

# STAFF EVALUATION

To: Planning Commission

Prepared By: Tolu Ibikunle, AICP

728-5237

Reviewed By: Mike Hayes, AICP

728-5244

Bonnie Brown, Sr. Asst. City Attorney

Case No.: Use Permit No. 17-00003

Date: April 20, 2017

## General Information

Applicant

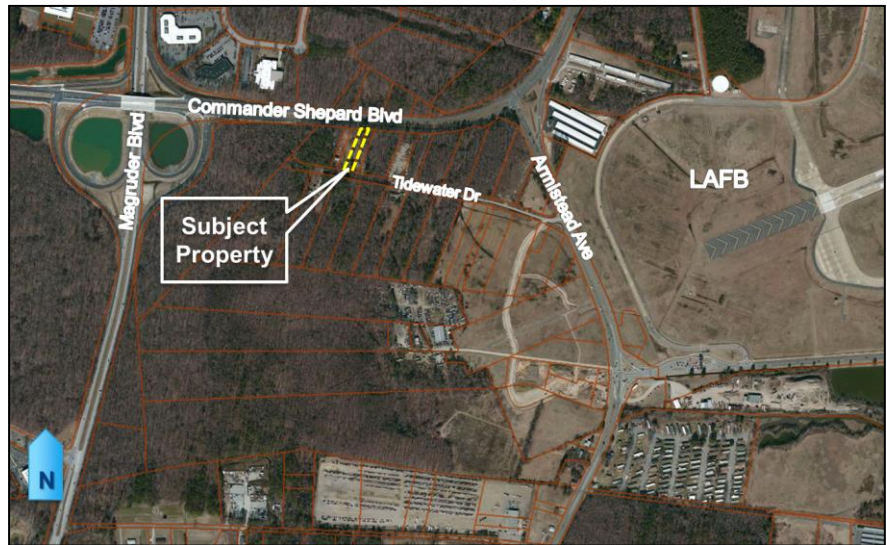
Carol H. Wright, Parkview Auto Repair & Towing, Inc.

Property Owner

Carol H. Wright

Location

56 Tidewater Drive [LRSN 6000763]



Requested Use

Use Permit to allow for vehicle storage.

Description of Proposal

The applicant is proposing to provide vehicle storage at a vacant lot located at 56 Tidewater Drive. The applicant currently has a vehicle storage business operation located at 2941-2951 North Armistead Avenue and is planning to relocate 56 Tidewater Drive, in an effort to move out of the Langley Airforce Base (LAFB) Clear Zone.

Existing Land Use

Vacant lot

Zoning

The subject site is zoned LFA-2 (Langley Flight Approach Mixed Business and Manufacturing) District. It is covered by the O-MVC (Magruder Visual Corridor Overlay) which prevents storage areas within 100' of Commander Shepard Boulevard from any property line and a minimum setback of twenty (20) feet is required from a property line which abuts a major road. The subject property is also covered by the AICUZ (Air Installation Compatible Use Zone) 70-75 dB noise contour. There is no conflict or special considerations for the proposal as it relates to AICUZ.

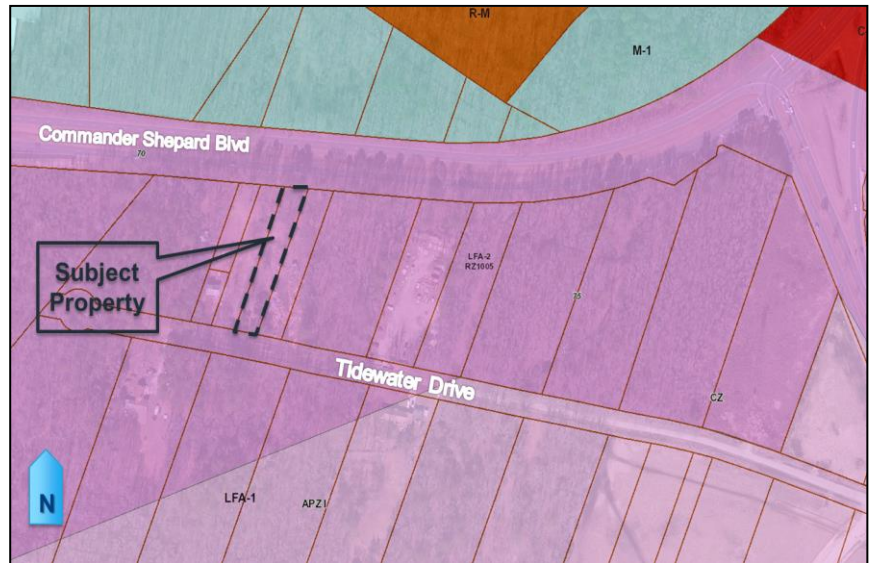
*Surrounding Land Use and Zoning*

**North:** LFA-2 District (Langley Flight Approach Mixed Business & Manufacturing) – Commander Shepard Blvd and M-1 District (Limited Manufacturing)– Langley Research & Development Park

