

STAFF EVALUATION

Case No.: Use Permit No. 22-00003

Planning Commission Date: April 21, 2022

City Council Date: May 25, 2022

Prepared By: Michael Hayes, Planning and Zoning Division Manager 728-5244
Reviewed By: Bonnie Brown, Deputy City Attorney

General Information

Applicant/Property Owner Hampton Yacht Club, Inc.

Site Location 4706 Victoria Boulevard [2003821]

Aerial Map:



Requested Action Use Permit to allow for the operation of a marina.

Description of Proposal The proposal is top allow for the storage of small craft kept on hand trucks. These boats would be launched from the ramp directly to the east of the subject property.

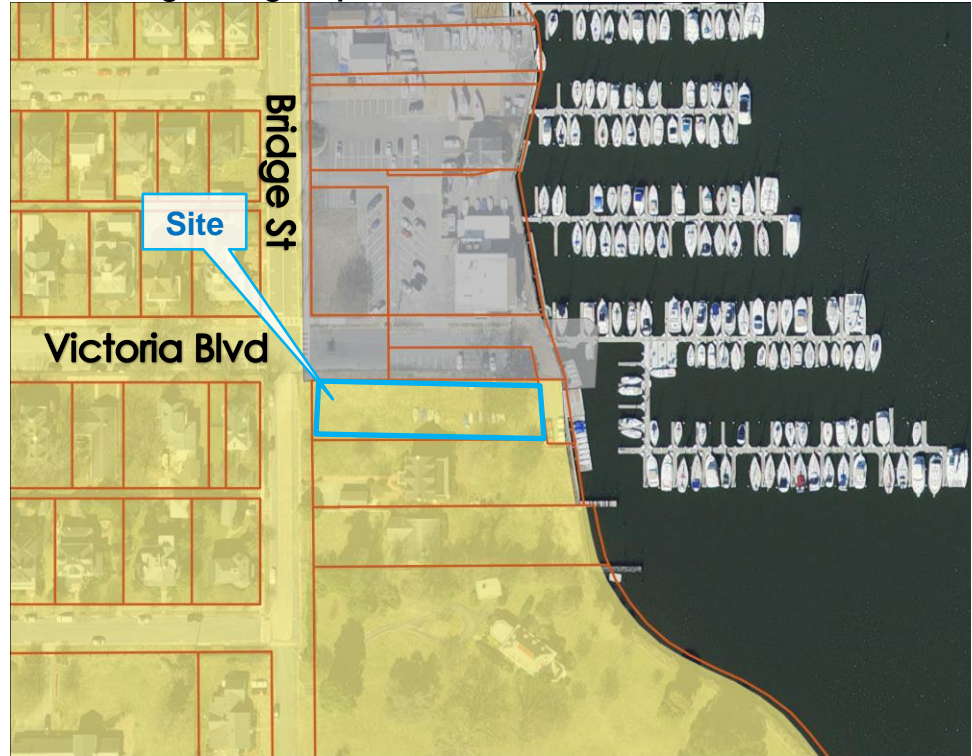
Existing Land Use Currently vacant

Zoning One Family Residential (R-13) District
Chesapeake Bay Preservation (O-CBP) District

Surrounding Land Use and Zoning

North: Downtown Waterfront (DT-2) District; marina
South: One Family Residential (R-13) District; single family houses
East: One Family Residential (R-13) District;
West: One Family Residential (R-13) District; single family houses

Surrounding Zoning Map:



Chesapeake Bay Preservation District:



Public Policy

The Hampton Community Plan (2006, as amended) recommends medium density residential land use for this property. The Hampton Yacht Club property to the north is recommended for mixed-use. The properties to the south and west are recommended to be medium-density residential. The site is within the Downtown Hampton Master Plan (2017, as amended). The Plan has several recommendations for redevelopment of the marina site as follows:

- The form of any considered future redevelopment should be compatible with the neighborhood.
- Visual access to the water should be maintained.
- Redevelopment should encourage public or semi-public access to and along the waterfront.

The subject property represents a piece of the marina site referenced in the Downtown Hampton Master Plan.

Objectives and policies supporting this vision include:

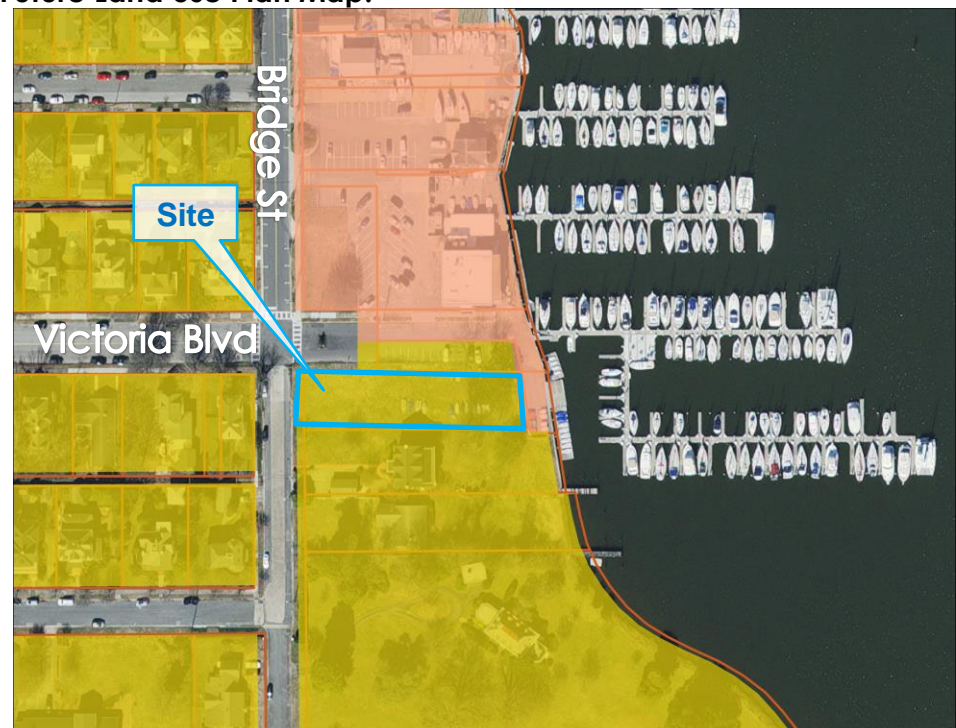
LU-CD Policy 16: Promote public access, both physical and visual to the water. Promote boating access, water uses, and dredging for recreational and commercial use of waterways.

LU-CD Policy 27: Preserve and enhance the character of historic residential neighborhoods by encouraging new or remodeled structures to be compatible (prevailing scale, form, and materials) with the neighborhood and adjacent structures.

EN Policy 24: Protect and enhance public access to waterways and waterfront areas

EN Policy 25: Encourage further development of boat launching and docking facilities.

Future Land Use Plan Map:



Zoning & Site History 4706 Victoria Boulevard is zoned R-13. It was originally a part of 609 Bridge Street. Hampton Yacht Club purchased the property in 1996 and subdivided the property, retaining the vacant portion, now 4706 Victoria Boulevard, and selling the lot, 609 Bridge Street, with the single family home on it.

The Hampton Yacht Club was originally established in 1926, predating modern zoning requirements. Beginning in 1968, Yacht Club expansion led to a number of use permits and a conditional privilege being requested and approved.

Use Permit No.300 in 1973 allowed for an addition to the existing club building.

Use Permit No.516 provided for marina expansion in 1983.

Use Permit No.915 permitted the expansion of the marina south in 1997.

Conditional Privilege No.34 permitted the expansion of private club use to 525, 529, and 531 Bridge Street in 1999.

Use Permit No.14-00015 permitted the expansion of the marina use to 515, including what is now 519, Bridge Street.

The most recent use permit (UP17-00008) added 4701 Victoria Boulevard, allowing for an expansion of the marina use in 2017. Use Permit No.17-00008 set a precedent for expanding the marina use to an adjacent property that does not have direct water access.

Traffic Impacts There are no anticipated traffic impacts on the existing street network relative to the proposed use.

