

## Agenda Item 2

Application Number: 2024- WTRA-00214

Applicant: Westminster-Canterbury on Chesapeake Bay

Wetlands Board Public Hearing: December 16, 2024

City Council: District 8 (Taylor)



### Applicant's Agent

Kailey Martinez – Kimley-Horn & Associates

### Location

2350 Starfish Road

### GPIN

1590-00-9984, 1590-10-0956, 1590-11-2197

### Staff Planner

Hannah Sabo

### Proposal

To construct a pier involving coastal primary sand dune and beach.

### Waterway

Chesapeake Bay

### Subdivision

Westminster-Canterbury on Chesapeake Bay

### Impacts

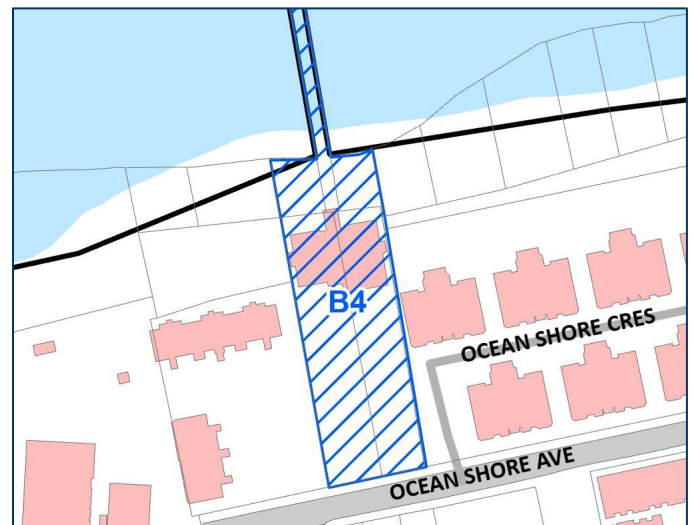
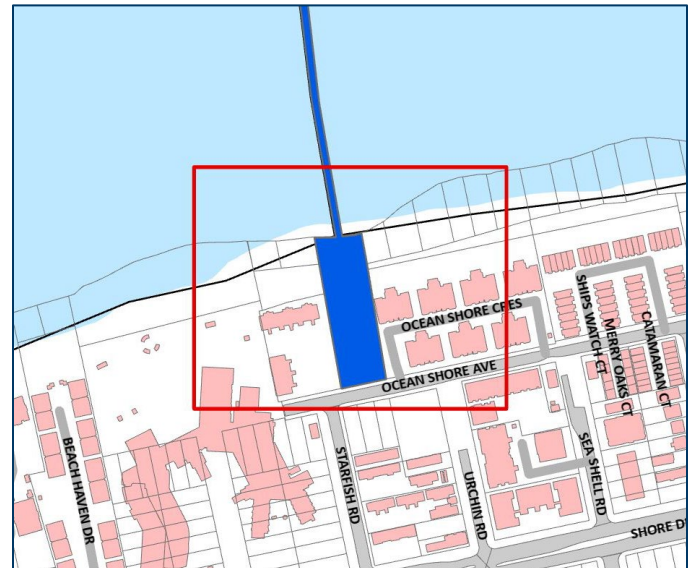
**Dune/Beach:** 15.3 square feet

### Proposed Mitigation and/or Compensation

N/A

### Staff Recommendation

Approval as Submitted



## Wetlands Board Permit History

The property is located within the Chesapeake Bay Watershed. Staff provides the following recent Joint Permit Application (JPA) items regarding the subject parcels associated with this Wetlands Board application:

- November 15, 2017 The Virginia Marine Resource Commission (VMRC) authorized the removal of approximately 1,100 linear feet of the existing fishing pier. Said removal occurred seaward of mean low water (MLW). No local Wetlands Board approval required with this request.
- September 18, 2023 The Wetlands Board approved the construction of a public beach access walkway with handicap ramp. An appeal of the Wetlands Board decision to the VMRC was upheld on October 24, 2023.
- February 22, 2024 The Wetlands Board approved the construction of a pavilion involving coastal primary sand dune/beach adjacent to the previously approved public beach access walkway and the expanded WCCB campus.

