Committee Members: Billy Wood, Phillip Russell, Sharon Surita, Hannah Sabo, Lucy Stoll

Meeting Agenda
March 28, 2017

Regular Meeting
9:00 AM – CDD Conference Room, 5th Floor City Hall

I. Public Hearing Items:

ZP17-00047: Davis and Associates, P.C., 79 Old Pond Ct., LRSN 13004361, a request to encroach into a portion of the one hundred (100) foot Resource Protection Area buffer to construct a new single-family dwelling.

As a courtesy to others during the meeting, please turn off cellular telephones or set them to vibrate.
Case: Chesapeake Bay Review (ZP17-00047) Location: 79 Old Pond Ct. (LRSN 13004361)
Owner: Marple Run LLC Zoning District(s): R-11 District – One Family Residential
Applicant: Davis & Associates, P.C.

Request
An exception to Sec. 9-14(2)(b), other restrictions applicable to the RPA, to encroach into a portion of the one hundred (100) foot Resource Protection Area buffer to construct a new single-family dwelling.

Existing Site Conditions
The site is currently undeveloped and cleared of vegetation.

Site History
- The site was rezoned in 2006 from R-13 to R-11 to allow development of up to 23 single family lots.
- The preliminary plat for the Marple Run subdivision was approved by the Planning Commission also in 2006.
- A zoning determination letter was issued by the Zoning Administrator in 2013 determining that the applicant has vested rights to develop the 23 lot subdivision.
- In 2014, the Chesapeake Bay Review Committee approved a request for an exception to clear the site subject to three conditions:
  - Clearing and grading shall be limited to necessary areas for drainage improvements required by the City Code.
  - All vegetation removed within the 100’ RPA buffer shall be restored according to the DCR Riparian Buffer Modification and Mitigation Guidance Manual.
  - Any future structures proposed to encroach into the RPA buffer shall be brought before the Committee for approval.
- A subdivision development plan was approved in June 2015.

Evaluation
Staff have reviewed the application as it relates to Chapter 9, Article 2 of the Hampton Zoning Ordinance and evaluated the impact of the proposed development on water quality.

Applicable zoning provisions:

Section 9-16(4)(b): Exceptions to the requirements of Section 9-14 or subsection 9-16(1)(a)(i)—(iii) may be granted pursuant to the following;
(i) A request for an exception to the district regulations shall specify the hardship imposed by the regulations and identify, through a water quality impact assessment, the impacts of the proposed exception on water quality and lands within the O-CBP. The water quality impact assessment shall comply with the provisions of the stormwater management ordinance.
(ii) The review committee shall review the request and the accompanying water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this article if they find that:
  1. Granting the exception will not confer upon the applicant any special privileges that are denied by this article to similarly situated property owners in the district;
2. The request is not based on self-imposed or self-created conditions or circumstances, nor does the request arise from conditions or circumstances, either permitted or nonconforming, that are related to adjacent parcels;
3. The request is the minimum necessary to afford relief;
4. The request will be consistent with the purpose and intent of the district and is not of substantial detriment to water quality;
5. Reasonable and appropriate conditions are imposed which will prevent the request from causing a degradation of water quality; and,
6. Other findings, as appropriate and required by the review committee, are met.

Additional considerations:

The intent of the Chesapeake Bay Preservation District is to reduce the amount of non-point source pollution entering the Chesapeake Bay. This is primarily achieved through the application of buffer areas around certain types of wetlands and water bodies. The applicant is proposing to restore the RPA buffer per the Virginia Department of Environmental Quality Riparian Buffer Modification and Mitigation Guidance Manual, as required by condition 3 of the 2014 Committee approval. Additionally, stormwater runoff from the subdivision is being treated through best management practices in accordance with state regulations.

