

VIRGINIA BEACH PLANNING COMMISSION

DEPARTMENT OF PLANNING

RM. 115, BLDG. 2

2405 COURTHOUSE DRIVE

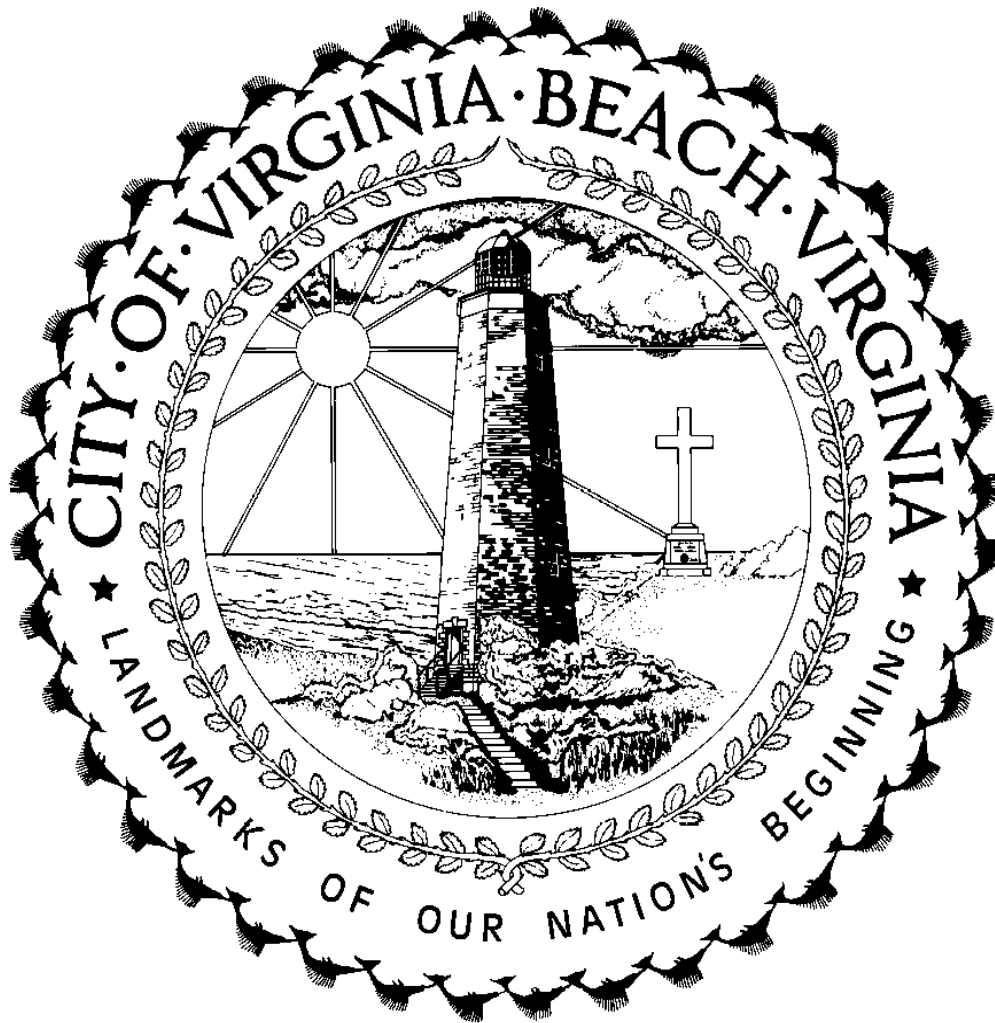
VIRGINIA BEACH, VA 23456

(757) 385-4621

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PLANADMN@VBGOV.COM

[HTTP://WWW.VBGOV.COM/PC](http://www.vbgoV.com/PC)



Keep pages 1 thru 6 of this application package for your reference. Submit the last four pages of the application at the Planning Department (Room 115, Building 2, Municipal Center) with all other associated application materials.

