



Application for Use Permit

OFFICE USE ONLY
Date Received:

MARCH 15, 2023

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: UP 23 - 00018

1. PROPERTY INFORMATION

Address or Location **Peninsula Town Center - McMenamin St and Merchant Ln (1631, 1641, 1651, 1661, 1671, and 1675) E. of Allainby Way**

LRSN **13004973**

Zoning District **C-2, O-CC**

Current Land Use **Retail**

Proposed Land Use **Retail and Multifamily Dwellings**

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

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

Owner's Name **PENINSULA MAIN VA LLC**

Address **16600 North Dallas Parkway, 3rd Floor** City **Dallas** State **TX** Zip **75248** Phone **972-428-5835**

Email **peyton@aztcorporation.com**

3. APPLICANT INFORMATION (if different from owner)

Applicant's Name N/A

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

4. APPLICANT AGENT INFORMATION (if different from applicant)

Agent's Name N/A

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 **PENINSULA MAIN VA LLC**

Signed by:

Name (printed) Zaffar S. Tabani, Its (title) Manager

Signature  Date 4/21/2023

Name (printed) _____, Its (title) _____

Signature _____ Date _____

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) _____

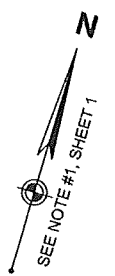
Signature _____ Date _____

OFFICE USE ONLY

- | | | |
|---|--|---|
| <input type="checkbox"/> Application Form | <input type="checkbox"/> Narrative Statement | <input type="checkbox"/> Supplemental Form (if required) |
| <input type="checkbox"/> Application Fee | <input type="checkbox"/> Survey Plat | <input type="checkbox"/> Additional materials (if required) |

MDC 140 sheet 2 of 2

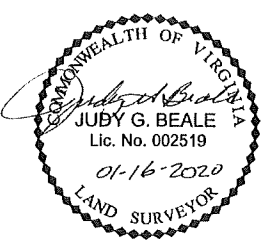
- (A) NOT USED
- (B) 15' VERIZON ESM'T
INSTR. No. 100015435
INSTR. No. 100015436
- (C) VAR. WIDTH CITY OF NEWPORT NEWS
WATER PIPELINE ESM'T
INSTR. No. 100016403
INSTR. No. 110002299
- (D) GAS LINES ARE LOCATED IN THE CDA
ROAD RIGHTS OF WAY, WITH
SERVICE LINES TO THE ADJACENT
IMPROVED LOTS, AS SHOWN.
- (E) 40' X 50.67' INGRESS/EGRESS ESM'T
INSTR. No. 070021687



LEGEND

- EXISTING RIGHT OF WAY LINE
- PROPOSED PARCEL LINE
- PROPOSED CDA PARCEL LINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- ⊙ DRILL HOLE (FOUND)
- IRON PIN (SET)