**South:** LFA-2 and LFA-1 District (Langley Flight Approach Manufacturing) – vacant/wooded land

**East:** LFA-2 – vacant/wooded land and another business operation

**West:** LFA-2 – a single family residence and vacant/wooded land



*Public Policy*



The Hampton Community Plan (2006, as amended) includes economic development goals that are relevant to this proposal. The Community Plan recommends business/industrial use for the subject property and most of the nearby properties, except for LAFB which is recommended to be a military use.

Policies related to this request are listed below:

**LU-CD Policy 11:** Promote high quality site design and site planning that is compatible with surrounding development. [p. LU-17]

**ED-5:** Nurture small and start-up businesses. [p. ED-23]

Since the property falls within the AICUZ area, additional policy guidance comes from the Hampton-Langley Joint Land Use Study (August 2010). Through understanding, collaboration, and action – “the goal of the Hampton-Langley JLUS is to protect the viability of current and future missions at LAFB while accommodating local community growth, sustaining the economic health of the region, and protecting the health and safety.”

<i>Zoning History</i>	In 2002, the subject property along with numerous other properties on the western side of the clear zone, were a part of a comprehensive rezoning (RZ 10005) from an assortment of zoning districts to M-5 Langley Flight Approach –Mixed Use District. The rezoning was facilitated by the City of Hampton in collaboration with LAFB and property owners to ensure the land use designation on the subject properties were compatible with the AICUZ study.
<i>Applicable Regulations</i>	LFA-2 allows vehicle storage subject to securing an approved Use Permit. The purpose of this Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimizing impacts on the adjoining properties.
<i>Traffic/Parking</i>	There are no foreseen negative impacts to traffic.
<i>Community Meeting</i>	No community meeting has been scheduled at this time.

**Analysis**

The Use Permit Application No. 17-0003 is a request by Carol H. Wright to permit 3,600± square feet of vehicle storage at 56 Tidewater Drive, which is on the west side of Tidewater Drive off of Armistead Avenue [LRSN: 6000763]. The subject property contains .49± acres. The current business operation is located at 2941-2951 North Armistead Avenue and the applicant is looking to relocate the current business operation from Armistead Avenue to 56 Tidewater Drive. Originally, the proposal was to include 54 and 58 Tidewater Drive as part of the use permit request, as well as a small building for the business; however, the applicant has opted to pursue the use permit for 56 Tidewater Drive only, without constructing a building on the site. In the future, the applicant will be required to pursue another use permit for the other Tidewater Drive properties should the desire to expand the business occur.

The property is currently zoned: Langley Flight Approach Mixed Business and Manufacturing (LFA-2), Magruder Visual Corridor Overlay (O-MVC), and Air Installation Compatible Use Zone (O-AICUZ) within noise contour (70-75 dB), which allows for vehicle storage with a use permit. If approved, the use permit would apply to 56 Tidewater Drive only and it is important to note that,

if the business operation changes and a new vehicle storage operator occupies the subject property, the use permit remains valid so long as the use does not lapse for longer than two years.

In the Hampton Zoning Ordinance, LFA-2 is a business and industrial zoning classification that best aligns with the land uses most appropriate adjacent to Langley Airforce Base (LAFB). In both the Hampton Community Plan, (2006 as amended) and the Zoning Ordinance, the O-MVC is identified as a strategic corridor for business and industrial uses, with emphasis on protecting the visual character of the corridor so that development can occur in a manner that enhances the visual impact along major roads along the Magruder Corridor. Being that the subject property is within the O-MVC, it means that development cannot occur within 100' from Commander Shepard Boulevard. Lastly, the O-AICUZ classification identifies noise contours, which indicate the intensity of noise that could be heard from an aircraft. Since there is no building structure being proposed for development, the use is considered compatible (Zoning Ordinance, Table 1 AICUZ Land Use Compatibility in Accident).

The Hampton Community Plan (2006, as amended) recommends business/industrial land use for this site and most of the surrounding properties, with the exception of Langley Air Force Base - which is designated as military. The Community Plan recommends promoting high quality site design and site planning that is compatible with surrounding development and nurturing small and start-up businesses. Since the property falls within the AICUZ area, additional policy guidance comes from the Hampton-Langley Joint Land Use Study (JLUS) (August 2010). Through understanding, collaboration, and action – “the goal of the Hampton-Langley JLUS is to protect the viability of current and future missions at LAFB while accommodating local community growth, sustaining the economic health of the region, and protecting the health and safety.”

