

# Modification of Conditions of a Conditional Use Permit

## Application Instructions

Please provide the following items and information requested in the checklist below along with the application found on pages 3-4.

Once your application and supporting materials have been submitted to the Department of Planning and Community Development, you will be contacted by the planner assigned to the project who will assist you and/or your representative during the process.

A summary of the Modification of Conditions process is provided on the following page. If you have any questions regarding the process or the requests for information, please contact the Planning and Community Development Department at (757) 385-4621 or by email at [planadmn@vbgov.com](mailto:planadmn@vbgov.com).

Additional information about the Planning Commission/City Council process and procedures can be found at [www.vbgov.com/pc](http://www.vbgov.com/pc).

## Application Checklist

- Application**
- Property owner's signature and applicant's signature**  
*Note: A copy of the purchase contract for the property may be included in lieu of the property owner's signature if the contract clearly identifies approval of the application as a contingency of the contract.*
- Disclosure Statement**
- Fee payable to "Treasurer, City of Virginia Beach"**
  - \$360 application and notification fee (Public notice, certified mailing to adjacent property owners, and public notice signs) for non-profit organizations or home occupations - **or** -
  - \$660 application and notification fee for all other uses
- Property survey** (Unless concept plan includes current survey information)
- Proposed concept plan** (Four large copies and one copy on 8.5" x 11") including:
  - Scale, dimensions of lot
  - Information related to: topography, natural features, adjacent land uses, and open space areas; existing and proposed structures, setbacks, parking spaces, drive aisles, sidewalks, freestanding signs, vehicular access points, plant material, etc.
  - Tabulation of required parking spaces
- Proposed renderings and/or building elevations** (Four large copies and one copy on 8.5" x 11") including:
  - Scale
  - Exterior building materials and color schemes
  - Location and depiction of sign(s) to be attached to the building
- Preliminary Stormwater Analysis** (If the subject property of the application is located in the Southern Rivers watershed and requires land disturbance)

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## Modification of Conditions Process

Optional Pre-Application Meeting	<ul style="list-style-type: none"><li>• Prior to submittal of an application, applicants are encouraged to meet with a Staff planner by email, phone, or in-person to discuss the application</li></ul>
Application Submitted	<ul style="list-style-type: none"><li>• Application submitted in-person at the Department of Planning and Community Development or via Accela</li><li>• Deadline is the first business day of each month</li></ul>
Application Review	<ul style="list-style-type: none"><li>• Application assigned to a Staff planner and reviewed by City departments (Public Works, Public Utilities, Parks and Recreation, etc.)</li><li>• Staff formulates a recommendation for Planning Commission's consideration</li></ul>
Public Notice #1	<ul style="list-style-type: none"><li>• Notification signs posted on the subject property by the applicant 30 days prior to the Planning Commission public hearing and remain posted through City Council public hearing</li><li>• City mails notification letters to all adjacent property owners</li><li>• City advertises the request in the Virginian-Pilot Beacon twice and on the City website</li></ul>
Planning Commission Public Hearing	<ul style="list-style-type: none"><li>• Application considered by Planning Commission at the public hearing</li><li>• Planning Commission reviews Staff's recommendation</li><li>• Members of the public have the opportunity to voice their opinions at the hearing</li><li>• Planning Commission votes to recommend approval or denial of the application to the City Council</li></ul>
Public Notice #2	<ul style="list-style-type: none"><li>• Notification signs must remain posted on the subject property until the City Council public hearing</li><li>• City mails notification letters to all adjacent property owners</li><li>• City advertises the request in the Virginian-Pilot Beacon twice and on the City website</li></ul>
City Council Public Hearing	<ul style="list-style-type: none"><li>• Application is considered by the City Council at the public hearing</li><li>• City Council reviews both Staff's and Planning Commission's recommendations</li><li>• Members of the public have the opportunity to voice their opinions at the hearing</li><li>• City Council approves, denies or defers the application</li></ul>
Decision Letter	<ul style="list-style-type: none"><li>• Results of the City Council decision are forwarded to the applicant, property owner and representative</li></ul>

# Modification of Conditions of a Conditional Use Permit



## **Contact Information**

Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Applicant's Representative \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Property Owner's Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

## **Property Information**

Address or Location \_\_\_\_\_

GPIN(s) \_\_\_\_\_

Land area (acres or square feet) \_\_\_\_\_ City Council Election District \_\_\_\_\_

Existing Zoning \_\_\_\_\_ Overlay District  Yes  No (If yes, specify \_\_\_\_\_)

Strategic Growth Area (SGA)  Yes  No (If yes, specify \_\_\_\_\_)

AICUZ \_\_\_\_\_ Watershed \_\_\_\_\_

Special Flood Hazard Area  Yes  No (If yes, specify \_\_\_\_\_)

If you need assistance with obtaining any of the above information, please contact the Planning and Community Development Department for assistance at (757) 385-4621.

# Modification of Conditions of a Conditional Use Permit

## **Modification of Conditions Request**

Please provide the type & date of the City Council approval of the Conditional Use Permit associated with this request is to modify conditions.

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## **Modification of Conditions Details**

Please provide a detailed description of the proposal below. Include information related to previously approved City Council actions and any modifications requested, pending or anticipated variance requests and/or Chesapeake Bay Preservation Act requests, number of units, square footage of building, exterior building materials, hours of operation, number of employees, etc.

**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).

<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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

\_\_\_\_\_

\_\_\_\_\_

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



## 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: \_\_\_\_\_

\_\_\_\_\_

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

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**(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)*

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<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.

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### 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	<p>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?</p>
<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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<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	

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### SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

<p>YES</p> <input type="checkbox"/>	<p>NO</p> <input type="checkbox"/>	<p>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?</p>
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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.**

PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE