

STAFF EVALUATION

To: Planning Commission

Prepared By: C. Butler, AICP

728-5231

Reviewed By: T. O'Neill

727-6140

Case No.: Rezoning Application No. 1265

Date: December 6, 2007

General Information

<i>Applicant</i>	Eric and Janine Grayson
<i>Owner</i>	Eric and Janine Grayson
<i>Location</i>	1204 East Pembroke Avenue (Parcel B); fronts on Theodore Street

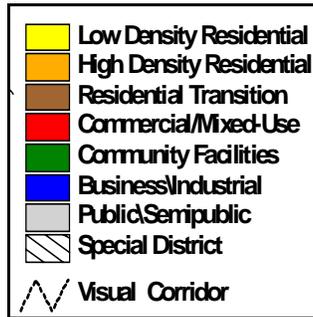


<i>Requested Action</i>	Rezone Parcel B to One Family Residence District (R-11)
<i>Existing Zoning</i>	Base Zoning: General Commercial District (C-3) Overlay Districts: N/A
<i>Background Information</i>	The existing single-family house was built when the C-3 district permitted this use. In 1989, the Zoning Ordinance was amended to exclude single-family residential uses from the commercial districts. The house is a legal non-conforming use. If destroyed, or damaged in excess of 75% of its replacement value, it cannot be rebuilt.
<i>Existing Land Use</i>	Single Family Residence
<i>Surrounding Land Use and Zoning</i>	North: Applicant/owner's chiropractic office, zoned C-3 South: Single-family residence, zoned C-3 East: Single-family residence, zoned R-11 West: Convenience store, zoned C-3



Public Policy

The Hampton Community Plan (2006, as amended) recommends medium-density (9-14 units per acre) residential for this area.



LU-CD Policy 3: Encourage and maintain a diverse mix of housing types and values (LU-16).

LU-CD Policy 7: Safeguard the integrity of existing residential neighborhoods (LU-17).

Zoning History

This and adjacent properties have been zoned C-3 since the application of zoning in 1960.

Applicable Regulations

The R-11 zoning district requires a 9,000 square foot lot, a minimum dwelling unit size of 1,700 square feet, and 70' frontage. The existing dwelling unit is 704 square feet, the frontage is 70', and the lot size is 5,943 square feet.

Impact Analysis

Traffic/Parking

This is an existing single-family house. There will be no traffic impacts. The parcel contains off-street parking sufficient to meet the requirements of the Zoning Ordinance.

Schools

This is an existing single-family house. There will be no impact on the school system.

Environmental

This is an existing single-family house. There will be no

<i>Utilities</i>	impact on environmental features. The existing single-family house is served by public sewer and water. There will be no impact on public utilities.
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Analysis

The existing single-family house at 1204 East Pembroke Avenue (fronting on Theodore Street) is a legal non-conforming use in the C-3 district. If destroyed, or damaged more than 75% of its replacement value, the house cannot be re-built. The owner wishes to sell it and needs to correct the zoning so the purchaser can obtain a mortgage.

The C-3 property contains “Parcel A”, a chiropractic office, and “Parcel B”, containing the house that is the subject of this rezoning. The owner intends to split the property into two lots and sell “Parcel B”. “Parcel B” will meet neither the minimum lot nor house size for either the R-11 or the R-9 zoning districts. All of “Parcel A” is needed to meet the parking requirements for the chiropractic office, so it cannot be reduced to make “Parcel B” larger. If rezoned to R-11, “Parcel B” will be a legal non-conforming lot with a legal non-conforming structure. If the house is destroyed, or damaged beyond 75% of its replacement value, it will have to be rebuilt at the R-11 standard of 1,700 square feet.

Rezoning “Parcel B” to R-11 will correct the zoning of the property and make it consistent with the existing use. It will also eliminate a piece of C-3 zoning that is in the midst of residential uses.

The Hampton Community Plan (2006, as amended) recommends medium-density residential (9-14 units per acre) for this area. The proposed zoning has a density range of 3.5-4.5 units per acre. While the proposal does not technically conform to the recommendation of the Plan, it reflects the zoning that most closely matches the lot size and will make the existing use legally conforming.

Staff recommends approval of this application with no conditions.