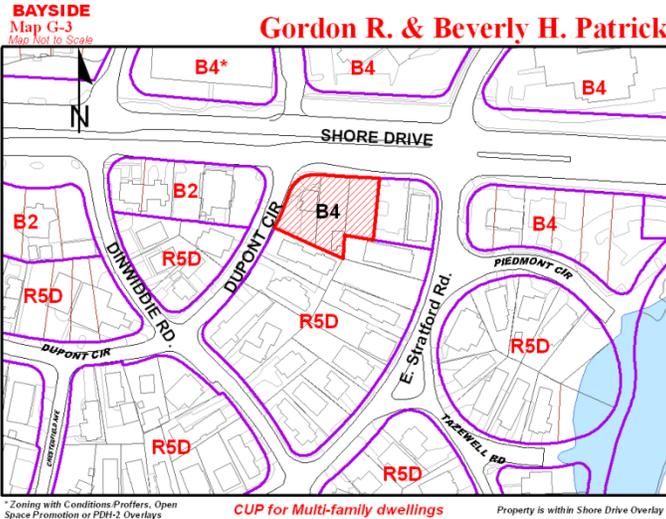


June 13, 2012 Public Hearing

APPLICANT AND PROPERTY OWNER:

**GORDON R. & BEVERLY H. PATRICK**



STAFF PLANNER: Faith Christie

**REQUEST:**

Conditional Use Permit (Multi-family dwellings)

**ADDRESS / DESCRIPTION:** 3607, 3613, 3617 Shore Drive

**GPIN:**  
14895828330000;  
14895828940000;  
14895838640000.

**ELECTION DISTRICT:**  
BAYSIDE

**SITE SIZE:**  
.396 acres

**AICUZ:**  
Less than 65 dB DNL

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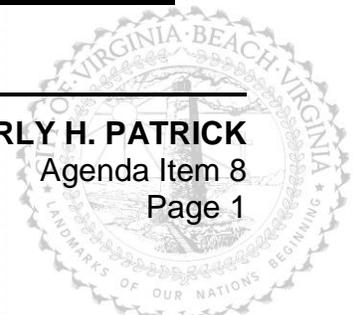
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**SUMMARY OF REQUEST**

The applicant requests a conditional use permit to develop the site with a seven unit townhome style condominium community at the southeast corner of the DuPont Circle and Shore Drive. The site is currently occupied by two commercial buildings, a retail store and a storage building.

The submitted development plan depicts a five unit building and a two unit building, parking, fencing and landscaping. The proposed entrance for the site is from DuPont Circle, approximately fifty feet south of Shore Drive. The submitted plan depicts the five unit building situated along Shore Drive and the two unit building in the southeast corner of the site. Landscaping is proposed along the northern and southern property lines, as well as a small portion of the eastern property where adjacent to existing residential.

The submitted elevations for the site depict three story units. The elevations for the Shore Drive frontage depicts shed roof dormers on the third floor, an open porch on the second floor, and entry door and porch on the first floor. The interior elevation view of the first floor of the building depicts a porch covered with a pediment gable and double car garages with vertical plank doors. Decorative features include varying roof lines, transom windows over the entry doors, vertical plank shutters, and decorative brackets.



## LAND USE AND PLAN INFORMATION

**EXISTING LAND USE:** The site is developed with two small buildings, a retail store constructed in 1960 and storage building constructed in 1930.

**SURROUNDING LAND USE AND ZONING:**

- North:
- Shore Drive
  - Across Shore Drive are multi-family multiple storied buildings / B-4 Mixed Use (SD - Shore Drive Corridor Overlay)
- South:
- Duplex and single family dwellings / R5-D Residential (SD - Shore Drive Corridor Overlay)
- East:
- Office building and residential / B-4 Mixed Use and R5-D Residential (SD - Shore Drive Corridor Overlay)
- West:
- DuPont Circle
  - Across DuPont Circle is a restaurant and residential / B-2 Community Business and R5-D Residential (SD - Shore Drive Corridor Overlay)

**NATURAL RESOURCE AND CULTURAL FEATURES:**

The sandy soil on the site supports seven live oak trees. While the trees cannot be maintained the applicant can mitigate the loss with a contribution to the Live Oak Fund and by agreeing to have the logs of the trees set aside and given Friends of Live Oaks (<http://www.friendsofliveoaks.org>).

