



## Legislation Text

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File #: 22-0184, Version: 1

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Rezoning Application by Michel Properties, LLC to Rezone ±0.865 acres at 53 Wythe Creek Road [LRSN: 6001176] from Limited Manufacturing (M-1) District to Light Manufacturing (M-2) District with Proffered Conditions for Light Vehicle Repair

### **UPDATED INFORMATION FOR AUGUST 10, 2022:**

Michel Properties, LLC proposes to operate a light auto body shop at the subject site, 53 Wythe Creek Road [LRSN: 6001176]. Proposed repair services would include: light collision and paint repair, including bumper, panel, headlight, and window repair, scratch repair, paint less dent removal, window/seat, etc. The City's Zoning Ordinance classifies light auto body repair as vehicle repair, light, which is not a permitted use in the current Limited Manufacturing (M-1) District; thus, the applicant is requesting the property be rezoned to Light Manufacturing (M-2) District with conditions to permit the vehicle repair, light use. All repair work would be done indoors within the existing 1995 sq. ft. building, which includes two (2) garage bay doors, and any overnight vehicles would be kept inside the building. A small storage area, associated with the auto body repair use, is also proposed behind the building that would be enclosed with an opaque fencing and landscaping.

The subject site was rezoned to Limited Manufacturing (M-1) District as part of a comprehensive rezoning in 1986. This rezoning was the outcome of the Wythe Creek Road land use study commissioned by City Council. This area was envisioned as an attractive hi-tech business corridor and an attractive location for the development of office and research type facilities located in proximity to NASA. Visually obtrusive manufacturing uses, including vehicle related land uses, were considered inappropriate; and as such, the Limited Manufacturing (M-1) District was deemed the most appropriate zoning district for this area. The intent of the M-1 Zoning District is "to provide sufficient space in appropriate locations for certain types of businesses and manufacturing, research and development relatively free from offense...".

The Hampton Community Plan (2006, as amended) recommends business/industrial land use for this property. This land use designation is a reflection of Wythe Creek Road being identified as a business corridor, which are typically defined by commercial and/or industrial land uses. It is also a reflection of the 50-acre Wythe Creek Commerce Park, which is identified as an ideal location for businesses engaged in construction and light manufacturing. Although this proposal is consistent with the general land use recommendations of the Community Plan, it does not support the intent of the M-1 Zoning District and the intended purpose for the commerce park.

One member of the public, representing a business in the park, spoke against the application.

### **UPDATED INFORMATION FOR JULY 13, 2022:**

**At the June 8, 2022, legislative session of City Council, the Council deferred action on this**

item until August 10, 2022. Staff is now recommending that the City Council refer this rezoning application back to the Planning Commission for review and action prior to the August 10, 2022 meeting. Due to a staff oversight, the adjacent localities were not appropriately notified of this pending rezoning. Per state code, 15.2-2204(C), “advertisement of plans, ordinances, etc., any adjoining locality of the Commonwealth, located within one-half mile of a proposed change in zoning of any parcel of land, must be notified in writing of the pending rezoning at least ten (10) days prior to the public hearing [at the Planning Commission].” Regarding this case, both the City of Poquoson and York County are within one-half mile of the subject parcel, 53 Wythe Creek Road, and both are required to be notified. They have now been notified.

### **Background Statement - June 8, 2022:**

Michel Properties, LLC proposes to operate a light auto body shop at the subject site, 53 Wythe Creek Road [LRSN: 6001176]. Proposed repair services would include: light collision and paint repair, including bumper, panel, headlight, and window repair, scratch repair, paint less dent removal, window/seat, etc. The City’s Zoning Ordinance classifies light auto body repair as vehicle repair, light, which is not a permitted use in the current Limited Manufacturing (M-1) District; thus, the applicant is requesting the property be rezoned to Light Manufacturing (M-2) District with conditions to permit the vehicle repair, light use. All repair work would be done indoors within the existing 1995 sq. ft. building, which includes two (2) garage bay doors, and any overnight vehicles would be kept inside the building. A small storage area, associated with the auto body repair use, is also proposed behind the building that would be enclosed with an opaque fencing and landscaping.

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### **Recommendations:**

Staff Recommendation:  
Disapprove

Planning Commission Recommendation:  
Disapprove