

# STAFF EVALUATION

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Bonnie Brown, Deputy City Attorney

**Case No.:** Use Permit No. 21-00015  
**Planning Commission Date:** November 18, 2021      **City Council Date:** December 8, 2021

## General Information

*Applicant* Karen G. Jordan

*Property Owner* Plaza Offices, LLC

*Location* 2021-B Cunningham Drive, Suite 1 [LRSN 13004310]



*Requested Use* Use Permit to allow a private school, more specifically a tutoring center

*Description of Proposal* The applicant is proposing to operate a tutoring center for pre-school through high school students with academic assistance in a variety of subjects. The applicant anticipates having 4 employees to serve as tutors serving approximately five students total per hour. The tutoring center's hours of operation are proposed to be:  
Mon – Thurs: 9:00AM-12:00PM and 4:00PM-8:30PM  
Fridays: 9:00AM-12:00PM and 4:00PM-7:00PM  
Saturdays: 10:00AM-3:00PM  
Sundays: Closed

Operations would occur within an existing one story office building located behind the Riverpointe Shopping Center. Two rooms would be used for tutoring. Clients are responsible for their own transportation.

*Existing Land Use* The existing land use on the site is a series of commercial buildings comprising the Riverside Plaza office complex. At the subject address, there is an adjacent spaced leased to a business and the other five units are currently vacant. To the north is a multi-family

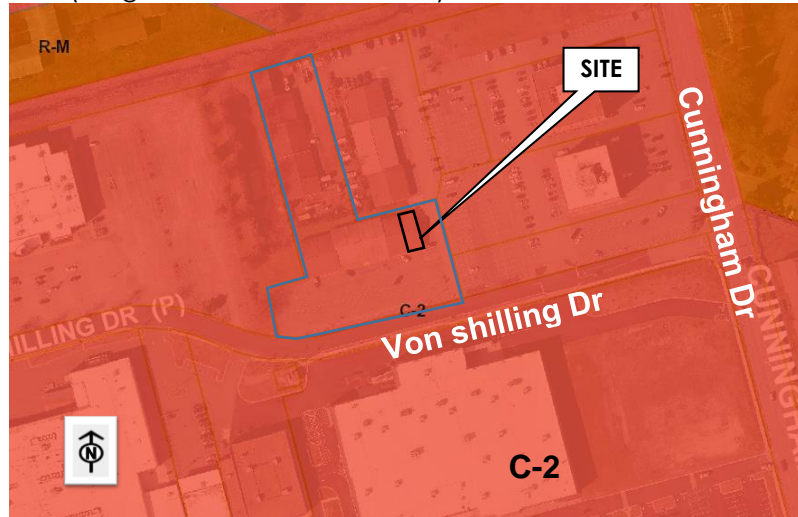
development; to the south is the Riverpointe Shopping Center; to the east are additional office buildings; and to the west is the Cinema Café movie theater.

*Zoning & Zoning History*

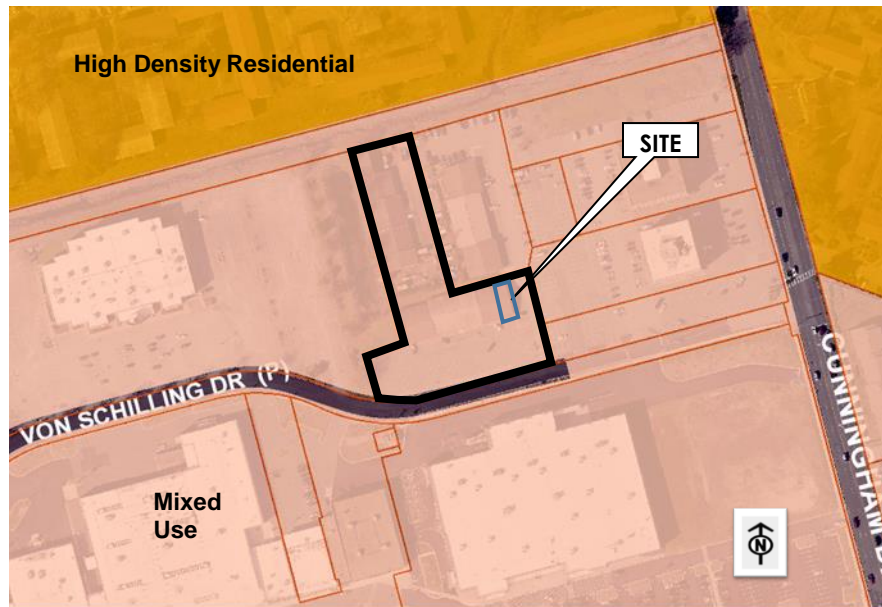
The subject site is zoned Limited Commercial District (C-2) and Coliseum Overlay District (O-CC). A use permit is required for a private school in a C-2 zoning district along with a School Supplemental form.

