



Amended  
Application for  
**Rezoning**

OFFICE USE ONLY  
Date Received:

**RECEIVED**

FEB 25 2013

**PLANNING DEPT.**

Case Number: RZ 1310-2013

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

**1. PROPERTY INFORMATION**

(1) 978 Big Bethel Road, Hampton, Virginia  
Address or Location (2) 1014 Big Bethel Road, Hampton, Virginia

LRSN (1) 4001445 (1) C-1 (1) C-2  
LRSN (2) 4001446 Current Zoning District (2) R-11 Proposed Zoning District (2) C-2

Current Land Use Vacant Land

Proposed Land Use Funeral Home, Crematorium

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

The lot line between Parcel 1 and Parcel 2 will be vacated.

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

Owner's Name SLL Properties, LLC, J. Robert Harris, III, Manager

Address 34 Queens Way City Hampton State VA Zip 23669

Phone (757) 722-2131 Email JRobertHarris@justice.com

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

Applicant's Name TR Development Hampton, LLC

Address 5900 E Virginia Beach Blvd. City Norfolk State VA Zip 23502

Phone (757) 459-2374 Email ChrisS@CDSI-VA.com

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

Agent's Name Michael G. Sweeney, Esq.

Address 1105 Madison Plaza, Suite 120 City Chesapeake State VA Zip 23320

Phone (757) 819-6980 Email msweeney@alo.hrcoxmail.com

### 5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS

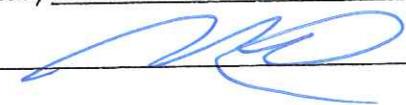
Complete this section only if the property owner is not an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.

"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 SLL Properties, LLC

Signed by: Name (printed) J. Robert Harris, III, Its (title) Manager

Signature  Date 2/25/13

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"/> Proffer Statement
<input type="checkbox"/> Application Fee	<input type="checkbox"/> Survey Plat	<input type="checkbox"/> Additional materials (if required)

**AMENDED NARRATIVE STATEMENT**

Amended Application for Rezoning  
978 Big Bethel Road, Hampton, Virginia, LRSN No. 4001445  
1014 Big Bethel Road, Hampton, Virginia, LRSN No. 4001446

**I. Need For Rezoning.**

**Current Condition of Parcel I.**

Parcel No. 04C038 00 00000,  
978 Big Bethel Road, Hampton, Virginia  
Acres: 2.7815 acres  
Current Zoning: C-1  
New Zoning: C-2  
Current Comprehensive Plan Designation: Commercial

**Current Condition of Parcel II.**

Parcel No. 04C039 00 00000  
1014 Big Bethel Road, Hampton, Virginia  
Acres: 1.86 acres  
Current Zoning: R-11  
New Zoning: C-2  
Current Comprehensive Plan Designation: Residential

**II. Proposed Use Of The Site.**

The applicant proposes to re-zone Parcels I and II so as to permit the construction of a funeral home and crematorium.

**Parcel I.**

Parcel I is currently zoned C-1 and the applicant proposes to rezone Parcel I to C-2 so as to construct a funeral home and crematorium.

**Parcel II.**

Parcel II is currently zoned R-11. The applicant proposes to rezone Parcel II to C-2 so as to construct a parking area and storm water facility to serve the funeral home and crematorium.

**III. Description of New Structures To Be Constructed.**

**Parcel I.**

The applicant plans to construct a single-story funeral home and crematorium at Parcel I. The building materials and roof line shall consist of upscale, quality building materials and shall be constructed so as to be compatible with the surrounding area. Please see the attached site plan, floor plan, and elevation for the proposed structures.

**Parcel II.**

The applicant plans to construct a parking area and storm water facility to serve the funeral home and crematorium. Please see the attached site plan.

**IV. Anticipated Impact to Adjacent Structures.**

**Adjacent Structures:**

The structure to the north of the applicant's parcel is a vacant residential lot. There should be minimal impact on this vacant parcel. The applicant shall install a landscape buffer between the applicant's parcel and the vacant residential lot. The structures to the east of the applicant's parcel are single family residential homes. The applicant shall install a landscape buffer between the applicant's parcel and the single family residences so as to minimize any impact upon the homeowners. The lot to the south of the applicant's parcel is a vacant commercial lot also owned by the applicant. The parcel to the west of the applicant's parcel which is on the west side of Big Bethel Road is Liberty Baptist Church. Applicant's use of his parcel should have little or no impact upon Liberty Baptist.

**V. Anticipated Impact to City Services**

The overall impact to city services shall be minimal. The applicant shall design an on-site storm water retention system which shall improve the drainage at the site and shall not impact city services. The applicant will connect to the existing sewer and water systems but there is adequate capacity and supply and such use shall have minimal impact upon city services.

**VI. How the Rezoning Conforms to the Hampton Community Plan**

Parcel 1 is currently zoned C-1. Parcel II is currently zoned R-11. The applicant proposes to rezone both parcels to C-2. The applicant's proposed use of the parcels is to construct and operate a funeral home, crematorium, a parking area and a storm water facility.

One of the goals of The Hampton Community Plan is to attract private business to Hampton and a healthy business climate.

“A strong business environment is the backbone of a community. Jobs and private investment fuel the local economy and also provide the resources that pay for many community services and quality of life projects. If Hampton is to achieve its vision of being the most livable city in Virginia, it must have a healthy business climate.” Please see the Hampton Community Plan, Article II, Vision and Goals, VG-2.

Economic Development policy 1 states as follows:

“Retain, expand, and attract businesses that provide jobs with family supporting wages.” Please see the Hampton Community Plan, Article VIII, Economic Development, ED-23.

Economic Development policy 4 states as follows:

Nurture small and start-up businesses” Please see the Hampton Community Plan, Article VIII, Economic Development, ED-23.

Economic Development policy 10 states as follows:

“Foster the successful redevelopment of well-situated vacant and underutilized commercial and industrial properties within the city. “ Please see the Hampton Community Plan, Article VIII, Economic Development, ED-23.

## **VII. CONCLUSION**

### **Parcel I**

Parcel I is currently zoned C-1 and consist of a vacant lot. The applicant proposes to rezone the parcel from C-1 to C-2 to construct and operate a funeral home and crematorium.

