



Applicants **Baker Villas, LLC & Ocean Rental Properties, LLC**  
 Property Owners **Baker Villas, LLC; Ocean Rental Properties, LLC; James Edward Sollner; & Linda Susan Sollner**  
 Public Hearing **November 8, 2017**  
 City Council Election District **Kempsville**

Agenda Item

**D3**

**Request**

**Conditional Rezoning** (R-7.5 Residential to Conditional A-18 Apartment)

**Staff Recommendation**

Approval

**Staff Planner**

Jimmy McNamara

**Location**

504 Baker Road & 5501, 5505, 5513 Connie Lane

**GPINs**

1468408255, 1468407007, & portions of 1468500209, 1468409386, 1468409432, 1468407370, 1468407461

**Site Size**

3.63 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Wooded, vacant property / R-7.5 Residential

**Surrounding Land Uses and Zoning Districts**

**North**

Single-family dwellings / R-7.5 Residential  
 Connie Lane

**South**

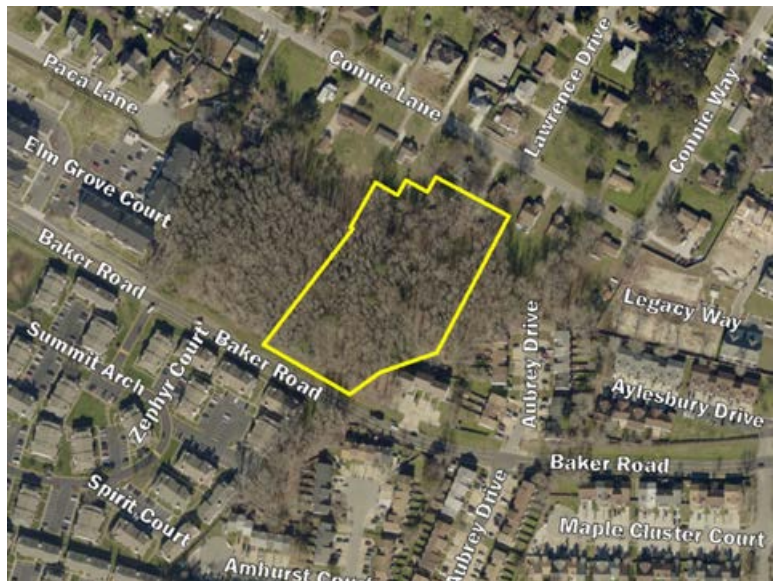
Baker Road  
 Multi-family & townhouse dwellings / A-12 & A-18 Apartment

**East**

Single-family dwelling & townhouse dwellings / R-7.5 Residential & A-18 Apartment

