

STAFF EVALUATION

Case No.: Rezoning No. 22-00005
Use Permit No. 22-00016

Planning Commission Date: October 20, 2022

City Council Date: January 11, 2023

Prepared By: Olivia Askew, Resiliency Specialist 727-2301
Reviewed By: Mike Hayes, Planning and Zoning Division Manager 728-5244
Bonnie Brown, Deputy City Attorney

General Information

Property Owner/Applicant Romero Properties, LLC
Site Location 924 Old Big Bethel Rd [LSRN: 4000717]

Aerial Map:

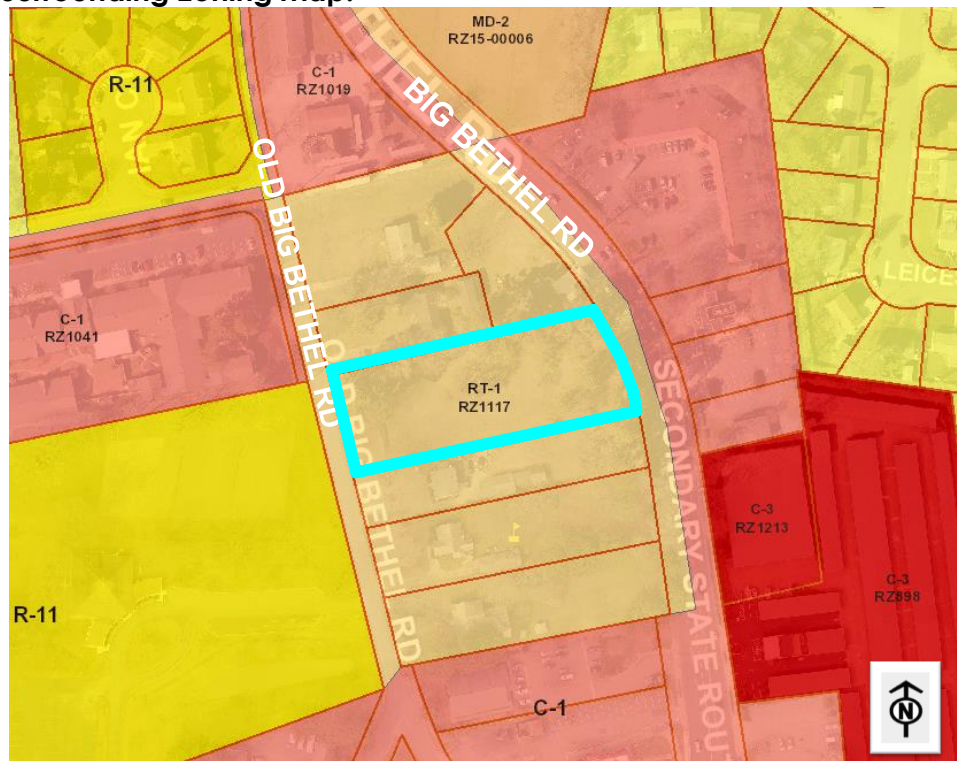


Requested Action Rezone one parcel, totaling 1.37± acres, from Residential Transition (RT-1) District to Multifamily Residential (MD-4) District with proffered conditions.

Use Permit to allow for the construction of multifamily dwellings within the Multifamily Residential (MD-4) District.

<i>Description of Proposal</i>	The development as described in the application includes a multifamily development, with thirteen (13) for-rent townhome units, distributed between three (3) two-story buildings. Community amenities include a courtyard with seating and a grilling station, electric vehicle charging stations, and permeable pavers.
<i>Existing Land Use</i>	Vacant
<i>Zoning</i>	Residential Transition (RT-1) District, RZ1117 for which additional detail is provided below in the Zoning History section
<i>Surrounding Land Use and Zoning</i>	<p>North: Residential Transition (RT-1) District, RZ1117; single-family residential</p> <p>South: Residential Transition (RT-1) District, RZ1117; single-family residential</p> <p>East: Neighborhood Commercial (C-1) District; commercial shopping center</p> <p>West: One Family Residential (R-11) District, Neighborhood Commercial (C-1) District, RZ1041; single-family residential, religious facility</p>

Surrounding Zoning Map:



<i>Public Policy</i>	The <u>Hampton Community Plan</u> (2006, as amended) is adopted as the guiding policy document for the City of Hampton. The <u>Hampton Community Plan</u> includes the following policy recommendations pertinent to this case:
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Land Use and Community Design Policies:

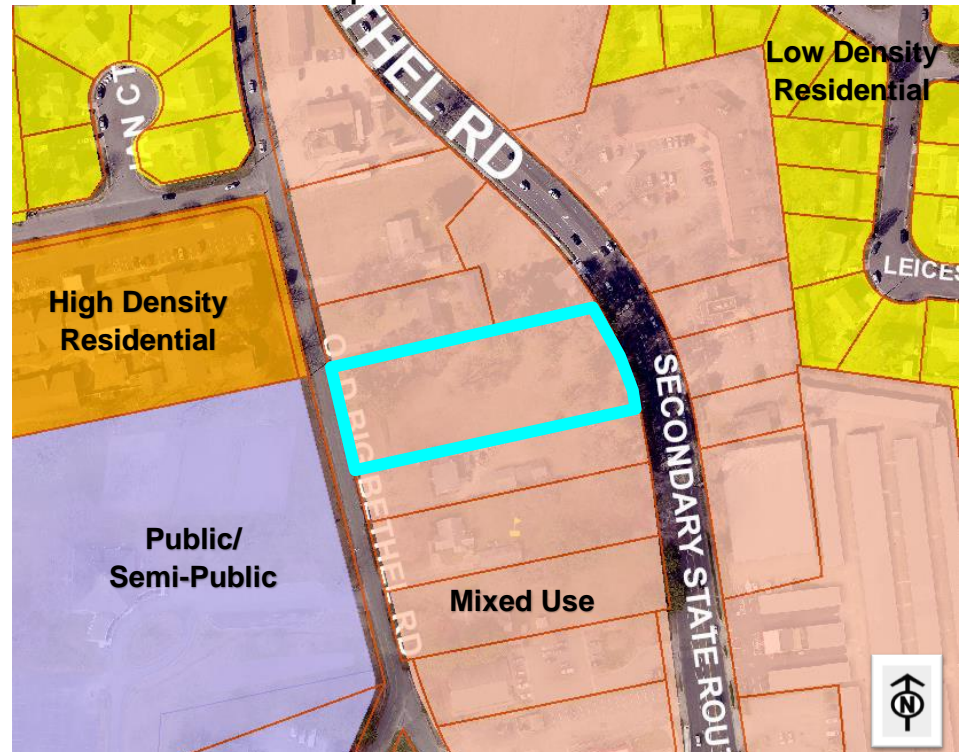
LU-CD Policy 3: Encourage and maintain a diverse mix of housing types and values.

LU-CD Policy 29: Encourage high quality new developments that are compatible with surrounding neighborhoods.

LU-CD Policy 36: Protect adjacent neighborhoods and promote compatible land uses within the city's residential corridors. Compatible uses include medium and low density residential. Other potentially compatible uses include: high density residential and public/semi-public uses (churches, community facilities, schools, etc.).

Future Land Use:

The Hampton Community Plan (2006, as amended) designates this area as mixed-use.

Future Land Use Plan Map:**Zoning History**

In spring of 2000, the subject site was part of a larger comprehensive rezoning (RZ1117) which rezoned the "island" of properties between Old Big Bethel Road and Big Bethel Road from R-11 to RT-1. Approval of RZ1117 was seen as a compromise for land owners who wanted a greater range of permitted commercial uses on their properties, but would maintain the residential character of the corridor.

RT-1 allows uses that are compatible with single-family development while maintaining the residential scale. The RT-1 district

	also contains development standards that have restrictive design guidelines as well as traffic limitations.
<i>Traffic Impacts</i>	During an interdepartmental conceptual plan review, a traffic impact analysis (TIA) was determined to not be necessary for the proposed development. The proposed development is not expected to negatively impact traffic on Old Big Bethel Road. Any changes to the infrastructure on Old Big Bethel Road needed to accommodate the proposed development, such as curb and gutter, would be determined during the site plan review process.
<i>Environmental</i>	There are no significant or special environmental features on or adjacent to the subject. No wetlands were identified and the property is not within the Chesapeake Bay Preservation District Overlay or a Special Flood Hazard Area.
<i>Proffered Conditions</i>	<p>There are fifteen (15) proffered conditions. In synopsis, proposed proffered conditions include:</p> <ol style="list-style-type: none"> 1. Limiting use to multifamily residences, and accessory uses; 2. Substantial conformance with the conceptual plan and architectural elevations; 3. A maximum of thirteen (13) dwelling units; 4. The use of high quality building materials such as brick, cement fiber board, stone, vinyl trim, 30-year architectural shingles, etc.; 5. The use of high quality fencing materials; 6. Construction of a community amenity, such as a courtyard; 7. Resilient and sustainable elements, such as permeable pavers, electric vehicle charging station, Energy Star appliances, etc.; and 8. Screening of HVAC systems. <p>The full set of proffered conditions can be found in the application package.</p>
<i>Community Meeting</i>	A virtual community meeting was held September 15, 2022.