### **Parcel II**

Parcel II is currently zoned R-11 and consists of a vacant lot. The applicant proposes to rezone the parcel from R-11 to C-2 and seeks to construct a parking area and storm water facility to serve the funeral home and the crematorium.

The applicant proposes to vacate the lot line between Parcels 1 and 2.

The applicant desires to utilize the parcels located at 978 and 1014 Big Bethel Road, Hampton, Virginia, to construct and operate a funeral home and a crematorium. The applicant will be making a substantial investment in the community, creating a new business and creating new jobs for the citizens of

Hampton. Based upon the applicants proven experience in the funeral home business, the new facility is sure to be a successful venture. The applicant's proposed use of the property is consistent with the goals, objectives, and policies of the Hampton Community Plan. The applicants proposed use of the property is compatible with the surrounding area and shall enhance the community.

Prepared by:  
Michael G. Sweeney, Esq.  
1105 Madison Plaza, Suite 120  
Chesapeake, VA 23320

Return to:  
Hampton City Attorney's Office  
Attn: VTV  
22 Lincoln Street  
Hampton, VA 23669

### PROFFER AGREEMENT

**THIS PROFFER AGREEMENT** ("Agreement") made as of February 25, 2013, by and between **TR DEVELOPMENT HAMPTON, LLC**, a Virginia limited liability company (the "Grantor") and **SLL PROPERTIES, LLC**, a Virginia limited liability company ("Grantor") and **THE CITY OF HAMPTON**, a municipal corporation of the Commonwealth of Virginia (the "Grantee"), with an address of 22 Lincoln Street, Hampton City Hall, Hampton, VA 23669.

### RECITALS

A. Whereas, SLL Properties, LLC ("SLL") is the owner of a certain parcels of land located in the City of Hampton, which are identified as LRSN 4001445 and LRSN 4001446 and more fully described on Exhibit "A" (the "Property"), is the subject of this Agreement.

B. Whereas, TR Development Hampton, LLC ("TR") has entered into a contract to purchase the Property from SLL Properties and is the contract purchaser of the Property.

C. Whereas, SLL and TR have filed an Application for Rezoning and an Application for Conditional Privilege with the City of Hampton, Virginia, so as to change the zoning classification of the Property from R-11/C-1 to C-2 for use of the Property as a funeral home and crematorium.

D. Grantor has requested approval of this Proffer Agreement.

LSRN: 4001445

LSRN: 4001446

Underwriter: Fidelity National Title Insurance Corporation

E. Grantee's policy is to provide for the orderly development of land for various purposes, including commercial purposes, through zoning and other land development legislation.

F. Grantor desires to offer the City of Hampton certain conditions for the enhancement of the community and to provide for the highest quality and orderly development of the Property.

G. The conditions outlined in this Agreement have been proffered by Grantor and allowed and accepted by Grantee as a part of the amendment of the City Zoning Ordinance and the Zoning Map. These conditions shall continue in full force and effect until a subsequent amendment changes the zoning of the Property; provided, however, that such conditions shall continue if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance of Grantee.

**NOW THEREFORE**, for and in consideration of the approval and acceptance by the City of Hampton, (the "City") of this Proffer Agreement, Grantor agrees that it will meet and comply with all of the following conditions in developing the Property. In the event the requested change of zoning classification is not granted by the City, these Proffers shall thereupon become null and void. Grantor, its successors, assigns, grantees and other successors in title or interest to the Property, voluntarily and without any requirement by or exaction from Grantee or its governing body and without any element or compulsion or quid pro quo for zoning, rezoning, site plan, building permit or subdivision approval, makes the foregoing declaration of conditions and restrictions governing the use and physical development and operation of the Property, and covenants and agrees that this declaration and the further terms of this Agreement shall constitute covenants running with the Property, which shall be binding

upon the Property, and upon all persons and entities claiming under or through the Grantor, its successors and assigns, grantees and other successors in interest or title to the Property.

### CONDITIONS

1.     Limitation on Use. The Property may only be used as a funeral home and crematorium, which includes administrative offices, state rooms/viewing rooms, chapel, parking areas, maintenance and storage areas, landscaping. All other uses are prohibited.

2.     Site Plan. The site shall be developed in substantial conformance with the conceptual site plan prepared by CAE, Inc, and entitled, "Preliminary Site Plan for 1014 Big Bethel Road, Hampton, Virginia, January 31, 2013, CAE, Inc., Engineers, Planners, and Construction Consultants," a copy of which is on file with the Planning Division of the Community Development Department and has been exhibited to the Planning Commission and the Hampton City Council for illustrative purposes and to provide justification for this rezoning action. Any significant changes in the conceptual site plan may be made to accommodate environmental, engineering, architectural, topographic or other development conditions or site plan approval requirements as required by law and subject to the approval of the Director of Community Development. A copy of the final approved site plan shall be placed in the file with the Planning Division of the Department of Community Development and shall supersede any previously filled conceptual site plan.

3.     Elevations. The funeral home and crematorium buildings shall be constructed in substantial conformance with the elevations and floor plans prepared by WTG Design Architects, LLC, and entitled, "Taylor-Robinson Funeral Home" dated November 11, 2012, a copy of which is on file with the Planning Division of the Community Development Department and has been exhibited to the Planning Commission and the Hampton City Council for

illustrative purposes and to provide justification for this rezoning action. Any significant changes in the elevations or floor plans may be made to accommodate environmental, engineering, architectural, topographic or other development conditions or site plan approval requirements as required by law and subject to the approval of the Director of Community Development. A copy of the final approved elevations and floor plans shall be placed in the file with the Planning Division of the Department of Community Development and shall supersede any previously filled conceptual elevations or floor plans.

4. Architectural Standards. The development shall embody the qualities of residential design and construction to the maximum extent practicable:

(a) Maximum height of the funeral home and crematorium buildings shall be thirty-five (35') feet;

(b) Gable and hip-style appearance roofs shall be permitted; flat roofs if used will not be noticeable from the West, North or South sides of the proposed development; a mansard hip-style roof system will be used at West, North and South elevations;

(c) Roof pitch shall meet all applicable codes;

(d) Primary roof materials shall consist of minimum 30-year architectural asphalt shingle; standing seam metal and cedar shake may be used as an accent roofing material;

(e) Primary building materials shall consist of brick masonry or stone. Secondary and/or accent materials may include concrete masonry units, precast concrete, EIFS and concrete fiber board products; Vinyl and aluminum products shall be limited to window frames and trim; the uses of vinyl and/or aluminum siding products shall not be permitted; and

(f) Windows shall cover between ten (10) and fifty (50) percent of any exterior wall not including breaks visible from an existing or proposed right-of-way.