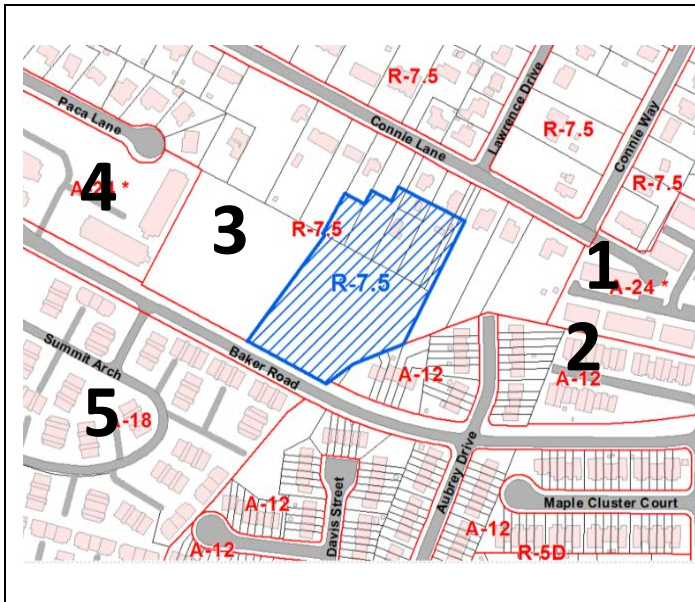
**West**

Wooded, City-owned open space / R-7.5 Residential



## Background and Summary of Proposal

- The 4.18-acre project consists of seven parcels, all currently zoned R-7.5 Residential District. The applicant is requesting a rezoning of 3.63 acres of these parcels to Conditional A-18 Apartment District to develop the site with 47 townhouse dwelling units (density of 12.9 units per acre). The remaining 0.55 acres adjacent to Connie Lane will remain zoned R-7.5 Residential. The existing single-family dwelling will remain on one of the parcels, and two new single-family dwellings are proposed, each on a newly created lot (see page 7 of the report).
- The new townhome community will be developed under a condominium form of ownership. The Condominium Unit Owners' Association will be responsible for maintaining all open spaces, common areas, landscaping and other improvements on the property.
- The townhouse portion of the development is proposed to be accessed by a single point of ingress/egress along Baker Road. A secondary gated emergency access is proposed via an easement across the single-family dwelling lots, as depicted on the concept plan on page 8 of this report. The applicant intends on using grass pavers within this area. No structures or fencing will be allowed within the easement to ensure accessibility.
- As required by the Zoning Ordinance, each of the townhomes will be have two parking spaces on a driveway. Multiple visitor spaces are depicted on the plan throughout the site for a total of 117 onsite parking spaces for the 47 townhouse units.
- Community amenities, such as pergolas and benches, are proposed along the western property line. A berm with plant material is proposed along Baker Road. A freestanding brick monument sign is depicted on the plan at the entry into the development at Baker Road.
- As the site is adjacent to residentially zoned property, a 10-foot wide yard with Category IV buffer is required along these three property lines; however, the concept plan depicts an eight-foot wide buffer along both the eastern property line and a portion of the western property line. A deviation is requested as portions of the eastern side of the property either border parcels zoned A-12 Apartment District, where no landscape buffer is required, or a wooded backyard of a R-7.5-zoned parcel. The western portion of the property, also where a deviation is requested, is adjacent to a City-owned parcel that is maintained by the Department of Parks and Recreation in anticipation of becoming a future park. The required 10-foot buffer is depicted along the property's northern boundary line and along a portion of the western boundary line.
- No onsite stormwater detention area is depicted on the submitted concept plan. Staff has informed the applicant that after a preliminary analysis, it appears that some type of onsite storage will more than likely be required to address the required stormwater regulations, as the site is completely wooded and the proposed impervious coverage will be approximately 41%.
- Each of the townhouses is proposed with a backyard that will be enclosed by a six-foot solid wood fence.
- The dwellings will be two and a half stories and will be constructed with vinyl as the exterior building material. The units will be 2,000 square feet in size. Each of the units will contain either a one or two-car garage with craftsman-style doors and trim. The front of the units are also depicted with columned porches with standing seam metal roofing. Multiple gabled projections and dormers assist provide relief along the roofline.



### Zoning History

#	Request
1	CRZ (Conditional A-12 to Conditional A-24) Approved 10/09/2012 CRZ (I-1 & R-7.5 to Conditional A-12) Approved 05/22/2007 STC Approved 05/22/2007
2	REZ (R-6 to A-12) Approved 06/25/1985
3	REZ (R-6 to B-2) Denied 07/08/1974
4	CRZ (I-1 to Conditional A-36) Approved 08/28/2007 CRZ (Conditional A-36 to Conditional A-24) Approved 02/12/2013
5	REZ (B-2 to A-2) Approved 06/27/1983

### 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

## Comprehensive Plan Recommendations

The Comprehensive Plan identifies this site as being located within the Suburban Area. The general planning principles for the Suburban Area focus on creating and maintaining great neighborhoods through stability and sustainability; protecting and enhancing open spaces and places of cultural and historical significance; and creating and maintaining a transportation system that provides connectivity and mobility. Achieving these goals requires that all land use activities either maintain or enhance the existing neighborhood through compatibility with surroundings, quality and attractiveness of site and buildings, improved mobility, environmental responsibility, livability, and effective buffering with respect to type, size, intensity, and relationship to the surrounding uses.

