

Upper Magnolia Green – East - 21SN0675

The applicant hereby offers the following proffered conditions:

1. **Conceptual Plan.** Development of the Property shall generally conform to the Conceptual Plan (**Exhibit A**), prepared by **Timmons/County last revised January X, 2021**, with respect to the general layout of roads, public use / school site, residential development areas, buffers, and the general location of sidewalks and trails, focal points, and recreational amenities. The layout on the Conceptual Plan is conceptual in nature and may vary based on the final plan depending on the final soil studies, grading, RPA lines, building footprints, other engineering reasons or as otherwise approved at the time of plans review.
2. **Public Uses (Schools & other) - Conceptual Plan / Illustrative Plan.** As shown on the Conceptual Plan, a minimum of 150 acres shall be reserved/dedicated for the purpose of developing multiple public uses. This area may be developed in general conformance with the Conceptual Plan to include a middle school, high school, elementary school, and a library. Other necessary public uses shall be determined prior to construction based on the need and may result in changes to the actual developed public facilities on-site. The public use site / school facilities are included in the subject rezoning case; therefore, shall not require subsequent finding of substantial accord by the Planning Commission.
3. **Density.** The density shall not exceed 600 single family dwelling units.
4. **Buffers.** Existing vegetation located within the areas shown as buffers in the Conceptual Plan (when it is native and good quality) shall be preserved and incorporated in the design. All plantings shall be indigenous and drought resistant. Simultaneously with any necessary supplemental planting, the Applicant shall remove from buffer areas any dead or diseased vegetation, noxious plants, or invasive species.
 - a. **Powhite Parkway** - As shown on the Conceptual Plan, a natural vegetated buffer with a minimum width of 200 feet shall be provided along the east side of the site along the right-of-way for the future Powhite Parkway.
5. **Pedestrian Connectivity / Trails.** As shown on the Conceptual Plan, trails shall be established for the purpose of providing pedestrian connections amongst the residential development areas separated by environmentally sensitive areas. The trails should be established, with the approval of Environmental Engineering, Any trails provided throughout the edge and within the Resource Protection Area (RPA) shall be approved by Environmental Engineering. Further, trails shall be provided to connect Duval Road northward to the Public Use / School site. Additionally, trails connections shall be established continuing northward to ultimately connect to Horner Park. The final trail alignment shall be provided at the time of plan review.
6. **Common Area & Amenities.** “Common Area” shall be provided as part of the development of the residential sections of UMG East. Common Area may be provided by a combination of common area options, including trails, passive parks, and active amenities (pools, clubhouses, playgrounds, athletic courts, etc.). The Common Area shall include a minimum of at least one of the following active recreational amenities; pool, clubhouse, athletic courts, or other similar improvements. Construction of the active recreational amenity shall commence prior to the

issuance of the Certificate of Occupancy for the 100th residential unit and shall be completed and open for use within 18 months after commencement of construction. Other recreational neighborhood facilities and uses accessory to residential uses may be located elsewhere on the Property.

7. **Site & Architectural Design.**

- a. **Sidewalks.** Sidewalks shall be provided on both sides of all public internal streets.
- b. **Driveways.** All portions of driveways and parking areas shall be asphalt or concrete. Gravel driveways shall not be permitted.
- c. **Front Walks.** A minimum of a three (3) foot wide concrete walk shall be provided to the front entrance of each dwelling unit to connect to driveways, sidewalks, or streets.
- d. **Entrance Feature.** A monument sign and landscaping to include plants, sod, and irrigation shall be provided at the main entrance on Duval/Westerleigh/or North/South roads.
- e. **Siding Materials.**
 - i. Permitted siding materials include:
 1. brick,
 2. stone or masonry,
 3. fiber cement siding (such as HardiePlank, HardieShingle, and HardieTrim),
 4. engineered wood siding (such as LP SmartSide), or
 5. premium-grade vinyl (a minimum of .044" nominal thickness as evidenced by manufacturer's printed literature).
 - ii. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.
 - iii. Prohibited siding materials include:
 1. Dutch lap,
 2. plywood, and
 3. metal siding.
 - iv. If the front elevation of a single family house has more than 50% vinyl siding, a minimum of three of the following features is required:
 1. A front porch for at least 25% of the width of the front façade,
 2. A change in siding patterns,
 3. A change in siding colors,
 4. A 'foundation' material above the 12" minimum,
 5. A change or an architectural offset of at least 18" in the façade elevation,
 6. Shutters,
 7. A projecting architectural element such as an accent roof or pergola above garage doors,
 8. When roofs face the street, at least one dormer,