The JLUS identifies three types of LAFB Runway Safety Zones: Clear Zone, Accident Potential Zone I (APZ -I), and Accident Potential Zone II (APZ-II). The current business operation located at 2941-2951 N. Armistead Ave is just outside the western edge of the Clear Zone, which has the highest potential for aircraft casualty out of the three zones. In a joint effort between LAFB and the City of Hampton to acquire properties within the Clear Zone and relocate business operations that may be impacted by these land acquisitions, the applicant is pursuing a use permit application for vehicle storage in order to relocate the current business operation at the Armistead Avenue location to the Tidewater Drive location, which is out of the clear zone.

Staff has identified several conditions based on the location and operational characteristics of the proposed use. The vehicle storage will be required to have fencing, a 20' landscape buffer with additional plantings to ensure full screening of the use from Commander Shepard Boulevard (per Section 9-54(2) of the Hampton Zoning Ordinance) and other standard conditions typically attached to a use permit for vehicle storage.

The proposed use permit is consistent with the City's goals and policies, as outlined in the Hampton Community Plan (2006, as amended) and other policy documents.

***Based on the analysis of this proposal, staff recommends approval of Use Permit Application No. 17-00003 with 11 conditions.***

**Use Permit No. 17-00003**

Carol H. Wright  
56 Tidewater Drive [LRSN 6000763]  
Hampton, VA 23666

**Conditions****1) Issuance of Permit**

- a. The Use Permit boundary applies only to 56 Tidewater Drive [LRSN 6000763] and is not transferable to another location.
- b. Vehicle storage shall be fully contained within the Auto Storage Area, as depicted in Exhibit B.

**2) Site Design**

- a. The Property shall be developed in substantial conformance with the development plan prepared by T.J. Savage and Associates entitled **Development Plan, Lot 12-A Tidewater Farms formerly the Lone Oak Tract - Hampton, VA, revised dated 1/25/17 (Exhibit B) (the Development Plan)**, which is attached hereto and incorporated by reference. Any minor changes to the diagram made necessary by environmental, engineering, architectural, topographic or other development conditions, or site plan and subdivision approval requirements, may be permitted subject to the approval of the Director of Community Development.

**3) Fencing**

- a. All storage areas shall be enclosed by an opaque fence at least six (6) feet tall. Chain link fencing is prohibited. Fencing shall be installed and maintained in accordance with the development plan on Exhibit B.
- b. The name and contact information of the operator of the vehicle storage business must be posted on the fence and updated whenever the business operator changes.

**4) Landscaping***Twenty Foot Landscape Buffer*

- a. A landscape plan shall be prepared by the applicant and approved by the Community Development Director or his designee prior to issuance of any building or zoning permit. The landscape plan shall be designed in accordance with the following to achieve proper screening of the use:
  - i. There shall be a minimum of a twenty (20') foot deep undisturbed natural landscape buffer that consists of a combination of existing trees and additional evergreen and deciduous trees and shrubs, along the northerly boundary of the site adjacent to Commander Shepard Boulevard, which is depicted on Exhibit B - Development Plan.
  - ii. The minimum twenty (20') foot landscape buffer shall be consistent with the table and diagram shown in Exhibit A – Landscaping Specifications. All existing trees within the landscape buffer shall be preserved, with the exception that all dead, diseased or damaged vegetation and invasive species shall be removed only to the extent necessary. All trees installed in the

landscape buffer shall be dispersed throughout the required planting areas and shall be planted with a combination of single trees and groups of trees in a staggered, clustered or other pattern. Trees shall not be installed in a continuous single row except where necessary and appropriate to meet screening buffer requirements. Shrubs shall be installed in groupings and integrated with trees. All plant materials shall be selected based on suitability for shaded areas and their ability to exist in wooded areas with its various growth-inhibiting characteristics.

- iii. All new trees within the minimum twenty (20') foot deep landscape buffer shall be a combination of deciduous shade trees and evergreen trees. No more than fifty percent (50%) of the required new trees shall be of any one type, nor shall more than twenty-five percent (25%) of the required shrubs be of any single species. All new trees and shrubs shall meet the minimum size requirements as stated in Exhibit A – Landscaping Specifications.
- iv. The minimum twenty (20) foot deep landscape buffer shall be maintained in an undisturbed natural vegetative state with the exception of providing supplemental plantings. Pruning and trimming shall be limited to selective thinning of vegetation under a two inch (2") caliper.

