Applicant **Crespo Enterprises, Inc. d/b/a Roadrunner Towing & AC Enterprises, Inc. d/b/a Logan's Towing**
Property Owner **5312 Virginia Beach Boulevard, LLC**
Public Hearing **September 12, 2018**
City Council Election District **Kempsville**

Agenda Item

1

Request
Conditional Use Permit (Bulk Storage Yard)

Staff Recommendation
Approval

Staff Planner
Jonathan Sanders

Location
5312 Virginia Beach Boulevard

GPIN
1467676257

Site Size
1.54 Acres

AICUZ
Less than 65 dB DNL

Watershed
Chesapeake Bay

Existing Land Use and Zoning District
Mixed commercial / B-2 Community Business

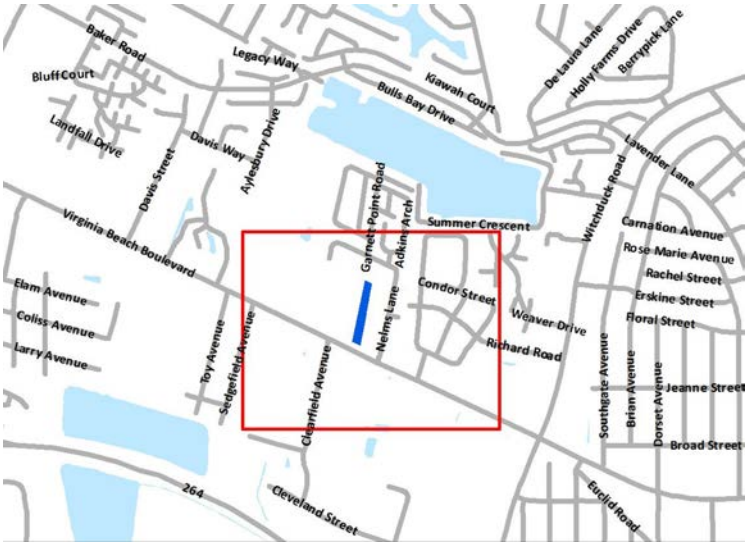
Surrounding Land Uses and Zoning Districts

North
Wooded lot / A-12 Apartment

South
Virginia Beach Boulevard
Auto sales / B-2 Community Business

East
Furniture store, vacant lot / B-2 Community Business, A-12 Apartment

West
Furniture store / B-2 Community Business



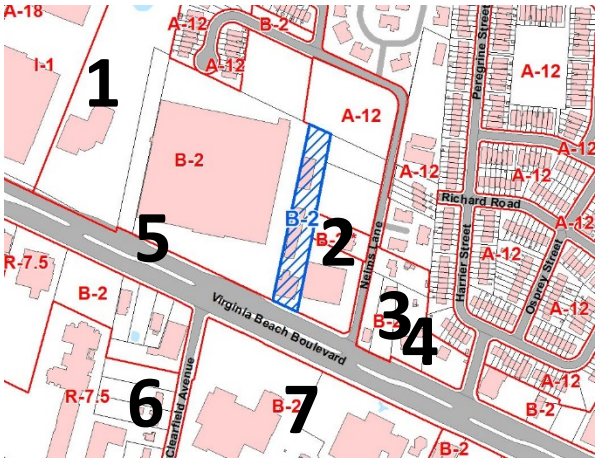
Background and Summary of Proposal

- The northernmost 10,000 square feet of the subject property was used by a former tenant as a Bulk Storage Yard for at least a decade under the name "Bare Recover and Kar Towing." That towing business was operating without a Conditional Use Permit when the current property owner purchased the site in 2017 and that lease was terminated.

- Subsequently, the applicant, Crespo Enterprises, Inc. & AC Enterprises, Inc., entered into a lease for office space and the tow yard with the new property owner. Neither the applicant nor the property owner were aware of the need for a Conditional Use Permit for a Bulk Storage Yard in order to store towed vehicles on the site. This is an "after-the-fact" application to correct this oversight.

