On January 11, 2005, the City Council approved a Conditional Change of Zoning of the subject site (which also included the 16-acre site to the south) from AG-1 and AG-2 Agricultural Districts to I-1 Light Industrial District. The purpose of the rezoning was to allow development of the site for office-warehouse and storage uses. The site has since been developed with self-storage units on the southern 16-acre portion and office-warehouse units on the northern 13.2-acre portion.

The applicant is now requesting a Conditional Use Permit for bulk storage on 2.1 acres of the northern portion of the site. Responding to a need for light industrial space that provides both interior and exterior storage area, the applicant proposes to locate the bulk storage area to the rear (western side) of a new office-warehouse building. The new building will be constructed west of and parallel to the existing office-warehouse building on the site. The initial size of the storage yard will be 2.1 acres. The applicant’s intent is to reduce the size of the bulk storage area over time as new office-warehouse buildings are constructed.
The site design consists of the bulk storage yard enclosed on the eastern side by the new office-warehouse building and on the remaining sides by a six-foot high privacy fence and a drive aisle immediately outside of the fence. The submitted plan indicates that the outside perimeter of the portions of the storage area visible from London Bridge Road will have Category VI landscape plantings adjacent to the fence.

A building elevation and floor plan for the building to be constructed was submitted with the application; however, the design and exterior materials of the buildings to be used on this site were proffered with the 2005 rezoning. The submitted elevations are not consistent with the approved plans with regard to the exterior materials and color. Staff, therefore, to emphasize to the applicant the need to adhere to the approved plan, has added a condition below pertaining to the submitted building elevation.

**LAND USE AND COMPREHENSIVE PLAN**

**EXISTING LAND USE:** Vacant portion of a self-storage / office-warehouse development

**SURROUNDING LAND USE AND ZONING:**

North:
- London Bridge Road
- Manufacturing and warehouses / I-1 and I-2 Industrial Districts

South:
- Self-storage units / Conditional I-1 Light Industrial District

East:
- Single-family dwelling / AG-2 Agricultural District

West:
- Wood mulching business / I-1 Light Industrial District

**NATURAL RESOURCE AND CULTURAL FEATURES:**

The area designated for the bulk storage yard was cleared within the past five years in preparation for development of the overall site as proposed with the 2005 rezoning.

**COMPREHENSIVE PLAN:** Suburban Area - Special Economic Growth Area 3 (SEGA 3), South Oceana

The Comprehensive Plan designates this area of the City as being within the Suburban Area and, more specifically, within Special Economic Growth Area 3 (SEGA 3), South Oceana. The SEGAs are located adjacent to NAS Oceana and have significant economic value and growth potential, targeting land uses compatible with the military uses. The City supports development of and redevelopment of SEGAs consistent with AICUZ provisions and the City’s economic growth strategy.

SEGA 3 is a large hourglass shaped tract of land encompassing properties on both sides of Dam Neck Road between Holland Road and Corporate Landing Parkway. To varying degrees, portions of this area are impacted by the highest AICUZ, APZs, and Navy restrictive easements. Floodplain and other environmental constraints affect the western portion of this area south of Dam Neck Road.

Comprehensive Plan policies for SEGA 3 relevant to this Use Permit request are:

- The western region of this area is planned for non-residential uses to include a mix of light industrial, low-rise office and limited retail use.
IMPACT ON CITY SERVICES

Based on the proposed use and its compatibility and similarity to the existing development, there will be additional impacts to City services and systems beyond those anticipated with the 2005 rezoning.

EVALUATION AND RECOMMENDATION

The applicant’s request for a Use Permit to add a bulk storage yard to this site is acceptable. The storage yard is appropriate for a self-storage and office-warehouse facility, particularly one located in the highest AICUZ, in an area that is primarily industrial, and in an area designated by the Comprehensive Plan for such uses. The placement and design of the storage yard is also consistent with the proffers of the 2005 Change of Zoning.

The proposed location of the bulk storage yard ensures limited visibility from London Bridge Road. Additionally, the contents of the storage area will be screened on the eastern side by a new office-warehouse building and on the remaining sides by a six-foot high solid fence and a drive aisle immediately outside of that fence. The submitted plan indicates that the outside perimeter of the portions of the storage area visible from London Bridge Road will have Category VI landscape plantings adjacent to the fence. The remaining portions of the fence will not include such plantings.

The elimination of the landscape planting may only be allowed as part of the approval of this Use Permit. The Zoning Ordinance (Section 228) provides the standards to be applied to a Use Permit for a bulk storage yard; one of the standards is a requirement that the area be enclosed by Category VI screening. Category VI consists of a minimum six-foot high solid fence and Category 1 landscape plantings within a minimum five-foot wide planting bed. The screening depicted along the northern portion of the storage yard, facing London Bridge Road, meets ordinance requirements since it includes the required planting bed. As noted above, however, the remaining perimeter of the storage yard does not include the Category 1 landscape planting bed. The Planning Commission (and City Council) may, however, allow a deviation from this requirement “for good cause shown and upon a finding that there will be no significant detrimental effects on surrounding properties,” (Section 221(i)). Reasonable deviations from the following requirements otherwise applicable to the proposed development are allowed:

1. Required setbacks;
2. Required landscaping;
3. Height restrictions, except as provided in Section 202(b); and
4. Minimum lot area requirements.