9. When roofs face the side yard, a trim band on the front elevation to separate the attic from the living space, and
 10. When roofs face the side yard, a decorative attic vent on the front elevation.
 11. The same or very similar elevations or color schemes may not be located adjacent to or directly across from each other on the same street
- v. Stepping the siding down below the first floor shall only be permitted in circumstances of unique topographical conditions. Step downs shall be permitted on the side and rear elevations that do not front on a street, with a maximum of two (2) steps permitted on any elevation, and with a minimum separation of eight (8) feet. A minimum of eighteen (18) inches of exposed brick or stone shall be required on the sides of the dwelling unit, unless a lesser amount is approved by the Planning Department at time of plans review due to unique design circumstances.
- f. Garages. Front loaded garage doors shall have a minimum of two (2) architectural features. Architectural features shall include raised panels, windows, hinge straps, door handles, decorative panels or arches used to enhance the appearance of the door.
 - g. Porches & Stoops. At least 50% of the single-family detached homes shall incorporate a front porch/covered stoop. Front stoops and porches shall be constructed with continuous foundation walls or with masonry piers to match the foundation of the home.
 - h. Roof Material. Roofing material shall be a material consisting of, but not limited to, architectural dimensional shingles, metal, or rubber membrane, and having a minimum 30-year warranty.
 - i. Heating Ventilation and Air Conditioning (HVAC) Units and House Generators. Units shall initially be screened from view of public roads by landscaping or low maintenance material, as approved by the Planning Department.
 - j. Fences. Chain link fences shall be prohibited, except for a vinyl coated chain link fence may be used for a dog park, if one is provided.
 - k. Maintenance of Common Areas and Building Exteriors. The homeowner's association shall ensure that the association is professionally managed. The homeowner's association shall be responsible for proper maintenance and repair of on-site improvements including, but not limited to, all Common Areas, active recreational amenities, monument signs, sidewalks, outdoor pavilions, driveways, street trees, lot landscaping, fencing, lighting, and dwelling unit exteriors, to exclude windows and doors.
8. Master Plan. A conceptual master plan shall be submitted for any portion of the Property that is submitted for plan review addressing comprehensive and coordinated signage, landscaping, screening, pedestrian connections, and architecture program for such portion of the Property.

9. **Transportation Density.** For transportation purposes, the maximum density of the development shall be 2,400 student high school, 1,800 student middle school, 1,000 student elementary school, a public library, and 600 single family dwelling units; or equivalent density as determined by the Transportation Department.
10. **Dedication.** The following rights-of-way, as described below and as generally shown on Exhibit X, immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:

Road	Dedication (feet)	From/To
a. Powhite Parkway	200	north to south Property lines
b. Powhite Pky/North-South Arterial 1 Interchange	Variable	determined by Transportation Department
c. North-South Arterial 1	90	south Property line to Powhite Pky
d. Westerleigh Parkway	90	east to west Property lines
e. North-South Collector Road	90	Westerleigh Pky to Duval Rd
f. Duval Road Realigned	90	existing Duval Rd to west Property line
g. Duval Road	45	along north side of existing road from centerline
h. Stub Roads	Variable	determined by Transportation Department

In the event that adequate transportation improvements can be provided, as determined by the Transportation Department, to accommodate full development of the Property without necessitating the aforementioned dedications, the Transportation Department may waive the requirement for those dedications deemed unnecessary.

