

Request

Modification of Conditions (Craft Brewery)

Staff Recommendation

Approval

Staff Planner

Jonathan Sanders

Location

1805 Laskin Road, Suite 102

GPIN

2407683131

Site Size

1.24 acres

AICUZ

Greater than 75 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Retail, craft brewery / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Laskin Road

Grocery store / B-2 Community Business

South

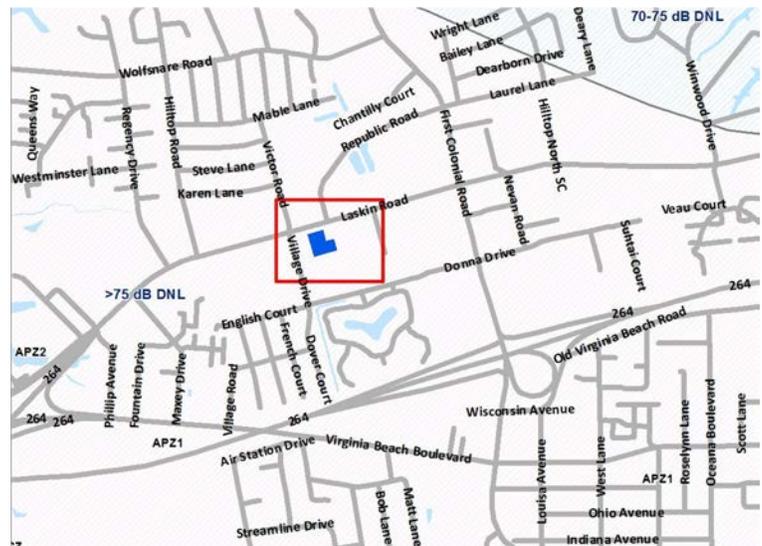
Mixed retail / B-2 Community Business

East

Shopping center / B-2 Community Business

West

Medical Office / B-2 Community Business



Background and Summary of Proposal

- A Conditional Use Permit for a Craft Brewery was approved by City Council on May 5, 2015. At that time, the Zoning Ordinance prohibited food preparation and service within a brewery. Despite this restriction, the brewery has been serving food successfully with Health Department approval since its opening, as the applicant was unaware of this prohibition. All other conditions of the 2015 approval have been met. In 2016, the Ordinance was amended to allow food preparation and service, but only if requested in conjunction with a Conditional Use Permit application for a Craft Brewery. Based on this, Staff views this Modification of Conditions application as a clarification of the record to incorporate the food preparation and service as a part of the Conditional Use Permit.
- The existing hours of operation are 12:00 p.m. to 10:00 p.m., Monday - Thursday, 12:00 p.m. to 12:00 a.m., Friday - Saturday, and 12:00 p.m. to 10:00 p.m. on Sunday. The business currently has 26 employees.
- No changes are proposed to the building or to the signage as part of this request.

		<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CUP (Craft Brewery) Approved 05/05/2015</td> </tr> <tr> <td>2</td> <td>CUP (Fuel Sales) Approved 05/28/2002</td> </tr> <tr> <td>3</td> <td>CUP (Mini Storage) Approved 12/10/2002</td> </tr> <tr> <td>4</td> <td>CUP (Tattoo Parlor) Approved 11/07/2017 CUP (Motor Vehicle Rental & Bulk Storage) Approved 03/22/2005</td> </tr> </tbody> </table>		#	Request	1	CUP (Craft Brewery) Approved 05/05/2015	2	CUP (Fuel Sales) Approved 05/28/2002	3	CUP (Mini Storage) Approved 12/10/2002	4	CUP (Tattoo Parlor) Approved 11/07/2017 CUP (Motor Vehicle Rental & Bulk Storage) Approved 03/22/2005
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<h3>Application Types</h3>													
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

It is Staff's view there are no negatives associated with serving food to patrons who consume alcohol. As the Zoning Ordinance has changed to allow Craft Breweries the ability to prepare and serve food, combined with the fact that the restaurant has been preparing and serving food without issue, Staff finds the request for the modification acceptable.

Staff recommends approval of the request, subject to the following conditions.

Recommended Conditions

1. The following conditions of approval associated with the May 5, 2015 Conditional Use Permit for a Craft Brewery on this site shall remain in effect.
 1. Bicycle racks shall be added directly adjacent to the Building Suite containing the Wasserhund Brewing Company. The bicycle racks shall provide enough space to accommodate a minimum of ten (10) bicycles.
 2. Any on-site signage for the Brewery shall meet the requirements of the City Zoning Ordinance (CZO). A permit shall be obtained from the Planning Department for the installation of any signage.
2. Indoor food preparation and service shall be permitted in conjunction with the Conditional Use Permit for a Craft Brewery.

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 approvals allowed by this application are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Comprehensive Plan Recommendations

The Comprehensive Plan identifies this site as being located within the Hilltop Strategic Growth Area (SGA). The Hilltop SGA is home to a wealth of local businesses with a variety of retail, restaurant, office, health, and recreational uses. The Hilltop Strategic Growth Area Master Plan provides recommendations for this SGA. The general planning principles for the Hilltop SGA includes providing a mix of retail, restaurants, and office uses; building a network of streets to improve traffic flow; and matching quality of local businesses with an equally memorable built setting.

Natural and Cultural Resources Impacts

The site is located within the Chesapeake Bay Watershed. As the site is already developed, there does not appear to be any significant environmental or cultural features on the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Laskin Road	29,900 ADT ¹	27,300 ADT ¹ (LOS ³ "C") 31,700 ADT ¹ (LOS ³ "E")	No change anticipated ²
¹ Average Daily Trips	² as defined by a craft brewery with food service	³ LOS = Level of Service	

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

Laskin Road in the vicinity of this application is considered a four-lane divided major urban arterial. In addition to the existing four-lane section of road, there are two 2-lane local access roads parallel to the mainline portion of roadway on the north and south sides of Laskin Road. The existing infrastructure currently resides in a 160 foot right-of-way. The

MTP proposes a six-lane facility within a 165 foot right-of-way. Currently, this segment of roadway is functioning over-capacity at a Level of Service E.

Public Utility Impacts

Water & Sewer

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

Existing Site Layout



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: Wasserhund Brewing Company
 If an LLC, list all member's names:

Christine Holley
 Aaron Holley

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: Conte's Acquisitions, LLC
 If an LLC, list the member's names: David Conte, Wayne Souza



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Property Owner: *(Attach list if necessary)*

Conte's Bike Shop

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	Ryan Gore
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Sussex Corporation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<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)	Sheri Brown - BB&T
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Kyle Korte - Wolcott Rivers Gates
<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>Christine Holley</i>	Christine Holley	1/10/2019
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	Beth Moore, CPA; Beth Moore and Associates
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Kevin Humphries; The Patrina Group
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<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)	Virginia Community Capital
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Wayne Souza, Esq.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

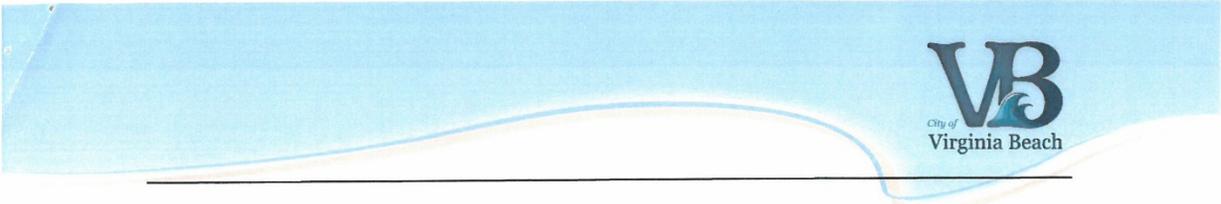


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By: <i>Wayne Souza, Co-Manager</i>	<i>Wayne Souza</i>	<i>1/10/19</i>
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

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 approvals allowed by this application are valid.
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