



Application for  
**Rezoning**

OFFICE USE ONLY  
Date Received:

**RECEIVED**

By Olivia M. Askew at 3:21 pm, May 03, 2021

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 21-00006

**1. PROPERTY INFORMATION**

Address or Location 1963 W. Pembroke Avenue, Hampton

LRSN 13004215 Current Zoning District C-3 Proposed Zoning District MD-3

Current Land Use Vacant land

Proposed Land Use Senior living multifamily community

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 Hampton Bay Associates L.L.C.

Address 1706 Neptune Drive City Hampton State VA Zip 23669

Phone 757.827.4459 Email ty@wcciva.com

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

Applicant's Name Marlyn Development Corporation

Address 308 35th Street, Suite 101 City Virginia Beach State VA Zip 23451

Phone 757.437.1677 Email bstaub@marlyndv.com

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

Agent's Name Timothy O. Trant II, Esq.

Address 11815 Fountain Way, Suite 400 City Newport News State VA Zip 23606

Phone 757.259.3823 Email totrant@kaufcan.com

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

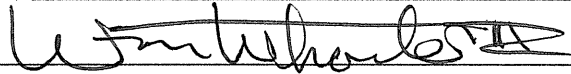
Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.

"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 Hampton Bay Associates L.L.C.

Signed by: Name (printed) William T. Wharton III, Its (title) Managing Partner

Signature  Date 04/27/2021

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 \_\_\_\_\_

<small>OFFICE USE ONLY</small>		
<input type="checkbox"/> Application Form	<input type="checkbox"/> Narrative Statement	<input type="checkbox"/> Proffer Statement
<input type="checkbox"/> Application Fee	<input type="checkbox"/> Survey Plat	<input type="checkbox"/> Additional materials (if required)

## NARRATIVE STATEMENT

**Rezoning Application # \_\_\_\_\_ for Marlyn Development Corp.**

**April 30, 2021**

Marlyn Development Corp., a Virginia corporation (“Marlyn”) proposes to develop certain real property, owned by Hampton Bay Associates, L.L.C., located at 1963 W. Pembroke Avenue, Hampton (the “Property”), which is currently zoned C-3 – General Commercial.

### Need for the Rezoning

This Property is currently zoned C-3 General Commercial. Through research of this Property and the surrounding community, it was determined that a demand for general commercial property is very weak in the vicinity of the Property. It is also determined that the Hampton Community Plan designates the Property for residential use. While the Hampton Community Plan designates the Property for low density residential use, the proximity to Pembroke Avenue, commercial use to the east industrial uses to the north, community uses to the west, and single-family residential uses to the south, suggest that multifamily housing would be a more appropriate transitional use among the surrounding land uses. Additionally, the proposed type of multifamily housing (senior apartments) is a low intensity, low impact use which respects the low density residential designation in the Hampton Community Plan.

### Proposed Use of the Site

The proposed use is an age-restricted senior apartment community consisting of 150 units with interior amenities described below. The exterior recreational amenities will include a courtyard, sitting areas, raised garden beds, a grilling station, a dog park, and sidewalks surrounding the building. The project will employ a Manager, Leasing Assistant, Housekeeper, Maintenance Technician, and Activities Coordinator. The facility will also feature an activities van which is available to residents for various outings, appointments, shopping trips, etc. At least one employee is on call 24 hours per day, 7 days per week.

### Description of any New Structures to be Constructed

The Property will consist of a four story apartment building with controlled access interior corridors and elevators. The community will feature interior building space for recreation area, including common areas, community room, hair salon, media room, multipurpose room, library, business center and fitness center.

### Anticipated Impact to City Services

Based upon the character of the proposed development as an independent living senior apartment community it is anticipated that the development of the Property will have a minimal impact to City Services. The project will not have school age children, trash collection will be private, and the project is projected to generate a negligible amount of vehicle trips (approximately 59 in the weekday peak hour). Customary water, sewer, and emergency services will be required.

How the Rezoning Conforms to the Hampton Community Plan (the “Plan”)

The Hampton Community Plan designates the Property for low density residential use, however, the proximity to Pembroke Avenue, commercial use to the east industrial uses to the north, community use to the west, and single-family residential uses to the south, suggest that multifamily housing would be a more appropriate transitional use among the surrounding land uses. Additionally, the proposed type of multifamily housing (senior apartments) is a low intensity, low impact use which respects the low density residential designation in the Hampton Community Plan.

As stated in the Hampton Community Plan Update, HN Policy 25, one of the City’s housing goals is to support housing opportunities for individuals and groups with special housing needs including seniors. Additionally, Goal 1 in the Housing and Neighborhood section 2011 update provides that “Hampton neighborhoods [should] offer a mix of housing that is attractive, affordable, and accessible to accommodate all citizens.” Marlyn has evaluated the housing market in the City of Hampton, and they have identified a strong demand for quality senior independent living opportunities.

The Plan recognizes that land is a limited resource in the City and that its efficient use must be promoted, which is consistent with a multifamily senior housing project. The development is an example of improving vacant and underutilized land to construct high quality housing for a segment of the City’s population with special housing needs. The development will be constructed with a high quality architectural style (similar to Marlyn’s Woodlands senior apartment project in Phoebus) that will be a beacon of revitalization in this area and improve the aesthetics of the corridor. Furthermore, the development is consistent with the following statements and policies from the Plan:

1. LU-CD Policy 5: “Promote increased compatibility, interdependence, and support among the city’s neighborhoods, districts, and corridors.” The proposed project is much more compatible with the adjoining neighborhood than the current zoning of the Property for commercial development.
2. LU-CD Policy 7: “Safeguard the integrity of existing residential neighborhoods.” The proposed development will serve as a buffer to the adjoining neighborhood from the non-residential land uses and protect it from the intrusion of by-right commercial development of the Property.
3. LU-CD Policy 11: “Promote high quality design and site planning that is compatible with surrounding development.” As compared to the current zoning of the Property which is not compatible with the surrounding neighborhood.
4. LU-CD Policy 29: “Encourage high quality new developments that are compatible with surrounding neighborhoods.”
5. LU-CD Policy 32: “Encourage the upgrading and revitalization of districts in a manner that is consistent with the character and scale of the district and is compatible with the character of surrounding neighborhoods.”

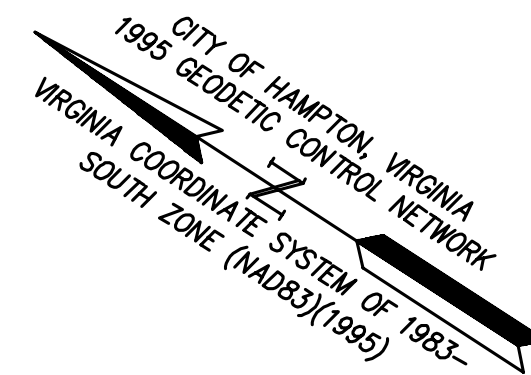
6. LU-CD Policy 36: “Protect adjacent neighborhoods and promote compatible land uses within the city’s residential corridors.”

In closing, we believe this new neighborhood will support Hampton’s vision of being “a community of choice that preserves and builds for future generations.”



