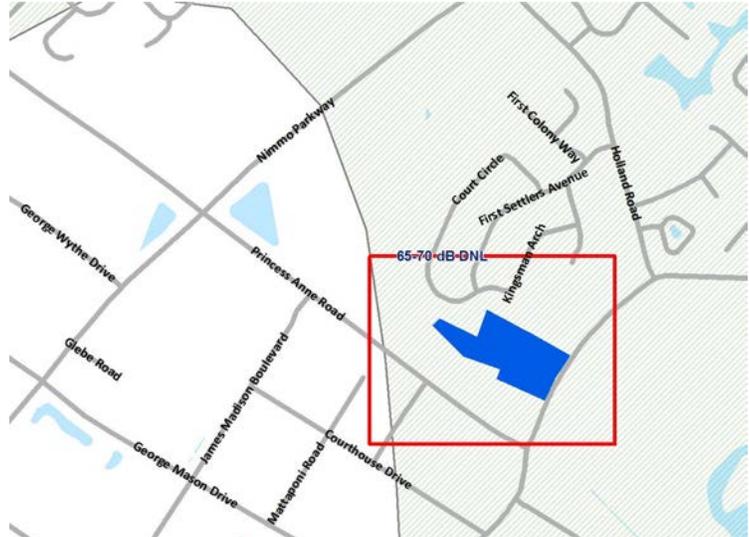
Automobile Repair / B-2 Community Business

**East**

Princess Anne Road  
 Single-family dwellings/ AG-2 Agricultural

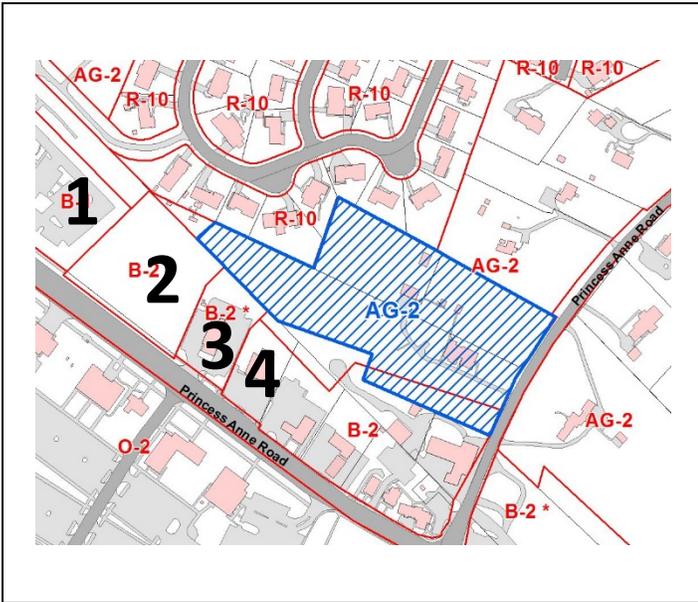
**West**

Single-family dwellings / R-10 Residential



## Background and Summary of Proposal

- The 5.68 acre property is zoned AG-2 Agricultural District, and is located within the Courthouse Historic and Cultural District Zoning Overlay. The property is home to the Kellam House, the original portion of which may date to the late 18<sup>th</sup> century, and its ancillary buildings. The site is a contributing resource in the Virginia Beach Courthouse Village and Municipal Center National Register of Historic Places Historic District.
- The applicant proposes a Conditional Use Permit for an Assembly Use for the purpose of hosting events on the property to include reunions, weddings, and retreats. A Conditional Use Permit for an Open-Air Market is also requested for both the use of food trucks during these events and for craft/farmers markets. The craft markets would be limited to vendors associated with the wedding industry. The markets would be held an average of once a month.
- While the house will continue to be occupied by members of the family, some areas of the dwelling including two bathrooms, may be used during events. In addition, some of the ancillary buildings, including several sheds, will be used for storage.
- No improvements to the property are proposed aside from the limited use of gravel and/or mulch to stabilize access to parking areas on the lawn, which are designated on the concept plan in the front, side and rear yards. It is anticipated that the Assembly Uses will include temporary tents and restroom trailers on site. No food preparation will be done in the home, but rather caterers and food trucks will provide food that will typically be prepared off site prior to service.
- Access to the property will be via the existing entrance on Princess Anne Road. The applicant is aware that a commercial entrance, in compliance with Public Works standards, will be required in order to ensure safe ingress and egress along the right-of-way. A condition of approval is recommended to reinforce this requirement.
- According to the applicant, while events could be as large as up to 350 guests, it is anticipated that most events will host between 100 and 250 persons. Temporary tents, as large as 60 feet x 120 feet will provide shelter and a defined entertainment space for guests.
- Based on Section 203 of the Zoning Ordinance, a minimum of 72 parking spaces are required for the largest events. In Staff's assessment, there is adequate room to accommodate this number of spaces on site, and as depicted on the concept plan found on page 7 of this report.
- While the minimum number of parking spaces is 72, it is Staff's belief that in this case that the parking needs will be excess of this minimum. Based on this, overflow parking areas are depicted on the plan in the rear yard within an existing fenced paddock area. In Staff's view, this area can accommodate approximately 62 spaces. Further, for larger events, the applicant intends to employ a valet service which will increase the efficiency of the parking areas and therefore the overflow parking capacity to 106 spaces.
- The applicant is considering a small (maximum 4' x 4') unlit wooden sign for the front yard. As the site is located within the Historic and Cultural District, any signage is required to receive a Certificate of Appropriateness from the Historical Review Board.



**Zoning History**

#	Request
1	REZ (AG-2 to B-2) Approved 10/21/1985
2	CRZ (AG-2 Conditional B-2) Approved 10/08/2013
3	CRZ (B-1 to Conditional B-2) Approved 06/11/1996
4	CUP (Motor Vehicle Rentals) Approved 04/22/2014

**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 Conditional Use Permits for an Assembly Use and an Open-Air Market on the property is acceptable. The Kellam House will continue to be used as a residence and preserved in a manner that is compatible with its designation as a contributing resource in the Virginia Beach Courthouse Village and Municipal Center National Register of Historic Places Historic District.

Given the size of the property, the topographical conditions, the large expanses of lawn area, and the many mature trees throughout the property, the historic setting will provide a picturesque backdrop for events. According to the applicant, the use of the historic property for special events will ensure the future maintenance of the home and the property for many years into the future. The existing mature vegetation will remain to the greatest extent possible and will provide an adequate buffer along the shared property lines with the residential uses to the north. Actual site improvements will be minimal and are expected to ensure safe ingress and egress along the road. Staff is confident that the property can accommodate parking for the planned events.

To ensure that adjacent residential uses are not negatively impacted, Staff recommends that no amplified music, use of speakers or monitors for the Assembly Use be permitted between the hours of 10:00 p.m. and 12:00 p.m. (noon), or for more than three (3) hours in any one day. The Open-Air Market shall not be in operation from 10:00 p.m. to 8:00 a.m., and generators associated with food trucks are prohibited.

**Recommended Conditions**

**Conditional Use Permit (Assembly Use)**

1. There shall be no amplified music, use of speakers or monitors permitted between the hours of 10:00 p.m. and 12:00 p.m. (noon), or for more than three (3) hours in any one day.

2. All lighting shall be contained on the subject property. The source of the light is to be shielded so as to not be visible from the property line of adjacent residential properties.
3. All parking for the Assembly Use shall be on the property.
4. Handicap spaces shall be provided adjacent to the event area in accordance with all ADA requirements.
5. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall be not be allowed to accumulate.
6. Any outdoor storage of materials associated with the Assembly Use shall be prohibited.
7. Consistent with the requirements for a Special Event, for each event exceeding 250 people, the applicant shall obtain a Special Event Permit and shall notify the Police Department, the Fire Prevention Bureau, the Health Department and Emergency Medical Services of the event's time, size and scope of activities.
8. Subject to Section 221 (k) of the Zoning Ordinance, an annual review based on the date of City Council approval shall be performed by the Planning Director of the Assembly Use Conditional Use Permit. This use may be allowed to remain on the site subject to a determination by the Planning Director that the presence of the use is not detrimental to the public health, safety, and welfare. Furthermore, this use, as conditioned herein, shall not cause public inconvenience, annoyance, disturbance, or be incompatible with other uses in the vicinity or otherwise interfere with the reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking.
9. The existing residential entrance on Princess Anne Road must be replaced by a standard commercial entrance that meets Public Works Standards (30 feet wide, 15 foot radii).
10. All proposed signage is required to receive a Certificate of Appropriateness from the Historical Review Board.
11. Any unimproved areas used for parking shall be stabilized within seven days after the conclusion of an event.
12. Any localized flooding that arises from the use of the unimproved parking areas shall be corrected at the applicant's expense.

#### **Conditional Use Permit (Open-Air Market)**

1. The use shall not be in operation 10:00 p.m. to 8:00 a.m.
2. Unless otherwise authorized by the Zoning Ordinance, the Open-Air Market shall be limited to food trucks and open-air vendors in conformance with the submitted layout plan, shown on page 7 of this report. Said plan has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning and Community Development.
3. Any food truck on site shall use an electrical outlet in lieu of a gas generator in order to minimize noise that would otherwise arise from generators commonly used by food trucks. Use of generators by food trucks is not permitted.

*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 approvals allowed by this application 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 the Suburban Area. Characteristics of the Suburban Area include predominantly low-density residential subdivisions; large tracts of land devoted to single-family dwelling units; low-intensity retail shopping centers, office complexes and employment centers that depend heavily on the use of the automobile; transportation systems designed for the automobile; and various sized tracts of parkland or open space with trail systems.

Key planning principles for the Suburban Area that apply to this request include preserving neighborhood quality. This is achieved by maintaining compatibility with surroundings; quality of site and buildings; attractiveness of site and buildings; improved mobility; environmental responsibility; buffering of residential uses; and relationship to surrounding uses.

## Natural and Cultural Resources Impacts

The site is located in the Southern Rivers Watershed. There are many significant mature trees on the property; however, the applicant does not intend to remove any of them as a result of this request. The Kellam House is located within the Courthouse Historic and Cultural District Zoning Overlay. The house (DHR #134-0695) and ancillary buildings on the site are contributing resources in the Virginia Beach Courthouse Village and Municipal Center National Register of Historic Places Historic District (DHR #134-5299).

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Princess Anne Road	11,650 ADT <sup>1</sup>	12,500 ADT <sup>2</sup>	Existing Land Use <sup>2</sup> – 10 ADT Proposed Land Use <sup>3</sup> - Dependent upon size of individual event.
<sup>1</sup> Average Daily Trips	<sup>2</sup> Maximum Level of Service "D", Under Capacity	<sup>3</sup> No generation data available for Assembly Use Category	

The existing residential entrance on Princess Anne Road must be replaced by a standard commercial entrance that meets Public Works Standards (30 feet wide, 15 foot radii).

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

Princess Anne Road is a two-lane undivided minor arterial roadway adjacent to this site. No Capital Improvement Projects are slated in the vicinity of this site.

