

**Request**

**Conditional Use Permit** (Assembly Use)

**Staff Recommendation**

Approval

**Staff Planner**

Hoa N. Dao

**Location**

1145 Princess Anne Road

**GPIN**

24004935640000

**Site Size**

63.10 acres

**AICUZ**

Less than 65 dB DNL

**Watershed**

Southern Rivers



**Existing Land Use and Zoning District**

Single-family dwelling / AG-1 & AG-2

Agricultural

**Surrounding Land Uses and Zoning Districts**

**North**

Single-family dwelling, cultivated field / AG-1 & AG-2 Agricultural

**South**

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

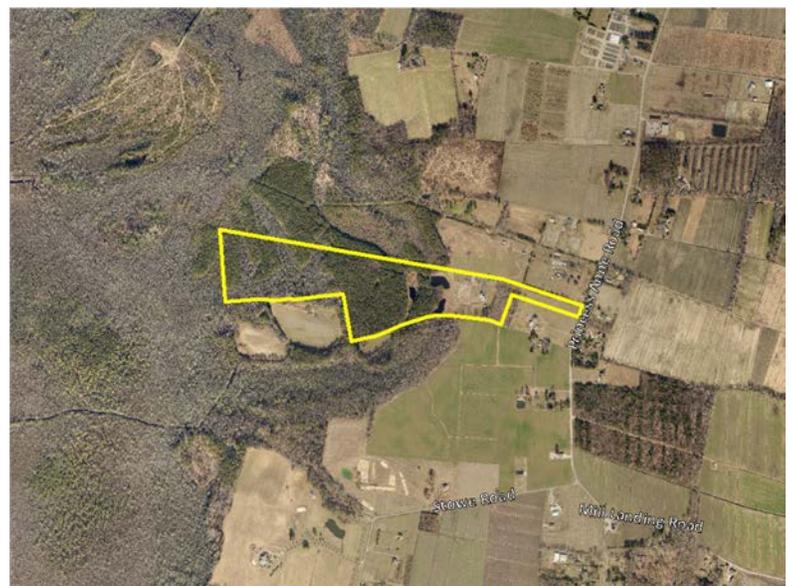
**East**

Princess Anne Road

Single-family dwellings, cultivated fields / R-5D Residential, AG-2 Agricultural

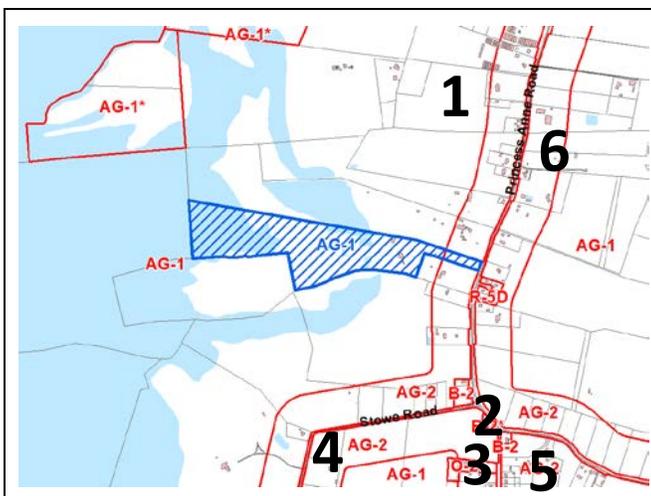
**West**

Undeveloped land / AG-1 Agricultural



## Background and Summary of Proposal

- The subject property is 63 acres in size and the applicant resides in the existing single-family dwelling on the property and operates a horse boarding business.
- The subject property is surrounded by agricultural activities and the closest residential dwelling is approximately 1,000 feet from the proposed venue building.
- Details of the proposed event venue are listed below:
  - Events will be held both indoors and outdoors.
  - Indoor events will be within the proposed 4,200 square foot structure and the maximum occupancy will be established by the Building Official's Office.
  - The number of indoor events will be unlimited.
  - Outdoor events will be limited to no more than 50 per calendar year and will not have more than 250 attendees per event.
  - Access to the site is via a long paved driveway off of Princess Anne Road.
  - Parking
    - The applicant has requested that alternative parking surfaces (bluestone sand and gravel) be allowed for on-site parking. The request was granted by the Director of Planning & Community Development pursuant to Section 203.b.5 of the Zoning Ordinance.
    - A minimum of 50 parking spaces are required for the proposed venue with a maximum of 250 attendees.
    - Parking valet services will be provided for all events. The proposed 42,000 square foot parking area has the capacity for up to 200 parking spaces. Additional cars may be parked when valet services are used.
  - Outdoor events will be concluded by 10:00 p.m.; therefore, no music, amplified or otherwise will occur after 10:00 p.m.
  - Indoor events will be concluded by 11:00 p.m.; therefore, no music, amplified or otherwise associated with indoor events will occur after 11:00 p.m.



