

Conditions

Use Permit Application No. 24-0530

Multifamily Dwellings - Pinewood Apartments

2 Tall Pine Drive [LRSN 3004827]; Unaddressed Parcel on W. Queen Street [LRSN 3004828]

1. Issuance of Permit

The Use Permit is for the development of multifamily dwellings, as that use is defined in the City's Zoning Ordinance, applies only to the location at 2 Tall Pine Drive [LRSN 3004827], and an unaddressed parcel at W. Queen Street [LRSN 3004828] ("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. 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).

3. Concept Plan

The Location shall be developed in substantial conformance with the conceptual site plan entitled "Conceptual Plan, Pinewood Apartments, Conceptual Layout Plan," dated January 27, 2025, prepared by Landtech Resources, Inc. (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.

4. Landscape Plan

The Location shall be landscaped in substantial conformance with the landscape plan entitled "Conceptual Plan, Pinewood Apartments, Conceptual Landscape Plan," dated January 27, 2025, prepared by Landtech Resources, Inc. (the "Conceptual Landscape 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 Landscape 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

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approval of the Director of Community Development or their designee. A copy of the final approved landscape 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 Landscape Plan.

5. Elevations & Building Materials

a. The building shall be constructed in substantial conformance with the elevations entitled "Pinewood," prepared by Jon Bengston, Land Planning Solutions, and dated January 15, 2025, (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. 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
- iii. Roofing material shall be standing seam metal.

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

6. Management

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

7. Dumpster Location and Screening

Trash dumpsters shall be provided as follows:

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- a. Located per the Conceptual Site Plan so as not to impede ingress and egress to the Location or navigation within and around the Multifamily Dwellings; and
- b. Located within an appropriate dumpster enclosure constructed of building materials that complement the primary building materials of the Multifamily Dwellings and that are enhanced with landscaping as set forth in the Coliseum Central Design Standards, dated January 2018 (as amended), and as approved by the Director of Community Development or their designee.

8. Common Amenities

The proposed multifamily development shall incorporate, at a minimum, the following property amenities:

- a. Grilling/picnic area with covered pavilion;
- b. Dog Park;
- c. Fitness center;
- d. Community room; and
- e. Minimum of two (2) EV charging stations

9. Certificate of Occupancy

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

10. 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.

11. 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).

12. 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