Recommendation
Staff recommends that the Committee authorize encroachment into the RPA buffer with one condition.
Application for
Chesapeake Bay Review Committee

Complete this application in its entirety and submit along with the required materials (listed in Step 2 below) to the following address:

City of Hampton, Community Development Department
22 Lincoln Street, 3rd Floor
Hampton, Virginia 23669

Application for (check one):

☐ Resolution of O-CBD boundary dispute  ☐ Request authorization to encroach into the RPA buffer for:
☐ Non-exempt road or driveway with or crossing the RPA
☐ Development on lot/parcel recorded prior to October 1, 1989
☐ Development on lot/parcel recorded October 1, 1989 – May 12, 2004

☑ Exception to the requirements of:
☐ Section 9-14 2a, General Performance Criteria
☑ Section 9-14 2b, Restrictions applicable to the RPA

1. PROPERTY INFORMATION

Address or Location #79 Old Pond Court (Marple Run - Lot 23)

LRSN 5001246 Zoning District R-11

2. SUBMITTAL REQUIREMENTS & DETAILS

All applications must include:

(1) A recent, to scale physical survey of the property, prepared by licensed surveyor, that must include:
   a. Environmental Site Assessment: RPA, RMA, IDA buffer areas, RPA features, and wetlands drawn and clearly labeled
   b. Erosion and Sediment Control Plan; Silt Fences, Construction Entrances, etc.
   c. All proposed improvements to the property; new buildings, new roads/infrastructure, etc.

; (2) Water Quality Impact Assessment (see attached); (3) Background Information (property deeds, recorded plats, date stamped photos, prior approvals, etc.); (4) application fee of $75 for single-family residential uses, $200 for all other uses, payable to the City of Hampton; (3) a brief written description of hardship or dispute (use following space or submit as a separate document);

Description of request:
The confirmed RPA is shown on the record subdivision plat. The proposed house construction, Venice model, and associated activities would be generally the same design and size of other houses in the area. Surface drainage from the site and house would be directed in a southerly direction, away from the RPA feature. Storm water leaving the site/house would be directed to an on-site Best Management Practice which mitigates pollutant removal, therefore water quality is greatly improved. A copy of the record subdivision plat is attached.

Additional information may be required at the Zoning Administrator’s discretion

Development of any property is subject to compliance with all applicable codes, regulations and ordinances, regardless of whether such is specified in a Chesapeake Bay Review Committee approval

RECEIVED
FEB 06 2017
BY:
3. PROPERTY OWNER INFORMATION
   An individual or a legal entity may be listed

   Owner's Name  Marple Run, LLC
   Address  900 Briarfield Road
   City  Newport News  State  VA  Zip  23605
   Phone  (757) 244-3592
   Email

4. APPLICANT INFORMATION
   (If different from owner)

   Applicant's Name  Davis & Associates, P.C.
   Address  3630 Geo Wash Mem Hwy, Ste. G
   City  Yorktown  State  VA  Zip  23693
   Phone  (757) 867-8583
   Email  StephenJM81@gmail.com

5. APPLICANT AGENT INFORMATION
   (If different from applicant)

   Agent's Name  Donald W. Davis
   Address  3630 Geo Wash Mem Hwy, Ste. G
   City  Yorktown  State  VA  Zip  23693
   Phone  (757) 867-8583
   Email  DDavis@davisandassoc.net

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 3 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 entity (attach additional page if necessary):

   Name of Legal Entity  Marple Run, LLC

   Signed by: Name (printed)  R.L. Mallory  Its (title)  Manager
   Signature  [signature]  Date  8-6-17

   Name (printed)  
   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):

   Signed by: Name (printed)  
   Signature  Date
   Name (printed)  
   Signature  Date
   Name (printed)  
   Signature  Date
R.P.A. MITIGATION CALCULATION:
TOTAL AREA IN R.P.A.: 5,855 SQ. FT.
REQUIRED CREDITS: 5,855/400=15 CREDITS
TO BE PROVIDED/REQUIREMENT:
15 CANOPY TREES, 30 UNDERSTORY TREES & 45 SHRUBS REQUIRED
ALL VEGETATION REMOVED WITHIN THE 100’ R.P.A. BUFFER SHALL BE RESTORED
ACCORDING TO THE DCR RAPIER BUFFER MODIFICATION AND MITIGATION GUIDANCE MANUAL
THOSE PLANTINGS CAN BE LOCATED ANYWHERE ON THE LOT SINCE IT IS ALL IN THE CBPD
EXISTING VEGETATION MAY COUNT TOWARD THE REQUIREMENT BUT IT MUST BE ON LOT 23. PLANTINGS IN THE CITY RIGHT-OF-WAY WILL NOT COUNT TOWARD THE REQUIREMENT

OWNER INFORMATION:
MARPLE RUN, LLC
C/O: ROBERT MALLORY
900 BRIARFIELD ROAD
NEWPORT NEWS, VA 23605
(757) 244-3592
RLMALLORY@MALLORYELECTRIC.COM

CONTRACT PURCHASER:
RYAN HOMES
C/O: ERIC SHIREY
5360 DISCOVERY PARK DRIVE
WILLIAMSBURG, VA 23188
(757) 603-0802
ESHIREY@NVRINC.COM

LINE TABLE

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OLD POND COURT
50’ R/W

LOT 23
10,697 SQ. FT.
(0.2456 ACRE)
ZONE: R-11
LRSN 5001246

VENICE MODEL

RECORD NORTH
P.B. 12, PG. 157

COMMONWEALTH OF VIRGINIA

DAVIS & ASSOCIATES, P.C.
SURVEYORS - PLANNERS
YORK COUNTY, VIRGINIA

PRELIMINARY

JOB LOCATION: #79 OLD POND COURT

LOT 23
MARPLE RUN
CITY OF HAMPTON, VIRGINIA
PLAT BOOK 12, PG. 157

CODE: 16-0017
DWN.BY: S.J.M.
SCALE: 1” = 25’
TO: RYAN HOMES
DATE: 3 JAN. 2017
Worksheet 1
Page 1 of 3

STEP 1  Determine the applicable area (A) and the post-developed impervious cover (I_{post}).

Applicable area (A)* = 7.47 acres

Post-development impervious cover:

(\text{Lot Development}) = 3.16 acres \left(137,792\text{ ft}^2\right) \left[53.5\% \text{ of Lot Acre} \right]

parking lot = \underline{\text{acres}}

roadway = 0.95 acres \left(41,169\text{ ft}^2\right)

other:

\underline{\text{acres}}

\underline{\text{acres}}

Total = 4.11 acres \left(178,901\text{ ft}^2\right)

\text{I}_{\text{post}} = (\text{total post-development impervious cover} \div A) \times 100 = \underline{55\%}

* The area subject to the criteria may vary from locality to locality. Therefore, consult the locality for proper determination of this value.

STEP 2  Determine the average land cover condition (I_{watershed}) or the existing impervious cover (I_{existing}).

Average land cover condition (I_{watershed}):
If the locality has determined land cover conditions for individual watersheds within its jurisdiction, use the watershed specific value determined by the locality as I_{watershed}:

\text{I}_{\text{watershed}} = \underline{34\%}

Otherwise, use the Chesapeake Bay default value:

\text{I}_{\text{watershed}} = 16\%
Worksheet 1
Page 2 of 3

Existing impervious cover ($I_{existing}$):

Determine the existing impervious cover of the development site if present.

Existing impervious cover:

structures = ____ acres
parking lot = ____ acres
roadway = ____ acres
other:
____________ = ____ acres
____________ = ____ acres

Total = ____ acres

$I_{existing} = \left( \frac{\text{total existing impervious cover}}{A^*} \right) \times 100 = ____ \%$

* The area should be the same as used in STEP 1.

STEP 3  Determine the appropriate development situation.

