

Request

Conditional Use Permit (Tattoo Parlor)
Conditional Use Permit (Body Piercing Establishment)

Staff Recommendation

Approval

Staff Planner

Jonathan Sanders

Location

2720 N. Mall Drive, Suites 112 & 116

GPIN

1496273469

Site Size

13.11 acres

AICUZ

Greater than 75 dB DNL; APZ 2

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Mixed retail / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Industrial office / I-1 Light Industrial

South

Lynnhaven Mall Loop

Lynnhaven Mall / B-2 Community Business

East

Furniture store / B-2 Community Business

West

Mixed retail / B-2 Community Business



Background and Summary of Proposal

- The applicant proposes to merge two existing tattoo parlors, one located along Bonney Road and the second located within the Lynnhaven Mall, into one operation within a 5,000 square foot unit in the Lynnhaven North Shopping Center. In addition, the applicant proposes to offer body piercing within the same establishment. Based on this, Conditional Use Permits for both a Tattoo Parlor and for a Body Piercing Establishment are requested.
- According to the application, 21 employees are anticipated, of which 13 will likely be tattoo artists.
- The anticipated hours of operation have been identified as between 10:00 a.m. to 9:00 p.m., Monday through Saturday, and 11:00 a.m. to 6:00 p.m. on Sunday.
- No exterior changes to the building are proposed, other than proposed channel-letter signage depicted on page 7 of this report.

	<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CUP (Indoor Commercial Recreation Facility) Approved 06/23/2009</td> </tr> <tr> <td>2</td> <td>Major Entertainment Venue Signage Permit Approved 02/06/2018 CUP (Tattoo Parlor) Approved 07/09/2013</td> </tr> <tr> <td>3</td> <td>MOD Approved 06/12/2007 MOD (Mini-Warehouse/Self-Storage) Approved 02/26/2002 CUP (Mini-Warehouse/Self-Storage) Approved 07/03/2001</td> </tr> <tr> <td>4</td> <td>CUP (Self-Storage) Approved 07/14/2015</td> </tr> </tbody> </table>		#	Request	1	CUP (Indoor Commercial Recreation Facility) Approved 06/23/2009	2	Major Entertainment Venue Signage Permit Approved 02/06/2018 CUP (Tattoo Parlor) Approved 07/09/2013	3	MOD Approved 06/12/2007 MOD (Mini-Warehouse/Self-Storage) Approved 02/26/2002 CUP (Mini-Warehouse/Self-Storage) Approved 07/03/2001	4	CUP (Self-Storage) Approved 07/14/2015
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Evaluation and Recommendation

The proposed request for the Conditional Use Permits for a Tattoo Parlor and for a Body Piercing Establishment is, in Staff's opinion, acceptable given that the use will be compatible with the other existing commercial businesses in the Lynnhaven Mall area.

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. A business license for the Tattoo Parlor and Body Piercing Establishment 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. The actual application of tattoos and body piercing shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. 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

This site is located within Special Economic Growth Area 2 - West Oceana. Much of this area is subject to Navy restrictive easements and all of this area is within the AICUZ high noise zone. The majority of this area has been subdivided and is zoned for commercial and industrial uses. The area west of Lynnhaven Parkway is recommended for corporate office, retail and other comparable commercial use due to this site's high visibility. Special attention should be given to ensure high quality site, landscape and building designs. This proposed use is part of an ongoing façade improvement to revitalize the existing shopping center. Several spaces are currently vacant, and this use will better utilize the existing shopping center by consolidating empty commercial bays with a new use.

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
North Mall Drive	No data available	20,700 ADT ¹ (LOS ² "D")	No change anticipated
¹ Average Daily Trips		² LOS = Level of Service	

Public Utility Impacts

Water & Sewer

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

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 7, 2019.
- As required by State Code, this item was advertised in the Virginia Pilot Beacon on Sunday, April 21, 2019 and Sunday, April 28, 2019.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on April 22, 2019.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on May 2, 2019.

Site Layout



Proposed Signage



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: DML Designs, LLC T/A Trinity
 If an LLC, list all member's names:
 Melissa Lukeson, David Lukeson

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

See next page for information pertaining to footnotes ¹ and ²



SECTION 2 / PROPERTY OWNER DISCLOSURE

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

- Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: Mishorim Gold VAB, LP
 If an LLC, list the member's names: Maoz Goldshtein



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-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "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.

² "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 checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Colliers International

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>Melissa Lukeson</i>	<i>2/28/19</i>
APPLICANT'S SIGNATURE	PRINT NAME	DATE
	Melissa Lukeson	2/28/2019



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	
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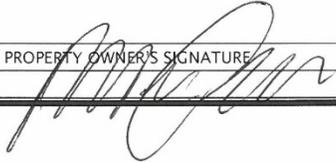
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PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE
	maoz Goldshtein	2/28/19

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.
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