



Application for
Rezoning

OFFICE USE ONLY
Date Received:

MARCH 9, 2022

Case Number: RZ 21 - 00012

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 10 Doris Carlson Drive (RPC 5000040), 51 Battle Road (RPC 5000041),
30 Singleton Drive (RPC 5000042) and 60 Battle Road B (RPC 5001596)
5000040, 5000041,
LRSN 5000042 and 5001596 Current Zoning District R-11 Proposed Zoning District MD-3

Current Land Use Residential and non-residential disability services

Proposed Land Use Residential Apartments

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 Sarah Bonwell Hudgins Foundation, Inc.

Address 1 Singleton Drive City Hampton State VA Zip 23666

Phone 757-827-8757 Email lpowers@sarahbonwellhudgins.org

3. APPLICANT INFORMATION (if different from owner)

Applicant's Name Westview Landing, LLC

Address 900 Briarfield Road City Hampton State VA Zip 23605

Phone 757-224-3592 Email rlmallory@malloryelectric.com

4. APPLICANT AGENT INFORMATION (if different from applicant)

Agent's Name Lawrence G. Cumming

Address 11815 Fountain Way, Suite 400 City Newport News State VA Zip 23606

Phone 757-224-2910 Email lgcumming@kaufcan.com

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.

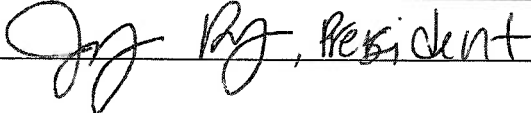
"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. 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 Sarah Bonwell Hudgins Foundation, Inc.

Signed by:

Name (printed) Jennifer Register, Its (title) President

Signature  Date 11/5/21

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 _____

<small>OFFICE USE ONLY</small>		
<input type="checkbox"/> Application Form	<input type="checkbox"/> Narrative Statement	<input type="checkbox"/> Proffer Statement
<input type="checkbox"/> Application Fee	<input type="checkbox"/> Survey Plat	<input type="checkbox"/> Additional materials (if required)

LEGAL DESCRIPTION (PER TITLE COMMITMENT)

PARCEL 1:

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING ON THE CITY OF HAMPTON, VIRGINIA, CONTAINING 8.591 ACRES, MORE OR LESS, AND DESIGNATED AS PARCEL "A" ON A CERTAIN PLAT ATTACHED TO DEED DATED AUGUST 15, 1959, FROM EDMUND T. SEYMORE, ET UX TO ROBERT L. FREEMAN, ET ALS, DULY OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA, IN DEED BOOK 285, PAGE 334, SAID PLAT BEING ENTITLED "PLAT SHOWING PROPERTY OF E.T. SEYMORE BEING LOCATED ON BIG BETHEL ROAD, HAMPTON, VIRGINIA," DATED AUGUST 19, 1959, AND MADE BY S.J. GLASS & ASSOCIATES, ENGINEERS & SURVEYORS.

IT BEING THE SAME PROPERTY CONVEYED BY DEED DATED JUNE 9, 1967, FROM ROBERT L. FREEMAN AND DOROTHY C. FREEMAN, HIS WIFE, E. FRED LOWE, JR. AND LOUISE A. LOWE, HIS WIFE, C. LEAR PONTON AND NORA C. PONTON, HIS WIFE, AND PAVILION INVESTMENT CO., A VIRGINIA CORPORATION, TO SARAH BONWELL HUDGINS FOUNDATION, INC., A VIRGINIA CORPORATION, RECORDED JUNE 21, 1967 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA, IN DEED BOOK 393, PAGE 744.

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, LYING AND BEING IN THE CITY OF HAMPTON, VIRGINIA, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT LOCATED AT THE INTERSECTION OF THOMAS NELSON DRIVE AND THE 40' RIGHT-OF-WAY TO PROPERTY OF SARAH BONWELL HUDGINS FOUNDATION, INC. THENCE IN AN EASTERLY 36.62' TO A POINT, THENCE S 10° 12'00" ALONG A LINE A DISTANCE OF 22.89'; THENCE N 89° 27' 02" ALONG A LINE A DISTANCE OF 53.73'; THENCE N 45° 26' 02" A DISTANCE OF 29.66' TO THE POINT OF BEGINNING. IT BEING THE SAME PROPERTY CONVEYED BY DEED DATED APRIL 5, 1994 FROM VIVIAN NADINE VEST, WIDOWED, TO SARAH BONWELL HUDGINS FOUNDATION, INC., RECORDED MAY 10, 1994 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA, IN DEED BOOK 1106, PAGE 1864.

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF HAMPTON, VIRGINIA, BEING A STRIP OF LAND CONTAINING 0.63 ACRE, AND MORE PARTICULARLY DESCRIBED ON THAT CERTAIN PLAT ENTITLED, "PLAT SHOWING EASEMENT TO BE GRANTED BY T. J. DULA TO PENINSULA ASSOCIATION FOR RETARDED CHILDREN, INC.", PRINT OF WHICH IS ATTACHED TO THE DEED RECORDED IN DEED BOOK 388, PAGE 134.

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF HAMPTON, VIRGINIA, BEING A STRIP OF LAND 20 FEET IN WIDTH, AND MORE PARTICULARLY DESCRIBED ON THAT CERTAIN PLAT ENTITLED, "PLAT SHOWING EASEMENT TO BE GRANTED BY JAMES S. D. CUMMING TO PENINSULA ASSOCIATION FOR RETARDED CHILDREN, INC.", PRINT OF WHICH IS ATTACHED TO THE DEED RECORDED IN DEED BOOK 384, PAGE 342.

IT BEING THE SAME PROPERTY CONVEYED BY DEED DATED MAY 1, 1967 FROM PENINSULA ASSOCIATION FOR RETARDED CHILDREN, INC. TO SARAH BONWELL HUDGINS FOUNDATION, INC., RECORDED JUNE 21, 1967 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA, IN DEED BOOK 393, PAGE 742.

PARCEL 2:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF HAMPTON, VIRGINIA, CONTAINING 9.2206 ACRES, AND SHOWN ON PLAT ENTITLED "PLAT OF THE PROPERTY OF SARAH BONWELL HUDGINS FOUNDATION, INC. 9.2206 ACRES, CITY OF HAMPTON, VIRGINIA," MADE BY PYLE ENGINEERING COMPANY, DATED JULY 27, 1967, WHICH SAID PLAT IS RECORDED AS AN ATTACHMENT TO DEED RECORDED IN DEED BOOK 396, PAGE 786.

IT BEING THE SAME PROPERTY CONVEYED BY DEED DATED AUGUST 3, 1967 FROM E.F. HAZELWOOD AND ROBERTA B. HAZELWOOD, HIS WIFE, DAVID BLAYLOCK AND MARTHA LEE BLAYLOCK, HIS WIFE, AND ROBERT C. CUTLER AND ALISON CUTLER, HIS WIFE, TO SARAH BONWELL HUDGINS FOUNDATION, INC., A VIRGINIA CORPORATION, RECORDED AUGUST 24, 1967 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA, IN DEED BOOK 396, PAGE 786.

PARCEL 3:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN THE CITY OF HAMPTON, VIRGINIA, CONTAINING 19.61 ACRES, MORE OR LESS, AS SHOWN ON A CERTAIN PLAT ENTITLED "PLAT SHOWING PROPOSED ROAD & PORTION OF PROPERTY OF ROBERT L. FREEMAN, ET ALS, BEING THE EASTERLY PORTION OF PARCEL "B", E.T. SEYMORE PROPERTY LOCATED NEAR BIG BETHEL & BATTLE ROADS, CITY OF HAMPTON, VIRGINIA," MADE BY S.J. GLASS & ASSOCIATES, DATED JUNE 2, 1964, A PRINT OF WHICH PLAT IS RECORDED AS AN ATTACHMENT TO DEED RECORDED IN DEED BOOK 350, PAGE 554.