## Summary of Proposal

The applicant is proposing to construct a concrete pier to replace the existing timber pier. The proposed pier will be within the footprint of the existing pier, beginning at the previously approved pavilion and extending 229.5 feet over the existing sandy beach and into the Bay. The proposed pier is 229.5 feet long by 20 feet wide, expanding to 28.6 feet wide where the pier abuts the pavilion. Demolition of the existing pier is proposed as it has reached the end of its service life.

The overall area of the proposed concrete deck is 4,814 square feet and the pier's pile caps are proposed at 3 feet higher than the existing pile caps. Thirty-one, 20-inch diameter, hammer-driven precast concrete piles are proposed to support the decking. Seven piles impact the beach landward of MLW. The total proposed impact area is 15.3 square feet.

The primary purpose of the proposed pier is for the use of the residents of Westminster-Canterbury on Chesapeake Bay. The secondary purpose is to replace an aging structure.

## Evaluation & Staff Recommendations

The Coastal Primary Sand Dune Protection Act declares that it is the "policy of the Commonwealth whenever reasonably necessary to preserve and protect coastal primary sand dunes and to prevent their despoliation and destruction and whenever practical to accommodate necessary economic development in a manner consistent with the protection of such features." The proposed pier is within the footprint of the existing pier with 15.3 square feet of impacts above MLW. The Wetlands Board previously approved a 6,070 square feet pavilion and the 1,158 square feet public beach access walkway, both of which are within the footprint of a previously existing structure, the Fish House.

Accordingly, the Planning and Community Development Staff is of the opinion that the project is consistent with the Commonwealth's stated policy governing coastal primary dunes/beaches and recommends the project be **approved as submitted** as shown on the project plan set titled WCCB Pier Replacement, submitted October 18, 2024 and revised November 19, 2024, prepared by Kimley-Horn & Associates and received by VMRC on November 20, 2024.

## Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

## Site Aerial Map





## Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

**Appendix A: (TWO PAGES) Projects for Access** to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

**1. Briefly describe your proposed project.**

Westminster-Canterbury on Chesapeake Bay is proposing to construct a concrete pier to replace the existing timber pier. Demolition of the existing pier is proposed as it has reached the end of its service life.

The proposed pier will follow the footprint of the existing pier: 229.5 feet long by 20 feet wide. Where the pier abuts the Westminster-Canterbury on Chesapeake Bay Pavilion, the pier will be 28.6 feet wide. The 4,814 square foot (sf) cast-in-place concrete deck will be supported by precast concrete pile caps and thirty-one (31) hammer-driven precast concrete piles with a diameter of 20 inches. Seven piles impact the beach landward of MLW; the total impact area is 15.3 sf.

The proposed pier will have lighting and no other utilities. The proposed pier will not have vehicle traffic and no moored vessels.

The bottom of the proposed pier's pile caps will be approximately 3 feet higher than the bottom of the existing pier's framing. The adjacent pavilion was previously approved and is not part of this application.

**2. For private, noncommercial piers:**

Do you have an existing pier on your property? ☒ Yes ☐ No

If yes, will it be removed? ☒ Yes ☐ No

Is your lot platted to the mean low water shoreline? ☐ Yes ☒ No

What is the overall length of the proposed structure? 229.5 feet.

Channelward of Mean High Water? 203.2 feet.

Channelward of Mean Low Water? 196.7 feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands 0 square feet.

Tidal vegetated wetlands 0 square feet.

Submerged lands 0 square feet.

What is the total size of any and all L- or T-head platforms? N/A sq. ft.

For boathouses, what is the overall size of the roof structure? N/A sq. ft.

Will your boathouse have sides? N/A Yes ☐ No ☐

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

## Part 3 – Appendices (continued)

3. **For USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
  - a. The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
  - b. The applicant MUST provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
  - c. The applicant MUST provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #
N/A				

5. For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
  - A) Have you obtained approval for sanitary facilities from the Virginia Department of Health?  (required pursuant to Section 28.2-1205 C of the Code of Virginia).
  - B) Will petroleum products or other hazardous materials be stored or handled at your facility? .
  - C) Will the facility be equipped to off-load sewage from boats? .
  - D) How many wet slips are proposed? . How many are existing? .
  - E) What is the area of the piers and platforms that will be constructed over
    - Tidal non-vegetated wetlands  square feet
    - Tidal vegetated wetlands  square feet
    - Submerged lands  square feet
6. For **boat ramps**, what is the overall length of the structure?  feet.
  - From Mean High Water?  feet.
  - From Mean Low Water?  feet.

