

STAFF EVALUATION

To: Planning Commission

Prepared By: E. Marotta
Reviewed By: C. Butler

728-5238
728-5231

Case No.: Rezoning #1241

Date: March 12, 2007

General Information

Applicant Billie Milner, Attorney for the owner

Owner Daniel Rosinski

Requested Action and Purpose Rezone one parcel from One Family Residence District (R-11) to Neighborhood Commercial District (C-1) with conditions to allow a retail drug store.

Size and Location **Physical Address:** 1227 Big Bethel Road
The 1.43± acre parcel is located at the northwest corner of Big Bethel Road and Hampton Roads Center Parkway.



Property location



Property address on Big Bethel Road

Existing Zoning and Land Use

This property is currently vacant. It is zoned One-Family Residence District (R-11), which by-right permits churches and single-family detached residences at a density of up to 4.5 units per acre. At a minimum, lot sizes must be 9,000 square feet, have a minimum of 70' of frontage along a public street, and houses must be at least 1,700 square feet.

By-right, this property could be split to accommodate two single-family residences. An approved subdivision would be required to develop 3 or more lots.

Existing Zoning Map

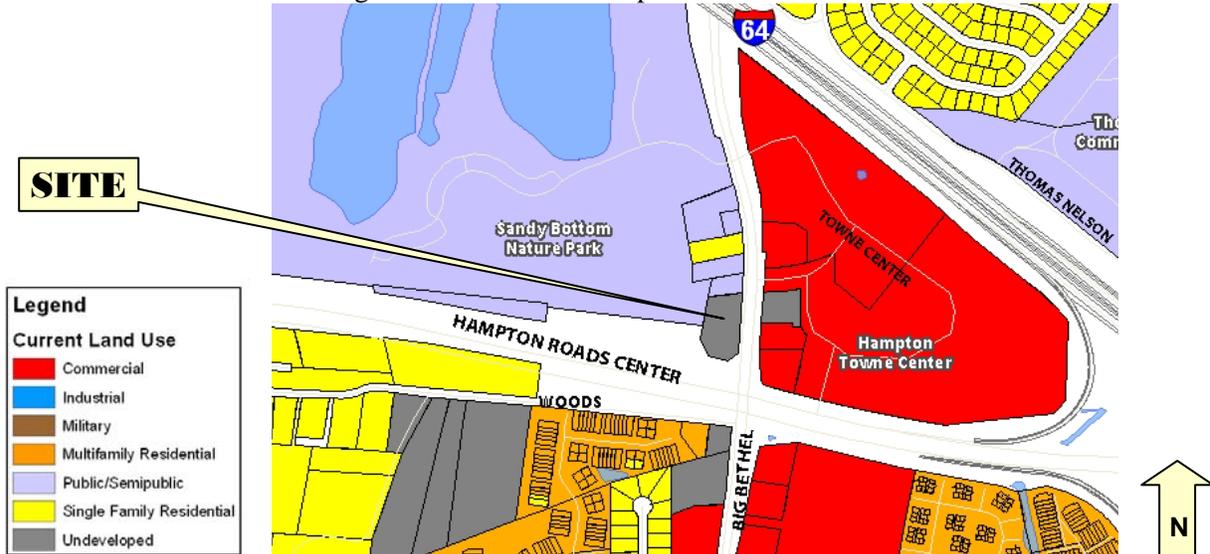
Existing Zoning is R-11



(The area north of Hampton Roads Center and west of this site that is zoned residential (R-11) is part of the Hampton Roads Center Parkway right-of-way and is not a developable lot.)

Existing Land Use Map

Existing Land Use is Undeveloped



Surrounding Land Use and Zoning

North: The parcel immediately to the north (#1233 Big Bethel Road) and the one beyond that (#1235 Big Bethel Road) are vacant and have been acquired by the City to be incorporated into the park. A single-family house is beyond that (#1237 Big Bethel Road), followed by two vacant parcels (#1241, #1245 Big Bethel) the City has also acquired to be incorporated into the park. One parcel is zoned **C-1**; this parcel has always been zoned C-1. The other parcels are zoned **R-11** (see Existing Zoning map above.)

South: **R-11:** Hampton Roads Center Parkway right-of-way is immediately adjacent, with multi-family residential, two vacant parcels, one commercial property, and Michaels Woods subdivision across the street; these uses are behind a concrete sound barrier.