IT BEING THE SAME PROPERTY CONVEYED BY DEED DATED DECEMBER 30, 1966 FROM THE PENINSULA ASSOCIATION OF RETARDED CHILDREN, INCORPORATED, A VIRGINIA CORPORATION, TO SARAH BONWELL HUDGINS FOUNDATION, INC., A VIRGINIA CORPORATION, RECORDED FEBRUARY 9, 1967 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA, IN DEED BOOK 388, PAGE 511. IT ALSO BEING THE SAME PROPERTY CONVEYED BY DEED DATED JUNE 26, 1964 FROM C. LEAR PONTON AND NORA C. PONTON, HIS WIFE, ROBERT L. FREEMAN AND DOROTHY C. FREEMAN, HIS WIFE, E. FRED LOWE, JR. AND LOUISE A. LOWE, HIS WIFE, AND PAVILION INVESTMENT CO., A VIRGINIA CORPORATION, TO PENINSULA ASSOCIATION FOR RETARDED CHILDREN, INC., A VIRGINIA CORPORATION, RECORDED JULY 8, 1964 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA, IN DEED BOOK 350, PAGE 554.

PARCEL 4:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND LYING AND BEING IN THE CITY OF HAMPTON, VIRGINIA, CONSISTING OF 0.4356 ACRES, AND SHOWN ON THE SURVEY ENTITLED, "PLAT SHOWING A PARCEL OF LAND CONTAINING 0.4356 ACRES," DATED JUNE 25, 1998, MADE BY JOHNSON, BAIRD & ASSOCIATES, CIVIL ENGINEERING & LAND SURVEYING, HAMPTON, VIRGINIA, A COPY OF WHICH IS ATTACHED TO DEED RECORDED IN DEED BOOK 1267, PAGE 2072.

IT BEING THE SAME PROPERTY CONVEYED BY DEED DATED DECEMBER 7, 1998 FROM VIVIAN NADINE VEST, WIDOW, TO SARAH BONWELL HUDGINS FOUNDATION, INC., A VIRGINIA NON-PROFIT CORPORATION, RECORDED DECEMBER 11, 1998 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA, IN DEED BOOK 1267, PAGE 2072.

SOURCE OF TITLE

PARCEL 1

SARAH BONWELL HUDGINS FOUNDATION INC.
D.B. 393, PG. 744

PARCEL 2

SARAH BONWELL HUDGINS FOUNDATION INC.
D.B. 396, PG. 786

PLATS OF REFERENCE

PARCEL 1: D.B. 285, PG. 333
 PARCEL 2: D.B. 396, PG. 396
 PARCEL 3: D.B. 350, PG. 554
 PARCEL 4: D.B. 1267, PG. 2072

PARCEL 3

SARAH BONWELL HUDGINS FOUNDATION INC.
D.B. 388, PG. 511

PARCEL 4

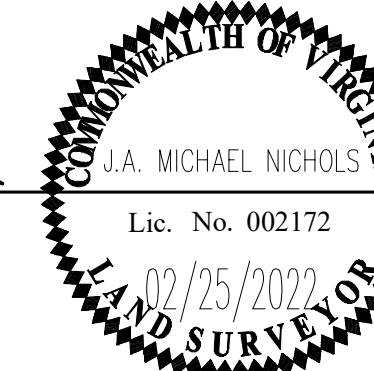
SARAH BONWELL HUDGINS FOUNDATION INC.
D.B. 1267, PG. 2072

SURVEYOR'S CERTIFICATE

TO SARAH BONWELL HUDGINS FOUNDATION, INC.;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 8, 11(a), 13, 14, AND 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 1, 2021.

