



Application for
Rezoning

OFFICE USE ONLY
Date Received:

SEPTEMBER 22, 2023

Complete this application in its entirety and submit pages 4 and 5 along with the required materials (including any required supplements) as listed on page 2 to the address below:

City of Hampton
Community Development Department, Planning Division
22 Lincoln Street, 5th Floor
Hampton, Virginia 23669

Case Number: **RZ23 - 00006**

1. PROPERTY INFORMATION

Address or Location 1909 Commerce Drive, Hampton VA

LRSN 7001267 Current Zoning District C-2/O-CC Proposed Zoning District C-2/O-CC

Current Land Use Vacant Building and Parking Lot

Proposed Land Use Multi-Family Dwelling

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

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

Owner's Name Coliseum Center, LLC

Address 233 Ross Road City Richmond State VA Zip 23229

Phone 804-334-2319 Email marcusgalt@icloud.com

3. APPLICANT INFORMATION (if different from owner)

Applicant's Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

4. APPLICANT AGENT INFORMATION (if different from applicant)

Agent's Name Shelli Jost Brady

Address 3110 Klondike Rd City Richmond State VA Zip 23235

Phone 804-683-9525 Email shellijostbrady@gmail.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 Coliseum Center, LLC

Signed by:

Name (printed) Marcus C. Galt, Its (title) Managing Member

Signature  Date 7/12/2023

Name (printed) _____, Its (title) _____

Signature _____ Date _____

Name (printed) _____, Its (title) _____

Signature _____ Date _____

6. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS

Complete this section only if the property owner is an individual or individuals.

"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

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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) |



Application for Use Permit

OFFICE USE ONLY
Date Received:

SEPTEMBER 22, 2023

Case Number: **UP23 - 00077**

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

Address or Location 1909 Commerce Drive, Hampton VA 23666

LRSN 7001267 Zoning District C-2/O-CC

Current Land Use Commercial (C-2) / Vacant Building and Parking Lot

Proposed Land Use Multifamily Dwelling (MD-4)

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

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

Owner's Name Coliseum Center LLC

Address 233 Ross Road City Richmond State VA Zip 23229

Phone 804-334-2319 Email marcuscgalt@icloud.com

3. APPLICANT INFORMATION (if different from owner)

Applicant's Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

4. APPLICANT AGENT INFORMATION (if different from applicant)

Agent's Name Shelli Jost Brady

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Phone 804-683-9525 Email shellijostbrady@gmail.com

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Name of Legal Entity Coliseum Center, LLC

Signed by:

Name (printed) Marcus C. Galt, Its (title) Managing Member

Signature [Signature] Date 7/12/2023

Name (printed) _____, Its (title) _____

Signature _____ Date _____

Name (printed) _____, Its (title) _____

Signature _____ Date _____

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Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Name (printed) _____

