

STAFF EVALUATION

To: City Council

Prepared By: Porter Stevens

727-6256

Reviewed By: Keith Cannady, AICP

728-5239

Sharon McSmith, CAP

728-5240

Case No.: Use Permit Application No. 16-00008

Date: 11/9/2015

General Information

Applicant City of Hampton

Owner City of Hampton

Location 47 and 35 Water St [LRSN 12001132, 12001133]



Requested Action Use Permit to allow for a public pier/dock

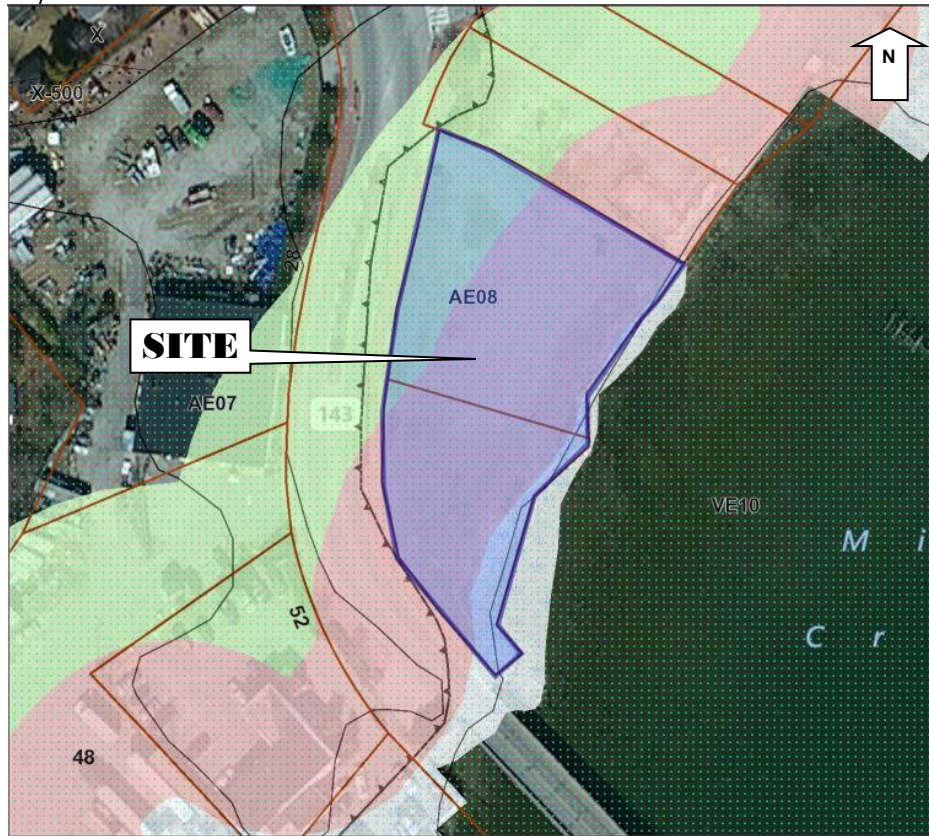
Description of Proposal

The purpose of this application is to authorize the construction of a small dock/pier on Mill Creek in Phoebus. The City of Hampton is proposing to redevelop this site into a multi-purpose park/public space; this dock will provide additional waterfront recreational opportunities for the public by providing a place to launch and dock canoes, kayaks, dinghies, and other small water craft. It will also be accompanied by a small parking lot and landscaping/grading improvements to the site, including revegetating the Chesapeake Bay Preservation District.