J.A. Michael Nichols
 J. A. MICHAEL NICHOLS, L.S.
 VIRGINIA LICENSE #002172

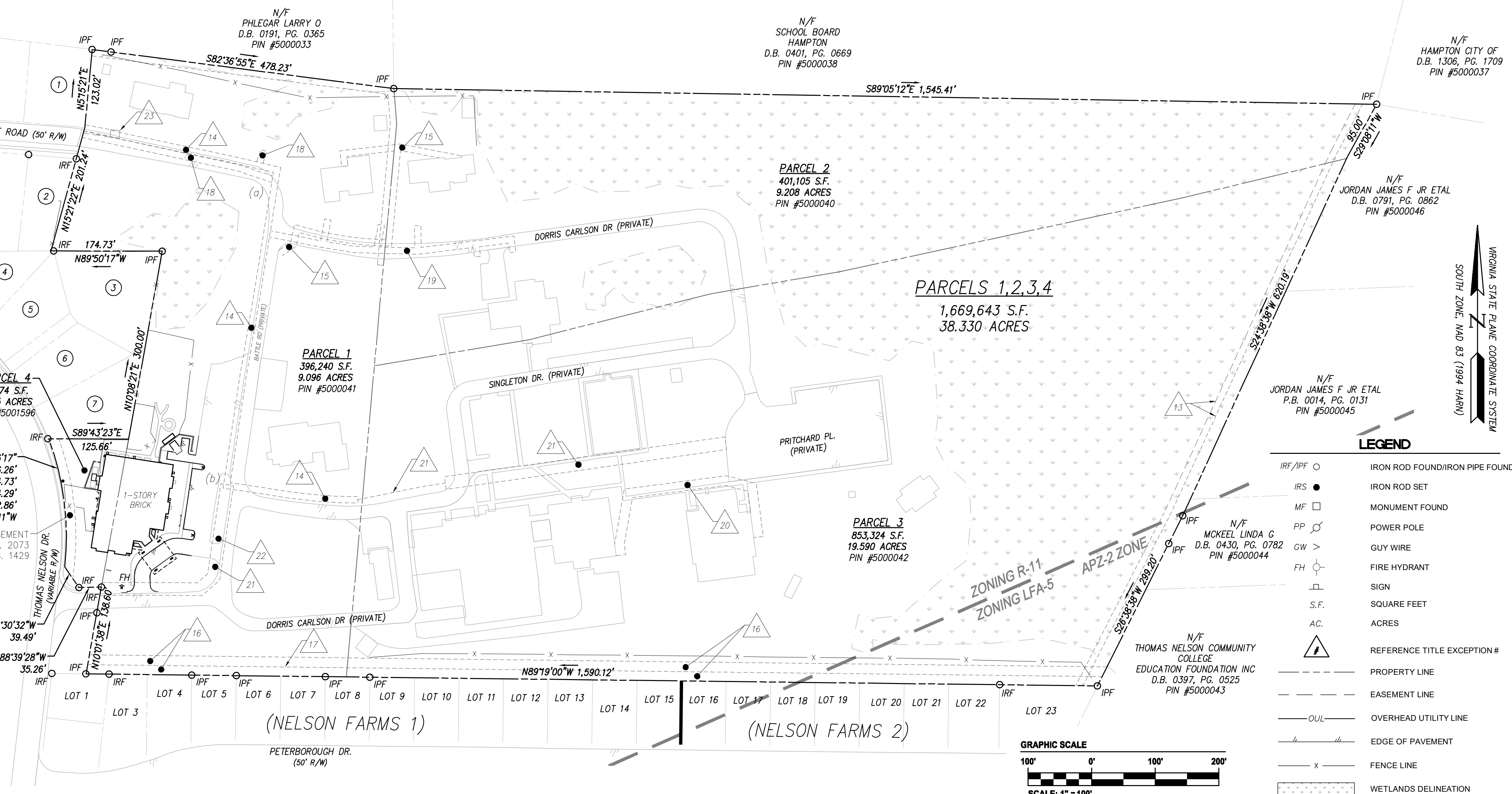


02/25/2021
DATE

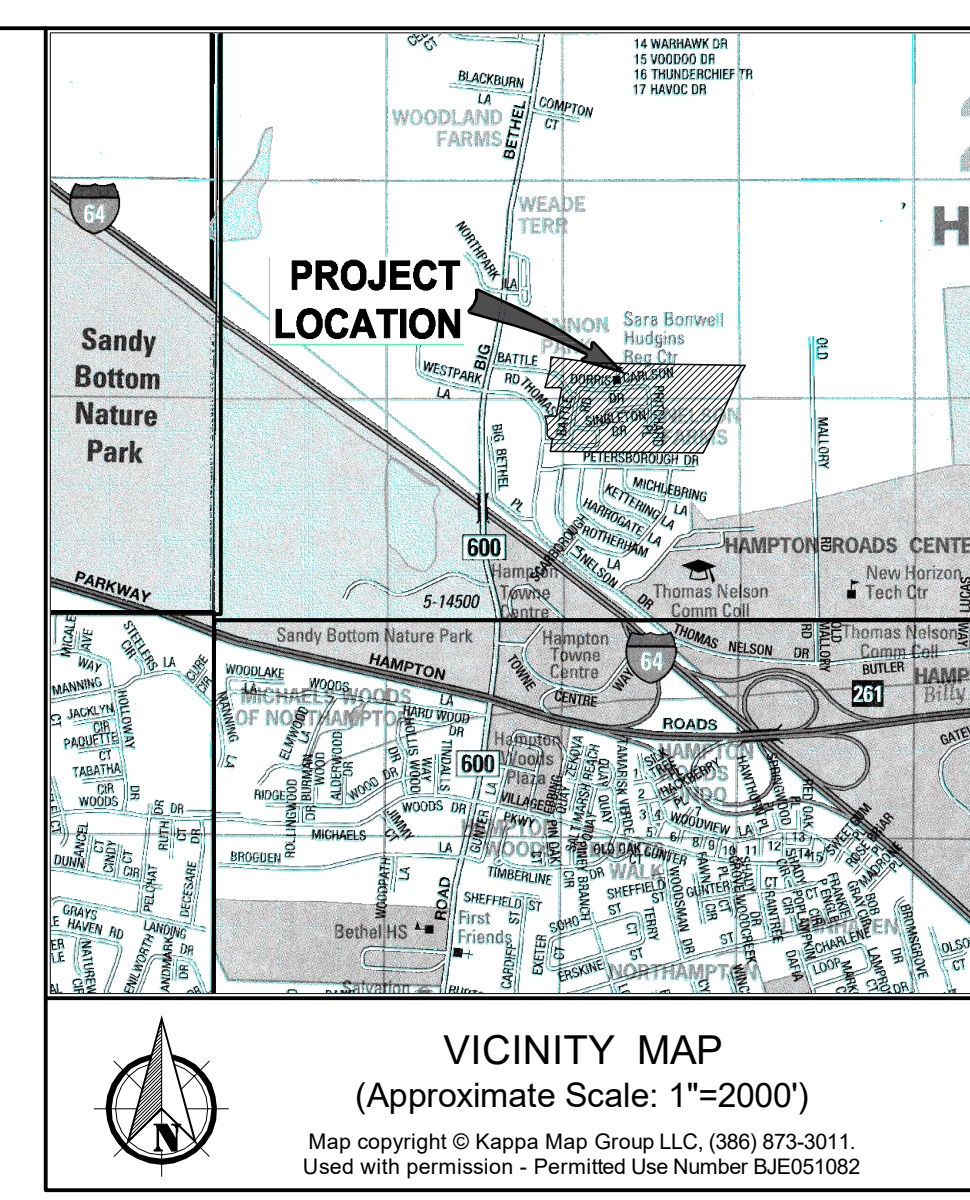
11. DEED OF EASEMENT DATED FEBRUARY 23, 1967 BETWEEN HARRY H. HOLT, JR. et als, AND SARAH BONWELL HUDGINS FOUNDATION, INC., RECORDED JUNE 21, 1967 IN DEED BOOK 393, PAGE 738. (PARCELS 2 AND 3)--DOES NOT AFFECT THE SUBJECT PROPERTY.
12. DEED OF EASEMENT DATED JUNE 27, 1967 BETWEEN FRANZ VON SCHILLING, JR. et als, AND SARAH BONWELL HUDGINS FOUNDATION, INC., RECORDED SEPTEMBER 11, 1967 IN DEED BOOK 397, PAGE 528. (PARCEL 3)--DOES NOT AFFECT THE SUBJECT PROPERTY.
13. EASEMENTS TO THE CITY OF HAMPTON DATED FEBRUARY 9, 1968, RECORDED FEBRUARY 14, 1968 IN DEED BOOK 403, PAGE 275. (PARCELS 2 AND 3)--AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.
14. EASEMENT TO THE CITY OF NEWPORT NEWS DATED SEPTEMBER 24, 1971, RECORDED OCTOBER 7, 1971 IN DEED BOOK 445, PAGE 471. (PARCEL 1)--MAY AFFECT THE SUBJECT PROPERTY, APPROXIMATE LOCATION IS SHOWN. #14 AND #18 APPEAR TO BE THE SAME EASEMENT FROM (a) TO (b)
15. EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY DATED JULY 8, 1975, RECORDED OCTOBER 3, 1975 IN DEED BOOK 486, PAGE 587. (PARCEL 1)--AFFECTS THE SUBJECT PROPERTY, APPROXIMATE LOCATION SHOWN HEREON.
16. DEED OF EASEMENT BETWEEN SARAH BONWELL HUDGINS FOUNDATION, INC., CITY OF HAMPTON, VIRGINIA, AND BRADFORD W. HUFFMAN, TRUSTEE OF THE HARDIN LAND TRUST, RECORDED OCTOBER 10, 1989 IN DEED BOOK 967, PAGE 130. (PARCEL 3)--AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.
17. DEED OF EASEMENT DATED NOVEMBER 23, 1987 BETWEEN SARAH BONWELL HUDGINS FOUNDATION, INC. AND THE CITY OF HAMPTON, VIRGINIA, RECORDED OCTOBER 10, 1989 IN DEED BOOK 967, PAGE 135. (PARCEL 3)--AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.
18. DEED OF EASEMENT DATED AUGUST 15, 1991 BETWEEN SARAH BONWELL HUDGINS FOUNDATION, INC. AND CITY OF NEWPORT NEWS, VIRGINIA RECORDED OCTOBER 7, 1991 IN DEED BOOK 1012, PAGE 1420. (PARCEL 1)--AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON. PER THE ± DISTANCES SHOWN ON SAID DOCUMENT.
19. DEED OF EASEMENT DATED JULY 31, 1993 BETWEEN SARAH BONWELL HUDGINS FOUNDATION, INC. AND CITY OF NEWPORT NEWS, VIRGINIA, RECORDED JULY 30, 1993 IN DEED BOOK 1070, PAGE 1016. (PARCELS 1 AND 2)--AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.
20. EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY DATE JANUARY 12, 1998, RECORDED MARCH 6, 1998 IN DEED BOOK 1232, PAGE 1335. (PARCEL 3)--AFFECTS THE SUBJECT PROPERTY, APPROXIMATE LOCATION SHOWN HEREON.
21. DEED OF EASEMENT FOR WATER LINE DATED FEBRUARY 23, 1998 BETWEEN SARAH BONWELL HUDGINS FOUNDATION, INC. AND CITY OF NEWPORT NEWS, VIRGINIA, RECORDED APRIL 2, 1998 IN DEED BOOK 1236, PAGE 235. (PARCEL 3)--AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.
22. DEED OF EASEMENT DATED AUGUST 15, 2001 BETWEEN SARAH BONWELL HUDGINS FOUNDATION, INC. AND CITY OF NEWPORT NEWS, VIRGINIA, RECORDED OCTOBER 18, 2001 AS INSTRUMENT NO. 01001725. (PARCEL 1)--AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.
23. EASEMENT DATED SEPTEMBER 27, 2007 BETWEEN SARAH BONWELL HUDGINS FOUNDATION, INC. AND CITY OF NEWPORT NEWS, VIRGINIA, RECORDED OCTOBER 26, 2007 AS INSTRUMENT NO. 070025822. (PARCEL 1)--AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.
24. DEED OF EASEMENT DATED APRIL 18, 1994 BETWEEN VIVIAN N. VEST AND VENTURE DEVELOPMENTS OF TIDEWATER, INC., RECORDED JUNE 2, 1994 IN DEED BOOK 1109, PAGE 1425. (PARCEL 4)--DOES NOT AFFECT THE SUBJECT PROPERTY.

