An application of Sandbridge Towing, Inc. for (1) Conditional Change of Zoning (AG-2 Agricultural to Conditional B-2 Business) and an application of Sandbridge Towing, Inc. for a (2) Conditional Use Permit (Bulk Storage Yard) on property located on the Northern terminus of Princess Anne Lane (adjacent to the west of Princess Anne Road), District 7, Princess Anne. GPIN: 2403974798 (part of)

PROFFERS

The following are proffers submitted by the applicant as part of a Conditional Zoning Agreement (CZA). The applicant, consistent with Section 107(h) of the City Zoning Ordinance, has voluntarily submitted these proffers in an attempt to "offset identified problems to the extent that the proposed rezoning is acceptable," (§107(h)(1)). Should this application be approved, the proffers will be recorded at the Circuit Court and serve as conditions restricting the use of the property as proposed with this change of zoning.

PROFFER 1:
When the Property is developed, it shall be developed substantially as shown on the exhibits entitled “EXHIBIT FOR DAVID COOPER’ PLAT OF PROPERTY TO BE USED FOR RE-ZONING AND CONDITIONAL USE”, prepared by Bonifant Land Surveys, dated 31 January 2014, and “BUILDING RENDERING FOR SANDBRIDGE TOWING” dated January 31, 2014, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter “Site Plan” and “Rendering”).

PROFFER 2:
The freestanding monument style sign designated on the Site Plan shall be brick-based monument style sign no greater than eight feet (8') in height.

PROFFER 3:
All outdoor lighting shall be shielded, deflected, shaded and focused to direct light down onto the premises and away from adjoining property.

PROFFER 4:
Category IV Landscaping, as described in the Landscaping, Screening and Buffering Specifications and Standards of the City of Virginia Beach, will be installed and maintained around the storage area as depicted on the Site Plan.

Staff Comment: The applicant has proffered Category IV landscaping in conjunction with their request for a Conditional Rezoning to assist in appropriately separating and screening the potential proffered uses mentioned in Proffer 5 from surrounding uses and the public right-of-way. Category IV landscaping consists of evergreen trees branching to the ground or a combination of trees and shrubs. The intent of this category is to provide landscaping with sufficient density, mass, and height to physically and visually separate uses.

Specific to the request for a Conditional Use Permit for Bulk Storage, however, Section 228 of the City Zoning Ordinance requires the installation of Category VI landscaping around a bulk storage lot. Category VI landscaping
consists of a fence, decorative wall, or structural enclosure bordered by plants with a minimum height at planting of two to three feet and reaching a height of eight to ten feet at maturity. The intent of this category is to provide dense landscaping to visually and physically separate uses. Condition 4 of the Use Permit requires Category VI; therefore, while the applicant is proffering Category IV, Category VI will be required. This is not a conflict, as elements of the proffered Category IV landscaping may contribute to meeting the Category VI landscaping requirements The specifics of the screening will be determined during site plan review.

PROFFER 5:
Only the following uses will be permitted in the Property:

a) A Vehicle Towing Business including a Storage Yard for Temporary Placement of Vehicles; or
b) Business Studios, Office and Clinics.

Staff Comment: Staff finds the additional proffered uses of Business Studios, Office, and Clinics, to be less intensive than the requested conditional use of a Bulk Storage Yard; and therefore also appropriate for the subject site.

PROFFER 6:
Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City codes by all cognizant City agencies and departments to meet all applicable City code requirements.

The City Attorney's Office has reviewed the proffer agreement dated February 3, 2014 and found it to be legally sufficient and in acceptable legal form.

CONDITIONS

1. With the exception of any modifications required by any of these conditions or as a result of development site plan review, the site shall be developed substantially in conformance with the submitted site plan entitled “EXHIBIT FOR DAVID COOPER’ PLAT OF PROPERTY TO BE USED FOR RE-ZONING AND CONDITIONAL USE”, prepared by Bonifant Land Surveys, dated 31 January 2014, and “BUILDING RENDERING FOR SANDBRIDGE TOWING” dated January 31, 2014, which have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning.

2. Prior to the submission of a site plan to the Development Services Center, the applicant shall meet jointly with the Department of Planning / Current Planning and the Department of Public Works / Traffic Engineering for the purpose of determining an appropriate ingress / egress point for the site that meets Public Works Standards. The ingress / egress point so determined shall be included on the development site plans submitted to the Development Services Center.

3. The applicant shall obtain the required Encroachment Agreement from Landscape Management for all proposed landscaping shown in the public right-of-way. All proposed landscaping shall be reviewed and approved by the City Landscape Architect in the Development Services Center.

4. Per Section 228(a) of the City Zoning Ordinance, the storage yard shall be completely enclosed, except for necessary openings for ingress and egress, by a fence not less than 6 feet in height, and Category VI landscaping; said fence shall be a maintenance-free privacy style and be 100 percent opaque.

5. Per Section 228(b) of the City Zoning Ordinance, outdoor lighting fixtures shall not be erected any higher than 14 feet.

6. The proposed 8-foot high monument-style sign shall have no more than 75 square feet of signage per face.
7. Signage located on the proposed building shall be limited to the north-facing façade and shall not exceed more than 40 square feet of area. Said signage shall be centered on the proposed parapet, and the sign shall not be internally illuminated.

8. All tow trucks shall be parked in the areas called out as “15 x 50 CARPORT” on the site plan referenced in Condition 1.

9. There shall be no more than 15 vehicles stored on the site, notwithstanding any impounded vehicles being stored under contract to the Police Department of the City of Virginia Beach.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 1.

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By a vote of 11-0, the Commission approved item 1 for consent.

Eddie Bourdon appeared before the Commission on behalf of the applicant.
CONSENT

An application of Carmax Auto Superstores, Inc. for a Modification of a Conditional Use Permit for Motor Vehicle Sales – approved by the City Council on March 25, 2003 on property located at 3801 & 3789 Bonney Road, District 5, Lynnhaven. GPIN: 14873384490000.

CONDITIONS

1. Condition 1 of the Conditional Use Permit approved by City Council on March 25, 2003 is hereby replaced with the following condition:

   With the exception of any modifications required by any of the other conditions listed below or as a result of development site plan review, the development of the site shall substantially conform with the site plan entitled “CARMAX STORE NO. 7130, VIRGINIA BEACH, VIRGINIA, MODIFICATION OF CONDITIONS,” dated February 28, 2014, and prepared by Kimley-Horn and Associates, Inc., which has been exhibited to the City Council and is on file in the Planning Department.

2. With the exception of any modifications required by any of the other conditions of this Use Permit or as a result of the development site plan review process, Phase 1 of the development of the storage yard shall substantially conform with the site plan entitled “CARMAX THE AUTO SUPERSTORE, VA BEACH, VA STORE NO. 7130, SITE PLAN,” and further labeled by staff as ”Phase 1.” Said plan is dated 04/15/2014, prepared by Kimley-Horn and Associates, Inc., has been exhibited to City Council, and is on file in the Planning Department.

3. With the exception of any modifications required by any of the other conditions or as a result of the development site plan review process, landscaping for Phase I of the development shall substantially conform to the landscaping plan entitled “CARMAX THE AUTO SUPERSTORE, VA BEACH, VA STORE NO.7130, PLANT PLAN,” dated 04/15/2014, prepared by Kimley-Horn and Associates, Inc. Said plan has been exhibited to City Council, and is on file in the Planning Department. At the time Phase 2 is developed, the perimeter fencing and landscaping said plan shall be installed with Phase 2.

4. The original conditions of the Conditional Use Permit approved by City Council on March 25, 2003, except as herein amended, shall remain in full force and effect.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approved Item 2.

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By a vote of 11-0, the Commission approved item 2 for consent.

R.J. Nutter appeared before the Commission on behalf of the applicant.
Item #3
Kempdel, Inc.
Change of Zoning
881 Shurney Lane
District 4
Bayside
May 14, 2014

CONSENT

An application of Kempdel, Inc. for a Change of Zoning (Conditional PDH-2 with A-12 to P-1 Preservation) on property located at 881 Shurney Lane & northern terminus of Shurney Lane, District 2, Kempsville. GPIN: 14684431280000; 14684443100000.