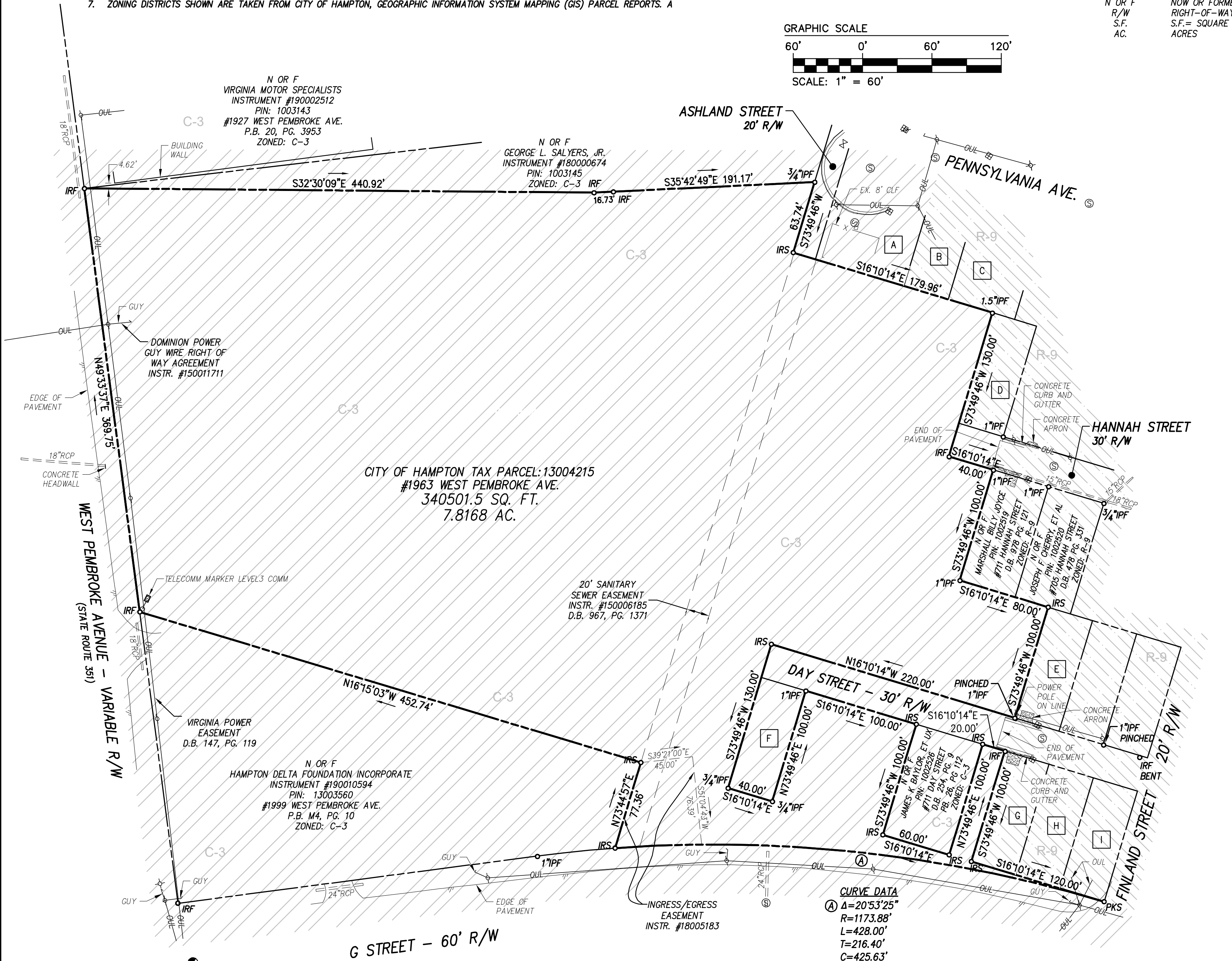
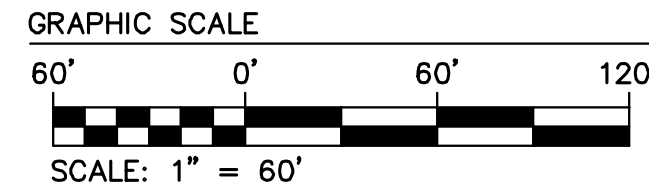
**GENERAL NOTES:**

1. THIS PLAT IS BASED UPON A CURRENT FIELD SURVEY. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A TITLE REPORT. THIS PROPERTY IS SUBJECT TO EASEMENTS, SERVITUDES, COVENANTS, AND ENCUMBRANCES OF RECORD.
2. THE PROPERTY SURVEYED IS VESTED IN THE NAME OF HAMPTON BAY ASSOCIATES, LLC. A VIRGINIA CORPORATION.
3. THE PROPERTY SURVEYED IS CITY OF HAMPTON PARCEL:  
 • PIN: 13004215; STREET ADDRESS: #1963 WEST PEMBROKE AVENUE; SOURCE OF TITLE: INSTRUMENT NO. 040031150; ZONED: C-3.
4. THIS SURVEY IS TIED INTO THE CITY OF HAMPTON, VIRGINIA, 1995 GEODETIC CONTROL NETWORK, MONUMENT STATIONS #519, #520 AND #538 BY MEANS OF A GPS SURVEY.
5. TOTAL AREA OF LAND WITHIN THIS SURVEY COMPRISES 340,501.5 S.F.± OR 7.8168 ACRES±.
6. THIS PROPERTY LIES ENTIRELY WITHIN FLOOD ZONE X, (AREA OF MINIMAL FLOOD HAZARD) PER F.I.R.M., MAP NUMBER: 5155270024H, MAP REVISED: MAY 16, 2016.
7. ZONING DISTRICTS SHOWN ARE TAKEN FROM CITY OF HAMPTON, GEOGRAPHIC INFORMATION SYSTEM MAPPING (GIS) PARCEL REPORTS. A



**LEGEND**

---	PROPERTY LINE
- - -	EASEMENT LINE
---	EDGE OF PAVEMENT
IRF	IRON ROD OR PIPE FOUND
IRS	IRON ROD SET
PKS	PK NAIL SET
⊗	LIGHT POLE
⊙	POWER POLE
⊕	SEWER MANHOLE
⊖	TELECOMMUNICATIONS PEDESTAL
---	OVERHEAD UTILITY LINE
---	WATER METER
---	WATER VALVE
N OR F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
S.F.	S.F.= SQUARE FOOT
AC.	ACRES



**ZONING LEGEND**

[Hatched Box]	C-3
[Hatched Box]	R-9

**ADJACENT PARCEL INFORMATION**

- A N OR F CITY OF HAMPTON D.B. 944, PG. 368 PIN: 1002503 ZONED: C-3
- B N OR F STEVEN R MCDONALD INSTRUMENT #130006599 PIN: 1002504 #729 PENNSYLVANIA AVE. P.B. 40, PG. 31150 ZONED: R-9
- C N OR F MILBERT P. SCOTT, ET AL PIN: 1002505 #719 PENNSYLVANIA AVE. P.B. 1174, PG. 1613 ZONED: R-9
- D N OR F HAMPTON REDEVELOPMENT & HOUSING AUTHORITY PIN: 1002496 #718 HANNAH STREET DB. 1222, PG. 2120 P.B. 26 PG. 112 ZONED: R-9
- E N OR F MICHAEL D. BARRETT, ET AL PIN: 1002514 INSTRUMENT #180003779 #704 DAY STREET P.B. 26 PG. 112 ZONED: R-9
- F N OR F STEPHEN CHARLES SMITH PIN: 1002524 #729 DAY STREET INSTRUMENT # 010015684 P.B. 26, PG. 112 ZONED: C-3
- G N OR F 705 DAY STREET LLC PIN: 1002528 INSTRUMENT # 200009199 #705 DAY STREET P.B. 26 PG. 112 ZONED: R-9
- H N OR F HELEN M MASSENBURG PIN: 1002529 INSTRUMENT # 070 009188 #703 DAY STREET P.B. 26 PG. 112 ZONED: R-9
- I N OR F PATRICE L FRIAS PIN: 1002530 INSTRUMENT # 170006993 #701 DAY STREET P.B. 26 PG. 112 ZONED: R-9

