



City of Virginia Beach Oceana Land Use Conformity Committee 2022 – 2023 Annual Report to City Council

Author: Mayor Robert M. Dyer, Chair

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Executive Summary

The Oceana Land Use Conformity Committee (OLUCC) is submitting the FY2022-2023 Annual Report to City Council covering the period of July 1, 2022 – June 30, 2023. OLUCC was established in 2005 through the adoption of a City Council ordinance to prohibit incompatible development uses within the Accident Potential Zone 1 (APZ-1) and Clear Zones (CZ) around Naval Air Station (NAS) Oceana and establish a program to purchase or condemn incompatible use properties under certain circumstances when requested by the property owner. This occurred as a direct result of NAS Oceana being included for the first time ever in the federal government's Base Realignment and Closure (BRAC) evaluation during that time. The BRAC order detailed directions to the City of Virginia Beach to implement new rules to halt development in certain areas around NAS Oceana that the Navy deemed to be incompatible with flight operations.

In response to the BRAC order, a series of policies and ordinances were adopted by the City of Virginia Beach in late 2005 and 2006. These provided immediate relief from future incompatible development within areas affected by accident potential and jet noise. These actions also provided the regulatory tools and financial resources to advance further conformance of the program through the elimination or reduction of incompatible land uses through acquisition or appropriate change of use. The APZ-1/CZ Master Plan was created and adopted in 2008 to protect these interests. Members of this committee include the Mayor, Vice Mayor, City Manager, City Attorney, Department of Economic Development leadership, local residents and commercial property owners to review and enforce regulation compliance. In the past fiscal year, OLUCC met one time.

As requested, included for your review are:

- Accomplished goals and objectives
- Membership and attendance
- Goals and objectives for the coming year, and
- Recommendations to City Council.

Mission Statement

The mission of the Oceana Land Use Conformity Committee is to make recommendations to City Council and the Virginia Beach Development Authority (VBDA) on matters relating to reducing the

amount of pre-existing nonconforming development, pursuant to Section 1804 of the City Zoning Ordinance, in APZ-1 and Clear Zones. Such recommendations shall be consistent with the City Zoning Ordinance, the APZ-1/Clear Zone Use and Acquisition Plan, the Comprehensive Plan, the Final Hampton Roads Joint Land Use Study (JLUS), and with good zoning practices that do not adversely affect established residential neighborhoods.

Accomplishment of Goals and Objectives

The goal of OLUCC is to make recommendations to City Council, Planning Commission, and Virginia Beach Development Authority regarding:

- Agreements and transactions that further the purposes for which the Committee was created;
- Zoning and other land use ordinances, including the advisability of adopting new or amended ordinances;
- Discretionary zoning applications, such as rezoning and conditional use permits;
- Ordinances imposing fees or taxes, including the advisability of adopting new or amended ordinances; and
- Staffing and resources necessary, or appropriate, to assist the Committee in the exercise of its duties.

Over the past fiscal year, OLUCC, through its appointed committee members and its liaisons, worked on the following matter in furtherance of its mission under the recommendation of a compliant transaction to further the purpose for which the Committee was created.

On August 3, 2022, OLUCC met to review a request for an Economic Development Investment Program (EDIP) award of funds under Part “C” of the program in the amount of \$125,000. The purpose of this request was to support the expansion of a property in APZ-1 consistent with the City’s APZ-1 Ordinance before being presented to the VBDA for consideration. Fortis Solutions Group, LLC is a company classified as a conforming use property owner under the APZ-1 Ordinance. This company proposed to expand its existing space in the Oceana West Industrial Park from 37,500 square feet at 2505 Hawkeye Court to a total of 62,500 square feet. It was the voted on and approved opinion of this committee to present the potential award to Fortis Solutions Group, LLC to the VBDA at the earliest opportunity.

As a result of that meeting, the VBDA met during their regularly scheduled monthly meeting on August 16, 2022 and approved the EDIP award funds to Fortis Solutions Group, LLC that supported the retention and expansion of an existing business in the City of Virginia Beach.

Membership and Attendance

Attached separately

Budget Report

This agency is an advisory committee therefore does not require a budget.

Goals and Objectives for the Coming Year

In alignment with OLUCC's missions and goals, the intention of this committee is to meet as needed to continue making recommendations to City Council, Planning Commission and Virginia Beach Development Authority regarding agreements and transactions that further the purposes for which the Committee was created; zoning and other land use ordinances, including the advisability of adopting new or amended ordinances; discretionary zoning applications, such as rezoning and conditional use permits; ordinances imposing fees or taxes, including the advisability of adopting new or amended ordinances; and staffing and resources necessary, or appropriate, to assist the Committee in the exercise of its duties.

Recommendations to City Council

The Oceana Land Use Conformity Committee respectfully requests the continued support of the Virginia Beach City Council through City Council direction and with the assistance of the City's Development Authority in accomplishing the rollback of nonconforming property uses to conforming property uses. The City of Virginia Beach remains committed to keeping NAS Oceana as a viable master jet base and preserving the quality of life for all residents in the city.

Should you have any questions or require a formal City Council briefing on the work of this team, please feel free to reach out to Mayor Robert M. Dyer, OLUCC Chair at bdyer@vbgov.com.

City of Virginia Beach

Oceana Land Use Conformity Committee

2022 Attendance Record

Name	Term Expires on:	Aug 3rd	Total Present
Taylor Adams, Deputy City Manager – Economic Vitality	N/A	P	1
William Brown, Virginia Beach Development Authority Member	8/31/2025	P	1
Robert Dyer, Mayor	N/A	P	1
Patrick Duhaney, City Manager	N/A	P	1
Joe Ferrara, Residential Owner	8/31/2022	P	1
Captain Robert Holmes, Commanding Officer NAS Oceana	N/A	A	0
Lisa Murphy, Virginia Beach Development Authority Chair	N/A	P	1
John Moss, City Council Member – At Large	8/31/2026	P	1
John Parker, Commercial Owner	8/31/2022	A	0
John Roush, APZ-1 Resident	1/31/2027	P	1
Mark Stiles, City Attorney	N/A	P	1
Rosemary Wilson, Vice Mayor	N/A	P	1
This row indicates if there was a quorum; total number of members in person/ total number of appointed members		10/12	
Staff Liaison – Vicki Kelley		P	1

Key: Present (P) Present/ Virtually (P/ V) Absent (A) Resigned (R) Excused Absence (E) Cancelled (C)

****Please Note: The Oceana Land Use Conformity Committee has only met one time on August 3, 2022 during the FY2022-2023 time period of July 1, 2022 to June 30, 2023.**