

Request

Conditional Use Permit (Motor Vehicle Sales)

Staff Recommendation

Approval

Staff Planner

Jimmy McNamara

Location

1805 Virginia Beach Boulevard, Suite 102

GPIN

2407652769

Site Size

0.84 acres

AICUZ

Greater than 75 dB DNL; APZ 1

Watershed

Chesapeake Bay

Existing Land Use and Zoning District

Laundromat / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Virginia Beach Boulevard

South

Single-family dwellings / R-7.5 Residential

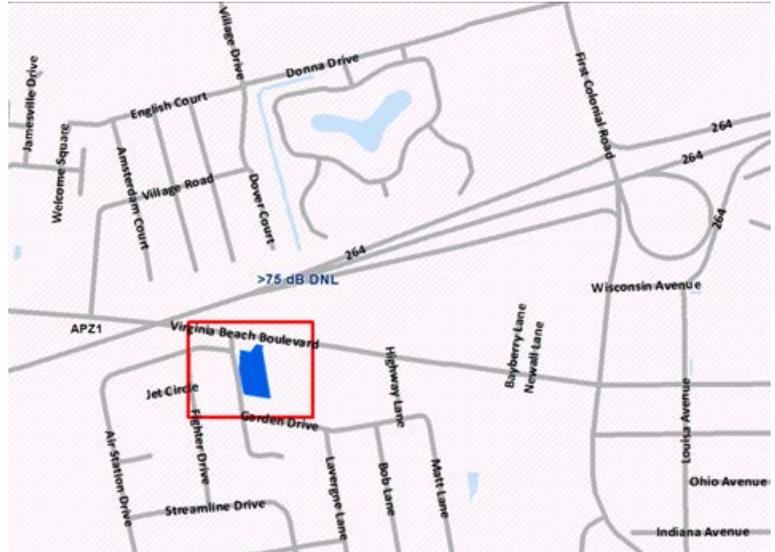
East

Motor vehicle sales / B-2 Community Business

West

Riddle Avenue

Single-family dwellings / R-7.5 Residential



Background and Summary of Proposal

- The subject site is developed with a 9,600 square-foot building with two units. A laundromat currently operates in the 8,400 square-foot suite at the front of the building. This is a request to operate a motor vehicle sales operation within the 1,200 square-foot unit in the rear of the building.
- The applicant has rented space on the adjacent site for a car dealership for the past 15 years. That site is being sold and the applicant is in the process of relocating. The applicant proposes to use the subject site for the display of up to 10 vehicles, primarily sold via the internet, and office space for the small dealership. No changes to the building are proposed other than a single wall-mounted sign above the entryway into the office.
- Most of the applicant's business will be conducted through online transactions; however, per the Virginia Department of Motor Vehicle's licensing standards, the applicant must have the ability to display a minimum of 10 vehicles on the site.
- The concept plan depicts the display area for the 10 vehicles on the rear of the site. Five existing parking spaces will be converted to display area as well as five parallel display area spaces will be created along the drive aisle.
- There are two existing landscaping islands that will meet the minimum planting area requirement for display area landscaping.
- A solid vinyl fence, six feet in height, is proposed along the southern property line adjacent to the single-family residential neighborhood. A row of existing mature trees also currently exists along this property line. A solid fence is also proposed to enclose the existing dumpster on the site.
- The 38 parking spaces onsite meet the requirement for both the laundromat and the proposed motor vehicle sales operation.

	<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>REZ (R-7.5 to B-2) Approved 03/10/1998</td> </tr> <tr> <td>2</td> <td>CUP (Motor Vehicle Sales) Approved 11/13/2001 CUP (Automobile Repair Garage) Approved 04/28/1998</td> </tr> <tr> <td>3</td> <td>CUP (Motor Vehicle Sales) Approved 11/09/1999</td> </tr> </tbody> </table>	#	Request	1	REZ (R-7.5 to B-2) Approved 03/10/1998	2	CUP (Motor Vehicle Sales) Approved 11/13/2001 CUP (Automobile Repair Garage) Approved 04/28/1998	3	CUP (Motor Vehicle Sales) Approved 11/09/1999
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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							

Evaluation and Recommendation

The permitted uses on the subject site are limited by virtue of its location within the greater than 75 noise zone, the highest noise zone and within the Accident Potential Zone 1. Per Section 1800 of the Zoning Ordinance, this proposed use is deemed compatible within the AICUZ. Due to the online nature of his business, the applicant proposes a small display area for up to 10 cars to be located behind the existing building, which will not be visible from Virginia Beach Boulevard.