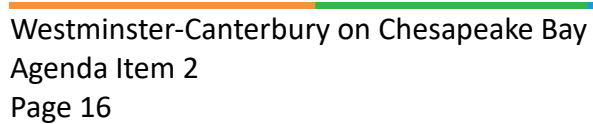
Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

**Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.**



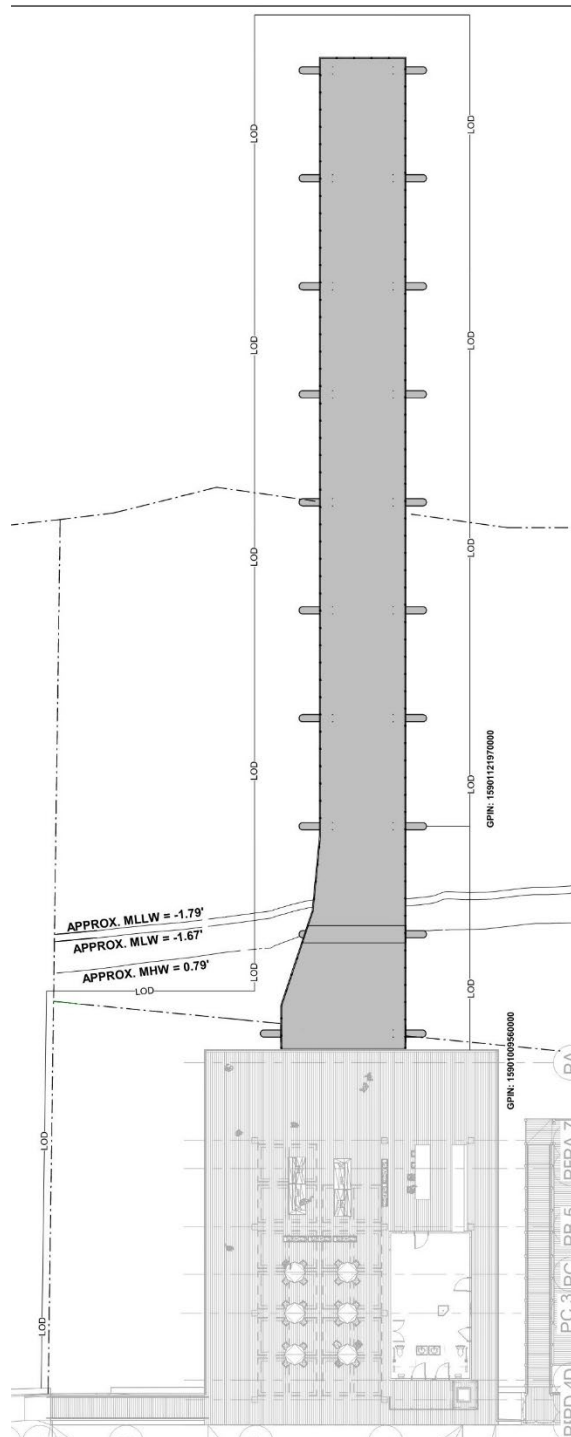