The Live Oak is the officially adopted tree and icon for the Shore Drive Corridor and Bayfront community.

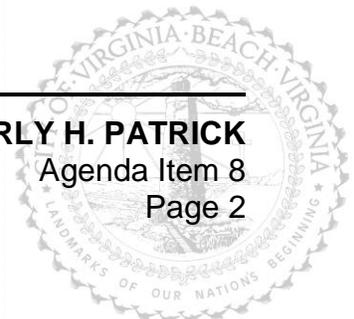
**COMPREHENSIVE PLAN:** Suburban Focus Area 1 (SFA 1) – Shore Drive Corridor

The Comprehensive Plan designates the subject property as being located within the Suburban Area and, more specifically, within the Suburban Focus Area 1 (SFA 1) – Shore Drive Corridor. The Comprehensive Plan states that Shore Drive Corridor is an integral part of the Bayfront Community, extending from North Independence Boulevard to First Landing State Park. While primarily a residential community, the corridor shares the responsibility of being one of Virginia Beach's primary east-west connectors, creating unique and sometimes problematic challenges. This area is considered a resort neighborhood and not a resort destination.

The Shore Drive Corridor was designated as a Suburban Focus Area because of its unique characteristics. The area has an abundance of natural resources and passive recreational amenities, mostly due to its proximity to the Chesapeake Bay and Lynnhaven River. These amenities have attracted residential uses, including well-established neighborhoods as well as newer high density development, making the Shore Drive area the most densely populated area of the City. The community's most challenging characteristic is that it is bisected by Shore Drive, one of the City's primary east-west connectors.

The Shore Drive Corridor Plan (SDCP, 2000) was adopted by reference as part of the Comprehensive Plan. One of the plan's goal is to protect, restore and enhance the corridor to reflect the area's unique character as a residential community, and to establish a functional and attractive scenic gateway to the Resort Oceanfront

Planning policies for SFA 1 that apply to the entire Shore Drive Corridor and Bayfront Communities, which stem from the Shore Drive Corridor Plan and are applicable to this request, are:



- preserve and protect the character of the established neighborhoods;
- improve land use compatibilities and avoid over commercialization to insure that resort-based uses compliment rather than dominate this corridor;
- achieve the lowest reasonable density for future residential uses;
- provide safe and appropriate pedestrian and bicycle circulation;

The subject property is also located within the Shore Drive Corridor Overlay District. The purpose of the District is to enhance the appearance of the area encompassed by the District and to preserve its vitality as an important gateway to the city.

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## CITY SERVICES

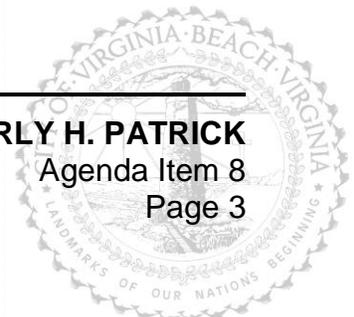
**MASTER TRANSPORTATION PLAN (MTP) / CAPITAL IMPROVEMENT PROGRAM (CIP):** Shore Drive is a four lane urban major arterial in a right-of-way approximately 141' wide along the site frontage. The Master Transportation Plan Major Street Network Ultimate Rights-of-Way document identifies its final typical section as six lanes in a 150' right-of-way. This segment of Shore Drive is within the limits of CIP Project #2.118.000 Shore Drive Corridor Improvements Phase IV, which has completed 30% design. The project is on hold pending additional funding and the completion of CIP Project 2.117.000 Shore Drive Corridor Improvements Phase III (Partial). The CIP project has no right of way impacts on the parcel. DuPont Circle is not named in the Master Transportation Plan and has no other roadway CIP project.

- The entrance shown on the conceptual plan does not comply with the geometric requirements in the Public Works Standards and Specifications Manual. The proposed entrance is wider than allowed. Additionally, the standards require entrances to have a thirty-foot throat length before the first parking space or internal drive aisle. The conceptual plan shows a throat length of less than twenty feet to the first parking space.

