BACKGROUND / DETAILS OF PROPOSAL

Background
The applicant proposes a Change of Zoning from B-2 Community Business to I-1 Light Industrial District. The City of Virginia Beach purchased this 18.245-acre parcel in partnership with the U.S. Navy as part of the APZ-1 Acquisition Program. The property has been used as the London Bridge Commerce Center, with buildings dating from 1954 to 1986. At the time of purchase, the commerce park still had several businesses with various non-conforming uses. As the leases for the occupants expired, the leases are not being renewed. Upon the expiration of the final lease, the buildings within the existing office park will be demolished and the park developed with uses that are compatible with the Greater than 75 dB DNL AICUZ and APZ-1. The floor area of the uses to be located in the park is anticipated to be approximately 163,000 square feet.

There is no specific layout for the proposed new commerce park; however, a conceptual site plan was submitted that is indicative of the site’s future development (see page eight). Businesses occupying the redeveloped commerce park will consist of those categorized as light industrial and compatible with the AICUZ Overlay Ordinance. The redevelopment of the parcel will be managed by the City’s Department of Economic Development, and all development will be marketed and managed consistent with that of the...
industrial parks located around NAS Oceana. The upgraded landscaping standards required by the APZ-1 Guidelines will be utilized. Building architecture will be in accordance with design guidelines utilized in the other industrial parks.

LAND USE AND COMPREHENSIVE PLAN

EXISTING LAND USE: Commerce Park (primarily vacant)

SURROUNDING LAND USE AND ZONING:

North:  
- Interstate Highway 264

South:  
- Former Norfolk Southern Railroad right-of-way
- Property owned by the Federal government as NAS Oceana / I-2 Heavy Industrial District

East:  
- Property owned by the Federal government as NAS Oceana / I-2 Heavy Industrial District

West:  
- London Bridge Road
- London Bridge Greenhouse / B-2 Community Business District

NATURAL RESOURCE AND CULTURAL FEATURES:  
Vegetation on the site consists of grass and other groundcover plants and trees. There are no known significant natural resource, cultural, or historical features on the site.

COMPREHENSIVE PLAN: The subject property is located in the Lynnhaven Strategic Growth Area (SGA 6), for which the Lynnhaven SGA Master Plan was adopted as an amendment to the Comprehensive Plan in April 2012. The vision for this SGA is for a transformation over time of the existing aging or underutilized commercial properties into a higher intensity, pedestrian-friendly ‘employment and lifestyle center’ developed to be ‘transit-ready.’ The SGA Master Plan designates the subject site as part of one of several ‘Character Areas’ within the Lynnhaven SGA. This specific Character Area is one of two ‘Innovation Zones’ the SGA Plan identifies. One is the complex of light industrial uses along Dean Drive, and the second is the subject site. The Plan notes that the purpose of Innovation Zones is to “provide development opportunities for small start-up businesses and technology innovation,” (p. 51).
**IMPACT ON CITY SERVICES**

**MASTER TRANSPORTATION PLAN (MTP) / CAPITAL IMPROVEMENT PROGRAM (CIP):**
London Bridge Road is a four-lane divided suburban minor arterial. The MTP recommends a six-lane divided roadway within a 130-foot wide right-of-way. There are no current CIP projects within the immediate area.

**TRAFFIC:**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Present Volume</th>
<th>Present Capacity</th>
<th>Generated Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>London Bridge Road</td>
<td>35,200 ADT 1</td>
<td>Up to 30,600 ADT (LOS 2 &quot;D&quot; / Capacity)</td>
<td>Existing Land Use 3 – 0 ADT</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Up to 32,800 ADT (LOS “E”)</td>
<td>Former Land Use 4 – 852 ADT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed Zoning 5 - 1,392 ADT</td>
</tr>
</tbody>
</table>

1. Average Daily Trips  
2. Level of Service  
3. as defined by vacant corporate park  
4. as defined by an occupied 42,500 SF commerce park  
5. as defined by 18,245 acres of typical uses associated with I-1 zoning

**Comment:** The applicant’s engineering consultant submitted to Public Works / Traffic Engineering a “London Bridge Commerce Center Traffic Assessment,” which provided an analysis of the potential traffic volumes generated from the center, the peak flows, and the alternative locations for ingress to and egress from the site, with a specific evaluation on the impact of access at the existing signalized intersection. The site has an existing access point opposite the London Bridge Garden Center. Measured center-to-center, this median opening is approximately 325 feet north of the traffic signal for the I-264 on- and off-ramp, which is in turn approximately 770 feet north of the signal at Potters Road. Traffic Engineering has been reviewing the submitted Traffic Assessment, including discussion with the applicant’s engineering consultant to determine the appropriate means of access, which will be determine prior to the first development project in the commerce park.

