

Planning Commission Agenda

February 13, 2019

VB City of
Virginia Beach

The Virginia Beach Planning Commission Public Hearing is carried LIVE on VBTv, which is available on Cox Cable Channel 48, Verizon Cable Channel 45 and on [VBgov.com's Media Center webpage](http://www.vbgov.com/media/pages/videos.aspx) at <http://www.vbgov.com/media/pages/videos.aspx>. The meeting is recast on Cox Channel 48 and Verizon Channel 45 the following morning at 9 a.m. and on Cox Channel 47 and Verizon Cable Channel 47 at 7 p.m. on the two consecutive Fridays following the live meeting. The meeting will also be available on the Media Center webpage for two months beginning the Friday after the live hearing.

Planning Commission Hearing Procedures

The Virginia Beach Planning Commission Public Hearing is held at 12:00 Noon in the Council Chamber of the City Hall Building, Municipal Center. A staff briefing is held at 9:00 a.m. in the City Manager's Conference Room, City Hall Building.

Those members of the public interested in attending the 12:00 Noon Public Hearing should be advised that, for reasons the Planning Commission deems appropriate, certain items on the agenda may be heard out of order and that it should not be assumed that the order listed in this document will be exactly followed during the public hearing.

PLEASE TURN OFF YOUR CELL PHONE WHILE IN THIS CHAMBER.

PLANNING COMMISSION ACTION IS NOT A FINAL DETERMINATION REGARDING THE APPLICATION, BUT ONLY A RECOMMENDATION TO THE CITY COUNCIL OF THE VIEWPOINT OF THE PLANNING COMMISSION. FINAL DETERMINATION OF THE APPLICATION WILL BE MADE BY CITY COUNCIL AT A LATER DATE AFTER PUBLIC NOTICE IN THE VIRGINIAN PILOT/BEACON.

IF YOU ARE ATTENDING THE HEARING AND DESIRE TO SPEAK ON AN ITEM, FILL OUT A 'SPEAKER CARD' AT THE DESK OUTSIDE THE COUNCIL CHAMBER PRIOR TO THE MEETING.

THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING
(IF YOU DO NOT UNDERSTAND, ASK A STAFF MEMBER SITTING AT THE DESK AT THE FRONT OF THE CHAMBER OR THE STAFF MEMBER AT THE DESK OUTSIDE THE CHAMBER).

1. **WITHDRAWALS AND DEFERRALS:** The first order of business is the consideration of withdrawals or requests to defer an item. The Commission will ask those in attendance at the hearing if there are any requests to withdraw or defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.
 - a. An applicant may withdraw an application without the Commission's approval at any time prior to the commencement of the public hearing for that item. After the commencement of the hearing, however, the applicant must request that the Planning Commission allow the item to be withdrawn.
 - b. In the case of DEFERRALS, the Commission's policy is to defer the item indefinitely with the understanding that the item will be placed back on the Commission's agenda at the earliest possible date. Although the Commission allows an item to be deferred upon request of the applicant, the Commission will ask those in attendance if there are any objections to the request for deferral. If you wish to oppose a deferral request, let the Commission know when they ask if there is anyone in attendance who is opposed to the deferral. PLEASE confine your remarks to the deferral request and do not address the issues of the application – in other words, please let the Commission know why deferring the application is unacceptable rather than discussing what your specific issue is with the application.
2. **CONSENT AGENDA:** The second order of business is consideration of the "consent agenda." The consent agenda contains those items
 - a. that the Planning Commission believes are unopposed and
 - b. which have a favorable Staff recommendation.

* Deferral

** Withdrawal

If an item is placed on the Consent Agenda, that item will be heard with other items on the agenda that appear to be unopposed and have a favorable staff recommendation. The Commission will vote on all of the items at one time. Once the Commission has approved the item as part of the Consent Agenda, it is deemed approved and will not be discussed any further. It is important, therefore, if you have an objection to an item being placed on the Consent Agenda to note your objection as the Commission goes through the items being considered for the Consent Agenda. Also note that some consent agenda items may be subject to certain conditions, as in those items that are Conditional Use Permits.

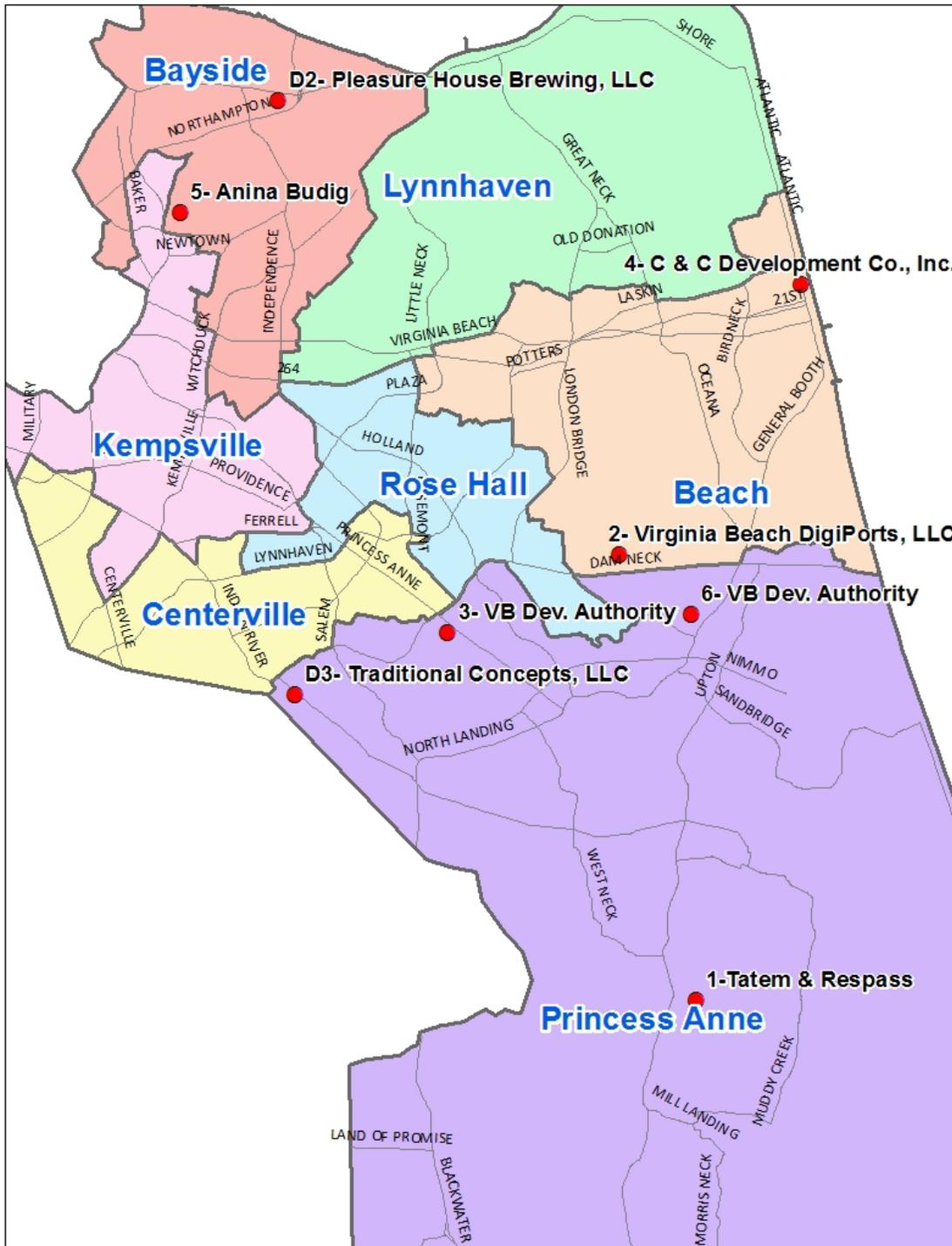
Process for the Consent Agenda:

- The Commission will announce the item number and item title being considered for inclusion on the Consent Agenda.
 - The Commission will ask if there is anyone in the audience representing the item, and if so, ask them to go up to the podium and state their name for the record.
 - If there are conditions attached to the approval of the item, the Commission will ask the representative of the item if they are aware of the conditions and if they agree to the conditions.
 - The Commission will then ask if there is anyone in the audience in opposition to the item. If you are opposed to the item, stand or raise your hand to let the Commission know.
 - If the item is opposed, it will be removed from the consent agenda and heard in its normal place on the agenda.
 - After the Commission has gone through all of the items that it believes should be on the Consent Agenda, it will vote at one time for all of the items, announcing the number of each item being voted on. Pay attention to the list of items being voted on.
3. **REGULAR AGENDA:** The Commission will then proceed with the remaining items on the agenda, according to the following process:
- a. The applicant or applicant's representative will have 10 minutes to present its case.
 - b. Next, those who wish to speak in support to the application will have 3 minutes to present their case.
 - c. If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
 - d. All other speakers not represented by the spokesperson in opposition will have 3 minutes.
 - e. The applicant or applicant's representative will then have 3 minutes for rebuttal of any comments from the opposition.
 - f. There is then discussion among the Commission members. No further public comment will be heard at that point. The Commission may, however, allow additional comments from the opposition if a member of the Commission sponsors the opposition. Normally, you will be sponsored only if it appears that new information is available and the time will be limited to 3 minutes.
 - g. The Commission does not allow slide or computer generated projections other than those prepared by the Planning Department Staff.
 - h. The Commission asks that speakers not be repetitive or redundant in their comments. Do not repeat something that someone else has already stated. Petitions may be presented and are encouraged. If you are part of a group, the Commission requests, in the interest of time, that you use a spokesperson, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

The staff reviews of some or all of the items on this agenda suggest that certain conditions be attached to approval by City Council. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. Staff agencies may impose further conditions and requirements during administration of applicable city ordinances

* Deferral
** Withdrawal

FEBRUARY 13, 2019
 PLANNING COMMISSION AGENDA



* Deferral
 ** Withdrawal

**A.
COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION**

**B.
STAFF BRIEFINGS**

Planning Design Awards - Jonathan Sanders, City Planner
 CBPA 101- Paul J. Scully, Planning Evaluation Coordinator

12:00 P.M. – PUBLIC HEARING

**1.
Teresa Tatem & Janet T. Respass [Applicants & Owners]**

Subdivision Variance (Section 4.4(b) of the Subdivision Regulations)

1965 Gum Bridge Road
 Vacant Parcel on Gum Bridge Road

(GPINs 2411153657, 2411163397)

COUNCIL DISTRICT – PRINCESS ANNE
Staff Planner – Bill Landfair



**2.
Virginia Beach DigiPorts, LLC [Applicant]
 Taylor Farms Land Company, LLC [Owner]**

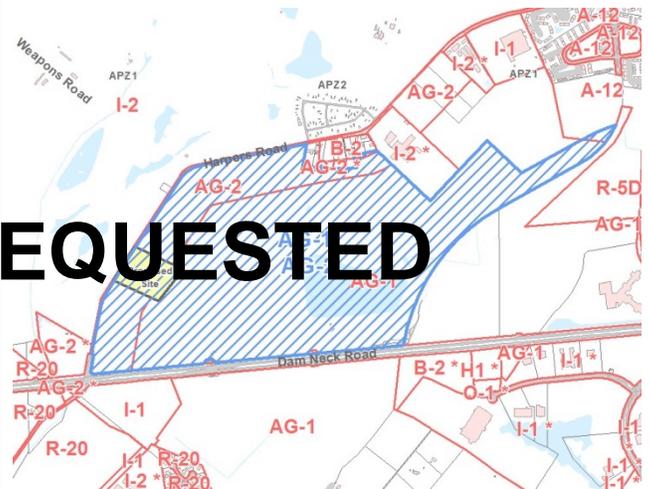
Conditional Rezoning (AG-1 & AG-2 Agricultural Districts to Conditional I-1 Light Industrial)

2097 Harpers Road

(GPIN 2405665160)

COUNCIL DISTRICT – BEACH
Staff Planner – Marchelle Coleman

DEFERRAL REQUESTED



* Deferral
 ** Withdrawal

6.

Virginia Beach Development Authority
[Applicant & Owner]

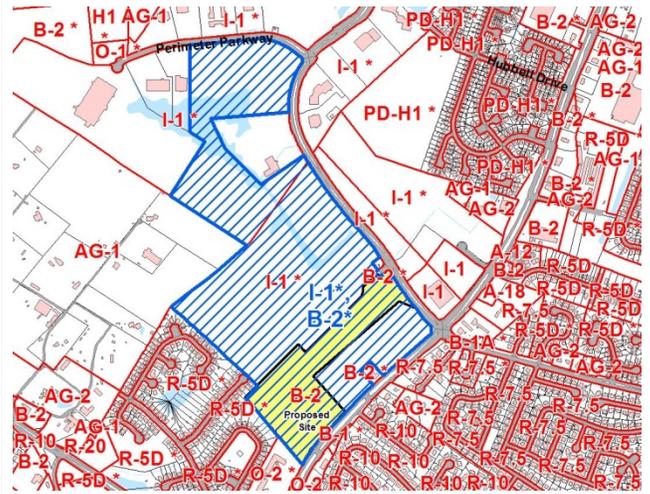
Conditional Rezoning (Conditional B-2
Community Business to Conditional I-1 Light
Industrial

Conditional Rezoning (Conditional I-1 Light
Industrial to Conditional B-2 Community Business)

Corner of Corporate Landing Parkway & General
Booth Boulevard

(GPIN 2415123535)

COUNCIL DISTRICT – PRINCESS ANNE
Staff Planner – Jonathan Sanders



PREVIOUSLY DEFERRED

D1.

City of Virginia Beach - An Ordinance to Amend Sections 111, 301, 401, 501, 601, 701, 801, 901, 1002, 1501, 1521, 1531, 2203 and Section 5.2 of the Oceanfront Resort District Form-Based Code pertaining to Mobile Food Vending Definition and Uses

D2.

Pleasure House Brewing, LLC [Applicant]
Weathersby Properties, LLC [Owner]

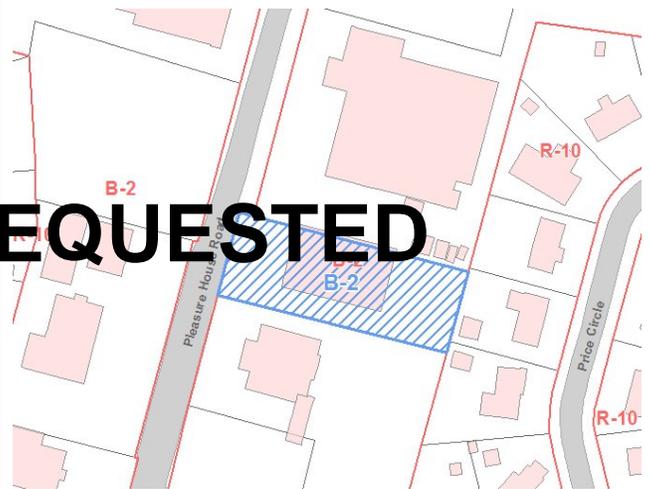
Conditional Use Permit (Craft Brewery,
Assembly Use, & Open-Air Market)

2032 Pleasure House Road

(GPIN 1479461677)

COUNCIL DISTRICT – BAYSIDE
Staff Planner – Robert Davis

DEFERRAL REQUESTED



* Deferral
** Withdrawal

D3.

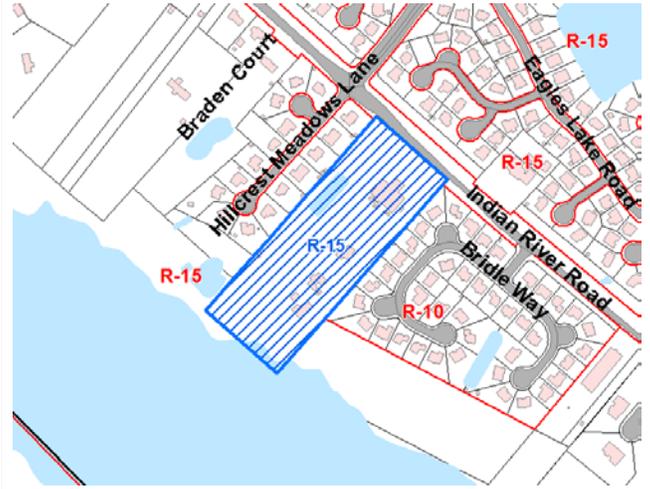
Traditional Concepts, LLC & Victory Baptist Church of Virginia Beach, Inc. [Applicants]
Victory Baptist Church of Virginia Beach, Inc. [Owner]

Modification of Conditions (Religious Use)
Conditional Rezoning (R-15 Residential to Conditional R-10 Residential)
Subdivision Variance (Section 4.4 (b) of the Subdivision Regulations)

4125 Indian River Road

(GPIN 1474534410)

COUNCIL DISTRICT - PRINCESS ANNE
Staff Planner – Jonathan Sanders



* Deferral
** Withdrawal

Request

Subdivision Variance (Section 4.4 (b) of the Subdivision Regulations)

Staff Recommendation

Approval

Staff Planner

Bill Landfair

Location

1965 Gum Bridge Road & the adjacent parcel to the east

GPINs

2411163397 & 2411153657

Site Size

7.89 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Single-family dwelling, cultivated fields / AG-1/AG-2 Agricultural

Surrounding Land Uses and Zoning Districts

North

Gum Bridge Road
 Single-family dwellings / AG-2 Agricultural

South

Cultivated fields / AG-1 Agricultural

East

Single-family dwelling, cultivated fields / AG-1/AG-2 Agricultural

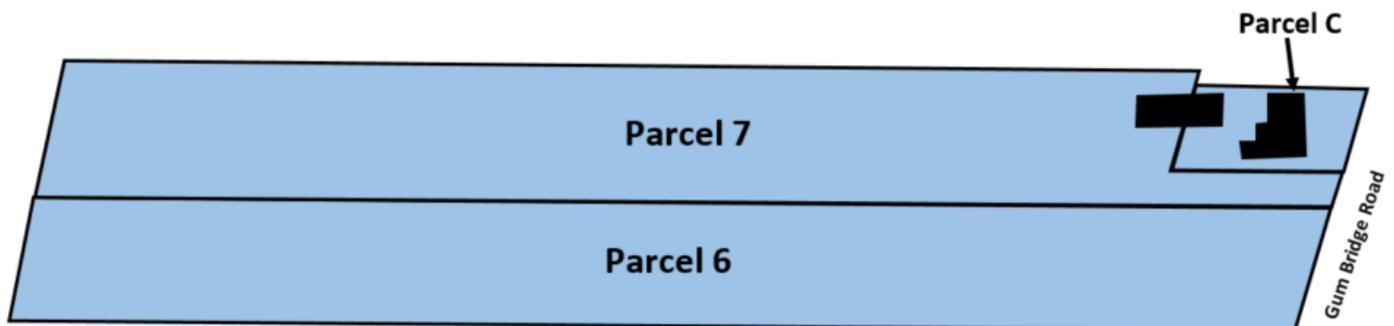
West

Single-family dwelling, cultivated fields / AG-1/AG-2 Agricultural

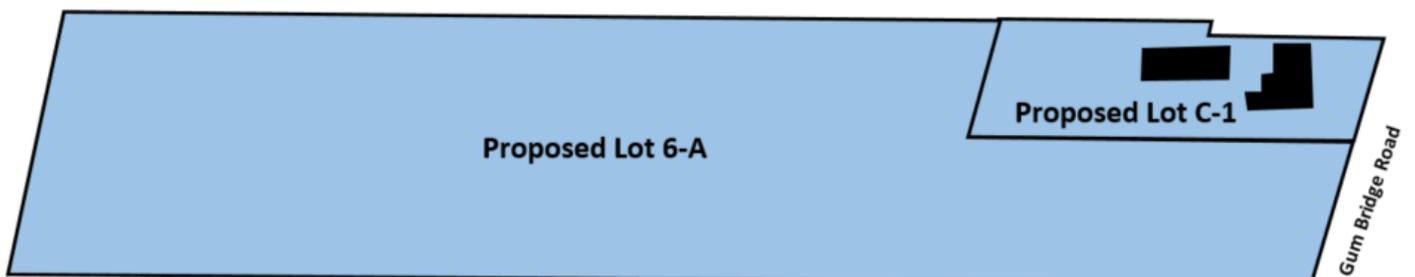


Background and Summary of Proposal

- Prior to 1970, the 7.89 acres subject to this application, as well as other land along the southside of Gum Bridge Road, was under the common ownership of James T. Tatem. Upon his death in 1970, a last will and testament was executed that distributed the land to 13 heirs and their spouses. Adjacent parcels 1 – 5 and A and B, that were also under James T. Tatem’s ownership and were part of the same partition plat, were subject to a Subdivision Variance approved by the City Council on January 15, 2019. The result of that variance was a reduction from seven to five lots. This request of Teresa Tatem and Janet Tatem Respass, if approved, will result in a reduction from three to two lots.
- A partition plat (Map Book 85, Page 23) was recorded in 1971, which devised the land amongst the heirs, but without the benefit of a review by the Planning Department. As such, the partition plat, while recorded, did not meet the requirements to properly subdivide the property. The subject sites were depicted as three parcels (Parcel 6, Parcel 7 and Parcel C).



