

Item #1
Ashdon Builders, Inc.
Variance to Section 4.4(b) of the Subdivision Regulations
Conditional Change of Zoning
2344 Princess Anne Road
District 7
Princess Anne
May 13, 2015

DEFERRED

An application of Ashdon Builders, Inc. for a (A) Change of Zoning (AG-1 & AG-2 Agricultural Districts to Conditional R-10 Residential District), and (B) Variance to Section 4.4(b) of the Subdivision Regulations on property located at 2344 Princess Anne Road, District 7, Princess Anne. GPIN: 24042414300000.

A motion was made by Commissioner Ripley and seconded by Commissioner Russo to defer item 1.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

By a vote of 9-0, the Commission deferred item 1.

Eddie Bourdon appeared before the Commission on behalf of the applicant to request the deferral.

Item #2
WHLR – Laskin Road, L.L.C.
Conditional Use Permit
948 Laskin Road
District 5
Lynnhaven
May 13, 2015

CONSENT

An application of WHLR- Laskin Road, L.L.C. for a Conditional Use Permit (marina) on property located at 948 Laskin Road, District 5, Lynnhaven. GPIN: 24187156890000.

CONDITIONS

1. With the exception of any modifications required by any of these conditions or as a result of the Joint Permit Application approval, the marina shall be developed substantially in conformance with the exhibit entitled, "USE PERMIT EXHIBIT FOR NON-COMMERCIAL MARINA, WHEELER REIT OFFICE BUILDING, VIRGINIA BEACH, VIRGINIA," prepared by Gallup Surveyors & Engineers, Ltd., dated February 10, 2015.
2. The applicant shall obtain Joint Permit Application approval from the Planning Department prior to any construction.
3. The dry storage of boats shall not be permitted on the site.
4. The repair of boats and the sale of boating supplies and fuel shall not be permitted on the site.
5. An emergency access (sidewalk), with a minimum width of three feet, from the western side of the proposed parking lot to the marina shall be installed and shall be subject to the provisions of the Chesapeake Bay Preservation Area Ordinance.

A motion was made by Commissioner Thornton and seconded by Commissioner Inman to approve item 2.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			

Item #2
WHLR – Laskin Road, L.L.C.
Page 2

RIPLEY	AYE	
RUCINSKI		ABSENT
RUSSO	AYE	
THORNTON	AYE	
WALL		ABSENT
WEINER	AYE	

By a vote of 9-0, the Commission approved item 2 by consent.

R.J. Nutter appeared before the Commission on behalf of the applicant.

Item #3

Greystar GP II, L.L.C.

Conditional Use Permit

Shore Drive and the western terminus of Ocean Shore Avenue

District 5

Lynnhaven

May 13, 2015

CONSENT

An application of Greystar GP II, L.L.C. for a Conditional Use Permit (Housing for Seniors and Disabled Persons) on property located on Ocean Shore Avenue / Cherry Tree Place, District 5, Lynnhaven. GPIN: 14897990600000 (portion of).

CONDITIONS

1. The site shall be developed substantially in conformance with the site layout on the exhibit entitled, "Conceptual Site Layout and Landscape Plan of OVERTURE POINT CHESAPEAKE, Virginia Beach, Virginia," prepared by MSA, P.C., dated March 2, 2015, which has been exhibited to the City of Virginia Beach City Council and is on file in the Planning Department.
2. The amenities provided on the site shall be substantially as depicted on the "Conceptual Amenities Plan, OVERTURE POINT CHESAPEAKE APTS," prepared by MSA, P.C., and dated April 13, 2015, which has been exhibited to the City of Virginia Beach City Council and is on file in the Planning Department.
3. When the buildings are constructed, they shall be substantially in conformance, with regard to architectural design, number of stories, color scheme, and exterior building materials, as depicted on the elevations entitled "Point Chesapeake," pages 1-6, prepared by Poole & Poole Architecture, LLC, dated March 26, 2015, which has been exhibited to the City of Virginia Beach City Council and is on file in the Planning Department.
4. As proposed, evidence of a Conditional Letter of Map Revision or a Letter of Map Amendment, as may be necessary to satisfy the applicable regulations of the Federal Emergency Management Agency for this site, shall be submitted to the Planning Director prior to final site plan review approval, such that no structural fill is required in a "VE" Floodplain Zone in order to construct the structures.
5. Consistent with the concepts of the Shore Drive Corridor Plan adopted by the Virginia Beach City Council on March 28, 2000, the applicant shall provide an easement, subject to approval by the City Attorney's Office, of a sufficient width for the construction of an eight-foot wide public pedestrian/bicycle, ADA accessible pathway, with landscape amenities, on

the applicant's property, that will connect to the City property adjacent to and under the bridge.

6. A Landscape Plan shall be submitted during final site plan review to the Development Services Center depicting informal, naturalistic placement and maintenance of plant materials reflective of the native maritime forest species, tolerant of salt spray and wind. Along with added streetscape landscaping along the Ocean Shore Avenue cul-de-sac, additional plant material shall be installed throughout the site, beyond that depicted on the exhibit identified in Condition 1 above. The final site plan shall not be approved until the Landscape Plan is deemed satisfactory by the Planning Director.
7. An iconic, freestanding feature shall be installed on the property as a visual amenity at the Cherry Tree Place/Shore Drive intersection. Said feature shall be depicted on the final site plan and submitted to the Planning Director for review and ultimate approval authority.
8. The freestanding identification sign for the apartment buildings shall be limited to a monument-style sign, no taller than eight feet, externally lit, constructed with materials and colors that complement the exterior of the apartment buildings.
9. Other than a building-mounted sign over the vehicular or pedestrian entrance to the apartment buildings, no building identification signage shall be permitted.
10. No freestanding identification sign shall be permitted along Shore Drive or Cherry Tree Place.
11. Ground floor parking spaces shall be screened from view from all rights-of-way by the installation of a solid wall, minimum height of four feet, at the base of the structure or within the split-face CMU piers of the building, with building materials and colors compatible with the buildings' facades, or by other means acceptable to the Planning Director.
12. Trash compactors and dumpsters shall be screened from view from the rights-of-way, consistent with the Virginia Beach Landscaping Guide, with building materials and colors compatible with the buildings' facades.
13. The following shall not be located between the public rights-of-way and the buildings' facades unless screened by a method approved by the Planning Director: heating and ventilation equipment, generators, any other mechanical equipment; and trash receptacles and compactors.
14. All easements, utility easements or otherwise, shall be identified on the final site plan.

15. Roof-mounted equipment shall be screened from view of all public rights-of-way and from any public open space.

16. A Lighting Plan shall be submitted during final site plan review to ensure consistency with the applicable Comprehensive Plan Design Guidelines.

A motion was made by Commissioner Thornton and was made second to approved item 3.

	AYE 8	NAY 0	ABS 1	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN			ABS	
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

By a vote of 8-0-1, with the abstention so noted, the Commission approved item 3 by consent.

William Harrison appeared before the Commission on behalf of the applicant.

Item #4
Rio Lynnhaven, L.L.C.
Modification of Conditions
1108 Lynnhaven Parkway
District 3
Rose Hall
May 13, 2015

CONSENT

An application of Rio Lynnhaven, L.L.C. for a Modification of a Conditional Use Permit for a car wash on property located at 1108 Lynnhaven Parkway, District 3, Rose Hall. GPIN: 14960069540000.

CONDITIONS

1. All conditions attached to the Conditional Use Permit granted by the City Council on July 14, 1998 are deleted and are replaced with the conditions listed below.
2. The site shall be developed substantially in conformance with the plan titled "Conceptual Site Plan, Rio Car Wash" dated March 2, 2015 and prepared by WPL. Said plan has been exhibited to the City Council and is on file with the Department of Planning.
3. The building shall be developed substantially in conformance with the elevation titled "Conceptual Architectural Elevations, Rio Car Wash" dated March 2, 2015 and prepared by Dirigo Design Consultants, LLC. Said elevations have been exhibited to the City Council and are on file with the Department of Planning.
4. The existing wooded portion of the southeastern portion of the site shall remain in its natural vegetated state.
5. All mechanical equipment shall be flood-resistant to water intrusion and flotation from hydrostatic pressure, or elevated above the Base Flood Elevation.
6. All existing barbwire shall be removed from the site and no new barbwire shall be installed.
7. The existing pole-mounted sign at the site entrance shall be removed. Any proposed signage shall meet the regulations of the City Zoning Ordinance, and sign permit shall be obtained from the Planning Department for the installation of any signage. Signage on the site shall be limited to the following:
 - a. One (1) freestanding monument sign, with the color of the base matching the color of the building; and