## Natural and Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. The site is currently entirely wooded and undeveloped. There is a ditch system that transports stormwater running east to west through the middle of the site. Other than the timber associated with the trees, there do not appear to be any significant natural or cultural resources associated with the site.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Baker Road	4,448 ADT <sup>1</sup>	6,200 ADT <sup>1</sup> (LOS <sup>4</sup> "C") 11,100 ADT <sup>1</sup> (LOS <sup>4</sup> "E")	Existing Land Use <sup>2</sup> – 127 ADT Proposed Land Use <sup>3</sup> – 273 ADT
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by 3.63 acres of property zoned R-7.5	<sup>3</sup> as defined by 47 townhouse dwellings	<sup>4</sup> LOS = Level of Service

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

Baker Road in the vicinity of this application is considered a two-lane undivided collector street. The MTP proposes a two-lane facility within a 70-foot right-of-way. The Baker Road Extended (CIP 2-071) project provided for a two-lane collector street within a 70-foot right-of-way from Bulls Bay Drive to just west of Holly Farms Drive and a signalized intersection at Witchduck Road.

## Public Utility Impacts

### Water

This site must connect to City water. There are existing eight-inch City water mains within Connie Lane and Baker Road. The main under Baker Road is approximately 80 feet to the east of the site and may be extended to serve the proposed development.

### Sewer

This site must connect to City sanitary sewer. There is an existing 10-inch City gravity sanitary sewer main within Connie Lane.

It is the Department of Public Utilities' desire that each unit be served by a single and exclusive water service line and meter, and a single and exclusive sanitary sewer lateral and cleanout. These service lines would be connected to City mains within an appropriately sized public utility easement along the private roadway.

## School Impacts

School	Current Enrollment	Capacity	Generation <sup>1</sup>	Change <sup>2</sup>
Tri-Campus Elementary	1,565	1,626	6	3
Bayside Middle	1,007	1,264	3	1
Bayside High	1,799	1,827	3	0

<sup>1</sup> "Generation" represents the number of students that the development will add to the school.

<sup>2</sup> "change" represents the difference between the number of potential or actual students generated under the existing zoning and the number generated under the proposed zoning. The number can be positive (additional students) or negative (fewer students).

## Evaluation and Recommendation

The proposed development of this site with 47 townhouse-style dwellings at a density of 12.9 units per acre is consistent with the density of other development projects in the surrounding area along Baker Road. While the Zoning Ordinance does not require a minimum area of open space, the concept plan depicts approximately 28,000 square feet of open space on the site. As noted above, the City-owned property to the west will likely be developed as a park at some point in the future, which will serve the residents and provide the residents opportunities to recreate.

As stated previously, the submitted site layout does not depict any onsite detention for stormwater. Development Services Center and Public Works stormwater engineers have reviewed information pertaining to the stormwater strategy of the site. Upon their review, it appears that some area may be needed for onsite detention. The applicant is aware and understands that the proposed site layout, and perhaps ultimately the number of units, may need to be altered as a result of the final analysis.



Right-of-way improvements will be required to be installed along Baker Road, and will be required to be depicted on the construction plans. Improvements include, but may not be limited to, a new sidewalk, curb and gutter, and street lighting. Additionally, a shared-use path is depicted on the site layout, reflective of the planned shared-use path recommended by the 2011 Bikeways and Trails Plan.

While landscaping is proposed along nearly the entire perimeter of the site, the proposed eight-foot wide buffer along the eastern and western property lines is deficient in meeting the minimum requirement. As there are no existing single-family dwellings immediately adjacent to the areas where the buffer is reduced, Staff's view is that the deviation is acceptable.

