

**AT A PUBLIC HEARING IN A REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA, ON THURSDAY, NOVEMBER 16, 2023 AT 3:30 P.M.**

**WHEREAS:** the Hampton Planning Commission has before it this day a rezoning application by Riverside Hospital, Inc. to rezone +/- 13.8 acres located at 2244 Executive Drive [LRSN: 7001882] from Multiple Residential (R-M) District and Limited Commercial (C-2) District to Limited Commercial (C-2) District with five (5) proffered conditions;

**WHEREAS:** this rezoning application is in conjunction with Use Permit Application No. 23-0314;

**WHEREAS:** the proposal includes an addition of +/- 420 square feet to the existing Riverside Mental Health & Recovery Center, which is currently operated as a mental health/substance abuse treatment facility;

**WHEREAS:** the property is currently split-zoned Multiple Residential (R-M) District and Limited Commercial (C-2) District, with the entire facility located within the portion of the property zoned R-M.

**WHEREAS:** in 1981, the subject property was granted a Use Permit to establish and operate a hospital. At the time of approval, the R-M District allowed hospital uses contingent upon obtaining an approved use permit;

**WHEREAS:** a site plan was approved in 1982, which included an area of future expansion. The proposed addition as part of this application was not featured within the area of expansion as shown on the approved 1982 site plan. Since the proposed addition is not within the area of future expansion on the site plan it is not currently permitted as it would include the expansion of a legal nonconforming use;

**WHEREAS:** in 2015, a Zoning Ordinance amendment was adopted that separated and defined medical uses such as "hospital", "medical office", and "mental health/substance abuse treatment facility." At that time, "mental health/substance abuse treatment facility" was prohibited in several zoning districts including the Multiple Residential (R-M) District. On December 14, 2022, City Council approved amendments to the Zoning Ordinance which added "Mental Health/Substance Abuse Treatment Facility" as a permitted use, subject to approval of a use permit, within the Limited Commercial (C-2) zoning district. This amendment continued the prohibition of mental health/substance abuse treatment facilities in the R-M district and maintained the legally nonconforming status of the current facility, thus necessitating a rezoning and approved use permit to bring the site into conformance and allow for the proposed addition;

**WHEREAS:** the proposed addition as part of this application was not featured within the area of expansion as shown on the approved 1982 Site Plan, making it not currently permitted as it would include the expansion of a legal nonconforming use. In order to bring the use into conformance, a use permit to permit the desired use shall be obtained. Additionally, the property is required to be rezoned to a zoning district that permits the desired use. Limited Commercial (C-2) District permits mental health/substance abuse treatment facility subject to an approved Use Permit;

**WHEREAS:** the Hampton Community Plan (2006, as amended) recommends mixed-use land use for the subject property;

**WHEREAS:** the Coliseum Central Master Plan (2015, as amended) reinforces the mixed-use designation for the district as a whole. However, the site is located between the Coliseum North and Sentara initiative areas and has no specific plan recommendations;

**WHEREAS:** five (5) proffered conditions include limitation of use and understanding that all phases of the project shall comply with all ordinances and standard requirements;

**WHEREAS:** City staff recommends approval of this rezoning application; and

**WHEREAS:** no one from the public spoke for or against this application.

**NOW, THEREFORE,** on a motion by Commissioner Coleman and seconded by Commissioner Brooks,

**BE IT RESOLVED** that the Hampton Planning Commission recommends to City Council approval of Rezoning Application No. 23-0313 with five (5) conditions.

A roll call vote on the motion resulted as follows:

<b>AYES:</b>	Bond, Brooks, Coleman, Harper, Harris, Kellum, Rogers
<b>NAYS:</b>	None
<b>ABST:</b>	None
<b>ABSENT:</b>	None

**A COPY; TESTE:**



Bonnie N. Brown  
Secretary to the Commission