Analysis

Rezoning No. 22-00005 and Use Permit No. 22-00016 is a request by Romero Properties, LLC to rezone ± 1.3 acres located at 924 Old Big Bethel Rd [LRSN: 4000717]. The requested change in zoning is from Residential Transition (RT-1) District to Multifamily Residential (M-4) District with conditions, to build a 13 unit, townhome style development. A use permit is required to allow multifamily dwellings within the MD-4 District.

The proposed plan includes three (3) two-story buildings which contain the multifamily, townhome-style units. The units are proposed to be split vertically, with the character of

traditional row house townhomes. The five-unit building along Big Bethel Road will appear to front the street and address the pedestrian realm through the use of access doors, individual unit sidewalks, and fenestration. The remaining two (2) buildings are oriented towards the interior of the site, fronting on the private drive. The private drive contains a street stub, to allow future connectivity to the adjacent southern property. Though no development is proposed on the adjacent property, this point of connectivity would provide the opportunity for an interconnected development in the future. The site design is limited by the confines of the parcel and its location within the city – being relatively narrow and bordered by roads on two sides. While a dead-end private drive with units on one side of the street typically isn't neighborhood design that would be encouraged, with the street stub and units addressing Big Bethel Road, the design is appropriate for the site when anticipating future development.

The proposed community amenity includes, but is not limited to, a courtyard with seating and a grilling station. Additionally, the proposed development contains resilient and sustainable elements. The development would include an electric vehicle charging station, serving two vehicles, and permeable pavers on the driveways and sidewalks. The buildings would be designed to withstand a 110 mile per hour wind-load and install Energy Star appliances. These elements implement some the objectives of the Resilient Hampton Initiative and goals outlined in the Community Plan.

The proposed development is consistent with the future land use recommendation of the Hampton Community Plan (2006, as amended), which designates the subject property, and surrounding properties, as a mixed-use node. The Plan identifies this portion of Big Bethel Road as a residential corridor with commercial/mixed-use nodes (LU-23). For this corridor, the Community Plan encourages promoting uses compatible with the residential character, such as medium and low density residential uses (LU-CD 36). At 10 units per acre, the proposed townhome style development would be categorized as medium density residential, and is thus a compatible use with the corridor.

In addition to the policy of the Community Plan, the proposed development is consistent with the basis for the subject site's Residential Transition (RT-1) District comprehensive rezoning. The RT-1 District was established to serve as a buffer between single family residential districts and arterial roads by providing a transition from low-density residential to non-residential uses. The comprehensive rezoning to the RT-1 district, in the spring of 2000, was supported by the community for the purpose of allowing expanded uses in the area while maintaining the residential character. As medium density residential uses are an appropriate transition between single family residential and non-residential uses, this rezoning request is consistent with the comprehensive rezoning. The applicant is unable to develop the site with the RT-1 District due to conflicting development standards within the Zoning Ordinance. The requested MD-4 district offers the best opportunity to appropriately develop townhouse style residences on this site.

There are fifteen (15) proffered conditions including a limitation of the use of the site and allowable maximum unit count, conformance with the conceptual plan and elevations, high quality building and fencing materials, inclusion of a community amenity, and resilient and sustainable elements. Additional proffered conditions can be found in the rezoning application. The proffered conditions ensure that the proposed development will meet the goals of the Community Plan.

If the use permit is to be granted, staff has identified eight (8) recommended conditions based upon the proposed use's operational and land use characteristics. A few key conditions are highlighted below:

- Compliance with the proffered conditions
- Installation and maintenance of the community amenities
- Flexibility in the type of permeable paver system utilized in the development
- Signage for the electric vehicle charging stations

At the October 20th, 2022 Planning Commission public hearing, the Commission motioned to recommend denial of both the rezoning and use permit application. Concerns were raised about the proposed density of the development. The applicant has since revised the proffer statement and application and has reduce the total proposed number of units from 16 to 13.

Staff recommends **APPROVAL** of Rezoning Application No. 22-00005. If approved, staff recommends approval with fifteen (15) proffered conditions.

Staff recommends **APPROVAL** of Use Permit Application No. 22-00016. If approved, staff recommends approval with eight (8) conditions.