

CITY OF HAMPTON, VIRGINIA LAND USE APPLICATION

<small>Office Use Only</small>
Case Number: <u>1242</u>
Date Received: _____

Select the appropriate box:

<input type="checkbox"/> APPEAL OF ZONING ADMINISTRATOR'S DECISION * (also complete Section 1 on reverse) <input type="checkbox"/> CONDITIONAL PRIVILEGE (also complete Section 2 on reverse) <input checked="" type="checkbox"/> REZONING (also complete Section 3 on reverse) <input type="checkbox"/> SPECIAL EXCEPTION * (also complete Section 2 on reverse) <input type="checkbox"/> USE PERMIT (also complete Section 2 on reverse) <input type="checkbox"/> VARIANCE * (also complete Section 4 on reverse)
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INFORMATION REQUIRED FOR ALL APPLICATIONS:

Property Address/Legal Description: (See attached exhibit A)

Current Land Use: Raw land & Vacant Residential

Current Zoning: R-11 (One-Family Residential District)

Proposed Land Use: Luxury Apartment Development
(If no specific use is proposed, please note.)

PROPOSE TO:

Use an existing building
 Construct an addition
 Construct a new building

OWNER INFORMATION:

Owner's Name: Southeastern Capital Investments, L.L.C
 Address: 609 Independence Pkwy, Suite 200
Chesapeake, VA 23320
 Phone Number: 757-547-1515
 E-mail: rtrant@becoconstruction

APPLICANT INFORMATION: (if different from 'Owner')

Applicant Name: _____	Applicant's Agent: <u>Larry Cumming</u>
Address: _____	Address: <u>2236 Cunningham Drive</u> <u>Hampton, VA 23666</u>
Phone Number: _____	Phone Number: <u>757-224-2900</u>
E-mail: _____	E-mail: <u>lcumming@kaufcan.com</u>

OWNER AUTHORIZATION: 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 THE PROPERTY FOR INSPECTION. THE INFORMATION CONTAINED IN THIS APPLICATION IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE.	
OWNER'S NAME (please print) <u>Southeastern Capital Investments LLC</u>	<u>C. Burton Cutright</u> <small>MANAGER MANAGED</small>
OWNER'S SIGNATURE AND DATE	 <u>MANAGER 1/3/07</u>

DEVELOPMENT OF ANY PROPERTY IS SUBJECT TO COMPLIANCE WITH ALL APPLICABLE CODES, REGULATIONS AND ORDINANCES, WHETHER OR NOT THEY ARE SPECIFIED IN THE APPROVAL OF ANY LAND USE APPLICATION.

REZONING APPLICATION # 1242 PROFFER STATEMENT

BEFORE A REZONING APPLICATION IS PRESENTED TO THE PLANNING COMMISSION, THE OWNER MUST SIGN A STATEMENT THAT HE (A) DOES OR (B) DOES NOT WISH TO PROFFER LEGALLY PERMISSIBLE CONDITIONS IN SUPPORT OF THE APPLICATION (PERMISSIBLE CONDITIONS ARE OUTLINED BELOW). WITHOUT THIS SIGNED STATEMENT, THE REZONING APPLICATION WILL NOT BE ADVERTISED IN THE NEWSPAPER AND WILL NOT PROCEED TO PLANNING COMMISSION. PLEASE SELECT AND SIGN ONE OF THE FOLLOWING:

(A) I HEREBY VOLUNTARILY PROFFER THE FOLLOWING SPECIAL CONDITIONS RELATING TO THE PHYSICAL DEVELOPMENT OR PHYSICAL OPERATION OF THE PROPERTY UNDER CONSIDERATION. I FURTHER AGREE THAT THE DEVELOPMENT OF THE PROPERTY SHALL BE IN STRICT ACCORDANCE WITH THESE CONDITIONS, UNLESS AN AMENDMENT THERETO IS MUTUALLY AGREED UPON BY THE CITY COUNCIL AND THE UNDERSIGNED. (PLEASE USE ADDITIONAL SHEETS IF NECESSARY; LEGALLY PERMISSIBLE CONDITIONS ARE DESCRIBED ON REVERSE.)

FOR PROFFER CONDITIONS, SEE ATTACHED EXHIBIT "B".

