

STAFF EVALUATION

To: City Council

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728-5127

Reviewed By: Caroline Butler, AICP

728-5231

Case No.: RZ#1268

Date: September 10, 2008

General Information

Applicant

City of Hampton

Owner

Multiple (see attachment)

Location



Proposed rezoning area delineated in black.

Requested Action

Rezone of 2.67± acres located along Reed Street and Harrison Street from General Commercial District (C-3) to One Family Residence District (R-9).

Purpose

Make zoning conform to the predominant land use.

Existing Zoning

General Commercial District(C-3).
One Family Residential District(R-9).

Background Information

In 1985, City Council rezoned properties bordering the northern portions of West Pembroke Avenue from Light Manufacturing District (M-2) to General Commercial District (C-3). In 1989, the Zoning Ordinance was amended to preclude one-family dwellings in commercial districts, making existing houses legal non-conforming uses. Since 1991, property owners in this area have individually requested that properties be rezoned to One Family Residential District (R-9). In 2007, City Council rezoned 413,414, and 419 Reed Street from C-3 to R-9 to bring existing residences into conforming status. At the request of the Planning Commission and City Council, staff is bringing forward a comprehensive rezoning of the rest of this area into conformance with predominant uses.

Existing Land Use

Current land use pattern shows that properties within this area are being utilized as single family residential units or vacant lots.

Surrounding Land Use and Zoning

North: Heavy Manufacturing District (M-3): Bassette Cemetery.
South: General Commercial District (C-3): Vacant lots fronting West Pembroke Avenue
East: General Commercial District(C-3): Hampton Roads Transit Bus Terminal.
West: General Commercial (C-3): Cranberry Street Autobahn Auto.

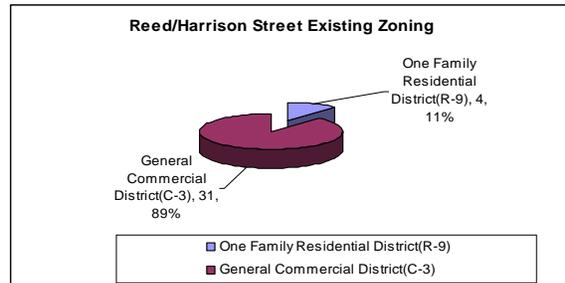
Zoning Categories

C-1	M-5D	R-22
C-2	MD-T	R-33
C-3	MD-2	R-R
M-1	MD-3	R-M
M-2	MD-4	R-T
M-3	R-8	SPI-B
M-4A	R-9	SPI-HRC
M-4B	R-11	HRCNC
M-5A	R-13	SPI-HRCW
M-5B	R-15	SPI-OH
M-5C	R-15	SPI-PL



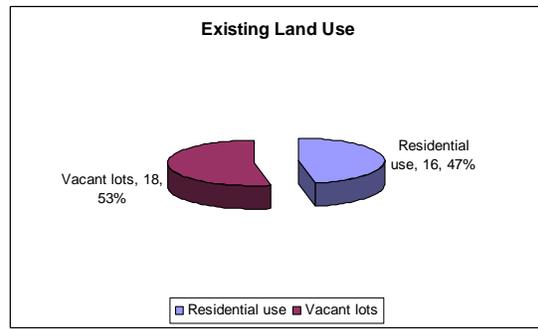
Zoning map

C-3 zoning permits mobile homes and semi-industrial commercial uses which may include outdoor storage. R-9 zoning permits single-family residences at a density of 5 to 6.5 units per acre.



Source: City of Hampton (City Assessor's office)

Existing zoning within the proposed area is characterized by 89% General Commercial District (C-3) Zoning and 11% One Family Residence District (R-9) Zoning.



Source: City of Hampton(City Assessor’s office)

Public Policy

The Hampton Community Plan (2006, as amended) recommends Mixed-Use Development in this area. The plan also encourages mix of land uses appropriate for each district (LU-17).

Insert



Community Plan

Mixed-Use

The development of two or more compatible land uses and densities as the primary uses within one parcel, building structure, or the same block. Mixed uses allows for Live/Work, Retail/Office, and Residential/Retail etc.

Hampton Community Plan (2006, as amended) encourages safeguarding the integrity of existing neighborhoods by encouraging a mix of housing types and values in residential neighborhoods. (LU-CD 7, LU-CD 4, 16).

The Plan also encourages policies that reduce travel demand, encourage walking and increase mass transportation ridership (LU TR-21).

The Downtown Master Plan recommends that outlying neighborhoods surrounding Downtown not yet stable should be revitalized through residential housing re-investments.

The Plan also recommends that neighborhoods adjoining the Armory District shall include a mix of housing types and uses.

Downtown Master Plan



Map showing Armory District and the proposed rezoning site)

The Bright Creek industrial yard, located at the northern portions of the proposed rezoning site, is envisioned to be redeveloped into commercial and residential developments, and the creation of a new in-town neighborhood between Downtown and the northern edge of the Bright Creek Greenway.

In addition, Hampton Green Community Initiative acknowledges the correlation that exists between public health and the built environment. Focusing residential districts close to mass transit centers will foster walkability, improve the health of residents, reduce pollution, and congestion on city streets, and ultimately improve the quality of life of residents.

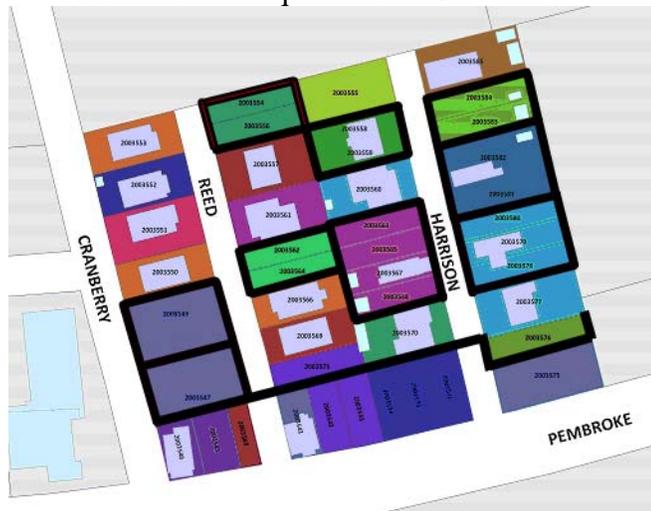
Hampton Roads 2030 Regional Transit Plan 2006, recommends policies that will increase mass transit ridership. Siting residential districts close to mass transit centers provides residents with mass transit options.

Applicable Regulations

Applicable Regulation	One Family Residence (R-9)
	Minimum (square feet.)
Lot Area	6000
Frontage	60
Dwelling Area	1,500

R-9 Zoning requirements

Currently, there are a total of eighteen (18) vacant, and sixteen (16) developed lots in the proposed rezoning area. The average lot size in this area is **3226** square feet, making them legally non conforming lots. However, combining contiguous vacant lots under single ownership will increase the minimum lot size to **4220** square feet, thus meeting the 80% threshold required for R-9 district.



Delineated lots show vacant lots that could be combined to meet the R-9 lot requirement.

Lots that are not contiguous do not have to be combined. These lots will be non-conforming in size, but will be legal conforming structures. Any new houses will have to be a minimum of 1500 square feet.

Impact Analysis

Traffic

According to the Traffic Engineer, the proposed rezoning will not significantly impact traffic volume on West Pembroke Avenue.

Environmental

The area is located outside the Chesapeake Bay preservation district.

Schools

Existing schools will not be significantly impacted by the proposed comprehensive rezoning process, as the maximum total yield would be 19 students.

Hampton School Enrollment	Pre K-5 th Grade Baron Elementary School	AWE Bassette Elementary School	Armstrong Elementary School	Hampton High School
Capacity	506	528	528	1925
Enrollment	379	326	419	1688

Source: Virginia Department of Education 2006

Utilities

The site is served by utilities.

Community meeting

A community meeting was held on the 23rd of April, 2008. Eight (8) property owners were in attendance. Seven (7) property owners were in support of the rezoning. One of the property owners, whose property fronts West Pembroke Avenue (not part of the rezoning area), objected to having his property rezoned. A couple who own a property along Reed Street is having problem selling their home, because it is improperly zoned. Most of the property owners are not aware of the potential implication of the zoning on their properties.

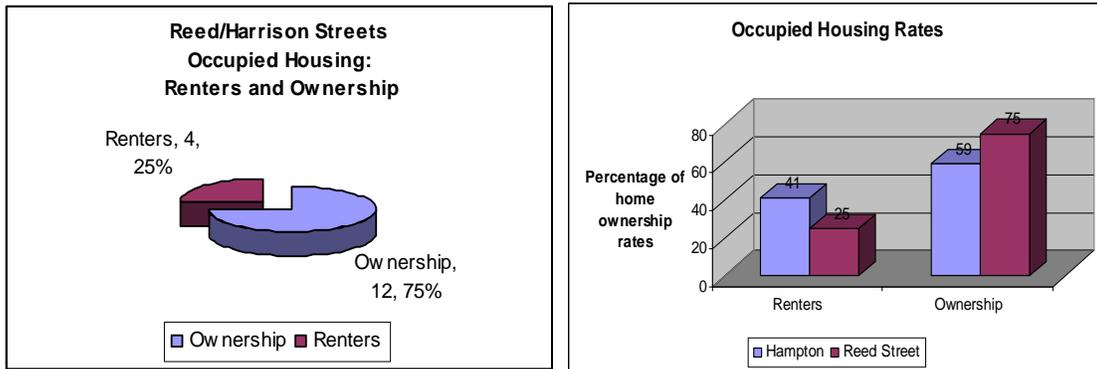
On May 16th, 2008, notification letters were sent to property owners asking them to either state their support for or against the rezoning. To date twelve (13) out of a total of sixteen(16) property owners have indicated their willingness to rezone their properties from commercial to residential.

