

Proffered Conditions
(~~July 14~~October 27, 2020)

The Owners and Applicant in this rezoning Case 17ZO0384, pursuant to Section 15.2-2298 of the Code of Virginia (1950, as amended) and the Zoning Ordinance of Chesterfield County, Virginia, for themselves and their respective successors or assigns, proffers that the property under consideration, being more particularly described in the application (collectively, the “Property”) will be developed according to the following proffered conditions, if and only if, the request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event the above-referenced application is not granted by the Board of Supervisors of Chesterfield County, these proffers shall be withdrawn and are null and void and all existing proffers associated with the Property shall govern.

These Proffered Conditions include (4) exhibits:

Exhibit A – Conceptual Master Plan, which is defined as that certain plat entitled “Fuqua Site, Chesterfield County, Virginia, Conceptual Master Plan” prepared by CiteDesign, dated June, 2020.

Exhibit B-1 – Conceptual Elevations | Multiple-Family

Exhibit B-2 – Conceptual Elevations | Attached Cottages

Exhibit B-3 – Single-family Elevations | Single-Family

Exhibit C – Inventory of Off-Site Transportation Improvements

GENERAL

1. Master Plan. The Textual Statement, last revised July 14, 2020, shall be considered the Master Plan for the Property.
2. Conceptual Master Plan. The site shall be designed in general conformance with the bubble concept plan entitled “Fuqua Site, Chesterfield County, Virginia, Conceptual Master Plan” prepared by CiteDesign, dated June, 2020 (the “Concept Plan”).
3. ~~2-~~Density. The maximum ~~density shall not exceed the five hundred thirty one residential~~ number of dwelling units permitted on the Property shall be 531 with a maximum number of dwelling units for the specified Tract, as defined in the Master Plan and Conceptul Plan, as follows:
 - a. ~~No greater than~~ 288 multifamily dwelling units within the ~~portion of the Property shown on the Master Plan as the~~ Multi-family Tract.
 - b. ~~No greater than~~ 74 townhome dwelling units within the ~~portion of the Property shown as the~~ Attached Cottages Tract.

- c. ~~No greater than~~ 77 single-family dwelling units within the ~~portion of the Property shown on the Master Plan as the~~ 90' Lots Tract.
- d. ~~No greater than~~ 83 single-family dwelling units within the ~~portion of the Property shown on the Master Plan as the~~ 80' Lots Tract.
- e. ~~No greater than~~ 147 single-family dwelling units within the ~~portion of the Property shown on the Master Plan as the~~ 60' Lots Tract.

~~3. Conceptual Plan. The site shall be designed in general conformance with the bubble concept plan entitled "Fuqua Site, Chesterfield County, Virginia, Conceptual Master Plan" prepared by CiteDesign, dated June, 2020 (the "Concept Plan").~~

- 4. Utilities. All residential dwelling units on the Property shall use public water and wastewater systems.
- 5. Sidewalks and trails. Sidewalks shall be provided at a minimum on both sides of each interior street rights of way. Sidewalks shall be a minimum of five (5) feet wide and constructed of concrete.
- 6. Street Trees. Street trees shall be planted along both sides of the interior roads and the primary entrance road from Winterpock Road into the development in accordance with Zoning Ordinance requirements.
- 7. Lighting. Street lights, if installed, shall be decorative and residential in character with a non-glare design. Light poles shall have a maximum height of fifteen (15) feet and shall be located generally along the interior roads, with final locations being approved in connection with plans review. Within the Single-Family Tract, each home constructed shall install prior to certificate of occupancy a pedestrian-scale street light located in the front or side yard. The exact design and location (but not the extent) of the street lights shall be approved by the Planning Department in connection with plan review for each section.
- 8. Driveways/Front Walks. All private driveways shall be hardscaped (concrete, asphalt or pavers). Paved or concrete front walks from buildings shall be provided a minimum of three (3) feet in width.
- 9. Foundation Plantings. Foundation planting beds shall be required along the entire front façade of buildings excluding garages, stairs and walkways accessing porches and patios. Foundation planting beds that extend a minimum of one third (1/3) of the length of the side elevation as measured from the front corner of the unit are also required on building side elevations that are adjacent to public streets. Foundation planting beds shall contain a minimum of fifty (50) percent evergreen material with one (1) shrub per three (3) linear feet wide as measured from the unit foundation. Unit corners shall be visually softened with vertical accent shrubs (4'-5' at the time of planting) or small evergreen trees (6'-8' at the time of planting).

10. Garage Doors. Any garage doors visible from a street shall use an upgraded garage door. An upgraded garage door is any door with a minimum of two (2) enhanced features. Enhanced features shall include, without limitation, windows, raised panels, decorative panels, arches, hinge straps or other architectural features on the exterior that enhance the entry (i.e. decorative lintels, shed roof overhands arches, columns, keystones, eyebrows, etc.).

11. Amenities.

- a. The Property shall include ~~a focal point~~ points to provide high visual interest, comprised of the following: (i) the area labeled "Amenity Site" on the Conceptual Concept Plan, which shall be a minimum of [two and (2) ii] acres at the entrance to each residential section as shown on the Concept Plan, and may include other common areas and open space in the form of entrance areas, pocket parks, and other natural areas. The Amenity Site shall be improved with a clubhouse and may include such other amenities as provided in subdivision (b) of this paragraph, and connected to all portions of the Property by pedestrian elements. The exact design and location (but not the extent) of the amenities shall be approved by the Planning Department in connection with plan review for the Amenity Site. The clubhouse shall have a minimum of 2,500 square feet of gross floor area and may include a pool. ~~Construction on the clubhouse shall commence prior to the issuance of the Certificate of Occupancy for the 153rd single family unit and shall be completed and open for use within 18 months after commencement of construction.~~
- b. Common and open space areas of the Property shall include common spaces for use by all owners, residents, tenants, guests and invitees of all or any specific portions of the Property, designed to include amenities that add high visual interest, such as some or all of the following, but not limited to: decorative pedestrian-style lighting; benches; landscaped areas; plantings; bike racks; plazas; water features; gathering areas; multi-purpose open lawn (for use for such activities as bocce ball and Frisbee golf); native plant meadow; grilling areas; fire pit areas; outdoor dining areas; dog park; fitness stations; community gardens; picnic shelters; birdwatching areas; and other pedestrian elements.
- c. Pedestrian trails, walks and paths of not less than four (4) feet in width may be added to provide interconnection within the development from the northern right-of-way line of Harpers Mill Parkway to the western right-of-way line of Ashlake Parkway, which shall be constructed of either a paved or natural finish and, at the Owner's sole election, located in an easement dedicated to the County. The exact location of any sidewalk or trail may be determined by the Owner in connection with plans review. The exact design, material and location of pedestrian elements shall be approved by the Planning Director in connection with plan approval. Impervious surface trails may be constructed and maintained, together with clearing immediately adjacent thereto, in resource protection areas in such locations and configurations as may be approved by the Director of the Department of Environmental Engineering.

12. HOA. Prior to or concurrent with recordation of a subdivision plat approved by the County, a document shall be recorded in the Clerk's Office of the County setting forth controls on the development and maintenance of the Property, consistent with the Virginia Property Owners Association Act (Va. Code § 55-508 et seq.). Annexation of a portion of the Property into an adjacent residential community shall satisfy this proffer as to such portion of the Property.
13. Best Management Practice. Any above-ground wet stormwater management facilities shall have a fountain-type or underwater aerator and shall be designed and landscaped as a water feature for the development.
14. Buffers; Screening.
 - a. A fifty (50) foot buffer shall be maintained as open space along the east and west right-of-way lines of Harpers Mill Parkway.
 - b. A twenty (20) foot buffer shall be maintained as open space along the north and south right-of-way lines of Ashlake Boulevard.
 - c. A fifty (50) foot buffer shall be maintained between the Multifamily Tract and the 80' Lots Tract.
 - d. A fifty (50) foot buffer shall be maintained between the Attached Cottages Tract and the 80' Lots Tract.
 - e. A visual screen utilizing berms or vegetation shall be maintained between the improvements on the Multifamily Tract of the Property and Winterpock Road.
 - f. Buffers proffered pursuant to this subdivision shall be subject to encroachments and uses permitted by Sec. 19.1-261 of the County Zoning Ordinance.

MULTIFAMILY TRACT

15. Elevations. Development of the Multifamily Tract shall be in general conformance with the architectural appearance (incorporating similar, but not necessarily identical design elements, style and materials) shown on the elevation attached hereto as Exhibit B-1, and shall be generally consistent with or exceed the quality of architectural appearance in residential sections of nearby communities, including without limitation, Harper's Mill and the Villas at Ashlake. Any substantial modifications shall be approved by the Planning Commission in connection with plans review.
16. Exterior Facades.
 - a. Materials for portions of roofs visible from ground level shall be architectural/dimensional asphalt composition shingle or better with a minimum 30-year warranty, pre-finished or real copper, or standing seam metal roof. Materials for horizontal portions of roofs not visible from ground level may be

comprised of Thermoplastic Polyolefin membrane or equivalent as approved by the Planning Director.

- b. Acceptable siding materials shall include brick, stone, composition, hardiplank, vinyl siding (a minimum of 0.044" nominal thickness as evidenced by manufacturers printed literature), engineered wood (e.g. LP Smartside) and horizontal lap siding. Horizontal lap siding shall be manufactured from natural wood, cement fiber board or vinyl (a minimum of 0.044" nominal thickness as evidenced by manufacturers printed literature). Plywood and metal siding are not permitted. Painted wood trim is not permitted. Dutch lap siding is not permitted.
17. Building Height. No multiple-family dwelling building shall exceed the lesser of four (4) stories or 60 feet.
18. Unit Composition. No multiple family dwelling units shall have greater than three (3) bedrooms.
19. Screening of Mechanical. Any mechanical units shall be ground mounted or roof mounted. Any mechanical units that are ground mounted shall be screened with landscaping, a masonry wall to match the masonry on the buildings, or an opaque fence. Any mechanical units that are roof mounted shall be screened by architectural features and materials which are compatible with the building façade architecture. Screening shall be designed so as to block such mechanical units from view by persons on any public streets. The specific method of screening shall be approved at the time of plan review.

~~20. Multi-family Amenities. A minimum of one-half (0.5) acre of passive and active recreational area shall be provided for the dwelling units within the Multi-Family Tract. Such recreational areas may be located on a portion of the Property not within the Multifamily Tract as shown on the Concept Plan (common trails and walkways).~~

ATTACHED COTTAGES TRACT

~~20.~~ 21. Elevations. Development of the Attached Cottages Tract shall be in general conformance with the architectural appearance (incorporating similar, but not necessarily identical design elements, style and materials) shown on the elevation attached hereto as Exhibit B-2, and shall be generally consistent with or exceed the quality of architectural appearance in residential sections of nearby communities, including without limitation, Harper's Mill and the Villas at Ashlake. Any substantial modifications shall be approved by the Planning Commission in connection with plans review.

~~21.~~ 22. Exterior Facades.

- a. Roof material shall be 30-year architectural/dimensional asphalt composition shingle, pre-finished or real copper, or standing seam metal roof.
- b. Acceptable siding materials shall include brick, stone, composition, hardiplank, vinyl siding (a minimum of 0.044" nominal thickness as evidenced by manufacturers printed literature), engineered wood (e.g. LP Smartside) and

horizontal lap siding. Plywood and metal siding are not permitted. Painted wood trim is not permitted. Dutch lap siding is not permitted. Buildings with the same color palette, percentages of siding materials, and landscaping shall not be permitted side-by-side to create diversity and interest along the streetscapes.

~~22. 23.~~ Foundation Treatment. All exposed portions of the foundation, with the exception of exposed piers supporting front porches of each new dwelling unit, shall be faced with brick or stone veneer ~~or Styrofoam with a protective grey epoxy-like coating~~ where visible to a point six inches (6") below grade and up to eighteen inches (18") above first floor elevation to provide appearance of a foundation.

~~23. 24.~~ Units in a Row. There shall be no more than two (2) ~~residential dwelling~~ units attached in one structure, provided that each shall be on individual lots designed to be sold as individual units on each lot.

~~24. 25.~~ Garages. A minimum of fifty percent (50%) of the attached cottage units shall have garages.