The existing landscape islands provide sufficient space to meet the landscaping requirement for display area. The applicant has agreed to plant trees and shrubs within these areas to bring the site into conformance with this standard. In addition to maintaining the existing mature trees along the southern property line, the applicant intends to install a six-foot solid fence to further screen the adjacent residential dwellings from the car sales operation.

In Staff's view, the auto sales use is appropriate on this site given the AICUZ restrictions, the existing and proposed screening and the existing auto sales uses in the vicinity. As such, Staff recommends approval of the request subject to the conditions below.

Recommended Conditions

1. There shall be no more than 10 cars displayed and all displayed vehicles shall be located within the vehicle display area as designated by the site layout exhibit, found on page 5 of this report.
2. One medium shade tree and understory shrubs, as determined by the Development Services Center's Landscape Architect, shall be planted and maintained within the two landscape islands, as depicted in the site layout exhibit referenced in Condition 1 above.
3. A six-foot solid fence shall be installed and maintained along the southern property line.
4. The existing dumpster shall be screened by a fence or wall no less than six feet in height.
5. All signage on the site shall meet the requirements of the Zoning Ordinance. The motor vehicle sales operation shall be limited to one wall-mounted sign, which location is depicted on the site layout exhibit referenced in Condition 1 above.
6. No vehicles shall be parked or displayed within 30 feet of the Riddle Avenue right-of-way.
7. No outside paging or amplified music system shall be permitted.
8. There shall be no decorative pennants, feather flags, streamers, air dancers, inflatables or other similar advertising items located on the site.
9. No vehicles in a state of obvious disrepair shall be stored on the site.
10. There shall be no vehicle repair performed on the site.

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.

Comprehensive Plan Recommendations

The subject site is located in the Hilltop Strategic Growth Area (SGA). The Hilltop SGA Plan is guiding planning policy for land use and development in this area. The general planning principles for the Hilltop SGA includes providing a mix of retail, restaurants, and office uses; building a network of streets to improve traffic flow; and matching quality of local business with an equally memorable built setting.

Natural and Cultural Resources Impacts

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

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Virginia Beach Boulevard	30,570 ADT ¹	22,800 ADT ¹ (LOS ⁴ "D") 27,400 ADT ¹ (LOS ⁴ "E")	Existing Land Use ² – Unknown Proposed Land Use ³ - 41 ADT
¹ Average Daily Trips	² no data available for laundromat land use	³ as defined by 1,200 square feet of used car sales	⁴ LOS = Level of Service

Master Transportation Plan (MTP) and Capital Improvement Program (CIP)

