

STAFF EVALUATION

To: Planning Commission

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Case No.: Conditional Privilege Application No. 135-2013

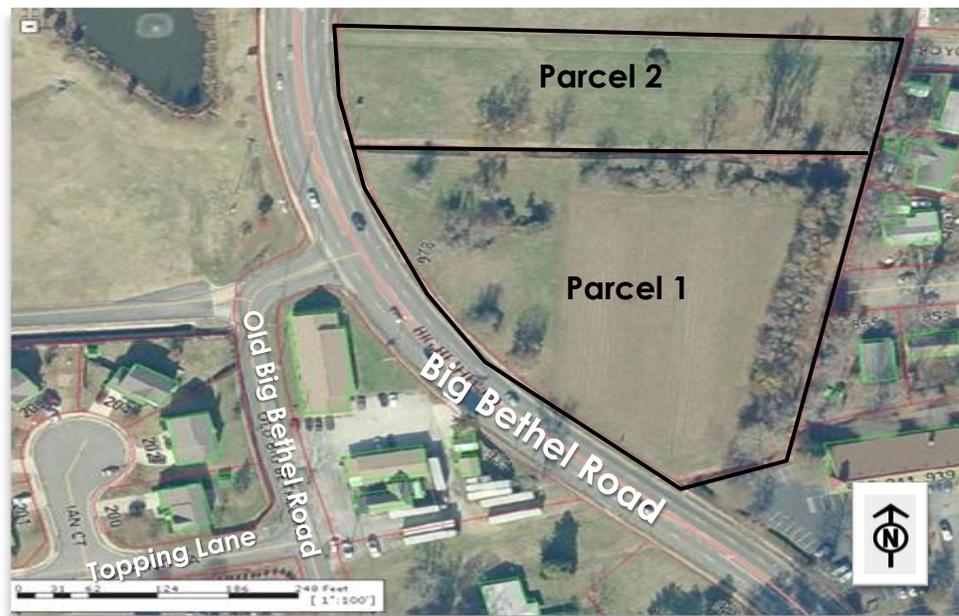
Date: 04/04/2013

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

Conditional Privilege application to operate a funeral home and crematorium on parcels at 978 and 1014 Big Bethel Road [LRSNs 40014455 and 4001446], totaling 4.64± acres. The parcels are zoned Neighborhood Commercial District (C-1) and One Family Residence (R-11) which requires a rezoning to Limited Commercial District (C-2), and an approved Conditional Privilege to operate a funeral home and crematorium.

Description of Proposal

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

Existing Land Use

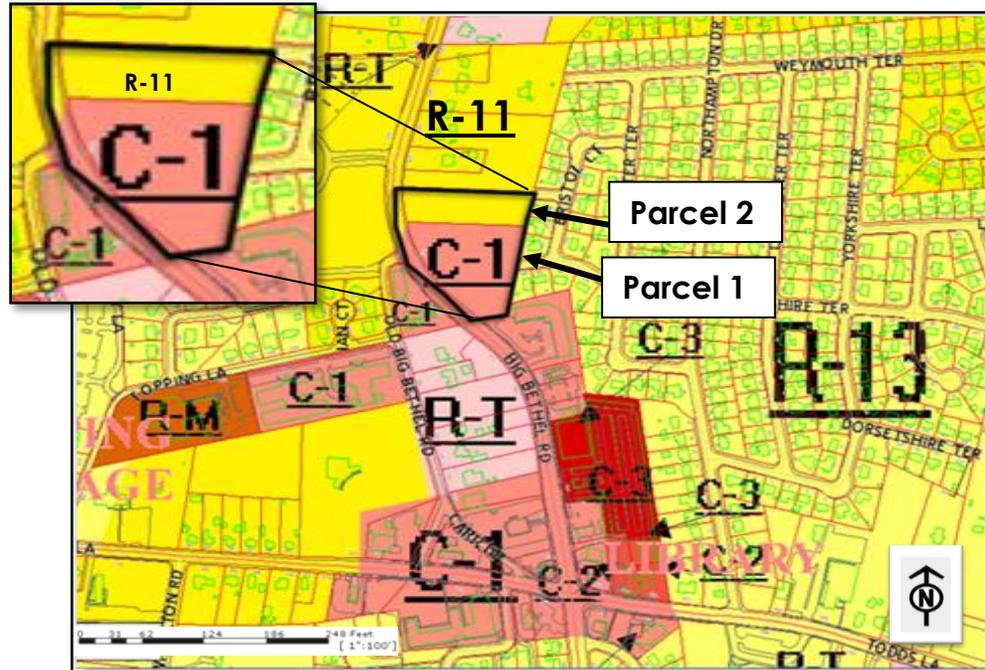
Vacant Property

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.