Existing Land Use Vacant

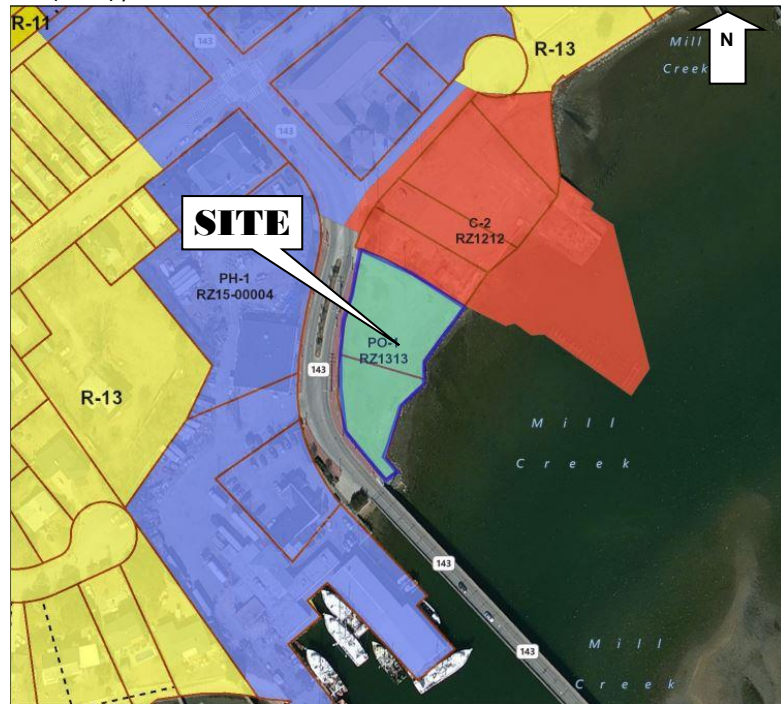
Zoning PO-1 (Parks and Open Space General)

Additionally the site falls within the Chesapeake Bay Preservation Overlay District (RMA, IDA), and in the Flood Zone Overlay District (AE-8, VE-10)

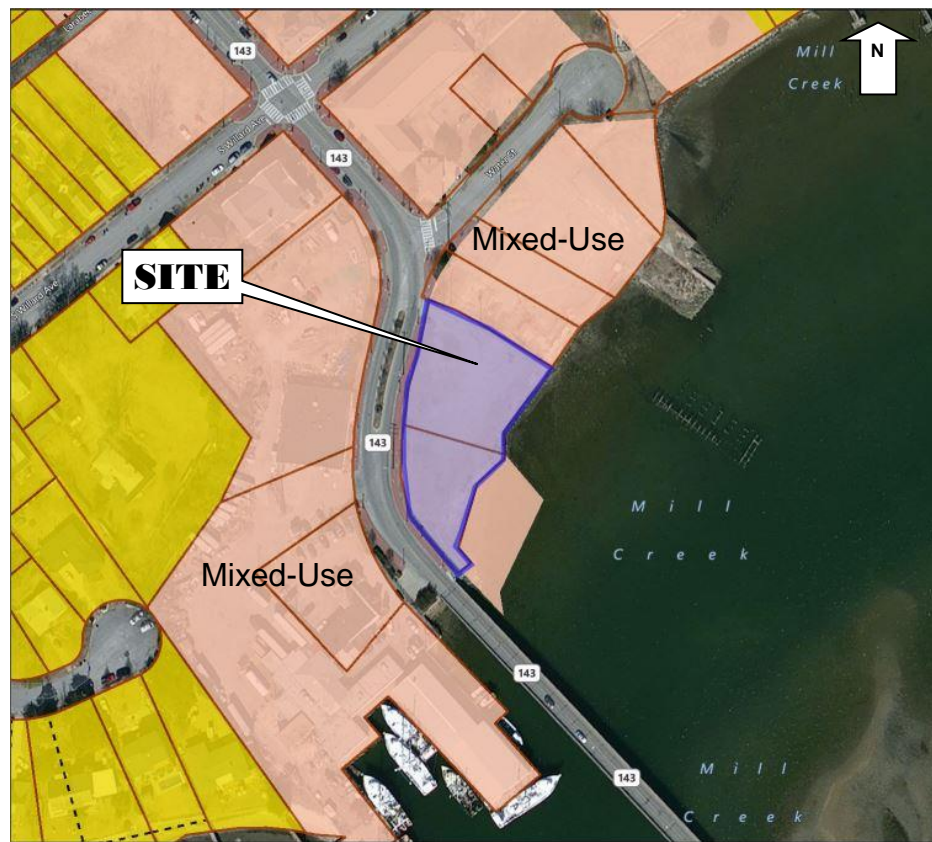


Surrounding Land Use and Zoning **North:** C-2, Limited Commercial (Vacant Land)
South: None, (Mill Creek)
East: None, (Mill Creek)

West: PH-1, Phoebus Business Special District (Wanchese Fish Company)



Public Policy



The Hampton Community Plan (2006, as amended) recommends Mixed Use for this site. Mixed Use is also recommended to the north and west. Mill Creek lies to the East and South of the property.

The Phoebus Master Plan (2013, as amended) lays out a more specific vision for this site, as part of a public park on the Phoebus Waterfront. The plan suggests that Phase 2 of improvements for this site should include “a dock for small boats and rentals”



Land use policies related to this request are listed below:

LU-CD Policy 9: Promote the appropriate use and reuse of waterfront land. Encourage appropriate design of new developments in relation to the water.

