



Application for
Rezoning

Complete this application in its entirety and submit pages 4 and 5 along with the required materials (including any required supplements) as listed on page 2 to the address below:

City of Hampton
Community Development Department, Planning Division
22 Lincoln Street, 5th Floor
Hampton, Virginia 23669

OFFICE USE ONLY
Date Received:

RECEIVED

JUN 03 2021

CDD 5TH FLOOR

Case Number: RZ

21 - 00005

1. PROPERTY INFORMATION

Address or Location 3.26 acres on the Northeast corner of Commander Shepard Blvd and North Campus Parkway

LRSN 13004555 Current Zoning District HRC-2 Proposed Zoning District C-2

Current Land Use Vacant

Proposed Land Use ~~Commercial and Multi-family residential~~ Commercial Retail

The proposed use will be in: ☐ an existing building ☐ a new addition ☒ a new building

2. PROPERTY OWNER INFORMATION (an individual or a legal entity may be listed as owner)

Owner's Name HRCN 2 LLC

Address 8000 Weston Parkway City Cary State NC Zip 27513

Phone 919-678-4301 Email Craig.Davis@Craigdavisproperties.com

3. APPLICANT INFORMATION (if different from owner)

Applicant's Name Craig Davis

Address 8000 Weston Parkway City Cary State NC Zip 27513

Phone 919-678-4210 Email Craig.Davis@CraigDavisProperties.com

4. APPLICANT AGENT INFORMATION (if different from applicant)

Agent's Name Jamie Loyack, PLA

Address 300 S. Dawson Street City Raleigh State NC Zip 27602

Phone 919-302-3176 Email jloyack@hagersmith.com

5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS

Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.

"I hereby submit that I am legally authorized to execute this application on behalf of 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 this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of the legal entity (attach additional page if necessary):

Name of Legal Entity HRCN 2 LLC

Signed by:

Name (printed) CRAIG M. DAVIS, Its (title) MANAGER

Signature Craig M. Davis Date 4/5/2021

Name (printed) _____, Its (title) _____

Signature _____ Date _____

Name (printed) _____, Its (title) _____

Signature _____ Date _____

6. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS

Complete this section only if the property owner is an individual or individuals.

"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 this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Name (printed) _____

Signature _____ Date _____

Name (printed) _____

Signature _____ Date _____

OFFICE USE ONLY

☐ Application Form

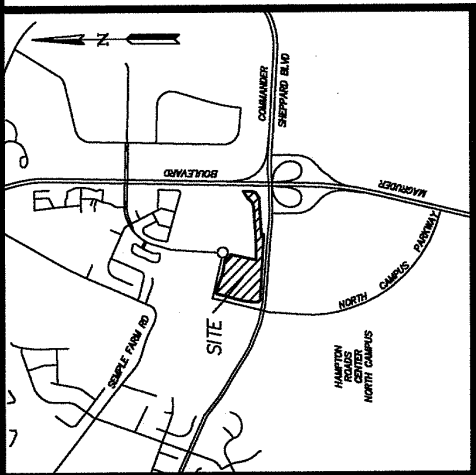
☐ Narrative Statement

☐ Proffer Statement

☐ Application Fee

☐ Survey Plat

☐ Additional materials (if required)



VICINITY MAP

- NOTES:
1. PROPERTY IS ALL PART OF PARCEL LRSN 13003603
 2. IMPROVEMENTS NOT SHOWN
 3. THIS PROPERTY MAY BE SUBJECT TO OTHER COVENANTS, RESTRICTIONS, EASEMENTS AND ENCUMBRANCES OF RECORD NOT SHOWN.
 4. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY AND RECORD INFORMATION
 5. A CURRENT TITLE REPORT HAS NOT BEEN FURNISHED TO THIS OFFICE
 6. REFERENCE: M.P.B.2, PG.156, M.P.B.3 PG.28, M.P.B.3, PG.24, M.P.B.2, PG.97 DOC. #050016949, DOC #130012554
 6. TOTAL AREA OF SUBDIVISION: 731,751 S.F. - 16.799 ACRES
 7. ALL NEW RIGHT OF WAY AREAS SHOWN ARE HEREBY CONVEYED TO THE CITY OF HAMPTON.
 8. PROPERTY IS LOCATED IN FLOOD ZONE X AS INDICATED ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF HAMPTON, MAP NUMBER 5155270010H, DATED MAY 16, 2016.
 9. PROPERTY IS SUBJECT TO A REZONING APPLICATION RZ16-00007. A PROFFER AGREEMENT STATING 10 PROFFERS IS RECORDED IN INST# 160003036.
 10. THIS SITE LIES WITHIN AIRCRAFT ACCIDENT POTENTIAL ZONE AND/OR NOISE ZONES AND MAY BE SUBJECT TO AIRCRAFT ACCIDENTS AND/OR ABOVE AVERAGE NOISE LEVELS DUE TO ITS PROXIMITY TO AIRPORT OPERATIONS. NOISE ATTENUATION MEASURES FOR NEW CONSTRUCTION MAY BE REQUIRED IN ACCORDANCE WITH THE AIRPORT NOISE ATTENUATION AND SAFETY ORDINANCE AND HEIGHT RESTRICTIONS HAVE BEEN IMPOSED IN ACCORDANCE WITH THE HAMPTON ZONING ORDINANCE.

SURVEYOR'S STATEMENT

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS AS SET FORTH IN THE ORDINANCE FOR APPROVING PLATS OF SUBDIVISIONS IN THE CITY OF HAMPTON, VIRGINIA HAVE BEEN COMPLIED WITH.

THIS IS TO CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION IS IN THE NAME OF THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF HAMPTON, VIRGINIA, AND WAS ACQUIRED FROM THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF HAMPTON, VIRGINIA BY DEED DATED AUGUST 8, 2013 AND DULY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA, IN DOCUMENT #130012554.

Paul W. Michael, Jr.
PAUL W. MICHAEL, JR., L.S.
VIRGINIA LAND SURVEYOR NO. 002438

3/1/17
DATE

WATER:
EACH PARCEL IS TO BE SERVED BY PUBLIC WATER PROVIDED BY THE CITY OF NEWPORT NEWS.