<b>TRAFFIC:</b>	<b>Street Name</b>	<b>Present Volume</b>	<b>Present Capacity</b>	<b>Generated Traffic</b>
	Shore Drive	26,200 ADT <sup>1</sup>	27,300 ADT <sup>1</sup>	Existing Land Use <sup>2</sup> – 278 ADT Proposed Land Use <sup>3</sup> – 64 ADT (6 AM Peak Hours; 7 PM Peak Hours)
<sup>1</sup> Average Daily Trips <sup>2</sup> as defined by .4 acres of B-4 Mixed Use zoning <sup>3</sup> as defined by 7 residential townhouses				

**WATER:** This site has an existing 5/8" water which may be used or upgraded to accommodate the development. There is a 6" City water line in DuPont Circle and a 16" city water main in Shore Drive.

**SEWER:** This site is connected to City sanitary sewer. Analysis of Pump Station #308 and the sanitary sewer collection system is required to ensure future flows can be accommodated. There is an 8" City gravity sanitary sewer main in DuPont Circle. There is an 18" HRSD force main and two 8" gravity sanitary sewer mains in Shore Drive.



**DEVELOPMENT SERVICES CENTER:**

- A hydrology study will be required to establish on-site and downstream drainage requirements and easements.
- Stormwater quality and quantity shall be addressed during detailed site plan review. On-site stormwater retention may be required in conjunction with the development.
- The site falls within Floodzone “AE” per the FEMA map. The finished floor of the structure, including the garages, shall be a minimum of one foot above the base flood elevation. Pavement for onsite parking shall be elevated at or above the 10 year flood event elevation.

**SCHOOLS:**

School	Current Enrollment	Capacity	Generation <sup>1</sup>	Change <sup>2</sup>
Thoroughgood Elementary	604	662	2	2
Great Neck Middle	1,106	1,200	1	1
Cox High	1,932	1,740	1	1

<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 generated students under the existing zoning and under the proposed zoning. The number can be positive (additional students) or negative (fewer students).

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## EVALUATION AND RECOMMENDATION

Staff recommends approval of this request with the conditions below. The proposed use is consistent with the Comprehensive Plan’s land use policies for SFA 1 – Shore Drive Corridor. The proposed residential development of this site as a townhome condominium community is more compatible with the existing adjacent residential neighborhood on the south side of Shore Drive than a commercial use allowed by right.

The Shore Drive Corridor Guidelines, prepared as a complement to the Shore Drive Corridor Plan, are applicable to this site. The area of the proposed development falls within the “Mixed Zone” as identified in the Design Guidelines. This portion of Shore Drive possesses a diverse mix of commercial and residential uses, primarily single-family, duplex, and multiple family dwellings. This site is within the portion of Shore Drive that runs through the Ocean Park neighborhood. The opportunity created in this zone as the roadway passes through Ocean Park is unique. The homes, some dating from the early 20th century, provide a defining design image for the area and the corridor.

Additionally the Design Guidelines recommends low and medium residential densities for the Ocean Park neighborhood. The applicant proposes seven units on .396 acres of land. The proposal is on the low end of permitted multiple family density for the corridor. Across Shore Drive, on the bay side, properties are developed between 24 and 36 units to the acre.

The applicant has used many of the Design Guidelines recommendations for the development. The Design Guidelines call for:

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**GORDON R. & BEVERLY H. PATRICK**  
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- Walls should be clad in wood, cedar shingles, hardboard siding, lightweight concrete siding, or shingles. Limited quantities (up to 50% of the façade area visible from Shore Drive) of brick, stone, exterior finishing insulation system (EIFS), or split-faced block are allowable. Cedar shake or good quality similar shake siding is encouraged. *The applicant proposes using cement fiber board for the siding.*
- Exposed foundation walls should be brick, split-faced block, or painted concrete. *The submitted elevations depict a brick skirt on the foundation.*
- Roofs of buildings should be pitched to maintain compatibility with the residential identity of the Ocean Park neighborhood. *The roof pitches are complementary to surrounding residential uses.*
- Porches should be wood, synthetic wood, or faced with brick or stone. Railing systems should be wood, painted steel, or vinyl. Columns should be wood or synthetic wood. *A condition of approval will require the windows, doors, railing, and columns are vinyl clad.*
- Fences along public right-of-ways should be compatible with the architectural style of the building. Materials should be brick, painted or stained wood, cedar left to weather naturally, and decorative vinyl or metal fence systems. *A condition of approval will require a six-foot high privacy fence with brick columns and landscaping along Shore Drive. A four-foot high decorative fence with brick columns and landscaping or decorative pergolas shall be installed in the open area of the site adjacent to DuPont Circle.*

