

STAFF EVALUATION

To: Planning Commission

Prepared By: Donald Whipple, AICP
Garet Prior

728-5235
727-6077

Reviewed By: Keith Cannady, AICP
Sharon McSmith, CAP

728-5239
728-5240

Case No.: Rezoning Application No. 1310-2013

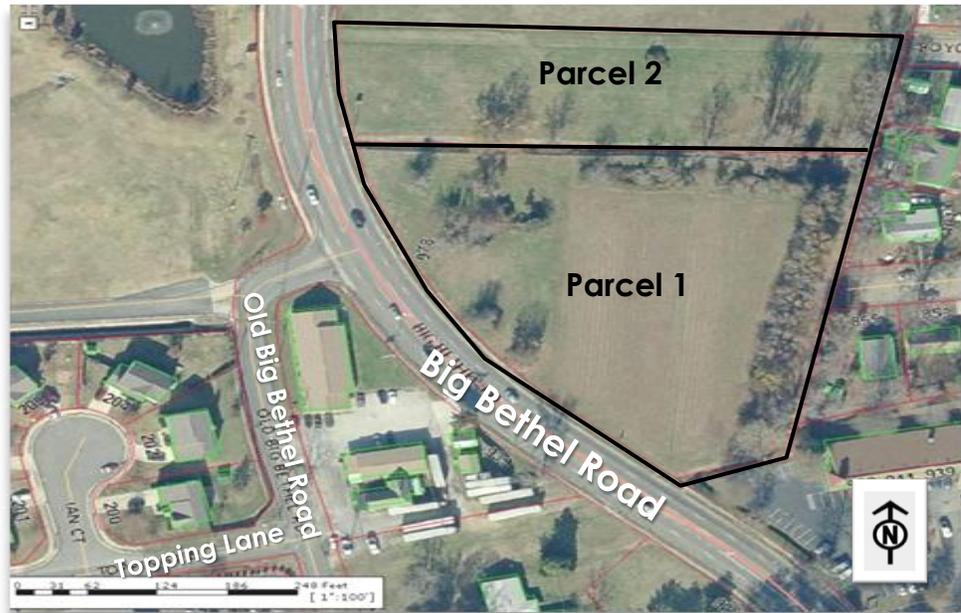
Date: 04/04/2013

General Information

Applicant Agent T R Development Hampton, LLC

Owner SLL Properties, LLC, J. Robert Harris III, Manager

Location 978 (Parcel 1) and 1014 (Parcel 2) Big Bethel Road (LRSNs 4001445 and 4001446).



Requested Action

Rezone Parcel 1 (2.78± acres) Neighborhood Commercial District (C-1) and Parcel 2 (1.86± acres) One Family Residence (R-11), to Limited Commercial District (C-2) with conditions to permit the construction of a funeral home and crematorium.

Description of Proposal

The applicant will vacate the lot line between Parcel 1 and 2 to construct a single-story funeral home and crematorium with associated parking area and stormwater facility..

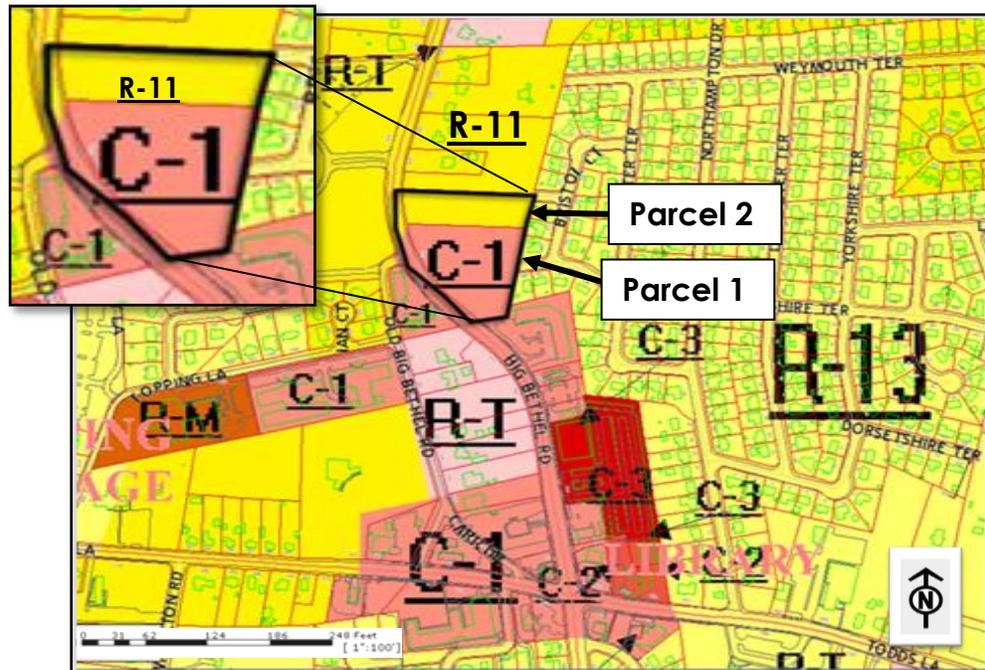
Existing Land Use

Vacant Property

Zoning

Parcel 1: Limited Commercial (C-1)