- b. Two (2) wall-mounted signs.
- 8. The proposed dumpster shall be screened by a solid block enclosure painted to match the building, as well as foundation landscaping in accordance with the City of Virginia Beach Landscaping Guide.
- 9. Vacuums installed on the site shall substantially adhere to design depicted on the submitted graphic, entitled "Conceptual Kiosk Canopy, Rio Car Wash," with the exception that the 'Bubbles' sign element as shown shall not be installed on the canopy. The number of vacuum stations shall be limited to one per parking space. Each vacuum shall be painted a neutral tone to reduce visibility from the right-of-way and maintain consistency with the building. The four central vacuum units shall be screened with shrubs from the right-of-way.
- 10. The outdoor vending machine installed on the site shall be confined to the rear of the site as depicted on the submitted plan, and shall be screened with shrubs to reduce visibility. No signage shall be permitted above, beside, or below the vending machine.
- 11. The existing chain link fence with orange slats shall be removed. Any new fence shall not be chain link and must meet the requirements of the Zoning Ordinance. (Note: this condition was added at the Planning Commission hearing).

A motion was made by Commissioner Thornton and seconded by Commissioner Inman to approve item 4.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

By a vote of 9-0, the Commission approved item 4 by consent.

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

Item #5
Cavalier Ventures, L.L.C.
Conditional Use Permit
4200 Atlantic Avenue
District 6
Beach
May 13, 2015

CONSENT

An application of Cavalier Ventures, L.L.C. for a Conditional Use Permit (Craft Distillery) on property located at 4200 Pacific Avenue, District 6, Beach. GPIN: 24188597100000.

CONDITIONS

The Craft Distillery shall be developed in substantial conformance with the plans entitled "CAVALIER VENTURES, LLC, CONDITIONAL USE PERMIT SET DISTILLERY," dated February 25, 2015 and prepared by Street Sense. Said plans have been exhibited to the Virginia Beach City Council and are on file with the Department of Planning.

A motion was made by Commissioner Thornton and seconded by Commissioner Inman to approve item 5.

	AYE 9	NAY 0	ABS 1	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY			ABS	
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

By a vote of 8-0-1, with the abstention so noted, the Commission approved item 5 by consent.

Robert Beamon appeared before the Commission on behalf of the applicant.

Item #6
Fun Spot Amusements
Conditional Use Permit
304, 306 & 308 22nd Street
District 6
Beach
May 13, 2015

DEFERRED

An application of Fun Spots Amusements for a Conditional Use Permit (Outdoor Recreational Use) on property located at 304, 306, 308 22nd Street, District 6, Beach. GPIN: 2427089604; 2427089655; 2427180616.

A motion was made by Commissioner Ripley and seconded by Commissioner Russo to defer item 6.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 9-0, the Commission deferred item 6.

Billy Garrington appeared before the Commission on behalf of the applicant to request the deferral.

Item #7
Waves Motel
Special Exception for Alternative Compliance
1304 & 1312 Atlantic Avenue
District 6
Beach
May 13, 2015

CONSENT

An application of Waves Motel for a Special Exception for Alternative Compliance to the Oceanfront Resort District Form-Based Code on property located at 1304 & 1312 Atlantic Avenue, District 6, Beach. GPIN: 12345678900000.

CONDITIONS

1. The layout of the site shall be substantially as shown on the plans entitled "LANDSCAPE PLAN," and "SITE PLAN," as prepared by Clark Nexsen. Said plans have been exhibited to the City Council and are on file in the Department of Planning.
2. The structure on the site shall be substantially as shown on the drawings entitled "1300 BLOCK DEVELOPMENT FIRST FLOOR PLAN," "1300 BLOCK DEVELOPMENT SECOND FLOOR PLAN," "RENDERED ELEVATIONS," "PERSPECTIVE RENDER – LEGENDS PARK AND ATLANTIC AVENUE," "MATERIAL ELEVATIONS," and "PROPOSED ALTERNATIVE COMPLIANCE WALL SECTION," as prepared by Clark Nexsen. Said drawings have been exhibited to the City Council and are on file in the Department of Planning.
3. Any mechanical equipment shall be screened from view from all property lines, including the western shared lot line. The parapet wall and resulting sloped roof shall be continuously screened between the northern and southern 30'8" tall portions of the building as called out on the Material Elevations included in this report.

A motion was made by Commissioner Thornton and seconded by Commissioner Inman to approved item 7.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			

Item #7
Waves Motel
Page 2

RUCINSKI		ABSENT
RUSSO	AYE	
THORNTON	AYE	
WALL		ABSENT
WEINER	AYE	

By a vote of 9-0, the Commission approved item 7 by consent.