The site design is slightly deficient with respect to setback requirements in the district. A 30-foot setback is required from the front property line (DuPont Circle), the plan depicts a 20 foot setback; a 15 foot setback is required adjacent to residential zoning (southern and eastern property lines) the plan depicts a varying setback of 5 feet to 21 feet. Staff feels the site design is consistent with other projects in the corridor and does not find the reduction in setbacks to be detrimental. Further the applicant met with adjacent property owners as well as the civic league and no objections were raised regarding the plan. The Ordinance allows that “The City Council may, for good cause shown and upon a finding that there will be no significant detrimental effects on surrounding properties, allow reasonable deviations from the following requirements otherwise applicable to the proposed development:

- (1) Required setbacks;
- (2) Required landscaping;
- (3) Height restrictions, except as provided in Section 202(b); and
- (4) Minimum lot area requirements.

The applicant also met with the Bayfront Advisory Committee (BAC) on May 19, 2012. The BAC found that the project substantially complies with the Shore Drive Corridor Plan, the ULI Bayfront study, the Comprehensive Plan, and the Shore Drive Corridor Plan.

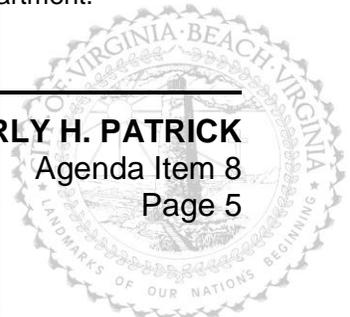
Staff finds the request acceptable and recommends approval subject to the conditions listed below.

## **CONDITIONS**

1. The site shall be developed substantially in accordance with the submitted “Conceptual Site Layout Plan of DuPont Circle Condos” prepared by MSA, P.C. and dated 05/16/12. Said plan has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.

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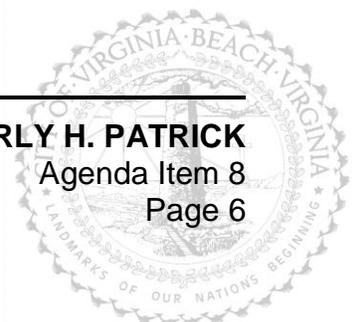
**GORDON R. & BEVERLY H. PATRICK**  
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2. The buildings shall be constructed in substantial accordance with the submitted elevations entitled "DuPont Circle Unit 5 / Shore Drive view, DuPont Circle Unit 5 / Parking Area view, DuPont Circle Unit 5 / End Unit, DuPont Circle Unit 2 / Front View, and DuPont Circle Unit 2 / Side View". Said elevations have been exhibited to the Virginia Beach City Council and are on file in the Planning Department.
3. Building materials shall consist of fiber-cement board siding and architectural grade roofing shingles. Brick skirting shall cover the foundation. The windows, doors, railings, and columns shall be vinyl clad.
4. The HVAC units and trash receptacles shall be screened from view with landscaping or fencing.
5. The applicant shall install a six-foot high privacy fence with brick columns and landscaping along Shore Drive. A four-foot high decorative fence with brick columns and landscaping or decorative pergolas shall be installed in the open area of the site adjacent to DuPont Circle.
6. All landscaping on the site shall adhere to the landscape recommendations in the Shore Drive Corridor Plan Appendices.
7. The applicant shall use pavers in the surface parking ~~areas~~ spaces to lessen impervious cover on the site.
8. The existing property lines shall be vacated via a resubdivision plat. A one foot no ingress /egress easement along Shore Drive may be required during detail subdivision review.
9. The applicant, as agreed upon, shall work with the Environment and Sustainability Office to determine an appropriate donation to the Live Oak Fund to help offset loss of the live oaks on the site, and to have the logs of the trees set aside for Friends of Live Oaks (<http://www.friendsofliveoaks.org>).