Staff concludes that a deviation to the requirement for a Category 1 landscape buffer as part of the overall Category VI screening requirement for the bulk storage yard is appropriate due to the industrial nature of the site and majority of the surrounding area and a finding that there will be no significant detrimental effects on the surrounding properties.

One issue that should be addressed as part of this Use Permit pertains to the submission of a building elevation and floor plan for the building to be constructed on the east side of the bulk storage yard.
Though submitted with this application, the design and exterior materials as depicted are not consistent with the plans approved in 2005. No deviation from those plans is possible. Staff, therefore, to emphasize to the applicant the need to adhere to the approved building elevations, has added Condition 2 below pertaining to this issue.

In sum, Staff recommends approval of the requested Use Permit with the conditions below.

CONDITIONS

1. Except as otherwise modified by any other condition of this Use Permit, the bulk storage yard shall be located on the site in substantial conformance with the submitted plan, entitled “Preliminary Site Development Plan of Vector Park for The Miller Group Companies,” prepared by NDI Engineering Company, dated 11/19/12.

2. The exterior design, colors, and materials of the building elevation drawing submitted with the application, entitled “Vector Park Building 3,” prepared by LPA Architecture, and dated 22 February 2013, shall be modified to be consistent with the design, colors, and materials of the buildings proffered with the January 11, 2005 Change of Zoning, and as subsequently revised. Said approved design, colors and materials are on file at the Virginia Beach Department of Planning.

3. Any lighting for the storage yard shall be limited to light packs installed on the building and fence, as well as pole lighting not to exceed a maximum height of 15 feet. All lighting shall be shielded and directed downward to limit the amount of light overspill outside the property boundary.

4. The material of the solid fence depicted on the site plan referenced by Condition 1 shall be vinyl or other similar maintenance-free material.

5. Based upon the fact that only one side of the bulk storage yard is visible from a public right-of-way, as well as a finding that there will be no significant detrimental effects on surrounding properties due to the elimination of landscape screening for the other three sides of the storage yard as required by Section 228 of the Zoning Ordinance, the screening of the perimeter of the storage yard as shown on the plan referenced in Condition 1 shall be allowed, as provided for by Section 221(i) of the Zoning Ordinance.

NOTE: 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 uses allowed by this Use Permit 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.
AERIAL OF SITE LOCATION
PROPOSED SITE PLAN
SUBMITTED BUILDING ELEVATION
(see Condition 2)
### ZONING HISTORY

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<td>4</td>
<td>02/22/2005</td>
<td>Use Permit (Animal Kennel)</td>
<td>Approved</td>
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DISCLOSURE STATEMENT

APPLICANT DISCLOSURE
If the applicant is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:
1. List the applicant name followed by the names of all officers, members, trustees, partners, etc. below: (Attach list if necessary)
   Same as owner

2. List all businesses that have a parent-subsidiary or affiliated business entity relationship with the applicant: (Attach list if necessary)
   Same as owner

☐ Check here if the applicant is NOT a corporation, partnership, firm, business, or other unincorporated organization.

PROPERTY OWNER DISCLOSURE
Complete this section only if property owner is different from applicant. If the property owner is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:
1. List the property owner name followed by the names of all officers, members, trustees, partners, etc. below: (Attach list if necessary)
   Dam Neck Storage LLC, Jerrold L Miller, Member/Manager

2. List all businesses that have a parent-subsidiary or affiliated business entity relationship with the applicant: (Attach list if necessary)
   None

☐ Check here if the property owner is NOT a corporation, partnership, firm, business, or other unincorporated organization.

1 & 2 See next page for footnotes

Does an official or employee of the City of Virginia Beach have an interest in the subject land? Yes ☐ No ☑
If yes, what is the name of the official or employee and the nature of their interest?

Conditional Use Permit Application
Page 9 of 10
Revised 7/3/2007
DISCLOSURE STATEMENT

ADDITIONAL DISCLOSURES
List all known contractors or businesses that have or will provide services with respect to the requested property use, including but not limited to the providers of architectural services, real estate services, financial services, accounting services, and legal services: (Attach list if necessary)

LPA Architecture

Atlantic Builders LLC

NDI Engineering Company, Basler and Associates, Division

Troutman Sanders LLP

1 "Parent-subsidiary 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-subsidiary 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.

CERTIFICATION: I certify that the information contained herein is true and accurate.

I understand that, upon receipt of notification (postcard) that the application has been scheduled for public hearing, I am responsible for obtaining and posting the required sign on the subject property at least 30 days prior to the scheduled public hearing according to the instructions in this package. The undersigned also consents to entry upon the subject property by employees of the Department of Planning to photograph and view the site for purposes of processing and evaluating this application.

DAM NECK STORAGE LLC

By: Jarrod L Miller, Manager

Aplicant's Signature

Property Owner's Signature (if different than applicant)

Print Name

Print Name

Conditional Use Permit Application

Page 10 of 10
Revised 7/3/2007