## Existing Conditions



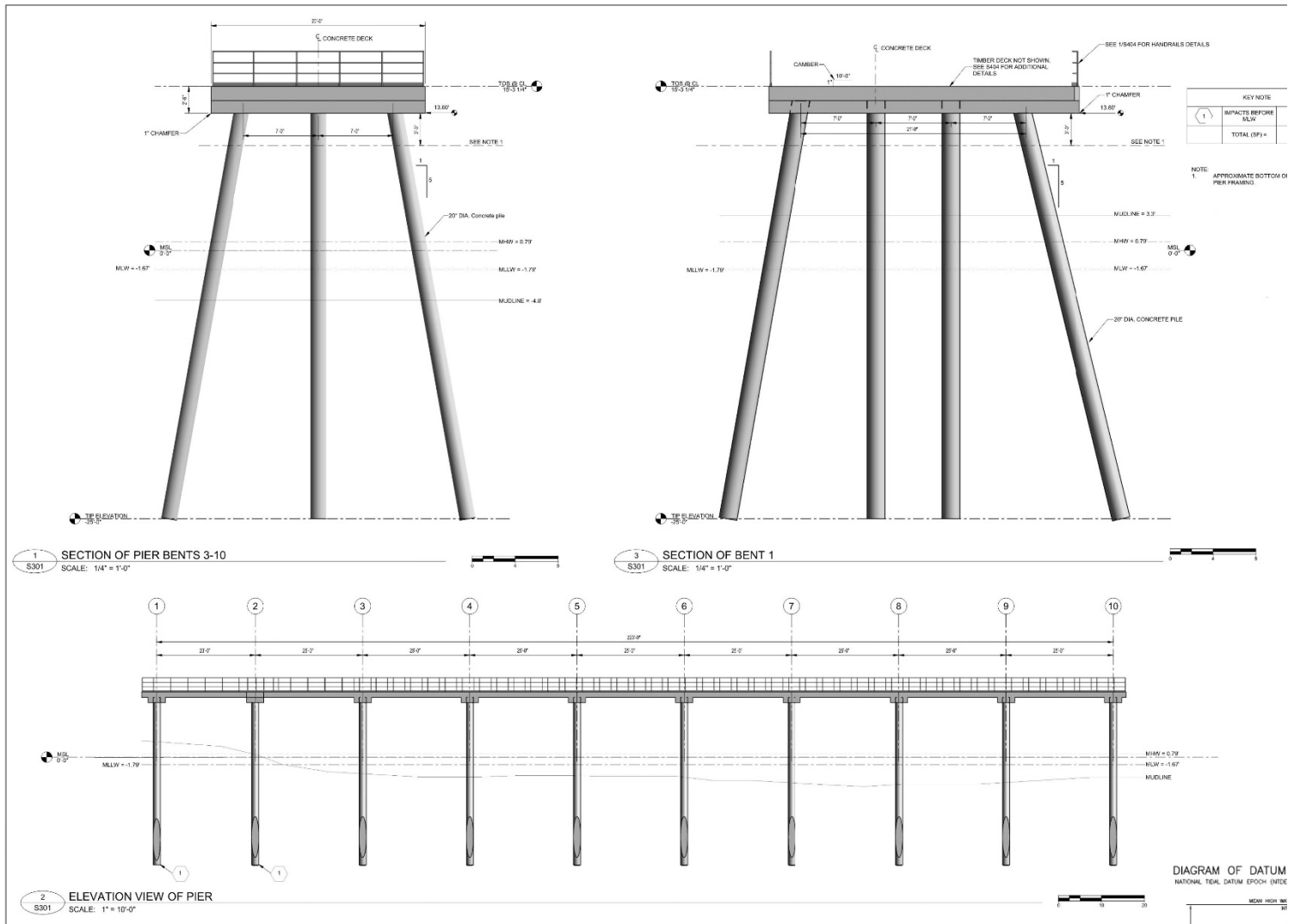




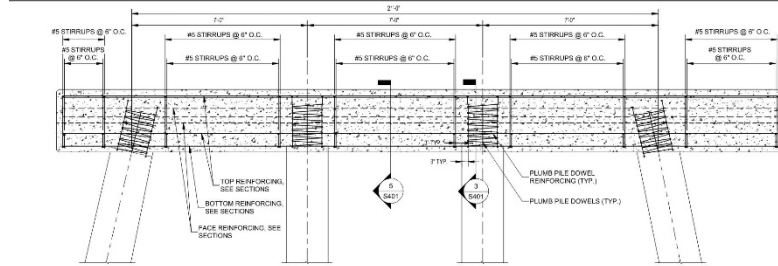
## Limits of Disturbance



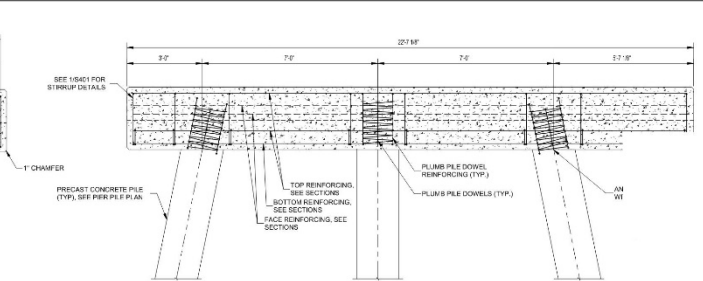
# Sections and Elevation



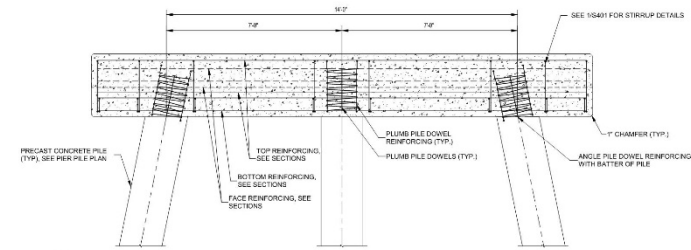
# Pile Cap Details



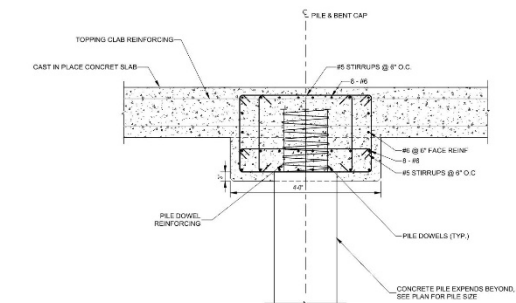
1 BENT 1 CAP DETAIL  
S401 SCALE: 1/2" = 1'-0"



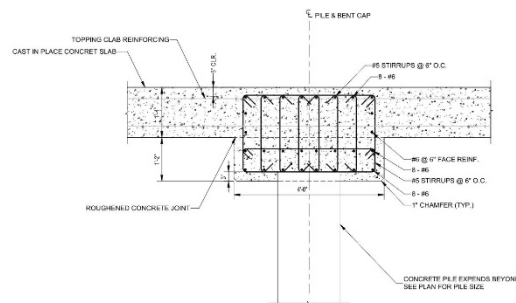
4 BENT CAP 2  
S401 SCALE: 1/2" = 1'-0"



