

Request

Conditional Rezoning (A-18 & A-24

Apartment Districts, R-7.5 & R-10 Residential Districts to Conditional PD-H2 Planned Unit Development (R-7.5 Residential, A-24 & A-36 Apartment Districts))

Staff Recommendation

Approval

Staff Planner

Hoa N. Dao

Location

2352, 2348 & 4701 Windway Lane; 4753 Birdsong Lane; 2324 & 2336 Pleasure House Road

GPINs

1479498223, 1479592736, 1479590821, 1479499651, 1479592334, 1479582958, 1479498478

Site Size

14.67 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Multi-family / A-18 Apartment

Surrounding Land Uses and Zoning Districts

North

Powells Point Road

Multi-family dwellings / A-12 Apartment

South

Greenwell Road

Single-family dwelling, duplex / R-5R Residential

East

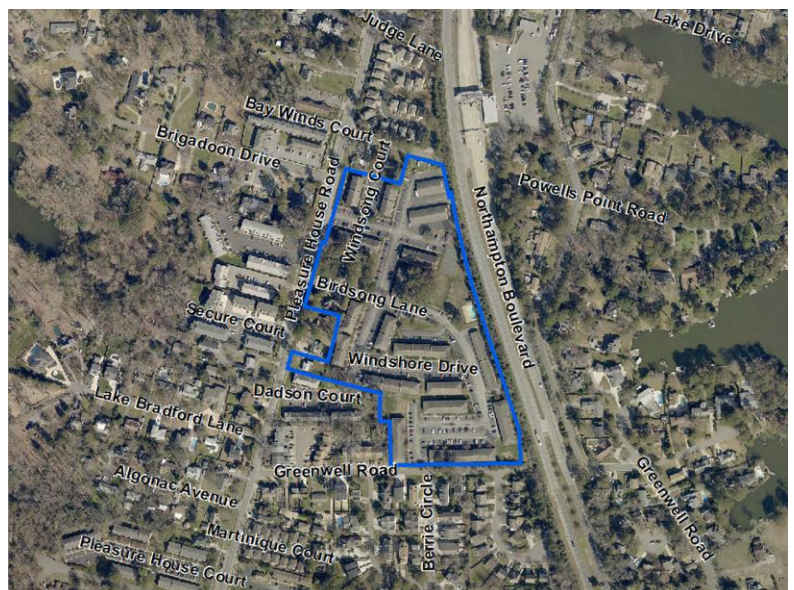
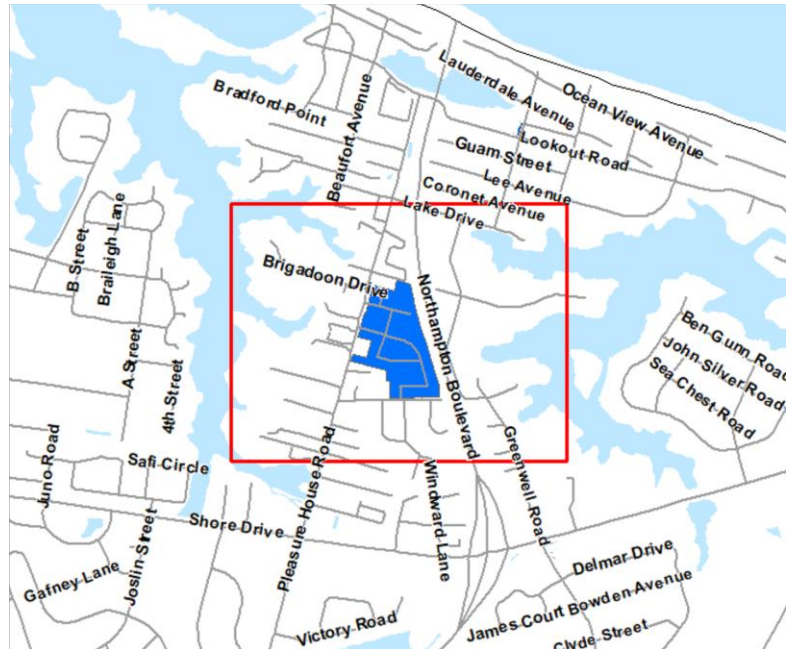
Northampton Boulevard