- At the time the partition plat was recorded, the property was zoned A-R Agricultural Restricted District. Parcel 6 met both lot area and lot area requirements; however, Parcel 7 and Parcel C were deficient in lot width.
- The applicant now proposes to resubdivide the site from the three parcels depicted on the partition plat into two parcels. Proposed Lot 6-A would be 6.88 acres in size and have a lot width of 150 feet, thus meeting all the dimensional requirements of the Zoning Ordinance. Proposed Lot C-1 would be one-acre in size and have a lot width of 107 feet as opposed to the 150 feet that is required, and therefore would require a Subdivision Variance.



	Required	Proposed Lot 6-A	Proposed Lot C-1
Lot Width in Feet	150 feet	150	107*
Lot Area in Acres	1 acre	6.88	1.00

*Subdivision Variance to lot width requested

- The existing single-family dwelling that is located on what will become Lot C-1 is proposed to remain. Until recently, all three of the existing parcels were under common ownership. During that time, a garage was constructed that straddled the property line between Parcels C and 7. The proposed lot configuration will adjust this line and alleviate this issue by having the garage on one lot.
- A new single-family dwelling is proposed to be located on what will become Lot 6-A. The submitted elevations depict a two-story structure with a side-loading garage, front porch and dormers. Primary exterior building materials are depicted as board and batten vinyl siding and cedar shake shingles.
- The Base Flood Elevation in this area is three feet. The ground elevations near Gum Bridge Road where the existing dwelling is located and where the proposed dwelling will be constructed range between five and 6.50 feet, outside of the Special Flood Hazard Area. The closest section along Gum Bridge Road within the Special Flood Hazard Area is nearly 3,000 feet away, east of the site. According to the applicants, neither they nor their parents have experienced any flooding on the property in the 58 years that they have lived on the site.



- Single-family projects in the Southern Rivers Watershed disturbing less than an acre, are exempt from the Stormwater Management Ordinance (Appendix D, Section 1-4.E.3). During site plan review, Planning Department engineers in the Development Services Center will ensure that stormwater from the site is conveyed to the right-of-way or other conveyance system. If no conveyance system exists, sites are required to provide onsite storage of stormwater. In essence, if the stormwater can be directed into an adequate conveyance system (ditch, drop inlets, etc.) then onsite stormwater management facilities (SWMFs) are not required.



Zoning History

#	Request
1	SVR Approved 01/15/2019

Application Types

CUP – Conditional Use Permit	MOD – Modification of Conditions or Proffers	FVR – Floodplain Variance
REZ – Rezoning	NON – Nonconforming Use	ALT – Alternative Compliance
CRZ – Conditional Rezoning	STC – Street Closure	SVR – Subdivision Variance

Evaluation and Recommendation

Section 9.3 of the Subdivision Regulations states:

No variance shall be authorized by the Council unless it finds that:

- A. Strict application of the ordinance would produce undue hardship.
- B. The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the neighborhood will not be adversely affected.
- C. The problem involved is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance.
- D. The hardship is created by the physical character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a variance.
- E. The hardship is created by the requirements of the zoning district in which the property is located at the time the variance is authorized whenever such variance pertains to provisions of the Zoning Ordinance incorporated by reference in this ordinance.

This proposed request for a Subdivision Variance to lot width has similar circumstances that Staff has encountered over the years. It was not uncommon from the 1950s to the mid-1970s to have land improperly subdivided by deed or by a partition plat in order to fulfill the terms of a will. This request in particular will lead to the reduction in the number of parcels from three to two. The site is located outside of the Special Flood Hazard Area and any stormwater management (if needed) for this single-family development would be minor and could be easily accommodated onsite based on the size of the lots.

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

Recommended Conditions

1. When subdivided, the property shall be developed as shown on the submitted subdivision exhibit entitled “SUBDIVISION EXHIBIT OF LOTS 6, 7 & C as shown on PARTITION OF PROPERTY OF J.T. TATEM ESTATE, ET AL (M.B. 85, P. 23),” dated 11/29/2018, and prepared by Fox Land Surveying, a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
2. When Lot 6-A is developed, the residential dwellings constructed shall have architectural features and appearance of like quality and character of the home depicted on page 7 of this report entitled “Proposed Elevation,” which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
3. The residential dwelling constructed on Lot 6-A shall have its lowest finished floor at an elevation at least three (3) feet above the Base Flood Elevation or three (3) feet above adjacent grade, whichever is more.
4. Prior to obtaining a building permit, Lots 6-A shall obtain approval from the Virginia Beach Health Department for private well and septic facilities.

Comprehensive Plan Recommendations

The Comprehensive Plan recognizes this property as being within the “Rural Area.” Guiding principles have been established in the Comprehensive Plan to preserve the rural character of the area through planning objectives that emphasize its agricultural and environmental economic value, in an effort to preserve the area for future generations. The Plan’s principles include preserving and promoting a vibrant agricultural economy, reinforcing rural heritage and way of life, sustaining natural resources for future generations and managing rural area development and design. (p. 1.127 - 1.128)

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 currently under cultivation. There does not appear to be any significant natural or cultural features associated with the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Gum Bridge Road	No Data Available	9,900 ADT ¹ (LOS ⁴ “D”) 11,100 ADT ¹ (LOS ⁴ “E”)	Existing Land Use ² – 85 ADT Proposed Land Use ³ – 20 ADT
¹ Average Daily Trips	² as defined by 7.88 acres of agriculturally zoned land and one single-family dwelling	³ as defined by two single-family dwellings	⁴ LOS = Level of Service

Public Utility Impacts

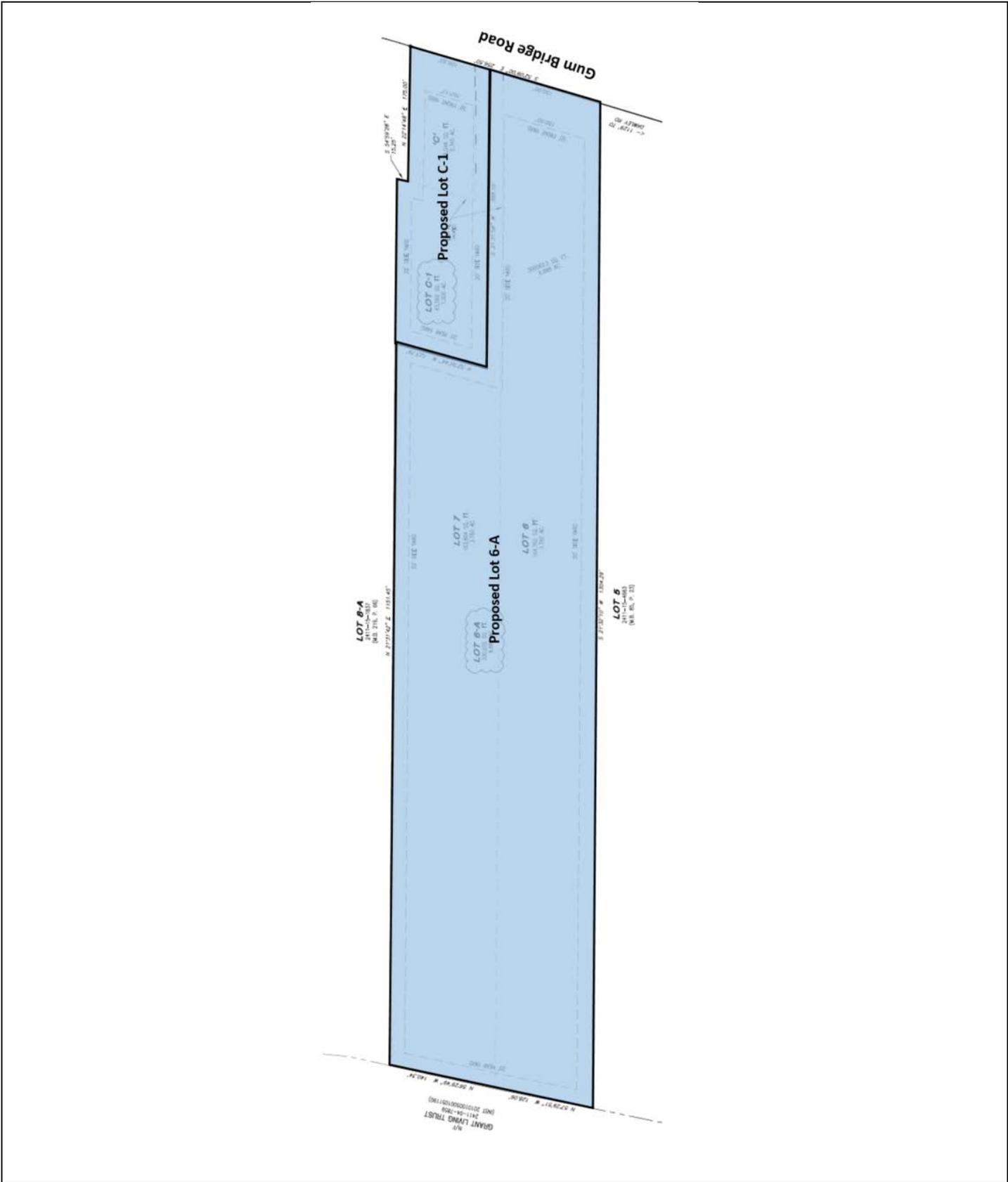
Water

City water is not readily available to the site. A private well may be installed with Health Department approval.

Sewer

City sanitary sewer is not readily available to the property. A private septic system may be installed with Health Department approval.

Proposed Site Layout



Proposed Elevation



Site Photos





APPLICANT'S NAME Janet T. Respass & Teresa Tatem

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).			
<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:_____

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-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 checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	E.C. Beacham & Associates
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Progressive R & D
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Professional Custom Remodels, LLC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Fox Land Surveying
<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	Kevin Brunick
<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>Janet T. Respass</i>	Janet T. Respass	11/28/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Morris Feelon
<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	Kevin Brunick
<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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

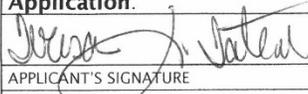
If yes, what is the name of the official or employee and what is the nature of the interest?

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.**

	Teresa L. Tatem	11/23/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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.



Applicant **Virginia Beach DigiPorts, LLC**
 Property Owner **Taylor Farms Land Company, LLC**
 Public Hearing **February 13, 2019**
 City Council Election District **Beach**

Agenda Item

2

The Applicant has requested a deferral of this application as the Proffer Agreement and the Certificate of Title were not submitted by the January 23, 2019 deadline. Staff supports the deferral.

Request

Conditional Rezoning (AG-1 & AG-2
 Agricultural to Conditional I-1 Light Industrial)

Staff Recommendation

Approval

Staff Planner

Marchelle Coleman

Location

2097 Harpers Road

GPIN

2405665160

Site Size

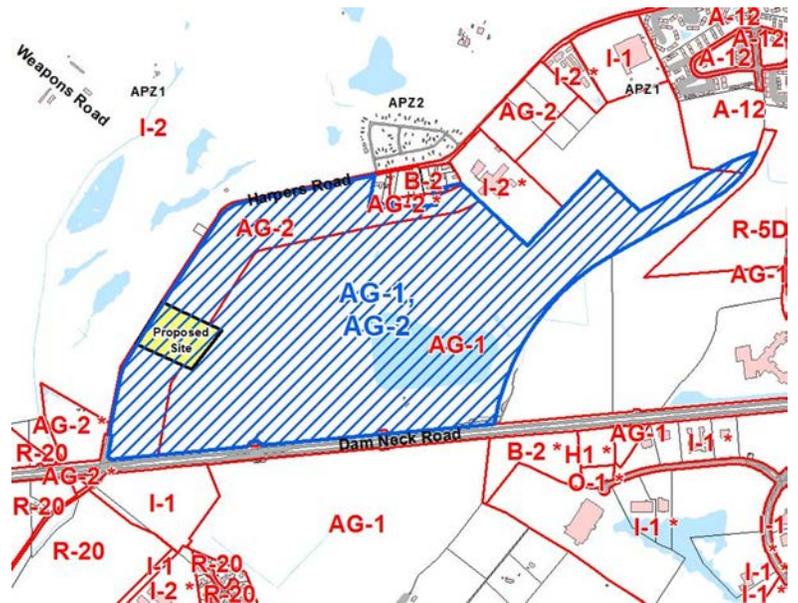
10.15 acres

AICUZ

Greater than 75 dB DNL

Watershed

Southern Rivers





Applicant **Virginia Beach Development Authority**
 Property Owner **City of Virginia Beach**
 Public Hearing **February 13, 2019**
 City Council Election District **Princess Anne**

Agenda Item

3

The Applicant has requested a deferral of this application in order to make revisions to the proposed development concept. Staff supports the deferral.

Request

Modification of Proffers

Staff Recommendation

Deferral

Staff Planner

Robert Davis

Location

Northeast Corner of Landstown Road & Landstown Centre Way

GPIN

1484882692

Site Size

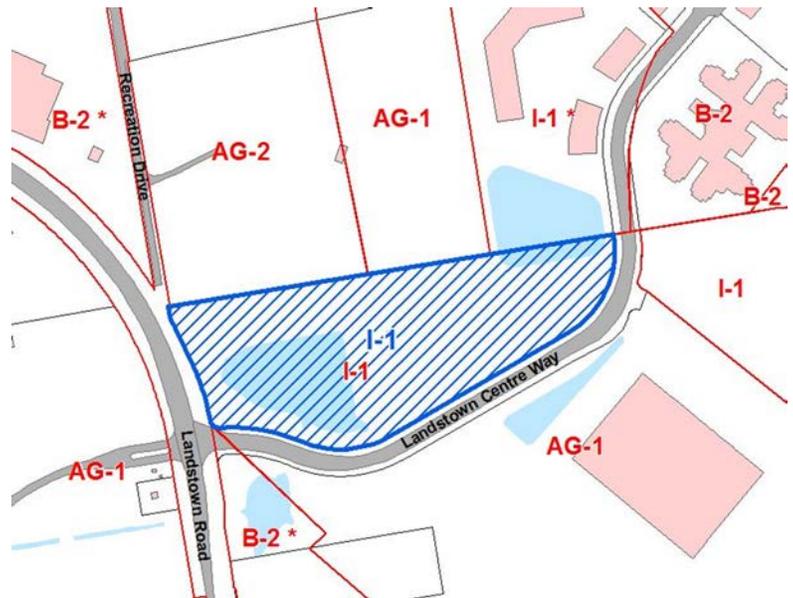
11.29 acres

AICUZ

70-75 dB DNL

Watershed

Southern Rivers



Request

Alternative Compliance to the prescribed criteria of the Oceanfront Resort District Form-Based Code

Staff Recommendation

Approval

Staff Planner

Ashby Moss

Location

2508 Pacific Avenue & 302 26th Street

GPINs

24280072010000, 24280073100000

Site Size

9,250 square feet

AICUZ

65-70 dB DNL; Sub-Area 1

Watershed

Chesapeake Bay

Existing Land Use

Two-story office building

Zoning District and Street Frontage Type

OR Oceanfront Resort / Gateway (Pacific) & Beach (26th)

Surrounding Land Uses and Zoning Districts

North

Off-site hotel parking lot / OR Oceanfront Resort

South

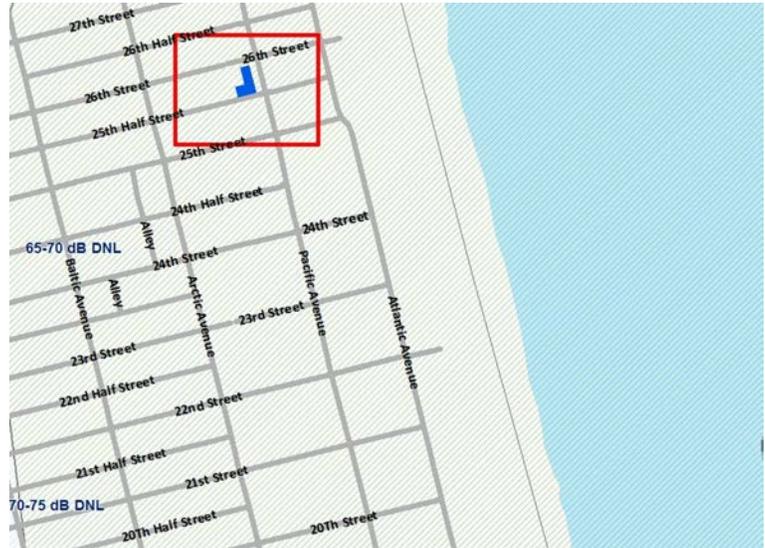
Strip shopping center/ OR Oceanfront Resort