Environmental No anticipated environmental impacts associated with the proposed use.

Conditions Staff is recommending ten (10) conditions that address:

- Limitations on marina activities;
- Hours of operation;
- Size of boats and types of trailers to be stored;
- Location and size of any buildings;
- Limitations on site improvements;
- Landscaping requirements;
- Sound;
- Revocation and nullification of use permit;

Community Meeting The applicant hosted a community meeting on April 12, 2022.

Analysis

Use Permit Application No.2-00003 is a request to operate a marina at 4706 Victoria Boulevard. The parcel is owned by the Hampton Yacht Club, Inc., which has chosen to not rezone the property, vacate property lines, or bring the entire operation under one use permit. Instead, this application continues the tradition of adding properties or aspects of the operation through a separate use permit over a number of adjacent properties. This particular property is zoned One Family Residential (R-13) District, which permits marinas with an approved use permit.

The Hampton Yacht Club began operations in 1926, which preceded modern zoning law in the City of Hampton. Beginning with a use permit application approved in 1968, the yacht club has grown and changed shape with the approval of six use permits for a marina and a conditional privilege for a private club. Generally, these approvals permitted the use of the Hampton Yacht Club properties north of 4706 Victoria Boulevard with the most recent being the acquisition of and a use permit approved for 4701 Victoria Boulevard. This approval came in 2017 and like the present application applied to a parcel without direct water access but adjacent to property owned by the yacht club and operated as part of the marina.

In 1996, the Hampton Yacht Club acquired 609 Bridge Street. Subsequently, the yacht club subdivided the property and sold the portion containing a historic single family home while retaining the vacant portion that is today, 4706 Victoria Boulevard. Now, Hampton Yacht Club is seeking a use permit to allow for a marina use at 4706 Victoria Boulevard. More specifically the yacht club wishes to store small sailing craft on hand maneuvered trailers. These craft are largely used by youth sailors and most prevalent during the summer season.

The future land use recommendation of the Hampton Community Plan (2006, as amended) designates the subject site as medium density residential. The property also falls within the Downtown Master Plan (2017, as amended), which emphasizes maintaining viewsheds to the Hampton River from the surrounding historic neighborhood.

Given the context of the property within the historic neighborhood, including this property being recommended for medium density residential in the Hampton Community Plan, and understanding the limited use envisioned by Yacht Club, staff proposed a number of conditions to address the use and potential improvements to the property to Planning Commission. During the Planning Commission meeting, the applicant requested a change to conditions related to screening, fencing, and hours of operation. After careful consideration, both Planning Commission and staff were in support of the changes. The proposed conditions as agreed upon and formally made a part of the Planning Commission's motion. Key aspects of the conditions include limiting the use to the storage of small vessels on hand-trucks with the storage being setback at least 30' from the front property line. This distance is in keeping with the minimum front setback for single-family homes in the district. A 500' storage building could be constructed in the future with a maximum height of 16'. This building would be setback at least 120', which is in keeping with the adjacent single family home. With respect to screening, the Planning

Commission considered a condition requiring a 3' hedge, as typically required along parking lots. After hearing from the applicant as well as neighboring property owners, Planning Commission and staff agreed that the condition was unnecessary and given the unique character of the Yacht Club and neighborhood, allowing for a clear view of the boat storage area was appropriate. However, one of the intentions of the hedge row was to clearly demarcate the 30' setback for the storage area, which is beneficial to both enforcement officials as well as boat owners needing to know where they can park their craft. Though not requiring a fence, the conditions provide the opportunity to install fencing so long as it is of a traditional wrought iron style, though allowing for the material to be aluminum. Lastly, all parties were in agreement to allowing for hours of operation to be sun up until 10:00PM. This time should allow plenty of time to sail until dusk and get the boats loaded and stored without potentially having activity late into the night. If any additional development or change in operations is desired in the future, an amendment to the conditions through the public hearing process would be required.

Staff finds that with the proposed conditions the operation of a marina at this location would meet the adopted policy within the Hampton Community Plan and Downtown Master Plan.

Staff recommends **APPROVAL** of Use Permit Application No. 22-00003 with ten (9) conditions.