Single-family dwelling, duplex / R-10 Residential

West

Pleasure House Road

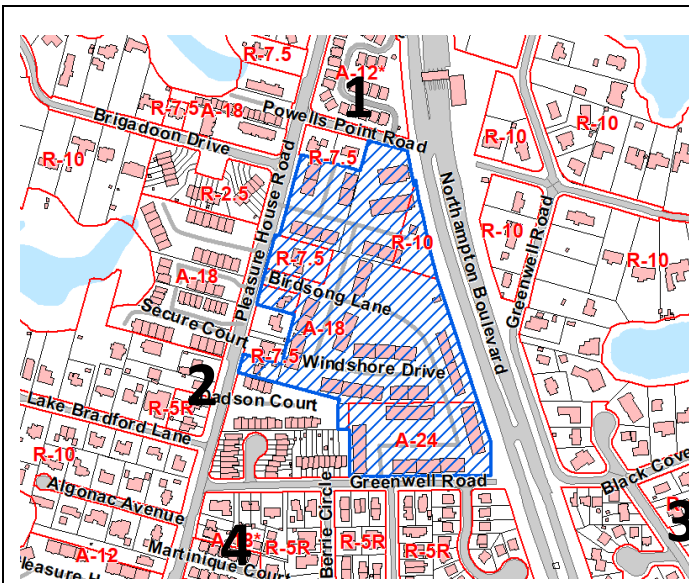
Multi-family dwellings / A-18 Apartment



Background & Summary of Proposal

- The applicant seeks a Conditional Rezoning of the subject properties from A-18 and A-24 Apartment Districts and R-7.5 and R-10 Residential Districts to Conditional PD-H2 Planned Unit Development (R-7.5 Residential, A-24 & A-36 Apartment Districts). The 14.67-acre site, comprised of the existing Windsong Apartments and one single-family dwelling, contains seven parcels and has frontage along Pleasure House Road, Northampton Boulevard, Powells Point Road, and Greenwell Road.
- There are currently 272 multi-family dwelling units in the Windsong Apartment complex that were developed in the late 1970s. The overall proposal includes the renovation of 13 existing, two-story apartment buildings (216 units); the demolition of three multi-family buildings (56 units); and the new construction of a three-story and two, four-story apartment buildings totaling 195 units. In total, the redevelopment will contain 411 dwelling units, a net increase of 139 units, and result an overall density of 28.02 units/acre. The proposed density for the A-24 zoning district is 23.90 units per acre and the proposed density for the A-36 zoning district is 35.94 units per acre. The existing single-family dwelling will remain, as depicted on the proffered plan.
- As depicted on the proffered plan, vehicular access is limited to two points along Pleasure House Road. No vehicular access is proposed or will be permitted along Northampton Boulevard, Powells Point Road, or Greenwell Road.
- The proffered elevations of the new structures depict coastal-inspired architecture, which will feature a neutral and earth-tone color palette with fiberglass shingles, cement lap siding, shingle siding and trim, brick veneer, and vinyl windows.
- The proposed three-story apartment building will be located at the main entrance into the complex along Pleasure House Road. The design includes projections and recesses along the facades to reduce the scale of the buildings and a tower element is also proposed for visual interest.
- The proposed four-story apartment buildings will be located along Northampton Boulevard, placing the taller buildings away from Pleasure House Road. Similar to the three-story buildings, the four-story buildings' facades include articulations of recesses and projections to reduce scale and provide visual interest.
- Existing two-story apartment buildings to remain will be renovated and exteriors upgraded to complement the architecture of the new buildings. The exterior upgrades include the installation of fiberglass shingles, fiber cement siding, and vinyl windows. The brick exteriors will be painted to reflect the color pallet and architectural style of the new buildings.
- The proffered concept plan depicts 695 parking spaces. Parking lots are split between the sides and rear of the buildings, whenever possible, to break up the expanse of paved areas. Pedestrian pathways will be provided to ensure improved connectivity throughout the development.
- Where possible, existing mature trees will be preserved, particularly along the eastern edge of the property adjacent to Northampton Boulevard, the adjacent single-family neighborhoods to the north and south, and along Pleasure House Road to the west. Additional plantings adjacent to the residentially-zoned properties are depicted on the proffered plan along with the required foundation plantings, parking lot interior plantings, and enhanced street frontage plantings. The proposed landscaping depicted on the proffered Concept Site Plan appears to meet the landscaping requirements; however, a more detailed review of all screening and planting requirements will occur during final site plan review.