*Surrounding Land Use and Zoning*

- North:** C-2 (Limited Commercial), office complex.
- South:** C-2 (Neighborhood Commercial), grocery store.
- East:** C-2 (Neighborhood Commercial), offices.
- West:** C-2 (Neighborhood Commercial), movie theater.



*Public Policy*



The Hampton Community Plan (2006, as amended) recommends mixed use for the subject property.

Listed are Hampton Community Plan (2006 as amended) policies relevant to this request:

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

**CF Policy 18:** Promote educational facilities that have a high degree of flexibility for broad based community use. Recognize that the world and community values and practices are in rapid change.

**ED Policy 4:** Nurture small and start-up businesses.

**ED Policy 10:** Foster the successful redevelopment of well-situated vacant and underutilized commercial and industrial properties within the city.

**ED policy 12:** Focus special attention on strengthening the ability of older commercial and industrial areas to support new and expanded business activity.

Listed are the Hampton Youth Master Plan ( 2006, as Amended) policy goals that are relevant to this request:

**Goal Y-01:** Caring Relationships Within the Community.

**Goal Y-03:** Youth Acquire Essential Life Skills.

**Goal Y-04:** Every Young Person is Prepared for a Career.

The property is within the Coliseum Central Master Plan Area (2015, as amended). Specifically, the property resides within Coliseum North Initiative Area and is a part of the Riverdale Plaza Office complex, which is intended to redevelop into more pedestrian-friendly, mixed use developments.



The Coliseum Central Master Plan (2015, as amended) encourages development patterns conducive to the economic vitality of Hampton with a variety of retail and mixed-use developments. The area is considered a regional retail location for the surrounding communities in addition to being the community-wide hub for retail, restaurants, and entertainment in the City of Hampton.

The subject location is more specifically located in the Coliseum North initiative area. Overall, the plan recommends the transition of this area from a traditional suburban shopping district to one that is more dense and more connected with a mix of uses to include retail, entertainment, dining, office and residential

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*Applicable Regulations*

The current zoning of C-2 allows for a private school with a use permit.

While the site falls within the O-CC District, those standards apply to new development and this proposal is locating in an existing building.

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*Traffic/Parking*

The subject property has marked parking spaces to the unit's front and side. These spaces are shared with neighboring units at the Riverdale Plaza. Based on zoning ordinance requirements for a private school and office uses, adequate parking exists to meet the ordinance.

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*Community Meeting*

The applicant has scheduled a community meeting for Thursday November 11, 2021.

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## Analysis

Use Permit Application No. 21-00015 is a request for a Use Permit to allow for the operation of a tutoring center, which is considered a private school in the zoning ordinance. Tutoring services will be provided for individuals in pre-school through high school. The subject property consists of approximately 965 square feet of leasable space within the Riverdale Plaza office complex at 2021-B suite 1 Cunningham Drive [LRSN: 13004310].

The property is zoned Limited Commercial District (C-2) and is within the Coliseum Central Overlay District (O-CC). This zoning district allows for a private school with a use permit. A private school is defined as any establishment operated for the educational and professional instruction of individuals that is not a public school as defined in Chapter 2 Section 2-2, not including colleges and universities.

The applicant proposes offering one on one tutoring along with small groups. The tutoring will have a focus on individuals with learning disabilities and those needing remedial help with topics such as math, reading and writing skills. Tutoring services will also focus on helping preschooler's gain the skills they need to be prepared to enter school ready to succeed.

The Hampton Community Plan (2006, as amended) recommends mixed uses for the subject property. The proposed use as a private school aligns will contribute toward a mix of uses in this general area. The policies in the Hampton Community Plan (2006 as amended) related to this request support actions which nurture and support redeveloping small businesses on underutilized commercial properties. The use of this unit as a tutoring center or private school also aligns itself with the Coliseum Central Master Plan (2015, as amended) which again encourages development patterns conducive to the economic vitality and diversity of Hampton with a variety of mixed-use developments. The tutoring center is also taking advantage of this central location, as the Coliseum Central Area is considered the 'community-wide hub' for services, as well as retail and

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entertainment, in the City of Hampton. The tutoring center would be located within close proximity to local schools. The closest school is 0.22 miles.

Staff is recommending approval of this use permit with five (5) conditions. Three of these conditions (highlighted below) are specific to this proposed use with the others representing typical conditions attached to all use permits:

- Hours of operation shall be Monday – Sunday 8:30 AM to 9:00 PM.
- Loading and unloading from vehicles shall be conducted on site and not on any public street.
- Certificate of occupancy must be obtained by the private school operator prior to commencing the private school operation.

Note that the condition limiting hours of operation would permit greater hours than those requested by the applicant. Given the proposed use, location, and site specific conditions, allowing greater operational flexibility would not lead to negative impacts to the surrounding area and is in line with adopted policies.

**Staff recommends approval of Use Permit Application No. 21-00015 subject to five (5) conditions.**