East: **C-1:** Big Bethel Road is immediately adjacent to the site, with Hampton Towne Center beyond. There is a Farm Fresh, Rite- Aid, AMC 24 Theater, and Chuck-E-Cheese in the shopping center, among other neighborhood commercial uses. Portions of the shopping center site fall within Langley’s Aircraft Approach overlay zone.

West: The southern half of the western property line abuts right-of-way zoned R-11, while the northern half is adjacent to Sandy Bottom Nature Park, zoned Special Public Interest District- Public Land (**SPI-PL**)

Proposed Zoning and Proffered Conditions:

This application proposes to rezone the property to Neighborhood Commercial District (C-1) to allow the development of a retail drug store and associated parking. Proffers have been provided that address architectural style, quality, materials, signage, and Planning Director approval of design-related elements.

Required setbacks in C-1:

Front: There is no required front yard setback in the C-1 district.

Side yards: The required side yard along the northern property line would be approximately 40’ and the side yard along the corner facing Hampton Roads Center Parkway would be at least 15’.

Rear: The required rear yard would be approximately 20’.

A brief summary of the six (6) proffered conditions are as follows (please see application for detailed document):

- Uses shall be limited to a retail drug store.
- Site plan with access via a new public road and two curb cuts on Big Bethel Road
- Architectural review by Planning Director for design, materials, and colors
- Landscape plan review by Planning Director
- Construction of proposed new entrance road, 4th leg of intersection, signal improvements, and traffic improvements as recommended in approved traffic study
- Monument style signage with Planning Director approval

Proposed Contract:

Because some of the improvements that are being offered are off-site (such as constructing the new road to Sandy Bottom, the \$1,000,000 donation in lieu of the road, and traffic improvements at Hampton Towne Center intersection- See

attached Contract for details), they could not be included as proffered conditions. Therefore, they are being offered under a proposed contract with the City.

A draft of the contract, which is still being developed, is attached to this application along with a letter of intent from the applicant. The City Attorney’s office is satisfied that the letter of intent and draft of the contract is sufficient enough for staff to consider the promises proposed in the contract as part of the application and evaluation of the possible public benefit of rezoning.

In essence, the contract would facilitate the developer donating #1237 Big Bethel Road to the City for the purposes of agglomerating it into the park and for the purposes of relocating the existing Big Bethel Road entrance drive to Sandy Bottom Nature Park to the proposed new signalized intersection. In exchange, the City would grant the developer ingress/egress rights across #1233 Big Bethel Road in order to access #1227 Big Bethel Road. This agreement would tie the developer to building the fourth leg of the Hampton Towne Center/ Big Bethel Road intersection and providing traffic improvements (traffic signal, striping, etc...) as recommended by the City Traffic Engineer and December 2006 Traffic Study prepared by Kimley-Horn.

If the rezoning is approved at the first reading of Council, the contract would then be presented with the rezoning at the second reading.

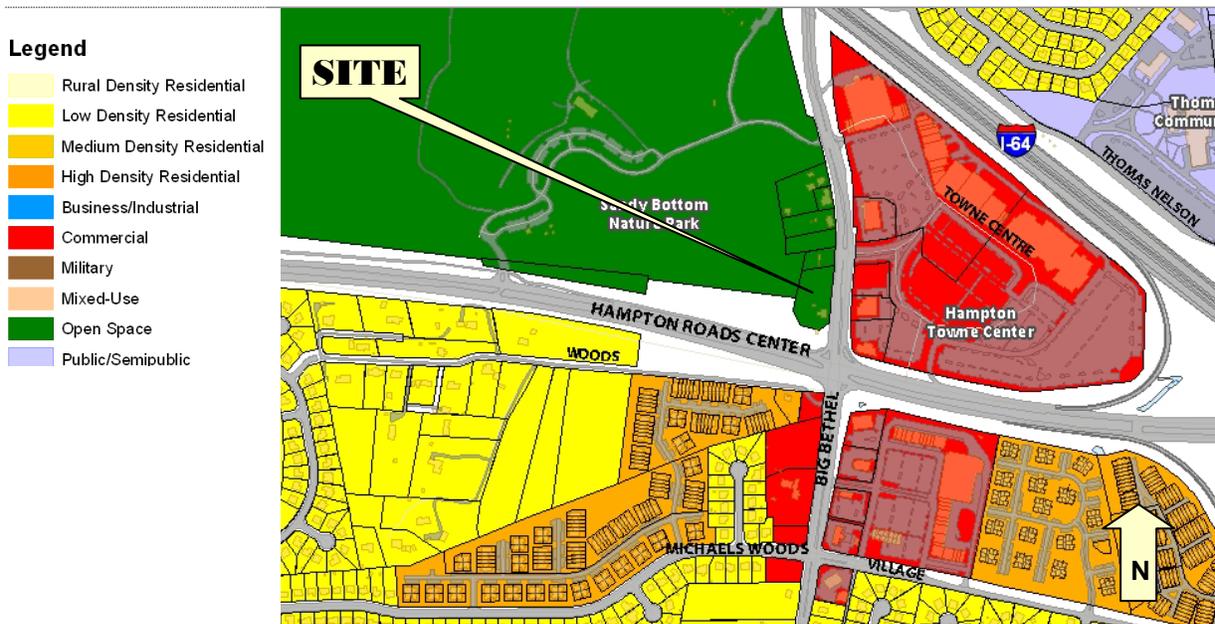
**The presence of the contract with the application is not in anyway a sign that staff supports the content of the contract. There are issues with the contract proposals that Staff does not support:

For example, while the contract proposes the applicant will build the new entrance road to Sandy Bottom, or, if he cannot due to environmental constraints, he will donate one million dollars to the City for the Park, City Staff does not recommend building a new entrance road into Sandy Bottom Nature Park, and does not believe it would be wise or feasible to build the road because of environmental constraints. Therefore, in essence, the contract would facilitate the fourth leg of the intersection being built solely to provide signalized access to the proposed drugstore. With respect to the alternative cash donation, Staff and the Friends of Sandy Bottom Nature Park are not willing to compromise the integrity of the park for such donation.

While this is a detailed issue not directly pertinent to the land use question, it is relevant to the application because at first glance, one may see the proposed contract and interpret the new entrance road to Sandy Bottom as being a public benefit, or benefiting the park.

Public Policy:
Hampton
Community Plan
2006
(as amended)

The Hampton Community Plan (2006, as amended) is a long range comprehensive plan that establishes a common vision for the City the future. While recommendations of the plan may take years to implement, the vision established by the Plan serves to guide all public policy and land use decisions to ensure that all changes contribute to forwarding a common goal.



The Hampton Community Plan (2006, as amended) Land Use Plan recommends “Open Space” for this area, and all properties fronting on the west side of Big Bethel Road between Interstate 64 and Hampton Roads Center Parkway. “Open Space” is defined as areas of over 10 acres where future development is limited due to the presence of natural features or development easements, and includes protected and enhanced natural areas that are appropriate for education and recreation.

This plan, as well as the 2010 Comprehensive Plan that precedes it, recommends that the land use of all of the property bounded by Interstate 64 to the north, Hampton Roads Center Parkway to the south, the Newport News line to the west, and Big Bethel Road to the east be “Open Space” and that those properties are incorporated into Sandy Bottom Nature Park in order to maximize on opportunities to protect and enhance the City’s second largest nature park.

Land Use and Community Design:

This chapter recommends how to use our land in the most efficient and responsible manner possible. Because the development potential of land is often hinged on natural and environmental constraints, the recommendations of this chapter are sensitive to the inherent value and sensitivity of our undeveloped and natural lands. Specific objectives were adopted in order to “*promote harmonious development and the achievement of public interest objectives, such as community facilities and environmental requirements (LU-2).*” Other objectives that were adopted include “*Recognize environmental constraints and opportunities*” and “*Recognize land as a limited resource.*”

Policies, which are specific recommendations to help implement these goals, were also adopted. The policies that apply to the review of this application include:

- LU-CD 4: “Evaluate proposals from a regional, city-wide, and neighborhood perspective.”
- LU-CD 10: “Promote high quality design and site planning that is compatible with surrounding development.”
- LU-CD 15: “Preserve and enhance the identity and scenic qualities of

city corridors and gateways.”

The intersection of Big Bethel Road and Hampton Roads Center Parkway serves as the regional gateway to Sandy Bottom Nature Park; therefore it is essential that the natural atmosphere and appearance of this corner be preserved. Allowing commercial development at this important gateway would not enhance the presence or image of the park.