#### *Side Yard Landscape Buffer*

- v. There shall be a side yard setback of at least nine (9') feet between the fence identified in Condition #3 and any adjacent property as shown on the Development Plan.
- vi. An even distribution of landscaping material shall be provided throughout the nine (9') foot setbacks, such that an appearance of one continuous row of trees to screen views from nearby properties is achieved.
- vii. All new trees within the nine (9') foot deep landscape buffer shall be a combination of deciduous shade trees and evergreen trees. No more than fifty percent (50%) of the required new trees shall be of any one type, nor shall more than twenty-five percent (25%) of the required shrubs be of any single species. All new trees and shrubs shall meet the following minimum size and type requirements as stated in Exhibit A – Landscaping Specifications.

#### **5) Ledger**

The vehicle storage operator must maintain a ledger containing all vehicles stored, and the date which storage begins and ends.

#### **6) Length of Storage**

Vehicles shall not be stored longer than sixty (60) days.

#### **7) Salvage & Vertical Stacking**

No salvage, wrecking, or vertical stacking of vehicles shall occur in conjunction with the storage of vehicles.

#### **8) Lighting**

All outdoor lighting shall be focused downward and inward in a way that prevents a spillover effect on adjoining properties.

**9) Compliance with Applicable Laws**

This Use Permit may be terminated for any violation of applicable federal, state, or local law.

**10) Nullification**

The use permit shall automatically expire and become null and void under any of the following conditions:

(1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;

(2) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the city council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council; or

(3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

**11) Revocation**

- c. Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in chapter 14 of the zoning ordinance.

**Exhibit A – Landscaping Specifications**

<i>Plant Type</i>	<i>Installed Size</i>
Deciduous shade Tree	0.5"-1" caliper
Evergreen Tree	4'-6' height
Evergreen Shrub	15"-18" height

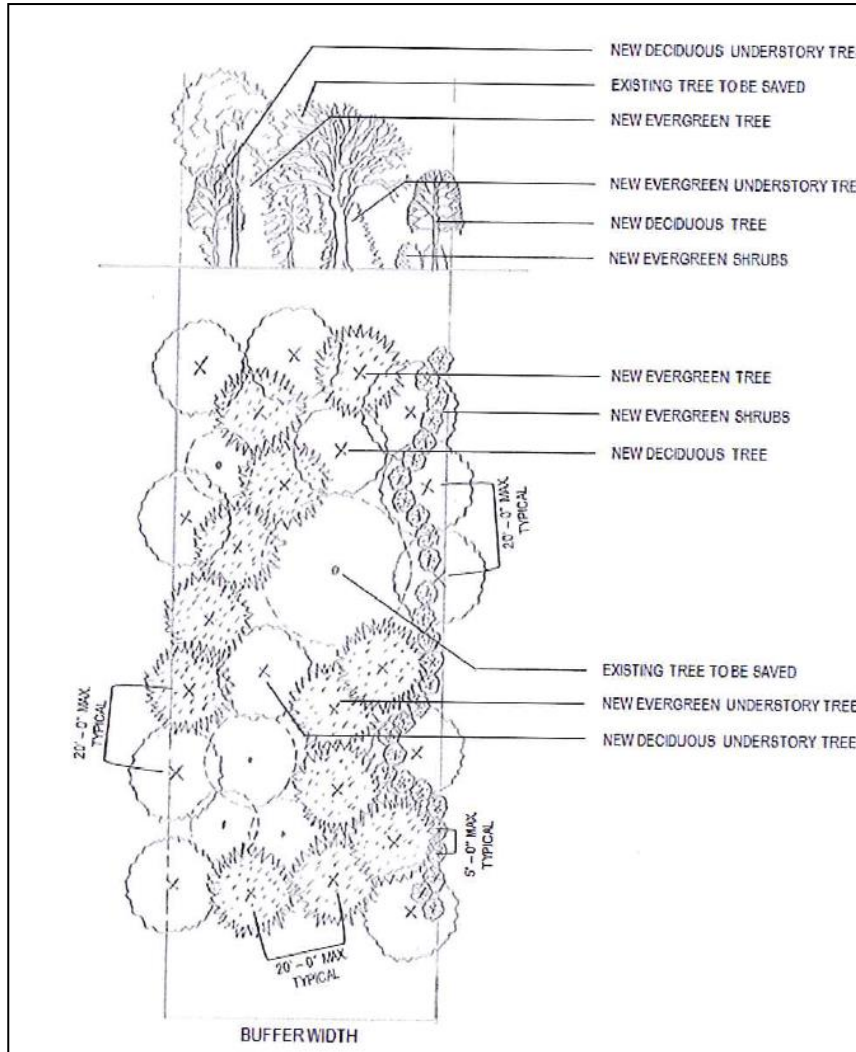




Exhibit B