Based on the considerations above, Staff recommends approval of the request as proffered 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 in an attempt to "offset identified problems to the extent that the proposed rezoning is acceptable," (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

### **Proffer 1:**

When the Property is developed, it shall be as a residential condominium, substantially in accordance with the "WILLOW PINES CONCEPTUAL SITE PLAN VIRGINIA BEACH, VIRGINIA", dated April 28, 2017, prepared by Land Planning Solutions, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Concept Plan").

### **Proffer 2:**

When the Property is developed, it will have a heavily landscaped entrance feature with a brick monument style sign and will include landscaped buffers with perimeter fencing and pergolas as described on the Concept Plan, which shall be substantially as depicted on the exhibits entitled, "Willow Pines Streetscape" and "Willow Pines Community Amenities" dated April 28, 2017, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (the "Streetscape" and "Community Amenities").

### **Proffer 3:**

The total number of dwelling units permitted to be constructed on the Property shall not exceed forty-seven (47). Each dwelling unit shall contain a minimum of 1600 to 2200 square feet of living area, and a one (1) or two (2) car garage.

### **Proffer 4:**

The architectural design and exterior building materials of the residential buildings will be substantially as depicted and described on the three (3) page exhibit "PROPOSED 2.5 STORY BRICK AND FRAME TOWNHOUSE DWELLING PREPARED FOR BISHARD HOMES", dated 2/27/2017 prepared by JON BENGSTON, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (the "Elevations").

### **Proffer 5:**

When the Property is developed, the Grantor shall record a Declaration submitting the Property to the Condominium Act of the Commonwealth of Virginia. The Condominium Unit Owners' Association shall be responsible for maintaining all open spaces, common areas, landscaping and other improvements on the Property as depicted on the Concept Plan. Membership, by all residential unit owners, in the Condominium Association shall be mandatory.

**Proffer 6:**

The areas depicted on the Concept Plan which will not be occupied by residential dwellings, patios (fenced or unfenced), drive aisles, and parking areas are open spaces which shall be utilized as such. Open spaces shall be maintained and used by the Condominium Association consistent with the intent and regulations set forth in Article 3 of the Zoning Ordinance ("Preservation District").

**Proffer 7:**

Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

**Staff Comments:**

The above proffers are acceptable and provide confidence that the site shall be developed as depicted on both the submitted concept plan and the building elevations.

