

STAFF EVALUATION

Prepared By:	Davis Pemberton, City Planner	(757) 728-2040
Reviewed By:	Allison Jackura, Zoning Administrator	(757) 728-5233
	Mike Hayes, Planning Division Manager	(757) 728-5244
	Jessica Kraus, Assistant City Attorney	

Case No.: Zoning Ordinance Amendment, ZOA24-0159

Planning Commission Date: April 18, 2024

City Council Date: May 22, 2024

General Information

<i>Description of Proposal</i>	The amendment proposes to modify Section 9-24 of the Zoning Ordinance to increase the maximum permitted height for new development to one-hundred fifty (150) feet, to eliminate the maximum density requirement, to eliminate the maximum lot coverage requirement, and to reduce the minimum dwelling area requirement within the Coliseum Central Overlay (O-CC) District, provided that the development proposal meets the overall intent of Section 9-24(1). The proposed amendment also seeks to strike the portion of Section 9-24(3) concerning the Coliseum Central Design Review Committee (CCDRC) as that committee is no longer in effect.
--------------------------------	--

<i>Relevant Existing Zoning Definitions</i>	None.
---	-------

Current Regulations

ARTICLE I. – R-M DISTRICT – MULTIPLE RESIDENTIAL

....

Sec. 5-2. Height regulations.

No building in an R-M District shall exceed three (3) stories or fifty-one (51) feet in height, provided that the height limit of any building may be increased to no more than sixty-eight (68) feet, but not more than four (4) stories when side yards of not less than twenty-five (25) feet are provided; however, buildings may be increased an additional five (5) feet in height for each additional ten (10) feet of side yard.

....

Sec. 5-4. Dwelling area.

No dwelling in an R-M District shall be erected having a floor area of less than eight hundred (800) square feet. Duplex or semi-detached units shall contain not less than six hundred (600) square feet each. These minimum areas shall be exclusive of attached garages, carports, porches, patios, breezeways, or utility rooms.

....

ARTICLE I. - C-1 DISTRICT—NEIGHBORHOOD COMMERCIAL

....

Sec. 6-3. Development standards for all uses other than townhouses and multiple dwellings.

- (1) Height. Maximum of two and one-half (2½) stories or thirty-five (35) feet in height, provided that the height limit may be increased to not more than forty-five (45) feet, but not to exceed three (3) stories when side yards of not less than fifty (50) feet each are provided.

....

Sec. 6-4. Development standards for townhouses and multiple dwellings.

....

- (2) *Height and building size.*

- (a) Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit for any building may be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.

....

- (4) *Dwelling area.* The minimum dwelling area of all units shall equal that of the least restrictive, adjacent single-family district; if there is no adjacent single-family district, the minimum dwelling area shall be nine hundred (900) square feet.

- (5) *Density.* The maximum density shall be ten (10) units per buildable acre.

- (6) *Lot coverage and green area.*

- (a) The maximum lot coverage, exclusive of physical recreational amenities, shall be twenty (20) percent.

....

ARTICLE II. - C-2 DISTRICT—LIMITED COMMERCIAL

....

Sec. 6-12. Development standards for all uses other than townhouses and multiple dwellings.

- (1) Height. Maximum of two and one-half (2½) stories or thirty-five (35) feet in height, provided that the height limit may be increased provided that all height greater than thirty-five (35) feet shall set back from all required front, side, and rear yards one (1) foot for each three (3) feet of such additional height.

....

Sec. 6-13. Development standards for townhouses and multiple dwellings.

....

- (2) *Height and building size.*

- (a) Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit for any building

may be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.

....

- (4) *Dwelling area.* The minimum dwelling area of all units shall equal that of the least restrictive, adjacent single-family district; if there is no adjacent single-family district, the minimum dwelling area shall be nine hundred (900) square feet.
- (5) *Density.* The maximum density shall be twenty (20) units per buildable acre.
- (6) *Lot coverage and green area.*
 - (a) The maximum lot coverage, exclusive of physical recreational amenities, shall be twenty (20) percent.

....

ARTICLE III. - C-3 DISTRICT—GENERAL COMMERCIAL

....

