

Conditions

Use Permit Application No. 23-0317

The Venue Apartments
1909 Commerce Drive [LRSN 7001267]

1. Issuance of Permit

The Use Permit is for the development of multifamily dwellings, as that use is defined in the City's Zoning Code, applies only to the location at 1909 Commerce Drive [LRSN 7001267] ("Location"), is further limited and confined to the designated area as identified on **Exhibit A** attached hereto ("Multifamily Dwellings"), and is not transferable to another location. Any expansion beyond the area designated on **Exhibit A** will require an amended use permit.

2. Compliance with Rezoning

All the proffered conditions from Rezoning 23-0317 shall also apply to this use permit, and shall be incorporated as if fully set forth herein.

3. 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).

4. Elevations & Building Materials

The construction of all building elevations, as referenced in Rezoning 23-0316, shall be as follows:

- a. 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.
- b. Trim materials shall be engineered wood, composite wood, precast or cut stone, PVC, vinyl, and/or metal and aluminum.

5. Management

The Multifamily Dwellings shall have established on-site management with regular business hours 9 AM-5 PM Monday to Friday, at a minimum.

6. Dumpster Location and Screening

Should the trash dumpster be located outside the confines of the structured parking garage, the dumpster shall:

- a. Be placed in an appropriate location so as not to impede ingress and egress to the Location or navigation within and around the Multifamily Dwellings; and
- b. Be located within an appropriate dumpster enclosure constructed of building materials that complement the primary building materials of the Multifamily Dwellings and enhanced with landscaping as set forth in the

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Coliseum Central Design Standards, dated January 2018 (as amended), and as approved by the Director of Community Development or their designee.

7. Variance Requests

Applicant (including its successors, assigns, or agents) shall make a good faith effort to apply for and receive any variances needed to execute the development of the Multifamily Dwellings including, but not limited to, a variance to reduce the minimum required square footage of multifamily dwelling units to achieve the maximum unit capacity proposed. For purposes of this Use Permit, a good faith effort shall mean that, prior to issuance of a building permit, Applicant shall prepare and submit a complete application to the Hampton Board of Zoning Appeals for a variance to the minimum required square footage of multifamily dwelling units. If the variance request is denied, Applicant shall not be considered in violation of this Use Permit so long as the Multifamily Dwellings are constructed in accordance with all provisions of the Hampton Zoning Ordinance as they exist at the time this Use Permit is issued.

8. Certificate of Occupancy

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

9. 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 Multifamily Dwellings 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.

10. 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

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Permit as set forth in chapter 14 of the Hampton Zoning Ordinance (as amended).

11. 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