This request for a change of zoning from a Conditional PD-H2 Planned Unit Development with underlying A-12 Apartment District to P-1 Preservation District is necessary to fully execute the requirements of the conditional rezoning granted by City Council. The open space areas depicted on the submitted plan are acceptable. It insures that the approved rezoning is consistent with the City Zoning Ordinance and the approved proffer agreement of the conditional rezoning.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 3.

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By a vote of 11-0, the Commission approved item 3 for consent.

Eddie Bourdon appeared before the Commission on behalf of the applicant.
Item #4
Mid Atlantic Commercial Properties
Conditional Use Permit
720 S. Independence Boulevard
District 4
Bayside
May 14, 2014

CONSENT

An application of Mid Atlantic Commercial Properties for a Conditional Use Permit (Gas Station with Convenience Store) on property located at 720 Independence Boulevard, District 4, Bayside. GPIN: 14785273140000.

CONDITIONS

1. Except as modified by any other condition of this Conditional Use Permit or as necessary to comply with applicable City development ordinances and standards, the site shall be developed in substantial conformance with the submitted Plan entitled “INDEPENDENCE BLVD., CONDITIONAL USE PERMIT CONCEPT”, dated 4/01/2014, and prepared by Blakeway Corp. Said Plan has been exhibited to the City Council and is on file in the City of Virginia Beach Planning Department.

2. Except as modified by any other condition of this Conditional Use Permit or as necessary to comply with applicable City development ordinances and standards, the building shall be constructed in substantial conformance with the Elevations entitled, “7-Eleven, 4904 Haygood Rd., Virginia Beach, VA” prepared by HFA Architects, Engineers, Interiors, dated 05-13-14. Said Elevations have been exhibited to the City Council and is on file in the City of Virginia Beach Planning Department.

3. Except as modified by any other condition of this Conditional Use Permit, specifically Condition #7 c. below, or as necessary to comply with applicable City development ordinances and standards, the fuel canopy shall be constructed in substantial conformance with the elevations entitled, “7-Eleven, 4904 Haygood Rd., Virginia Beach, VA” prepared by HFA Architects, Engineers, Interiors, dated 05-13-14. Said Elevation has been exhibited to the City Council and is on file in the City of Virginia Beach Planning Department.

4. Except as modified by any other condition of this Conditional Use Permit or as necessary to comply with applicable City development ordinances and standards, the freestanding sign shall be monument style and constructed in substantial conformance with the Elevation entitled, “Front Elevation & Side Detail, 7-Eleven #1032513, 720 Independence Drive, Virginia Beach, VA,” prepared by Harbinger. Said Elevation has been exhibited to the City Council and is on file in the City of Virginia Beach Planning Department.

5. Except as modified by any other condition of this Conditional Use Permit or as necessary to comply with applicable City development ordinances and standards, the plant materials shall be installed in substantial conformance with the Plan identified in Condition #1 above.

6. The dumpster shall be enclosed with a solid brick wall in a color to match the building and any required screening shall be installed in accordance with Section 245 (e) of the City Zoning Ordinance.

7. Signage for the site shall be limited to:

   a. Directional signs
   b. One (1) monument style freestanding sign, no more than eight (8) feet in height, set on a brick base to match the building brick and two (2) building and/or canopy signs.
   c. Striping on canopy shall be limited to 10 feet on each side of the canopy or one-quarter of the length of each side. Signage on the canopy shall not be internally or externally illuminated.
d. There shall be no other signs, neon signs or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the Site.

8. No outdoor vending machines and/or display of merchandise shall be allowed.

9. Bicycle racks shall be provided as depicted on the Plan identified in Condition #1 above and shall be depicted on the final Site Plan.

10. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed Site Plan review. Said Plan shall include the location of all pole-mounted and building-mounted lighting fixtures and the listing of lamp type, wattage and type of fixture. Lighting shall overlap and be uniform throughout the parking area. All lighting on the Site shall be consistent with those standards recommended by the Illumination Engineering Society of North America. The Plan includes provisions for implementing low-level security lighting for non-business hours.

11. Any vacuum or air pump machines shall be screened with evergreen plant material, size and species acceptable to the Development Service Center’s Landscape Architect, all of which shall be depicted on the final site plan.

