

STAFF EVALUATION

To: Planning Commission **Prepared By:** Mike Hayes, AICP 728-5244
Reviewed By: Terry O'Neill, AICP 727-6140
Bonnie Brown, Sr. Asst. City Attorney

Case No.: Rezoning Application No. 16-00012 **Date:** June 22, 2017

General Information

Applicant Marlyn Development Corp.
Property Owners AH&H Corp.
Site Location 1300 N Mallory Street [LRSN 12005714]



Requested Action To rezone 16.48 ± acres from Multiple Dwelling (MD-4) District with conditions to One Family Residence (R-4) District with conditions.

Description of Proposal The proposal includes up to 41 single family lots. The houses would be focused around a single road coming in off of N Mallory Street with a T at the end of the property near Mill Creek. The houses along N. Mallory Street would be rear loaded from a shared drive while the rest of the homes would be front loaded.

Existing Land Use Vacant

Zoning

The property is currently zoned MD-4 with conditions. The property was previously rezoned for a continuum of care arrangement with independent living townhomes closest to N Mallory Street and a nursing home facility constructed toward the rear.

A portion of the property is also located in the Chesapeake Bay Preservation (O-CBP) Overlay District and the Flood Zone (O-FZ) Overlay District. These factors limit the developable area of the site and include additional development standards that will not change based upon this rezoning request.

The boundaries of the Chesapeake Bay Preservation District are based upon the physical location of wetlands. The applicant has surveyed the wetlands but has not received confirmation from the Army Corps of Engineers. If the Army Corps finds the boundary inaccurate, it could affect the developable area, layout, and/or lot yield of the site, which could also lead to a need to amend the proffers at a future date. The applicant understands this and has chosen to proceed with confidence in their environmental survey.

Surrounding Land Use and Zoning

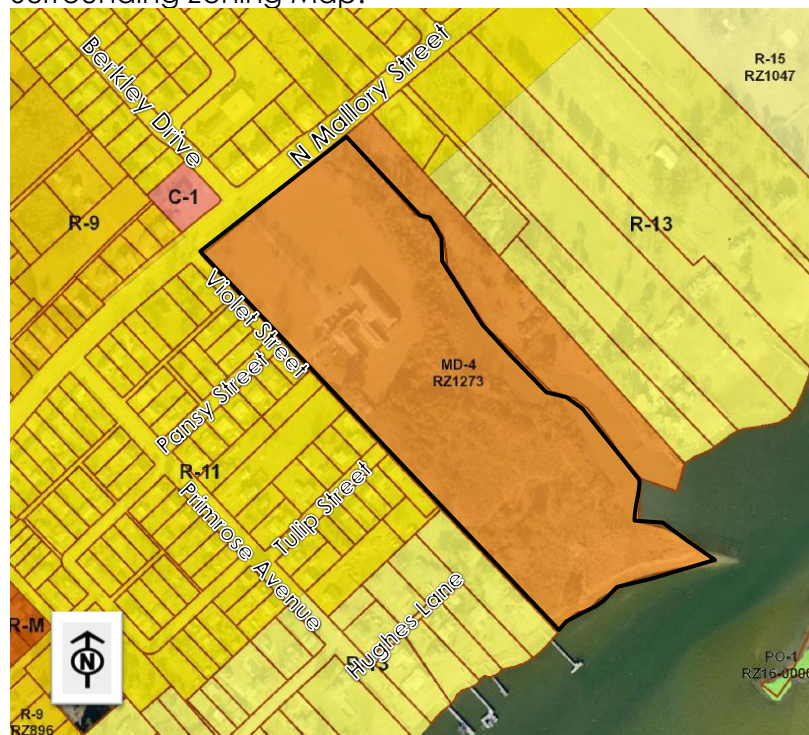
North: R-11 and R-13, One-Family Residence Districts; a creek and single family residences

South: R-11 and R-13, One-Family Residence Districts; single family residences

East: PO-1, Public Open Space; Mill Creek and Fort Monroe National Monument

West: C-1 and R-11, a religious facility and single family residences

Surrounding Zoning Map:



Public Policy

Objectives within the Land Use and Community Design component of the Community Plan include:

- 1) Promote the efficient use of land. Recognize land as a limited resource.
- 2) Leverage and promote the effective use of city services, assets, and amenities.
- 4) Be responsive to market and demographic trends and opportunities.
- 5) Protect community appearance character and design.
- 7) Be responsive to fiscal and other tax base implications of land use and community design.
- 8) Recognize environmental constraints and opportunities.
- 9) Protect real property values.

The Land Use section also specifically speaks to high values for waterfront land on page LU-11. "Developable waterfront land will continue to be a limited and very valuable resource within the region and the city. Waterfront land provides opportunities for economic development, environmental protection, and public open space. Well planned development and redevelopment of waterfront land provides an important opportunity to advance community goals and objectives."

Objectives within the Housing and Neighborhoods component of the Community Plan include:

- 9) Promote a diverse mix of housing values, types, and choices to meet the needs of different income groups, ages, and household types and sizes.
- 10) Promote an equitable distribution of housing values at the regional level.

Objectives within the Environmental Stewardship component of the Community Plan:

- 5) Protect and improve the natural features around Hampton.
- 15) Expand opportunities for enjoying the environment (connecting green spaces, waterways, walking and biking trails, etc.).
- 16) Protect the open space environment as an asset, valued

for aesthetics, recreation, and protection of wildlife habitats.

In an effort to achieve these objectives, the Hampton Community Plan includes the following policy recommendations pertinent to this case:

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

LU-CD Policy 4: Evaluate land use proposals from a regional, city-wide, and neighborhood perspective.

LU-CD Policy 6: Support the City's economic development priorities... [including] higher value housing.

LU-CD Policy 7: Safeguard the integrity of existing residential neighborhoods.

LU-CD Policy 9: Promote the appropriate use and reuse of water front land. Encourage appropriate design of new developments in relation to water.

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

LU-CD Policy 12: Encourage building design and site planning that enhances community interaction and personal safety.

LU-CD Policy 16: Promote public access, both physical and visual, to the water.

LU-CD Policy 19: Promote the important role of city waterways and water-related features.

LU-CD Policy 28: Treat residential streets as both public right-of-way and neighborhood amenities. Provide sidewalks, street trees, and other amenities that favor pedestrians.

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

Environmental Stewardship Policies

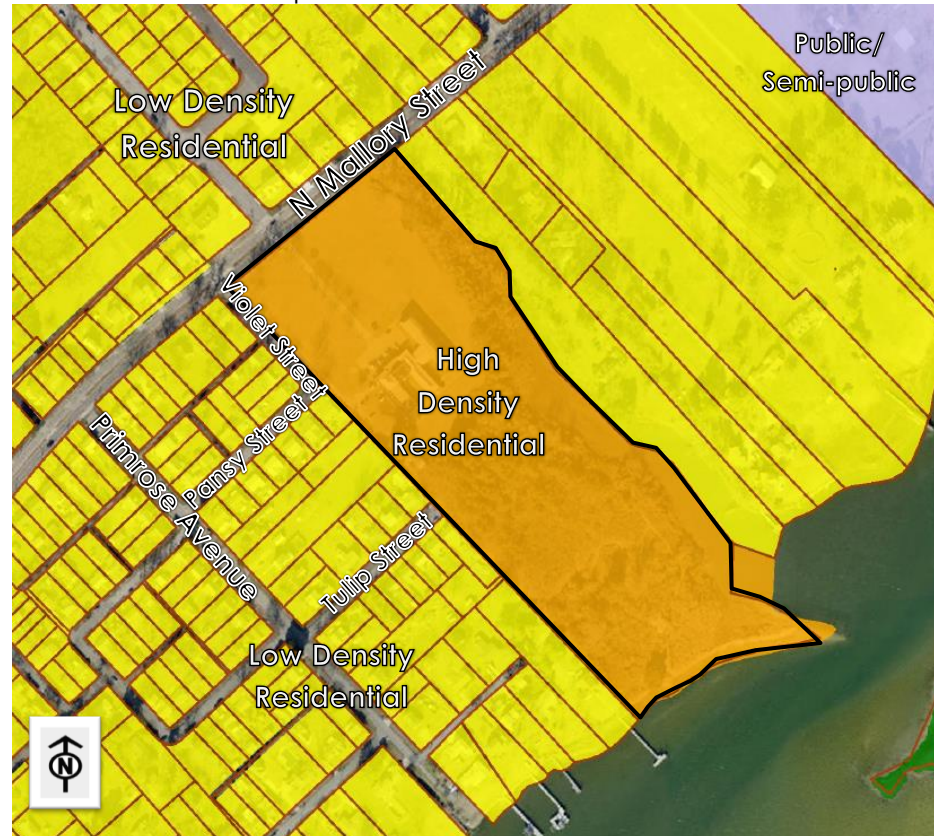
EN Policy 12: Comply with the Chesapeake Bay Preservation Act and regulations. Continue to implement and enforce the ordinance provisions and planning policies that advance the water quality objectives of the Act and regulations.