*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.*

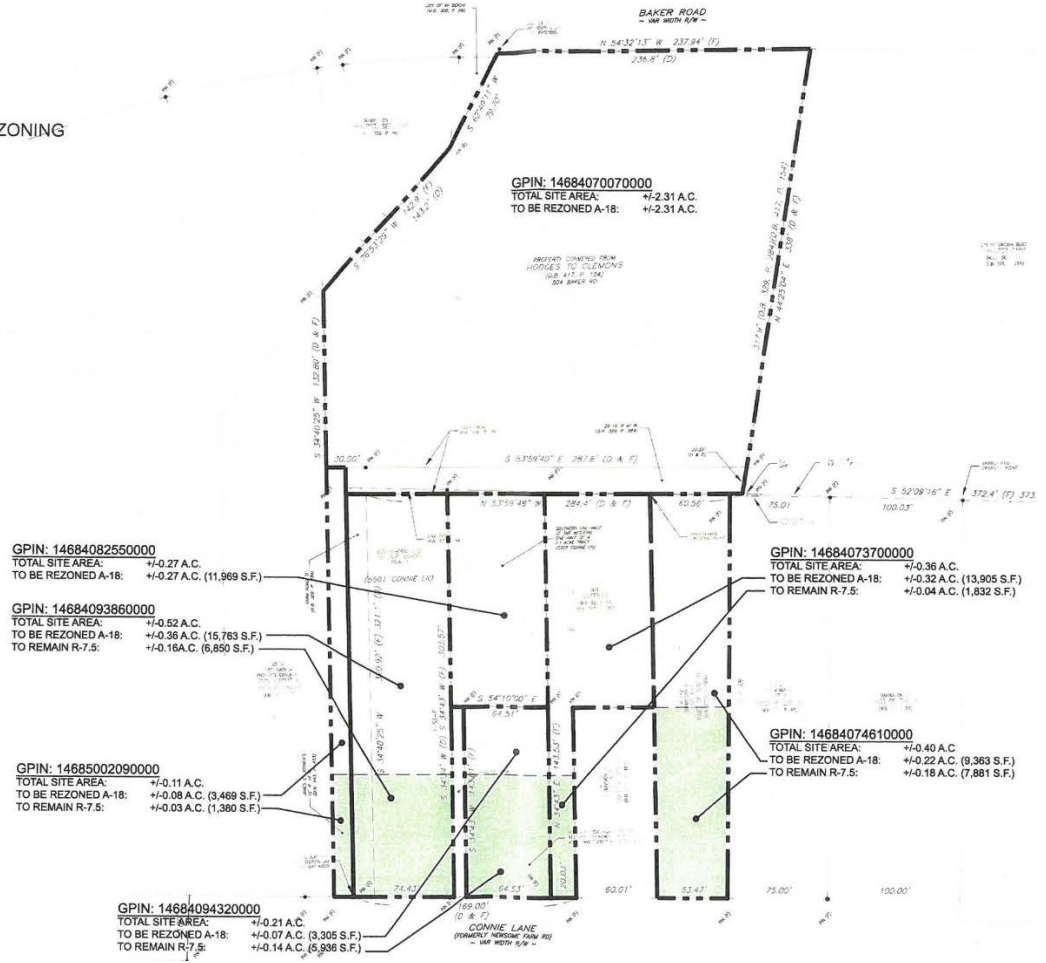
*The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.*

# Baker Villas Rezoning Exhibit

Virginia Beach, Virginia  
April 27, 2017

**LEGEND**

- +/-3.63 A.C. PROPOSED A-18 ZONING
- +/-0.55 A.C. TO REMAIN R-7.5



# Proposed Site Layout

47 units  
 d: 12.9 du/ac  
 d: 117 spaces  
 41% (Buildings, drives, & parking)





# Proposed Elevations



Front Elevation 3/16" = 1'0"



Rear Elevation 3/16" = 1'0"



Left Elevation 3/16" = 1'0"