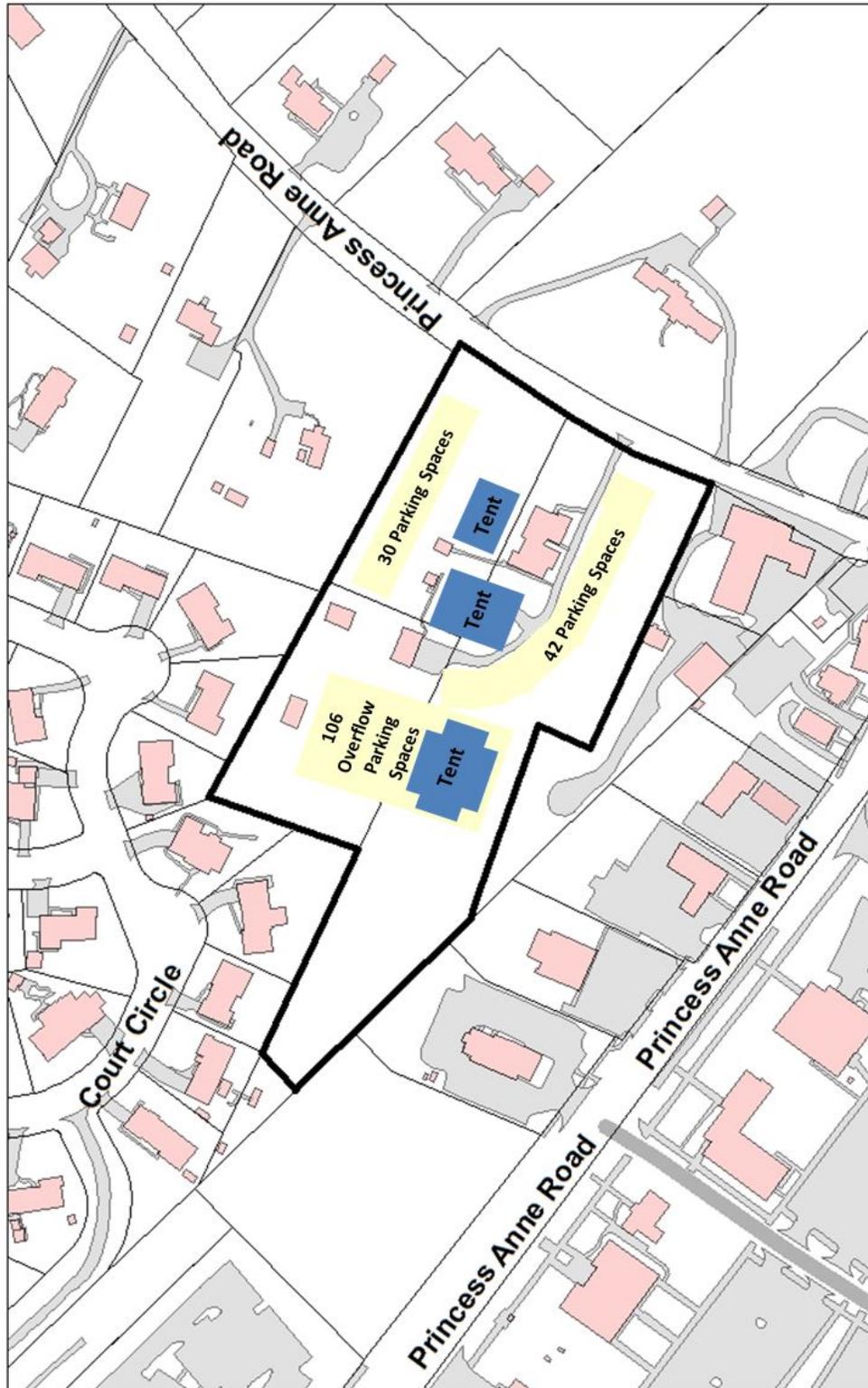
## Public Utility Impacts

### Water

The site is already connected to City water. The existing 5/8-inch meter (City ID #95142139) must be evaluated to determine if it is appropriately sized to accommodate the proposed use. There is an existing 16-inch City water main along Princess Anne Road. There is an existing 16-inch City water transmission main located within a public utility and/or drainage easement on adjacent property along the southwestern property line of GPIN #1494-92-4949.

### Sewer

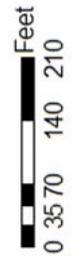
The site is already connected to City sewer. There is an existing eight-inch City sanitary sewer gravity main located within a 10-foot public utility and drainage easement on adjacent property along the northwestern property line of GPIN #1494933251. This sewer gravity main continues southwesterly across GPIN #1494924949. There is an existing eight-inch City sanitary sewer gravity main located within a public utility and/or drainage easement on adjacent property along the southwestern property line of GPIN #1494924949. There is an existing 10-inch City sanitary sewer force main located within a public utility and/or drainage easement on adjacent property along the southwestern property line of GPIN #1494924949.



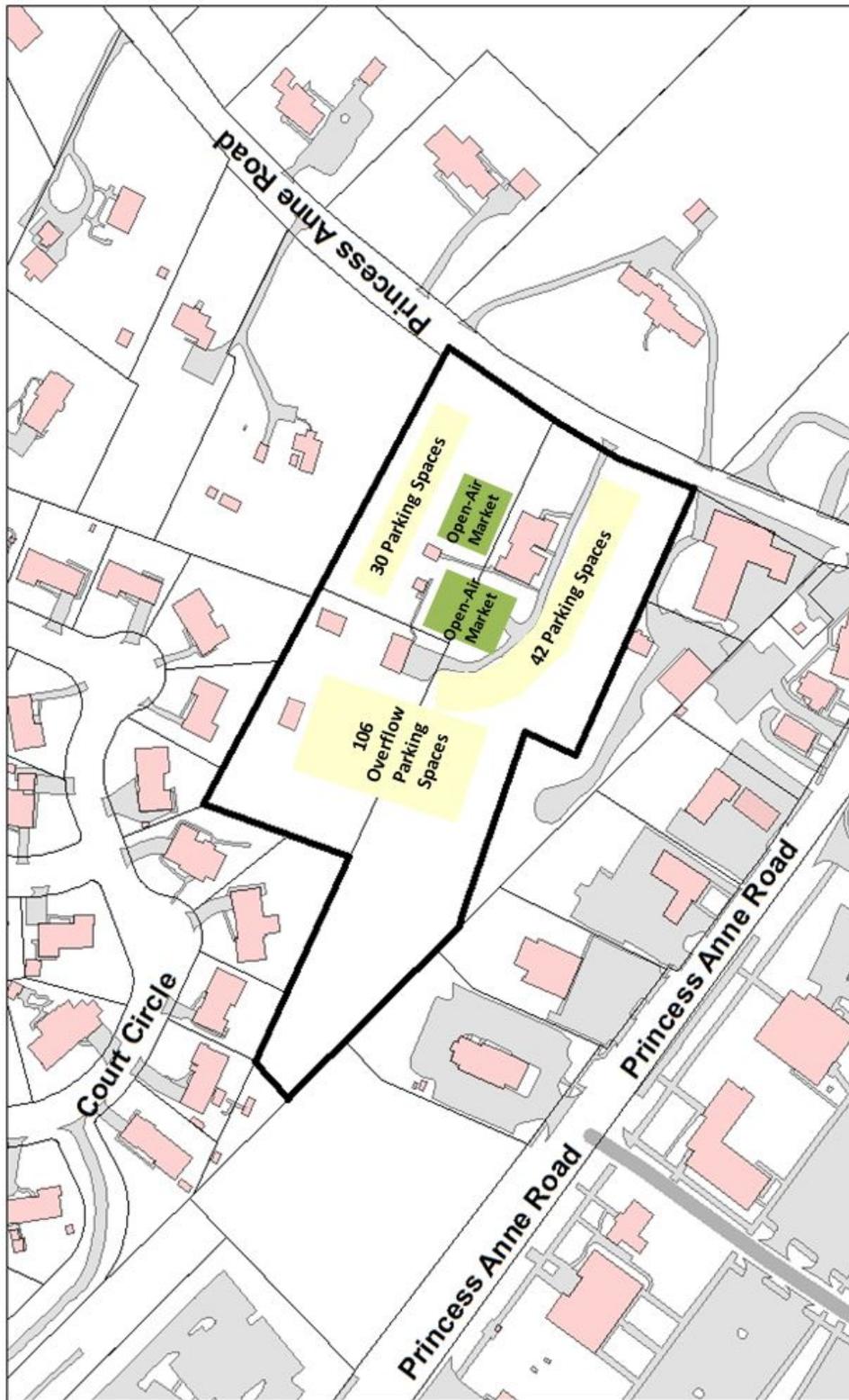
**LEGEND**

-  Potential Tent Locations
-  Site
-  Parking Lot Drive Aisle
-  Building

**Phil Kellam**  
**2384 Princess Anne Road**  
**Vacant parcels on Princess Anne Road**  
**Virginia Beach, VA**



# Open-Air Market Concept



## LEGEND

- Potential Open-Air Market Locations
- Site
- Parking Lot Drive Aisle
- Building

Phil Kellam  
2384 Princess Anne Road  
Vacant parcels on Princess Anne Road  
Virginia Beach, VA



Site Photos





**APPLICANT'S NAME** Phil Kellam

**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:

<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	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).		
<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE: _____
<input type="checkbox"/>	NO CHANGES AS OF	DATE: _____
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE: _____

# Disclosure Statement



- 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: Phil Kellam  
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>

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## 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: VBK Properties, LC  
If an LLC, list the member's names:

Philip J. Kellam



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

*Philip Jefferson Kellam*

(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 checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Jones CPA Group
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	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)	PNC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Kaufman Canoles
<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?

Philip J. Kellam, trustee for the property and member of LC

# 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.

	Philip J. Kellam	02.12.19
APPLICANT'S SIGNATURE	PRINT NAME	DATE

# Disclosure Statement



## 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	Jones CPA Group
<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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If yes, what is the name of the official or employee and what is the nature of the interest? *Philip J. Kellam, trustee for VBK Properties*

# Disclosure Statement



**CERTIFICATION:**

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

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	Philip J. Kellam	02.12.19
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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 approvals allowed by this application 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.



**Request**

**Conditional Rezoning** (AG-2 Agricultural to Conditional O-2 Office)

**Staff Recommendation**

Approval

**Staff Planner**

Bill Landfair

**Location**

Northwest corner of Princess Anne Road and Winterberry Lane

**GPIN**

1494096364

**Site Size**

1.3 acres

**AICUZ**

70-75 dB DNL

**Watershed**

Southern Rivers

**Existing Land Use and Zoning District**

Vacant / AG-2 Agricultural

**Surrounding Land Uses and Zoning Districts**

**North**

Shopping Center, single-family dwellings / B-2 Community Business, R-5D Residential

**South**

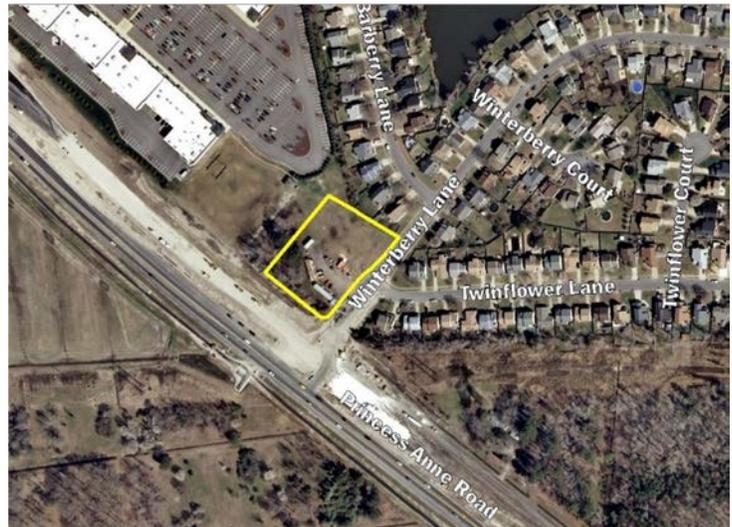
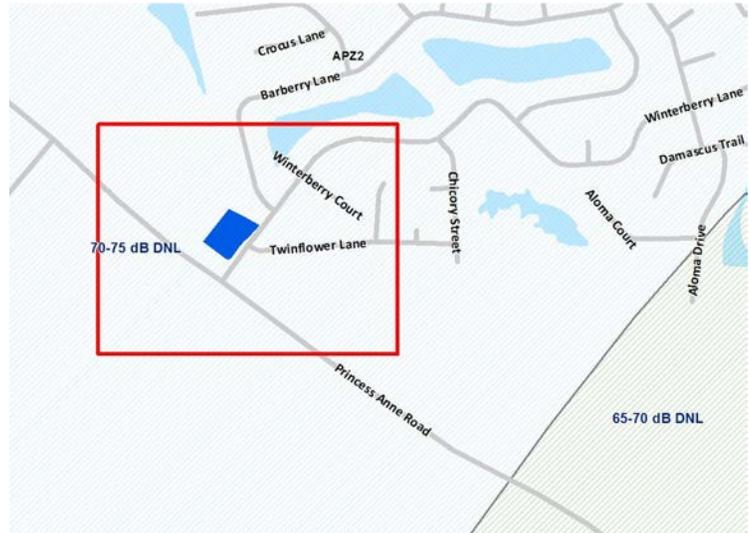
Princess Anne Road  
 Future bio-medical Park / I-1 Light Industrial

**East**

Winterberry Lane  
 Single-family dwellings / R-5D Residential

**West**

Restaurant / B-2 Community Business



## Background and Summary of Proposal

- The subject site exists as a 1.3-acre City-owned vacant parcel. The applicant proposes to develop the site with a 23,890 square-foot three-story office building, with a total height of 45 feet.
- The site will be accessed via a single point of access off of Winterberry Lane. No vehicular ingress/egress is proposed from the shopping center or restaurant properties to the west.
- The proffered building elevations depict a three-story structure with a modern architectural style that features a primarily glass facade with cast stone veneer and white metal accents. A porte-cochere will provide cover for drop-offs and deliveries.
- As required by the Zoning Ordinance, a 15-foot wide Category IV landscape buffer is proposed along the northern property line adjacent to the existing neighborhood. This buffer will consist of a mix of evergreen shrubs. A 10-foot landscape easement exists on the site adjacent to Princess Anne Road. The landscape plan depicts this area being planted with a mix of small trees and shrubs. Also as required by the Zoning Ordinance, streetscape landscaping and interior parking lot plantings are depicted along Winterberry Road.
- A dumpster enclosed by a cast stone veneer wall to match the building and surrounded with evergreen shrubs is depicted on the proffered plan on the rear of the site, approximately 120 feet from the closest dwelling. A proffer is proposed that limits the hours which the dumpster can be tipped to between 9:00 a.m. and 5:00 p.m.
- The square footage of the office building requires a minimum of 89 parking spaces. The proffered concept plan depicts 68 parking spaces on the site with a pedestrian sidewalk that will connect to the adjacent parking lot that primarily serves a restaurant, also owned by the applicant. The Zoning Ordinance permits shared parking between uses subject to specific conditions. A parking study was submitted and reviewed by the Zoning Administrator, who has accepted the findings of the study. The proposal includes the use of 21 parking spaces in the restaurant's parking lot in order to meet the parking requirement for the office building.