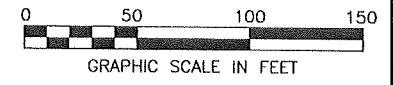
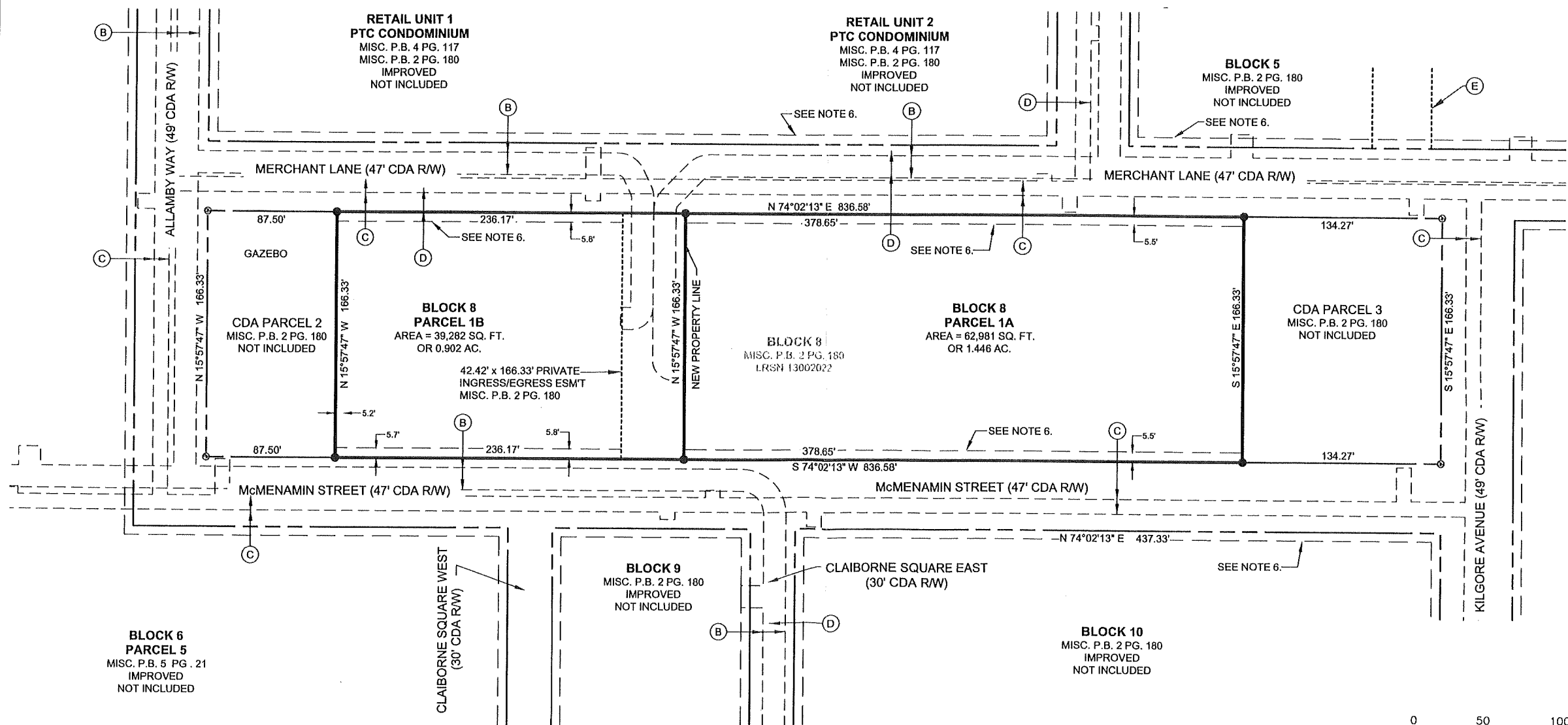
NOTE: "CDA" INDICATES PENINSULA TOWN CENTER
COMMUNITY DEVELOPMENT AUTHORITY AND "CDA R/W"
INDICATES RIGHTS-OF-WAY OWNED BY PENINSULA TOWN
CENTER COMMUNITY DEVELOPMENT AUTHORITY.



SUBDIVISION PLAT
OF
BLOCK 8, PENINSULA TOWN CENTER
(MISC. P.B. 2 PG. 180)
BEING PROPERTY OF
PENINSULA MAIN VA, LLC
(INSTR. NO. 140011743)
COLISEUM DRIVE & WEST MERCURY BLVD.
HAMPTON, VIRGINIA

DATE: 09-30-2019 SHEET: 2 OF 2 SCALE: 1"=50'

WOOLPERT
WOOLPERT, INC.
676 INDEPENDENCE PARKWAY, SUITE 100
CHESAPEAKE VA 23320
TEL: 757-549-3549 FAX: 757-549-5340



SEE SHEET 1 OF 2 FOR NOTES, CERTIFICATIONS & AREA TABLE

REV. 12-18-2019 PER CITY COMMENTS	DRAWN: MDC	CHECKED: JGB	JOB NO.: 74623.20	FILE NO.: Block 8 Subdivision.dwg
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SUB2019-0072S

Request for Special Use Permit

A Special Use Permit is being requested in conjunction with the development of up to 10 multifamily dwelling units within a building commonly referred to as Building D within Peninsula Town Center (“PTC”) situated on Hampton LSRN 13004973.

The subject property is zoned C-2 and lies within the Coliseum Central Business District Overlay.