5. Landscape Buffer. There shall be a twenty (20) foot wide landscape buffer established along the northerly, easterly and southerly boundaries of the site as shown and depicted on the conceptual site plan prepared by CAE, Inc, and entitled, "Preliminary Site Plan for 1014 Big Bethel Road, Hampton, Virginia, January 31, 2013, CAE, Inc., Engineers, Planners, and Construction Consultants," a copy of which is on file with the Planning Division of the Community Development Department and has been exhibited to the Planning Commission and the Hampton City Council for illustrative purposes and to provide justification for this rezoning action. The landscape buffer shall include a mix of evergreen (minimum 8-10 feet in height) and deciduous (minimum 2" caliper) trees; supplemented with evergreen and deciduous shrubs (minimum 24" in height). .

6. Lighting. All exterior lighting, both site and building, shall consist of full cut-off fixtures that are directed inward and downward to the site.

7. Fencing. Free standing walls and/or fences located within the front and side yards shall be limited to brick masonry, stone (to complement the structures) and /or black decorative metal picket fencing. Opaque fencing may be permitted within the rear yard. The use of electrified or chain-link fencing shall not be permitted.

8. Signage. Freestanding signage shall be limited to ground-mounted, monument style signage; with a maximum area of 48 square feet; maximum height of any sign shall not exceed eight (8) feet.

9. Traffic Improvements:

a. The Grantor shall upgrade at its sole cost and expense the intersection of Old Big Bethel Road and Big Bethel Road per the recommendations listed in Chapter 7 of the submitted "Traffic Impact Assessment 1014 Big Bethel Road Hampton, Virginia," dated

November 21, 2012 as prepared by Bryant B. Goodloe, P.C., a copy of which is on file with the Planning Division of the Community Development Department. Upon Grantor's completion of the public improvements listed in Chapter 7 of the Traffic Impact Assessment, the City of Hampton shall conduct an inspection of such public improvements and if and when accepted, the City of Hampton shall be responsible for maintenance of such public improvements within the public right-of-way.

10. It is understood that all phases of the proposed project shall comply with all ordinances of the City of Hampton.

11. Grantor acknowledges that further lawful conditions and restrictions may be required in accordance with City Code, City Zoning Ordinances and all applicable codes and regulations, by Grantee during detailed administrative and site plan reviews. Grantor further acknowledges that the City Code and City Zoning Ordinances shall control if more restrictive than the proffered conditions.

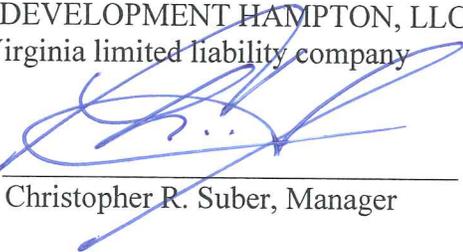
12. All references hereinabove to zoning districts and to regulations applicable thereto, refer to the City Zoning Ordinance of the City of Hampton, in force as of the date the conditional rezoning amendment is approved by the Grantee.

13. The Grantor covenants and agrees that (1) the Zoning Administrator of the City of Hampton, Virginia, shall be vested with all necessary authority on behalf of the governing body of the City of Hampton, Virginia, to administer and enforce the foregoing conditions and restrictions specified in this Agreement, including (i) the ordering in writing of the remedying of any noncompliance with such conditions, and (ii) the bringing of legal action or suit to ensure compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings; (2) the failure to meet all conditions

shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate; and (3) the Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the subject Property on the Map and that the ordinance and conditions may be made readily available and accessible for public inspection in the office of the Zoning Administrator and in the Planning Department and that this Agreement shall be recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia and indexed in the name of the Grantor and Grantee.

WITNESS the following signature:

GRANTOR:  
TR DEVELOPMENT HAMPTON, LLC  
A Virginia limited liability company

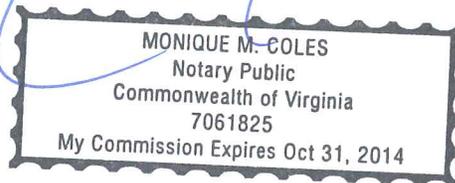
By:   
Christopher R. Suber, Manager

STATE OF VIRGINIA  
CITY OF Portfolk, to-wit:

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of Feb. 2013, by Christopher R. Suber, the Manager of TR Development Hampton, LLC, a Virginia limited liability company, for and on behalf of the company. He is personally known to me or has produced satisfactory evidence of identity.

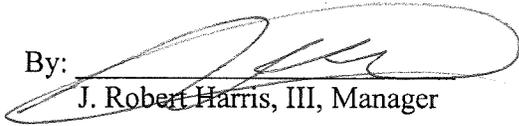
Registration Number: 7061825  
My commission expires: Oct. 31, 2014

  
Notary Public



WITNESS the following signature and seal:

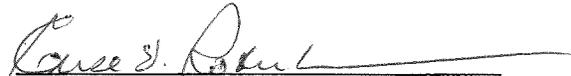
GRANTOR:  
SLL Properties, LLC  
A Virginia limited liability company

By:   
J. Robert Harris, III, Manager

STATE OF VIRGINIA '  
CITY OF Hampton, to-wit:

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March 2013, by J. Robert Harris, III, the Manager of SLL Properties, a Virginia limited liability company, for and on behalf of the company. He is personally known to me or has produced satisfactory evidence of identity.

Registration Number: 201857  
My commission expires: 11/30/15

  
Notary Public



## Exhibit A Legal Description

### Parcel I:

All that certain lot, piece or parcel of land situate lying and being in the City of Hampton, Virginia, known, designated and described as "121,162 S.F., 2.78 Ac." as shown on that certain survey entitled "SURVEY OF PROPERTY PREPARED FOR MARIO BUFFA, BEING A PARCEL OF LAND CONTAINING 2.78 ACRES, LYING ALONG BIG BETHEL ROAD, CITY OF HAMPTON, VIRGINIA", dated November 26, 2005, made by Peninsula Engineering & Surveying, a copy of which said survey is recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia with Instrument recorded as \*Instrument Number 060014401.

