



Legislation Details (With Text)

File #: 17-0377 **Version:** 1 **Name:** RZ16-00008 Tysinger
Type: Zoning Ordinance - Map **Status:** Passed
File created: 11/21/2017 **In control:** City Council Legislative Session
On agenda: 12/13/2017 **Final action:** 12/13/2017
Title: Rezoning Application No. 16-00008 by Jonah Z, LLC to rezone approximately 9.9 acres of vacant land located at 56 Butler Farm Road [LRSN 13004560] from One Family Residential District R-11 to Limited Commercial District C-2 with proffered conditions

Sponsors:

Indexes: , Economic Vitality

Code sections:

Attachments: 1. Memo - No Planning Commission Resolution, 2. Application, 3. Survey, 4. Narrative Statement, 5. Proffer Statement, 6. Title Certificate, 7. Concept Plan, 8. Staff Report, 9. Staff Presentation - Amended, 10. Applicant's Presentation - revised, 11. Letter of Support 1, 12. Letter of Opposition, 13. Letter of Support 2

Date	Ver.	Action By	Action	Result
12/13/2017	1	City Council Legislative Session	approved	Pass

Rezoning Application No. 16-00008 by Jonah Z, LLC to rezone approximately 9.9 acres of vacant land located at 56 Butler Farm Road [LRSN 13004560] from One Family Residential District R-11 to Limited Commercial District C-2 with proffered conditions

Background Statement:

Rezoning Application No. 16-00008 is a request to rezone approximately 9.9± acres of vacant land located at 56 Butler Farm Road [LRSN 13004560] from One Family Residential District (R-11) to Limited Commercial District (C-2) with proffered conditions. The applicant wishes to store new vehicles that will be sold at an off-site dealership location, Tysinger Automotive Family. Tysinger is located at 2712 Magruder Boulevard, which is half a mile from the subject site. Improvements to the site would include 711± parking spaces, installation of a gate, and creation of a vegetated buffer.

Per the request of the applicant, Rezoning Application No. 16-00008 was deferred from the September 21, 2017 Planning Commission meeting to the October 19, 2017 Planning Commission meeting, then deferred again to the November 16, 2017 Planning Commission meeting. The purpose for the deferrals was for the applicant to address citizens' concerns regarding the proposed development. During the November 16, 2017, Planning Commission public hearing there was a motion to recommend approval. This led to a 3-3 tied vote; therefore, the motion failed. There was no alternate motion made resulting in no recommendation from Planning Commission to City Council.

The subject property also falls within the Air Installation Compatible Use Zone (O-AICUZ) Overlay District, noise contour (70-75). The Hampton-Langley Joint Land Use Study (JLUS) is a policy document that addresses the compatibility of land uses (e.g. industrial, commercial, residential) in relation to the LAFB. Generally, uses that attract more individuals to a site (e.g. residential) that is within the JLUS study area or AICUZ zone are discouraged. The proposed use is land intensive

because it functions as storage for goods. As part of the policy set forth in the JLUS, staff contacted Langley Air Force Base (LAFB) personnel to inform them of this rezoning application, and they have no objections to the proposal.

The Hampton Community Plan (2006, as amended) recommends business and industrial uses for the majority of the subject parcel. The northern section of the parcel adjacent to Tarrant Road and most of the properties north of Tarrant Road are classified as business and industrial uses. Low density residential is recommended for the southernmost section of the parcel immediately adjacent to Butler Farm Road and the majority of the parcels to the east and south of the subject property. Most of the land east of the subject parcel is developed as low density residences. While the proposed rezoning is to a commercial zoning district and not a residential or industrial zoning district, there are consistencies with the City's policy/regulatory documents.

The Hampton Community Plan (2006, as amended) details the city's economic development objectives to attract and retain businesses and fostering successful redevelopment of well-situated vacant and underutilized commercial and industrial properties (ED Policy 10). Tysinger is a business that has existed in the City of Hampton since the mid 1960s. Implementation of this proposal will allow a long standing business to continue to expand, achieving the business retention objectives detailed in the Plan. Although the recommended zoning district is commercial, the property would function as storage for inventory - typical in an industrial setting, which is also consistent with Community Plan's recommendation for business and industrial uses for a significant portion of the property.

The applicant has proffered seven (7) conditions: landscaping to ensure proper screening - mitigating any visual impacts to adjacent properties; ensuring exterior lighting is Dark Sky compliant and adheres to the City of Hampton Outdoor Lighting Policy & Procedures, which is important as the subject property is in close proximity to the LAFB flight approach; and the proposed development will be implemented in conformity with the conceptual site plan. The conceptual site plan includes a parking lot for 711± parking spaces, a stormwater management feature, and landscaping. The conceptual site plan does not include any buildings; therefore, the subject property can only be used for storing vehicles. It cannot be used for repairing vehicles or accommodate an office building for active sales.

In response to citizens' concerns, the applicant has proffered additional conditions such as: providing on-site surveillance equipment for safety purposes; a controlled access gate for security purposes, enhanced landscaping along the southern boundary of the property facing the street; no storage of equipment along Butler Farm Road or any public right-of-ways (this is already prohibited per the City Code); and no loading and offloading of vehicles on Butler Farm Road.

Due to the proximity to adjacent residences, C-2 is being recommended for the subject property because it is a less intense district compared to other zoning districts (e.g. C-3, M-2, etc.) that permit an accessory storage lot for "New Vehicle Sales". Furthermore, the proposal aligns with several policies in the Hampton Community Plan (2006, as amended) and JLUS. Based on the analysis, staff recommends approval of Rezoning Application No. 16-00008 with seven (7) conditions.

Recommendations:

Staff Recommendation:

Approve with seven (7) conditions

Planning Commission Recommendation:

There is no recommendation from Planning Commission. A motion to recommend approval was made and resulted in a 3-3 tied vote; therefore, the motion failed and there was no alternate motion made.