APZ-1 CONDITIONAL USE PERMIT APPLICATION

APPLICANT'S INFORMATION AND INSTRUCTIONS (KEEP FOR YOUR REFERENCE)

It is strongly recommended that applicants have a pre-application conference with Planning Department staff prior to submittal. Please call (757) 385-4621 to make an appointment with a Planner.

This application package is for the use of those with property in Accident Potential Zone (APZ) 1, who desire to make application to the Department of Planning for an administrative approval of a use or uses listed in Section 1809 of the City Zoning Ordinance that are normally conditional uses. The purpose of this process is to encourage the development of uses and structures in APZ-1 that are compatible with flight operations at NAS Oceana by providing certain incentives for development that will protect and enhance the health, safety, welfare and quality of life of the residents in APZ-1 and not adversely impact established residential neighborhoods. The provisions of Article 18 of the City Zoning Ordinance allow certain uses to be located in appropriate zoning districts within APZ-1 without the need for a conditional use permit, so long as the physical and other features of those uses, such as building design and materials, parking lot and site landscaping, landscape screening, site lighting and signage are of a quality demonstrably higher than normal and the hours of operation are strictly limited so as to not interfere with the quality of life in nearby residential neighborhoods. It is the intention of the City Council that a use be allowed without a conditional use permit pursuant to the provisions of Article 18 only: (i) in zoning districts within APZ-1 where the use is appropriate; (ii) when the characteristics of the use are clearly sufficient to prevent any adverse impacts to residential or apartment uses or other property within APZ-1; and (iii) when the design features and other characteristics of the proposed use meet or exceed the standards below:

1. The use conforms to all general and specific conditions applicable to such use under Part C of Article 2 of the City Zoning Ordinance;
2. Enhanced site and parking lot landscaping exceeding applicable requirements, both qualitatively and quantitatively, is provided;
3. Exterior lighting is of low intensity and residential in character and shielded in such manner as to direct light and glare away from residential areas;
4. Hours of operation are limited so as to avoid disturbances to residential neighborhoods;
5. Signage is either nonilluminated or, where freestanding, is externally illuminated from ground level, no neon lighting visible from any adjoining property is used, and freestanding signs are located as far from residential or apartment districts as is practicable;
6. Storage of materials, waste containers, or merchandise, except for boats, motor vehicles, motor homes or similar items for sale, is within the interior of the building or is screened so as to not be visible from streets or adjoining properties;
7. Where adjacent to residential or apartment districts, enhanced landscape buffering exceeding applicable requirements, both qualitatively and quantitatively, is provided; and
8. Building design and exterior building materials substantially conform to such of the "Design Guidelines for Primary Residential Area" set forth in Chapter 7 of the Comprehensive Plan as are appropriate for the use.

**APPLICANT'S INFORMATION AND INSTRUCTIONS
(KEEP FOR YOUR REFERENCE)**

SUBMITTAL PROCEDURE

Please submit your completed application and all required supplemental materials to Room 115, Building 2, Municipal Center. Staff will review submitted applications to ensure all required materials and information are provided. Within five working days of the submittal deadline, the applicant will be notified whether application materials are considered acceptable. If acceptable, staff will begin the process of review to determine compliance with criteria listed above and will notify adjacent property owners of the proposal (as provided for in Article 18, the adjacent property owners will be notified and provided the opportunity to comment on the proposal). If the application is not complete (lacks information), a letter outlining the deficiencies will be sent to the applicant, providing a deadline for the submission of information and materials to address the deficiencies.

STAFF REVIEW

As noted above, staff will evaluate the submitted materials to determine consistency of the proposal with the criteria listed on page 2 above. Once staff has completed the review and all comments have been received from the adjacent property owners, staff will notify you that either (a) the request has been approved or (2) additional information is required or issues have been raised by adjacent property owners that must be addressed.