***NOTE: 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.***



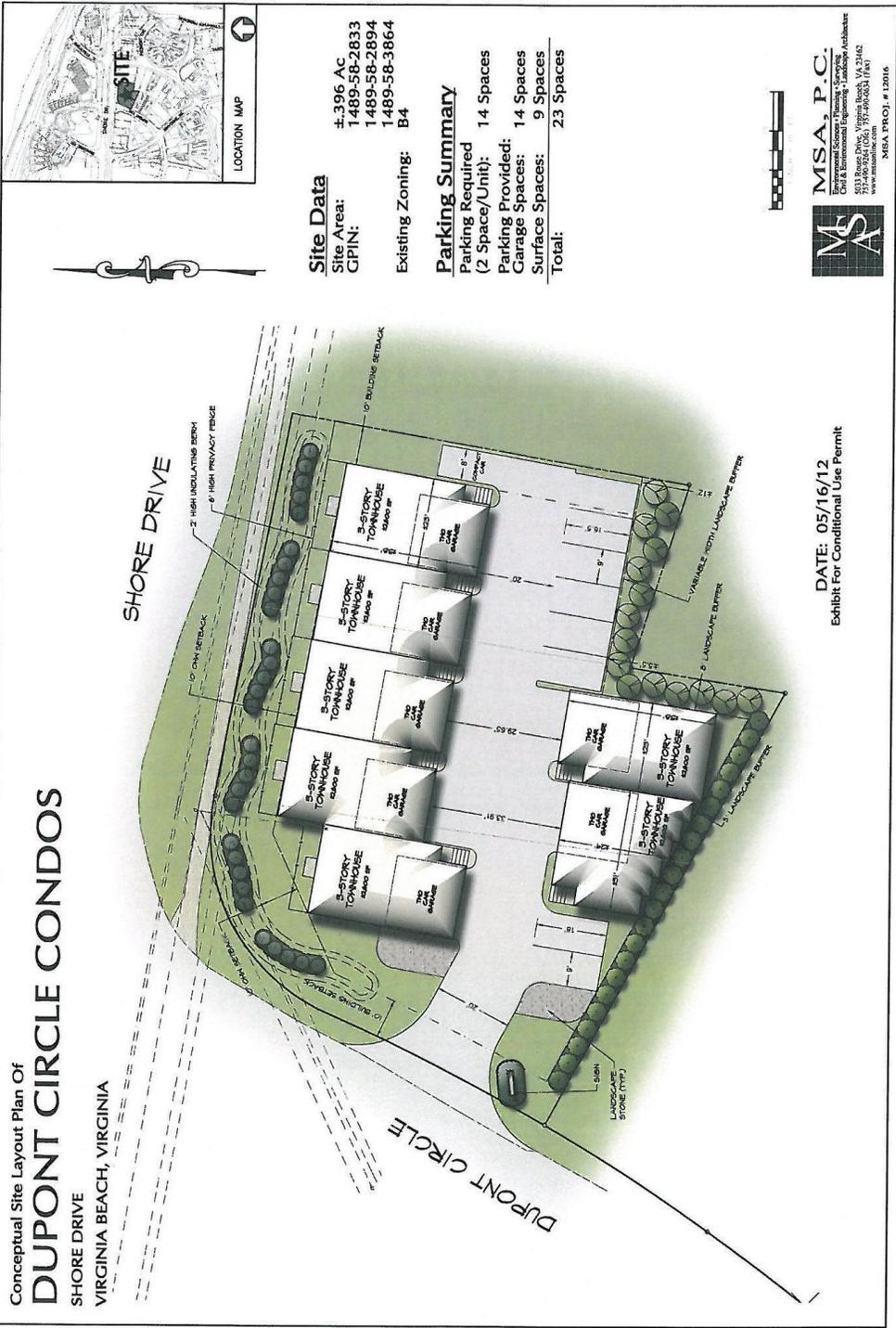


**AERIAL OF SITE LOCATION**

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Conceptual Site Layout Plan Of  
**DUPONT CIRCLE CONDOS**  
 SHORE DRIVE  
 VIRGINIA BEACH, VIRGINIA

