

CITY OF HAMPTON, VIRGINIA LAND USE APPLICATION

Office Use Only:

Case Number: 1240

Date Received: _____

Select the appropriate box:

- ☐ **APPEAL OF ZONING ADMINISTRATOR'S DECISION *** (also complete Section 1 on reverse)
☐ **CONDITIONAL PRIVILEGE** (also complete Section 2 on reverse)
☒ **REZONING** (also complete Section 3 on reverse)
☐ **SPECIAL EXCEPTION *** (also complete Section 2 on reverse)
☐ **USE PERMIT** (also complete Section 2 on reverse)
☐ **VARIANCE *** (also complete Section 4 on reverse)

INFORMATION REQUIRED FOR ALL APPLICATIONS:

Property Address/Legal Description: 100 Grundland Park Drive/10E024 00 00000

Current Land Use: Controlled Access Public Park

Current Zoning: R-33

Proposed Land Use: Controlled Access Public Park
(If no specific use is proposed, please note.)

PROPOSE TO:

- ☐ Use an existing building
☐ Construct an addition
☒ Construct a new building

OWNER INFORMATION:

Owner's Name: Hampton, City of
Address: 22 Lincoln Street
Hampton, VA 23669
Phone Number: 727-6392 (Jesse T. Wallace)
E-mail: jwallace@hampton.gov

APPLICANT INFORMATION: (if different from 'Owner')

Applicant Name:	<u>James Wilson</u>	Applicant's Agent:	<u>Michael Deibler</u>
Address:	<u>22 Lincoln Street</u>	Address:	<u>22 Lincoln Street</u>
	<u>Hampton, VA 23669</u>		<u>Hampton, VA 23669</u>
Phone Number:	<u>727-6474</u>	Phone Number:	<u>727-6075</u>
E-mail:	<u>jwilson@hampton.gov</u>	E-mail:	<u>mdeibler@hampton.gov</u>

OWNER AUTHORIZATION: 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 THE PROPERTY FOR INSPECTION. THE INFORMATION CONTAINED IN THIS APPLICATION IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

OWNER'S NAME (please print)

Jesse T. Wallace

OWNER'S SIGNATURE AND DATE

 10/10/06

DEVELOPMENT OF ANY PROPERTY IS SUBJECT TO COMPLIANCE WITH ALL APPLICABLE CODES, REGULATIONS AND ORDINANCES, WHETHER OR NOT THEY ARE SPECIFIED IN THE APPROVAL OF ANY LAND USE APPLICATION.

CITY OF HAMPTON, VIRGINIA LAND USE APPLICATION

Please complete the applicable section:

SECTION 1: APPEALS OF THE ZONING ADMINISTRATOR'S DECISION	
FEE:	If Associated With Single Family Residential Use: \$75; All Others: \$200
DATE OF THE DECISION BEING APPEALED:	_____
DESCRIPTION OF THE APPEAL:	
--ALLOW AT LEAST TWO (2) BUSINESS DAYS AFTER HEARING BEFORE REQUESTING ANY PERMITS.--	

SECTION 2: CONDITIONAL PRIVILEGE; USE PERMIT; SPECIAL EXCEPTION							
CONDITIONAL PRIVILEGE: \$650 USE PERMIT: \$650 SPECIAL EXCEPTION: If Associated With Single Family Residential Use: \$75; All Others: \$200							
NOTE: (a) Day Care, Bed & Breakfast, Communication towers require a supplemental information form be submitted with this application (b) Communication towers require additional information as specified in the Zoning Ordinance to be submitted with this application.							
PROPOSED HOURS OF OPERATION: FROM: TO:	Mon	Tues	Wed	Thurs	Fri	Sat	Sun

SECTION 3: REZONING
FEE: \$650 for 1 st acre (or any part thereof) PLUS \$100 per additional acre (or any part thereof)
NOTE: Rezoning requires a proffer statement to be submitted with this application.
PROPOSED ZONING AND USE OF THE PROPERTY: SPI-PL

SECTION 4: VARIANCES
FEE: If Associated With Single Family Residential Use: \$75; All Others: \$200
DESCRIPTION OF THE REQUEST:
<p>* No variance shall be authorized by the board unless it finds:</p> <ol style="list-style-type: none"> 1. That strict application of the Ordinance would produce undue hardship 2. That such hardship is not shared generally by other properties in the same zoning district and vicinity. 3. That the authorization of such variance will not be of substantial detriment to the adjacent property and that the character of the district will not be changed by the granting of the variance.
--ALLOW AT LEAST TWO (2) BUSINESS DAYS AFTER HEARING BEFORE REQUESTING ANY PERMITS.--