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## Evaluation and Recommendation

The request for conditional rezoning from AG-2 Agricultural to Conditional O-2 Office is deemed acceptable to staff. The submitted parking study describes how parking will be shared between the office building and adjacent restaurant site. The study was based on observations by the applicant's engineer during the peak lunch hours of 11:00 am to 4:00 pm over the course of a week (Monday-Friday) to determine maximum number of parking spaces utilized during those times. The study confirmed that a maximum of 30 to 35 spaces were utilized during those times out of the restaurants 78 parking spaces. As such, there appears to be 43 available parking spaces on the restaurant site that could be utilized by the office building, more than sufficient to address the 21 space deficit for the office building. The Zoning Ordinance allows the Zoning Administrator to review and authorize shared parking between uses subject to a parking study. In this instance, he has accepted the findings of the study.

As described in the proffers, the maximum height of all onsite lighting shall not exceed 14 feet and all freestanding light fixtures shall be equipped with automatic photocell on/off and include dimming and/or programmable dimming to dim the lumen output to 50 percent. All lighting fixtures within 100 feet of residential properties shall be dimmed to 50% of the lumen output after 7:00 p.m. All light fixtures shall be shielded away from the adjacent residential uses. Details regarding the lighting will be finalized during site plan review.

The applicant has held at least four meetings with the civic league over the last 1 ½ years with the most recent one being on February 19. These meetings provided an opportunity to review plans and address questions regarding the building program, site layout, parking, architecture, and landscaping.

To address the relationship of the office building to the nearest residents, a cross section has been provided which is shown on page 8 of the report. The exhibit clarifies the viewing angles from the third floor of the building to the nearest residences located to the north and how these views will be mitigated by distance, proposed landscaping, and fencing.

## 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 "YNOT OFFICE BUILDING CONCEPTUAL LAYOUT PLAN", dated January 18, 2019, and prepared by Pennoni Associates, Inc. (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:**

When developed, the Property shall be landscaped in substantial conformity with the landscape plan entitled "YNOT OFFICE BUILDING LANDSCAPE PLAN", dated January 18, 2019, and prepared by Pennoni Associates, Inc. (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 3:**

The quality of architectural design and materials of the buildings constructed on the Property, when developed, shall be in substantial conformity with an Exhibit entitled "NEW OFFICE BUILDING YNOT PROFESSIONAL CENTER" dated February

13, 2019, prepared by Covington Hendrix Anderson Architects (the “Elevations”), a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.

**Proffer 4:**

The maximum height of all onsite lighting shall not exceed 14 feet and all freestanding light fixtures shall be equipped with automatic photocell on/off and include dimming and/or programmable dimming to dim the lumen output to 50%. All lighting fixtures within 100 feet of residential properties shall be dimmed to 50% of the lumen output after 7:00 p.m. All light fixtures shall be shielded away from the adjacent residential uses.

**Proffer 5:**

Prior to site plan approval, Grantor shall submit a photometric plan reviewed by the City.

**Proffer 6:**

The dumpster located on the Property shall only be emptied between 9:00 a.m. and 5:00 p.m. daily.

**Proffer 7:**

Any freestanding signage on the Property shall reflect a monument style, brick base and shall not exceed a height of eight feet.

**Proffer 8:**

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:**

*Staff has reviewed the Proffers listed above and finds them acceptable.*

The City Attorney’s Office has reviewed the modified proffer agreement dated February 11, 2019 and found it to be legally sufficient and in acceptable legal form.

## 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 preserving and protecting the overall character, economic value, aesthetic quality of the stable neighborhoods while reinforcing the suburban characteristics of commercial centers and other non-residential areas that comprise part of the Suburban Area. Achieving these goals requires that all land use activities either maintain or enhance the existing neighborhood through compatibility with surroundings, quality and attractiveness of the site and buildings, improved mobility, environmental responsibility, livability, and effective buffering with respect to type, size, intensity and relationship to the surrounding uses (pp. 3-1, 3-2). The property is also located in the Special Economic Growth Area and its proximity to the Bio Medical Park will help to frame the “entry way into this area”.

## Natural and Cultural Resources Impacts

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. The site is currently vacant. 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
Princess Anne Road	30,878 ADT <sup>1</sup>	32,500 ADT <sup>1</sup> (LOS <sup>4</sup> "C") 34,900 ADT <sup>1</sup> (LOS <sup>4</sup> "E")	Existing Land Use <sup>2</sup> - 10 ADT Proposed Land Use <sup>3</sup> - 580 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a 1.3 acres of AG-2 zoned property	<sup>3</sup> as defined by 10,000 square feet of medical office space & 20,000 square feet of general office space	<sup>4</sup> LOS = Level of Service

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

Princess Anne Road is a divided major suburban arterial that consists of a four lane Parkway section from Winterberry Lane south to Nimmo Parkway. This section of Princess Anne Road is classified in the City’s Comprehensive Plan as an Access Controlled roadway. There are currently no CIP projects slated for this segment of the roadway.

## Public Utility Impacts

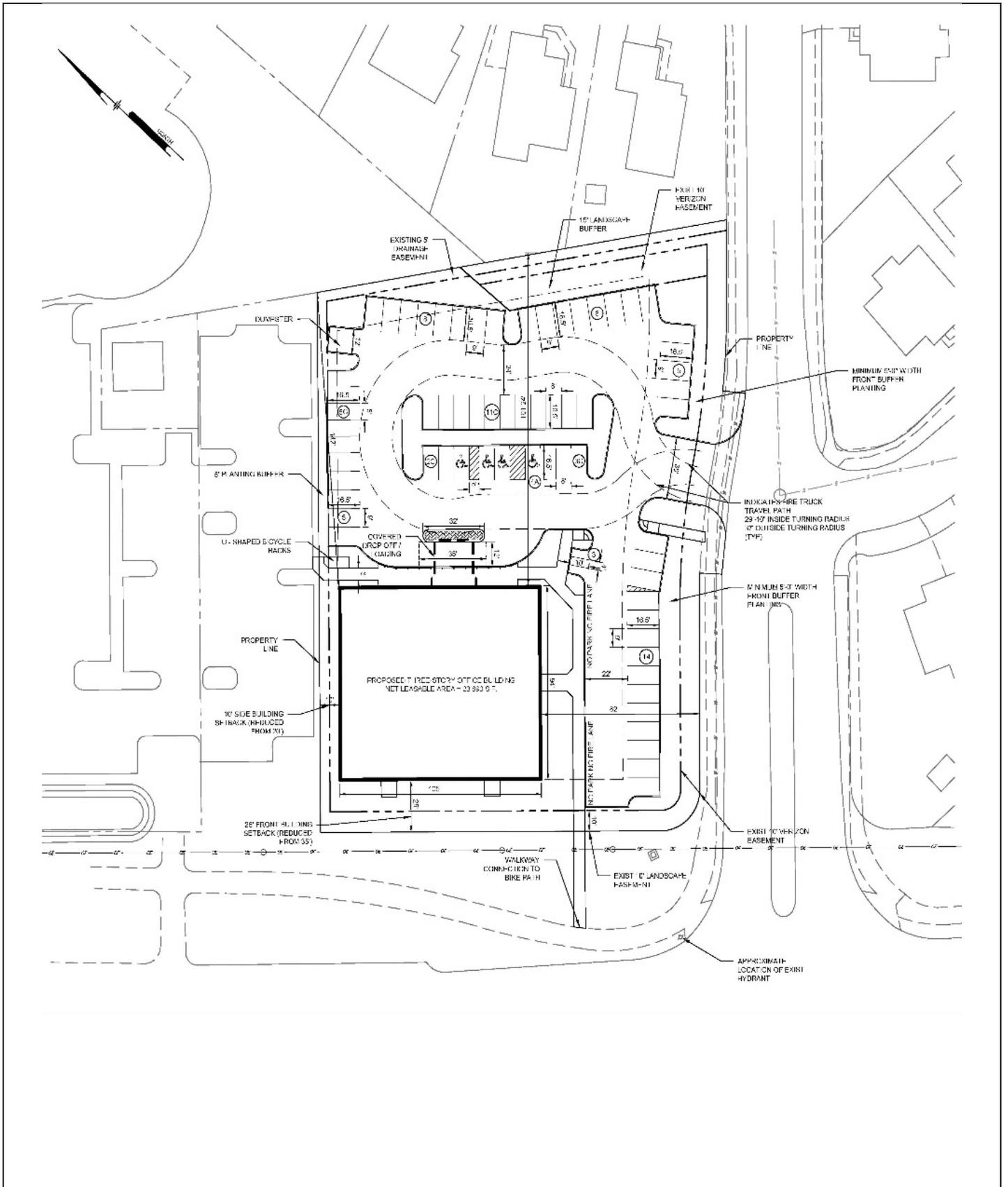
### Water

The site must connect to City water. There is an existing eight-inch public water main along Winterberry Lane and an existing 20-inch public water main along Princess Anne Road.

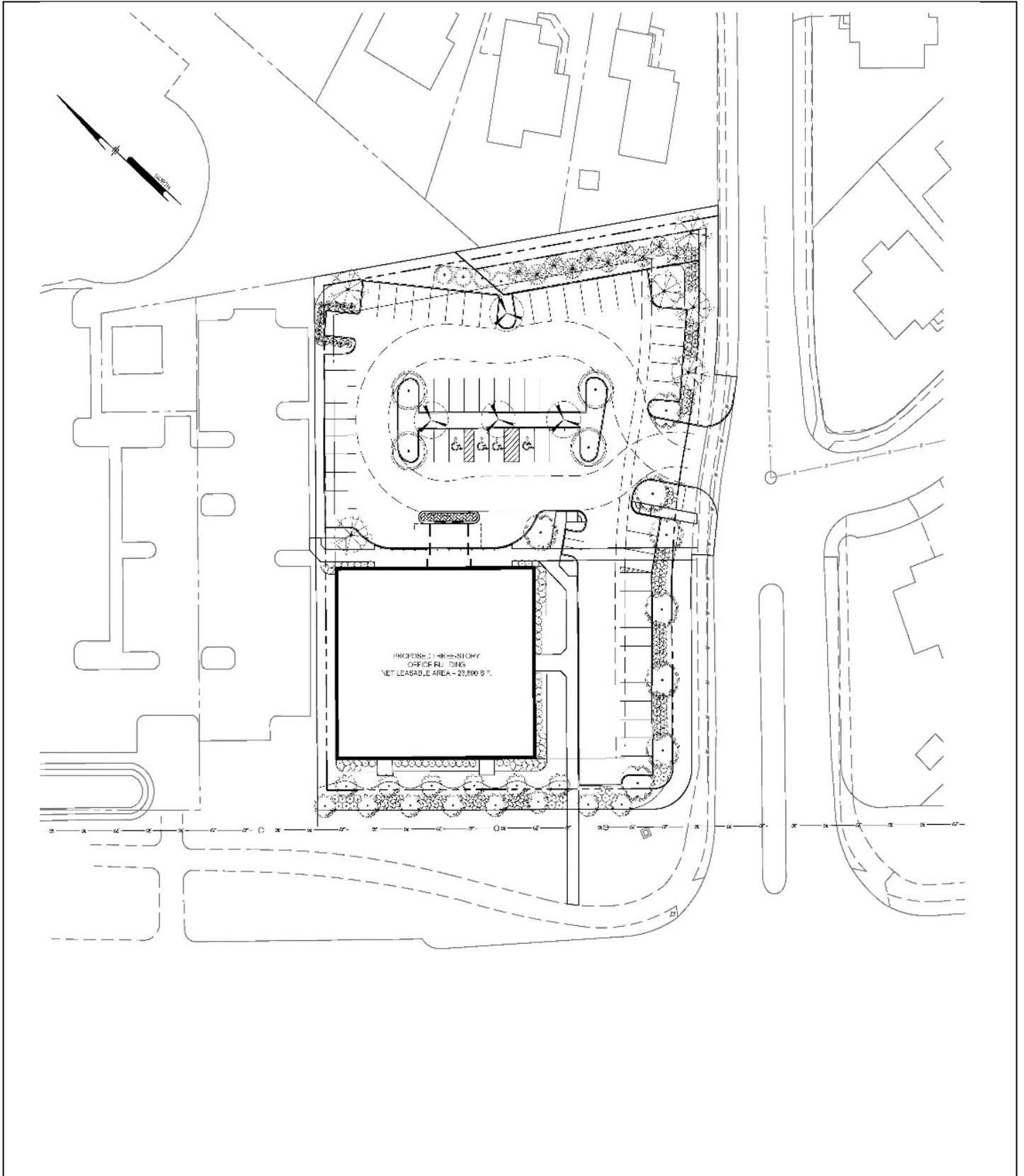
### Sewer

The site must connect to City sanitary sewer. There is an existing eight-inch public sanitary sewer gravity main along Winterberry Lane.