**Site Data**  
 Site Area: ±.396 AC  
 GPIN: 1489-58-2833  
 1489-58-2894  
 1489-58-3864  
 Existing Zoning: B4

**Parking Summary**  
 Parking Required (2 Space/Unit): 14 Spaces  
 Parking Provided: 14 Spaces  
 Garage Spaces: 9 Spaces  
 Surface Spaces: 23 Spaces  
 Total: 23 Spaces

**MSA, P.C.**  
 Environmental Science - Planning - Surveying  
 Civil & Environmental Engineering - Landscape Architecture  
 203 J. Rouse Pope, Virginia Beach, VA 23462  
 757-435-1100 (Fax) 757-435-1101  
 www.msaonline.com  
 MSA PROJ. # 12016

DATE: 05/16/12  
 Exhibit For Conditional Use Permit

**PROPOSED SITE PLAN**

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DUPONT CIRCLE  
UNIT 5 / Shore Drive View



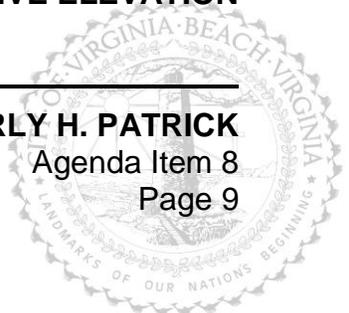
**SHORE DRIVE ELEVATION**

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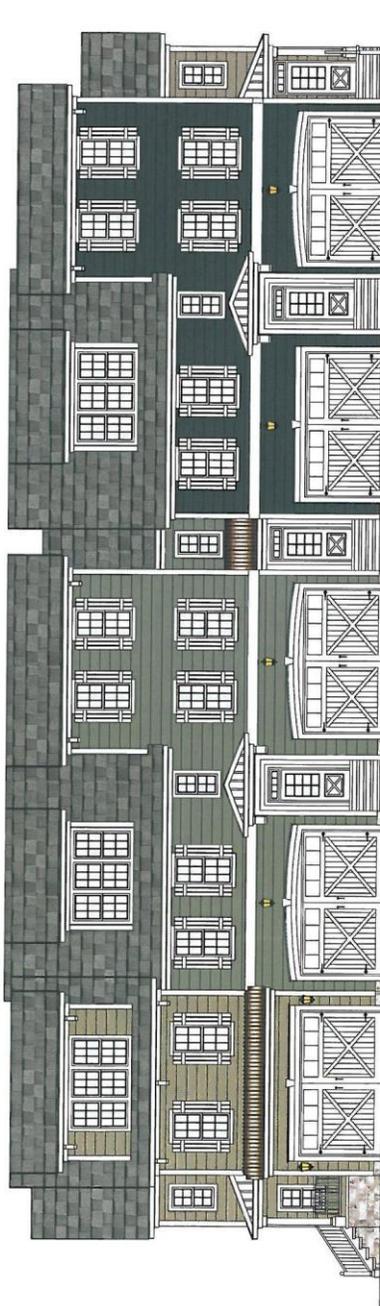
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DUPONT CIRCLE  
UNIT 5 / Parking Area View



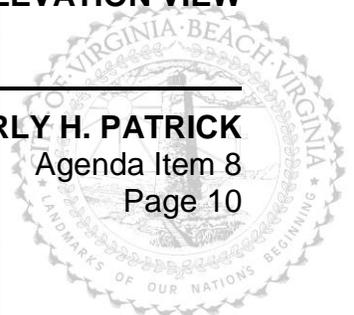
INTERIOR ELEVATION VIEW

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DUPONT CIRCLE  
UNIT 2 / Side View



**DUPONT CIRCLE ELEVATION**

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DUPONT CIRCLE  
UNIT 2 / Front View