12. Pedestrian walkway(s) to the convenience store shall be provided as depicted on the Plan identified in Condition #1 above and from any required sidewalks in the public rights of way in accordance with Section 246(d) of the Zoning Ordinance and shall be depicted on the final site plan.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 4.

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By a vote of 11-0, the Commission approved item 4 for consent.

Steve Romine appeared before the Commission on behalf of the applicant.
An application of Robert Jeffery Moreau for a Conditional Use Permit (Home Occupation – Firearm Sales and Gunsmithing) on property located at 1405 Ships Landing, District 1, Centerville. GPIN: 14654674140000.

CONDITIONS

1. Any firearms or firearm parts kept on the property shall be stored in a locked, secured vault or similar container. The applicant shall contact the Police Department / Crime Prevention Office to arrange for a meeting at the property for the purpose of allowing for a security assessment. A report shall be written by the Police Department, a copy provided to the applicant (homeowner) and the Planning Department, and the Police Department will retain a copy. Failure to meet with the Crime Prevention Office within one (1) month of the granting of this Use Permit shall result in revocation of the Use Permit.

2. The applicant shall obtain and maintain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF) in order to conduct his business.

3. All small arms ammunition, primers, smokeless propellants and black powder propellants stored or awaiting transfer at the residence shall comply with Section 3306 of the Virginia Statewide Fire Prevention Code and NFPA 495.

4. There shall be no sign identifying the business on the exterior of any building on the property or within the yard of the property.

5. Not more than 20 percent of the floor area of the dwelling unit and accessory structures shall be used in the conduct of activity with the home occupation.

6. There shall be no employees on the property associated with this home-based business.

7. Delivery of firearms to the property shall be received on the applicant’s property only, secured by the applicant’s signature.

8. The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 5.

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By a vote of 11-0, the Commission approved item 5 for consent.

The applicant Robert Jeffery Moreau appeared before the Commission.
CONSENT

An application of Michael D. Sifen for a Conditional Use Permit (Mini-Warehouse / Self Storage) on property located at 3443 Virginia Beach Boulevard, District 5, Lynnhaven. GPIN: 1487741386 (part of).

CONDITIONS

1. With the exception of any modifications required by any of these conditions or as a result of development site plan review, the site shall be developed substantially in conformance with the submitted site plan entitled “Use Permit Exhibit, Mini Price Storage at 3443 Virginia Beach Boulevard,” prepared by Martin Engineering, and dated 01/28/14.

2. Except as modified by any other condition of this Conditional Use Permit or as necessary to comply with applicable City development ordinances and standards, the exterior design, materials, and colors of the building shall be in substantial conformance with the following:
   a. Elevation drawings entitled, “Mini Price Storage: 3443 Virginia Beach Boulevard, Concept Elevations,” prepared by Finley Design, Architecture + Interiors, dated January 28, 2013. Said Elevations have been exhibited to the City Council and is on file in the City of Virginia Beach Planning Department.
   b. Perspective renderings, entitled, “Mini Price Storage: 3443 Virginia Beach Boulevard, Conceptual Perspective View 1 and 2,” prepared by Finley Design, Architecture + Interiors, dated January 28, 2014. Said perspective renderings have been exhibited to the City Council and are on file in the City of Virginia Beach Planning Department.

3. The construction / development site plan submitted to the Development Services Center shall show at least one (1) handicapped-accessible parking space meeting the requirements of the Americans with Disabilities Act (ADA).

4. The applicant shall plant evergreen trees branching to the ground on 20-foot centers along the rear 100-foot length of the eastern side of the building for the purpose of reducing the mass of the building visible along that portion of the property line. Trees should be a minimum of 8-foot to 10-foot high at the time of installation.

5. The applicant shall submit a Lighting Plan and/or Photometric Diagram Plan at the time of construction / development site plan review. Lighting shall overlap and be uniform throughout the parking area. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North America. The plan shall include provisions for implementing low-level security lighting for non-business hours.

6. The applicant shall either remove or replace the chain-link fence along the eastern lot line, north of the building wall, and shall also remove or replace the chain-link fence along the southern lot line for a minimum distance of 150 feet from the southeast corner of the property. Barbed-wired shall not be installed on any part of the fence.
7. This Use Permit applies only to the easternmost part of the site (GPIN 14877413860000), as established by a distance from the eastern property westward of 165 feet.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 6.