2 BENT CAP 3-10  
S401 SCALE: 1/2" = 1'-0"



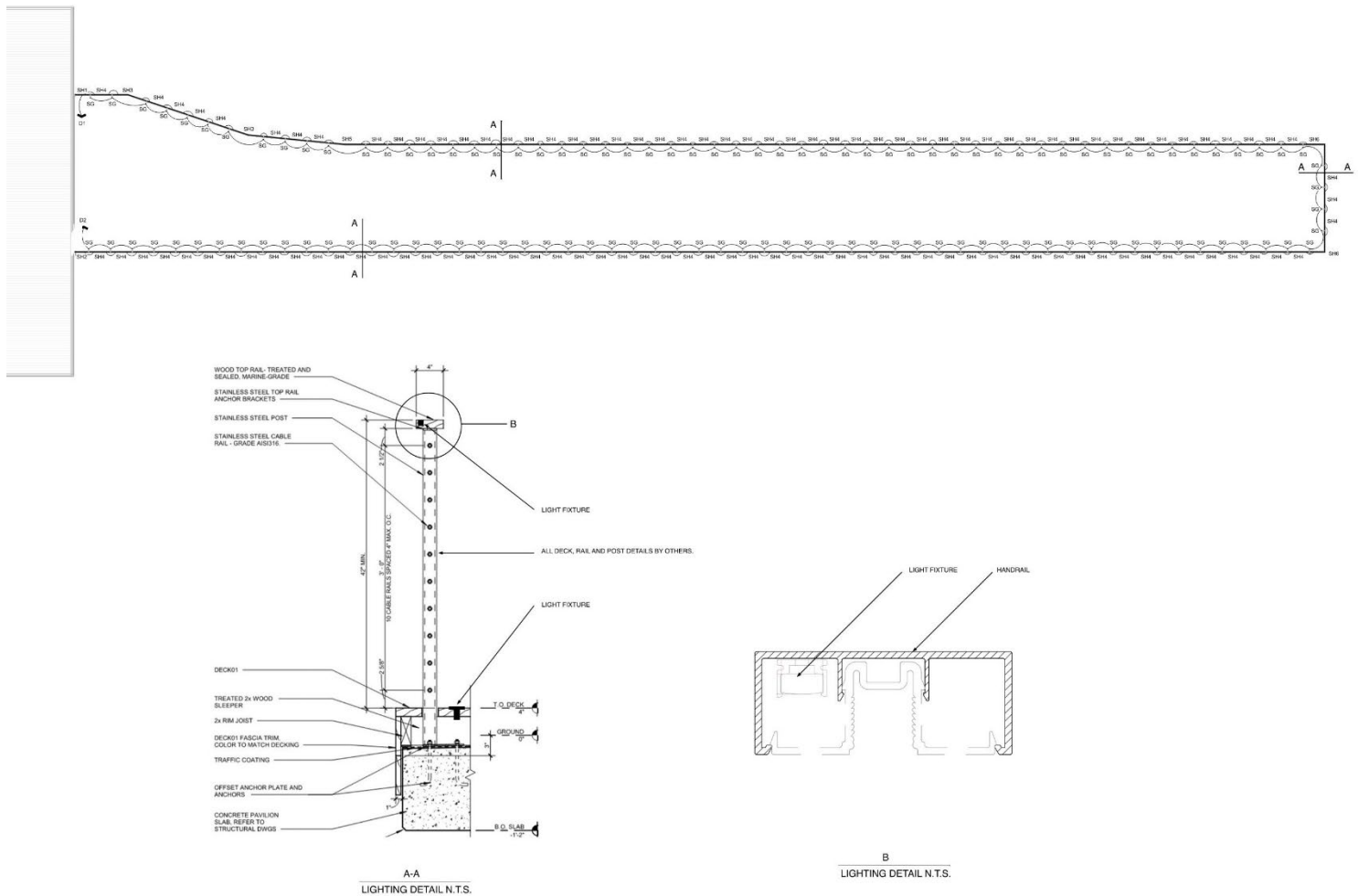
3 PILE CAP DETAILS - BENTS 1-10  
S401 SCALE: 3/4" = 1'-0"