The location of Building D within Peninsula Town Center is identified in the following site plan:



Development Plans

Current proposed preliminary building plans, as attached hereto, call for the construction of nine multifamily dwelling units - of which eight will be one-bedroom units and one a two-bedroom unit - within approximately 9,635 SF of space. No units will be less than 900 SF in size.

A summary of the proposed 9-unit mix is provided below:

Proposed Unit Mix			
Unit(s)	SF	Unit Count	Ttl SF
Apartment 1	1,742.00	1	1,742.00
Apartment 2, 3, 4, 5, 6	936.25	5	4,681.25
Apartment 7, 8	1,043.25	2	2,086.50
Apartment 9	1,125.00	1	1,125.00
Totals		9	9,634.75

The units will be constructed in space that fronts Merchant Lane and is currently comprised of Suites D102 through D112 (the “North Space”) which has historically been designated for retail use. The North Space

has been almost completely unleased – generating very little income or sales tax revenue - for the last 5+ years. In January of 2023, the last tenant occupying a suite in the North Space was relocated to another suite in PTC, rendering 100% of the North Space unleased.

The area in Building D for which the Applicant is *not* seeking a change of use permit is comprised of 16,178 SF of leasable retail space that is 100% occupied by three retail tenants and which will remain as retail use (the “**South Space**”). Further, (i) a service corridor running east-west for the full length of the building between the North Space and the South Space, and (ii) a mechanical room that serves the greater building, will likely be deemed common area.

Should this Application be approved by the City, the Applicant intends to create a condominium regime that will control the entire Building D (all property lying on LSRN 13004973, with the North Space comprising one condo unit and South Space comprising a second, with space noted above in (i) and (ii) likely serving as a common element/common space attached to the North Space condo.

A similar condominium regime was established, permitted and parceled by the City in 2017 in PTC’s Building G which allowed for retail/commercial use in one condo unit to be adjacent to a condo unit of multifamily use on two of the building’s floors.

No change in exterior building materials or elevations is anticipated outside of adding (i) new exterior entry doors where required and (ii) other minor modifications as needed to provide for the safety, security and privacy of future residents.

Amenities

The multifamily units in the North Space will be managed and leased as part of The Chapman Apartments, located directly across Merchant Lane. Residents of the North Space units will have access to all of the amenities of The Chapman Apartments. Those amenities include a rooftop garden terrace, community gas grills, an outdoor dog play area, theater room with 70” TV, common use resident office suites, a common are conference room, a bike storage room, a dog wash station, a fitness center with spin room, and a secure package room. Top-of-class company Drucker & Falk currently manages and leases The Chapman Apartments.

Site Plan

There is no landscaping nor on-site parking on LSRN 13004973, and existing water and sewer lines will be utilized during the conversion of space to multifamily use. Therefore, no site plan will be required or produced for consideration as part of this use conversion process. Per the attached email from McCord Newsome, there is sufficient wastewater capacity after the removal of 9,545 SF of retail space to accommodate up to 12 multifamily units. Only 10 units maximum will be constructed, with a preliminary estimate of 9.

Legal Description

That particular land situated in Hampton, VA as shown as Block 8, Parcel 1B on that certain Subdivision Plat of Block 8, Peninsula Town Center as recorded in the City of Hampton Clerk’s Records, Miscellaneous Plat Book 5, Page 140, containing .902 acres.

Parking

All parcels within PTC cross-park and provide for cross-access drive lanes. Therefore, city code parking requirements at PTC are computed collectively. As noted in the parking analysis presented to Allison Jackura on November 14, 2022, per its existing development, PTC requires 4,117 parking stalls and possesses 4,300 parking stalls.

By converting 9,545 SF of soft goods retail space requiring 39 stalls to eight one-bedroom and one to-bedrooms units requiring 10 stalls, Building D's required parking will be reduced by 29 stalls.

Ownership

After establishment of the condo regime, each of the two condo units created will likely be owned by two different entities, but both controlled by the Applicant's parent company.

Exhibits to Narrative

1. Preliminary multifamily unit plan for the North Space by Ionic Dezign
2. 11-18-2022 email from McCord Newsome re: Building D sewer capacity
3. 2019 Plat Map that split Building D and E into two parcels (on 11" x 17" paper)
4. 2009 Elevation drawings

ionic deziign

studios

VIRGINIA BEACH:
293 Independence Blvd.
Pembroke 5—Suite 308
Virginia Beach, VA 23462
757.499.3510

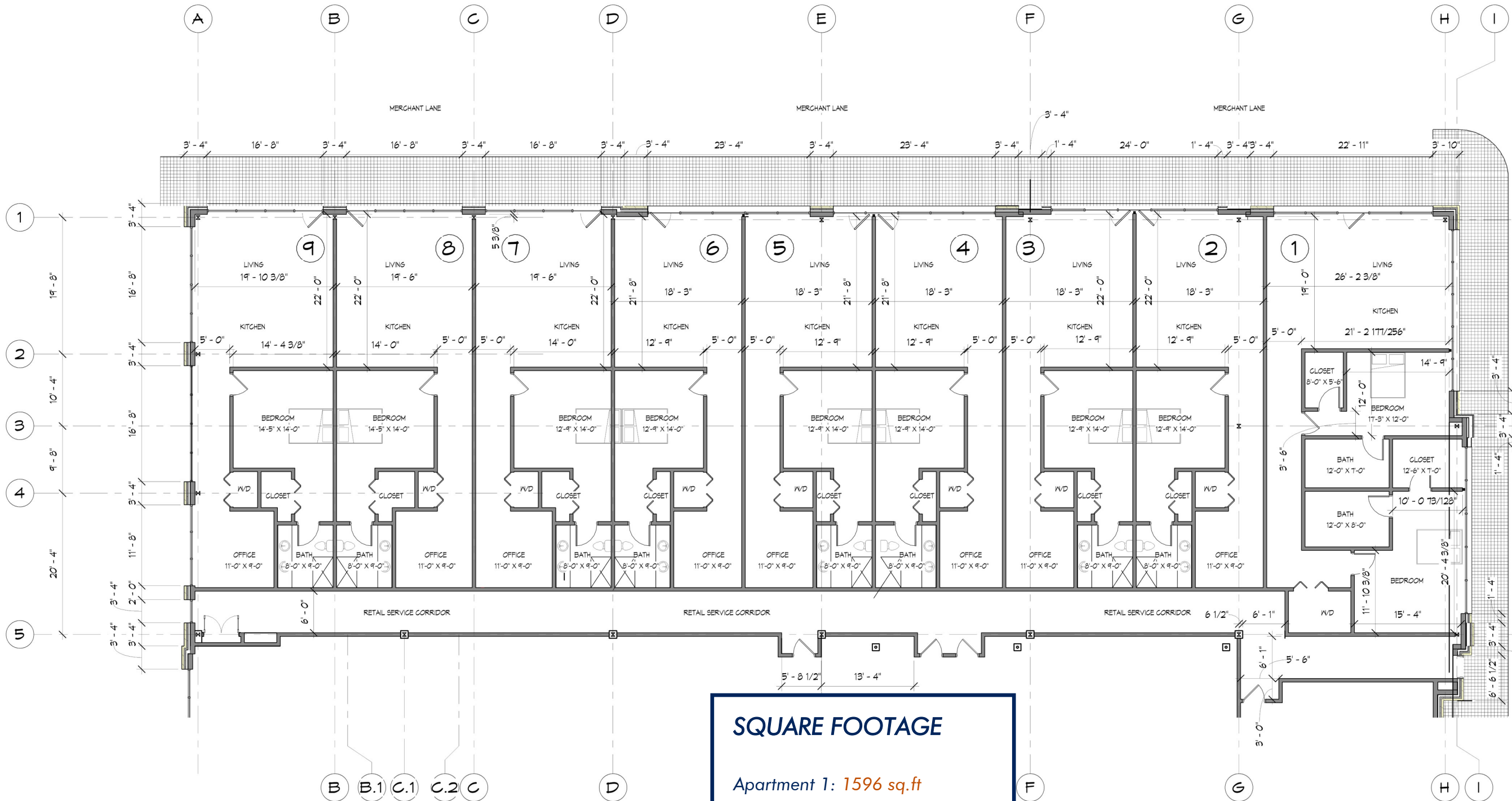
RICHMOND:
3307 Church Rd
Richmond, VA 23233
804.780.0070