SEWER:
EACH PARCEL IS TO BE SERVED BY PUBLIC SEWER PROVIDED BY THE CITY OF HAMPTON

OWNER'S CONSENT AND DEDICATION
THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, PARCELS CDP-1, CDP-2, EDA-1, COMMON AREA A AND 20' DRAINAGE EASEMENTS IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF HAMPTON, VIRGINIA

Eleanor Weston Davis
SIGNATURE
Eleanor Weston Davis
PRINTED NAME
Chair
TITLE

3/1/17
DATE

STATE OF VIRGINIA
CITY OF HAMPTON TO WIT:

Lorena B. Hudgins, A NOTARY FOR THE CITY AND STATE AFORESAID, DO HEREBY CERTIFY THAT Eleanor W. Davis, ON BEHALF OF THE OWNER OF PARCELS CDP-1, CDP-2, EDA-1 AND COMMON AREA A WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID. HE/SHE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED AS IDENTIFICATION.

GIVEN UNDER MY HAND THIS 5th DAY OF May, 2017.
NOTARY PUBLIC Lorena B. Hudgins 201790
MY COMMISSION EXPIRES May 31, 2017.
REGISTRATION NO.

OWNER'S CONSENT AND DEDICATION

THE PLATTING OR DEDICATION OF THE 20' DRAINAGE EASEMENT AND DRAINAGE AND IMPOUNDMENT EASEMENT ACROSS PARCEL D1-A AND COMMON ELEMENT UNIT 3 IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

DG 2009 HAMPTON II LLC
Braig M. Davis 5/8/2017
BRAIG M. DAVIS, MANAGER
DATE

HRON QUAD CONDOMINIUM UNIT OWNERS ASSOCIATION

Braig M. Davis 5/8/2017
BRAIG M. DAVIS, CHAIRMAN
DATE

STATE OF VIRGINIA
CITY OF HAMPTON TO WIT:

Lorena B. Hudgins, A NOTARY FOR THE CITY AND STATE AFORESAID, DO HEREBY CERTIFY THAT Craig M. Davis, ON BEHALF OF THE OWNER OF PARCELS D1-A AND COMMON ELEMENT UNIT 3 WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID. HE/SHE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED AS IDENTIFICATION.

GIVEN UNDER MY HAND THIS 8th DAY OF May, 2017.
NOTARY PUBLIC: Lorena B. Hudgins 201790
REGISTRATION NO.
MY COMMISSION EXPIRES May 31, 2017.

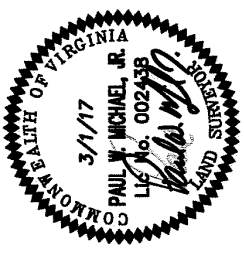
AREA TABLE

PARCEL CDP-1	347,082 S.F.	7.968 AC.
PARCEL CDP-2	142,146 S.F.	3.263 AC.
PARCEL EDA-1	161,666 S.F.	3.711 AC.
RIGHT OF WAY HERBY DEDICATED	80,857 S.F.	1.856 AC.
TOTAL AREA	731,751 S.F.	16.799 AC.

SUBDIVISION PLAT OF THE REMAINDER OF
PARCEL D1
BEING THE PROPERTY OF THE
ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF HAMPTON

CITY OF HAMPTON, VIRGINIA
DATE: MARCH 1, 2017
SCALE: 1"=100'
PROJECT NUMBER: 16-037
SHEET 1 OF 2

**MICHAEL SURVEYING
& MAPPING, P.C.**
41 OLD OYSTER POINT ROAD
SUITE B
NEWPORT NEWS, VA. 23606
TEL 757.873.1762
FAX 757.873.1772



THE UNDERSIGNED CERTIFIES THAT THIS PLAT IS IN CONFORMANCE WITH ALL PROVISIONS OF THE CITY OF HAMPTON, VIRGINIA, SUBDIVISION CODE. THE UNDERSIGNED DOES NOT CERTIFY AS TO THE CORRECTNESS OF THE STREETS, BOUNDARIES, OR OTHER LINES AS SHOWN ON THIS PLAT.

Paul W. Michael, Jr.
SUBDIVISION AGENT
DATE 5-11-2017
Paul W. Michael, Jr.
DIRECTOR OF PUBLIC WORKS
DATE 5/11/17

TABLE OF CONTENTS

SHEET 1 - COVER & SIGNATURE SHEET
SHEET 2 - PLAN VIEW OF PLAT

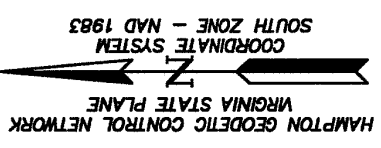
STATE OF VIRGINIA
CITY OF HAMPTON

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF HAMPTON THIS 13th DAY OF May, 2017.
THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS, IN MISCELLANEOUS PLAT BOOK 5, PAGE 85

TESTE: Linda Batchelor Smith, Clerk
BY: Paul W. Michael, Jr.

M.P.B. 5, PG.

