

STAFF EVALUATION

To: Planning Commission

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Reviewed By: Mike Hayes, AICP 728-5244
Bonnie Brown, Sr. Asst. City Attorney

Case No.: Rezoning Application No. 16-00008

Date: November 16, 2017

General Information

Applicant Jonah Z, LLC

Property Owner Jonah Z, LLC

Location 56 Butler Farm Road [LRSN 13004560]



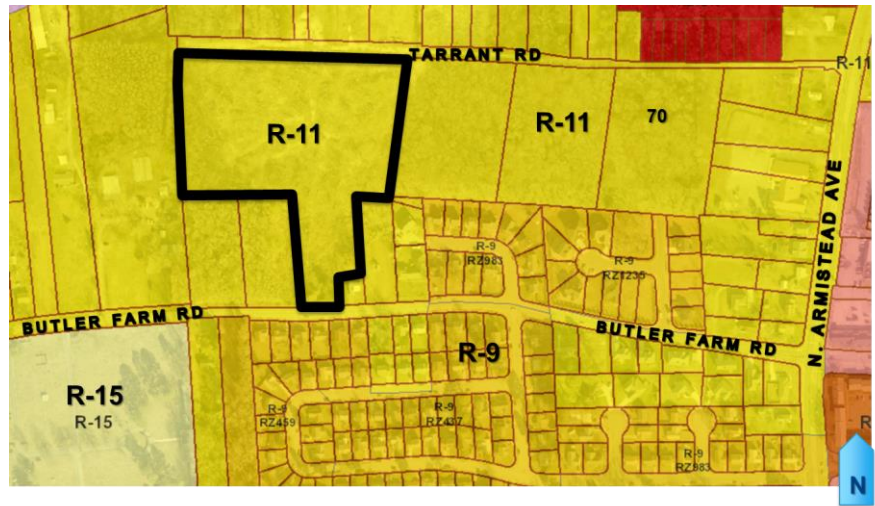
Requested Use An accessory storage lot for "New Vehicle Sales"

Description of Proposal This is a rezoning application to rezone approximately 9.9± acres of vacant land located at 56 Butler Farm Road (LRSN 13004560) from One Family Residential District (R-11) to Limited Commercial District (C-2) with proffered conditions. Approval of this application would permit an accessory storage lot for "New Vehicle Sales" to include 711± parking spaces.

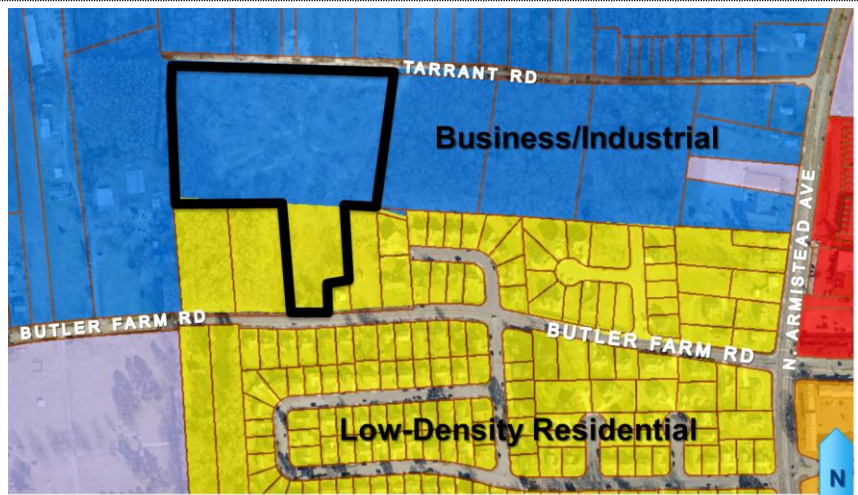
Existing Land Use Vacant lot

Zoning The property is currently zoned One Family Residential District (R-11) and Air Installation Compatible Use Zone (O-AICUZ), within the 70-75 dB noise contours. There is no conflict or special considerations for the proposal as it relates to AICUZ.

Surrounding Land Use and Zoning
North: – Tarrant Road, vacant land, One-Family Residential District (R-11)
South: Residences, One-Family Residential District (R-9) – RZ437, RZ459
East: Residences, One-Family Residential District (R-11)
West: One-Family Residential District (R-11), animal shelter



Public Policy



The Hampton Community Plan (2006, as amended) recommends business and industrial land use for the northernmost section of the parcel adjacent to Tarrant Road, low density residential for the southernmost section of the parcel immediately adjacent to Butler Farm Road, and includes economic development goals that are relevant to this proposal.

Policies related to this request are listed below:

LU-CD Policy 11: Promote high quality site design and site planning that is compatible with surrounding development. [p. LU-17].

ED Policy 1: Retain, expand, and attract businesses that provide jobs with family supporting wages. [p. ED-23]

ED Policy 10: Foster the successful redevelopment of well-situated vacant and underutilized commercial and industrial properties within the city. [p. ED-23]

Environmental Analyses

The applicant commissioned a study by an environmental specialist/consultant to complete an environmental assessment,

	which includes a wetlands delineation of the subject property. Based on the assessment, there are no wetlands present on the site.
Traffic	There are no foreseen negative impacts to traffic.
Community Meeting	A community meeting was held on September 14, 2017; approximately seven individuals attended the meeting.

