



Application for
Rezoning

OFFICE USE ONLY
Date Received

RECEIVED

PLANNING DEPT.

Case Number RZ 16 - 00010

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 504-520 N. KING ST

LRSN 13004388 Current Zoning District C-3 Proposed Zoning District DT-1

Current Land Use C3 - VACANT

Proposed Land Use BREW PUB / DISTILLERY / LIVE ENTERTAINMENT

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 504-520 N. KING ST, LLC

Address 768 W 20TH STREET City NORFOLK State VA Zip 23517

Phone 757 749 9835 Email rthomas@spacemakers.net

3. APPLICANT INFORMATION (if different from owner) SAME

Applicant's Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

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

Agent's Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

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 Economic Development Authority of the City of Hampton, Virginia

Signed by:

Name (printed) Eleanor W. Brown, Its (title) Chair

Signature [Handwritten Signature] Date 9-20-16

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

Application Form

Narrative Statement

Proffer Statement

Application Fee

Survey Plat

Additional materials (if required)

NARRATIVE STATEMENT
FOR
REZONING OF THE HAMPTON ARMORY LOCATED AT 504 AND 520 N KING ST -- LRSN: 2003525

504-520 N King St, LLC seeks to renovate and develop the historic Hampton Armory located at 504 & 520 N King St, Hampton, VA to operate a brewpub and distillery featuring live entertainment with a maximum occupancy of 1100 for featured events.

The goals of this project are:

- create the area's first co-located brewpub and craft distillery featuring a live entertainment venue capable of attracting regional and national artists;
- operate a thriving business in one of Hampton's most historically significant buildings;
- encourage new development in downtown Hampton and the Armory District;
- and stimulate the Hampton Roads MSA economy with approximately \$3M in improvements to the building and surrounding property and create approximately 50 new full and part-time employment opportunities.

The existing building is currently zoned C-3. The new development will require the property to be rezoned DT-1 to accommodate the brewpub, distillery and live entertainment.

The existing building is approximately 14,373sf featuring a large 6,300sf open area with 40' high ceilings and a theatrical-style stage. The remaining space is divided into two, two-story administrative areas located at the front and rear of the building. The large open area will be devoted to the brewery, brewpub tasting room, dining room, mezzanine and live entertainment viewing area. These two two-story areas will be renovated to accommodate restrooms, a commercial kitchen, private dining and tasting rooms, storage, administrative offices and common areas.

In order to accommodate brewing and distilling operations, two new additions will be constructed on the southern side of the building. The larger addition, approximately 1456sf, will be devoted to brewing operations and house supporting building systems, grain handling, storage and shipping/receiving. The distilled spirits plant will be located in the existing building's converted boiler room. Adjacent to the boiler room a new 196sf addition is planned for distillery production and packaging. Both additions are planned to be commercial metal building structures clad in metal panels and placed CMU foundation walls bearing on concrete footings. Interior partitions, if required, will be framed using light gage metal studs and covered in GWB.

The Armory building is currently vacant and in very poor condition. Restoration of the building and improvements to the site are core elements of this development and will have a significant positive visual impact on the neighborhood. Adjacent property owners will be positively impacted by the completion of the project as it is one of the key elements for the City's Armory District and North King St Corridor initiatives.

The project will require upgrades to public utilities (water, sewer, gas and electric) serving the building, as well as right of way improvements along N King St. Additionally, shared parking agreements will be necessary to accommodate the anticipated maximum occupancy rating of 1100.

This project fully conforms to the Downtown Master Plan's Initiative 8 for the Armory District and requirements of RFP 16-44/CLP.

ELMWOOD CEMETERY
 LRSN: 2003525
 650 N. KING ST.

D.B. 301, PG. 214

N. KING ST.
 (Variable Width R/W)

DRILL HOLE
 FND

TERRANCE A. &
 LARISA M. HANER
 INST. # 060010106
 LRSN: 2003515
 525 WINE ST.

N 81°43'56" E → 187.51'

Economic Development Authority
 of the City of Hampton, VA

INST. # 160005371
 LRSN: 2003524
 520 N. KING ST.
 (AREA: 15,042 S.F. ±; 0.3453 Ac ±)

PERCELL &
 MERILYN B. GRANT
 D.B. 506, PG. 874
 LRSN: 2003514
 521 WINE ST.

279.75'

80.18'

80.24'

S 08°00'11" E

S 81°45'00" W ← 187.56'

EXIST. PROPERTY LINE HEREBY VACATED

IPF
 IN CONC.

BENJAMIN L. &
 LINDA J. BROKENBURR
 D.B. 507, PG. 564
 LRSN: 2003513
 519 WINE ST.

"Parcel A"

Economic Development Authority
 of the City of Hampton, VA

INST. # 160005371
 LRSN: 2003523
 504 N. KING ST.
 (AREA: 37,430 S.F. ±; 0.8593 Ac ±)

GLORIA KEENE JONES ET AL
 D.B. 1106, PG. 368
 LRSN: 2003512
 517 WINE ST.

N 07°58'00" W

199.57'

S 07°58'20" E

ELBERT R. & ALICE W.
 BOOKER
 D.B. 133, PG. 377
 LRSN: 2003511
 515 WINE ST.

PERCELL CHAVERS JR. &
 CLAUDIA CHAVERS
 INST. # 050023717
 LRSN: 2003510
 509 WINE ST.

10.00'

S 81°44'24" W ← 187.58'

IRF
 IN CONC.

REUBEN S. McKIM
 D.B. 84, PG. 550
 LRSN: 2003509
 419 WINE ST.

216'± TO
 E. PEMBROKE AVE.

"X" CUT FND

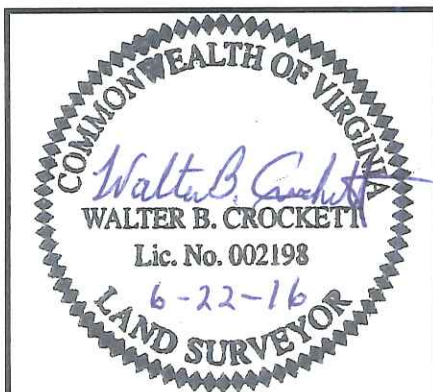
NOTES:

1. THE LAND BOUNDARY SURVEY SHOWN HEREON IS BASED UPON A CURRENT FIELD SURVEY.
2. A CURRENT TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
3. ALL EXISTING EASEMENTS MAY NOT BE SHOWN ON THIS PLAT.
4. PROPERTY IS SUBJECT TO RIGHTS OF WAY, EASEMENTS, COVENANTS AND ALL MATTERS OF PUBLIC RECORD.

Total Area of "Parcel A": 52,472 S.F. ±; 1.2046 Ac. ±

ADDITIONAL REFERENCES:

- D.B. 68, PG. 455 (PLAT)
- D.B. 93, PG. 229 (PLAT)
- D.B. 301, PG. 214 (PLAT)
- INST. # 160007071 (R/W DEDICATION)



Plat Showing Property Line Vacation of
 Property Containing 37,430 S.F. ±; 0.8593 Ac. ±
 Located at 504 N. King St., Hampton, VA
 and
 Property Containing 15,042 S.F. ±; 0.3453 Ac. ±
 Located at 520 N. King St., Hampton, VA
 Property of: Economic Development Authority of
 the City of Hampton, VA



WALTER B. CROCKETT, L.S.
 CITY SURVEYOR
 CITY OF HAMPTON - P.W. ENGINEERING
 22 LINCOLN ST., HAMPTON, VA 23669

SURVEY BY: W.B. Crockett, L.S.
 CAL'C BY: W.B. Crockett, L.S.
 DRAWN BY: T.W. Crispell
 CH'KD BY: W.B. Crockett, L.S.