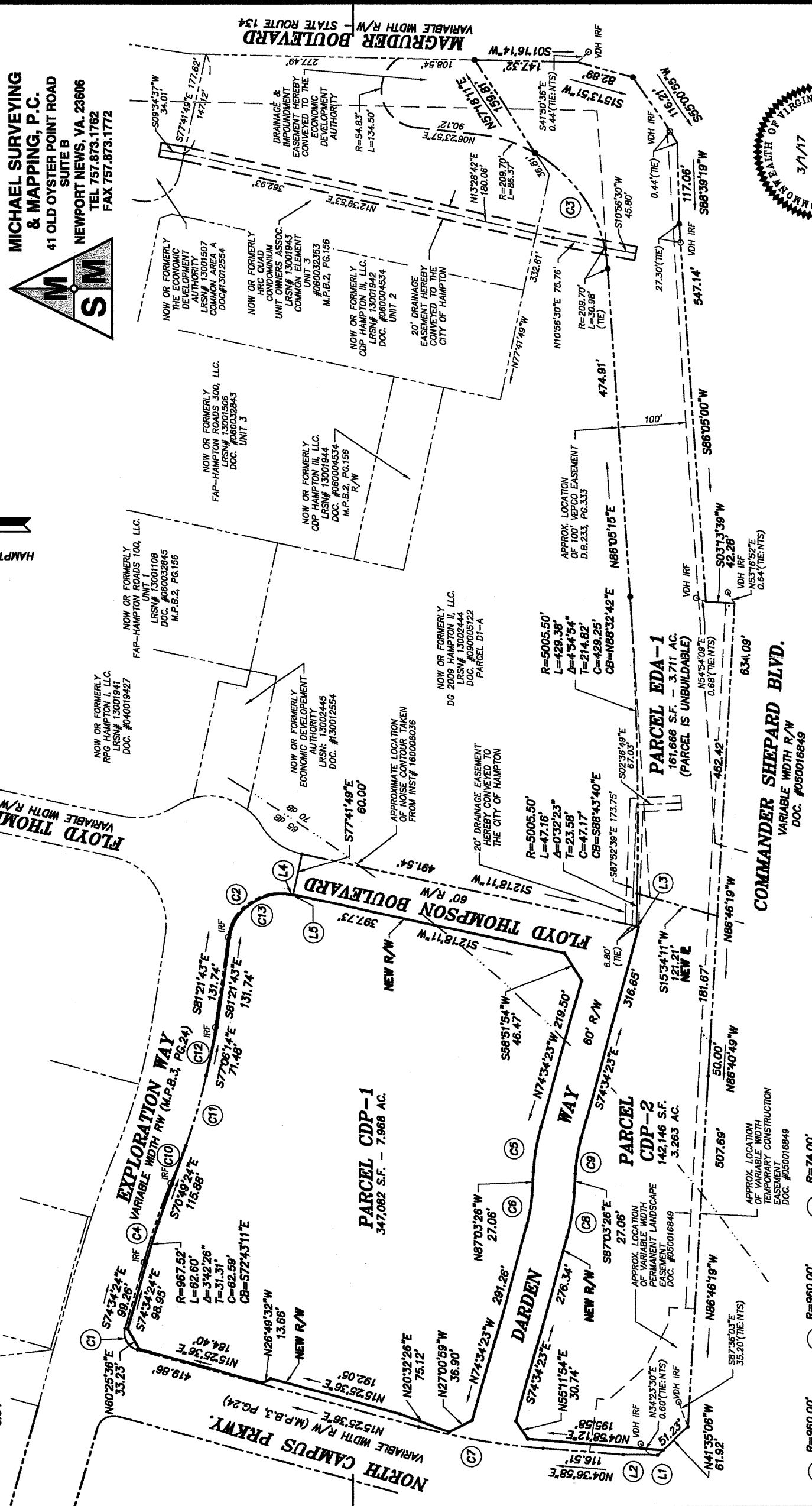
SUBDIVISION PLAT OF THE REMAINDER OF
PARCEL D1
BEING THE PROPERTY OF THE
ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF HAMPTON



CITY OF HAMPTON, VIRGINIA
DATE: MARCH 1, 2017
SCALE: 1"=100'
PROJECT NUMBER: 16-037
SHEET 2 OF 2

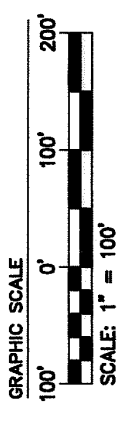
**MICHAEL SURVEYING
& MAPPING, P.C.**
41 OLD OYSTER POINT ROAD
SUITE B
NEWPORT NEWS, VA. 23606
TEL 757.873.1762
FAX 757.873.1772

- (L1) N05°23'44"E 11.38'
(L2) N00°06'36"W 38.39'
(L3) N12°18'11"E 3.36'
(L4) S11°38'03"W 3.75'
(L5) S77°41'49"E 0.94'
- (C1) R=25.00' L=39.27' A=90°00'00" T=25.00' C=35.36' CB=N60°25'36"E
(C2) R=75.00' L=121.73' A=92°59'31" T=79.02' C=108.80' CB=S34°51'42"E
(C3) R=209.70' L=205.28' A=56°05'21" T=111.71' C=197.18' CB=N68°02'34"E
(C4) R=960.00' L=120.80' A=71°2'36" T=60.48' C=120.72' CB=S70°58'06"E
(C5) R=298.95' L=65.46' A=10°48'38" T=89.94' C=179.07' CB=N80°48'23"W
(C6) R=240.00' L=52.28' A=12°30'13" T=89.94' C=179.07' CB=N80°48'23"W
(C7) R=950.50' L=179.34' A=10°48'38" T=89.94' C=179.07' CB=N80°48'23"W
(C8) R=240.00' L=52.28' A=12°30'13" T=89.94' C=179.07' CB=N80°48'23"W
(C9) R=240.05' L=52.39' A=12°30'13" T=89.94' C=179.07' CB=N80°48'23"W
(C10) R=960.00' L=52.37' A=12°30'13" T=89.94' C=179.07' CB=N80°48'23"W



- LEGEND**
- IRF ○ DENOTES IRON ROD FOUND
 - NAIL FD. ○ DENOTES IRON ROD TO BE SET
 - VDH IRF ○ DENOTES IRON ROD WITH VDH CAP

- (C11) R=960.00' L=105.23' A=6°16'50" T=52.67' C=105.18' CB=S73°57'49"E
- (C12) R=74.00' L=71.35' A=4°15'29" T=35.69' C=80.21' CB=S79°13'58"E
- (C13) R=74.00' L=122.19' A=94°36'36" T=80.21' C=108.78' CB=S34°03'25"E





NOTE:
1. CROSSWALKS ON DARDEN WAY (PUBLIC STREET) TO BE STAMPED ASPHALT WITH THERMOPLASTIC OVERLAY.
2. SHRUBS MIN. 24 INCHES IN HEIGHT INSTALLED AND CAPABLE OF ACHIEVING 3 FEET IN HEIGHT TO SCREEN THE PARKING LOT ALONG COMMANDER SHEPARD FRONTAGE