### Zoning History

#	Request
1	SVR (Lot Width Reduction) Approved 06/23/2016
2	CRZ (AG-2 to Conditional B-2) Approved 7/7/2009
3	MOD (Modification of Conditions) Approved 9/24/2013 CRZ (AG-2 to Conditional O-2) Approved 11/8/1995 CUP (Private Club, Lodge, Social Center, Eleemosynary Establishment, Athletic Club) Approved 11/8/1995
4	CUP (Alternative Residential Devl.) Approved 6/14/2005
5	CUP (Residential Kennel) Approved 7/12/2000
6	CUP (Church) Approved 6/22/1999 CUP (Pre-school) Approved 6/23/1998 CUP (Church) Approved 8/14/1996

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

## Evaluation and Recommendation

The property is surrounded by agricultural activities and is heavily wooded in the back half of the property. The events will primarily be held within the proposed 4,200 square feet building that will not be visible from the adjacent residential dwellings. The nearest residential dwelling is measured over 1,000 feet from the proposed venue building. To minimize noise impact to the neighboring properties, amplified music, except for acoustical music and music provided by a DJ, will be prohibited after 10:00 pm for outdoor events and 11:00 pm for indoor events. Food for the events will be catered and brought to the site. No food preparation will be done on-site with the exception of heating them up prior to serving. The applicant agrees to limit the number of outdoor events to no more than 50 events per year for up to a maximum of 250 attendees per event. While indoor events are not restricted to a maximum number of events per year or maximum number of attendees, they will be conducted within the enclosed 4,200 square feet building. According to the Fire Department, it's estimated that approximately 49 occupants will be able to occupy the 4,200 square feet building unless permits are obtained and the proper alterations are made to the building to increase the occupant load. Considering that the parcel is 63 acres in size and the nearest residential dwelling is located over 1,000 feet from the proposed venue area, Staff recommends the proposal be approved with the conditions listed below.

## Recommended Conditions

1. Except for ADA parking, alternative surfaces (bluestone sand and gravel) may be permitted for on-site for the minimum required number of parking spaces. ADA parking shall be provided in accordance with the ADA criteria.
2. The applicant/owner shall install and maintain a City standard commercial entrance at Princess Anne Road. Said entrance shall be installed in accordance with the City of Virginia Beach Department of Public Works Engineering Division Specifications and Standards.
3. Outdoor events shall be limited to no more than fifty (50) per the calendar year and the maximum number of attendees shall not exceed 250 per event.
4. All outdoor events shall be concluded by 10:00 p.m.
5. Amplified music, except acoustical music and music provided by a DJ, shall be prohibited after 10:00 p.m. for outdoor events and 11:00 p.m. for indoor events.
6. All lighting shall be contained on the subject property. The source of the light is to be shielded so as to not be visible from the property line of any adjacent residential use properties.
7. This Assembly Use may continue to operate on the site subject to an annual determination by the Planning Director or designee that the presence of the use is not detrimental to public health, safety, and welfare. Furthermore, the Assembly Use, as conditioned herein, shall not cause public inconvenience, annoyance, disturbance, or be incompatible with other uses in the vicinity or otherwise interfere with the reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking.
8. A Site Plan shall be submitted to the Department of Planning & Community Development/Development Services Center to ensure compliance with applicable regulations for all proposed on-site improvements. Site Plan approval shall be obtained prior to issuance of a building permit, which shall be required for the proposed venue structure

and any other improvement, per City regulations. In addition, a Certificate of Occupancy shall be required prior to the occupancy of the proposed venue building.

*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 designates the subject property as being in the Rural Area. The Rural Area is located in the southern half of Virginia Beach, south of Indian River and Sandbridge Roads. It is characterized as low, flat land with wide floodplains and altered drainage with a presence of agricultural and rural related activities including traditional and specialty crop cultivation, tree farms, equestrian facilities, wetland banks, fish farms, and other similar uses. An important objective of the Plan for the Rural Area is to protect and sustain all of Virginia Beach’s valuable environmental, scenic and agricultural resources in the Rural Area against inappropriate activities and intense growth pressures.

## 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 groundwater, poorly draining soils, and high-water surface elevations in downstream receiving waters. There does not appear to be any significant natural or cultural resources associated with the site.

## Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Princess Anne Road	5,800 ADT <sup>1</sup>	12,000 ADT <sup>1</sup> (LOS <sup>4</sup> “D”)	Existing Land Use <sup>2</sup> – 10 ADT Proposed Land Use <sup>3</sup> – No Data Available
<sup>1</sup> Average Daily Trips	<sup>2</sup> as defined by a single-family dwelling	<sup>3</sup> No information available in the ITE Trip Generation Manual for event venues	<sup>4</sup> LOS = Level of Service

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

Princess Anne Road in the vicinity of this application is considered a rural two lane highway with a 50-foot right-of-way. The Master Transportation Plan shows an undivided roadway with a bikeway and an ultimate right-of-way width of 100 feet. There are currently no roadway Capital Improvement Projects slated for this segment of the roadway.

## Public Utility Impacts

### Water

City water is not available to this site. Impact on the private well will require Health Department approval.