- As the original development of the apartment complex predated the adoption and implementation of stormwater management requirements, there is no existing stormwater detention or treatment on-site. All requirements for stormwater quality and quantity as mandated in the City of Virginia Beach Public Works Design Manual are planned to be met by the installation of underground stormwater storage and manufactured treatment devices.



Zoning History

#	Request
1	REZ (A-18 A and B-2 to PD-H2 (A-12)) Approved 11/26/2002
2	SVR (Subdivision Variance) Approved 03/11/1992
3	SVR (Subdivision Variance) Approved 11/08/1994
4	REZ (A-12 & A-18 Apartment Districts to PD-H2 (A-18)) Approved 08/26/2002

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 & Recommendation

The proposed Conditional Rezoning request is consistent with the Comprehensive Plan's goals for the Suburban Area Bayfront Community that include the preservation and protection of the character, economic value, and aesthetic quality of established neighborhoods. The high-quality architectural design and building materials proposed are consistent with these goals. The proposed buildings will be compatible in use and context with the character of the surrounding community and will enhance the visual aesthetic of the site. The coastal-inspired architecture of the new buildings will have facades articulated to provide visual interest and aid in reducing the scale of the building. Overall, the project's design is in conformance with the Shore Drive Corridor Plan recommendations for preserving and protecting the character of the established neighborhoods, redevelopment of the corridor with an attractive residential community and enhancing the economic vitality.

The proffered concept plan depicts a 10-foot building setback along Northampton Boulevard and a five-foot building setback after the right-of-way dedication along Pleasure House Road. Both reduced setbacks are noted in the Land Use Plan identified in proffer 6 below. The reduced setback along Northampton Boulevard Staff believes to be warranted as there will be no vehicular access from Northampton Boulevard and there is an existing landscape buffer to aid in screening the new buildings. While less than ideal, Staff does support the 25-foot reduction of the required 30-foot building setback along Pleasure House Road. While the proposed building will be approximately 28 feet setback from the edge of pavement of Pleasure House Road, an imminent Capital Improvement Program (CIP) project along this portion of the right-of-way results in the applicant dedicating property to accommodate the planned improvements that will benefit surrounding property owners. These improvements include the installation of new curb and gutter, drainage improvements, bikeway accommodations, and a new five-foot wide sidewalk. This CIP is fully funded and scheduled to start construction in 2024. With the improvements proposed in this CIP, the building will be five feet from right-of-way

at its closest point. Based in this, Staff recommended to the applicant that the building be relocated to allow for additional separation of at least 20 feet from the public sidewalk and/or bike lane; however, the applicant was unwilling to modify this portion of the plan. According to the applicant, the building is located within five feet of the ultimate right-of-way in order to provide ample parking and drive aisles as well as sufficient open space areas.

