


HAMPTON VA

MEMORANDUM

TO: Hampton City Council
Mary Bunting, City Manager 

FROM: Donald Whipple, Chief Planner

DATE: July 9, 2021

SUBJECT: Update: Use Permit Application (#21-0175)
20 W. Mercury Boulevard

Item No. 21-0175 is a use permit application to operate a private club/lodge, which is permitted in Neighborhood Commercial (C-1) District, subject to an approved use permit. This item is on the City Council Legislative Agenda for July 14, 2021. The applicant, Terry Riddick, is proposing to operate a charity organization, Best Kept Secret – Stop the Violence, for the purpose of hosting programs and fundraising events to benefit young people. Proposed events could include such activities as dinners, live music, dancing, and raffles, which are similar to common activities of a private club/lodge.

This use permit application came before the Planning Commission on June 17, 2021. Staff's recommendation was to approve the application subject to thirteen (13) conditions. The Planning Commission voted 5-1 to recommend approval with the same thirteen (13) conditions.

A key factor which contributed to staff and the Planning Commission's recommendations of approval was the existence of a shared parking agreement with the property owner of 1109 N. King Street. This element of the application was critical since the site area for 20 W. Mercury Boulevard is very small. The existing site would not physically accommodate the required parking to support some of the fund raising events that Mr. Riddick indicated he wanted to host at this location. The shared parking agreement went into effect on July 18, 2019 with a 20-year expiration date; however, there is a clause that the property owner can change or terminate the agreement with a 90 day notice to the Director of Community Development. On July 6, 2021, staff received written notification from the owner of 1109 N. King Street of their intent to terminate the parking agreement with 20 W. Mercury Boulevard. We are unclear as to the reasons the owner of 1109 N. King Street decided to terminate the shared parking agreement but we are aware those opposed to the application have met with this property owner.

Termination of access to the 25 spaces made available under the shared parking agreement results in the proposed use not meeting the minimum required parking as set forth in the zoning ordinance; and thus, significantly changes the conditions under which this application was reviewed and recommended for approval by City staff and the Planning Commission.

Community Development Department, Planning & Zoning Administration Division

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Staff continues to support the fundamental use that Mr. Riddick is proposing at this location. The change in the parking situation has caused staff to review the application in search of a way to modify the request so the applicant can potentially move forward under somewhat stricter capacity limitations that align with the available parking on site.

Should City Council be inclined to approve the proposed use permit, the recommended 13 conditions have been modified to reflect the change in the amount of available parking. The revised condition that addresses parking and occupancy would now limit the maximum building occupancy to 48 individuals, which would allow the site to be compliant with the zoning ordinance parking requirements. The proposed condition also includes a provision to increase the building occupancy if a solution to increase the parking is appropriately achieved. If a future parking solution can be identified, the maximum building occupancy can then be increased administratively without the need to come to the Planning Commission and City Council. Given the late change to the parking situation, we believe this is the best and most flexible solution to allow the applicant to proceed with his proposed use. Both the original set of conditions and the recommended amended conditions are included in the City Council package.

Staff has spoken with the applicant and explained the situation of the parking agreement being rescinded and staff's subsequent proposed amendment to the recommended conditions that reflect the reduction in available parking. The applicant understood that if the most recent version of the use permit application is approved, the building occupancy will be limited to 48 individuals until such time as an alternate parking solution is attained.

Please let me know if you have any questions regarding any of the discussion articulated above.