DATE: 3 June, 2016
 REV. DATE: 22 June, 2016
 SCALE: 1" = 50'
 Sheet 1 of 2

504-520 N King St, LLC
768 W 20th Street
Norfolk, VA 23517

After recording return to:
Office of the City Attorney
22 Lincoln Street
Hampton, Va. 23669
(brib)

LRSN: 13004388

PROFFER AGREEMENT

THIS PROFFER AGREEMENT (“Agreement”) made this 14th day of September 2016, by and between 504-520 N King St, LLC (the “Grantor”) and the Hampton Economic Development Authority (the “Grantor for recording purposes”); 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. 504-520 N King St, LLC is, or will become, the owner of a certain parcels of property located in the City of Hampton, herein known as LRSN Number 13004388, and more fully described on “Exhibit A” (the “Property”). The property is now or was formerly owned by the Hampton Economic Development Authority.
- B. Grantor has initiated a conditional amendment to the zoning map of the City of Hampton, Virginia, by petition addressed to the Grantee so as to change the zoning classification of the Property from C-3 to DT-1.
- C. Grantor has requested approval of this Agreement.
- D. 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.

- E. 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.
- F. 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 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 heirs, 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 of 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 heirs successors and assigns, grantees and other successors in interest or title to the Property; namely:

CONDITIONS

- A) The permitted uses of the property shall be limited to a microbrewery, restaurant, live entertainment and microdistillery.

- B) The site shall be developed in substantial conformance with the conceptual site plan titled “Armory, The Vanguard Conceptual Layout” dated September 13, 2016, prepared by Timmons Group, a copy of which is on file with the Planning and Zoning Administration Division of the Community Development Department and has been exhibited to the Planning Commission and the Hampton City Council for illustrative purposes and justification for this rezoning. Site improvements will include, but not be limited to, required upgrades to public utilities, the addition of onsite parking, outdoor seating and entertainment and new pedestrian sidewalks. 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 and shall supersede any previously filed conceptual site plan.
- C) Prior to commencement of any exterior modifications, plans shall be submitted to the Community Development Department to ensure architectural compatibility with the original armory historic building.
- D) The new addition, as shown on the conceptual layout and Exhibit A, will be constructed primarily of metal siding and concrete masonry units (CMUs). Secondary building materials may include wood and brick masonry. Primary roof material for the new addition shall be standing seam metal.
- E) All exterior lighting shall comply with the “City of Hampton Outdoor Lighting Policy and Procedures”, and shall be directed downward and inward to the site.
- F) Grantor agrees to perform the necessary repairs and alterations required to operate a brewpub featuring live entertainment.
- G) It is understood that all phases of the proposed project shall comply with all ordinances of the City of Hampton.

- H) Further lawful conditions or restrictions against the Property may be required by Grantee during the detailed Site Plan review and administration of applicable codes and regulations of Grantee by all appropriate agencies and departments of Grantee, which shall be observed or performed by Grantor. Grantor acknowledges that additional further lawful conditions or restrictions may be imposed by Grantee as a condition of approvals, including but not limited to final site plan approval.
- I) At minimum, site landscaping shall include plantings as shown on the conceptual layout.
- J) Any fencing located within one hundred feet (100') of the rear property line shall be limited to eight feet (8') in height and shall be solid, opaque privacy fencing as shown on the conceptual layout. Any fencing located more than one hundred feet (100') from the rear property line shall be metal picket fencing and shall be limited to eight feet (8') in height as depicted on the conceptual layout. Chain link fencing shall be prohibited except to the extent to the extent that the Department of Historic Resources determines it is necessary for historic purposes.
- K) 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.
- L) 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 Department of Community Development 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 signatures:

Grantor:



By: Eleanor W. Brown

STATE OF VIRGINIA

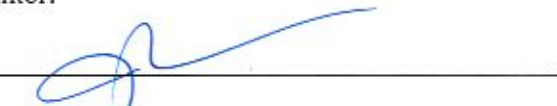
City of Hampton to-wit:

Leesa B. Hudgins the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that Eleanor W. Brown, whose name is signed to the foregoing instrument as Chair, Hampton Economic Development Authority, has sworn to, subscribed, and acknowledged the same before me in the City and State aforesaid, this September 20, 2016, 2016 on behalf of said entity. He/she is personally known to me.


