

# VIRGINIA BEACH PLANNING COMMISSION

DEPARTMENT OF PLANNING  
RM. 115, BLDG. 2  
2405 COURTHOUSE DRIVE  
VIRGINIA BEACH, VA 23456  
(757) 385-4621  
(757) 385-5667 (FAX)  
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[HTTP://WWW.VBGOV.COM/PC](http://www.vbgoV.com/PC)



*Keep pages 1 thru 6 of this application package for your reference. Submit the last four pages of the application at the Planning Department (Room 115, Building 2, Municipal Center) with all other associated application materials.*

**CONDITIONAL USE PERMIT APPLICATION**

## APPLICANT'S INFORMATION AND INSTRUCTIONS (KEEP FOR YOUR REFERENCE)

It is strongly recommended that applicants have a pre-application conference with Planning Department staff prior to submittal. Please call (757) 385-4621 to make an appointment with a Planner.

### SUBMITTAL PROCEDURE

Please refer to the *Planning Commission Application Deadline and Hearing Schedule* for submittal deadlines and other relevant dates. This document is available online at <http://www.vbgov.com/pc> or by contacting the Planning Department. The deadline for application submittal is the 1st of the month. Staff will review submitted applications to ensure all required materials and information are provided. Within five working days of the submittal deadline, the applicant will be notified whether application materials are considered acceptable. If acceptable, a postcard will be mailed to the contact person indicating the date the application has been scheduled on the Planning Commission agenda. If the application is not acceptable, a letter outlining the deficiencies will be sent to the applicant, providing a deadline for the submission of information and materials to address the deficiencies. (Note: The Planning Commission agenda is limited to 25 items per month; complete applications in excess of 25 will be scheduled for hearing on the following agenda.)

### NOTICE & POSTING

1. The applicant must pick up and post a sign(s), available at the Planning Department, in accordance with the instructions provided with this application package (see page 5). The sign must be posted not less than thirty (30) days prior to the Planning Commission public hearing, and must remain in place until after the City Council action. (See *Planning Commission Application Deadline and Hearing Schedule* for applicable posting deadline.)
2. Pursuant to State Code, all adjacent property owners will be notified by the Planning Department via certified mail of the request.
3. Pursuant to State Code, the City of Virginia Beach advertises public hearings in a newspaper having general circulation within the city (the *Virginia Beach Beacon*) once a week for two consecutive weeks, with the second advertisement appearing not less than six nor more than 21 days prior to the advertised hearing.

### WITHDRAWAL OF APPLICATIONS

Any application may be withdrawn by written request of the applicant. If withdrawn prior to the time legal notice is sent to the newspaper for the Planning Commission hearing (approximately 3-4 weeks prior to the hearing), the application fee may be reimbursed. If the application is withdrawn after this time, fees cannot be reimbursed.

### DEFERRAL OF APPLICATIONS

Applicants may request an indefinite deferral of the application if more time is needed to prepare for the scheduled public hearing. However, deferrals are not granted

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automatically, and the applicant or applicant's representative must be present at the public hearing even if a deferral has been requested. The Planning Commission may also defer an application for failure of the applicant to follow all procedural steps. If the application is deferred at the request of the applicant or for failure to follow all procedural steps, new public notice shall be issued at the expense of the applicant.

**STAFF REVIEW**

A staff report and recommendation is prepared for each application. Often, staff recommends that conditions be attached to the approval of a request. Staff reports are available the Thursday prior to the public hearing, and applicants are encouraged to review the reports at this time. Reports will also be posted under the appropriate agenda on the City's web page at <http://www.vbgov.com/pc>

**PLANNING COMMISSION PUBLIC HEARING AND CONSIDERATION**

The first public hearing on an application is before the Planning Commission. Planning Commission meetings are held on the second Wednesday of every month at 12 noon in the Council Chamber of the City Hall Building (Building #1), or at such times or places as may be designated by the Commission. The applicant or a representative of the applicant must be present at the public hearing. The applicant or the applicant's representative is asked to make a presentation on the proposal and answer any questions the Planning Commission may have. Other interested members of the public are given the opportunity to speak. If there is opposition, the applicant is also given time for a rebuttal.

On the day of the public hearing, the Planning Commission meets with staff at 9:00 a.m. in the City Manager's Conference Room for a briefing. Applicants may attend these informal sessions and listen, but may not participate until the formal public hearing at 12 noon.

The Planning Commission functions as an advisory body of the City Council, and the Planning Commission's recommendations are transmitted to the City Council within 45 days after hearing, unless the application is deferred.

