

Conditions

Use Permit Application No. 23-0315

Stay APT Extended Stay Hotel
2122 Hartford Road [LRSN 7001311]

1. Issuance of Permit

The Use Permit is for the development of an extended stay hotel, as that use is defined in the Hampton Zoning Ordinance, applies only to the location at 2122 Hartford Road [LRSN 7001311] ("Location"), is further limited and confined to the designated area as identified on **Exhibit A** attached hereto ("Extended Stay Hotel"), and is not transferable to another location. Any expansion beyond the area designated on **Exhibit A** will require an amended use permit.

2. Design Standards

Any site development and building elevations, including subsequent additions, alterations, or renovations shall comply with the Coliseum Central Design Standards, dated January 2018 (as amended).

3. Concept Plan

The Location shall be developed in substantial conformance with the conceptual site plan entitled "Illustrative Site Plan", dated October 10, 2023, prepared by Kimley Horn (the "Conceptual Site Plan"), 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 to provide justification for this land use action. Minor changes may be made to accommodate environmental, engineering, architectural, topographic or other development conditions, or site plan approval requirements as required or allowed by law and subject to the approval of the Director of Community Development or their designee. A copy of the formal approved site plan shall be placed on file with the Planning and Zoning Division of the Department of Community Development and shall supersede any previously filed Conceptual Site Plan.

4. Elevations & Building Materials

- a. The buildings shall be constructed in substantial conformance with the elevations entitled "stayAPT Suites," prepared by Woolpert dated October 12, 2023, (the "Elevations"), copies of which are on file with the Planning and Zoning Administration Division of the Community Development Department and have been exhibited to the Planning Commission and the Hampton City Council for illustrative purposes and to provide justification for this land use action. Minor changes may be made to accommodate environmental, engineering, architectural, topographic or other development conditions, or building plan approval requirements as required or allowed by law and subject to the approval of the Director of Community Development or their designee. A copy of the final approved elevations shall be placed on file with the Planning and Zoning

Conditions

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Administration Division of the Department of Community Development and shall supersede any previously filed elevations.

- b. The building materials shall be as follows:
 - i. Primary and secondary building materials for all sides of the Elevations shall be a full-face brick veneer, structural brick, ground face or polished block (with integral color), precast or cut stone, metal or composite panel systems, composite cement fiber board panels or siding or engineered wood, and/or aluminum and glass curtain wall.
 - ii. Trim materials shall be engineered wood, composite wood, precast or cut stone, PVC, vinyl, and/or metal and aluminum.

5. Height & Size

- a. The height of the Extended Stay Hotel shall be a minimum of four (4) stories.
- b. The Extended Stay Hotel shall have a minimum of one-hundred (100) guest suites.

6. Management

The Extended Stay Hotel shall have available on-site management 24 hours per day, seven (7) days per week.

7. Security

Surveillance cameras shall be provided outside the building for monitoring the property. If the Hampton Police Division suspects that criminal activity has occurred on premises, surveillance video shall be made available for review by authorized personnel of the Hampton Police Division.

8. Fencing

- a. Any proposed fencing within the following locations shall be black decorative metal picket fencing or similar, and may incorporate brick columns and/or posts:
 - i. front (i.e., Hartford Road) yard;
 - ii. side (i.e., Marcella Road) yard; and
 - iii. rear yard along the portion of the rear property line extending from the Marcella Road right-of-way to the north building facade, facing Marcella Road, which is approximately 70 feet.
- b. Any proposed fencing along the portion of the rear yard which is not referenced in Condition 6(a)(iii) may be wood fencing.
- c. Any proposed fencing shall not be greater than six (6) feet in height.
- d. Any proposed fencing along the road rights-of-way shall be setback a minimum of 15 feet.

Conditions

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9. Common Amenities

The Extended Stay Hotel shall incorporate, at a minimum, the following property amenities:

- a. secure outdoor courtyard with built-in grill station,
- b. firepit and soft seating,
- c. onsite guest laundry facilities, and
- d. fitness center

10. Certificate of Occupancy

The applicant must obtain a Certificate of Occupancy prior to commencing operation.

11. Hotel Licensing and Operation

- a. Applicant shall obtain and maintain all applicable licenses to conduct the business authorized by this Use Permit prior to engaging in any such business, including, but not limited to, (i) those that may be required by the Virginia Department of Health for the operation of a hotel and (ii) those that may be required by Chapter 16.1 of the Hampton City Code (as amended).
- b. Applicant shall comply with all laws and regulations as set forth in Chapter 16.1 of the Hampton City Code (as amended) including, but not limited to, those regarding guest registers.

12. Compliance with Laws

- a. If the applicant is a legal entity, other than a person or persons, including, but not limited to a limited liability company or corporation, applicant shall be authorized to transact business in Virginia as a domestic or foreign business entity and shall provide proof of registration to the Zoning Administrator, upon request. Applicant shall not allow its existence to lapse or its certificate of authority or registration to transact business in Virginia to be revoked or cancelled at any time while this Use Permit is in effect.
- b. This Use Permit may be terminated for any violation of federal, state, or local law.
- c. The Extended Stay Hotel shall be subject to the provisions of the Hampton Zoning Ordinance and the Hampton City Code, to include, but not limited to, noise, setbacks, and building code, and taxation requirements.

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13. Revocation

Notwithstanding any condition or provision of this Use Permit to the contrary, the Use Permit may be revoked for violation of any terms or conditions of the Use Permit as set forth in chapter 14 of the Hampton Zoning Ordinance (as amended).

14. Nullification

The Use Permit shall automatically expire and become null and void under any of the following conditions:

- (1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- (2) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the City Council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council;
or
- (3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

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EXHIBIT A