- The applicant tows for the City Police Department, therefore, the tow yard will be 24 hours a day, seven days a week.

- The applicant is seeking a deviation to the required Category VI screening (a solid six-foot tall fence with evergreen shrubs) surrounding the Bulk Storage Yard. The rear yard of the property is enclosed with a six-foot tall chain link fence with barbed wire along the top. The applicant intends to replace a portion of the fence along the western property line, adjacent to Haynes Furniture Store, to match the existing solid fence along that property line.



Zoning History

#	Request
1	**CUP** Approved 07/14/1986
2	**CRZ** (A-12 to Conditional B-2) Approved 02/27/2001
3	**CRZ** (A-12 & B-2 to Conditional B-2) Approved 01/20/2015 **CUP** (Auto Sales & Service) Approved 01/20/2015 **CUP** (Motor Vehicle Rentals) Approved 09/25/2007
4	**CRZ** (A-12 & B-2 to Conditional B-2) Approved 01/20/2015 **CUP** (Motor Vehicle Sales) Approved 07/05/2005
5	**CUP** (Motor Vehicle Rentals) Approved 02/24/1998
6	**CUP** (School) Approved 10/29/2002
7	**MOD** Approved 11/18/2014 **CUP** (Car Wash) Approved 09/13/2011 **MOD** Approved 11/18/2006 **MOD** Approved 10/24/2006 **CRZ** (R-7.5 to Conditional B-2) Approved 03/08/2005 **CUP** (Automobile Rentals) Approved 05/28/2002 **CUP** (Motor Vehicle Sales) Approved 10/23/2001 **CRZ** (R-7.5 to Conditional B-2) Approved 10/23/2001 **CUP** (Motor Vehicle Sales) Approved 10/10/2000 **REZ** (R-7.5 to B-2) Approved 12/06/1994 **CUP** (Motor Vehicle Sales, Rentals & Repair) Approved 12/06/1994 **CUP** (Parking and Storage) Approved 05/25/1993

Application Types

CUP – Conditional Use Permit	MOD – Modification of Conditions or Proffers	FVR – Floodplain Variance
REZ – Rezoning	NON – Nonconforming Use	ALT – Alternative Compliance
CRZ – Conditional Rezoning	STC – Street Closure	SVR – Subdivision Variance

Evaluation and Recommendation

In Staff's view, the request for a Conditional Use Permit for a Bulk Storage Yard is acceptable. Properties fronting Virginia Beach Boulevard in this part of Virginia Beach are typically commercial and service uses. This part of the Virginia Beach Boulevard corridor is no exception. As the proposed storage area will be adjacent to existing and potentially future residential uses, the proposed recommended conditions are crafted to address the appearance of the tow yard, limit the noise associated with the use, and provide screening of the area from adjacent residentially-zoned properties to the north and east.

The existing Bulk Storage Yard is surrounded by a six-foot tall chain link fence. Section 228 of the Zoning Ordinance requires that a Bulk Storage Yard be entirely screened with Category VI landscaping, which includes a solid fence, not less than six feet in height, with plants along the exterior of the fence. The applicant is requesting that this deficiency be addressed through the provisions of Section 221 (i) of the Zoning Ordinance, which allows City Council to grant deviations from required landscaping if "for good cause shown upon a finding that there will be no significant detrimental effects on surrounding properties." Staff concludes that a deviation, in this requirement along the western boundary with the proposed six-foot solid fence, as conditioned, and along the southern portion of the Bulk Storage Yard, which is partially screened by the existing building and only visible to the other businesses on site, will not adversely impact those businesses. However, as the properties to the north and east are zoned A-12 Apartment District, and most of the existing plant material is located off-site on adjacent parcels, it is Staff's opinion that a deviation not be granted along the northern and eastern sides of the proposed Bulk Storage Yard. Therefore, Staff recommends a condition to screen these sides of the Bulk Storage Yard with the required Category VI landscape screening.

