

STAFF EVALUATION

To: City Council

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Case: ZOA 167, 171-175-2015, RZ #15-00004

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General Information

Description

This series of zoning ordinance amendments and the associated rezoning are the culmination of an effort to develop the appropriate zoning regulations for the commercial core of Phoebus in order to facilitate the type of land use and development envisioned in the Phoebus Master Plan (2007, as amended). Similar to Downtown Hampton or Coliseum Central, the Phoebus commercial core has a distinct character, which is not adequately supported by more general zoning standards. The title of the proposed new district is the Phoebus Business (PH-1) District.

The six zoning ordinance amendments listed work in unison but are separated for the purposes of amending each affected chapter independently. The rezoning request is the action required to apply the new district to the identified properties (see attached list and diagram) making up the commercial core of Phoebus.

Staff is proposing the following changes to the zoning ordinance:

Changes to uses permitted:

- Limiting uses to those appropriate for a pedestrian oriented commercial district. (See attached use matrix for details.)
- Establishing a single residential unit above commercial would no longer require a use permit.
- Micro-breweries/distilleries/wineries would be permitted.
- Outdoor dining 2 would no longer require a use permit.

Setbacks:

- Setting a build-to line at the front property line to establish a consistent street frontage
- Modest setbacks are attainable if amenities that enhance the pedestrian experience, such as seating, courtyards and porches, are provided.

Signage:

- Permitted signage would generally be scaled for pedestrians and slower speeds.
- Monument and pole signs typical of higher speed roads would not be permitted.
- Signage opportunities would be expanded to permit signs painted on buildings, relatively short roof top signs, and neon signs.

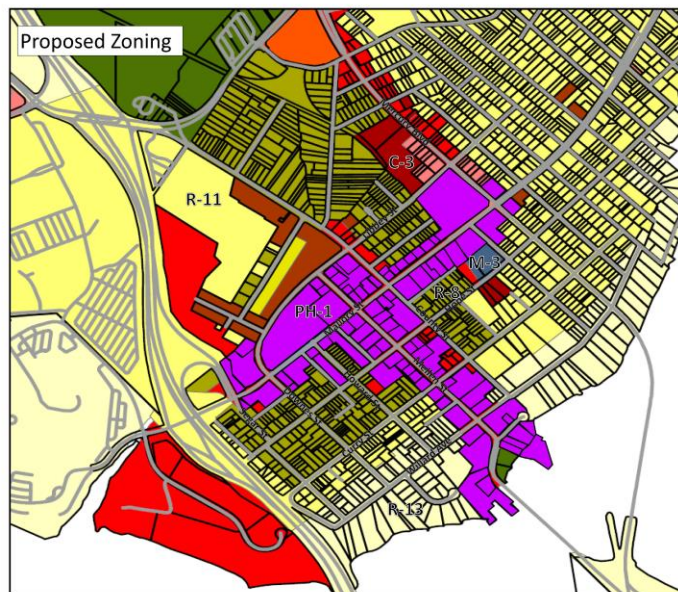
Building height:

- Limit height to three stories and 50'.

Parking:

- Parking requirements for most commercial uses would be waived.
- Places of assembly, i.e. theaters and religious facilities, would meet the standard requirements of the zoning ordinance.
- Multifamily residential units are exempt from the guest parking requirement only.

Only the properties to which PH-1 is directly applied will be affected by the proposed ordinance changes. In the future, property owners could submit a rezoning application in an effort to have the district applied to their property or have a property already in the PH-1 district rezoned into another district. As with all rezoning applications, staff would review the proposal against the adopted policies, including the Phoebus Master Plan, and deliver a recommendation to Planning Commission and City Council as to whether or not the proposal furthers the City's policies. Planning Commission would vote on a recommendation to City Council, and City Council holds the authority to decide whether or not the proposed change is granted.



Proposed Zoning district, Phoebus Business (PH-1) District, highlighted in purple.

Plans and Policies

In 2013, City Council adopted an update to the Phoebus Master Plan. Generally, the Plan was reaffirmed during the update process. This area is identified as having the potential to develop into a regional attraction. Amendments to the plan provide greater clarification on the appropriate form of development for the commercial core and also highlight the importance of the commercial main streets of Phoebus as gateways to Fort Monroe.

Development regulations in the historic, commercial core of Phoebus should work to maintain the remaining historic structures, which form the backbone of the community, while leading to appropriate infill development supportive of the pedestrian friendly atmosphere and character of the neighborhood. Due to the way the commercial district evolved over time, there are single family residential buildings, many of which were converted to commercial uses, in addition to the traditional mercantile mixed-use buildings. While these varied forms exist, traditionally, the development pattern places parking at the rear of the property and leaves the front of the development free to pedestrians. Further enhancing the front of buildings as a pedestrian friendly realm is the relatively small scale of the buildings along with the large windows providing

visibility between the public realm on the street and the semi-public realm of ground floor commercial establishments.

