



Application for  
**Rezoning**

OFFICE USE ONLY  
Date Received:

**MARCH 11, 2022**

Complete this application in its entirety and submit pages 4 and 5 along with the required materials (including any required supplements) as listed on page 2 to the address below:

City of Hampton  
Community Development Department, Planning Division  
22 Lincoln Street, 5th Floor  
Hampton, Virginia 23669

Case Number: **RZ 21-00014**

**1. PROPERTY INFORMATION**

Address or Location 53 WYTHE CREEK RD HAMPTON VA 23666

LRSN 6001176 Current Zoning District M1 Proposed Zoning District 1 RZ

Current Land Use N/A / ROOFING COMPANY

Proposed Land Use LIGHT VEHICLE REPAIR

The proposed use will be in:  an existing building  a new addition  a new building

**2. PROPERTY OWNER INFORMATION (an individual or a legal entity may be listed as owner)**

Owner's Name Michel Properties LLC

Address 123 Messick rd City Poquoson State VA Zip 23662

Phone 757 754 9999 Email frankemichel2016@gmail.com

**3. APPLICANT INFORMATION (if different from owner)**

Applicant's Name Frank Michel / Rosana Michel

Address 123 Messick rd City Poquoson State VA Zip 23662

Phone 757 754 9999 Email frankemichel2016@gmail.com

**4. APPLICANT AGENT INFORMATION (if different from applicant)**

Agent's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS**

Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.


"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of the legal entity (attach additional page if necessary):

Name of Legal Entity    michel properties LLC

Signed by:

Name (printed)    Fran Michel, Its (title)    Owner

Signature     Date    03/01/22

Name (printed)    Rosana Michel, Its (title)    Owner

Signature    \_\_\_\_\_ Date    03/01/22

Name (printed)    \_\_\_\_\_, Its (title)    \_\_\_\_\_

Signature    \_\_\_\_\_ Date    \_\_\_\_\_

**6. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS**

Complete this section only if the property owner is an individual or individuals.

"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Name (printed)    \_\_\_\_\_

Signature    \_\_\_\_\_ Date    \_\_\_\_\_

Name (printed)    \_\_\_\_\_

Signature    \_\_\_\_\_ Date    \_\_\_\_\_

OFFICE USE ONLY

Application Form

Narrative Statement

Proffer Statement

Application Fee

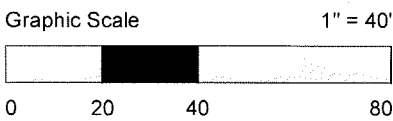
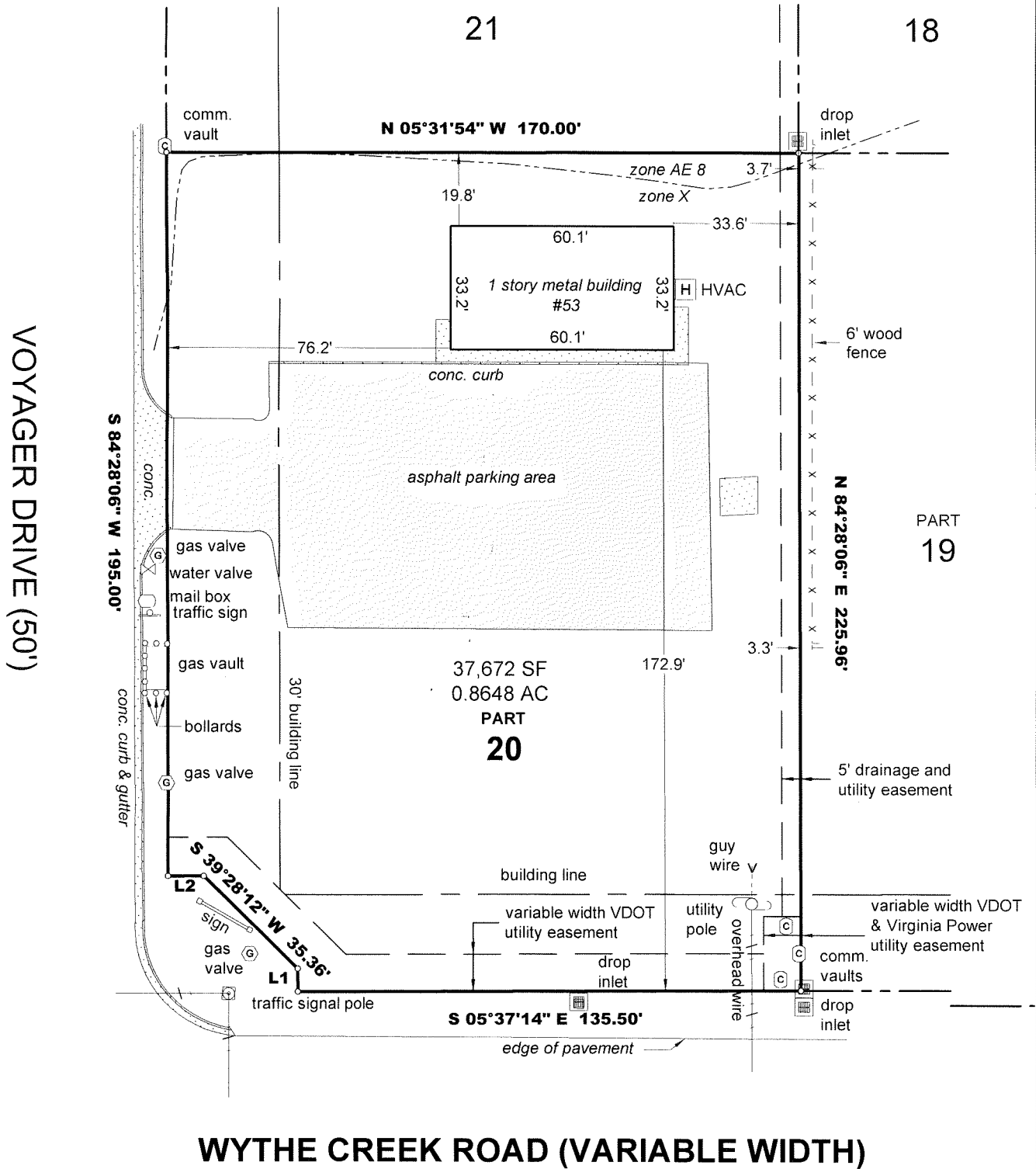
Survey Plat

Additional materials (if required)

- The land boundary survey shown hereon is based on a current field survey performed on October 25, 2021 and in combination with the plat(s) and / or deed(s) referenced herein. This survey was prepared without the benefit of a title report and is intended to only show easements that are described on the plat of record unless otherwise noted.
- This property does fall within a Special Flood Hazard Area as shown on the FEMA NFIP FIRM for the city of Hampton, Virginia. Community Panel Number: 515527 0003 H Dated: May 16, 2016 This property falls within flood zone(s): X & AE 8

**NORTH**  
 Virginia State Plane Coordinate System,  
 South Zone, N.A.D. 1983 (1993 H.A.R.N.)

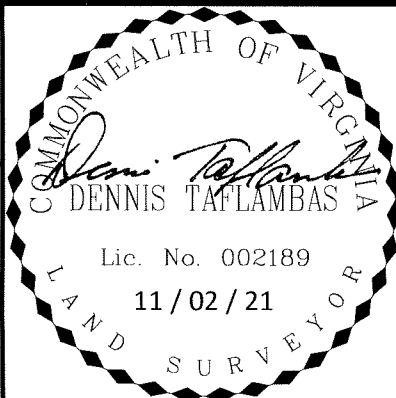
LINE	BEARING	DISTANCE
L1	S 84°22'46" W	6.18'
L2	S 05°37'14" E	9.48'



**DKT Associates**  
 LAND SURVEYORS

1100 Granby Street, Suite 100  
 Norfolk, Virginia 23510

Tel. (757) 588-5888 www.DKTAssociates.com  
 Fax (757) 588-5880 dktassociates@gmail.com



