Applicant & Property Owner **AT Associates, LLP**
Public Hearing **May 8, 2019**
City Council Election District **Beach**

Agenda Item

5

Request
Conditional Use Permit (Car Wash Facility)

Staff Recommendation
Approval

Staff Planner
Marchelle Coleman

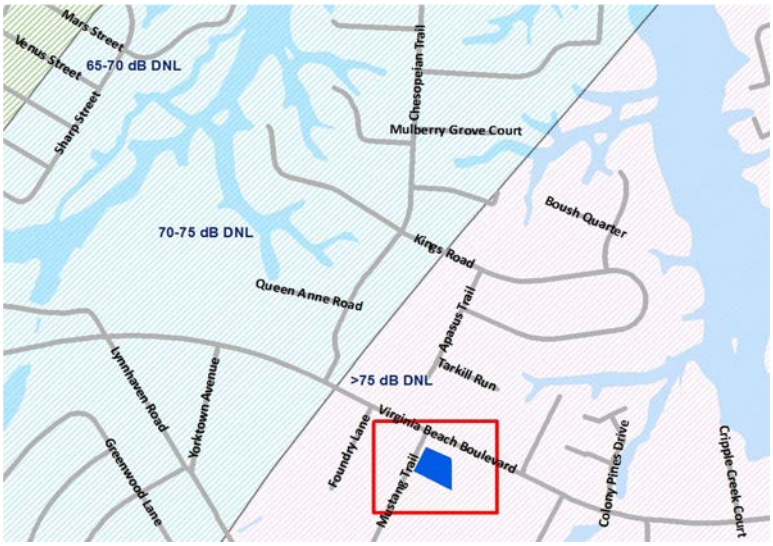
Location
2677 Virginia Beach Boulevard

GPIN
1497552196

Site Size
36,496 square feet

AICUZ
Greater than 75 dB DNL

Watershed
Chesapeake Bay



Existing Land Use and Zoning District
Vacant bank / B-2 Community Business

Surrounding Land Uses and Zoning Districts
North
Virginia Beach Boulevard
Mixed retail / B-2 Community Business

South
Motor vehicle sales / B-2 Community Business

East
Motor vehicle sales / B-2 Community Business

West
Mustang Trail
Motor vehicle sales / B-2 Community Business

Background and Summary of Proposal

- In April 2017, a Conditional Use Permit for a Bulk Storage Yard was granted on this property for the storage of up to 75 automobiles in association with the nearby Beach Ford car dealership. The applicant is now requesting to replace the storage area with a car wash. Based on this, a Conditional Use Permit to operate a Car Wash Facility is requested.

- The subject 36,496 square-foot site is currently developed with a vacant bank building, drive-through lanes, and associated pavement.

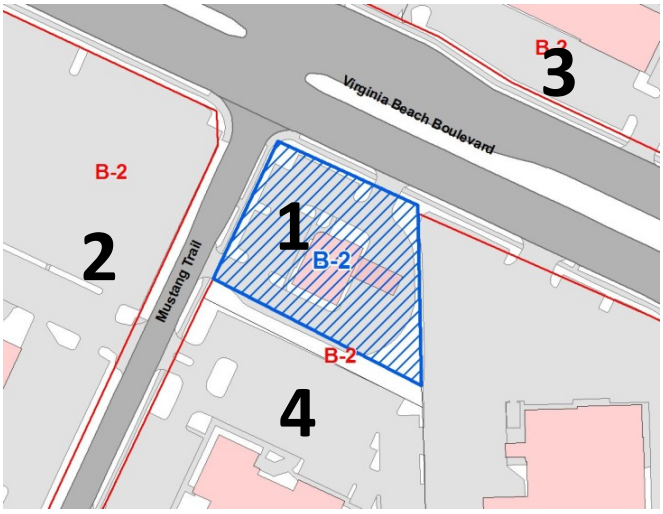
- The applicant proposes to remove the existing building and redevelop the site with a 6,429 square-foot car wash facility with two wash bays.

- The submitted building elevations depict facades of wood siding with storefront windows, sectional overhead doors, and a wood framed porch element.

- According to Section 203 of the Zoning Ordinance, this site will require a minimum of six parking spaces. The applicant is proposing a total of 13 parking spaces, as depicted on the concept plan. An additional five spaces are provided for self-service car vacuum use only.

- The applicant worked diligently with Staff to ensure a high level of aesthetics for the redevelopment of the site, such as relocating the self-service vacuums that were originally proposed adjacent to Virginia Beach Boulevard and are now proposed on the west side of the property along Mustang Trail.

- The applicant intends to preserve the existing street frontage landscaping and supplement it with additional plantings, as necessary.



Zoning History

#	Request
1	**CUP** (Bulk Storage Yard) Approved 04/18/2017
2	**CUP** (Motor Vehicle Sales and Services) Approved 02/08/2005 **CUP** (Motor Vehicle Sales and Services) Approved 07/01/1997 **CUP** (Motor Vehicle Sales and Services) Approved 09/28/1993
3	**CUP** (Auto Rentals) Approved 04/10/2001
4	**CUP** (Motor Vehicle Sales) Approved 10/26/1993

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 proposed request for a Conditional Use Permit for a Cash Wash, in Staff's opinion, is an acceptable use and is compatible with the other business uses, many of which are motor vehicle related, along this section of Virginia Beach Boulevard. As stated previously, the applicant intends to maintain the existing street frontage landscaping and will provide additional plantings to conform to the requirements of the Virginia Beach Landscaping Guide. The parking provided on-site meets the requirements of Section 203 of the Zoning Ordinance, exceeding the minimum parking space requirement by seven additional spaces. The applicant worked with Staff to ensure a high-quality site layout and an attractive building design.

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

Recommended Conditions

1. The Conditional Use Permit for a Bulk Storage Yard, granted by City Council on April 19, 2017, is hereby voided with City Council's approval of this request.

2. When the site is developed, it shall be in substantial conformance with the site layout entitled "BEACH FORD CAR WASH, 2677 VIRGINIA BEACH BLVD, VIRGINIA BEACH, VA 23452", prepared by Clark Nexsen.

3. When the site is developed, the building shall have the architectural style, colors and materials with the rendering entitled "BEACH FORD CAR WASH, 2677 VIRGINIA BEACH BLVD, VIRGINIA BEACH, VA 23452", prepared by Clark Nexsen.

4. All signage on the site must be in accordance with sign regulations of the Zoning Ordinance.

5. Any freestanding sign on the site shall be monument style, no taller than eight feet and have a brick base.

6. No vehicles shall be parked within any portion of the public right-of-way.

7. No water produced by activities at the facility lot shall be permitted to fall upon or drain across the public streets or sidewalks or adjacent properties.

8. There shall be no signs that contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices on the site. There shall be no signs that are pasted or attached to utility poles, trees, or fences, or in an unauthorized manner to walls or other signs. There shall be no portable or nonstructural signs, or electronic display signs on the site.

9. If at any time the existing landscaping on the site is removed or dies, the applicant shall replace it with plant material as recommended in the Virginia Beach Landscape Guide.

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 approvals allowed by this application 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 designates this site as located in the Lynnhaven Strategic Growth Area (SGA). The long-term vision for the Lynnhaven SGA calls for series of mixed-uses at this location. The applicant is proposing to utilize the existing compliant landscaping and parking areas and construct a new car wash building within the existing area of the former bank. The proposed use and development form does not meet the policies of the Lynnhaven SGA; however, due to the site being oddly shaped and not being part of a consolidated proposal to create a non-residential mixed-use development, staff feels the proposal meets the intent of the Lynnhaven SGA by being flexible with current market conditions. Staff believes that the proposed building meets the design principles of the Lynnhaven SGA, which include enabling flexible development sites and building types to respond to ever-changing market needs and development programs, uses that are compatible with AICUZ restrictions and building on the existing good balance between homes, jobs, and services.

Natural and Cultural Resources Impacts

This site is located in the Chesapeake Bay watershed. As the site is developed with a building and associated parking, there are no significant natural or cultural resources associated with the site.

Traffic Impacts

Street Name	Present Volume	Present Capacity	Generated Traffic
Virginia Beach Boulevard	33,100 ADT [1]	74,000 ADT [1] (LOS [4] "D")	Existing Land Use [2] – 410 ADT Proposed Land Use [3] - 320 ADT
[1] Average Daily Trips	[2] as defined by 3,500 square foot bank with drive-thru	[3] as defined by car wash with 2 wash bays	[4] LOS = Level of Service

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

Virginia Beach Boulevard, in this vicinity, is an eight-lane major urban arterial road with an approximate right-of-way width of 150 feet. The MTP shows an eight-lane major arterial with an ultimate right-of-way width of 155 feet. There are no CIP projects scheduled in this vicinity.

Public Utility Impacts

Water & Sewer

The site is currently connected to City water and sewer service.

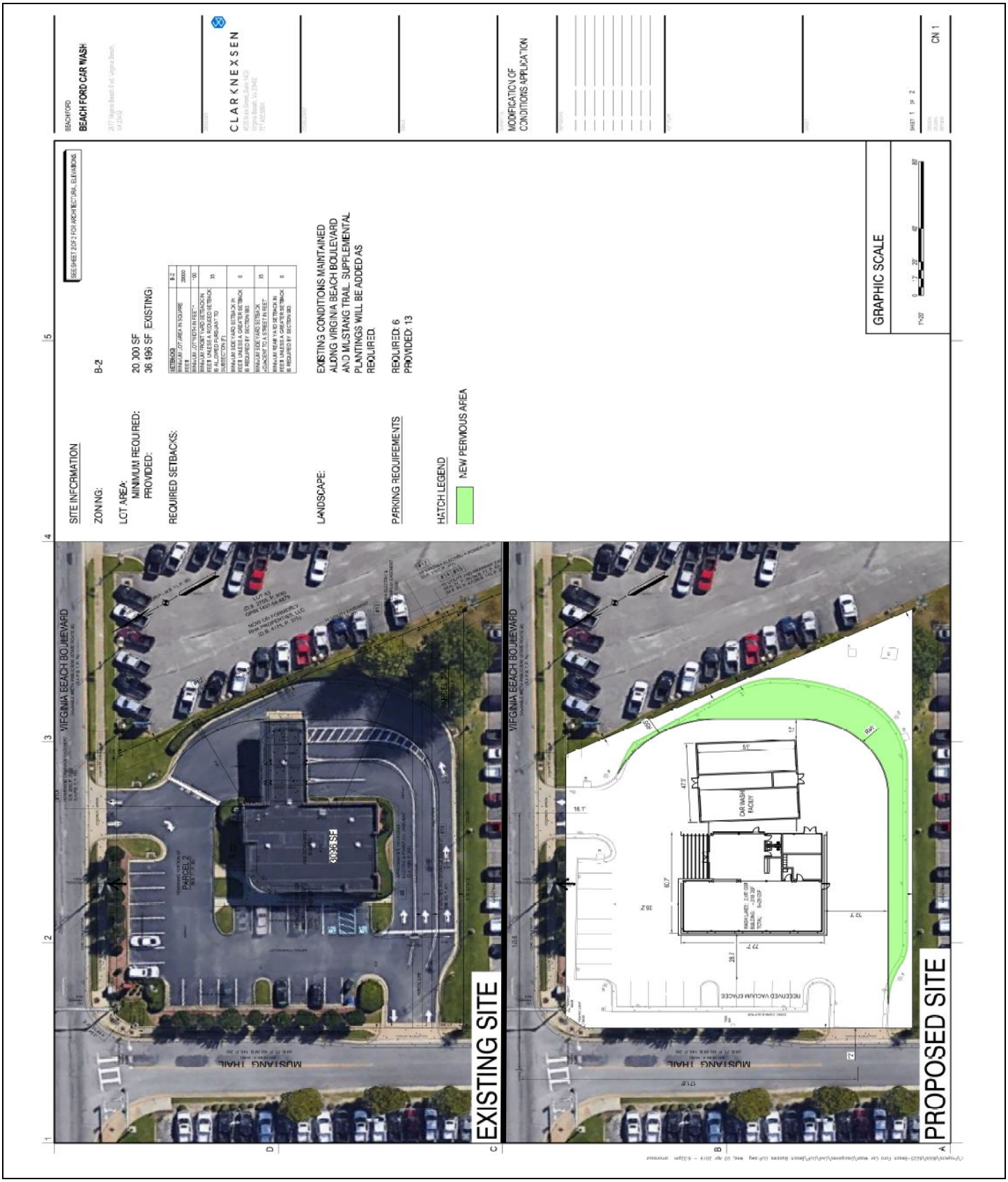
Public Outreach Information

Planning Commission

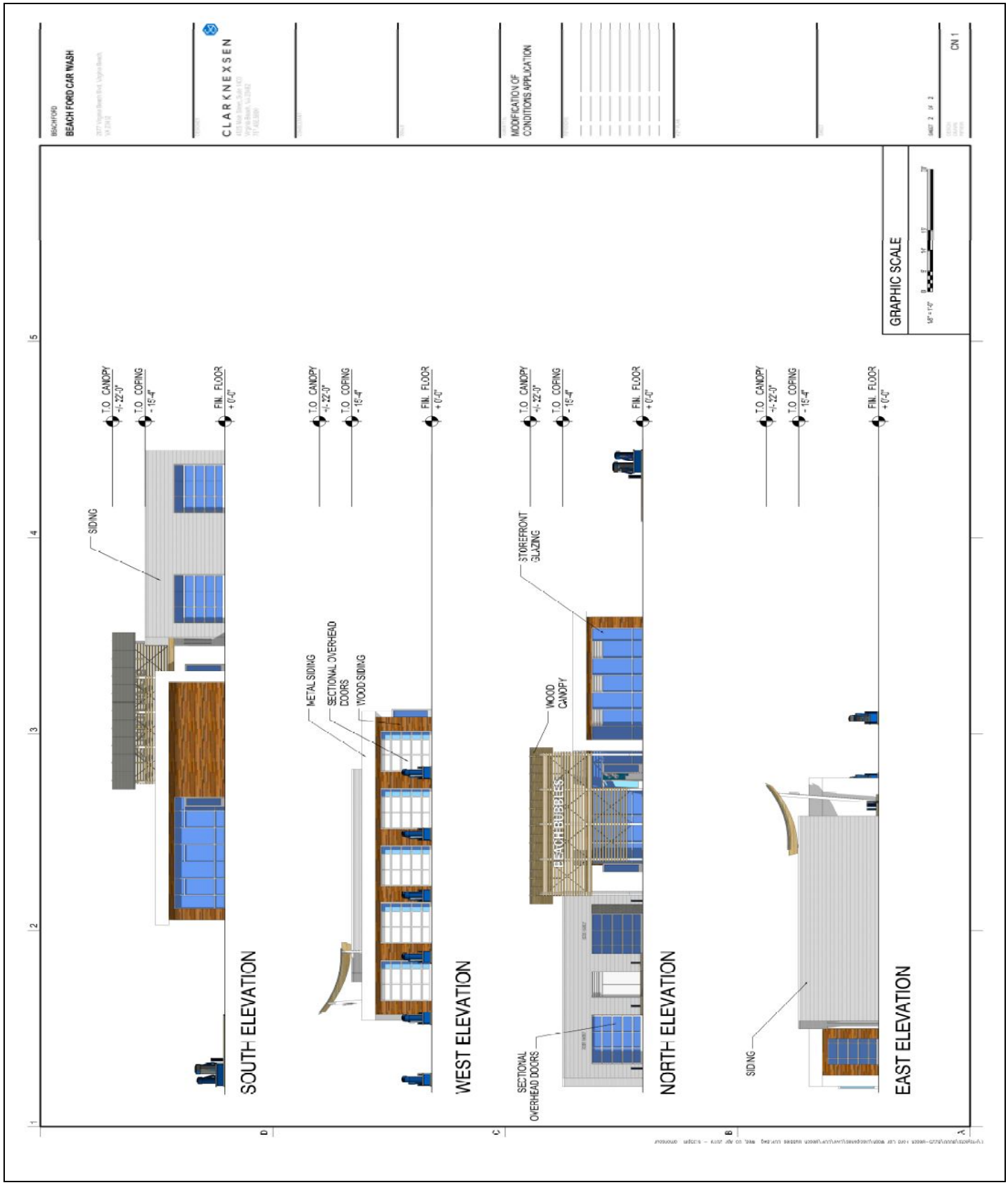
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on April 7, 2019.
- As required by State Code, this item was advertised in the Virginia Pilot Beacon on Sunday, April 21, 2019 and Sunday, April 28, 2019.

- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on April 22, 2019.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of www.vbgov.com/pc on May 2, 2019.

Proposed Site Layout



Proposed Elevations



Site Photos

City of Virginia Beach

APPLICANT'S NAME AT Associates, LLP

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:

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:	
☐	REVISIONS SUBMITTED	DATE:	

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: AT Associates, LLP
If an LLC, list all member's names:

Thomas A. Barton, Jr., Ann T. Barton, The Thomas A. Barton, Jr. Irrevocable Trust, The Ann T. Barton Irrevocable Trust, Thomas A. Barton, III, Robert H. Barton, Kristen Cuthriell, Dr. Daniel Barton.

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)*

Beach Ford, Inc.

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: AT Associates, LLP
If an LLC, list the member's names: Thomas A. Barton, Jr., Ann T. Barton, The Thomas A. Barton, Jr. Irrevocable Trust, The Ann T. Barton Irrevocable Trust, Thomas A. Barton, III, Robert H. Barton, Kristen Cuthriell, Dr. Daniel Barton

City of Virginia Beach

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)*

Beach Ford, Inc.

[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	
☒	☐	Architect / Landscape Architect / Land Planner	Clark Nexsen, Inc.
☐	☒	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	Clark Nexsen, Inc./John Sirine
☐	☒	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
☒	☐	Legal Services	Williams Mullen
☐	☒	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.**

Tom Barton	Tom Barton	12-20-16
APPLICANT'S SIGNATURE	PRINT NAME	DATE

City of Virginia Beach

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☐	☒	Accounting and/or preparer of your tax return	
☒	☐	Architect / Landscape Architect / Land Planner	Clark Nexsen, Inc.
☐	☒	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)	
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Tom Barton	Tom Barton	12-26-16
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.

- Following City Council's decision, the applicant will receive a decision letter from Staff.

- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.

- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.

- Please note that 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 approvals allowed by this application 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.