



City of Hampton

MEMORANDUM

To: Hampton City Council

From: Remington Ham, City Planner

Date: March 15, 2007

Subject: Rezoning Application No. 1242/ Falcon Creek Expansion

Deferral Request

At the February 14, 2007 Council hearing, staff requested a deferral of Rezoning Application No. 1242 until the March 28, 2007 Council agenda. As a reminder, the applicant submitted a preliminary site plan for Falcon Creek, Phase II to the Land Development Services office. A review of this detailed site plan resulted in some question as to the magnitude of wetlands identified on the site. The deferral allowed their environmental consultant to compile and submit analysis to staff, which supported their submitted wetland delineation and Chesapeake Bay Preservation buffer determination.

Staff met with the applicant and their environmental consultant on March 5, 2007. After reviewing their analysis, staff was unable to accept their submitted characterization and delineation of the Chesapeake Bay Preservation District. As this determination will significantly affect the proffered site plan, the applicant desires to appeal this decision to the CBPD Review Committee. Therefore, staff recommends an indefinite deferral of Rezoning Application No. 1242, as one can not anticipate how long the CBPD review process may take. After the CBPD public hearing, staff will brief Council on the committee's verdict, the applicant's next steps, and will suggest an appropriate Council hearing date. After all matters are resolved, staff recommends re-advertising the second reading of Rezoning Application No. 1242 to properly notify the public.

Proffer Modification

At the January 8, 2007 Planning Commission, one speaker opposed this rezoning proposal due to drainage problems that resulted after the initial Falcon Creek development. The Commission encouraged the applicant to address these drainage concerns with the Public Works Department. Accordingly, the applicant has met with Public Works and amended their proffer statement, which agrees to install an additional storm-water line from the westerly boundary of the original development. This is an attempt to relieve adjacent property owners of any additional development pressure. (Revised Proffer Statement attached)

Should you have additional questions, please contact me at 728-5127 or by email at rham@hampton.gov.

Enclosure: (1)