

**Prepared by:**

1772 Old Buckroe Road LLC  
After recording return to:  
Office of the City Attorney  
22 Lincoln Street  
Hampton, Va. 23669  
(cjw)

**LRSN: 11002564**

**PROFFER AGREEMENT**

**THIS PROFFER AGREEMENT** (“Agreement”) made this the \_\_\_\_\_ day of \_\_\_\_\_, 2026, by and between **1772 OLD BUCKROE ROAD LLC** (the “Grantor”); and **THE CITY OF HAMPTON**, a municipal corporation of the Commonwealth of Virginia (the “Grantee” or the “City”), with an address of 22 Lincoln Street, Hampton City Hall, Hampton, Va. 23669.

**RECITALS**

- A. The Grantor is the owner of certain real property located in the City of Hampton, known as LRSN Number 11002564, and more fully described on “Exhibit A” (the “Property”).
- B. The 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 One Family Residential (R-11) District to Two Family Residential (R-8) District.
- C. The 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 and residential purposes, through zoning and other land development legislation.
- E. The Grantor desires to offer the City 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 the Grantor and allowed and accepted by the 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 the Grantee.

NOW, THEREFORE, for and in consideration of the approval and acceptance by the City of this Agreement, the Grantor agrees as follows:

The 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 the 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 following declaration and agreement:

## **CONDITIONS**

### **A. Development Standards**

- 1) Grantor shall subdivide the Property into no more than nine (9) fee simple residential lots for the purpose of one (1) single family dwelling and four (4) duplex dwellings.
- 2) All structures shall be constructed in substantial conformance with the elevations entitled “32’x42’ Single Family Lot #1”, sheets 3 and 4 dated October 31, 2025, and “32’x38’ Duplex Lots”, sheets 4, 5, and 6, dated October 30, 2025 prepared by Golden Keyes LLC (the “Elevations”). Copies are on file with the Community Development Department and have been exhibited to the Hampton Planning Commission and Hampton City Council for illustrative purposes and to support this rezoning action. Minor changes in the Elevations may be made to accommodate environmental, engineering, architectural, topographic, building code, or site/subdivision plan approval requirements, as required by applicable law and/or regulations and subject to approval by the Director of Community Development or their designee for consistency with these proffers. A copy of the final approved Elevations shall be placed in the file with the Planning Division of the Department of Community Development and shall supersede any previous Elevations.

### **B. Design Standards**

- 1) All residential dwelling units shall provide a minimum of three (3) bedrooms and two (2) baths, a minimum of one thousand nine hundred (1900) square feet of heated living space, and not exceed two (2) stories in height plus heated attic space.
- 2) All residential dwellings shall face the new proposed street, “Lt. Col. McDowell Way”.
- 3) All building foundations shall be elevated to provide a minimum of three (3) steps/risers from finished grade to the front porch or stoop and clad with brick veneer or stone on all four (4) sides.

- 4) All residential dwellings shall have a front porch with a minimum depth of six (6) feet.
- 5) All residential dwellings shall utilize a minimum thirty (30) years architectural roofing shingles.
- 6) All residential dwellings shall be clad with standard colors of fiber cement board siding.
- 7) All residential dwellings shall utilize the following design dimensions:
  - a. Trim- Minimum 6”
  - b. Eaves- Minimum 12”
  - c. Frieze/facia- Minimum 12”
  - d. Columns- Minimum 8”
  - e. Window muntin’s in 6” x 6” grids

#### C. Infrastructure

1) Grantor shall construct and dedicate, at its own cost, all improvements necessary for the proposed public street, “Lt. Col. McDowell Way”, in substantial conformity with the plan entitled “REZONING EXHIBIT FOR MECDOWELL POINT – 1772 OLD BUCKROE ROAD – T.P. #11F082 00 0000 – HAMPTON, VIRGINIA 23664,” prepared by Hoggard-Eure Associates, P.C. and dated January 23, 2026. Grantor shall construct all such street improvements in accordance with the City’s Department of Public Works Design and Construction Standards.

2) Grantor shall construct and dedicate, at its own cost, all improvements necessary for the proposed public sidewalk along the proposed public street “Lt. Col. McDowell Way”, to meet the City’s Department of Public Works Design and Construction Standards.

3) Grantor shall install street lighting along the proposed public street “Lt. Col. McDowell Way” in accordance with City of Hampton Outdoor Lighting Policy and Procedures.

4) Grantor shall construct stormwater management facilities in accordance with accepted design and construction standards to address proposed stormwater generated by the development and associated impervious surfaces contained within.

5) All electrical lines to serve the property shall be placed underground.

#### D. Landscaping

1) A landscape plan, as a component of the site development plan, shall be submitted for review and approval by the Director of Community Development or their designee. The landscape plan shall be consistent with the following criteria:

- a. The final landscape plan shall be in conformance with the City of Hampton Landscape Guidelines; and

- b. Landscaping in the front and side yards shall consist of a mixture of evergreen and deciduous trees, shrubs, and groundcover, as follows:

1. Vegetation:

- a) All required trees shall be dispersed throughout the required planting areas and shall be planted with a combination of single trees and groups of trees in a staggered, clustered or other pattern;
- b) No trees or shrubs may be installed in a continuous single row except where necessary and appropriate to meet screening buffer requirements;
- c) Shrubs shall be installed in groupings and integrated with tree plantings; and
- d) No trees or shrubs will be required in areas that preclude their planting due to a utility easement.

