

# STAFF EVALUATION

To: ~~Planning Commission~~ City Council Prepared By: Mike Hayes, AICP 728-5244  
Reviewed By: Bonnie Brown, Deputy City Attorney

Case No. Use Permit Applications #19-00012

Date: ~~2/16~~ 2/12/2020

## General Information

Property Owner Viu Nguyen

Applicant Tri Nguyen

Location 199 E Mercury Boulevard [ LRSN 12003535]



Requested Action Recommend denial of Use Permit No.19-00012

Description of Proposal The applicant would like to store vehicles, some operable and some inoperable, on this lot. The vehicles may be towed to the site following collisions or may be overflow from a repair center/garage. A single employee is expected to manage the lot on a daily basis. Repairs are not expected to take place on this lot, however both light and heavy vehicle repair are permitted by-right in the governing zoning district, General Commercial (C-3).

Parking No additional parking, meaning beyond the storage area, is required.

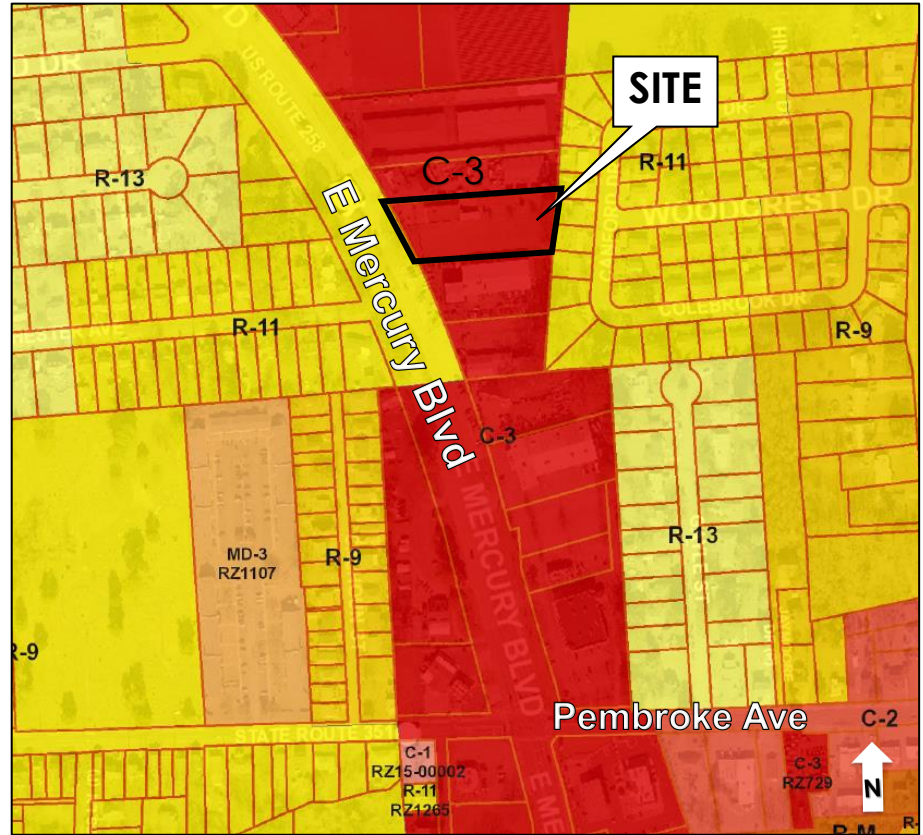
Existing Land Use Day care and vehicle storage

The applicant has been sent a Notice of Violation for storing vehicles without an approved use permit. Vehicles remain stored on site pending the outcome of this application process.

The building on this parcel is used for a children's day care.

*Existing Zoning*

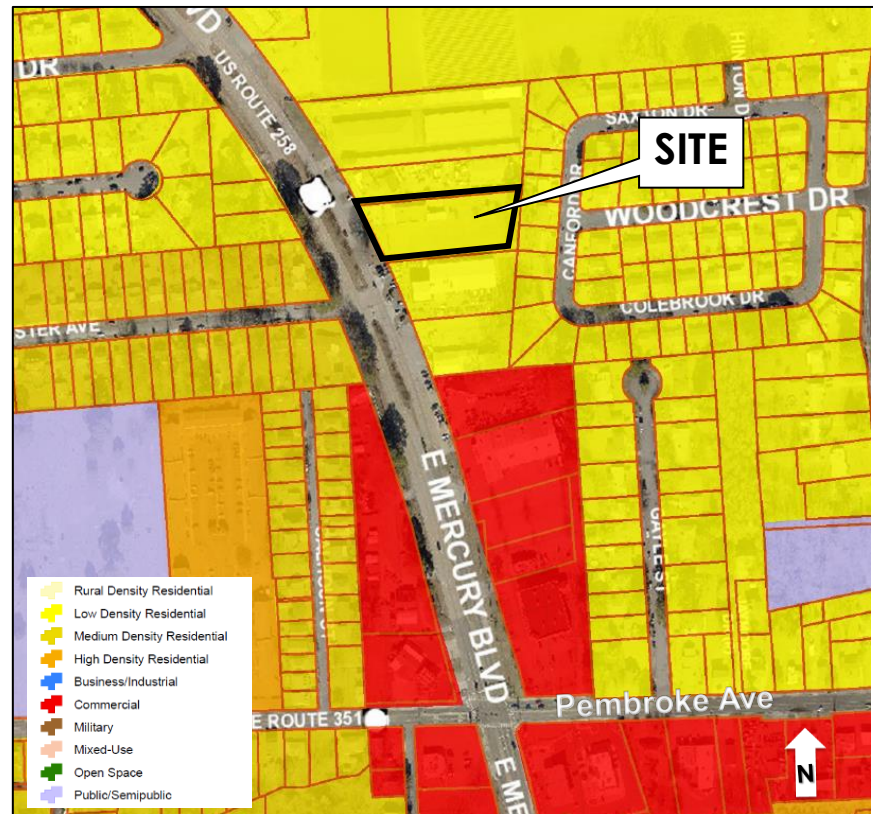
General Commercial [C-3] District



*Surrounding Land Use and Zoning*

- North:** C-3 – Warehouse and storage
- South:** C-3 – Automotive repair
- East:** One Family Residential (R-11) District – Single-family subdivision
- West:** R-11 – Single-family subdivision