**PLEASE REVIEW THE "ADDITIONAL REQUIREMENTS" CHECKLIST (PAGE 3)
BEFORE SUBMITTING YOUR APPLICATION.**

REZONING APPLICATION # 1240 PROFFER STATEMENT

BEFORE A REZONING APPLICATION IS PRESENTED TO THE PLANNING COMMISSION, THE OWNER MUST SIGN A STATEMENT THAT HE (A) DOES OR (B) DOES NOT WISH TO PROFFER LEGALLY PERMISSABLE CONDITIONS IN SUPPORT OF THE APPLICATION (PERMISSABLE CONDITIONS ARE OUTLINED BELOW). WITHOUT THIS SIGNED STATEMENT, THE REZONING APPLICATION WILL NOT BE ADVERTISED IN THE NEWSPAPER AND WILL NOT PROCEED TO PLANNING COMMISSION. PLEASE SELECT AND SIGN ONE OF THE FOLLOWING:

- (A) I HEREBY VOLUNTARILY PROFFER THE FOLLOWING SPECIAL CONDITIONS RELATING TO THE PHYSICAL DEVELOPMENT OR PHYSICAL OPERATION OF THE PROPERTY UNDER CONSIDERATION. I FURTHER AGREE THAT THE DEVELOPMENT OF THE PROPERTY SHALL BE IN STRICT ACCORDANCE WITH THESE CONDITIONS, UNLESS AN AMENDMENT THERETO IS MUTUALLY AGREED UPON BY THE CITY COUNCIL AND THE UNDERSIGNED. (PLEASE USE ADDITIONAL SHEETS IF NECESSARY; LEGALLY PERMISSABLE CONDITIONS ARE DESCRIBED ON REVERSE.)

CURRENT PROPERTY OWNER & DATE

- (B) I DO NOT PROFFER ANY CONDITIONS WITH THIS APPLICATION.

 10/12/06
JESSE T. WALLACE DATE

HAMPTON ZONING ORDINANCE, SECTION 24.2.1. PERMISSABLE CONDITIONS.

1. THE CURRENT PROPERTY OWNER MAY VOLUNTARILY PROFFER CONDITIONS THAT WILL SUPPLEMENT THE SPECIFIC DISTRICT REGULATIONS TO THE EXTENT THAT:
 - (A) THE REZONING ITSELF NECESSITATES THE CONDITIONS;
 - (B) SUCH CONDITIONS HAVE A REASONABLE RELATION TO THE REZONING; AND
 - (C) ALL CONDITIONS ARE IN CONFORMITY WITH THE COMPREHENSIVE PLAN.
2. WHEN CONDITIONS INCLUDE THE DEDICATION OF REAL PROPERTY OR PAYMENT OF CASH FOR FACILITIES, SUCH PROPERTY SHALL NOT BE TRANSFERRED NOR SUCH PAYMENT MADE TO THE CITY UNTIL THE FACILITIES FOR WHICH SUCH CONDITION IS INTENDED ARE INCLUDED IN THE ADOPTED CAPITAL IMPROVEMENTS PLAN. THE CONDITIONS SHALL PROVIDE FOR THE DISPOSITION OF SUCH PROPERTY OR PAYMENT IN THE EVENT IT IS NOT USED FOR THE PURPOSE FOR WHICH PROFFERED.
3. ONCE PROFFERED AND ACCEPTED AS PART OF AN AMENDMENT TO THE ZONING ORDINANCE, SUCH CONDITIONS SHALL CONTINUE IN EFFECT UNTIL A SUBSEQUENT AMENDMENT CHANGES THE ZONING OF THE PROPERTY COVERED BY THE CONDITIONS; HOWEVER, SUCH CONDITIONS CONTINUE IF THE SUBSEQUENT AMENDMENT IS PART OF THE COMPREHENSIVE IMPLEMENTATION OF A NEW OR SUBSTANTIALLY REVISED ZONING ORDINANCE.

LAND USE APPLICATION # 1240

NARRATIVE

Grundland Park was acquired in 1967 by the City of Hampton and assigned the default use of R-13. Subsequent large area re-zoning changed the use to R-33. In that a grant to improve and develop a portion of the park was received from the Commonwealth of Virginia's Department of Conservation and Recreation (DCR) and resulted in a City of Hampton Council Meeting (May 14, 2003) resolution "that the City of Hampton shall dedicate the metes and bounds of the Grundland Park Project properties, in perpetuity, for public outdoors recreation purposes", it is appropriate to re-zone this parcel the same as other large public parks in the City of Hampton.