

Request

Conditional Use Permit (Child Care Education Center in Religious Use)

Staff Recommendation

Approval

Staff Planner

Jonathan Sanders

Location

5497 Providence Road

GPIN

1466147370

Site Size

2.82 Acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Church / R-7.5 Residential

Surrounding Land Uses and Zoning Districts

North

Providence Road

Single-family dwellings / R-7.5 Residential

South

Old Providence Road

Single-family dwellings / R-10 Residential

East

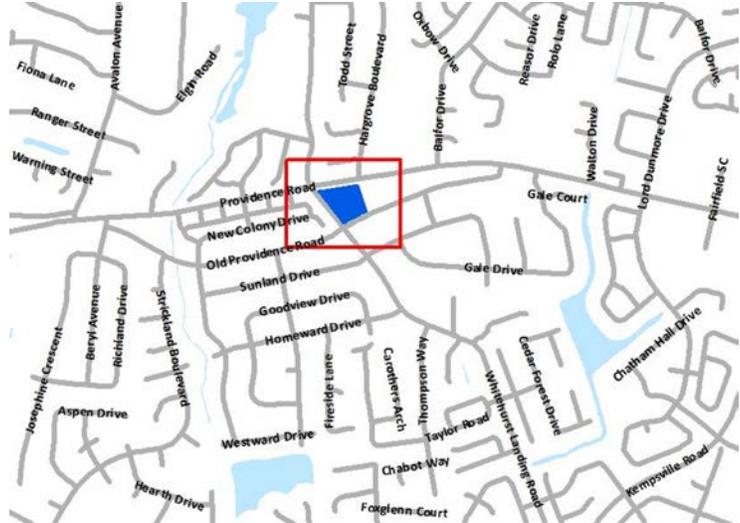
Single-family dwelling / R-7.5 Residential

West

Whitehurst Landing Road

Townhouses, single-family dwelling / A-12

Apartment, R-10 Residential



Background and Summary of Proposal

- This a request for a Conditional Use Permit to operate a Child Care Education Center within a 6,250 square-foot portion of the Providence Presbyterian Church, which received a Conditional Use Permit in 1991. According to the church, the proposed operation will likely accommodate many students from the recently closed Bow Creek Presbyterian Preschool.
- The anticipated enrollment is 50 children between the ages of two and a half to five years old. Ten staff persons are expected to be employed for the operation. Proposed hours of operation are between 7:00 a.m. to 4:00 p.m., Monday through Friday. The Building Official and the Department of Social Services will determine the maximum occupancy of the childcare education center.
- No exterior modifications are proposed to the existing building. A small fenced-in area exists on the property to provide the children a safe and secure area to play outdoors.
- An additional freestanding sign is planned, but design details or information on the location have not been submitted to Staff.
- The Child Care Education Center is proposed within the southwest side of the building closest to the intersection of Whitehurst Landing and Old Providence Roads. The existing number of parking spaces on the site meet the requirements of Section 203 of the Zoning Ordinance for the Child Care Education Center and for the existing Religious Use on the site.



Zoning History

#	Request
1	MOD (Reconsideration of Conditions) Approved 04/14/1992 CUP (Church Addition) Approved 05/14/1991

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 applicant's request to operate a Child Care Education Center within a church is consistent with the Comprehensive Plan's land use goals for the Suburban Area. This request will provide additional educational opportunities for pre-school aged children and will serve the surrounding community with no anticipated adverse impacts to the surrounding uses

Providence Presbyterian Church

Agenda Item 3

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and properties. The existing church facility and parking lot can accommodate the proposed use without any further alterations.

A condition is recommended that limits the location of any future freestanding sign to one per entrance, consistent with the provisions of Section 240.1 of the Zoning Ordinance for signage for Religious Uses in residential districts.

Based on the considerations above, Staff recommends approval of the request subject to the conditions below.

Recommended Conditions

1. The occupancy load for the Child Care Education Center shall be established by the City of Virginia Beach Building Official's Office.
2. A Certificate of Occupancy shall be obtained prior to operation of the Child Care Education Center.
3. In order to comply with Section 240.1 of the Zoning Ordinance for signage for Religious Uses in residential districts, no more than two freestanding signs, one at each entrance, shall be permitted on the property.

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 recognizes this property as being within the Suburban Area. Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a frame work for neighbors and places that are increasingly vibrant and distinctive. The Plan’s primary guiding principle for the Suburban Area is to create “Great Neighborhoods,” and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future.

Natural and Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. There do not appear to be any significant natural or cultural features associated with the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Providence Road	24,260 ADT ¹	14,800 ADT ¹ (LOS ⁴ “C”) 22,800 ADT ¹ (LOS ⁴ “E”)	Existing Land Use ² - 190 ADT Proposed Land Use ³ - 204 ADT
¹ Average Daily Trips	² as defined by a 27,000 square foot church	³ as defined by a 27,000 square foot church and day care for up to 50	⁴ LOS = Level of Service

Public Utility Impacts

Water & Sewer

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

Site Layout



Site Photos





APPLICANT'S NAME Providence Presbyterian Church

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	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).

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<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<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: Providence Presbyterian Church
 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)*

Trustees: Karen Dixon, Jerry Barnes

(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:



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-subsiary¹ or affiliated business entity² 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Cox, Kiewer & Company, P.C.
<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 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	

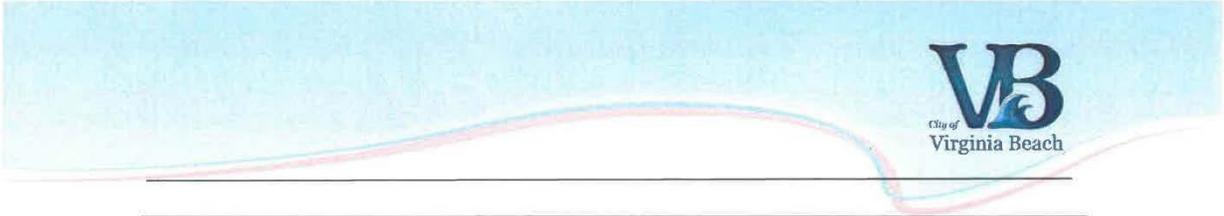
SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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?

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.**

	Karen Dixon, Trustee	6/25/2018
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE