Applicant **Anderson's Virginia Beach, LLC**
Owner **AGI-VB Holdings, LLC**
Public Hearing **September 12, 2018**
City Council Election District **Princess Anne**

Agenda Item

10

Request
Conditional Use Permit (Outdoor Recreation Facility)

Staff Recommendation
Approval

Staff Planner
Robert Davis

Location
1925 Fisher Arch

GPIN
2414316336

Site Size
6.75 Acres

AICUZ
65-70 dB DNL; Sub-Area 2

Watershed
Southern Rivers

Existing Land Use and Zoning District
Retail garden center / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North
Fischer Arch
Vacant, pump station / AG-2 Agricultural, Conditional B-2

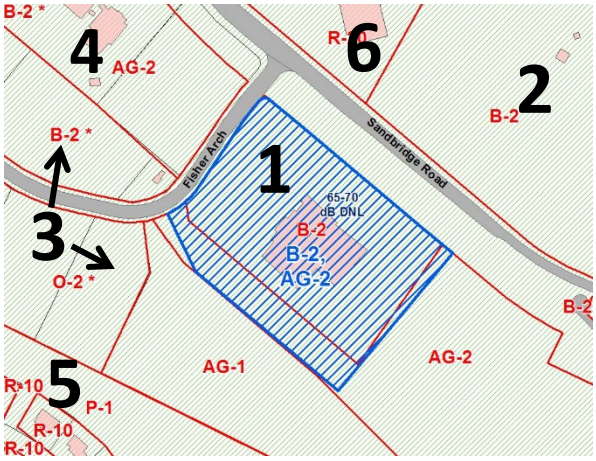
South
Undeveloped, cultivated fields / AG-1 Agricultural, AG-2 Agricultural

East
Sandbridge Road
Ballpark, church / R-20 Residential, B-2 Community Business

West
Cultivated fields, undeveloped / AG-2 Agricultural

Background and Summary of Proposal

- This site was rezoned from AG-2 Agricultural to Conditional B-2 Community Business in 2014.
- The applicant is requesting a Conditional Use Permit for an Outdoor Recreation Facility in order to install an 18-hole miniature golf course.
- The course will be located in the rear of the property between the greenhouse and the stormwater management facility.
- Customers will enter and exit through the main building where tickets can purchased.
- Typical hours of operation would be the same as the existing business hours which are from 9:00 a.m. to 8:00 p.m., Monday through Friday, and from 9:00 a.m. to 9:00 p.m., Saturday and Sunday.
- The submitted layout depicts an approximately 9,700 square feet course with walkways and putting surfaces constructed with permeable material and plant material that will act as infiltration rain gardens. A pavilion, designed to offer shade to customers and for social events, is depicted at the south end of the course. According to the application, the facility will have low voltage lighting.
- The submitted elevation for the pavilion depicts a 25-foot by 20-foot structure to be constructed of cedar with a green standing seam metal roof.
- A three-foot tall rope and dock piling post-type fence is proposed to be installed on the east side of the course next to the stormwater management facility.



Zoning History

#	Request
1	**CRZ** (AG-2 to Conditional B-2) Approved 09/16/2014
2	**CUP** (Communications Tower) Approved 09/08/2010
3	**CRZ** (AG-1 and AG-2 to Conditional O-2 & Conditional B-2) Approved 02/24/2009 **CUP** (Borrow Pit) Approved 12/12/01
4	**CUP** (Child Education Center) Approved 05/11/2005
5	**MOD** Approved 12/10/2013 **CRZ** (AG-1 & AG-2 to Conditional PD-H2 & P-1 Preservation) Approved 03/26/2006
6	**CUP** (Church) Approved 07/14/1993

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

Evaluation and Recommendation

The proposed Conditional Use Permit request for an Outdoor Recreation Facility is, in Staff's opinion, consistent with the Comprehensive Plan's land use policies and the Transition Area Design Guidelines for this area, as this type of use provides a recreational opportunity for residents and visitors.

As recommended by the Comprehensive Plan, the applicant has submitted a conceptual plan that includes a stormwater strategy using rain gardens and permeable materials that will be beneficial for stormwater management. Based on this plan, the Development Services Center (DSC) agrees 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 the site plan review process through the DSC.

Staff recommends approval of this request, subject to the conditions below.

Recommended Conditions

1. Prior to construction of the miniature golf course, a site plan in substantial conformance to the site layout entitled "MINIATURE GOLF CONCEPT PLAN 1925 FISHER ARCH, VB BEACH" by ANDERSON'S LANDSCAPES, dated AUG 2018, shall be submitted for detailed site plan review and approval. Said plan is on file in the Department of Planning and Community Development.

2. The location of the Outdoor Recreation Facility shall be limited to the area depicted on the proposed site layout on page 5 of this Staff Report, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

3. When the property is developed, the pavilion and fence shall have architectural features, and appearance of like quality and character as depicted on page 6 of this Staff Report, entitled "Proposed Pavilion Elevation and Fence Design," which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.

4. All light fixtures shall be shielded and angled away from the adjacent residential uses.

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.

Comprehensive Plan Recommendations

The Comprehensive Plan designates this area of the City as the Transition Area. The Transition Area serves as a unique land use buffer for the low density Rural Area from the more densely developed Suburban Area, promoting open space and a low density. Proposed development within the Transition Area should continue the tradition of high quality development by adhering to the planning and design principles cited in the Transition Area Design Guidelines. These

Guidelines include use low-impact development techniques and creative design to minimize impervious surfaces, address stormwater management requirements, and provide active open spaces.

Natural and Cultural Resources Impacts

The site is located in the Southern Rivers watershed. There does not appear to be any significant natural or cultural resources associated with the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Sandbridge Road	12,315 ADT [1]	13,600 ADT [1] (LOS [4] "C") 16,200 ADT [1] (LOS [4] "E")	Existing Land Use [2] – 2,074 ADT Proposed Land Use [3] - 2,154 ADT
Fisher Arch	No Data Available	6,200 ADT [1] (LOS [4] "C") 11,100 ADT [1] (LOS [4] "E")	
[1] Average Daily Trips	[2] as defined by existing 40,864 square feet of free-standing discount superstore	[3] as defined by existing 40,864 square feet of free-standing discount superstore & proposed 18-hole miniature golf course.	[4] LOS = Level of Service

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

Sandbridge Road in the vicinity of this application is considered a two-lane undivided minor suburban arterial with a variable-width right-of-way in this location.