## **Sewer**

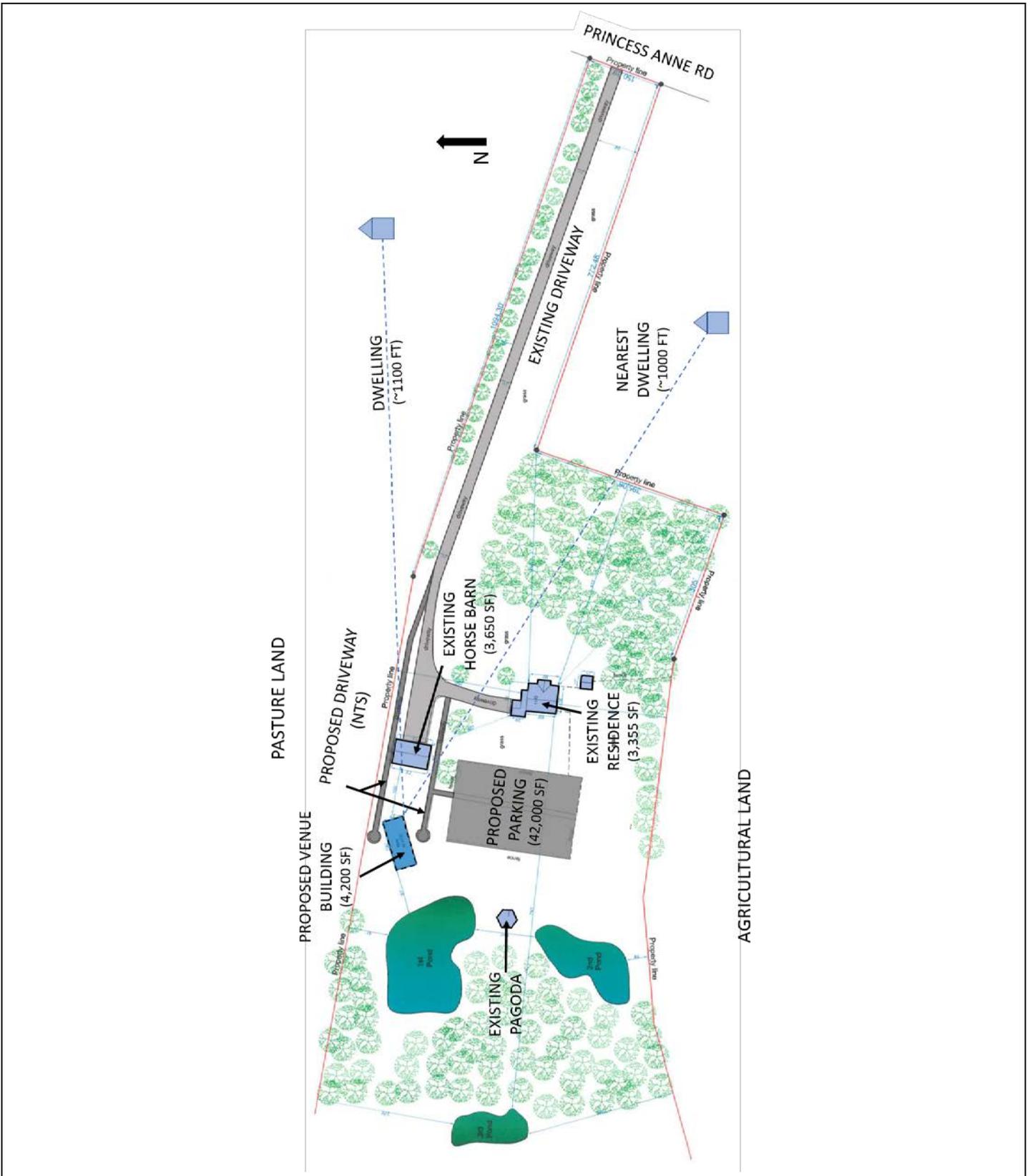
City sanitary sewer is not available. Any impact to an existing onsite sewage treatment facility requires Health Department approval.

## **Public Outreach Information**

### **Planning Commission**

- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on September 9, 2019.
- As required by State Code, this item was advertised in the Virginia Pilot Beacon on Sundays, September 22, 2019, and September 29, 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 September 23, 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](http://www.vbgov.com/pc) on October 3, 2019.

# Proposed Site Layout



**Proposed Venue Building Elevation Plan**



Site Photos



Site Photos





**APPLICANT'S NAME** Wolfe Bros Events, 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: Wolfe Bros Events, LLC  
 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)*

Jeffrey Wolfe is the managing member.

(B) List the businesses that have a parent-subsiidiary <sup>1</sup> or affillated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*  
 NONE

See next page for information pertaining to footnotes<sup>1</sup> and <sup>2</sup>

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## 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-subsiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

<sup>1</sup> "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.

<sup>2</sup> "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	ZEAL CONSTRUCTION MORTON CONSTRUCTION
<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	ZEAL CONSTRUCTION
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	HAYDEN FRYE
<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)	TOWNE BANK
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	TROUTMAN SANDERS
<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.

 APPLICANT'S SIGNATURE	Jeffrey A Wolfe PRINT NAME	6/25/19 DATE
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## 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.
- 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.