

STAFF EVALUATION

To: Planning Commission

Prepared By: M. Hayes

728-5244

Reviewed By: K. Cannady

728-5239

Case: Rezoning Application No. 1278

Date: March 5, 2009

General Information

Applicant and Owner

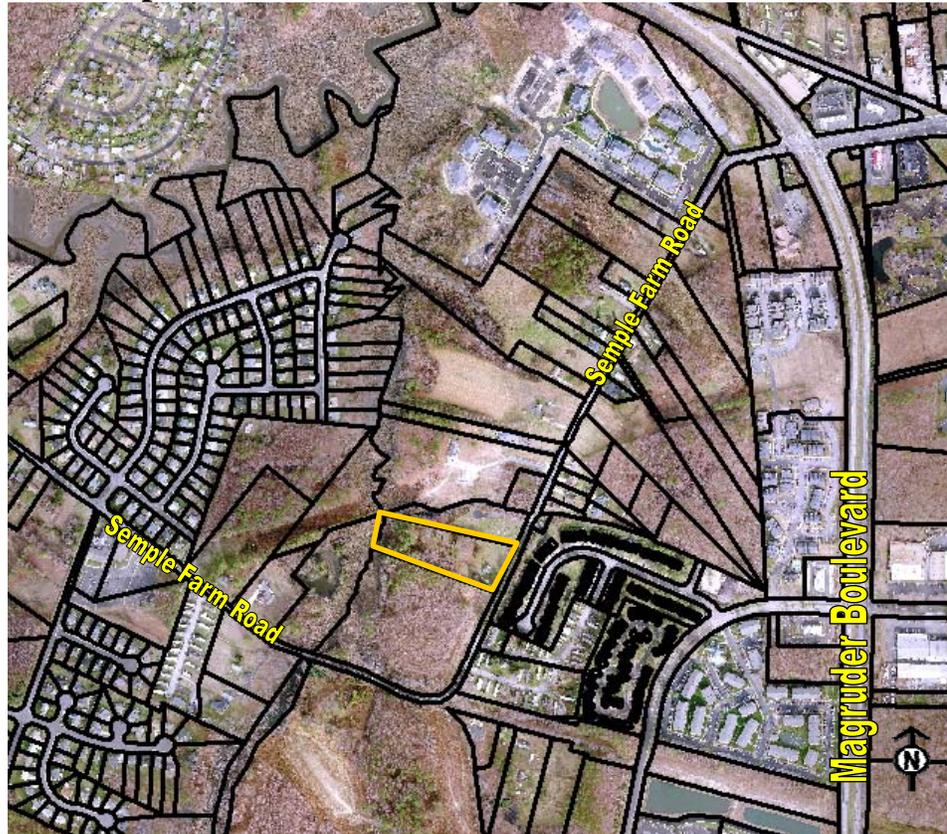
Applicant/Owner: Judith Mashburn

Purpose

To rezone from the One Family Residence District (R-11) to the Multiple Residence District (R-M) for the purposes of multifamily development.

Location

114 Semple Farm Road



Current Land Use

Single family home

Background

In 1970, a mapping error occurred when the City Council approved a rezoning in this area. This was a rezoning from the R-11, a single family district, to the R-M, primarily a multifamily district. The Wright/Mashburn property was included by adjacent land owners in Rezoning Application No. 442 without the consent of the property owner. One person cannot rezone another person's property without the land owner's signature on the application. Therefore, the Wright/Mashburn property remains legally zoned R-11, even though the zoning maps have shown the property as being zoned R-M since the approval of Rezoning Application No. 442 in 1970.