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By a vote of 11-0, the Commission approved item 6 for consent.

Eddie Bourdon appeared before the Commission on behalf of the applicant.
CONSENT

An application of Suzette Civil-Noel for a Conditional Use Permit (Home Occupation – Home Family Daycare) on property located at 1941 Glen View Court, District 1, Centerville. GPIN: 14548855040000.

CONDITIONS

The Family [Child] Home Daycare shall be limited to a total of twelve (12) children, other than children living in the home, and the permitted number of children based on their ages shall be as set forth by the Virginia Department of Social Services.

1. No more than one (1) person, other than the applicant and immediate family, shall assist with the operation of the Family [Child] Home Daycare at any one time.

2. The applicant shall stagger the arrival and departure times for the children such that vehicular congestion is avoided.

3. All play equipment associated with the child daycare business shall be located behind the front façade of the house and within the fenced yard area when open for business.

4. A non-illuminated sign not more than one square foot in area, identifying the home daycare may be mounted flat against the house.

5. The applicant shall be licensed with the Commonwealth of Virginia for this use. Failure to maintain said license in good standing shall result in revocation of this Conditional Use Permit.

6. The applicant shall obtain all necessary permits and inspections from the Planning Department/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official for use of the house as a Family Daycare.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 7.

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By a vote of 11-0, the Commission approved item 7 for consent.

The applicant Suzette Civil-Noel appeared before the Commission.
CONSENT

An application of Larae Tucker & The Haygood Beach, L.L.C. for a Conditional Use Permit (fuel sales & convenience store) on property located at 4904 Haygood Road, District 4, Bayside. GPIN: 14280478970000.

CONDITIONS

1. With the exception of any modifications required by any of these conditions or as a result of development site plan review, the site shall be developed substantially in conformance with the submitted plan entitled, “Haygood Road, Conditional Use Permit Layout Plan,” prepared by Blakeway Corp, dated 04/14/14. Said plan has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.

2. Except as modified by any other condition of this Use Permit or as necessary to comply with applicable City development ordinances and standards, the building and canopy shall be constructed in substantial conformance with the elevations entitled, “7-Eleven, 4904 Haygood Road, Virginia Beach, VA 23455,” prepared by HFA Architects, Engineers, Interiors, dated 05/13/14. Said plan has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.

3. When developed, the plant materials shall be installed in substantial conformance with the submitted landscape plan entitled, “Haygood Road, Conditional Use Permit Landscape Plan,” prepared by Kathleen Zeren, dated 04/13/14. Said plan has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.

4. The dumpster shall be enclosed with a solid brick wall to match the building, as depicted on the elevations identified in Condition #2, and any required screening shall be installed in accordance with Section 245 (e) of the City Zoning Ordinance.

5. Signage for the site shall be limited to:
   a. Directional signs.
   b. One (1) freestanding sign, no more than eight (8) feet in height and two (2) building and/ or canopy signs.
   c. Striping on the canopy shall be limited to 10 feet on each side of the canopy or one-quarter of the length of each side. Signage on the canopy shall not be internally or externally illuminated.
   d. There shall be no other signs, neon signs or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the Site.

6. No outdoor vending machines and/or display of merchandise shall be allowed.

7. Bicycle racks shall be provided as shown on the plan identified in Condition #1 above, and shall be depicted on the final site plan.

8. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed, final site plan review. Said Plan shall include the location of all pole-mounted and building-mounted lighting fixtures and the listing of lamp type, wattage and type of fixture. Lighting shall overlap and be uniform throughout the parking area.
Item #8
Larae Tucker & The Haygood Beach, L.L.C.
Page 2

All lighting on the Site shall be consistent with those standards recommended by the Illumination Engineering Society of North America. The Plan includes provisions for implementing low-level security lighting for non-business hours.

9. Any vacuum or air pump machines shall be screened with evergreen plant material, size and species acceptable to the Development Service Center’s Landscape Architect, all of which shall be depicted on the final site plan.

