

Proffered Conditions
(February 9, 2021)

The Owners and Applicant in this rezoning Case 18SN0809, 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above-referenced application is not granted by the Board of Supervisors of Chesterfield County, these proffers shall be withdrawn and are null and void.

These Proffered Conditions include four (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 February 2021.

Exhibit B-1 – Conceptual Elevations | Multiple-Family

Exhibit B-2 – Conceptual Elevations | Attached Cottages

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

GENERAL

1. Master Plan. The Textual Statement, last revised February 9, 2021, 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. Density. The maximum number of dwelling units permitted on the Property shall be 669 with a maximum number of dwelling units for the specified Tract, as defined in the Master Plan and Concept Plan, as follows:
 - a. 288 multifamily dwelling units within the Multi-family Tract.
 - b. 74 townhome dwelling units within the Attached Cottages Tract.
 - c. 77 single-family dwelling units within the 90’ Lots Tract.
 - d. 83 single-family dwelling units within the 80’ Lots Tract.
 - e. 147 single-family dwelling units within the 60’ Lots Tract.

4. Sidewalks. Sidewalks shall be minimum of five (5) feet wide and constructed of concrete along both sides of each interior street right of way, with modifications approved by the Planning Department.
5. 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.
6. 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.
7. 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.
8. 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).
9. 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.).
10. Amenities.
 - a. The Property shall include focal points to provide high visual interest, comprised of the following: (i) the area labeled "Amenity Site" on the Concept Plan, and (ii) 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.

- b. Common and open space areas of the Property that are not located within a resource protection area (RPA) 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 material and, at the Owner's sole election, located in an easement dedicated to the County. The exact location of any trail/walk/path may be determined by the Owner in connection with plans review. The exact design, material and location of pedestrian trails/walks/paths shall be approved by the Planning Director or designee in connection with plan approval. Surface trails of pervious materials 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 or designee.
11. 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.
12. 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, subject to review and approval by the Director of the Department of Environmental Engineering at the time of Plan Review.
13. Buffers; Screening.
- a. A fifty (50) foot buffer shall be maintained between the Multifamily Tract and the 80' Lots Tract.

- b. A fifty (50) foot buffer shall be maintained between the Attached Cottages Tract and the 80' Lots Tract.
- c. A visual screen utilizing berms or vegetation shall be maintained between the improvements on the Multifamily Tract of the Property and Winterpock Road.
- d. 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

14. 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.
15. 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.
16. Building Height. No multiple-family dwelling building shall exceed the lesser of four (4) stories or 60 feet.
17. Unit Composition. No multiple family dwelling units shall have greater than three (3) bedrooms.
18. 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.

ATTACHED COTTAGES TRACT

19. 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.
20. 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.
21. 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 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.
22. Units in a Row. There shall be no more than two (2) dwelling units attached in one structure, provided that each shall be on individual lots designed to be sold as individual units on each lot.
23. Garages. A minimum of fifty percent (50%) of the attached cottage units shall have garages.
24. Grass Strips between Units Driveways. Grass strips, which may be landscaped, shall be provided to break the space between driveways of each unit.
25. 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.
26. 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 (21) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent.

27. 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

28. 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.

29. 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 patterns across the fronts of the buildings.

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

TRANSPORTATION

31. **Dedication**. The following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. 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.

- c. If requested by the owner/developer and accepted by the Transportation Department, the above right-of-way dedications may be phased in accordance with an approved phasing plan. Prior to any tentative subdivision plan or site plan approval, whichever occurs first, a phasing plan for the proffered right-of-way dedications shall be submitted to and approved by the Transportation Department.

32. **Access.**

- a. Prior to any tentative subdivision plan or site 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. The location and number of internal and external road connections shown on the Concept Plan are conceptual in nature and shown for the express purpose of illustration, which shall be superseded by any access plan(s) for the Property approved by the Transportation Department.
- b. There shall be no direct vehicular access from the Property to Bethia Road, except for emergency access only as approved by the Transportation and Fire Departments.

33. **Road Improvements.** 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"). If any of the Road Improvements are provided by others, as determined by the Transportation Department, then the specified Road Improvements 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.

- a. Off-Site Harper's Mill Parkway and Winterpock Road:
 - i. Construction of Harper's Mill Parkway to VDOT urban minor arterial standards (50 MPH), with modifications approved by the Transportation Department, as three (3) lane road section to include VDOT standard pedestrian accommodations from the eastern Property line to Winterpock Road intersection (approximately 250 feet).
 - ii. Construction of the Harper's Mill Parkway 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 intersection control (traffic signal, roundabout, or other), at the Harper's Mill Parkway/Winterpock Road intersection, if warranted. The obligation of the Owner/Developer to construct intersection control shall expire upon the issuance of the final occupancy permit for the Property.
 - 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: 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. 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 western Property line to the eastern Property line.
- d. 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.
- e. Construction of left and right turn lanes along Harper's Mill Parkway and Ashlake Parkway at each approved access, including the Harper's Mill Parkway/Ashlake Parkway intersection, if warranted, based on Transportation Department standards.
- f. Installation/construction of intersection control (i.e. traffic signal, roundabout, or alternative) at the Harper's Mill Parkway/Ashlake Parkway intersection, if warranted.
- g. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the Road Improvements. 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 33.a. and 33.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 Chesterfield County chooses not to assist the Owner/Developer in acquisition of the "off-site" right-of-way, the Owner/Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements to the extent they can be constructed within available right-of-way, as determined by the Transportation Department.
- h. 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.
 - 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 March 31, 2023, whichever occurs first.

