

STAFF EVALUATION

Case No.: Rezoning Application No. 20-00014

Planning Commission Date: March 17, 2022

City Council Date: April 13, 2022

Prepared By: Mike Hayes, Planning & Zoning Division Manager

728-5244

Reviewed By: Bonnie Brown, Deputy City Attorney

General Information

Applicant/Property Owner Satya Sai LLC

Site Location 1545 Briarfield Rd [LRSN: 3005382]



Requested Action Rezoning to the Neighborhood Commercial (C-1) District to operate a restaurant without alcoholic beverage license.

Description of Proposal The proposed use is a take-out restaurant. The building was originally constructed as a single-family house but was previously converted to a restaurant. After sitting vacant for over two years, the property lost its legal nonconforming status. The applicants intend to reopen the building as a takeout restaurant while making improvements to modernize the site entrances, meet parking requirements, and screen the parking area from adjacent single family property.

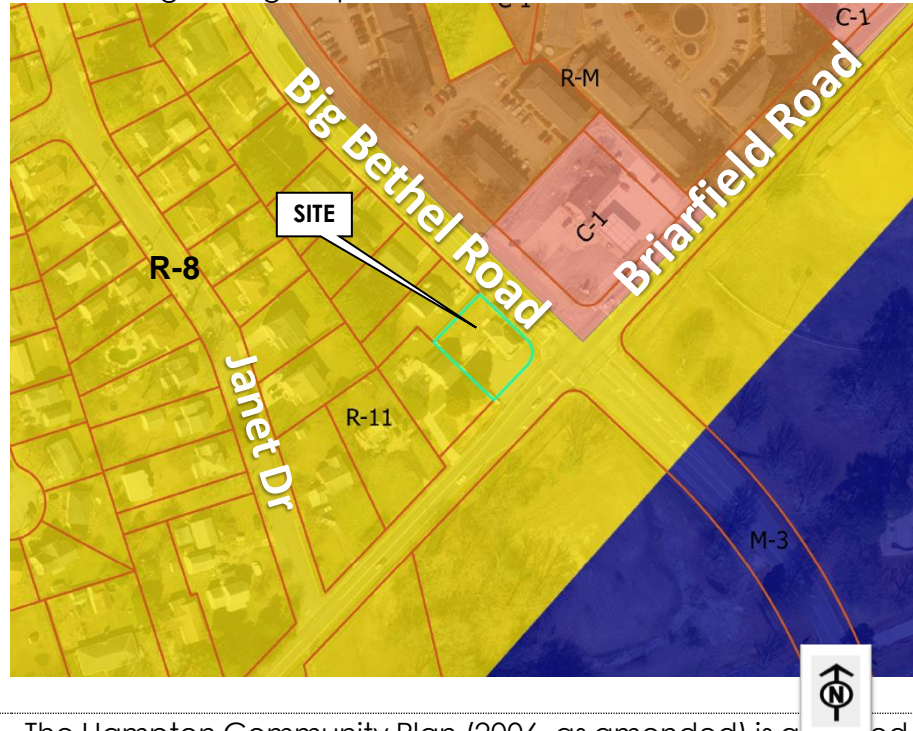
Existing Land Use Vacant building

Zoning & Zoning History The subject site is zoned One Family Residential (R-11) District.

Surrounding Land Use and Zoning

North: One Family Residential (R-11) District; single family homes
South: One Family Residential (R-11) District; park
East: Neighborhood Commercial (C-1) District and One Family Residential (R-11) District; gas station and park
West: One Family Residential (R-11) District; single family homes

Surrounding Zoning Map:



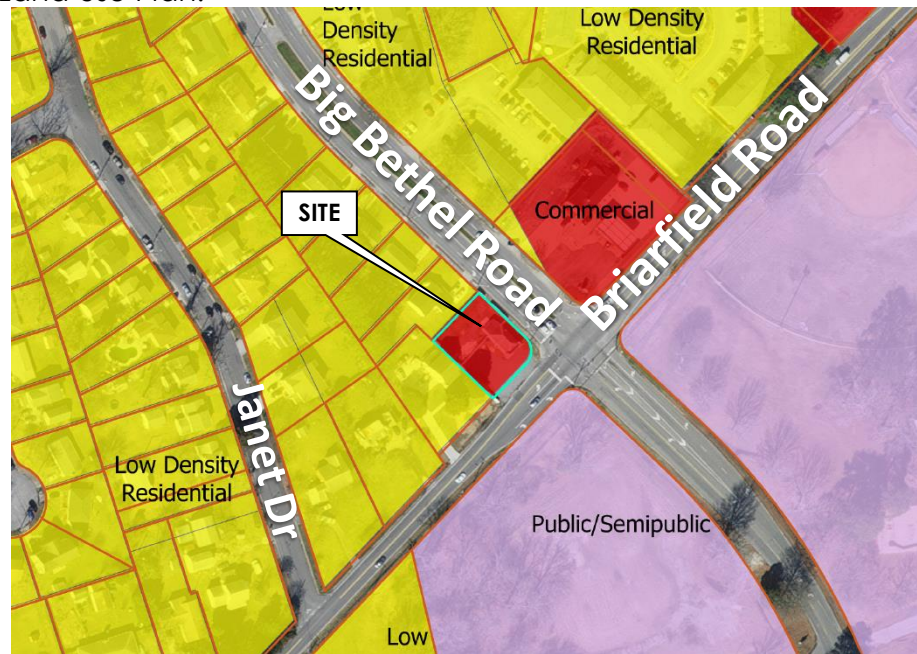
Public Policy

The Hampton Community Plan (2006, as amended) is adopted as the guiding policy document for the City of Hampton.

Future Land Use:

The Hampton Community Plan (2006, as amended) future land use map designates this property as commercial.

Land Use Plan:



The Hampton Community Plan also includes the following specific policy recommendations pertinent to this case:

Land Use and Community Design Policies:

Briarfield Road is identified as a residential corridor with commercial nodes. (p.LU-23) A node is a focal area for a certain type of development or land use. In this case, certain intersections are appropriate for commercial use while the predominant land use along and just off of Briarfield Road is residential.

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

LU-CD Policy 36: Protect adjacent neighborhoods and promote compatible land uses within the city's residential corridors.

Economic Development Policies:

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

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

Traffic

The proposed restaurant is not expected to increase traffic impacts compared to the lots past as a similar use. Traffic movements onto and off of the site should be improved as the applicant proposes reducing the apron on Briarfield Road, moving all turns away from the Briarfield Road and Big Bethel Road intersection.

Community Meeting The applicant has not scheduled a community meeting at this time.

Analysis

1545 Big Bethel Road was long a restaurant but has been vacant for over two years. The property was originally built upon when the land was part of Elizabeth City County. The zoning, One family residential (R-11), is reflective the adjacent neighborhood. While restaurants are not a permitted use in the R-11 district, the previously existing restaurants were considered legally nonconforming. However, since restaurant operations ceased for over 24 consecutive months the legal non-conforming status is lost. Therefore, the property must be rezoned to permit any new restaurant operation. This application is to rezone the property to the Neighborhood Commercial (C-1) District in order to reuse the building as a restaurant without alcoholic beverage license.

In the request to rezone the property to the neighborhood commercial district, the applicant intends to operate a take-out restaurant from the existing building, improve the entrance along Briarfield Road to aid traffic safety, and screen the parking area from adjacent residences.

The Hampton Community Plan (2006, as amended) recommends commercial land use for this property and recognizes Briarfield Road as a residential corridor with commercial nodes. In land use terms, a node is a focal point or area of distinct concentration of a particular use or feature. In this case, the intersection of Big Bethel Road and Briarfield Road is a small commercial node in an area largely defined by residences. The Community Plan also emphasizes incorporating design elements, such as the proposed screening and landscaping, to promote compatibility with surrounding development.

In addition to the single-family homes directly around the restaurant property, apartments exist across Big Bethel Road. Also across Big Bethel Road is a gas station at the corner. On the other side of Briarfield Road is park property, including the Briarfield ballfields, owned by the City of Hampton.

The proffered conditions offered by the applicant specifically limit the use of the property to a restaurant without a drive-thru and without an alcoholic beverage license. The restaurant shall maintain its building footprint. Improvements to the property will be in keeping with the attached concept plan, which includes screening of adjacent residences, screening of dumpster enclosures, creating a safer vehicular entrance, and increased green area as required by the zoning ordinance.

Staff recommends **APPROVAL** of Rezoning Application No. 20-00014 with seven (7) proffered conditions.