## Public Policy



The future land use plan for the subject properties is addressed by the Hampton Community Plan (2006, as amended). The Community Plan provides goals, objectives, and policies for the future of Hampton, which includes recommendations for appropriate land uses. Land use recommendations for these properties is low density residential.

On p.LU-20, E. Mercury Boulevard from King Street to Mill Creek is recognized as a residential corridor with commercial nodes. "New and expanded commercial uses are encouraged to concentrate within established commercial nodes". The Future Land Use Plan designates 211 E Mercury to the intersection as part of the commercial node while 207 E Mercury and properties heading west are recommended to be low density residential. The change in designation occurs where the land use on the opposite side of Mercury Boulevard changes; residential is recommended across from residential and commercial across from commercial. This is the pattern for much of the corridor. However, some non-residential uses, such as religious facilities, recreation facilities, and day care, may be appropriate within the residentially designated area along the corridor.

Additional applicable policies from the Community Plan include:

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

**LU-CD Policy 7:** Safeguard the integrity of existing residential neighborhoods.

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

**LU-CD Policy 15:** Maintain an aesthetically pleasing street network that helps frame and define the community while meeting the needs of pedestrians, bicycles, and motorists.

**LU-CD Policy 17:** Preserve and enhance the identity and scenic qualities of city corridors and gateways.

**LU-CD Policy 18:** Promote the important role of trees, quality landscaping, and public open spaces in defining the image of the city...

**LU-CD Policy 36:** Protect adjacent neighborhoods and promote compatible land uses within the city's residential corridors. Compatible uses include medium and low density residential. Other potentially compatible uses include: high density residential and public/semi-public uses (churches, community facilities, schools, etc.).

<i>Traffic Impact</i>	Traffic generation is not expected to be enough to impact traffic on Mercury Boulevard.
<i>Community Meeting</i>	At the time of preparing this report a community meeting has not been scheduled.

### Analysis

This application is a request to operate vehicle storage at 199 E. Mercury Boulevard. The property is zoned General Commercial (C-3), which allows for vehicle storage with an approved use permit, but the future land use designation in the Hampton Community Plan (2006, as amended) is for low density residential land use.

199 E. Mercury Boulevard currently has a day care on-site. The property was found to have active vehicle storage use on it as well, which led to the owner being sent a Notice of Violation for an unpermitted use. Further action is pending the outcome of this application process. If denied, vehicles associated with the vehicle storage use must be removed. If approved, staff recommends conditions dealing with the screening of the property given its adjacency to residential uses.

With respect to neighboring land uses, on the odd numbered side of Mercury Boulevard (same side of the street as the subject property), a variety of commercial uses exist, including the day care, a fraternal lodge, vehicle repair, and storage facilities. However, to the rear of the property and directly across Mercury Boulevard are single family homes.

The Land Use Plan, found on p. LU-21 of the Hampton Community Plan, recommends a commercial node around the Pembroke Avenue and Mercury Boulevard intersection. This aligns with where commercial uses exist on both sides of Mercury Boulevard. The land use designation changes where the residences exist on one side of Mercury Boulevard. This designation is in alignment with a number of other land use policies found in the Plan, most directly "LU-CD Policy 36: Protect adjacent neighborhoods and promote compatible land uses within the city's residential corridors. Compatible uses include medium and low density residential. Other potentially compatible uses include: high density residential and public/semi-public uses (churches, community facilities, schools, etc.)."(p. LU-20) The day care currently operating on the property is an example of a compatible use in the context of this site. Vehicle storage is not considered a compatible use as it is considered to be a more intense commercial use that bleeds into a more industrial uses.

Other policies speak to the need for the City to pay special attention to its gateways and corridors, as their development sets the tone and expectations for the neighborhoods they front. E. Mercury Boulevard is specifically designated as a residential corridor with commercial nodes in the Community Plan. E. Mercury Boulevard is a heavily traveled street, providing direct access to Fort Monroe through Phoebus, provides access to I-64 in the middle of Coliseum Central, and connects to the Southside through Newport News. The land use pattern along the eastern portion of Mercury Boulevard is largely residential or public/semi-public in nature, and the properties directly on E. Mercury Boulevard, such as the subject property, are highly visible.

Staff recommends denial of this use permit application based upon the future land use designation in the Hampton Community Plan and other cited policies with which this use is incompatible. However, if Planning Commission and/or City Council are inclined to approve the application, staff recommends eleven (11) conditions be attached. These conditions generally address location, screening and buffering, storage of vehicles, maintaining a ledger of stored vehicles, lighting, and compliance with all other applicable laws.

**Staff Recommendations:**

- **Denial of Use Permit Application No. 19-00012**

*If Planning Commission decides to recommend approval, staff recommends eleven (11) conditions which generally address location, screening, storing of vehicles, maintaining a ledger, lighting, nullification, and revocation.*