

Prepared by: B&B Contracting LLC
3113 Bangor Drive
Chesapeake, VA 23321
Attn: William Comer Jr.

Return to: Office of the City Attorney
22 Lincoln Street
Hampton, VA 23669
Attn: Bonnie N. Brown

LSRN: 7000267

PROFFER AGREEMENT

THIS PROFFER AGREEMENT (“Agreement”) made as of _____,
by and between **B&B CONTRACTING LLC**, a Virginia limited liability company (“the
Grantor or BNB”); and **THE CITY OF HAMPTON, VIRGINIA**, a municipal
Corporation of the Commonwealth of Virginia (“The Grantee”), with an address of 22
Lincoln Street, Hampton City Hall, Hampton, VA 23669.

RECITALS

A. B&B Contracting LLC (“B&B”) is the owner of a parcel of real property (the
“Property”) located at the corner of Broadstreet Road and Windsor Drive in Hampton
Virginia, LSRN 7000267, with an address of 6 Windsor Drive, Hampton, Virginia 23666,
which is more fully described on Exhibit A attached hereto.

B. B&B has initiated a conditional amendment to the zoning map 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 “One-Family Residence R-13 District” to
“One-Family Residence R-11” District”. The Property contains approximately 33,010

square feet or 0.8 acres. Upon the application for re-zoning being accepted, the Property will be subdivided into three (3) separate parcels, as described on that certain plat entitled, "Compiled Sketch for a Rezoning Exhibit, Lot 3, Block E Windsor Terrace, Hampton, Virginia", prepared by A.D. Potts & Associates, dated 8/18/18, attached hereto as Exhibit 1.

C. B&B has requested approval of this Proffer Agreement.

D. The policy of the City is to provide for the orderly development of land for various purposes, including residential purposes, through zoning and other land development legislation.

E. B&B desires to offer the City certain conditions for the enhancement of the community and provide for the highest quality and orderly development of the Property.

F. The conditions outlined in this Agreement have been proffered by B&B and allowed and accepted by the City 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 the City.

NOW, THEREFORE, for and in consideration of the approval and acceptance by the City of this Proffer Agreement, B&B 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. B&B, its successors, assigns, grantees and other successors in title or interest to the Property, voluntarily and without any requirement by or exaction from the

City or its governing body and without any element or compulsion or quid pro quo for zoning, re-zoning, site plan, building permit or subdivision approval, make the foregoing declaration of conditions and restrictions governing the use and physical development and operation of the Property, and covenant and agree 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 B&B, its successors and assigns, grantees and other successors in interest or title to the Property; namely:

CONDITIONS

1. The only permitted use of the Property shall be One-Family detached dwelling with all permitted accessory uses thereto.
2. If the rezoning application is approved by City Council, the Property shall be subdivided in accordance with that certain plat entitled, “Compiled Sketch for a Rezoning Exhibit, Lot 3, Block E Windsor Terrace, Hampton, Virginia”, prepared by A.D. Potts & Associates, dated 8/18/18 (the “Conceptual Subdivision Plat”), attached hereto as Exhibit 1, to create the 3 parcels, 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. Changes to the conceptual subdivision plat may be made to accommodate environmental, engineering, architectural, topographic or other development conditions, or subdivision approval requirements as required by law and subject to the

approval of the Director of Community Development. Upon approval of the re-zoning and in connection with the construction of the improvements, B&B shall submit an application for the subdivision of the Property that is consistent with the conceptual subdivision plat and any changes thereto permitted by the Community Development Department Director in conformance with this condition. A copy of the final approved subdivision plat shall be placed in the file with the Planning and Zoning Administration Division of the Department of Community Development and shall supersede any previously filed conceptual subdivision plat.

3. The Property shall be developed in substantial conformance with the elevations entitled, "The Windsor ", dated 08/16/2018, prepared by Designs by Mark (the "Elevations"), 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. The foundation will consist of full face brick veneer on all four(4) sides. The front façade will be built with full face brick veneer. The rear elevation, left elevation and right elevation will consist of vinyl siding material. The trim will be pvc. The attached garages will be set back at a minimum of 18" from the front façade/primary entrances and not the porch. Any significant changes in the Elevations 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. A copy of the final Elevations shall be placed in the file with the Planning and Zoning Administration Division of the Department of Community Development and shall supersede any previously filed elevations.

4. B&B acknowledges that further lawful conditions and restrictions against the Property may be required by the City during the detailed site plan review and administration of applicable codes and regulations of the City by all appropriate agencies and departments of the City, which shall be observed or performed by B&B. B&B further acknowledges that additional further lawful conditions or restrictions may be imposed by the City as a condition of approvals, including, but not limited to, final site plan approval.
5. 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 re-zoning amendment is approved by the City.
6. B&B 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 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 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 names of B&B and the City.

WITNESS the following signatures:

B&B CONTRACTING LLC

By 
Member

STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing was acknowledged before me this 20 day of August, 2018 by William Comer, Jr., Member B&B Contracting LLC.

My commission expires: 9/30/2021
Registration Number: 7750905

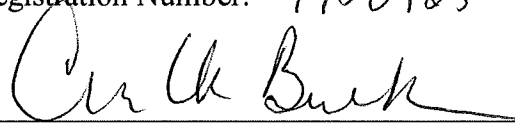

Notary Public

EXHIBIT A

Legal Description

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, known and designated as Lot THREE (3), Block "E", as shown on that certain plat entitled, "Plat of Windsor Terrace, Section 16, Block A-28", which said plat was recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia on June 4, 1947 in Plat Book 2, page 27, to which reference is here made.