Signature _____ Date _____

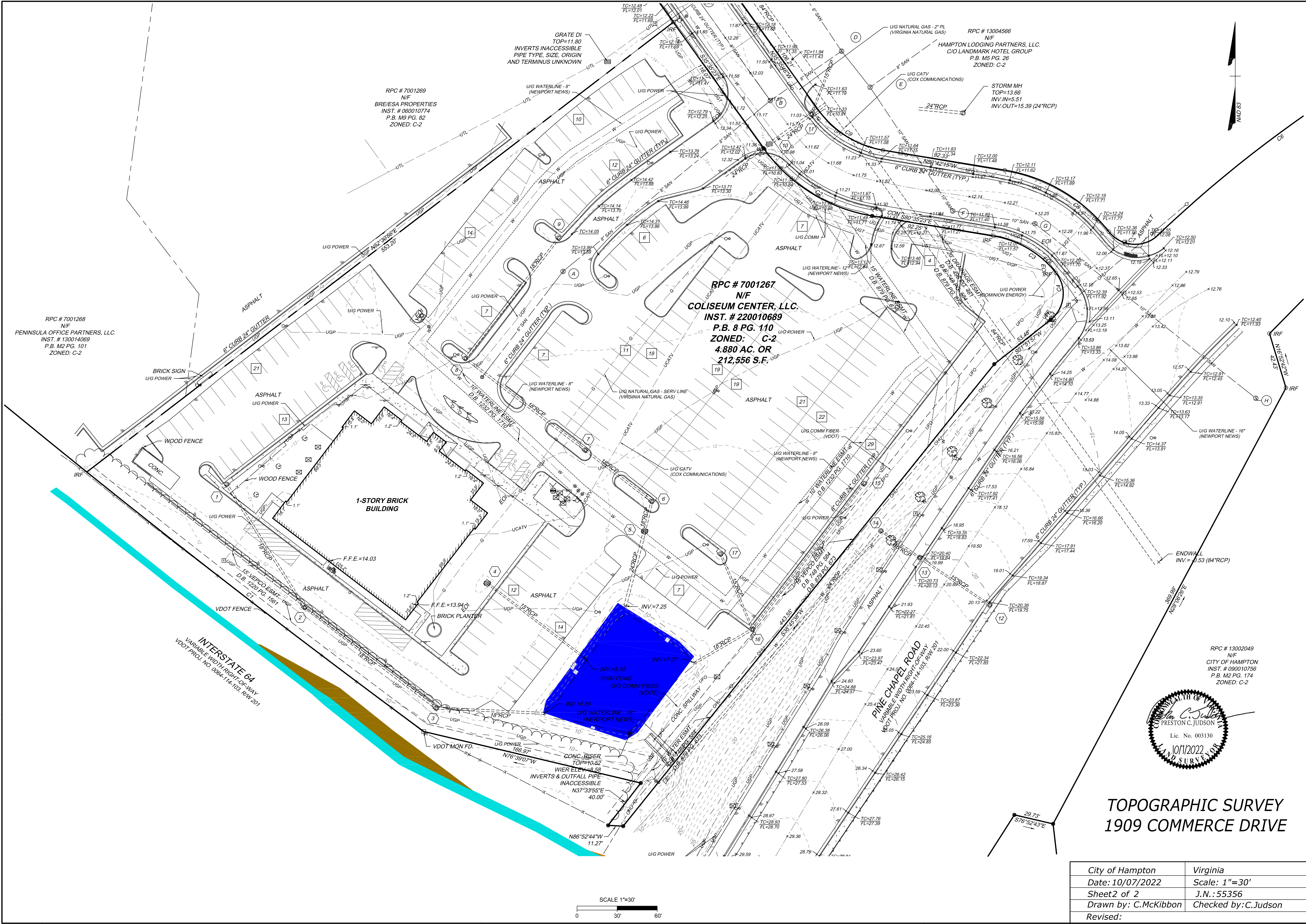
Name (printed) _____

Signature _____ Date _____

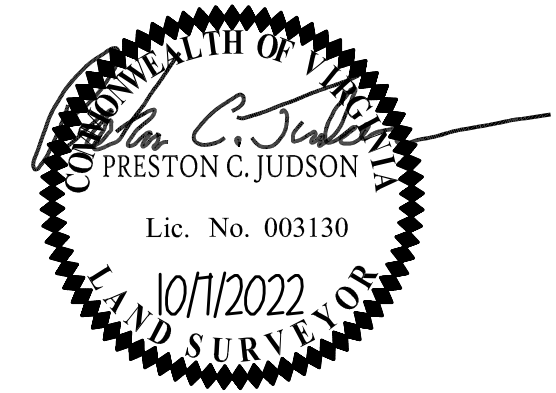
OFFICE USE ONLY

- Application Form
- Narrative Statement
- Supplemental Form (if required)
- Application Fee
- Survey Plat
- Additional materials (if required)

Y:\909\55356-1909 Commerce Dr\DWG\55356-909-XPSURV.dwg | Plotted on 10/31/2022 11:34 AM | by Chris McKibbin



SCALE 1"=30'
0 30' 60'



TOPOGRAPHIC SURVEY 1909 COMMERCE DRIVE

City of Hampton	Virginia
Date: 10/07/2022	Scale: 1"=30'
Sheet 2 of 2	J.N.: 55356
Drawn by: C. McKibbin	Checked by: C. Judson
Revised:	

THIS DRAWING PREPARED BY THE
HAMPTON ROADS PENINSULA OFFICE
11832 Rock Landing Drive, Suite 305 | Newport News, VA 23606
TEL: 757.792.1041 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

TIMMONS GROUP

NARRATIVE STATEMENT for REZONING & USE APPLICATIONS
The VENUE @ 1909 Commerce Drive, Hampton, Virginia 23666



The Property and Project:

Located within the Coliseum Central Overlay (O-CC) District, the subject property (PIN/LRSN 7001267) is 4.88 acres situated at the northwest quadrant of the intersection of Commerce Drive to the east and Pine Chapel Road to the south, adjacent to I-64 to the west. The property currently consists of surface parking surrounding a single one-story 14,000 SF structure that was operated as an Off Site Gambling facility by Colonial Downs until 2019; and the property has been vacant since that time.

According to The Coliseum Central Master Plan, the subject property is located within the “Coliseum Drive South” initiative area which supports redevelopment of properties for hotel and residential units west of Coliseum Drive; and a part of an Urban Core development pattern to strengthen District growth.

The new current Owners are requesting a rezoning of the property for use as a market-rate multifamily residential project with abundant amenities to promote the “live, work, play” lifestyle concept. The project will champion the vision and goals of the Hampton Coliseum District and Comprehensive Community Plan (2006, as amended) with upscale density, a variety of unit sizes to promote affordability, and quality design elements that embrace the City’s aspirations for the District and the City.

Purpose for Rezoning Request:

The subject rezoning and proffer request for the 4.88 acre site to shift from the C-2 (Limited Commercial District) to a MD-4 (Multifamily Residential District), with proffers to address several minor deviations from the Coliseum Central Overlay (O-CC) District guidelines, will facilitate the development of the proposed new construction project as outlined below. The rezoning request will provide for improved residential stock and allow for density, height and minimum unit changes from the current C-2 zoning to make for an economically viable project that aligns with Coliseum Central Master Plan/Design Guidelines, Hampton Community Plan and overall market conditions for an upscale multifamily housing project.

Proposed Use and Building Characteristics:

The proposed use for the 4.88 acre site is an upscale multifamily new development with 382 units of varied sizes to accommodate a variety of renter needs in the post-pandemic economy, be supported by an abundance of indoor and outdoor amenities to facilitate the “live, work, play” environment, and be surrounded by a mix of open area and courtyard spaces, greenways, dog park, and a walking trail to promote connectivity with other pedestrian paths throughout the neighborhood and roadways.

Provided below are the key characteristics of the development:

- The **existing building structure and surface parking** will be demolished, and the site prepared for new construction of the items and features described herein.
- The conceptual design for a **multifamily dwelling structure** is a five (5) story building of two interconnected wings totaling approximately 258,000 SF currently comprised of up to 382 units surrounding two (2) central amenity courtyards with a pool, outdoor games, numerous lounging spaces with an urban park vibe around the building. The proposed tenant mix, average unit sizes and conceptual layouts are provided in the attached matrix and floor plans dated June 2, 2023, prepared by Poole and Poole Architecture, LLC.
- The building has approximately 9,700 SF square feet of **ground level amenity space** available for, but not limited to, a fitness area, meeting room / co-work area, mail/message center and secure package pickup. Near the project entrance will be bike parking, dog park, outdoor benches and a walking path that ties into walkways along Pine Chapel Road and other feeder trails to foster pedestrian and neighborhood connectivity.
- The subject development is source of **new job creation** and will host a **satellite management & leasing office** of approximately 3-5 office and maintenance on-site staff. The larger operations for the facility and amenities will be outsourced. The office hours will be approximately 8am - 6pm, with after-hours crew as needed to attend to the needs of the residents and the facility. Parking is factored into the guest provisions, or additional spaces can be provided as determined by zoning.
- The proposed five (5) story multifamily dwelling and parking structures are centrally sited to have **ingress/egress site access** at two points off Commerce Drive with vehicular, bicycle and pedestrian circulation around the entire project. Green spaces wrap the areas surrounding the building and deck as well as the ring road. The site will be tree lined to the north, west, south and east as appropriate to buffer sights and sounds of neighboring roadways and parking lots.
- The adjacent **parking deck and surface parking** will be designed to meet or exceed the minimum parking allowance for residents and guests as required by the governing zoning at the time of permit application. Given current requirements, the conceptual design allows for some surface parking spaces with the remainder to be provided in a five (5) story 6-tray structure providing spaces for cars, secure bicycle storage, trash collection and EV charging as market-driven. Additionally, there will be bike racks in and outside. Accessible parking spaces, counts and routes will be provided per