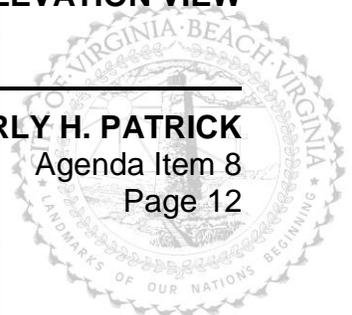
INTERIOR ELEVATION VIEW

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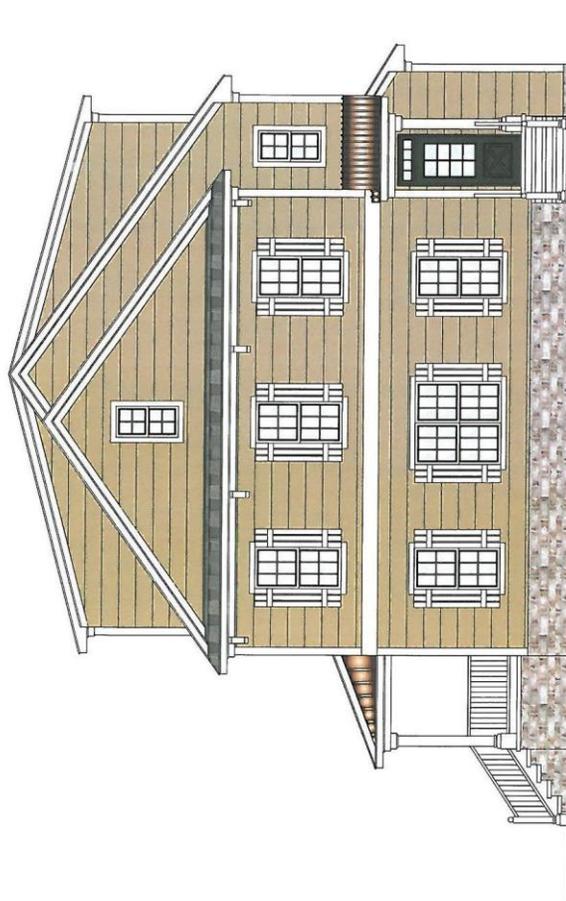
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DUPONT CIRCLE  
UNIT 5 / End Unit