**CURVE DATA**  
 A Δ=20°53'25"  
 R=1173.88'  
 L=428.00'  
 T=216.40'  
 C=425.63'  
 C.B.=N26°43'47"W

Rev.	Date	Description
1	3-16-21	ADDED EASEMENTS FROM TITLE DOCUMENTS



5248 Olde Towne Road, Suite 1  
 Williamsburg, Virginia 23188  
 Phone: (757) 253-0040  
 www.aesva.com

**AES**  
 CONSULTING ENGINEERS

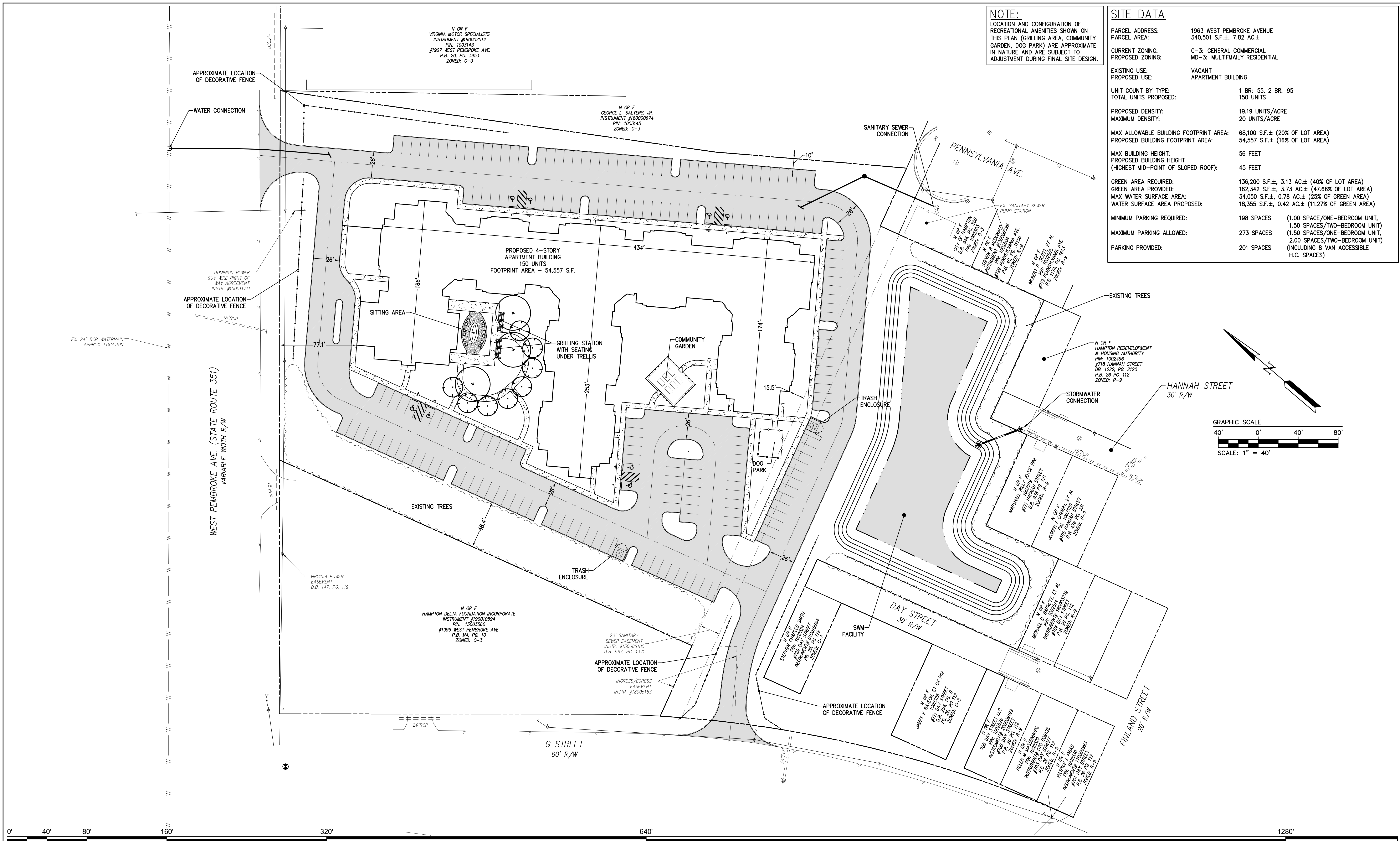
Hampton Roads | Central Virginia | Middle Peninsula  
 VIRGINIA

BOUNDARY RE-TRACEMENT SURVEY  
 CITY OF HAMPTON TAX PARCEL 13004215  
 STANDING IN THE NAME OF  
**HAMPTON BAY ASSOCIATES, LLC.**  
 PREPARED FOR  
 MARLYN DEVELOPMENT CORPORATION  
 CITY OF HAMPTON

Project Contacts: SJB / DSB  
 Project Number: W10676-00  
 Scale: 1"=50' Date: 2-16-2021  
 Sheet Number

**RECEIVED**  
 By Olivia M. Askew at 11:25 am, May 04, 2021





**CONCEPTUAL LAYOUT**  
**THE ARBORS AT WEST PEMBROKE**  
 CITY OF HAMPTON, VIRGINIA  
 (AES PROJECT #: W10676-00 - AES PROJECT CONTACT: RYAN STEPHENSON, P.E.)

DATE: JUNE 4, 2021  
 SCALE: 1"=40'  
 SHEET 1 of 1

**AES**  
 CONSULTING ENGINEERS  
 5248 Old Towne Road, Suite 1  
 Williamsburg, Virginia 23188  
 Phone: (757) 253-0040  
 Fax: (757) 220-8994  
 www.aesva.com  
 Hampton Roads | Central Virginia | Middle Peninsula





Front Concept Elevation



Rear Concept Elevation

RENDERED CONCEPT ELEVATION

MAY 18, 2021

NEW AGE-RESTRICTED MULTI-FAMILY DEVELOPMENT

THE ARBORS AT PEMBROKE

MARLYN DEVELOPMENT CORPORATION

1963 WEST PEMBROKE AVENUE  
HAMPTON, VA





Partial Left Concept Elevation



Partial Left Concept Elevation

RENDERED CONCEPT ELEVATION

NEW AGE-RESTRICTED MULTI-FAMILY DEVELOPMENT

THE ARBORS AT PEMBROKE

MARLYN DEVELOPMENT CORPORATION

1963 WEST PEMBROKE AVENUE  
HAMPTON, VA





Partial Right Concept Elevation



Partial Right Concept Elevation

RENDERED CONCEPT ELEVATION

MAY 18, 2021

NEW AGE-RESTRICTED MULTI-FAMILY DEVELOPMENT

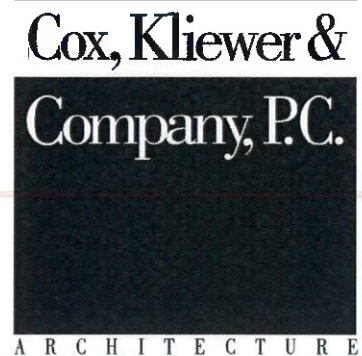
THE ARBORS AT PEMBROKE

MARLYN DEVELOPMENT CORPORATION

1963 WEST PEMBROKE AVENUE  
HAMPTON, VA



May 24, 2021



## Use of Vinyl Cladding on Multi-family Projects

Recent improvements, including ongoing changes in the product's chemistry and installation techniques, have improved the performance of vinyl siding as a cladding material and furthered its acceptance by developers, builders and homeowners. In fact, vinyl siding has captured around 32 percent of the U.S. siding market for new homes, with no end in sight to its continuing popularity.

In many cases, price is not the main factor for using vinyl as the main exterior cladding material. While fiber cement has many positive features and has earned its place as a quality cladding product, the “Pros” for the selection of a premium level vinyl siding include the following:

- **Reduced maintenance:** Premium vinyl holds its color longer than painted fiber cement. The through-body color is much less prone to fading, and basically immune to rotting and peeling. Fiber cement, especially the more vibrant or darker colors, is more likely to fade over time, usually requiring repainting after about 10 years or so. Fading is not uniform - the sides of the building exposed to direct sunlight will fade faster. Unlike vinyl, the finish is applied to the surface, which is more likely to show damage where it occurs.
- **Concealed fasteners:** Because of the way it is fabricated and installed, the nails which attached vinyl siding are covered by the subsequent course. For fiber cement, while most lap siding may be blind nailed, most fiber cement trim and flat vertical panel siding is faced nailed. With the natural movement of the building, nail “pops” can occur requiring touch-up to the finish.
- **Exposed end cuts:** Premium vinyl siding is designed so that any cut ends are concealed by the prefabricated trim sections. While care should be taken when installing fiber cement to limit exposing cut ends, there are always situations where this is not possible or not consistently controlled by the installer. Because these cuts will be done in the field and then painted, the potential for ragged edges is always present.
- **Board length:** Typical fiber cement siding comes in maximum 12' lengths. For walls longer than 12', there will be a visible butt joint in the siding. Premium Vinyl siding is available in lengths up to 25', reducing the number of exposed joints.


