

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 Conditional Rezoning 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.

Additional information about the Planning Commission/City Council process and procedures can be found at 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"
 - \$1,360 application and notification fee (Public notice, certified mailing to adjacent property owners, and public notice signs)
- ☐ **Legal description** of the property
- ☐ **Certificate of Title**, (one original and one copy) prepared and signed by an attorney licensed to practice law in the Commonwealth of Virginia
- ☐ **Conditional Zoning Agreement with written proffers** in deed restriction form (Four copies and one original fully signed and executed)
- ☐ **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
- ☐ **Phase I Environmental Site Assessment** (If the purpose of the application is to rezone property currently zoned commercial or industrial for residential uses) Based on the findings, a Phase II Assessment and/or testing may be required.
- ☐ **Preliminary Stormwater Analysis** (If the subject property of the application is located in the Southern Rivers watershed and requires land disturbance)

Conditional Rezoning Process

Optional Pre-Application Meeting

- 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

Application Submitted

- Application submitted in-person at the Department of Planning and Community Development or via Accela
- Deadline is the first business day of each month

Application Review

- Application assigned to a Staff planner and reviewed by City departments (Public Works, Public Utilities, Parks and Recreation, etc.)
- Staff formulates a recommendation for Planning Commission's consideration

Public Notice #1

- 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
- City mails notification letters to all adjacent property owners
- City advertises the request in the Virginian-Pilot Beacon twice and on the City website

Planning Commission Public Hearing

- Application considered by Planning Commission at the public hearing
- Planning Commission reviews Staff's recommendation
- Members of the public have the opportunity to voice their opinions at the hearing
- Planning Commission votes to recommend approval or denial of the application to the City Council

Public Notice #2

- Notification signs must remain posted on the subject property until the City Council public hearing
- City mails notification letters to all adjacent property owners
- City advertises the request in the Virginian-Pilot Beacon twice and on the City website

City Council Public Hearing

- Application is considered by the City Council at the public hearing
- City Council reviews both Staff's and Planning Commission's recommendations
- Members of the public have the opportunity to voice their opinions at the hearing
- City Council approves, denies or defers the application

Decision Letter

- Results of the City Council decision are forwarded to the applicant, property owner and representative

Conditional Rezoning

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.

Conditional Rezoning

Conditional Rezoning Request

Change of Zoning from the existing zoning district of _____
to Conditional _____

Conditional Rezoning Details

Please provide a detailed description of the proposal below. Include information related to previously approved City Council actions, number of units, square footage of building, exterior building materials, hours of operation, number of employees, etc.

Disclosure Statement

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. 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 City board, commission or other body.

Applicant Disclosure

Applicant Name _____

Does the applicant have a representative? ☐ **Yes** ☐ **No**

- If **yes**, list the name of the representative.

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? ☐ **Yes** ☐ **No**

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

- If **yes**, list the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a 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.

Known Interest by Public Official or Employee

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? ☐ **Yes** ☐ **No**

- If **yes**, what is the name of the official or employee and what is the nature of the interest?
-

Applicant Services Disclosure

1. Does the applicant have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc)** or are they considering **any financing** in connection with the subject of the application or any business operating or to be operated on the property?

☐ **Yes** ☐ **No**

- If **yes**, identify the financial institutions providing the service.
-

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

☐ **Yes** ☐ **No**

- If **yes**, identify the company and individual providing the service.
-

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☐ **No**

- If **yes**, identify the firm and individual providing the service.
-

4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☐ **No**

- If **yes**, identify the firm and individual providing the service.
-

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ **Yes** ☐ **No**

- If **yes**, identify the purchaser and purchaser's service providers.
-

Disclosure Statement

6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☐ **No**

- If **yes**, identify the company and individual providing the service.

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☐ **No**

- If **yes**, identify the firm and individual providing the service.

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☐ **No**

- If **yes**, identify the firm and individual providing the service.

Applicant Signature

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 meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.**

Applicant Signature

Print Name and Title

Date

Is the applicant also the owner of the subject property? ☐ **Yes** ☐ **No**

- If **yes**, you do not need to fill out the owner disclosure statement.

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 applications

<input type="checkbox"/>	No changes as of	Date		Signature	
				Print Name	

Continue to Next Page for Owner Disclosure

Disclosure Statement

Owner Disclosure

Owner Name _____

Applicant Name _____

Is the Owner a corporation, partnership, firm, business, trust or an unincorporated business? ☐ Yes ☐ No

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

- If **yes**, list the businesses that have a parent-subsiary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary)

Known Interest by Public Official or Employee

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? ☐ Yes ☐ No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?

³ "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.

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Owner Services Disclosure

1. Does the Owner have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc)** or are they considering any **financing** in connection with the subject of the application or any business operating or to be operated on the property?

☐ Yes ☐ No

- If **yes**, identify the financial institutions providing the service.
-

2. Does the Owner have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

☐ Yes ☐ No

- If **yes**, identify the company and individual providing the service.
-

3. Does the Owner have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☐ No

- If **yes**, identify the firm and individual providing the service.
-

4. Does the Owner have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☐ No

- If **yes**, identify the firm and individual providing the service.
-

5. Is there any other **pending or proposed purchaser** of the subject property? ☐ Yes ☐ No

- If **yes**, identify the purchaser and purchaser's service providers.
-

6. Does the Owner have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☐ No

- If **yes**, identify the company and individual providing the service.
-

7. Does the Owner have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? ☐ Yes ☐ No

- If **yes**, identify the firm and individual providing the service.
-

Disclosure Statement

8. Is the Owner receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? ☐ **Yes** ☐ **No**
- If **yes**, identify the firm and individual providing legal the service.
-

Owner Signature

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 meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.**

Owner Signature

Print Name and Title

Date