GENERAL NOTES:

1. THIS PLAT IS BASED ON AN ACTUAL FIELD SURVEY PER THE DATE OF THIS PLAT TO SHOW THE BOUNDARY AND SCHOOL LOCATION ONLY.
2. PROPERTY ZONED: PARCEL 1: R-11
 PARCEL 2: R-11
 PARCEL 3: LFA-5, R-11
 PARCEL 4: R-11
3. PROPERTY ADDRESS: PARCEL 1: 51 BATTLE RD., HAMPTON, VA. 23666
 PARCEL 2: 10 DORIS CARLSON DR., HAMPTON, VA. 23666
 PARCEL 3: 30 SINGLETON DR., HAMPTON, VA. 23666
 PARCEL 4: 60 BATTLE RD. B, HAMPTON, VA. 23666
4. HORIZONTAL AND VERTICAL DATUM: CITY OF HAMPTON GEODETIC CONTROL, VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. COORDINATE VALUES SHOWN ARE EXPRESSED IN U.S. SURVEY FEET.
 STATION 548
 NORTHING: 3554497.50'
 EASTING: 12087465.70'
 ELEVATION: 42.08' (NAVD88)
5. THE PROPERTY DOES NOT FALL IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FEMA NFIP FLOOD INSURANCE RATE MAP (FIRM) FOR THE CITY OF HAMPTON, COMMUNITY PANEL NUMBER 5155270009H, DATED MAY 16, 2016. THE PROPERTY FALLS IN FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
6. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
7. THERE WAS NO EVIDENCE OF RECENT STREET OF SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. PROPOSED CHANGES TO STREET RIGHT OF WAY LINES ARE UNKNOWN. (NONE FURNISHED)
8. ALL SHADED IMPROVEMENTS SHOWN HEREON IS TAKEN FROM GIS INFORMATION. NO FIELD SURVEY HAS BEEN PERFORMED FOR THESE IMPROVEMENTS AT THIS TIME.
9. AN ACTUAL FIELD SURVEY WAS PERFORMED ON THE EXTERIOR OF THE SUBJECT PARCELS. NO INTERIOR PARCEL LINES HAVE BEEN FIELD ESTABLISHED AT THIS TIME.
10. THE WETLANDS SHOWN HEREON ARE BASED ON A FIELD WETLANDS DELINEATION PROVIDED BY WETLANDS STUDIES AND SOLUTIONS, INC. AND FIELD LOCATED BY AES CONSULTING ENGINEERS.



- | | |
|---|--|
| 1. N/F STEPHEN R. & JUDY I. HARMESON
D.B. 0104, PG. 00124
CANNON PARK LOT 6
PIN #5000030 | 4. N/F CARLOS D. PHAIR
D.B. 1339, PG. 1590
THOMAS NELSON DR LOT 1
PIN #5000018 |
| 2. N/F TAHER H. SAMAAHEEN
P.B. 0012, PG. 0084
BATTLE ESTATES LOT 1
PIN #13001121 | 5. N/F RICHARD S. CASTILLO
D.B. 1172, PG. 1381
THOMAS NELSON DR LOT 2A
PIN #5000019 |
| 3. N/F RYAN W. JOHNSON
D.B. 1172, PG. 1391
THOMAS NELSON DR PC-2B
PIN #5000020 | 7. N/F HENRY ORTIZ QUINOO
D.B. 1147, PG. 0141
THOMAS NELSON DR LOT 3B
PIN #5000022 |
| | 6. N/F CHRISTOPHER R. & AMY W. BARBOUR
D.B. 1172, PG. 1376
THOMAS NELSON DR LOT 3A
PIN #5000021 |



No.	Date	Description	Revised By

816 Greenbrier Circle, Suite F
 Chesapeake, Virginia 23020
 Phone: (757) 416-7488
 www.aesva.com

AES
 CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

ALTA / NSPS LAND TITLE SURVEY
 PROPERTY OF
SARAH BONWELL HUDGINS FOUNDATION, INC.

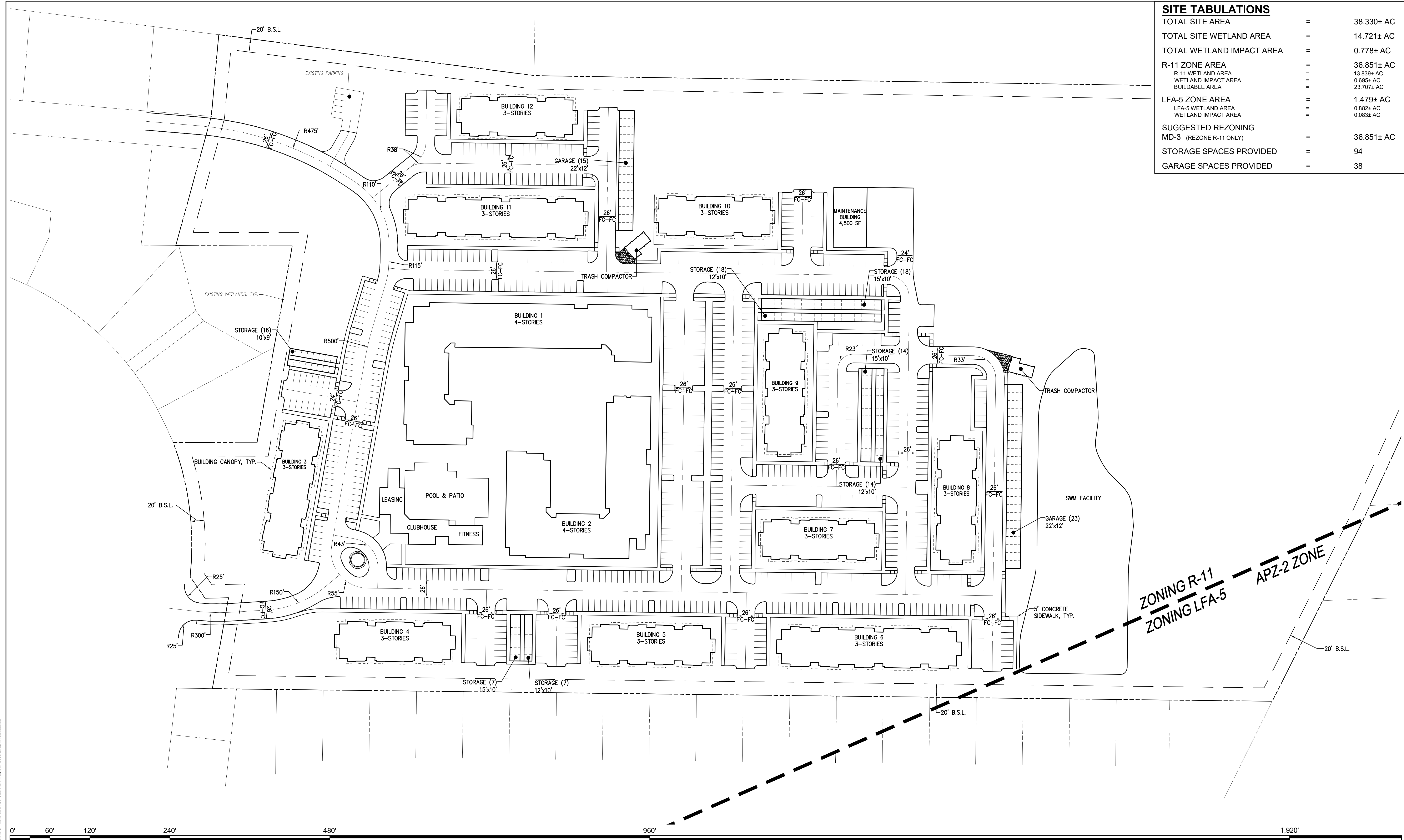
VIRGINIA
 MAGUIRER DISTRICT
 CITY OF HAMPTON