**PHYSICAL SURVEY OF**

Part of Lot 20, Wythe Creek Park  
 (P.B.9 P.90 & State Highway Book 9, P.134 & 135)

Hampton, Virginia November 2, 2021

For: Frank Michel

Job Number	24892	Drawing Scale	1" = 40'
Field Book	358/45	Paper Size	Legal
Field Crew	MJB	Revised	--
Drawn By	DT	Sheet	1 OF 1
Reviewed	RGB		

Use permit for 53 wythe creek rd, Hampton, Va, 23666  
Phase one-Transfer of Auto Renewal Services from 63 Wythe  
Creek rd, to 53 Wythe Creek rd

Auto Renewal Services was established Oct 2002. Its general  
business plan has been the repair of light Auto body damage and  
paint. Auto renewal has been located at 63 wythe creek rd since  
2005 and has established a clientele in the general area.

Auto renewal engages in the following repairs:

- Bumper repair
- Panel repair
- Light collision
- Paint repair
- Window repair
- Painless dent removal
- Window/seat etc motor replacement
- Scratch repair
- Headlights
- Light welding
- Misc others

Auto renewal is looking to move locations in the hope of  
increasing business significantly with added exposure, and the  
addition of a new eco-friendly paint booth that is EPA approved  
and completely filtered with no outside repercussions. The  
dwelling at 53 wythe creek rd is 1995 sq ft of working space.  
Contains an office, facilities and central air. At present Auto  
renewal employs two employees but hopes to double that  
number within first 6 months of moving. ARS (auto renewal)  
has served the local area for twenty years and has an established  
clientele that have continued to return for all their automotive  
needs, and have sent their friends and family as referrals. ARS  
would continue to provide the same services as it has in the past  
will NOT become a full auto collision center. ARS will not  
install any kind of frame machine or mechanical shop that would  
allow for major collision .ARS is only interested in smaller  
panel work. Ars will continue to be operated by I, Frank Michel.

Moving ARS to 53 wythe creek rd will not have any impact on the local area, it will need any additional utilities, its entry way is off voyager drive thus not hampering traffic on wythe creek rd, and the new location provides us with ample parking.

Business hours will continue to be mon-sat 8-5 pm. Saturday hours have always been available as we understand that it is sometimes difficult for a one vehicle family to come during the week by 5pm.

I truly believe that this move would be advantageous to both ARS and the city of Hampton.

Phase two-digital billboard-With the extensive building of homes off victory blvd in Poquoson, the widening of Wythe creek to three lanes, and the addition of a training squadron at LAFB bringing in an additional 2000 families, I believe that local businesses would benefit from a digital billboard at the corner of voyager drive and wythe creek. The traffic count is expected to increase 20 percent in the next five years which allows for a lot of people seeing the advertisements.

Phase three- Since only half the acre of land at 53 wythe creek rd is paved, we hope to be able to asphalt the lot and erect lighting.

Phase four- Auto sales- after the paving of the corner, ARS would like to apply for a dealers license in hope of selling used cars and provide consignment sales for the many military personnel that deploy and cannot take their vehicles to their next duty station. After graduating from ODU, I managed dealerships for HALL Automotive for 13 years before starting my own business and know the Automotive industry inside and out, from sales to repair.

I hope this narrative provides insight into what my short term and long term goals are and hope you consider our permit

Sincerely

Frank Michel

Owner

**Frank Michel & Rosana Michel  
Michel Properties LLC  
53 Wythe Creek Road  
Hampton, VA 23666**

**LRSN: 6001176**

**PROFFER AGREEMENT**

**THIS PROFFER AGREEMENT** (“Agreement”) made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between Michel Properties, LLC, a Virginia limited liability company (“Grantor”) and THE CITY OF HAMPTON, a municipal corporation of the Commonwealth of Virginia (the “Grantee”), with an address of 22 Lincoln Street, Hampton City Hall, Hampton, Va. 23669.