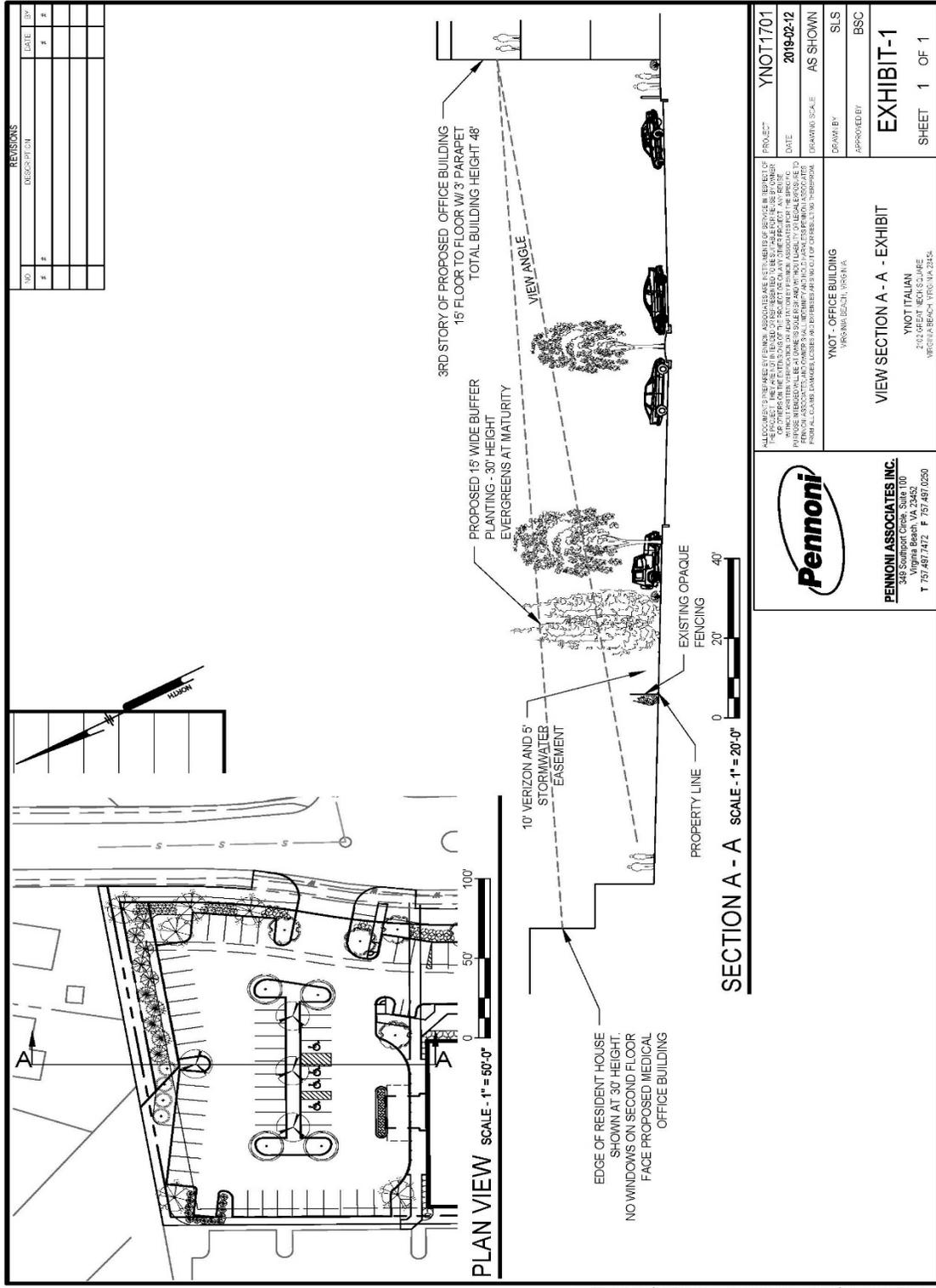
# Proposed Site Layout



# Proposed Landscape Plan



# Proposed Cross Section



REVISIONS		
NO.	DESCRIPTION	DATE

PROJECT	YNOT-1701
DATE	2019-02-12
DESIGNER SCALE	AS SHOWN
DRAWN BY	SLS
APPROVED BY	BSC
<b>EXHIBIT-1</b>	
SHEET 1 OF 1	

ALLOCATION PREPARED BY PENNONI ASSOCIATES, INC. IN THE INTEREST OF SERVICE TO THE CLIENT AND TO THE COMMUNITY. PENNONI ASSOCIATES, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR OTHERS ON THE EXISTING DATA OF THIS PROJECT OR ON ANY OTHER PROJECT. ANY REVISIONS TO THIS DRAWING SHALL BE MADE BY PENNONI ASSOCIATES, INC. PENNONI ASSOCIATES, INC. AND OTHERS SHALL NOT BE RESPONSIBLE FOR ANY LEGAL PROCEEDINGS OR DAMAGES ARISING FROM THE USE OF THIS DRAWING OR FROM ANY INFORMATION PROVIDED BY THE CLIENT OR OTHERS.

YNOT - OFFICE BUILDING  
VIRGINIA BEACH, VIRGINIA

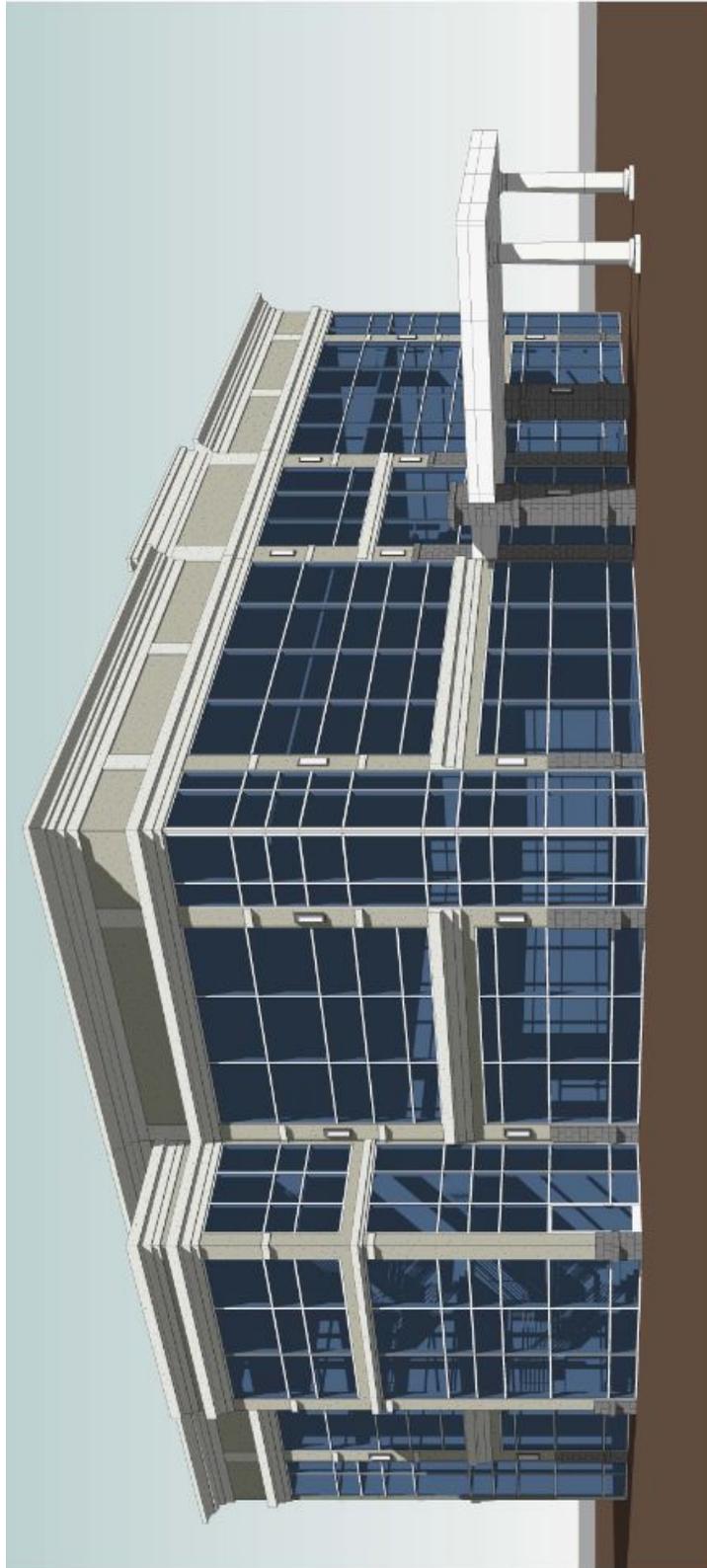
**PENNONI ASSOCIATES, INC.**  
348 Southport Circle, Suite 100  
Virginia Beach, VA 23462  
T 757.487.7472 F 757.487.0200

**Pennoni**

**SECTION A - A SCALE - 1" = 20'-0"**

0 20 40'

# Proposed Elevations



3D View 1

# Proposed Elevations



1 REAR ELEVATION  
1/8" = 1'-0"



2 RIGHT SIDE ELEVATION  
1/8" = 1'-0"

# Proposed Elevations



FRONT ELEVATION  
1/8" = 1'-0"



LEFT SIDE ELEVATION  
1/8" = 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: Tony D, LLC  
 If an LLC, list all member's names:  
 Anthony D. Silvestro

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: City of Virginia Beach  
 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	BDO
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Covington
<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	Ynot Build
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	NOI/Meridian Associates
<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	Dillon Law; 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	Katias Co.

**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?  
 The City of Virginia Beach is the current property owner.

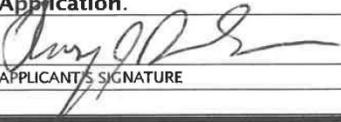
# Disclosure Statement



**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.

	Anthony D. Sthefano	8/1/17
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 type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES     NO    Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

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

*City Property*

# Disclosure Statement



<b>CERTIFICATION:</b> 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.		
	DAVID L. HANSEN City Mgr	9-8-2017
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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.



**The Applicant has requested a withdrawal of this application as the proposed structure is intended to be permanent and will meet all building code requirements for such structures. Staff supports the withdrawal.**

**Request**

**Conditional Use Permit (Open Air Market)**

**Staff Recommendation**

Approval

**Staff Planner**

Ashby Moss

**Location**

712 Atlantic Avenue

**GPIN**

24272359400000

**Site Size**

+/- 1.5 acres

**AICUZ**

65-70 dB DNL; Sub-Area 1

**Watershed**

Atlantic Ocean





**Request**

**Conditional Rezoning** (R-10 Residential to Conditional PD-H2 (R-10 Overlay) Planned Unit Development)

**Staff Recommendation**

Approval

**Staff Planner**

Jonathan Sanders

**Location**

5588 Moores Pond Road

**GPIN**

1468564635

**Site Size**

6.54 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Historic farm with four dwellings / R-10 Residential

**Surrounding Land Uses and Zoning Districts**

**North**

Single-family dwellings / PD-H2 Planned Development

**South**

Weblin Farm Road  
 Single-family dwellings / R-10 Residential

**East**

Single-family dwellings / R-10 Residential

**West**

Single-family dwellings / Conditional R-10 Residential



## Background and Summary of Proposal

- The application was deferred at the February 13, 2019 Planning Commission at the request of the applicant. There have been no changes to the application since the deferral.
- The property includes the historic Weblin House, named for John Weblin, Jr., who owned the land from 1686 until 1716 and built the house during that time period. The Weblin House is listed on the National Register of Historic Places, the Virginia Landmarks Register and the Virginia Beach Historical Register. Listing on each of these registers is honorary and provides no restrictions or regulations.
- H.C. Moore purchased the property in 1924 and continued the agricultural use that had historically been associated with the property. In 1976, there were 150 acres associated with the house. In 1994, the Moore family sought to subdivide the remaining 10 acres for development. Despite the historic agricultural use of the property, the land was zoned residential, specifically R-10 and R-40 Residential Districts. In 1996, the property was subdivided and the R-40 land was rezoned to R-10. This resulted in 30 individual parcels along the new Weblin Farm Road. Most of the dwellings were built on these sites in 1998 and 1999.
- The 6.54 acre site currently exists with four dwelling units that include one single-family dwelling, a single-family dwelling that was converted to a duplex, and a garage with an apartment above. In addition, the site includes various structures such as a greenhouse, the milk barn, and various sheds. The eastern portion of the site is being used to grow hops.
- The Virginia Historic Preservation Foundation granted a Deed of Easement for the Weblin House property to the Virginia Board of Historic Resources on October 24, 1997. The Easement is for approximately 6.5 acres, including the Weblin House, and provides specific protections and restrictions for the property. The Easement runs with the land in perpetuity, meaning the terms of the Easement apply to all subsequent property owners. The City of Virginia Beach does not enforce the terms of the Easement, as the City is not the holder of the Easement. A letter from the Department of Historic Resources stating that the concept is found to be in compliance with the easement is provided on pages 17 - 18 of this report.
- The applicant requests a Conditional Rezoning from R-10 Residential to Conditional PD-H2 (R-10 Overlay) Planned Unit Development in order to renovate the interior of the milk barn and to redevelop the area where there is currently an existing garage and two vacant farm buildings. A total of 15 dwelling units are proposed – five in the milk barn, three in each of the two new residential buildings, and four in the existing residential units on the site. As the existing duplex appears to have been converted without the benefit of proper permits, the applicant is working with Permits and Inspections to bring the structure into compliance with current standards. According to the application, the property will be under a co-op ownership with an owners' association responsible for the maintenance of the property.
- The three existing silos will remain and will be repaired as necessary. The exterior of the existing milk barn will be repainted. The proffered elevations for the two new residential buildings reflect a rural vernacular that includes front porches, and a simple gable standing seam metal roof. Other design accents include a brick foundation, grey cement fiberboard siding, and beige cement fiberboard trim.
- Per the Zoning Ordinance open space requirement, and as stipulated in the proffers and on the plan, a minimum of 15% open space will be provided, primarily on the northern and eastern portion of the site. This equates to 0.98 acres. This standard is met, as approximately two acres of open space is depicted on the proffered plan. It is the applicant's intent to maintain as much of the existing plant material as possible. Additional plantings include a four-foot tall hedge in the rear yards of the two proposed residential buildings in an effort to add more

screening. Any crops or goods that are harvested on site will not be allowed to be commercially sold, as the property will be rezoned for residential uses only.

