
STAFF EVALUATION

To: Planning Commission

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728-5244

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728-5239

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728-5240

Case No.: Conditional Privilege #138-2013

Date: July 11, 2013

General Information

Applicant/Owner

Archie F & Linda D Allen

Location

This property sits on the Hampton River at 424 E. Queen Street [LRSN 12001058].



Requested Use

The applicants have submitted this application in conjunction with Rezoning Application No.1311-2013 and Use Permit No. 1088-201, which would permit the marina. This request is to operate a bed and breakfast on one of the boats if the rezoning and use permit are approved.

Background Information

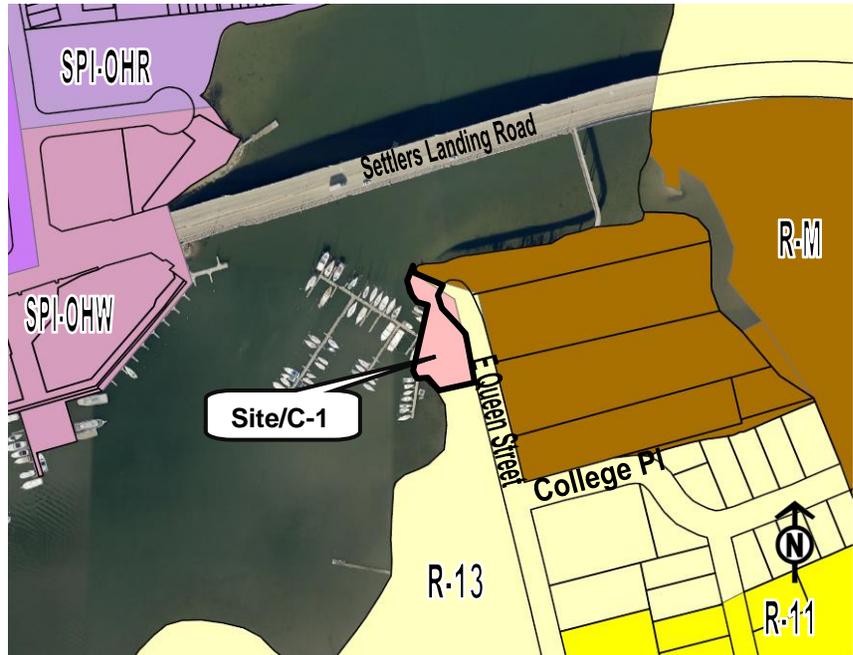
In 1983, the property was rezoned to Neighborhood Commercial District (C-1) with conditions. Though there was an operating marina at the site at that time, the one condition attached to the rezoning limits the use of the property to a yacht brokerage, marine-related travel agency, and the sale of marine supplies. While each of these uses is in some way marine related, the list does not include a marina, nor does it include a bed and breakfast. Therefore the conditions of the rezoning must be amended to permit a marina with an approved use permit as well as a bed and breakfast with an approved conditional privilege.

Description of Proposal

The applicants request to operate a bed and breakfast on a boat within an existing marina. The bed and breakfast would be limited to one boat with up to four staterooms for rent.

Existing Land Use and Zoning

The site is currently zoned C-1 with conditions limiting the use to yacht brokerage, marine related travel agency, and sale of marine supplies.



As displayed below, the property also falls into the Special Public Interest – Chesapeake Bay Preservation District due to the presence of tidal wetlands. As an already developed property, the zoning parcel, all of which falls into the category of being a wetland feature or within the Resource Protection Area (the first landward 100 feet from the wetland feature) has been designated in the Intensely Developed Area, which permits development with certain mitigation efforts.



Like much of the surrounding property, this property also falls within the AE-8 category of the Special Public Interest – Flood Zone District. The AE-8 designation means there is a base flood elevation of 8', which

affects new construction standards. However, at this time, no new construction is proposed.

Surrounding Land Use and Zoning

North: Multiple Residence District (R-M): Vacant property that is part of the same parcel as the application, and beyond that property extends the Hampton River

South: R-13: Hampton University’s dining facility

East: R-M: Single family homes owned by Hampton University

West: Special Public Interest – Old Hampton Waterfront (SPI-OHW): Across the Hampton River is downtown with another marina, commercial space, and a parking garage.

Public Policy

The Hampton Community Plan (2006, as amended) recommends public/semipublic land use for the area, and also includes other recommendations supportive of:

LU-CD Policy 9: Promote appropriate use and reuse of waterfront land. Encourage appropriate design of new developments in relation to the water.

LU-CP Policy 16: Promote public access, both physical and visual, to the water. Promote boating access, water uses, and dredging for recreational and commercial use of waterways.

ED Policy 4: Nurture small and start-up businesses.

ED Policy 6: Expand tourism, entertainment, and cultural opportunities within the city.

Impact Analysis

Based upon historic parking patterns for the marina, the Zoning Administrator has granted parking relief per Section 19.8 of the zoning ordinance. The applicant is required to maintain 24 parking spaces on the site. If the operations change at some point in the future, the parking relief will be subject to review.

Conditions

- 1) Issuance of Permit

The conditional privilege applies only to 424 E. Queen Street [LRSN 12001058] and is not transferable to another location.
- 2) Operation
 - a. The bed and breakfast operation shall occur on a boat and shall be limited to a single vessel.
 - b. No more than four staterooms or similar accommodations shall be utilized for the operation of the bed and breakfast.
 - c. The operator shall maintain a record of the vessel used for the bed and breakfast. Such record shall be available for inspection by authorized City personnel and shall include the name, registration number, and home port of the vessel; the name and address of the vessel owner; and the dates of occupancy at the marina.

3) Parking

There shall be at least 24 off-street parking spaces located on the subject property at all times, in accordance with the parking credits granted on 6/21/2013 by the Zoning Administrator for the City of Hampton, attached hereto as Exhibit A.

4) Revocation

Notwithstanding any condition or provision of this conditional privilege to the contrary, the conditional privilege may be revoked for violation of any terms or conditions of the conditional privilege as set forth in chapter 20.1 of the zoning ordinance.

Community Meeting

No community meeting was held as the only adjacent neighbor is Hampton University.

Analysis

Mr. and Mrs. Allen currently operate Joy's Marina at 424 E. Queen Street. The applicants have requested a change to the zoning conditions on the property and to be granted a use permit to operate a marina. The applicants also wish to operate a bed and breakfast on one of the boats in the marina. This application, conditional privilege No. 138-2013, is for the bed and breakfast.

The Hampton Community Plan (2006, as amended) supports water related uses on waterfront property, especially those which may help make the water accessible to citizens and tourists. For tourists or even local citizens who chose to stay at this bed and breakfast, it would provide access to the water by putting them on it. The Plan also encourages the support of small businesses within Hampton. This bed and breakfast would be small business, which provides water access to numerous boat owners and their guests. Therefore, the marina is not only an existing use but one which furthers the goals of the Hampton Community Plan.

Also, recognizing the limited availability of parking staff recommends a condition limiting the operation to a single vessel with no more than four staterooms available as a part of the bed and breakfast operation. . The applicant has agreed to this condition. If at some point the applicant wishes to expand, (s)he always has the right to apply to have the condition changed through this same public hearing process.

Staff recommends approval of this application with four conditions.