

STAFF EVALUATION

Case No.: Rezoning No. 23-0313 | Use Permit No. 23-0314

Planning Commission Date: November 16, 2023

City Council Date: December 13, 2023

Prepared By: Davis Pemberton, City Planner 728-2040
Reviewed By: Mike Hayes, Planning and Zoning Division Manager 728-5244
Reviewed By: Jessica Kraus, Assistant City Attorney

General Information

Applicant & Property Owners Riverside Hospital, Inc.

Site Location 2244 Executive Drive [LRSN: 7001882]



Requested Action Rezone a parcel, totaling +/- 13.8 acres, from Multiple Residential (R-M) District and Limited Commercial (C-2) District to Limited Commercial (C-2) District with conditions.

Use Permit to allow for a mental health/substance abuse treatment facility within the Limited Commercial (C-2) and Coliseum Central Overlay (O-CC) Districts.

Description of Proposal The applicant proposes an addition to the existing Riverside Mental Health & Recovery Center, which is operated as a mental health/substance abuse treatment facility located at 2244 Executive Drive.

The existing facility is currently split-zoned Multiple Residential (R-M) District and Limited Commercial (C-2) District, with the entire facility located within the R-M District. Currently, the existing use is legally nonconforming as the R-M District does not permit the mental health/substance abuse treatment facility use.

In order to bring the use into conformance with the current zoning regulations, the property is required to be rezoned to a zoning district that permits the desired use. Limited Commercial (C-2) permits mental health/substance abuse treatment facility subject to an approved Use Permit.

Existing Zoning Multiple Residential (R-M) District; Limited Commercial (C-2) District; and Coliseum Central Overlay (O-CC) District

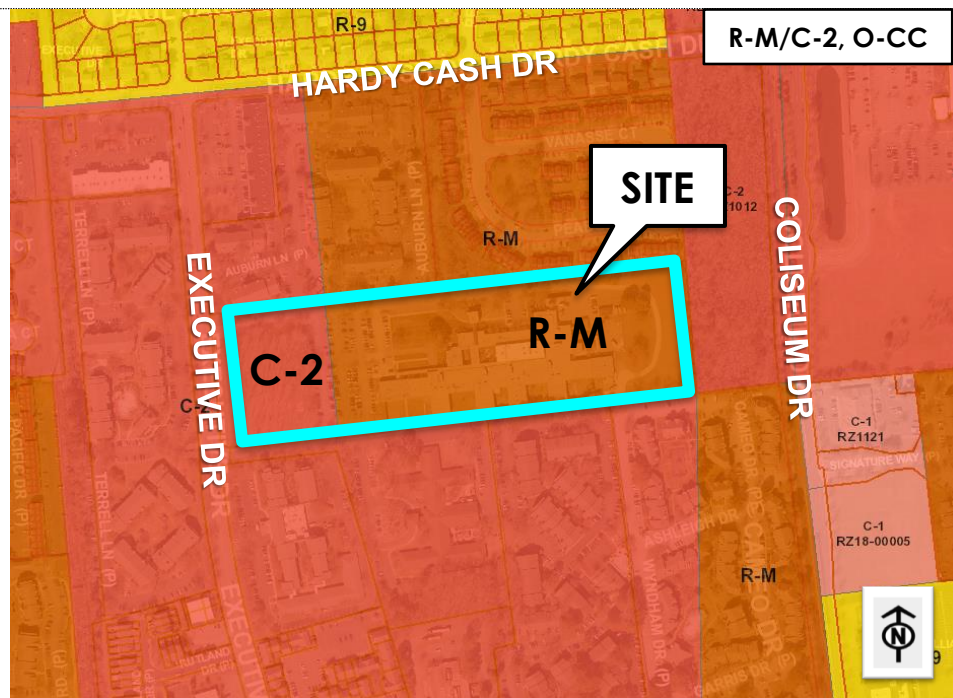
Existing Land Use Mental Health/Substance Abuse Treatment Facility

Applicable Regulations On December 14, 2022, City Council approved amendments to the Zoning Ordinance (ZOA22-00007 and 22-00008), which added "Mental Health/Substance Abuse Treatment Facility" as a permitted use, subject to approval of a use permit, within the Limited Commercial (C-2) zoning district. The use is permitted only when it is operated by a hospital or community services board and located within the Coliseum Central Overlay district.

Surrounding Land Use and Zoning **North:** Multiple Residential (R-M) District, Limited Commercial (C-2) District and Coliseum Central Overlay (O-CC) District; multifamily residential and general retail
South: Limited Commercial (C-2) District and Coliseum Central Overlay (O-CC) District; nursing home, general office, and multifamily residential
East: Limited Commercial (C-2) District and Coliseum Central Overlay (O-CC) District; hospital
West: Limited Commercial (C-2) District and Coliseum Central Overlay (O-CC) District; multifamily residential

Surrounding Zoning Map:

(See existing zoning map on following page)



Public Policy

Hampton Community Plan

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

Land Use and Community Design Policies:

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

LU-CD Policy 8: Support opportunities for the development and expansion of educational, cultural, medical, research, and military activities that are consistent with the City's vision and goals.