LU-CD Policy 16: Promote public access, both physical and visual, to the water. Promote boating access, water uses, and dredging for recreational and commercial use of waterways.

EN Policy 29: Promote the conservation and restoration of creeks and other waterways as open space amenities, natural habitat areas, and elements of community design.

<i>Zoning History</i>	RZ1313-2013, Rezone from C-2 to PO-1; UP1078-2011, authorized construction of Phoebus waterfront pier, has expired.
<i>Applicable Regulations</i>	PO-1 allows for a public pier/dock subject to securing a Use Permit. The purpose of the Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will operate. This action is necessary to ensure the safety and welfare of the public as well as minimize project impacts on the adjoining properties.
<i>Traffic/Parking</i>	This proposal does not have a significant impact on traffic.
<i>Schools</i>	This proposal does not impact schools.
<i>Environmental</i>	The proposed pier will be accompanied by the installation of rip rap on the underlying shoreline. The potential adverse impact of the rip rap on the Phoebus Living Shoreline will be addressed at the site plan review and approval phase of the project.
<i>Community Meeting</i>	There is no community meeting scheduled at this time. Staff meets monthly with the Partnership for a New Phoebus, the main

neighborhood organization for the Phoebus community, and has kept them regularly updated on this project. As a result, they have submitted a letter of support for this use permit, which is included in this package.

Analysis

Hampton's Zoning Ordinance allows for a public dock/pier in the PO-1, Parks and Open Space zoning district with the approval of a use permit. The proposed pier was originally authorized with a conditional use permit approved in January of 2012; this use permit has since expired, and a new use permit is now required.

The current design of the pier, which includes the installation of rip rap along the underlying shoreline, may have an adverse impact on the Phoebus Living Shoreline; a shoreline restoration project undertaken by the City of Hampton in the Spring of 2016. However, Development Services Center staff is currently engaged with Public Works to ensure any such impacts are mitigated, and that the project complies with all applicable environmental regulations; including the Chesapeake Bay Preservation Overlay District. Mitigation of these potential impacts will occur at the site plan review and approval phase of the project.

One of the visions set out in the Community Plan is: "Hampton Neighborhoods: the best places to be." The pier is consistent with the Hampton Community Plan (2006 as amended), which promotes the appropriate use and reuse of waterfront land and public access, both physical and visual, to the water.

Additionally, the pier is consistent with the recommendations of the Phoebus Master Plan (2013, as amended). The Plan lays out a vision of redeveloping the site into a multi-use space and public park; this vision includes the construction of a small dock/pier that could accommodate canoes, kayaks, dinghies, and other small water craft. This will give the people of Hampton new aquatic/recreational opportunities on Mill Creek.

The proposed pier would be an acceptable use and is compatible with surrounding land uses. The project is consistent with the land use recommendation and policies of the Community Plan and the Phoebus Master Plan.

Staff and Planning Commission recommends approval of Use Permit No. 16-00008 with four conditions.

Use Permit 16-00008
City of Hampton; Public Pier
35, 47 Water St, Hampton, VA 23666
Conditions

1. Issuance of Permit

The Use Permit applies only to 35 and 47 Water St, and is not transferable to another location.

2. Site Development

- a) The pier shall be constructed and maintained in substantial conformance with the conceptual site plan titled "Pier and Parking Lot Plan" prepared by Kimley-Horn and Associates, Inc., dated 8/12/16 and attached hereto (See Exhibit A).
- b) The pier shall be of substantially similar length and configuration, including the segmentation of fixed pier, gangway, and floating dock, as shown on the conceptual site plan titled "Phoebus Waterfront Improvements Phase 2" prepared by Kimley-Horn and Associates, Inc., dated 8/12/16 and attached hereto (See Exhibit B).