**RECITALS**

- A. Grantor is the owner of a certain parcel of property located in the City of Hampton, herein known as 53 Wythe Creek Road (LRSN Number 6001176) and more fully described on “Exhibit A” (the “Property”).
- B. Grantor has initiated a conditional amendment to the zoning map of the City of Hampton, Virginia, by petition addressed to the Grantee so as to change the zoning classification of the Property from M-1 to M-2.
- C. Grantor has requested approval of this Agreement.
- D. Grantee’s policy is to provide for the orderly development of land for various purposes, including commercial purposes, through zoning and other land development legislation.

- E. Grantor desires to offer the City of Hampton certain conditions for the enhancement of the community and to provide for the highest quality and orderly development of the Property.
- F. The conditions outlined in this Agreement have been proffered by Grantor and allowed and accepted by Grantee as a part of the amendment of the City Zoning Ordinance and the Zoning Map. These conditions shall continue in full force and effect until a subsequent amendment changes the zoning of the Property; provided, however, that such conditions shall continue if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance of Grantee.

NOW, THEREFORE, for and in consideration of the approval and acceptance by the City of Hampton, (the "City") of this Agreement, Grantor agrees that it will meet and comply with all of the following conditions in developing the Property. In the event the requested change of zoning classification is not granted by the City, these Proffers shall thereupon become null and void. Grantor, its heirs, successors, assigns, grantees and other successors in title or interest to the Property, voluntarily and without any requirement by or exaction from Grantee or its governing body and without any element or compulsion or quid pro quo for zoning, rezoning, site plan, building permit or subdivision approval, makes the foregoing declaration of conditions and restrictions governing the use and physical development and operation of the Property, and covenants and agrees that this declaration and the further terms of this Agreement shall constitute covenants running with the Property, which shall be binding upon the Property, and upon all persons and entities claiming under or through the Grantor, its heirs successors and assigns, grantees and other successors in interest or title to the Property; namely:

## CONDITIONS

### 1. Limitation of Uses

- a) Use of the Property shall be limited to: (1) "vehicle repair, light" as defined by the City of Hampton Zoning Ordinance, and (2) uses that are permitted by-right and through an approved use permit in both the Limited Manufacturing (M-1) and the Light Manufacturing (M-2) Districts, as amended.
- b) All vehicle repair work shall occur within the enclosed building.
- c) Accessory buildings or structures shall not be located in the front yard.
- d) Loading operations shall be conducted at the side or rear of buildings.

### 2. Development Standards

Prior to the issuance of the Certificate of Occupancy, the site shall be landscaped in substantial conformance with Exhibit X. Maintenance of landscaping is a continuing obligation of the Grantor, and the Grantor shall be responsible for providing, protecting and maintaining all landscaping in healthy and growing conditions at all times, replacing unhealthy fifty (50) percent or more, dead or completely dead plant material, within ninety (90) days upon written notice of violation, except when replacements should be delayed because of seasonal factors until the next planting season. Replacement materials shall conform to the original intent of the approved landscape plan as determined by the zoning administrator.

- a) Front yards and unfenced side yards which abut a street shall be landscaped in accordance with the "City of Hampton Landscape Guidelines."
- b) Prior to the issuance of the Certificate of Occupancy, a fence shall be constructed around the sides and rear of the building, consistent with Exhibit X. All screening fences shall be opaque and at least six feet (6') in height; the use of electrified fences, barbed or razor wire, and chain link with or without slats anywhere on site is expressly prohibited.
- c) The minimum required setbacks shall be as follows:

	<b>Required Setback Main Buildings</b>	<b>Required Setback Accessory Buildings</b>	
<b>Front yard</b>	30 feet	Not applicable	
<b>Side yard</b>	10 feet	5 feet	
<b>Rear yard</b>	15 feet	10 feet	



3. Parking

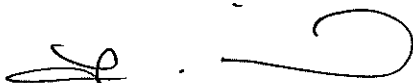
- a) Parking of vehicles shall be restricted to designated parking spaces on an improved surface, not to include gravel, oyster shells, or similar loose material. Parking spaces shall be delineated and striped in accordance with the dimensional standards of Section 11-7 of the Zoning Ordinance.
- b) There shall be no overnight parking exterior to the building.