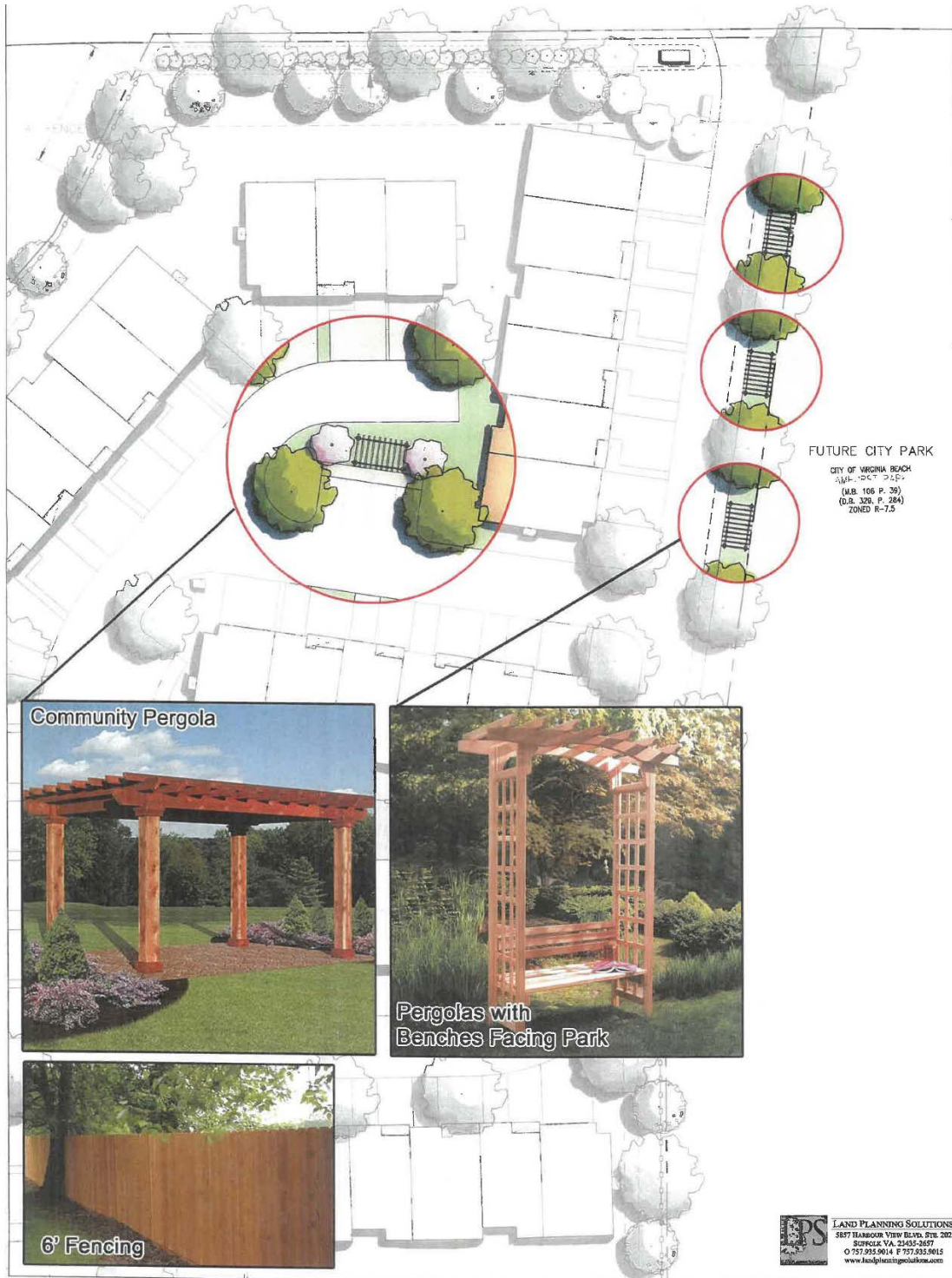


Right Elevation 3/16" = 1'0"

Proposed Streetscape



# Proposed Community Amenities





Site Photos





**APPLICANT'S NAME** Baker Villas, LLC and Ocean Rental Properties, LLC

**DISCLOSURE STATEMENT FORM**

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

**SECTION 1 / APPLICANT DISCLOSURE**

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications!		
<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: Baker Villas, LLC  
 If an LLC, list all member's names:  
 Steven W. Bishard, Manager; John Bishard, Member

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

(B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

(A) List the Property Owner's name: James Edward Sollner & Linda  
 If an LLC, list the member's names: Susan Sollner



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

- (B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

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

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### SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Land Planning Solutions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Towne Bank
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Sykes, Bourdon, Ahern & Levy, P.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

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

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

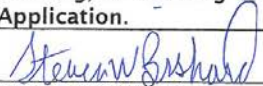
If yes, what is the name of the official or employee and what is the nature of the interest?

# Disclosure Statement



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

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

	Steven W. Bishard	5/01/17
APPLICANT'S SIGNATURE Baker Villas, LLC	PRINT NAME	DATE



**OWNER**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
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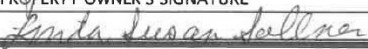
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	James Edward Sollner	
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE
	Linda Susan Sollner	



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