- Vinyl siding is less prone to trap moisture. There are weep holes in the base flashing of the panels, and because it is hung loosely, air can move behind it. This air movement reduces the possibility for moisture degradation of the wood sheathing behind the cladding.
- Health concerns for installers: Cutting of fiber cement causes the release of dust which can be harmful if inhaled. While a responsible installer should take measures to mitigate this risk, the reality is that this does not always happen in real life field conditions.
- Available profiles / designs: Fiber cement panels provide limited selection for texture, profile and exposure (height of each course). The panel thickness is fixed by the manufacturer, meaning that deeper profiles and enhanced shadow lines are not an option. For example, the shingle profile in vinyl is much more realistic than fiber cement and is offered in multiple exposures, edge treatments and shapes (scallop, octagon and half-cove to name a few).

Recent improvements in vinyl siding include less chemicals used (more eco-friendly), and thicker gage of the material (sturdier and less likely to show oil-canning and wavy surfaces). From an article in Siding Magazine: "There have been several improvements that increase durability. Newer siding is created with 10% titanium dioxide pigment, which provides resistance to the natural breakdown of ultraviolet light or extremes of weather. Siding of old was created with one layer and often included materials for durability that proved not to be safe, such as asbestos. Today, vinyl siding is created with a process called co-extrusion. With co-extrusion, two layers of polyvinyl chloride (PVC) are applied to the surface. The top layer is capstocked or, as mentioned previously, strengthened with material such as titanium dioxide. This strengthened outer layer provides less breakdown over time as well as longer durability, thus resulting in less frequent replacement. Less frequent replacement then leads to saved money for homeowners. Creating a stronger outer finish also increases the wind resistance of vinyl siding. In the past, vinyl siding was not an option for homes located in high storm or wind-prone areas. Now, with increased outer layer strength, vinyl siding withstands strong winds and object impact damage. Homeowners need to check with the manufacturer and seller of their vinyl siding choice to ensure the siding's wind strength and impact capability" (<https://sidingmagazine.com/siding-choices/improved-features-of-modern-vinyl-siding/>).

In conclusion, with recent improvements to the product and the selection of the premium level vinyl, vinyl siding can provide a quality, attractive and durable cladding material - comparable in many ways to fiber cement, and in some ways exceeding fiber cement in long term performance.

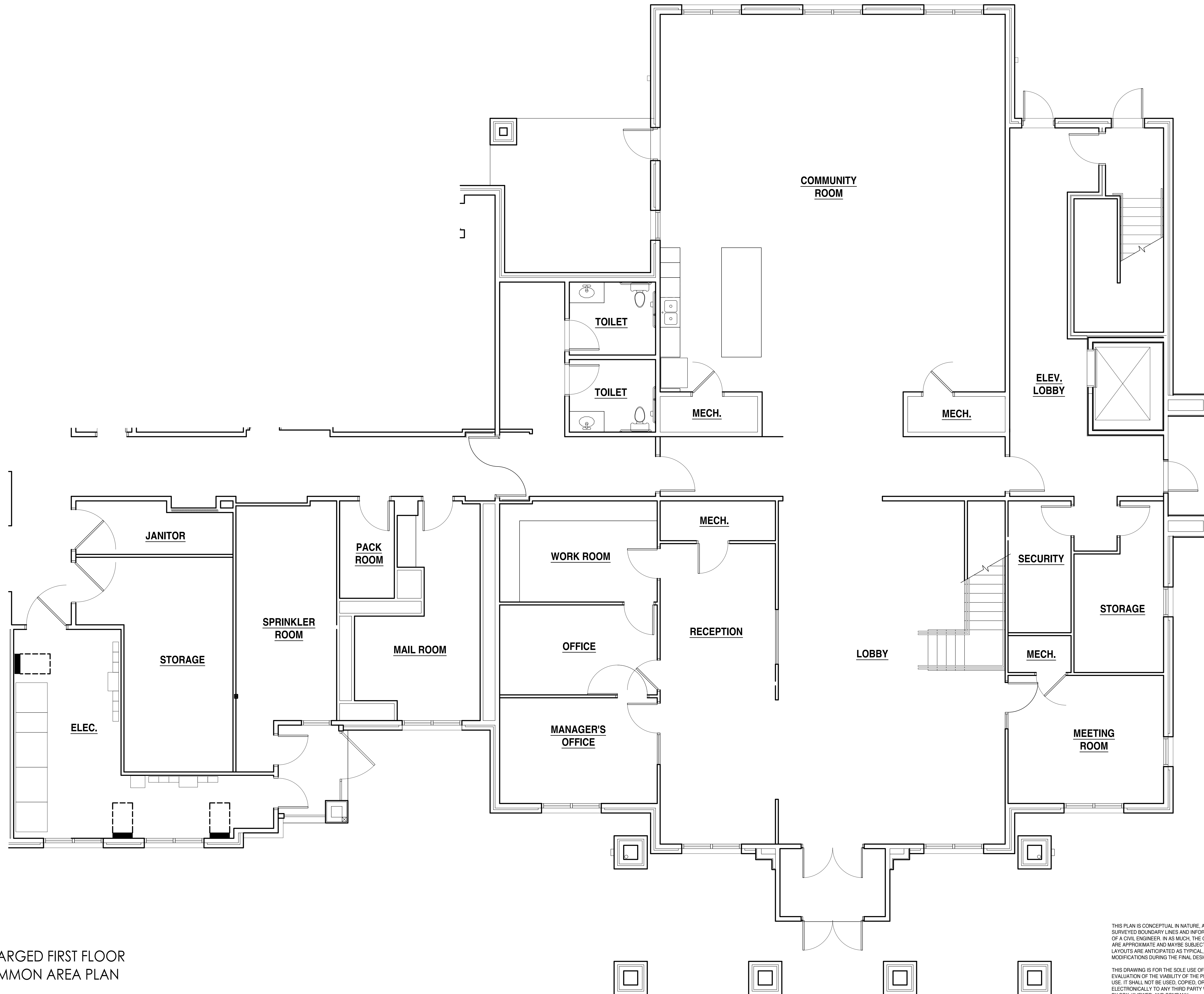
Yours Sincerely,

COX, KLEWER & COMPANY, P.C.



Grey Mason, VP - Architecture





THIS PLAN IS CONCEPTUAL IN NATURE, AND IS NOT BASED UPON SURVEYED BOUNDARY LINES AND INFORMATION, NOR HAS IT HAD INPUT OF A CIVIL ENGINEER. IN AS MUCH, THE CONFIGURATIONS AND YIELD ARE APPROXIMATE AND MAYBE SUBJECT TO CHANGE. THE PRESENTED LAYOUTS ARE ANTICIPATED AS TYPICAL, BUT ARE SUBJECT TO MODIFICATIONS DURING THE FINAL DESIGN PROCESS.

THIS DRAWING IS FOR THE SOLE USE OF OUR CLIENT IN THE INTERNAL EVALUATION OF THE VIABILITY OF THE PROPERTY FOR THE PROPOSED USE. IT SHALL NOT BE USED, COPIED, OR TRANSFERRED ELECTRONICALLY TO ANY THIRD PARTY WITHOUT THE PRIOR APPROVAL BY COX, KLEWER, AND COMPANY.