code. At this time, there are 17 surface parking spaces and 10 bike racks located adjacent to the primary front entrance to the building. Refer to **Conceptual Floor Plans / Site Plan - Ground Level** for graphic depiction of location. There may be additional bike spaces (beyond requirements) within the parking structure. Quantity and location TBD during design development phase.

UNIT TYPE	# UNITS	% TOTAL	Minimum REQUIREMENT	# Spaces CALCULATION
Studio/Efficiency	238	63	1	238
1 bedroom units	82	21	1	82
2 bedroom units	62	16	1.5	93
SUBTOTAL	382			413
Guest spaces			1:5 units	76.4
TOTAL				490 (~ 1.3 / unit)
Bike spaces			1:50 cars req'd	10

- The proposed **building design and materials** are illustrated in the attached conceptual schematic elevations dated June 2, 2023, prepared by Poole and Poole Architecture, LLC and will meet or exceed the Coliseum Central Master Plan (2015), Coliseum Central Design Standards (2018), and the Hampton Design and Construction Standards, and guidelines for downtown development including but not limited to:
 - elements and principles related to “design energy”, human scale and pedestrian levels, character and interest, fenestrations, massing, building articulation and roof massing, balconies and entrance canopies, material texture and color, resiliency and other such features to enhance the user's visual and physical experience.
 - rooftop mechanical equipment will be 100% screened by parapet
 - trash chute, dumpster and collection will be contained within the parking structure
 - site design elements, materials, colors, features, furnishing and appointments for hardscape and greenspaces will be in accordance with district standards as well.
 - identity signage will likely be located on the entrance element and will be sensitive to the standard recommendation that “the use of applied treatments to achieve business identity, either by awnings, accent bands, paint or other applied color schemes, decorative roof details and materials, accent colors on the building and associated structures should be minimal.” (CC Design Standards, Section 2.2.(a); pg6)

- Based on our **market analysis** from dialog with the two major apartment managers in Hampton Roads and review of competing upscale multifamily projects in the area, the key conclusions are that studio/efficiency and 1-bedroom layouts are the most desired units with a significantly lower percent requested of two and three bedroom units. The other primary factors of the target market were amenities that supported the “live, work and play” culture with substantial closet area and remote work spaces within the community complex. Marketplace and consumer needs have shifted substantially since the Coliseum Central Master Plan was authored in 2015,

and plan recommendations for multifamily unit sizes and quantities are no longer reflective of end user preferences. This can largely be attributed to the professional work environment shifts over the last 3 years and the financial realities of the post-pandemic economy.

Compliance with Hampton Community Plan and Coliseum Central Master Plan/Guidelines:

It is the goal of the developer through the proposed rezoning to meet or exceed the parameters and visions of the Hampton Community Plan (2006) and Coliseum Central Master Plan (2015). *The Venue* will be a gateway project that promotes new upscale development of retail, office and entertainment in the Coliseum District, in addition to supporting and enhancing existing local businesses in the area.

- The Hampton Community Plan supports key changes in the land use for Coliseum Central area shifting it from a Commercial / Mixed-Use designation to a Mixed-Use plus High and Medium Density Residential to better support “the creation of a true mixed-use district as envisioned in the Coliseum Central Master Plan” (HCP, page 14). The Coliseum Central Master Plan proposed similar objectives in its 2015 plan. Both documents cite the need for improved housing stock (since inventories are aging and many neighborhoods declining) that provide a “diverse mix of housing values, types and choices to meet the needs of different income groups, ages, household types and sizes” (HCP, page 18). The limited supply of vacant developable land demands a prudent approach to addressing housing needs and achieving housing goals. Quality high-density people-oriented multifamily development is a sound response.
- The project encompasses an upscale aesthetic in building architecture, materials and overall design (for both the built, natural and social components) with a market-driven amenity package to promote a people-first community identity that exemplifies the city’s vision for a “live, work, play” lifestyle - - one that embodies harmony and diversity of living area unit types and sizes, individual and group work areas, personal and professional indoor and outdoor gathering spaces. One’s home turf is further connected to the greater community via WIFI access throughout the facility including in the terrace and pool areas. Furthermore, the terrace and pool areas will allow for entertainment and recreation activities of varied scale. A network of site green spaces, dog park and walking paths further support public activity and interaction.
- The proposed rezoning project directly responds to and complies with the Coliseum Central Master Plan’s REDEVELOPMENT POLICIES (pgs 21-23):
 - Create dense, connected, and pedestrian-friendly activity centers within the initiative areas.
 - Encourage residential development wherever possible, in appropriate forms that relate to neighboring land uses.
 - Organize land use in terms of scale of development and cluster uses compatible in character.
 - Develop and connect open space and natural areas within the District to provide amenities for residents and visitors alike.
 - Create new public streets with sidewalks and street trees that connect the varying land uses in the District.
 - Encourage development patterns and forms which promote Coliseum Drive as the District’s “Main Street”

Anticipated Impact on Hampton City Services:

Provided below are the City infrastructure services that will be utilized for the project:

- **Water:** 12" waterlines owned and operated by Newport News Waterworks (new taps for waterline and fire protections: backflow: automatic fire protection will be included in deck and apartment building)
- **Wastewater:** 8" sanitary sewer system to be upgraded by Hampton City to facilitate functionally obsolete system. New system will facilitate future development including *The Venue* and Quality Inn site development project.
- **Stormwater:** The existing site is developed with a commercial building and related parking lot. The site generally drains from north to south via sheet flow and is collected in a system of inlets and pipes which outfall to a stormwater management pond. The pond then outfalls to the existing public drainage system in Pine Chapel Road. With the redevelopment of this project, the proposed site improvements will be analyzed to determine the required stormwater quality and quantity improvements. For stormwater quantity, it is anticipated that the existing pond will need to be reconfigured to accommodate the site improvements. It appears the pond will not be of sufficient size to mitigate water quantity, so any additional capacity will be provided by underground detention. For water quality, the new wet retention pond will be utilized to meet a portion of the pollutant removal requirements, and the balance will be met through the purchase of nutrient credits.
- **Access:** The project will utilize the existing two entrances off Commerce Drive.
- **Traffic:** Based on the analysis results of the traffic impact analysis (TIA) date 28 July 2023 prepared by Timmons Group for the proposed multi-family development at this site, no improvements are required at the study intersections to accommodate the traffic generated by the site.

Anticipated Impact to Adjacent Properties



As previously noted, the “Coliseum Drive South” initiative area within The Coliseum Central Master Plan supports hotel and residential units west of Coliseum Drive. Currently, the subject property is bound by I-64 to the west, Pine Chapel Road to the south and Commerce Drive to the east. Additionally, this property is surrounded by office, hotel and extended stay facilities to the north (e.g. office building plus Extended Stay America), to the northeast (e.g. Courtyard by Marriott) and to the east (e.g. Hyatt Place). Further north is the Eclipse Urban Apartments project. Construction impacts during the development period will occur during daylight hours, be contained on site, and have little to no impact on the transient populations that utilize the overnight accommodations of adjacent properties.

New traffic to the subject property will enter the site off Commerce Drive. The project will be designed to accommodate resident and guest parking within project boundaries (nearly 100% in structured parking) with no overflow impact on adjacent property lots or streets. The site will be landscaped and buffered to address any noise and light influences.

The combination of these nearly 400 dwelling units along with other community multifamily residential projects in this area will generate or contribute significant demand for locally sourced personal services, recreational and entertainment opportunities, home furnishings and supplies, boutique retail, grocer markets and foodie niches among other needs and interests. Various master plans designate and promote Coliseum Drive as the District’s “Main Street” throughout the Mixed Use Urban Core intending a pedestrian-friendly walkable mixed-use development that attracts and retains consumers of the varied businesses envisioned to adorn the District's Drive. The presence of *The Venue* development project can spur such a development pattern which in turn can promote a healthy and expanding local economy as well as stimulate job creation, workforce development and area wealth.

-END OF NARRATIVE STATEMENT-

Project Data –										Unit Totals			
										09/21/23			
Unit Description	Description	Heated S.F.	Unheated S.F.	Gross S.F.	1	2	3	4	5	Total	Unit %	Net S.F.	Gross S.F.
STUDIOS													
S1	1BR/1BA	481.00	57.00	538.00	36	49	49	49	45	228	59.69%	109,668.00	122,664.00
S1	1BR/1BA	481.00	57.00	538.00	2	2	2	2	2	10	2.62%	4,810.00	5,380.00
					38	51	51	51	47	238	62.30%	114,478.00	128,044.00
ONE BEDROOMS													
A1	1BR/1BA	676.00	0.00	676.00	11	12	13	13	13	62	16.23%	41,912.00	41,912.00
A1 - ALT	1BR/1BA	676.00	0.00	676.00	1	1	1	1	1	5	1.31%	3,380.00	3,380.00
A2	1BR/1BA	691.00	71.00	762.00	3	3	3	3	3	15	3.93%	10,365.00	11,430.00
					15	16	17	17	17	82	21.47%	55,657.00	56,722.00
TWO BEDROOMS													
B1	2 BR/2BA	1064.00	73.00	1137.00	2	2	2	2	2	10	2.62%	10,640.00	11,370.00
B2	2 BR/2BA	1052.00	71.00	1123.00	3	4	4	4	4	19	4.97%	19,988.00	21,337.00
B2 – ALT	2 BR/2BA	1052.00	71.00	1123.00	3	3	3	3	3	15	3.93%	15,780.00	16,845.00
B3	2 BR/2BA	1150.00	55.00	1205.00	0	0	1	1	0	2	0.52%	2,300.00	2,410.00
B3 – ALT	2 BR/2BA	1150.00	55.00	1205.00	3	3	3	3	0	12	3.14%	13,800.00	14,460.00
SUITE B4	2 BR/2BA	1629.00	55.00	1684.00	0	0	0	0	1	1	0.26%	1,629.00	1,684.00
SUITE B4 - ALT	2 BR/2BA	1629.00	55.00	1684.00	0	0	0	0	3	3	0.79%	4,887.00	5,052.00
					11	12	13	13	13	62	16.23%	69,024.00	73,158.00
										Grand Totals			
					64	79	81	81	77	Total	Unit %	Net S.F.	Gross S.F.
Avg. Unit	626	S.F.								382	100.00%	239,159.00	257,924.00
Building Totals													
Number of Residential Stories					Level 1	Level 2	Level 3	Level 4	Level 5	TOTAL COMBINED			
Gross S.F.					60,481	61,200	61,255	61,255	60,993	305,184			
Heated S.F.					57,823	57,726	57,726	57,726	57,742	288,743			
Unit – Heated					40,353	48,334	50,160	50,160	50,152	239,159			
Circulation/MEP/Elec./Storage/Pass thru					7,966	7,570	7,566	7,566	7,590	38,258			
Amenity					9,504	0	0	0	0	9,504			
Open to Below Amenity (unusable S.F.)					0	1,822	0	0	0	1,822			