East

Off-site hotel parking structure / OR Oceanfront Resort

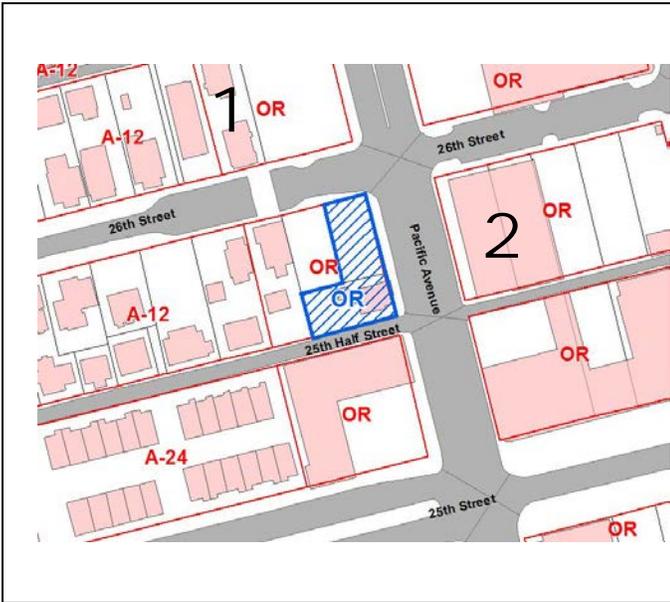
West

Single-family dwelling / OR Oceanfront Resort



Background and Summary of Proposal

- The applicant requests to develop the site with a five-unit row house building fronting Pacific Avenue and a detached single-unit structure fronting the 25-1/2 Street alley. The Oceanfront Resort District Form-Based Code (FBC) requires each row house unit to accommodate a minimum lot width of 20 feet and a minimum lot area of 1,500 square feet (whether or not the property is actually subdivided). As proposed, each row house unit exceeds the lot width requirement, but the lot area is as low as 1,250 square feet. In addition, the 1,425 square foot detached rear structure does not front a street, does not meet minimum lot width or area requirements, and adds a second building type that is not permitted with the Row House building type. Lastly, the proposed garages encroach well into the 25-foot parking setback. For these reasons, the applicant is requesting a Special Exception for Alternative Compliance.
- The proposal also includes “optional forms of development” for certain prescribed criteria associated with the Row House building type. Optional Forms of Development, which may be approved administratively, fulfill the same purpose of a prescribed form through a different means. For informational purposes, the table at the end of the report lists the pertinent FBC prescribed criteria, the proposed criteria, and the method of approval for each.
- The row house structure is contemporary in style and includes four stories with front stoops, second and third story balconies, and rooftop outdoor amenity space for each unit. High quality building materials include a masonry foundation accented with brick veneer on the stoops; fiber cement board and batten, horizontal planks, and panels with batten strips; metal railing on the balconies and rooftop; and Bahama shutters on fourth story windows. Units are separated by projecting stairwells with dark wood “Nichiha” (or similar material), horizontal planking and large metal clad windows. As recommended by the Oceanfront Resort District Design Guidelines, the overall row house building design clearly identifies and orients pedestrians to each unit. The rear detached structure follows the same contemporary design and materials but is reduced to three stories in height and does not include porches.
- All vehicular ingress and egress will be from the alley, which will be increased to a width of 22 feet after a two-foot dedication. As required by Public Works, the alley will be improved with an 18-foot pavement section. With five on-site spaces and three new metered spaces on 26th Street created as a result of this development, the proposal meets the minimum parking requirement of 1.3 spaces per unit. This reduced parking ratio is permitted only for residential uses that do not participate in the Residential Parking Permit Program. Although each of the five row house units has a two-car garage, these spaces do not count towards meeting the minimum parking requirement.
- As part of this development, the applicant will construct a new, enhanced streetscape along both the Pacific Avenue and the 26th Street frontages. The new streetscape will contain a six-foot concrete sidewalk and a variable four to five-foot brick paver verge with street trees and pedestrian lights along the Pacific Avenue frontage. Similar improvements continue on 26th Street, minus the street trees and pedestrian lights. The closed curb cut and new curblines on 26th Street enable three new metered parking spaces.
- Although not included as part of this project, the applicant has demonstrated that the proposed streetscape improvements will support a future pedestrian refuge median in Pacific Avenue. The City’s Traffic Safety Improvement Program has funded a similar pilot project to construct a pedestrian refuge median this year between 33rd and 34th Streets. The City is seeking a matching grant to fund additional blocks in future capital programming.



Zoning History

#	Request
1	NON (two single family dwellings) Approved 03/23/2004
2	CUP (outdoor recreation) Denied 04/25/1992

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 Resort Area Strategic Action Plan (RASAP), adopted in December 2008, is the guiding document for planning policy and development in the Oceanfront Resort District. The RASAP calls for improved transit and pedestrian connections between destinations, and a transition in use and design from the Resort Area to the neighborhoods. One of the nine development strategies is to “grow residential” in order to increase year round activity.

Evaluation and Recommendation

Section 7.3.3 of the FBC lists the review standards for Alternative Compliance applications. Any development seeking a Special Exception for Alternative Compliance must:

- advance the stated goals and objectives of the Resort Area Strategic Action Plan and Oceanfront Resort District Form-Based Code;
- promote modes of transportation other than the automobile;
- create a pedestrian-oriented and pedestrian-scaled environment;
- contribute to a memorable and compatible mix of uses;
- be consistent with the intent of the regulations applicable to the subject street frontage(s);
- be physically and functionally integrated with the built environment; and
- advance the goals and objectives of the parking strategy for the District.

The predominant factor in assessing the degree to which this proposal meets the review standards listed above is the new streetscape. Although standard minimum improvements are required with every development project, the applicant has agreed to provide streetscape improvements that would normally be associated with a capital improvement project. This will create a comfortable pedestrian environment with similar dimensions and components found at the Aqua/I-Fly development between 24-1/2 and 25th Street. The new curb alignment for this project also creates space for three new metered parking spaces on 26th Street and sets the stage for the addition of a pedestrian refuge median on Pacific Avenue if future funding becomes available.

In addition, the height and density of the row house and detached house buildings provide a good transition from the more intense Pacific Avenue Gateway frontage to the Old Beach residential neighborhood to the west. Introduction of this type of residential product, even if used for short-term rentals, will contribute to a compatible mix of uses, enliven the resort area, and help support local businesses year round.

Lastly, the project as a whole meets applicable design guidelines for the row house building type, including a clear distinction between units, front stoops and balconies, high quality building materials, and clear pedestrian-oriented entrances from the sidewalk.

The applicant sought comments from the Resort Advisory Commission's Planning Design Review Committee (RAC PDRC) on three occasions, making modifications as recommended, and the group ultimately voted unanimously to approve the proposal.

For the reasons stated as part of this evaluation and summarized earlier in this report, Staff finds that the review standards have been met and recommends approval of this Special Exception for Alternative Compliance, with the following conditions:

Recommended Conditions

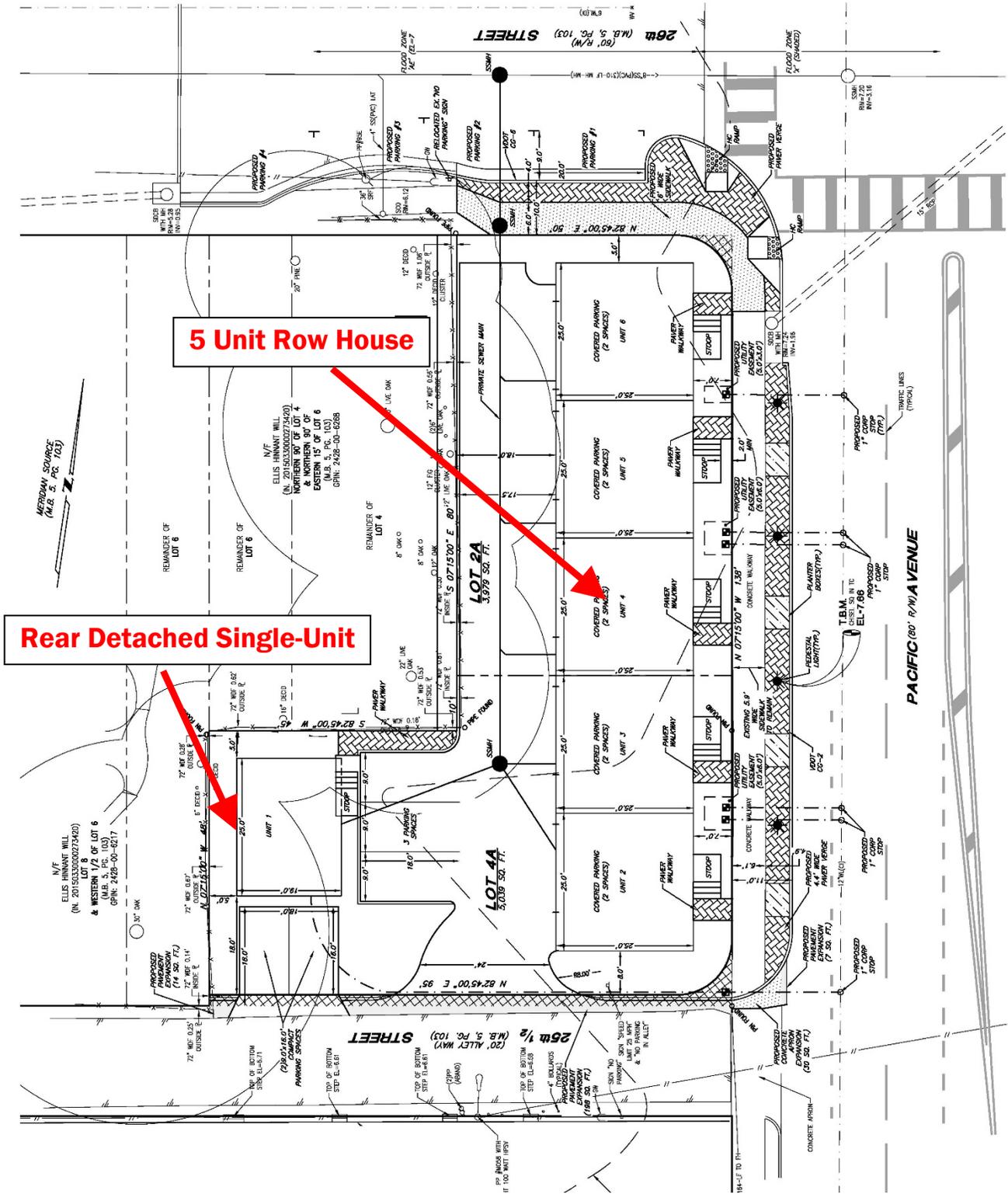
1. Site layout, improvements, easements, and plantings shall be substantially as shown on the conceptual site plan package titled, "DEVELOPMENT EXHIBIT LOTS 2, 4, & 6 & NORTHERN 90' OF LOT 2 for VB HOMES" dated 01/18/2019, as prepared by WPL. Said drawing has been exhibited to the City Council and is on file in the Department of Planning.
2. The architectural design, colors, and materials for the row house and rear detached house buildings shall be substantially as shown on the exhibits titled "Elevation Concept for 2508 Pacific Avenue-Design for VB Homes," dated January 24, 2019, by RBA (Retnauer Baynes Associates). Said drawings have been exhibited to the City Council and are on file in the Department of Planning.
3. The applicant shall make all right-of-way dedications and improvements substantially as shown on the site plan package referenced in Condition #1 for Pacific Avenue, 26th Street, and the 25-1/2 Street alley, except the 26th Street improvements shall be extended beyond the subject site to accommodate a total of three on-street parking spaces on the north and/or south sides as required by Public Works Traffic Engineering. Additional adjustments and requirements may be applied as part of development site plan review.
4. All landscaping must be maintained in good health. Any landscaping that fails to grow or is determined to be in poor health shall be replaced with a type and quantity of plantings that is similar to and meets the same intent as the plants shown in the Planting Layout referenced in Condition #1. Any replacement plantings shall be approved by the Development Services Center.
5. All mechanical equipment shall be screened year-round either architecturally or by landscaping or fencing such that it is not visible from the public right-of-way.
6. Temporary chain-link fencing shall be installed on the property lines shared with the adjacent property owner to the west for tree protection and containment of construction activity.
7. Per Sec. 6.2.5 (A) of the Oceanfront Form-Based Code regarding Reduced Parking, owners, residents, guests, or employees associated with this property are **not** eligible to participate in the Residential Parking Permit Program (RPPP). The developer shall record a deed restriction disclosing this information prior to receiving a Certificate of Occupancy.

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 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 and Building Criteria

FBC Row House Criteria	As Prescribed by the FBC	As Proposed	Approval Process
Multiple Building Types on same lot	Each building type must be able to meet minimum lot criteria	Rear unit does not have frontage on street and cannot meet minimum lot dimensions	Alternative Compliance
Lot Area (combined)	10,500 SF	9,018 SF	Alternative Compliance
Lot Area per unit	1,500 SF (row house) 3,000 SF (detached house)	1,250 SF per interior row house unit; end units meet or slightly exceed minimum 216 SF (estimated lot area for detached house)	Alternative Compliance
Lot Width	20' min (row house) 30' min (detached house)	25' + (row house units) 0' (detached house)	Alternative Compliance
Pacific Avenue building setback	5' (2' for stoops & porches)	7' (2' for stoops)	Prescribed Form
26 th Street building setback	5'	4'-5' (due to corner dedication)	Optional Form
Alley building setback	5'	8' (excluding 2' alley dedication)	Prescribed Form
Parking Setback	25' on 60% Pacific Ave. frontage 10' on 60% 26 th St. frontage	+/- 10' on 90% +/- 5' on 95%	Alternative Compliance
Required Parking	2 spaces per unit 1.3 per unit per Sec. 6.2.5(A) reduced parking with no RPPP	1.3 per unit (5 on site and 3 new metered spaces on 26 th St.)	Optional Form
Outdoor Amenity Space	20% of site area	21% (provided entirely on rooftop) 7% (provided in new streetscape)	Prescribed Form
Building Height Row House building type	45' max Sec. 4.1.4(C)(8) height encroachment for stairway access to roof limited to 12', 25% roof area, and 10' setback	44.5' top of roof 52' top of roof access towers	Optional Form
Building Height Detached House building type	35' max	34' top of roof 41.5' top of roof access tower	Optional Form
Balcony Depth	6' min	6'	Prescribed Form
Tree Canopy (150 sf per unit)	900 sf min	900 sf (9 small trees on site)	Prescribed Form

Proposed Conceptual Site Layout



Proposed Elevations – Front Structure

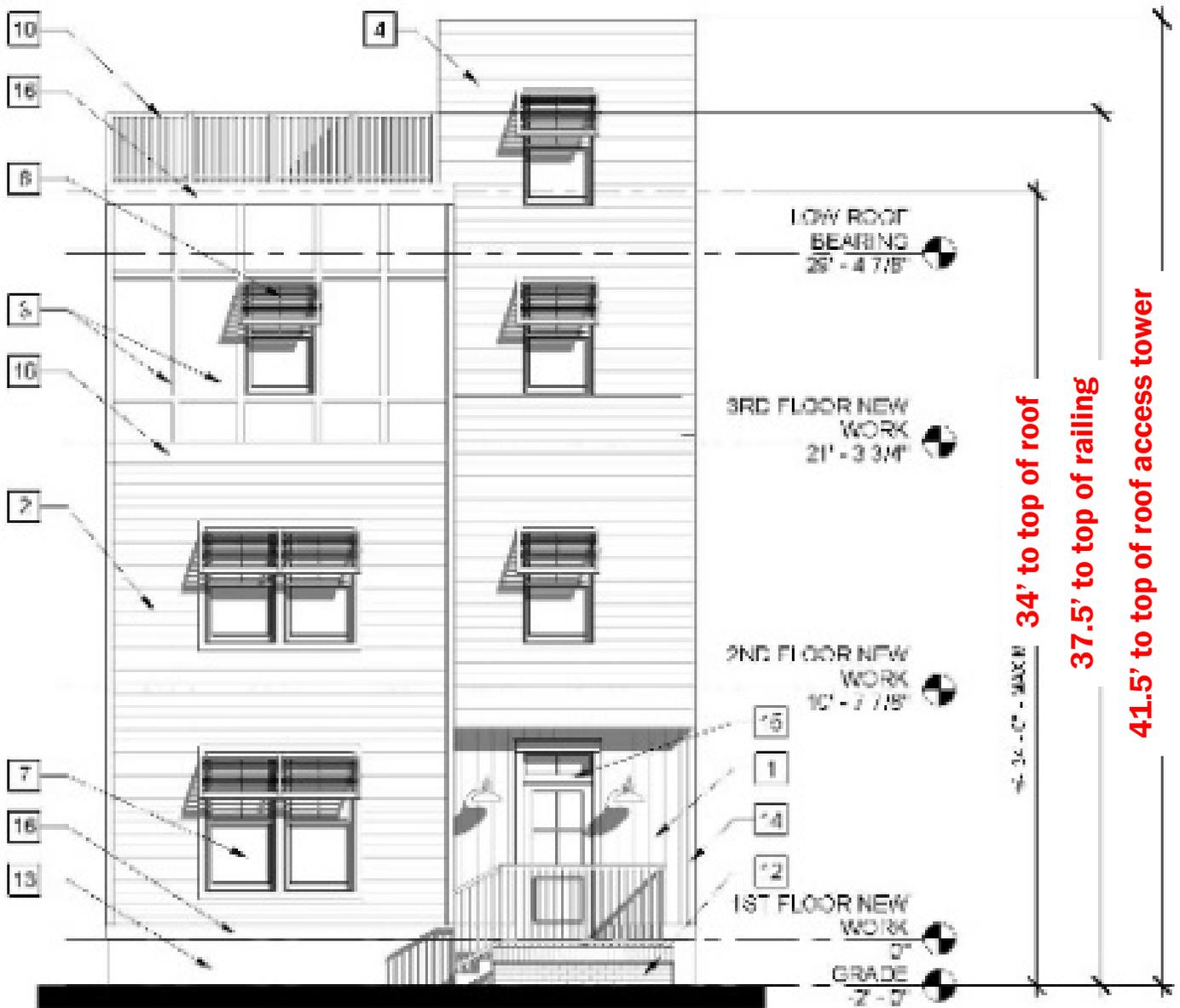


CONCEPT ELEVATION
3/16" = 1'-0"