Parcel 2: One Family Residence (R-11)

*Surrounding Land Use and Zoning***North:** R-11, One Family Residential**South:** C-1, General Retail Shopping Center**East:** R-13, One Family Residential**West:** C-1 and R-11, Neighborhood Commercial Retail and Liberty Baptist Church*Public Policy*

The Hampton Community Plan (2006, as amended) designates this section of Big Bethel Road as a "**Residential Corridor with Commercial Nodes**". These corridors have a mix of residential and commercial uses and they include some of the city's oldest commercial developments. New and expanded commercial uses in these corridors are encouraged to concentrate within established commercial nodes (pp. LU-20).

Applicable corridor policies for this project include:

LU-CD Policy 34: Follow a planning process for corridors to identify and address land use and community design issues that are unique to the individual corridor.

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. Areas specified for corridor oriented commercial include business corridors and commercial nodes within residential corridors.

The Community Plan also includes the following policy recommendations pertinent to this case:

LU-CD Policy 5: Promote increased compatibility, interdependence, and support among the city's neighborhoods, districts, and corridors.

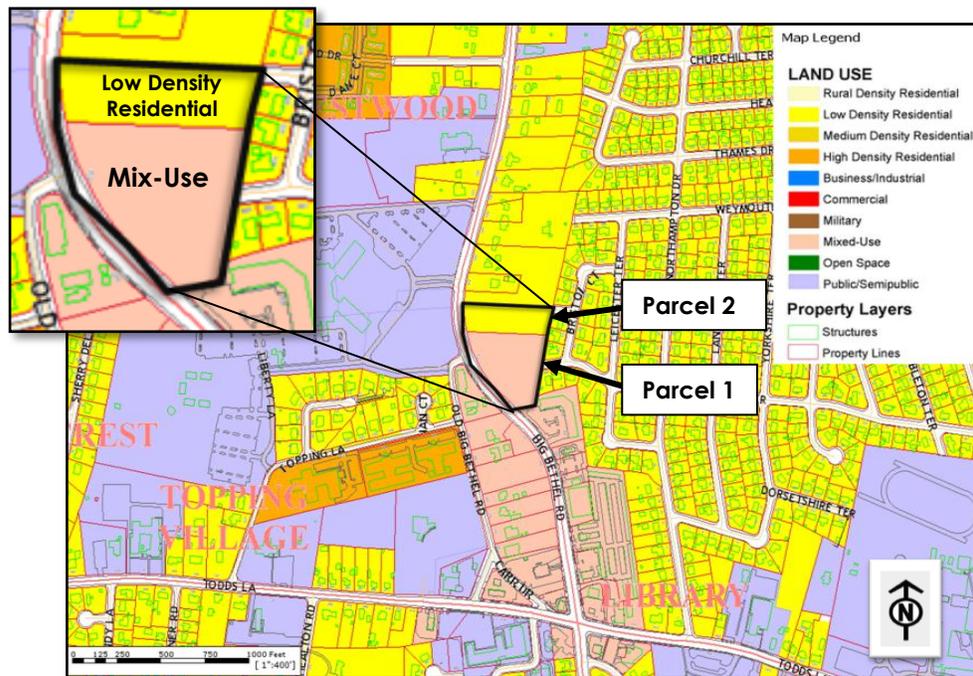
LU-CD Policy 11: Promote high quality design and site planning that is compatible with surrounding development.

LU-CD Policy 17: Preserve and enhance the identity and scenic qualities of city corridors and gateways.

Future Land Use:

Parcel 1 is classified as Mixed-Use. This category encourages development of two or more compatible land uses and densities as the primary uses within one parcel, building structure, or the same block. Mixed uses considered potentially compatible are those that allow options for: Live/Work, Retail/Office, Residential/Retail, Tourist Attractions/Community Facilities and Light Industrial/Residential.

Parcel 2 is classified as Low Density Residential. This category encompasses most single family residential subdivisions in Hampton. Low density residential development includes areas with a recommended density range from 3.5 units to less than 9 units per acre.



