

STAFF EVALUATION

Case No: Rezoning No. 25-0148 and Use Permit No. 25-0149

Planning Commission Date: June 26, 2025

City Council Date: July 9, 2025

Prepared By:	Donald Whipple, Chief Planner	728-5235
Reviewed By:	Milissa Story, Planning and Zoning Manager	728-5244
Reviewed By:	Jessica Kraus, Assistant City Attorney	

General Information

Applicant Orchard Oaks, LLC

Property Owner(s) BWDS LLC (183 and 183-A East Mercury Blvd, and 261 Woodland Rd); and Gerald Clarrington (265 Woodland Rd)

Site Location 183 E Mercury Boulevard, 183-A E Mercury Boulevard, 261 Woodland Road, and 265 Woodland Road [LRSNs: 12003432, 12003433, 12003435, and 12003434]

Aerial Map:



Requested Action Rezoning application No. 25-0148 is a request to rezone the parcels located at 183 E Mercury Boulevard, 183-A E Mercury Boulevard, 261 Woodland Road, and 265 Woodland Road [LRSNs: 12003432, 12003433, 12003435, and 12003434], encompassing approximately 10.18 acres, from the General Commercial (C-3) District and the One-Family Residential (R-11) District to the Multifamily Residential (MD-4) District, with conditions. The purpose of the rezoning is to

allow for a multifamily development project, containing approximately 316 dwelling units.

Use Permit application No. 25-0149 is a request to permit multifamily dwellings in the Multifamily Residential (MD-4) District.

Per the Hampton Zoning Ordinance, the uses listed and identified require an approved Use Permit in the Multifamily Residential (MD-4) District. As a result, the subject property must first be rezoned to MD-4, followed by approval of a use permit to allow the multifamily dwelling use.

*Description of
Proposal*

The proposed development, as outlined in the application, involves the construction of a new multifamily development, consisting of five (5) total buildings. Four (4) of the buildings will consist of approximately 316 apartment units, three of which will be four stories in height, with the remaining apartment building measured at three stories. The proposed apartment buildings are situated on the northern portion of the site, adjacent to currently vacant land. The additional 1-story clubhouse building, would be located central to the overall development and include the leasing office, fitness area, and provide access to the community pool and additional outdoor amenities. The 3-story apartment building is proposed to be strategically located along Woodland Road in the eastern portion of the property to ensure a lower building height near the existing single-family residential neighborhood bordering Woodland Road.

The concept plan also reflects a total of total 420 parking spaces; 396 will be surface parking and 24 spaces will be in on-site garages. Per the Zoning Ordinance, the minimum parking requirement is 411 parking spaces. Nine bicycle parking spaces will be provided

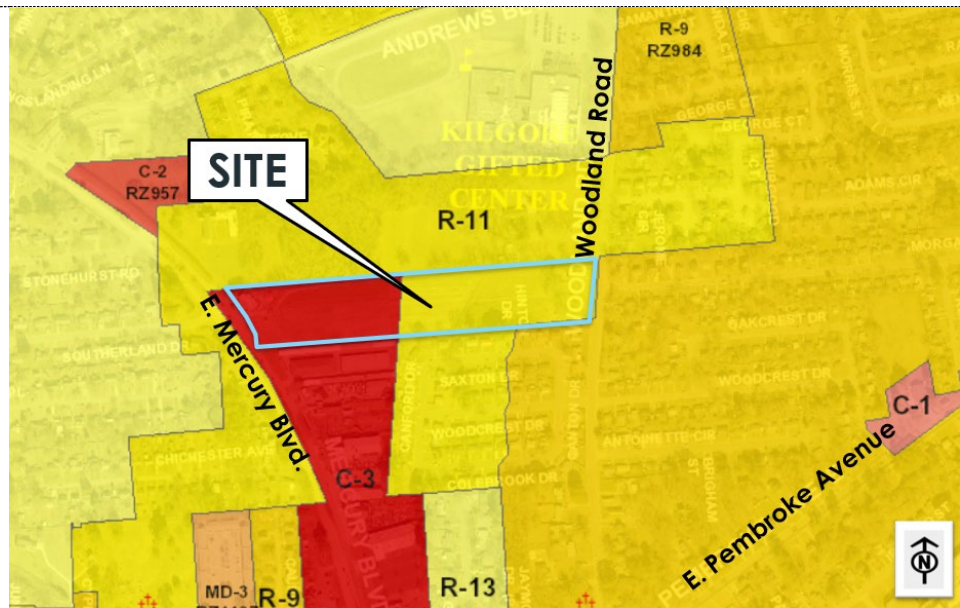
There will be two (2) entrances for vehicular access to the development: one at the E. Mercury Boulevard and Southerland Drive intersection, including an eastbound left turn lane and a westbound turn lane into the E. Mercury Blvd. entrance; and the other access on Woodland Road, just east of Morgan Drive. Both access points to the development are proposed to be electronically gated, with the entrance at Mercury Boulevard left in the open position during business hours for future residents or package delivery. The controlled site access would effectively eliminate cut-through traffic.

The proposal includes a range of community amenities, such as an outdoor pool area, a package room, a fitness room, an indoor billiard/game room, a conference room, community-wide sidewalk connectivity, outdoor grilling areas, and outdoor fire pits. Additionally, the development incorporates several sustainability features, including buildings designed to meet "EnergyStar Multifamily New Construction" standards, EnergyStar-certified appliances, hurricane-resistant building materials up to 115 mph winds, and five (5) Level 2 electric vehicle charging stations. Further, the development aims to retain and refurbish the existing Woods Orchard Barn and utilize it as an outdoor amenity for the residents with fire pits and outdoor seating, creating a place to gather and socialize under preserved existing large oak trees on the property.

<i>Existing Land Use</i>	General retail sales, vacant [LRSN: 18003432]; agriculture/vacant [LRSNs: 12003433 and 12003435]; and single-family residential [LRSN: 12003434]
<i>Zoning</i>	183 E Mercury Blvd – General Commercial (C-3) District; 183-A E Mercury Blvd – General Commercial (C-3) District; 261 Woodland Rd – General Commercial (C-3) and One-Family Residential (R-11) District; 265 Woodland Rd – One-Family Residential (R-11) District
<i>Surrounding Land Use and Zoning</i>	North: One-Family Residential (R-13) District; vacant South: One-Family Residential (R-11, R-13); single-family residential East: Limited Commercial (C-2) District; multifamily residential West: One-Family Residential (R-13); single-family residential

Surrounding Zoning Map:

(See following page for Zoning Map)



Public Policy

The Hampton Community Plan (2006, as amended) is adopted as the guiding policy document for the City of Hampton and includes the following policy recommendations pertinent to this case:

Land Use and Community Design Policies

LU Objective 10: Promote multiple benefits in all scales of development.

LU Objective 11: Implement resiliency standards.

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 12: Encourage building design and site planning that enhances community interaction and personal safety.

LU-CD Policy 31: Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

LU-CD Policy 37: Allocate the appropriate space for water and water storage to help reduce risk to property.

LU-CD Policy 40: Promote best management practices and development projects that provide multiple benefits.

LU-CD Policy 43: Be nimble and able to adapt to future anticipated conditions

Housing and Neighborhood Policies

HN Policy 5: Encourage mixed-use projects as a means of increasing the housing supply while promoting diversity and the revitalization of neighborhood and districts.

HN Policy 18: Promote the construction of resilient housing and neighborhoods, and focus on the unique needs of each community.

Economic Development Policies

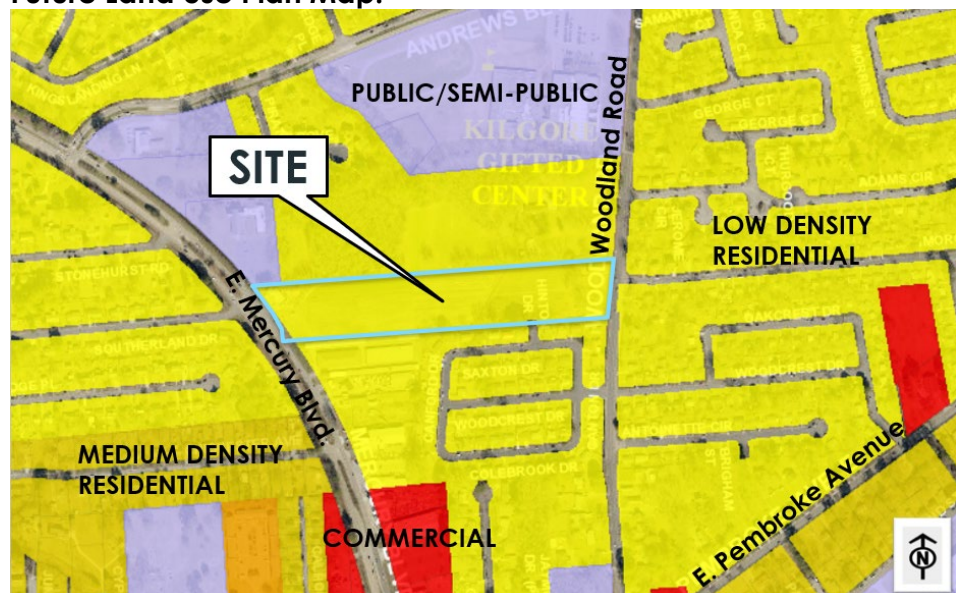
ED Policy 9: Ensure that the City's implementation plans, physical infrastructure, and land use regulations support the City's goals for economic development and growth.