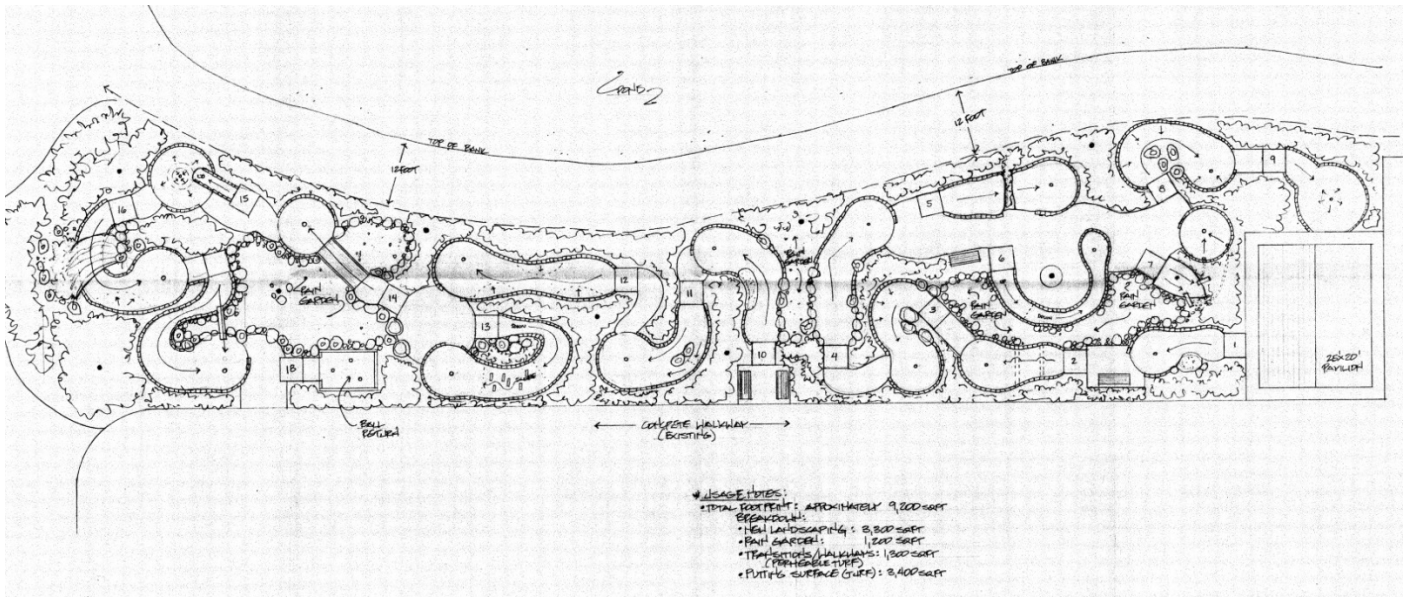
There is a roadway CIP project slated for this area. Princess Anne Road – Phase VII (CIP 2-195) calls for the construction of a four-lane divided roadway within a 143-foot right-of-way with bike path from General Booth Boulevard to Fisher Arch and intersection improvements at General Booth Boulevard, Elson Green Avenue, and Upton Drive/Sandbridge Road. The project is fully funded in the current CIP and is presently being designed to include minor improvements to the Sandbridge Road/Fisher Arch intersection. Right-of-way acquisition and private utility coordination are ongoing and construction is slated to commence mid-to-late 2018.