The primary vehicular entrance is relocated north along Pleasure House Road with a secondary entrance provided for emergency access only. As mentioned above, the development does not have direct vehicular access to Northampton Boulevard, Powells Point Road, or Greenwell Road. To address concerns raised regarding the potential for negative traffic impacts as a result of the proposal, the applicant submitted a Traffic Analysis. While a Traffic Impact Study was not warranted as the threshold for such a study requires an excess of 150 vehicular trips in the peak hour, the applicant provided a Traffic Analysis. The Traffic Analysis indicates that the vehicular access point on Pleasure House Road will function adequately as a stop-controlled intersection and will not negatively affect traffic flow on Pleasure House Road. The Traffic Analysis also concluded that the addition of 139 apartments will not have a significant effect on the operations of the traffic signal at the Pleasure House Road and Shore Drive intersection. While the intersection operates over capacity at a Level of Service "E" in the evening peak hour, the additional apartment units will not result in a significant increase in vehicle delay or queueing. Traffic Engineering Staff reviewed the analysis and concur with the findings.

It is the applicant's intent to preserve as many of the mature trees on site as possible. The trees along the eastern edge of the property will help screen the busy Northampton Boulevard from the new units. The trees adjacent to the single and multi-family dwellings to the north and south and also along Pleasure House Road will continue to provide aesthetic relief to the built environment as well as immeasurable value to both the future residents of the apartment complex and the surrounding properties. Extensive plantings are proposed at the buildings' foundations, particularly along the street frontages. These plantings will be supplemented by the required parking lot interior plantings. As is typical in this phase of plan review, specific plant species have not yet been selected. A total of 15.1% of the site will be retained in open space, thereby meeting the Zoning Ordinance requirement of 15% for a PD-H2 development. The amenities for the proposed development include an outdoor swimming pool, courtyard, a children's playground, and a dog park.

Based on the 411 units proposed, 732 parking spaces are required as per the Zoning Ordinance. The submitted concept plan depicts 695 parking spaces (including 30 carport spaces), and as such, is 37 parking spaces shy of meeting the minimum requirement. Based on the Parking Study provided by the applicant, only 318 of the 506 existing parking spaces are anticipated to be occupied and after the redevelopment, approximately 130 parking spaces are anticipated to be unoccupied after 10:00 p.m. Additionally, similar apartment complexes developed and operated by the applicant throughout the Hampton Roads area are operating very satisfactorily with a parking ratio between 1.03 to 1.22 space per unit. The number of parking spaces is proffered at a parking ratio of 1.69 spaces per unit, which is far greater than the ratio of number of units to parking spaces in any of the five complexes included in the analysis. The proposal to set the PD-H2 parking requirement to a ratio of 1.69 spaces per unit is deemed acceptable.

As the property was originally developed prior to the adoption of stormwater management regulations, there is no existing provision for stormwater detention or treatment. Approximately half of the site's stormwater runoff drains to the municipal storm sewer in Pleasure House Road and the remaining portion drains to a culvert under Northampton Boulevard, all of which does so untreated. To meet the current stormwater quality and quantity requirements, underground stormwater storage and manufactured treatment devices are proposed in order to capture, treat and detain stormwater runoff before it leaves the site. This reduction in the flow of stormwater leaving this site will therefore provide a benefit to the downstream lakes. Based on citizen input, and as proffered, the applicant will be providing an additional 10,000 cubic feet of storage above code requirements. Additional details regarding stormwater management for the project can be found beginning on page 8 of this report.

With respect to school impacts, Virginia Beach City of Public Schools Staff finds that the number of students generated by the development can be accommodated within the school buildings for their respective grade and attendance zone. The schools are all currently within an acceptable utilization range of +/-10% of optimum capacity.

In summary, Staff finds the request consistent with the Comprehensive Plan’s vision for the Suburban Area Bayfront Community as outlined above. The proposed redevelopment features coastal-inspired architecture, the preservation of existing mature vegetation, and landscape enhancements to ensure a reasonable relationship to the surrounding residential neighborhood. Traffic is not expected to adversely impact adjacent roadways and intersections, stormwater management will be significantly enhanced, and the public schools are capable of accommodating future students from the apartments. While the reduced setback along Pleasure House Road is of concern, it is a result of the dedication of the applicant’s property in order to accommodate the imminent right-of-way improvements planned with Capital Improvement Program that is scheduled to begin in 2024. The articulations on the building’s west façade along with the planned streetscape plantings will aid in ameliorating the distance between the dwelling units and the public realm. The significant additional stormwater storage capacity above the minimum makes the existing site more resilient to future storms. Based on the considerations above, Staff recommends approval of this Conditional Rezoning request subject to the submitted proffers below.