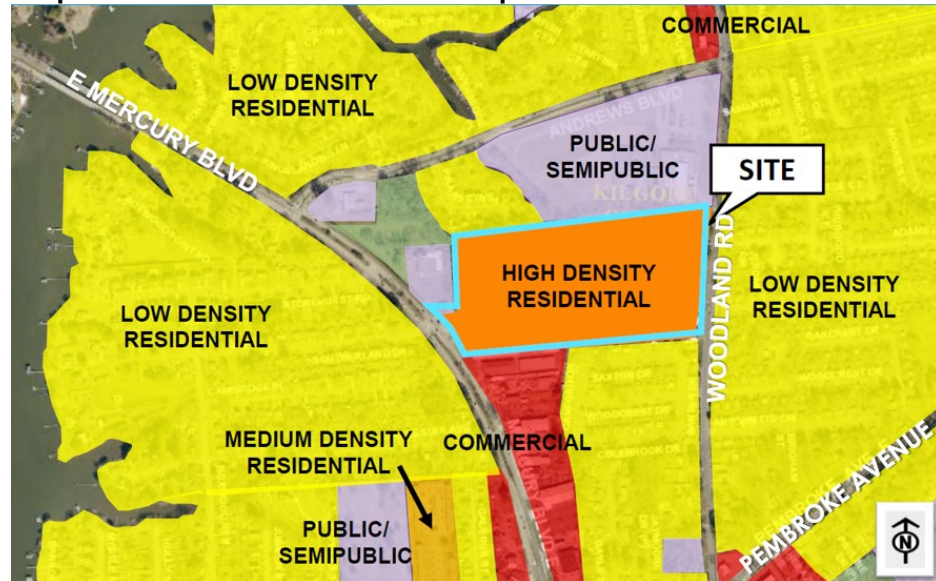
ED Policy 10: Foster the successful development of well-situated vacant and underutilized properties within the City.

Future Land Use:

The Hampton Community Plan (2006, as amended) currently designates this area as low-density residential which prescribes 3.5 to 9 residential units per acre. Notably, the City of Hampton is proposing an amendment to the Community Plan (CPA25-0102) to recommend high-density residential development for the subject properties and two additional adjacent parcels, which would support a residential density of 15 or more units per acre.

Future Land Use Plan Map:



Proposed Future Land Use Plan Map:*Traffic Impacts and Parking*

A Traffic Impact Analysis (TIA) was completed for the proposed development by Intermodal Engineering in May 2025 and revised in June 2025) in coordination with the city traffic staff to identify potential traffic impacts and provide any recommended improvements. In summary, the report found that the proposed development can be developed with little to no impact on existing intersections adjacent to the development.

The study recommended the E. Mercury Boulevard entrance be aligned with the Southerland Drive intersection with a left turn lane for drivers traveling eastbound on E. Mercury Boulevard. Additionally, the applicant proposes to include a right turn lane for drivers traveling westbound on E. Mercury Boulevard. No improvements were recommended for the Woodland Road access point. The applicant has proffered these turn lane improvements in conjunction with the proposed development.

The full TIA study can be found in the complete application package.

420 total parking spaces are being provided through surface and garage spaces, as well as nine (9) bicycle spaces to meet the minimum parking requirement.

Environmental

The subject site is located within the Overlay – Chesapeake Bay Preservation (O-CBP) District and the Overlay – Flood Zone (O-FZ) District. However, the proposal avoids any encroachment or disturbance of wetlands or the Resource Protection Area (RPA) buffer.

This conditional rezoning, if approved, features protections for existing large trees on the development site. As such, the development will include tree protection zones and tree protection measures.

Conditions

Rezoning Application No. 25-0148 features ten (10) proffered conditions as part of this rezoning application, which include:

- Substantial conformance with the proposed conceptual site plan;
- Substantial conformance with the proposed elevations;
- Provision of high-quality and durable building materials and architectural elements such as fences, walls, and other building components;
- Community amenities;
- Resiliency and sustainability components such as EV charging stations and EnergyStar appliances and native landscaping;
- Landscape provisions to include the protection of existing large trees on a portion of the property;
- Provision of a landscape plan that addresses site-wide landscaping and landscape buffers;
- Screening of HVAC equipment;
- Site and building lighting that complies with the city's lighting policy; and
- Transportation improvements.

The full set of proffered conditions can be found in the package.

In the event Use Permit Application No. 25-0149 is approved, staff has recommended eight (8) conditions to include:

- Compliance with the rezoning;
- Management of the property;
- Dumpster Screening;
- Certificate of Occupancy;
- Compliance with Laws;
- Revocation; and
- Nullification

The full set of recommended conditions can be found in the package.