- The proffered plan depicts 48 parking spaces, which exceeds the minimum requirement of 30 spaces. In keeping with the rustic character of the historic property, gravel parking areas are proposed, and will be designed to support the weight of fire apparatus. Public Works Traffic Engineering has stated that a commercial entrance with a 30-foot long throat will be required, as multi-family developments are reviewed under commercial standards. Additional details related to the design of the entrance will be considered during final site plan review.
- The proposed stormwater system will include rain garden meadows (bioretention), which are depicted on the proffer plan to the west and north of the proposed residential buildings.

	<p><b>Zoning History</b></p> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CRZ (R-40 to Conditional R-10) Approved 08/27/1996</td> </tr> <tr> <td>2</td> <td>CRZ (R-8 to P-1, R-1 to P-1, R-1 to PD-H2, R-5 to R-8) Approved 02/04/1985</td> </tr> </tbody> </table>	#	Request	1	CRZ (R-40 to Conditional R-10) Approved 08/27/1996	2	CRZ (R-8 to P-1, R-1 to P-1, R-1 to PD-H2, R-5 to R-8) Approved 02/04/1985			
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<p align="center"><b>Application Types</b></p> <table border="1"> <tr> <td>CUP – Conditional Use Permit</td> <td>MOD – Modification of Conditions or Proffers</td> <td>FVR – Floodplain Variance</td> </tr> <tr> <td>REZ – Rezoning</td> <td>NON – Nonconforming Use</td> <td>ALT – Alternative Compliance</td> </tr> <tr> <td>CRZ – Conditional Rezoning</td> <td>STC – Street Closure</td> <td>SVR – Subdivision Variance</td> </tr> </table>		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
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REZ – Rezoning	NON – Nonconforming Use	ALT – Alternative Compliance								
CRZ – Conditional Rezoning	STC – Street Closure	SVR – Subdivision Variance								

## Evaluation and Recommendation

In Staff’s opinion, the proposed request for a rezoning from R-10 Residential to Conditional PD-H2 (R-10 Overlay) Planned Unit Development is acceptable. The concept put forth by the applicant provides an opportunity to generate an income stream that will assist with the maintenance of the historic home and its surroundings. Staff believes that the proposed layout was carefully crafted to ensure the minimal impact to both the historic character of the property and surrounding community. The plan, while not a typical suburban-style neighborhood, respects the Weblin House and the historic structures that are protected by the existing historic easement. This is evident by the following design elements: use of gravel driveway and parking spaces, reuse of historic milk barn and farm buildings, enhancement and maintenance of existing plant material, use of rural vernacular architecture and building materials, and preservation of interesting historic structures.

In addition, the proposed density at 2.29 units per acre is lower than the typical allowable density of three dwelling units per acre in the R-10 Residential District, and is consistent with the pattern of development that has occurred over time in the vicinity of this property. By comparison, Cypress Point to the north has a density of 3.28 units per acre and the adjacent houses on Weblin Farm Road were developed at a density of 2.96 units per acre.

For the reasons stated above, Staff recommends approval of this request, subject to the following proffers.

## 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 a residential cooperative containing no more than 15 units and shall be in substantial conformance with the Master Plan entitled “New Master Plan”, dated 10-26-2018, which has been exhibited to the City Council and is on file in the Department of Planning and Community Development (hereinafter “New Master Plan”).

### **Proffer 2:**

Landscape: Plants shall include trees and shrubs in appropriate locations and species based on the historic nature of this site and as shown on the exhibit entitled “New Master Plan”, dated October 26, 2018, prepared by Dills Architects. The existing landscape and Plants shall remain as-is with additional Plants at the new structures as shown on the exhibit entitled “New Master Plan,” dated October 26, 2018, prepared by Dills Architects. A Landscape Plan shall be submitted during final site plan review. Such Landscape Plan shall be reviewed by the Planning Director for compliance with the proffer and other applicable City regulations.

### **Proffer 3:**

Parking: Proposed new parking area will be stone gravel with stone block edging and wheel stops except for the accessible spaces, which shall be in compliance with ADA requirements. A subs system similar to “gravel pave” will be used.

### **Proffer 4:**

Sign: A new sign will be added for the entrance of the new dwelling unit’s area from the existing parking area. The new sign will not be visible from the ROW, and shall be in compliance with the Zoning Ordinance.

### **Proffer 5:**

Waste removal: Each individual dwelling unit will have a trash and recycle can. These cans will be picked up weekly by a private waste removal company.

### **Proffer 6:**

Low wood fencing (48”) with a low planted screen will be at the rear sides of the new dwelling units (6), as shown on the exhibit entitled The “New Master Plan”, dated October 26, 2018, prepared by Dills Architects. Fence design will be compatible with the historic nature of the site and requirements of the easement.

### **Proffer 7:**

Open Space: Open community space provided will be in excess of 15% of the total acreage of the site. The use of the open space areas will be limited to passive recreation and gardening, and will be controlled and maintained by the Cooperative Association. No commercial harvesting of crops shall be permitted.

### **Proffer 8:**

Units: The maximum number of dwelling units shall be a total of 15 units in a combination of single-family attached and detached cooperative units.

**Proffer 9:**

Renovated Structures: The renovated structures shall be constructed as depicted on the submitted elevations of the proposed buildings and milk barn as shown on the exhibits entitled “New Master Plan” dated October 26, 2018, prepared by Dills Architects, which have been exhibited to the City Council and are on file with the Department of Planning and Community Development.

**Proffer 10:**

Building Materials: The exterior building materials and the color schemes shall be as noted and depicted on the exhibits entitled “New Master Plan” dated October 26, 2018, prepared by Dills Architects.

**Proffer 11:**

Cooperative Association: Membership in the Cooperative Association is mandatory.

**Staff Comments:**

The proposed proffers are acceptable and provide confidence that the site will be developed as depicted in terms of layout, density and architectural design.

**Comprehensive Plan Recommendations**

The Comprehensive Plan recognizes this property as being within the Suburban Area. Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a frame work for neighborhoods and places that are increasingly vibrant and distinctive. The Plan’s primary guiding principle for the Suburban Area is to create “Great Neighborhoods,” and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future.

**Natural and Cultural Resources Impacts**

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

The site has a recorded Virginia Historic easement. The Commonwealth of Virginia Department of Historic Resources (DHR) manages the easement. The applicant has supplied a letter (on pages 17 -18 of this report) from DHR which permits and acknowledges the proposed changes to the property. The Weblin House is listed in the National Register of Historic Places, the Virginia Landmarks Register and the Virginia Beach Historical Register.

**Traffic Impacts**

Street Name	Present Volume	Present Capacity	Generated Traffic
Weblin Farm Road	No Data Available		Existing Land Use <sup>2</sup> - 31 ADT Proposed Land Use <sup>3</sup> - 111 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a single family dwelling and three multi-family units.	<sup>3</sup> as defined by a single-family dwelling unit and 14 multi-family units	<sup>4</sup> LOS = Level of Service

## Public Utility Impacts

### Water & Sewer

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

## School Impacts

School	Current Enrollment	Capacity	Generation <sup>1</sup>	Change <sup>2</sup>
Luxford Elementary	514	548	3	-2
Bayside Middle	672	918	2	-1
Bayside High	1,868	1,827	3	-2

<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 Site Layout

## GENERAL NOTES:

1. AUCUZ - 246 48 LIn
2. Historic Weblin House / Preservation Easement
3. PROPERTY IMPACTED BY HISTORIC CONSERVATION / PRESERVATION EASEMENT
4. GRAPHICS SHOWN ARE EXISTING. MANUAL NEW LANDSCAPE PLANTINGS SHALL BE DESIGNED TO REFLECT THE NATURE OF THE SITE HISTORY.

## PLAN NOTES:

1. HISTORIC WEBLIN HOUSE, SINGLE FAMILY DWELLING.
2. NEW DWELING UNITS BUILT OUT INTERIOR ONLY. EXTERIOR OPENINGS AND ARCHITECTURAL APPEARANCE SHALL REMAIN.
3. STONE GRAVEL W/ GRAVEL PAVE INFILTRATION SYSTEM AND STONE EDGE IN PARKING.
4. EXISTING GRAVEL PARKING SHALL REMAIN.
5. NEW 48" WIDE x 7' TALL HANGING FOOT SIGN TO MATCH EXISTING.
6. 48" WOOD FENCE - SPACE EXCEEDS 150L.
7. RAIN GARDEN MEADOW FOR STORM WATER FROM ROOF AND PAVEMENT.
8. NEW PLANTING SCREEN, 48" TALL - SEE THIS SHEET.
9. UNIT BEHIND FENCE SCREEN.
10. EXISTING CONCRETE SLOPS TO REMAIN AND BE REPAIRED.
11. UNIT BEHIND FENCE SCREEN.
12. EXISTING GREENHOUSE TO REMAIN.
13. NEW DWELING UNIT.
14. CONCRETE PORCH.
15. MAINTENANCE STORAGE IN MILK BARN THIS END.

## PRELIMINARY STORM WATER NARRATIVE:

The subject property currently contains a single-family residential building, stone barn, large buildings and miscellaneous outbuildings. Post construction the property will have 11 Cooperative residential units along with the remaining historic Farm buildings, stone barn, and miscellaneous outbuildings.

The preliminary design team has prepared a preliminary stormwater management plan for the property. The design team has prepared a preliminary stormwater management plan for the property. The design team has prepared a preliminary stormwater management plan for the property. The design team has prepared a preliminary stormwater management plan for the property.

All final stormwater design will be based upon existing site conditions and design changes based on final requirements.

## LEGEND

- R-10 SETBACK
- NEW 48" FENCE
- 5' WIDE WALKWAY

## TREE PRESERVATION

WPL will work with an ISA Certified Arboriculturist to develop tree preservation, planning, and technical reports for the property. All major trees will be analyzed by the arborist and a determination made for what steps are required to preserve the trees. Tree preservation plans will be designed and specified as required for each critical tree zone for each tree to be preserved. Pre-construction, construction, and post-construction measures will be provided by the arborist and corrective measures will be addressed.

## GRAPHIC SCALE:



## HISTORIC PLANNING DESIGN

WPL will develop planning studies for the historic areas of the site that are required by code for screening, shade, tree canopy coverage, etc. Additionally rain garden planting design for areas of rainwater treatment will be developed. The design team will work with the owner to ensure an engaged, low-maintenance and to become a more sustainable property. Areas currently in agriculture will remain for the foreseeable future.

Property Area = 6.54 acres  
 Maximum Height = 35 feet  
 Setbacks will meet the R-10 Residential District

## NEW MASTER PLAN

1/21/25



# Proposed Milk Barn Elevations



PROPOSED MILK BARN EAST ELEVATION

- NOTES:**
- 1. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.
  - 2. EXISTING CONCRETE SILOS TO REMAIN.

Anina Budig  
**Weblin Properties, LLC**  
5588 Moore's Pond Road  
Virginia Beach, VA 23455  
10/26/18



# Proposed Milk Barn Elevations

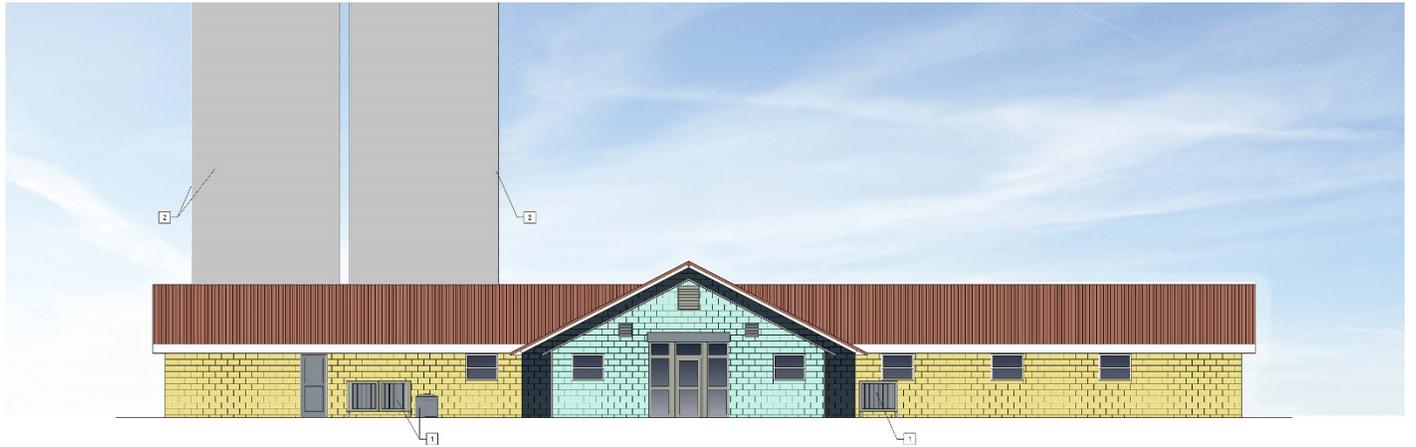


PROPOSED MILK BARN NORTH ELEVATION

- NOTES:**
- 1. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.
  - 2. EXISTING CONCRETE SILOS TO REMAIN.