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

Recommended Conditions

1. Screening and buffering shall be addressed as follows, and as depicted on the exhibit entitled "Staff Recommended Site Layout."
   a. Category VI landscape screening shall be installed on the northern and eastern sides of the Bulk Storage Yard, as depicted on the exhibit entitled "Staff Recommended Site Layout."
   b. A six-foot tall solid fence shall be installed along the western boundary line.
   c. A chain link fence shall be permitted along the southern boundary of the Bulk Storage Yard.

2. 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 all adjoining property. Any new outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.

3. Activities that will result in vehicle alarms or other noise disturbances shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

4. Any vehicle towed to the storage yard shall be operable, with the exception of wrecked vehicles towed to the site. A determination of operability of a wrecked vehicle shall be made within five (5) business days of arrival at the site. No wrecked vehicle shall remain on the site for more than (5) business days.

5. The use of the Bulk Storage Yard is limited to the storage of vehicles only.

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 Comprehensive Plan recognizes this property as being within the Suburban Area, which is just north of the Pembroke Strategic Growth Area. Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a frame work for neighbors and places that are increasingly vibrant and distinctive. The Plan's primary guiding principle for the Suburban Area is to create "Great Neighborhoods," and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future.

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

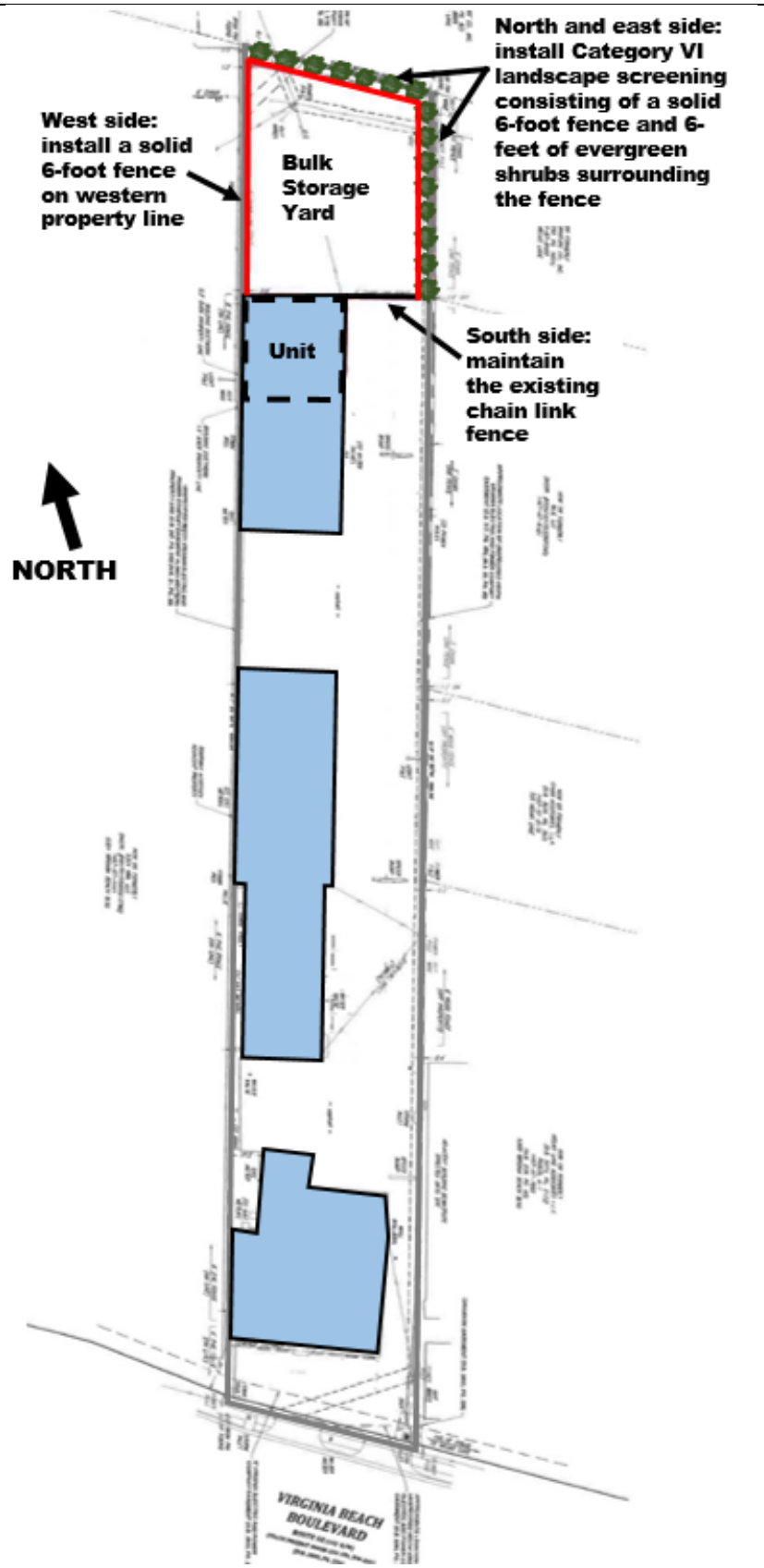
Street Name	Present Volume	Present Capacity	Generated Traffic
Virginia Beach Boulevard	31,845 ADT [1]	34,940 ADT [1] (LOS [4] "C") 56,240 ADT [1] (LOS [4] "D")	Existing Land Use [2] - 17 ADT Proposed Land Use [3] - 17 ADT
[1] Average Daily Trips	[2] as defined by 1,750 square feet of general office use	[3] as defined by 1,750 square feet of general office use, as no ADTs are available for storage yards	[4] LOS = Level of Service

