

Request

Modification of Conditions of a Conditional Use Permit) approved on August 4, 2015 (Recreational Resort Community)

Staff Recommendation

Approval

Staff Planner

Stephen White

Location

3665 Sandpiper Road

GPIN

24326431580000

Site Size

63.32 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Recreational Resort Community / AG-2
Agricultural and R-15 Residential

Surrounding Land Uses and Zoning Districts

North

Single-family dwellings / AG-2 Agricultural and R-15 Residential

South

Inlet of Back Bay
Restaurant / B-4 Mixed Use

East

Single-family dwellings / R-15 Residential

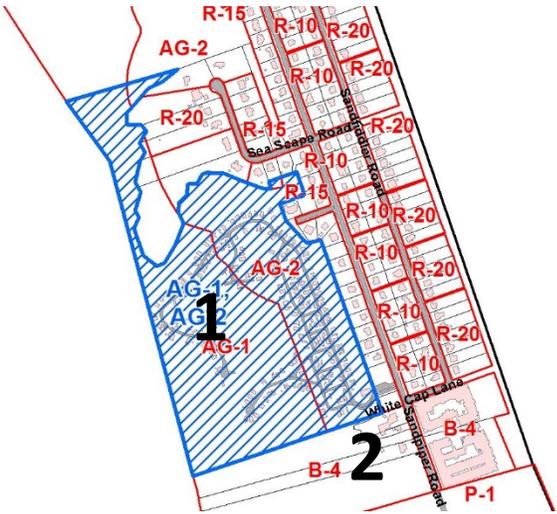
West

Back Bay



Background and Summary of Proposal

- On August 4, 2015, the City Council approved a Conditional Use Permit (Recreational Resort Community) for Outdoor Resorts of Virginia Beach Condominium Association. The Conditional Use Permit has five conditions. Condition 2 states the following:
 - Residential units may consist of recreational vehicles and park model trailers with a maximum length of 40 [feet] and a maximum width of 14 [feet]. Maximum height is 18 [feet] above the City’s design flood elevation. No condominium site may have more than 1,200 square feet of impervious cover.
- The maximum length of 40 feet was based on information provided to Staff in 2015 regarding the maximum length of recreational vehicles and trailers allowed at Outdoor Resorts. The By-Laws for Outdoor Resorts, however, provide for a maximum length of 45 feet. There are, and have been for many years, trailers on the property with a maximum length of 45 feet.
- The applicant discussed this issue with Staff, and Staff advised the applicant that Condition 2 of the 2015 Use Permit would need to be modified such that the stated maximum length is 45 feet rather than 40 feet.

	<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CUP (Community Boat Dock) Approved 11/28/2000</td> </tr> <tr> <td></td> <td>CUP (Recreational Vehicle Resort – boat docks) Approved 07/09/1996</td> </tr> <tr> <td></td> <td>CUP (Motel, Restaurant, Camping, Marina, and Boating Facilities) Approved 05/07/1966</td> </tr> <tr> <td>2</td> <td>CUP (Motor Vehicle Rentals) Approved 07/09/2009</td> </tr> </tbody> </table>	#	Request	1	CUP (Community Boat Dock) Approved 11/28/2000		CUP (Recreational Vehicle Resort – boat docks) Approved 07/09/1996		CUP (Motel, Restaurant, Camping, Marina, and Boating Facilities) Approved 05/07/1966	2	CUP (Motor Vehicle Rentals) Approved 07/09/2009
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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 site is located within Suburban Focus Area (SFA) 6 – Sandbridge. The following recommendations apply to this area:

- Limited commercial uses may be added provided the type and extent of such uses are scaled to serve only the Sandbridge neighborhood and that the site and building designs are of high quality and consistent with physical characteristics of the neighborhood.
- Where opportunities present themselves, consider placing overhead utilities underground.

- Additional public parking and day use facilities should be provided to serve day visitors.
- Land uses in the Sandbridge community should be compatible with the environmental objectives of the Back Bay National Wildlife Refuge.
- The City and US Navy should continue their long-standing arrangement of providing, when necessary, an emergency public evacuation route from Sandpiper Road north through NAS Oceana Dam Neck Annex to Dam Neck Road.

Evaluation and Recommendation

The requested modification to Condition 2 revises the maximum allowable length of recreational vehicles and trailers from 40 feet to 45 feet, which is consistent with the condominium association's By-Laws. The applicant is aware that if, in the future, Outdoor Resorts amends its by-laws to allow a shorter length of either a recreational vehicle or a travel [park model] trailer, Condition 2 would not need to be modified since the length would be less than 45 feet. If, however, the amendment to the by-laws allowed for a length greater than 45 feet, Condition 2 would need to be modified.

Staff views this modification as a 'housekeeping' type of request that will resolve a conflict between the approved condition of the use permit and the condominium association's by-laws. There is no substantive effect on the compliance of the use with the regulations of Section 241, which provide the specific standards for a Recreational Resort Community. Approval is recommended with the conditions below. To avoid confusion, the full conditions from the 2015 use permit are repeated here, with the only change being the length of the recreational vehicles and travel [park model] trailers.