www.ionicdeziigns.com

Date: 10 March 2023
Project no: 221206

PTC Apartments
Hampton, Virginia





SQUARE FOOTAGE

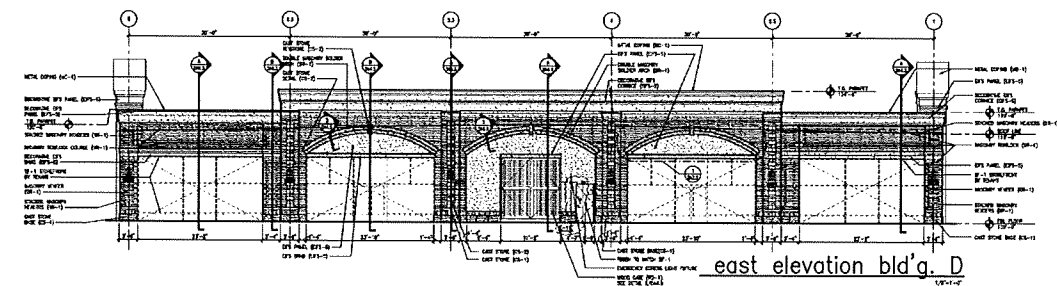
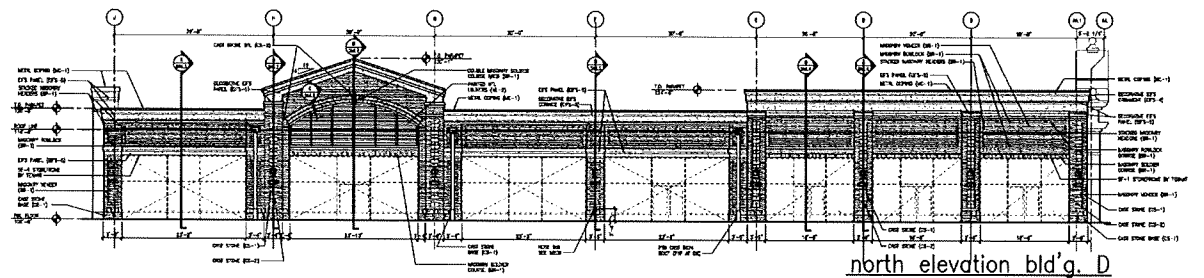
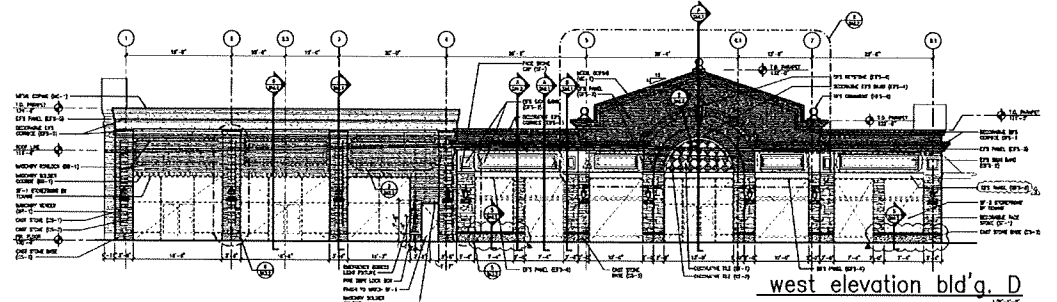
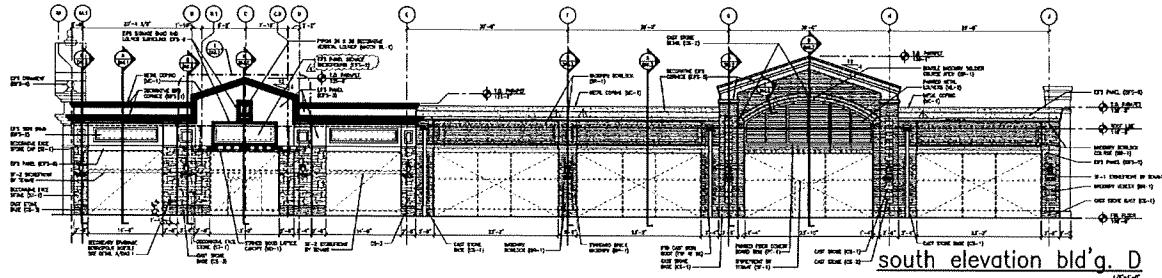
Apartment 1: 1596 sq.ft