5 PILE CAP SECTION - BENTS 1-10  
S401 SCALE: 3/4" = 1'-0"



## Lighting Plan



## Site Photos



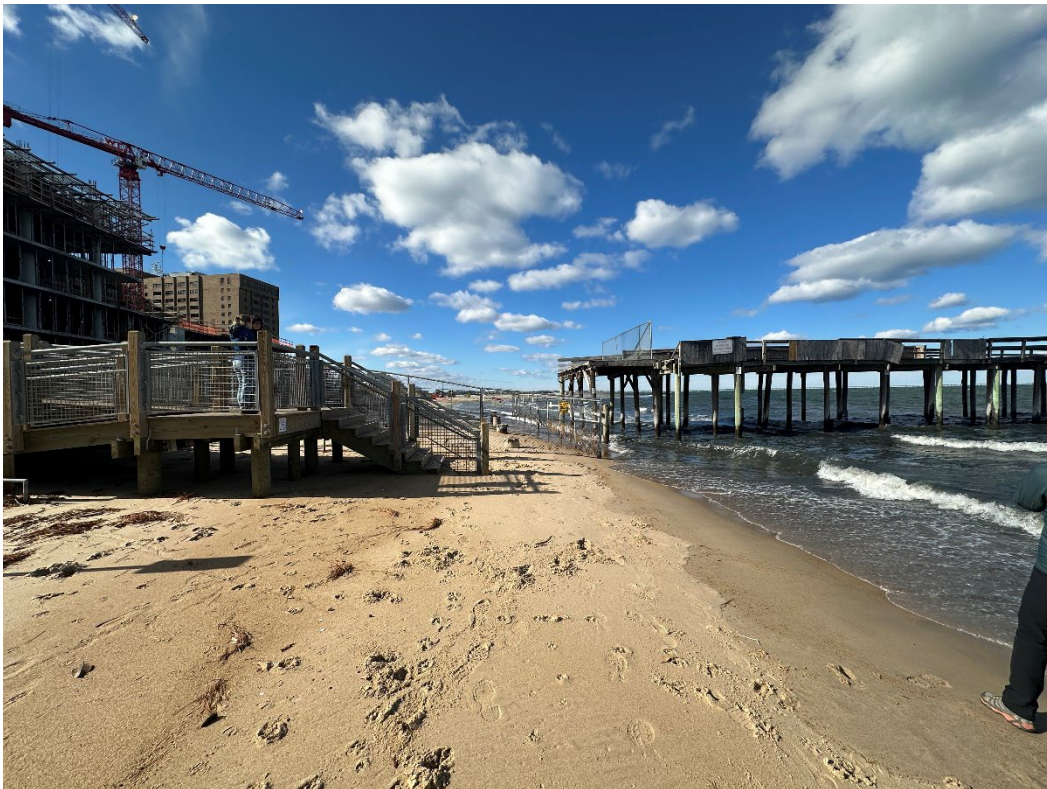


## Site Photos





## Site Photos





## Site Photos





CITY OF  
**VIRGINIA  
BEACH**

## Disclosure Statement

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. 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, boards, commissions, or other bodies.

### SECTION 1: APPLICANT DISCLOSURE

#### APPLICANT INFORMATION

**Applicant Name:**

as listed on application Westminster-Canterbury on Chesapeake Bay

**Is Applicant also the Owner of the subject property?** Yes ☒ No ☐

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

**Does Applicant have a Representative?** Yes ☒ No ☐

If yes, name Representative: Mark Borst

**Is Applicant a corporation, partnership, firm, business, trust or unincorporated business?** Yes ☒ No ☐

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach list if necessary.)

See attached.

**Does the subject property have a proposed or pending purchaser?** Yes ☐ No ☒

If yes, name proposed or pending purchaser:

#### KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

**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?** Yes ☐ No ☒

If yes, name the official or employee, and describe the nature of their interest.

#### APPLICANT SERVICES DISCLOSURE

**READ:** The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	JLL



## SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	<input checked="" type="radio"/>	<input type="radio"/>	CLA
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	Not yet awarded
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Kimley Horn, Waterways Surveyors, GET
Legal Services	<input type="radio"/>	<input type="radio"/>	RJN Law

### APPLICANT CERTIFICATION

**READ:** I certify that all information contained in this 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 three weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

Mark Borst  
Applicant Name (Print)

*Mark Borst*  
Applicant Signature

11-14-24  
Date

<sup>1</sup> "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.

<sup>2</sup> "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.

### FOR CITY USE ONLY:

No changes as of (date): 11/20/2024

Hannah Sabo  
Staff Name (Print)

Hannah Sabo  
Staff Signature

12/6/2024  
Date

## SECTION 2: PROPERTY OWNER DISCLOSURE

### PROPERTY OWNER INFORMATION

**Property Owner Name:**

as listed on application Westminster-Canterbury on Chesapeake Bay

**Is the Owner a corporation, partnership, firm, business, trust, or unincorporated business?** Yes ☐ No ☒

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the applicant. (Attach list if necessary.)

See attached.

**Does the subject property have a proposed or pending purchaser?** Yes ☐ No ☒

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If yes, name the official or employee, and describe the nature of their interest.

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SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	JLL
Accounting/Tax Return Preparation	<input checked="" type="radio"/>	<input type="radio"/>	CLA
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	Not yet awarded
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Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	RJN Law

### PROPERTY OWNER CERTIFICATION

**READ:** I certify that all information contained in this 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 three weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

J. Bryan Unke Jr.  
Property Owner Name (Print)

Westminster-Canterbury  
Property Owner Signature

11/19/24  
Date



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**Ex-Officio**

The Rt. Rev. Susan Haynes

3100 Shore Drive, Virginia Beach, VA 23451

Revised 6/28/2024