

# STAFF EVALUATION

**Case No.:** Rezoning No. 23-00001

**Planning Commission Date:** May 18, 2023

**City Council Date:** June 14, 2023

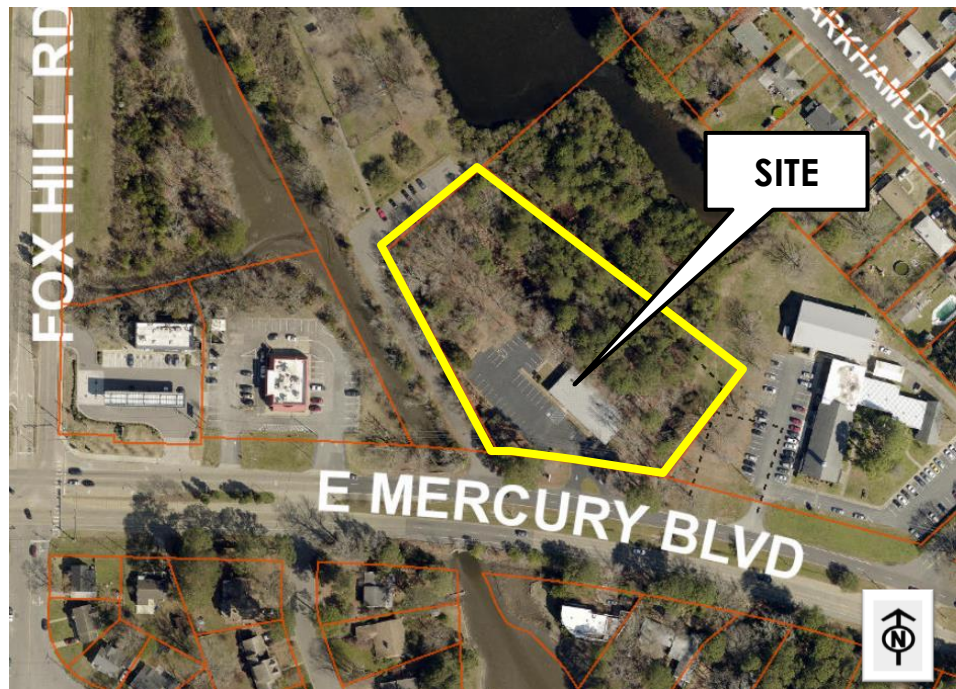
<b>Prepared By:</b>	Davis Pemberton	728-2040
<b>Reviewed By:</b>	Mike Hayes, Planning and Zoning Division Manager	728-5244
<b>Reviewed By:</b>	Bonnie Brown, Deputy City Attorney	

## General Information

*Applicant* Hampton Roads Community Action Program (HRCAP)

*Property Owner* EGO AMI LLC.

*Site Location* 91 E Mercury Blvd [LRSN: 8001553]



*Requested Action* Rezoning to amend the proffered conditions of Rezoning No. 14-00007 to allow for Day Care 1, Commercial, as well as other uses permitted in the Neighborhood Commercial (C-1) District.

*Description of Proposal* The Hampton Roads Community Action Program (HRCAP) is proposing day care operations at the existing site. In order to accommodate the business, the current proffered conditions from the previous rezoning would need to be amended to permit the new use at the site. No new site improvements are proposed at this time.

