

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.: Use Permit #1088-2013

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 to align the zoning of the property with the long standing existing use of the property as a marina. This use permit is specifically for the operation of the marina.

Background Information

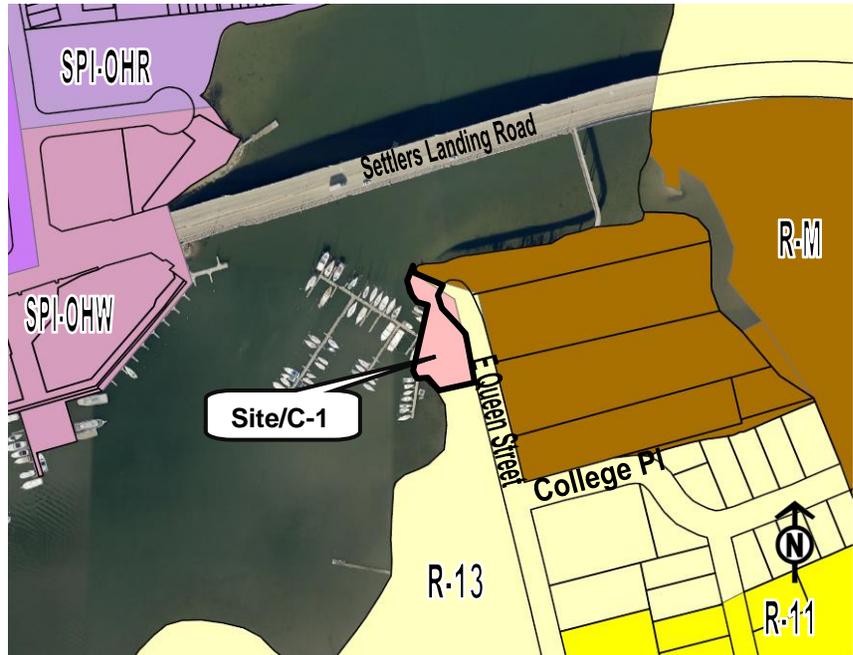
In 1983, the property was rezoned to Neighborhood Commercial District (C-1) with conditions. Though there was an operating marina at the site at that time, the one condition attached to the rezoning limits the use of the property to a yacht brokerage, marine-related travel agency, and the sale of marine supplies. While each of these uses is in some way marine related, the list does not include a marina. Therefore the conditions of the rezoning must be amended to permit a marina with an approved use permit and a use permit granted in order to bring the marina into conformance.

Description of Proposal

Joy's Marina is an existing marina with 62 boat slips. The applicant is not proposing any physical changes to the marina currently. If there were to be future changes to the site, all applicable codes and ordinances must be met.

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.

EN Policy 26: Ensure that waterfront development is sensitive to shoreline erosion, flood protection, and water quality.

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

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

Impact Analysis

This is a pre-existing marina and no expansion or changes to the site development have been proposed.

The applicants have been granted relief by the Zoning Administrator from the parking requirements per Sect. 19.8 of the zoning ordinance. The relief is based upon the site and operation specific parking patterns. The applicant must maintain 24 parking spaces. If operations change over time, the request for relief will undergo review by the Zoning Administrator and may be modified.

Conditions

1) Issuance of Permit

The use permit applies only to 424 E. Queen Street [LRSN 12001058] and is not transferable to another location.

2) Operation

a. All applicable federal, state and local requirements for marina facilities shall be met.

b. The operator shall maintain a record of all boats docked at the facility. Such record shall be available for inspection by authorized City of Hampton 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.

c. The marina shall be limited to no more than 62 boat slips notwithstanding the need to meet all other applicable

ordinances.

3) Parking

- a. 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 use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in Chapter 20 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. In 1983, a rezoning was granted which limited the use of the property to marine related uses but did not include a marina even though the same marina was in operation then. So at this time, this use permit application accompanies a rezoning application to amend the proffered conditions on the property to permit a marina with an approved use permit.

As stated, the marina is existing. The applicants are not proposing any changes to or expansion of the marina. The applicants wish to properly align the zoning of the property with the existing use as well as gain the ability to apply for a conditional privilege for the bed and breakfast on a boat.

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. The Plan also encourages the support of small businesses within Hampton. This marina is a 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.

Staff recommends approval of this application with four conditions.