

STAFF EVALUATION

Case No.: Rezoning Application No. 21-00014

Planning Commission Date: July 21, 2022

City Council Date: August 10, 2022

Prepared By: Donald Whipple, Chief Planner 728-5235

Reviewed By: Mike Hayes, Planning & Zoning Administration Division Manager

Reviewed By: Bonnie Brown, Deputy City Attorney

General Information

Applicant/Property Owner Michel Properties, LLC

Site Location 53 Wythe Creek Road [LRSN: 6001176]



Requested Action Rezone ± 0.865 acres to the Light Manufacturing (M-2) District to operate vehicle repair, light.

Description of Proposal The applicant owns and operates, Auto Renewal Services (ARS), established in October 2002, as a mobile automobile paint business. Proposed repair services would include: light collision and paint repair, including bumper, panel, headlight, and window repair, scratch repair, paint less dent removal, window/seat, etc. This use is classified as vehicle repair, light by the City's Zoning Ordinance. ARS currently operates at 63 Wythe Creek Road and is looking to move to subject site in the hope of increasing business with added exposure. The repair services would occur completely inside the existing 1995 sq. ft. building at the subject site and overnight vehicles would be kept inside the building. A small storage area is proposed behind the building that would be enclosed with an opaque fencing and landscaping.

Existing Land Use Vacant building

Zoning & Zoning History The subject site is zoned Limited Manufacturing (M-1) District.

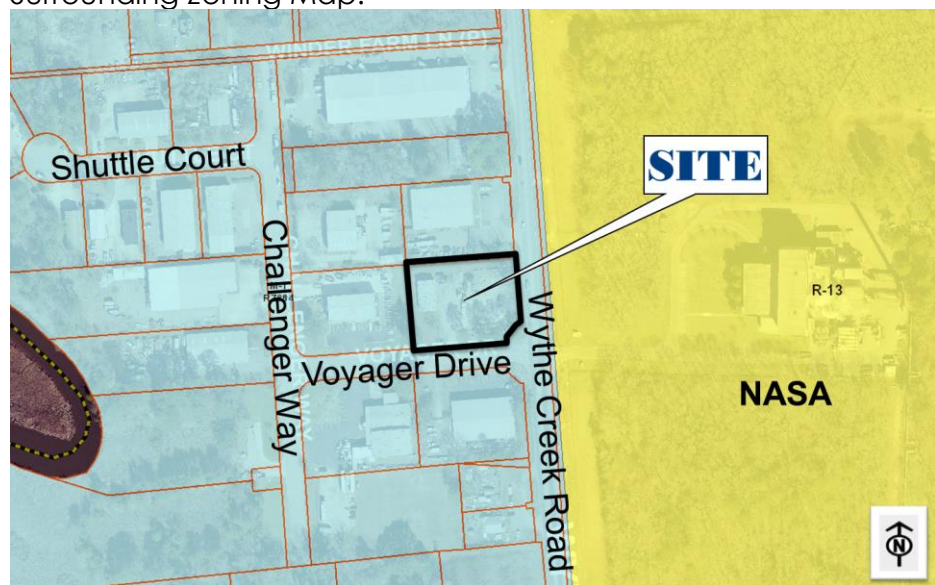
In 1986, a comprehensive rezoning (RZ 884) changed the area, known as Wythe Creek Commerce Park, to Limited Manufacturing (M-1) District for the purpose of creating a light industry / business park site for the development of office and research type uses, to support NASA / Langley and other similar businesses within the Magruder Boulevard Corridor. Vehicle related uses were not considered an appropriate use to support this objective.

The business has been operating at 63 Wythe Creek Road since 2005, and the applicant is seeking to expand the business and relocate to the subject site at 53 Wythe Creek Road.

In 2013, the applicant received a notice of violation at the 63 Wythe Creek Road location, stating that a mobile automobile painting service was not a permitted use in the current Limited Manufacturing (M-1) District. The applicant appealed the Zoning Administrator’s determination, which was overturned by the Board of Zoning Appeals on April 15, 2013; thus, the use was allowed to continue at 63 Wythe Creek Road.

Surrounding Land Use and Zoning **North:** Limited Manufacturing (M-1) District ; storage warehouse
South: Limited Manufacturing (M-1) District ; storage warehouse
East: One Family Residential (R-13) District ; Steam Plant, NASA
West: Limited Manufacturing (M-1) District ; storage warehouse

Surrounding Zoning Map:

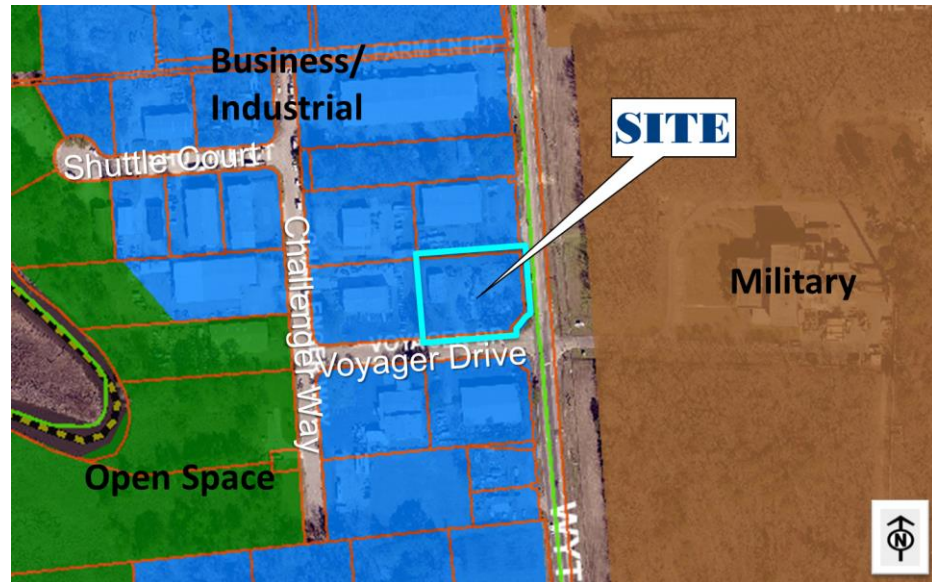


Public Policy The Hampton Community Plan (2006, as amended) is adopted as the guiding policy document for the City of Hampton.

Future Land Use:

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

Land Use Plan:



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

Land Use and Community Design Policies:

Wythe Creek Road is identified as a business corridor (p.LU-22) which are defined by commercial and/or industrial land uses. Per the Plan (p. ED-16), Wythe Creek Commerce Park, 50-acre business park, is an ideal location for businesses engaged in construction and light manufacturing.

LU-CD Policy 4: Evaluate land use proposals from a regional, city-wide, and neighborhood perspective

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

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.

ED Policy 12: Focus special attention on strengthening the ability of older commercial and industrial areas to support new and expanded business activity.

<i>Traffic</i>	As a reuse of an existing industrial building, the proposed vehicle repair, light is not expected to increase traffic impacts of the site and surrounding area. Traffic movements onto and off of the site should be similar to previous uses of the site.
<i>Proffered Conditions</i>	<p>There are eight (8) proffered conditions. Proposed proffered conditions include:</p> <ol style="list-style-type: none"> 1. Limitation of Uses <ol style="list-style-type: none"> a) Limiting use to vehicle repair, light and uses permitted by-right and through an approved use permit in both Limited Manufacturing (M-1) and Light Manufacturing (M-2) Districts; b) All vehicle repair work shall occur within enclosed building; c) Accessory buildings & structures; d) Location of loading operations; 2. Development Standards <ol style="list-style-type: none"> a) Landscaping; b) Fencing; c) M-1 setback requirements 3. Parking <ol style="list-style-type: none"> a) Vehicle parking on approved surface and in designated spaces; b) No overnight parking outside 4. Outdoor Storage <ol style="list-style-type: none"> a) No inoperable vehicles parked overnight, except within enclosed building b) Screening of outdoor material and equipment storage <p>The full complement of proffered conditions can be found in the application package.</p>
<i>Community Outreach</i>	A community meeting was held on May 17, 2022.

Analysis

Although the broad definition of the future land use for the area is complementary to light manufacturing uses, this area was comprehensively rezoned in 1986 to Limited Manufacturing (M-1) District designed for a more specific intent and set of uses. This rezoning was the result of a Wythe Creek Road land use study commissioned by City Council. This area was envisioned as an attractive hi-tech business corridor. It was stated that visually obtrusive manufacturing uses would be inappropriate. With these land use goals, the recommended zoning for the study area was either multi-family or limited manufacturing. More specifically, this area was identified as an attractive location for the development of office and research type facilities located in proximity to NASA, the Limited Manufacturing (M-1) District was deemed the most appropriate zoning district for this area. The intent of M-1 Zoning District is "to provide sufficient space in appropriate locations for certain types of businesses and manufacturing, research and development

relatively free from offense, in modern landscaped buildings, to make available more attractive locations for these enterprises and industries, and to provide opportunities for employment closer to employees' residences with corresponding reduction of travel time from home to work." In addition to limited manufacturing uses, certain commercial uses are also permitted primarily for services to employees in the district; however, it does not include vehicle related land uses.

The Hampton Community Plan (2006, as amended) supports this zoning change by recommending business/industrial land use for this property and recognizes Wythe Creek Road as a business corridor, mostly influenced by commercial and/or industrial land uses. The site is located within Wythe Creek Commerce Park, a 50-acre private business park that the Plan identifies as an ideal location for businesses engaged in construction and light manufacturing. The Plan also encourages nurturing small and start-up businesses as well strengthening the ability of older commercial and industrial areas to support new and expanded business activity. The Community Plan also emphasizes incorporating design elements, including screening and landscaping, to promote compatibility with surrounding development.

Auto Renewal Services has been operating at 63 Wythe Creek Road since 2005 and the applicant is now seeking to expand the proposed light auto body repair and auto paint services business by relocating to the subject site at 53 Wythe Creek Road. All repair work is proposed to occur indoors within an existing building. Customer parking and vehicle drop off/pickup would be provided on-site; no vehicles would be parked outside overnight. A small outdoor storage area is proposed behind the existing building that would be fenced and landscaped. The storage area is proposed for storing vehicle body parts, associated with the auto body repair service; vehicles will not be permitted to be stored in this area or anywhere on the site. Per the land use table of the City's Zoning Ordinance, the proposed use is identified as vehicle repair, light, which is not a permitted use in the Limited Manufacturing (M-1) District. Thus, the applicant is seeking to rezone the subject site from Limited Manufacturing (M-1) District to Light Manufacturing (M-2) District, with proffered conditions, to operate the light auto body repair shop. Vehicle repair, light is a permitted use in the M-2 District.

The proffered conditions offered by the applicant specifically limit the use of the property to vehicle repair, light and any uses permitted in both the M-1 and M-2 Districts. In addition, all vehicle repair work would occur within the building. Other conditions include development standards of the M-1 District, including but not limited to landscaping, fencing, and setbacks, parking, and outdoor storage. In an effort to uphold the City's land use policies and the intent of the Limited Manufacturing (M-1) District, it is staff's opinion that vehicle related land uses would not be appropriate within this area and the proposed rezoning to permit vehicle repair should be denied.

Staff recommends **DENIAL** of Rezoning Application No. 21-00014.