

STAFF EVALUATION

To: City Council

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Case No.: Use Permit Application No. 18-00011, Item No. 19-00007 Date: January 9, 2018

General Information

Applicant	Mary T. Christian
Owner	Barrett-Peake Heritage Foundation
Location	123 E. Pembroke Avenue [LRSN 2003496]



Requested Action	Use permit for a community center.
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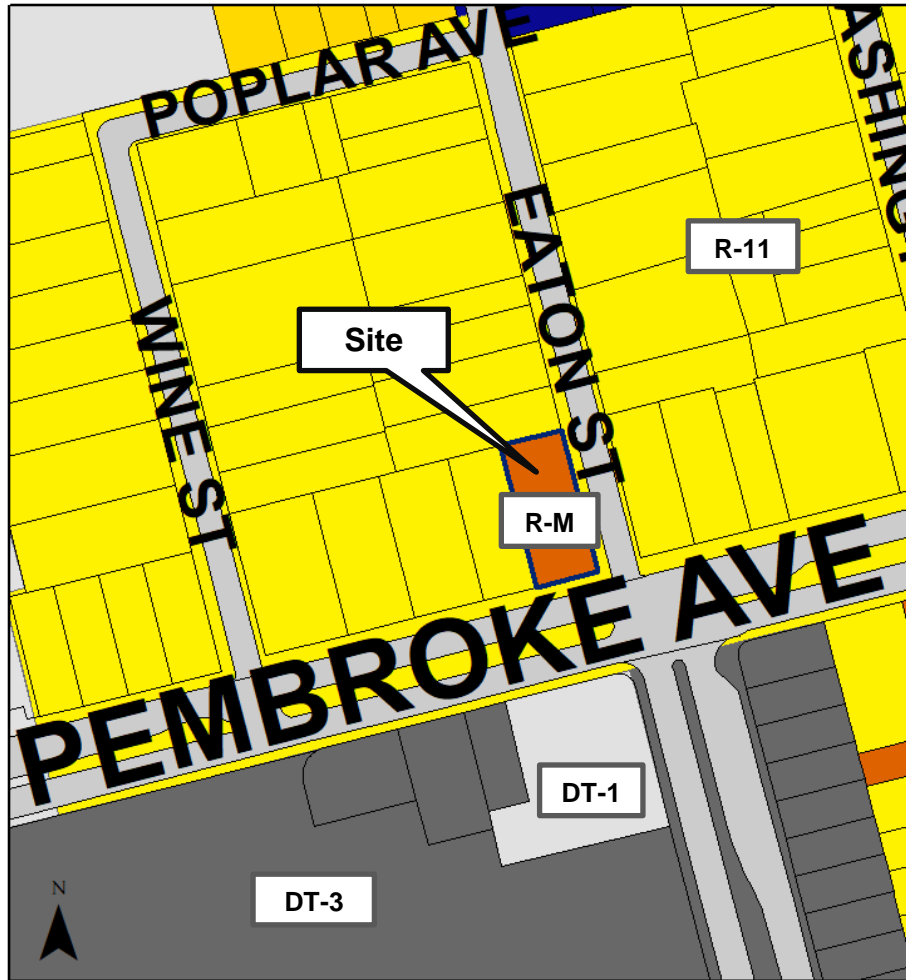
Description of Proposal	The applicant is proposing to renovate the existing, 1,446 sq. ft. house to create the Barrett Peake Educational and Cultural Center. It is proposed to be open 25 hours a week and provide services to youth
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and the community.