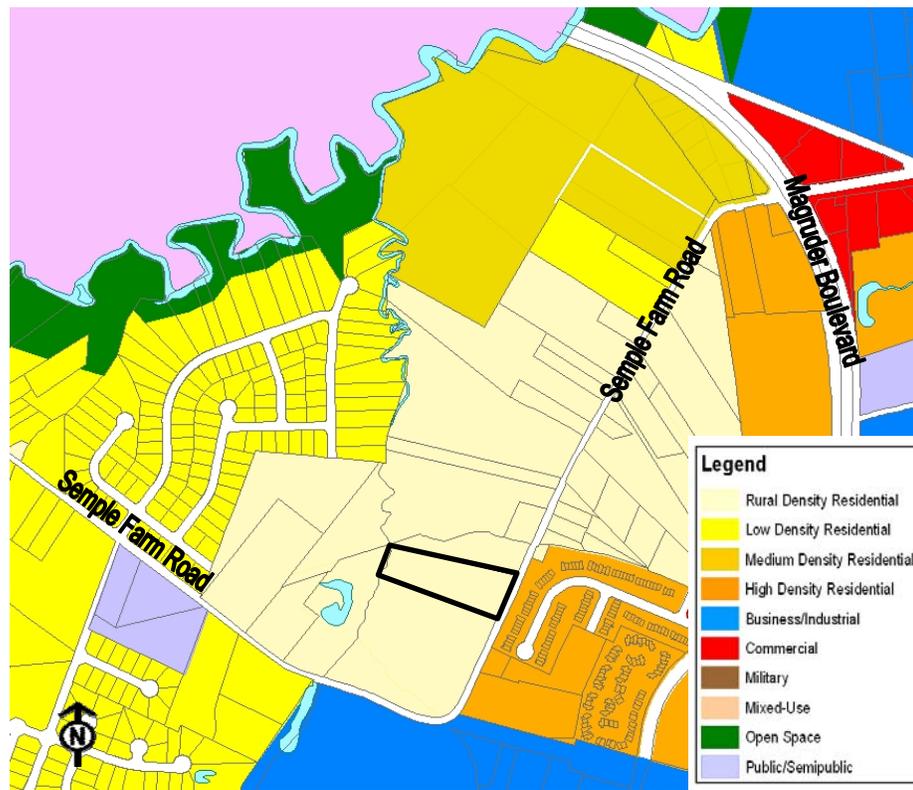
Additionally, the City of Hampton has been working toward phasing out the R-M District, which the subject property is zoned. The R-M District is duplicative and will not be included in the upcoming Zoning Ordinance rewrite. The R-M district does not have a prescribed density maximum or green space requirement, unlike the multifamily districts that are expected to

be carried forward in the Zoning Ordinance rewrite.

<i>Surrounding Land Use and Zoning</i>	North	Zoned R-11 and contains a cemetery.
	East	Zoned R-M and contains townhouses.
	South	Zoned MD-2 and is currently wooded.
	West	Zoned R-11 and contains a creek, wetlands, and wooded area. Beyond the wetlands is a single family subdivision, zoned R-11.

Policy **Hampton Community Plan** (2006, as amended)

The Hampton Community Plan's (2006, as amended) Land Use Map recommends commercial land uses.



The Community Plan also encourages diversifying Hampton’s housing types when appropriate. Attention should also be given to the compatibility and interdependence of uses (p. LU-16).

Policies also encourage support for the City’s economic development priorities, including high wage jobs in targeted industries along with support for the development and expansion of educational, medical, and research activities (LU-17).

Site Details No site plan has been proffered with this application. Therefore, any proposals attached to this application are nonbinding.

Conditions No conditions have been proffered with this application.

<i>Community Meeting</i>	No community meeting has been scheduled for this application.
--------------------------	---

Impact Analysis

<i>Traffic</i>	A traffic analysis will be needed prior to site plan approval. According to the City’s Traffic Engineer, it is likely that a right turn lane will have to be installed to accommodate development on this site.
<i>Sewer and Water</i>	Upgrades to sewer and water pipes serving this site are likely to be necessary.
<i>Parking</i>	All parking must be accommodated on site and will be reviewed when a site plan is submitted.

Analysis

Through recent research, staff has found that since 1970, 114 Semple Farm Road has been incorrectly mapped as being in the R-M zoning district, a primarily multifamily district. The original zoning of the property was R-11, a single family district. The property was not legally included in the previous rezoning to R-M. Therefore, the R-11 District governs the property.

The applicant is requesting to officially zone the property into the R-M District. The applicant has been made aware of the City’s intention to no include the R-M District in the rewrite of the Zoning Ordinance and the potential for creating nonconformity issues with regards to density, setbacks, and building size. With knowledge of the possible future implications, the applicant still wishes to have the property zoned into the R-M District. Based upon the property owners’ expectations and the City’s treatment of this property as if it were zoned R-M for thirty-nine years, staff recommends approval of Rezoning Application No. 1278 to officially place 114 Semple Farm Road in the R-M District.

Staff recommends approval of Rezoning Application No.1278.