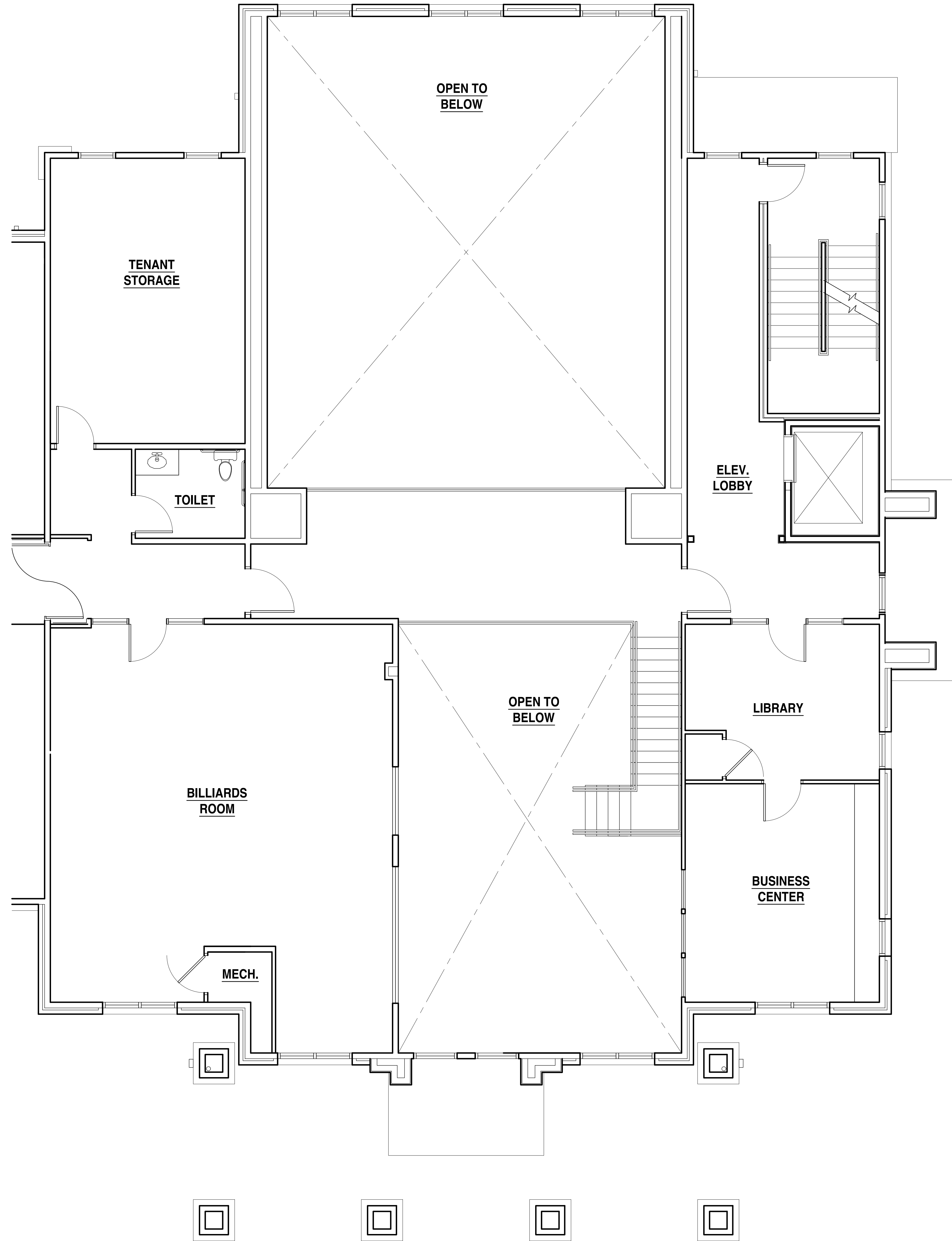
ENLARGED FIRST FLOOR  
COMMON AREA PLAN

NEW AGE-RESTRICTED MULTI-FAMILY DEVELOPMENT

THE ARBORS AT PEMBROKE

MARLYN DEVELOPMENT

1963 WEST PEMBROKE AVENUE  
HAMPTON, VA - MAY 18, 2021



ENLARGED SECOND FLOOR COMMON  
AREA PLAN

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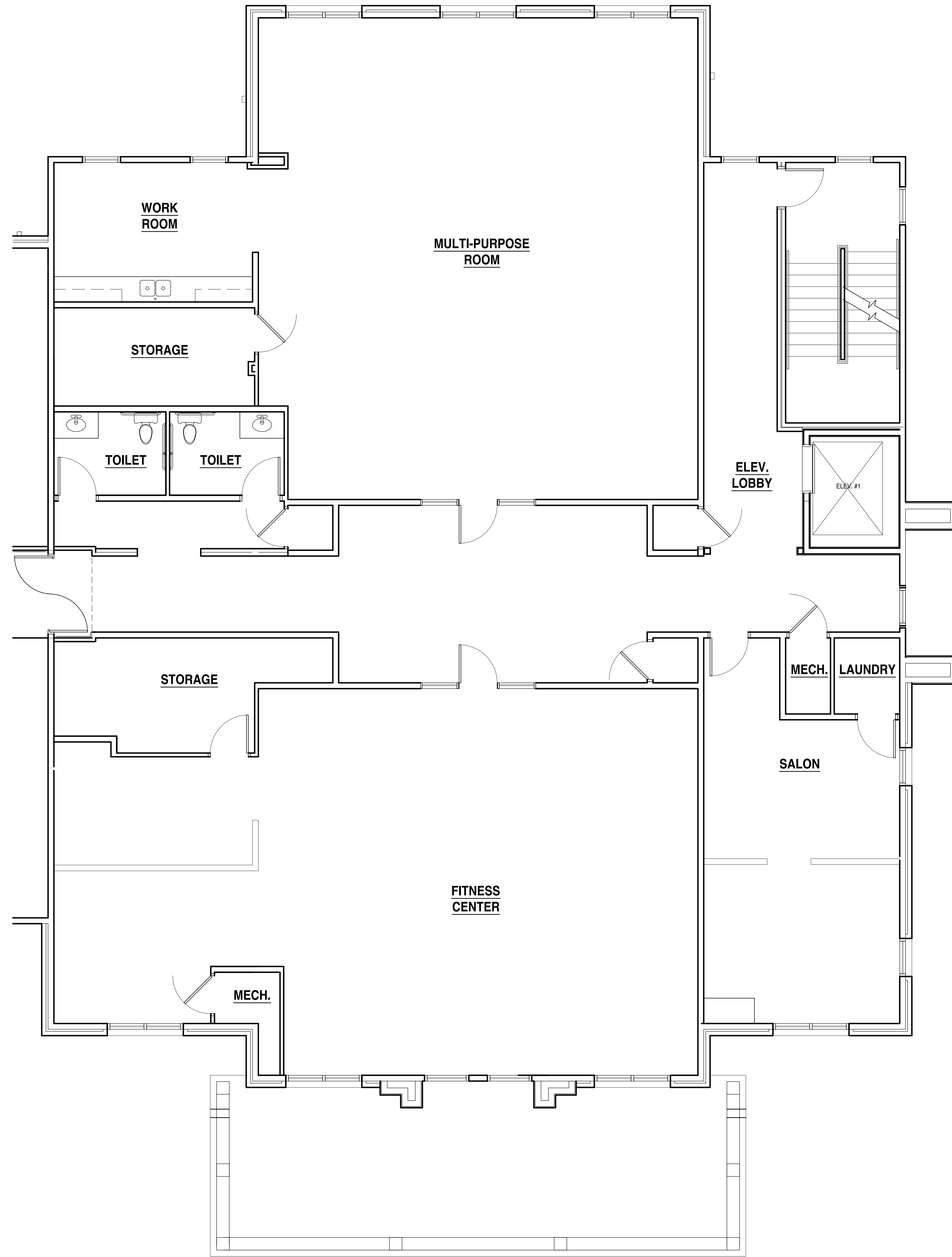
NEW AGE-RESTRICTED MULTI-FAMILY DEVELOPMENT