\*Note: request surveyor to confirm proper recordation - copy from the title examiner shows the survey title cut off and incomplete. Note: same copy also appears to identify parcel point of beginning by n/f Pavilion Square L.L. C., et al - no footage cited for point of beginning. Also, note: this is a portion of a larger tract of property no Plat signed off by City; possible issues with subdivision of this parcel.

It being the property conveyed to SLL Properties, L.L.C. by deed dated 05/10/2006 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Instrument Number 060014401.

### Parcel II:

ALL THAT certain lot, piece or parcel of land, situate, lying and being in the City of Hampton, Virginia, and being more particularly bounded and described as follows: Beginning at an iron pin situate in the southern edge of an existing dirt road at its intersection point with Royce Drive, thence in a line common with property now or formerly of Kenneth R. Miller and Sandra S. McKeen, S 20 degrees 00' 00" W 126.80 feet to an iron pin; thence N 79 degrees 39' 13" W 458.90 feet to an iron pin situate in the eastern right-of-way line of Big Bethel Road; thence following the eastern right-of-way line of Big Bethel Road in a northerly direction, which curve has a radius of 6.1514 feet and a length of 124.50 feet to an iron pin, which iron pin is situate at the intersection point between the aforesaid dirt road and Big Beth Road; thence following the southern line of said dirt road S 79 degrees 54'30"E 499.45 feet to an iron pin, all as shown on a certain plat made by Miller-Stephenson & Associates, P.C., Engineers, Surveyors and Planners, a copy of which is duly recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 958, page 1563.

It being the property conveyed to SLL Properties, L.L.C. by deed dated 03/22/2006 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Instrument Number 060007717.

**LEGEND**

- IRON ROD/PIPE FOUND
- R.R. SPIKE FOUND
- P.K. NAIL FOUND
- FENCE POST FOUND & USED
- DRILL HOLE FOUND
- ★ LIGHT POLE
- DRAIN INLET
- CONCRETE ACCENT LIGHTING BASE
- 4" LAMP POST
- LIGHT POLE ON CONCRETE BASE
- CURB DROP INLET
- S.C.O. SANITARY CLEAN OUT
- SPRINKLER CONTROL VALVE
- WATER VALVE
- FIRE HYDRANT
- HANDICAPPED PARKING SIGN
- DIRECTION OF FLOW
- IRON ROD/PIPE SET
- R.R. SPIKE SET
- P.K. NAIL SET
- X— BREAK POINT
- X— FENCE LINE
- O/E— OVERHEAD POWERLINE
- BLDG. BUILDING
- ELEC. TRANS. ELECTRIC TRANSFORMER
- STM. M.H. STORM MANHOLE
- M.H. MANHOLE
- R.O.W. RIGHT OF WAY
- M.B. MAP BOOK
- D.B. DEED BOOK
- P.I. POINT OF INTERSECTION
- N/F NOW OR FORMERLY
- RCP REINFORCED CONCRETE PIPE

**STATEMENT OF ENCROACHMENTS:**

NO ENCROACHMENTS

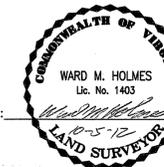
**SCHEDULE "B" ITEMS PER COMMITMENT FOR TITLE**

**INSURANCE DATED: AUGUST 2, 2012**  
**ISSUED UNDER FILE NO. CT-725-S**

3. EASEMENTS AND DEDICATION TO THE CITY OF HAMPTON AS RECORDED INSTRUMENT NUMBER 090003196. (AS SHOWN)
4. EASEMENTS GRANTED THE CITY OF HAMPTON BY DOCUMENT RECORDED IN DEED BOOK 1193, PAGE 617. (DOES NOT APPLY TO SUBJECT PROPERTY)
5. EASEMENTS GRANTED THE CITY OF HAMPTON BY DOCUMENT RECORDED IN DEED BOOK 472, PAGE 188. (DOES NOT APPLY TO SUBJECT PROPERTY)
6. EASEMENTS GRANTED THE CITY OF HAMPTON BY DOCUMENT RECORDED IN DEED BOOK 472 PAGE 192. (AS SHOWN)
7. TITLE TO AND RIGHTS OF OTHERS IN AND TO THE ROAD REFERENCED IN DOCUMENTS IN THE CHAIN OF TITLE INCLUDING DEED BOOK 314 PAGE 221 AND DEED BOOK 314, PAGE 219. (DOES NOT APPLY TO SUBJECT PROPERTY)
8. INGRESS EGRESS EASEMENT REFERENCED IN THE CHAIN OF TITLE INCLUDING DEED BOOK 138, PAGE 224. (AS SHOWN)
9. EASEMENTS, OLD ROAD AND ALL MATTERS AS DOCUMENTED AND SHOWN IN DEED BOOK 314, PAGE 221 AND DEED BOOK 314, PAGE 219. (DOES NOT APPLY TO SUBJECT PROPERTY)
10. INGRESS EGRESS EASEMENT REFERENCED AND/OR SHOWN IN DEED BOOK 472, PAGE 188. (AS SHOWN)

**CERTIFICATION**

TO: T R DEVELOPMENT HAMPTON LLC, SLL PROPERTIES, L.L.C., FIDELITY NATIONAL TITLE INSURANCE COMPANY;  
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6(b), 8, 11(c), 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPT. 19, 2012.



SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_

**LEGAL DESCRIPTION**

PARCEL I:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE LYING AND BEING IN THE CITY OF HAMPTON, VIRGINIA, KNOWN, DESIGNATED AND DESCRIBED AS "121,162 S.F., 2.78 AC." AS SHOWN ON THAT CERTAIN SURVEY ENTITLED "SURVEY OF PROPERTY PREPARED FOR MARIO BUFFA, BEING A PARCEL OF LAND CONTAINING 2.78 ACRES, LYING ALONG BIG BETHEL ROAD, CITY OF HAMPTON, VIRGINIA", DATED NOVEMBER 26, 2005, MADE BY PENINSULA ENGINEERING & SURVEYING, A COPY OF WHICH SAID SURVEY IS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA WITH INSTRUMENT RECORDED AS INSTRUMENT NUMBER 060014401. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ALONG THE WESTERN BOUNDARY LINE OF THE SUBDIVISION OF NORTHAMPTON, SECTION FOUR; SAID POINT BEING 126.80' FROM THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY LINE OF ROYCE DRIVE AND THE WESTERN BOUNDARY LINE OF THE SUBDIVISION OF NORTHAMPTON, SECTION FOUR; THENCE ALONG THE WESTERN BOUNDARY LINE OF THE SUBDIVISION OF NORTHAMPTON, SECTION FOUR S 19°10'00" W A DISTANCE OF 362.81' TO A POINT; THENCE S 81°21'20" W A DISTANCE OF 105.38' TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF BIG BETHEL ROAD; THENCE ALONG THE EASTERN RIGHT-OF-WAY LINE OF BIG BETHEL ROAD N 42°04'35" W, A DISTANCE OF 108.89' TO A POINT; THENCE CONTINUING ALONG THE EASTERN RIGHT-OF-WAY LINE OF BIG BETHEL ROAD ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 615.14', AN ARC LENGTH OF 393.28' TO A POINT; THENCE S 80°28'27" W, A DISTANCE OF 458.82' TO THE POINT OF BEGINNING.

PARCEL II:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE CITY OF HAMPTON, VIRGINIA, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN SITUATE IN THE SOUTHERN EDGE OF AN EXISTING DIRT ROAD AT ITS INTERSECTION POINT WITH ROYCE DRIVE, THENCE IN A LINE COMMON WITH THE PROPERTY NOW OR FORMERLY OF KENNETH R. MILLER AND SANDRA S. MCKEEN, S 19°10'00" W 124.43 FEET TO AN IRON PIN; THENCE N 80°28'27" W 458.82 FEET TO AN IRON PIN SITUATE IN THE EASTERN RIGHT-OF-WAY LINE OF BIG BETHEL ROAD; THENCE FOLLOWING THE EASTERN RIGHT-OF-WAY LINE OF BIG BETHEL ROAD IN A NORTHERLY DIRECTION, WHICH CURVE HAS A RADIUS OF 615.14 FEET AND A LENGTH OF 124.50 FEET TO AN IRON PIN, WHICH IRON PIN IS SITUATE AT THE INTERSECTION POINT BETWEEN THE AFORESAID DIRT ROAD AND BIG BETHEL ROAD; THENCE FOLLOWING THE SOUTHERN LINE OF SAID DIRT ROAD 80°28'27" E 499.63 FEET TO AN IRON PIN, ALL AS SHOWN ON A CERTAIN PLAT MADE BY MILLER-STEPHENSON & ASSOCIATES, P.C., ENGINEERS, SURVEYORS AND PLANNERS, A COPY OF WHICH IS DULY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA IN DEED BOOK 958, PAGE 1563.

**GENERAL NOTES**

1. SUBJECT PROPERTY CONTAINS 180,215 SQ. FT. OR 4.14 ACRES (INCLUDING EASEMENTS AND RESERVATIONS).
2. ALL UTILITIES SERVING PROPERTY ARE UNDERGROUND UNLESS OTHERWISE NOTED.
3. BEARING SYSTEM BASED ON RECORDED PLAT, INSTRUMENT NUMBER 090003196.
4. PROPERTY ZONED C-1(PARCEL I) & R-11(PARCEL II).
5. BUILDING SETBACKS FOR R-11 ZONING: FRONT YARD: THIRTY (30) FEET; SIDE YARD: THE SUM OF THE SIDES THEREOF SHALL BE NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE LOT'S WIDTH MEASURED AT THE BUILDING SETBACK LINES; REAR YARD: TWENTY (20) FEET. BUILDING SETBACKS FOR C-1 ZONING: FRONT YARD: NONE; SIDE YARD: WHERE A LOT IN A C-1 DISTRICT ADJOINS A LOT IN ANY RESIDENTIAL DISTRICT, AT THAT LINE, A SIDE YARD OF TEN (10) PERCENT OF THE LOT'S WIDTH SHALL BE PROVIDED, BUT IN NO CASE LESS THAN TEN (10) FEET; REAR YARD: TEN (10) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED THIRTY (30) FEET.
6. ALL UTILITIES ENTER/EXIT THE PROPERTY EITHER THROUGH RECORDED EASEMENTS OR PUBLIC RIGHTS-OF-WAY.
7. NO BUILDING IN AN R-11 DISTRICT SHALL EXCEED THIRTY-FIVE (35) FEET IN HEIGHT; NO BUILDING IN A C-1 DISTRICT SHALL EXCEED TWO AND ONE-HALF (2½) STORIES OR THIRTY-FIVE (35) FEET IN HEIGHT.

**FLOOD NOTE**

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" (UN-SHADED) OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 515527-0116G, REVISED DATE OF AUGUST 16, 2011. EXACT DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE.

**ALTA/ACSM LAND TITLE SURVEY  
OF  
978 & 1014 BIG BETHEL ROAD  
HAMPTON, VIRGINIA**

WARD M. HOLMES  
LAND SURVEYOR, P.C.  
9225 GRANBY STREET  
NORFOLK, VIRGINIA 23503  
P: 757-480-1230 FAX: 757-583-7390  
EMAIL: wmls@verizon.net

DATE: SEPTEMBER 19, 2012 REVISED: OCT. 4, 2012

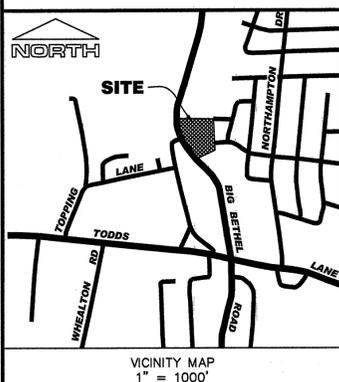
SCALE: 1" = 40'

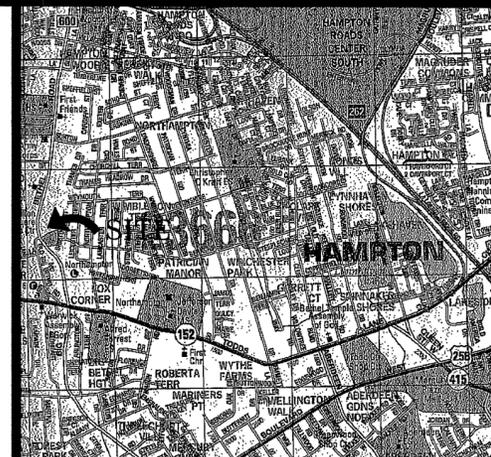
DRAWN BY: DHH

JOB NO. 12-774-ALTA

CHECKED BY: WMH

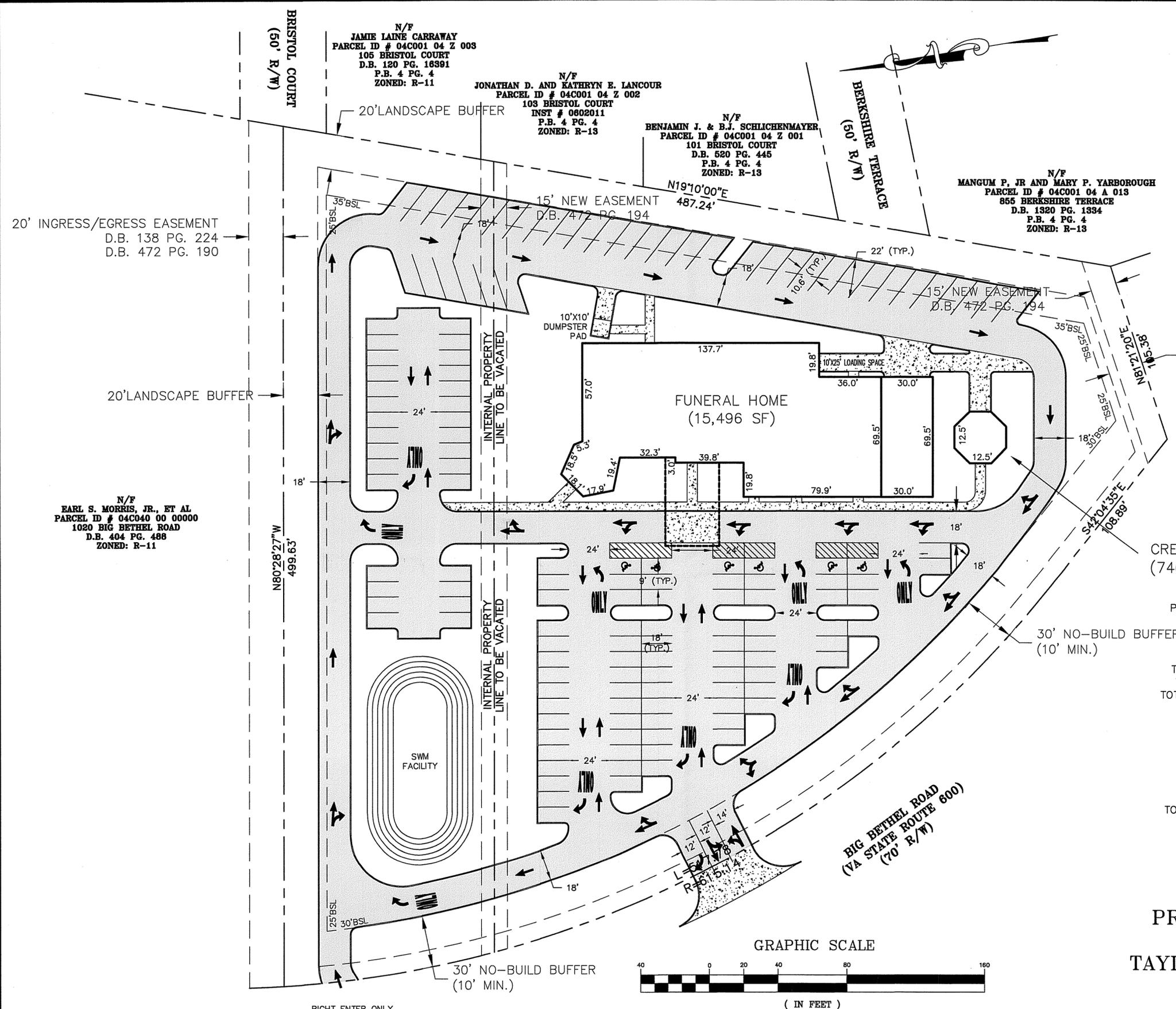
SHEET 1 OF 1





VICINITY MAP - SCALE 1"=2000'

ADC PERMIT # - 20299647



20' LANDSCAPE BUFFER  
 N/F  
**PAVILION SQUARE I LLC ETAL**  
 PARCEL ID # 04C037 B00 00000CA  
 936 BIG BETHEL ROAD  
 INST # 050013820  
 ZONED: C-1  
 ROSELYN TAYLOR AND MICHAEL ROBINSON  
 5900 EAST VIRGINIA BEACH BLVD, SUITE 602  
 JANAF OFFICE BUILDING  
 NORFOLK, VIRGINIA 23502  
 757-719-8489

SITE ADDRESS: 1014 BIG BETHEL ROAD  
 TAX MAP NUMBER(S):  
 04C038 00 00000  
 04C039 00 00000  
 EXISTING ZONING:  
 04C038 00 00000: C-1  
 04C039 00 00000: R-11  
 PROPOSED ZONING: C-2  
 PROPOSED USE: FUNERAL HOME AND CREMATORIUM

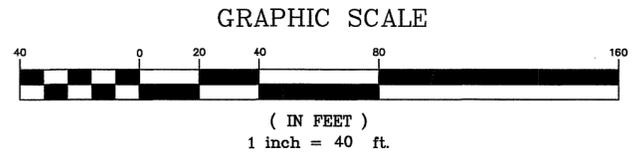
TOTAL SITE AREA: 180,288 SF (4.14 ACRES)  
 TOTAL AREA OF BUILDING: 16,242 SF (0.37 ACRE)  
 TOTAL AREA OF PARKING: 78,548 SF (1.80 ACRES)  
 TOTAL AREA OF CONCRETE: 5,064 SF (0.12 ACRE)  
 TOTAL AREA OF IMPERVIOUS: 99,854 SF (2.29 ACRE)