~~25. 26.~~ Grass Strips between Units Driveways. Grass strips, which may be landscaped, shall be provided to break the space between driveways of each unit.

~~26. 27.~~ Fencing. A decorative "wrought iron-style" fence shall be provided along the Ashlake Parkway frontage of the Property. A six (6) foot high board or solid vinyl privacy fence shall be provided and maintained along the Property lines adjacent to Cloverhill Estates subdivision.

~~27. 28.~~ Notification. The Owner of the Attached Cottages Tract of the Property shall be responsible for notifying by first class mail the last known representative on file with the Chesterfield County Planning Department of Cloverhill Estates Subdivision of the submission of any site plan for the Townhomes Tract of the Property (or any portion thereof). Such notification shall occur as soon as practical, but in no event less than twenty-one (20) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent.

~~28. 29.~~ Minimum Dwelling Size. Dwellings within the Attached Cottages Tract of the Property shall have a minimum of 1,500 square feet of finished floor area.

SINGLE-FAMILY TRACTS

~~29. 30.~~ Elevations. Homes constructed on lots within the 90' Lots Tract, the 80' Lots Tract and the 60' Lots Tract shall be in general conformance with the architectural appearance (incorporating similar, but not necessarily identical design elements, style and materials) of one of the housing product types shown on the elevation attached hereto as Exhibit B-3.

~~30. 31.~~ Exterior Facades.

- a. Roof materials shall be architectural/dimensional asphalt composition shingle or better with a minimum 30-year warranty, pre-finished or real copper, or standing seam metal roof.
- b. Acceptable siding materials shall include brick, stone, composition, hardiplank, vinyl siding (a minimum of 0.044" nominal thickness as evidenced by manufacturers printed literature), engineered wood (e.g. LP Smartside) and horizontal lap siding. Plywood and metal siding are not permitted. Painted wood trim is not permitted. Dutch lap siding is not permitted.
- c. No two buildings directly adjacent to each other side by side or directly across from each other shall have identical individual elevation and color sequence patters across the fronts of the buildings.

31. 32. Minimum Dwelling Size. Single-family dwellings shall have a minimum of 1,500 square feet of finished floor area.

TRANSPORTATION

32. 33. Public Roads. All roads that accommodate general traffic circulation through the development (collectively, the "Public Roads"), as determined by the Transportation Department in connection with plan review, shall be ~~designated and constructed to~~ VDOT road standards and accepted into the State System dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Notwithstanding the foregoing, the site may include private access driveways within the Multi-family Tract, Attached Cottages Tract and the clubhouse amenity.

33. Dedication. The following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Such dedications may be phased, in order that a corresponding portion of right-of-way shall be dedicated prior to or concurrent with recordation of the initial subdivision plat or final site plan approval for the development showing such portion of right-of-way being dedicated. The final location of these rights-of-way shall be approved by the Transportation Department in connection with plan review.

- a. Ninety (90) foot wide right-of-way for Ashlake Parkway Extension ("Ashlake Parkway") from its existing terminus to Harper's Mill Parkway Extension.
- b. Ninety (90) foot wide right-of-way for Harper's Mill Parkway Extension ("Harper's Mill Parkway") from the western Property line to the eastern Property line.

34. Access.

- a. Prior to or concurrent with any site plan or tentative subdivision plan approval, whichever occurs first, an access plan for Ashlake Parkway and Harper's Mill Parkway shall be submitted to and approved by the Transportation Department.

Access for this development shall conform to the approved access plan or as otherwise approved by the Transportation Department.

- b. There shall be no direct vehicular access or road connection from the Property to Bethia Road, except for emergency access only as approved by the Transportation and Fire Departments in connection with plan review.

35. 34. Road Improvements. ~~The~~ To provide for an adequate roadway system at the time of complete development, the Owner/Developer shall be responsible for the following road improvements (the "Road Improvements") ~~shall be~~. If any of the road improvements are provided ~~as required~~ by others, as determined by the Transportation Department, then the specified required road improvement shall no longer be required by the Owner/Developer. The exact design and length of the road improvements shall be approved by the Transportation Department. The road improvements shall be phased in accordance with the phasing plan outlined herein.