EN Policy 19: Promote the preservation and enhancement of functional open spaces such as greenways, blueways, and wildlife habitat corridors.

Future Land Use:

The property is designated for high density residential land use. High density residential is defined by the Hampton Community Plan as greater than 15 units per acre.

Future Land Use Map:



Buckroe Master Plan(2005, as amended)

Principles

- Develop new low-scaled beach oriented housing on underutilized, vacant, and derelict properties.
- Support the unique coastal character of the architecture in Buckroe.
- Develop an infill development strategy that respects the varied character of the community.
- Strengthen Buckroe as a coastal town in the City of Hampton.

Mallory Street Initiative

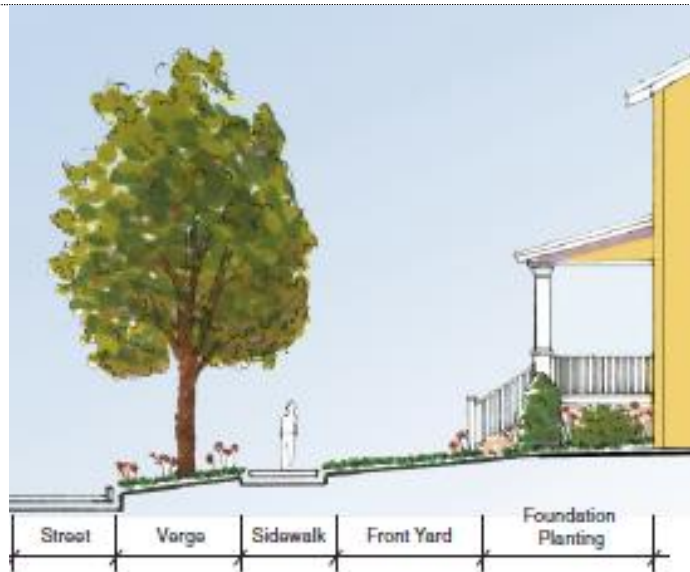


Central to the recommendations is the creation of a public park along Mill Creek and a pattern of new housing that connects seamlessly into the neighborhood directly to the south. (p.36)

Buckroe Bayfront Pattern Book (2007, as amended)

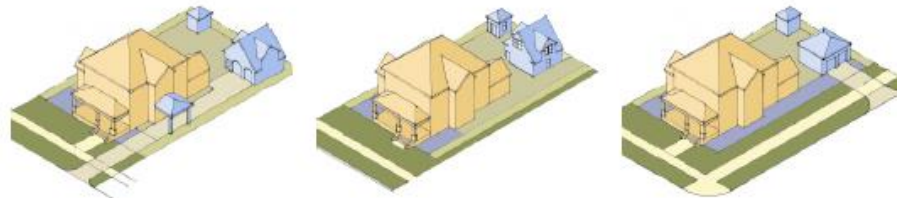
The best qualities of historic towns are those that provide connections between the elements most meaningful to both past and future, whether those are connections between people and a sense of community, between places and buildings, or between heritage and growth. (p.4)

The Buckroe Pattern Book relates a system of lot sizes that merge seamlessly with the existing neighborhood, as well as details for three architectural styles that represent the local historical context. From this information, design guidelines are established that aim to create sustainable, attractive housing that respects the qualities of the local traditions and landscape. (p.10)



Pedestrian and neighborhood oriented streetscape, front yard, and home design forming a public/semipublic, and private realm.