THE ARBORS AT PEMBROKE

MARLYN DEVELOPMENT

1963 WEST PEMBROKE AVENUE  
HAMPTON, VA MAY 18, 2021





ENLARGED THIRD FLOOR COMMON  
AREA PLAN

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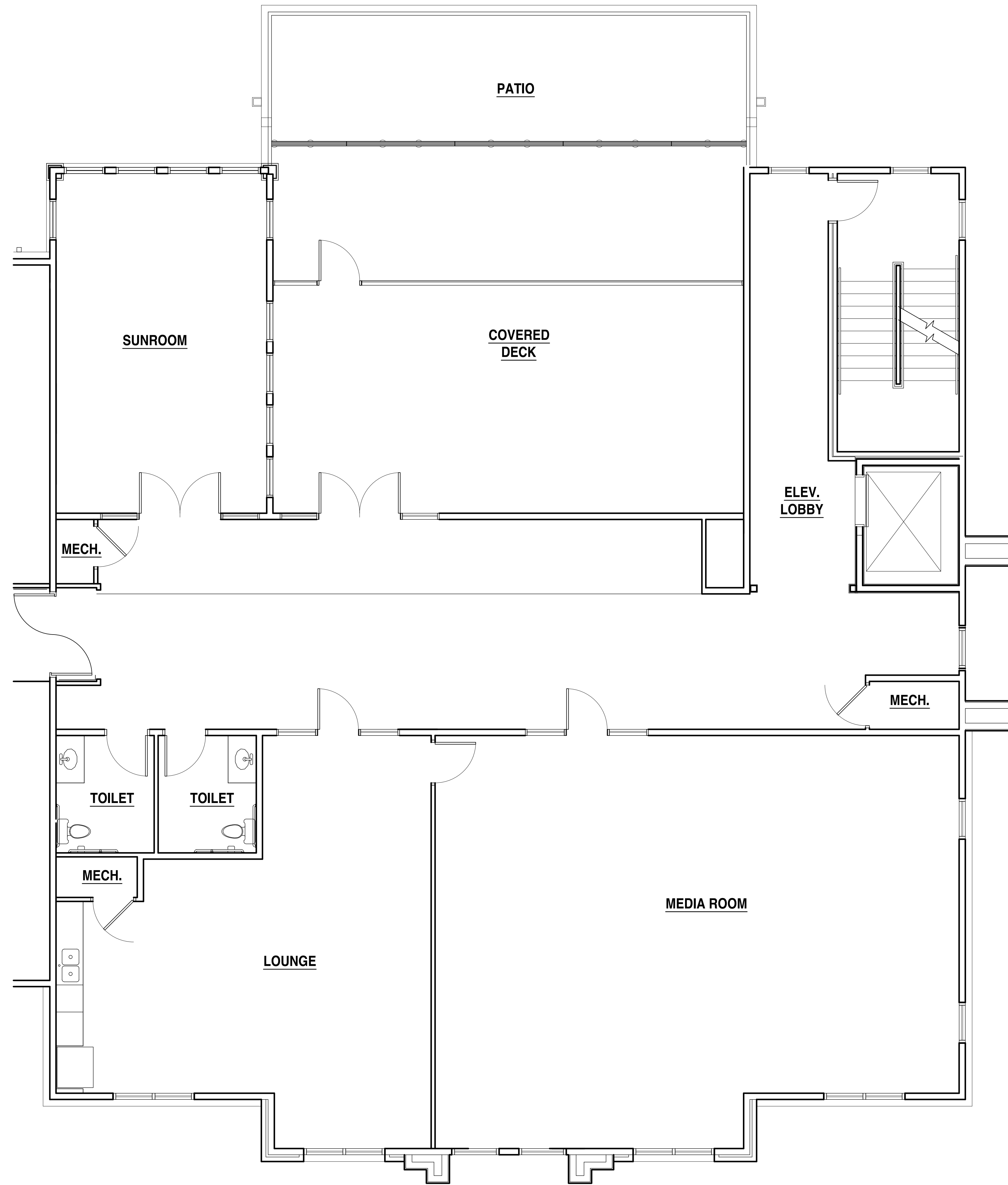
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NEW AGE-RESTRICTED MULTI-FAMILY DEVELOPMENT

THE ARBORS AT PEMBROKE

MARLYN DEVELOPMENT

1963 WEST PEMBROKE AVENUE  
HAMPTON, VA MAY 18, 2021



ENLARGED FOURTH FLOOR COMMON  
AREA PLAN

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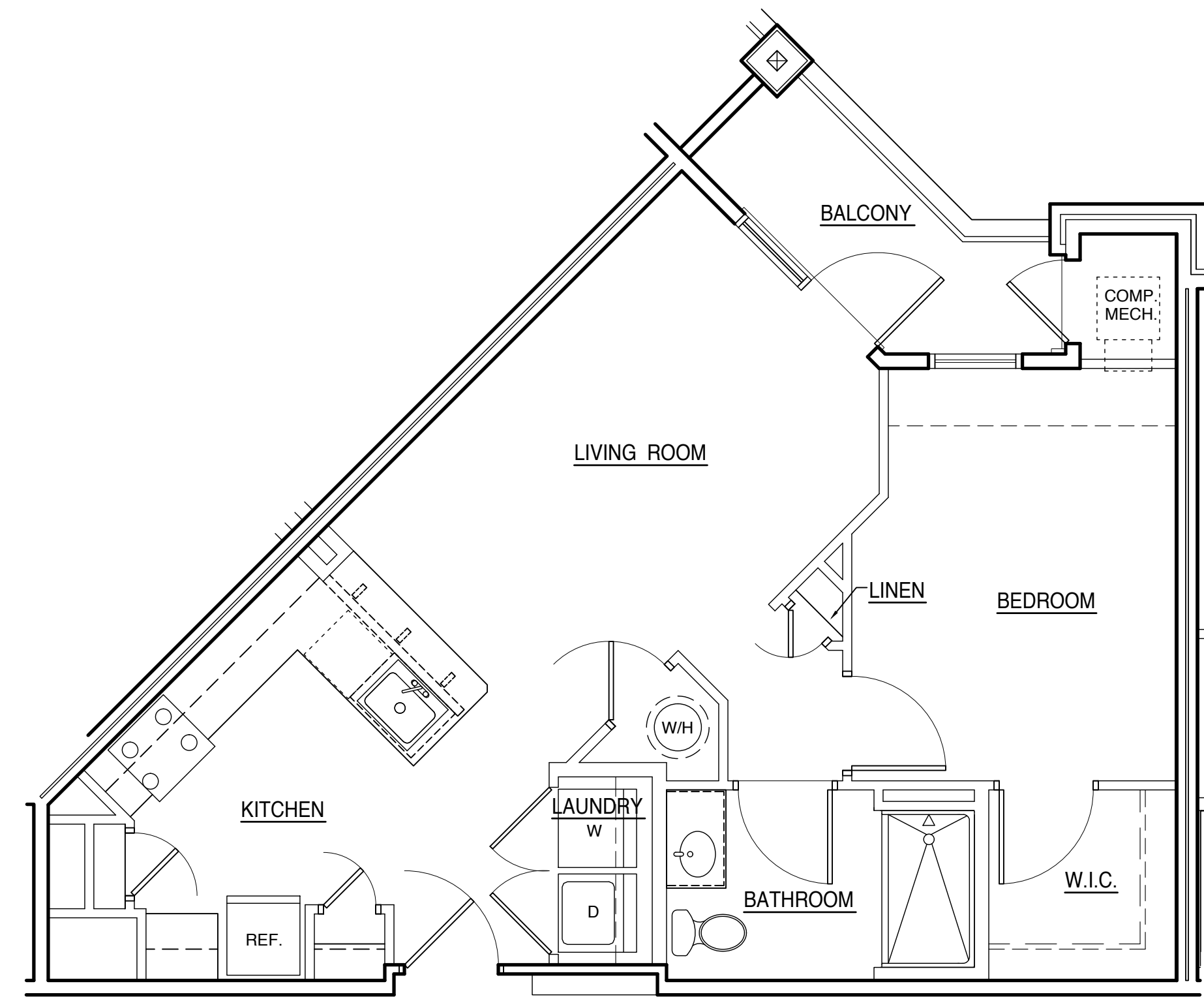
NEW AGE-RESTRICTED MULTI-FAMILY DEVELOPMENT