- a. ~~Phase One Road Improvements.~~ Off-Site Harper's Mill Parkway and Winterpock Road.

- i. ~~Construction of two lanes~~ of Harper's Mill Parkway to VDOT urban minor arterial standards (50 MPH), with modifications approved by the Transportation Department, as two-lane road section to include VDOT standard pedestrian accommodations from the intersection with eastern Property line to Winterpock Road to the western boundary of the Multifamily Tract as shown on an approved site plan.
- ii. ~~Construction of the Bikeway Connector Trail for the extent of Harper's Mill Parkway described immediately above as shown on an approved site plan.~~
- iii. ~~Demolition of the intersection (approximately 250' portion feet).~~
- ii. Construction of the current right-of-way of Bethia Road from the northern right-of-way line of Harper's Mill Parkway to its intersection with Winterpock Road as a three-lane section consisting of a westbound lane and two eastbound lanes.
- iii. Construction of a left and right turn lane along Winterpock Road at the Harper's Mill Parkway intersection.
- iv. ~~Construction of a cul-de-sac at the new southern terminus of Bethia Road, along the frontage of GPIN 7216669727.~~ Construction of intersection control (traffic signal, roundabout, or other), at the Harper's Mill Parkway/Winterpock Road, if warranted. The obligation of the Owner/Developer to construct a traffic signal shall expire upon the issuance of the final building permit for the Development, provided a transportation impact analysis showing that no traffic signal is warranted has been accepted by VDOT.

- v. Removal of Bethia Road and vacation of the existing right-of-way for the entire Property frontage and construction of a VDOT standard turnaround (cul-de-sac or equivalent) at the new terminus at the northern Property line (approximately 1,200 feet).
- b. Off-Site Harper's Mill Parkway, west of Property.
- i. Construction of Harper's Mill Parkway to VDOT urban minor arterial standards (50 MPH), with modifications approved by the Transportation Department, as a two-lane undivided road section to include VDOT standard pedestrian accommodations from the Thirsk Lane intersection to the western Property line, including the culvert crossing (approximately 600 feet).
- c. On-Site Improvements.
- i. Construction of Harper's Mill Parkway to VDOT urban minor arterial standards (50 MPH), with modifications approved by the Transportation Department, as a two-lane undivided road section to include VDOT standard shared use path and sidewalk from the western Property line to the eastern Property line.
 - ii. Construction of Ashlake Parkway to VDOT urban minor arterial standards (50 MPH), with modifications approved by the Transportation Department, as a two-lane undivided road section to include VDOT standard pedestrian accommodations from its existing terminus at the northern Property line to the Harper's Mill Parkway intersection.
 - iii. ~~v. Construction of left and right turn lanes and raised median, as required, within the Winterpock Road right of way at the (or other intersection with control) along Harper's Mill Parkway or roundabout in lieu of an at-grade and Ashlake Parkway at each approved access, including at the Harper's Mill Parkway and the Ashlake Parkway intersection.~~
 - vi. ~~To the extent deemed, if warranted by VDOT, based on Transportation Department standards.~~
 - iv. Installation/construction of an intersection control (i.e. traffic signal or traffic circle at the intersection of Winterpock Road and the entrance to the Property or roundabout in lieu of an at-grade intersection.
 - vii. ~~Dedication to Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the improvements identified in this proffered condition.~~
- b. ~~Phase Two Road Improvements.~~

- ~~i. Construction of two lanes of roundabout, or alternative at the Harper's Mill Parkway to VDOT urban minor arterial standards (50 MPH) including culvert crossing with modifications approved by the and Ashlake Parkway intersection, if warranted, based on Transportation Department, from the phase one terminus to the end of the bonded improvements on Harper's Mill Parkway in the Harper's Mill subdivision standards.~~
- ~~ii. ——— Construction of the Bikeway Connector Trail for the extent of Harper's Mill Parkway described immediately above as shown on an approved site plan.~~
- ~~iii. ——— Dedication to Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the improvements identified in this proffered condition.~~

~~e. Phase Three Road Improvements.~~

- ~~i. Construction of two lanes of Ashlake Parkway Extended to VDOT urban minor arterial standards (50 MPH), with modifications approved by the Transportation Department, from its intersection with Harper's Mill Parkway to the northern most access point for the 80' Lots Tract.~~
- ~~ii. ——— Dedication to Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the improvements identified in this proffered condition.~~

~~d. Attached Cottages Road Improvements.~~

- ~~i. Construction of two lanes of Ashlake Parkway Extended to VDOT urban minor arterial standards (50 MPH), with modifications approved by the Transportation Department, from the phase three terminus to its current southern terminus.~~
- ~~ii. ——— Dedication to Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the improvements identified in this proffered condition.~~

~~35. Phasing Plan for Road Improvements. The Road Improvements shall be completed, as determined by the Transportation Department, as follows:~~

- ~~a. Except for the 90' Lots Tract, no certificate of occupancy for any residential dwelling unit shall be issued until the first to occur of the following: (i) commencement of construction by the Transportation Department of the 4 lane expansion of Winterpock (with taper) to its current intersection with Bethia Road, or (ii) December 31, 2021.~~
- ~~b. Phase One. The County may issue certificates of occupancy for the following only upon completion of the Phase One Road Improvements: (i) up to~~

~~seventy-four (74) residential dwelling units within the 60' Lots Tract, and/or (ii) the Multifamily Tract.~~

~~e. Phase Two. The County may issue certificates of occupancy for the following only upon completion of the Phase One Road Improvements and Phase Two Road Improvements: the remaining balance of the dwelling units within the 60' Lots Tract.~~

d. ~~Phase Three. The County may issue certificates of occupancy for the following only upon completion of the Phase One, Phase Two and Phase Three Road Improvements: dwelling units within the 80' Lots Tract~~Corresponding Dedications of Right-of-Way.

~~e. Attached Cottages Phase. The County may issue certificates of occupancy for the following only upon completion of the Townhomes Phase Road Improvements: the dwelling units within the Attached Cottages Tract.~~

i. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the road improvements identified above.

ii. ~~36. Off-Site Right-of-Way~~In the event the Owner/Developer is unable to acquire the "off-site" right-of-way that is necessary for the road improvements described in Proffered Conditions 35.a. and 35.b., the Owner/Developer may request, in writing, that Chesterfield County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Owner/Developer. In the event that the Chesterfield County fails chooses not to assist the Owner/Developer in the acquisition of the "off-site" right-of-way (or easements) necessary for construction of any of the Road Improvements, the Owner/Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and, as determined by the Transportation Department, the Owner shall either (i) provide the Road Improvements within available right-of-way and the road improvements provided to the extent they can be constructed within available right-of-way shall be deemed to satisfy any corresponding Road Improvement phasing requirement, or (ii) if a complete improvement (e.g. a roundabout) cannot be provided within the available off-site right-of-way, then Owner may be relieved of the obligation to construct such improvement. For the purposes of this proffer, "off-site" shall mean any right-of-way (or easements) not located on the Property, as determined by the Transportation Department.

e. Phasing. The phasing of the Road Improvements shall be as outlined herein unless otherwise requested by the Owner/Developer and approved by the Transportation Department.

~~37. Right of Way Dedication. To the extent required for corresponding phases of the Road Improvements, a portion of the Property shall be dedicated for (a) a 90-ft alignment for Harpers Mill Parkway Extended, and (b) a 90-ft. alignment for Ashlake Boulevard Extended. The foregoing may be satisfied in phases by showing the corresponding portion of each right of way necessary to provide access to lots shown on an approved subdivision plat.~~

- i. No certificate of occupancy shall be issued on the Property until the Winterpock Road (Hull Street Road to Royal Birkdale Parkway) Widening Project, as shown on the “Winterpock Road Widening from 1.416 Mi South of Route 360 to Route 360, VDOT UPC# 107083,” has been accepted by the Transportation Department or after on the date that is Twenty-Four (24) months following the date of approval of this rezoning case, whichever occurs first.
- ii. Prior to issuance of any certificate of occupancy on the Multi-Family Tract, the Owner/Developer shall complete all of the following:
 1. All of the road improvements specified in Proffered Condition 35.a.; and
 2. A portion of the road improvements specified in Proffered Condition 35.c.i. from Winterpock to the easternmost point of access to the Multi-Family Tract.
- iii. Prior to recordation of a plat showing a cumulative total of greater than 50 single family lots within the “60’ Lots” Tract the Owner/Developer shall complete all of the following:
 1. All of the road improvements specified in Proffered Condition 35.a.; and
 2. The portion of the road improvements specified in Proffered Condition 35.c.i. from Winterpock to the easternmost point of access to the “60’ Lots” Tract.
- iv. Prior to recordation of a plat showing a cumulative total of greater than 100 single family lots within the “60’ Lots”, “80’ Lots,” and “90’ Lots” Tracts, the Owner/Developer shall complete all of the following:
 1. All of the road improvements specified in Proffered Conditions 35.a., 35.b., and 35.c.
- v. Prior to issuance of any certificate of occupancy on the “Attached Cottages” Tract, the Owner/Developer shall complete the following:

1. The portion of the road improvements specified in Proffered Condition 35.c.i. from Winterpock Road to the intersection with Ashlake Parkway.
2. The portion of the road improvements specified in Proffered Condition 35.c.ii. from western Property line to the Ashlake Parkway intersection).
3. All of the road improvements specified in Proffered Conditions 35.c.iii and iv.

vi. Prior to or concurrent with any final approval of any site plan or recordation of any subdivision plat, a phasing plan of the remaining road improvements shall be submitted and approved by the Transportation Department. Such phasing plan shall include the above referenced phases.

36. ~~38.~~ East/West Bikeway Connector. A bikeway connector trail (the “Bikeway Connector Trail”) of a minimum width of ten (10) feet shall be located substantially as shown on the Concept Plan, either, in the portion of right-of-way to be dedicated to the County for Harpers Mill Parkway, or alternatively, in an easement dedicated to the County in the buffer adjacent to such right-of-way. In connection with the construction of any portion of right-of-way for Harper’s Mill Parkway, a corresponding section of the Bikeway Connector Trail shall be constructed of asphalt by Owner and according to applicable Virginia Department of Transportation standards, unless otherwise proposed by Owner and approved by the ~~County~~ Transportation Department.

37. ~~39.~~ Impact on Capital Facilities.

- a. In-Kind Contribution. Pursuant to Paragraph 3 of the Chesterfield County, Virginia Road Cash Proffer Policy effective as of September 28, 2016, the Applicant shall mitigate the project’s calculated impact on public facilities by dedicating property and constructing in-kind improvements (collectively, the “In-Kind Improvements”) in lieu of all or a portion of the maximum road cash proffer per unit. The In-Kind Improvements shall include, without limitation, all those anticipated improvements itemized and described on Exhibit C, which is incorporated by this reference. For purposes of this proffer, the costs of the In-Kind Improvements, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating or installing utilities, and actual costs of construction (including labor, materials, and overhead (“Work”). Before any Work is commenced, the owner shall receive prior written approval by the Transportation Department for any credit amount.
- b. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, any and all amounts credited in In-Kind Improvements and paid in cash proffers shall be in lieu of or credited

toward, but not be in addition to, any impact fees, in a manner determined by the County.

ENVIRONMENTAL

38. ~~40.~~ The post-development 100-year peak discharge into the wetlands and floodplain in tributaries to Ashbrook Lake shall not exceed the pre-development 100-year peak discharge.

39. ~~41.~~ In connection with plan approval for any lots within the 90' Lots Tract, and any portion of the 60' Lots Tract located within five hundred (500) feet of the RPA line for Swifts Creek, the Owner shall submit to the Department of Environmental Engineering for review and approval a plan proposing onsite measures to mitigate the erosion of highly erodible soils located along the tributaries to Ashbrook Lake.

40. ~~42.~~ No drainage from impervious areas shall sheet flow through the Ashbrook subdivision.

41. ~~43.~~ Super Silt Fence, or an alternative as approved by the Department of Environmental Engineering, shall be provided as a perimeter control.

UTILITIES

42. ~~44.~~ All structures on the property requiring domestic water and wastewater service shall use the County water and wastewater systems.

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42920929_5

Document comparison by Workshare 10.0 on Tuesday, October 27, 2020
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