10. Pedestrian walkway(s) to the convenience store shall be provided from any required sidewalks in the public rights-of-way in accordance with Section 246(d) of the Zoning Ordinance and shall be depicted on the final site plan.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 8.

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By a vote of 11-0, the Commission approved item 8 for consent.

Steve Romine appeared before the Commission on behalf of the applicant.
CONSENT

An application of Hampton Roads Sanitation District for a Conditional Use Permit (wireless communication tower) on property located at 5332 Shore Drive, District 4, Bayside. GPIN: 1469586638.

CONDITIONS

1. The site shall be developed substantially in conformance with the submitted plan package, consisting of three sheets (Title Sheet [T-1], Site Plan [Sheet Z-1], and Compound Plan [Sheet C-1]), entitled “HRSD, Site Name: Chesapeake Elizabeth Plant 5332 Shore Drive Virginia Beach, VA 23455,” prepared by NB+C Engineering Services, LLC, and dated February 25, 2014, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

2. Based upon a finding that there will be no significant detrimental effects on surrounding properties, the screening required by Section 232(f)(4) of the Zoning Ordinance shall be deleted, as the location of the tower within an existing secure, fenced site, limits visibility of the tower and its ground-level equipment.

3. The owner/operator of the tower shall provide for the collocation of additional wireless telecommunication providers.

4. The applicant and owner-operator of the tower shall coordinate with the Community Plans and Liaison Officer, Joint Expeditionary Base Little Creek - Fort Story (JEBLCFS), for the purpose of resolving the request of JEBLCFS for obstruction lighting for the tower with regard to its visibility, as provided through night vision devices. A letter jointly signed by the Community Plans and Liaison Officer of JEBLCFS, the applicant, and the owner-operator of the tower, which specifies the marking/lighting agreed to by all parties, shall be submitted to the Planning Department/Current Planning. No permits for the tower shall be issued until said letter is submitted as indicated.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 9.

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By a vote of 11-0, the Commission approved item 9 for consent.

Steven Romine appeared before the Commission on behalf of the applicant.
CONSENT

An application of Rodney Price for a Conditional Use Permit for Truck and Trailer Rentals on property located at 4720-B Princess Anne Road, District 2, Kempsville. GPIN: 14762550910000.

CONDITIONS

1. No onsite repairs or maintenance of any truck or trailer shall be permitted on this site.

2. The applicant may store/display a total of three trucks or trailers for rent. Parking of the trucks and trailers shall be limited to the three spaces as shown in the exhibit entitled, “Condition 2, Location of Trucks/Trailers,” as prepared by Staff and included in this report.

3. No trucks or trailers for rent may be parked within any portion of a public right-of-way.

4. All signage related to this use must be in accordance with sign regulations outlined in the Zoning Ordinance.

5. Each truck or trailer available for rent must fit within one of the three marked 9’ x 18’ parking spaces.

6. An after-hours key drop-off box shall be provided and located in a well illuminated area within 100 feet of the front entrance of the rental office.

7. Upon violation of these conditions, the Conditional Use Permit shall be terminated.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 10.

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By a vote of 11-0, the Commission approved item 10 for consent.

Crystal Price appeared before the Commission on behalf of the applicant.
Item #11  
Virginia Beach Horseback  
Conditional Use Permit  
1117 Horn Point Road  
District 7  
Princess Anne  
May 14, 2014  

**DEFERRED**

An application of Virginia Beach Horseback for a Conditional Use Permit (Horses for Hire) on property at 1117 Horn Point Road, District 7, Princess Anne. GPIN: 24223416700000.

A motion was made by Commissioner Hodgson and seconded by Commissioner Rucinski to defer item 11.

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By a vote of 11-0, the Commission deferred item 11.
Item #12
Kempdel, Inc.
Conditional Change of Zoning
2020 Round Hill Road & 2725 South Independence Boulevard
District 1
Centerville
May 14, 2014

DEFERRED

An application of Kempdel, Inc. for a Conditional Change of Zoning (B-1 Business to A-12/ (PDH-2)) on property located at 2020 Round Hill Road & 2725 South Independence Boulevard, District 1, Centerville. GPIN: 14754184750000; 14754177860000.

A motion was made by Commissioner Hodgson and seconded by Commissioner Rucinski to defer item 12.