KEY NOTES CONCEPTUAL	
1	FIBER CEMENT BOARD AND BATTEN SIDING
2	FIBER CEMENT HORIZONTAL SIDING
3	FIBER CEMENT SMOOTH PANELING WITH BATTEN STRIPS
4	NICHIA (OR SIMILAR) HORIZONTAL WOOD SIDING
5	CANTILEVERED WOOD DECK WITH FIBER CEMENT TRIM
6	BAHAMA SHUTTER
7	METAL CLAD DOUBLE HUNG WINDOW
8	METAL CLAD FIXED WINDOW
9	SLIDING PATIO DOOR WITH TRANSOM WINDOW
10	METAL RAILING SYSTEM
11	FIBERGLASS COLUMN WRAP
12	BRICK VENEER
13	PARGE CMU
14	FIBER CEMENT CORNER BOARD
15	FRONT ENTRY DOOR WITH TRANSOM WINDOW
16	FIBER CEMENT TRIM BAND

Proposed Elevations - Rear Structure



CONCEPT ELEVATION - SINGLE UNIT

3/8" = 1'-0"

KEY NOTES CONCEPTUAL ELEVATION

- | | |
|----|---|
| 1 | FIBER CEMENT BOARD AND BATTEN SIDING |
| 2 | FIBER CEMENT HORIZONTAL SIDING |
| 3 | FIBER CEMENT SMOOTH PANELING WITH BATTEN STRIPS |
| 4 | NICHIA (OR SIMILAR) HORIZONTAL WOOD SIDING |
| 5 | CANTILEVERED WOOD DECK WITH FIBER CEMENT TRIM |
| 6 | SAHAMA SHUTTER |
| 7 | METAL CLAD DOUBLE HUNG WINDOW |
| 8 | METAL CLAD FIXED WINDOW |
| 9 | SLIDING PATIO DOOR WITH TRANSOM WINDOW |
| 10 | METAL RAILING SYSTEM |
| 11 | FIBERGLASS COLUMN WRAP |
| 12 | BRICK VENEER |
| 13 | PARCEL CMU |
| 14 | FIBER CEMENT CORNER BOARD |
| 15 | FRONT ENTRY DOOR WITH TRANSOM WINDOW |
| 16 | FIBER CEMENT TRIM BAND |

Proposed Renderings



ELEVATION CONCEPT FOR 2508 PACIFIC AVENUE - FRONT
DESIGN FOR VB HOMES

JANUARY 24, 2019 
R B A

Proposed Renderings



ELEVATION CONCEPT FOR 2508 PACIFIC AVENUE - SOUTH EAST CORNER
DESIGN FOR VB HOMES

JANUARY 24, 2019 



ELEVATION CONCEPT FOR 2508 PACIFIC AVENUE - NORTH EAST CORNER
DESIGN FOR VB HOMES

JANUARY 24, 2019 

Proposed Renderings – Rear Unit



ELEVATION CONCEPT FOR 2508 PACIFIC AVENUE - SOUTH EAST CORNER - SINGLE UNIT
DESIGN FOR VB HOMES

JANUARY 24, 2019 

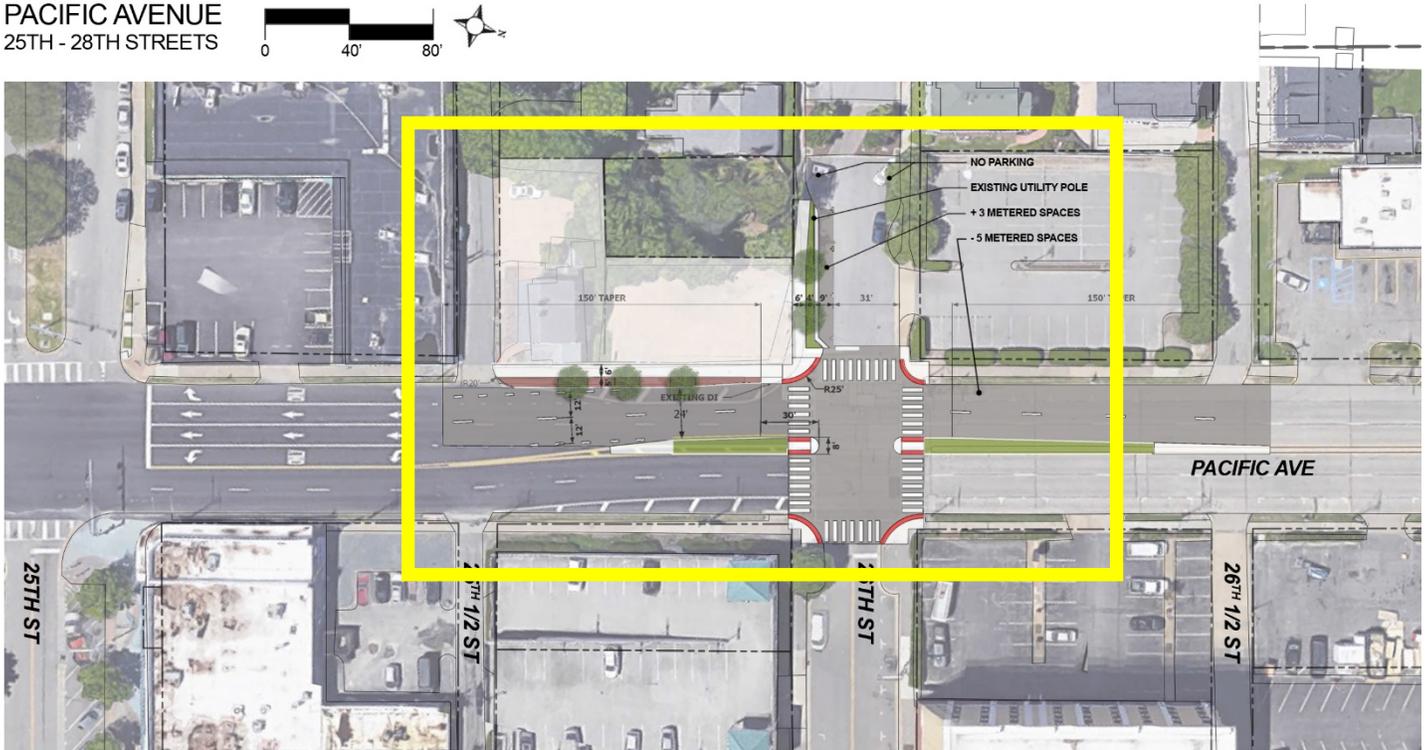


ELEVATION CONCEPT FOR 2508 PACIFIC AVENUE - NORTH EAST CORNER - SINGLE UNIT
DESIGN FOR VB HOMES

JANUARY 24, 2019 

Pedestrian Refuge Median Concept

PACIFIC AVENUE
25TH - 28TH STREETS





APPLICANT'S NAME C and C Development Co., Inc.

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).			
<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: C and C Development Co., 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)*

Christopher J. Ettel, President

(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: ETCPAC, LLC
 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)*

Chris Caton; Leigh Anne Vincent; John Caton, Trustees

- (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	Residential Designs, Ltd. - Carroll W. Johnson
<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	WPL
<input type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Not finalized only potential local lender could be TowneBank
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Sykes, Bourdon, Ahern & Levy, P.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	CJE Realty Associates - Chris Ettel

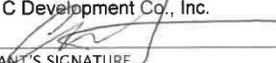
SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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.		
C and C Development Co., Inc.	Christopher J. Ettel, President	
By: 		
APPLICANT'S SIGNATURE	PRINT NAME	DATE



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	Pat Corbin, CPA
<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	Amy Peseski, Esquire
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Leland Real Estate - John Colesti

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

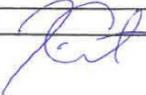


CERTIFICATION:

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.

ETCPAC, LLC	Chris Caton, Trustee	
By: 	PRINT NAME	DATE
PROPERTY OWNER'S SIGNATURE		

By: _____
By:  _____

Leigh-Anne Vincent, Trustee
John Caton, Trustee

Disclosure Statement



CERTIFICATION:
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

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ETCPAC, LLC:	Chris Caton, Trustee	
By:		
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

By: Leigh-Anne Vincent, HRE
By: _____

Leigh-Anne Vincent, Trustee 12-19-18
John Caton, Trustee

Request

Conditional Rezoning (R-10 Residential to Conditional PD-H2 (R-10 Overlay) Planned Development)

Staff Recommendation

Approval

Staff Planner

Jonathan Sanders

Location

5588 Moores Pond Road

GPIN

1468564635

Site Size

6.54 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Historic farm with four dwellings / R-10 Residential

Surrounding Land Uses and Zoning Districts

North

Single-family dwellings / PD-H2 Planned Development

South

Weblin Farm Road
 Single-family dwellings / R-10 Residential

East

Single-family dwellings / R-10 Residential

West

Single-family dwellings / Conditional R-10 Residential



Background and Summary of Proposal

- The property includes the historic Weblin House, named for John Weblin, Jr., who owned the land from 1686 until 1716 and built the house during that time period. The Weblin House is listed on the National Register of Historic Places, the Virginia Landmarks Register and the Virginia Beach Historical Register. Listing on each of these registers is honorary and provides no restrictions or regulations.
- H.C. Moore purchased the property in 1924 and continued the agricultural use that had historically been associated with the property. In 1976, there were 150 acres associated with the house. In 1994, the Moore family sought to subdivide the remaining 10 acres for development. Despite the historic agricultural use of the property, the land was zoned residential, specifically R-10 and R-40 Residential Districts. In 1996, the property was subdivided and the R-40 land was rezoned to R-10. This resulted in 30 individual parcels along the new Weblin Farm Road. Most of the dwellings were built on these sites in 1998 and 1999.
- The 6.54 acre site currently exists with four dwelling units that include one single-family dwelling, a single-family dwelling that was converted to a duplex, and a garage with an apartment above. In addition, the site includes various structures such as a greenhouse, the milk barn, and various sheds. The eastern portion of the site is being used to grow hops.
- The Virginia Historic Preservation Foundation granted a Deed of Easement for the Weblin House property to the Virginia Board of Historic Resources on October 24, 1997. The Easement is for approximately 6.5 acres, including the Weblin House, and provides specific protections and restrictions for the property. The Easement runs with the land in perpetuity, meaning the terms of the Easement apply to all subsequent property owners. The City of Virginia Beach does not enforce the terms of the Easement, as the City is not the holder of the Easement. A letter from the Department of Historic Resources stating that the concept is found to be in compliance with the easement is provided on pages 17 - 18 of this report.
- The applicant requests a Conditional Rezoning from R-10 Residential to Conditional PD-H2 (R-10 Overlay) Planned Development in order to renovate the interior of the milk barn and to redevelop the area where there is currently an existing garage and two vacant farm buildings. A total of 15 dwelling units are proposed – five in the milk barn, three in each of the two new residential buildings, and four in the existing residential units on the site. According to the application, the property will be under a co-op ownership with an owners' association responsible for the maintenance of the property.
- The three existing silos will remain and will be repaired as necessary. The exterior of the existing milk barn will be repainted. The proffered elevations for the two new residential buildings reflect a rural vernacular that includes front porches, and a simple gable standing seam metal roof. Other design accents include a brick foundation, grey cement fiberboard siding, and beige cement fiberboard trim.
- Per the Zoning Ordinance open space requirement, and as stipulated in the proffers and on the plan, a minimum of 15% open space will be provided, primarily on the northern and eastern portion of the site. It is the applicant's intent to maintain as much of the existing plant material as possible. Additional plantings include a four-foot tall hedge in the rear yards of the two proposed residential buildings in an effort to add more screening. Any crops or goods that are harvested on site will not be allowed to be commercially sold, as the property will be rezoned for residential uses only.
- The proffered plan depicts 48 parking spaces, which exceeds the minimum requirement of 30 spaces. The site features gravel parking in the new parking areas that will be designed to support the weight of fire apparatus vehicles. Public Works Traffic Engineering has stated that a commercial entrance with a 30-foot long throat will

be required, as multi-family developments are reviewed under commercial standards. Additional details related to the design of the entrance will be considered during final site plan review.

- The proposed stormwater system will include rain garden meadows, which are depicted to the west and north of the proposed residential buildings.

	<p>Zoning History</p> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CRZ (R-40 to Conditional R-10) Approved 08/27/1996</td> </tr> <tr> <td>2</td> <td>CRZ (R-8 to P-1, R-1 to P-1, R-1 to PD-H2, R-5 to R-8) Approved 02/04/1985</td> </tr> </tbody> </table>	#	Request	1	CRZ (R-40 to Conditional R-10) Approved 08/27/1996	2	CRZ (R-8 to P-1, R-1 to P-1, R-1 to PD-H2, R-5 to R-8) Approved 02/04/1985
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2	CRZ (R-8 to P-1, R-1 to P-1, R-1 to PD-H2, R-5 to R-8) Approved 02/04/1985						
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

In Staff’s opinion, the proposed request for a rezoning from R-10 Residential to Conditional PD-H2 (R-10 Overlay) Planned Development is acceptable. The concept put forth by the applicant provides an opportunity to generate an income stream that will assist with the maintenance of the historic home and its surroundings. Staff believes that the proposed layout was carefully crafted to ensure the minimal impact to both the historic character of the property and surrounding community. The plan while not a typical suburban-style neighborhood, it does respect the Weblin House and the historic structures that are protected by the existing historic easement. This is evident by the following design elements: use of gravel driveway and parking spaces, reuse of historic milk barn and farm buildings, enhancement and maintenance of existing plant material, use of rural vernacular architecture and building materials, and preservation of interesting historic structures.

In addition, the proposed density at 2.29 units per acre is lower than the typical allowable density of three dwelling units per acre in the R-10 Residential District, and is consistent with the pattern of development that has occurred over time in the vicinity of this property. By comparison, Cypress Point to the north has a density of 3.28 units per acre and the adjacent houses on Weblin Farm Road were developed at a density of 2.96 units per acre.

For the reasons stated above, Staff recommends approval of this request, subject to the following proffers.

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:

When developed, the Property shall be a residential cooperative containing no more than 15 units and shall be in substantial conformance with the Master Plan entitled “New Master Plan”, dated 10-26-2018, which has been exhibited to the City Council and is on file in the Department of Planning and Community Development (hereinafter “New Master Plan”).

Proffer 2:

Landscape: Plants shall include trees and shrubs in appropriate locations and species based on the historic nature of this site and as shown on the exhibit entitled “New Master Plan”, dated October 26, 2018, prepared by Dills Architects. The existing landscape and Plants shall remain as-is with additional Plants at the new structures as shown on the exhibit entitled “New Master Plan,” dated October 26, 2018, prepared by Dills Architects. A Landscape Plan shall be submitted during final site plan review. Such Landscape Plan shall be reviewed by the Planning Director for compliance with the proffer and other applicable City regulations.

Proffer 3:

Parking: Proposed new parking area will be stone gravel with stone block edging and wheel stops except for the accessible spaces, which shall be in compliance with ADA requirements. A subs system similar to “gravel pave” will be used.

Proffer 4:

Sign: A new sign will be added for the entrance of the new dwelling unit’s area from the existing parking area. The new sign will not be visible from the ROW, and shall be in compliance with the Zoning Ordinance.

Proffer 5:

Waste removal: Each individual dwelling unit will have a trash and recycle can. These cans will be picked up weekly by a private waste removal company.

Proffer 6:

Low wood fencing (48”) with a low planted screen will be at the rear sides of the new dwelling units (6), as shown on the exhibit entitled The “New Master Plan”, dated October 26, 2018, prepared by Dills Architects. Fence design will be compatible with the historic nature of the site and requirements of the easement.

Proffer 7:

Open Space: Open community space provided will be in excess of 15% of the total acreage of the site. The use of the open space areas will be limited to passive recreation and gardening, and will be controlled and maintained by the Cooperative Association. No commercial harvesting of crops shall be permitted.

Proffer 8:

Units: The maximum number of dwelling units shall be a total of 15 units in a combination of single-family attached and detached cooperative units.

Proffer 9:

Renovated Structures: The renovated structures shall be constructed as depicted on the submitted elevations of the proposed buildings and milk barn as shown on the exhibits entitled “New Master Plan” dated October 26, 2018, prepared by Dills Architects, which have been exhibited to the City Council and are on file with the Department of Planning and Community Development.

Proffer 10:

Building Materials: The exterior building materials and the color schemes shall be as noted and depicted on the exhibits entitled “New Master Plan” dated October 26, 2018, prepared by Dills Architects.

Proffer 11:

Cooperative Association: Membership in the Cooperative Association is mandatory.

Staff Comments:

The proposed proffers are acceptable and provide confidence that the site will be developed as depicted in terms of layout, density and architectural design.

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 neighborhoods 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 does not appear to be any significant natural resources associated with the site.

The site has a recorded Virginia Historic easement. The Commonwealth of Virginia Department of Historic Resources (DHR) manages the easement. The applicant has supplied a letter (on pages 17 -18 of this report) from DHR which permits and acknowledges the proposed changes to the property. The Weblin House is listed in the National Register of Historic Places, the Virginia Landmarks Register and the Virginia Beach Historical Register.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Weblin Farm Road	No Data Available		Existing Land Use ² - 31 ADT Proposed Land Use ³ - 111 ADT
¹ Average Daily Trips	² as defined by a single family dwelling and three multi-family units.	³ as defined by a single-family dwelling unit and 14 multi-family units	⁴ LOS = Level of Service

Public Utility Impacts

Water & Sewer

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

School Impacts

School	Current Enrollment	Capacity	Generation ¹	Change ²
Luxford Elementary	514	548	3	-2
Bayside Middle	672	918	2	-1
Bayside High	1,868	1,827	3	-2

¹“Generation” represents the number of students that the development will add to the school.

²“change” represents the difference between the number of potential or actual students generated under the existing zoning and the number generated under the proposed zoning. The number can be positive (additional students) or negative (fewer students).

Proposed Milk Barn Elevations



PROPOSED MILK BARN EAST ELEVATION

- NOTES:**
- 1. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.
 - 2. EXISTING CONCRETE SILOS TO REMAIN.