- ii. Prior to issuance of any certificate of occupancy on the Multi-Family Tract or recordation of a cumulative total of more than 50 single family lots within the “60’ Lots” and “80’ Lots” Tracts, whichever occurs first, the Owner/Developer shall complete Off-Site Harper’s Mill Parkway and Winterpock Road Improvements (Proffered Condition 33.a.) and Harper’s Mill Parkway from eastern Property line to Ashlake Parkway intersection (portion of Proffered Conditions 33.c.).
- iii. Prior to recordation of a cumulative total of more than 100 single family lots within the “60’ Lots”, “80’ Lots,” and “90’ Lots” Tracts, the Owner/Developer shall complete Off-Site Harper’s Mill Parkway and Winterpock Road Improvements (Proffered Condition 33.a.), Off-Site Harper’s Mill Parkway, west of Property (Proffered Condition 33.b.), and Harper’s Mill Parkway from eastern to western Property lines (Proffered Condition 33.c.).
- iv. Prior to issuance of any certificate of occupancy on the “Attached Cottages” Tract, the Owner/Developer shall complete: Off-Site Harper’s Mill Parkway, west of the Property (Proffered Condition 33.b.), Harper’s Mill Parkway from the western Property line to Ashlake Parkway intersection (portion of Proffered Condition 33.c.), Ashlake Parkway from its existing terminus at the northern Property line to the Harper’s Mill Parkway (Proffered Condition 34.d.), and the Harper’s Mill Parkway/Ashlake Parkway intersection improvements (Proffered Conditions 33.e. and 33.f.).

Prior to any tentative subdivision plan or site plan approval, a phasing plan for the remaining road improvements shall be submitted and approved by the Transportation Department. Such phasing plan shall include the above referenced phases.

ENVIRONMENTAL

34. 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.
35. For the portion of the Property which will drain into Sections 2, 3 and 4 of the Ashbrook Subdivision, the Owner shall either (1) provide onsite detention/retention such that 2-, 10-, and 100-year post-development peak discharge rates shall not exceed the 2-, 10-, and 100-year pre-development peak discharge rates, respectively, or (2) install downstream drainage improvements to provide drainage capacity that meets State criteria and causes no increase to the 100-year flood elevation within the existing subdivision.
36. No drainage from impervious areas shall sheet flow through the Ashbrook Subdivision.
37. The post-development 2-year peak discharge velocity to Fuqua Branch and its tributaries shall not exceed the pre-development velocity for the 2-year storm in the existing channel.

38. Super Silt Fence, or an alternative as approved by the Director of the Department of Environmental Engineering, shall be provided as a perimeter control.
39. Sediment traps and basins sized at least 25% larger than the minimum Virginia Erosion and Sediment Control Handbook's standard shall be provided.
40. Anionic PAM, Flexible Growth Medium, and/or a County-approved equivalent shall be applied to denuded areas during construction and at final stabilization in the locations shown on plans approved by Environmental Engineering at the time of plans review.
41. Steep slopes equal to or greater than 20 percent shall remain in their natural, undisturbed state to the maximum extent practicable, unless otherwise approved by the Department of Environmental Engineering. In locations where the disturbance of slopes greater than 20 percent is unavoidable, enhanced erosion and sediment control measures will be provided as directed by the Department of Environmental Engineering at the time of plans review. The Department of Environmental Engineering shall approve the exact design and implementation of these standards.

UTILITIES

42. Any new structure on the Property requiring domestic water and wastewater service shall use the County water and wastewater systems; provided, however, that any existing structure located on the Property and using private systems as of the effective date of the rezoning shall be allowed to continue using private systems.
43. Prior to any tentative subdivision plan or site plan approval, whichever occurs first, a utility plan for the Property shall be submitted to and approved by the Utilities Department (the "Utilities Master Plan"). Utilities for this development, and phasing thereof, shall conform to the approved utilities plan or as otherwise approved by the Utilities Department.
44. Following the approval of a Utilities Master Plan, upon request of the County, access to the property and easements shall be provided, at no cost on standard County documents, in the location of the improvements shown on the approved Utilities Master Plan, for the construction of public waterlines and wastewater lines independent of the timing of this development.