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 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:

The Property, when redeveloped, shall be constructed in substantial conformity with the conceptual site plan prepared by Lorax Design Group, entitled “Windsong Apartments, Concept Site Plan” and dated October 2, 2020 (the “Concept Plan”), a copy of which is on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.

Proffer 2:

The number of multifamily residential units located on the Property, when redeveloped, shall not exceed a total of four hundred eleven (411).

Proffer 3:

The architectural design and quality of materials of the multifamily residential buildings constructed on the Property, when redeveloped, shall be in substantial conformity with the four-page exhibit prepared by J Price Architecture, entitled “Windsong Apartments, Conceptual Elevations” and dated August 29, 2019 and September 17, 2018 (the “Apartment 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 architectural design and quality of materials of the exterior recreational and clubhouse amenities, when redeveloped, shall be in substantial conformity with the exhibits entitled “Windsong Apartments, Pool Concept Sketch Plan” and dated October 3, 2019 (the “Windsong Amenities”), copies of which are on file with the Department of Planning and has been exhibited to the Virginia Beach City Council.

Proffer 5:

The landscaping to be installed on the Property when redeveloped shall be substantially as shown on the “Concept Plan” referred to in Proffer No. 1.

Proffer 6:

The regulations for the R-7.5, A-24 and A-36 zoning districts shall apply except for the following changes:

A-24

Minimum side yard setback – 10 feet, except adjacent to Pleasure House Road where setback is 5 feet
Maximum height for structures – 52 feet
Minimum parking spaces required – 2.15 per unit
Parking spaces shall be shared with A-36 zoned property
Maximum lot coverage of 70%

A-36

Minimum side and rear yard setback – 10 feet
Minimum lot width – 125'
Minimum parking spaces required – 1.19 per unit – Parking spaces shall be shared with A-24 zoned property

Proffer 7:

In addition to meeting the required stormwater requirements for the Property when it is redeveloped, Grantor shall provide an additional 10,000 cubic feet of storage capacity beyond the City's minimum requirements.

Proffer 8:

A lighting plan for the exterior portions of the Property when redeveloped shall be provided as part of the final site plan submittal. All exterior lighting shall be directed down and inward toward the property and away from adjacent properties.

Proffer 9:

Any trash compactors located on the Property when redeveloped shall be screened in accordance with the Virginia Beach Landscaping Guide.

Proffer 10:

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 finds the proffers acceptable as they provide a high level of predictability related to the ultimate site layout, vehicular ingress/egress, landscaping, building architecture and exterior building materials. The City Attorney's Office has reviewed the agreement and found it to be legally sufficient and in acceptable legal form.

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as part of the Suburban Area Bayfront Community, adjacent to the Shore Drive Corridor Suburban Focus Area (SFA). This area is characterized by many well-established neighborhoods, newer high-density residential development, neighborhood and resort commercial uses, significant parks and open spaces, and proximity to the Chesapeake Bay and Lynnhaven River. The Shore Drive Corridor is an integral part of the Bayfront Community, extending from North Independence Boulevard to First Landing State Park. While primarily a residential community, the corridor shares the responsibility of being one of Virginia Beach's primary east-west connectors. The area is considered a resort neighborhood and not a resort destination. While it is the most densely populated area of the City, it is primarily a neighborhood residential area. The general planning goals and policies in the Comprehensive Plan include preserving and protecting the character, economic value, and aesthetic quality of the established neighborhoods, while also achieving the lowest reasonable density for future residential uses.