Community Meeting

The applicant hosted a community meeting on March 24, 2025. Concerns expressed included the increase in residential density which could negatively impact traffic congestion and drainage, and concerns about increased property assessments and taxes.

Analysis

Rezoning application No. 25-0148 is a request to rezone the parcels located at 183 E Mercury Boulevard, 183-A E Mercury Boulevard, 261 Woodland Road, and 265 Woodland Road [LRSNs: 12003432, 12003433, 12003435, and 12003434], encompassing approximately 10.18 acres, from the General Commercial (C-3) District and the One-Family Residential (R-11) District to the Multifamily Residential (MD-4) District, with conditions. The purpose of the rezoning is to allow for the development of a multifamily development project to include approximately 316 dwelling units.

Additionally, the rezoning application is being brought forward with Use Permit application No. 25-0149, which is a request for a use permit for multifamily dwellings in the Multifamily Residential (MD-4) District, which is required by the Hampton Zoning Ordinance. As a result, the subject properties must first be rezoned to MD-4, followed by approval of a use permit to allow the multifamily dwelling use.

The proposed development, as outlined in the application, involves the construction of a new multifamily development, consisting of five (5) primary buildings with approximately 316 dwelling units. Four (4) of the buildings will include all dwelling units as part of the development. Three of the apartment buildings will be four stories in height, with the remaining apartment building measured at three stories. The additional building, proposed to be 1-story in height, is located in the center of the overall development and includes a clubhouse housing the leasing office, fitness area, and access to the community pool and additional community amenities further detailed below. The 3-story building is proposed to be strategically located along Woodland Road in the eastern portion of the property to ensure a lower building height near the existing single-family residential neighborhood bordering the Woodland Road.

The concept plan includes 420 total parking spaces to meet the minimum requirement of the zoning ordinance, which includes 396 surface parking spaces, 24 on-site garage spaces, and nine (9) bicycle parking spaces.

In addition, the proposal includes a range of community amenities, such as an outdoor pool area, a package room, a fitness room, an indoor billiard/game room, a conference room, community-wide sidewalk connectivity, outdoor grilling areas, and outdoor fire pits. Additionally, the development incorporates several sustainability features, including buildings designed to meet "EnergyStar Multifamily New Construction" standards, EnergyStar-certified appliances, hurricane-resistant building materials, and five (5) Level 2 electric vehicle charging stations. Further, the development aims to retain a number of existing large trees on the property to the furthest extent possible.

The subject site is located within the Overlay – Chesapeake Bay Preservation (O-CBPD) District and the Overlay – Flood Zone (O-FZ) District. However, the proposal avoids any encroachment or disturbance of wetlands or the Resource Protection Area (RPA) buffer.

Based on the total developable area in conjunction with the number of proposed dwelling units, the overall development totals 31 units per acre, which falls under the high-density residential category within the Hampton Community Plan (2006, as amended). The Plan currently designates this area as low-density residential, which prescribes 3.5 to 9 residential units per acre. However, concurrent with the proposed rezoning and use permit application, the City of Hampton is proposing an amendment to the Community Plan (CPA 25-0102) to recommend high-density residential development for the subject properties and adjacent properties to the north. High-density residential would support 15 or more residential units per acre. Amending the Plan to designate the subject parcels for high-density residential use and approving the subject Rezoning and Use Permit applications represents the most appropriate land use category for the subject properties. This designation will align with existing and anticipated development, providing consistency and transitional uses essential for the City's continued growth and development. The proposed amendment and rezoning aim to balance land use compatibility by integrating higher-density residential development with the existing commercial hubs along Mercury Boulevard and Pembroke Avenue.

Overall, locating multifamily residential units in this area of Hampton meets a number of Land Use and Community Design, Housing and Neighborhood, and Economic Development policies within the Hampton Community Plan. The proposal also supports the improvement and long-term vitality of E. Mercury Boulevard and E. Pembroke Avenue. In addition, the rezoning replaces General Commercial (C-3) zoned land, which would permit more intensive uses by-right. Although the proposed Multifamily Residential (MD-4) District would permit higher density residential, the proposed multifamily use would be more compatible with the adjacent residential housing than general commercial uses. Further, staff also believes new residents will help support existing commercial retail, services, and restaurants while increasing demand for more commercial business within the Phoebus and Downtown Hampton Districts. Subject to Community Plan Amendment, and with the proposed proffered conditions and staff recommended conditions, this set of applications and the development they represent, would be appropriate for this location.

Staff Recommendation:

- **APPROVAL of Rezoning Application No. 25-0148 with ten (10) proffered conditions.**
- **APPROVAL of Use Permit Application No. 25-0149 with eight (8) conditions.**