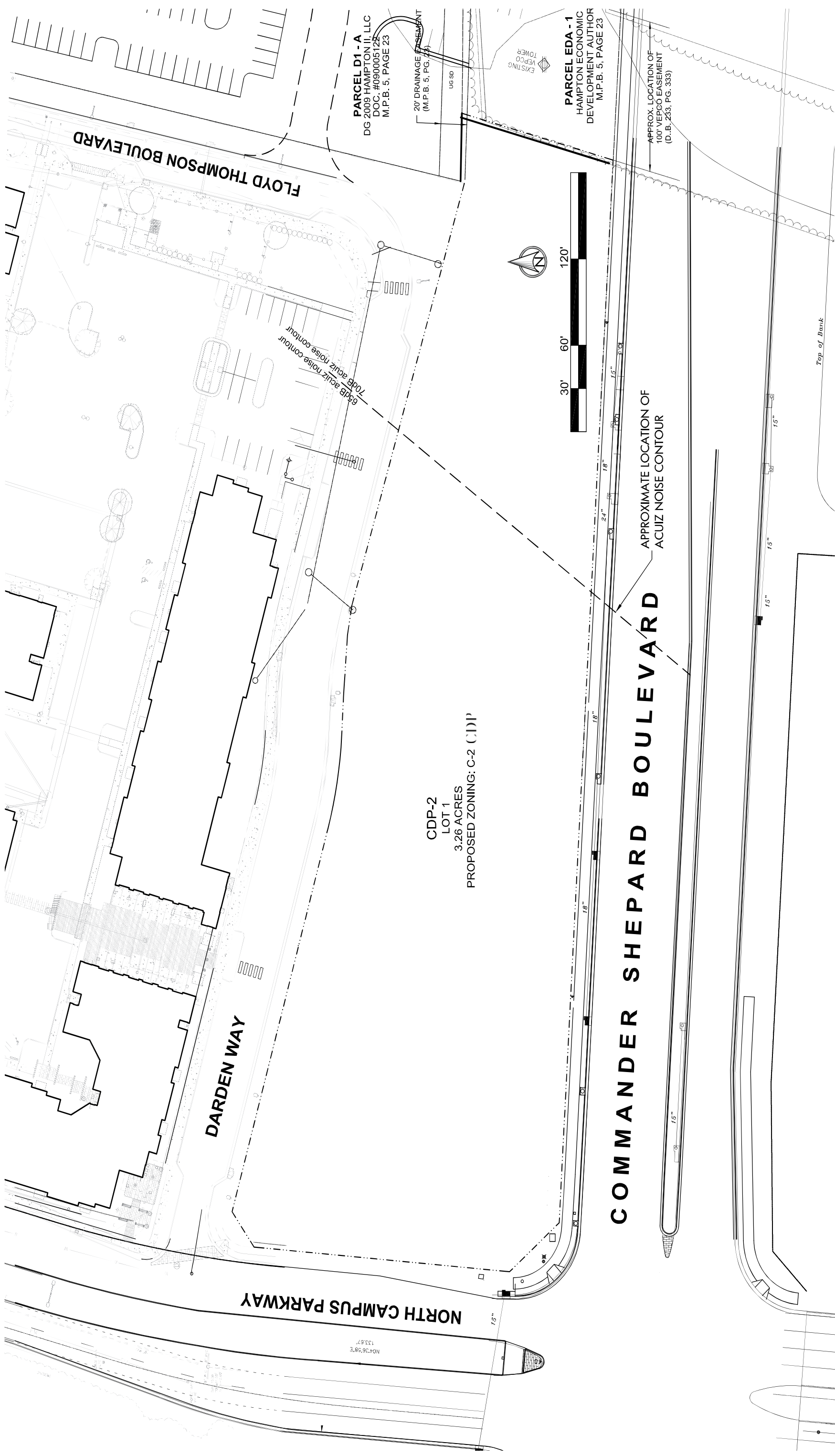
Site Conceptual Master Plan



• CRAIG DAVIS PROPERTIES



7/16/2021



Rezoning Exhibit

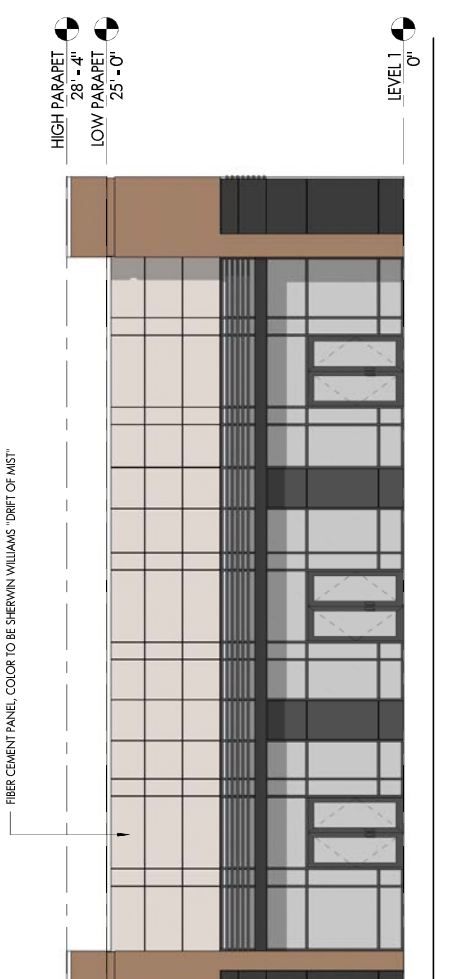
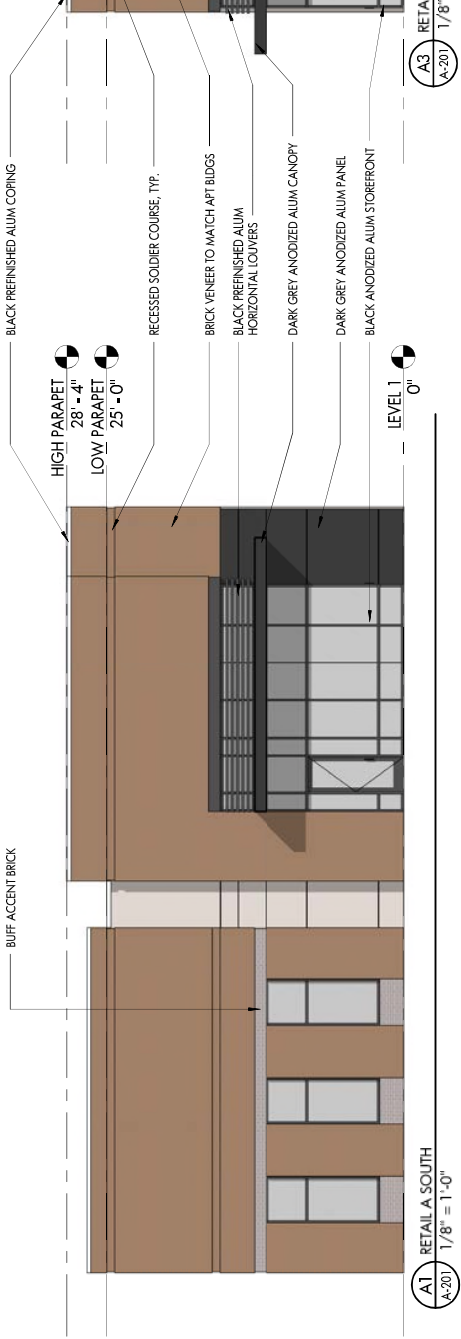
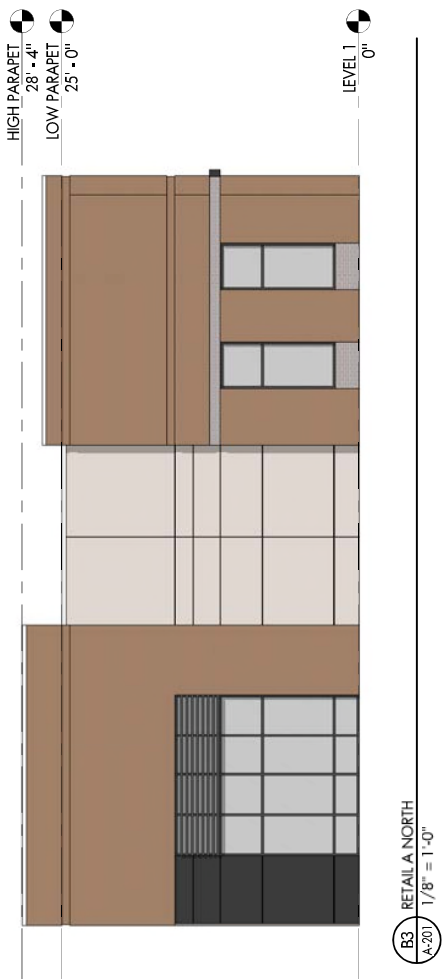
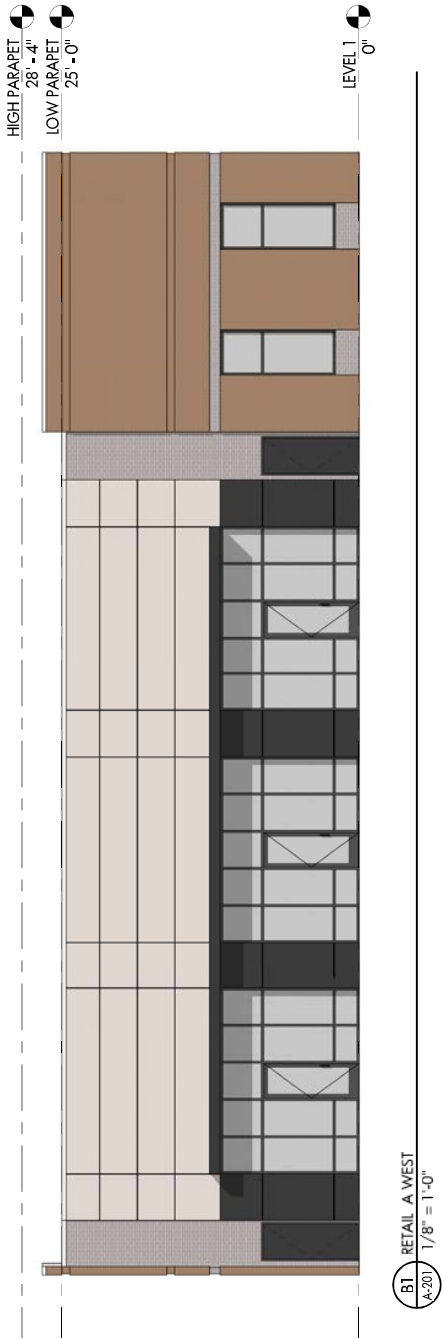
7/16/2021