4. Outdoor Storage

- a) There shall be no inoperable vehicles parked overnight on the Property except within a fully enclosed building or structure.
  - b) All uses conducted outside of the building, including but not limited to outdoor material and equipment storage, shall be screened so that it is not visible from any existing or proposed public right-of-way and adjacent properties; and in accordance with the storage standards of Section 3-3(31) of the Zoning Ordinance,
5. It is understood that all phases of the proposed project shall comply with all ordinances of the City of Hampton.
6. Further lawful conditions or restrictions against the Property may be required by Grantee during the detailed Site Plan review and administration of applicable codes and regulations of Grantee by all appropriate agencies and departments of Grantee, which shall be observed or performed by Grantor. Grantor acknowledges that additional further lawful conditions or restrictions may be imposed by Grantee as a condition of approvals, including but not limited to final site plan approval.
7. 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.

8. 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.

Signature



Frank E. Michel



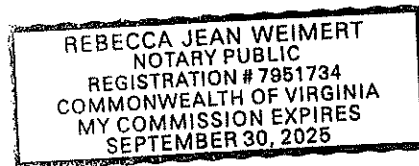
Rosana Michel

STATE OF VIRGINIA  
City of Hampton, to-wit:

I, Rebecca Jean Weimert, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that Frank & Rosanna Michel, whose name is signed to the foregoing instrument as (title) Grantor of Michel Properties, a Virginia (type of entity) LLC, has sworn to, subscribed, and acknowledged the same before me in the City and State aforesaid, this 11 day of April, 2022 on behalf of said LLC. He/she  is personally known to me or  has produced license as identification.

Rebecca Jean Weimert  
Notary Public

My commission expires: 9-30-25  
Registration No. 7951734



**Exhibit A**

**Legal Description**

**EXHIBIT A**

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, known, numbered and designated as Lot Numbered TWENTY (20), as shown on a certain plat entitled, "WYTHE CREEK PARK, HAMPTON, VIRGINIA", dated November 9, 1987, made by William M. Sours, Surveyor, and of record in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Plat Book 9, at Page 90, to which plat reference is here made.

Less and except that portion of land known and designated as Parcel 013 as shown on Sheets 6 and 6RW of the plans for Route 172, Wythe Creek Road, State Highway Project 0172-114-220, of record in State Highway Plat Book 9 at Page 132, conveyed to the Commonwealth of Virginia by deed dated September 12, 2017, recorded in the Clerk's Office of the Circuit Court of the City of Hampton as Instrument No. 1760013414.

It being the same property conveyed unto the Grantors by instrument dated March 3, 2014 and recorded in the Clerk's Office aforesaid as Instrument No. 140002474, to which deed reference is here made.

INSTRUMENT 210017295  
RECORDED IN THE CLERK'S OFFICE OF  
HAMPTON CIRCUIT COURT ON  
SEPTEMBER 3, 2021 AT 12:59 PM  
\$260.00 GRANTOR TAX WAS PAID AS  
REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
STATE: \$130.00 LOCAL: \$130.00  
LINDA B. SMITH, CLERK  
RECORDED BY: MJB

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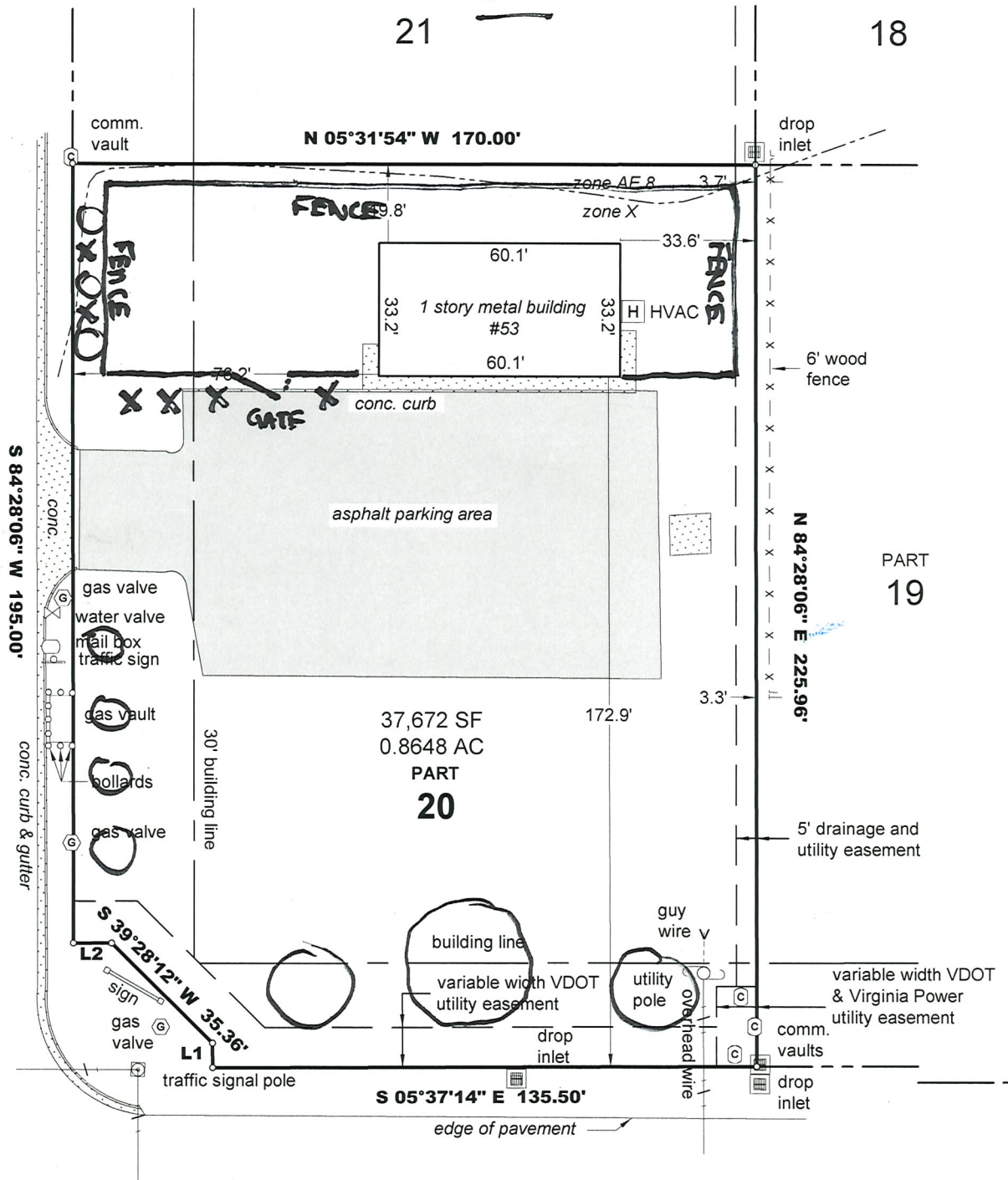
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**EXHIBIT X**

21

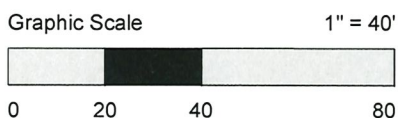
18

VOYAGER DRIVE (50')



**WYTHE CREEK ROAD (VARIABLE WIDTH)**

○ = EXISTING TREES  
 X = FUTURE BUSHES



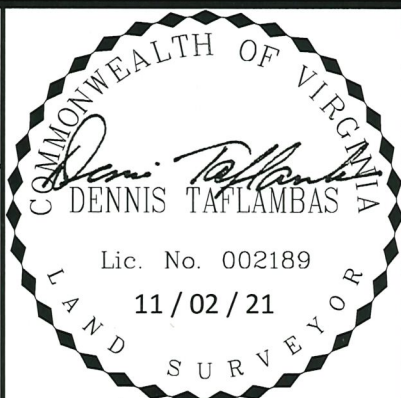
**PHYSICAL SURVEY OF**

Part of Lot 20, Wythe Creek Park  
 (P.B.9 P.90 & State Highway Book 9, P.134 & 135)

Hampton, Virginia

November 2, 2021

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For: Frank Michel

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