Sec. 6-22. Height.

Buildings shall be a maximum of two and one-half (2½) stories or thirty-five (35) feet in height, provided that the height limit may be increased provided that all height greater than thirty-five (35) feet shall set back from all required front, side, and rear yards one (1) foot for each three (3) feet of such additional height.

....

ARTICLE III. - O-CC DISTRICT—COLISEUM CENTRAL OVERLAY

....

Sec. 9-24. – Site design.

- (1) The purpose of the following design guidelines is to ensure a consistent, integrated development pattern that will support the efforts of the CCBID to create a distinct sense of place for Coliseum Central, The site design objectives are as follows:
 - (a) Establish the image of Coliseum Central as a contemporary, vibrant, retail/mixed use area that is harmoniously integrated into the indigenous water-oriented ecosystem unique to Hampton;
 - (b) Promote economic growth in the Coliseum Central District;
 - (c) Encourage high quality development, allowing for the diversity of uses while avoiding detrimental uses and poor location of appropriate uses;
 - (d) Encourage high quality of the design and materials used in public open spaces, gateways, streetscape parcel development, buildings and signage;

- (e) Create a sense of place through the use of physical improvements that clearly define the geographic district (i.e., edge treatments, landmarks and repetitive design elements) and
- (f) Visually and functionally connect and define the Coliseum Central District,

....

- (3) In an effort to allow maximum utilization of the site, alternatives to the requirements of subsection (2) above may be permitted through an administrative design review process wherein the city staff will work with the applicant to obtain city approval of the development proposal. Such approval shall be based on the development proposal's ability to meet the overall intent of subsection (1) above, and may include the following:
 - (a) The provision of an alternative building design in place of the typical franchise requirement, including form, style, materials, and colors. However, building materials shall meet the minimum standards as described in subsection (2) above.
 - (b) Pitched roof design with a slope between 4:12 and 12:12 (rise:run) along the primary building facade, and a variable roof line which may include raised accent elements such as dormer windows, chimneys, etc.
 - (c) The provision of a solid-to-void ratio 1:1 (forty (40) to sixty (60) percent solid walls and sixty (60) to forty (40) percent windows or doors) for the primary facades of commercial storefronts and 3:1 sixty-five (65) to eighty-five (85) percent solid walls and thirty-five (35) to fifteen (15) percent windows or doors) for the primary facade of all other buildings, with the exception of parking structures.
 - (d) The provision of water features, fountains, and/or sculptures in keeping with the theme set forth in the coliseum central business improvement district master plan.
 - (e) The provision of site furnishings (e.g. benches, trash receptacles, decorative bollards, planters, etc.) and bus shelters. Furnishing placement shall be consistent throughout the subject site in relation to adjacent buildings and pavement edges and will not be required to meet minimum setback requirements.
 - (f) The provision of wrought iron, steel, or aluminum picket fence sections between masonry columns for fencing within the front yards of properties which are not intended to screen areas from public view.
 - (g) Use of alternative pavement materials and treatments to create a unified appearance, to emphasize special site characteristics, to provide porous parking surface,

or to designate various pedestrian/circulation routes. Alternate paving types include but are not necessarily limited to modular pavers (brick, stone, concrete), colored concrete, patterned concrete, porous concrete and geoblock.

- (h) The provision of a uniform lighting design that enhances site aesthetics. Design consideration should include fixture type, light source type, height of mounted fixtures, lighting levels, glare, sky glow, and color (CRI value).
- (i) The provision of pedestrian corridors (i.e. paved pathways and landscaped green areas) through parking areas.

If the applicant and city staff are unable to reach agreement over the provision of appropriate design alternatives in lieu of the minimum standards for the development proposal, the director of the department of community development, or his designee, shall convene the Coliseum Central Design Review Committee (CCDRC) to evaluate and take action on the development proposal. The CCDRC shall review the submitted design alternative(s) for the development and evaluate whether or not the development proposal is an acceptable substitute for the minimum design standards in achieving the overall design intent of the district as set forth in subsection (1) above. A tie vote of the CCDRC constitutes a denial of the development proposal.