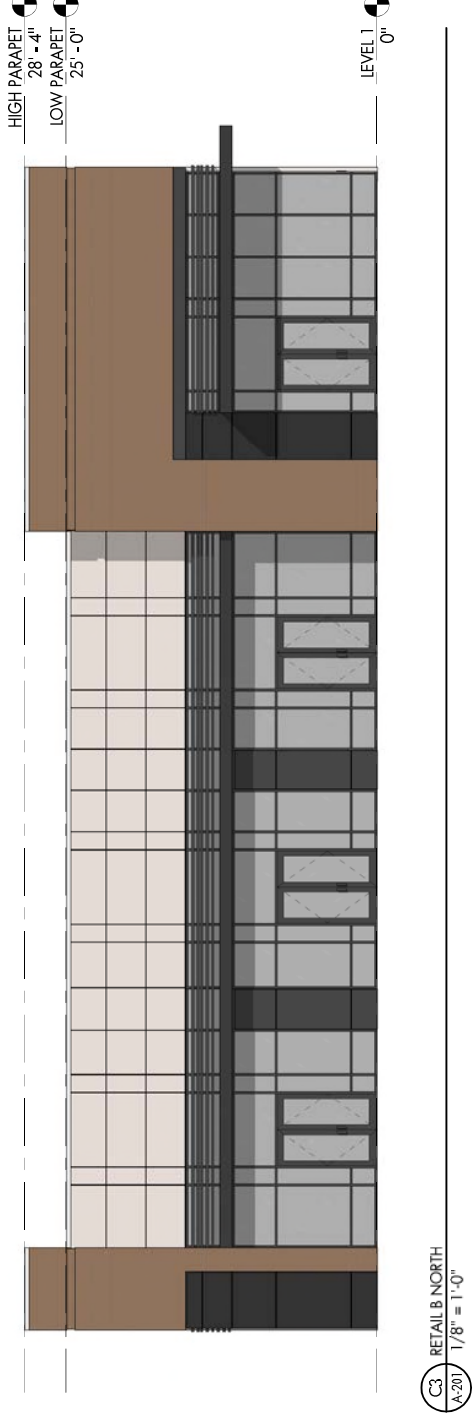
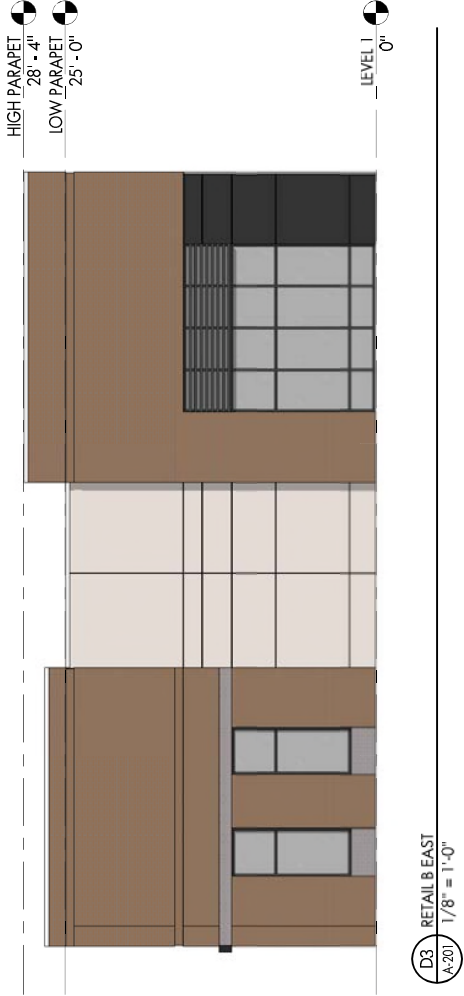
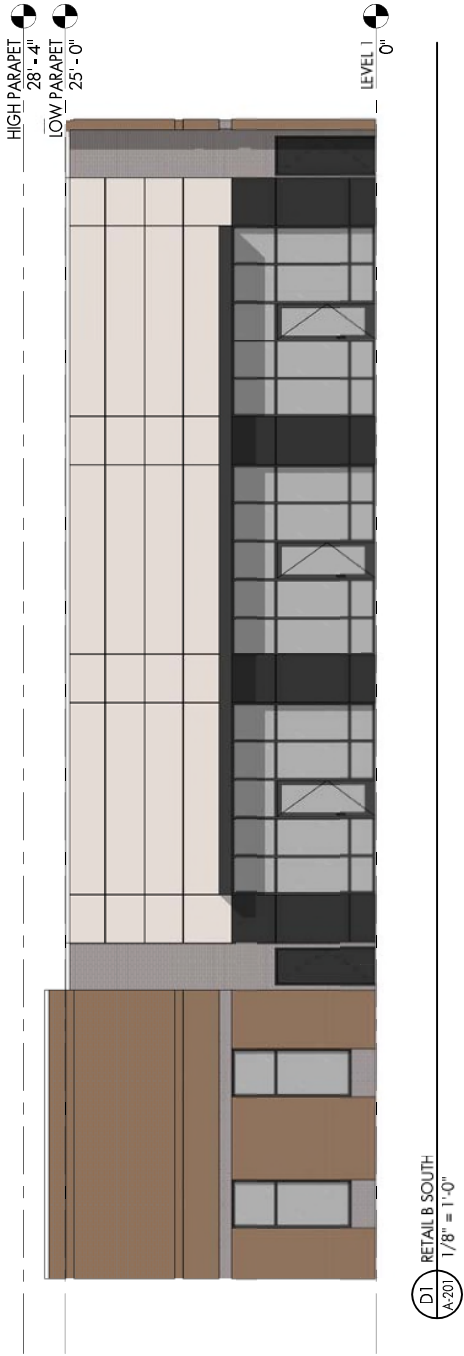
Retail Exterior Concept (Plaza Rendering)



Retail Exterior Concept (Front Rendering)



Retail Exterior Elevation Concept (Building A)



Retail Exterior - Elevation Concept (Building B)

Hampton Roads Center North Tract CDP-2

(Darden Way, PIN/LRSN/RPC: 13004555)

Rezoning Narrative

Prepared for:

City of Hampton

And

Craig Davis Properties

Prepared by:



HagerSmith Design, PA

Submitted: April 5, 2021

Revised (May 24, 2021)

Revised (7/16/21)

TABLE OF CONTENTS

- 1.1 Purpose/Need
- 1.2 Applicability /Proposed Use
- 1.3 Description of New Structures
- 1.4 Impact to Adjacent Properties
- 1.5 Impact to City Services
- 1.6 Conformity to *Hampton Community Plan (2006)*
- 1.7 Development Standards
 - 1.7.1 Vehicular and Pedestrian Circulation
 - 1.7.2 Parking Setbacks, Green Space
 - 1.7.3 Building Setbacks
 - 1.7.4 Building Heights:

APPENDIX (Separate Email Attachment)

- Site Conceptual Masterplan Rendering
- Rezoning Exhibit
- Retail Exterior Concept Renderings (Plaza)
- Retail Exterior Concept Rendering (Front)
- Retail Exterior Building Concept Elevations (Building A)
- Retail Exterior Building Concept Elevations (Building B)

1.1. PURPOSE/NEED

Tract CDP-2 in the Hampton Roads Center North (HRC-2) business park is an approximate 3.26-acre site currently designated for office and commercial uses. This site is located on the Northeast corner of Commander Shepard Boulevard and North Campus Parkway and is currently undeveloped. Based on the most current economic conditions and the recent residential development activity adjacent to the site, the highest and best use for this site would be commercial retail. Though the current HRC-2 zone allows for some retail and commercial uses, it is limited and therefore this is a request to rezone to Commercial C-2.

The project will require a change to the current zoning from HRC-2 to Commercial C-2 on the approximately 3.26 Acre lot. The property will house retail and commercial uses that will support the adjacent residential and office land uses in the area, as well as future office expansion. The proposed retail buildings will complement the existing Lumen Apartments, through use of similar colors and building materials.

The Hampton Roads Center North Campus Land Use Plan designates this area for use of Hotel/Signature Office/Retail. The C-2 zoning designation is compatible with this Land Use Plan and the adjacent areas.

1.2 APPLICABILITY/PROPOSED USE

This amendment shall apply to the boundary area shown on the Vicinity Map below for property CDP-2 (PIN#: 13004555). The proposed use will be for uses listed in the C-2 Zone, which provides more opportunity for commercial uses.



1.3 DESCRIPTION OF NEW STRUCTURES

The project will consist of five new one-story buildings. The buildings will be constructed with masonry and complement the architecture associated with the adjacent Lumen project.

1.4 IMPACTS TO ADJACENT PROPERTIES

Based on the existing adjacent uses and the recent development activity adjacent to the subject property, the C-2 designations will allow more retail and commercial uses that will support both the adjacent residential land uses in the area and existing and planned office buildings.

The existing transportation network is adequate to serve this use and the existing stormwater measures have been sized to accommodate future development proposed for this site.

1.5 IMPACTS TO CITY SERVICES

The site currently has access to all City services and other service providers. These improvements will not require an upgrade of current.

1.6 CONFORMITY TO *HAMPTON COMMUNITY PLAN (2006)*

The Hampton Roads Center North Campus Land Use Plan designates this area for use of Hotel/Signature Office/Retail. The C-2 zoning designation is compatible with this Land Use Plan.

One of the key goals listed in the Hampton Community Plan (2006) is to provide Improved Access to Services under Housing and Neighborhoods category. Goal 3 reads as follows: Hampton neighborhoods offer accessible pedestrian and bicycle friendly choices to promote mobility of citizens and to offer accessibility to neighborhood services and amenities. In addition, the proposed rezoning complies with the following policies.

LU-CD Policy 10: Encourages compact, high density/mixed-use development where appropriate to create walkable communities and promote increased physical activity.

LU-CD Policy 11: Promotes high quality design and site planning that is compatible with surrounding development.

LU-CD Policy 12: Encourages building design and site planning that enhances community interaction and personal safety.

The proposed development of the site as depicted on the Concept Plan advances all of these goals and policies.

1.7 DEVELOPMENT STANDARDS

1.7.1 Vehicular and Pedestrian Circulation

The site will be accessed off of Darden Way by use of two drives. The site will accommodate multiple pedestrian connections via crosswalks and sidewalks from the surrounding right of ways. Internal to the site are crosswalks for easy pedestrian connectivity. There are also mini-plazas/courtyards in between buildings to encourage outdoor dining and meeting space. The development will accommodate one drive-thru facility.

1.7.2 Parking Setbacks and Greenspace

Greenspace for the project will exceed 20% of the site. The parking setback along Darden Way will be (10) feet in width. Along Commander Shepard Blvd., parking setbacks will be 10' except where the property falls in the Magruder Visual Corridor Overlay (O-MVC. Parking setbacks along Commander Shepard Blvd in the O-MVC will be minimum 20'.

1.7.3 Building Setbacks:

Building setbacks for the project will be no less than ten (10) feet off North Campus Parkway and Darden Way. Along Commander Shepard Blvd., building setbacks will be 10' except where the property falls in the Magruder Visual Corridor Overlay (O-MVC). Building setbacks along Commander Shepard Blvd in the O-MVC will be minimum 20'.

1.7.4 Building Heights:

The retail buildings to be constructed shall be one-story and not exceed thirty (32) feet in height.

APPENDIX

Prepared by:
CRAIG DAVIS PROPERTIES, INC.
c/o Craig Davis
8000 Weston Parkway, Ste 360
Cary, NC 27513

After recording return to:
Office of the City Attorney
22 Lincoln Street
Hampton, Va. 23669
(bnb)

LRSN: 13004555

PROFFER AGREEMENT

THIS PROFFER AGREEMENT (“Agreement”) made this _____ day of _____, 2021, by and between HRCN 2 LLC, a Delaware limited liability company (the “Grantor”) and THE CITY OF HAMPTON, a municipal corporation of the Commonwealth of Virginia (the “Grantee”), with an address of 22 Lincoln Street, Hampton City Hall, Hampton, Virginia 23669.

RECITALS

- A. Grantor is the owner of a certain parcel of property located in the City of Hampton, herein known as LRSN Number(s) 13004555, and more fully described on “Exhibit A” (the “Property”), attached hereto and incorporated herein by reference.
- 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 HRC-2 to C-2.
- C. Grantor has requested approval of this Agreement.
- D. The policy of the City of Hampton 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 of Hampton 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 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 City.