Notary Public

My commission expires: May 31, 2017

Grantor:



By: John R. Thomas, Managing Member

Grantor:

Bjorn

By: Bjorn W. Marshall, Member

STATE OF VIRGINIA
City of Norfolk, to-wit:

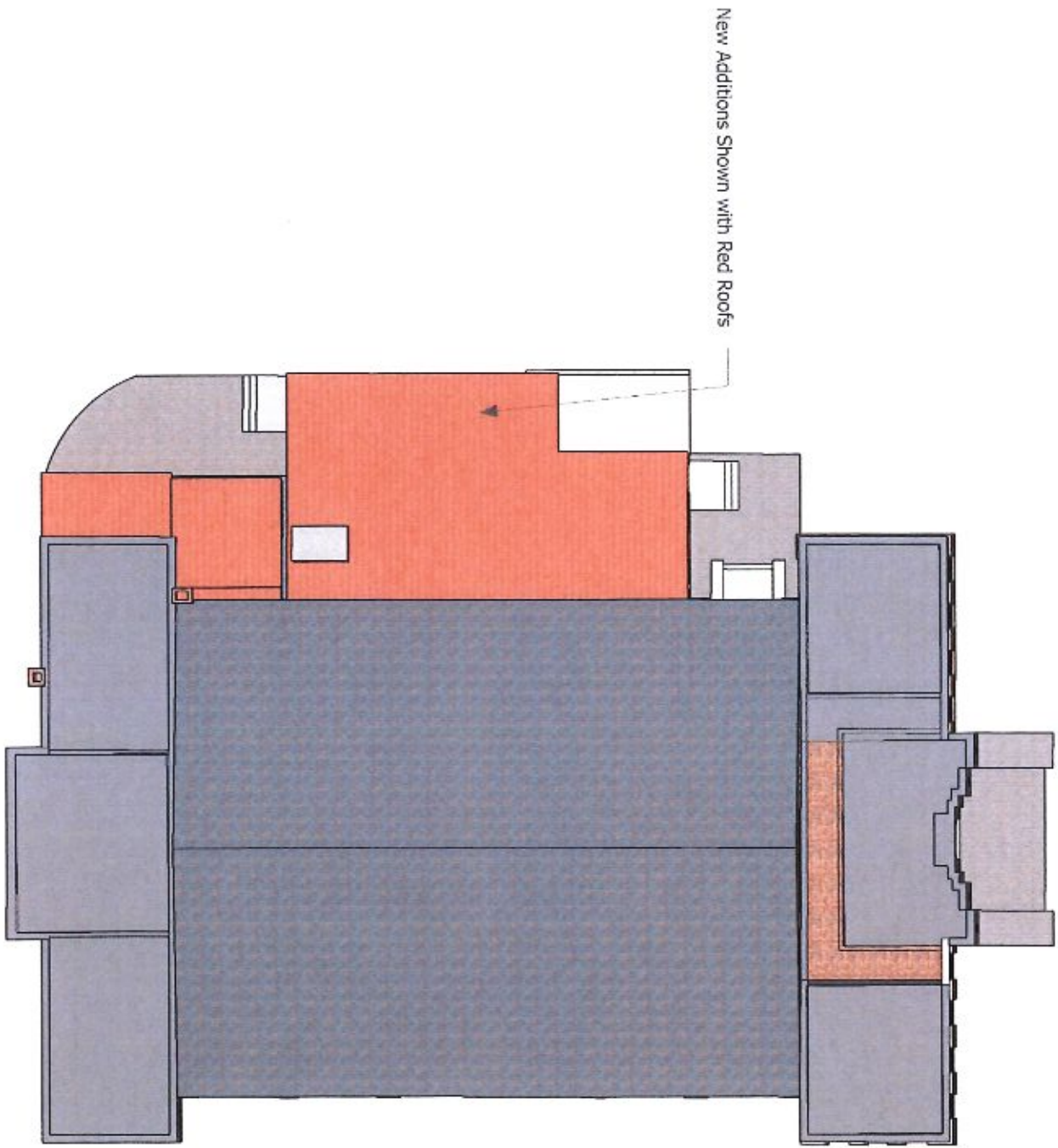
I, Jacqueline Renee Evans, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that John R. Thomas and Bjorn W. Marshall, whose name is signed to the foregoing instrument as Members of 504-520 N King St, LLC, a Virginia Limited Liability Corporation, has sworn to, subscribed, and acknowledged the same before me in the City and State aforesaid, this 14th day of September, 2016 on behalf of said entity. He/she is personally known to me.

Jacqueline Renee Evans
Notary Public

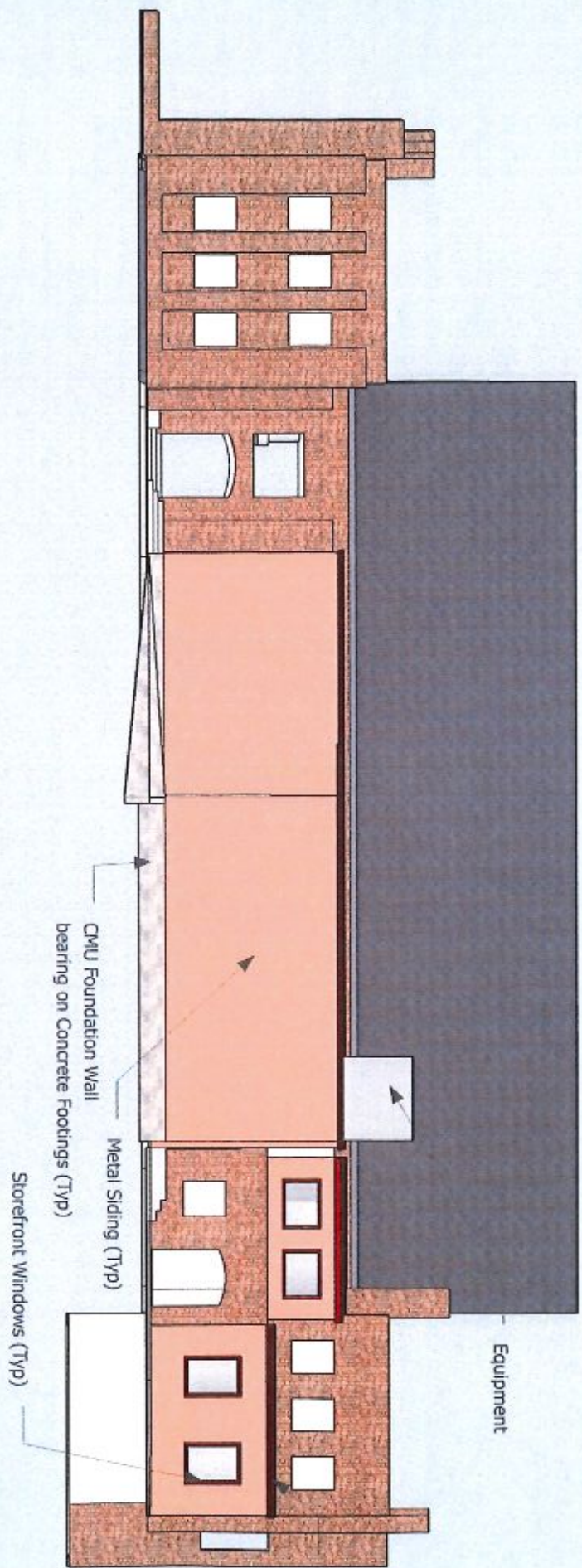
My commission expires: February 28, 2018
Registration No. 271326



