

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.: Rezoning #13011-2013

Date: July 11, 2013

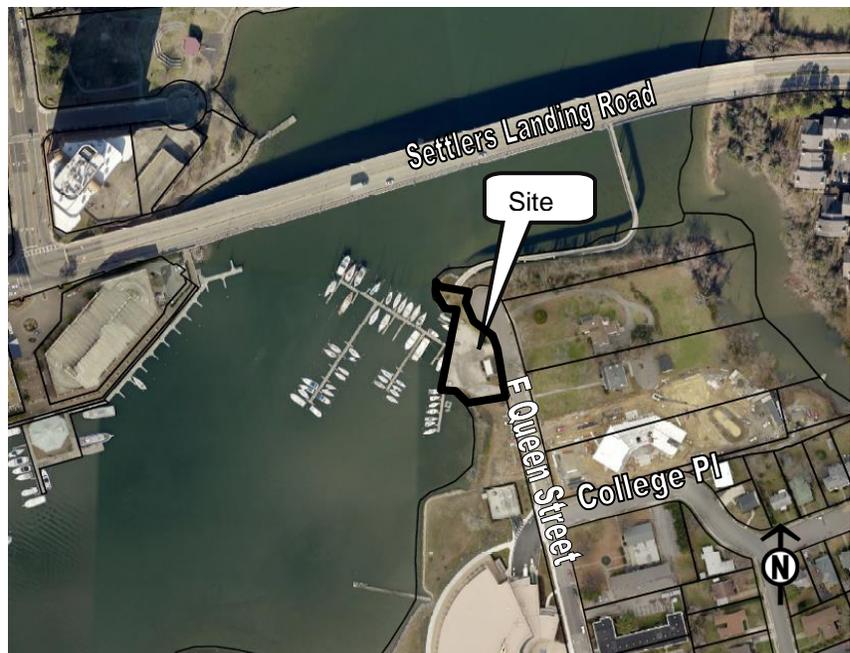
General Information

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 order to align the conditional zoning of the property with the long standing existing use of the property as a marina.

Background Information

In 1983, the property was rezoned (RZ #748) 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.

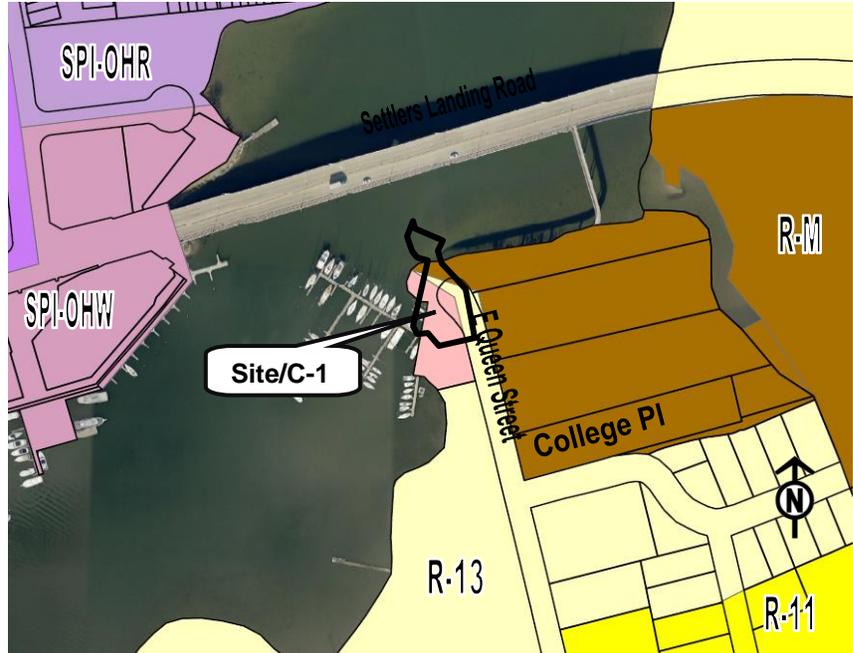
Description of Proposal

With this rezoning the applicant wishes to take the first step in bringing the existing and long standing marina into

conformance with zoning requirements. Approval of this application would amend the proffers while maintaining the C-1 zoning district. The amended proffers would permit a marina with an approved use permit as well as a bed and breakfast with an approved conditional privilege. An application for each of those two uses accompanies this rezoning application.

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 and Zoning

Land Use

- 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 the application:

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

No new development is proposed at this time. If at some point the development of the site changes, within the bounds of the proffered conditions, those changes will have to meet current City codes and ordinances.

Conditions

Proffered Conditions:

- A) The uses of the Property will be limited to the following:
 - 1. Operation and maintenance of a marina and its associated offices and facilities, subject to a use permit;
 - 2. Sales of marine and marina related supplies; and
 - 3. Operation of a boat bed and breakfast, subject to a conditional privilege.

- B) It is understood that all uses of the Property shall comply with all ordinances of the City of Hampton.

- C) All references hereinabove to zoning districts and to regulations applicable thereto, refer to the City Zoning Ordinance of the City of Hampton, in force as of the date the conditional rezoning amendment is approved by the Grantee.

- D) The Grantor covenants and agrees that (1) the Zoning Administrator of the City of Hampton, Virginia, shall be vested with all necessary authority on behalf of the governing body of the City of Hampton, Virginia, to administer and enforce the foregoing conditions and restrictions specified in this Agreement, including (i) the ordering in writing of the remedying of any noncompliance with such conditions, and (ii) the bringing of legal action or suit to ensure compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings; (2) the failure to meet all conditions shall constitute cause to deny the

issuance of any of the required building or occupancy permits as may be appropriate; and (3) the Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the subject Property on the Map and that the ordinance and conditions may be made readily available and accessible for public inspection in the office of the Zoning Administrator and in the Department of Community Development and that this Agreement shall be recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia and indexed in the name of the Grantor and Grantee.

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. The current application is to amend the conditions attached to the zoning of the property to permit a marina with an approved use permit, sale of marine and marina related supplies, and a boat bed and breakfast with an approved conditional privilege. A use permit application for the marina and a conditional privilege application for the boat bed and breakfast accompany this rezoning application.

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 proffered conditions.