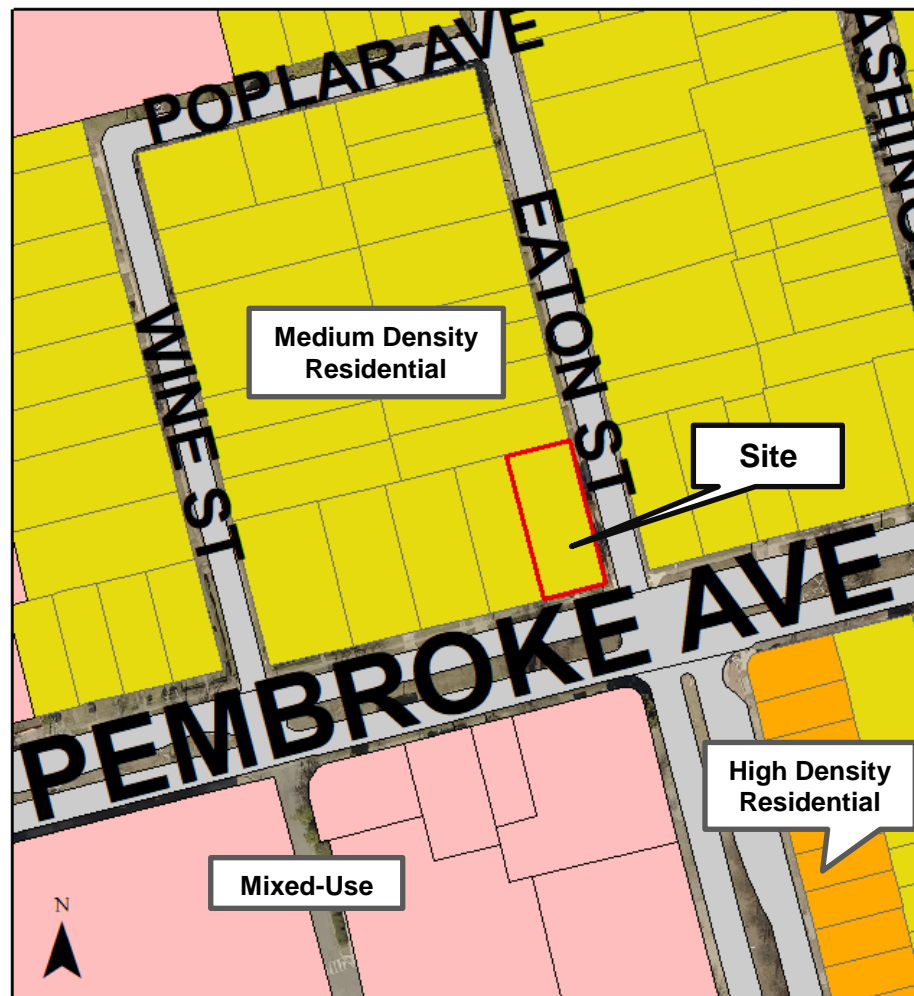
Existing Land Use Vacant Single Family Residence

Zoning R-M (Multifamily Residential) with proffered conditions limiting the use of the land to a Single Family Residence or Private Women's Club. The applicant is also concurrently proposing to rezone the property to R-4 (One Family Residential) in the related Rezoning Application No. 18-00008.

Surrounding Land Use and Zoning **North:** R-11, Single Family Residential
South: DT-1, Commercial; DT-3, Multifamily Residential and Offices
East: R-11, Single Family Residential
West: R-11, Single Family Residential



Public Policy The Hampton Community Plan (2006, as amended) recommend residential uses for this property, as well as the properties adjacent to the site. Community centers are generally acceptable in residential districts with an approved use permit.



Objectives and policies supporting this vision include:

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.

LU-CD Policy 13: Encourage public and private upkeep, preservation, and adaptive reuse of buildings and other resources that have historic value to the community.

LU-CD Policy 26: Promote access to educational, social, civic, recreational, and employment opportunities particularly for youth and seniors.

LU-CD Policy 27: Preserve and enhance the character of historic residential neighborhoods by encouraging new or remodeled structures to be compatible with the neighborhood and adjacent structures.

CF Policy 34: Promote cultural and civic facilities that educate and inform residents and visitors about the community, its history, and resources.

The subject property falls within the boundary of the Downtown Master

	Plan (2017, as amended). The Master Plan recommends the subject property and surrounding neighborhood remain residential.
<i>Zoning History</i>	This site is zoned R-M, unlike the rest of the single family (R-11) district that surrounds it, and was the subject of Rezoning Application No. 935 which rezoned the property from R-11 to R-M, and stipulated that only a single family residence or a Women's Club could be present on the property. The site has history as The Federation House, a place of historical significance where women of color would gather and conduct educational activities, then the site continued to operate under several different foundations, till the past ten (10) years where it has sat vacant. The proposed community center use is not allowed under the current zoning, but will be permissible with an approved use permit under the proposed R-4 district.
<i>Applicable Regulations</i>	If RZ18-00008 is approved, the R-4 district allows for a community center subject to securing a use permit.
<i>Traffic/Parking</i>	The site is more than adequately parked, and there are no negative traffic impacts anticipated.
<i>Environmental</i>	Newly created environmental impacts are not anticipated.
<i>Community Meeting</i>	While there was not a formal meeting held for this use permit, the applicants have provided letters of support from the Pasture Pointe Neighborhood Association, Downtown Hampton Development Authority, and other organizations.

Analysis

Mary T. Christian is requesting a use permit for an educational and cultural community center at 123 E. Pembroke Avenue [LRSN 2003496]. The proposed community center would be in an existing, two-story, single-family residence with 1,426 square feet. It would be open twenty-five (25) hours a week to the public and serve as offices to the Barrett-Peake Heritage Foundation, a mini-museum, and a place to aide youth and seniors in educational advancement. The property is zoned Multifamily Residential (R-M) District with proffered conditions, which do not allow for a community center use. This application is being brought forward in conjunction with Rezoning Application No. 18-00008, which is requesting a rezoning from the R-M (Multiple-Residential) with proffered conditions to the R-4 (One Family Residential) District.

123 E. Pembroke Ave. is located on the edge of Downtown at the corner of Pembroke Ave. and Eaton St., and it is part of the Downtown Master Plan Area. The surrounding areas are zoned single family residential and downtown residential. There were no concerns about parking and the circulation of traffic to and from the site because of the low capacity.

The proposed educational and cultural community center for the Barrett-Peake Heritage Foundation is consistent with the Hampton Community Plan (2006, as amended), which calls residential uses. The residential designation in the Community Plan generally includes neighborhood institutions such as community centers. The Plan also states as policy support for the development and expansion of educational and cultural activities as well as preserving the history and unique character of our historic neighborhoods. This proposal embraces and preserves the sites historical significance and maintains the character of the Pasture Point Neighborhood.

UP 18-00011**STAFF EVALUATION**

If this application is approved, staff recommends attaching conditions that will limit the impact of the use on surrounding residences. These conditions address aspects of a community center use within a residential neighborhood including where special events can take place, noise levels, and parking requirements.

Staff and Planning Commission recommend **APPROVAL** of Use Permit Application No. 18-00011 with ten (10) conditions.

**Use Permit Application No. 18-00011
Barrett Peake Educational and Cultural Center
123 E. Pembroke Avenue**

1. Location

The Use Permit boundary applies only to 123 Pembroke Ave. [LRSN 2003496] and is not transferable to another location.

2. Operation

The sole use of the property shall be an educational and cultural center as described in the Narrative for Use Permit Application dated October 16th, 2018 and made a part of this use permit.

3. Parking

Parking for 123 E. Pembroke Ave. shall be restricted to the improved surface parking lot in the rear yard.

4. Capacity

The Center's capacity shall not exceed the number listed on the capacity certificate.

5. Events

Events may be conducted inside the building only.

6. Third Party Events

If the facility is leased, let, or used by any third party for any event, the owner/operator, or his or her employees, shall be present at all times during the event and shall be responsible for compliance with all conditions of this use permit regardless of any contract or agreement with any third party regarding the facility. Any cover charges or tickets shall be collected directly by the owner/operator.

7. Sound

Events located at 123 E. Pembroke Avenue [LRSN 2003496] shall comply with City Code section 22-9, as amended with respect to any sound or noise.

8. Dancing

The property owner shall comply with section 4-16 of the Hampton City Code, as amended, with respect to dancing on the premises and dance floor area.

9. 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.

10. Revocation

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.