



Legislation Details (With Text)

**File #:** 20-0040      **Version:** 1      **Name:** Use Permit for Vehicle Storage 199 E Mercury Blvd  
**Type:** Use Permits      **Status:** Denied  
**File created:** 1/17/2020      **In control:** City Council Legislative Session  
**On agenda:** 6/10/2020      **Final action:** 6/10/2020  
**Title:** Use Permit Application For Vehicle Storage At 199 East Mercury Boulevard [LRSN: 12003535]  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Conditions, 2. Application, 3. Survey, 4. Narrative, 5. Buffer sketch, 6. Staff Report, 7. Presentation

Date	Ver.	Action By	Action	Result
6/10/2020	1	City Council Legislative Session	denied	Pass
2/12/2020	1	City Council Legislative Session	deferred	Pass

Use Permit Application For Vehicle Storage At 199 East Mercury Boulevard [LRSN: 12003535]

**Background Statement:**

**UPDATE: At the February 12, 2020, meeting, City Council deferred this action to March 25, 2020. Due to the COVID-19 Pandemic, that meeting has been cancelled. This matter is now scheduled for June 10, 2020.**

This is a use permit application by Viu Nguyen to permit vehicle storage at 199 E. Mercury Boulevard. The property currently has a day care operating out of the building. The property owner was cited by the City for operating a vehicle storage facility in violation of the Zoning Ordinance. Any further enforcement action related to the vehicle storage use is pending the outcome of this case.

199 E. Mercury Boulevard is zoned General Commercial (C-3). However, the Hampton Community Plan (2006, as amended) recommends low density residential land use for this property. A vehicle storage facility is not compatible with the low density residential designation. The Community Plan also includes policy statements about enhancing the identity and scenic qualities of city corridors and gateways and safeguarding the integrity of existing residential neighborhoods. The properties on either side of 199 E Mercury Boulevard share the same future land use designation, and the existing land use behind and across Mercury Boulevard is single family residential. Commercial development and reinvestment is encouraged closer to the intersection of Mercury Boulevard and Pembroke Avenue where commercial uses exist on both sides of the street.

Staff and Planning Commission recommend denial. However, City Council may choose to approve the application. If City Council decides to approve the application, staff recommends ten (10) conditions which generally address location, screening, storing of vehicles, maintaining a ledger, lighting, nullification, and revocation. City Council also has the ability to add, remove or modify conditions. Please note that the conditions include slight changes since Planning Commission in order to provide greater clarification. Though Planning Commission recommends denial of the

application, questions arose with regard to fence height and the extent of storage that could be permitted under the conditions so staff has adjusted the conditions to provide further clarity should Council choose to approve the use permit with conditions. Approving vehicle storage would not allow for the disassembling of vehicles, known as wrecking, on this site. Therefore, the storing of parts would not be permitted even if the use permit for vehicle storage was approved and the reference to parts has been removed from the conditions. Additionally, the fence height is governed by Sec.3-3 (18), as referenced in conditions No.2, which limits the height of the fence to 6' in height. Lastly, staff has included a new visual to depict the buffers proposed in the conditions.

**Recommendations:**

Staff Recommendation:

Disapprove

Planning Commission Recommendation:

Disapprove