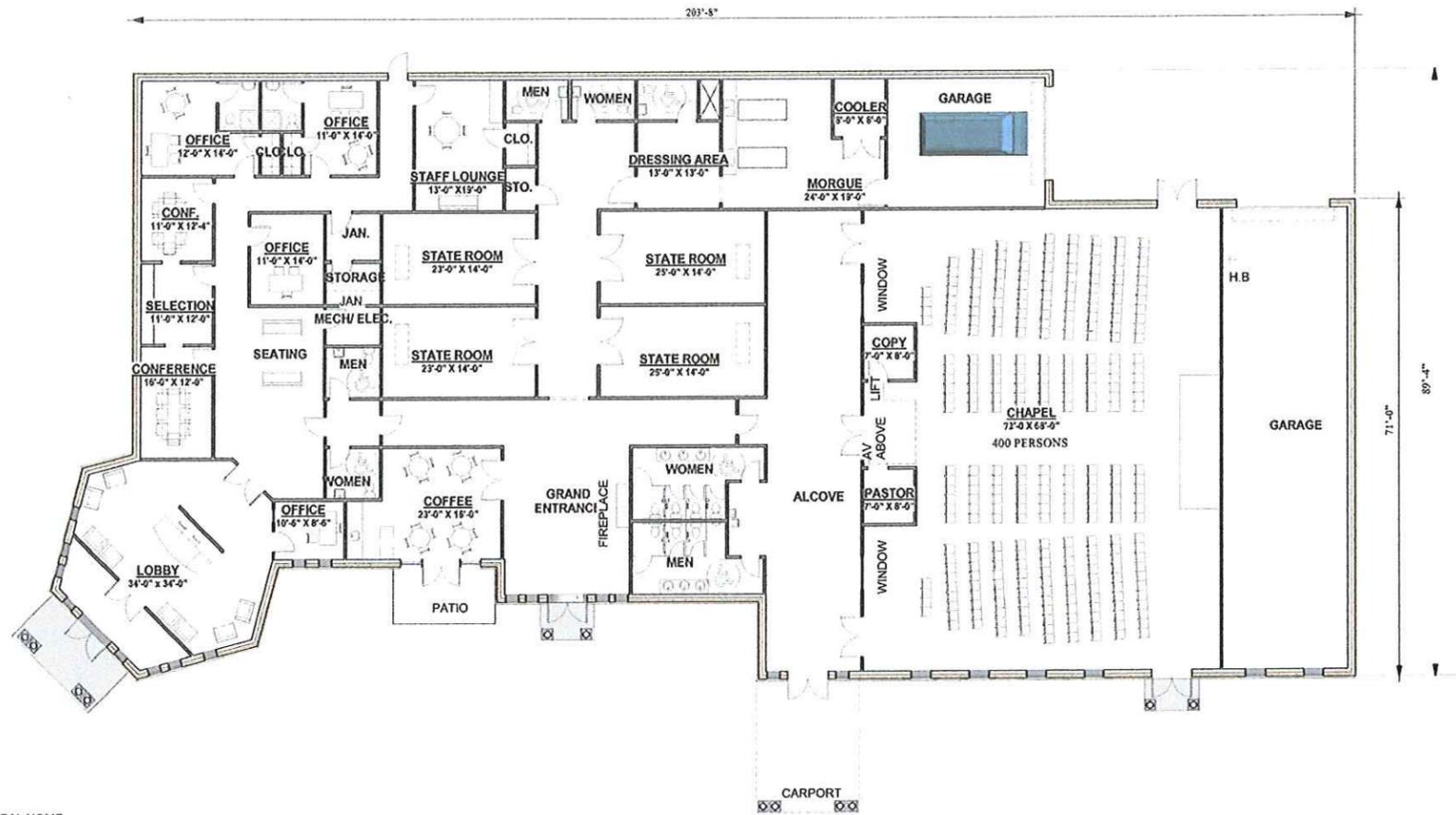
REQUIRED PARKING:  
 FUNERAL HOME: 1 SPACE PER 3 SEATS  
 + 1 SPACE PER EMPLOYEE  
 NUMBER OF SEATS: 400  
 NUMBER OF EMPLOYEES: 7  
 NUMBER OF SPACES REQUIRED: 141  
 TOTAL NUMBER OF REGULAR SPACES REQUIRED: 135  
 TOTAL NUMBER OF VAN ACCESSIBLE SPACES: 6  
 PROVIDED PARKING:  
 TOTAL NUMBER OF PARKING SPACES: 141  
 REGULAR SPACES: 135 SPACES  
 VAN ACCESSIBLE HANDICAP SPACES: 6

PRELIMINARY SITE PLAN  
 FOR  
 TAYLOR-ROBINSON FUNERAL  
 HOME  
 HAMPTON, VIRGINIA

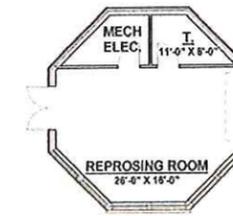
RECEIVED  
 FEB 25 2013  
 PLANNING DEPT.

JANUARY 31, 2013  
 CAE, INC.  
 ENGINEERS, PLANNERS, AND CONSTRUCTION CONSULTANTS  
 321 OFFICE SQUARE LANE, SUITE 101A  
 VIRGINIA BEACH, VIRGINIA 23462-3655  
 TELEPHONE: (757) 271-1576 (757) 271-1009 FAX

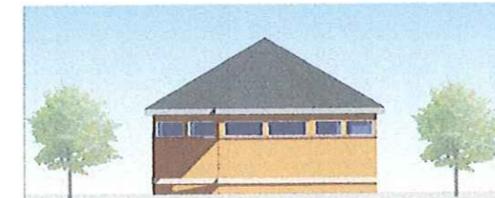




① FUNERAL HOME  
3/32" = 1'-0"



③ CREMATORIUM  
3/32" = 1'-0"



# TAYLOR ROBINSION FUNERAL HOME

Date: 11/12

Scale: 3/32" = 1'-0"

*WTG Design*  
ARCHITECTS, LLC

860 GREENBRIER CIRCLE SUITE 412, TOWER 1 CHESAPEAKE, VA 23320  
PHONE: 757-578-7500 FAX: 757-578-7502

RECEIVED

FEB 25 2013

PLANNING DEPT.

# CERTIFICATE OF ATTORNEY OPINION OF TITLE

## I. TITLE VESTED IN:

SLL Properties, LLC, a Virginia limited liability company

## II. PROPERTY ADDRESS:

Parcel I: 978 Big Bethel Road, Hampton, Virginia

Parcel II. 1014 Big Bethel Road, Hampton, Virginia

## III. SOURCE DEED:

Parcel I. Deed dated May 10, 2006 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Instrument No. 060014401.

