

STAFF EVALUATION

To: Planning Commission

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728-5244

Bonnie Brown,

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Deputy City Attorney

Case No.: Use Permit Application No. 19-00009

Date: November 21, 2019

General Information

Applicant

Barbara Ann LeNoble

Property Owner

CDW VWC, LLC

Location

4107-4111 W Mercury Blvd. [LRSN 13003605]



Requested Use

Private School

Description of Proposal

This is a use permit application to permit a cosmetology and barbering training school located at 4107-4111 W Mercury Blvd. [LRSN 13003605]. The proposed business hours of operation are Tuesday through Friday from 10:00 AM to 9:00 PM and Saturdays 9:00 AM to 3:00 PM.

Existing Land Use

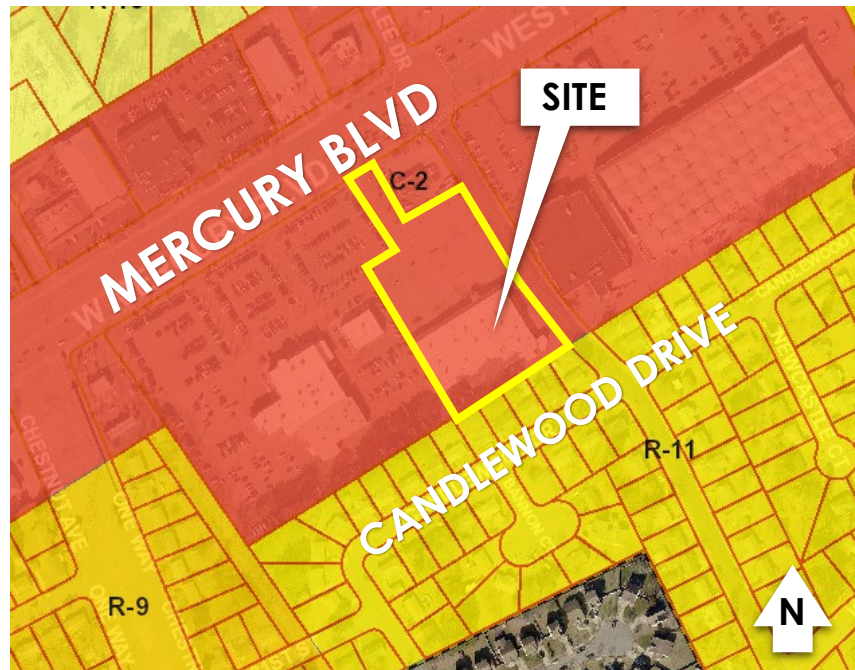
Vacant; formerly medical office

Zoning

The property is currently zoned Limited Commercial District (C-2).

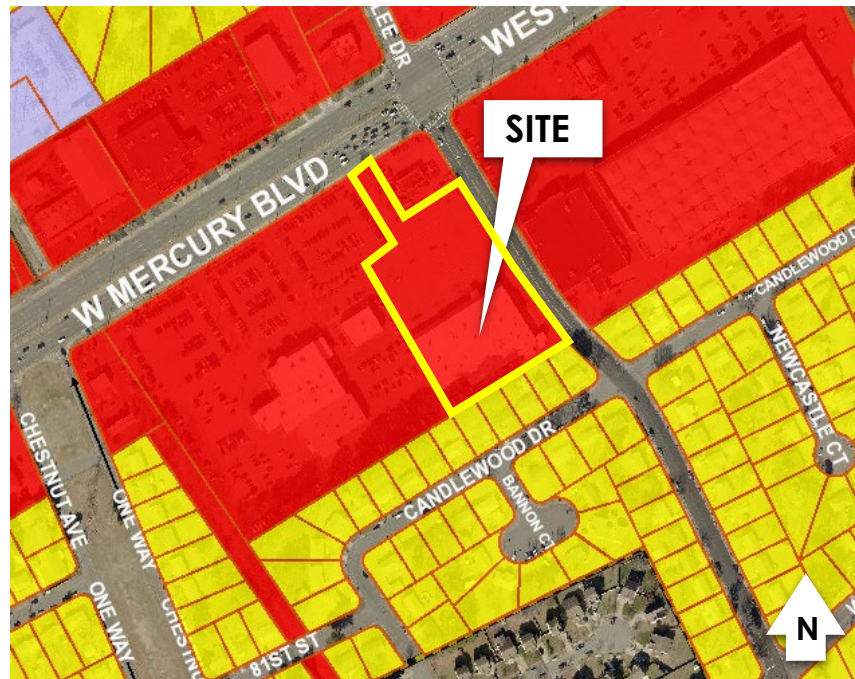
Surrounding Land Use and Zoning

North: commercial; C-2 District (Limited Commercial)
South: residential; R-11 District (One Family Residential District)
East: commercial; C-2 District (Limited Commercial District)
West: commercial; C-2 District (Limited Commercial District)



Public Policy

The Hampton Community Plan (2006, as amended) recommends commercial uses for the subject parcel and parcels to the north, east, and west of it. Low density residential uses are recommended to the south. The Plan includes economic development goals that are relevant to this proposal.



