



September 21, 2016

## MEMORANDUM

To: Hampton City Council and City Manager Bunting  
From: Terry O'Neill, Director, Community Development Dept.  
Re: Deferral of Use Permit 16-00004: Lodge @ 1307 LaSalle Avenue

On September 14, 2016, City Council voted to defer Use Permit Application UP16-00004, to authorize the operation of an American Legion Lodge at 1307 LaSalle Avenue. Council took this action in order to allow staff to gather additional information on the following issues:

- Request for specific information identifying who was notified about the community meeting held on August 21<sup>st</sup>, 2016.
- Concerns that parking may not be sufficient, especially for "special events" such as bingo nights.
- Concerns about what land uses would be permitted at the lodge and a specific need for clarification about "live entertainment" and other "special events".

### **Notification for Community Meeting**

Enclosed with this memo is a list of addresses that staff provided to the applicant for sending notice regarding the August 21<sup>st</sup> community meeting. This list is limited to property owners and representatives of neighborhood organizations. Individual tenants of rental properties and apartment complexes are not included in the information provided to applicants. Staff relies on property owners to notify tenants of public hearing items that may impact them.

Please note that a community meeting is different from a public hearing. Staff encourages applicants to hold a community meeting for their application, and provides assistance in the form of property owner addresses and neighborhood organization contacts. Community meetings are at the discretion of the applicant and are above-and-beyond the legal requirements for public notice. The applicant is responsible for setting up, notifying the public, and running the community meeting. Staff provides a supporting role. Planning staff make arrangements for the legally-required public hearings, including property owner notifications and advertisement as required by Virginia Code.

### **Parking**

The proposed conditions for this land use application require the applicant to meet the minimum parking standard required by the City of Hampton's Zoning Ordinance: 49 standard parking spaces. The Zoning Ordinance also identifies a maximum number of parking spaces. The maximum allowed number of parking spaces for this property is 66. Accordingly, City Council could require between 49 and 66 parking spaces on the site as

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part of the use permit conditions. Any number outside of that range would require a variance from the Board of Zoning Appeals, approval of which is a separate process and is not guaranteed. If Council desires to increase the parking count from 49 spaces, we would recommend amendment to condition number three (3) to read:

### 3. Parking

*Prior to commencing the operation of a lodge, 66 parking spaces must be provided at 1307 LaSalle Avenue that conforms to the dimensional standards listed in Sec. 11-7 of the City of Hampton Zoning Ordinance.*

In order to meet the minimum parking requirement of 49 spaces, the applicant has applied for a Right-of-Way Encroachment which is scheduled for consideration by City Council at the October 12<sup>th</sup> meeting. The purpose of this application is to allow the applicant to use 12 parking spaces that were installed without authorization in the LaSalle Avenue ROW sometime in the 1980's or 90's. It is recommended that City Council consider this encroachment request after a decision is reached on Use Permit application 16-00004.

Based on the information that we have about the number of on-site parking spaces potentially available, it is unlikely that there is enough physical space on the property for more than 49 parking spaces. Therefore, staff expect that the applicant will need to apply for parking credits by the Zoning Administrator if City Council decides to require additional spaces (66 for example instead of 49). Approval by the Zoning Administrator could allow the applicant to make use of adjacent on-street parking, the Hampton City Social Services Department parking lot, or other locations that meet the ordinance requirements.

### **Land Use**

The applicant is applying for a Use Permit to allow for the operation of a "Club/Lodge, private or fraternal". If approved, the lodge would be permitted as a primary use of the property subject to the conditions attached. "Live entertainment", as described below, would not be permitted as a primary use but would be allowed on a limited basis as an accessory use.

The Zoning Ordinance identifies "Live Entertainment" as a primary use, provides a definition and identifies the locations and conditions where this use is permitted to occur. The ordinance only permits Live Entertainment as a primary use in conjunction with a restaurant, or a micro-brewery/distillery/winery. As a result, Live Entertainment as a primary use is limited to commercial districts (C-1, C-2, and C-3 etc.) and mixed-use districts (Coliseum Central, Downtown, Phoebus, etc.) where restaurants and micro-breweries/distilleries/wineries are permitted.

In addition to regulating primary uses, the Zoning Ordinance also provides guidance to the Zoning Administrator when considering the impacts of accessory uses on a case-by-case basis. Live Entertainment, for example, has been determined by the Zoning Administrator to be permitted as an accessory use in association with a religious facility, indoor theater, auditorium, and club/lodge. Please note that these uses may occur in commercial and mixed use districts but that religious facilities are also permitted in all residential districts and clubs/lodges are also permitted in the R-M district (multi-family residential).

The lodge proposed for 1307 LaSalle Avenue would be located in the R-M district and would only be permitted to have Live Entertainment as an accessory use. Given City Council's concerns about the potential impact that live entertainment may have on the adjacent properties, staff is recommending the following revised condition to ensure that the limitations on Live Entertainment at this location are expressly identified:

### *7. Live Entertainment*

*The primary use of this property shall be a private club/lodge as defined by the Zoning Ordinance. All accessory uses, including live entertainment, shall comply with the definition of accessory use in the Zoning Ordinance.*

Please note that City staff are also proposing zoning ordinance amendments that would permit live entertainment as a primary use in conjunction with a "Banquet Hall" under very similar conditions to how the ordinance currently addresses Live Entertainment at restaurants and micro-breweries/distilleries/wineries. These amendments (ZOA 195-2016 and ZOA 196-2016) are currently scheduled for consideration by City Council at the October 12<sup>th</sup> meeting.

### **Summary of Staff Recommendations**

As noted above, it is recommended that City Council act on the encroachment request relative to parking at 1307 La Salle Avenue after a decision is reached on Use Permit 16-00004.

If City Council is inclined to support Use Permit 16-00004 and is concerned about the amount of parking required, staff recommends that Council adopt the following revised condition three:

### *3. Parking*

*Prior to commencing the operation of a lodge, 66 parking spaces must be provided at 1307 LaSalle Avenue that conform to the dimensional standards listed in Sec. 11-7 of the City of Hampton Zoning Ordinance.*

If City Council is inclined to support Use Permit 16-00004, staff recommends that Council adopt the following revised condition seven:

### *7. Live Entertainment*

*The primary use of this property shall be a private club/lodge as defined by the Zoning Ordinance. All accessory uses, including live entertainment shall comply with the definition of accessory use in the Zoning Ordinance.*

Please contact me if you have any additional questions, or require clarification on any of the information I have presented in this memo.

Sincerely,

TPO