Analysis

The purpose of this comprehensive rezoning is to eliminate the conflict of high intensity uses and zoning near an existing single family residential neighborhood. Rezoning the area to reflect pervading land uses will bring existing non-conforming properties into conforming uses; enable property owners to procure the necessary financing necessary for sale, remodeling, and simply to repair existing properties in the event of a disaster.

The proposed rezoning area is characterized by high levels of home ownership rates. Rezoning the area to residential will not only protect home ownership rates in the area, but help protect the integrity of the Reed/Harrison Street neighborhood. Currently the Hampton Redevelopment and Housing Authority (HRHA) is investing in the area,

through the acquisition of properties that are up for sale to be redeveloped as residential houses.



Source: City of Hampton (City Assessor’s office), US Census Bureau 2000

Recent changes in banking and mortgages policies preclude institutions from lending money for properties that are improperly zoned for their uses. Currently twelve (12) single family houses in the area are improperly zoned. Thus properties owners may not be able to sell or refinance these properties. In addition, a non-conforming structure in an R-9 district destroyed or damaged in excess of 75% of its replacement cost cannot be rebuilt.

The Hampton Community Plan (2006, as amended) recommends that the integrity of existing neighborhoods be safeguarded by encouraging a mix of housing types and values in residential neighborhoods. The proposed rezoning area is mostly made up of properties with varying lot sizes, depths, and frontages and various price ranges. Rezoning the area to residential will allow new infill housing units in the area. The Hampton Redevelopment and Housing Authority own and purchases properties that are up for sale in this area for redevelopment as single family homes.

The Downtown Master Plan, recommends that transitional neighborhoods outlying Downtown’s fringes be revitalized through residential housing reinvestments. The proposed rezoning area is characterized by vacant lots and some derelict structures. Currently property owners are faced with difficulties when selling or procuring financing, or simply improving their properties. Rezoning these properties into a residential district will enable property owners to obtain the necessary financing from lending institutions or for upgrading existing properties which will increase property values in the area.

The proposed rezoning area is strategically situated between the future Bright Creek Redevelopment Project, the Armory District, Pasture Point and the Old Hampton Neighborhood. Rezoning this area to residential district will serve as a linkage between the proposed redevelopments site and existing neighborhoods, by removing the pockets of blight that separate these neighborhoods.

The proposed rezoning area is located just one block from the Hampton Roads Transit (HRT) Bus Terminal. Rezoning existing properties to residential may contribute to mass transit ridership in Hampton and the Peninsula as a whole. In addition focusing residential districts near transit centers and improving the quality and level of service of public transportation will ultimately help realize the Hampton Green Initiative goals.

This comprehensive rezoning excludes ten (10) properties that front on West Pembroke Avenue. Two (2) of these lots are owned by the Hampton Redevelopment and Housing Authority (HRHA), and eight (8) are privately owned. One owner of three (3) contiguous lots has requested that his properties remain zoned C-3. Additional discussions are needed with these property owners to determine their future use and zoning.

Finally, the current C-3 zoning permits a whole litany of semi-industrial uses that could possibly be sited next to a residential building. Staff has also received calls from semi-industrial businesses who are trying to purchase vacant lots to use as car storage among other uses. The continuous zoning of the area as General Commercial District (C-3) will further open the area to more intense commercial uses. Inaction on the part of the city will have a detrimental effect on residents, the character of the neighborhood and ability of property owners to rebuild in the event of a disaster.

Staff recommends approval of this application with the exclusion of the properties fronting West Pembroke Avenue.

Property owner	Address	Vacant lots (LRSN)
Mitchel Frank	430 Harrison Street 2003585	2003559
Twenty 1 st Century Dev.LLC		2003562, 2003564
Gaskins Chester& Pearl	425 Harrison Street (2003559) 2003558	
Lewis Harry& Barbara A	413 Harrison Street (2003567)	2003563, 2003565, 2003568
Cunningham OLA	420 Reed Street (2003561)	
Lewis Lee& Lola W.	412 Reed Street (2003569)	
Hampton Redevelopment and Housing Authority(HRHA)		2003554,2003556, 2003547,2003549
Royster Nathaniel	415 Reed Street (2003551)	
Jason &Toni Morrison	417 Reed Street (2003552)	
Spencer Thomas		2003571
Bond Ethel	408, 423, Harrison Street (2003560,2003577)	2003578, 2003580,2003579
Mosley Allen &Elaine	420 Harrison Street (2003582)	2003581,
Richard Lewis	426 Harrison street	2003583
Johnson Jeanne C. Tanya& Eric Johnson	409 Harrison Street (2003570)	
Hudges Ernest et al		2003555
Thomas Edward D.& Nikki P		2003576