Environmental Stewardship

The Open Space Plan identifies key locations that should be preserved for parks and/or open space. The plan recommends Sandy Bottom Nature Park and all of the property within the boundaries of I-64, the Hampton/Newport News city line, Big Bethel Road, and Hampton Roads Center Parkway be preserved as “Parks and Open Space.” As this Staff Evaluation will detail, there are particular environmental features and assets present in this area, such as wetlands and endangered species, that make the best use of this land “Open Space.”

This chapter of the Plan also defines several objectives related to protecting and enhancing our natural environment and providing opportunities to teach about the environment:

- Objective 5: “*Protect and improve the natural features found in Hampton: wetlands, forested areas... and habitats for rare, threatened, and endangered species.*” There are two known protected/endangered species habitats in Sandy Bottom Nature Park, as well as jurisdictional wetlands. Preserving land immediately adjacent to these areas and creating a buffer between intensely developed areas along Big Bethel Road and the wildlife habitats will help ensure the viability and success of those habitats.
- Objective 15: “*Expand opportunities for enjoying the environment.*”
- Objective 16: “*Promote the open space environment as an asset, valued for aesthetics, recreation, and protection of wildlife habitats.*”

This chapter also establishes specific implementation recommendations:

- ES Policy 17: “*Identify and protect highly valued natural resources in order to preserve their beneficial functions for clean water, clean air, and natural habitat.*” This property has been identified as a property that should ultimately be protected as park/open space.
- ES Policy 18: “*Promote the preservation and enhancement of functional open spaces such as greenways, blue-ways, and wildlife habitat corridors.*”

In essence, this chapter provides guidance for protecting and improving the natural features and established parks and open spaces found in Hampton, promoting environmental education, expanding opportunities for enjoying the environment, and promoting open space for the benefit of the whole city.

Community Facilities

Our city amenities, such as schools, public buildings, and city parks, are acquired, developed, and maintained for the benefit of all Hampton citizens—citizens now and those generations to come. Community facilities are so important to the overall health and quality of life in Hampton that the Community Plan includes a chapter devoted to community facilities and how they should be protected in land use and public policy issues. The Plan identifies Sandy Bottom as a “Feature Park” in Hampton and references the *Parks and Recreation Master Plan* for park-specific policy recommendations (CF-13).

Public Policy:
Parks and
Recreation
Master Plan
2020 (as
amended)

The *Hampton Parks and Recreation Master Plan 2020* was adopted by City Council in December 1997 and amended October in 2001. Its purpose is to serve as a “guideline to aid decision makers in the difficult task of evaluating choices that will effect Hampton’s future.”

It states that the City of Hampton, “**as the primary stewards of public lands, assumes the responsibility of managing or administering the use of land and water resources. The city’s land use decisions, therefore, should emphasize the maximum use and enjoyment of available resources while also conserving and enhancing future recreational and lesiure opportunities.... To ensure effective open space planning, the City must develop land use policies which recognize the need and importance of evaluating each new land use in terms of the projected impact on Hampton’s recreational opportunities.**”

Sandy Bottom Nature Park is identified as a City-Wide Facility, designed to serve the interests of the entire Hampton citizenry, and is second in size only to Grandview Nature Preserve. This plan recommends that all city-wide parks adopt Master Plans to guide in land use and resource decision-making, and that Sandy Bottom “expand environmental education programs and facilities.”

Public Policy:
Sandy Bottom
Nature Park
Master Plan
1992

(*Sandy Bottom*) *Nature Park Master Plan* (October 1992) was created with the input of City Staff, Hampton citizens, and a private service organization known as Coalition for the Promotion of Recreational Opportunities. Its goal is to create a unified vision specifically for the future of Sandy Bottom Nature Park, so that as properties within the recommended boundaries could be acquired, and as funds become available to improve the park, the changes that were implemented contributed to a common vision and objectives.

