

Prepared by: Jones, Blechman, Woltz & Kelly, P.C.
701 Town Center Dr., Suite 800
Newport News, VA 23606
Attn: Raymond H. Suttle, Jr.

Return to: Office of the City Attorney
22 Lincoln Street
Hampton, VA 23669

LSRN: 3005382

PROFFER AGREEMENT

THIS PROFFER AGREEMENT (“Agreement”) made as of _____, 2021, by and between **SATYA SAI LLC**, a Virginia limited liability company (index as a grantor); and **THE CITY OF HAMPTON, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia (index as a grantee), with an address of 22 Lincoln Street, Hampton City Hall, Hampton, VA 23669.

RECITALS

- A. Satya Sai LLC (“Satya”) is the owner of real property (the “Property”) located at the corner of Briarfield Road and Big Bethel Road in Hampton, Virginia, LSRN 3005382, with an address of 1545 Briarfield Road, Hampton, Virginia 23666, which is more fully described on Exhibit A attached hereto.
- B. Satya has initiated an application for re-zoning of the City of Hampton, Virginia (the “City”) by petition addressed to the City so as to change the zoning classification of the Property from R-11 (One Family Residential) to C-1 (Neighborhood Commercial).
The property is comprised of approximately .23 acres.
- C. Satya has requested approval of this Proffer Agreement.

shall be binding upon the Property, and upon all persons and entities claiming under or through Todd, its successors and assigns, grantees and other successors in interest or title to the Property.

CONDITIONS

1. The only permitted use of the Property shall be a restaurant without a drive-thru or drive-in, and without a retail alcoholic beverage license. The use shall comply with all uniform statewide Building Code requirements and shall be carry-out only unless approved by the building official and Zoning Administration.
2. No additions or modifications will be made to the exterior of the existing structure of the building. A opaque privacy fence around the perimeter of the Property shown on the Conceptual Site Plan shall be constructed and maintained, including, but not limited to, screening of dumpster enclosure, creation of curb cut and additional green space. The site shall be developed in substantial conformance with the Site Concept Plan entitled, "Japan Jashi, SATYA SAI, LLC", dated 9/30/2021, prepared by Elite Home Design Studio, LLC ("Site Concept Plan") a copy of which is on file with the Planning and Zoning Administration Division of 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 re-zoning action. Any significant changes in the Floor Plan, Site Concept Plan may be made to accommodate environmental, engineering, architectural, topographic or other development conditions, or site plan approval requirements as required by law and subject to the approval of the Director of Community Development.
3. There will be no storage outside the building.

4. The Property and its use will comply with all applicable laws, statutes, ordinances, and regulations including, but not limited to, the Americans With Disabilities Act.
5. The Property shall adhere to and be in compliance with all Green Space requirements and with the Site Concept Plan, a copy of which is on file with the Planning and Zoning Administration Division of 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 re-zoning action.
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 Application for Re-zoning is approved by the City.
7. Satya 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 non-compliance 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 Planning Department

OWNER'S CONSENT

OWNER: Satya Sai, LLC

RE: Application for Re-zoning

The undersigned, a duly authorized representative of Satya Sai, LLC, hereby appoints Raymond H. Suttle, Jr., Esquire of Jones, Blechman, Woltz & Kelly, P.C. as its authorized agent to submit Application for Re-zoning and to act on its behalf in the re-zoning process.

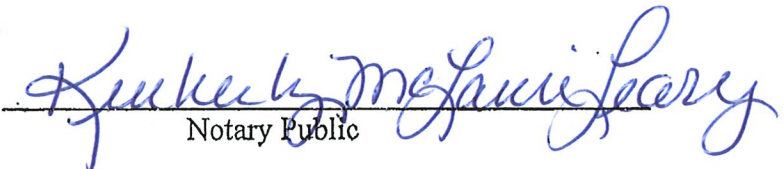
SATYA SAI, LLC

By 
Riddhi Joshi, Manager

STATE OF VIRGINIA
CITY OF NEWPORT NEWS, to-wit:

Subscribed, sworn and acknowledged before me this 22nd day of February, ~~2020~~ 2022 by
Riddhi Joshi, Manager, Satya Sai, LLC.

My commission expires: 12/31/2022
Registration Number: 7115267


Notary Public

639615

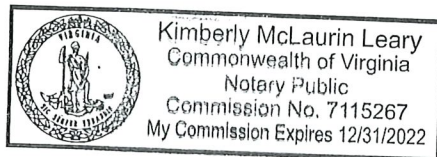


EXHIBIT A

Legal Description

All that certain lot, piece or parcel of land with the buildings and improvements thereon, situate, lying and being in the City of Hampton, Virginia, and being known, numbered and designated as Lot 8, as shown on that certain plat entitled, "Sunflower Terrace, section 2", dated June 27, 1977, made by C. K. Tudor Engineers, which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia in Plat Book 7, at page 29.