**CITY COUNCIL PUBLIC HEARING**

Following action by the Planning Commission, a public hearing is held before City Council. The City Council normally hears all Planning items the second and fourth Tuesday of each month at 6:00 pm in the Council Chamber of the City Hall Building. The City Clerk advertises each application to be heard by City Council in a newspaper having general circulation within the city (the *Virginia Beach Beacon*) once a week for two consecutive weeks, with the second advertisement appearing not less than six nor more than 21 days prior to the advertised hearing. The Planning Department will notify the applicant in writing of the City Council hearing date following the Planning Commission meeting. The scheduled dates will also be

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posted under the appropriate agenda listed on the City's web site at <http://www.vbgov.com/pc> City Council hearing dates can also be confirmed by calling the Planning Department at (757) 385-4621.

Prior to the City Council public hearing, Council members are provided with the staff report, the Planning Commission recommendation, and the verbatim minutes of the Planning Commission public hearing. City Council members are, therefore, very familiar with the request and issues involved. Applicants should give a brief presentation at the Council hearing that is focused on whether or not the applicant agrees with the Planning Commission recommendation. Applicants should avoid restating information already presented to the Planning Commission. A representative of the applicant **must be present** at the City Council public hearing.

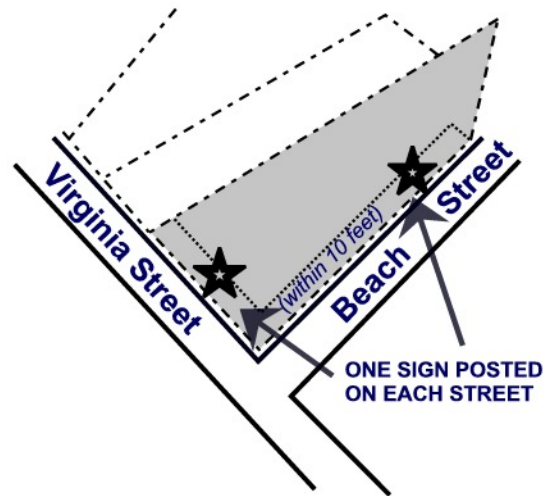
The City Council makes the final decision on all applications. If the application is denied by City Council, substantially the same application cannot be considered within one year of denial.

*For detailed legislation concerning Conditional Use Permits, see Article 2.C of the City Zoning Ordinance.*

## SIGN POSTING INSTRUCTIONS (KEEP FOR YOUR REFERENCE)

**FAILURE TO FOLLOW AND ADHERE TO THESE INSTRUCTIONS WILL RESULT IN THE DENIAL OR DEFERRAL OF YOUR APPLICATION**

1. The applicant must pick up and post the sign(s), **not less than thirty (30) days** prior to the Planning Commission public hearing, and the sign(s) must remain in place until after the City Council action. The sign(s) must be removed **no later than five (5) days** after City Council action.
2. The applicant must post the sign(s), provided by the Planning Department, on the property, **within 10 feet of every public street** and the sign(s) must be clearly visible (see sketch to the right).
3. The sign(s) must remain posted at all times during the 30 days prior to the Planning Commission public hearing. We strongly advise you to check each day to be sure the sign(s) are in place. In particular, if for some reason (as in a storm event with gusty winds), you suspect that the sign may be removed, immediately check to ensure the sign is still in place. If you need a new sign, contact the Planning Department immediately at 385-4621 to arrange to have a sign picked up.
4. **The posting of the sign(s) for at least 30 days prior to the public hearing is the responsibility of the applicant. FAILURE TO INSURE THAT THE SIGN(S) ARE POSTED AND REMAIN IN PLACE CAN, AND LIKELY WILL, RESULT IN DEFERRAL OF THE APPLICATION TO THE NEXT AGENDA.** Section 108 notes "in any case where the planning commission or the city council determines that the requirements of this section have not been met, the application shall be deferred..."
5. To insure that the sign(s) are posted in such manner that they remain in place against storm events or potential vandalism, we strongly recommend that you secure the sign on a sturdy post with large nails or screws and anchor the post in the ground with concrete or similar semi-permanent anchoring material. Another mounting method which has been successful is to mount the sign in the ground by running two or three metal rods through the thickness of the sign along its length, leaving up to a half or third of the rod's length sticking out of the bottom of the sign, and then inserting the portion that sticks out of the sign into the ground (similar to the way in which some "House for Sale" signs are mounted). In any case, do not forget to check to make sure the sign is in place during the 30 days.