Additional policies related to this request are listed below:

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

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

ED Policy 18: Maintain a top-notch workforce through close coordination among key institutions: employment and training agencies, the business community, Hampton City Schools, Thomas Nelson Community College, Hampton University, and other local educational and research facilities.

<i>Applicable Regulations</i>	C-2 allows private schools subject to approval of a use permit.
<i>Traffic</i>	The applicant has indicated the circulation of vehicular traffic to and from the site will be entering/exiting from either W. Mercury Boulevard or Martha Lee Drive. There are no foreseen negative impacts with respect to traffic.

Analysis

Use Permit Application No. 19-00009 is a request to permit the operation of a cosmetology and barbering instruction school at 4107-4111 W Mercury Blvd. [LRSN 13003605]. For over 50 years the Virginia School of Hair Design has been in operation in Downtown Hampton, and the applicant and current owner of the school, Barbara Ann LeNoble, seeks to expand the school's enrollment and programming. The applicant expects over 50 students to transfer from the current downtown location and estimates 30 new students enrolling at the new location for approximately eighty (80) total students. The property is currently zoned Limited Commercial District (C-2) which allows for private schools with a use permit. The proposed school facility would occupy approximately 18,000 sq. ft. of an existing commercial building.

The applicant is proposing to offer a variety of cosmetology and barbering courses from Tuesday through Friday 10:00 AM-9:00 PM and 9:00 AM-3:00 PM on Saturday. Other proposed classes include waxing, nails, hair design, and esthetics. As the school grows, the applicant plans to expand training to include culinary and medical services. Due to the commercial character of the proposed location, staff is recommending that the school not be held to these particular courses or hours of operation under the proposed conditions. The applicant held a community meeting on August 24, 2019 to discuss the cosmetology school proposal; no one from the public attended the meeting.

The Hampton Community Plan (2006, as amended) recommends commercial uses for the subject parcel and parcels to the north, east, and west; and low density residential to the south of the subject parcel. The Hampton Community Plan (2006, as amended) details the city's economic development objectives to attract and retain businesses as well as support small businesses. Supporting the relocation and expansion of the Virginia School of Hair Design will further the goal of business growth and retention found within the community plan.

Staff has identified several conditions based on the proposed use's operational characteristics. One condition recommends limiting the school use to within the building to ensure that no classes are held outside. A capacity condition will permit the maximum capacity determined by building code and a traffic condition ensures loading and unloading will occur on site. Other conditions relate to complying with various state and city codes and ordinances.

Staff recommends approval of Use Permit Application No. 19-00009 with seven (7) conditions.

Use Permit Application 19-00009

Virginia School of Hair Design; Private School
4107-4111 W. Mercury Blvd, Hampton, VA 23666 | **LRSN: 13003605**

Conditions**1. Issuance of Permit**

The Use Permit shall apply only to 4107-4111 W. Mercury Blvd [**LRSN: 13003605**] as depicted on Exhibit A, and is not transferable to another location. All private school activities, including but not limited to teaching, training, classroom demonstrations, services to the public, etc., shall be conducted inside the building within the designated areas (per the floor plan, Exhibit B).

2. License

The school and school instructors shall remain compliant with all requirements set by the Commonwealth of Virginia, including but not limited to school certification requirements by the State Council of Higher Education for Virginia for vocational non-college degree schools and instructor requirements set by the Department of Professional and Occupational Regulation.

3. Certificate of Occupancy

The private school operator must obtain a capacity certificate or certificate of occupancy, whichever is applicable, prior to commencing the private school operation. The private school capacity shall not exceed the number listed on the certificate.

4. Traffic

Loading and unloading from vehicles shall be conducted on site and not on any public street.

5. Compliance with all Applicable Laws

This Use Permit may be terminated for any violation of applicable federal, state, or local law.

6. Nullification

The use permit shall automatically expire and become null and void under any of the following conditions:

- (a) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- (b) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the city council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council; or
- (c) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

7. Revocation

Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in chapter 14 of the zoning ordinance.