

STAFF EVALUATION

To: City Council

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Case No.: Rezoning Application No. 16-00012

Date: August 9, 2017

General Information

Applicant Marlyn Development Corp.

Property Owners AH&H Corp.

Site Location 1300 N Mallory Street [LRSN 12005714]



Requested Action To rezone 16.48 ± acres from Multiple Dwelling (MD-4) District with conditions to One Family Residence (R-9) District with conditions.

Description of Proposal The proposal includes up to 41 single family lots. The houses would be focused around a single road coming in from N. Mallory Street with a T at the end of the property near Mill Creek. The houses along N. Mallory Street would be rear loaded from a shared drive while the rest of the homes would be front loaded.

Existing Land Use Vacant

Zoning

The property is currently zoned MD-4 with conditions. The property was previously rezoned for a continuum of care arrangement with independent living townhomes closest to N. Mallory Street and a nursing home facility constructed toward the rear.

A portion of the property is also located in the Chesapeake Bay Preservation (O-CBP) Overlay District and the Flood Zone (O-FZ) Overlay District. These factors limit the developable area of the site and include additional development standards that will not change based upon this rezoning request.

The boundaries of the Chesapeake Bay Preservation District are based upon the physical location of wetlands. The applicant has surveyed the wetlands but has not received confirmation from the Army Corps of Engineers. If the Army Corps finds the boundary inaccurate, it could affect the developable area, layout, and/or lot yield of the site, which could also lead to a need to amend the proffers at a future date. The applicant understands this and has chosen to proceed with confidence in their environmental survey.

Surrounding Land Use and Zoning

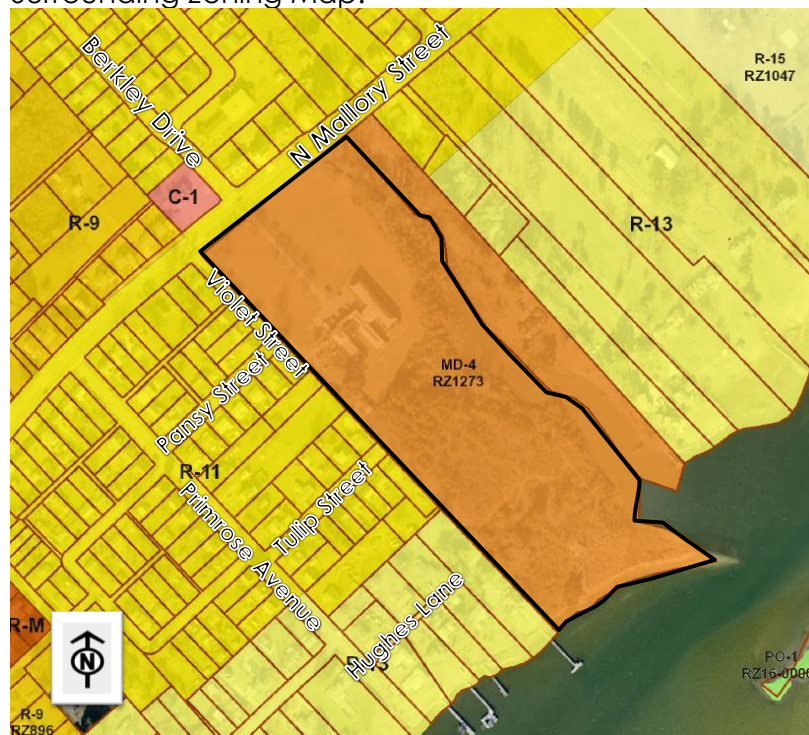
North: R-11 and R-13, One-Family Residence Districts; a creek and single family residences

South: R-11 and R-13, One-Family Residence Districts; single family residences

East: PO-1, Public Open Space; Mill Creek and Fort Monroe National Monument

West: C-1 and R-11, a religious facility and single family residences

Surrounding Zoning Map:



Public Policy

Objectives within the Land Use and Community Design component of the Community Plan include:

- 1) Promote the efficient use of land. Recognize land as a limited resource.
- 2) Leverage and promote the effective use of city services, assets, and amenities.
- 4) Be responsive to market and demographic trends and opportunities.
- 5) Protect community appearance, character, and design.
- 7) Be responsive to fiscal and other tax base implications of land use and community design.
- 8) Recognize environmental constraints and opportunities.
- 9) Protect real property values.

The Land Use section also specifically speaks to high values for waterfront land on page LU-11. "Developable waterfront land will continue to be a limited and very valuable resource within the region and the city. Waterfront land provides opportunities for economic development, environmental protection, and public open space. Well planned development and redevelopment of waterfront land provides an important opportunity to advance community goals and objectives."

Objectives within the Housing and Neighborhoods component of the Community Plan include:

- 9) Promote a diverse mix of housing values, types, and choices to meet the needs of different income groups, ages, and household types and sizes.
- 10) -Promote an equitable distribution of housing values at the regional level.

Objectives within the Environmental Stewardship component of the Community Plan:

- 5) Protect and improve the natural features around Hampton.
- 15) Expand opportunities for enjoying the environment (connecting green spaces, waterways, walking and biking trails, etc.).
- 16) Protect the open space environment as an asset, valued

for aesthetics, recreation, and protection of wildlife habitats.

In an effort to achieve these objectives, the Hampton Community Plan includes the following policy recommendations pertinent to this case:

LU-CD Policy 3: Encourage and maintain a diverse mix of housing types and values.

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

LU-CD Policy 6: Support the City's economic development priorities... [including] higher value housing.

LU-CD Policy 7: Safeguard the integrity of existing residential neighborhoods.

LU-CD Policy 9: Promote the appropriate use and reuse of water front land. Encourage appropriate design of new developments in relation to water.

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 16: Promote public access, both physical and visual, to the water.

LU-CD Policy 19: Promote the important role of city waterways and water-related features.

LU-CD Policy 28: Treat residential streets as both public right-of-way and neighborhood amenities. Provide sidewalks, street trees, and other amenities that favor pedestrians.

LU-CD Policy 29: Encourage high quality new developments that are compatible with surrounding neighborhoods.

Environmental Stewardship Policies

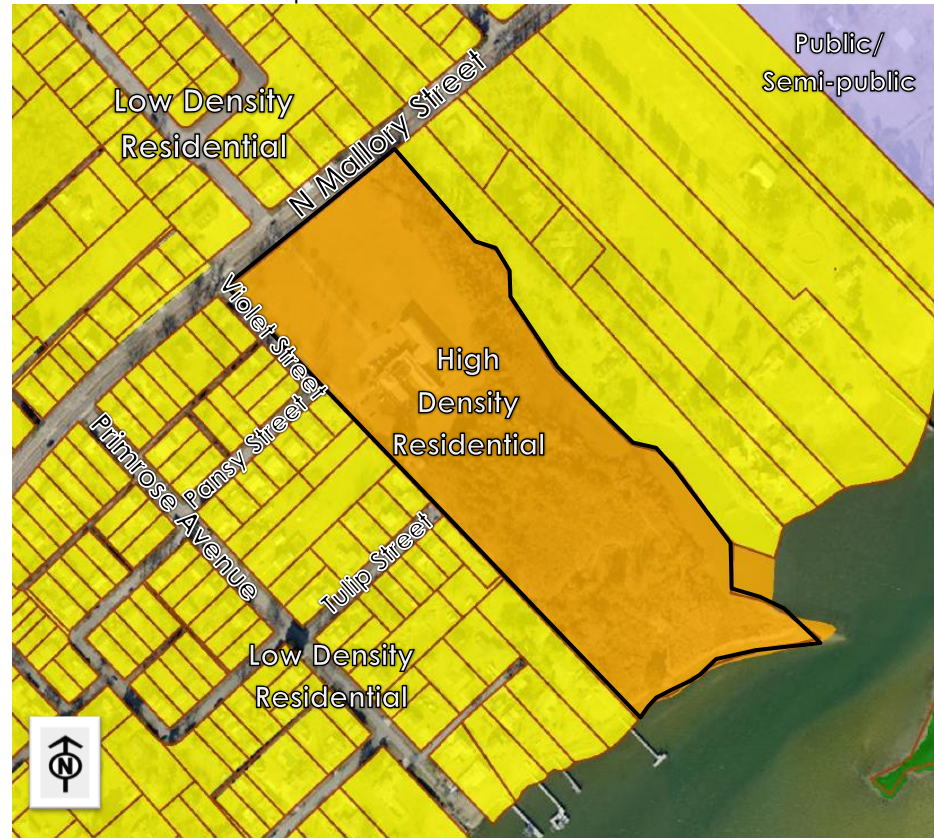
EN Policy 12: Comply with the Chesapeake Bay Preservation Act and regulations. —Continue to implement and enforce the ordinance provisions and planning policies that advance the water quality objectives of the Act and regulations.

EN Policy 19: Promote the preservation and enhancement of functional open spaces such as greenways, blueways, and wildlife habitat corridors.

Future Land Use:

The property is designated for high density residential land use. High density residential is defined by the Hampton Community Plan as greater than 15 units per acre.

Future Land Use Map:



Buckroe Master Plan(2005, as amended)

Principles

- Develop new low-scaled, beach-oriented housing on underutilized, vacant, and derelict properties.
- Support the unique coastal character of the architecture in Buckroe.
- Develop an infill development strategy that respects the varied character of the community.
- Strengthen Buckroe as a coastal town in the City of Hampton.

Mallory Street Initiative



Central to the recommendations is the creation of a public park along Mill Creek and a pattern of new housing that connects seamlessly into the neighborhood directly to the south. (p.36)

Traffic Impacts

The primary access to the site will be directly off of N. Mallory Street. Given the size of the development, no traffic impact study was required. Impacts are expected to be minimal.

A secondary access point would exist as a connection is made to Tulip Street. This access point would improve the ability for emergency vehicles, public utilities, including trash and recycling collection, and delivery vehicles to service the existing Tulip Street, which is currently a dead end.

Environmental

Being adjacent to Mill Creek, the site is environmentally sensitive. Mill Creek is a tidal wetlands feature, which requires adherence to a 100' IDA buffer in this location. This affects both the northern and eastern edges of the property.

Sections of the site also fall into the flood zone overlay. This does not preclude the proposed subdivision. However, if the proposal moves forward, portions of the development within the flood zone will have to meet additional standards.

<i>Community Meeting</i>	A community meeting was held on November 3, 2016. At the time, the proposal was to rezone to the R-4 District and the full package of possible elevations did not exist.
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Analysis

Rezoning Application No.16-00012 is a request to rezone 16.48 ± acres off of N. Mallory Street on Mill Creek. The property is zoned Multiple Residence (MD-4) District with conditions. The previous rezoning was approved for the purposes of permitting the transition of Shelton-on-the-Bay to a modern continuum of care development with residential opportunities from independent living through nursing home and hospice care. Despite having the zoning changed with site and building design concepts proffered, nearly ten years ago, the nursing home closed its doors for good, and the vision did not come to fruition.

While the applicant previously requested the R-4, One-Family Residence District, the application has been amended to request the R-9, One-Family Residence District. The number of lots proposed remains the same, though the R-9 District generally permits a lower density, has larger setback requirements, and larger minimum lot size requirements.

The R-9 District requires a minimum lot width of 60', minimum lot area of 6,000 square feet, and minimum house size of 1,500 square feet.

The future land use recommendation of the Hampton Community Plan designates the subject property for high density residential land use, which is a reflection of support for the previous long standing use; a nursing home. A number of other policies and recommendations within the Community Plan are relevant to the application.

The Plan also includes a host of policies intertwining the need for good site and building design with the fact that the waterfront is a great asset and limited resource. The presence of wetlands and the flood zone present additional challenges and opportunities with respect to the development of the property.

In addition to the broad policies found within the Hampton Community Plan, the property falls within the boundaries of the Buckroe Master Plan (2005, as amended). The Buckroe Master Plan also recognizes that the broad area included in the Plan contains a variety of existing development patterns and housing styles. The area labeled "Pembroke/Mallory" in the Infill Housing Initiative on page 38 is particularly eclectic. There are older homes in the area of Atlantic Avenue and down Mallory Street, postwar housing in a number of subdivisions off of Mallory Street, along with pockets of multifamily directly on Mallory Street Pembroke Avenue, and some more recent infill construction, which does not reinforce the historic coastal character of the area.

Recognizing the significance of this site, the Buckroe Master Plan includes a verbal and graphic depiction of future development of the site. At the time the Plan was adopted the expectation was that some form of the nursing home would remain, but, despite the change in land use proposed for this property, many of the Plan's policies remain relevant. Importantly, the Plan states, "central to the recommendation is the creation of

a public park along Mill Creek and a pattern of new housing that connects seamlessly into the neighborhood directly to the south." Accordingly, community access to the waterfront, even if limited to residents of the proposed development rather than the general public, is an important factor in determining whether the development is consistent with the Plan. Such access not only improves the quality of life for the people but tends to add long term value to the community.

Conclusion and Recommendation

The proffered layout makes the most of the development opportunity on this uniquely shaped site in terms of generating single family lots (41 lots). As is required by the Chesapeake Bay Preservation District, all lots have buildable area outside of the first 100' buffer extending from the wetlands feature. Given issues with past renditions, it should be noted that the conceptual plan does make the necessary connection to Tulip Street. This connection not only provides a secondary access point for new residents and emergency vehicles, but it will improve circulation on the existing dead end segment of Tulip Street, especially with respect to emergency vehicles, trash and recycling collection, utility vehicles, and delivery trucks. The site design also appropriately addresses N. Mallory Street by providing rear access to the lots facing this thoroughfare.

The proffer statement also includes a mulch path to the water. While the design does not fully embrace the surrounding natural environment, it does provide a point of community access to the waterfront.

The applicant has also proffered 54 front building elevations. Given there are only 41 lots, not all of the elevations will be constructed. Additionally, the elevations were provided by two different builders so not all elevations will be offered to buyers, and even those by an individual builder may be limited. Some of the elevations are fairly ornate, include material changes, such as the addition of stone or standing seam metal roofs, and elements in keeping with the coastal character of Hampton's older neighborhoods. Others are very modest and do not enhance Hampton's sense of place, but they are in keeping with more recently constructed houses in the area.

In conclusion, it is clear that the applicant understood that the City had no intention of undermining the requirement of adherence to the Buckroe Pattern Book (2007, as amended) as required in the R-4 District. By amending the request to apply the R-9 District for property on the southern edge of the Buckroe Master Plan, the Pattern Book is no longer a guiding standard in reviewing the application. Furthermore, it was made apparent by the public statement provided during the July City Council meeting that the density and pattern of development shown is acceptable. In sum, the proposed concept for a single family subdivision, creating the access point to the natural feature, and building elevations are found to be compatible with the surrounding neighborhood and should provide higher value housing for the area.

Staff recommends **approval** of Rezoning Application No. 16-00012.