Anina Budig  
**Webln Properties, LLC**  
5588 Moore's Pond Road  
Virginia Beach, VA 23455  
10/26/18 

# Proposed Milk Barn Elevations



PROPOSED MILK BARN ELEVATION WEST ELEVATION

- NOTES:**
- 1. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.
  - 2. EXISTING CONCRETE SILOS TO REMAIN.

Anina Budig  
**Webin Properties, LLC**  
5588 Moore's Pond Road  
Virginia Beach, VA 23455  
10/26/18



# Proposed Milk Barn Elevations

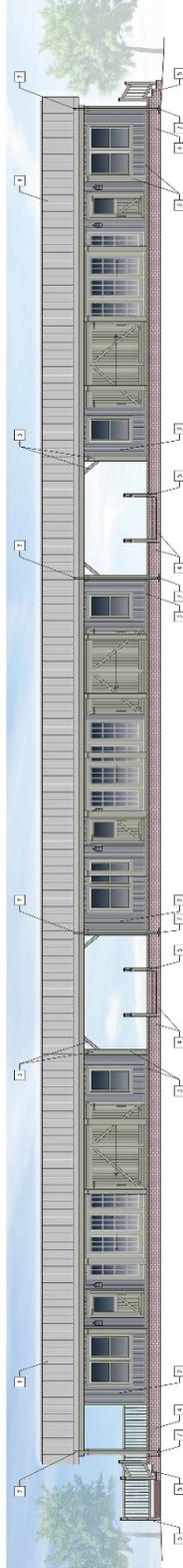


PROPOSED MILK BARN SOUTH ELEVATION

- NOTES:**
- 1. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.
  - 2. EXISTING CONCRETE SILOS TO REMAIN.

Anina Budig  
**Weblin Properties, LLC**  
5588 Moore's Pond Road  
Virginia Beach, VA 23455  
10/26/18





PROPOSED SOUTH ELEVATION BUILDING 1  
 PROPOSED EAST ELEVATION BUILDING 2

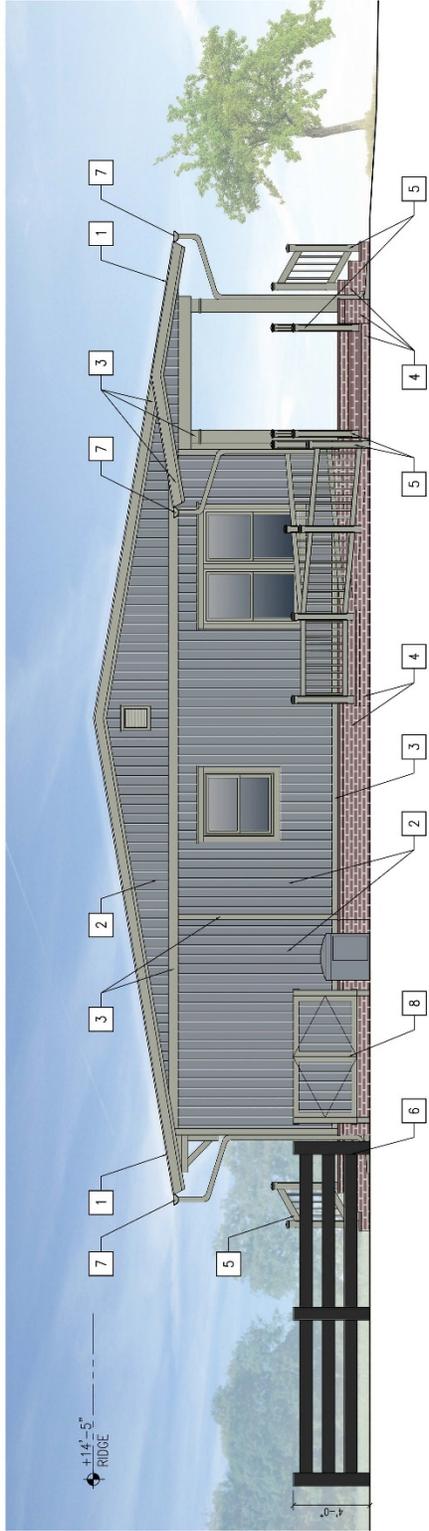
**NOTES:**

1. GALVALUM METAL ROOFING (SHOWN SILVER) TYPICAL.
2. PAINTED BOARD AND BATTEN SIDING, HARDIE BOARD SIDING (SHOWN GREY) TYPICAL.
3. PAINTED HARDIE BOARD TRIM (SHOWN BEIGE GREY) TYPICAL.
4. MODULAR BRICK (SHOWN RED), NATURAL GRAY MORTAR, GRAPEVINE JOINT, TYPICAL.
5. PAINTED WOOD RAILINGS (SHOWN BEIGE GREY) TYPICAL.
6. PAINTED WOOD FENCE (SHOWN MATTE BLACK) TYPICAL.
7. GALVALUM GUTTER/DOWNSPOUT (SHOWN SILVER) TYPICAL.
8. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.

Antina Budig  
**WebbIn Properties, LLC**  
 5588 Moore's Pond Road  
 Virginia Beach, VA 23455  
 10/26/18



# Proposed New Buildings - Elevations



PROPOSED WEST ELEVATION BUILDING 1  
 PROPOSED SOUTH ELEVATION BUILDING 2

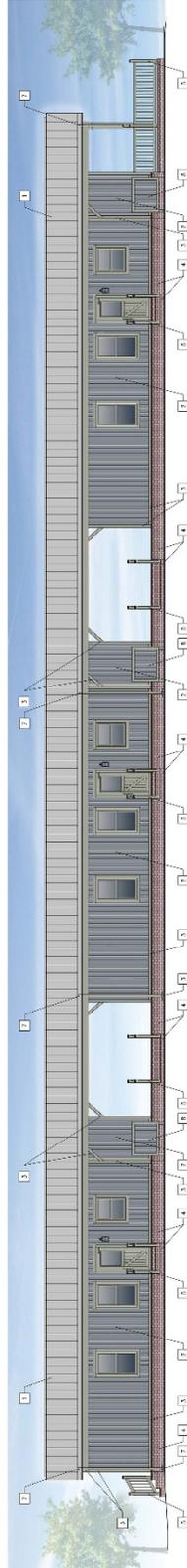
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Anina Budig  
**Weblin Properties, LLC**  
 5588 Moore's Pond Road  
 Virginia Beach, VA 23455  
 10/26/18



# Proposed New Building - Elevations



PROPOSED NORTH ELEVATION BUILDING 1  
 PROPOSED EAST ELEVATION BUILDING 2

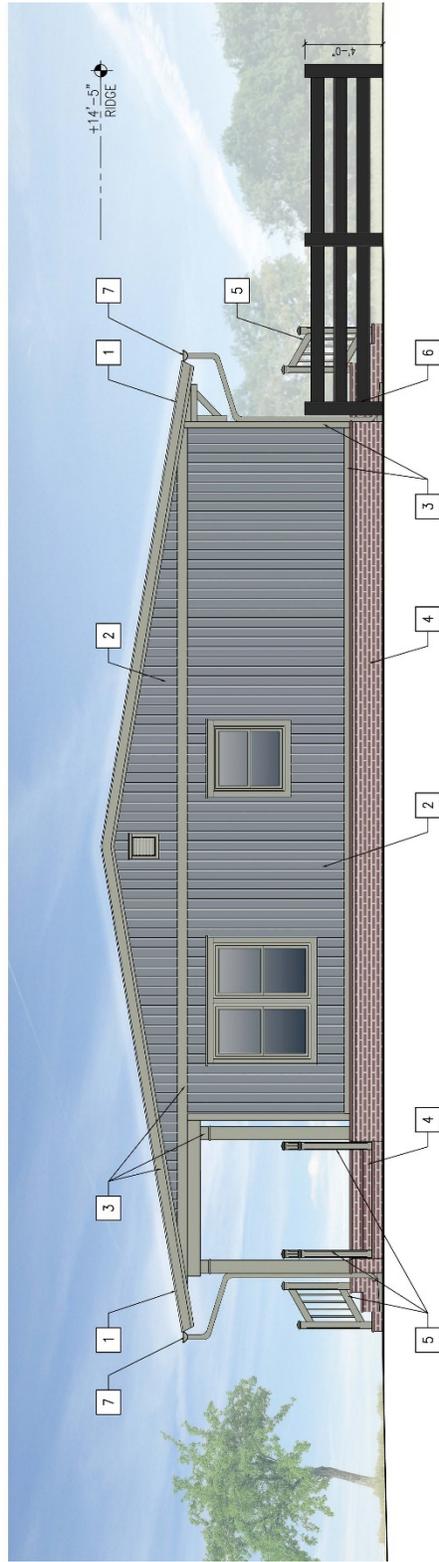
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7. GALVALUM GUTTER/DOWNSPOUT (SHOWN SILVER) TYPICAL.
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Anina Budig  
**Webbin Properties, LLC**  
 5588 Moore's Pond Road  
 Virginia Beach, VA 23465  
 10/26/18



# Proposed New Building - Elevations



PROPOSED EAST ELEVATION BUILDING 1  
 PROPOSED NORTH ELEVATION BUILDING 2

**NOTES:**

1. GALVALUM METAL ROOFING (SHOWN SILVER) TYPICAL.
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Anina Budig  
**WebbIn Properties, LLC**  
 5588 Moore's Pond Road  
 Virginia Beach, VA 23455  
 10/26/18





**COMMONWEALTH of VIRGINIA**

**Department of Historic Resources**

2801 Kensington Avenue, Richmond, Virginia 23221

Molly Joseph Ward  
*Secretary of Natural Resources*

Julie V. Langan  
*Director*

Tel: (804) 367-2323  
Fax: (804) 367-2391  
[www.dhr.virginia.gov](http://www.dhr.virginia.gov)

October 1, 2018

Ms. Gian Peterson  
5588 Moore's Pond Road  
Virginia Beach, VA 23455

Re: Conceptual Review (extension): Outbuildings  
Weblin House, City of Virginia Beach  
DHR Easement File No. 134-0035\_ep

Ms. Peterson ~

On your behalf, Paige Pollard of Commonwealth Preservation Group requested an extension of the conceptual approval of proposed modifications to your property, the Weblin House, in the City of Virginia Beach. Initially issued October 25, 2016 and extended on October 25, 2017, the approval is now valid through October 1, 2019. The original letter is repeated below for clarity.

-----  
Thank you for submitting a project review request to the Department of Historic Resources (DHR) for the conceptual review of proposed modifications to your property, Weblin House, located in the City of Virginia Beach. This information was submitted on your behalf by Paige Pollard of Commonwealth Preservation Group, and received in our office on October 18, 2016.

The submittal included condition assessments of the existing outbuildings as well as schematic development drawings (undated) for the rehabilitation of the Milk Barn and the proposed two single story buildings. These two buildings are agricultural in appearance, but used for residential purposes and would replace the existing greenhouse/hoop structure, garage and shed, all of which are in poor condition.

After careful review, our office concluded that, in concept, the removal of the existing garage, greenhouse/hoop structure, and shed and their subsequent replacement with two elongated, single-story structures of an agricultural design aesthetic is consistent with the easement provisions and the *Standards for Rehabilitation*, and is, therefore, approved. Staff did determine that the existing silos

Western Region Office  
962 Kime Lane  
Salem, VA 24153  
Tel: (540) 387-5443  
Fax: (540) 387-5446

Northern Region Office  
5357 Main Street  
PO Box 519  
Stephens City, VA 22655  
Tel: (540) 868-7029  
Fax: (540) 868-7033

Eastern Region Office  
2801 Kensington Avenue  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2391

## Historic Easement Letter

contribute to the overall character of the property and notes that these structures should be stabilized and retained as part of the proposed project scope.

This approval is valid for a year from the date of this letter. Please submit more developed construction documents, including any proposed ground disturbance, as they become available. We look forward to working with you on this project.

Sincerely,



Megan Melinat  
Easement Program Architect  
Office of Preservation Incentives  
(804) 482-6455  
[Megan.melinat@dhr.virginia.gov](mailto:Megan.melinat@dhr.virginia.gov)

C: Paige Pollard, Commonwealth Preservation Group

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962 Kime Lane  
Salem, VA 24153  
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Eastern Region Office  
2801 Kensington Avenue  
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Site Photos



Site Photos



## 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: Weblin Properties, LLC  
 If an LLC, list the member's names: Anina Budig, sole owner



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	Here For You Accounting; Moss Financial
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Dills Architects
<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	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)	Jim Arnhold
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Ruloff, Swain, Hadded, Morecock, *
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	*Talbert & Woodward, PC; Wolcott Rivers Gates

**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.

	ANINA BUDIG	8/29/18
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	Here For You Accounting; Moss Financial
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Dills Architects
<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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**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?