The site information determined in STEP 1 and STEP 2 provide enough information to determine the appropriate development situation under which the performance criteria will apply. Check (✓) the appropriate development situation as follows:

____ Situation 1:  This consists of land development where the existing percent impervious cover ($I_{existing}$) is less than or equal to the average land cover condition ($I_{watershed}$) and the proposed improvements will create a total percent impervious cover ($I_{post}$) which is less than or equal to the average land cover condition ($I_{watershed}$).

$I_{post} \leq \% \cdot I_{watershed} \leq \%$

5D-6
Worksheet 1
Page 3 of 3

Situation 2: This consists of land development where the existing percent impervious cover ($I_{existing}$) is less than or equal to the average land cover condition ($I_{watershed}$) and the proposed improvements will create a total percent impervious cover ($I_{post}$) which is greater than the average land cover condition ($I_{watershed}$).

\[
I_{existing} \leq I_{watershed} \quad \text{and} \quad I_{post} > I_{watershed}
\]

Situation 3: This consists of land development where the existing percent impervious cover ($I_{existing}$) is greater than the average land cover condition ($I_{watershed}$).

\[
I_{existing} > I_{watershed}
\]

Situation 4: This consists of land development where the existing percent impervious cover ($I_{existing}$) is served by an existing stormwater management BMP(s) that addresses water quality.

If the proposed development meets the criteria for development Situation 1, than the low density development is considered to be the BMP and no pollutant removal is required. The calculation procedure for Situation 1 stops here. If the proposed development meets the criteria for development Situations 2, 3, or 4, then proceed to STEP 4 on the appropriate worksheet.
Worksheet 2 : Situation 2

Page 1 of 4

Summary of Situation 2 criteria: from calculation procedure STEP 1 thru STEP 3, Worksheet 1:

Applicable area (A)\* = $\pi \cdot 47$ acres

$I_{post} = (\text{total post-development impervious cover} \div A) \times 100 = \frac{e}{f} \%$

$I_{watershed} = \frac{3}{4} \%$ or $I_{watershed} = 16%$

$I_{existing} = (\text{total existing impervious cover} \div A) \times 100 = \frac{g}{h} \%$

$I_{existing} \frac{g}{h} \% \Leftrightarrow I_{watershed} \frac{3}{4} \%$; and

$I_{post} \frac{e}{f} \% > I_{watershed} \frac{3}{4} \%$

STEP 4 Determine the relative pre-development pollutant load ($L_{pre}$).

$L_{pre(watershed)} = [0.05 + (0.009 \times I_{watershed})] \times A \times 2.28$ (Equation 5-16)

where: $L_{pre(watershed)}$ = relative pre-development total phosphorous load (pounds per year)

$I_{watershed}$ = average land cover condition for specific watershed or locality or the Chesapeake Bay default value of 16% (percent expressed in whole numbers)

$A$ = applicable area (acres)

$L_{pre(watershed)} = [0.05 + (0.009 \times \frac{3}{4})] \times 7.47 \times 2.28$

$= \frac{0.310}{1}$ pounds per year

5D-9
Worksheet 2: Situation 2

Page 2 of 4

STEP 5  Determine the relative post-development pollutant load \( (L_{\text{post}}) \).

\[
L_{\text{post}} = [0.05 + (0.009 \times L_{\text{post}})] \times A \times 2.28 \quad \text{(Equation 5-21)}
\]

where:
- \( L_{\text{post}} \) = relative post-development total phosphorous load (pounds per year)
- \( L_{\text{post}} \) = post-development percent impervious cover (percent expressed in whole numbers)
- \( A \) = applicable area (acres)

\[
L_{\text{post}} = [0.05 + (0.009 \times 55)] \times \frac{7.47}{1} \times 2.28
\]

\[
= 9.28 \quad \text{pounds per year}
\]

STEP 6  Determine the relative pollutant removal requirement (RR).

\[
RR = L_{\text{post}} \times L_{\text{pref(watershed)}}
\]

\[
RR = \frac{9.28}{0.06} \quad \Rightarrow \quad 0.06
\]

\[
= 3.22 \quad \text{pounds per year}
\]

STEP 7  Identify best management practice (BMP) for the site.