Apartment 2, 3, 4, 5, 6: 978 sq.ft

Apartment 7, 8: 1051 sq.ft

Apartment 9: 1064 sq.ft

MATERIAL FINISH SCHEDULE	
SYMBOL	DESCRIPTION
MF-1	0.5" POLISHED CONCRETE FINISH
MF-2	0.5" POLISHED CONCRETE FINISH WITH STAIN
MF-3	0.5" POLISHED CONCRETE FINISH WITH STAIN AND GROUT
MF-4	0.5" POLISHED CONCRETE FINISH WITH STAIN AND GROUT AND POLISHED GROUT
MF-5	0.5" POLISHED CONCRETE FINISH WITH STAIN AND GROUT AND POLISHED GROUT AND POLISHED GROUT
MF-6	0.5" POLISHED CONCRETE FINISH WITH STAIN AND GROUT AND POLISHED GROUT AND POLISHED GROUT
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MF-49	0.5" POLISHED CONCRETE FINISH WITH STAIN AND GROUT AND POLISHED GROUT AND POLISHED GROUT
MF-50	0.5" POLISHED CONCRETE FINISH WITH STAIN AND GROUT AND POLISHED GROUT AND POLISHED GROUT





5115 Riverside Drive
 Suite A
 Dublin, Ohio 43017
 P: 614.794.0457
 F: 614.794.0237


Harrison, American
 Tradition of Architects

DEVELOPERS
 BALL PROPERTY GROUP
 654 WASHINGTON DRIVE
 11th FLOOR
 NEW YORK, N.Y. 10036
 P: 212.661.6600
 F: 212.661.6600

OWNER & ARCHITECT
 4300 Northpark Way, Suite 201
 Columbia, Ohio 43290
 P: 614.674.7500
 F: 614.674.7711

DESIGN ARCHITECT
 International Building Group
 Architects, Inc.
 3700 Connecticut Avenue
 Bethesda, MD 20814
 P: 301.987.2000
 F: 301.987.0218

Peninsula Town Center
 Building D
 4000 Nuckelmann St., Hampton, Virginia 23066



DATE: 12/01/07
 DRAWN BY: JCM
 CHECKED BY: JCM
 PROJECT NO.: DA3.1

REVISIONS
 1. 12/01/07 - BALL/JP
 2. 12/01/07 - BALL/JP
 3. 12/01/07 - BALL/JP
 4. 12/01/07 - BALL/JP
 5. 12/01/07 - BALL/JP

DATE PLOTTED: 12/01/07
 TIME: 10:00 AM
 PLOTTER: HP DesignJet T1100e

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Peyton Millinor

From: Newsome, McCord <mnewsome@hampton.gov>
Sent: Friday, November 18, 2022 3:51 PM
To: Mitchell, Jason L.; Peyton Millinor
Cc: Zaf Tabani
Subject: RE: Request for a quick reply

Peyton,

If 9545 sf of retail space is taken off-line, sanitary sewer capacity would be available for 12 residential units.

From: Mitchell, Jason L. <jmitchell@hampton.gov>
Sent: Friday, November 18, 2022 1:54 PM
To: Newsome, McCord <mnewsome@hampton.gov>
Subject: Fwd: Request for a quick reply

McCord,

Can you help with this ?