Like the Hampton Community Plan, *Hampton Parks and Recreation Master Plan*, and the 2010 Comprehensive Plan that preceded it, **this plan recommends all properties within the boundaries created by Interstate 64, the (future) Hampton Roads Center Parkway, Big Bethel Road, and the Newport News city line be acquired over time and be incorporated into the park. The presence of wetlands and protected species within these boundaries, and the need to create a natural buffer along the major roads made the existing rights-of-way logical and effective boundaries.** And, “by acquiring the remaining privately owned parcels located within these boundaries the city could better control the use of the property and prohibit uses that would conflict with the environmentally sensitive balance created within the park.” (Sandy Bottom Master Plan-Land Acquisition Statement)

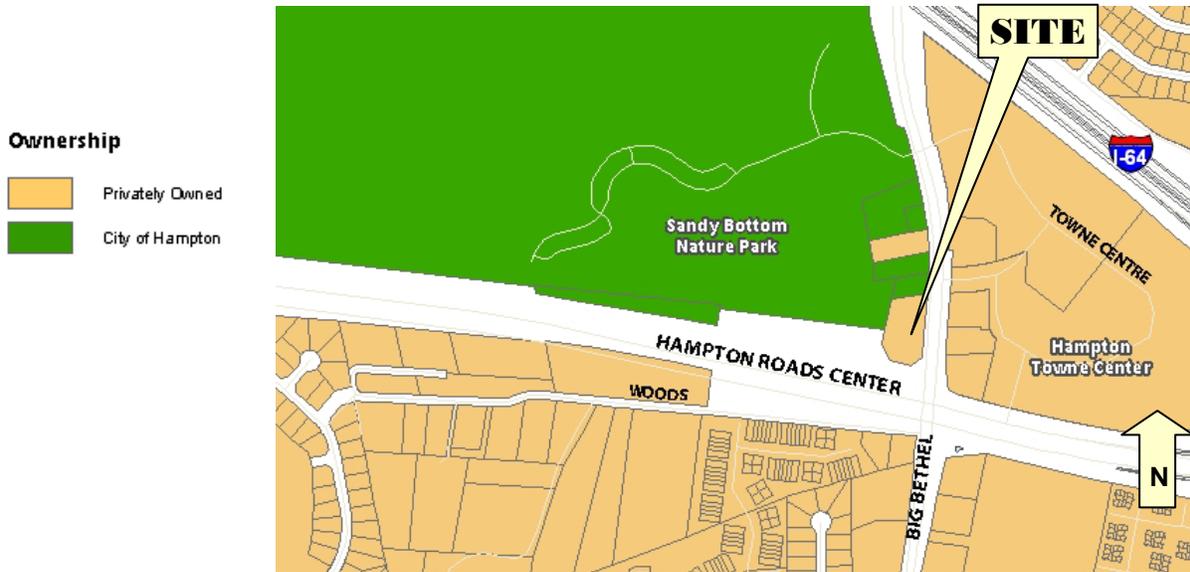
It goes on to state that “land use restrictions need to be established for land adjacent to the park to ensure that the educational, biological, historical, recreational, and natural resources are protected.”

The adoption of the Hampton Community Plan (2006, as amended) Land Use Plan recommendation that all land fronting on the west side of Big Bethel Road between Interstate 64 and Hampton Roads Center Parkway is “Open Space” is part of the implementation of this recommendation.

Special Information

Park Expansion and Additional Property Acquisition

Since the inception of the park, City policy has been to expand the park to the boundary created by Big Bethel/ Hampton Roads Center, I-64, and the Newport News City line. Although still a “work in progress,” the City has worked to acquire a number properties to agglomerate into Sandy Bottom Nature Park. The current ownership status of properties is illustrated in a map on the next page. As the map shows, the City has acquired all but two properties for expansion of the park to Big Bethel Road; the applicant owns one of these properties (1227) and has an option to buy on the other (1237).



Since 1997 the City has offered to buy both 1227 and 1237 Big Bethel Road for the assessed and market value of the property but the owners declined the offer. Because the owners of both properties were asking far above the assessed values of the residentially-zoned properties, the City has not purchased them thus far.

Previous Rezoning Inquiries

Rezoning Application #1059 was submitted in 1997 for 1237 Big Bethel Road (three properties to the north.) That application requested to rezone the property from R-11 to C-1 for general neighborhood commercial uses as permitted in the Zoning Ordinance. Council denied the application on the basis that all of our public policies clearly set forth a vision for Sandy Bottom Nature Park to extend from I-64 to Hampton Roads Center Parkway, and from the Newport News City Line to Big Bethel Road. They did not, and the public did not, support any commercial infringement on those boundaries.

While there have not been any official rezoning applications for 1227 Big Bethel Road (the subject of this request), there have been a number of inquiries in the last 10 years. Most noteworthy is the Exxon Corporation pursuing rezoning this corner parcel for a gas station. Public opposition was substantial; the public supported all of our adopted land use policies which called for the expansion of the park onto that site and they did not want any commercial uses infringing on the integrity of that side of Big Bethel Road. Recognizing he did not have the support of Planning staff or the public, the applicant did not submit his application.

*Traffic and
Access***ACCESS:**

There are a number of traffic concerns related to developing this property. First, because Hampton Roads Center Parkway is a limited access road, ingress/egress would be limited to Big Bethel Road. Second, because this site is so close to the intersection of Big Bethel Road and Hampton Roads Center Parkway any curb cuts to the property would be in the west-bound turn lane to Hampton Roads Center Parkway. To overcome these problems, the applicant has suggested providing access to his site via a new fourth leg of the Hampton Towne Center/ Big Bethel Road intersection that will provide access to his site, as well as *possibly* providing a relocated access drive to Sandy Bottom Nature Park.

As mentioned above, off-site improvements that are not specifically generated and necessitated by the rezoning itself cannot be proffered. The improvements described above would take place within the public right of way and on City property. And, these proposed off-site improvements are not necessitated by the rezoning. Therefore, instead of proffering those improvements, the applicant has included in his proposal a contract (draft attached) to be presented to City Council with the second reading of the rezoning application.

The conceptual site plan proffered proposes the main access to the site be via a new fourth leg of the Hampton Towne Center/ Big Bethel Road Intersection. This new access would line up with the existing entrance to Hampton Towne Center and cross over the city-owned #1233 Big Bethel Road where it would terminate in a dead-end with the option to turn left into the proposed drug store site (#1227 Big Bethel Road) or turn right onto a relocated entrance to Sandy Bottom Nature Park*. (*Note: At this time City Staff, including Parks and Recreation and Planning, does not support relocating the entrance to Sandy Bottom Nature Park. Details related to this are discussed in the *Traffic Through Sandy Bottom* section below.)

In order to develop the fourth leg of the intersection, the applicant would have to enter into an agreement with the City to allow him the right of ingress/egress across the City-owned property at #1233 Big Bethel Road. And, the City would expect the developer to enter into a maintenance agreement with the City to maintain his access drive to a specified standard. This agreement would be enabled via a contract between the applicant and City Council.

TRAFFIC STUDY:

The applicant reasons that adding a fourth leg will improve the safety of Sandy Bottom Nature Park and thus provide a substantial public benefit. The City Traffic Engineer has reviewed the traffic study supplied by the applicant and has concluded that adding a fourth leg to the intersection will slightly reduce the efficiency of the existing Big Bethel Road/ Hampton Towne Center intersection, and, there is not an overwhelming public benefit in doing so. He summarized his findings and stated that “based on the existing traffic data and potential environmental and construction issues with relocating the Sandy Bottom entrance road, the overall benefit to the City appears limited.” He went on to explain that actual traffic volumes using the Big Bethel entrance are minimal, and modifying the existing entrance to the park on Big Bethel Road to only allow left-in, right-in, and right-out may be an effective way to improve any safety and traffic concerns at that entrance.

In conclusion, developing the fourth leg of the intersection will slightly degrade the intersection’s level of service. However, there is no overwhelming public benefit for allowing the degradation of the intersection at all, since due to wetland, habitat, and traffic concerns the City does not plan to move the entrance to Sandy Bottom Nature Park, and the new intersection will only serve to access the proposed drug store site.

If the City does not permit the fourth leg to be constructed (if City Council does not approve the proposed contract), this proposed project will only have right-in, right-out access via curb-cuts located in the southbound right turn lane to Hampton Roads Center Parkway.

Traffic through Sandy Bottom

According to the Parks and Recreation Department and Sandy Bottom Nature Park Park Rangers, traffic cutting through Sandy Bottom Nature Park has become a concern. When traffic backs up at the Hampton Roads Center Parkway/ Big Bethel Road intersection, cars cut through the park to avoid the intersection. Park administrators are in the process of investigating traffic calming measures to discourage cutting through the park.

They have concerns that creating a new signalized entrance to the park on Big Bethel Road will increase the amount of traffic using Big Bethel Road to access the park and will facilitate more traffic cutting through the park. The original master plan did call for the main park entrance to be off of Big Bethel Road, however that was before the expansion of Hampton Roads Center Parkway and before the creation of the park’s official main entrance was approved there.