2. Plant Spacing:

- a) One (1) canopy tree, two (2) understory trees and sixteen (16) shrubs must be planted within every one-hundred (100) linear feet of landscaping distributed within the front and side yards.

3. Distribution Requirements:

- a) A minimum of fifty (50) percent of the required landscaping shall be distributed within the yard areas adjacent to the existing or proposed public rights-of-way; and
- b) No such area shall contain less than twenty (20) percent of the required landscaping.

4. Plant Specifications:

- a) Plant materials shall be a combination of deciduous and evergreen canopy and understory trees as well as deciduous and evergreen shrubs.
- b) No more than fifty percent (50%) of the required trees and shrubs shall be of any one type, nor shall more than twenty-five percent (25%) of the required trees and shrubs be of any single species (e.g., maple, pine, oak, dogwood, holly, etc.).
- c) A minimum of seventy-five percent (75%) of all trees and shrubs shall be native species to the Commonwealth of Virginia as identified by the Virginia Department of Conservation and Recreation; the remaining twenty-five percent (25%) may be trees and shrubs adapted to the USDA Hardiness Zones 8a and 8b.
- d) All new trees and shrubs shall meet the following size requirements.

| <u>Plant Type</u> | <u>Installed Size</u> | <u>Mature Height Capability</u> |
|-------------------|-----------------------|---------------------------------|
| Shade Tree        | 2" caliper            | >50'                            |
| Evergreen Tree    | 10' height            | >40'                            |
| Understory Tree   | 10' height            | >20'                            |
| Evergreen Shrub   | 30" height            | >6'                             |

#### E. Property Owner's Association

- 1) Prior to the recordation of the subdivision plat, Grantor shall establish a property owner's association (HOA) and will record a Declaration of Restrictive Covenants (Declaration), which shall impose certain restrictions on the use of the Property, will impose certain design standards on any improvements constructed on the Property, and which will authorize the HOA to enforce the Declaration, the restrictions and the design standards. The governing documents of the HOA shall be subject to the review and approval by the Grantee.
- 2) The HOA shall maintain in perpetuity all stormwater management features, all common landscaping, and other amenities as provided for in the Declaration.

#### F. Compliance with Ordinances

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

#### G. Additional Requirement During Review

- 1) Further lawful conditions or restrictions against the Property may be required by the Grantee during the detailed Site Plan review and administration of applicable codes and regulations of the Grantee by all appropriate agencies and departments of the Grantee, which conditions or restrictions shall be observed or performed by the Grantor.

#### H. Applicable Zoning Ordinance

- 1) 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.

#### I. Covenants and Enforcement

- 1) The Grantor covenants and agrees that:
  - A. The Zoning Administrator of the City of Hampton, Virginia, shall be vested with all necessary authority on behalf of the governing body to administer and enforce the foregoing proffers and restrictions specified in this Agreement, including:
    - i. the ordering in writing of the remedying of any noncompliance with such proffers, and
    - ii. the bringing of legal action or suit to ensure compliance with such proffers, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings;
  - B. The failure to meet all proffers shall constitute cause to deny the issuance of any required building or occupancy permits; and

- C. The Zoning Map shall show by an appropriate symbol the existence of these proffers, and 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:

\_\_\_\_\_

**1772 Old Buckroe Road LLC**

**BY:** Curtis Cole II, Managing Member

STATE OF VIRGINIA

City of Hampton, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the City and Commonwealth of Virginia aforesaid, do hereby certify that Curtis Cole II, whose name is signed to the foregoing instrument as Managing Member of 1772 Old Buckroe Road LLC, Grantor, has sworn to, subscribed, and acknowledged the same before me in the City and Commonwealth of Virginia aforesaid, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

☐ Is personally known to me ☐ Has produced \_\_\_\_\_ as identification.

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

Registration No. \_\_\_\_\_

**Exhibit A**  
**Legal Description**

ALL THAT CERTAIN LOT, piece or parcel of land, located in the City of Hampton, Virginia, known, designated and described as “1.94 Acres”, as shown on that certain plat entitled, “*Plat of the Property Of Lee E. McDowell and Ella Mae McDowell, Parcel of Land Containing 1.94 Acres, City of Hampton, Virginia*”, made by Thomas J. Savage Jr., Surveyor and Land Planner, dated August 30, 1976, and duly recorded in the Clerk’s Office of the Circuit Court for the City of Hampton, Virginia, in Deed Book 405, page 196, to which reference is here made for a more particular description.

IT BEING the same property conveyed unto the Grantor herein by Deed from Gray Stork Holdings, LLC, dated September 6, 2023, and duly recorded in the aforesaid Clerk’s Office on April 12, 2023, as Instrument Number 230015204.