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***For detailed legislation concerning this and similar issues, see Sections 107 and 108 of the City Zoning Ordinance.***

## APPLICANT'S CHECKLIST (KEEP FOR YOUR REFERENCE)

Be sure to check the items listed below and include all applicable materials when you submit your application. Staff will review submitted applications and notify applicants by mail whether the application has been accepted for processing (see postcard attached to application). Applications lacking required information, submittals, and/or signatures cannot be scheduled for public hearing. More detailed information is presented in the attached "Applicant's Information" section above.

- Completed **application** form with all blanks filled in.
- Property owner's signature** and **applicant's signature** (if not the current owner of the property). A copy of the purchase contract for the property may be included in lieu of the property owner's signature, as long as the contract clearly identifies approval of the application as a contingency of the contract.
- Completed and signed **Disclosure Statement** (last page of the application form)
- Fee** payable to Treasurer, City of Virginia Beach:
  - o \$150 for non-profit organization or home occupation;
  - o \$800 for all other uses.
- Postcard** (provided with this application packet) with the name and address of the desired contact person.
- 1 copy of an up-to-date property **survey** (unless current survey information is included on the site plan).
- 20 folded copies of the proposed **site plan** (no larger than 24" x 36"), including:
  - o Scale identified (must be 1"=100' or larger);
  - o The actual dimensions and shape of the lot;
  - o Distance to the nearest intersecting street;
  - o The dimensions, locations, building footprint, floor area, and height of any existing buildings on the lot;
  - o The dimensions, locations, building footprint, floor area, and height of any proposed buildings on the lot;
  - o The size, type, and location of any existing or proposed signs;
  - o The existing and proposed uses of all structures and areas;
  - o Existing and proposed points of vehicular access;
  - o Parking spaces, drive aisles and maneuvering areas;
  - o Tabulation of required and proposed parking;
  - o Existing and proposed landscaping;
  - o Additional information including topography, natural features, surrounding land uses, density, amount of open space, any variances to city standards, etc. which may be relevant to the evaluation of the proposed conditional use.
- 1 copy of a **reduced site plan** on letter (8.5" x 11") sized paper.
- 20 copies of **renderings and/or building elevations** (no larger than 24" x 36"), including:
  - o Scale identified;
  - o Depiction of materials and colors (a sample 'board' of the materials and colors is highly recommended);
  - o Depiction of location of signs to be attached to the building
- 1 copy of a **reduced rendering and/or building elevation** on letter (8.5" x 11") sized paper.
- If the purpose of the application is to develop a residential use or a mixed-use project that includes residential uses, a **Phase I Environmental Site Assessment** shall be submitted with the application. Based on the findings of the Phase I Assessment, a Phase II Assessment and/or testing may be required.
- If the site is located within an AICUZ greater than 65 dB DNL, the *Reasonable Use Exception Application* must be submitted. For applications within the 65-70 dB DNL, the *AICUZ Compatible Use Advisory Notice* must also be submitted. Copies of each are available in the Planning Department.

**APPLICATION**

**CONTACT INFORMATION**

**Applicant's Name:** \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Applicant's Representative:** \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Property Owner's Name:** \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**DESCRIPTION OF PROPERTY**

Location (Street Location and/or Address):  
\_\_\_\_\_

Map Book & Page # : \_\_\_\_\_  
(If created by deed prior to adoption of Subdivision Regulations, enter Deed Book, Page # and date recorded)

GPIN Number(s): \_\_\_\_\_  
GPIN's are available at the City's Public Works File Room or by calling 385-1819

Land Area (in acres or square feet): \_\_\_\_\_ AICUZ Zone: \_\_\_\_\_

City Council Election District: \_\_\_\_\_ Existing Zoning: \_\_\_\_\_

**DESCRIPTION OF REQUEST**

Type of Conditional Use Permit being requested, as listed in the applicable Zoning District Use Regulations: \_\_\_\_\_

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**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)*

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

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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)*

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

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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

Does an official or employee of the City of Virginia Beach have an interest in the subject land? Yes \_\_\_\_ No \_\_\_\_

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

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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)

Four horizontal lines for listing contractors or businesses.

1 "Parent-subsidary 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-subsidary 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. The undersigned also consents to entry upon the subject property by employees of the Department of Planning to photograph and view the site for purposes of processing and evaluating this application.

Applicant's Signature

Print Name

Property Owner's Signature (if different than applicant)

Print Name