Public Utility Impacts

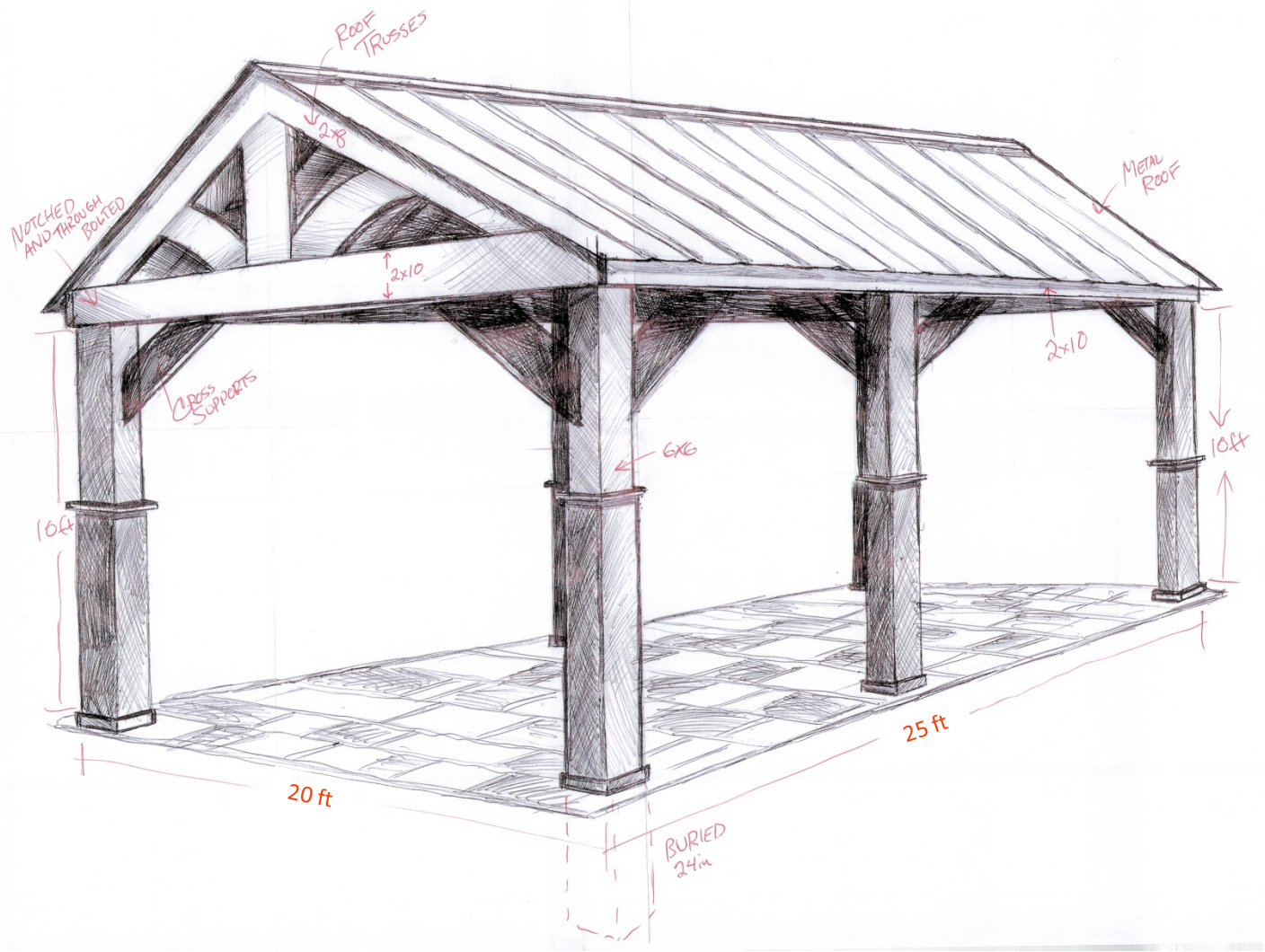
Water & Sewer

This site is currently connected to both City water and sanitary sewer service.

Proposed Site Layout



Proposed Pavilion Elevation and Fence Design



Site Photos

City of Virginia Beach

APPLICANT'S NAME Anderson's Virginia Beach, 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 Franchise Agreement	Street Closure
	Chesapeake Bay Preservation Area Board	Lease of City Property	Subdivision Variance
X	Conditional Use Permit	License Agreement	Wetlands Board

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

Page 1 of 7

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).			
☐	APPLICANT NOTIFIED OF HEARING	DATE:	
☐	NO CHANGES AS OF	DATE:	
☐	REVISIONS SUBMITTED	DATE:	

City of Virginia Beach

☐ 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: Anderson's Virginia Beach, LLC
If an LLC, list all member's names:

Jason Blanchette
Clark Anderson

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: AGI-VB Holdings, LLC
If an LLC, list the member's names: Clark Anderson, Jason Blanchette

City of Virginia Beach

If a Corporation, list the names ofall 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 Property Owner: *(Attach list if necessary)*

[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.

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

City of Virginia Beach

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☐	☒	Accounting and/or preparer of your tax return	
☐	☒	Architect / Landscape Architect / Land Planner	
☐	☒	Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser's service providers	
☐	☒	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
☐	☒	Construction Contractors	
☒	☐	Engineers / Surveyors/ Agents	Kellam Gerwitz, P.C
☐	☒	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
☐	☒	Legal Services	
☐	☒	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?

City of Virginia Beach

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.**

	Jason R. Blanchette	7/5/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

City of Virginia Beach

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☐	☒	Accounting and/or preparer of your tax return	
☐	☒	Architect / Landscape Architect / Land Planner	
☐	☒	Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser's service providers	
☐	☒	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
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	Jason R. Blanchette	7/5/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE