Applicant & Property Owner **Indian Cove Resort Association, Inc.**
Public Hearing **May 8, 2019**
City Council Election District **Princess Anne**

Agenda Item

4

Request
Modification of Conditions (Member parking area & Relocation of pavilion)

Staff Recommendation
Approval

Staff Planner
Whitney McNamara

Location
1053 Sandbridge Road

GPINs
2423354320, 2423358080

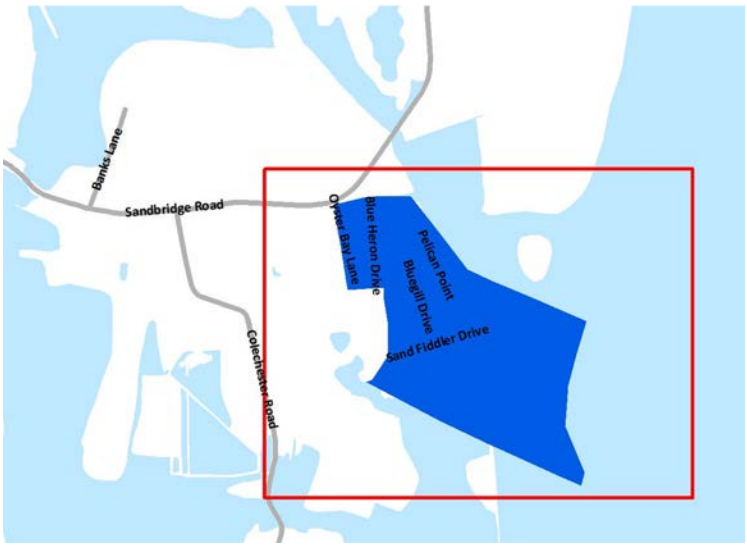
Site Size
101.62 acres

AICUZ
Less than 65 dB DNL

Watershed
Southern Rivers

Existing Land Use and Zoning District
Campground & vacant land / AG-2 Agricultural

Surrounding Land Uses and Zoning Districts
North
Forested / AG-2 Agricultural
South
Forested, wetlands / AG-1 Agricultural
East
Wetlands / AG-1 Agricultural
West
Farmland / AG-1 Agricultural and AG-2 Agricultural



Background and Summary of Proposal

- A Conditional Use Permit permitting a 308-site campground with two restrooms and bath facilities, a manager's office with bath facilities and restrooms, and a single boat ramp was approved by City Council in 1969.

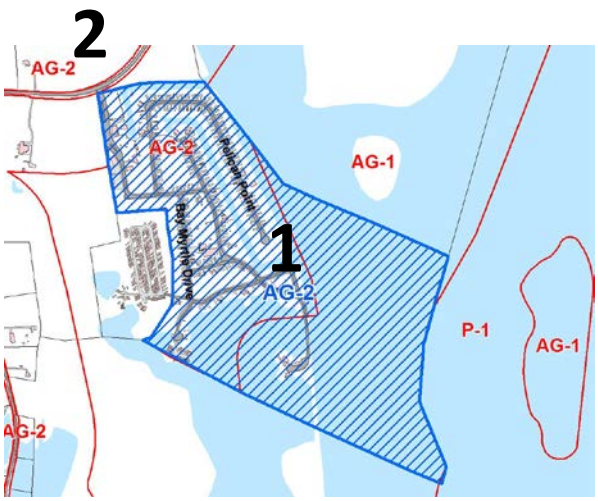
- A modification to the Conditional Use Permit was approved in 1981 to expand the existing campground to a total of 509 camp sites.

- The campground currently has 365 recreational vehicle (RV) sites and 10 tent sites, as well as three swimming pools, four bathhouses, a boat ramp, horseshoe pits, two playgrounds, a dog park, a sport court, four picnic pavilions, a clubhouse and a recreation room. Reservation periods are limited to a maximum of 14 days out of every 21-day period.

- The applicant proposes to use the adjacent site (GPIN 2423354320) for overflow parking for members' boat trailers, golf carts, and cars while they are using the campground. While under the applicant's ownership, as this parcel is not currently associated with the existing Conditional Use Permit, a modification to the permit is requested in order to officially incorporate this additional property into the campground.

- The proposed parking area is currently encompassed with a six-foot privacy fence, and there is an existing concrete slab where a residential structure was previously demolished. Additional gravel is proposed to fill in low spots where water tends to accumulate during rain and storm events.

- In addition, there is an existing open sided pavilion with picnic tables that currently experiences flooding. The applicant proposes to move the pavilion to a different location on the property that does not experience frequent flooding.



Zoning History

#	Request
1	**CUP** (Campground) Approved 11/23/1981 **MOD** (Campground) Approved 4/14/1969
2	**SVR** (Minimum lot size) Approved 1/20/2015 **FVR** (Fill for foundation) Approved 1/20/2015 **CUP** (Farm Stand) Approved 1/20/2015

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 applicant's request for a Modification to the Conditional Use Permit is acceptable. The area is currently fenced, providing screening from the adjacent roadway. While the proposal is located in the Floodplain Subject to Special Restrictions, the applicant has minimized the impacts by limiting fill to the greatest extent possible to correct minor changes in grade to the existing land. On-site parking is limited, and the proposed parking area will provide an additional amenity to members and their guests. In addition, the proposed relocation of the pavilion will allow campground members additional access and use not currently afforded due to its current floodprone location. With the recommended conditions further protecting the natural resources, Staff recommends approval of this request with the following conditions.

Recommended Conditions

1. All conditions attached to the Conditional Use Permit granted by the City Council on November 23, 1981 are deleted and are hereby replaced with the conditions listed below.

2. A buffer zone of 400 feet shall be provided between the on-site, private sewage plant and any campsites for habitation, and a well lot 100 feet x 100 feet shall be centered on the wells and enclosed with a minimum six-foot chain link fence. The well site must be dedicated and recorded in the Office of the Clerk of the Circuit Court.

3. The developer shall dedicate an easement for Canal No. 1 along Hells Point Creek 150 feet from the center line of the canal.

4. The proposed parking area shall be limited to the temporary parking of boat trailers, golf carts, and private vehicles of members while on site. In no case shall this area be used for parking or storage of vehicles for greater than 90 days.

5. The removal of any existing healthy tree canopy or understory woody vegetation shall be prohibited. Any damaged or removed vegetation shall be mitigated at a 3 to 1 ratio.

6. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s). All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.

7. All recreational vehicles shall be licensed and road ready to be relocated out of the Special Flood Hazard Area in the event of the issuance of a hurricane warning for the City of Virginia Beach, as well as prior to any approaching significant storm or wind tide flooding.

8. No dredging, filling, bulkheading or other waterfront related activities shall be allowed without the proper permits from the appropriate local, state, and federal agencies.

9. Encroachment into any environmentally sensitive portion of the property, including but not limited to the 50-foot Southern Rivers buffer, the Special Flood Hazard Area, and tidal or non-tidal wetlands for any development or land disturbance, including permanent or temporary structures, shall be prohibited without obtaining all applicable permits from federal, state, and local agencies.

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.

Comprehensive Plan Recommendations

The Comprehensive Plan designates the subject property as being located within the Rural Area. The Rural Area lies south of Indian River Road from North Landing Road to Muddy Creek and Back Bay and extends to the North Carolina border. The physical character of this area is low, flat land with wide floodplains and wind driven tides. Within this area is a significant presence of working farms, farm related businesses, and limited non-residential areas along with scattered housing sites. The Comprehensive Plan's Rural Preservation Plan policies recognize this rural character, seeking to preserve and promote continued agricultural production and its open space and scenic beauty while providing reasonable rural development opportunities that will help stabilize and reinforce the rural way of life in southern Virginia Beach.

Natural and Cultural Resources Impacts

The site is located within the Southern Rivers watershed. As the property is located adjacent to a canal connecting to Back Bay, a 50-foot buffer is required. While the proposed parking area and pavilion are located in the 50-foot buffer, no disturbance to the existing vegetation is proposed. The majority of the property is classified as Floodplains Subject to Special Restrictions, and the proposed parking area and pavilion are proposed within the Special Flood Hazard Area. The parking area does not require a Floodplain Variance because limited fill (less than 4 inches in an area less than 2,500 square feet) is proposed to fill in low spots in the parking area. This amount of development is not anticipated to impact flood levels and can be administratively approved. The proposed pavilion is an open sided structure that does not require a floodplain permit. It is replacing a similarly sized pavilion and is being relocated to an area that is mostly outside the Special Flood Hazard Area.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Sandbridge Road	9,100 ADT [1]	12,500 ADT [1] (LOS [4] "D")	Existing Land Use [2] – No Data Available Proposed Land Use [3] – No Change Anticipated
[1] Average Daily Trips	[2] as defined by Campground	[3] as defined by Campground	[4] LOS = Level of Service

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

Sandbridge Road is a two-lane minor rural arterial in the vicinity of this site. This section of Sandbridge Road has a variable right-of-way width and it is included on the MTP as an ultimate 100-foot right-of-way rural two-lane section. There are currently no CIPs scheduled for this segment of Sandbridge Road.

Public Utility Impacts

Water

City water is not available. Health Department approval is required for private wells.

Sewer

City sanitary sewer is not available. The Campground owns and operates their own private sewage treatment plant that is licensed by DEQ.

Public Outreach Information

Planning Commission

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 7, 2019.
- As required by State Code, this item was advertised in the Virginia Pilot Beacon on Sunday, April 21, 2019 and Sunday, April 28, 2019.
- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on April 22, 2019.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on May 2, 2019.

Approved Conditions from November 23, 1981

Real-Tronic Corp.
Application #4093
Page Two

Very truly yours,

R. Dean Lee
Chairman

RDL:lmg

CITY COUNCIL ACTION: GRANTED NOV 23 1981 R01181435

Approval is subject to the following provisions in conjunction with the intended use of the land:

1. Standard improvements as required by the Site Plan Ordinance.

2. City water and sewer.

3. State Statute requires that a buffer zone of 300 feet be provided between a sewage plant and any sites for habitation, in accordance with Local and State Statutes, and that a well lot 100 feet x 100 feet be centered on the wells and enclosed with a minimum six (6) foot chain link fence. The well site must be dedicated and recorded in the Office of the Clerk of the Circuit Court.

4. The developer shall dedicate an easement for Canal #1, as required.

5. No dredging, filling, bulkheading or other waterfront related activities will be allowed without the proper permits from the appropriate Local, State, and Federal agencies.

This Ordinance shall be effective from date of adoption.

Proposed Site Layout

Site Photos

City of Virginia Beach

APPLICANT'S NAME Indian Cove Resort Assoc, 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
	Franchise Agreement	
Chesapeake Bay Preservation Area Board	Lease of City Property	Subdivision Variance
Conditional Use Permit	License Agreement	Wetlands Board

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).			
☐	APPLICANT NOTIFIED OF HEARING	DATE:	
☐	NO CHANGES AS OF	DATE:	
☐	REVISIONS SUBMITTED	DATE:	

City of Virginia Beach

☐ Check here if the **APPLICANT *IS NOT*** a corporation, partnership, firm, business, or other unincorporated organization.

☒ Check here if the **APPLICANT *IS*** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Indian Cove Resort Assoc., Inc.
If an LLC, list all member's names:
Vincent Posey Randall Marrs Jonathan Hoggard
Bonnie Herring Todd Beck

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

(B) List the businesses that have a parent-subsidiary [1] or affiliated business entity [2] relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes[1] and [2]

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

☐ Check here if the **PROPERTY OWNER *IS NOT*** a corporation, partnership, firm, business, or other unincorporated organization.

☐ Check here if the **PROPERTY OWNER *IS*** a corporation, partnership, firm, business, or other unincorporated organization, ***AND THEN***, complete the following.

(A) List the Property Owner's name:_____
If an LLC, list the member's names:

Virginia Beach

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

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

[1] "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." *See* State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

[2] "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." *See* State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

APPLICANT

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

City of Virginia Beach

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

I understand that, upon receipt of notification that the application has been scheduled for public hearing, **I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.**

Vincent Posey	Vincent Posey	2-28-19
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.