**EVALUATION AND RECOMMENDATION**

The requested Change of Zoning from B-2 to Conditional I-1 will provide the opportunity to develop the site consistent with the recommendations of the Comprehensive Plan, as set forth in the Lynnhaven Strategic Growth Area (SGA) Master Plan. The SGA Plan designates the subject site an ‘Innovation Zone,’ where “development opportunities for small start-up businesses and technology innovation,” (p. 51) will be emphasized, and that is the purpose of the proposed commerce center.

The applicant is proffering that the commerce center will be used by only certain uses allowed as either a permitted or conditional use. The allowed uses emphasize those that are typical of the I-1 District, and though ‘business, medical, financial, nonprofit, professional, and similar office buildings’ are listed among those not allowed, offices that are accessory to the principal use are appropriate. Thus, a start-up business in one of the allowed use categories would still be allowed to have offices for the business, but...
only accessory to the principal purpose of the business.

Since there is no user for the property at this time, and the purpose of moving forward with this rezoning at this time is to prepare the site for development while also marketing the site to users appropriate to APZ-1, the applicant is proffering that the development of the site will be consistent with the Comprehensive Plan’s design guidelines for suburban development. The site and building designs must be reviewed by Departments of Economic Development and Planning for compliance with those guidelines, and ultimately, must be approved by the Zoning Administrator and Planning Director prior to any permits for development being issued.

Based on staff’s evaluation of the request, as provided above.

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:
The Property may be used for any of the permitted or conditional uses provided for the 1-1 Light Industrial District by Section 1001 of the City Zoning Ordinance, except for the following: airports, heliports, and helistops; animal hospitals, veterinary establishments, pounds, shelters, and commercial kennels; automobile museums; bars or nightclubs; borrow pits; business, medical, financial, nonprofit, professional, and similar office buildings; eating and drinking establishments; and wildlife rehabilitation centers.

PROFFER 2:
The design of the site layout for the Property, as well as the design of any buildings to be constructed on the Property, shall be consistent with the Comprehensive Plan’s “Special Area Development Guidelines for Suburban Areas.” The Zoning Administrator and Planning Director shall determine compliance with said design guidelines. Review comments from the Department of Economic Development shall be requested and considered prior to such determination.

PROFFER 3:
Further conditions 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: The proffers are acceptable. Proffer 1 restricts the site to the uses listed in the Zoning Ordinance for the I-1 Industrial District as being appropriate to the Greater than 75 AICUZ and APZ-1. Proffer 2 ensures that any development of the site is consistent with the design guidelines of the Comprehensive Plan as they apply to the Suburban Area as designated by the Plan. Since the suggested conceptual layout of this ‘Innovation Zone’ as provided in the Lynnhaven SGA Master Plan is suburban in character, the Comprehensive Plan’s design guidelines for the Suburban Area are more appropriate to the site than the Comprehensive Plan’s design guidelines for the Urban Area. Also, any proposed
development must not only be consistent with the Comprehensive Plan’s design guidelines, but also compliant with the design standards that Economic Development will require of any potential developer of the property. This will be the same as is required of any potential developer of property located within one of the industrial parks around NAS Oceana or the City-owned properties within APZ-1 that have been acquired through the APZ-1 Acquisition Program.

The City Attorney’s Office has reviewed the proffer agreement dated October 20, 2014 and found it to be legally sufficient and in acceptable legal form.

NOTE: Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any uses allowed by this Use Permit or Change of Zoning 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.
CONCEPTUAL SITE PLAN
(Not Proffered – for concept purposes only)

CITY OF VIRGINIA BEACH
LONDON BRIDGE COMMERCE CENTER
Agenda Item 9
Page 8
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)*

City of Virginia Beach

2. List all businesses that have a parent-subsidiary\(^1\) or affiliated business entity\(^2\) relationship with the applicant: *(Attach list if necessary)*

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

PROPERTY OWNER DISCLOSURE
*Complete this section only if property owner is different from applicant.*
If the property owner is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:
1. List the property owner name followed by the names of all officers, members, trustees, partners, etc. below: *(Attach list if necessary)*

2. List all businesses that have a parent-subsidiary\(^1\) or affiliated business entity\(^2\) relationship with the applicant: *(Attach list if necessary)*

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

\(^1\) & \(^2\) 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?
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)

Kimley-Horn and Associates

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

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

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

[Signatures]
Applicant's Signature

[Print Name]
Print Name

Property Owner's Signature (if different than applicant)

[Signature]

[Print Name]