Park administrators would like the main entrance to remain on Hampton Roads Center Parkway, and discourage making the second entrance on Big Bethel Road more attractive to users. In accordance with the original master plan, they would prefer to see the existing entrance on Big Bethel Road used more for service and emergency use.

There was a plan produced by the City’s Public Works Department in the 1990s showing a new access road from the proposed intersection, however that plan was never endorsed by Council or adopted as official city policy.

Environmental-Wetlands

There are no known wetlands on *this* site that would prohibit the development of this parcel for the proposed use.

However, this application includes provisions (via a proposed contract between the city and the developer) for donating land to the city for the purposes of creating a new entrance to Sandy Bottom Nature Park. The land that is the subject of that contract does contain non-tidal wetlands that would be impacted if a road or entrance drive were constructed. The City would be required to submit a Joint Permit Application prior to the finalization of any plans and prior to any construction. The first test for approving an application is to prove that there are no alternatives for access to a site. In this case, Sandy Bottom Nature Park already has two existing entrances and the applicant would be hard-pressed to convince the Chesapeake Bay Review Committee, the Army Corps of Engineers, and/or and the Department of Environmental Quality that relocating the existing entrance is absolutely necessary. For that matter, the City does not wish to build this new access road at this time.

Environmental-

There are two known endangered and protected species that live in this area of

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|---------------------------------|--|
| <i>Protected Species</i> | the park; Canebrake rattlesnake (endangered) and Mabee’s salamander (protected) habitats have been confirmed in Sandy Bottom Nature Park and next to the parcel that is the subject of this rezoning. |
| <i>Environmental-AICUZ</i> | This parcel falls within Langley Air Force Base’s Air Installation Compatible Use Zone for the 70-75 db NDL Noise Contour. This means that development within this contour should provide noise attenuation measures for the comfort of customers, but it is not required. |
| <i>Utilities-Sanitary Sewer</i> | <p>Sanitary sewer is not available on this site at this time. There are three possible ways to get service to the site, although each option is highly impractical; the development of this property, should the rezoning be approved, will hinge on getting sanitary sewer service to the site.</p> <p>The nearest available tie-in is at the Farm Fresh across Big Bethel Road. Permission from the property owner would be required to tie into their system, although at this time the property owner reports to City staff that the private system cannot accommodate additional capacity.</p> <p>A second option would be to extend the line from Michaels Woods, under Hampton Roads Center Parkway, and to the site. This option would require extensive construction to jack-and-bore the line under Hampton Roads Center Parkway. This option would require a license agreement with the City.</p> <p>Third, there is an existing line that runs through the woods behind the subject property, from Sandy Bottom visitor’s center, under Hampton Roads Center Parkway, to a manhole in Michael’s Mews townhouses. It is possible that a connection could be made from the subject site to this manhole, if the following conditions are met:</p> <ol style="list-style-type: none"> 1. The developer would have to conduct engineering studies of the capacity of the existing force main to accept the flows from the subject development and of the impact of the new connection on the existing City sewage pumping facilities at Sandy Bottom Nature Park, to ensure there would be no impacts on the City facilities. 2. If the studies identified impacts, and if those impacts were able to be mitigated, then the cost of mitigation would be the developer’s responsibility. 3. The developer would also have to acquire from the City an off-site private easement for the new sewer from the developer’s property line to the location of the existing line. The location and width of the easement would need to be reviewed by the staff to ensure minimal impacts to trees on City property. 4. And, the developer would be responsible for paying for all permits and inspections by the City for the new force main and connection to the City’s sewer line. <p>In conclusion, providing sanitary sewer to the site appears to be a formidable and costly obstacle to developing this site. If it can be done, the developer must incur the costs of extending the service to the site.</p> |
| <i>Schools</i> | This request is to rezone residentially zoned property to commercial. It would not result in increased enrollment. |
| <i>Community Meetings</i> | The applicant met with Friends of Sandy Bottom Nature Park on January 25 th , 2007. Following a presentation by the applicant, which included the proposed \$1,000,000 donation, the Friends voted to NOT support the rezoning request. That letter is attached to this package. |

The applicant met with the Northampton Civic League on March 6th, 2007. The Northampton Civic League voted to NOT support this rezoning request.