Existing Regulations

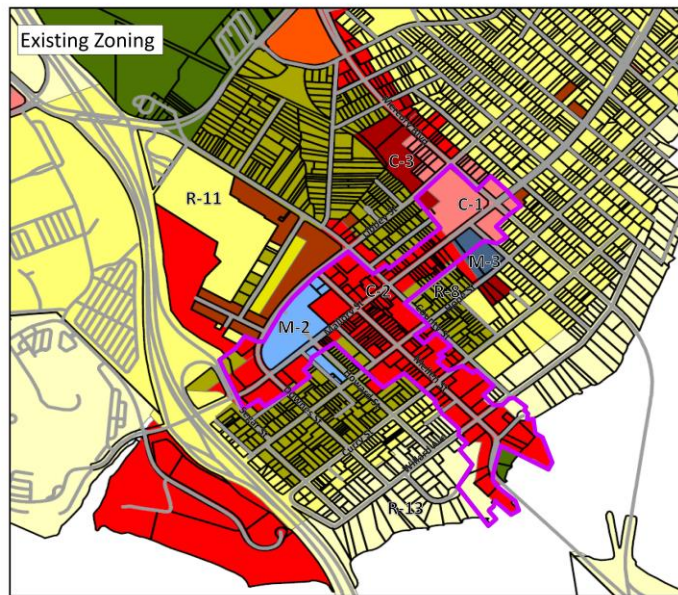
Currently, a variety of zoning districts are applied to property within the proposed PH-1 boundaries. The predominant district is the Limited Commercial (C-2) District, which covers all of Mellen Street and most properties along Mallory Street in Phoebus. C-2 is a very permissive commercial district, which has been applied to major commercial corridors in Hampton, including much of Mercury Boulevard, Coliseum Drive, and East Pembroke Avenue. In terms of site development, C-2 lacks the requirements that would guarantee the form of development appropriate in Phoebus. Site designs dominated by parking, large monument signs, and buildings with no relationship to the street are permitted under C-2.

The same issues that affect C-2 zoned properties apply to a number of properties zoned Neighborhood Commercial (C-1) at the intersection of Mallory Street and Mercury Boulevard. The C-1 district does not require the form of development that would enhance the historic Phoebus commercial core.

There also remain several properties along Mallory Street with manufacturing districts applied to them. The types of uses and buildings permitted in these districts do not support the vision of the Phoebus Master Plan.

A number of properties fronting Mallory Street are split zoned, with C-2 zoning in the front and Two Family Residential (R-8) in the back of the property. Two family residential permits single family and duplex development while precluding commercial development on that portion of the property. There are also several small single family properties zone R-8 along Tennis Lane, which share a rear property line with commercially zoned property on Mallory Street.

Lastly, nearly half of the commercial fishing operation's property at the waterfront falls within the One Family (R-13) District. The rest of the operation's property is zoned C-2. The commercial fishing operation is a legally non-conforming use, a classic case of a use being grandfathered due to operation prior to the adoption of the zoning currently applied to the property.



Existing zoning districts. Proposed district, Phoebus Business (PH-1) District, is delineated with purple outline.

Analysis

At the same time as the adoption of the update to the Phoebus Master Plan in 2013, a series of action items was produced. Topping the list was the analysis of existing zoning and development of appropriate zoning regulations for the commercial core of historic Phoebus. Zoning Ordinance Amendments 167-2015 and 171-2015 through 175-2015 along with Rezoning Application NO.15-00004 are the culmination of those efforts.

The commercial core is defined as the area along Mallory Street from the interstate interchange to Mercury Boulevard, and the entirety of Mellen Street, which is the historic spine of the neighborhood leading from the Mallory Street intersection to the waterfront and Mugler Bridge over to Fort Monroe.

The Phoebus Master Plan recommends supporting the above described area as a commercial center. The vibrant walkable nature of the form of development found around the intersection of Mellen and Mallory Streets greatly defines the Phoebus community. While two story commercial buildings opening onto the public sidewalk dominate the image, this form is supplemented with some development more residential in character with short setbacks. In either case, the form of development is open to the sidewalk with large windows and design geared toward pedestrian access and interaction.

Development regulations for the commercial core of Phoebus need to require development that is in keeping with the historic development pattern and enhance the comfort and vitality of the public streetscape. Such regulations would limit the required parking on individual sites, place parking to the rear of buildings, require a substantial portion of the first floor along the sidewalk to provide eyes on the street, limit setbacks, support pedestrian activity, and stay within the overall scale of historic Phoebus.

In reviewing the existing zoning regulations, staff found that a new district was necessary to address the unique needs of Phoebus. The majority of properties within the proposed boundaries are zoned Limited Commercial (C-2) with some others also falling under the neighborhood commercial district (C-1), manufacturing districts (M-1 and M-3) and a duplex/single family district (R-8). The manufacturing and duplex districts permit very different uses as well as forms of development than are recommended in the adopted Master Plan. The commercial districts mostly permit appropriate uses, but are not appropriate in the permitted form of development.