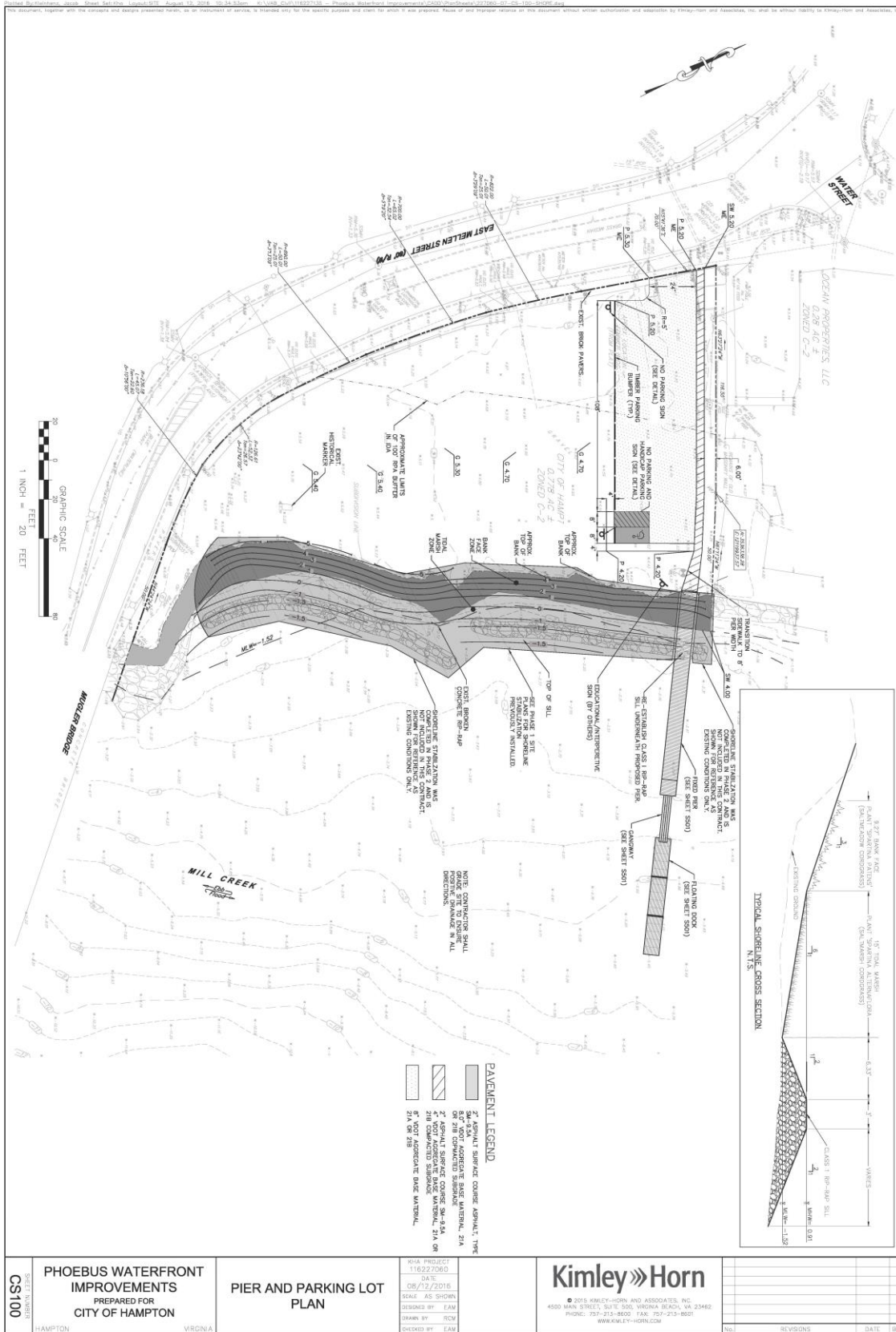
3. Nullification

- a) The Use Permit shall become null and void if the use is not established within twelve (12) months of the date of approval by City Council.
- b) The Use Permit shall become null and void if the facility is not used for the permitted use for a period of twenty-four (24) consecutive months.

4. 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.