Narrative concerning Future Land Use Development: “Plan for Future Land Use: the updated Land Use Plan will protect residential neighborhoods, encourage commercial investment in established centers and districts, promote revitalization in strategic areas of the city, and protect environmentally sensitive areas” (pp. ST-2).

Economic Development objectives that apply to this proposal include nurturing and supporting established and new businesses; and enhancing economic activity within existing neighborhoods, districts, and corridors (pp. ED-3).

ED Policy 1: Retain, expand, and attract businesses that provide jobs with family supporting wages.

ED Policy 10: Foster the successful redevelopment of well - situated vacant and underutilized commercial and industrial properties within the city.

ED Policy 12: Focus special attention on strengthening the ability of older commercial and industrial areas to support new and expanded business activity.

Zoning History

Parcel 1 at 978 Big Bethel Road (LRSN 4001445) was rezoned from R-11 to C-1 in January of 1977. This was a part of a comprehensive rezoning enacted by the City of Hampton for parcels along the east side of Big Bethel Road extending from the intersection of Big Bethel Road and Todds Lane, to the subject parcel.

As for 1014 Big Bethel Road (LRSN 4001446) there is no record of changes in the zoning of the property.

Conditions

Condition #1 – Limitation on Uses: The Property may only be used as a funeral home and crematorium, which includes administrative offices, state rooms/viewing rooms, chapel, parking areas, maintenance and storage areas, landscaping. All other uses are prohibited.

Condition #2– Site Plan: The site shall be developed in substantial conformance with the conceptual site plan prepared by CAE, Inc., and entitled, "Preliminary Site Plan for 1014 Big Bethel Road, Hampton, Virginia, January 31, 2013 CAE, Inc. Engineers, Planners, and Construction Consultants," a copy of which is on file with the Planning Division of the Community Development Department and has been exhibited to the Planning Commission and the Hampton City Council for illustrative purposes and to provide justification for this rezoning action. Any significant changes in the conceptual site plan may be made to accommodate environmental, engineering, architectural, topographic or other development conditions or site plan approval requirements as required by law and subject to the approval of the Director of Community Development. A copy of the final approved site plan shall be placed in the file with the Planning Division of the Department of Community Development and shall supersede any previously filed conceptual site plan.

Condition #3 – Elevations: The funeral home and crematorium buildings shall be constructed in substantial conformance with elevations and floor plans prepared by WTG Design Architects, LLC, and entitled, "Taylor-Robinson Funeral Home," dated November 11, 2012, a copy of which is on file with the Planning Division of the Community Development Department and has been exhibited to the Planning Commission and the Hampton City Council for illustrative purposes and to provide justification for this rezoning request. Any significant changes in the elevations and floor plans may be made to accommodate environmental, engineering, architectural, topographic or other development conditions or site plan approval requirements as required by law and subject to the approval of the Director of Community Development. A copy of the final approved elevations and floor plans shall be placed in the file with the Planning Division of the Department of Community Development and shall supersede any previously filed conceptual elevations and floor plans.

Condition #4 – Architectural Standards: The development shall embody the qualities of residential design and construction to the maximum extent practicable:

(A) Maximum height of the funeral home and crematorium buildings shall be thirty-five (35') feet;

(B) Gable and hip-style roofs shall be permitted; flat roofs if used will not be noticeable from the West, North or South sides of the proposed development; a mansard hip-style roof system will be used at West, North and South elevations;

(C) Roof pitch shall meet all applicable codes;

(D) Primary roof materials shall consist of minimum 30-year architectural asphalt shingle; standing seam metal and cedar shake may be used as an accent roofing material;

(E) Primary building materials shall consist of brick masonry or stone. Secondary and/or accent materials may include concrete masonry units, precast concrete, EIFS and concrete fiber board products. Vinyl and aluminum products shall be limited to window frames and trim; the use of vinyl and/or aluminum siding products shall not be permitted; and

(F) Windows shall cover between ten (10) and fifty (50) percent of any exterior wall not including breaks visible from an existing or proposed right-of-way.

Condition #5 – Landscape Buffer: There shall be a twenty (20) foot wide landscape buffer established along the northerly, easterly and southerly boundaries of the site as shown and depicted on the conceptual site plan prepared by CAE, Inc., and entitled, "Preliminary Site Plan for 1014 Big Bethel Road, Hampton, Virginia, January 31, 2013, CAE, Inc. Engineers, Planners, and Construction Consultants," a copy of which is on file with the Planning Division of the Community Development Department and has been exhibited to the Planning Commission and the Hampton City Council for illustrative purposes and to provide justification for this rezoning action. The landscape buffer shall include a mix of evergreen (minimum 8-10 feet in height) and deciduous (minimum 2" caliper) trees; supplemented with evergreen and deciduous shrubs (minimum 24" in height).

Condition #6 - Lighting: All exterior lighting, both site and building, shall consist of full cut-off fixtures that are directed inward and downward to the site.

Condition #7 – Fencing: Free standing walls and/or fences located within the front and side yards shall be limited to brick masonry, stone (to complement the structures) and/or black decorative metal picket fencing. Opaque fencing may be permitted within the rear yard. The use of electrified or chain-link fencing shall not be permitted.

Condition #8 – Signage: Freestanding signage shall be limited to ground-mounted, monument style signage; with a maximum area 48 square feet; maximum height of any sign shall not exceed eight (8) feet.

Condition #9 – Traffic Improvements:

(A) The Grantor shall upgrade at its sole cost and expense the intersection of Old Big Bethel Road and Big Bethel Road per the recommendations listed in Chapter 7 of the submitted "Traffic Impact Assessment 1014 Big Bethel Road Hampton, Virginia," dated November 21, 2012 as prepared by Bryant B. Goodloe, P.C., a copy of which is on file with the Planning Division of the Community Development Department. Upon Grantor's completion of the public improvements listed in chapter 7 of the Traffic Impact Assessment, the City of Hampton shall conduct an inspection of such public improvements and if and when accepted, the City of Hampton shall be responsible for maintenance of such public improvements within the public right-of-way.

Condition #10 - It is understood that all phases of the proposed project shall comply with all ordinances of the City of Hampton.

Condition #11 – Grantor acknowledges that further lawful conditions and restrictions may be required in accordance with City Code, City Zoning Ordinances and all applicable codes and regulations, by Grantee during detailed administrative and site plan reviews. Grantor further acknowledges that the City Code and City Zoning Ordinances shall control if more restrictive than the proffered conditions.

Condition #12 – All references herein above to zoning districts and to regulations applicable thereto, refer to the City Zoning Ordinance of the City of Hampton, in force as of the date the conditional rezoning amendment is approved by the Grantee.

Condition #13 – The Grantor covenants and agrees that (1) the Zoning Administrator of the City of Hampton, Virginia, shall be vested with all necessary authority on behalf of the governing body of the City of Hampton, Virginia, to administer and enforce the foregoing conditions and restrictions specified in this Agreement, including (i) the ordering in writing of the remedying of any noncompliance with such conditions, and (ii) the bringing of legal action or suit to ensure compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings; (2) the failure to meet all conditions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate; and (3) the Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the subject Property on the Map and that the ordinance and conditions may be made readily available and accessible for public inspection in the office of the Zoning Administrator and in the Planning Department and that this Agreement shall be recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia and indexed in the name of the Grantor and Grantee.

Parking

The zoning ordinance requires parking for a "Funeral Home or Mortuary" to include 1 space per employee, plus one of the following ratios, whichever is greater:

- (A) 1 space per 50 sq. ft. of public viewing area
- (B) 1 space per 3 seats in the chapel

In addition, bicycle facilities at a rate of 1 per 50 parking spaces will also be required.

The proposed occupancy for the chapel is 400 persons. Thus, the parking space requirement would be a minimum of 134 spaces + 7 for employees, which brings the total minimum required parking to 141 vehicular and 2 bicycle spaces.

The submitted preliminary site plan displays 141 total parking spaces.

Traffic Impacts

A traffic impact assessment (TIA) was conducted by WTG Design Architects for the proposed construction of a funeral home/crematorium (14,800 square feet), and a banquet facility (4,864 square feet) on the site. Models were conducted with the estimation that both facilities would have 300 seats each.

It was determined that most funeral visitation activities will take place around the early afternoon, resulting in higher traffic volumes during the noon peak hour (30 trips), with much less traffic associated with the site during the pm peak hour (14 trips).

Overall, the TIA found that the existing streets have adequate roadway capacity to accommodate this development. With the improvements noted below, this development will not have an adverse impact on the street system.