Jason Mitchell
City of Hampton
Department of Public Works
22 Lincoln Street
Hampton, Virginia 23669
726-2950 #choosehampton
jmitchell@hampton.gov

From: Peyton Millinor <peyton@aztcorporation.com>
Sent: Friday, November 18, 2022 1:22:44 PM
To: Mitchell, Jason L. <jmitchell@hampton.gov>
Cc: Zaf Tabani <zaf@tabanigroup.com>
Subject: [EXTERNAL] FW: Request for a quick reply

Good afternoon, Jason-

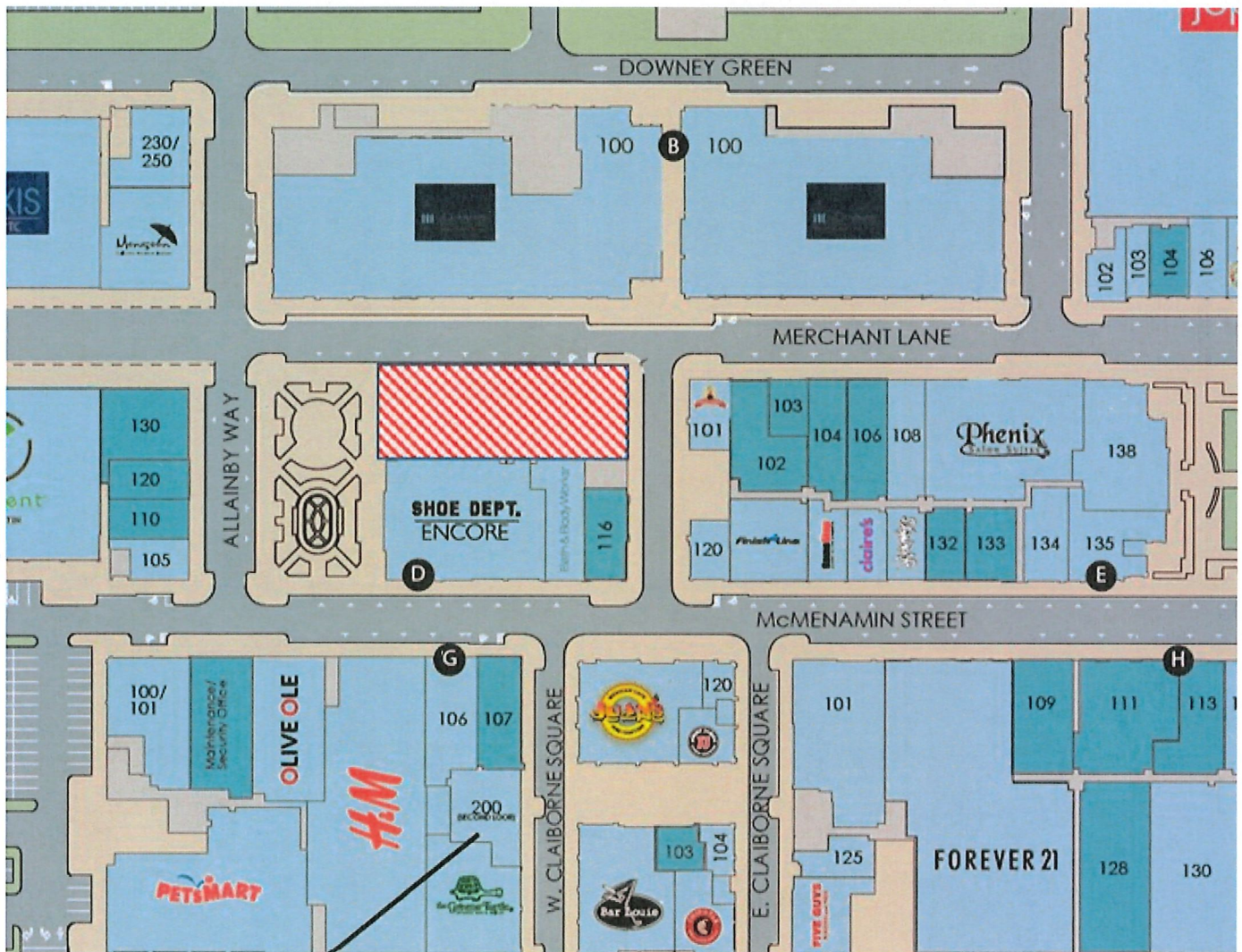
I hope your week is winding down smoothly and you have some fun ahead of you this weekend (or least some R&R).