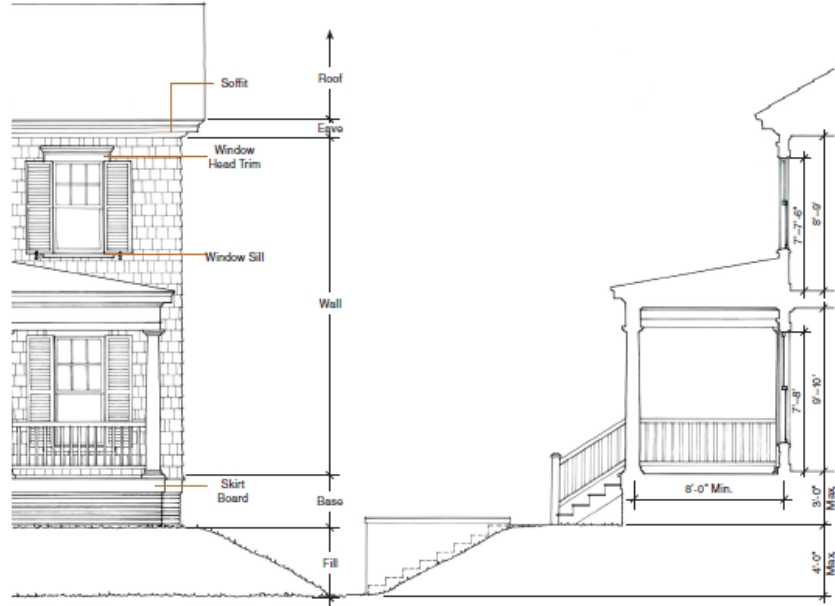
Driveways should be seen as landscape elements within the yard that enhance the beauty and setting of the house and garage, if present. As such, driveways should not be dominant elements on house lots.



Garage placement for front-loaded interior lot Garage placement for alley-accessed interior lots Garage placement for corner lot

In particular, using large expanses of cement as a driveway material tends to detract from the character of the house. If cement is used, it should only be poured for the tire tracks, or for a single driveway that slips past the house as unnoticeable as possible. (p.41)

Architectural Patterns



Colonial Revival



Romantic



Arts and Crafts



Traffic Impacts

The primary access to the site will be directly off of N Mallory Street. Given the size of the development, no traffic impact study was required. Impacts are expected to be minimal.

Environmental

Being adjacent to Mill Creek, the site is environmentally sensitive. Mill Creek is a tidal wetlands feature, which requires adherence to a 100' IDA buffer in this location. This affects both the northern and eastern edges of the property.

Sections of the site also fall into the flood zone overlay. This does

	not preclude the proposed subdivision. However, if the proposal moves forward portions of the development within the flood zone will have to meet additional standards.
<i>Subdivision Ordinance</i>	Section 35-69 of the City Code requires the block length of any new subdivision to be no greater than 1,000 feet. In making such a connection, a street connection meeting the Public Works Design and Construction Standards must be provided (§35-74). The Public Works Director is authorized to modify the standards "in order to preserve noteworthy features or otherwise enhance the amenity of the neighborhoods only upon findings that the public purposes of the design and construction standards would be met to at least an equivalent degree by such modification..." (§35-65).
<i>Community Meeting</i>	A community meeting was held on November 3, 2016.

Analysis

Rezoning Application No.16-00012 is a request to rezone 16.48 ± acres off of N Mallory Street on Mill Creek The location on Mill Creek makes this one of the rare opportunities for new development along Hampton's waterfront. The property is zoned Multiple Residence (MD-4) District with conditions. The previous rezoning was approved for the purposes of permitting the transition of Shelton-on-the-Bay to a modern continuum of care development with residential opportunities from independent living through nursing home and hospice care. Despite having the zoning changed with site and building design concepts proffered, nearly ten years ago, the nursing home closed its doors for good, and the vision did not come to fruition.

At this time, the current applicants are requesting a change in zoning to permit a single family subdivision under the One Family Residence (R-4) district. The R-4 zoning district permits the smallest lot sizes of the standard single family lot zones (the R- zones) and was adopted with the intention of facilitating traditional neighborhood lot patterns. In fact, the "Intent and application of the district" section (§ 4-101) of the R-4 zoning district lays out two possible scenarios for applying the district. This application falls under the second scenario.