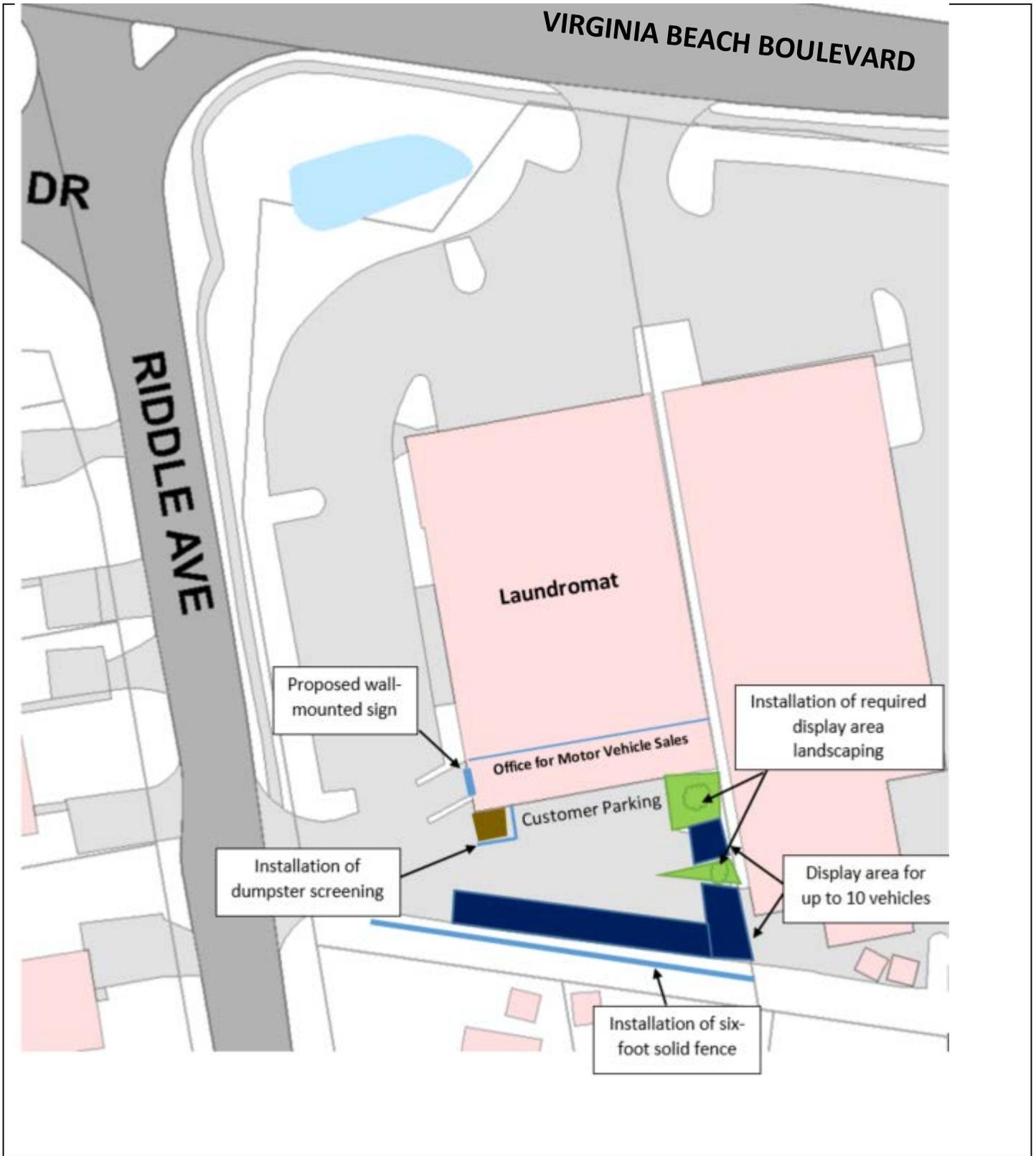
There is a roadway CIP project slated for this area. First Colonial Road and Virginia Beach Boulevard Intersection Improvements (CIP 2-072) will widen First Colonial Road from four to six lanes from Oceana Boulevard to the I-264 overpass. It also includes additional turn lanes and traffic signalization improvements. Right-of-way acquisition is in progress, and construction is currently scheduled to begin in summer 2018. It appears the subject site is outside the construction limits, so there will be no physical improvements to the property's frontage.

Public Utility Impacts

Water & Sewer

The site currently connects to City water and sewer service.

Proposed Site Layout



Site Photos





- 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: _____
 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: Hilltop Investors, LLC
 If an LLC, list the member's names: Edward Murray, Roberta Murray



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-subsiary ¹ or affiliated business entity ² relationship with the Property Owner: *(Attach list if necessary)*

Chesapeake Coin-Op, Inc.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Desrches & Company
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Wulcott & Rivers
<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?

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.

	Larry Garrison	11.28.17
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	
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<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)	Bank of America
<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	



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Page 6 of 7

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	EDWARD MURRAY	11-28-17
PROPERTY OWNER'S SIGNATURE	PRINT NAME MEMBER	DATE