THE ARBORS AT PEMBROKE

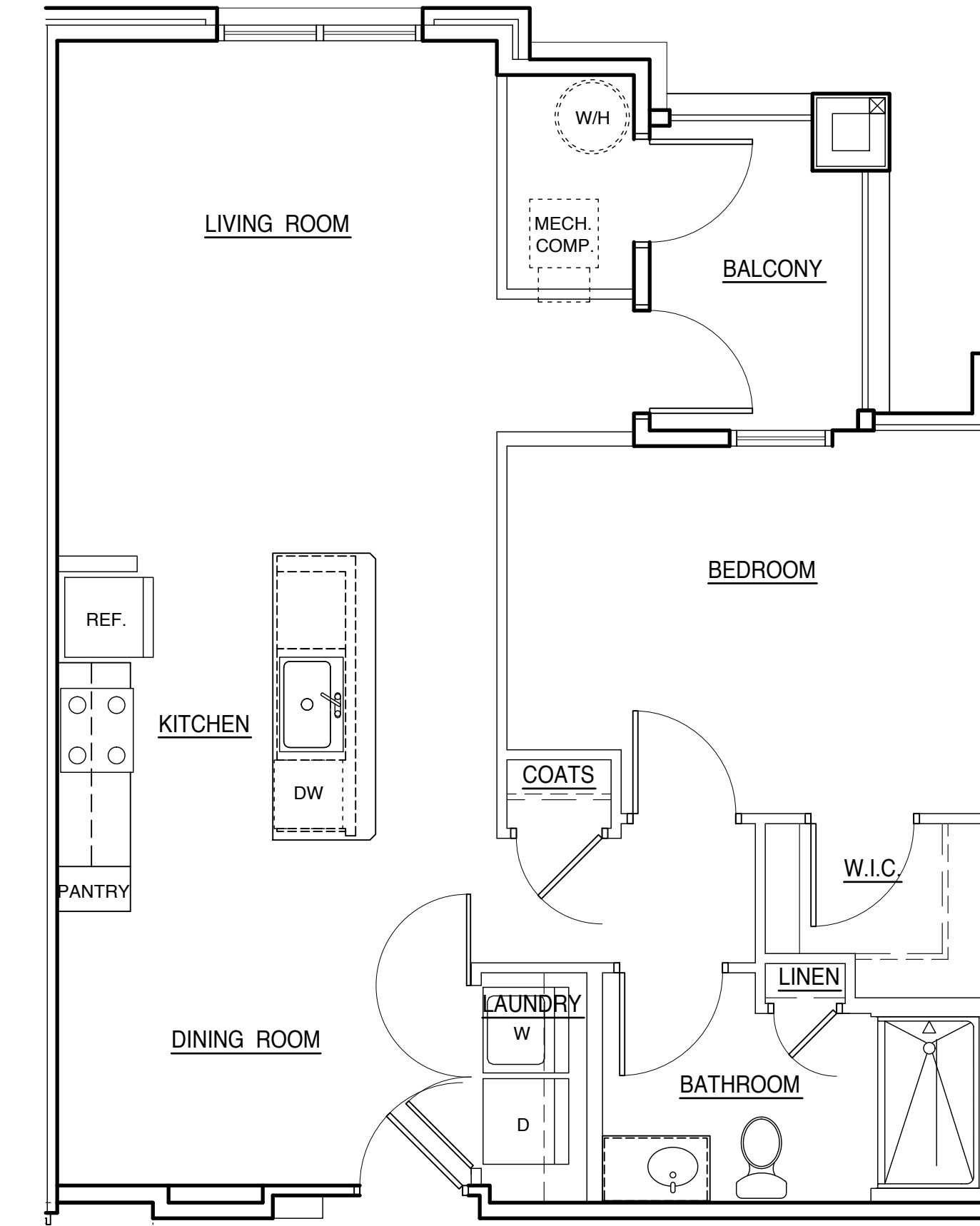
MARLYN DEVELOPMENT

1963 WEST PEMBROKE AVENUE  
HAMPTON, VA MAY 18, 2021

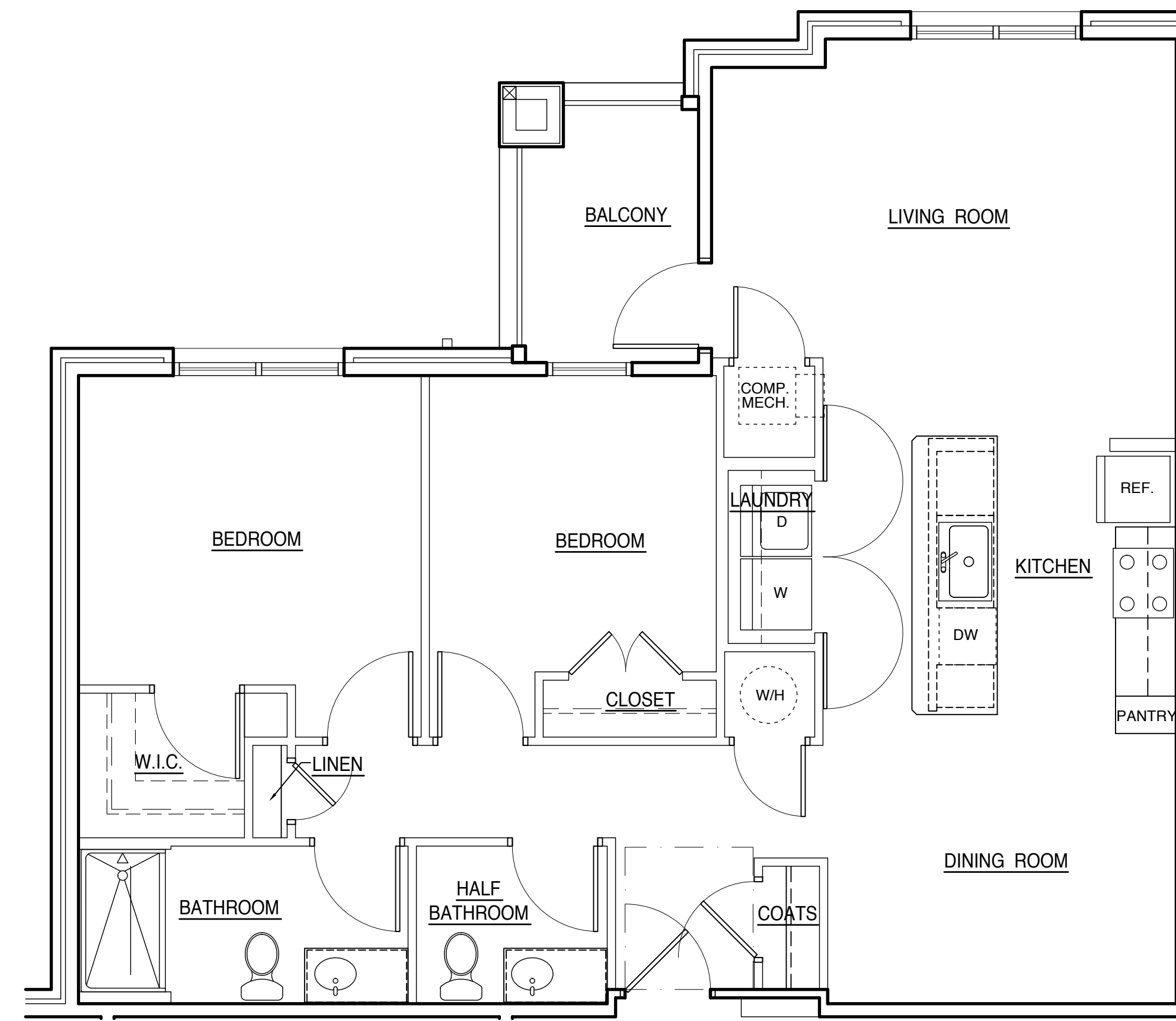




TYPICAL INSIDE CORNER UNIT PLAN



TYPICAL 1 BEDROOM UNIT PLAN



TYPICAL 2 BEDROOM UNIT PLAN

TYPICAL UNIT PLANS

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# COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY  
TIDEWATER REGIONAL OFFICE  
5636 Southern Boulevard, Virginia Beach, Virginia 23462  
(757) 518-2000 Fax (757) 518-2009  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Maria R. Nold  
Regional Director

December 23, 2014

Mr. Bill Wharton  
Wharton Construction Co., Inc.  
c/o Mr. Troy Savage  
REMSA, Inc.  
124 West Queens Way  
Hampton, VA 23669

RE: VWP General Permit Authorization Number WP4-14-1526  
Pembroke Avenue Business Park  
Hampton

Dear Mr. Wharton:

The Virginia Department of Environmental Quality (DEQ) has reviewed your application which was received on October 15, 2014, and deemed complete on December 12, 2014. Based on DEQ's review, the project qualifies for VWP General Permit Number WP4. The enclosed copy of the VWP general permit authorization contains the applicable limits, reporting requirements, and other conditions for authorization.