- (1) Contiguous lots collectively comprising a minimum of twenty-four thousand (24,000) square feet of land area to justify consideration for applying the R-4 District within the context of the recommendations of the comprehensive plan and the surrounding zoning and development pattern; or
- (2) Geographic areas within the boundaries of adopted master plans, small area plans or neighborhood plans which recommend residential development on lots meeting R-4 standards and are further governed by a city adopted pattern book to which any development shall conform.

The applicants have also proffered that while the base district will be R-4, certain elements of the R-9, One Family Residence District, will be incorporated. Namely, the side yard and rear yard setbacks, the lot width, and minimum lot size. The front yard

setback is proffered to be 20', which is 5' deeper than the R-4 minimum, but still 10' shorter than the R-9 minimum. So, the houses would still sit relatively close to the sidewalk. Additionally, the side yard setback minimum for R-4 is 5'. By proffering the R-9 sideyard setback, a 60' lot would have a minimum side yard setback of 6' on one side.

The future land use recommendation of the Hampton Community Plan designates the subject property for high density residential land use, which is a reflection of support for the previous long standing use; a nursing home. A number of other policies and recommendations within the Community Plan are relevant to the application.

Within the Land Use and Community Design chapter, a section is dedicated to waterfront property, stating:

Developable waterfront land will continue to be a limited and very valuable resource within the region and the city. Waterfront land provides opportunities for economic development, environmental protection, and public open space. Well planned development and redevelopment of waterfront land provides an important opportunity to advance community goals and objectives.

The Plan also includes a host of policies intertwining the need for good site and building design with the fact that the waterfront is a great asset and limited resource. The presence of wetlands and the flood zone present additional challenges and opportunities with respect to the development of the property. This being the case, along with the fact that the applicant is requesting the City's densest single family district, all the more careful consideration must be given to whether or not this specific proposal, in its totality, meets the goals, objectives, and policies adopted by the City of Hampton.

In addition to the broad policies found within the Hampton Community Plan, the property falls within the boundaries of the Buckroe Master Plan (2005, as amended), which is augmented by the Buckroe Bayfront Pattern Book (2007, as amended). These documents were created and adopted in recognition of the uniqueness and opportunity present in this area. On page 17 of the Master Plan, two of the overarching design principles include:

- Support the unique coastal character of the architecture in Buckroe.
- Develop an infill development strategy that respects the varied character of the community.

In its opening the Buckroe Bayfront Pattern Book describes its purpose, which is very informative in reviewing applications in the Buckroe area:

The best qualities of historic towns are those that provide connections between the elements most meaningful to both past and future, whether those are connections between people and a sense of community, between places and buildings, or between heritage and growth. The Buckroe Pattern Book describes Buckroe's unique character and the essential characteristics of its built form that citizens know and cherish.

Waterfront Access

Recognizing the significance of this site, the Buckroe Master Plan includes a verbal and graphic depiction of future development of the site. At the time the Plan was adopted the expectation was that some form of the nursing home would remain, but, despite the change in land use proposed for this property, many of the Plan's policies remain relevant. Importantly, the Plan states, "central to the recommendation is the creation of a public park along Mill Creek and a pattern of new housing that connects seamlessly into the neighborhood directly to the south." Accordingly, community access to the waterfront, even if limited to residents of the proposed development rather than the general public, is an important factor in determining whether the development is consistent with the Plan. Such access not only improves the quality of life for the people but tends to add long term value to the community.

In this case, the proffer statement includes a vague description of a mulch path to the water. While a path is shown on the concept plan it is tacked on to the corner of the development and not integrated into the design. The proposal does not approach taking full advantage of the waterfront and natural amenities surrounding the site.

Site Layout

The requested R-4 zoning district allows for the highest single-family residential density and balances that density by calling for adherence to "a city adopted pattern book" to ensure traditional neighborhood patterns and quality design and form (Zoning Ordinance Section 4-101). The applicant has decreased the potential yield of the site by one lot, going from the previously proposed 42 lots to a maximum of 41 lots while proposing 60' wide lots rather than the minimum 50' wide lots.

