

STAFF EVALUATION

To: City Council

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Bonnie Brown, Sr. Asst. City Attorney

Case No.: Use Permit Application No. 20-00001

Date: June 10, 2020

General Information

Applicant Jerome Simon

Property Owner Pete and Patricia Kalbourns.

Location 3018 W Mercury Boulevard [LRSN 3001269]



Requested Use Private School

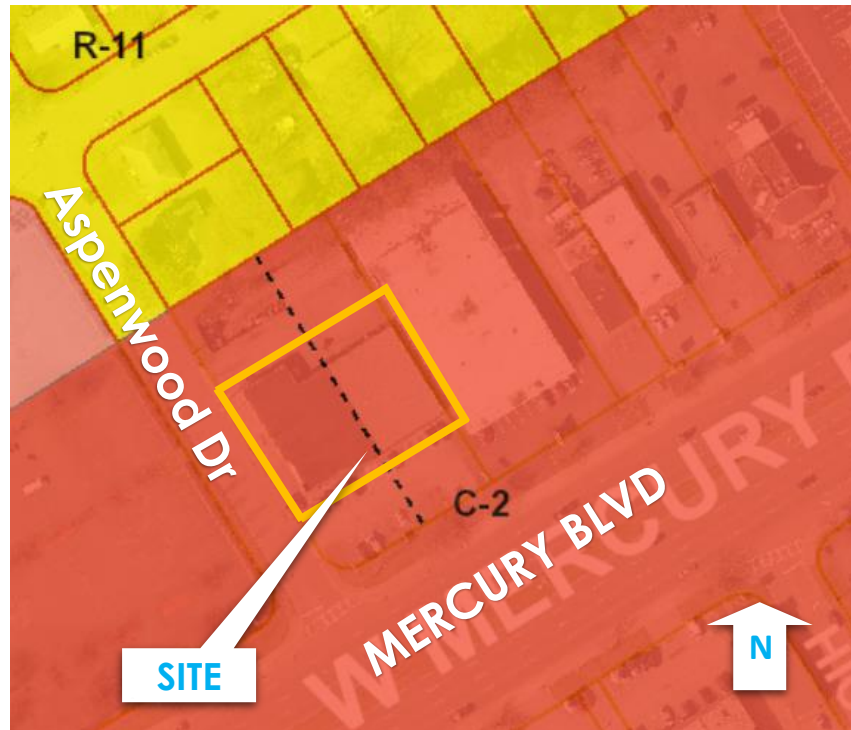
Description of Proposal This is a use permit application to permit a driving school located at 3018 W Mercury Blvd [LRSN 3001269]. The proposed business hours of operation are Monday through Sunday 8:00 AM to 9:00 PM.

Existing Land Use Strip shopping center; retail and office space

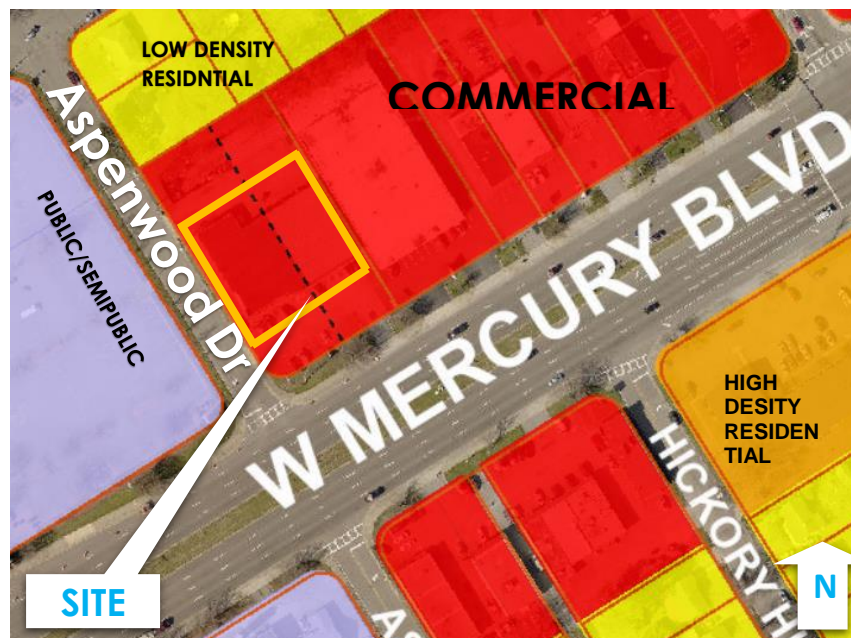
Zoning The property is currently zoned Limited Commercial (C-2).