Analysis

Rezoning Application No. 16-00008 is a request to rezone approximately 9.9± acres of vacant land located at 56 Butler Farm Road (LRSN 13004560) from One Family Residential District (R-11) to Limited Commercial District (C-2) with proffered conditions. The applicant wishes to store new vehicles that will be sold at an off-site dealership location, Tysinger Automotive Family. Tysinger is located at 2712 Magruder Boulevard, which is half a mile from the subject site. Approval of this rezoning application will permit the proposed use. Improvements to the site will include a 711± space parking lot. **Per the request of the applicant, Rezoning Application No. 16-00008 was deferred from the September 21, 2017 Planning Commission meeting to the October 19, 2017 Planning Commission meeting, then again to the November 16, 2017 Planning Commission meeting. The purpose of the deferral was for the applicant to address citizens' concerns regarding the proposed development. During the November 16, 2017 Planning Commission public hearing there was a motion to recommend approval. This led to a 3-3 tied vote; therefore, the motion failed. There was no alternate motion made resulting in no recommendation from Planning Commission to City Council.**

The subject property also falls within the Air Installation Compatible Use Zone (O-AICUZ), noise contour (70-75), which is an overlay zoning district. The purpose of AICUZ is to protect communities from noise impacts generally associated with airports or in Hampton's case, a military installation. Some land uses are not compatible with military bases.

This site also falls within the Hampton-Langley Joint Land Use Study (JLUS) area. JLUS, a collaborative effort between Langley Air Force Base (LAFB) personnel, the City of Hampton, and neighboring localities, is a policy document that includes guidance to prevent encroachment from incompatible land use developments to the military installation and issues associated with military flight operations related to noise and safety. JLUS was created to minimize the military installation's impact on the City and adjacent communities. LAFB is an asset to the City for numerous reasons, one of them being the economic benefits it provides to the community. Supporting new development that is compatible with the LAFB is critical to preventing Base Realignment and Closure (BRAC). Generally, uses that attract more individuals to a site (e.g. residential) that is within the JLUS study area or AICUZ zone are discouraged. The proposed use is far more land intensive than people intensive as it functions as storage for large goods (cars). In accordance with the policy set forth in the JLUS, staff contacted Langley Air Force Base (LAFB) personnel to inform them of this rezoning application, and they have no objections to the proposal.

The Hampton Community Plan (2006, as amended) recommends business and industrial uses for the majority of the subject parcel. The northernmost section of the parcel adjacent to Tarrant Road and most of the properties north of Tarrant Road are classified as business and industrial uses. Low density residential is recommended for the southernmost section of the parcel immediately adjacent to Butler Farm Road and the majority of the parcels to the east and south of the subject property. Most of the land east of the subject parcel is developed as low density residences. While the proposed rezoning is to a commercial zoning district and not a residential or industrial zoning district, there are consistencies with the City's policy/regulatory documents and they include the following:

- 1) This proposal represents a compatible land use that protects the mission and sustainability of the Langley Air Force Base (LAFB). To ensure that LAFB remains a viable asset in our community, staff evaluated this proposal in accordance with the Hampton-Langley Joint Land Use Study (JLUS) which provides guidance to prevent encroachment from incompatible land use developments to the military installation. The subject property could store an inventory of new vehicles, with the main business operation occurring at the Tysinger car dealership located on Magruder Boulevard. Even though a portion of the subject property is recommended for low density residential, the proposed use is more consistent with the O-AICUZ overlay district and the JLUS because it is a less "people intensive" use when compared to residential uses.
- 2) The Hampton Community Plan (2006, as amended) details the city's economic development objectives to attract and retain businesses and fostering successful redevelopment of well-situated vacant and underutilized commercial and industrial properties (ED Policy 10). Tysinger is a business that has existed in the City of Hampton since the mid 1960s. Implementation of this proposal will allow a long standing business to continue to expand, achieving the business retention objectives detailed in the Plan.
- 3) The property would function as storage for inventory, which is also consistent with Community Plan's recommendation for business and industrial uses for a significant portion of the property.

In accordance with the Community Plan recommendation to ensure proper site design and layout and to mitigate any potential impacts to adjacent properties, the applicant has proffered seven (7) conditions: landscaping to ensure proper screening – mitigating any visual impacts to nearby properties; ensuring exterior lighting is Dark Sky compliant and adheres to the City of Hampton Outdoor Lighting Policy & Procedures, which is important as the subject property is in close proximity to the LAFB flight approach; and the proposed development will be implemented in conformity with the conceptual site plan. The conceptual site plan contains: a parking lot for 711± parking spaces, a stormwater management feature, and landscaping. The conceptual site plan does not include any buildings; therefore, the subject property can only be used for storing vehicles. It cannot be used for repairing vehicles or accommodate an office building for active sales, so it will not facilitate more active commercial uses associated with new car sales. Ensuring conformity to the conceptual site plan is important because the southeast edge of the subject property is adjacent to residences and this will make certain that the proposed use has minimal impact on these residences.

In response to citizens' concerns, the applicant has proffered additional conditions such as: providing on-site surveillance equipment; a controlled access gate, enhanced landscaping for additional screening at the main entrance of the proposed development; no storage of equipment along Butler Farm Road or any public right-of-ways (this is already prohibited per the City Code); and no loading and offloading of vehicles on Butler Farm Road.

Due to the proximity to adjacent residences, C-2 is being recommended for the subject property because it is a less intense zoning district compared to other zoning districts (e.g. C-3, M-2, etc.) that permit an accessory storage lot for "New Vehicle Sales". Furthermore, the proposal aligns with several policies in the Hampton Community Plan (2006, as amended) and the JLUS.

Based on the analysis of this proposal, staff recommends approval of Rezoning Application No. 16-00008 with seven (7) proffered conditions. There is no recommendation from Planning Commission. A motion to recommend approval was made and resulted in a 3-3 tied vote; therefore, the motion failed and there was no alternate motion made.