Parcel II. Deed dated March 22, 2006 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Instrument No. 06007717.

## IV. LEGAL DESCRIPTION

Parcel I:

All that certain lot, piece or parcel of land situate lying and being in the City of Hampton, Virginia, known, designated and described as "121,162 S.F., 2.78 Ac." as shown on that certain survey entitled "SURVEY OF PROPERTY PREPARED FOR MARIO BUFFA, BEING A PARCEL OF LAND CONTAINING 2.78 ACRES, LYING ALONG BIG BETHEL ROAD, CITY OF HAMPTON, VIRGINIA", dated November 26, 2005, made by Peninsula Engineering & Surveying, a copy of which said survey is recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia with Instrument recorded as \*Instrument Number 060014401.

\*Note: request surveyor to confirm proper recordation - copy from the title examiner shows the survey title cut off and incomplete. Note: same copy also appears to identify parcel point of beginning by n/f Pavilion Square L.L. C., et al - no footage cited for point of beginning. Also, note: this is a portion of a larger tract of property no Plat signed off by City; possible issues with subdivision of this parcel.

It being the property conveyed to SLL Properties, L.L.C. by deed dated 05/10/2006 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Instrument Number 060014401.

Parcel II:

ALL THAT certain lot, piece or parcel of land, situate, lying and being in the City of Hampton, Virginia, and being more particularly bounded and described as follows: Beginning at an iron pin situate in the southern edge of an existing dirt road at its intersection point with Royce Drive, thence in a line common with property now or formerly of Kenneth R. Miller and Sandra S. McKeen, S 20 degrees 00' 00" W 126.80 feet to an iron pin; thence N 79 degrees 39' 13" W 458.90 feet to an iron pin situate in the eastern right-of-way line of Big Bethel Road; thence following the eastern right-of-way line of Big Bethel Road in a northerly direction, which curve has a radius of 6.1514 feet and a length of 124.50 feet to an iron pin, which iron pin is situate at the intersection point between the aforesaid dirt road and Big Beth Road; thence following the southern line of said dirt road S 79 degrees 54'30"E 499.45 feet to an iron pin, all as shown on a certain plat made by Miller-Stephenson & Associates, P.C., Engineers, Surveyors and Planners, a copy of which is duly recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 958, page 1563.

It being the property conveyed to SLL Properties, L.L.C. by deed dated 03/22/2006 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Instrument Number 060007717.

**V. DEEDS OF TRUST:**

Deed of Trust dated March 24, 2006 from SLL Properties, LLC to William T. Hodsen and Gerald L. Passaro, Trustees securing \$100,000 and payable to Townebank and recorded with the Clerk's Office for the Circuit Court of the City of Hampton Virginia as Instrument No. 060007718.

Deed of Trust dated September 9, 2010 from SLL Properties, LLC to Phillip M. Rudisil and Brian K. Skinner, Trustees securing \$798,329.46 and payable to Townebank and recorded with the Clerk's Office for the Circuit Court of the City of Hampton Virginia as Instrument No. 0100011474.

**VI. JUDGMENTS/LIENS:** None.

**VII. PENDING LAWSUITS:** None.

**VIII. TAXES:**

**Parcel I.**

City of Hampton Treasurer  
Parcel No.: 04C038  
Taxes Are Paid Semi Annually  
Amount Due: \$3,622.84  
Taxes are paid thru December 31, 2012  
Delinquencies: None

**ASSESSMENTS:**

Land:	\$696,700
Improvements:	<u>-0-</u>
Total:	\$696,700

**Parcel II.**

City of Hampton Treasurer  
Parcel No.:04C039  
Taxes Are Paid Semi Annually  
Amount Due: \$1,053.52  
Taxes are paid thru December 31, 2012  
Delinquencies: None

**ASSESSMENTS:**

Land:	\$186,000
Improvements:	<u>-0-</u>
Total:	\$186,000

**IX. EASEMENTS AND RESTRICTIONS:**

Easement and dedication to the City of Hampton as recorded in Instrument Number 090003196.

Easement granted to the City of Hampton as recorded in Deed Book 1193, Page 617.

Easement granted to the City of Hampton as recorded in Deed Book 472, Page 188.

Easement granted to the City of Hampton as recorded in Deed Book 472, Page 192.

Easement granted to the City of Hampton as recorded in Deed Book 314, Page 221.

Easement granted to the City of Hampton as recorded in Deed Book 314, Page 219.

Easement granted to the City of Hampton as recorded in Deed Book 138, Page 224.

Easements, restrictions and other matters, if any, appearing of record with the Circuit Court for the City of Hampton, Virginia as recorded therein.

The foregoing opinions are subject to the following qualifications:

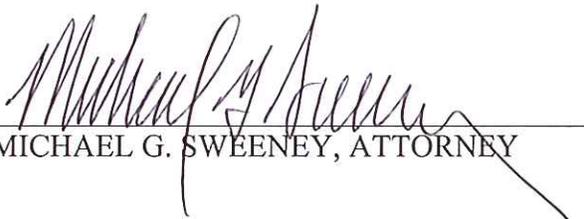
I have not made a physical inspection of the property nor have I made a review of any site or engineering plans or specifications for any improvements to be located on Parcel I or Parcel II to determine whether they comply with applicable provisions of federal, state and local laws, ordinances, rules and regulations.

The opinions expressed herein are limited to the laws of the State of Virginia and the United States of America, and no opinion is expressed as to any matter governed by the laws of any other state or jurisdiction.

This opinion is limited to the matters stated herein and no opinion shall be implied or inferred beyond the matters expressly stated. This opinion is rendered solely for your benefit, may not be relied upon by any other person or entity, and may not be used by or distributed to any other person or entity other than the usual and customary examination of your books and records and may not be reproduced, referred to or quoted in any records, statements, disclosure material or similar printed matter.

This certificate does not certify the metes and bounds of any surveys of these properties, rights of parties in possession, deficiency in quantity of land, boundary line disputes, unrecorded easements or leases, or any matters not of record which would be disclosed by an accurate survey or inspection of the parcels.

I hereby certify that I have examined the record of title for Parcel I and Parcel II as described herein from February September 12, 1946 through February 22, 2013, at 8:00 a.m. .



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MICHAEL G. SWEENEY, ATTORNEY

MICHAEL G. SWEENEY, ESQ.  
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