The Shore Drive Corridor Plan, which is adopted by reference as an amendment to the Comprehensive Plan, is more specific about goals. It calls for protecting, restoring and enhancing the Shore Drive corridor; encouraging development and redevelopment of the corridor as an attractive residential community; and making improvements to current conditions in the corridor by strategically targeting limited financial resources.

Natural & Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Pleasure House Road	7,840 ADT ¹	12,500 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² – 2,011 ADT Proposed Land Use ³ – 3,009 ADT
¹ Average Daily Trips	² as defined by 272 multi-family housing units and 2 single-family units	³ as defined by 411 multi-family housing units	⁴ LOS = Level of Service

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

Pleasure House Rd in the vicinity of this application is considered a two-lane undivided collector street. The Pleasure House Road Street Improvements Phase II project is currently in the CIP with a scheduled construction start date of July 2024 and completion date of May 2026. This project will provide street and safety improvements along Pleasure House Road from Shore Drive to Lookout Road. Improvements will include new curb and gutter, drainage improvements, bike accommodations and a new five-foot wide sidewalk along Pleasure House Road.

Public Utility Impacts

Water

The site currently connects to City water. There are several water meters on this property that may be used or upgraded to accommodate the proposed development. There is an existing 10-inch City water main along Pleasure House Road. There is an existing six-inch City water main along N. Greenwell Road. There is an existing four-inch City water main along Powells Point Road. There is an existing eight-inch water main reducing to a six-inch City water main encroaching through the property along Birdsong Lane and Windway Lane.

Sewer

The site currently connects to City sanitary sewer. There is an existing 12-inch City sanitary sewer gravity main along Pleasure House Road. There is an existing eight-inch City sanitary sewer gravity main along Greenwell Road. There is an existing eight-inch City sanitary sewer gravity main along Powells Point Road.

Stormwater Impacts

Project Stormwater Design Summary

The subject property currently does not have any stormwater detention or treatment in place. Approximately half of the site runoff drains to the municipal storm sewer in Pleasure House Road and the remaining portion drains to a culvert under Northampton Boulevard.

The applicant obtained the Virginia Beach Stormwater Model for both Lake Bradford and Lake Joyce and evaluated it to verify the downstream conditions for a proposed Stormwater solution. Geotechnical investigations were conducted to identify groundwater considerations. The project intends to meet all requirements for stormwater quality and quantity as mandated in the Code of Virginia 9VAC25-840-40 and the City of Virginia Beach Public Works Design Manual. To meet those requirements, underground stormwater storage and manufactured treatment devices will be provided to both treat and restrict stormwater runoff before it leaves the site. Based on citizen input, and as proffered, the applicant will be providing an additional 10,000 cubic feet of storage above code requirements. The applicant anticipates that improvements from this project will reduce the flow of stormwater leaving this site and will therefore provide a benefit to the downstream lakes.

School Impacts

School	Current Enrollment	Capacity	Generation ¹	Change ²
Hermitage Elementary	619	662	41	14
Great Neck Middle	1,106	1,330	17	6
Cox High	1,746	1,986	18	6

¹“Generation” represents the number of students that the development will add to the school.
²“Change” represents the difference between the number of potential or actual students generated under the existing zoning and the number generated under the proposed zoning. The number can be positive (additional students) or negative (fewer students).

Public Outreach Information

Planning Commission

- The applicant met with and discussed the details of the request with the Bayfront Advisory Commission on February 21, 2019 and September 19, 2019.
- According to the applicant, a number of meetings with the community were held beginning in January 2019. These meetings included the following: the Chesapeake Beach Civic League on March 18, 2019; the Shore Drive Community Coalition on April 29, 2019; residents of the Thoroughgood Colony on August 18, 2020; and an open meeting with the community at Morning Star Baptist Church on December 2, 2019. Also, the applicant conducted outreach to individuals and business owners who own property in the vicinity of the site which included periodic email updates.
- To date, Staff has received one letter of support and 10 letters of opposition to the application. Concerns raised include adequacy of traffic, stormwater, schools, property values, and density.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on November 9, 2020.
- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, November 22, 2020 and November 29, 2020.

- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on November 23, 2020.
- 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 December 3, 2020.

Proffered Concept Site Plan

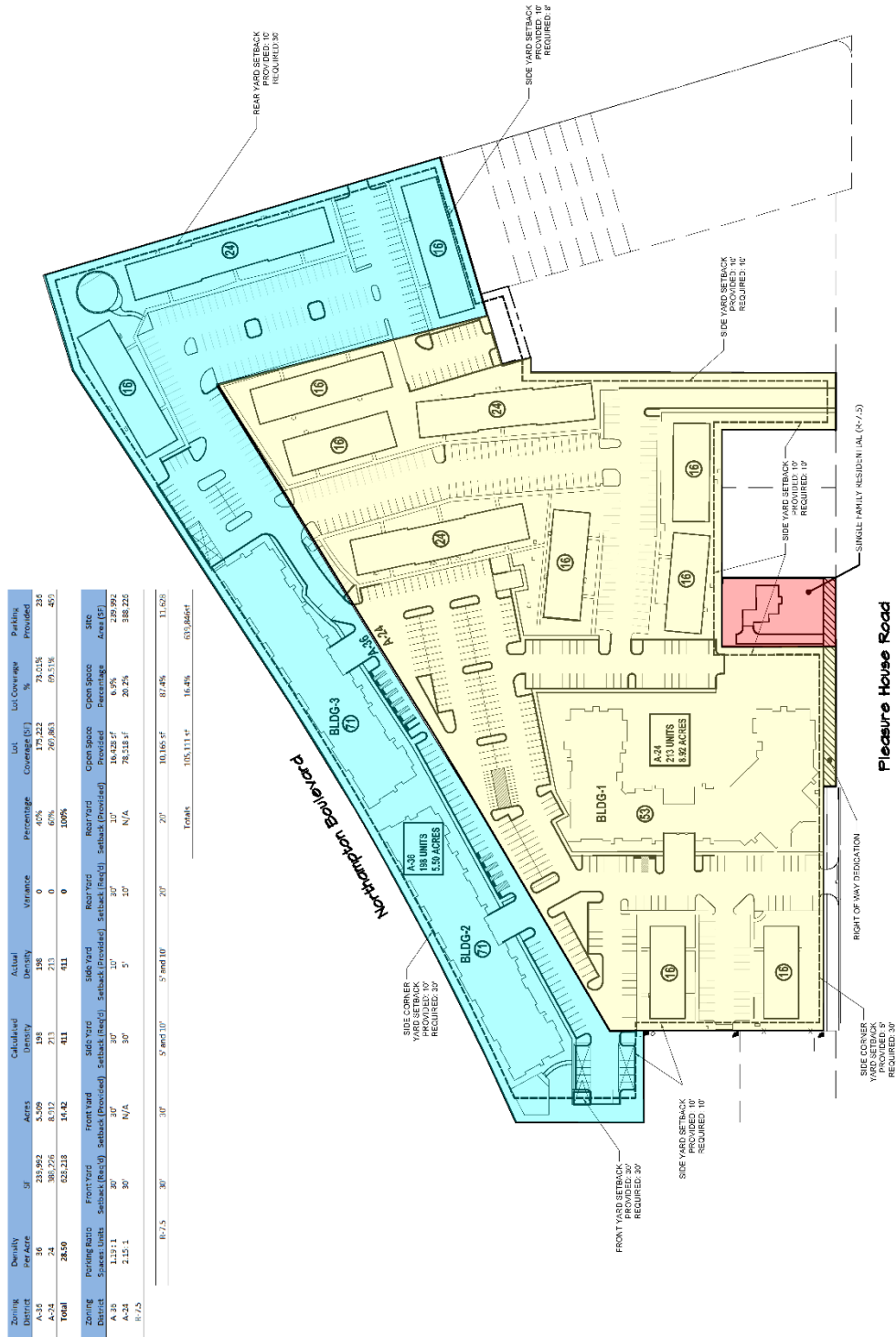


WINDSONG APARTMENTS Virginia Beach, Virginia - Concept Site Plan

October 2, 2020

Collier & Associates, LP
Agenda Item 7
Page 10

Proposed Zoning Exhibit

Windsong Zoning Exhibit
10/2/2020

Proposed Amenity Courtyard



Proffered Elevations



4-STORY APARTMENT BUILDING
PARTIAL ELEVATION

- Materials:**
- | | |
|--------------------------------------|---------------------------------------|
| 1. Architectural Fiberglass Shingles | 5. Cementitious Trim |
| 2. Cementitious Lap Siding | 6. Modular Brick Veneer |
| 3. Cementitious Panel Siding | 7. Architectural Vinyl Window Systems |
| 4. Cementitious Shingle Siding | 8. Standing Seam Roof |

WINDSONG APARTMENTS Virginia Beach, Virginia - Conceptual Elevations

August 29, 2019



J. PRICE ARCHITECTURE
101 West Kansas Street, Suite C
Liberty, Missouri 64068 816.792.3991
www.jpricearchitecture.com



3-STORY APARTMENT BUILDING
PARTIAL ELEVATION

- Materials:**
- | | |
|--------------------------------------|---------------------------------------|
| 1. Architectural Fiberglass Shingles | 5. Cementitious Trim |
| 2. Cementitious Lap Siding | 6. Modular Brick Veneer |
| 3. Cementitious Panel Siding | 7. Architectural Vinyl Window Systems |
| 4. Cementitious Shingle Siding | 8. Standing Seam Roof |

WINDSONG APARTMENTS Virginia Beach, Virginia - Conceptual Elevations

August 29, 2019



J. PRICE ARCHITECTURE
101 West Kansas Street, Suite C
Liberty, Missouri 64068 816.792.3991
www.jpricearchitecture.com

Proffered Elevations



Existing Garden Apartments - Conceptual Elevation

Not to Scale

Materials:

1. Architectural Fiberglass Shingles
2. Cementitious Shake Siding
3. Cementitious Trim
4. Existing Brick Veneer - Painted
