

# CITY OF HAMPTON, VIRGINIA LAND USE APPLICATION

Office Use Only:

Case Number: RZ 1248

Date Received: 5/2/07

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: 211 Marcella Road LRSN: 7001537  
Current Land Use: Vacant  
Current Zoning: MD-4 with conditions  
Proposed Land Use: Multifamily Senior Housing PROPOSE TO:  
☐ Use an existing building  
☐ Construct an addition  
☒ Construct a new building  
(If no specific use is proposed, please note.)

## OWNER INFORMATION:

Owner's Name: The Immaculate Conception LIHP, Inc.  
Address: 8550 Mayland Drive  
Richmond, VA 23294  
Phone Number: (804) 747-0920  
E-mail: stephenlewis@spinella.com

## APPLICANT INFORMATION: (if different from 'Owner')

Applicant Name:	<u>Heritage Hampton, L.P.</u>	Applicant's Agent:	<u>M. David Jester</u>
Address:	<u>1630 Donna Drive, Suite 105</u>	Address:	<u>1630 Donna Drive, Suite 105</u>
	<u>Virginia Beach, VA 23451</u>		<u>Virginia Beach, VA 23451</u>
Phone Number:	<u>(757) 437-1677</u>	Phone Number:	<u>(757) 437-1677</u>
E-mail:	<u>eljefe@marlyndv.com</u>	E-mail:	<u>eljefe@marlyndv.com</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)

The Immaculate Conception LIHP, Inc.

OWNER'S SIGNATURE AND DATE

Francis X. Di Lorenzo 4/26/07

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:*

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

<b>SECTION 2: CONDITIONAL PRIVILEGE; USE PERMIT; SPECIAL EXCEPTION</b>							
<b>FEES:</b>	CONDITIONAL PRIVILEGE: \$650 USE PERMIT: \$650 SPECIAL EXCEPTION: If Associated With Single Family Residential Use: \$75; All Others: \$200						
<b>NOTE:</b>	(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.						
<b>PROPOSED HOURS OF OPERATION:</b>	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>FROM:</b>							
<b>TO:</b>							

<b>SECTION 3: REZONING</b>	
<b>FEE:</b>	\$650 for 1 <sup>st</sup> acre (or any part thereof) PLUS \$100 per additional acre (or any part thereof) (\$1050 for this parcel)
<b>NOTE:</b>	Rezoning requires a proffer statement to be submitted with this application.
<b>PROPOSED ZONING AND USE OF THE PROPERTY:</b> MD-4 with conditions to allow 151 multifamily units for seniors	

<b>SECTION 4: VARIANCES</b>	
<b>FEE:</b>	If Associated With Single Family Residential Use: \$75; All Others: \$200
<b>DESCRIPTION OF THE REQUEST:</b> _____	
<b>* No variance shall be authorized by the board unless it finds:</b> 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.	
<b>--ALLOW AT LEAST TWO (2) BUSINESS DAYS AFTER HEARING BEFORE REQUESTING ANY PERMITS.--</b>	

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

REZONING APPLICATION # \_\_\_\_\_ 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 PERMISSIBLE CONDITIONS IN SUPPORT OF THE APPLICATION (PERMISSIBLE 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 PERMISSIBLE CONDITIONS ARE DESCRIBED ON REVERSE.)

1. The project shall be developed and landscaped substantially in conformance with the conceptual plan prepared by WPL, dated December 2, 2005 and submitted with this proffer statement.
2. The maximum number of apartment units will not exceed one hundred fifty-one (151).
3. The exteriors of the building improvements will be substantially in conformance with the elevations prepared by Kroskin Design Group, Architects, dated November 18, 2005, and submitted with this proffer statement.
4. Exterior building materials will include oversize brick, vinyl siding (.046" thickness without visible lap joints), vinyl balcony railing, and asphalt shingles. All trim will be wrapped in aluminum.
5. The landscaping and enclosures will screen the dumpster locations from view from Marcella Road. The materials for the enclosures will be PVC fencing to a height of six feet (6') with PVC gates mounted on an aluminum or galvanized steel frame. The dumpster pad site and access will be concrete.
6. Tenants will be restricted to fifty-five (55) years of age and older.

\_\_\_\_\_  
CURRENT PROPERTY OWNER & DATE

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

*Francis X. Di Lorenzo* 4/26/07  
\_\_\_\_\_  
CURRENT PROPERTY OWNER & DATE

HAMPTON ZONING ORDINANCE, SECTION 24.2.1. PERMISSIBLE 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.