The decision of the CCDRC may be appealed by an aggrieved applicant to the board of zoning appeals in accordance with chapter 13 of the zoning ordinance. An applicant may pursue a variance from the board of zoning appeals pursuant to chapter 13 of the zoning ordinance in the event the applicant disagrees with a decision of the CCDRC involving solely dimensional site requirements.

Analysis

The amendment proposes to modify Section 9-24 of the Zoning Ordinance to increase the maximum permitted height for new development to one-hundred fifty (150) feet, to eliminate maximum density requirements, to eliminate the maximum lot coverage requirement, and to reduce the minimum dwelling area requirement within the Overlay – Coliseum Central (O-CC) District, provided that the development proposal meets the overall intent of Section 9-23(1). The proposed amendment also seeks to strike the portion of Section 9-24(3) concerning the Coliseum Central Design Review Committee (CCDRC).

This proposed amendment, in conjunction with Zoning Ordinance Amendment No. 24-0160, aims to further promote the Coliseum Central area as one of the major urban development areas of the city and to encourage more dense development.

In recent years, there have been several new proposals for multifamily and mixed-use developments on private parcels, as well as City- and Economic Development Authority-owned parcels within the O-CC District which seek to exceed the Zoning Ordinance restrictions on height, lot coverage, density, or dwelling area. These proposals indicate to

staff a trend toward taller and higher density development in the area than what is currently allowed by existing zoning regulations warranting consideration of an update to the requirements. Given that the current zoning regulations may limit the district's ability to densify over time, staff is therefore considering appropriate amendments to address these concerns.

In staff's view, the current maximum height restrictions, maximum density restrictions, maximum lot coverage, and minimum dwelling area requirements alongside the current minimum parking requirements are the existing zoning regulations that potentially limit the realm of possible development and hinder implementation of the overall vision for the Coliseum Central area. The Coliseum Central Master Plan (2017, as amended) encourages new, high-quality residential development in walkable, mixed-use districts, recommends development of dense and upscale residential units, and calls for implementing a parking strategy that creates an opportunity for higher density developments while maintaining convenient and accessible parking. The Plan identifies the prevalence of surface parking as a hindrance to pedestrian-oriented development and advocates for a parking strategy that transforms large parking fields into smaller, well-landscaped parking areas, thereby facilitating the creation of dense, connected, and pedestrian-friendly activity centers.

By significantly increasing the maximum height restriction, eliminating maximum density requirements, eliminating maximum lot coverage requirements, and reducing the minimum dwelling area requirements within the O-CC District, there is greater flexibility in utilizing a larger portion of the site for development, as well as repurposing existing sites and structures, thus removing potential barriers to development or redevelopment. This potentially encourages the creation of smaller, denser, and potentially more inclusive housing options. Additionally, by encouraging denser development, it potentially helps preserve green spaces and natural habitats, especially in more urban or commercial areas with limited available land or valuable environmental resources. Taller buildings often facilitate mixed-use development, where residential, commercial, and recreational spaces coexist within the same structure or neighborhood. This can create vibrant, walkable communities with a diverse range of amenities and activities.

To obtain relief from these requirements, a development proposal must undergo administrative alternative design approval. This process entails collaboration between City staff and the applicant to secure approval based on the proposal's alignment with the overarching goals of Sec. 9-24(1). Complementing the O-CC District, the Coliseum Central Design Standards act as a supplementary guide. These standards are invoked at the applicant's request to diverge from the base requirements. During the administrative design review process, this document serves as a valuable resource in guiding the development proposal towards approval.

The removal of the portion of Sec. 9-24(3) containing language regarding the Coliseum Central Design Review Committee (CCDRC) is a clarification to remove reference to a committee that is no longer in use.

In summary, staff recommends adoption of the proposed amendment to increase the maximum permitted height for new development to one-hundred fifty (150) feet, to eliminate the maximum density requirement, to eliminate the maximum lot coverage, and to reduce the minimum dwelling area requirement within the Overlay – Coliseum Central (O-CC) District.

Staff recommends approval of ZOA 24-0159.