To follow up on **your email below**, in addition to the 21 townhomes units on the north end of PTC and the 2,800 SF restaurant on what we call Pad R (across from Mission BBQ), we are assessing the feasibility of converting approx. 9,545 SF of existing retail space (as noted in the red shaded area below) to 10-12 multifamily units.

This retail space in Building D has been very difficult to lease and has been deemed to have a higher and better use than retail, with multifamily being at the top of that better use list. We believe multifamily here would compliment the (now fully leased) ground floor multifamily directly across the street that was constructed this year.

We believe it would be beneficial to both PTC and the City to repurpose this space from retail to multifamily to not only create more quality workforce housing in Hampton, but drive building value and thus incremental real estate taxes.

Before we trouble all of your colleagues for an initial site plan review, would you please let us know if this repurposing is an option from a wastewater perspective?



Best regards,
Peyton

~~~~~  
Peyton Millinor  
[Peyton@AZTCorporation.com](mailto:Peyton@AZTCorporation.com)  
214-893-9900

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**From:** Mitchell, Jason L. <[jmitchell@hampton.gov](mailto:jmitchell@hampton.gov)>  
**Sent:** Thursday, November 3, 2022 8:01 PM  
**To:** Zaf Tabani <[zaf@tabanigroup.com](mailto:zaf@tabanigroup.com)>  
**Subject:** Re: Request for a quick reply

Hello Mr. Tabani,

I hope you're having a great evening, and all is well.

I spoke with my team today and we don't have any current plans to upgrade the wastewater pump station (sanitary sewer) or the connecting infrastructure. Generally, these upgrades are drive by future development that finically supports the upgrades. In some cases, we cost share with developers as we build in future capacity for growth. We would certainly be interested in having that conversation.

As far as the retail conversions to apartments, we would need to understand how many units you would like to convert to determine what capacity is available and what could be done to accommodate your request.

As always, let me know if you would like to set up a zoom meeting and/or meet the next time you're in Hampton, as I would enjoy meeting with you.

Thank you and have a great evening Sir.

Jason

**Jason Mitchell**  
Director of Public Works  
City of Hampton 22 Lincoln Street Hampton, Virginia 23669  
[jmitchell@hampton.gov](mailto:jmitchell@hampton.gov)



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**From:** Zaf Tabani <[zaf@tabanigroup.com](mailto:zaf@tabanigroup.com)>  
**Sent:** Wednesday, November 2, 2022 4:42 PM  
**To:** Mitchell, Jason L. <[jmitchell@hampton.gov](mailto:jmitchell@hampton.gov)>  
**Subject:** [EXTERNAL] Re: Request for a quick reply

Jason Good Afternoon,  
Thank you for letting me know. I look forward to hearing from you tomorrow.  
Have a great evening.

All the Best,  
Zaffar Tabani | CEO  
(D) 972.428.2930

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**From:** Mitchell, Jason L. <[jmitchell@hampton.gov](mailto:jmitchell@hampton.gov)>  
**Sent:** Wednesday, November 2, 2022 1:56 PM  
**To:** Zaf Tabani <[zaf@tabanigroup.com](mailto:zaf@tabanigroup.com)>  
**Subject:** Request for a quick reply

Thank you sir, I'm working on your questions and will be in touch on Thursday.

I do want to highlight that Ava was extremely helpful in our meeting last week and happy she attended and is a part our Excellence in Government group.

Jason

**Jason Mitchell**  
Director of Public Works  
City of Hampton 22 Lincoln Street Hampton, Virginia 23669  
[jmitchell@hampton.gov](mailto:jmitchell@hampton.gov)



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**From:** Zaf Tabani <[zaf@tabanigroup.com](mailto:zaf@tabanigroup.com)>  
**Sent:** Wednesday, November 2, 2022 11:21 AM  
**To:** Mitchell, Jason L. <[jmitchell@hampton.gov](mailto:jmitchell@hampton.gov)>  
**Subject:** [EXTERNAL] request for a quick reply

Jason good morning,

I wish you a great day. Looks like your meetings are going great from what I hear from Ava you are a long-term thinker, makes me proud.

Can you kindly advise if there is any thought of increasing the sewer line capacity from the city to substation in the next five or 10 years. If you can give me any guidance on the timing I would really appreciate it. As I would like to add more apartments.