

Prepared by:

Adrian Mora

4218 Victoria Blvd, Hampton VA 23669

After recording return to:

Office of the City Attorney

22 Lincoln Street

Hampton, Va. 23669

LRSN: 2003764

PROFFER AGREEMENT

THIS PROFFER AGREEMENT (“Agreement”) made this the 27 day of March, 2026, by and between **Adrian Mora** (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 2003764, 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 C-1 (Local Retail Commercial District) to MD-4 (Medium Density Multifamily Residential 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) All structures shall be constructed in substantial conformance with the elevations entitled “EXTERIOR ELEVATIONS, 4218 VICTORIA BLVD”, dated October 14, 2025, prepared by B. Grace Design (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. Setbacks – Existing Structure Nonconformity

- 1) Notwithstanding any provision of Grantee’s zoning ordinance to the contrary, the Property’s side yard setback shall be 6.3 feet, and the rear yard setback shall be 5.3 feet. This condition is hereby acknowledged as being contextually appropriate and consistent with the prevailing built environment of the block.

C. Landscaping Requirements

- 1) A landscape 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:
 - i. The landscape plan shall substantially comply with the Concept Plan;
 - ii. The final landscape plan shall be in conformance with the City of Hampton Landscape Guidelines;
 - iii. 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 existing trees shall be preserved, with the exception for dead, diseased or damaged vegetation and invasive species, which shall be removed only to the extent necessary;
- b) 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;
- c) No trees or shrubs may be installed in a continuous single row except where necessary and appropriate to meet screening buffer requirements;
- d) Shrubs shall be installed in groupings and integrated with tree plantings;
- e) 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;
- 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'

D. Compliance with Ordinances

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

E. 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.

F. 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.

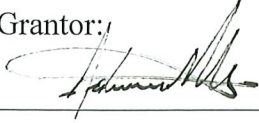
G. Covenants and Enforcement

- 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.

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WITNESS the following signatures:

Grantor:



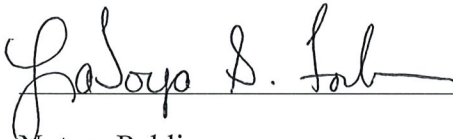
By: Adrian Mora

STATE OF VIRGINIA

City of Hampton, to-wit:

I, LaToya S. Forbes, a Notary Public in and for the City and State aforesaid, do hereby certify that Adrian Mora, whose name is signed to the foregoing instrument as Grantor, has sworn to, subscribed, and acknowledged the same before me in the City and State aforesaid, this 27 day of March, 2026.

☐ Is personally known to me ☒ Has produced Driver's License as identification.



Notary Public

My commission expires: 8.31.2029

Registration No. 7903786



Exhibit A: Legal Description of Property

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, known, designated and described as Lot Numbered ONE (1), as shown on that certain plat entitled, "*PLAT OF THE PROPERTY OF GENE M. BELL, LOT 1, J. S. DARLING'S LITTLE ENGLAND, CITY OF HAMPTON, VIRGINIA*", dated February 1, 1968, made by C. K. Tudor, C.E. & C.L.S., a copy of which is duly recorded in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia, in Deed Book 402, page 871, to which plat reference is here made.

It being the same property conveyed unto Adrian Mora by that deed from Christopher Lee Tormos dated May 28, 2024 and recorded in the land records aforesaid on June 3, 2024 as Instrument #240006241.