

CONDITIONS

Use Permit Application No. 25-0266

Private Museum | Margaret LeFranc Art Foundation, Inc.
1609 & 1611 Aberdeen Road [LRSNs: 3003863 & 3003862]

1. Issuance of Permit

This Use Permit is for a Private Museum, as that use is defined in the Hampton Zoning Ordinance, applies only to the location at 1609 & 1611 Aberdeen Rd [LRSNs: 3003863 & 3003862] and more fully described on "Exhibit A" (the "Property").

2. Conceptual Site Plan

The Property shall be developed in substantial conformance with the conceptual site plan entitled "CONCEPT PLAN," dated 2 August, 2022, prepared by Donald W. Davis (the "Conceptual Site Plan"), a copy of which is on file with 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 to the Conceptual Site Plan 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 final approved Conceptual 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.

3. Property Line Vacation

The parcels shall be combined into a single parcel, subject to approval by the City of Hampton and recordation of a boundary line vacation plat.

4. Landscape Plan

Prior to final site plan approval for development of the Property, a landscape plan shall be submitted for review and approval by the Director of Community Development or their designee, for consistency with the following criteria:

- a) The landscape plan shall comply with the Conceptual Site Plan;
- b) The final landscape plan shall be in conformance with the City of Hampton Landscape Guidelines;
- c) Canopy trees shall be plant along Edgewood Drive, at a spacing of no less than 40 feet on center;
- d) The Landscape Buffer, as depicted on the Conceptual Site Plan, shall consist of a mixture of evergreen and deciduous canopy and understory trees, shrubs, and groundcover, as follows:
 - i) Vegetation: All existing trees within the Landscape Buffer shall be preserved, with the exception that all dead, diseased or damaged vegetation and invasive species, which shall be removed only to the extent necessary;

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- ii) All canopy and understory trees installed in the Landscape Buffer 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. Trees shall not be installed in a continuous single row except where necessary and appropriate to meet screening buffer requirements;
 - iii) Shrubs shall be installed in groupings and integrated with the trees;
 - iv) No trees or shrubs will be required in areas that preclude their planting due to a utility easement;
 - v) Plant Spacing: Four (4) canopy trees, two (2) understory trees and sixteen (16) shrubs within every one-hundred (100) linear feet of Landscape Buffer as indicated on the Conceptual Site Plan;
 - vi) Plant Specifications: buffer plant materials shall be a combination of deciduous and evergreen canopy and understory trees as well as deciduous and evergreen shrubs. 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.).
- e) 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.
- f) All new trees and shrubs shall meet the following:

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

5. 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). Should there arise any conflict between the Coliseum Central Design Standards and any applicable

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requirement of this Use Permit, the Coliseum Central Design Standards shall prevail.

6. Elevations & Building Materials

- a. The building shall be constructed in substantial conformance with the elevations entitled "Elevation Plan," prepared by Gregory S. Brezinski, (the "Elevations"), copies of which are on file with 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 site plan and 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 Division of the Department of Community Development and shall supersede any previously filed Elevations.
- b. Per the Coliseum Central Design Standards, the building materials shall be as follows:
 - i. Primary and secondary building materials for all sides of the elevations shall include any combination of 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; and

Similar building materials may be added or substituted as approved by the Director of Community Development or their designee.

7. Fencing & Screening

- a) The parking lot shall be screened from adjacent residential properties with appropriate opaque fencing and landscaping, no taller than six (6) feet in height, and may incorporate brick/stone columns and/or posts, as approved by the Community Development Director or their designee.
- b) Ground mounted HVAC systems shall be screened from the right-of-way and adjacent properties through the use of landscaping, fencing, or combination of both. Roof mounted equipment shall be strategically placed on the roof and screened by roof parapets or appropriate screening material that

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complements the building design and primary building materials as approved by the Community Development Director or their designee.

- c) All trash dumpsters shall be screened with an appropriate dumpster enclosure constructed of building materials that complement the primary building materials of the Private Museum and enhanced with landscaping as approved by the Community Development Director or their designee.

8. Exterior Lighting

All exterior lighting, both site and building fixtures, shall comply with the "City of Hampton Outdoor Lighting Policy and Procedures", consisting of full cut-off fixtures that are directed downward and inward to the site, and shall utilize light emitting diodes (LEDs) or such other lighting technology as may be approved by the Director of Community Development or their designee. Uplighting through the use of sconces located on the face of the building will be allowed solely on the face of the buildings for decorative purposes.

9. Hours of Operation

The hours of operation of the Private Museum shall be limited to the following:

- a) Monday – Sunday 10:00 AM to 8:00 PM

10. Traffic Circulation

Loading and unloading of vehicles shall be conducted on site and not on any public street or right-of-way.

11. Capacity

During operation, patrons and staff shall not exceed the maximum capacity determined by the City Building Official or their designee for the Private Museum.

12. Certificate of Occupancy

The Private Museum operator must obtain a Certificate of Occupancy prior to commencing operation.

13. Compliance with Laws

- 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.
- b. In addition, if the applicant is a legal entity, other than an individual person or persons, including, but not limited to a limited liability company or corporation, applicant shall also be authorized to transact business in Virginia as a domestic or foreign business entity prior to engaging in the permitted use; and shall provide proof of registration to the Zoning

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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.

- c. This Use Permit may be terminated for any violation of federal, state, or local law.

14. 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).

15. Nullification

Notwithstanding section 14-12 of the Hampton Zoning Ordinance, this Use Permit shall automatically expire and become null and void under any of the following conditions:

- i. 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 five (5) years of the issuance of the use permit;
- ii. No building permit to construct the authorized improvements has been issued within 24 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
- iii. 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.

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EXHIBIT A