SENSEI DEVELOPMENT



1 Site Plan - Ground Floor Level with Amenity
Scale: 1" = 60'-0"

Plan

1909 Commerce Drive - Conceptual Site Plan Layout



1 Site Plan - Typical Floor Level
Scale: 1" = 60'-0"

Plan

1909 Commerce Drive - Conceptual Site Plan Layout





1 Perspective View - Leasing Corner
Scale: N.T.S.



4 South Elevation
Scale: 1/32" = 1'-0"



2 East Elevation
Scale: 1/32" = 1'-0"



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



1 North Elevation
Scale: 1/32" = 1'-0"



9 Courtyard 2 - North Elevation
Scale: 1/32" = 1'-0"



8 Courtyard 2 - West Elevation
Scale: 1/32" = 1'-0"



7 Courtyard 2 - East Elevation
Scale: 1/32" = 1'-0"



6 Courtyard 2 - South Elevation
Scale: 1/32" = 1'-0"



5 Courtyard 1 - South Elevation
Scale: 1/32" = 1'-0"



4 Courtyard 1 - West Elevation
Scale: 1/32" = 1'-0"



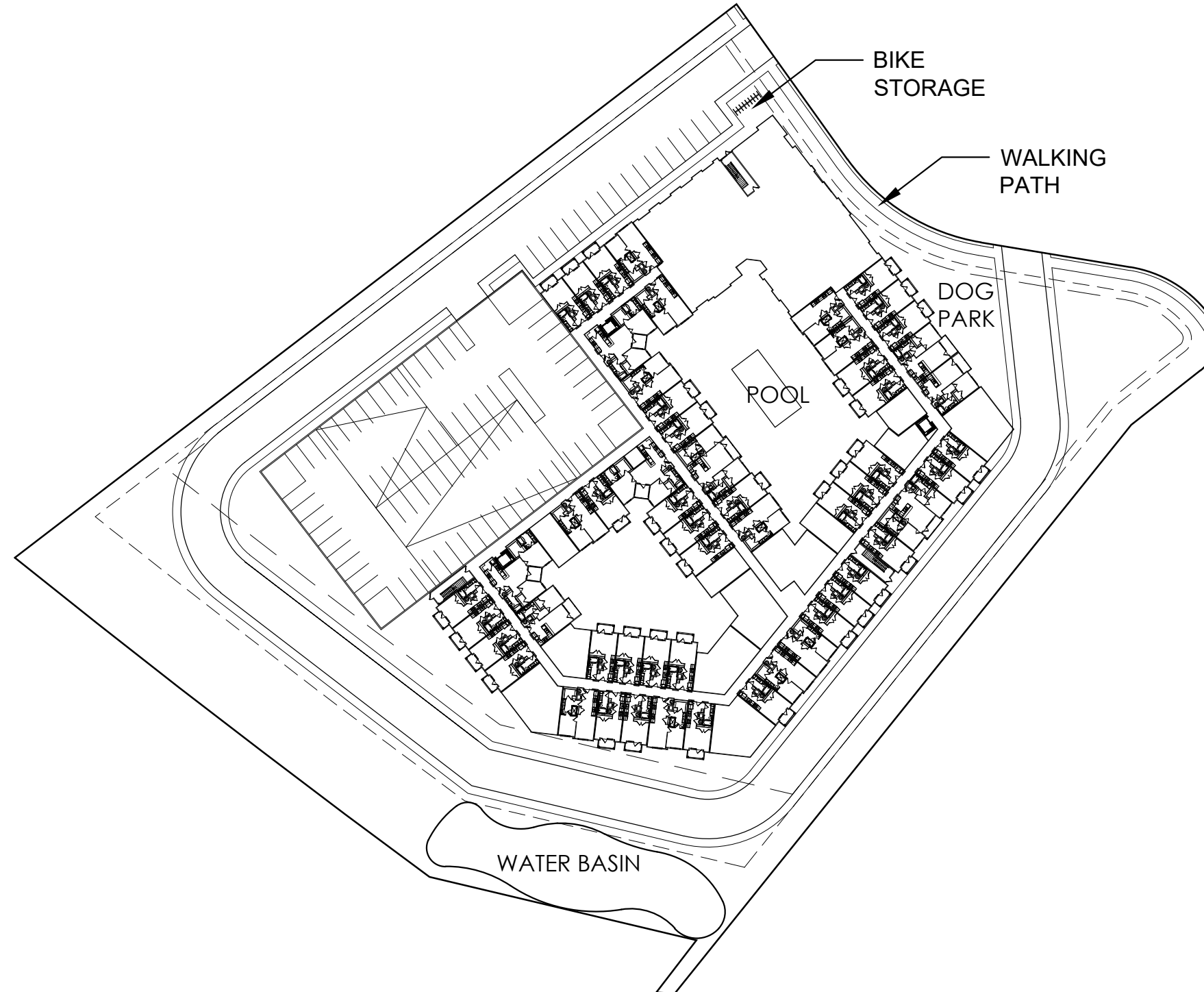
3 Courtyard 1 - North Elevation
Scale: 1/32" = 1'-0"



2 Courtyard 1 - East Elevation
Scale: 1/32" = 1'-0"



1 West Elevation - 2
Scale: 1/32" = 1'-0"



1 Site Plan - Ground Level
Scale: 1" = 80'-0"

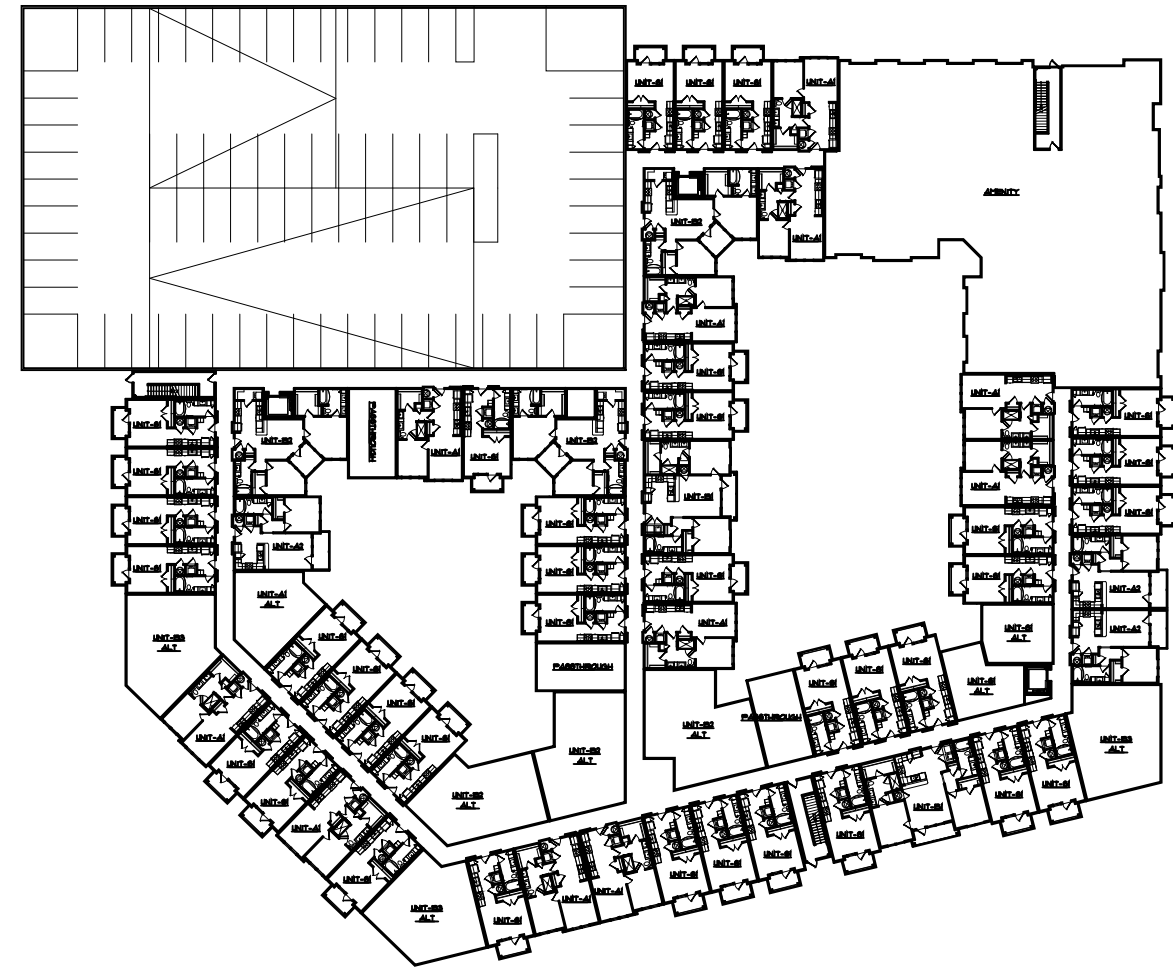
Plan

1909 Commerce Drive - Conceptual Floor Plans



2 Building Plan - Second Level
Scale: 1/64" = 1'-0"

Plan



1 Building Plan - Ground Level
Scale: 1/64" = 1'-0"

Plan

1909 Commerce Drive - Conceptual Floor Plans

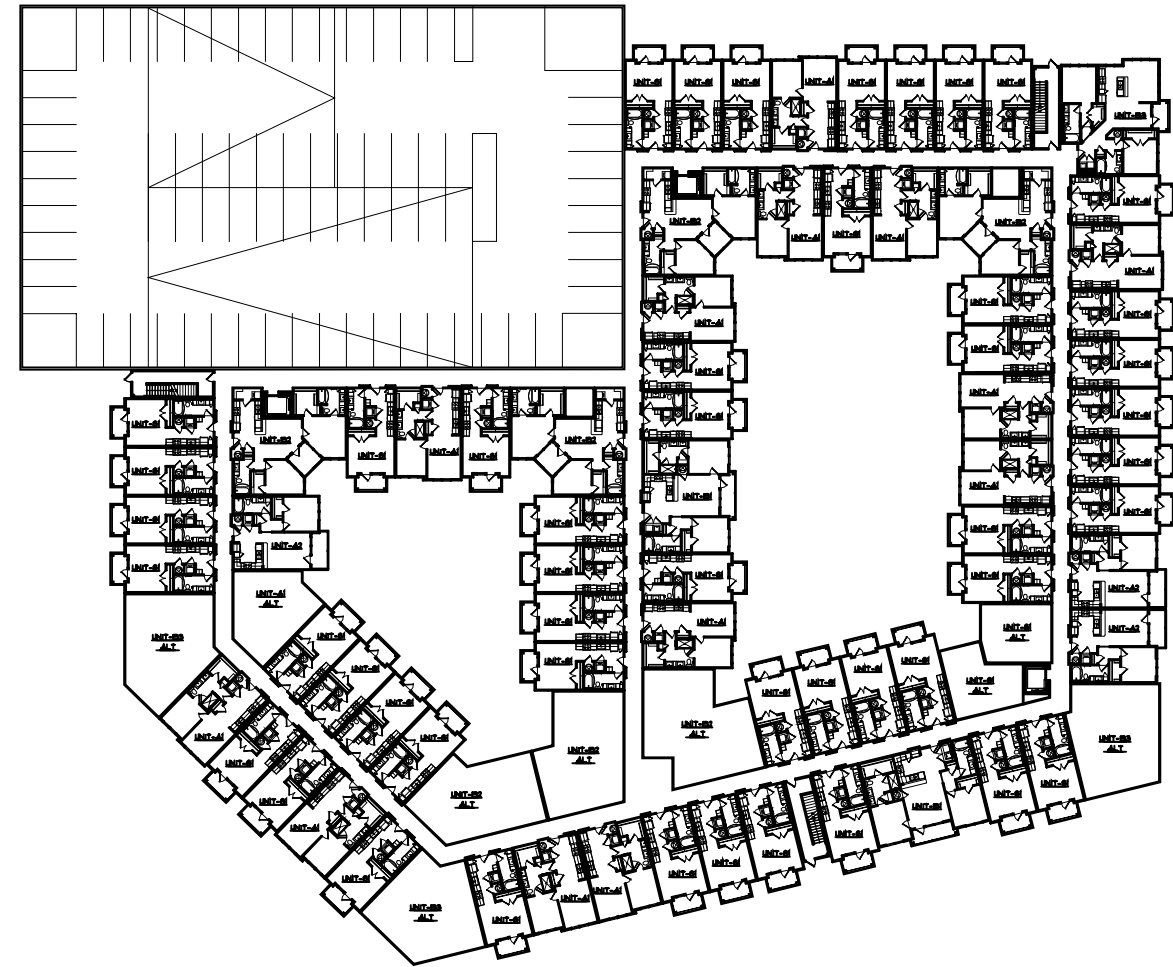
June 2, 2023





2 Building Plan - Fifth Level
Scale: 1/64" = 1'-0"

Plan



1 Building Plan - Typical Residential Level
Scale: 1/64" = 1'-0"

Plan

1909 Commerce Drive - Conceptual Floor Plans



TITLE CERTIFICATION AND LIEN DISCLOSURE

RZ23-00006 and UP23-00077 (Multifamily Dwelling);
The Venue, 1909 Commerce


1909 Commerce Drive, Hampton, Virginia 23666
Tax ID: #7001267

The undersigned Virginia licensed attorney is the attorney for Coliseum Center, LLC, a Virginia limited liability company (the "Owner"), which is the owner of the property located at 1909 Commerce Drive in the City of Hampton, Virginia, as more particularly described and set forth on Exhibit A attached hereto (the "Property"). The Owner is the applicant for a rezoning application entitled *RZ23-00006 and UP23-00077 (Multifamily Dwelling); The Venue, 1909 Commerce Drive*.

In my capacity as attorney for the Owner, I obtained a title search report for the Property from Safe Harbor Title Company with an effective date of June 7, 2023, a copy of which is attached hereto (the "Title Report"). Based solely on the Title Report, as required by Section 14-24(5) of the Hampton Zoning Ordinance, I hereby certify as follows:

1. Title to the Property is in the name of: COLISEUM CENTER, LLC, a Virginia limited liability company (the "Owner").
2. The Property was acquired by the Owner by instrument of record in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, as follows:
 - Special Warranty Deed from Colonial Holdings, Inc., a Virginia corporation, dated June 12, 2022, and recorded that date in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Instrument Number 220010689.
3. The following are all of the deeds of trust/liens on the Property:
 - Credit Line Deed of Trust dated August 12, 2022, from Coliseum Center, LLC to Robert S. Janney and Chris Lane, Trustees for Blue Ridge Bank, N.A. securing \$450,000.00, recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Instrument Number 220013917.

Date: September 12, 2023



J. Revin Muldowney, Esq. (#46388)
Hirschler Fleischer P.C.
2100 E. Cary Street
Richmond, Virginia 23223
(804) 771-9501

EXHIBIT A

PROPERTY DESCRIPTION

ALL THOSE certain pieces or parcels of land, situate, lying and being in the City of Hampton, Virginia, containing in the aggregate 4.880 Acres, identified as "PARCEL F 4.730 Acres" and "PARCEL G 0.150 Acres", all as shown on that certain plat entitled, "PLAT OF 2 PARCELS OF LAND OWNED BY THE WALNUT HOMES COMPANY AND THE CITY OF HAMPTON, VIRGINIA, CITY OF HAMPTON, VIRGINIA", dated December 11, 1996, prepared by Resource International, Ltd., Environmental Consultants & Designers, Ashland, Virginia, a copy of which said plat is recorded in Deed Book 1198, at page 1928.

BEING the same real estate conveyed to Coliseum Center LLC, a Virginia limited liability company, by Special Warranty Deed from Colonial Holdings, Inc., a Virginia corporation, dated June 16, 2022, recorded June 16, 2022, in the Clerk's Office, Circuit Court, City of Hampton, Virginia, as Instrument No. 220010689.



TITLE REPORT

File No.: SHTC23-795

1. **Effective Date: June 7, 2023**
2. **Title to the fee simple estate or interest in the land is at the Effective Date vested in:**

Coliseum Center LLC, a Virginia limited liability company

3. **The land referred to in this Commitment is described as follows:**

See Exhibit A – Legal Description attached hereto

Countersigned:

Cindy K. Balsly

By:

Cindy K. Balsly, Safe Harbor Title Company

EXCEPTIONS TO TITLE

1. This tax information is furnished for your information only. No liability of any nature whatsoever is hereby assumed for errors as to these figures.

Tax Assessment for 2023-2024

BILL # N/A

MAP or PARCEL ID/GPIN # 7001267

DESCRIPTION IN TAX RECORD: Pine Chapel Rod, Parcel F & G

LAND ASSESSMENT: \$2,338,300.00

IMPROVEMENTS ASSESSMENT: \$70,000.00

TOTAL ASSESSMENT: \$2,408,300.00

2022-2023 ANNUAL TAX: \$37,142.86 (\$18,571.43 per half)

TAX PAYMENT DUE DATE(S): December 5 and June 5

TAXES HAVE BEEN PAID THROUGH: Full Year 2022-2023

TAXES A LIEN, NOT YET DUE: December 5, 2023

2022-2023 BUSINESS IMPROVEMENT DISTRICT TAX AND STORMWATER FEES
\$1,101.70 per half (BID) AND \$3,898.80 per half (SWF)

NOTE: 2023-2024 Annual Taxes, Business Improvement District Tax and Stormwater fees have not been set.

Property Address as shown in the tax records: 1909 Commerce Drive, Hampton, VA 23666

2. CREDIT LINE deed of trust from Coliseum Center, LLC to Robert S Janney and Chris Layne, Trustee(s), dated August 12, 2022, filed for record in Instrument No. 220013917. As stated in deed of trust: Original Principal \$450,000.00; Original Note Holder Blue Ridge Bank, N.A.
3. Rights of Tenants in possession under unrecorded leases solely as tenants and solely with respect to space occupied by each such tenant, together with non-exclusive rights in common with other tenants in areas used by all tenants.
4. Any and all easements of access, light or air incident to the land abutting Interstate Route 64, a limited access highway, any ramps, loops or connection at or with intersecting highways, pursuant to Article 4, Chapter 1, Title 33.1 of the Code of Virginia, as amended.
5. Easement: Granted unto City of Hampton, Virginia, dated November 22, 1961, recorded November 24, 1961, in Deed Book 313, Page 609. Grants easement for a sanitary sewer system and appurtenances thereto, at 10' designated and undesignated locations, with ingress, egress and clearance. Plat attached therewith shows easement.

6. Easement: Granted unto City of Hampton, Virginia, dated July 19, 1971, recorded July 29, 1971, in Deed Book 443, Page 5. Grants easement for utility and drainage purposes and appurtenances thereto, at 20' designated and undesignated locations, with ingress, egress and clearance, and grants a temporary construction easement for utility and drainage facilities and appurtenances thereto, at 20' designated and undesignated locations, with ingress, egress and clearance. Plat recorded therewith shows easement.
7. Certificate No. C-26851 from the State Highway and Transportation Commissioner of Virginia for the construction of Route 64, a limited access highway, dated October 6, 1976, recorded October 12, 1976, in Deed Book 496, Page 461.
8. Easement: Granted unto Virginia Electric and Power Company, dated September 9, 1976, recorded November 22, 1976, in Deed Book 497, Page 474. Grants easement for a pole line for the transmission and distribution of electricity and appurtenances thereto, at designated and undesignated locations, with ingress, egress and clearance. Plat recorded therewith shows easement.
9. Easement: Granted unto Turner-Harwood Venture at Pinewood, dated December 12, 1985, recorded December 18, 1985, in Deed Book 748, Page 584. Grants easement for underground surface drainage facilities and appurtenances thereto, at variable width designated and undesignated locations, with ingress, egress and clearance.
10. Easement: Granted unto Virginia Electric and Power Company, dated September 23, 1986, recorded October 27, 1986, in Deed Book 799, Page 548. Grants easement for one or more lines of underground conduits and cables for the purpose of transmitting and distributing electric power, including telephone and television, and appurtenances thereto, at 15' designated and undesignated locations, with ingress, egress and clearance. Plat recorded therewith shows easement.
11. Easement: Granted unto the City of Newport News, Virginia, dated October 30, 1987, recorded December 30, 1987, in Deed Book 879, Page 673. Grants easement for locating, placing and maintaining water mains and appurtenances thereto, at 15' designated and undesignated locations, with ingress, egress and clearance. Plat recorded therewith shows easement.
12. Declaration of Covenants for Storm and Surface Water Facility and System Maintenance from Colonial Downs Holdings, Inc. to the City of Hampton, Virginia, dated April 11, 1997, recorded July 24, 1997, in Deed Book 1210, Page 1073.
13. Easement: Granted unto Virginia Electric and Power Company by instrument dated October 21, 1997, recorded November 06, 1997, in Deed Book 1220, Page 1561. Grants easement for transmitting and distributing electric power by one or more circuits and

appurtenances thereto, at variable widths designated and undesignated locations, with ingress, egress and clearance. Plat recorded therewith shows easement.

14. Easement: Granted unto the City of Newport News dated December 29, 1997, recorded February 23, 1998, in Newport News, Virginia, Deed Book 1232, Page 1710, and recorded in Hampton, Virginia, on March 09, 1998, in Deed Book 1232, Page 1710. Grants easement for a water pipeline and appurtenances thereto, at 10' designated and undesignated locations, with ingress, egress and clearance. Plat recorded therewith shows easement.
15. Resolution No. 1-0052 dated February 24, 2015, recorded March 04, 2015, as Instrument Number 150002251. The Resolution is for a Proposed Pine Chapel Road pedestrian and bicycle trail with construction, drainage and trail easements.
16. Terms and conditions as contained in that certain Deed of Easement between Colonial Downs, L.P. and The City of Hampton, Virginia, dated June 02, 2015, recorded July 06, 2015, as Instrument No. 150008158.
17. Plat made by Miller Stephenson, P.C. dated September 17, 1985, entitled, "Subdivision of Property Owned by the Walnut Homes Company and The City of Hampton, Virginia", recorded in Map Book 8, Page 110, shows the following:
 - a) 50' right of way - Motel Road;
 - b) Variable right of way - Pine Chapel Road;
 - c) 10' sanitary sewer easement;
 - d) 20' drainage easement.
18. Plat made by Resource International, Ltd., dated December 11, 1996, entitled, "Plat of 2 Parcels of Land Owned by the Walnut Homes Company and the City of Hampton, Virginia", with Deed in Deed Book 1198, Page 1926, shows the following:
 - a) 10' and a 20' drainage easement;
 - b) 10' utility easement;
 - c) 15' Virginia Electric and Power Company easement.
- 19.

EXHIBIT A

PROPERTY DESCRIPTION

TENTATIVE LEGAL DESCRIPTION:

ALL THOSE certain pieces or parcels of land, situate, lying and being in the City of Hampton, Virginia, containing in the aggregate 4.880 Acres, identified as "PARCEL F 4.730 Acres" and "PARCEL G 0.150 Acres", all as shown on that certain plat entitled, "PLAT OF 2 PARCELS OF LAND OWNED BY THE WALNUT HOMES COMPANY AND THE CITY OF HAMPTON, VIRGINIA, CITY OF HAMPTON, VIRGINIA", dated December 11, 1996, prepared by Resource International, Ltd., Environmental Consultants & Designers, Ashland, Virginia, a copy of which said plat is recorded in Deed Book 1198, at page 1928.

BEING the same real estate conveyed to Coliseum Center LLC, a Virginia limited liability company, by Special Warranty Deed from Colonial Holdings, Inc., a Virginia corporation, dated June 16, 2022, recorded June 16, 2022, in the Clerk's Office, Circuit Court, City of Hampton, Virginia, as Instrument No. 220010689.