Prior to any site plan approval, a phasing plan for these dedications shall be submitted to and approved by the Transportation Department. The dedications listed in this proffered condition shall be made in accordance with the approved phasing plan or within sixty (60) days from a written request by the County, whichever occurs first.

11. **Access.** Prior to any plan approval, an access plan for Westerleigh Parkway, the North-South Collector, Duval Road, or the North-South Arterial 1 shall be submitted to and approved by the Transportation Department. An access plan shall be provided to the corresponding road referenced in this condition at such time vehicular access is proposed from/to the Property. Vehicular access from the Property to these roads shall conform to the approved access plan for the road.
12. **Road Improvements.** The following road improvements shall be completed, as determined by the Transportation Department. The exact length and design of the improvements shall be approved by the Transportation Department. If any of the improvements are provided by others, then the specific requirement shall no longer be required, as determined by the Transportation Department.
- a. Reconstruction of the Otterdale Road and Duval Road intersection, to include realignment and construction of turn lanes and intersection control.
 - b. Construction of additional pavement and intersection control at the Otterdale Road and Westerleigh Parkway intersection.
 - c. Construction of a four (4) lane divided facility for Westerleigh Parkway, including a VDOT standard shared use path along the south side and a VDOT standard sidewalk along the north side and associated crosswalk improvements, to VDOT Urban Minor

Arterial standards (45 mph), with modifications approved by the Transportation Department, from Otterdale Road to the western Property line. Unless otherwise approved by the Transportation Department, left and right turn lanes shall be provided at each approved access.

- d. Construction of additional pavement at the Westerleigh Parkway/North-South Collector Road intersection to provide left and right turn lanes, including intersection control, if warranted. Intersection control may include construction of a roundabout, traffic signal, or other innovative intersection improvements as approved by the Transportation Department.
 - e. Construction of a four (4) lane facility for the North-South Collector Road, including sidewalks along both sides and associated crosswalk improvements, to VDOT Urban Collector standards (35 mph), with modifications approved by the Transportation Department, from Westerleigh Parkway to Duval Road intersections. Unless otherwise approved by the Transportation Department, left and right turn lanes shall be provided at each approved access.
 - f. Construction of a four (4) lane divided facility for Duval Road to VDOT Urban Minor Arterial standards (45 mph), with modifications approved by the Transportation Department, from the Otterdale Road to the North-South Collector Road intersections. Unless otherwise approved by the Transportation Department, left and right turn lanes shall be provided at each approved access.
 - g. Construct necessary upgrades to Otterdale Road with modifications approved by the Transportation Department, from the Duval Road to Woolridge Road intersections.
 - h. Construction of additional pavement at the North-South Collector Road/Duval Road intersection to provide left and right turn lanes, including intersection control, if warranted. Intersection control may include construction of a roundabout, traffic signal, or other innovative intersection (Continuous Green-T) improvements as approved by the Transportation Department.
 - i. Widening/improving the north side of Duval Road to a twelve (12) foot wide travel lane, measured from the centerline of the existing pavement, with an additional four (4) foot wide paved shoulder plus a four (4) foot wide unpaved shoulder and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the property frontage not improved as part of Proffered Condition 5.f.
 - j. Construction of two (2) lanes of the North-South Arterial 1 (Magnolia Green Parkway Extension), including VDOT standard sidewalks along both sides and associated crosswalk improvements, to VDOT Urban Minor Arterial standards (50 mph), with modifications approved by the Transportation Department, from the existing terminus of Magnolia Green Parkway to the Powhite Parkway right-of-way. Unless otherwise approved by the Transportation Department, left and right turn lanes shall be provided at each approved access. (Note: The North-South Arterial 1 is a planned four (4) lane divided road.)
 - k. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above.
13. **Phasing Plan.** Prior to any plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 12, shall be submitted to, and approved by the Transportation Department. “Initial Development” shall be defined as the development of the middle school site only. The approved phasing plan shall require, among other things, that in conjunction with Initial Development, the following road improvements shall be completed as determined by the Transportation Department:

- a. Proffered Condition 12.a. (Reconstruction of the Otterdale Road and Duval Road intersection with intersection control, such as traffic signal and/or innovative intersection (i.e. Continuous Green-T) are anticipated to be warranted.)
- b. Proffered Condition 12.b. (Construction of intersection control, such as traffic signal, and provide eastbound Westerleigh Parkway channelized right turn lane to southbound Otterdale Road free-flow acceleration lane to accommodate free flow right turn movements are anticipated to be warranted.)
- c. Proffered Condition 12.c. (Construction of two (2) lanes of Westerleigh Parkway and associated improvements from existing terminus to the North-South Collector Rd intersection.)
- d. Proffered Condition 12.d. (Left and right turn lanes at the Westerleigh Parkway and North-South Collector Road intersection.)
- e. Proffered Condition 12.e. (Construction of two (2) lanes of the North-South Collector Road and associated improvements from Westerleigh Pky to southern terminus of the Initial Development Property frontage to the North-South Collector Road.)

14. **Utilities.**

- a. An Overall Water and Wastewater System Plan shall be submitted to Utilities for review and approval prior to the first plan approval.
- b. 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. Access and service connections shall be provided to these existing structures. (See 18SN0809 Schell Brothers Case for recent language).
- c. Prior to any plan approval, a utility plan for the Property shall be submitted to and approved by the Utilities Department (the “Overall Water and Wastewater System Plan”). Utilities for this development, and phasing thereof, shall conform to the approved utilities plan or as otherwise approved by the Utilities Department (See 18SN0809 Schell Brother Case for recent language).
- d. Following the approval of an Overall Water and Wastewater System Plan, and 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 Overall Water and Wastewater System Plan, for the construction of public waterlines and wastewater lines independent of the timing of this development. (See 18SN0809 Schell Brothers Case for recent language).
- e. If an elevated tank is determined to be necessary, dedicate a site of sufficient size (approximately 2 to 5 acres) for a Water Storage Tank (WST) site in the area north of Duval Road at an elevation not less than 290’ in a location approved by the Utilities Department.
- f. The following Utilities infrastructure shall be permitted on the Property:

- i. One (1) above-ground water storage tank (Water Tank) and tank mounted communications equipment up to a maximum height of one hundred and ninety-nine (199) feet provided:
 1. All mechanical equipment located on or associated with any building or structure for the Water Tank shall be screened from properties adjacent to the Property and public rights-of-way in accordance with the Emerging Growth District standards. This condition shall not require screening for the Water Tank structure or communication equipment
 2. The Water Tank shall be a new composite style elevated water storage tank meeting the Utilities Department requirements.
 3. The Water Tank shall be secured by a minimum eight (8) foot high vinyl or polymer coated chain link fence designed to preclude trespassing.
 4. A maximum of one sign or logo acceptable to the Planning and Utilities Departments shall be permitted on the Water Tank. There shall be no signs or logos permitted on the communications equipment.
 5. The Water Tank shall be white, grey, or another neutral color, acceptable to the Planning and Utilities Departments. The communication equipment (antennas, mounting hardware, cables, etc.) mounted on the outside of the Water Tank shall be the same or similar color as the Water Tank.
 6. Except for security lighting over the access doors at the base of the Water Tank, the Water Tank and communications equipment shall not be permanently lighted unless required by the Federal Aviation Administration or the Federal Communications Commission.

15. **Environmental Engineering.**

- a. Super Silt Fence, or an alternative as approved by the Department of Environmental Engineering, shall be provided as a perimeter control in locations where standard silt fence would have been required.
- b. Sediment traps and basins sized up to 25% larger than the minimum Virginia Erosion and Sediment Control Handbook's standard shall be provided, unless otherwise approved by the Department of Environmental Engineering at the time of plans review.
- c. 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.
- d. The maximum post-development discharge rate for the 100-year storm shall not increase the recorded and /or established 100-year backwater and /or floodplain without obtaining prior approval of the revised floodplain limits.
- e. 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 at the time of plans review. In locations where the disturbance of slopes greater than 20 percent is unavoidable, additional enhanced erosion and sediment control measures shall 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.