Public Utility Impacts

Water & Sewer

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

Staff Recommended Site Layout



Existing Fencing along Western Boundary

Site Photos

Site Photos

Virginia Beach

APPLICANT'S NAME Crespo Enterprises, Inc. d/b/a Roadrunner Towing

DISCLOSURE STATEMENT FORM

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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 Franchise Agreement	Street Closure
Chesapeake Bay Preservation Area Board	Lease of City Property	Subdivision Variance
Conditional Use Permit	License Agreement	Wetlands Board

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

Page 1 of 7

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).

☐	APPLICANT NOTIFIED OF HEARING	DATE:	
☐	NO CHANGES AS OF	DATE:	
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City of Virginia Beach

☐ 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: Crespo Enterprises, Inc.
If an LLC, list all member's names:
Albert Crespo, President/Secretary

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-subsidiary [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: 5312 Virginia Beach Boulevard L.L.C.
If an LLC, list the member's names: Sole Member: Morphou Holding, LLC: Jason Loizou, Member & Manager;

City of Virginia Beach

Andreas Loizou, Member

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

(B) List the businesses that have a parent-subsidiary [1] or affiliated business entity [2] relationship with the Property Owner: *(Attach list if necessary)*

[1] "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." *See* State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

[2] "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." *See* State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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

City of Virginia Beach

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☒	☐	Accounting and/or preparer of your tax return	On Call Accounting, CPA
☐	☒	Architect / Landscape Architect / Land Planner	
☐	☒	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
☐	☒	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
☐	☒	Construction Contractors	
☐	☒	Engineers / Surveyors/ Agents	
☐	☒	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
☐	☒	Legal Services	
☐	☒	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?

Virginia Beach

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.**

AC Enterprises, Inc. By:	Albert Crespo, President	7/1/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE
Albert Crespo	Albert Crespo	

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☐	☒	Accounting and/or preparer of your tax return	
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☐	☒	Construction Contractors	
☒	☐	Engineers / Surveyors/ Agents	Geostat Land Surveys
☒	☐	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	Empire Commercial Center, LLC (private lender)
☒	☐	Legal Services	Sykes, Bourdon, Ahern & Levy, P.C.
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5312 Virginia Beach Boulevard, LLC by Morphou Holding, LLC By:	Jason Loizou, Manager	
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE
	JASON LOIZOU	5/30/18

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Disclosure Statement

Virginia Beach

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