

STAFF EVALUATION

Case No.: Use Permit No. 22-00009

Planning Commission Date: February 16, 2023

City Council Date: March 8, 2023

Prepared By: Donald Whipple, Chief Planner 728-5235
Reviewed By: Mike Hayes, Planning and Zoning Division Manager 728-5244
Bonnie Brown, Deputy City Attorney

General Information

Applicant(s) Eddie Bowen Incorporated T/A Pay Here Used Cars

Property Owner(s) Eddie L. Bowen Family Trust & Mona B. Bowen Revocable Living Trust

Site Location 1721 & 1723 W Pembroke Avenue [LRSN: 1002462 & 1002461]



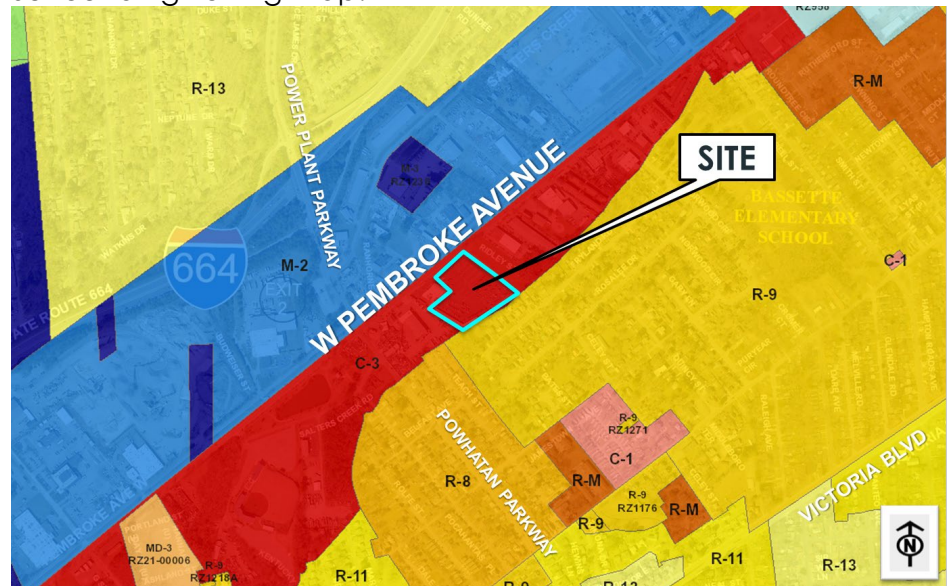
Requested Action Use permit to allow for a storage facility 3 in the General Commercial (C-3) District.

Description of Proposal The applicant proposes to reuse and repurpose a portion of an existing paved lot previously used for used vehicle sales at Eddie Bowen Incorporated T/A Pay Here Used Cars, located at 1721 & 1723 W Pembroke Avenue, for the operation of a storage facility 3. By definition, storage facility 3 is an Indoor and/or outdoor storage spaces which are leased or rented to the general public for storage purposes only. This category may include storage for boats and RVs.

The proposal includes establishing ±53,190 square foot area of the existing paved area in the southeast portion of the site. The area would be enclosed by a six foot (6') tall chain link fence and a 20' roll gate foot high and include approximately 48 spaces for storage of recreational vehicles, including but not limited to, motor homes, campers, golf carts, motorcycles, trailers, and dry storage for boats and other watercraft. Approximately 5,319 square foot of green area (10 percent of the storage area) would be provided and include a minimum of five (5) shade trees and screen shrubs across the fencing portion that faces W. Pembroke Avenue.

<i>Existing Land Use</i>	Vehicle sales, used
<i>Zoning & Land Use History</i>	The current "vehicle sales, used" land use has been in operation since 1960, when the use was permitted by-right. In 2020, the zoning ordinance was amended to now permit "vehicle sales, used" in General Commercial (C-3) District, subject to an approved use permit; thus, the existing used car sales business is now a legal nonconforming use. Should this application for storage facility 3 be approved, the "vehicle sales, used" use would lose its legal nonconforming status only within the designated area of the approved storage facility. The remaining area for "vehicle sales, used" would continue to be a permitted legal nonconforming use.
<i>Surrounding Land Use and Zoning</i>	<p>North: Light Manufacturing (M-2) District; commercial/industrial</p> <p>South: One Family Residential (R-9) District; single family homes</p> <p>East: General Commercial (C-3) District; vacant</p> <p>West: General Commercial (C-3) District; commercial</p>

Surrounding Zoning Map:



Public Policy

The Hampton Community Plan (2006, as amended) is adopted as the guiding policy document for the City of Hampton. The Hampton Community Plan includes the following policy recommendations pertinent to this case:

Land Use and Community Design Policies:

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

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.

LU-CD Policy 36: Encourage corridor-oriented commercial development within specified areas to strengthen the viability of commercial uses and to protect residential uses and adjacent neighborhoods. Areas specified for corridor-oriented commercial include business corridors.

Future Land Use:

The Hampton Community Plan (2006, as amended) designates this area as commercial. The Plan identifies this portion of West Pembroke Avenue as a business corridor in the city, which means it is dominated by commercial and/or industrial land uses.

Land Use Plan:*Parking/Traffic*

The proposed operation is not expected to have negative impacts on traffic in the area. West Pembroke Avenue is categorized as a Primary Arterial within the Hampton Community Plan (2006, as amended). Primary Arterials are designed as high traffic volume corridors, with the capability of successfully managing a high daily peak trip count.

The Zoning Ordinance requires a minimum of one parking space per 50 storage units and 5 spaces adjacent to the entry point.

Community Meeting The applicant held a community meeting on February 2nd.

Analysis

Use Permit Application No. 22-00009 is a request to operate a storage facility 3 at 1721 and 1723 West Pembroke Avenue. The property is zoned General Commercial (C-3) District, which allows a storage facility 3, subject to an approved use permit. The applicant is proposing a reuse of ±53,190 square feet of paved area, formerly used to park used vehicle sales inventory. This proposed fence enclosed area would provide approximately 48 spaces for storage of recreational vehicles, including but not limited to, motor homes, campers, golf carts, motorcycles, trailers, and dry storage for boats and other watercraft. In September 2019, Zoning Ordinance Amendments were approved pertaining to the classification of self-storage facilities and where they are permitted. As a result, self-storage is now categorized as either storage facility 1 (SF-1), storage facility 2 (SF-2), or storage facility 3 (SF-3). As defined, SF-3 permits outdoor storage spaces which are leased or rented to the general public for the purpose of boats and RVs storage, subject to securing an approved use permit. Should this application for storage facility 3 be approved, then the "vehicle sales, used" land use would lose its legal nonconforming status only within the designated area of the approved storage facility. The remaining area of the site could continue to operate as "vehicle sales, used;" a permitted legal nonconforming use.

The Hampton Community Plan (2006, as amended) designates the subject site as commercial on the future land use map. The Plan also identifies West Pembroke Avenue as a business corridor, which are corridors dominated by commercial or industrial uses.

Furthermore, the Plan recommends that land use proposals be evaluated from a regional, city-wide, and neighborhood perspective (LU-CD Policy 4). In 2020, Zoning Ordinance Amendments were passed that regulated the parking and storage requirements of recreational equipment on residential property. These regulations placed limitations on the number of recreational vehicles that could be parked on a residential lot. In instance where the number of vehicles exceeds the limit, owners must either store them in a wholly enclosed garage or find storage elsewhere, such as the proposed lot.

The Community Plan also encourages a mix of land uses that is appropriate for each district and promote the efficient use of land (LU-CD Policy 31). The applicant proposes to reuse and repurpose a large used car sales lot. The site is located along an existing commercial corridor that includes both commercial and industrial uses.

In that the proposed location is along an existing commercial corridor and surrounded by similar commercial/light industrial uses, staff believes the proposal would be appropriate for the storage facility 3 use. The existing paved site has been used for parking inventory associated with used vehicle sales. With the decline of on-site vehicle inventory, the site is presently underutilized. With the majority of the paved area not being used, staff believes the proposed RV storage facility to be an appropriate reuse and would fulfill a need to store such vehicles in an appropriate commercial district. Although

the proposed facility would be adjacent to an existing residential neighborhood, the proposed storage would be setback approximately 50 feet from the property line and customer access would be limited to 7 AM to 10 PM. Within the proposed storage area ($\pm 53,190$ square feet), the applicant would convert $\pm 5,319$ square feet of currently paved parking surface into green areas. A continuous row of evergreen shrubs will be planted within the green area created along the north-facing fence, which faces W. Pembroke Avenue. In addition, five (5) shade trees will be planted within the proposed green areas. The proposed green area and landscaping would be compliant with the minimum requirements of the City's Landscape Ordinance.

Staff recommends **APPROVAL** of Use Permit Application No. 22-00009 with seven (7) conditions.