David Keith appeared before the Commission on behalf of the applicant.

Item #8
Cardinal Sign Corp.
Special Exception for Alternative Compliance
233 Independence Boulevard
District 4
Bayside
May 13, 2015

REGULAR

An application of Cardinal Sign Corp. for a Special Exception for Alternative Compliance to Article 22 of the Zoning Ordinance for the Central Business Core District on property located at 233 Independence Boulevard, District 4, Bayside. GPIN: 14774511630000.

CONDITIONS

1. The freestanding sign shall be monument style and constructed in substantial conformance with the submitted drawing entitled "TOWN CENTER POINT, 233 INDEPENDENCE", dated January 12, 2015 and prepared by Cardinal Sign Corporation.
2. There shall be at a minimum, seventy-five (75) square feet of landscape material planted surrounding the freestanding sign. The landscape material shall be a combination of ornamental grass, ground cover and low shrubs, not to exceed three (3) feet in height at maturity.
3. The height of the freestanding sign shall not exceed eight (8) feet, as measured from the ground level to the top of the sign structure.
4. This approval shall be for the life of the sign only. Should the sign be replaced or the site substantially redeveloped, all signage on the site or proposed for the site shall be reevaluated for compliance with the applicable regulations and design standards.

A motion was made by Commissioner Russo and seconded by Commissioner Weiner to approve item 8.

	AYE 8	NAY 0	ABS 1	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY			ABS	

Item #8
Cardinal Sign Corp.
Page 2

RUCINSKI		ABSENT
RUSSO	AYE	
THORNTON	AYE	
WALL		ABSENT
WEINER	AYE	

By a vote of 8-0-1, with the abstention so noted, the Commission approved item 8.

Stan Stallings appeared before the Commission on behalf of the applicant.

Item #9

City of Virginia Beach

An Ordinance to Adopt and Incorporate the Green Sea Blueway and Greenway Management Plan into the Comprehensive Plan.

May 13, 2015

CONSENT

The purpose of this Green Sea Blueway and Greenway Management Plan is to develop a long-term management strategy that protects, conserves and manages a unique system of natural resources, open space areas, and selectively-chosen recreational uses, activities and facilities in a sustainable manner. This plan proposes a systems approach to establish and cultivate the long-term stewardship of the Green Sea area's natural, cultural and recreational resources through ongoing outreach and education, protection of the area's ecological integrity, and the provision of passive recreational uses and activities that can coexist with the area's tremendous array of natural resources and amenities.

A motion was made Commissioner Thornton and seconded by Commissioner Inman to approve item 9.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

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

Clay Bernick appeared before the Commission.

Item #10

City of Virginia Beach

An Ordinance to Amend Section 1700 of the City Zoning Ordinance to Reference the Shore Drive Corridor Plan and the Shore Drive Corridor Design Guidelines

May 13, 2015

CONSENT

The Bayfront Advisory Commission has requested a reference to the Shore Drive Corridor Plan and Shore Drive Corridor Design Guidelines in the Shore Drive Corridor Overlay District ordinance to assist staff and developers who are constructing in the area. The proposed amendment inserts that reference into the 'Legislative Intent' section of the Shore Drive Overlay Ordinance (Article 17 of the Zoning Ordinance).

A motion was made by Commissioner Thornton and seconded by Commissioner Inman to approve item 10.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

By a vote of 9-0, the Commission approved item 10 by consent.

Stephen White appeared before the Commission.

Item #11

City of Virginia Beach

An Ordinance to Amend Section 111 of the City Zoning Ordinance by Defining the term "Live-Work Unit" and to add a New Section 209.3, allowing Live-Work Units in certain Zoning Districts and Setting Forth Performance and Development Standards for Such Units.

May 13, 2015

CONSENT

An application of the City of Virginia Beach for (1) An Ordinance to Amend Section 111 of the City Zoning Ordinance by Defining the term "Live-Work Unit" and to add a New Section 209.3, allowing Live-Work Units in certain Zoning Districts and Setting Forth Performance and Development Standards for Such Units.

- (1) The general purpose of the amendments is to encourage redevelopment of certain areas of the city, such as the Resort Area, in which mixed-use environments are encouraged and current land use is less than optimal, such as the ViBe District, recently approved by the City Council.
- (2) The amendments define a 'live-work unit' as "a unit, consisting of both living space and work space, in which commercial activity is carried on by at least one resident of the unit and in which such activity is not otherwise allowed as a home occupation or accessory use."
- (3) The amendments provide that live-work units are only allowed in the OR Oceanfront Resort District. It is, however, contemplated that future ordinances would allow them in portions of certain Strategic Growth Areas.
- (4) The amendments also provide performance and development standards that live-work units must meet.