In reviewing the proposed site layout proffered by the applicant, the following characteristic is not consistent with adopted ordinances and policies:

- Fundamentally, the site layout is an isolated dead end with one long road leading in and no connections to the existing street pattern. In choosing this design and not making a connection where one is available, the applicant ignores a requirement of the subdivision ordinance (City Code Sec.35-69.), which requires blocks to be 1,000 feet or less in length. The applicant proposes an emergency vehicle access without the traditional curb cut or fully formed street, which are required by the Public Works Design and Construction Standards. This proposal conflicts with City ordinance requirements and as such, even if the rezoning was to be approved, the proffer referencing the conceptual plan should not be accepted.

In reviewing the proposed site layout proffered by the applicant, the following characteristics are consistent with adopted policies:

- The five lots proposed to front on N. Mallory Street would be accessed from the rear. This is in keeping with the traditional pattern along Mallory Street.
- The applicant proffers that at least one street tree will be planted for each home constructed, which is positive, but does not include a depiction of a sidewalk, verge (area between the curb and sidewalk), and placement of trees as a part of any exhibit.

- In looking at the environmental sensitivity of the site, the proposed layout creates lots with enough space to erect one of the proposed homes and provide at least a small backyard or deck space without intruding into the Chesapeake Bay Preservation District buffer area.

Density and Form – Elevations

Review then turns to the expectations for development on individual lots. The Pattern Book is applicable to the entire Buckroe Master Plan area as a policy document and is reference by the R-4 zoning district where, in instances such as this, it is necessary to follow an approved pattern book.

The following section breaks out the recommendations of the Pattern Book. The Tier 1 category includes the most important and basic elements included in the Pattern Book. As explained to the applicant, Tier 1 is the baseline for review and potential staff support. The Tier 2 elements relate more to details and supplement the Tier 1 necessities. The Tier 2 elements are important, however any individual element is not as critical as each found in Tier 1. A fair amount of flexibility can be found in Tier 2 while still achieving the goals of providing higher value housing, creating a pedestrian friendly environment, and enhancing the coastal character and sense of place for the broader Buckroe community.

Tier 1: The Most Important Elements

- a) Emphasize front doors and downplay garages.
 - a. Building on raised foundations. The Pattern Book recommends a finished floor 3' above grade.
 - b. Building to the façade zone. The Pattern Book recommends the fronts of houses be located within a façade zone, which is defined as the first ten feet behind the front setback line. All homes should be sited so that the front walls of living space fall within this zone.
 - c. Recessing the garage. Elevations where the front wall of the house stands in front of the garage are envisioned in the Pattern Book.
 - d. Front Porches. The Pattern Book recommends the inclusion of front porches that span the remaining width of the front, which helps to deemphasize the garage. Elevations with only a stoop tend to emphasize the garage when the garage is located at the front of the house.
- b) Variation in architecture so that houses are visually distinct from each other is also important. The Pattern Book recommends adjacent houses vary in multiple ways from each other. This should include houses that are across the street and diagonal from each other. At least two of the following should vary from house to house:
 - c) Number of stories
 - d) Overall shape
 - e) Architectural style
 - f) Materials and/or color
 - g) Treatment of corner lots.
 - a. Corner lots should have side loading garages.

- b. The facade facing the side street should be constructed in the facade zone (within 10' of the setback).
 - c. The side elevation facing a street should contain ample windows, which are aligned vertically and horizontally like the front façade.
 - d. An articulated entrance should be incorporated into the side. This entrance need not be as ornate as the front entrance, but it should be substantial enough to provide a street presence.
 - e. Fences between the side elevation and the street should be limited to four feet in height.
- h) Streetscape. Given the presence of two car garages on the front and double wide driveways leading from those garages to the street, it is all the more important to be thoughtful about the streetscape in order to create and maintain a pedestrian friendly environment.
- a. A verge containing street trees. The verge should be sized appropriately for mature tree growth and maintenance.
 - b. Species choice and spacing should allow for a full, continuous canopy to develop at tree maturity.