In order to establish an appropriate set of regulations the following amendments are recommended to establish the Phoebus Business (PH-1) District:

ZOA 167-2015: Due to the more urban nature of Phoebus and its historical pattern of smaller lot sizes, PH-1 is exempted from the minimum 10% minimum green area requirement for each lot, which if enforced would detract from the historic form of development and render lots difficult to develop.

ZOA 171-2015: This amendment addresses several new terms established in the writing of the PH-1 district. Specifically, small artisan shop is defined as it is added to the use table. Primary entrance, which is a term also used in the Buckroe Bayfront District, is defined to provide greater clarity. Four types of signs, awning/canopy, projecting, sandwich board, and roof, are proposed to be added to the definitions section as well.

ZOA 172-2015: This amendment establishes the permitted uses within PH-1. There are several differences between the proposed PH-1 district and the current C-1 and C-2 districts found in Phoebus.

- A single residential unit over commercial ground floor uses would be permitted by-right. In C-2, such residential units require a use permit and are not permitted at all in C-1. This is especially important in Phoebus where relatively narrow buildings and lots are an important part of the community fabric. Two or more units above commercial would also be permitted by-right, but such use is also permitted by-right in C-2 and with an approved use permit in C-1.
- Group living facilities, such as boarding houses, group homes, shelters, and juvenile residences, would not be permitted in PH-1. Such uses are permitted either by-right or with a use permit, depending upon the specific use, in both C-1 and C-2.
- Uses with a drive-thru would require a use permit in PH-1. The purpose of this amendment is to assure that site layout is pedestrian oriented, and that any drive-thrus, which are inherently auto-centric, are designed based upon site specific characteristics in the context of the larger district.
- Gas stations would require a use permit in PH-1. While two gas stations currently exist in Phoebus, the model for the typical gas station has changed with the number of gas pumps and overall size of projects has grown greatly. With this in mind, it is important that any new gas station development be sited and designed in a way that does not harm the overall experience of the district.
- With pedestrian activity being a corner stone of the policies for this district, outdoor dining would be permitted through a Zoning Administrator's permit. This is an administrative process, which attaches a standard set of conditions to all outdoor dining in the district.
 - While not a part of the zoning ordinance and this set of amendments, in conjunction with these proposed changes, City staff is working toward a

recommendation for permitting seating and outdoor dining along the sidewalks within the boundaries of the PH-1 District and Downtown Hampton. The new proposal would make the process for using a portion of the sidewalk easier, as well as establish standards for providing adequate space to pass and for any furniture or related amenities provided. This process requires changes to the City Code rather than the zoning ordinance. The changes are proposed to go before City Council for a vote at the same time as the zoning ordinance amendments.

ZOA 173-2015: This amendment establishes the development standards for the PH-1 District, such as setbacks, building heights and façade composition. As is recommended by the Phoebus Master Plan, these requirements are more urban in nature than those found in C-1 and C-2.

- Commercial buildings are required to be built at the front property line, unless courtyard amenities are provided, in which case, buildings may be setback up to 10’.
- Multifamily buildings with residences on the first floor may be set back up to 10’, but elements such as steps, porches, or balconies must come up to the front property line.
- Commercial buildings require a minimum of 40% of the ground floor front façade to be comprised of glass doors or windows.
- Buildings have a minimum height of 18’ and a maximum of 3 stories and 50’.
- Ground level trash enclosures, storage areas, and mechanical equipment are required to be screened from view of the public right-of-way.
- On-site parking must occur behind the front of the building.

ZOA 174-2015: A set of signs expressly permitted and those expressly prohibited is established. Generally, those signs fitting the urban, pedestrian oriented nature of the historic commercial core of Phoebus are permitted. Those signs that lend themselves to a more suburban and higher speed auto-oriented use are prohibited.

ZOA 175-2015: In recognition of the on-street and public parking widely available in Phoebus, and the typical lot size of properties in the historic commercial core, this amendment exempts many uses from the standard parking requirements. Large draws, such as theaters, schools, and religious facilities would have to meet the standard parking requirement. Multifamily residential uses would be exempt from the guest parking requirement only.

The above descriptions are not intended to be exhaustive but provide an overarching understanding of the proposed new zoning regulations. It is the sum of these regulations, and not any particular piece on its own, that codifies the land use recommendations of the Phoebus Master Plan.

Lastly, the rezoning application, Rezoning Application No.15-00004, is the legislative action that would apply the new zoning regulations to the properties within the recommended boundary. Any existing non-conformities at the time of adoption would be grandfathered.

Staff recommends approval of the six Zoning Ordinance Amendments; ZOA 167-2015, ZOA 171-2015, ZOA 172-2015, ZOA 173-2015, ZOA 174-2015, ZOA 175-2015, and RZ No.15-00004.