APZ-1 CONDITIONAL USE PERMIT APPLICATION

APPLICANT'S CHECKLIST (KEEP FOR YOUR REFERENCE)

Be sure to check the items listed below and include all applicable materials when you submit your application. Staff will review submitted applications and notify applicants by mail whether the application has been accepted for processing (see postcard attached to application). Applications lacking required information, submittals, and/or signatures cannot be scheduled for public hearing. More detailed information is presented in the attached "Applicant's Information" section above.

- Completed **application** form with all blanks filled in.
- Property owner's signature** and **applicant's signature** (if not the current owner of the property). A copy of the purchase contract for the property may be included in lieu of the property owner's signature, as long as the contract clearly identifies approval of the application as a contingency of the contract.
- Completed and signed **Disclosure Statement** (last page of the application form)
- Postcard** (provided with this application packet) with the name and address of the desired contact person.
- 1 copy of an up-to-date property **survey** (unless current survey information is included on the site plan).
- 20 folded copies of the proposed **site plan** (no larger than 24" x 36"), including:
 - o Scale identified (must be 1"=100' or larger);
 - o The actual dimensions and shape of the lot;
 - o Distance to the nearest intersecting street;
 - o The dimensions, locations, building footprint, floor area, and height of any existing buildings on the lot;
 - o The dimensions, locations, building footprint, floor area, and height of any proposed buildings on the lot;
 - o The size, type, and location of any existing or proposed signs;
 - o The existing and proposed uses of all structures and areas;
 - o Existing and proposed points of vehicular access;
 - o Parking spaces, drive aisles and maneuvering areas;
 - o Tabulation of required and proposed parking;
 - o Existing and proposed landscaping;
 - o Additional information including topography, natural features, surrounding land uses, density, amount of open space, any variances to city standards, etc. which may be relevant to the evaluation of the proposed conditional use.
- 1 copy of a **reduced site plan** on letter (8.5" x 11") or legal (8.5" x 14") sized paper.
- 20 copies of **renderings and/or building elevations** (no larger than 24" x 36"), including:
 - o Scale identified;
 - o Depiction of materials and colors (a sample 'board' of the materials and colors is highly recommended);
 - o Depiction of location of signs to be attached to the building
- 1 copy of a **reduced rendering and/or building elevation** on letter (8.5" x 11") or legal (8.5" x 14") sized paper.
- If the purpose of the application is to develop a residential use or a mixed-use project that includes residential uses, a **Phase I Environmental Site Assessment** shall be submitted with the application. Based on the findings of the Phase I Assessment, a Phase II Assessment and/or testing may be required.

APPLICATION

CONTACT INFORMATION

Applicant's Name: _____

Street Address: _____

City/State/Zip: _____

Telephone: _____ Fax: _____

E-mail: _____

Applicant's Representative: _____

Street Address: _____

City/State/Zip: _____

Telephone: _____ Fax: _____

E-mail: _____

Property Owner's Name: _____

Street Address: _____

City/State/Zip: _____

Telephone: _____ Fax: _____

E-mail: _____

DESCRIPTION OF PROPERTY

Location (Street Location and/or Address):

Map Book & Page # : _____
(If created by deed prior to adoption of Subdivision Regulations, enter Deed Book, Page # and date recorded)

GPIN Number(s): _____

Land Area (in acres or square feet): _____ AICUZ Zone: _____

City Council Election District: _____ Existing Zoning: _____

DESCRIPTION OF REQUEST

Type of Conditional Use Permit being requested, as listed in the applicable Zoning District Use Regulations: _____

APZ-1 CONDITIONAL USE PERMIT APPLICATION

APPLICANT'S NAME _____

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).

Page 1 of 7

<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-subsiary ¹ or affiliated business entity ² 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 type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	
<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)	
<input type="checkbox"/>	<input type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input 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 type="checkbox"/>	

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.**

APPLICANT'S SIGNATURE	PRINT NAME	DATE

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
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PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE