



## Legislation Text

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File #: 21-0176, Version: 1

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Rezoning Application by the E-Commerce Center of Hampton, LLC to Amend the Proffered Conditions Attached to the Zoning of the Property at 1708 Todds Lane [LRSN:3009404]

### **Background Statement:**

This application is a request to amend the existing proffers for the E-Commerce Center of Hampton to allow additional commercial uses from those uses that are currently allowed. The subject property, 1708 Todds Lane, is zoned General Commercial (C-3) District with proffered conditions. The property is a portion of the Todd Shopping Center, the rest of which is zoned Limited Commercial (C-2). Additionally, the property is within the Coliseum Central Master Plan (2015 as amended) Power Plant Parkway initiative area.

In 2015, this property was rezoned to the C-3 zoning district from the C-2 district. This rezoning, with its proffers, allowed the creation of a mixed use development to include: office, retail, and self-storage fully contained in a three story building. It was the self-storage portion of the development which necessitated the rezoning. The self-storage also required an approved use permit. That previous approval will generally remain intact if this application is approved. The difference with this rezoning is solely the allowance for some additional commercial uses requested by the applicant.

Located in the Todd Shopping Center, the E-Commerce center was a new concept at the time it first came forward and has since proven successful. The owner/applicant expects that the proposed additional uses, all of which are permitted within the rest of shopping center, would enhance the E-Commerce building as a retail and business center.

With respect to applicable policy, the Hampton Community Plan (2006, as amended) recommends mixed-use for this area. As defined in the Community Plan the mixed-use category encourages developments of two or more compatible land uses, such as live/work, retail/office, residential/retail, or tourist attractions/community facilities as the primary uses within one parcel, building structure, or the same block. The subject property is also within the Power Plant Parkway initiative area of the Coliseum Central Master Plan, which also envisions a mixture of commercial uses in this area.

Based on the recommendations of the Community Plan and Master Plan, the additional uses proposed in this application are suitable for this location due to the mixed-use nature of the development and maintaining the character of the building. Now, as was originally conceived, to achieve a true mixed-use development, the applicant proffered a condition that limits the self-storage to no more than 75% of the building's area. Please see the proffer statement for the full list of potential uses.

This proposal is appropriate for this location precisely because it is a different dynamic than a traditional stand-alone self-storage facility. The internet, and recently the pandemic, have continued to change the way consumers shop, purchase, and receive retail goods, and in response to these changes, the building incorporates the major needs of the internet seller into one building. The

applicant also sees the opportunity for other start-up businesses and ancillary services to be included into the building.

While ultimately voting to recommend approval of this rezoning application, a number of Planning Commissioners questioned the practicality of the proposed potential mix of uses, with billiard hall being the most curious.

The City staff is expecting a modified proffer statement to be introduced to the City Council during the public hearing. Under state law, proffers cannot be formally modified between Planning Commission and City Council and must be formally submitted during the public hearing. However, wanting City Council to be prepared staff received an advanced copy of the changes and has included it in the package.

The purpose of the change in the proffer statement is to assure that the proffers are written so that all parties can readily understand the limits of the proposed uses going forward. This will not substantially or substantively change the proposed use and conditions but rather a clarification agreed upon by the applicant and City staff.

In total, you should find four sets of conditions. Staff has provided the new set of proffers, which are expected to be introduced at the City Council public hearing, the proffers that were a part of the application on which Planning Commission voted to recommend approval, the proffered conditions from 2015, and the conditions of the approved use permit from 2015. Including the conditions approved in 2015 allows City Council, and the public, to understand the full set of conditions that currently govern the property. If City Council approves the current rezoning request, the only change to the existing conditions would be to increase the uses permitted.

**Recommendations:**

Staff Recommendation:

Approve with 2 conditions, as amended

Planning Commission Recommendation:

Approve with 2 conditions