Existing Land Use Commercial - Vacant

**Surrounding Land Use and Zoning**

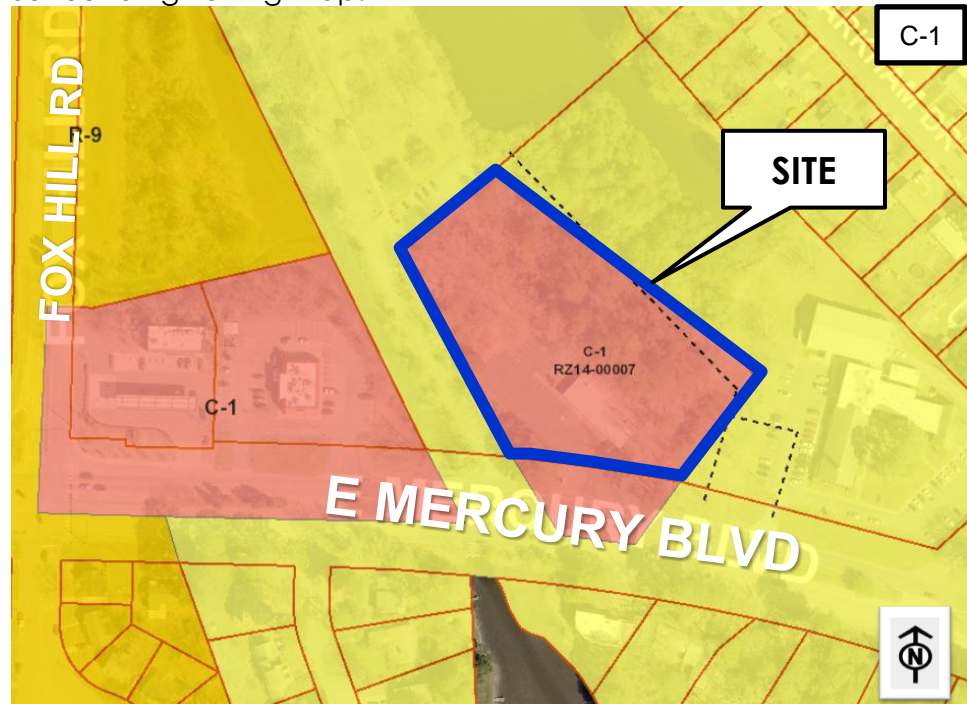
**North:** One Family Residential (R-13) District; park space (Ridgeway Bark Park)

**South:** One Family Residential (R-13) District; single-family residence

**East:** One Family Residential (R-13) District; religious facility (St. Mark's United Methodist Church)

**West:** One Family Residential (R-13) District & Neighborhood Commercial (C-1) District; commercial

Surrounding Zoning Map:



Public Policy

### ***Hampton Community Plan***

The Hampton Community Plan (2006, as amended) recommends commercial use for the subject property. Furthermore, the Plan recognizes that "Hampton's low inventory of vacant, developable land will continue to have important implications [for the city] ... It is expected that infill, redevelopment, and revitalization of existing development will be the main source of growth and change within the city." (pg. LU-12)

Listed below are policies related to this request:

**LU-CD Policy 4:** Evaluate land use proposals from a regional, city-wide, and neighborhood perspective. (pg. LU-19)

**LU-CD Policy 26:** Promote access to educational, social, civic, recreational, and employment opportunities for youth and seniors. (pg. LU-22)

**LU-CD Policy 31:** Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design. (pg. LU-22)

**ED Policy 4:** Nurture small and start-up businesses. (pg. ED-23)

**Youth Master Plan (Youth Component of the Community Plan)**

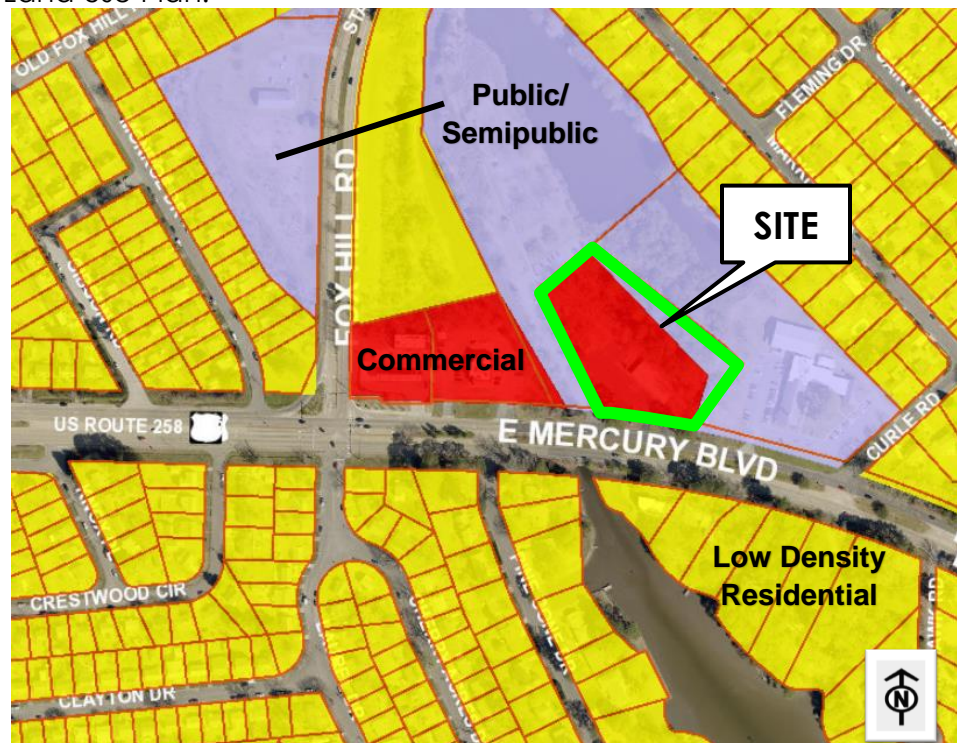
The City's Youth Master Plan recommends the following policy that is relevant to this request:

**Objective Y3.1:** Youth Have Access to Educational, Social, Civic, and Recreational Opportunities That Provide Opportunities for the Development of Strong Life Skills.

**Future Land Use:**

The Hampton Community Plan (2006, as amended) designates this area as commercial land-use.

Land Use Plan:



*Traffic/Parking*

Staff does not anticipate that the requested rezoning and day care use would cause a significant or negative impact in the parking or traffic to the current or surrounding properties. The existing site does have enough parking to accommodate the desired Day Care 1, Commercial use.

*Community Meeting*

No community meeting has been scheduled at this time.

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*Analysis:*

Rezoning Application No. 23-00001 is a request to amend the proffered conditions of Rezoning No. 14-00007 to allow for Day Care 1, Commercial as well as other uses permitted in the Neighborhood Commercial (C-1) District. The ± 2.66-acre parcel is located at 91 E Mercury Blvd [LRSN: 8001553]. The property is currently zoned Neighborhood Commercial (C-1) District with proffers.

The applicant, Hampton Roads Community Action Program (HRCAP), wishes to operate a Head Start Program at the subject location, which is categorized as Day Care 1, Commercial. On most Neighborhood Commercial (C-1) district properties, Day Care 1, Commercial is permitted subject to an approved Zoning Administrator Permit (ZAP). However, in 2014, the current property was rezoned from One Family Residential (R-13) District to Neighborhood Commercial (C-1) District with proffers. Proffers are conditions voluntarily offered by an applicant for consideration of the change in zoning. One of the previously accepted proffered conditions limited the property to the following principal uses and their accessory uses and structures:

- a) Retail shops.
- b) Restaurants, excluding drive-thru establishments.
- c) Catering establishments.
- d) Dry cleaning collection stations.
- e) Banks, excluding payday and title loan offices.
- f) Print shops.
- g) Business and professional offices.
- h) Dental clinics.
- i) Medical offices, specifically including but not limited to Physical Therapy Offices.

Day Care is not listed as a permitted principal or accessory use under the previous proffers.

91 E Mercury Boulevard is currently zoned to allow for some commercial uses while also being situated along a major commercial corridor, Mercury Boulevard, surrounded by a number of other uses, including a religious facility, park space, fast food restaurant, and gas station. The proposed use is compatible with the level of commercial activity of the subject property and surrounding properties. Currently, there are no proposed changes to the site, and any changes in the future would have to meet all relevant City Codes and Zoning Ordinances, ensuring compliance with the Chesapeake Bay Preservation District, the Flood Zone District, parking standards, stormwater requirements, and building code standards.

The Hampton Community Plan (2006, as amended) calls for evaluating land use proposals from regional, city-wide, and neighborhood perspective; encouraging a mix of land uses that is appropriate for each district; promoting access to educational, social, civic, recreational, and employment opportunities; and nurturing small and start-up

businesses. Furthermore, the Youth Master Plan also highlights the importance of providing wide access to educational opportunities to young people in the community.

By approving the rezoning and permitting the desired use, along with the other proffered uses, the City of Hampton would be encouraging the compatible reuse of a currently vacant building along a major corridor within the City.

Staff recommends **APPROVAL** of Rezoning No. 23-00001 with five (5) proffered conditions.