1. Determine the required pollutant removal efficiency for the site:

\[
\text{EFF} = \left( \frac{RR}{L_{\text{post}}} \right) \times 100 \quad \text{(Equation 5-22)}
\]

where:
- \( \text{EFF} \) = required pollutant removal efficiency (percent expressed in whole numbers)
- \( RR \) = pollutant removal requirement (pounds per year)
- \( L_{\text{post}} \) = relative post-development total phosphorous load (pounds per year)

\[
\text{EFF} = \left( \frac{3.22}{9.28} \right) \times 100
\]

\[
= 3.5 \quad \%\)

5D-10
Worksheet 2 : Situation 2
Page 3 of 4

2. Select BMP(s) from Table 5-15 and locate on the site:

BMP 1: __________________________

BMP 2: __________________________

BMP 3: __________________________

3. Determine the pollutant load entering the proposed BMP(s):

\[ L_{BMP} = [0.05 + (0.009 \times I_{BMP})] \times A \times 2.28 \quad \text{(Equation 5-23)} \]

where:
- \( I_{BMP} \) = relative post-development total phosphorous load entering proposed BMP (pounds per year)
- \( A \) = drainage area of proposed BMP (acres)

\[ L_{BMP1} = [0.05 + (0.009 \times \text{______})] \times \text{______} \times 2.28 \]

= ________ pounds per year

\[ L_{BMP2} = [0.05 + (0.009 \times \text{______})] \times \text{______} \times 2.28 \]

= ________ pounds per year

\[ L_{BMP3} = [0.05 + (0.009 \times \text{______})] \times \text{______} \times 2.28 \]

= ________ pounds per year

5D-11
Worksheet 2: Situation 2
Page 4 of 4

4. Calculate the pollutant load removed by the proposed BMP(s):

\[ L_{\text{removed}} = \text{Eff}_{\text{BMP}} \times L_{\text{BMP}} \quad \text{(Equation 5-24)} \]

where:
- \( L_{\text{removed}} \) = Post-development pollutant load removed by proposed BMP (pounds per year)
- \( \text{Eff}_{\text{BMP}} \) = pollutant removal efficiency of BMP (expressed in decimal form)
- \( L_{\text{BMP}} \) = relative post-development total phosphorous load entering proposed BMP (pounds per year)

\[ L_{\text{removed/BMP1}} = 0.40 \times 8.88 = 3.55 \text{ pounds per year} \]

\[ L_{\text{removed/BMP2}} = \text{_____} \times \text{_____} = \text{_____} \text{ pounds per year} \]

\[ L_{\text{removed/BMP3}} = \text{_____} \times \text{_____} = \text{_____} \text{ pounds per year} \]

5. Calculate the total pollutant load removed by the BMP(s):

\[ L_{\text{removed/total}} = L_{\text{removed/BMP1}} + L_{\text{removed/BMP2}} + L_{\text{removed/BMP3}} + \ldots \quad \text{(Equation 5-25)} \]

where:
- \( L_{\text{removed/total}} \) = total pollutant load removed by proposed BMPs
- \( L_{\text{removed/BMP1}} \) = pollutant load removed by proposed BMP No. 1
- \( L_{\text{removed/BMP2}} \) = pollutant load removed by proposed BMP No. 2
- \( L_{\text{removed/BMP3}} \) = pollutant load removed by proposed BMP No. 3

\[ L_{\text{removed/total}} = \text{3.55} + \text{____} + \text{____} + \ldots \]

\[ = \text{3.55} \text{ pounds per year} \]

6. Verify compliance:

\[ L_{\text{removed/total}} \cdot RR \]

\[ 3.55 \times 3.22 = 11.60 \]

5D-12