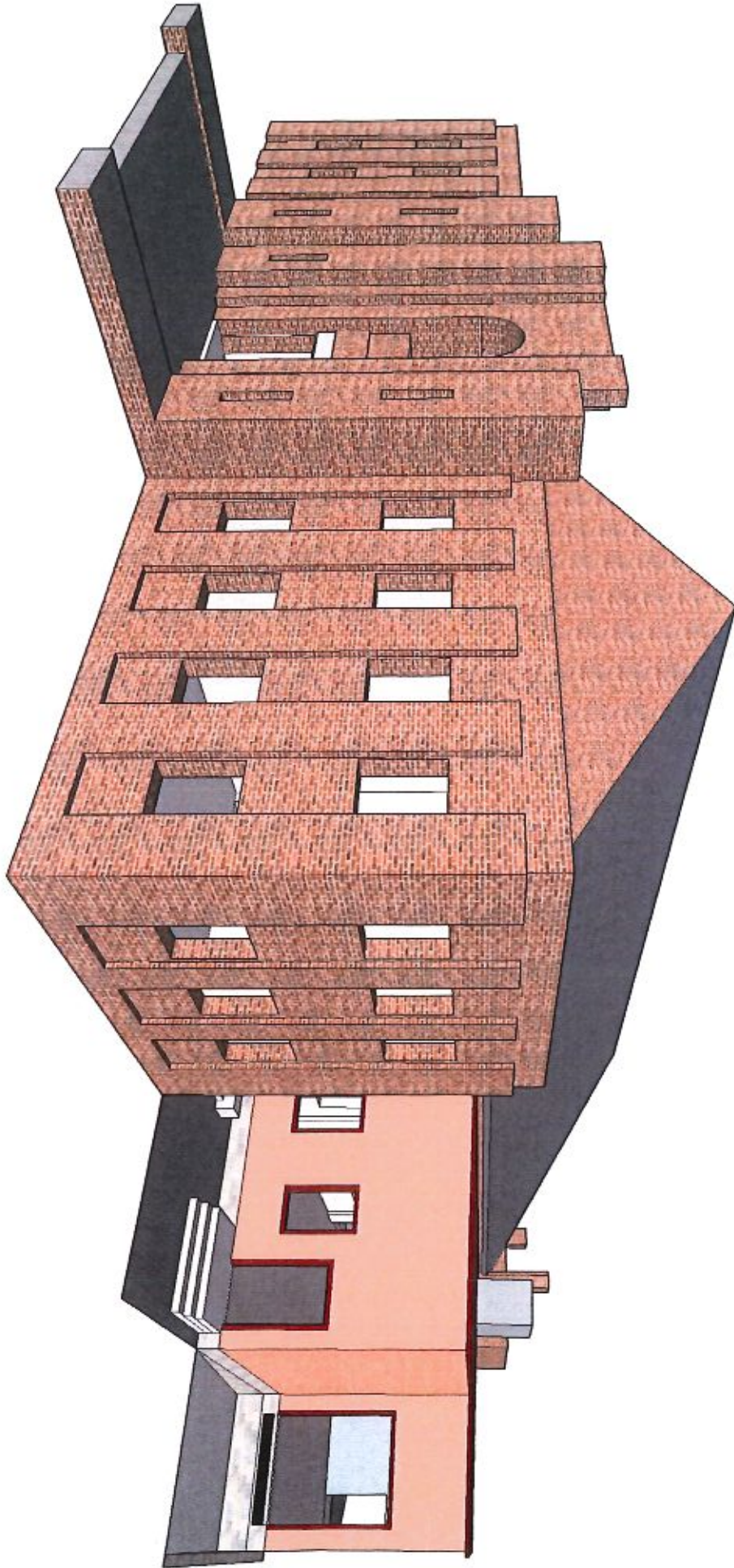
EXHIBIT A



JK



JK



JR



JK