Community Facilities Policies:

CF Policy 47: Continue to work cooperatively with Federal and State agencies to address needs for health and human service facilities.

CF Policy 51: Provide an adequate level of social and institutional services without overburdening neighborhoods with an excessive concentration of institutional uses aimed to meet the needs of the city as a whole.

Community Facilities Objectives:

- 1:** Provide community facilities that are targeted to address the needs of both city residents and visitors.
- 3:** Provide facilities that are responsive and adaptable to changing needs.

5: Promote partnerships with private, non-profit, and government agencies in the provision of community facilities.

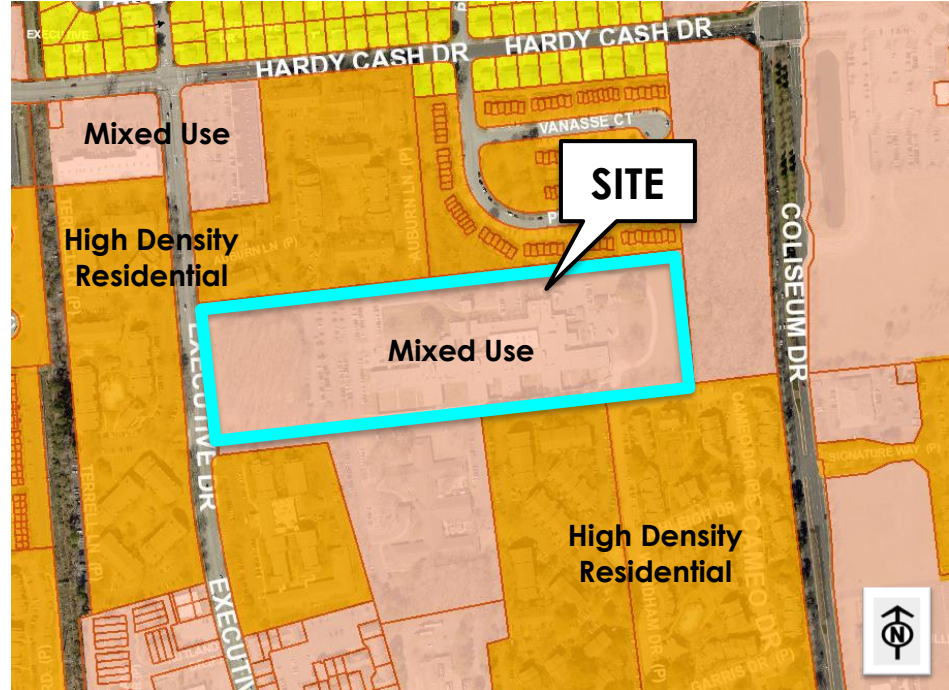
9: Address the needs of special populations including low income, youth, elderly, and persons with disabilities.

14: Promote maintenance, reinvestment, preservation, adaptive reuse, and renewal of existing facilities and sites.

Future Land Use

The Hampton Community Plan (2006, as amended) designates this area as mixed used. Per the Plan, the mixed-use land use 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.

Land Use Plan:



Coliseum Central Master Plan:

The property is located in the Coliseum Central Master Plan (2015, as amended) reinforces the mixed-use designation. The site is located between the Coliseum North and Sentara initiative areas so there are no specific plan recommendations.

Traffic/Parking

Staff does not anticipate that the requested rezoning or use permit would cause a significant or negative impact in the parking or traffic surrounding the property.

<i>Proffered Conditions</i>	<p>There are five (5) proffered conditions. In synopsis, proposed proffered conditions include:</p> <ol style="list-style-type: none"> 1. Permitted primary and accessory uses; 2. Understanding that all phases of the project shall comply with all ordinances; 3. Further lawful conditions or restrictions may be imposed as a condition of approvals, including but not limited to final site plan approval. <p>A full set of proffered conditions can be found in the application package.</p>
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<i>Community Meeting</i>	A community meeting has not been scheduled at this time.
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Analysis:

Rezoning Application No. 23-0313 is a request to rezone the +/- 13.8-acre parcel located at 2244 Executive Drive [LRSN: 7001882] from Multiple Residential (R-M) and Limited Commercial (C-2) to Limited Commercial (C-2) with conditions. Use Permit Application No. 23-0314 is a request to permit a mental health/substance abuse treatment facility in order to build a +/- 420 square foot addition to the existing Riverside Mental Health & Recovery Center.