Analysis

This application requests to rezone a residentially-zoned property to C-1 to develop a retail drug store at 1227 Big Bethel Road. The property is not only at the corner of a major intersection (Big Bethel Road and Hampton Roads Center Parkway), but is also adjacent to Sandy Bottom Nature Park, the City's second largest nature preserve.

As described in detail in the above *Policy* sections of this Staff Evaluation, all of Hampton's adopted planning policies, including the Hampton Community Plan (2006, as amended) Land Use Plan, *Parks and Recreation Master Plan 2020 (as amended)*, and *(Sandy Bottom) Nature Park Master Plan* recommend the future land use of the properties on the west side of Big Bethel Road between Interstate 64 and Hampton Roads Center Parkway be "Open Space" for the purposes of:

- Expanding the city's second largest park and creating successful buffers
- Preserving and enhancing the protected natural areas
- Expanding the environmental education opportunities the park provides
- Providing top-rate community and park facilities for the citizens of Hampton

By converting the properties along Big Bethel Road and agglomerating them into Sandy Bottom Nature Park, the City can create a substantial and effective buffer between the highly developed and traveled areas of Hampton Towne Center, Big Bethel Road, Hampton Roads Center Parkway and the pristine, natural, and endangered habitats in the park. Public land use policy has always recommended the expansion of Sandy Bottom Nature Park to the boundaries created by these major roads. Any development proposal proposing otherwise would have to demonstrate an overwhelming public need in to order amend these recommendations. Therefore, the key issue associated with this application is: **Will the proposed use benefit the public and forward the objectives of the park to such a degree that it is worth compromising the integrity of the intended buffer and amending all of our adopted land use policies that recommend Open Space for this area?**

After careful consideration, Staff concludes that this application does not offer any evidence that rezoning the property to permit a retail drug store at this corner will provide an overwhelming public benefit. Our adopted policies were developed with the current and future citizenry of Hampton in mind, and in the interest of preserving natural habitats for the benefit, education, and enjoyment of all, the best use of the property in the long term is for Parks and Open Space.

Proffers:

The applicant has proffered six (6) conditions intended to ensure that should a retail drug store be permitted on this site, the architecture and design of the project will reflect the natural setting of adjacent Sandy Bottom. While no elevations or specific materials lists have been submitted, the attached proffers give the Planning Director design review of the project, including elevations, materials, colors, landscaping, and signage. While these proffers go a long way to ensure the quality of the design, they do not change the fact that at its core, the request to rezone this property for a commercial use is in direct opposition to the vision and objectives of the Hampton Community Plan (2006, as amended) and the many other public policies that recommend preserving this land as Open Space for all of the educational, biological, natural, historical, and recreational opportunities that Sandy Bottom Nature Park offers the entire citizenry of Hampton.

Contract:

In addition to the proffered conditions, a contract will be presented to Council to propose off-site improvements. These include:

- Developing the fourth leg of the Big Bethel Road/ Hampton Towne Center intersection
- Donating #1237 Big Bethel Road to the City for the purposes of incorporating it into the park
- Either building a new entrance road to Sandy Bottom Park from the proposed new fourth leg of the intersection, or, donating one million dollars to the City for use by the park.

Since these are off-site proposals not necessitated by the rezoning and cannot be included in the proffers, the applicant has attached a letter of intent and draft version of a contract to his application. Should City Council vote to approve this rezoning request at the first reading, the applicant would present this contract at the second reading. This way, the rezoning and contract could be approved simultaneously, and the proffered conceptual site plan can reflect what the applicant is proposing ultimately.

Summary

This property is one of two properties fronting on Big Bethel Road that the City does not own. The City has been acquiring properties along Big Bethel Road for the expansion of Sandy Bottom Nature Park for years, and while this application offers to donate one of those two parcels to the City for the park, if approved it would also permanently preclude the possibility of the corner parcel ever being incorporated into the park. While it may take years to acquire both of these two additional properties, we should not compromise our vision or the long term integrity of Sandy Bottom Nature Park for a short sighted solution to acquiring one of the parcels.

Recommendation:

Staff recommends denial of Rezoning application #1241 as being in direct opposition to the goals and objectives of the Hampton Community Plan (2006, as amended), The Parks and Recreation Master Plan 2020, (Sandy Bottom) Nature Park Master Plan, and other adopted city policies.

If you have any questions regarding this case or recommendation, please contact Elizabeth Marotta, City Planner at emarotta@hampton.gov or at 728-5238.