

Request

Rezoning (AG-2 Agriculture to R-10 Residential)

Staff Recommendation

Approval

Staff Planner

Stephen White

Location

West side of Seaboard Road, approximately 1,500 feet south of Nimmo Parkway

GPIN

2404554240

Site Size

43,304 square feet

AICUZ

65-70 dB DNL; Sub-Area 2

Watershed

Southern Rivers

Existing Land Use and Zoning District

Undeveloped wooded site / AG-2 Agricultural

Surrounding Land Uses and Zoning Districts

North

Single-family dwellings / AG-2 Agricultural

South

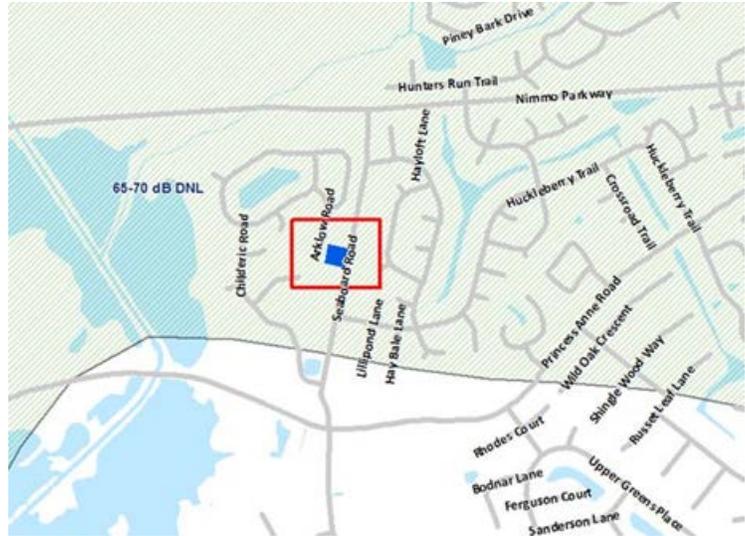
Single-family dwellings / AG-2 Agricultural

East

Single-family dwellings / AG-2 Agricultural

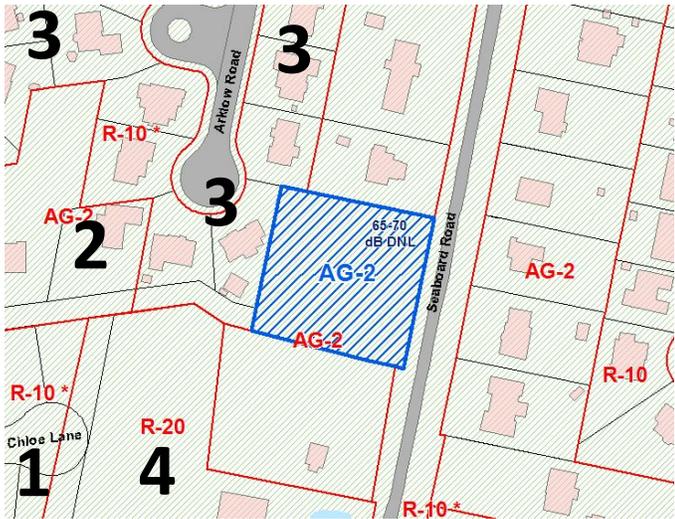
West

Single-family dwellings (Princess Anne Woods) / Conditional R-10 Residential



Background and Summary of Proposal

- The applicant requests rezoning of a 0.99-acre parcel from AG-2 Agricultural to R-10 Residential.
- Under R-10 Residential zoning, based on the configuration of the existing parcel, and the available frontage on Seaboard Road, the site could be subdivided into two single-family lots. As a depiction of how the lot might be subdivided, the applicant submitted a plat showing two lots.
- A subdivision of the parcel meeting the requirements of the R-10 District will result in two lots of a similar configuration and size as the lots on the opposite side of Seaboard Road, and directly to the north. Those lots are zoned AG-2 Agricultural. The current Zoning Ordinance requires a minimum lot area of one acre for a single-family lot in the AG-2 District. The lots on Seaboard Road, however, were recorded in 1955, and at that time, the AG Agricultural District required a minimum lot area of 10,000 square feet and a minimum lot width of 100 feet. Lots created from the applicant's parcel will meet or exceed those minimums. Anything beyond the configuration of the lots as shown would require a Subdivision Variance or another rezoning.

