

Request

Conditional Use Permit (Automobile Service Station)

Staff Recommendation

Approval

Staff Planner

Bill Landfair

Location

2205 Princess Anne Road

GPIN

2404956764

Site Size

39,830 square feet

AICUZ

65-70 dB DNL

Watershed

Southern Rivers

Existing Land Use and Zoning District

Convenience store / B-2 Community Business

Surrounding Land Uses and Zoning Districts

North

Medical office building / O-1 Office

South

Veterinary Way

Undeveloped land / P-1 Preservation

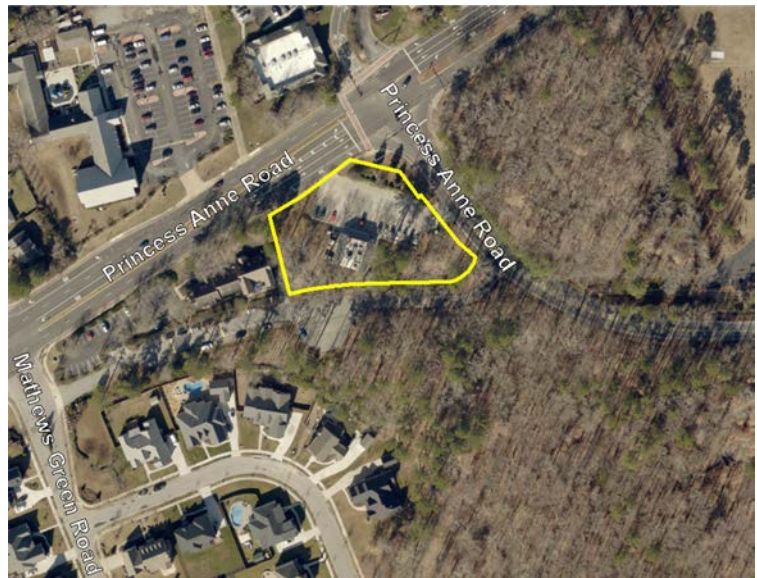
East

Princess Anne Road

Undeveloped land / O-2 Office

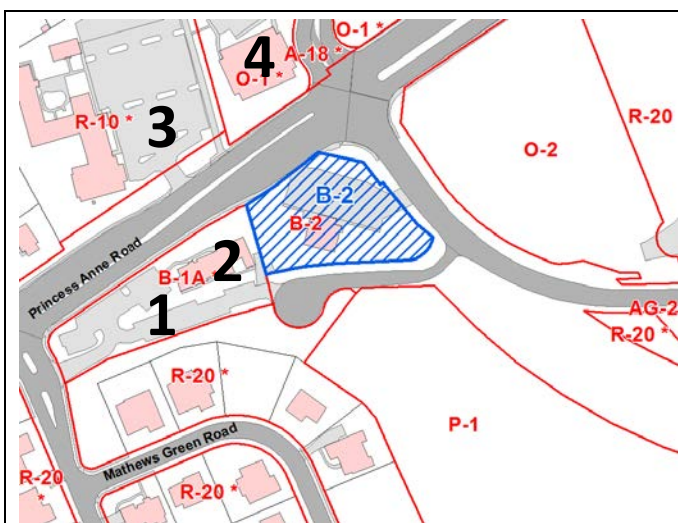
West

Veterinary hospital / B-1A Limited Community Business



Background and Summary of Proposal

- The 39,830 square foot site is located in the southwest quadrant of the intersection of Princess Anne Road and General Booth Boulevard and is zoned Conditional B-2 Community Business District. A 2,800 square foot convenience store exists on the site.
- The property is proposed to be redeveloped with a new 3,484 square foot convenience store and 6 fueling areas with 12 fueling pumps. The fuel sales require a Conditional Use Permit for an Automobile Service Station.
- Access to the site will be via a right-in/right-out access point along Princess Anne Road and a secondary access point along Veterinary Way.
- The proposed convenience store features traditional coastal-style architecture with a tan fiber cement lap siding with an EIFS stucco water table and gray standing seam metal roof. Likewise, the fuel canopy and dumpster enclosure will match the lap siding, stucco finish, and color scheme of the proposed convenience store building.
- The Landscape Plan depicts a mix of trees and shrubs along the property frontages of Princess Anne Road and Veterinary Way.
- An eight-foot tall, monument-style, freestanding sign with a brick base is proposed near the intersection.
- As depicted on the Concept Plan, there are 15 parking spaces on the site. Per Section 203 of the Zoning Ordinance, the parking requirement is met, exceeding the requirement by three spaces.
- The submitted Conceptual Layout depicts the proposed building encroaching nine feet into the 35-foot front yard setback along Veterinary Way. Staff does not support the setback deviation request, as the building could be shifted to avoid any encroachment into the setback.
- The site is located in the Southern Rivers Watershed. A proposed stormwater management facility will be constructed on the property to address stormwater quality and quantity control for the site. Based on a review of a preliminary stormwater analysis submitted for review, it is Staff's position that the proposed conceptual strategy has the potential to successfully comply with the stormwater requirements for this site.



Zoning History

| # | Request |
|---|---|
| 1 | STC (Street Closure) Approved 08/22/2006 |
| 2 | MOD (Modification of Conditions) Approved 11/24/1998 |
| 3 | MOD (Modification of Conditions) Approved 10/14/2004 |
| 4 | CRZ (AG-1 & AG-2, and R-20 to Conditional O-1) Approved 5/25/1999 |

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

LUP – Land Use Plan
 STR – Short Term Rental

Evaluation and Recommendation

The proposal will contribute to the quality of the surrounding area by replacing the existing building with a new building featuring a traditional coastal-style architecture. It will be a commercial use specializing in the sale of convenience food items and fuel sales, as is now typical for most convenience stores. Given that the property is located at a high visibility intersection, land use compatibility is important and is achieved through a logical site layout with improved ingress/egress, architecture and landscaping. The applicant has worked with Staff to provide an architectural design that is consistent with the Transition Area Design Guidelines and will complement the area with respect to the exterior materials, scale, and style of architecture and signage. The proposed plant material along street frontages, the perimeter of the drive aisles, and the parking area will aid in enhancing the view from adjacent rights-of-way. In August, the applicant presented the proposal to the TA/ITA Citizen Advisory Committee, which was generally supportive of the application and in particular appreciated the coastal-style architecture.

While the number of vehicular trips to the property will increase, these are pass-by trips, not destination trips, and level of service for the adjacent roadways will not decrease. As shown on the Concept Plan, the removal of an existing access point on Princess Anne Road south of the intersection to be replaced with an access point on Veterinary Way (a two-lane local street) will improve the operational characteristics of the roads because of fewer vehicular conflict points. The existing right-in/right-out access point on Princess Anne Road west of the intersection will remain. It should be noted that the Princess Anne Road Phase VII project currently under construction includes adding a median on Princess Anne Road and that no median break will be provided at Veterinary Way. As such, this access point will essentially be a right-in/right-out onto Princess Anne Road.

As mentioned above, Staff does not support the deviation to the required 35-foot front yard setback along Veterinary Way. The submitted Conceptual Layout depicts the proposed building encroaching approximately 9 feet into the required front yard setback. As the proposed building can be relocated further north or be reduced in size to meet the setback requirements, Staff does not support the applicant's request to deviate from the front yard setback standard.

The applicant submitted a preliminary stormwater management analysis to the Development Services Center (DSC) outlining the proposed stormwater strategy for this site. The DSC concurs that the proposed conceptual strategy has the potential to successfully comply with the stormwater requirements for this site. However, this review is not a formal approval of the submitted stormwater plan. More details will be required and a formal review will take place during review of the construction plan.

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

Recommended Conditions

1. When the property is developed, it shall be in substantial conformance with the submitted exhibit entitled, "CONCEPT PLAN," prepared by Blakeway, dated 8/29/18, with the exception that all buildings shall comply with the setback requirements of the Zoning Ordinance. Said Plan has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The exterior of the proposed building, fuel canopy, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations entitled, "REVIEW BOARD ELEVATIONS," prepared by Presmont Construction Services, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning and Community Development.
3. The freestanding sign shall be monument style with a brick base and substantially adhere in appearance, size and materials to the submitted freestanding sign exhibit entitled, "Monument Sign", prepared by Harbinger,

which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning and Community Development.

4. Signage for the site shall be limited to:
 - a. Directional signs.
 - b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base and two (2) building and/or canopy signs.
 - c. No striping shall be permitted on the fuel canopy.
 - d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
5. At the time of site plan review, a Landscape Plan that reflects the plant material depicted on the submitted Concept Plan, along with all applicable requirements of the Zoning Ordinance, shall be submitted for review to the Development Services Center and shall obtain an approval prior to the issuance of a building permit.
6. At the time of site plan review, a Photometric Plan shall be submitted for review and shall contain foot-candle lighting readings for all areas of the site including the perimeter. Said plan shall also specify light fixture height, light fixture type, proposed shielding, and light dimming capabilities.
7. The proposed building must meet all applicable setback requirements or obtain approval of necessary variances from the Board of Zoning Appeals.
8. All light fixtures on the site shall be no taller than 18 feet in height.
9. The dumpster shall be enclosed with a solid wall in a color and material to match the building and any required screening shall be installed in accordance with Section 245 (e) of the Zoning Ordinance.
10. No outdoor vending machines and/or display of merchandise shall be permitted.
11. All vacuums and air pumps shall be screened from the right-of-way with a wall and plant material of a size and species acceptable to the Development Service Center's Landscape Architect, all of which shall be depicted on the Landscape Plan.

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 area of the City as the Transition Area. The Transition Area serves as a unique land use buffer for the low density Rural Area from the more densely developed Suburban Area, promoting open space and a low density. This part of the city is characterized by many high quality residential neighborhoods with significant open space areas. Proposed development within the Transition Area should continue the tradition of high quality development by adhering to the planning and design principles cited in the Transition Area Design Guidelines. These

Guidelines include striving to achieve the goal of attaining 50% open space including berms, trees, buffer, and trails to create safe, accessible and attractive roadway corridors and internal green space to provide attractive vistas, recreational areas and protect natural resources.

Natural and Cultural Resources Impacts

The site is located in the Southern Rivers Watershed. Drainage in the Southern Rivers watershed is highly impacted by the presence of high ground water, poorly draining soils, and high-water surface elevations in downstream receiving waters. There are no known natural or cultural resources on the site.

Traffic Impacts

| Street Name | Present Volume | Present Capacity | Generated Traffic |
|----------------------------------|---|---|--|
| Princess Anne Road (West) | 12,900 ADT ¹ | 32,700 ADT ¹ (LOS ⁴ “D”) | Existing Land Use ² – 2,134 ADT Proposed Land Use ³ – 2,931 ADT |
| Princess Anne Road (South) | 15,400 ADT ¹ | 12,500 ADT ¹ (LOS ⁴ “D”) | |
| ¹ Average Daily Trips | ² as defined by an existing 2,800 sf convenience store without gas sales | ³ as defined by a proposed 3,500 sf convenience store with gas sales | ⁴ LOS = Level of Service |

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

Princess Anne Road south of the Princess Anne Road/ General Booth Boulevard intersection is currently a two-lane undivided minor suburban arterial to the east of the site and south of the site. The Princess Anne Road Phase VII CIP project is currently under construction and will widen Princess Anne Road to a four-lane divided roadway from General Booth Boulevard to Sandbridge Road/Upton Drive. This project includes improvements to the Princess Anne Road/ General Booth Boulevard intersection to increase the capacity of the intersection and to improve safety. This project is scheduled to be completed in March 2021.

Princess Anne Road west of the Princess Anne Road/ General Booth Boulevard intersection is currently a four-lane divided minor suburban arterial and there are no plans to improve this section of Princess Anne Road.

Public Utility Impacts

Water

There is an existing 12-inch City water main along Princess Anne Road (north-south). There is an existing 16-inch city water main along Veterinary Way. The site is connected to City water. The existing 5/8 inch meter (City ID #95061150) must be evaluated to determine if it is appropriately sized to accommodate the proposed use. Depending on the number and type of fixture within the building, the water meter and water service line may need to be upgraded by the property owner.

Sewer

There is an existing six-inch City sanitary sewer force main along Princess Anne Road (east-west). The site is connected to public sanitary sewer via a private grinder pump and force main.

Public Outreach Information

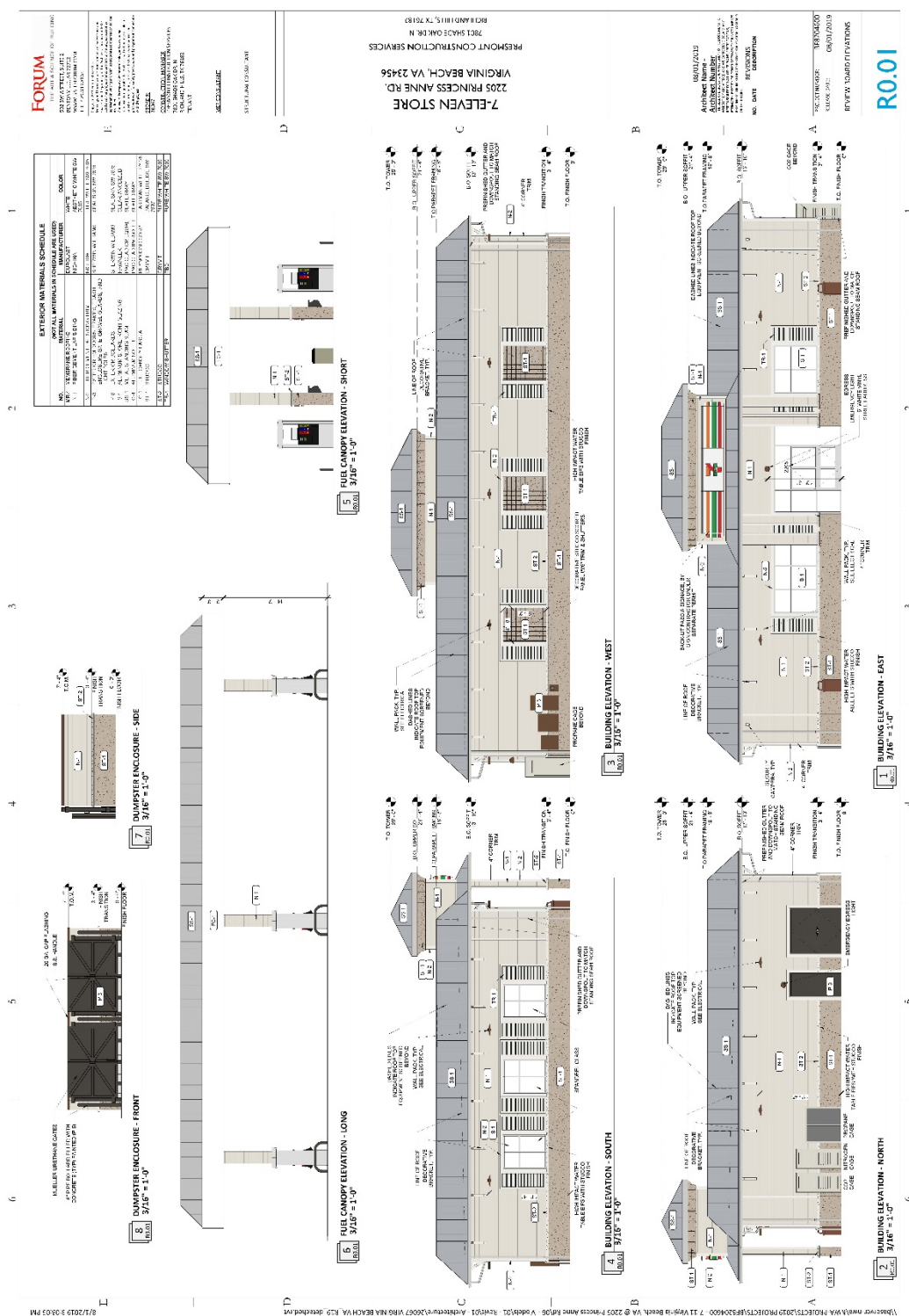
Planning Commission

- The applicant met in August of 2019 with the TA/ITA Citizen Advisory Committee.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on September 9, 2019.
- As required by State Code, this item was advertised in the Virginia Pilot Beacon on Sundays, December 22, 2019 and December 29, 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 December 20, 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 January 2, 2020.

Proposed Site Layout



Proposed Elevations



Rendered Perspective Plan



Site Photos



Site Photos





APPLICANT'S NAME 7-Eleven, Inc.

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 | 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).

Page 1 of 7

| | | | |
|--------------------------|-------------------------------|-------|--|
| <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: 7-Eleven, Inc.
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)*

Please see attached.

(B) List the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the Applicant: *(Attach list if necessary)*

Please see attached.

See next page for information pertaining to footnotes¹ 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: 7-Eleven, Inc.
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)*

SEE ATTACHED

- (B) List the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary 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-subsidary 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



| 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Engineers / Surveyors/ Agents | Blakeway Corporation |
| <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 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.**

| | | |
|-----------------------|----------------|------|
| | Same as Owner. | |
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Architect / Landscape Architect / Land Planner | Bates Forum |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers | N/A |
| <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) | N/A |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Construction Contractors | TBD |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Engineers / Surveyors/ Agents | Blakeway Corporation |
| <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) | N/A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legal Services | Troutman Sanders |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property | N/A |

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? |
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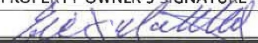
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| | | |
|---|--------------------------------|--------------------|
| | | |
| PROPERTY OWNER'S SIGNATURE  | PRINT NAME Eric J. Nachtrab | DATE 09/25/2018 |

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.