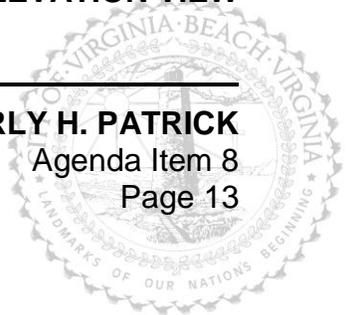


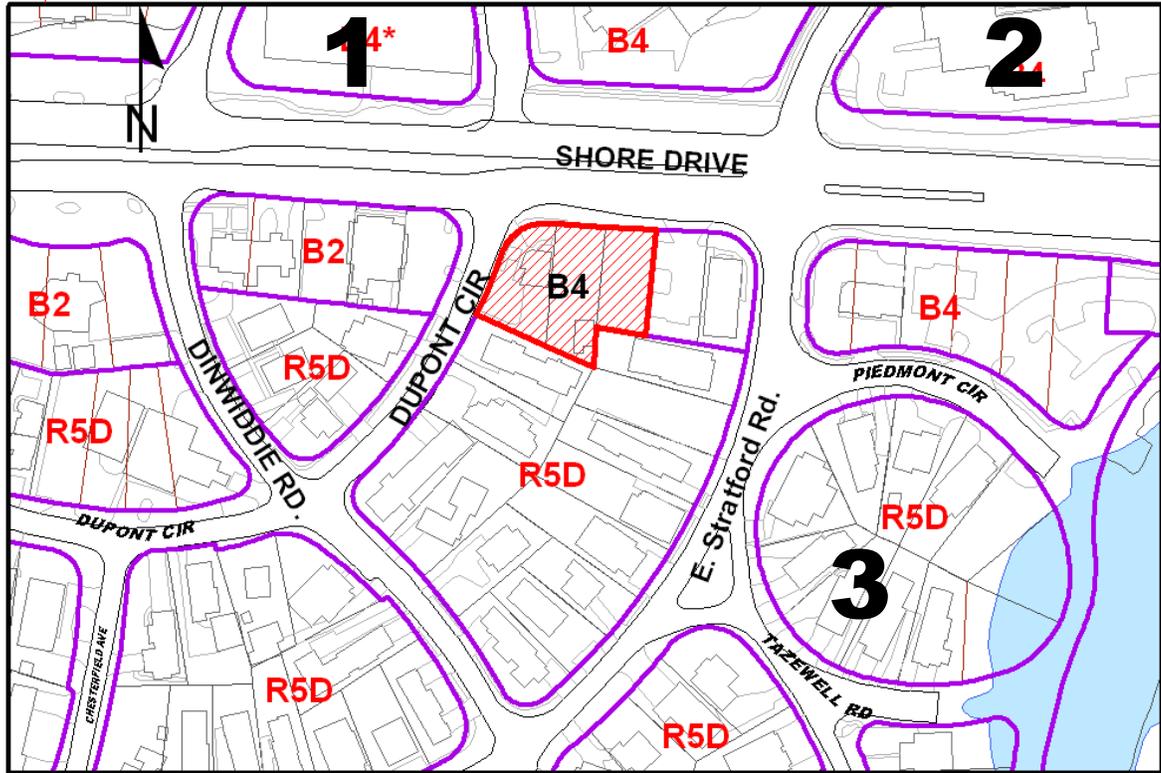
**EAST ELEVATION VIEW**

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\* Zoning with Conditions Proffers, Open Space Promotion or PDH-2 Overlays

**CUP for Multi-family dwellings**

Property is within Shore Drive Overlay

**ZONING HISTORY**

#	DATE	REQUEST	ACTION
1	11/25/03	Conditional Use Permit (Multiple family dwellings)	Approved
2	2/25/97	Conditional Use Permit (Convalescent home)	Approved
	8/23/94	Conditional Use Permit (Communication tower)	Approved
3	10/23/03	Modification of Conditions	Approved
.	10/24/00	Conditional Use Permit (Community boat dock)	Approved

**3**



DISCLOSURE STATEMENT

APPLICANT DISCLOSURE

If the applicant is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:

- 1. List the applicant name followed by the names of all officers, members, trustees, partners, etc. below: (Attach list if necessary)

Gordon R. & Beverly H. Patrick

- 2. List all businesses that have a parent-subsidiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant: (Attach list if necessary)

X Check here if the applicant is NOT a corporation, partnership, firm, business, or other unincorporated organization.

PROPERTY OWNER DISCLOSURE

Complete this section only if property owner is different from applicant.

If the property owner is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:

- 1. List the property owner name followed by the names of all officers, members, trustees, partners, etc. below: (Attach list if necessary)

- 2. List all businesses that have a parent-subsidiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant: (Attach list if necessary)

Check here if the property owner is NOT a corporation, partnership, firm, business, or other unincorporated organization.

<sup>1</sup> & <sup>2</sup> See next page for footnotes

CONDITIONAL USE PERMIT APPLICATION

DISCLOSURE STATEMENT

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CONDITIONAL USE PERMIT APPLICATION

DISCLOSURE STATEMENT

ADDITIONAL DISCLOSURES

List all known contractors or businesses that have or will provide services with respect to the requested property use, including but not limited to the providers of architectural services, real estate services, financial services, accounting services and legal services: (Attach list if necessary)

Sykes, Bourdon, Ahern & Levy, P.C.
MSA, P.C.
Bishard Development Corporation

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

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

CERTIFICATION: I certify that the information contained herein is true and accurate. I understand that, upon receipt of notification (postcard) that the application has been scheduled for public hearing, I am responsible for obtaining and posting the required sign on the subject property at least 30 days prior to the scheduled public hearing according to the instructions in this package.

Applicant's Signature: Gordon R. Patrick
Property Owner's Signature (if different than applicant): Beverly H. Patrick

Conditional Use Permit Application
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Revised 9/1/2004

DISCLOSURE STATEMENT

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