Exhibit A



PHOEBUS WATERFRONT IMPROVEMENTS
 PREPARED FOR
 CITY OF HAMPTON
 HAMPTON VIRGINIA

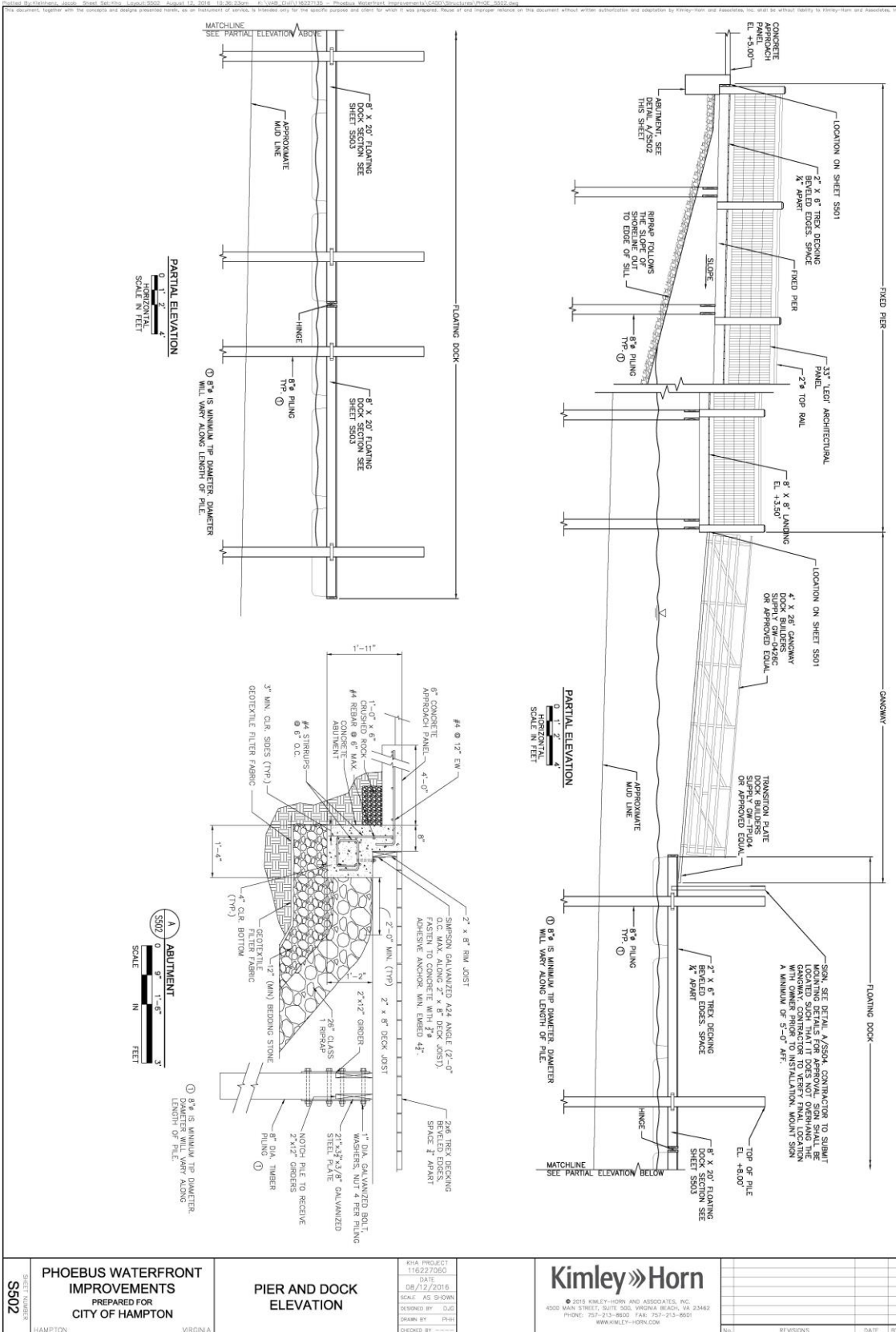
PIER AND PARKING LOT
 PLAN

NO. 16227060
 DATE: 08/17/2016
 SCALE: AS SHOWN
 DESIGNED BY: EAM
 DRAWN BY: EAM
 CHECKED BY: EAM

Kimley Horn
 4550 MAIN STREET, SUITE 100, VIRGINIA BEACH, VA 23462
 PHONE: 757-215-8800 FAX: 757-215-8801
 WWW.KIMLEY-HORN.COM

NO.	REVISIONS	DATE	BY

Exhibit B



PHOEBUS WATERFRONT IMPROVEMENTS PREPARED FOR CITY OF HAMPTON VIRGINIA SHEET NUMBER S502

PIER AND DOCK ELEVATION
 R1A PROJECT 116227060
 DATE 08/12/2016
 SCALE AS SHOWN
 DESIGNED BY D.S.
 DRAWN BY L.M.
 CHECKED BY M.S.

Kimley Horn
 2015 KIMLEY-HORN AND ASSOCIATES, P.C.
 4502 MAIN STREET, SUITE 500, VIRGINIA BEACH, VA 23462
 PHONE: 757-433-8800 FAX: 757-433-8800
 WWW.KIMLEY-HORN.COM

NO.	REVISIONS	DATE