



Legislation Text

File #: 17-0229, **Version:** 1

Rezoning Application No. 16-00012 by Marlyn Development Corp. and AH&H Corp. at 1300 N Mallory Street [LRSN: 12005714] to rezone from Multiple Dwelling (MD-4) District with conditions to One Family Residence (R-4) District with conditions for a single family subdivision of up to 41 single family residences on 16.48± acres

Background Statement:

Rezoning Application No. 16-00012 is a request to rezone 16.48± acres located at 1300 N Mallory Street [LRSN 12005714] to the R-4 zoning district for a single family subdivision. Planning Commission originally heard this application in February, and during the City Council public hearing in March, Council elected to refer the application back to Planning Commission when the applicant proposed making changes to the application. The applicant wished to have further time to make changes and was granted a deferral at the April Planning Commission meeting leading to the Planning Commission public hearing in June.

The current request is for the R-4 single family zoning district with proffered conditions, including one that amends the dimensional standards of R-4. The front yard setback would be 20' rather than the 15' minimum of R-4. The minimum lot dimensions, rear, and side yard setbacks would come from the R-9 district. This means a minimum lot width of 60', rather than 50', a minimum side yard of 6' and 16' total for the two sides, rather than 5' on each, and a deeper minimum rear yard setback, which is variable based on lot depth. Other changes to the proffered conditions include amending the concept plan to provide an emergency vehicles only access from the existing neighborhood, limiting development to 41 lots, and providing additional potential home elevations.

Currently, the property is zoned Multiple Dwelling (MD-4) with proffered conditions, which limit the use to a continuum of care facility for seniors and persons in need of assisted living as well as requiring adherence to a conceptual site plan and attached building elevations.

The property is on Mill Creek and has wetlands features on two sides. It also has an older single family subdivision bordering the southern property line. This property falls within the Buckroe Master Plan(2005, as amended).

The Hampton Community Plan emphasizes the heightened importance of developing waterfront property appropriately. Redevelopment opportunities on waterfront property are a rare feature and present one of the greatest opportunities for higher value housing in Hampton. The Plan also recognizes the importance of community access, both visual and physical, to water features.

Recognizing the importance of the larger Buckroe neighborhood, the City adopted the Buckroe Master Plan and subsequently, the Buckroe Bayfront Pattern Book (2007, as amended). The Master Plan provides a description and graphic depiction for future development of the site, which includes developing in a traditional neighborhood grid pattern and access to Mill Creek. The Pattern Book provides greater clarity and guidance to the broad design objectives of the Master Plan. The Pattern

Book not only describes the appropriate styles of buildings, depths of porches, most appropriate materials, and other architectural features, but it also provides guidance for important neighborhood design elements such as the placement of garages, elevating the foundation of houses, and incorporation of pedestrian friendly streetscape. The R-4 district was adopted to accommodate the type of single family development envisioned for this area, providing the smallest lot sizes and setbacks of any of the traditional single family districts (R-districts) in the City of Hampton.

The proposed development, as defined by the proffered conditions regarding site layout, building elevations, and materials does not meet the adopted goals, objectives, and policies of the City of Hampton. While the site does have some physical constraints, specifically wetlands features on two sides of the property, the site does have the opportunity to connect to the adjacent neighborhood, as required by the Subdivision Ordinance, but the applicant has chosen to not do so. Given this conflict, even if the will of the Planning Commission, and eventually City Council, is to approve the rezoning, the proffer of the conceptual plan should not be accepted. Appropriately, the design provides rear access to lots facing N. Mallory Street. Access to the water features is not opened up to the community aside from a vaguely described mulch path that is not integrated into the site design but tacked on in the corner of the development. The homes do not resemble what is adopted in the Pattern Book, including those which were added since the deferral was granted. While the narrowness of the developable area makes it impractical to provide rear access to most homes, the proposed elevations do not consistently incorporate features that would help create a comfortable, walkable community and do not approach the coastal character described for the Buckroe area. The proposed development, taken as a whole, is a significant departure from the City's adopted policies.

Please Note: Rezoning Application No. 16-00012 originally appeared upon the City Council's agenda on March 8, 2017, as Legistar file #17-0061. On that date, City Council, referred this matter back to the Planning Commission for further consideration.

The application returned to the City Council's agenda on July 12, 2017, as Legistar file #17-0229. At that time the City Council deferred the item to their agenda of August 9, 2017.

Because the supporting documentation substantially changed between the July 12, 2017, meeting and the August 9, 2017, meeting, another Legistar file was created under #17-0251. That item is on the City Council's agenda for August 9, 2017.

Recommendations:

Staff Recommendation:

Disapprove

Planning Commission Recommendation:

Disapprove