Project Contacts: JAMN / JHK
 Project Number: W10468-01
 Scale: Date: 02/16/2022
 1" = 100'

Sheet Title:
BATTLE ROAD DEVELOPMENT

Sheet Number
1 of 1

SITE TABULATIONS		
TOTAL SITE AREA	=	38.330± AC
TOTAL SITE WETLAND AREA	=	14.721± AC
TOTAL WETLAND IMPACT AREA	=	0.778± AC
R-11 ZONE AREA	=	36.851± AC
R-11 WETLAND AREA	=	13.839± AC
WETLAND IMPACT AREA	=	0.695± AC
BUILDABLE AREA	=	23.707± AC
LFA-5 ZONE AREA	=	1.479± AC
LFA-5 WETLAND AREA	=	0.882± AC
WETLAND IMPACT AREA	=	0.083± AC
SUGGESTED REZONING		
MD-3 (REZONE R-11 ONLY)	=	36.851± AC
STORAGE SPACES PROVIDED	=	94
GARAGE SPACES PROVIDED	=	38



CONCEPTUAL SITE LAYOUT

WESTVIEW LANDING

CITY OF HAMPTON, VIRGINIA

(AES PROJECT #: W10468-01 - AES PROJECT CONTACT: PAUL TSCHIDERER, P.E.)

DATE: OCTOBER 22, 2021
 SCALE: 1"=60'
 SHEET 1 of 1

REVISED: FEBRUARY 9, 2022
 REVISED: FEBRUARY 27, 2022
 REVISED: MARCH 6, 2022

AES
 CONSULTING ENGINEERS

5248 Olde Towne Road, Suite 1
 Williamsburg, Virginia 23186
 Phone: (757) 253-0040
 Fax: (757) 220-8994
 www.aesva.com

Hampton Roads | Central Virginia | Middle Peninsula



VIEW AT ENTRY DRIVE

NEW RESIDENTIAL DEVELOPMENT

WESTVIEW LANDING APARTMENTS

HAMPTON, VIRGINIA

NOVEMBER 5, 2021



VIEW AT CLUBHOUSE

NEW RESIDENTIAL DEVELOPMENT

WESTVIEW LANDING APARTMENTS



VIEW AT CLUBHOUSE

NEW RESIDENTIAL DEVELOPMENT

WESTVIEW LANDING APARTMENTS

HAMPTON, VIRGINIA

NOVEMBER 5, 2021



VIEW AT BUILDING 2 ENTRANCE

NEW RESIDENTIAL DEVELOPMENT

WESTVIEW LANDING APARTMENTS

HAMPTON, VIRGINIA

NOVEMBER 5, 2021



THREE-STORY BUILDINGS: ELEVATION AT ENTRANCE
MATERIAL KEY



THREE-STORY BUILDINGS: ELEVATION AT END
MATERIAL KEY



FOUR-STORY BUILDINGS: ELEVATION AT ENTRANCE
MATERIAL KEY



FOUR-STORY BUILDINGS: TYPICAL SIDE ELEVATION
MATERIAL KEY



CLUBHOUSE: ELEVATION AT ENTRANCE MATERIAL KEY



TYPICAL STORAGE BUILDING



TYPICAL GARAGE BUILDING



TYPICAL STORAGE BUILDING



TYPICAL GARAGE BUILDING



NEW RESIDENTIAL DEVELOPMENT

WESTVIEW LANDING APARTMENTS

HAMPTON, VIRGINIA

DECEMBER 6, 2021

MAINTENANCE BUILDING

NARRATIVE STATEMENT

Rezoning Application for Westview Landing, LLC

Westview Landing, LLC, a Virginia limited liability company (“Westview”) is the developer of certain real property, owned by Sarah Bonwell Hudgins Foundation, Inc., a Virginia corporation (“SBH”), located on off of Thomas Nelson Drive in the City of Hampton, Virginia (the “Property”), more particularly described on the attached Exhibit A, all of which is currently zoned R-11, with the exception of a small triangle in the southeast corner which is zoned LFA-5.

The Property consists of approximately 37.80 acres, however, only the southwesterly portion of the Property will be developed because of wetlands located on other portions of the Property. Therefore, after mitigation of impacted areas, the buildable area for the development is approximately 24.088 acres. Westview seeks to rezone the Property to permit the development and construction of a full market rate residential apartment community together with parking, landscaping and other associated amenities and improvements.

The community will consist of 10 buildings of 3 stories each; and 2 buildings of 4 stories each. However, notwithstanding the foregoing, in no event shall the entire development contain more than the number of residential dwelling units permitted by the MD-3 Zoning District.

There will be 5 different types of 3 story buildings with 5 different residential unit types:

- One Bedroom Standard will have 775 square feet of living area with one bath.
- One Bedroom Large will have 850 square feet of living area with one bath.
- Two Bedroom Standard will have 1,100 square feet of living area with two baths.
- Two Bedroom Large will have 1,175 square feet of living area with two baths.
- Three Bedroom Unit will have 1,400 square feet of living area with two baths.

There will be 2 different 4 story buildings adjacent to the clubhouse, pool, fitness center and open courtyard, with 5 different residential unit types:

- Studio Unit will have 600 square feet of living area with one bath.
- One Bedroom Standard will have 700 square feet of living area with one bath.
- One Bedroom Large will have 775 square feet of living area with one bath.
- Two Bedroom Standard will have 1,100 square feet of living area with two baths.
- Two Bedroom Large will have 1,175 square feet of living area with two baths.

Each unit in each building type is designed with a balcony or adjacent outdoor patio space. Community amenities shall include, but will not be limited to, clubhouse, swimming pool, fitness center, grilling areas, car wash areas, electric vehicle charging stations and dog/pet park. The development will have 809 parking spaces. In addition, there will be 38 enclosed garages and 94 storage spaces.

All buildings shall be constructed in substantial conformance with the elevations entitled “New Residential Development Westview Landing Apartments”, dated November 5, 2021 (three-story buildings, four-story buildings and clubhouse), and dated December 6, 2021 (maintenance building, storage building and garage building), prepared by Cox, Kliewer & Company, P.C., (the “Elevations”), copies of which are on file with the Community Development Department. The exteriors of all four (4) sides of the buildings will be constructed primarily of brick veneer with accents of fiber cement siding and prefabricated cellular PVC columns. Roofing will be architectural grade shingles. This high quality of exterior finish materials will retain their attractive appearance, minimize maintenance costs, and create a superior, energy efficient, weather tight envelope.

At current values, upon completion the development will have a fair market value of approximately \$55,000,000.00 resulting in real estate tax revenue to the City of approximately \$682,000.00 per year, plus

associated personal property tax revenue. The development will employ 11 to 12 permanent employees; and during construction will employ numerous contractors and subcontractors.

Although a small area in the southeast corner of the property is located within Langley Flight Approach Zone-5 and APZ-2, no buildings will be within this area. Similarly, only the southeasterly portion of the property currently is affected by aircraft noise levels of 70 dB DNL (decibels of day-night average sound level) which would call for sound attenuation. However, as the noise level contours are proposed to be modified by the City, all of the property will be in the 65 dB DNL, which will require only minor sound attenuation. When constructed, the applicant will incorporate sound attenuation features and materials that meet or exceed the City's requirements as provide in Article III of Chapter 22 of the Code of the City of Hampton.