In 1981, the subject property was granted a Use Permit to establish and operate a hospital. At the time of approval, the R-M District allowed hospital usage contingent upon obtaining an approved Use Permit. Following this approval, a site plan was submitted and approved in 1982, outlining the framework for the current Riverside Mental Health & Recovery Center. This plan included a designated space for future expansion. In 2021, this expansion was executed without the need for property rezoning or the acquisition of a new Use Permit.

In 2015, a Zoning Ordinance amendment was adopted that separated and defined medical uses such as "hospital", "medical office", and "mental health/substance abuse treatment facility." At that time, "mental health/substance abuse treatment facility" was prohibited in several zoning districts including the Multiple Residential (R-M) District.

On December 14, 2022, City Council approved amendments to the Zoning Ordinance which added "Mental Health/Substance Abuse Treatment Facility" as a permitted use, subject to approval of a use permit, within the Limited Commercial (C-2) zoning district. The use is permitted only when it is operated by a hospital or community services board and located within the Coliseum Central Overlay District. This amendment continued the prohibition of mental health/substance abuse treatment facilities in the R-M district and maintained the legally nonconforming status of the current facility.

Section 12-2 of the Zoning Ordinance states that a legally nonconforming use shall not be enlarged or extended to occupy an area greater than the structure or land area which was occupied by the nonconforming use as of August 12, 2020, unless such alteration, enlargement, or extension is required to comply with local, state, or federal law. Since the proposed expansion will enlarge the use beyond the existing structure, the property will lose its legal nonconforming status and, therefore, requires a rezoning to a zoning district that permits the mental health/substance abuse treatment facility use. The proposed zoning district, Limited Commercial (C-2), permits the desired use subject to an approved use permit.

The Hampton Community Plan (2006, as amended) designates the future land use of the subject site as mixed use. More specifically, the Community Plan recommends that land use proposals be evaluated from a regional, city-wide, and neighborhood perspective (LU-CD Policy 4) and to support opportunities for the development and expansion of educational, cultural, medical, research, and military activities that are consistent with the City's vision and goals (LU-CD Policy 8). Furthermore, the Plan recommends continuing to work cooperatively with Federal and State agencies to address needs for health and human service facilities (CF Policy 47) and providing an adequate level of social and institutional services without overburdening neighborhoods with an excessive concentration of institutional uses aimed to meet the needs of the city as a whole (CF Policy 51). Other community facility objectives from the Plan address the provision of meeting the targeted needs of both city residents and visitors to include those with special needs. In addition, the Plan supports promoting partnerships with private, non-profit, and government agencies as well as promoting the reinvestment and preservation of existing facilities and sites. The Coliseum Central Master Plan (2015, as amended) also designates the subject site as mixed use. Although there are no specific recommendations for the subject site, the Master Plan recognizes the current land use pattern as a mix of office and multi-family residential land uses. Predominant office use in the immediate surrounding area is medical office, which support the Sentara Medical Campus, a regional destination for medical specialties, located 0.2 miles to the east on Coliseum Drive.

The proposed expansion includes adding a +/- 420 square foot vestibule to enhance the entrance and waiting area at the northeastern portion of the building. Staff does not anticipate this addition to have a significant or negative impact in the parking, traffic, to surrounding properties, public services, or facilities. As previously stated, in 2021 an 8,500 square foot expansion of the existing facility was permitted without the need for property rezoning or the acquisition of a new use permit due to approval of the site plan in 1982 featuring future expansion. The current area of expansion where the vestibule is proposed was not featured within the original site plan, therefore, the project requires a rezoning to a zoning district that permits the existing mental health/substance abuse treatment facility use. The proposed Limited Commercial (C-2) District permits the desired use, subject to an approved Use Permit.

The applicant has proffered five (5) conditions that limits the use of the property, acknowledges and understands that all phases of the project shall comply with all ordinances; and acknowledges that further lawful conditions or restrictions may be imposed as a condition of approvals, including but not limited to final site plan approval. The full set of recommended conditions is included within the application package.

If the Use Permit is to be granted, staff has identified nine (9) recommended conditions based upon the proposed use's operational and land use characteristics. A few key conditions are highlighted below:

- Issuance of permit specific to the subject site;
- Capacity;
- Compliance with the rezoning;
- Coliseum Central Design Standards;
- Security Plan;
- Applicable state certifications;
- Landscape Plan; and
- Nullification and revocation terms

In that the proposal would comply with the additional standards for a mental health/substance abuse treatment facility is supported by the goals and objectives of the Community Plan and Coliseum Central Master Plan, and the proffers and staff recommended conditions would adequately address the developmental and operational characteristics to potentially mitigate any perceived negative impacts, staff recommends **APPROVAL** of Rezoning Application No. 23-0313 with five (5) proffered conditions. Additionally, staff recommends **APPROVAL** of Use Permit Application No. 23-0314 with nine (9) conditions.