TIA Recommended Improvements:

1. Intersection of Big Bethel and Old Big Bethel Road
 - a. The entrance shall have 2-exiting lanes (1-left-thru & 1-right) and 1-entering lane
 - b. The pavement on southbound Big Bethel Road shall be marked for a 150' left turn lane
 - c. A right turn lane will not be warranted at this entrance
 - d. The traffic signal shall be modified to allow for this entrance
 - e. The traffic signal shall be retimed to allow for this movement & to maintain coordination on Big Bethel Road
2. Big Bethel Road & Right-in/Right-out
 - a. The entrance shall have 1-exiting lane (right only) and 1-entering lane
 - b. A right turn lane will not be warranted at this entrance
 - c. This entrance shall be signed and marked for right turn only

Although the TIA calculations were based on a proposed funeral home and meeting facility on the site, the omission of the meeting facility and increased footprint of the funeral home would actually result in fewer trips generated. Even with this, the applicant has still proffered to implement all of the study's recommendations for traffic improvements.

Schools

There are no impacts on school population numbers with the development of this site.

Environmental The applicant has noted that upon approval of their application they will be required to comply with the City's storm water management ordinance to address water quality and water quantity related to the redevelopment of this site.

Community Meeting The applicant presented the proposed project at a community meeting on March 7, 2013 at the Hilton Garden Inn Hampton. Approximately 25 individuals from the community attended the meeting. Topics discussed included the location and operation of a crematorium, impact to traffic, economic impact, flooding, environmental protection and landscape buffer preservation.

Analysis

Rezoning Application No. 1310-2013 is a request to rezone two vacant parcels of land at 978 and 1014 Big Bethel Road [LRSNs 40014455 and 4001446], totaling 4.64± acres from Neighborhood Commercial District (C-1) and One Family Residence (R-11) to a Limited Commercial District (C-2) with 13 conditions, to construct and operate a funeral home and crematorium. C-2 permits a funeral home with an approved Conditional Privilege. Parcel 1 at 978 Big Bethel Road (LRSN 4001445) was rezoned from R-11 to C-1 in January of 1977. This was a part of a comprehensive rezoning for parcels along the east side of Big Bethel Road extending from the intersection of Big Bethel Road and Todds Lane, to the subject parcel.

The R-11 zoning for 1014 Big Bethel Road (LRSN 4001446) has been in place since the Zoning Ordinance was enacted in 1960.

Staff is recommending **DENIAL** of Rezoning Application No. 1310-2013 due to the following:

1. The rezoning of Parcel 2 (1014 Big Bethel Road), from One Family Residential (R-11) to Limited Commercial (C-2) is not supported by the Hampton Community Plan (2006, as amended).

The Hampton Community Plan (2006, as amended) recommends that this section of Big Bethel Road corridor develop as a "Residential Corridor with Commercial Nodes" with a mix of residential and commercial uses, where new and expanded commercial uses are encouraged to concentrate within established commercial nodes (pp. LU-20).

There is an abundance of aging and underutilized commercially zoned property along major arterials roads throughout the city. Economic development policy recommends focusing on redevelopment, revitalization, and reinvestment within such commercial areas in lieu of expanding designated neighborhood commercial nodes. Corridor oriented commercial development is encouraged within these specified nodes to strengthen the viability of neighborhood commercial uses and to protect adjacent residential development.

If this application were approved, not only does it expand the existing commercial node into designated residential land uses, but it could also establish a precedent for future rezoning cases along this section of the Big Bethel Road corridor. This could lead to expanding commercial development of land which would change the overall residential character of the commercial corridor, increase traffic volumes and create land use conflicts with existing residential and institutional uses.

2. Although staff would not be opposed to an appropriately scaled funeral home use on Parcel 1, the scale of the proposed development raises concerns about the impact along this corridor and quality of life for the surrounding residents.

According to the Community Plan, corridors are defined as roadways with relatively high traffic volumes that may affect the type and character of development. To uphold this policy, it is important to consider the suitable land uses, appropriate scale of development, and connectivity to the surrounding neighborhoods. The expanded scale of the proposed commercial development and higher-level intensity of commercial zoning (C-2) does not fit with the character of this segment of Big Bethel Road, which is designated as a residential corridor with a specified commercial node. To accommodate the size of the proposed funeral home (15,496 sq. ft.) nets a larger parking lot and required storm water feature, resulting in an expanded commercial footprint (inclusion of Parcel 2) which lies outside of the established commercial node boundary. This is in direct conflict with the Hampton Community Plan (2006, as amended).

Although the applicant has proffered 13 conditions to mitigate any impacts of the development on surrounding properties, it is still in conflict with the recommended policies in the Hampton Community Plan (2006, as amended).

In conclusion, staff is recommending denial of Rezoning Application No. 1310-2013 due to its conflict of with the Hampton Community Plan (2006, as amended) by rezoning Parcel 2 to C-2 and the expanded commercial footprint that is needed to accommodate the intensity and scale of the development at this site.

Staff recommends denial of Rezoning Application No. 1310-2013