Tier 2: Important Details

The Pattern Book recommends:

a) Details

- a. Eaves should be 12" to 18" deep.
- b. Windows should not be 1 over 1. They should vary based upon the architectural style of the home. It appears the proposed elevations are mostly Colonial in style, and the 6 over 6 windows are appropriate.
- c. Columns should be a substantial size. For Colonial style homes that means 8" to 10" square columns or 10" to 12" round columns.
- d. Trim around windows and doors should be a minimum of 6". Smaller may be appropriate on the sides with faux shutters.
- e. The Pattern Book recommends the use of real shutters that are appropriately sized for the opening. Faux shutters are acceptable, but the rule of being appropriately sized for the window opening should be followed. Shutters should not appear beside grouped windows.
- f. Articulated garage doors. Since garage doors will be a significant design element of the front facades, a higher level of garage door articulation is preferred. Preferred garage door designs include window elements, appropriate hardware, unique trim elements and other variations of appropriate designs elements. Garage door design should vary from lot to lot.

b) Materials and Color

- a. Brick skirting should be utilized.
- b. The Pattern Book recommends the use of wood or cementitious fiber board (Hardi-plank) and prohibits vinyl siding. However, flexibility is appropriate at this location, and a premium, durable vinyl siding is

acceptable. Though not shown in any elevations, brick is also an acceptable primary cladding material. Brick and stone are acceptable as an accent material.

- c. Siding color should be a rich coastal palate with white trim. Even on Colonial style houses, coastal colors and tones should be used rather than a traditional Colonial woody palate.

In reviewing the proposed elevations proffered by the applicant, the following characteristics are generally consistent with the adopted policies described above:

- The applicant has proffered that no two homes with the same elevation or color scheme would be located adjacent or across from each other.
- The proffers include a thicker grade of vinyl siding with the potential for masonry accents. Roofing materials would include 30 year architectural grade shingles, as well as metal roof accents as an option.
- The proffers also state that corner lots will have rear or side loaded garages. However, the proffers do not guarantee steps will be taken, such as having a substantial porch or recessing the garage, to down play the garage.

In reviewing the proposed elevations proffered by the applicant, the following characteristics are generally not consistent with the adopted policies described above:

- Some elevations do not vary significantly from one another.
- None of the elevations meet the "tier 1" policy standards to varying degrees.
- Several of the elevations do not embrace the coastal character of Buckroe as described in the Master Plan and Pattern Book.
- The proffers guarantee that half of the homes will have porches, but half may not.
- The minimum elevation proposed in the proffers is, at best, half of the recommended height.
- The proffers also do not address certain details, such as column and trim size. The prominence of the two car garage toward the front of relatively narrow lots with shorter front yard setbacks detracts from the establishment of a walkable, coastal community, and calls into question the viability of the proposal as a higher value residential community for years to come.

The proffers do state that a minimum of half of the homes would have porches, which potentially leaves half without. This means that the following elevations could be built, potentially any one of them numerous times, if the application is approved:





The applicant has added 15 elevations, essentially multiple variations on 3 distinct elevations. This brings the total proffered elevation drawings to 54 for the 41 lots, with the potential of designs being repeated every other lot. Therefore it is crucial that the determination is made that not simply that certain proffered elevations meet the guidance of the Pattern Book or are deemed “good/close enough” staff, Planning Commission and ultimately, City Council, but that all of the elevations meet this level of review.

Conclusion and Recommendation

Lastly, the quality of development and amount to which policies and standards are compromised at this waterfront location has the potential to set precedent for

redevelopment of the neighboring College Court area, which is also identified in the Mallory Street initiative area of the Buckroe Master Plan.

The application is a request to rezone to the R-4 zoning district, while creating lots that are 10' wider than the R-4 minimum. The proffered conceptual plan removes a previously proffered connection to the established neighborhood adjacent to this site. Connecting the proposed development to the existing neighborhood via Tulip Street would serve to provide required emergency access, a secondary access point for the new development, and ease navigation at the current end of Tulip Street for Public Work's vehicles (trash trucks) and private vehicles alike.

The proffered conditions would also require larger side yard setbacks (anywhere from 6' to 10' minimum for a 60' wide lot). The proffers also increase minimum front yard setback from 15' to 20', which is still significantly closer to the street than the 30' minimum front yard setback of the other single family residential districts. As such, the treatment of the front of the homes, adhering to the principle of engaging the public realm and designing for improving the potential of neighborhood interaction and safety, is vitally important. However, the combination of the proffered concept plan, elevations, and other details do not amount to a development consistent with the goals, objectives, and policies of the Hampton Community Plan, Buckroe Master Plan, and the Buckroe Bayfront Pattern Book.

Staff recommends **denial** of Rezoning Application No. 16-00012.