The proposed new development is consistent with the Hampton Community Plan, as amended (the "Plan"). The Plan recognizes that land is a limited resource in the City and that its efficient use must be promoted. The development is an example of redeveloping a parcel of land that has been underutilized for many years and its prior use is no longer viable.

The proposed development will provide high quality and high value apartment residences for our citizens at an appropriate location for the proposed density. The development adjoins Thomas Nelson Community College and will provide easy access for working individuals who are also pursuing education at the College. This location also provides easy access not only to Hampton and Interstate 64, but also Newport News and York County. This location is centrally located to several military bases, NASA Research Facility, Sentara Careplex, Newport News Shipbuilding, Hampton Coliseum, Coliseum Central Business District, and Peninsula Town Center. This development will provide a desirable housing community that will attract a wide range of people to work, live, immerse, and invest themselves in Hampton.

The Community Plan emphasizes the importance of Hampton neighborhoods offering a mixture of different housing types that are attractive to a cross-section of our citizens. This development provides a mixture of unit types in order to meet the needs of our diverse citizenry with differing economic means. At this time and for the foreseeable future, there are an increasing number of families who are unable to purchase homes, and for whom renting is a better and frequently their only option. The numerous amenities which will be available to the residents will encourage interaction by the residents and a feeling of being a part of a quality community.

The development is consistent with the following statements and polices from the Plan:

1. "The ongoing aging of the city's housing stock and the growing demands for alternative housing types will continue to be important trends influencing land use and community design policies."
2. LU-CD Policy 3: "Encourage and maintain a diverse mix of housing type and values."
3. LU-CD Policy 7: "Safeguard the integrity of existing residential neighborhoods." (this development will impact very few residences due to its location and access.)
4. LU-CD Policy 11: "Promote high quality design and site planning that is compatible with surrounding development."
5. LU-CD Policy 31: "Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high quality urban design."
6. Housing and Neighborhoods Objective: "Promote a diverse mix of housing values, types, and choices to meet the needs of different income groups, ages, and household types and sizes."

7. HN Policy 4: “Support zoning requirements and other strategies that allow for increased housing mix and density in appropriate locations.”

The development also addresses and is consistent with the City’s resiliency goals in a number of ways:

- A. Unlike most of the City, the development’s location:
 - i. Is entirely outside of the 100 year floodplain,
 - ii. Is not located adjacent or near any waterway affected by sea level rise,
 - iii. Is rated Category 4 representing the least prone category for flooding, and
 - iv. Is on the extreme westerly edge of its watershed (the Southwest Branch of Back River).

- B. The location also provides quick and easy access to evacuation routes in the event of a major storm or flood event, as well as excellent access to emergency services since a fire station is immediately north of the property.

- C. More than 1/3 of the site will be left in its natural, undisturbed state, and as a wetland will enhance water quality for the surrounding area.

- D. The storm water retention facility for the development will exceed what is required by the City; and if appropriate, a backflow preventer or other similar device will be installed on the outflow.

- E. Significant landscaping and tree canopy will be provided to reduce any heat island effect and improve air quality.

- F. The development will include:
 - i. Low maintenance materials on building exteriors,
 - ii. Electric car charging stations, and
 - iii. Bicycle racks.

Exhibit A

Legal Descriptions

PARCEL ONE: LRSN 5000041

All that certain tract, piece or parcel of land situate, lying and being on the City of Hampton, Virginia, containing 8.591 acres, more or less, and designated as Parcel "A" on a certain plat attached to deed dated August 15, 1959, from Edmund T. Seymore, et ux to Robert L. Freeman, et als, duly of record in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 285, Page 334, said plat being entitled "Plat Showing Property of E. T. Seymore Being Located on Big Bethel Road, Hampton, Virginia," dated August 19, 1959, and made by S. J. Glass & Associates, Engineers & Surveyors.

It Being the same property conveyed by deed dated June 9, 1967, from Robert L. Freeman and Dorothy C. Freeman, his wife, E. Fred Lowe, Jr. and Louise A. Lowe, his wife, C. Lear Ponton and Nora G. Ponton, his wife, and Pavilion Investment Co., a Virginia corporation, to Sarah Bonwell Hudgins Foundation, Inc., a Virginia corporation, recorded June 21, 1967 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 393, Page 744.

All that certain piece or parcel of land, lying and being in the City of Hampton, Virginia, and described as follows:

Beginning at a concrete monument located at the intersection of Thomas Nelson Drive and the 40' right-of-way to property of Sarah Bonwell Hudgins Foundation, Inc. Thence in an easterly 36.62' to a point. Thence S 10° 12'00" along a line a distance of 22.69'. Thence N 89° 27' 02" along a line a distance of 53.73'. Thence N 45° 26' 02" a distance of 29.66' to the point of beginning.

It being the same property conveyed by deed dated April 5, 1994 from Vivian Nadine Vest, widowed, to Sarah Bonwell Hudgins Foundation, Inc., recorded May 10, 1994 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 1106, Page 1864.

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, being a strip of land containing 0.63 acre, and more particularly described on that certain plat entitled, "Plat Showing Easement to be Granted by T. J. Dula to Peninsula Association for Retarded Children, Inc.", print of which is attached to the deed recorded in Deed Book 388, Page 134.

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, being a strip of land 20 feet in width, and more particularly described on that certain plat entitled, "Plat Showing Easement to be Granted by James S. D. Cumming to Peninsula Association for Retarded Children, Inc.", print of which is attached to the deed recorded in Deed Book 384, Page 342.

It Being the same property conveyed by deed dated May 1, 1967 from Peninsula Association For Retarded Children, Inc. to Sarah Bonwell Hudgins Foundation, Inc, recorded June 21, 1967 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 393, Page 742.

PARCEL TWO: LRSN 5000040

All that certain piece or parcel of land situate, lying and being in the City of Hampton, Virginia, containing 9.2206 acres, and shown on plat entitled "PLAT OF THE PROPERTY OF SARAH BONWELL HUDGINS FOUNDATION, INC. 9.2206ACRES, CITY OF HAMPTON, VIRGINIA", made by Pyle Engineering Company, dated July 27, 1967, which said plat is recorded as an attachment to deed recorded in Deed Book 396, Page 786.

It being the same property conveyed by deed dated August 3, 1967 from E. F. Hazelwood and Roberta B. Hazelwood, his wife, David G. Blaylock and Martha Lee Blaylock, his wife, and Robert C. Cutler and Allison Cutler, his wife, to Sarah Bonwell Hudgins Foundation, Inc., a Virginia corporation, recorded August 24, 1967 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 396, Page 786.

PARCEL THREE: LRSN 5000042

All that certain piece, parcel or tract of land situate, lying and being in the City of Hampton, Virginia, containing 19.61 acres, more or less, as shown on a certain plat entitled "Plat Showing Proposed Road & Portion of Property of Robert L. Freeman, et als, Being the Easterly Portion of Parcel "B", E. T. Seymore Property Located Near Big Bethel & Battle Roads, City of Hampton, Virginia," made by S. J. Glass & Associates, dated June 2, 1964, a print of which plat is recorded as an attachment to deed recorded in Deed Book 350, Page 554.

It being the same property conveyed by deed dated December 30, 1966 from The Peninsula Association of Retarded Children, Incorporated, a Virginia corporation, to Sarah Bonwell Hudgins Foundation, Inc., a Virginia corporation, recorded February 9, 1967 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 388, Page 511.

It also being the same property conveyed by deed dated June 26, 1964 from C. Lear Ponton and Nora C. Ponton, his wife, Robert L. Freeman and Dorothy C. Freeman, his wife, E. Fred Lowe, Jr. and Louise A. Lowe, his wife, and Pavilian Investment Co., a Virginia corporation, to Peninsula Association For Retarded Children, Inc., a Virginia corporation, recorded July 8, 1964 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 350, Page 554.