A motion was made by Commissioner Thornton and seconded by Commissioner Inman to approve Item 11.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

Item #11
City of Virginia Beach
Page 2

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

Bill Macali appeared before the Commission.

Item #12

City of Virginia Beach

An Ordinance to Amend Sections 5.2 and 6.2.2 of the Oceanfront Resort District Form-Based Code, by Allowing Live-Work Units in certain Building Types and Establishing Parking Requirements for Such Use.

May 13, 2015

CONSENT

An application of the City of Virginia Beach for an Ordinance to Amend Sections 5.2 and 6.2.2 of the Oceanfront Resort District Form-Based Code, by Allowing Live-Work Units in certain Building Types and Establishing Parking Requirements for Such Use.

- (1) The general purpose of the amendments is to encourage redevelopment of certain areas of the city, such as the Resort Area, in which mixed-use environments are encouraged and current land use is less than optimal, such as the ViBe District, recently approved by the City Council.
- (2) The amendments define a 'live-work unit' as "a unit, consisting of both living space and work space, in which commercial activity is carried on by at least one resident of the unit and in which such activity is not otherwise allowed as a home occupation or accessory use."
- (3) The amendments provide that live-work units are only allowed in the OR Oceanfront Resort District. It is, however, contemplated that future ordinances would allow them in portions of certain Strategic Growth Areas.
- (4) The amendments also provide performance and development standards that live-work units must meet

A motion was made by Commissioner Thornton and seconded by Commissioner Inman to approve item 12.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

By a vote 9-0, the Commission approved item 12 by consent.

Bill Macali appeared before the Commission.

Item #13

Paul S. Brown Family, L.L.C.

Conditional Change of Zoning

North & East of eastern terminus of Old London Bridge Road; east of Harpers Road

District 7

Princess Anne

May 13, 2015

REGULAR

An application of Paul S. Brown Family, L.L.C. for a Change of Zoning (AG-1 / AG-2 Agriculture District & R-20 Residential District to Conditional I-1 Industrial District) on property located at the North & East of eastern terminus of Old London Bridge Road; east of Harpers Road, District 7, Princess Anne: GPIN: 24053323940000 (portion of).

A motion was made by Commissioner Inman and seconded by Commissioner Russo to defer item 13.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

By a vote of 9-0, the Commission deferred item 13.

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

Mike Jerrad appeared in opposition.

Item #D1
BT Holdings III, L.L.C.
Change of Zoning
Conditional Use Permit
Southeast Corner of Harpers Road & Dam Neck Road
District 7
Princess Anne
May 13, 2015

REGULAR

An application of BT Holdings III, L.L.C. for a Change of Zoning (AG-1 and AG-2 Districts to Conditional I-1 District), and an application of BT Holdings III, L.L.C. for a Conditional Use Permit (Bulk Storage Yard) on property located on the Southeast Corner of Harpers Road & Dam Neck Road, District 7, Princess Anne. GPIN: 24056316300000 (part of).

CONDITIONS

PROFFER 1:

When the Property is developed, it shall be developed into a bulk storage facility with heavy landscape buffers and limited access as shown on the exhibit entitled "CONCEPTUAL SITE LAYOUT & LANDSCAPE PLAN OF CREECH OUTSIDE STORAGE, Virginia Beach, Virginia", dated 03/24/14, prepared by MSA, P.C., which has been exhibited to the Virginia Beach City Council and is on file with the Virginia beach Department of Planning (hereinafter "Site Plan").

PROFFER 2:

Outside bulk storage in the areas designated on the Site Plan shall be the only use permitted on the Property without an amendment to these proffers.

PROFFER 3:

Further conditions may be required by the Grantee during detailed Site Plan and/or Subdivision review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

CONDITIONS

1. There shall be no access to the storage yard from Dam Neck Road. Access to the site shall be from an ingress/egress easement on the adjacent parcel (GPIN 24053323940000).
2. The bulk storage facility shall be used for the storage of licensed and operable motor vehicles including cars, recreational vehicles and buses, and boats on trailers that are licensed and operable (the trailers), including panel trucks that are not permitted to be parked in residential communities. No storage of construction equipment shall be allowed at this facility.
3. No equipment shall be stored other than in fully enclosed steel storage containers. The storage containers shall be a maximum of six (6) feet in height, eight (8) feet in width, and forty (40) feet in length. No storage containers shall be permitted to be stacked. They must be situated on the ground or any surface material at ground level.