Recommended Conditions

The following conditions supersede the conditions of the Conditional Use Permit approved by the City Council for this property on August 4, 2015:

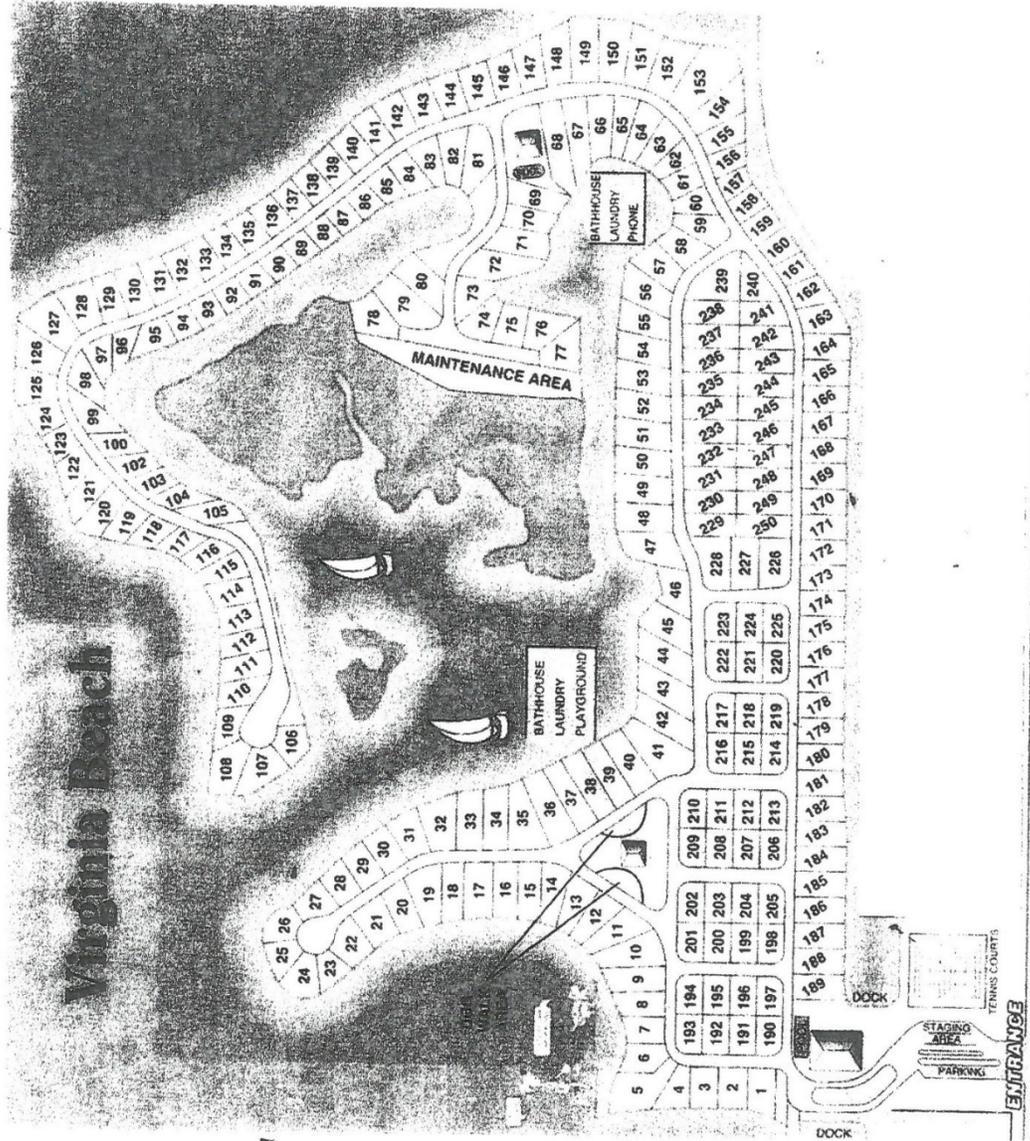
1. The site shall be developed substantially in conformance with the submitted site plan. A maximum of 250 resort residential units are permitted.
2. Residential units may consist of recreational vehicles and travel [park model] trailers with a maximum length of 45 feet and a maximum width of 14 feet. Maximum height is 18 feet above the City's design flood elevation. No condominium site may have more than 1,200 square feet of impervious cover.
3. Permits are required for any permanent improvements including, but not limited to, parking pads, canopies, and foundations. All permanent structures must meet the City's Floodplain Ordinance.
4. A three-foot wide mulched landscape bed must be installed and maintained for each site along all Back Bay water frontage. Low level plant material must be approved by the Planning Department prior to installation.
5. No additional boat lifts or docks are approved with this application. All conditions attached to previous approvals for boat lifts and docks are still applicable.

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.

Site Layout (referenced by 2015 Use Permit)



Site Photos





- 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: Outdoor Resorts of Virginia Beach Condominium Association, Inc.
 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)*

SEE ATTACHED LIST OF OFFICERS AND DIRECTORS

(B) List the businesses that have a parent-subsiary 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: _____
 If an LLC, list the member's names:

**OUTDOOR RESORTS OF VIRGINIA BEACH
CONDOMINIUM ASSOCIATION, INC.**

List of Officers and Directors

Kenneth J. Kroll	-	President
Linda Lawson	-	Vice President
Kenny Palmer	-	Vice President
Bruce Moehler	-	Treasurer
Kevin Blunt	-	Secretary



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 & PROPERTY OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	DesRoches & Company, CPAs, P.C.
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Inman & Strickler, PLC
<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?



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.

<i>Ken Kroll</i>	KEN KROLL	6-27-17
APPLICANT'S SIGNATURE	PRINT NAME	DATE
<i>President</i>		