PARCEL FOUR: LRSN 5001596

All that certain lot, piece or parcel of land lying and being in the City of Hampton, Virginia, consisting of 0.4356 acres, and shown on the survey entitled, "PLAT SHOWING A PARCEL OF LAND CONTAINING 0.4356ACRES.", dated June 25, 1998, made by Johnson, Baird & Associates, Civil Engineering & Land Surveying, Hampton, Virginia, a copy of which is attached to deed recorded in Deed Book 1267, Page 2072.

It being the same property conveyed by deed dated December 7, 1998 from Vivian Nadine Vest, widow, to Sarah Bonwell Hudgins Foundation, Inc., a Virginia non-profit corporation, recorded December 11, 1998 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 1267, Page 2072.

19981283v5

LRSN: 5000040, 5000041,
5000042 and 5001596

Prepared by:
Lawrence G. Cumming (VSB No. 15820)
Kaufman & Canoles, P.C.
11815 Fountain Way, Suite 400
Newport News, VA 23606

After recording return to:
Office of the City Attorney
22 Lincoln Street
Hampton, VA 23669
Attn: BNB

PROFFER AGREEMENT

THIS PROFFER AGREEMENT (“Agreement”) made as of _____, 2022, by and between **SARAH BONWELL HUDGINS FOUNDATION, INC.**, a Virginia corporation (“SBH”) [index as a grantor]; **WESTVIEW LANDING, LLC**, a Virginia limited liability company (“Westview”) [index as a grantor]; and **THE CITY OF HAMPTON**, a municipal corporation of the Commonwealth of Virginia (the “City”) [index as a grantee], with an address of 22 Lincoln Street, Hampton City Hall, Hampton, VA 23669.

RECITALS

A. SBH is the owner of certain parcels of real property (the “Property”) located in the City of Hampton, Virginia (LRSN 5000040, 5000041, 5000042 and 5001596), which are more fully described on **Exhibit “A”**.

B. SBH intends to conclude a transfer of ownership of the Property to Westview in order to facilitate development of the Property by Westview in accordance with the terms of this Agreement.

C. SBH and Westview (collectively “Applicants”) have initiated a conditional amendment to the zoning map of the City by petition addressed to the City so as to change the zoning classification of the Property from One Family Residential District R-11 and Langley Flight Approach District LFA-5 to Multifamily Residential District MD-3.

D. Applicants have requested approval of this Proffer Agreement.

E. The policy of the City is to provide for the orderly development of land for various purposes, including commercial purposes, through zoning and other land development legislation.

F. Applicants desire 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.

G. The conditions outlined in this Agreement have been proffered by Applicants and allowed and accepted by the City 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 City.

NOW, THEREFORE, for and in consideration of the approval and acceptance by the City of this Proffer Agreement, Applicants agree that they 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. Applicants and their respective successors, assigns, grantees and other successors in title or interest to the Property, voluntarily and without any requirement by or exaction from the City or its governing body and without any element or compulsion or quid pro quo for zoning, rezoning, site plan, building permit or subdivision approval, make the foregoing declaration of conditions and restrictions governing the use and physical development and operation of the Property, and covenant and agree 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 SBH, its successors and assigns, grantees and other successors in interest or title to the Property.

CONDITIONS

1. The only permitted use of the Property shall be as multifamily residences, together with all accessory uses.

2. The site shall be developed in substantial conformance with the “Conceptual Site Layout Westview Landing, City of Hampton, Virginia”, dated October 22, 2021, last revised _____, prepared by AES Consulting Engineers; and the “New Residential Development, Westview Landing Apartments”, dated November 5, 2021, prepared by Cox, Kliever & Company, P.C., (collectively the “Conceptual Plans”), a copy of which are on file with the Community Development Department and have been exhibited to the Hampton City Council for illustrative purposes and to provide justification for this rezoning action. Other than the changes described in condition 3 below, only minor changes in the Conceptual Plans may be made to accommodate environmental, engineering, architectural, topographic or other development conditions, or site/subdivision plan approval requirements as required by law and subject to the approval of the Director of Community Development or his designee. A copy of the final approved site plan shall be on file with the Planning Division of the Department of Community Development and shall supersede any previously filed Conceptual Plans.

3. Grantor acknowledges that the Conceptual Plans may need to be substantially modified after approval by the U.S. Army Corps of Engineers (“USACE”) of a jurisdictional determination, which may result in a change to the density, layout, and other features depicted on the Conceptual Plans. Approval of the rezoning and this Agreement shall not vest the Grantor in the development as shown on the Conceptual Site Plan to the extent that it is in conflict with a future USACE jurisdictional determination.

4. Notwithstanding any other provision of this Agreement, including the Conceptual Plans, (i) in no event shall the entire development contain more than the number of residential dwelling units permitted by the MD-3 Zoning District (each, a “Residential Unit” and collectively, the “Residential Units”), and (ii) in no event shall any building improvements be located within the Langley Flight Approach Zone-5 or Accident Potential Zone-2, as those zones are currently configured.

5. The buildings to be constructed on the Property shall be in substantial conformance with the elevations entitled “New Residential Development Westview Landing Apartments”, dated November 5, 2021 (three-story buildings, four-story buildings and clubhouse), and dated December 6, 2021 (maintenance building, storage building and garage building), prepared by Cox, Kliewer & Company, P.C., (the “Elevations”), copies of which are on file with the Community Development Department which Elevations have been exhibited to the Hampton City Council for illustrative purposes and to provide justification for this rezoning action. Minor changes in the Elevations may be made to accommodate environmental, engineering, architectural, topographic or other development conditions, building code, or site/subdivision plan approval requirements as required by applicable law and/or regulations and subject to approval of the Director of Community Development or his designee. A copy of the final approved Elevations shall be on file with the Planning Division of the Community Development Department and shall supersede any previous Elevations.

6. The construction of the building shall be as follows:

a. The exteriors of all four (4) sides of the buildings will be constructed primarily of brick veneer with accents of fiber cement siding and prefabricated cellular PVC columns.

b. Roofing materials shall be architectural grade shingles.

7. Community amenities shall include, but will not be limited to, clubhouse, swimming pool, fitness center, grilling areas, car wash areas, electric vehicle charging stations, dog/pet park, storage units and enclosed garages as shown on the Conceptual Plans. Other similar amenities may be provided in place of those previously listed with the approval of the Director of Community Development or his designee.

8. There shall be a twenty foot (20') wide landscape buffer (the "Landscape Buffer") that consists of a combination of existing trees and additional plant materials, as further described below, along those portions of the westerly and southerly boundaries of the site which have buildings, parking areas or other improvements adjoining residentially zoned parcels.

The Landscape Buffer shall provide an opaque screen of trees and shrubs from the ground to a minimum height of six feet (6') in substantial conformance with the illustration attached hereto as **Exhibit "B"** and made a part of this Agreement. Before installation or removal of any material in the Landscape Buffer, a landscape plan shall be reviewed and approved by the Director the Department of Community Development or his designee. Further, the Landscape Buffer shall consist of the following:

a. Vegetation: All existing trees within the Landscape Buffer shall be preserved, with the exception that all dead, diseased or damaged vegetation and invasive species, may be removed. All 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. Shrubs shall be installed in groupings and integrated with trees.

b. Plant Specifications: All new trees installed shall be a combination of the following tree types: deciduous trees, evergreen trees, and understory trees. No more than fifty percent (50%) of the required trees shall be of any one type, nor shall more than twenty-five percent (25%) of the required trees be of any single species (e.g. maple, pine, oak, dogwood, holly, etc.).

All new trees and shrubs shall meet the following size requirements:

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'

The Landscape Buffer shall be left in an undisturbed natural vegetative state with the exception of providing supplemental plantings and maintenance of the buffer as described in this Agreement. Pruning and trimming shall be limited to selective thinning of vegetation under two inch (2") caliper.

9. All exterior lighting, both site and building, shall consist of full cut-off fixtures that are directed inward and downward to the site.

10. It is understood that all phases of the proposed development shall comply with all ordinances of the City.

11. Further lawful conditions and restrictions may be required in accordance with City Code, City Zoning Ordinances and all applicable codes and regulations, by the City during detailed administrative and site plan reviews. Applicants acknowledge that the City Code and City Zoning Ordinances shall control if more restrictive than the proffered conditions.

12. All references in this Agreement to zoning districts and applicable regulations, refer to the City Zoning Ordinance of the City, in force as of the date the conditional rezoning amendment is approved by the City.

13. Applicants covenant and agree that (a) the Zoning Administrator of the City shall be vested with all necessary authority on behalf of the governing body of the City 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; (b) 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 (c) the Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the 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 Planning Department 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 names of the Applicants and the City.

WITNESS the following signatures and seals:

SIGNATURES ON FOLLOWING PAGES

SIGNATURE PAGE TO PROFFER AGREEMENT

Grantor:

SARAH BONWELL HUDGINS FOUNDATION, INC.

By:  _____
Jennifer Register, President

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF YORK, to wit:

The foregoing instrument was acknowledged before me this 28 day of FEB, 2022, by Jennifer Register, President of Sarah Bonwell Hudgins Foundation, Inc., a Virginia corporation, for and on behalf of the corporation. The said Jennifer Register is personally known to me or has produced satisfactory evidence of identity.

 _____
Notary Public

My Commission expires: 11.30.22
[Affix Notarial Stamp]



SIGNATURE PAGE TO PROFFER AGREEMENT

Grantor:

WESTVIEW LANDING, LLC

By: *Robert L. Mallory*
Robert L. Mallory, Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Newport News, to wit:

The foregoing instrument was acknowledged before me this 28th day of February, ~~2021~~2022, by Robert L. Mallory, Manager of Westview Landing, LLC, a Virginia limited liability company, for and on behalf of the company. The said Robert L. Mallory is personally known to me or has produced satisfactory evidence of identity.

Kimberly K Alexander
Notary Public

My Commission expires: July 31, 2026
[Affix Notarial Stamp]

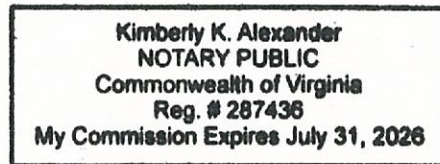


Exhibit A

Legal Descriptions

PARCEL ONE: LRSN 5000041

All that certain tract, piece or parcel of land situate, lying and being on the City of Hampton, Virginia, containing 8.591 acres, more or less, and designated as Parcel "A" on a certain plat attached to deed dated August 15, 1959, from Edmund T. Seymore, et ux to Robert L. Freeman, et als, duly of record in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 285, Page 334, said plat being entitled "Plat Showing Property of E. T. Seymore Being Located on Big Bethel Road, Hampton, Virginia," dated August 19, 1959, and made by S. J. Glass & Associates, Engineers & Surveyors.

It Being the same property conveyed by deed dated June 9, 1967, from Robert L. Freeman and Dorothy C. Freeman, his wife, E. Fred Lowe, Jr. and Louise A. Lowe, his wife, C. Lear Ponton and Nora G. Ponton, his wife, and Pavilion Investment Co., a Virginia corporation, to Sarah Bonwell Hudgins Foundation, Inc., a Virginia corporation, recorded June 21, 1967 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 393, Page 744.

All that certain piece or parcel of land, lying and being in the City of Hampton, Virginia, and described as follows:

Beginning at a concrete monument located at the intersection of Thomas Nelson Drive and the 40' right-of-way to property of Sarah Bonwell Hudgins Foundation, Inc. Thence in an easterly 36.62' to a point. Thence S 10° 12'00" along a line a distance of 22.69'. Thence N 89° 27' 02" along a line a distance of 53.73'. Thence N 45° 26' 02" a distance of 29.66' to the point of beginning.

It being the same property conveyed by deed dated April 5, 1994 from Vivian Nadine Vest, widowed, to Sarah Bonwell Hudgins Foundation, Inc., recorded May 10, 1994 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 1106, Page 1864.

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, being a strip of land containing 0.63 acre, and more particularly described on that certain plat entitled, "Plat Showing Easement to be Granted by T. J. Dula to Peninsula Association for Retarded Children, Inc.", print of which is attached to the deed recorded in Deed Book 388, Page 134.

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, being a strip of land 20 feet in width, and more particularly described on that certain plat entitled, "Plat Showing Easement to be Granted by James S. D. Cumming to Peninsula Association for Retarded Children, Inc.", print of which is attached to the deed recorded in Deed Book 384, Page 342.

It Being the same property conveyed by deed dated May 1, 1967 from Peninsula Association For Retarded Children, Inc. to Sarah Bonwell Hudgins Foundation, Inc, recorded June 21, 1967 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 393, Page 742.

PARCEL TWO: LRSN 5000040

All that certain piece or parcel of land situate, lying and being in the City of Hampton, Virginia, containing 9.2206 acres, and shown on plat entitled "PLAT OF THE PROPERTY OF SARAH BONWELL HUDGINS FOUNDATION, INC. 9.2206ACRES, CITY OF HAMPTON, VIRGINIA",

made by Pyle Engineering Company, dated July 27, 1967, which said plat is recorded as an attachment to deed recorded in Deed Book 396, Page 786.

It being the same property conveyed by deed dated August 3, 1967 from E. F. Hazelwood and Roberta B. Hazelwood, his wife, David G. Blaylock and Martha Lee Blaylock, his wife, and Robert C. Cutler and Allison Cutler, his wife, to Sarah Bonwell Hudgins Foundation, Inc., a Virginia corporation, recorded August 24, 1967 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 396, Page 786.

PARCEL THREE: LRSN 5000042

All that certain piece, parcel or tract of land situate, lying and being in the City of Hampton, Virginia, containing 19.61 acres, more or less, as shown on a certain plat entitled "Plat Showing Proposed Road & Portion of Property of Robert L. Freeman, et als, Being the Easterly Portion of Parcel "B", E. T. Seymore Property Located Near Big Bethel & Battle Roads, City of Hampton, Virginia," made by S. J. Glass & Associates, dated June 2, 1964, a print of which plat is recorded as an attachment to deed recorded in Deed Book 350, Page 554.

It being the same property conveyed by deed dated December 30, 1966 from The Peninsula Association of Retarded Children, Incorporated, a Virginia corporation, to Sarah Bonwell Hudgins Foundation, Inc., a Virginia corporation, recorded February 9, 1967 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 388, Page 511.

It also being the same property conveyed by deed dated June 26, 1964 from C. Lear Ponton and Nora C. Ponton, his wife, Robert L. Freeman and Dorothy C. Freeman, his wife, E. Fred Lowe, Jr. and Louise A. Lowe, his wife, and Pavilian Investment Co., a Virginia corporation, to Peninsula Association For Retarded Children, Inc., a Virginia corporation, recorded July 8, 1964 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 350, Page 554.

PARCEL FOUR: LRSN 5001596

All that certain lot, piece or parcel of land lying and being in the City of Hampton, Virginia, consisting of 0.4356 acres, and shown on the survey entitled, "PLAT SHOWING A PARCEL OF LAND CONTAINING 0.4356ACRES.", dated June 25, 1998, made by Johnson, Baird & Associates, Civil Engineering & Land Surveying, Hampton, Virginia, a copy of which is attached to deed recorded in Deed Book 1267, Page 2072.

It being the same property conveyed by deed dated December 7, 1998 from Vivian Nadine Vest, widow, to Sarah Bonwell Hudgins Foundation, Inc., a Virginia non-profit corporation, recorded December 11, 1998 in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Deed Book 1267, Page 2072.

Exhibit B