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By a vote of 11-0, the Commission deferred item 12.
Item #13
City of Virginia Beach (Section 1803 & 1804)
An Ordinance to Amend Sections 1803 & 1804 of the City Zoning Ordinance
Pertaining to Special Regulations for Discretionary Development Applications
For Residential Uses in the Oceanfront Resort District
May 14, 2014

CONSENT

The purpose of the proposed amendments to Section 1803 and 1804 is to clarify that an owner of or developer of property immediately adjacent to property zoned Oceanfront Resort (OR) District cannot request a zoning change to OR and develop the site residentially at a greater density than what would have been possible with the existing zoning. Thus, by preventing the number of units from being higher than what would otherwise be possible without the rezoning to the OR zoning district, the amendments maintain the City’s agreement with the Navy and the Department of Defense that there will be no increase in density beyond what was allowed by-right under the previous Resort Tourist (RT) zoning districts as a result of either by-right development that occurs in the OR or as a result of a rezoning to ORD.

The amendments to subsection (e) make clear that the redevelopment exemption to the provisions of the AICUZ Overlay Ordinance apply to all residential density (e.g., including hotel/motel), rather than only residential dwelling unit density.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 13.

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By a vote of 11-0, the Commission approved item 13 for consent.

City Attorney Bill Macali appeared before the Commission.
Item #14
City of Virginia Beach (Section 400 & 401)
An Ordinance to Amend Sections 400 and 401 of the City Zoning Ordinance, Pertaining to the Purpose of the Agricultural Districts, Permitted Uses in the District, Agritourism Activities and Sales of Agricultural Products and Agricultural-Related Products, and to Repeal Section 241 of the City Zoning Ordinance, Pertaining to Riding Academies and Horses for Hire or Boarding
May 14, 2014

CONSENT

The City of Virginia Beach has long recognized farm stands and agritourism as vital to the preservation of the local agricultural community. Farm stands and agritourism provide additional farm income for local farmers; help educate consumers about agriculture and local farm products; and allow residents and visitors to enjoy fresh, locally produced food, and agricultural-themed recreational, educational and entertainment activities.

Over the years, the City has adopted regulations pertaining to farm stands and agritourism that have worked well for Virginia Beach. The proposed amendments are a result of recent State Code changes that will become effective on July 1, 2014. Staff has worked with the Agricultural Advisory Commission and the agricultural community to propose adjustments to existing Virginia Beach regulations that will bring the City into compliance with the State mandates.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 14.

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By a vote of 11-0, the Commission approved item 14 for consent.

City Attorney Bill Macali appeared before the Commission.
Item #15
City of Virginia Beach (OR FBC Height Map)
An Ordinance to Amend the Oceanfront Resort District Height Map by Changing the Height Zone of Properties Located at 1609 and 1701 Atlantic Avenue
May 14, 2014

CONSENT

This amendment is necessary to correct an unintended error that has been found on the Form-Based Code Height Map. When the Oceanfront Resort District Form-Based Code was adopted on July 10, 2012, the majority of the Oceanfront Resort (OR) District between Atlantic Avenue and the Boardwalk was shown with a maximum allowable height of 200 feet (subject to Section 203(b) of the City Zoning Ordinance). The only exceptions depicted on the Height Map were the publically owned spaces, which are designated as “Open Space or Public Use.” These areas consist of the connector parks and other public open spaces, where the Height Map shows, in effect, an allowable height of zero.

While evaluating a recent proposed development, staff became aware that two parcels of privately held property (on the south side and north side of 17th Street between Atlantic Avenue and the Boardwalk) are shown as ‘Open Space or Public Use,’ and thus, are allowed a maximum height of zero feet. Restricting the maximum allowable height of private property to zero feet is not appropriate; therefore, this amendment corrects the Height Map such that the two properties have the equivalent height opportunity as the other privately owned properties between Atlantic Avenue and the Boardwalk.

The amendment has no effect on maximum height in any other portion of the OR District.

A motion was made by Commissioner Hodgson and seconded by Commissioner Horsley to approve item 15.

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By a vote of 11-0, the Commission approved item 15 for consent.

City Attorney Bill Macali appeared before the Commission.