

# STAFF EVALUATION

To: City Council

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Case No.: Use Permit No. 20-00008

Date: April 16, 2021

## General Information

Applicant

William S. Felt, PE

Property Owner

Phoebus Post 48 American Legion, Inc.

Location

115 S. Mallory Street [LRSN 12001405] and  
117 S. Mallory Street [LRSN 12001406]



Requested Use

Use Permit to allow deviation from development standards within the Phoebus Urban Core (PH-1) special zoning district.

Description of Proposal

The applicant is proposing to construct a new two-story building at the subject properties. The building would be occupied by the American Legion Phoebus Post 48 as a private or fraternal club or lodge. The proposed building utilizes a pedestrian amenity between the front building façade and Mallory Street. The side adjacent to Lancer Street is closer to the property line while accommodating necessary separation from an overhead utility.

Existing Land Use

The subject sites are currently vacant.

Zoning & Zoning History

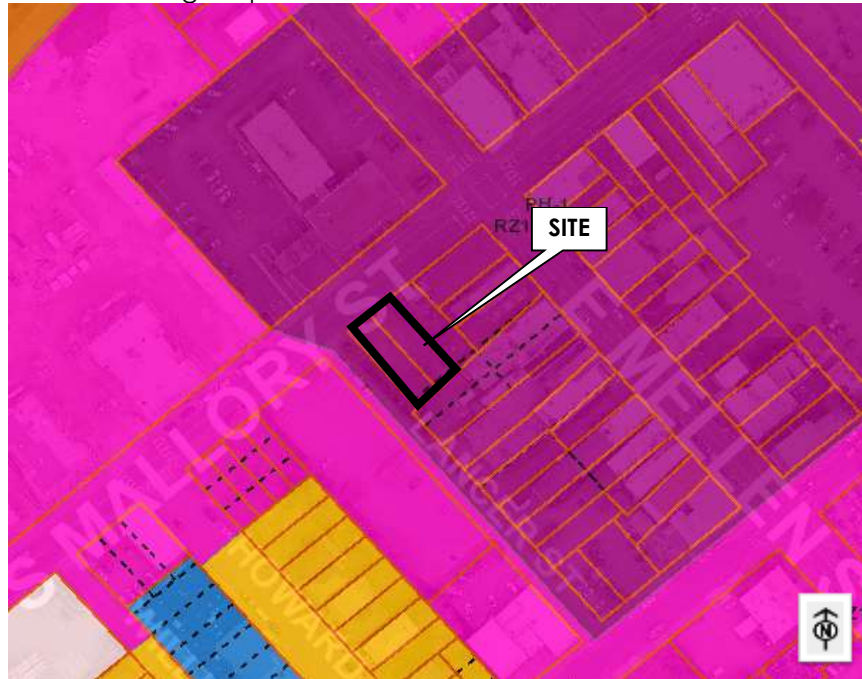
The subject site is zoned Phoebus Urban Core (PH-1) District; which in this case permits a private or fraternal club or lodge.

The properties were a part of a comprehensive rezoning (RZ15-00004). The properties were rezoned PH-1 from C-2 during the original creation and adoption of the new PH-1 special district zoning, an effort intended to protect the commercial core of historic Phoebus, recognized as a vibrant walkable form of development defining the community.

*Surrounding Land Use and Zoning*

**North:** PH-1 (Phoebus Urban Core), Mallory St, bank; PH-2 (Phoebus Town), commercial  
**South:** PH-1 (Phoebus Urban Core), commercial; PH-2 (Phoebus Town), Lancer St, public parking lot, fire station  
**East:** PH-1 (Phoebus Urban Core), restaurants, Mellen St  
**West:** PH-2 (Phoebus Town), Lancer St, public parking lot, Mallory St, apartments; R-8 (Two Family Residential), houses

Current Zoning Map:



*Public Policy*

The Hampton Community Plan (2006, as amended) recommends mixed use development for the subject properties and much of the Phoebus Urban Core area.

Listed below are policies related to this request:

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

**LU-CD Policy 12:** Encourage building design and site planning that enhances community interaction and personal safety.

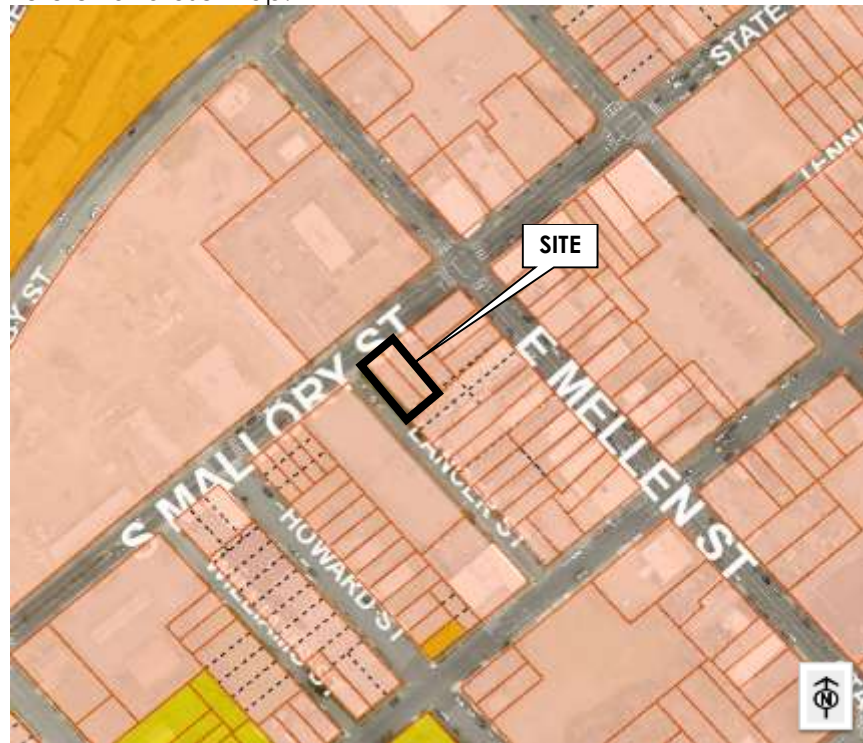
**LU-CD Policy 15:** Maintain an aesthetically pleasing street network that helps frame and define the community while meeting the needs of pedestrians, bicyclists, and motorists.

**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.

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

The subject properties also fall within the Phoebus Master Plan, (2013, as amended), specifically in the Mallory Street initiative area. The Master Plan recognizes Mallory Street as the main gateway into the Phoebus community, and recommends commercial uses which are pedestrian-oriented and activate the "main street" feeling with active and safe sidewalks. The Master Plan specifically recommends that new construction should attempt to respect and honor historical building styles present in the area, the building should be located at or very near to the property line to reinforce the main street character, windows should be vertically proportioned and provided along with doors and façade breaks to avoid blank walls. Buildings located on corners should have articulated facades on both streets and the façade materials should be predominantly brick with brick or stone details.

Future Land Use Map:



Phoebus Master Plan Imagery:



*Applicable Regulations*

The current zoning, PH-1, allows for application for a use permit when an alternative form of development is proposed rather than the development standards as required by the district. The review of the use permit shall be based on conformance with adopted policies and achieving the intent of the PH-1 district to enhance the historically dense mixed-use development pattern of the Urban Core, per Section 8-62(3)(h). There are three specific development standards within the zoning ordinance that are not being met. The ordinance requires the maximum building width be 50 feet or less, the proposed building is 54.7 feet. The ordinance requires that at least 90 percent of the front setback be occupied by the building as part of a façade zone requirement, the building occupies 75 percent. The ordinance requires that the side setback facing a right-of-way be zero feet, the building is proposed at 4.36 feet.

*Traffic/Parking*

The proposed building is less than 5,000 square feet which exempts it from requiring any off-street parking on site. The properties have a neighboring public parking lot along Lancer Street.

*Environmental*

There are no anticipated unusual environmental impacts from this proposed development.

*Community Meeting*

The applicant has not scheduled a community meeting at this time but met with the Phoebus Partnership during the submittal process to present the proposed building and receive feedback. The feedback received was generally positive, with comments that the use would be an improvement over the existing vacant lot.

**Analysis**

Use Permit Application No. 20-00008 is a request to allow the construction of a new building for the American Legion Post 48, located at 115 S. Mallory Street [LRSN: 12001405] and 117 S. Mallory Street [LRSN: 12001406]. The properties are zoned Phoebus Urban Core (PH-1) and



are located within the Phoebus Master Plan (2007, as amended). The Hampton Community Plan recommends mixed-use uses for this site and the Phoebus Master Plan recommends pedestrian-oriented "main street" character buildings.

The properties are currently vacant, located across from the Old Point National Bank on South Mallory Street in the core of Phoebus. The American Legion previously had their facilities at 221 East Mellen Street and will be relocating to this new building if built. The proposed building would span across the currently existing two lots, requiring a property line vacation in order to combine the lots into one. Once that is achieved, the building would be unable to comply with the base district development standards for occupying at least ninety percent of the front setback line while also complying with the maximum allowed width of a single building. This circumstance occurs because PH-1 was adopted to support the traditional development pattern in the area, which is made up of relatively slender buildings on relatively narrow lots creating a very walkable environment. Larger lot situations, such as the one being created in this instance, require additional scrutiny by the Planning Commission and City Council to assure that development is in keeping with the traditional, walkable main street pattern. In this particular case, the design of the building is also challenged by the presence of overhead utility poles at the corner of Lancer Street and South Mallory Street, requiring a building built away from that front corner property lines to accommodate the utility.

Due to these challenges, the applicant is requesting this use permit which allows the Planning Commission and City Council to consider alternative forms of development in relation to the adopted policies within the Hampton Community Plan (2006, as amended) and the Phoebus Master Plan (2007, as amended). The Phoebus Master Plan recommends a pedestrian-oriented active street scape, with buildings enlivening the street regardless of the particular use of the building. The Hampton Community Plan recommends a mix of uses along this street again to promote the active urban core of Phoebus. The American Legion is categorized as a private or fraternal club or lodge, which is not typically a use associated with active pedestrian traffic from the street. However, during the course of review, the applicant provided alterations to align with the form-based design intent present in the Phoebus Master Plan. The proposed design of the building still provides for an articulated front façade with a variety of fenestration, and a front pedestrian courtyard. These features align with the goals of the Hampton Community Plan and the Phoebus Master Plan.

***Based on the analysis of this proposal, staff recommends approval of Use Permit Application No. 20-00008 with 3 conditions.***