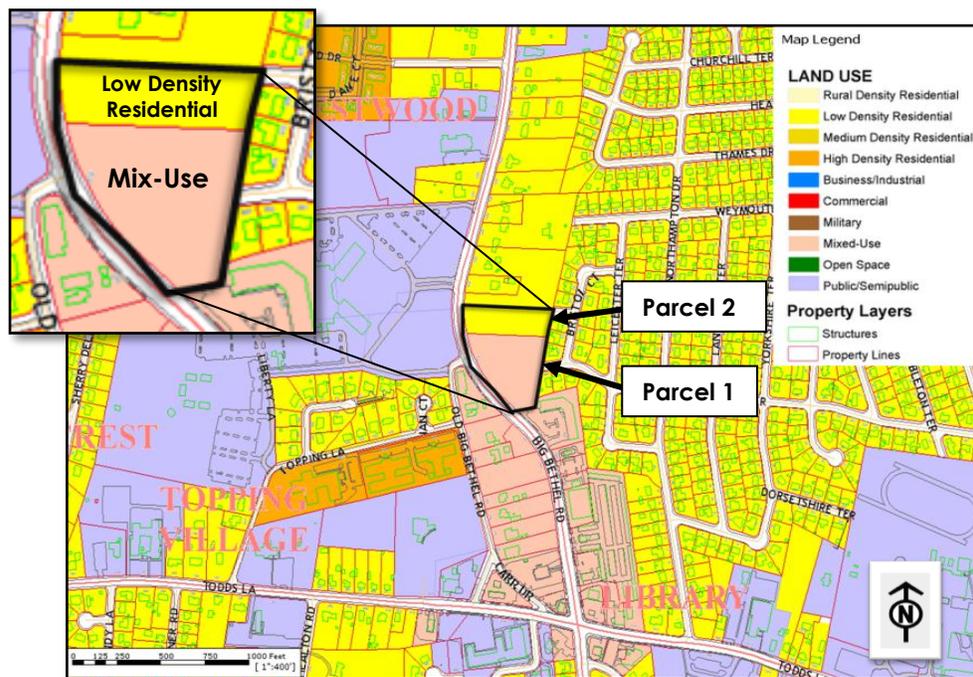
LU-CD Policy 11: Promote high quality design and site planning that is compatible with surrounding development.

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

Conditions for operation of a Funeral Home and Crematorium at 978 & 1014 Big Bethel Road [LRSNs 40014455 and 4001446]:

1. Issuance of Permit

The Conditional Privilege applies only to 978 & 1014 Big Bethel Road [LRSNs 40014455 and 4001446], per the submitted plat, titled "ALTA/ASCM Land Title Survey of 978 & 1014 Big Bethel Road Hampton, Virginia", as prepared by Ward M. Holmes, Land Surveyor, P.C., and revise dated October 4, 2012, and is not transferrable to another location.

2. Traffic Circulation

The traffic circulation plan will be in substantial conformance with the conceptual site layout titled "Preliminary Site Plan for Taylor-Robinson Funeral Home" dated January 31, 2013. If any changes to the traffic circulation plan are deemed necessary 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, then an amended traffic circulation plan shall be submitted and approved by the City Traffic Engineer before Certificate of Occupancy is granted.

3. Hours of Operation

The hours of the Funeral Home and Crematorium shall be limited to the following:

Monday through Saturday: 9:00 AM until 9:00 PM

Sunday: Closed

4. Licensure Paperwork

The applicant must maintain a valid license with the Virginia Department of Health Professions.

5. Certificate of Occupancy

Prior to Certificate of Occupancy, applicant shall provide:

(a) Written proof to the Zoning Administrator that the operator is a legal entity duly organized under the laws of the Commonwealth of Virginia and is in good standing with the

Virginia State Corporation Commission; and

(b) Verification that all traffic improvements recommended by the traffic study, "Traffic Impact Assessment 1014 Big Bethel Road Hampton, Virginia" dated November 21, 2012 as prepared by Bryant B. Goodloe, P.C., have been implemented.

6. Nullification

(a) The Conditional Privilege shall become null and void if the use is not established within twelve months (12) of the date of approval by the City Council.

(b) The Conditional Privilege shall become null and void if the facility is not used for the permitted use for a period of six (6) consecutive months.

7. Revocation

Notwithstanding any condition or provision of this Conditional Privilege to the contrary, the Conditional Privilege may be terminated for repeated or continuing violations of any terms or conditions of the Conditional Privilege, a violation of federal, state, or local law pertaining to the funeral home/crematorium licensing required by the Virginia Department of Health Professions. The consideration of a possible revocation shall follow the procedure set forth in this chapter for approving the conditional privilege, per Section 20.1-13 of the Zoning Ordinance.

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

Although there is no direct impact on school population numbers with the development, there are concerns raised about the conflict with school traffic and safety along Big Bethel Road. Thus, staff has set the hours of operation to start no earlier than 9:00 AM to mitigate any conflict that would have occurred with this site and morning school traffic.

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

Conditional Privilege No. 135-2013 is a request to operate a funeral Home and crematorium on parcels at 978 and 1014 Big Bethel Road [LRSNs 40014455 and 4001446], totaling 4.64± acres. The parcels are zoned Neighborhood Commercial District (C-1) and One Family Residence (R-11) which requires a rezoning to Limited Commercial District (C-2), and an approved Conditional Privilege to operate a funeral Home and crematorium.

Staff is recommending **DENIAL** of Conditional Privilege Application No. 135-2013 due to the conflict with the Hampton Community Plan (2006, as amended) in rezoning of Parcel 2 (1014 Big Bethel Road), from Single Family Residential (R-11) to Limited Commercial (C-2), thus the Conditional Privilege does not have the necessary base zoning to legally be approved at this time.

Should the rezoning be granted, then staff has established 7 conditions pertaining to the issuance of permit, traffic circulation and improvements, hours of operation, licensure of operator, nullification, and revocation. The purpose of these conditions is to lessen any impacts driven by the expanded scale of the proposed commercial development and higher-level intensity of commercial zoning (C-2) which 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.

Specifically, in evaluating the development's compatibility with the surrounding neighborhood, concerns were raised with current traffic safety issues on Big Bethel Road and possible increased volume driven from this development. Conditions pertaining to hours of operation, requirement of a traffic circulation plan, and transportation infrastructure improvements, were included in an attempt to address these concerns by establishing conditions to lessen the traffic from this site with other major traffic generators on the corridor.

Staff recommends denial of Conditional Privilege Application No. 135-2013