Please note that the Authorization Notes section of the VWP Permit Authorization Cover Page includes the requirement to provide compensation for 1.281 acres of authorized isolated forested wetland impacts (Wetland "A") via the purchase of a minimum of 2.562 wetland bank mitigation credits from the Chesapeake Wetland Mitigation Bank. Please also note that this section eliminates the construction monitoring requirements in Part II.B.1 through 3 of your permit authorization and replaces Part II.E.3.a through f with the following simplified requirements:

- a. A semi-annual construction status update shall be completed in June and December of every year during the term of this permit. The construction status update shall include reference to the VWP general permit authorization number and one of the following statements: a) Construction activity in authorized impact areas has not yet commenced; b) Construction activity within authorized impact areas has commenced; c) Construction activity within authorized impact areas has commenced but is currently suspended; or d) All authorized impacts are complete. The updates shall be submitted electronically to [VWP.TRO@deq.virginia.gov](mailto:VWP.TRO@deq.virginia.gov) or mailed to the appropriate DEQ office, and **must be received by DEQ no later than January 10 and July 10 of every year.**



Mr. Wharton  
December 23, 2014  
Page 2

- b. The permittee shall notify DEQ within 24 hours of discovering impacts to surface waters (including wetlands) that are not authorized by this permit. The notification shall include photographs, estimated acreage and/or linear footage of impacts, and a narrative description of the impacts.

A VWP Construction Status Update Form is enclosed to assist you in complying with your revised construction monitoring requirements.

Please note that, pursuant to 9 VAC 25-210-220.A, DEQ waives the requirement to obtain a permit for the proposed impacts to 0.092 acres of Isolated Wetlands of Minimal Ecological Value (Wetlands "B", "C", and "D") associated with this project.

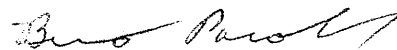
This authorization expires **seven** years from the Authorization Effective Date. Please note that this authorization may be continued at the State Water Control Board's discretion, as per the VWP permit regulations. If the authorized activity has not been completed and you wish to obtain continuation of coverage authorization, the permittee must request this continuation no less than 60 days prior to the authorization expiration date of the original VWP general permit authorization or the authorization will expire on the original authorization expiration date.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have **30 calendar days** from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, any owner under §§62.1-44.16, 62.1-44.17, and 62.1-44.19 of the State Water Control Law aggrieved by any action the board has taken without a formal hearing, or by inaction of the board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the board. Said petition must meet the requirements set forth in the board's Procedural Rule Number 1 (9 VAC 25-230-130 B). In cases involving actions of the board, such petition must be filed within **30 calendar days** after notice of such action is sent to such owner by certified mail.

If you have any questions, please contact Curtis Davey at 757-518-2158 or at [curtis.davey@deq.virginia.gov](mailto:curtis.davey@deq.virginia.gov).

Sincerely,



Bert W. Parolari, Jr.  
Stormwater and VWP Program Manager

Attachments: (2)



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2009

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Maria R. Nold  
Regional Director

VWP General Permit No. WP4

VWP General Permit Authorization No. WP4-14-1526

Authorization Effective Date: December 23, 2014

Authorization Expiration Date: December 22, 2021

### **VWP GENERAL PERMIT FOR IMPACTS FROM DEVELOPMENT AND CERTAIN MINING ACTIVITIES UNDER THE VIRGINIA WATER PROTECTION PERMIT AND THE VIRGINIA STATE WATER CONTROL LAW**

Based upon an examination of the information submitted by the applicant and in compliance with § 401 of the Clean Water Act as amended (33 USC 1341) and the State Water Control Law and regulations adopted pursuant thereto, the board has determined that there is a reasonable assurance that the activity authorized by this VWP general permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The board finds that the effect of the impact, together with other existing or proposed impacts to wetlands, will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

Subject to the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant to it, the permittee is authorized to permanently or temporarily impact up to two acres of nontidal wetlands or open water and up to 1,500 linear feet of nontidal stream bed. While this General Permit authorized impacts up to two acres non tidal wetlands or open water and up to 1500 linear feet of nontidal streambed, **this coverage only authorizes impacts as presented in the Activity Description below.**

**Permittee:** Wharton Construction Co., Inc.; Attn: Mr. Mr. Bill Wharton

**Address:** 703 Howmet Drive, Suite E, Hampton, VA 23661

**Activity Location:** The approximate 8-acre project site is located at 1963 West Pembroke Avenue in Hampton.

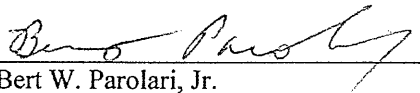
**Activity Description:** The permittee is authorized to permanently impact 1.281 acres of isolated forested wetlands, depicted as Wetland "A", for the construction of a 56-unit commercial business center complex and associated parking, roads, and a stormwater pond. Impacts to Wetlands "B", "C", and "D" do not require a VWP Permit.

The project scope is depicted on Sheets 1 through 4 of 5 of the plan titled "Site Plan, Hampton Bay Associates, LLC, Professional Building Park, Gainesville Property, 1963 West Pembroke Avenue, Hampton, VA 23661", prepared by T.J. Savage, Jr. LS, dated November 7, 2014, and received by DEQ on November 17, 2014. The wetland locations are depicted on the plan titled "Figure 2. Wetland Delineations, 1925 West Pembroke Ave.", prepared by REMSA, dated August 2009, and received by DEQ on November 17, 2014. The project boundaries and proposed access locations are depicted on the plan titled "Site Development Impact Map, 1925 West Pembroke JPA, Hampton, Virginia 23666" prepared by REMSA, dated October 30, 2014, and received by DEQ on November 17, 2014.

**Authorization Notes:**

1. To provide compensation for authorized wetland impacts, the permittee is required to purchase a minimum of 2.562 wetland mitigation bank credits from the Chesapeake Wetland Mitigation Bank.
2. The construction monitoring requirements in Part II.B.1 through B.3 of your permit authorization are eliminated, and Part II.E.3.a through f are replaced with the following two requirements:
  - a. A semi-annual construction status update shall be completed in June and December of every year during the term of this permit. The construction status update shall include reference to the VWP general permit authorization number and one of the following statements: a) Construction activity in authorized impact areas has not yet commenced; b) Construction activity within authorized impact areas has commenced; c) Construction activity within authorized impact areas has commenced but is currently suspended; or d) All authorized impacts are complete. The updates shall be submitted electronically to [VWP.TRO@deq.virginia.gov](mailto:VWP.TRO@deq.virginia.gov) or mailed to the appropriate DEQ office, and **must be received by DEQ no later than January 10 and July 10 of every year.**
  - b. The permittee shall notify DEQ within 24 hours of discovering impacts to surface waters (including wetlands) that are not authorized by this permit. The notification shall include photographs, estimated acreage and/or linear footage of impacts, and a narrative description of the impacts.

The authorized activity shall be in accordance with this cover page, Part I--Special Conditions, Part II--Compensation, Monitoring, and Reporting, and Part III--Conditions Applicable to All VWP Permits, as set forth herein.

  
Bert W. Parolari, Jr.  
Stormwater and VWP Program Manager

Dec 23, 2014  
Date