Anina Budig
Weblin Properties, LLC
5588 Moore's Pond Road
Virginia Beach, VA 23455
10/26/18



Proposed Milk Barn Elevations



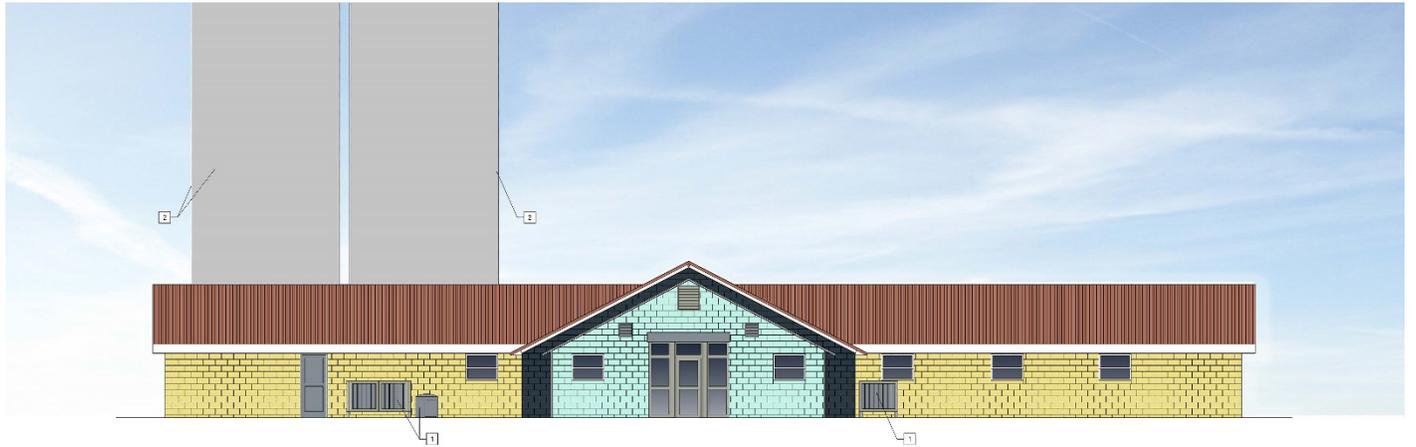
PROPOSED MILK BARN NORTH ELEVATION

- NOTES:**
- 1. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.
 - 2. EXISTING CONCRETE SILOS TO REMAIN.

Anina Budig
Webln Properties, LLC
5588 Moore's Pond Road
Virginia Beach, VA 23455
10/26/18



Proposed Milk Barn Elevations



PROPOSED MILK BARN ELEVATION WEST ELEVATION

- NOTES:**
- 1. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.
 - 2. EXISTING CONCRETE SILOS TO REMAIN.

Anina Budig
Webin Properties, LLC
5588 Moore's Pond Road
Virginia Beach, VA 23455
10/26/18



Proposed Milk Barn Elevations

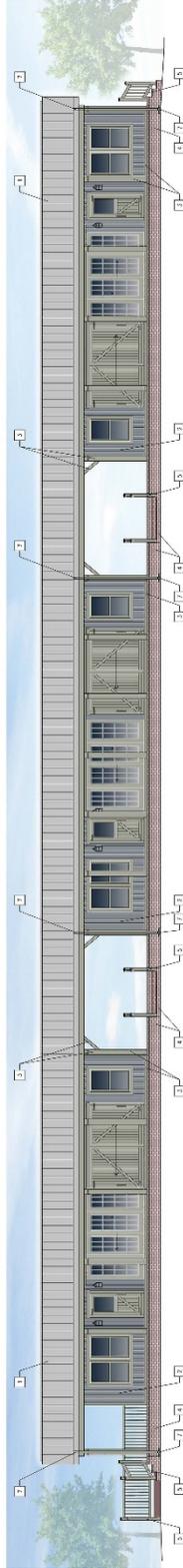


PROPOSED MILK BARN SOUTH ELEVATION

- NOTES:**
- 1. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.
 - 2. EXISTING CONCRETE SILOS TO REMAIN.

Anina Budig
Weblin Properties, LLC
5588 Moore's Pond Road
Virginia Beach, VA 23455
10/26/18





PROPOSED SOUTH ELEVATION BUILDING 1
 PROPOSED EAST ELEVATION BUILDING 2

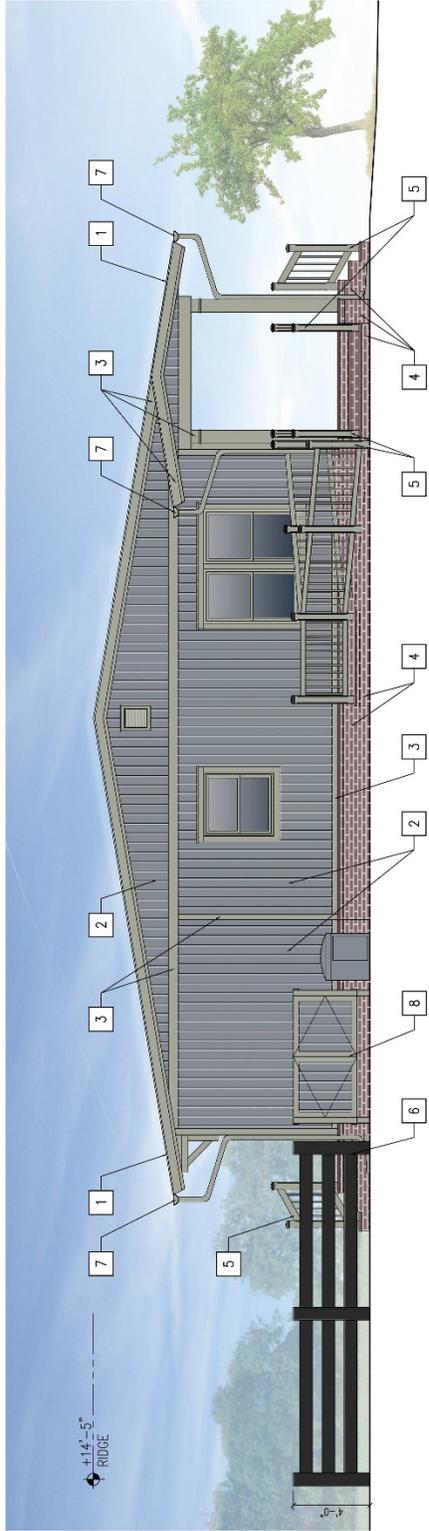
NOTES:

1. GALVALUM METAL ROOFING (SHOWN SILVER) TYPICAL.
2. PAINTED BOARD AND BATTEN SIDING, HARDIE BOARD SIDING (SHOWN GREY) TYPICAL.
3. PAINTED HARDIE BOARD TRIM (SHOWN BEIGE GREY) TYPICAL.
4. MODULAR BRICK (SHOWN RED), NATURAL GRAY MORTAR, GRAPEVINE JOINT, TYPICAL.
5. PAINTED WOOD RAILINGS (SHOWN BEIGE GREY) TYPICAL.
6. PAINTED WOOD FENCE (SHOWN MATTE BLACK) TYPICAL.
7. GALVALUM GUTTER/DOWNSPOUT (SHOWN SILVER) TYPICAL.
8. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.

Antina Budig
WebbIn Properties, LLC
 5588 Moore's Pond Road
 Virginia Beach, VA 23455
 10/26/18



Proposed New Buildings - Elevations



PROPOSED WEST ELEVATION BUILDING 1
 PROPOSED SOUTH ELEVATION BUILDING 2

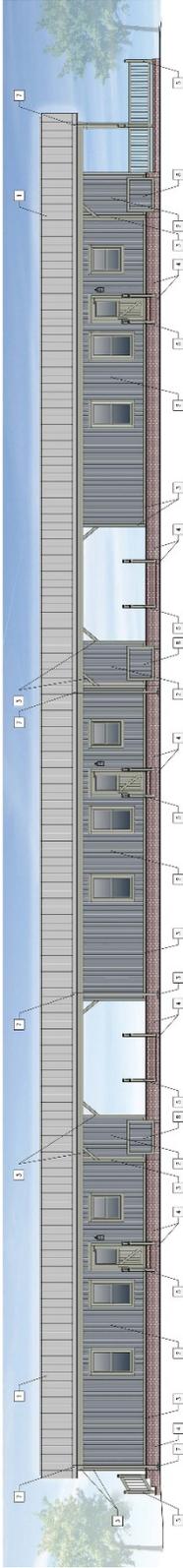
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3. PAINTED HARDIE BOARD TRIM (SHOWN BEIGE GREY) TYPICAL.
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8. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.

Anina Budig
Weblin Properties, LLC
 5588 Moore's Pond Road
 Virginia Beach, VA 23455
 10/26/18



Proposed New Building - Elevations



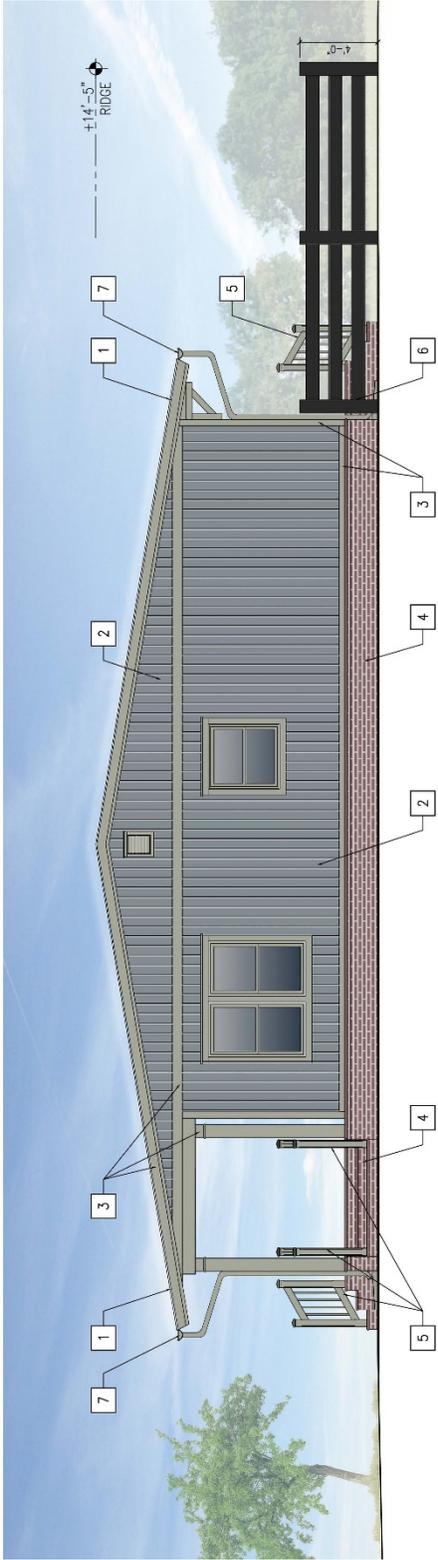
PROPOSED NORTH ELEVATION BUILDING 1
 PROPOSED EAST ELEVATION BUILDING 2

- NOTES:**
1. GALVALUM METAL ROOFING (SHOWN SILVER) TYPICAL.
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 7. GALVALUM GUTTER/DOWNSPOUT (SHOWN SILVER) TYPICAL.
 8. TRASH/RECYCLE CANS BEHIND FENCE SCREEN AND EXTERIOR MECHANICAL UNIT.

Anina Budig
Webbin Properties, LLC
 5588 Moore's Pond Road
 Virginia Beach, VA 23465
 10/26/18



Proposed New Building - Elevations



PROPOSED EAST ELEVATION BUILDING 1
 PROPOSED NORTH ELEVATION BUILDING 2

- NOTES:**
1. GALVALUM METAL ROOFING (SHOWN SILVER) TYPICAL.
 2. PAINTED BOARD AND BATTEN SIDING, HARDIE BOARD SIDING (SHOWN GREY) TYPICAL.
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Anina Budig
WebbIn Properties, LLC
 5588 Moore's Pond Road
 Virginia Beach, VA 23455
 10/26/18





COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Molly Joseph Ward
Secretary of Natural Resources

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

October 1, 2018

Ms. Gian Peterson
5588 Moore's Pond Road
Virginia Beach, VA 23455

Re: Conceptual Review (extension): Outbuildings
Weblin House, City of Virginia Beach
DHR Easement File No. 134-0035_ep

Ms. Peterson ~

On your behalf, Paige Pollard of Commonwealth Preservation Group requested an extension of the conceptual approval of proposed modifications to your property, the Weblin House, in the City of Virginia Beach. Initially issued October 25, 2016 and extended on October 25, 2017, the approval is now valid through October 1, 2019. The original letter is repeated below for clarity.

Thank you for submitting a project review request to the Department of Historic Resources (DHR) for the conceptual review of proposed modifications to your property, Weblin House, located in the City of Virginia Beach. This information was submitted on your behalf by Paige Pollard of Commonwealth Preservation Group, and received in our office on October 18, 2016.

The submittal included condition assessments of the existing outbuildings as well as schematic development drawings (undated) for the rehabilitation of the Milk Barn and the proposed two single story buildings. These two buildings are agricultural in appearance, but used for residential purposes and would replace the existing greenhouse/hoop structure, garage and shed, all of which are in poor condition.

After careful review, our office concluded that, in concept, the removal of the existing garage, greenhouse/hoop structure, and shed and their subsequent replacement with two elongated, single-story structures of an agricultural design aesthetic is consistent with the easement provisions and the *Standards for Rehabilitation*, and is, therefore, approved. Staff did determine that the existing silos

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Historic Easement Letter

contribute to the overall character of the property and notes that these structures should be stabilized and retained as part of the proposed project scope.

This approval is valid for a year from the date of this letter. Please submit more developed construction documents, including any proposed ground disturbance, as they become available. We look forward to working with you on this project.

Sincerely,



Megan Melinat
Easement Program Architect
Office of Preservation Incentives
(804) 482-6455
Megan.melinat@dhr.virginia.gov

C: Paige Pollard, Commonwealth Preservation Group

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

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5357 Main Street
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2801 Kensington Avenue
Richmond, VA 23221
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Fax: (804) 367-2391

Site Photos



Site Photos



Site Photos





APPLICANT'S NAME Anina Budig

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).			
<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: _____
 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-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: Weblin Properties, LLC
 If an LLC, list the member's names: Anina Budig, sole owner



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 checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Here For You Accounting; Moss Financial
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Dills Architects
<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	WPL
<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	Ruloff, Swain, Hadded, Morecock, *
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	*Talbert & Woodward, PC; Wolcott Rivers Gates

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.

	Anina Budig	8/29/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE



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	Here For You Accounting; Moss Financial
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Dills Architects
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WPL
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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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

Page 6 of 7

Disclosure Statement



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Weblyn Properties, LLC

	ANINA BUDIG	10/15/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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.

Request

Conditional Rezoning (Conditional B-2 Community Business to Conditional I-1 Light Industrial & Conditional I-1 Light Industrial to Conditional B-2 Community Business)

Staff Recommendation

Approval

Staff Planner

Jonathan Sanders

Location

Corner of Corporate Landing Parkway & General Booth Boulevard

GPIN

2415123535

Site Size

144.29 acres

AICUZ

70-75 dB DNL and Greater than 75 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Cultivated fields / Conditional B-2 Community Business, Conditional I-1 Light Industrial

Surrounding Land Uses and Zoning Districts

North

Cultivated field / Conditional I-1 Light Industrial

South

General Booth Boulevard

Cultivated field / Conditional B-2 Community Business

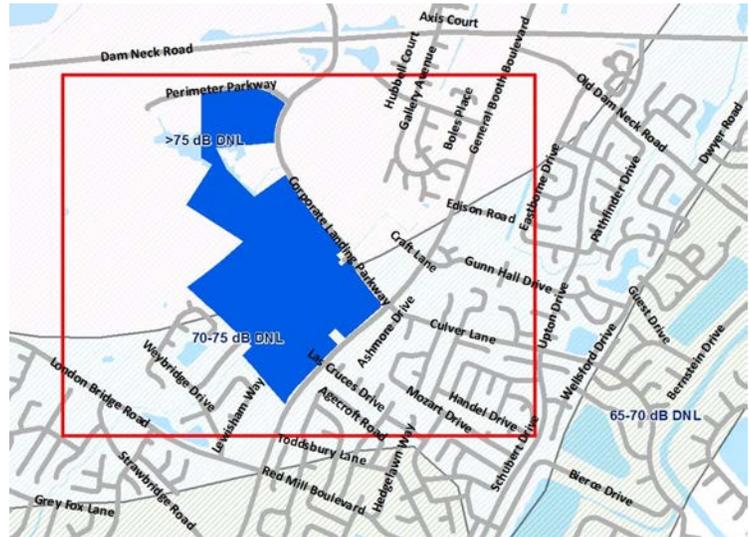
East

Corporate Landing Parkway

Cable communications facility / Conditional I-1 Light Industrial

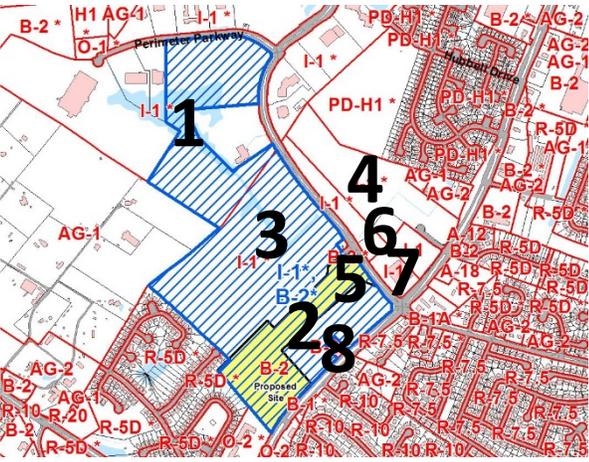
West

Single-family dwellings / R-5D Residential, O-2 Office



Background and Summary of Proposal

- The applicant is requesting to rezone a 26.40-acre portion of the 144.29-acre Corporate Landing Business Park from Conditional B-2 Community Business to Conditional I-1 Light Industrial and to rezone a 0.13-acre portion of the same business park from Conditional I-1 Light Industrial to Conditional B-2 Community Business.
- The 26.40-acre portion is located on the southern portion of the parcel fronting both General Booth Boulevard and Corporate Landing Parkway. The 0.13-acre site fronts Corporate Landing Parkway and is adjacent to existing Conditional B-2 zoning along General Booth Boulevard.
- Future plans for the parcel include potential business sites for data centers and companies working with the new data cables connecting Virginia Beach to Europe and South America. As fiber-optics transmission facilities are a by-right use in the I-1 District, and are a conditional use in the B-2 District, the applicant has opted to request I-1 in order to attract future ventures without the hurdle of a Conditional Use Permit.
- The modified proffers do retain the provisions in the 1989 and 1996 proffer agreement related to allowable uses, lot dimensions, setbacks, building heights, parking and loading requirements and minimum landscaping. The full set of proffers can be found on pages 3 - 7 of this report; and the parcel designation map associated with the proffers is on page 10.

	<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CRZ (AG-1 to Conditional I-1) Approved 06/13/1988</td> </tr> <tr> <td>2</td> <td>CRZ (AG-1 & AG-2 to Conditional B-2) Approved 8/14/1989</td> </tr> <tr> <td>3</td> <td>MOD (Proffers) Approved 06/25/1996 CRZ (AG-1 to Conditional I-1) Approved 11/09/1993 MOD (Proffers) Approved 11/09/1993</td> </tr> <tr> <td>4</td> <td>CRZ (AG-1 to Conditional I-1) Approved 11/09/1993</td> </tr> <tr> <td>5</td> <td>CRZ (I-1 to Conditional B-2) Approved 11/09/1993</td> </tr> <tr> <td>6</td> <td>CUP (Fiber Optics Transmission Facility) Approved 10/04/2016</td> </tr> <tr> <td>7</td> <td>MOD (Proffers) Approved 03/17/2015</td> </tr> <tr> <td>8</td> <td>MOD (Proffers) Approved 09/14/2004 CRZ (AG-2 to Conditional B-2) Approved 01/25/1994</td> </tr> </tbody> </table>		#	Request	1	CRZ (AG-1 to Conditional I-1) Approved 06/13/1988	2	CRZ (AG-1 & AG-2 to Conditional B-2) Approved 8/14/1989	3	MOD (Proffers) Approved 06/25/1996 CRZ (AG-1 to Conditional I-1) Approved 11/09/1993 MOD (Proffers) Approved 11/09/1993	4	CRZ (AG-1 to Conditional I-1) Approved 11/09/1993	5	CRZ (I-1 to Conditional B-2) Approved 11/09/1993	6	CUP (Fiber Optics Transmission Facility) Approved 10/04/2016	7	MOD (Proffers) Approved 03/17/2015	8	MOD (Proffers) Approved 09/14/2004 CRZ (AG-2 to Conditional B-2) Approved 01/25/1994
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Evaluation and Recommendation

This request to rezone 26.40 acres from Conditional B-2 Community Business to Conditional I-1 Light Industrial is acceptable in Staff's view, as it will provide a shift from the commercial/retail uses permitted under the existing zoning to industrial development opportunities, aligning with the land use policies of the South Oceana - Special Economic Growth Area (SEGA) 3. By rezoning this site to I-1, the Virginia Beach Development Authority will be better positioned to market sites to the emerging fiber optic industry. In addition, Staff supports the request to rezone 0.13 acres from Conditional I-1 Light Industrial to Conditional B-2 Community Business, as a means to incorporate a small irregularly shaped site into the larger adjacent B-2 property that includes the General Booth Boulevard and Corporate Landing Parkway intersection.

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

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 land to be rezoned shall be as shown as the 26.4 acres designated as AREA 1 on the exhibit entitled "EXHIBIT 1, Corporate Landing Business Park, General Booth Boulevard and Corporate Landing Parkway, Virginia Beach, Virginia" dated December 3, 2018 and prepared by Kimley-Horn and Associates shall be rezoned from Conditional B-2 to Conditional I-1. Development of the parcel shall be in accordance with the proffers as recorded in Deed Book 3633, Page 0774 dated January 16, 1996.

PROFFER 2:

The land to be rezoned shall be as shown as the 0.13 acres designated as AREA 4 on the exhibit entitled "EXHIBIT 1, Corporate Landing Business Park, General Booth Boulevard and Corporate Landing Parkway, Virginia Beach, Virginia" dated December 3, 2018 and prepared by Kimley-Horn and Associates shall be rezoned from Conditional I-1 to Conditional B-2. Development of the parcel shall be in accordance with the proffers as recorded in Deed Book 3633, Page 0774 dated January 16, 1996.

PROFFER 3:

Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Staff Comments:

Staff has reviewed the Proffers listed above and finds them acceptable.

1989 Proffers That Remain in Effect

1. The following uses shall be the only uses permitted within each district. Those uses requiring a conditional use permit from City Council shall continue to be required to obtain said conditional use permit, and City Council by accepting this proffer, does not grant the right to place any conditional uses within the property.

R&D: RESEARCH AND DEVELOPMENT OFFICE WAREHOUSE DISTRICT

This classification refers to the development of one and two story office/warehouse buildings.

USE

1. Business, medical, financial, nonprofit, professional and similar office buildings in conjunction with an office/warehouse environment.
2. Establishments such as linen suppliers, freight movers, communication services and canteen services.
3. Establishments which deliver merchandise in bulk by truck or van.
4. Light assembly, processing, extracting, packaging or fabricating establishments.
5. Motion picture studios.
6. Printing lithographic or publishing establishments.
7. Public utilities installations and substations including offices.
8. Radio or television transmission and relay stations.
9. Wholesaling, warehousing, storage or distribution establishments.
10. Eating and drinking establishments in connection with other permitted uses (no free-standing restaurant sites).
11. Accessory uses and structures which may be reviewed and approved by the City of Virginia Beach Zoning Administrator which are clearly incidental and subordinate to principal uses in accordance with the Virginia Beach Comprehensive Zoning Ordinance.

MDO DISTRICT: MEDIUM DENSITY OFFICE USE

This classification refers to the development of mid-rise office buildings.

USE

1. Business, medical, financial, nonprofit, professional, and similar office buildings.
2. Eating and drinking establishments in connection with other permitted uses (no free-standing restaurant sites).
3. Motion picture studios.
4. Printing, lithographic or publishing establishments.
5. Recreational facilities of an outdoor nature in accordance with the Virginia Beach Comprehensive Zoning Ordinance.
6. Vocational, industrial and trade schools.
7. Recreational facilities other than those of an outdoor nature.
8. Public and private schools, colleges and universities.
9. Public utility facilities.
10. Accessory uses and structures which may be reviewed and approved by the City of Virginia Beach Zoning Administrator which are clearly incidental and subordinate to principal uses in accordance with the Virginia Beach Comprehensive Zoning Ordinance.

MXD2 DISTRICT: MIXED USE DEVELOPMENT

This classification refers to the development of a mixed use complex that would provide retail shops, restaurants, office space, and similar uses.

USE

1. Automobile service stations or repair facilities that perform the same functions as cited in Section 111 of the Virginia Beach Zoning Ordinance.
2. Bakeries, confectioneries and delicatessens, provided that products prepared or process on the premises shall be sold at retail and only on the premises.
3. Business studios, offices, and clinics.

4. Car wash facilities, provided that: (i) no water produced by activities on the zoning lot shall be permitted to fall upon or drain across public streets or sidewalks or adjacent properties; (ii) a minimum of three (3) off-street parking spaces for automobiles shall be provided for each car wash space within the facility.
5. Child care and child care education centers.
6. Drugstores, beauty shops and barbershops.
7. Eating and drinking establishments without drive-through windows.
8. Financial institutions.
9. Florists, gift shops and stationery stores.
10. Service and repair services for business machines, sign shops and other small service businesses.
11. Grocery stores, carry-out food stores and convenience stores any of which are not freestanding but are in a structure with a gross floor area of less than five thousand (5,000) square feet.
12. Laboratories and establishments for the production and repair of eye glasses, hearing aids and prosthetic devices.
13. Laundry and dry cleaning agencies.
14. Medical and dental offices.
15. Museums and art galleries.
16. Job and commercial printing.
17. Personal service establishments, other than those listed separately.
18. Athletic clubs.
19. Public utilities installations and substations, including offices.
20. Repair and sales for radio and television and other household appliances, except where such establishments exceed two thousand five hundred (2,500) square feet of floor area.
21. Retail establishments, other than those listed separately, including the incidental manufacturing of goods for sale only at retail on the premises; retail sales and display rooms.
22. Veterinary establishments and commercial kennels, provided that all animals shall be kept in soundproofed, air-conditioned buildings.
23. Accessory uses and structures which may be reviewed and approved by City of Virginia Beach Zoning Administrator which are clearly incidental and subordinate to principal uses in accordance with the Virginia Beach Comprehensive Zoning Ordinance.

2. The following chart lists the building requirements within the various classifications for minimum lot area, width, yard spacing, floor area ration, and coverage:

	R & D	MDO	MXD2
Minimum Lot Area	3.5 Ac	3.5 Ac	1.0 Ac
Minimum Lot Width	100'	100'	100'
Minimum Yard Setback Adjacent to General Booth Boulevard	75'	--	75'
Minimum Yard Setback Adjacent to Corporate Landing Drive	75'	75'	75'
Minimum Yard Setback Adjacent to Other Public/Private Streets	50'	50'	50'
Minimum Yard Setback Adjacent to Residential Neighborhoods	75'	75'	75'
Minimum Yard Setback Adjacent to Side Property Lines	30'	30'	30'
Minimum Yard Setback Adjacent to Rear Property Lines	30'	30'	30'
Maximum Floor Area Ratio	.50	.90	.90

Maximum Building and Paved Area Coverage (excluding outside plaza and gathering areas)	75%	60%	75%
--	-----	-----	-----

3. The following chart lists the parking lot setback requirements within the various classifications of the property.

	R&D	MDO	MXD2
Minimum Yard Setback Adjacent to General Booth Boulevard	75'	--	75'
Minimum Yard Setback Adjacent to Corporate Landing Drive	50'	50'	50'
Minimum Yard Setback Adjacent to Other Public Streets	50'	50'	50'
Minimum Yard Setback Adjacent to Private Streets (excluding access drives & parking lot drive aisles)	25'	25'	25'
Minimum Yard Setback Adjacent to Residential Neighborhoods	75'	75'	75'
Minimum Yard Setback Adjacent to Side Property Lines (excluding common drive aisles between parcels)	15'	15'	15'
Minimum Yard Setback Adjacent to Rear Property Lines	15'	15'	15'
Minimum Yard Setback Between Parking Lots & Buildings (excluding sidewalks)	20'	20'	0'

4. The maximum building height for the various use classifications located within the property are as follows.

- A. R&D: 35 Feet
- B. MDO: Not to exceed a height equal to twice the distance from the building to the vertical projection of the center line of the nearest public street; however, no building shall exceed 100' in height, and no building within 300' of the right-of-way of General Booth Boulevard shall exceed 40' in height.
- C. MXD2: 35 Feet
- D. Notwithstanding the above, no building or other structure shall exceed the height limit established by the Virginia Beach Comprehensive Zoning Ordinance regarding air navigation.

5. General Requirements Applicable to all use classifications located within the property.

- A. Parking Requirements: The minimum number of parking spaces and dimensional requirements on any site shall be as follows:
 1. One parking space for each 250 square feet of gross floor area used for offices.
 2. One parking space for each 500 square feet of gross floor area for research and development or one space per employee on the highest working shift, whichever is greater.
 3. One parking space for each 200 square feet of gross floor area for commercial/retail.
 4. One and one-half parking spaces per hotel room.
 5. As required by the City of Virginia Beach Comprehensive Zoning Ordinance for other uses permitted within the property.
 6. The size of parking stalls and handicapped allowances shall be as required by the City of Virginia Beach Comprehensive Zoning Ordinance.
 7. The width of parking lot drive aisles shall be a minimum of 24 feet.

8. The color of parking lot stripping shall be white. Special stripping shall be as required by the City of Virginia Beach.
9. These requirements shall be accepted as minimum standards, however, such requirements shall not relieve the site owner or lessor of the responsibility of providing ample on-site parking for actual user demands. Parking on access roads and dedicated streets shall be prohibited.

B. Loading Areas

1. Loading docks shall be designed and located so that they are not visible from public roadway view, adjacent residential neighborhood view, and view within the park. The uses of berming and landscape screening shall be employed to screen loading areas.
2. The location of any loading dock areas shall be subject to approval by the Virginia Beach Development Authority.

C. Landscape Requirements (Minimum)

1. The Development Authority will provide in the 75 foot setbacks adjacent to the existing residential neighborhoods of Strawbridge and Princess Anne Hunt Club subdivision a rolling earthen berm (minimum height four (4) feet up to approximately ten (10) feet with appropriate evergreen plantings to provide a buffer between the park and these residential neighborhoods. Where the parking abuts property not currently developed for residential use the Authority will reserve a 75 foot strip of land for the future placement of a berm and evergreen plantings should said adjacent property be developed into residential neighborhoods.
2. The developer of the individual sites shall provide a continuous evergreen and/or low berm screen along any side of a parking lot that abuts a public street right-of-way. Such buffer shall be located within the parking lot setbacks established by Section 3.
3. The developer of any site that abuts a storm water retention lake or canal shall provide a landscape buffer (minimum width 15 feet) between said lake and/or canal and any proposed parking lot. This buffer shall be planted with a mixture of deciduous and evergreen plant materials.

6. The Development Authority shall not extend the existing residential street known as Wandsworth Drive into the property. The Development Authority shall not grant right-of-way over the property for connections into residential neighborhoods not yet developed except those streets so designated on the City of Virginia Beach Master Street and Highway Plan. Roads shall not be extended into Princess Anne Hunt Club subdivision and/or Strawbridge from the property.

1996 Modified Proffers That Remain In Effect

1. All uses permitted in the R & D Research and Development Office Warehouse District (R & D) shall be permitted within the MDO Medium Density Office Use District (MDO). Likewise, all uses permitted within the MDO district shall be permitted within the R & D district.
2. In addition to the uses identified in the prior proffers, within the R & D and MDO districts the following uses are permitted:
 - Manufacturing
 - Public buildings and grounds
 - Heliports. Provided however, that no portion of a heliport may be located within 500 feet of residentially zoned property.
3. Except as modified herein, the prior Proffers shall remain in full force and effect.

Comprehensive Plan Recommendations

The Comprehensive Plan designates this area of the City as being within the Special Economic Growth Area 3 – South Oceana. Portions of the area are impacted by high noise zones, accident potential zones and Navy restrictive easements. All proposed land uses in this area must align with the City’s AICUZ provisions and Oceana Land Use Conformity program.

Natural and Cultural Resources Impacts

The property is within 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.

There are no known cultural resources on the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
General Booth Boulevard	31,079 ADT ¹	32,500 ADT ¹ (LOS ⁴ "C") 34,900 ADT ¹ (LOS ⁴ "D")	Existing Land Use ² - 14,520 ADT Proposed Land Use ³ - 2,007 ADT
Corporate Landing Parkway	4,950 ADT ¹	13,100 ADT ¹ (LOS ⁴ "C") 20,700 ADT ¹ (LOS ⁴ "D")	
¹ Average Daily Trips	² as defined by 26.2 acres of B-2 zoning and 0.13 acres of I-1 zoning	³ as defined by 26.2 acres of I-1 zoning and 0.13 acres of B-2 zoning	⁴ LOS = Level of Service

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

General Booth Boulevard in the vicinity of this application is considered an access controlled, four-lane divided major suburban arterial. The existing infrastructure currently resides in an approximate 110 foot right-of-way. The MTP proposes a six-lane facility within a 165 foot right-of-way. There are no roadway CIP projects planned for this area.

Public Utility Impacts

Water

The site must connect to City water. There is an existing 12-inch City water main extended to the property from Corporate Landing Parkway. There is an existing 20-inch City water transmission main along General Booth Boulevard.

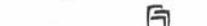
Sewer

The site must connect to City sanitary sewer. There are existing 10-inch and 12-inch City sanitary sewer gravity mains along Corporate Landing Parkway. There is an existing 30-inch HRSD sanitary sewer force main along General Booth Boulevard.

Proposed Rezoning Exhibit

Corporate Landing Business Park

General Booth Boulevard and Corporate Landing Parkway
Virginia Beach, Virginia



VIRGINIA BEACH ECONOMIC DEVELOPMENT
222 Central Park Ave, Suite 1000
Virginia Beach, Virginia 23462
757-365-5444 | 800-988-8867 | Fax 757-498-0884
Yve@virginiabeach.com | Email ecdev@vbgov.com

PARCEL GPIN: 24151229350000
Instrument Number 2012041800423240

Subdivision: CORPORATE LANDING
Legal Description: CORPORATE LANDING PARCEL 3-A-6A

TOTAL AREA OF PARCEL = 144.2944 AC.±

AREA 1
26.4 AC.±
CONDITIONAL REZONING B2 TO I1

AREA 2
EXISTING 0.43AC.± CONDITIONAL I1 ZONING TO REMAIN

AREA 3
EXISTING 0.0176 AC.± CONDITIONAL B2 ZONING TO REMAIN

AREA 4
0.13 AC.±
CONDITIONAL REZONING I1 TO B2

AREA 5
PROPOSED CONDITIONS OF 0.73 AC.± CONDITIONAL ZONING B2 OF CORPORATE LANDING BUSINESS PARK BEING A PART OF PARCEL 3-A-6A GPIN: 2415-12-3535

AND
DR. JOHNNY APPLIANCE BEING A PART OF PARCEL A-1 GPIN NO: 2415-25-4838-300 TO BE REMOVED OUT OF CORPORATE LANDING BUSINESS PARK PROFFERS.

Kimley-Horn
8010 MARKET HORN ROAD, SUITE 1000
VIRGINIA BEACH, VA 23462
757-313-8867
WWW.KIMLEY-HORN.COM

Curve #	Length	Radius	Delta
C1	432.023	2160.970	81.95329
C3	391.301	1957.254	81.42200
C2	30.018	1500.780	203.37945
C3	164.870	2500.000	203.19411

26.4 acres - Request to rezone from Conditional B-2 Community Business to Conditional I-1 Light Industrial

0.13 acres - Request to rezone from Conditional I-1 Light Industrial to Conditional B-2 Community Business

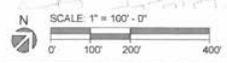
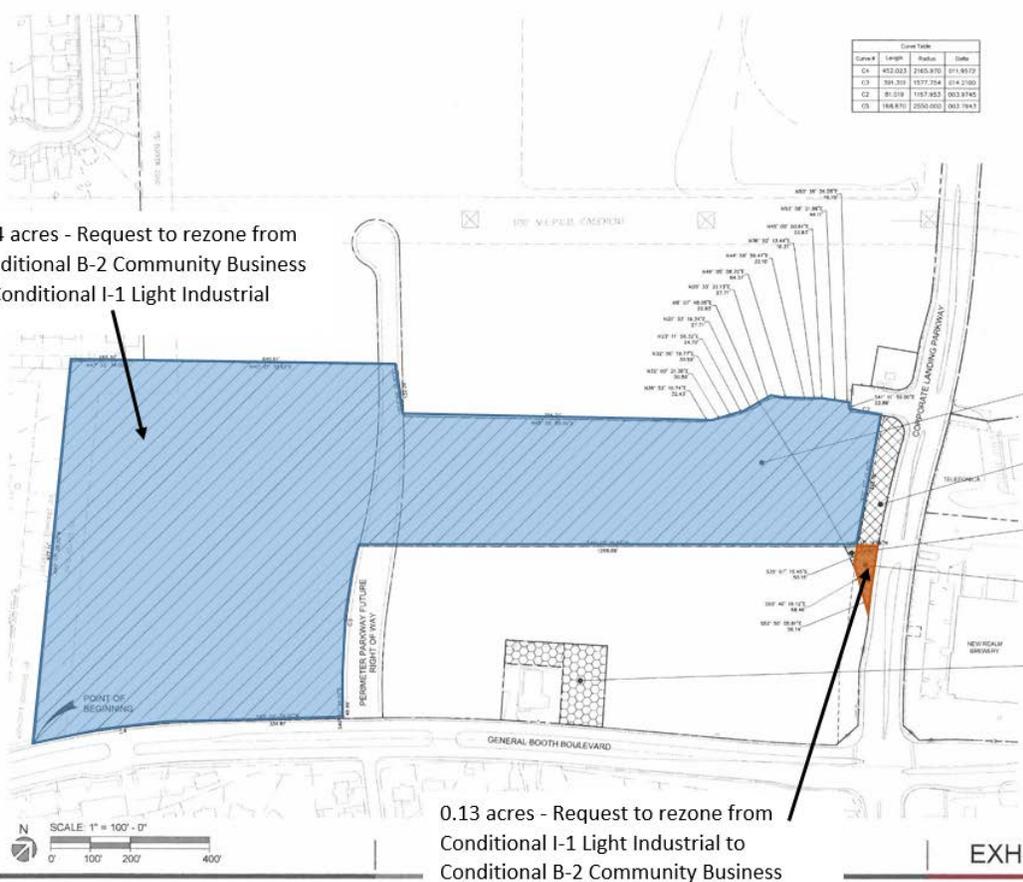
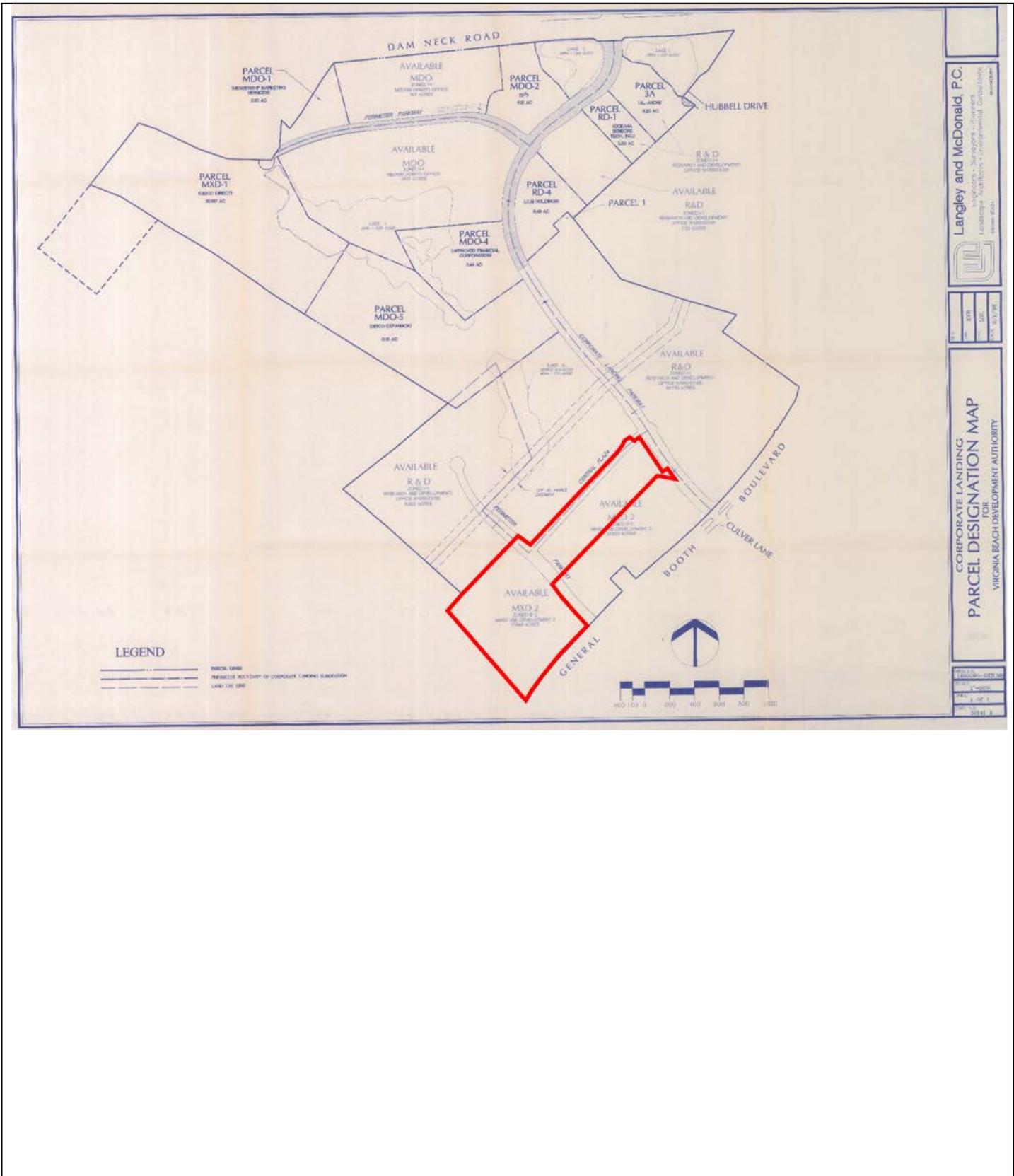


EXHIBIT 1

December 3, 2018

Parcel Designation Map



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: Virginia Beach Dev't Authority
 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.

(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 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	Kimley-Horn and Associates
<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?

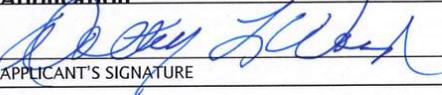
If yes, what is the name of the official or employee and what is the nature of the interest?



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**

	Dorothy L. Wood	12-13-18
APPLICANT'S SIGNATURE	PRINT NAME	DATE



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.		
	Taylor V. Adams	12/13/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

Section 1 Application Disclosure

CITY OF VIRGINIA BEACH DEVELOPMENT AUTHORITY 2018/2019

David L. Bernd
Bryan D. Cuffee (Treasurer)
W. Taylor Franklin
Stephen J. McNulty
Jerrold L. Miller
Penny Morgan
Peter K. Mueller
Lisa M. Murphy (Secretary)
Charles M. Salle' (Vice Chair)
Joseph E. Strange (Assistant Secretary)
Dorothy L. Wood (Chair)

CITY COUNCIL OF THE CITY OF VIRGINIA BEACH

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James Wood (Vice Mayor/Councilmember, Lynnhaven)
Jessica Abbott (Councilmember, Kempsville)
Barbara Henley (Councilmember, Princess Anne)
Louis Jones (Councilmember, Bayside)
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John Moss (Councilmember, At-Large)
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Aaron R. Rouse (Councilmember, At-Large)
Rosemary Wilson (Councilmember, At-Large)
Sabrina Wooten (Councilmember, Centerville)

APPOINTED OFFICERS

Dave L. Hansen, City Manager
Mark D. Stiles, City Attorney
Amanda Barnes, City Clerk
Ronald Agnor, City Assessor
Lyndon S. Remias, City Auditor

Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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.



Request

An Ordinance to amend sections 111, 301, 401, 501, 601, 701, 801, 901, 1002, 1501, 1521, 1531, 2203, and section 5.2 of the Oceanfront Resort District Form-Based Code pertaining to mobile food vending definition and uses.

Summary of Request

For a mobile food vendor (food truck) to operate under current zoning regulations, the operator would need to apply for a Peddler's Permit. A Peddler's Permit has certain restrictions that are not conducive to how food trucks operate, such as: it is only valid for six months at each location, cannot be on a vacant lot, must be setback 50-feet from the street, and a separate permit must be obtained for each location. This process was designed to accommodate temporary retail vendors and seasonal sales. The other option would be for a food truck to operate like an ice cream truck. City Code Chapter 33 regulates sales in the public right-of-way. Sales are restricted to roadways with a speed limit of 25 miles per hour or less, and no vendor may stay on the same block for more than 15 minutes.

This proposed amendment creates a definition for a food truck, as follows: *"Mobile food vending. The sale of food at retail from a mobile food unit, a self-propelled motor vehicle or trailer from which prepared food is sold at retail excluding a vehicle used solely for the sale of ice cream or other ice confectioneries, candies or confections or food delivery."* By differentiating food trucks from ice cream trucks, different regulations can be placed that accommodate standard food truck operations. These regulations are identified in Chapters 13 (Food and Food Establishments), 18 (License Code), 33-6 (Sales in the Right-of-Way), and the Zoning Ordinance.

The amendments specific to the Zoning Ordinance, which require consideration by the Planning Commission, are the above mentioned definition of 'mobile food vending' and the zoning district in which this use would be permitted. The amendment permits this use by-right in the following districts: Preservation, Agriculture, Apartment, Office, Business, Industrial, Resort Tourist 3, Central Business, and Oceanfront Resort. Food trucks are specifically prohibited in the Hotel and Resort Tourist 1 districts. Food trucks are also prohibited in Residential districts, unless on a property where an event is being held (two vendors max at one time), or on a property with an active building permit.

Recommendation

Staff recommends approval of this ordinance. Food trucks can provide a unique cultural experience, as well as a convenience not currently afforded to our residents. This amendment updates the Zoning Ordinance, which currently has regulations for mobile vendors that do not reflect the way food trucks operate. This Ordinance received significant public input and was prepared with direction and review from the Process Improvement Committee, sponsored by Mayor Dyer and Councilwoman Abbott.

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ARTICLE 3. - PRESERVATION DISTRICT

Sec. 301. - Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the P-1 Preservation District. Those uses and structures shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." No uses or structures other than as specified shall be permitted.

....	
<u>Mobile food vending</u>	<u>P</u>
....	

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ARTICLE 4. - AGRICULTURAL DISTRICTS

Sec. 401. - Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the AG-1 and AG-2 Agricultural Districts. Those uses and structures in the respective agricultural districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

Use	AG-1	AG-2
....		
<u>Mobile food vending</u>	<u>P</u>	<u>P</u>
....		

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ARTICLE 5. - RESIDENTIAL DISTRICTS

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73 **Sec. 501. - Use regulations.**

74 (a) *Principal and conditional uses.* The following chart lists those uses permitted within
 75 the R-40 through R-2.5 Residential Districts. Those uses and structures in the
 76 respective residential districts shall be permitted as either principal uses indicated by
 77 a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an
 78 "X" shall be prohibited in the respective districts. No uses or structures other than as
 79 specified shall be permitted.

Uses	Residential Districts										
	R-40	R-30	R-20	R-15	R-10	R-7.5	R-5D	R-5R	R-5S	R-2.5	
<u>Mobile Food Vending</u>	X	X	X	X	X	X	X	X	X	X	
<u>Mobile food vending on property where an event is being held, with a maximum of two units at the same time</u>	P	P	P	P	P	P	P	P	P	P	
<u>Mobile food vending on property with an active building permit</u>	P	P	P	P	P	P	P	P	P	P	

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81

82 **ARTICLE 6. - APARTMENT DISTRICTS**

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85 **Sec. 601. - Use regulations.**

86 (a) *Principal and conditional uses.* The following chart lists those uses permitted within
 87 the A-12 through A-36 Apartment Districts. Those uses and structures in the
 88 respective apartment districts shall be permitted as either principal uses indicated by
 89 a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an
 90 "X" shall be prohibited in the respective districts. No uses or structures other than as
 91 specified shall be permitted.

92

Use	A-12	A-18	A-24	A-36
. . . .				

<u>Mobile food vending</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
....				

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94 **ARTICLE 7. - HOTEL DISTRICT**

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96 **Sec. 701. - Use regulations.**

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(a) *Principal and conditional uses.* The following chart lists those uses permitted within the H-1 Hotel District. Those uses and structures in the district shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the district. No uses or structures other than as specified shall be permitted.

Use	H-1
....	
<u>Mobile food vending</u>	<u>X</u>
....	

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ARTICLE 8. - OFFICE DISTRICTS

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(a) *Principal and conditional uses.* The following chart lists those uses permitted within the O-1 and O-2 Office Districts. Those uses and structures in the respective office districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

Use	O-1	O-2
....		
<u>Mobile food vending</u>	<u>P</u>	<u>P</u>
....		

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114 **ARTICLE 9. - BUSINESS DISTRICTS**

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117 **Sec. 901. - Use regulations.**

118 (a) *Principal and conditional uses.* The following chart lists those uses permitted within
119 the B-1 through B-4K Business Districts. Those uses and structures in the respective
120 business districts shall be permitted as either principal uses indicated by a "P" or as
121 conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be
122 prohibited in the respective districts. No uses or structures other than as specified
123 shall be permitted.

Use	B-1	B-1A	B-2	B-3	B-4	B-4C	B-4K
. . . .							
<u>Mobile food vending</u>	<u>P</u>						
. . . .							

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125 **ARTICLE 10. - INDUSTRIAL DISTRICTS**

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127

128 **Sec. 1001. - Use regulations.**

129 (a) *Principal and conditional uses.* The following chart lists those uses permitted within
130 the I-1 and I-2 Industrial Districts. Those uses and structures in the respective
131 industrial districts shall be permitted as either principal uses indicated by a "P" or as
132 conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be
133 prohibited in the respective districts. No uses or structures other than as specified
134 shall be permitted.

Use	I-1	I-2
. . . .		
<u>Mobile food vending</u>	<u>P</u>	<u>P</u>
. . . .		

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138 **ARTICLE 15. - RESORT TOURIST DISTRICTS**

139 **A. - RT-1 RESORT TOURIST DISTRICT**

140 **Sec. 1501. - Use regulations.**

141 (a) The following chart lists those uses permitted within the RT-1 Resort Tourist District
 142 as either principal uses, as indicated by a "P" or as conditional uses, as indicated by
 143 a "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section
 144 220 et seq.). No uses or structures other than those specified shall be permitted. All
 145 uses, whether principal or conditional, should to the greatest extent possible adhere
 146 to the provisions of the Oceanfront Resort Area Design Guidelines.

Use	RT-1
....	
<u>Mobile food vending</u>	X
....	

147

148

149 **C. - RT-3 RESORT TOURIST DISTRICT**

150

151 **Sec. 1521. - Use regulations.**

152 (a) The following chart lists those uses permitted within the RT-3 Resort Tourist District
 153 as either principal uses, as indicated by a "P" or as conditional uses, as indicated by
 154 a "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section
 155 220 et seq.). Except for single-family, duplex, semidetached and attached dwellings,
 156 buildings within the RT-3 District may include any principal or conditional uses in
 157 combination with any other principal or conditional use. No uses or structures other
 158 than those specified shall be permitted. All uses, whether principal or conditional,
 159 should to the greatest extent possible adhere to the provisions of the Special Area
 160 Design Guidelines (Urban Areas) set forth in the Reference Handbook of the
 161 Comprehensive Plan.

Use	RT-3
....	

<u>Mobile food vending</u>	<u>P</u>
....	

162

163 **D. - RT-4 RESORT TOURIST DISTRICT**

164

165 **Sec. 1531. - Use regulations.**

166 (a) *Principal uses and structures:*

167

168 (5) Mobile food vending.

169

170 **ARTICLE 22. - CENTRAL BUSINESS CORE DISTRICT**

171

172 **B. - DEVELOPMENT REGULATIONS**

173 **Sec. 2203. - Use regulations.**

174 (a) The following chart lists those uses permitted within the Central Business Core
 175 District. Uses and structures shall be allowed either as principal uses, indicated by a
 176 "P", or as conditional uses, indicated by a "C." Uses and structures indicated by an
 177 "X" shall be prohibited, unless allowed by special exception for Alternative
 178 Compliance pursuant to Section 2205. No uses or structures other than as specified
 179 herein or as allowed pursuant to subsection (b) shall be permitted.

Use	District CBC
....	
<u>Mobile food vending</u>	<u>P</u>
....	

180

181 **APPENDIX 1. - OCEANFRONT RESORT DISTRICT FORM-BASED CODE**

182

183 **Sec. 5.2. Permitted Use Table.**

184

USE	MIXED-USE BUILDING		COMMERCIAL BUILDING	APARTMENT BUILDING	ROW HOUSE		DETACHED HOUSE	CIVIC BUILDING	Use Standard/Notes
	Ground Floor	Upper Floors	Ground Floor	All Floors	Ground Floor	Upper Floors	All Floors	All Floors	
OTHER									
Mobile food vendor	L	=	L	L	L	=	=	L	See City Code Article II, Chapter 13

185

186 Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day of
 187 _____, 2019.
 188

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:


 Planning Department


 City Attorney's Office

CA14372
 R-5
 August 1, 2018

The Applicant has requested a deferral of this application in order to make revisions to the proposed development concept. Staff supports the deferral.

Request

Conditional Use Permits (Craft Brewery, Assembly Use & Open-Air Market)

Staff Recommendation

Deferral

Staff Planner

Robert Davis

Location

2032 Pleasure House Road

GPIN

1479461677

Site Size

25,000 square feet

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay





Applicant **Traditional Concepts, LLC & Victory Baptist Church of Virginia Beach, Inc.**

Agenda Item

Property Owner **Victory Baptist Church**

D3

Public Hearing **February 13, 2019** (Deferred January 9, 2019)

City Council Election District **Princess Anne**

Request

Modification of Conditions (Religious Use)

Conditional Rezoning (R-15 Residential to Conditional R-10 Residential)

Subdivision Variance (Section 4.4 (b) of the Subdivision Regulations)

Staff Recommendations

Approval of Modification of Conditions & Conditional Rezoning

Approval of Withdrawal of Subdivision Variance

Staff Planner

Jonathan Sanders

Location

4125 Indian River Road

GPIN

1474534410

Site Size

10 acres

AICUZ

Less than 65 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Church and parsonage / R-15 Residential

Surrounding Land Uses and Zoning Districts

North

Indian River Road

Single-family dwellings / R-15 Residential

South

Wetlands / R-15 Residential

East

Single-family dwellings / Conditional R-10 Residential

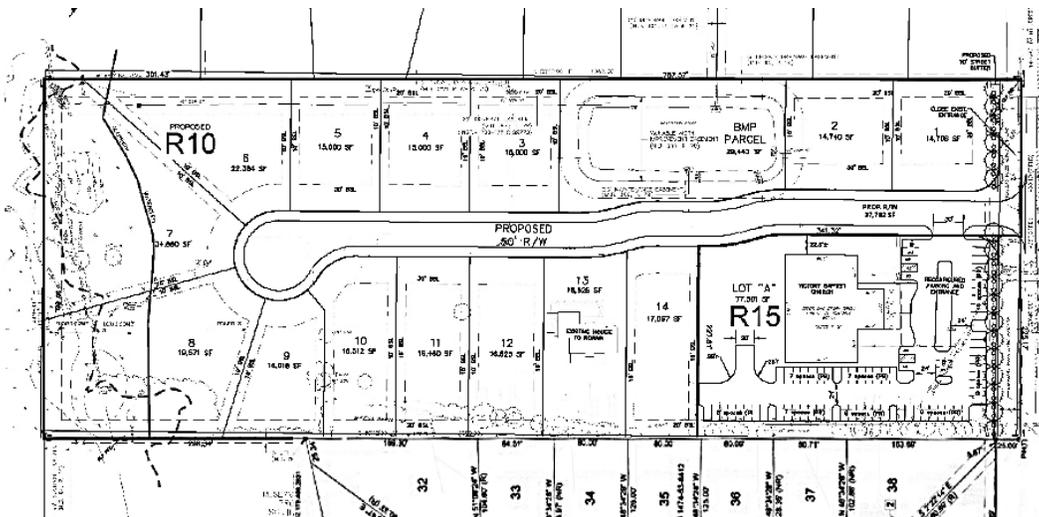
West

Single-family dwellings / R-15 Residential



Background and Summary of Proposal

- This request was deferred for 30 days by Planning Commission at the January 9, 2019 hearing in order for the applicant to address concerns raised by Staff regarding the Subdivision Variance request. The applicants have since revised the concept plan reducing the number of proposed residential lots from 14 to 13. The proposed layout now meets the standards of the Zoning Ordinance and a Subdivision Variance is no longer needed. The applicants have requested to withdraw the request for the Subdivision Variance.
- Additionally, since the January 9, 2019 Planning Commission hearing, the Department of Public Works Staff has verified that the City will no longer be pursuing right-of-way acquisition in this area, including the southwestern portion of this property, for what was once envisioned as the Southeastern Parkway and Greenway. The Master Transportation Plan will be amended in the future to clarify this directive.
- In June 2016, requests to rezone the property from R-15 Residential to Conditional R-10 and to modify the conditions of a Conditional Use Permit for a Religious Use were heard by the Planning Commission and forwarded to the City Council with a recommendation for approval. At that time, all proposed lots met the minimum standards of the Zoning Ordinance. At the August 2016 City Council meeting, the requests were deferred in order to allow additional consideration of issues raised by the adjacent neighbors, specifically with regard to stormwater, as portions of the stormwater captured from the Hillcrest Meadows neighborhood (the adjacent neighborhood to the northwest) is directed into an existing stormwater pond on this site. Since then, the applicant has submitted a preliminary stormwater management strategy that addresses deficiencies in the existing stormwater facility on the site while accommodating future stormwater runoff from the proposed development. Staff has determined that the submitted strategy does have the potential to comply with current standards and regulations.



Previous lot configuration reviewed by Planning Commission in June 2016

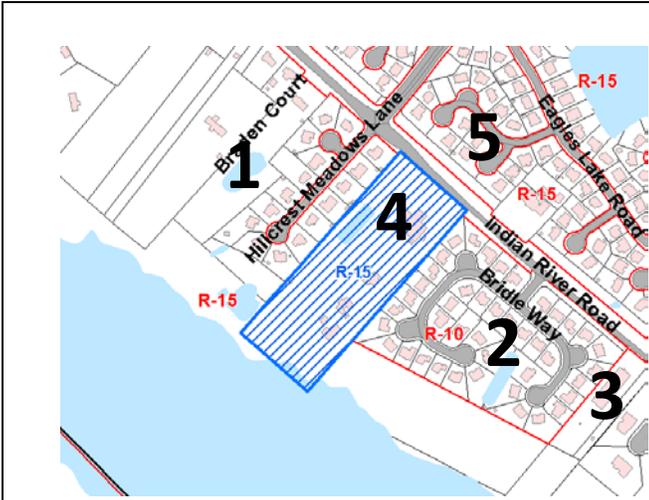
- The 10-acre site is currently occupied by Victory Baptist Church, two single-family dwellings, and several accessory structures. A Conditional Use Permit for the 10,980 square foot church was approved by City Council on December 8, 1998.

Conditional Rezoning

- Traditional Concepts, LLC requests a Conditional Rezoning of 8.19 acres of the site from R-15 Residential to Conditional R-10 Residential in order to develop the site with 13 single-family dwellings, which will include the existing two-story dwelling on the site.
- The resulting density is proposed as 1.59 dwelling units per acre (du/acre), which is comparable to the surrounding area. Dwelling unit density of neighborhoods in the surrounding area are as follows: 3.0 du/acre in Indian River Meadows, 2.02 du/acre in Hillcrest Farms, and 1.98 du/acre in Hillcrest Meadows. Under the current zoning of R-15, it appears that up to 10 or 11 dwellings could be developed on the 8.19 acres, which doesn't include the residual 1.81 acres for the church.
- The proffered elevations depict four two-story house designs with at least 2,400 square feet of living area and no less than a one-car garage. The overall architectural style of the houses is traditional suburban utilizing various elements of vernacular and colonial styles. The primary exterior building materials will consist of a combination of architectural shingles, cement fiberboard siding, stone, brick, premium vinyl siding and/or wood.

Modification of Conditions

- Victory Baptist Church of Virginia Beach, Inc. requests a modification of the current Conditional Use Permit for a reduction of the area of the site subject to the Conditional Use Permit. The request will reduce the church's property to 1.81 acres. Section 240.1 of the Zoning Ordinance, which provides the specific standards for religious facilities, states that the minimum lot area for a religious use be three acres; therefore, the proposed lot area for the church will be deficient by 1.19 acres. The 1.81 acres remaining for the church will consist of the immediate area around the church and a reconfigured parking lot with 66 spaces that will wrap around the southeastern side of the building. The lot for the church will remain zoned R-15 Residential.
- A second issue pertains to the side yard setback for the church with the dedication of the new public right-of-way that will serve the subdivision. The submitted site plan shows that the distance between the northwestern wall of the church building and the new roadway is 16 feet. This setback is deficient by 14 feet and requires a deviation to the standard. For any use other than a dwelling, located within the R-15 Residential District, Section 502(d)(10) of the Zoning Ordinance requires a 30-foot setback for any side yard adjacent to a street. There is insufficient area for both the 50-foot right-of-way and the required 30-foot setback. The 16-foot setback maintains an adequate distance from the right-of-way to the church, while allowing sufficient area for maintenance access and safety.



Zoning History

#	Request
1	CRZ (R-15 to Conditional R-10) Denied 05/27/2014
2	CRZ (R-15 to Conditional R-10) Approved 05/27/2008
3	CUP (Religious Facility – Church with Childcare) Approved 12/08/1998
4	MOD (Modification of Conditions – addition of a single-family dwelling on site) Approved 08/12/2008 CUP (Religious Facility – Church) Approved 12/08/1998
5	REZ (R-15 to R-15 [Open Space Promotion]) Approved 12/12/1988

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

Staff finds the request to rezone 8.19 acres of a larger 10-acre site acceptable and also supports the request to modify the Conditional Use Permit for the church in order to reduce the area from 10 acres down to 1.81 acres. The proposed lots now will meet the standards of the Zoning Ordinance in terms of lot area and lot width, and the preliminary stormwater plan has the potential to comply with the City’s regulations.

The church is requesting to deviate from the required three-acre lot requirement for a Religious Use. The three-acre requirement is in place so that churches have the opportunity to grow; however, this congregation is experiencing a decline in membership. Also, a request to deviate from the 30-foot side yard setback required for a building adjacent to the street in the R-15 District is being sought by the church. The church building is depicted on the plan at 16 feet from the property line. In Staff’s view there will be adequate distance from the right-of-way to the church to accommodate sufficient area for maintenance access and safety. Through the provisions of Section 221 (i) of the Zoning Ordinance, which allows City Council to grant deviations from required landscaping if “for good cause shown upon a finding that there will be no significant detrimental effects on surrounding properties.” Staff concludes that a deviation to the lot area and to the side yard setback requirement will not adversely impact the adjacent properties, particularly given that the church has existed on the site for many years.

As previously noted, City Staff will no longer be actively pursuing right-of-way acquisition in this area, including the southwestern portion of this property, for a proposed roadway. The Master Transportation Plan will be amended in the future to clarify this directive.

The property is located within the Stumpy Lake Dam Inundation Zone (see page 10 for a map showing this zone), and as such, it is recommended that the lowest adjacent grade to any structure exceeds the design flood elevation of 8.30 feet, and that the right-of-way and sidewalk elevations meet or exceed an elevation of 8.30 feet (NAVD88). The applicants have provided Proffer 6 to ensure that the proposed development will meet this standard.

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

Conditions

1. All conditions of the 1998 Conditional Use Permit as well as the conditions of the 2008 Modification are null and void.
2. Development of the church site shall be substantially as shown on the Preliminary Subdivision Plan entitled "PRELIMINARY SUBDIVISION PLAN ENCLAVE AT VICTORY", sheet C1, dated 12/10/18, prepared by Pinnacle Group Engineering, Inc. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Preliminary Subdivision Plan").
3. Any trash dumpster on the site shall be enclosed by a solid brick wall (brick substantially matching the existing brick on the building) or a vinyl fence of six feet in height. No dumpster shall be located within 40 feet of Lot 13 on the plan identified in Condition 2.
4. Light fixtures may remain on at any time, provided that the source of the light is shielded to not be visible from the property lines of adjacent properties and that the light be contained on the subject property

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:

When the property is developed, it shall be as a single family subdivision with no more than thirteen (13) single family residential lots, with one lot containing an existing home, designated as Lot 12, and one additional lot to remain as a church use, designated as Lot A, substantially in accordance with the Preliminary Subdivision Plan designated "PRELIMINARY SUBDIVISION PLAN ENCLAVE AT VICTORY", sheet C1, dated 12/10/18, prepared by Pinnacle Group Engineering, Inc., which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning (the "Preliminary Subdivision Plan").

Proffer 2:

The total number of residential lots permitted on the Property shall not exceed thirteen (13) (including Lot 12). Each new home shall contain a minimum of 2,400 square feet of living area and at least a one (1) car garage.

Proffer 3:

Lot A with the existing church shall continue in its current use as allowed under the Conditional Use Permit granted to Victory Baptist Church of Virginia Beach, Inc., by Grantee.

Proffer 4:

The architectural design of the residential dwellings and any detached garages will be substantially as depicted on elevations exhibited on the designated "PRELIMINARY SUBDIVISION PLAN ENCLAVE AT VICTORY", sheet C1, dated 12/10/18, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning. The exterior building elevations shall be limited to the following materials, and each elevation shall include some combination of: architectural shingles, hardiplank, stone, brick, premium vinyl siding, fiber cement siding, and/or wood.

Proffer 5:

When the Property is developed, the Grantor shall record a Declaration submitting the Property to a mandatory membership Homeowner’s Association, which shall be conveyed title to any Open Space and/or BMP Lot, and shall be responsible for maintaining all open spaces, landscaping and other improvements in the BMP Lot(s) on the Property as depicted on the Concept Plan.

Proffer 6:

When the Property is developed, the ground elevation surrounding and immediately adjacent to any structure shall exceed 8.30 feet as referenced by the North American Vertical Datum of 1988 (NAVD 88) and the right-of-way and sidewalk elevations on the Property as depicted on the Concept Plan shall meet or exceed an elevation of 8.30 feet NAVD 88.

Proffer 7:

Further conditions may be required by the Grantee during detailed site plan review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

Staff Comments:

The proposed proffers are acceptable and provide confidence that the site will be developed as depicted in terms of layout, density and architectural design.

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 adjacent to Gum Swamp, which is associated with the North Landing River and is part of the Southern Watershed. The applicant has delineated on the submitted plan the extent of the Southern Watershed Management Area. The site is located within the Stumpy Lake Dam Inundation Zone (see page 10 for a map showing this zone). When development or redevelopment in an inundation zone is proposed, the Dam Safety Act requires evaluation of the impact that development will have on the hazard classification and corresponding design flood standards of the dam. If the proposed development worsens the hazard classification of the dam, then the dam may need to be improved to safely pass a greater design flood.

In 2015, a study was commissioned by the City to evaluate the impact of this proposed development (and others) on the hazard classification of the Stumpy Lake Dam. The study determined that this proposed development was not anticipated to change the current hazard classification of the dam provided that the lowest adjacent grade (LAG) to any structure exceeded the design flood elevation. The study further recommended that all LAG, roadway, and sidewalk elevations meet or exceed an elevation of 8.3 feet (NAVD88). While there appears to be no immediate impact to the hazard classification and design flood standards of the dam caused by this proposed subdivision, it should be noted that any new development, including this one, within the inundation zone will elevate the risk profile of the dam. The following points should be given proper consideration when evaluating any request to develop property located within the inundation zone to a density greater than that which is permitted by-right:

1. Increasing the population residing within the inundation zone will result in direct impacts to notification and evacuation procedures required at specific elevated lake levels caused by severe weather events.

2. Evacuation of residents within the inundation zone can be complicated by roadway flooding of evacuation routes during severe weather events. Increasing the number of residents requiring evacuation will increase the evacuation time and/or resources required.
3. Filling on land within the inundation zone has the potential to displace the limits of the inundation zone to area currently outside it.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Indian River Road	8,095 ADT ¹	13,600 ADT ¹ (LOS ⁴ "C") 16,200 ADT ¹ (LOS ⁴ "E")	Existing Land Use ² – 87 ADT Proposed Land Use ³ - 197 ADT
¹ Average Daily Trips	² as defined by an 11,000 square foot church and two single-family dwellings	³ as defined by an 11,000 square foot church and 13 single-family dwellings	⁴ LOS = Level of Service

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

Indian River Road, in this vicinity, is considered a two-lane undivided minor suburban arterial. The existing infrastructure currently resides in an 80-foot variable width right-of-way. The MTP proposes a four-lane facility within a 145-foot right-of-way.

Public Utility Impacts

Water

The site is currently connected to City water. There is an existing 10-inch City water main along Indian River Road.

Sewer

The site is currently connected to City sanitary sewer. There is an existing 10-inch City sanitary sewer gravity main along Indian River Road.

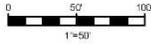
School Impacts

School	Current Enrollment	Capacity	Generation ¹	Change ²
New Castle Elementary	735	801	4	1
Landstown Middle	1,412	1,481	2	0
Landstown High	2,163	2,569	3	0

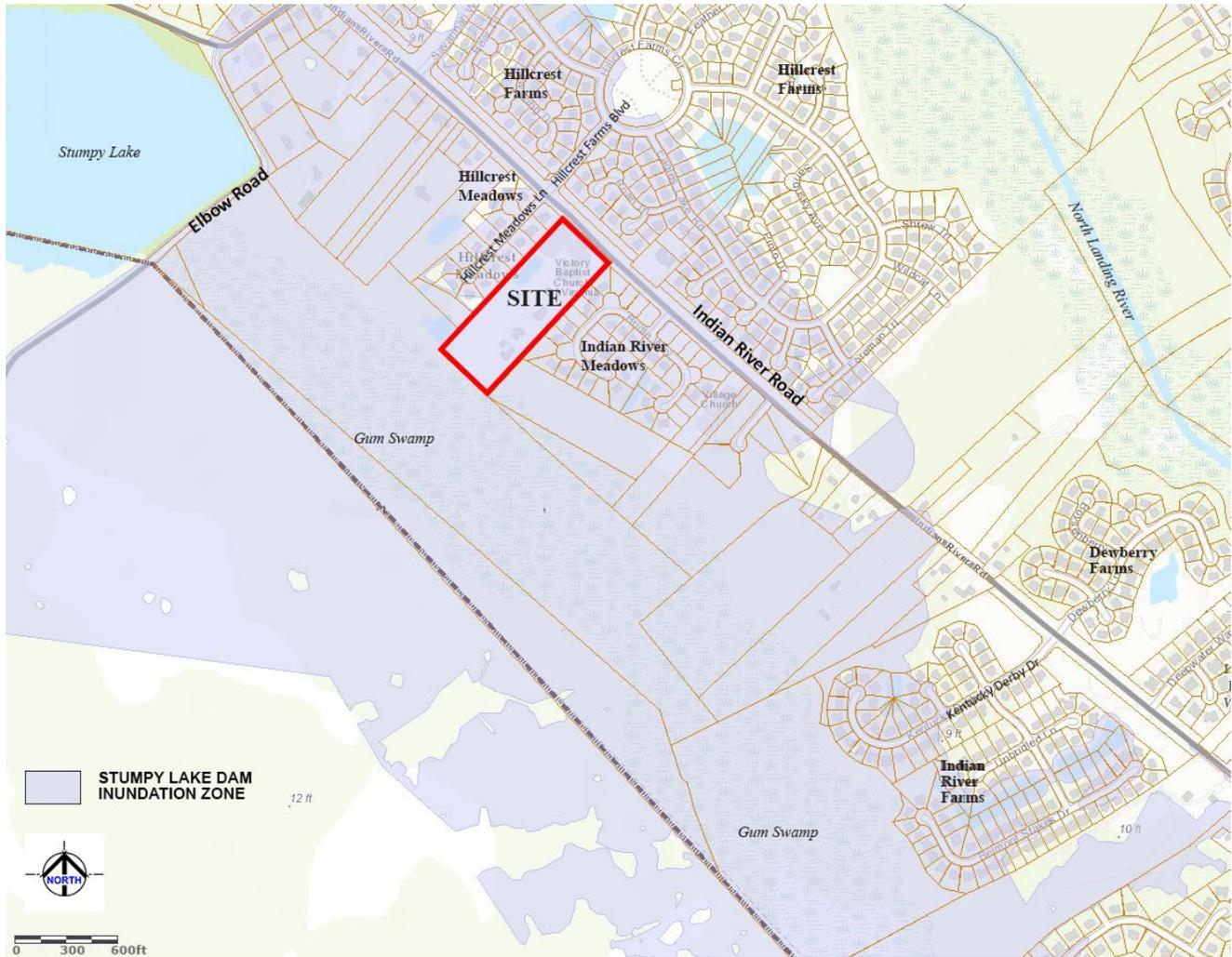
¹ "Generation" represents the number of students that the development will add to the school.

² "change" represents the difference between the number of potential or actual students generated under the existing zoning and the number generated under the proposed zoning. The number can be positive (additional students) or negative (fewer students).

Proposed Elevations



Stumpy Lake Dam Inundation Zone



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: Victory Baptist Church
 If an LLC, list all member's names:
 Leslie Smith, Kevin Inmon, Norman Smith, Paul Smith

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-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 type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	Traditional Concepts, LLC
<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	Pinnacle Group Engineering, Inc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Southern Bank and Trust Company
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	John M. Napier, Esq., PLLC
<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.

<i>Leslie W. Smith President/Justice</i>	<i>Leslie W. Smith</i>	<i>12/10/2018</i>
PROPERTY OWNER'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	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	Traditional Concepts, LLC
<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)	
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Pinnacle Group Engineering, Inc.
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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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

Page 6 of 7

Disclosure Statement



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<i>Leslie W. Smith President/Trustee</i>	Leslie W. Smith	12/10/2018
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



APPLICANT'S NAME Traditional Concepts, 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	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 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: Traditional Concepts, LLC
 If an LLC, list all member's names:
 Wayne R. Crosby and Lesli Crosby

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-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

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- 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:



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	
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<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	Pinnacle Group Engineering, Inc.
<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	John M. Napier, Esq. PLLC
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

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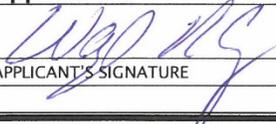
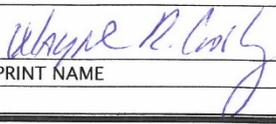
Disclosure Statement



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.

		
APPLICANT'S SIGNATURE	PRINT NAME	DATE

Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that 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.