

Prepared by:
Cornerstone Custom Homes, LLC
By: Heatherly E. Cabral
110 Mid-Atlantic Place
Yorktown, Virginia 23693
After recording return to:
Office of the City Attorney
22 Lincoln Street
Hampton, Va. 23669
(jek)

LRSN: 8005581

PROFFER AGREEMENT

THIS PROFFER AGREEMENT (“Agreement”) made this ___th day of _____, 2024, by and between CORNERSTONE CUSTOM HOMES, 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. CORNERSTONE CUSTOM HOMES, LLC is the owner of a certain parcel of property located in the City of Hampton, herein known as 67 W Little Back River Road (LRSN Number 8005581), and more fully described on “Exhibit A” (the “Property”).
- B. 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-9) DISTRICT TO ONE-FAMILY RESIDENTIAL (R-4) DISTRICT.

- C. 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 purposes, through zoning and other land development legislation.
- E. 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 Grantor and allowed and accepted by 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 Grantee.

NOW, THEREFORE, for and in consideration of the approval and acceptance by the City of this Agreement, Grantor agrees that it 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. 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 Grantee or its governing body and without any element or compulsion or quid pro quo for zoning, rezoning, site plan, building permit or subdivision approval, makes the foregoing declaration of conditions and restrictions governing the use and physical development and

operation of the Property, and covenants and agrees 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 the Grantor, its heirs successors and assigns, grantees and other successors in interest or title to the Property; namely:

CONDITIONS

- 1) The Property shall be developed and subdivided in substantial conformance with the conceptual site plan entitled “A Parcel of Land Containing 0.3538 Acres,” identified as “variance exhibit”, dated April 24, 2023, last revised on January 16, 2024 and prepared by Anthony D. Potts (the “Concept 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 rezoning action. Minor changes in the Concept Plan may be made to accommodate environmental, engineering, architectural, topographic, or other development conditions, 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 their designee. A copy of the final approved Concept Plan shall be placed on file with the Planning Division of the Department of Community Development and shall supersede any previous concept plan.
- 2) The proposed development shall be meet or exceed the requirements within the “Hampton Pattern Book for Colonial Model”, dated April 1, 2011 (the “Pattern Book”), and shall have the following development standards:

- a) The buildings shall be constructed in substantial conformance with the elevations entitled “Single Family Residence at Springfield RH Model - Crawl,” last revised on July 20, 2022 and prepared by Brian Meekins & Associates” and “Single Family Residence at Springfield LH Model – Crawl,” last revised on July 20, 2022 and prepared by Brian Meekins & Associates”(collectively, 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 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 their designee, provided the changes comply with the Hampton Pattern Book for Colonial Model dated April 1, 2011 prepared by Urban Design Associates. A copy of the final approved Elevations shall be placed on file with the Planning Division of the Department of Community Development and shall supersede any previous elevations.
- b) In the event of a conflict between the conditioned Elevations and the Pattern Book, the Pattern Book shall govern, including but not limited to the following instances:
- i) Primary and secondary building materials for the front, side, and rear elevations shall be brick, full-face brick veneer, stone veneer, cement fiber board, concrete panels, premium, fade resistant vinyl with a .044" minimum thickness, ground face or polished concrete block, precast or cut stone, engineered wood, wood or composite

lap siding, metal or composite panel systems, and/or glass. Acceptable trim materials are PVC and/or vinyl.

- ii) The foundation shall be faced on all sides with full-face brick.
 - iii) Roof materials shall be a 30-year architectural/dimensional asphalt composition shingles.
 - iv) The first finished floor shall be a minimum of thirty-six (36) inches above grade.
 - v) If constructed, an attached garage shall be located a minimum of eighteen inches (18") behind the main front façade of the structure. The main front façade is the façade containing the front door.
 - vi) All garage doors shall include windows and decorative hardware.
 - vii) Half-round or ogee profile gutters with round or rectangular downspouts in copper, painted or prefinished metal shall be installed.
 - viii) Exterior railings shall consist of wood milled top and bottom rails with straight or turned balusters.
 - ix) Fencing materials shall be wood or metal picket, brick, stucco on block, or any combination. Other suitable fencing materials of similar quality and complementary to the building architecture may be approved by the Director of Community Development or their designee.
- 3) The Property shall be subdivided in accordance with Chapter 35 of the Hampton City Code, subject to approval by the City of Hampton and recordation of a final subdivision plat, such that each 1-family detached dwelling is constructed on a fee simple lot.
- 4) It is understood that all phases of the proposed project shall comply with all ordinances of the City of Hampton.

- 5) Further lawful conditions or restrictions against the Property may be required by Grantee during the detailed Site Plan review and administration of applicable codes and regulations of Grantee by all appropriate agencies and departments of Grantee, which shall be observed or performed by Grantor. Grantor acknowledges that additional further lawful conditions or restrictions may be imposed by Grantee as a condition of approvals, including but not limited to final site plan approval.
- 6) 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.
- 7) The Grantor covenants and agrees that (1) the Zoning Administrator of the City of Hampton, Virginia, shall be vested with all necessary authority on behalf of the governing body of the City of Hampton, Virginia, 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; (2) 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 (3) the Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the subject 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 Department of Community Development 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 name of the Grantor and Grantee.

[Remainder of Page Intentionally Left Blank - Signatures on Following Page]

WITNESS the following signatures:

Grantor: Cornerstone Custom Homes
Heatherly Cabral
By: Heatherly Cabral

STATE OF VIRGINIA
City of Hampton, to-wit:

I, Aly Fajardo Ramos, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that Heatherly Cabral, whose name is signed to the foregoing instrument as (title) member of Cornerstone Custom Homes a Virginia (type of entity) LLC, has sworn to, subscribed, and acknowledged the same before me in the City and State aforesaid, this day of August 21, 2024 on behalf of said corporation. He/she [] is personally known to me or [] has produced _____ as identification.

Aly Fajardo Ramos
Notary Public

My commission expires: 11/30/2026
Registration No. 7986614

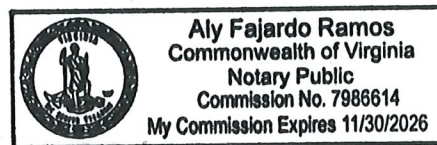


Exhibit A
Legal Description

All those certain lots, pieces or parcels of land, lying and being in the City of Hampton, Virginia as RPC No. 8005581 (the "Property"), as shown on a proposed physical survey entitled "PHYSICAL SURVEY OF THE PROPERTY OF CORNERSTONE CUSTOM HOMES, LLC, A PARCEL OF LAND CONTAINING 0.3538 ACRES, HAMPTON, VIRGINIA," prepared on April 24, 2023 by A.D. Potts & Associates, Inc. was acquired by the current owner by instrument of record in the Clerk's Office of the Circuit Court of Hampton, Virginia as Instrument No. 230001598.