	<p>Zoning History</p> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CRZ (AG-1 & AG-2 to Conditional R-10) Approved 03/25/2008</td> </tr> <tr> <td>2</td> <td>CRZ (AG-1 to Conditional R-10) Approved 08/08/2000</td> </tr> <tr> <td>3</td> <td>CRZ (AG-1, AG-2 & R-20 to Conditional R-10) Approved 09/10/1999</td> </tr> <tr> <td>4</td> <td>CUP (Church) Approved 06/25/1990</td> </tr> </tbody> </table>	#	Request	1	CRZ (AG-1 & AG-2 to Conditional R-10) Approved 03/25/2008	2	CRZ (AG-1 to Conditional R-10) Approved 08/08/2000	3	CRZ (AG-1, AG-2 & R-20 to Conditional R-10) Approved 09/10/1999	4	CUP (Church) Approved 06/25/1990
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Application Types											
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MOD – Modification of Conditions or Proffers NON – Nonconforming Use STC – Street Closure	FVR – Floodplain Variance ALT – Alternative Compliance 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 Southern Rivers watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high water surface elevations in downstream receiving waters. The site is wooded. The majority of the trees on the site will have to be removed to develop the site, and in particular, provide for drainage and stormwater management appropriate to single-family residential lots.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Seaboard Road	No Data Available	6,200 ADT ¹ (LOS ⁴ "C") 9,900 ADT ¹ (LOS ⁴ "D") 11,100 ADT ¹ (LOS ⁴ "E")	Existing Land Use ² – 10 ADT Proposed Land Use ³ - 20 ADT
¹ Average Daily Trips	² as defined by one single-family dwelling on a AG-2 lot)	³ as defined by two single-family residential lots	⁴ LOS = Level of Service

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

Access to this site is from Seaboard Road, which is a two-lane undivided collector within a 70-foot right-of-way. There are currently no roadway CIP projects planned for Seaboard Road.

Public Utility Impacts

Water

Development of the site must connect to the City water system. There is a 12-inch main in the Seaboard Road right-of-way and an eight-inch main in a 30-foot wide private utility easement located on the south side of the parcel.

Sewer

Development of the site must connect to the City sewer system. There is an eight-inch sewer main in the Seaboard Road right-of-way and an eight-inch main in a 30-foot wide private utility easement located on the south side of the parcel.

School Impacts

No comments. There is negligible impact as a result of this rezoning.

Evaluation and Recommendation

The applicant's request to rezone this lot from AG-2 Agricultural to R-10 Residential will allow the applicant to subdivide the lot into two single-family lots that the applicant and his family's estate will sell for the construction of two single-family houses. The size and configuration of those lots will be similar to those on the opposite side of Seaboard Road. Those lots were recorded in 1955, and at that time, the minimum lot area was 10,000 square feet and the minimum lot width was 100 feet for residential lots in the AG Agricultural District. Under the current Zoning Ordinance, those dimensional requirements are more similar to the R-10 Residential District than to the AG-2 Agricultural District. The R-

10 District requires a minimum of 10,000 square feet of lot area and a minimum lot width of 80 feet. The applicant's site will meet or exceed those requirements.

This lot and the one immediately to the south are the only remaining lots zoned AG-2 Agricultural on this portion of Seaboard Road that have not yet been subdivided for single-family residential use.

The site is located within the 65 to 70 dB DNL AICUZ (Sub-Area 2). Section 1804 (c)(2) states the following regarding discretionary development applications in this area:

For property within Sub-area 2 of the 65—70 dB DNL Noise Zone, discretionary development applications for residential uses may be approved only if the city council finds that the proposed development:

- (i) Is at a density similar to or lower than that of surrounding properties having a similar use and no greater than recommended by the Comprehensive Plan; and
- (ii) Conforms to the applicable provisions of the Comprehensive Plan, including, without limitation, the Princess Anne Corridor Study, Princess Anne Commons Design Guidelines, or Mixed Use Development Guidelines.

With regard to density, with R-10 zoning, only two single-family lots of a size similar to or in excess of those in the surrounding area can be created; therefore, the density will be consistent with the residential density of the immediately surrounding area. With regard to Comprehensive Plan conformity, the request is consistent with the Comprehensive Plan's recommendations for the Suburban Area. The City-Navy Joint Review Process (JRP) Group found the rezoning request to be consistent with Section 1804(c)(2).

As recommended by the Comprehensive Plan, the applicant has submitted a preliminary drainage study to the Development Services Center (DSC) outlining their proposed stormwater strategy for the subject site. As a result of their review, the DSC has agreed that the proposed conceptual stormwater strategy has the potential to successfully comply with the stormwater requirements of this site. However, this review is not a formal approval of the submitted stormwater plan. More details will be required and a formal review will take place during review of the construction plan through the DSC.

Staff recommends approval of this request.

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.

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.

Site Photos





APPLICANT'S NAME Eddrick Corey Cason

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	<input checked="" type="checkbox"/> 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).		
<input checked="" type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE: 07/03/2017
<input checked="" type="checkbox"/>	NO CHANGES AS OF	DATE: 07/20/2017
<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: Eddrick Corey Cason
 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-subsidiary 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: Valerie Cason ETAL
 If an LLC, list the member's names: Individuals Below
Valerie Cason, Deborah O. Etheridge, Warrnett Cason
Andrea Cason, Brenda F. Cason, Gary Cason, Abraham Cason
Darrell Cason, Larry Owens, Brian Cason



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 ¹ or affiliated business entity ² 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 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	MSA Surveyors
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<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? Wannette Cason, Valerie Cason & Gary Cason

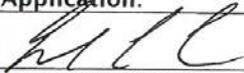
(property co-owners)

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.

	Eddrick Cason	6/1/2017
APPLICANT'S SIGNATURE	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	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
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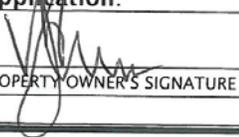
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	Valerie Cason	6/1/2017
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE