

STAFF EVALUATION

To: City Council

Prepared By: Porter Stevens 728-5237
Reviewed By: Mike Hayes, AICP 728-5244
Bonnie Brown, Sr. Asst. City Attorney

Case No.: Use Permit No. 17-00012

Date: December 13, 2017

General Information

Applicant David Swartz

Property Owner RonDon Properties LLC

Location 1619 W Pembroke Ave [LSRN 1002424]



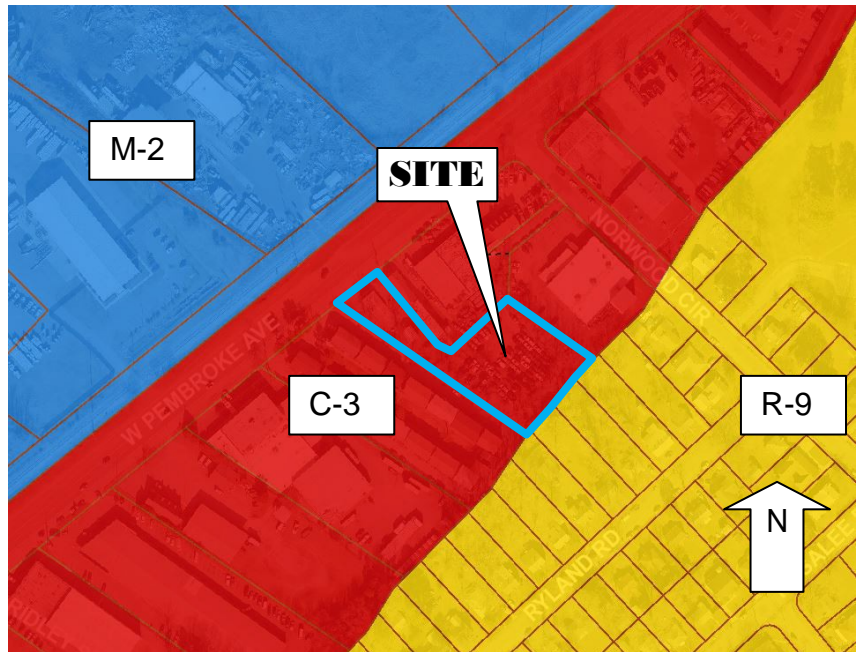
Requested Use Vehicle Storage

Description of Proposal The applicant is proposing to operate a vehicle storage lot. The applicant operates a towing company, and will use this location to store towed vehicles until legally released. The facility will store anywhere from ten to thirty vehicles at one time; the applicant is also proposing to have business hours of 8am to 5pm, Monday through Friday, though operators will have 24 hour access to the lot to drop off towed vehicles.

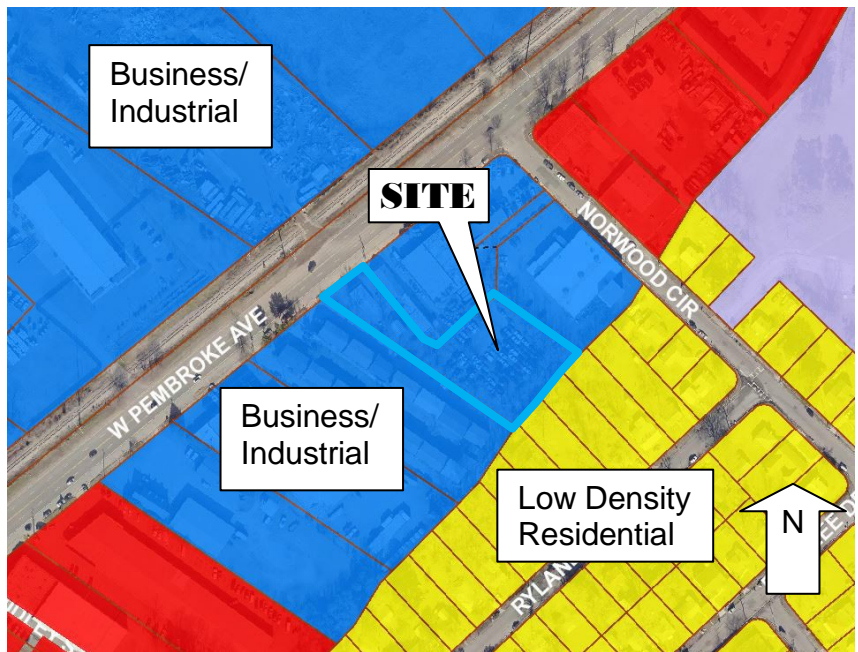
Existing Land Use Vacant/heavy vehicle repair

Zoning The subject site is zoned C-3 (General Commercial) District, which permits vehicle storage with an approved Use Permit.

Surrounding Land Use and Zoning
North: M-2 (Light Manufacturing); Industrial Sites
South: R-9 (Single Family Residential); Single Family Homes
East: C-3 (General Commercial); Vehicle Repair Shops
West: C-3 (General Commercial); Apartments



Public Policy



The Hampton Community Plan (2006, as amended) recommends business/industrial uses for this site. Business/industrial uses are also recommended to the east, north, and west. Low density residential is recommended to the south.

Policies relevant to this application are listed below:

LU-CD Policy 35: Encourage corridor-oriented commercial development within specified areas to strengthen the viability of commercial uses and to protect residential uses and adjacent neighborhoods.

ED Policy 5: Nurture small and start-up businesses.

<i>Applicable Regulations</i>	C-3 permits vehicle storage with the approval of a conditional use permit. The purpose of this Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimizing impacts on the adjoining properties.
	Section 3-3 (18) of the Zoning Ordinance contains several additional standards that car storage lots must conform too. These include requiring 6 feet high opaque fencing, and landscaped buffers between adjacent properties.
<i>Traffic/Parking</i>	There are no foreseen negative impacts to traffic or parking. This application was forwarded to the Public Works department for review; their analysis found no potential adverse effects on local traffic patterns.
<i>Community Meeting</i>	At this time, there is no community meeting scheduled for this application

Analysis

The Use Permit Application No. 17-00012 is a request by David Swartz to permit a vehicle storage lot at 1619 W Pembroke Ave [LRSN: 1002424]. The applicant owns a towing company, Old Towne Recovery Services, and would like to use this lot to store towed vehicles until they are legally released. At any one time, the lot will store ten to thirty vehicles; the applicant is proposing business hours of 8am-5pm, but tow truck operators would have 24 hour access to the property.

The subject property is currently zoned C-3 General Commercial. Vehicle Storage is permitted in this district with an approved conditional use permit.

In terms of land use, the primary concerns with vehicle storage lots typically involve hours of operation, noise, and the potential unsightliness of the site, especially, when adjacent to residential areas, and public streets.

This particular storage area is proposed to be located within a large group of commercial buildings, and does not front directly on any public right-of-way; this ensures that the proposed storage area will be almost entirely hidden from both Pembroke Avenue and Norwood Circle. Additionally, Section 3-3 (18) of the City of Hampton’s Zoning requires the applicant to make several improvements to ensure that the storage area is shielded from public view. This includes enclosing the storage area in 6 feet high opaque fencing, and establishing buffers of vegetation between the fence and adjacent property lines. There is extensive vegetation already existing on the site, including a roughly 40 ft deep stand of trees, shrubs, and undergrowth, which will be retained, between the proposed storage area and single family homes along Ryland Rd that are adjacent to the rear of the property. After extensive conversations with Development Services Center staff, and a visit to the site, it was determined that the existing vegetation meets the requirements for landscaped buffers in the Zoning Ordinance.

The site also has a significant amount of existing fencing, of various sizes and material. The Zoning Administrator has determined that the applicant can utilize existing fencing along the northeast property line to enclose the vehicle storage area, so long as it is modified to make it opaque. The other three sides of the proposed storage lot will be enclosed with new fencing that conforms to the requirements of the Zoning Ordinance.

USE PERMIT NO. 17-00012**STAFF EVALUATION**

If this use permit is approved, staff has proposed additional conditions to ensure that the storage lot operation is conducted in a manner that is not disruptive to the surrounding neighborhood. These include conditions limiting the storage of vehicles to no more than sixty days, and requiring that the applicant maintain the opaque fencing and vegetated buffers.

The Hampton Community Plan (2006, as amended) recommends business/industrial uses for this site. The Plan sets out a vision that "Hampton will be the community of choice for businesses seeking an environment that maintains, expands, and attracts investment," and encourages us to focus commercial development within specified areas to strengthen the viability of commercial uses and to protect residential uses and adjacent neighborhoods.

The proposed use permit, with the recommended conditions attached, is consistent with the City's goals and policies, as outlined in the Hampton Community Plan (2006, as amended) and other policy documents.

Based on the analysis of this proposal, staff and Planning Commission recommend approval of Use Permit Application No. 17-00012 with 11 conditions.

Use Permit No. 17-00012

David Swartz

1619 W Pembroke Ave, Hampton, VA 23661

Conditions**1. Issuance of Permit**

The Use Permit applies only to 1619 W Pembroke Ave [LRSN 1002424], and is not transferable to another location.

2. Certificate of Occupancy

The applicant must obtain a Certificate of Occupancy prior to commencing the vehicle storage operation.

3. Fencing & Screening

All storage areas shall be enclosed by a six (6) foot opaque fence.

4. Landscaping

- a. There shall be a landscaped buffer of at least twenty (20) feet in width between the fence identified in Condition #3 and any adjacent residential district or the property line of any property where an existing dwelling unit is located.
- b. There shall be a landscaped buffer of fifteen (15) feet in width between the fence identified in Condition #3 and the northeast property line, as shown in Exhibit A.
- c. Applicant shall maintain all existing vegetation, as shown in blue in Exhibit A.

5. Ledger

The vehicle storage operator must maintain a ledger containing all vehicles stored, and the date which storage begins.

6. Length of Storage

Vehicles shall not be stored longer than sixty (60) days.

7. Salvage

No salvage or wrecking of vehicles shall occur in conjunction with the storage of vehicles.

8. Lighting

All outdoor lighting shall be focused downward and inward in a way that prevents a spillover effect on adjoining properties.

9. Compliance with Applicable Laws

The applicant must comply with all applicable Federal, State, and Local ordinances and regulations.

10. Revocation

Failure to comply with any conditions of this Use Permit shall constitute a violation of the provisions of Chapter 14 of the Zoning Ordinance and shall be cause for revocation of the use permit by City Council.

11. Nullification

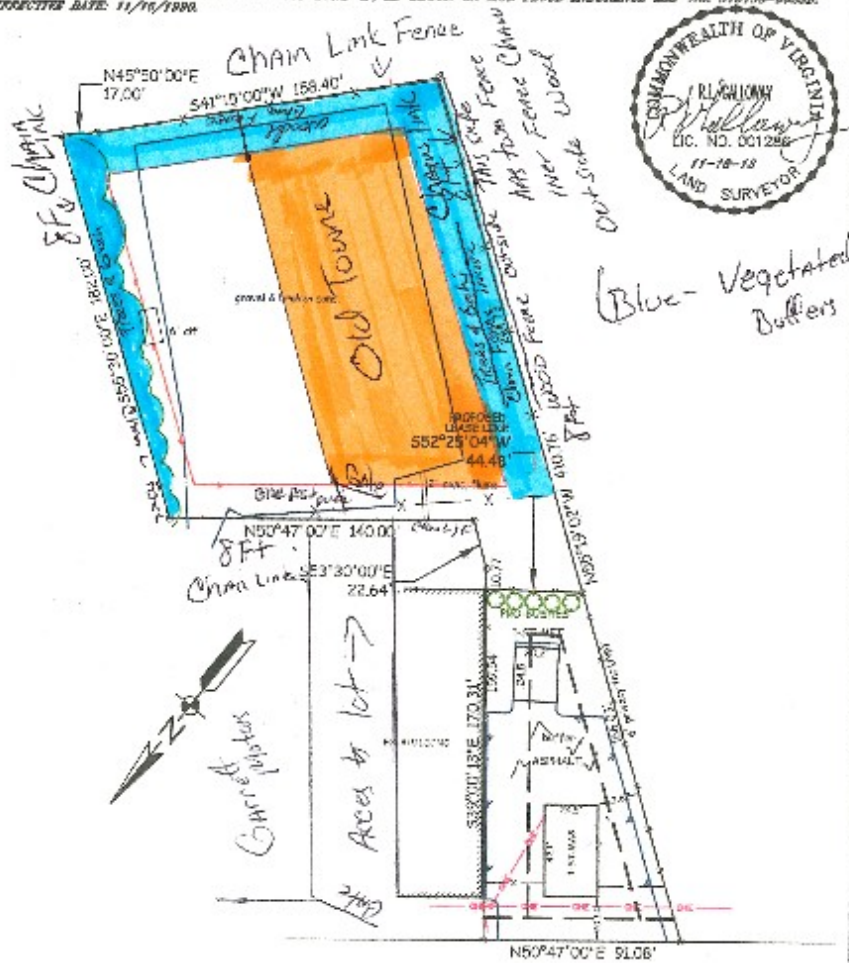
The use permit shall automatically expire and become null and void under any of the following conditions:

- a. If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- b. No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the city council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council; or
- c. Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

EXHIBIT A

NOTES:

- 1.) HOUSE DIMENSIONS SHOWN HEREON WERE PROVIDED BY THE BUILDER. RICHARD L. GALLOWAY ASSUMES THE DIMENSIONS AND LOCATION ARE BOTH APPROVED BY THE BUILDER, ONCE THE BUILDING PERMIT IS OBTAINED.
- 2.) A TITLE REPORT WAS NOT PROVIDED. THEREFORE ALL EASEMENTS AND RESTRICTIONS WHICH PERTAIN TO THIS LOT MAY NOT BE DEPICTED BY THIS PLAN.
- 3.) THIS MAP IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY; PROPERTY SHOWN HEREON WAS TAKEN FROM MAP OF RECORD.
- 4.) THIS LOT APPEARS TO BE LOCATED IN FLOOD ZONE 'X', AS SHOWN ON HUD FLOOD INSURANCE MAP NO. 510156-0688B, EFFECTIVE DATE: 11/16/1990.



W. PEMBROKE

LEASE PLAT

OF

1619 W. PEMBROKE

HAMPTON, VIRGINIA

FOR RECOVERY AGENTS LLC

SCALE: 1"=50' NOVEMBER 13, 2013

NECESSARY CALC

EXISTING (MAYBE)
 144' 20" x 40' 70" 88' 25"
 54' 00" x 1' 00" 20' 25"
 10' 00" x 1' 00" 20' 25"
 10' 00" x 1' 00" 20' 25"
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