NOW, THEREFORE, for and in consideration of the approval and acceptance by the City of Hampton, (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 in substantial conformance with the conceptual site plan entitled "Hampton Retail Master Plan" dated 5/24/21, prepared by HagerSmith Design ("Concept Plan"). Minor changes in the Concept Plan may be made to accommodate environmental, engineering, topographical or other development conditions or site plan requirements as required by the law or in connection with a fully engineered site plan and subject to approval of the Director of Community Development. A copy of the final Concept Plan shall be kept on file with the Planning and Zoning Division of the Department of Community Development and shall supersede any previously filed concept plans. Compliance with the "Concept Plan" shall include but not be limited to:
 - A. Grantor will provide sidewalk connections to existing and proposed sidewalks along Commander Shepard Boulevard, North Campus Parkway and Darden Way and will provide stamped asphalt with thermoplastic overlay crosswalks between the Property and the Lumen Apartments across Darden Way, as depicted on the Concept Plan.
 - B. Grantor will activate the outdoor plaza between Retail Building A and Retail Building B through site furnishings including, tables, chairs, accent lighting and landscaping appropriate for the size and scale of this type of outdoor plaza. The outdoor plaza design is intentionally flexible so that it may be used as an intimate space for dining and socializing, as well as a space for larger social events and functions.
 - C. Grantor will not place any parking spaces or drive aisles in the area between the building labeled "RETAIL BLDG A" on the Concept Plan

and North Campus Parkway or the building labeled “RETAIL BLDG B” on the Concept Plan and Commander Shepard Boulevard.

- 2) Use of the Property shall be limited to those uses permitted in both the Limited Commercial (C-2) and Hampton Roads Center 2 (HRC-2) Districts, as amended, plus the following uses permitted by right or with a use permit in the Limited Commercial (C-2) District: day spa; dry cleaning collection/pick-up; print shop/private postal service (max 3,000 sq. feet); restaurant, without a retail alcoholic beverage license, with live entertainment 1; restaurant, with a retail alcoholic beverage license, with live entertainment 1; restaurant, with or without a retail alcoholic beverage license, with live entertainment 2; outdoor dining 1 & 2; and day care 1 & 2 (commercial). Further, uses designated as not compatible with the 70-75 dB DNL noise zone shall not be permitted.
- 3) Grantor will provide landscaping, which is not less than ten (10) feet in width, along Commander Shepard Boulevard and along Darden Way. Landscaping shall consist of a combination of street trees, understory/ornamental trees and shrubs, installed in compliance with the City of Hampton Landscape Ordinance.
- 4) The buildings depicted on the Site Conceptual Master Plan shall be constructed in substantial conformance with the renderings and elevations entitled “Retail Exterior Concepts” and “Retail Exterior-Elevation Concepts”, dated 7/16/21 prepared by HagerSmith Design PA (“Elevations”). Minor changes in the Elevations may be made to accommodate environmental, engineering, architectural, topographic or other development conditions, subject to the approval of the Director of Community Development. A copy of these Elevations shall be placed in the file, with the Planning and Zoning Division of the Department of Community Development.
- 5) The exterior facing portions of the buildings constructed on the Property will be comprised primarily of full face brick, fiber cement panels, anodized aluminum panel, prefinished aluminum panels, clear anodized aluminum and storefront windows, as depicted on the “Elevations”.
- 6) The dumpster enclosure(s) shown on the Concept Plan shall be fully screened with an enclosure of masonry materials consistent with the building architecture and shall include an architecturally complementary gate(s) and shall be supplemented with landscaping in compliance with Sec. 2-1 (9) of the City of Hampton Landscape Guidelines.
- 7) Any proposed fencing shall be decorative metal picket fence complementary to the building architecture with a maximum height of six (6) feet.
- 8) All exterior lighting shall comply with the “City of Hampton Outdoor Lighting Policy and Procedures, and will be directed downward and into the site.

- 9) Grantor acknowledges that further lawful conditions or restrictions may be required by the City during the detailed Site Plan review and administration of applicable codes and regulations of Grantee by all appropriate agencies and departments of City, which shall be observed or performed by Grantor. Grantor 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.
- 10) 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 City.
- 11) 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 Grantor, HRCN 2 LLC.

[THIS SPACE INTENTIONALLY LEFT BLANK.
SIGNATURES ON APPEAR ON FOLLOWING PAGE.]

WITNESS the following signatures:

HRCN 2 LLC,
a Delaware limited liability company

By: Craig Davis Properties, Inc.
(f/k/a CMD PROPERTIES, INC.),
a North Carolina corporation,
Its Manager

By: *Craig M. Davis*
Name: Craig M. Davis
Title: President

STATE OF North Carolina
City/County of New Hanover, to-wit:

I, Kaytie Brown, the undersigned, a Notary Public in and for the
City and State aforesaid, do hereby certify that Craig M. Davis, whose name is signed to the
foregoing instrument as President of Craig Davis Properties, Inc. (f/k/a CMD PROPERTIES,
INC.), a North Carolina corporation, as manager and on behalf of HRCN 2 LLC, a Delaware
corporation, has sworn to, subscribed, and acknowledged the same before me in the City and
State aforesaid, this 25 day of August, 2021 on behalf of said
entity. He/she ☒ is personally known to me or ☐ has produced
_____ as identification.

Kaytie Brown
Notary Public

My commission expires: 7/28/2024
Registration No. _____

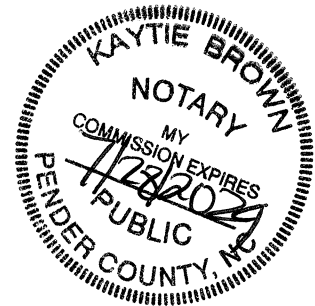


Exhibit A
Legal Description

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, known and designated as "PARCEL CDP-2, 142,146 S.F. - 3.263 AC.", as shown on that certain plat dated March 1, 2017, made by Paul Michael, Jr., Land Surveyor, Michael Surveying & Mapping, P.C., entitled "SUBDIVISION PLAT OF THE REMAINDER OF PARCEL D1 BEING THE PROPERTY OF THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF HAMPTON", recorded May 15, 2017 in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia in Miscellaneous Plat Book 5, at page 23.

IT BEING the same property conveyed to HRCN 2 LLC, a Delaware limited liability company by deed from Economic Development Authority of the City of Hampton, Virginia, a political subdivision, dated February 6, 2018 and recorded February 7, 2018 in the Clerk's Office of the Circuit Court of City of Hampton, Virginia, as Document No. 180001486.