4. No one shall be permitted to operate a generator at any time on the property.
5. All outdoor lighting shall be shielded to direct light and glare onto the premises. Said lighting and glare shall be deflected, shaded, and focused away from adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
6. No signage shall be permitted along the property line adjacent to Dam Neck Road.
7. Access to the facility shall be restricted by a gated entry containing a keypad. Access shall be available only from 6:00 a.m. until 10:00 p.m.
8. A row of Leyland Cypress trees shall be planted along the southern edge of the forest line located north of the adjacent residential neighborhood (Prince George's Estates).
9. The storage facility shall not be used for any purpose other than the storage of vehicles and goods as identified in Condition 2. No person shall be permitted to reside at the facility, and no other repair, retail, or other similar business shall be conducted on the site.

A motion was made by Commissioner Inman and seconded by Commissioner Russo to defer item D1.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

By a vote of 9-0, the Commission deferred item D1.

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

Mike Jarrad, Tricia Niland, Tracey E. Little, Mike Hill, Scarlett Jarrad, Benjamin Turley, Jennifer Bragan, Geoff Tokajer, and Katrine Clay appeared in opposition.

Item #D2
Checkered Flag Store #5
Modification of Proffers
Modification of Conditions
5209 & 5225 Virginia Beach Boulevard
District 2
Kempsville
May 13, 2015

CONSENT

An application of Checkered Flag Store #5 for a (A) Modification of Proffers of a Conditional Zoning approved by the City Council on October 24, 2006; and an application of Checkered Flag Store #5 for a (B) Modification of Conditions of a Conditional Use Permit for motor vehicle sales, originally approved by the City Council on May 23, 1988, and last modified on October 24, 2006 on property located at 5209 and 5255 Virginia Beach Boulevard, District 2, Kempsville. GPIN: 14676694720000 and 14676643060000.

PROFFERS

PROFFER 1:

The use of the Property shall be automobile sales and service, as allowed by any conditional use permit in effect and duly approved by the City Council of the City of Virginia Beach, and as may be modified in the future upon petition by Grantor, by action of the City Council of the City of Virginia Beach.

PROFFER 2:

All proffered conditions as set forth in the 2006 Proffers and the 2014 Proffers are hereby superseded by the proffered conditions herein.

PROFFER 3:

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.

CONDITIONS

1. Evergreen shrubs planted a minimum of four (4) feet on center and a minimum height of three (3) to four (4) feet at the time of installation shall be planted along the southern property line where the site abuts the adjacent office development site.
2. All garage doors shall remain closed, other than for the maneuvering of vehicles in and out of service bays.

3. All parking lot lighting shall be directed inward and shall not reflect toward the adjacent properties and public rights-of-way. A photometric plan shall be submitted for Development Services Center at development site plan review.
4. The entire parking lot must be striped in accordance with City Code requirements and Americans with Disabilities Act regulations. All parking spaces and display areas must be clearly delineated on the final site plan.
5. No loudspeakers or any other outdoor speaker system shall be permitted on site.
6. No vehicles for sale or rent shall be parked and/or displayed within any portion of the public rights-of-way.
7. The site shall be developed in substantial conformance to the submitted site plan entitled, "CONCEPTUAL SITE LAYOUT PLAN OF CHECKERED FLAG - BMW, VIRGINIA BECH, VIRGINIA", dated 02/02/15 and prepared by MSA, P.C.
8. The building addition shall substantially conform to the design shown on the building elevations entitled, "CHECKERED FLAG BMW 5.0 PROPOSED ELEVATIONS" and "CHECKERED FLAG BMW 6.1 EXTERIOR PERSPECTIVE," prepared by YSM Design.
9. Use of all service areas shall be limited to normal operating hours.

A motion was made by Commissioner Thornton and seconded by Commissioner Inman to approve item D2.

	AYE 9	NAY 0	ABS 0	ABSENT 2
BROCKWELL	AYE			
HODGSON	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI				ABSENT
RUSSO	AYE			
THORNTON	AYE			
WALL				ABSENT
WEINER	AYE			

By a vote of 9-0, the Commission approved item D2 by consent

Billy Garrington appeared before the Commission on behalf of the applicant.