Surrounding Land Use and Zoning
North: –One-Family Residential District (R-11); Single family homes
South: Limited Commercial District (C-2); Retail and office uses
East: Limited Commercial District (C-2); Furniture store and other retail
West: Parking lot for a religious facility Sixth Mount Zion Baptist Temple, Arby's and Krispy Kreme restaurant and strip commercial center (C-2)

MERCURY

*Public Policy*

The Hampton Community Plan (2006, as amended) recommends commercial uses for the subject parcel and parcels south, east, and west of it. The Plan includes economic development goals and educational goals for youth that are relevant to this proposal.



Policies related to this request are listed below:

ED Policy 4: Nurture small and start-up businesses.

Y3: Youth acquire essential life skills.

<i>Applicable Regulations</i>	C-2 allows private schools subject to approval of a use permit.
<i>Traffic</i>	There are no foreseen negative impacts to traffic.
<i>Community Meeting</i>	A community meeting was scheduled for June 1 st at 6:30 PM.

Analysis

Use Permit Application No. 20-00001 is a request to permit the operation of a private driving school for approximately up to 20 students per class at 3018 W Mercury Blvd [LRSN 3001269]. The property is currently zoned Limited Commercial (C-2) which allows for private schools with a use permit. The proposed school will occupy approximately 2400 sq. ft. of space on the first floor in one of the four rental spaces of a strip shopping center. Mr. Simon was operating his driving school in an office space at the former Quality Inn site in Coliseum Central and has operated an online driving course while working toward a use permit for this site.

The applicant is proposing to offer a variety of driving courses Monday through Sunday 8:00 AM-9:00 PM and also including holidays. The proposed classes include eight hour court-ordered driver improvement courses for individuals, classes and behind the wheel trainings for teenagers and adults. Under the proposed conditions, only one classroom may host students at a time. There shall also be a limit of 20 students or the number granted by the certificate of occupancy, whichever is fewer. No vehicles used for driving instruction shall remain on the property in order to manage the limited parking available on-site.

The Hampton Community Plan (2006, as amended) recommends commercial uses for the subject parcel and parcels east, and commercial as well as some high density residential are recommend to the parcels south. Low density residential is recommended to the parcels rear or north side, and public/semipublic use to its immediate west side where a parking lot for a religious facility is located. The Hampton Community Plan (2006, as amended) details the city's economic development objectives including the goal of nurturing small and start-up businesses as outlined under ED Policy 4. The re-establishment of One Stop Driving School to a newer location, and the support for this move is an example of this goal. The Youth Component of the Hampton Community Plan (2006, as amended) details the importance of creating a safe and caring community where youth have access to fun and educational opportunities that help prepare them for adulthood. The proposed program offerings at One Stop Driving School are consistent with the goals set forth in the comprehensive plan to ensure "youth acquire essential life skills."

Staff has identified several conditions based on the proposed use's operational characteristics. Staff is recommending a condition to prohibit on-site parking of driving instruction vehicles. A capacity condition will permit and not exceed the use of one classroom for an instruction on any business day the school is in operation. Other conditions relate to parking, various state and city codes and ordinances.

Staff and Planning Commission recommend approval of Use Permit Application No. 20-00001 with seven (7) conditions.

Use Permit Application 20-00001

Jerome Simon: Private School

3018 W Mercury Blvd, Hampton, VA 23666 | LRSN: 3001269

Conditions

1. Issuance of Permit

The Use Permit applies only to 3018 W Mercury Blvd [LRSN: 3001269], and is not transferable to another location.

2. Traffic

Loading and unloading from vehicles shall be conducted on site and not on any public street.

3. Certificate of Occupancy

The private school operator must obtain a Certificate of Occupancy prior to commencing the private school operation.

4. Classroom/Capacity

Only one classroom may host students at a time. There shall also be a limit of 20 students or the number granted by the certificate of occupancy, whichever is fewer.

5. Instruction Vehicles

No vehicles used for driving instruction shall be kept on the property.

6. Nullification

The use permit shall automatically expire and become null and void under any of the following conditions:

- (a) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- (b) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the city council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council; or
- (c) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

7. Revocation

Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in chapter 20 of the zoning