---

Page 6 of 7

# Disclosure Statement



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Weblyn Properties, LLC

	ANINA BUDIG	10/15/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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.





Applicant **Virginia Beach Development Authority**  
 Property Owner **City of Virginia Beach**  
 Public Hearing **April 10, 2019** (Deferred February 13, 2019)  
 City Council Election District **Princess Anne**

Agenda Item

**D2**

**Request**

**Modification of Proffers**

**Conditional Use Permit** (Outdoor Recreational Facility)

**Staff Recommendation**

Approval

**Staff Planner**

Bill Landfair

**Location**

Northeast Corner of Landstown Road & Landstown Centre Way

**GPIN**

1484882692

**Site Size**

11.29 acres

**AICUZ**

70-75 dB DNL

**Watershed**

Southern Rivers

**Existing Land Use and Zoning District**

Vacant, stormwater management ponds / I-1 Light Industrial

**Surrounding Land Uses and Zoning Districts**

**North**

Dominion Virginia Power transmission substation / AG-1 Agricultural, AG-2 Agricultural

**South**

Landstown Center Way  
 Field house, Sportsplex, stormwater management ponds / AG-1 Agricultural, Conditional B-2

**East**

Rehabilitation facility, vacant land / I-1 Light Industrial

**West**

Landstown Road  
 Amphitheater / AG-1 Agricultural

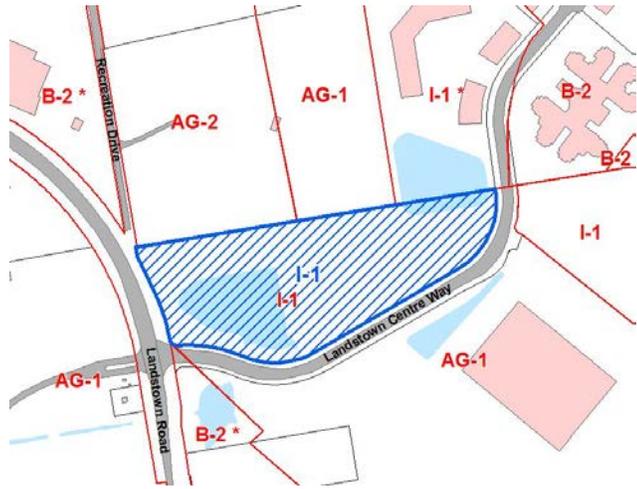


## Background and Summary of Proposal

- This application was previously deferred at the February 13, 2019 Planning Commission public hearing to allow additional time for the applicant to revise the proposed development concept.
- In December 2016, the City Council approved a Conditional Rezoning from AG-1 & AG-2 to Conditional I-1 of approximately 150 acres for the development of the Biomedical Park in Princess Anne Commons (BioPark). The associated proffers prohibited certain uses that, while allowed in the I-1 Light Industrial District, were considered undesirable for the development envisioned for the Biomedical Park. The proffers also required the development to be consistent in design and quality with the "Design and Development Guidelines – Princess Anne Commons Biomedical Park."
- The applicant, which is the Virginia Beach Development Authority, is requesting a modification to the proffer agreement in order to allow an eating and drinking establishment on this parcel, which is otherwise not permitted under the terms of the existing agreement. This modification applies only to the subject site, and all other components of the 2016 proffer agreement will remain in place.
- The applicant is also requesting a Conditional Use Permit for an Outdoor Recreation Facility in order to install a non-regulation size bocce ball court for use by the restaurant's customers. The court will be located on the northwest corner of the property between the restaurant and the stormwater management facility.
- The submitted Concept Plan depicts approximately 3.28 acres of the 11.29-acre site to be developed in two phases.
  - Phase 1 will include an 8,800 square-foot restaurant with a 1,900 square-foot outdoor dining terrace and parking lot. Within a large open area that will be enclosed with a four-foot tall decorative black aluminum fence, a 76-foot by 13-foot bocce ball court and three fire pits are planned. Also depicted on the concept plan are plantings within the parking lot and streetscape plantings along the right-of-way.
  - The concept plan depicts a second phase of development to include a 5,000-square foot events building and additional parking. The applicant has been alerted that Assembly Uses are not permitted within the industrial zoning district; therefore, in order to operate an events space, the property would have to be rezoned in the future to either the business or office district, and the proffers would again need to be modified.
- A total of 129 parking spaces are depicted on the concept plan, thereby meeting the minimum parking requirement of 107 spaces for a restaurant on this size.
- Vehicular access is proposed along Landstown Centre Way via an ingress/egress for the parking area and a separate ingress/egress for the service area.
- The submitted elevations depict a single-story building with a façade treatment featuring cement fiberboard plank shiplap siding and EIFS. Brick veneer accents are proposed for architectural interest. The roof and awning are depicted as grey corrugated metal. The front of the building will have a marquee-style entrance and a patio for dining.
- These elevations also depict conceptual building-mounted signs on the south façade facing Landstown Centre Way and on the northern and eastern (front) facades. Conceptual designs for a freestanding monument sign have also been submitted and are depicted on page 10 of this report. It should be noted that the Zoning

Ordinance permits up to three signs, one of which may be a freestanding sign. Based on this, should the applicant desire a freestanding sign, one of the building mounted signs depicted on the elevations will need to be removed.

- The site is situated between two stormwater management facilities. Public Works is currently researching the expansion of the open channel connection between the two ponds and as a result it is likely that the existing drainage easements on the property will expand. Based on this, slight changes to the service area, open space acreage and the parking lot may occur.

		<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CRZ (AG-1 &amp; AG-2 to Conditional I-1) Approved 12/13/2016</td> </tr> <tr> <td>10</td> <td>CUP (Public Utility Transmission Substation – Expansion) Approved 01/20/2015</td> </tr> <tr> <td>7</td> <td>CRZ (AG-1 &amp; AG-2 to Conditional B-2 and I-1) Approved 04/24/2012 CUP (Rehabilitation Facility) Approved 02/24/2012</td> </tr> <tr> <td>3</td> <td>CUP (Recreation Facility) Approved 02/03/2009</td> </tr> <tr> <td>5</td> <td>CUP (Recreation Facilities – Multi-purpose Stadium) Approved 05/27/1997</td> </tr> </tbody> </table>		#	Request	1	CRZ (AG-1 & AG-2 to Conditional I-1) Approved 12/13/2016	10	CUP (Public Utility Transmission Substation – Expansion) Approved 01/20/2015	7	CRZ (AG-1 & AG-2 to Conditional B-2 and I-1) Approved 04/24/2012 CUP (Rehabilitation Facility) Approved 02/24/2012	3	CUP (Recreation Facility) Approved 02/03/2009	5	CUP (Recreation Facilities – Multi-purpose Stadium) Approved 05/27/1997
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<h3>Application Types</h3> <table border="1"> <tr> <td>CUP – Conditional Use Permit</td> <td>MOD – Modification of Conditions or Proffers</td> <td>FVR – Floodplain Variance</td> </tr> <tr> <td>REZ – Rezoning</td> <td>NON – Nonconforming Use</td> <td>ALT – Alternative Compliance</td> </tr> <tr> <td>CRZ – Conditional Rezoning</td> <td>STC – Street Closure</td> <td>SVR – Subdivision Variance</td> </tr> </table>		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					
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## Evaluation and Recommendation

The requests for both a Modification of Proffers and a Conditional Use Permit are deemed acceptable by Staff. While the subject site was included with the rezoning of the BioPark property, it is physically separated from the actual BioPark by Landstown Centre Way. In Staff’s view, the proposed use and associated recreational amenity will complement existing uses in the vicinity. The building and site design, as well as the exterior building materials, are of a high quality that is consistent with surrounding commercial and recreational uses. The proposed plantings depicted on the proffered plan exceed the minimum requirements set forth in the Zoning Ordinance. The excess plant material, coupled with the recommended condition to add Category I landscaping (plant material) to sufficiently screen the service area, will also contribute to creating an attractive site.

Based on the considerations above, Staff recommends approval of the requests subject to the conditions and proffers below.

## Proffers 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.

**Proffer 1:**

The following, which are listed in Section 1001(a) of the Zoning Ordinance as principal and conditional uses in the I-1 Light Industrial District, shall be the only uses permitted on the Property. Any principal or conditional use listed in Section 1001(a), but not listed below, shall not be permitted on the Property:

- a. Building-mounted antennas, as specified in Section 1001(a);
- b. Business, medical, financial, nonprofit, professional and similar office buildings;
- c. Communication towers, as specified in Section 1001 (a);
- d. Fiber-optics transmission facilities;
- e. Manufacturing, processing, extracting, packaging or fabricating establishments; provided that the following uses shall not be allowed: (i) Explosive manufacturing, storage and distribution; (ii) petroleum processing; (iii) processing or outside storage of salvage, scrap or junk;
- f. Printing, lithographic or publishing establishments;
- g. Public buildings and grounds;
- h. Public schools, colleges and universities, and private schools, colleges and universities having similar academic curriculums;
- i. Public utilities installations and substations including offices, as specified in Section 1001 (a);
- j. Public utility transformer stations and major transmission lines and towers (fifty thousand (50,000) volts or more);
- k. Radio or television transmission and relay stations;
- l. Recreational facilities of an outdoor nature, as specified in section 1001 (a);
- m. Small wireless facilities, as specified in Section 1001 (a);
- n. Vocational, technical, industrial and trade schools;
- o. Wholesaling, warehousing, storage or distribution establishments;
- p. Wind energy conversion systems, as specified in Section 1001 (a); and
- q. Eating and drinking establishments north and west of Landstown Centre Way and east of Landstown Road.

**Proffer 2:**

Accessory structures and uses shall be permitted as set forth in Section 1001(b) of the Zoning Ordinance.

**Proffer 3:**

The architectural style, exterior building materials, and site design shall be substantially in accordance with the "Design and Development Guidelines – Princess Anne Commons Biomedical Park." The one exception will be the site north and west of Landstown Centre Way and east of Landstown Road provided it is developed as an eating and drinking establishment. In that case, when the Property is developed:

- a. It shall be substantially in accordance with the Exhibit entitled Exhibit A, Illustrative Site Plan, dated December 3, 2018, and prepared by Kimley-Horn and Associates. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development (hereinafter "Concept Plan").
- b. The building depicted on the Concept Plan shall have the architectural style and exterior building materials substantially in accordance and with the Exhibits entitled Wild Wing Café Exterior Elevations A-201 and Interior Elevations A-402, dated September 28, 2017, and prepared by Beaufort Design Build. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.

Staff Comments:

*Staff has reviewed the Proffers listed above and finds them acceptable.*

The City Attorney's Office has reviewed the modified proffer agreement dated January 22, 2019 and found it to be legally sufficient and in acceptable legal form.

## Recommended Conditions

1. The location of the Outdoor Recreation Facility shall be limited to the area depicted on page seven of this Staff Report, entitled "Exhibit A, Illustrative Site Plan", dated December 3, 2018, and prepared by Kimley-Horn and Associates. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
2. A modification of proffers will be required prior to developing Phase 2 to ensure consistency with the type and quality desired for uses adjacent to the BioPark.
3. The outdoor recreation facility (bocce ball court) shall be limited to use by the customers of the restaurant.
4. Category I landscape screening shall be installed along the western property line for the entire length of the service area in order to screen the service area from the property to the west and from the right-of-way.
5. When the property is developed, the fence shall have the appearance of like quality and character as depicted on page 10 of this report, and as shown on the photo entitled "Proposed Sign Concepts and Fence Design," which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
6. All signage on the site shall comply with the requirements of the City Zoning Ordinance. There shall be no neon or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. No window signage shall be permitted. The building signage shall not be a "box sign." Any freestanding sign shall be a monument style sign, no taller than eight feet, externally lit, and constructed of brick veneer to match the building.
7. There shall be no signs which contain or consist of pennants, ribbons, streamers, spinners, or other similar moving devices on the site. There shall be no portable or nonstructural signs, or electronic display signs on the site.

## Comprehensive Plan Recommendations

The Comprehensive Plan recognizes this property as being within the Special Economic Growth Area (SEGA) 4 - Princess Anne Commons. This section of Princess Anne Commons is designated as a SEGA in recognition of its economic development opportunities based on the existing medical, research, entertainment, recreation, and athletic facilities in the area. Vibrant mixed-use districts are envisioned where people can live, work, and recreate within walking distance to services and gathering spaces.

## Natural and Cultural Resources Impacts

The property is within 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.

