

Request

Conditional Use Permit (Home Occupation – Retail Sales (Firearms))

Staff Recommendation

Approval

Staff Planner

Robert Davis

Location

2252 Creeks Edge Drive

GPIN

14994859752256

Site Size

12.36 acres

AICUZ

Less than 65 dB DNL

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Single-family dwelling / A-36 Apartment, Shore Drive Overlay District

Surrounding Land Uses and Zoning Districts

North

Multi-family dwellings / A-36 Apartment

South

Multi-family dwellings / A-36 Apartment

East

Multi-family dwellings / A-36 Apartment

West

Creeks Edge Drive

Multi-family dwellings / A-36 Apartment



Background and Summary of Proposal

- The applicant desires to operate as a Federal Firearms Licensed dealer to service buyers who purchase firearms over the internet. Firearms will not be available for general retail sales to the public.
- From time-to-time, the applicant anticipates selling a firearm from the home, on a referral basis. All such transactions are by appointment only.
- The applicant does not plan on holding any inventory on the property other than that which is received from other dealers or individuals that are awaiting pickup by the buyer. According to the applicant, these transitions will occur infrequently. The applicant will complete the required state and federal background checks before transferring the firearm to the buyer.
- No sign to advertise the business is proposed or will be permitted.
- All federally controlled items will be stored in secured steel vaults.
- Additionally, a City of Virginia Beach Police officer will conduct a security assessment of the home in the presence of the applicant within one month of obtaining a Conditional Use Permit. A report will be written by the Police Department and a copy will be provided to the applicant.

	<p>Zoning History</p> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CUP (Recreation Facility) Approved 06/11/1991</td> </tr> </tbody> </table>	#	Request	1	CUP (Recreation Facility) Approved 06/11/1991
#	Request				
1	CUP (Recreation Facility) Approved 06/11/1991				
Application Types					
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MOD – Modification of Conditions or Proffers NON – Nonconforming Use STC – Street Closure	FVR – Floodplain Variance ALT – Alternative Compliance SVR – Subdivision Variance			

Comprehensive Plan Recommendations

The Comprehensive Plan designates this site as being in the Suburban Area, Suburban Focus Area (SFA) 1 - Shore Drive Corridor. The Corridor area is considered to be a resort neighborhood and not a resort destination due to its characterization by many well-established neighborhoods, newer high density residential development and, to a lesser degree, resort commercial uses. This corridor also shares the responsibility of being one of Virginia Beach's primary east-west connectors. Recommendations include preservation and protection of the character of the established neighborhood, improvement of public parking and public access to the beachfronts, and promotion of corridor beautification.

Natural and Cultural Resources Impacts

The site is located in the Chesapeake Bay watershed. There does not appear to be any significant natural or cultural features associated with the site.

Traffic Impacts

No traffic impact is anticipated with this request.

Public Utility Impacts

Water & Sewer

This site is currently connected to both City water and sanitary sewer service.

Evaluation and Recommendation

Section 234 of the Zoning Ordinance specifically addresses standards that regulate Home Occupations:

- (a) Not more than twenty (20) percent of the floor area of the dwelling unit and accessory structures shall be used in the conduct of the activity. Provided, however, this limitation shall not have application to family day-care homes.
- (b) No traffic, including traffic by commercial delivery vehicles, shall be generated by such activity in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such activity shall be met off the street and other than in a required front yard.
- (c) No sign shall be permitted. However, as an exception, the city council, upon a finding that a sign would not be detrimental to the surrounding neighborhood, may as a condition of the use permit allow up to one (1) sign, not to be illuminated or to exceed one (1) square foot in area, mounted flat against the wall of the residence.
- (d) No use shall 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.
- (e) The following uses are specifically excluded: Convalescent or nursing homes, tourist homes, massage parlors, radio or television repair shops, auto repair shops, or similar establishments.

The proposed request to operate a Home Occupation, Retail Sales (Firearms), from the existing single-family dwelling, in Staff's opinion, will not change the character of the surrounding area, as it is a very low intensity use. Commercial delivery of products will not occur at a rate greater than what is normally anticipated in a neighborhood setting. All shipments in which either a firearm or a federally controlled item is exchanged will be secured upon delivery by the applicant's signature, as is required by law. No packages containing such products will be left at the site without properly being transferred to the applicant. The requirements of the Zoning Ordinance and the conditions recommended by Staff are anticipated to further ensure the compatibility of the proposed use and the safety of the surrounding area.

As stated previously, the Virginia Beach Police Department will conduct a security assessment of the home. The assessment will consist of the following items:

- Inspect all exterior lighting and recommend strategies for best lighting practices to be used
- Inspect all landscaping, looking for any conflict with lighting and any area where there may be places to hide
- Inspect all interior and exterior door and window locking devices to insure that they provide adequate home security against burglary
- Inspect all interior and exterior doors to determine adequacy of their strength against penetration by prying, force, or any other means
- Inspect and review any alarm system that may be installed on the home
- Inspect the room and safe where any firearms, firearm supplies, firearms parts, and money may be stored
- If there are children in the home, the assessing officer will review safety measures as it pertains to firearms and the children

The applicant has submitted seven letters of support from the adjacent and surrounding neighbors.

Based on the considerations above, Staff recommends approval of this request subject to the conditions below.

Recommended Conditions

1. The applicant shall obtain and maintain a Federal Firearms License through the Bureau of Alcohol, Tobacco, Firearm and Explosives, as required by law.
2. 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.
3. There shall be no sign identifying the business on the exterior of any building on the property or within the yard of the property.
4. There shall be no more than five (5) hand-to-hand transactions per month at the dwelling.
5. Delivery of firearms to the property shall be received on the applicant's property only, secured by the applicant's signature.
6. Not more than twenty (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.

7. Any firearm 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's Crime Prevention Office to arrange for a meeting at the property for the purpose of conducting a security assessment. A report shall be written by the Police Department, a copy provided to the applicant, the Planning Department, and a copy retained by the Police Department.
8. 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.
9. There shall be no more than one (1) employee, other than the home owner, on the property associated with this home-based business.

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.

Site Photo





APPLICANT'S NAME Alan Zinke (NMN)

DISCLOSURE STATEMENT FORM

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 board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

X	Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
	Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
	Board of Zoning Appeals	Encroachment Request	Rezoning
	Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
	Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
	Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement		

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.

SECTION 1 / APPLICANT DISCLOSURE

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 application(s).			
<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	



Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Alan Zinke (NMN)
If an LLC, list all member's names:

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

(B) List the businesses that have a parent-subsiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: Alan Zinke and Gloria Ann Zinke Revocable Trust
If an LLC, list the member's names:



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

- (B) List the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach 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.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Union First Market Bank
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

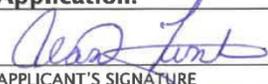
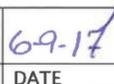
Disclosure Statement



CERTIFICATION:

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 Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

		
APPLICANT'S SIGNATURE	PRINT NAME	DATE



OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Union First Market Bank
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

Disclosure Statement



CERTIFICATION:
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 Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	ALAN ZINKE	6-9-17
APPLICANT'S SIGNATURE	PRINT NAME	DATE