C. Burton Wright
manager:



1/3/07

Southeastern Capital Investments LLC.

CURRENT PROPERTY OWNER & DATE

(B) I DO NOT PROFFER ANY CONDITIONS WITH THIS APPLICATION.

CURRENT PROPERTY OWNER & DATE

HAMPTON ZONING ORDINANCE, SECTION 24.2.1. PERMISSIBLE CONDITIONS.

1. THE CURRENT PROPERTY OWNER MAY VOLUNTARILY PROFFER CONDITIONS THAT WILL SUPPLEMENT THE SPECIFIC DISTRICT REGULATIONS TO THE EXTENT THAT:
 - (A) THE REZONING ITSELF NECESSITATES THE CONDITIONS;
 - (B) SUCH CONDITIONS HAVE A REASONABLE RELATION TO THE REZONING; AND
 - (C) ALL CONDITIONS ARE IN CONFORMITY WITH THE COMPREHENSIVE PLAN.
2. WHEN CONDITIONS INCLUDE THE DEDICATION OF REAL PROPERTY OR PAYMENT OF CASH FOR FACILITIES, SUCH PROPERTY SHALL NOT BE TRANSFERRED NOR SUCH PAYMENT MADE TO THE CITY UNTIL THE FACILITIES FOR WHICH SUCH CONDITION IS INTENDED ARE INCLUDED IN THE ADOPTED CAPITAL IMPROVEMENTS PLAN. THE CONDITIONS SHALL PROVIDE FOR THE DISPOSITION OF SUCH PROPERTY OR PAYMENT IN THE EVENT IT IS NOT USED FOR THE PURPOSE FOR WHICH PROFFERED.
3. ONCE PROFFERED AND ACCEPTED AS PART OF AN AMENDMENT TO THE ZONING ORDINANCE, SUCH CONDITIONS SHALL CONTINUE IN EFFECT UNTIL A SUBSEQUENT AMENDMENT CHANGES THE ZONING OF THE PROPERTY COVERED BY THE CONDITIONS; HOWEVER, SUCH CONDITIONS CONTINUE IF THE SUBSEQUENT AMENDMENT IS PART OF THE COMPREHENSIVE IMPLEMENTATION OF A NEW OR SUBSTANTIALLY REVISED ZONING ORDINANCE.

ARTICLES OF AMENDMENT TO AMEND AND/OR RESTATE
THE ARTICLES OF ORGANIZATION OF
BECO CONSTRUCTION PARTNERS/BRIDGE ROAD II, L.L.C.

THE UNDERSIGNED limited liability company, pursuant to Title 13.1, Chapter 12, Article 2 of the Code of Virginia, hereby executes the following articles of amendment and sets forth:

ONE:

The name of the limited liability company is BECO Construction Partners/Bridge Road, II, L.L.C.

TWO

The name of the limited liability company is changed from BECO Construction Partners/Bridge Road, II, L.L.C. to Southeastern Capital Investments, L.L.C.

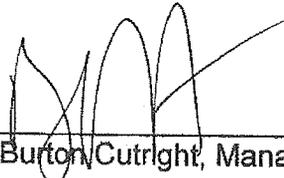
THREE

The foregoing amendment to and/or restatement of the articles of organization was adopted on July 3, 2002.

FOUR

The amendment to the articles of organization was approved by a majority vote of the members entitled to vote.

The undersigned declares that the facts herein stated are true as of July 3, 2002.



C. Burton Cutright, Manager

Operating Agreement of Southeastern Capital Investments, L.L.C.
dated November 1, 2004

EXHIBIT A

Company Details and Other Arrangements
as of the Agreement Date

Name of the Company:	Southeastern Capital Investments, L.L.C., a Virginia limited liability company
Principal Place of Business:	608-A Green Tree Road Chesapeake, VA 23320
Agent for Service/Office of Registered Agent:	Charles V. McPhillips Kaufman & Canoles 150 W. Main St., Suite 2100 Norfolk, VA 23510
Initial Managers:	C. Burton Cutright Eric G. Olson
Tax Matters Partner:	C. Burton Cutright
Company Capital Budget:	\$1,000
Due Dates of Capital Contributions to fund Company Capital Budget Expenditures:	<u>Date</u> 10/31/99