5. Architectural Vinyl Window Systems
6. Pre-Finished Juliet Balcony

WINDSONG APARTMENTS Virginia Beach, Virginia - Conceptual Elevations

September 17, 2018



Existing Garden Apartments - Conceptual Elevation

Not to Scale

Materials:

1. Architectural Fiberglass Shingles
2. Cementitious Shake Siding
3. Cementitious Trim
4. Existing Brick Veneer - Painted
5. Architectural Vinyl Window Systems
6. Pre-Finished Juliet Balcony

WINDSONG APARTMENTS Virginia Beach, Virginia - Conceptual Elevations

September 17, 2018



Conceptual Renderings



Conceptual Renderings



Site Photos





APPLICANT'S NAME Collier & Associates, L.P.

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: Collier & Associates, L.P.
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-subsiadiary 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: Collier & Associates, L.P.
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-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 type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Lorax Design Group J Price Architecture
<input type="checkbox"/>	<input type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Timmons Group
<input 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)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Troutman Pepper LLP
<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?
<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.

	Collier & Associates, L.P.	
APPLICANT'S SIGNATURE	PRINT NAME	DATE

Disclosure Statement

List the names of all officers, directors, members, trustees, etc. below:

General Partners:

BWF Windsong, LLC
Dwight D. Dunton, III, Manager

Limited Partners:

Windsong GP, LLC
G. Gregory Leitz, Manager

Eunice N. Collier, Trustee of the
Eunice N. Collier Revocable Living Trust

G. Gregory Leitz

Bonaventure Wealth Fund, LLC
Dwight D. Dunton, III, 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.