There are no known cultural resources on the site.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Landstown Centre Way	3,070 ADT <sup>1</sup>	6,200 ADT <sup>1</sup> (LOS <sup>4</sup> "C") 9,900 ADT <sup>1</sup> (LOS <sup>4</sup> "D")	Existing Land Use <sup>2</sup> – 284 ADT Proposed Land Use <sup>3</sup> – 1,200 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by 3.74 acres of light industrial zoned land	<sup>3</sup> as defined by a 10,700 square-foot restaurant	<sup>4</sup> LOS = Level of Service

## Public Utility Impacts

### Water

There is an existing 12-inch City water main along Landstown Road and a 10-inch City water main along Landstown Centre Way. The site must connect to public water.

### Sewer

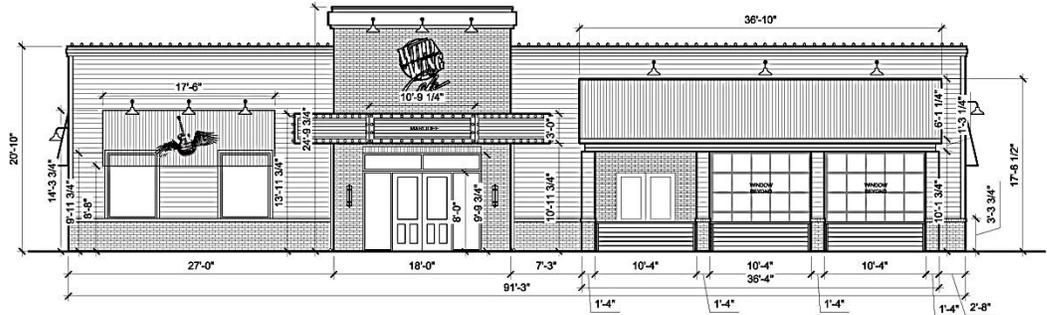
There is an existing 12-inch City sanitary sewer force main along Landstown Road and a 10-inch to 12-inch City sanitary sewer gravity main along Landstown Centre Way. The site must connect to public sanitary sewer.

# Proposed Site Layout

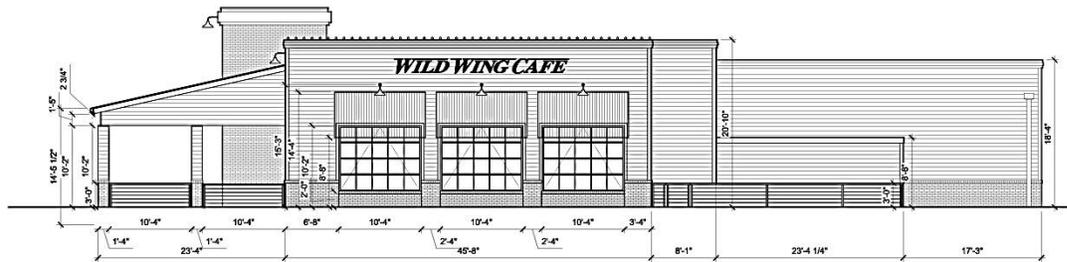


# Proposed Elevations

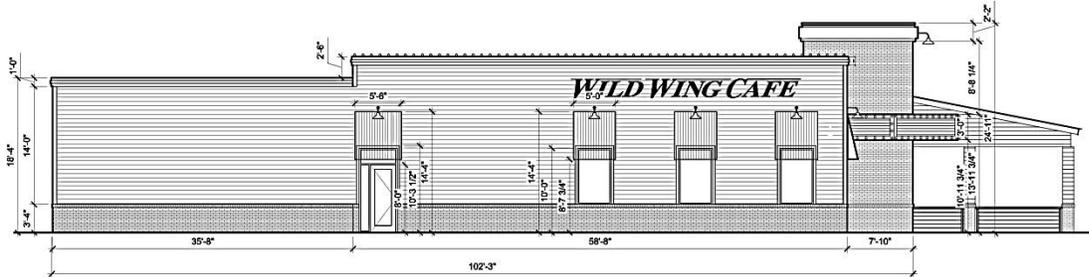
Front Elevation  
Facing East



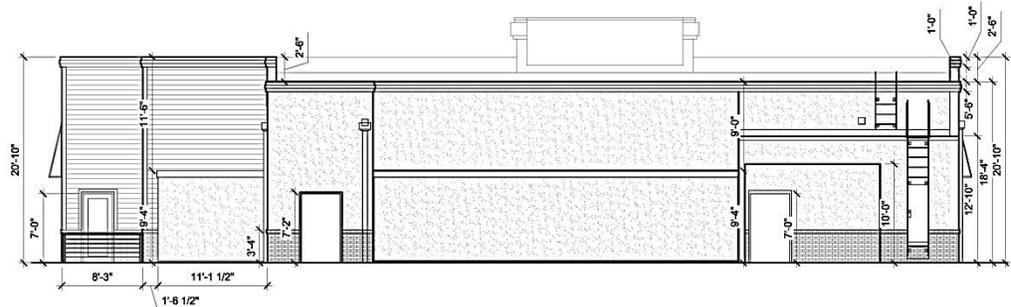
Right Elevation  
Facing North



Left Elevation  
Facing South

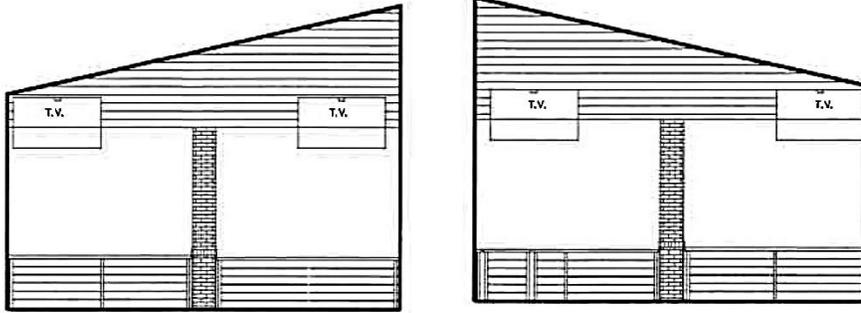


Rear Elevation  
Facing West



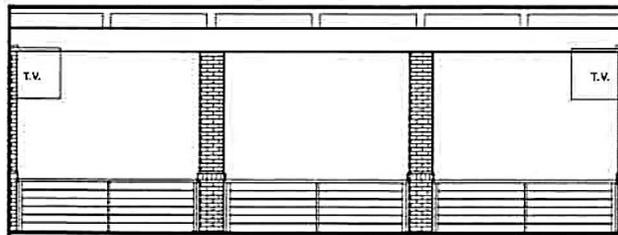
EXTERIOR FINISH SCHEDULE		
MATERIAL	COLOR	DESCRIPTION
METAL ROOF/CANOPY	GALVANIZED	CORRUGATED METAL
BRICK	OLD EDISTO	BORAL BRICK
SHIPLAP SIDING	BENJAMIN MOORE AC-35 VALLEY FORGE TAN	ROUGH SAWN SHIPLAP SIDING
EIFS	NATCH SHIPLAP SIDING	SAND FINISH
METAL COPING & EXPOSED METAL FLASHING	BENJAMIN MOORE CHINA WHITE	PRE-FINISHED ALUMINUM
STOREFRONT FRAMES & DOORS	DARK BRONZE	PRE-FINISHED ALUMINUM
OVERHEAD DOORS & FRAMES	ANODIZED ALUMINUM	PRE-FINISHED ALUMINUM
LEADERHEAD, DOWNSPOUT, SCUPPERS	ASHE GREY	PRE-FINISHED ALUMINUM
LADDER	ASHE GREY	

# Proposed Elevations for Patio



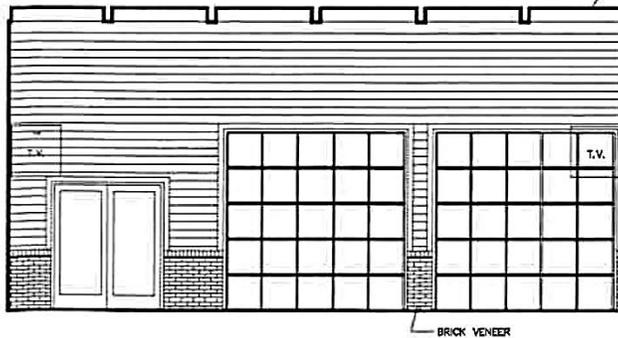
C2 ENCLOSED PATIO WEST  
1/4" = 1'-0"

C1 ENCLOSED PATIO EAST  
1/4" = 1'-0"



B1 ENCLOSED PATIO NORTH  
1/4" = 1'-0"

EXPOSED STRUCTURE  
SEE FINISH SCHEDULE



BRICK VENEER

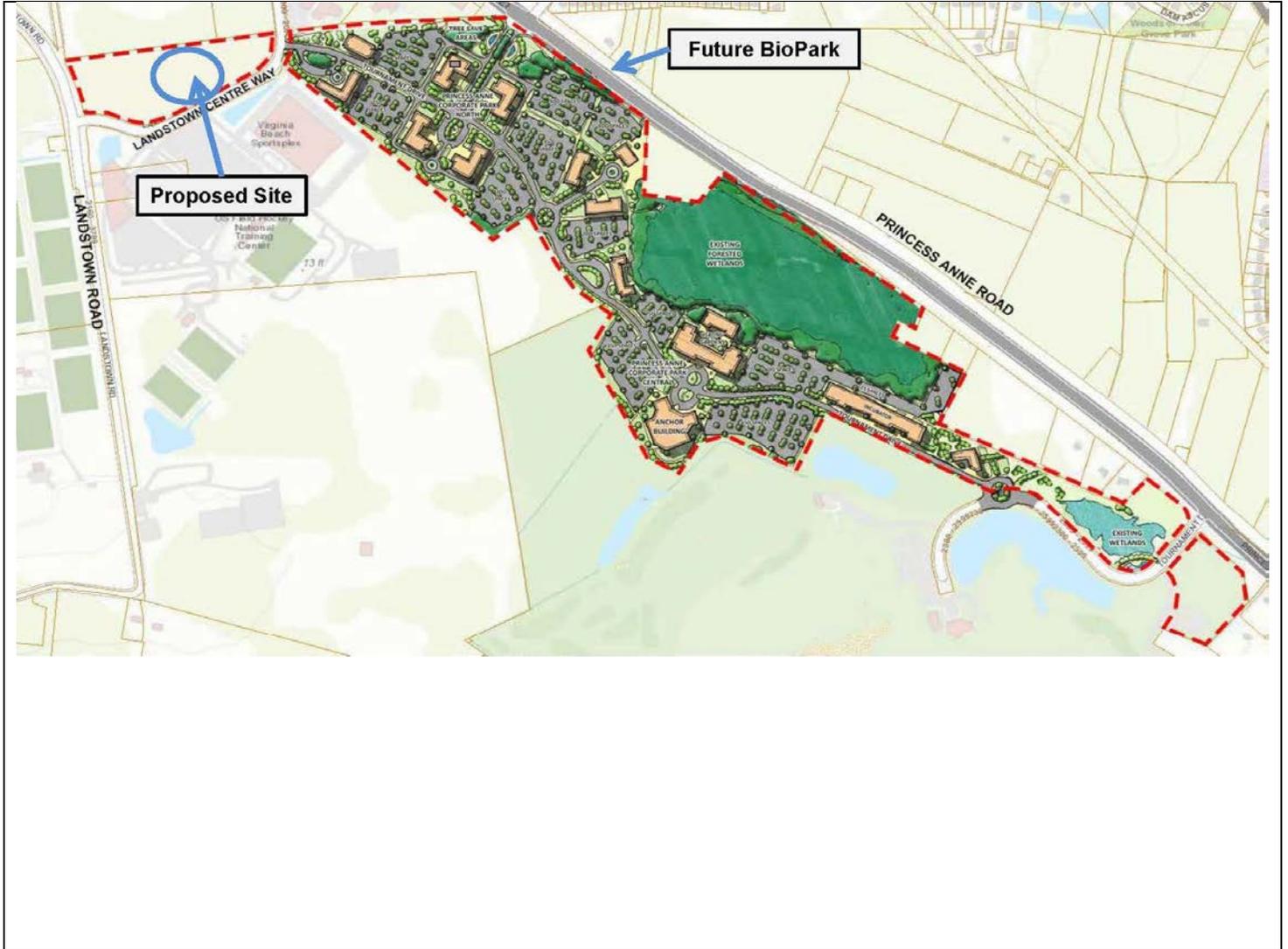
A1 ENCLOSED PATIO SOUTH  
1/4" = 1'-0"

**Proposed Sign Concepts and Fence Design**


Photos Submitted by Applicant



# Location



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: Virginia Beach Development Authority  
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: City of Virginia Beach  
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-subsidary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

<sup>1</sup> "Parent-subsidary 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-subsidary 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Kimley-Horn
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

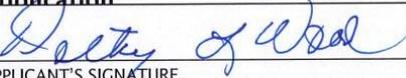
YES     NO     Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

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

The current land owner of the subject property is the City of Virginia Beach.

**Disclosure Statement**



<b>CERTIFICATION:</b>		
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		
	Dorothy L. Wood	12-13-18
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 ( <u>if other than the Applicant</u> ) - 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	Kimley-Horn
<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 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?

The current land owner of the subject sales property is the City of Virginia Beach.



<b>CERTIFICATION:</b> 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, <b>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.</b>		
	Taylor V. Adams	12/13/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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 approvals allowed by this application 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.

