

Conditions

Use Permit Application No. 26-0221

Multifamily Dwellings – Cinema Cafe
1044 Von Schilling Dr, 7001564 and 7001565

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. It applies only to the location at 1044 Von Schilling Drive [LRSNs: 7001564 and 7001565] ("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. Limitation on Uses

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

3. Concept Plan

The Property shall be developed in substantial conformance with the conceptual site plan entitled Cinema Ale House Apartments, dated 2/11/2026 and revised 6/16/2026, prepared by Cox Kliever & Company (the "Concept Plan"); a copy of which is on file with the Community Development Department and has been exhibited to the Hampton Planning Commission and Hampton City Council for illustrative purposes and to provide justification for the Use Permit application. Minor changes in the Concept Plan may be made to accommodate environmental, engineering, architectural, topographic, or other development conditions, or site or subdivision plan approval requirements as required by applicable law, and subject to approval of the Director of Community Development or their designee for consistency with the conditions of this Use Permit. A copy of the final approved Concept Plan shall be placed in the file with the Planning Division of the Department of Community Development and shall supersede any previous Concept Plan.

4. Elevations

All structures shall be constructed in substantial conformance with those plans entitled "Cinema Alehouse Apartments – Buildings 1 and 3 Elevations," "Cinema Alehouse Apartments – Building 2 Elevations," "Cinema Alehouse Apartments – Building 2 and Clubhouse Elevations," "Cinema Alehouse Apartments – Clubhouse Elevations," and "Cinema Alehouse Apartments – Typical Building Elevation," each prepared by Cox, Kliever & Company, P.C. and dated April 27, 2026 (the "Elevations"), copies of which are on file with the Community Development Department. The Elevations have been exhibited to the Hampton Planning Commission and Hampton City Council for illustrative purposes and to provide justification for this Use Permit application. Minor changes in the Elevations may be made to accommodate environmental, engineering,

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architectural, topographic or other development conditions, building code, or site or 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 for consistency with the conditions of this Use Permit. 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.

5. Building Materials

The construction of the proposed structures shall be as follows:

- a) 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, ground face or polished concrete block, precast or cut stone, engineered wood, wood or composite lap, metal or composite panel systems, and/or glass. Acceptable trim materials are PVC, vinyl, and/or cementitious board. Painted wood trim is not permitted.
- b) Acceptable balcony/porch railing materials are decorative metal. Painted wood railing is not permitted.
- c) Acceptable roof materials are 30-year asphalt architectural shingles and standing seam metal accent roofs where visible and membrane roof in areas that are concealed from view, such as behind parapet walls.

6. Design Guidelines

The proposed development, including subsequent additions, renovations, etc., shall meet or exceed the requirements of the City of Hampton Coliseum Central Design Standards dated January 12, 2018, and on file with the Planning Division of the Community Development Department.

7. Height

No structure on the Property may exceed the lesser of four (4) stories or 150 feet in height.

8. Fencing

Any fencing located between any building facade and any public or private right-of-way shall be decorative metal picket fencing or similar, no taller than four (4) feet in height, and may incorporate decorative columns and/or posts, as approved by the Community Development Director or their designee. Any fencing not visible from a public or private right-of-way may be opaque fencing and shall be no taller than eight (8) feet in height as approved by the Community Development Director or their designee.

9. Lighting

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All exterior lighting shall comply with the "City of Hampton Outdoor Lighting Policy and Procedures," and shall in every case be directed downward and inward to the site.

10. HVAC

HVAC systems shall be screened from view from the right-of-way and adjacent properties through the use of landscaping, fencing, placement on roofs hidden by roof parapets, or other screening as approved by the Community Development Director or their designee.

11. Dumpster Screening

All trash dumpsters shall be screened with an appropriate dumpster enclosure constructed of building materials that complement the primary building materials of the Multifamily Dwellings and enhanced with landscaping as approved by the Director of Community Development or their designee.

12. Landscaping

Prior to final site plan approval for development of the Property, 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:

- a. The landscape plan shall comply with the Concept Plan;
- b. The landscape plan shall be in conformance with the City of Hampton Landscape Guidelines;
- c. The Owner shall enhance the green areas along the front of the site, and adjacent to the existing BMP as depicted on the Concept Plan, by installing landscaping in excess of standard turf grass. Such enhancements shall include the addition of trees and the planting of shrubs in lieu of grass where feasible. Any such enhancements shall also comply with the approved landscape plan required herein. The intent of this condition is to improve aesthetics, increase tree canopy, and enhance the overall environmental quality of the development.
- d. Trees and shrubs shall be native species to the Hampton Roads region, as found within the "Native Plants for Southeast Virginia including Hampton Roads Region" guidebook, on file with the Planning and Zoning Division, except that up to 25% of the plant materials may include other species not native to the Hampton Roads Region provided such species are native to USDA Hardiness Zones 8a or 8b, which are suited for future climate change conditions;
- e. All new trees and shrubs shall meet the following size requirements:

Plant Type	Installed Size	Mature Height Capability
Shade/Canopy Tree	4" caliper	>50'

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Evergreen Tree	8-10' height	>40'
Understory Tree	8-10' height	>20'
Evergreen Shrub	24-30" height	>6'

13. Amenities

The community amenities shall include, at a minimum, the clubhouse, fitness center, pool, grills, and bicycle racks as depicted on the Concept Plan.

14. Resilience and Sustainability

Development of the Property shall include the following resiliency and sustainability elements:

- i. The buildings constructed on the Property shall be designed to meet the 115-mile-per-hour wind load design requirements of the Virginia Uniform Statewide Building Code.
- ii. EnergyStar-certified hot water heaters, refrigerators, and dishwashers will be installed in the apartment units.
- iii. All buildings will be designed and constructed to include the following EnergyStar Multifamily New Construction features: LED lighting, 15 SEER-rated heat pumps with electric backup heat, and programmable thermostats.
- iv. The Owner shall install a minimum of four (4) Level II electric vehicle charging stations distributed throughout the development.

15. Property Line Vacation

The Property shall be combined in accordance with Chapter 35 of the Hampton City Code, subject to approval by the City of Hampton and recordation of a final property line vacation plat, such that LRSNs 7001564 and 7001565 are combined to create one parcel.

16. Management

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

17. Security

The applicant shall provide at least one (1) security camera facing each parking area on the site.

18. Certificate of Occupancy

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

19. Compliance with Laws

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- 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.

20. 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 Permit as set forth in chapter 14 of the Hampton Zoning Ordinance (as amended).

21. 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 five (5) 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

