

Upper Magnolia Green – East - 21SN0675

The Owner-Applicant in this rezoning Case 21SN0675, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, Virginia (“County”), for itself and its successor or assigns, proffers that the development of the approximately 700 acres with County Tax Identification Numbers 6956715448 (portion), 6946757241 (portion), 6976802507 (portion), 7036854335 (portion), and 7036848129 (portion) (collectively, the “Property”) under consideration will be developed, as applicable, as set forth below; however, in the event the request is denied, these proffers shall be immediately null and void and of no further force or effect.

The applicant hereby offers the following proffered conditions:

1. **Conceptual Plan.** A potential development scheme of the Property, dated February 8, 2022, is attached hereto as Exhibit A (Conceptual Plan), with respect to the general layout and location of roads, buffers, and trails. The Conceptual Plan is conceptual in nature and may vary based on the final site plan depending on the final soil studies, grading, RPA lines, building footprints, other engineering reasons or as otherwise approved at the time of plan review.
2. **Public Uses (Schools and Library).** Approximately one hundred fifty (150) acres shall be reserved for the purpose of developing multiple public uses (“Public Use Area”), to include construction of a public middle school, a public elementary school and a public library (the “Public Uses”), as generally shown on the Conceptual Plan. In accordance with Section 7.6 of the Charter of the County of Chesterfield, Virginia, upon approval of this rezoning Case 21SN0675 by the County Board of Supervisors, the Public Uses are excepted from the requirement of a substantial accord determination.
3. **Residential Lot Size and Density.** All residential lots on the Property shall have a minimum lot area size of 15,000 square feet and the residential density shall not exceed 600 single family detached dwelling units.
4. **Transportation Density.** The maximum density of this development shall be a 1,800-student public middle school, a 1,000-student public elementary school, a public library, and 600 single family detached dwelling units, or equivalent density as approved by the Transportation Department.
5. **Telecommunications Facilities Height.** Telecommunications towers or facilities on the Property shall be limited to a height of one hundred ninety-nine (199) feet.
6. **Buffers.** Existing forested vegetation located within the areas shown as buffers in the Conceptual Plan shall be preserved and incorporated in a Master Design Plan. The buffer areas without forested vegetation shall be planted at a rate of one (1) large maturing deciduous or evergreen tree for each two hundred (200) square feet of unforested buffer. All plantings shall be indigenous and drought resistant. Any dead or diseased vegetation, noxious plants, or invasive species may be removed from such buffer.
 - a. **Powwhite Parkway.** A buffer with a minimum width of two hundred (200) feet shall be provided along the right-of-way for the Future Powwhite Parkway, as generally shown on the Conceptual Plan.
7. **Pedestrian Connectivity and Trails.** A network of trails, all as generally shown on the Conceptual Plan, shall be constructed to provide pedestrian connections amongst the residential development areas. Trails shall also be provided from Duval Road northward to the Public Use Area, and continuing northward throughout the Property to Horner Park. All final trail alignments shall be incorporated in a Master Design Plan and reviewed and approved by the Department of Environmental Engineering and Planning Department at the time of plan review.
8. **Common Area and Amenities.** Any development on the Property to include residential dwelling units (a “Residential Development”) shall include at least 10% “Common Areas” including land developed or maintained for the use an enjoyment of all residents of the Residential Development and/or the public and shall include any of

the following: natural vegetation or hardscaped areas, trails, passive parks, and active amenities including but not limited to pools, clubhouses, playgrounds, and athletic courts.

9. **Site and Architectural Design.**

- a. **Sidewalks.** Unless otherwise approved by the Planning Department, sidewalks shall be provided on both sides of all streets.
- b. **Driveways.** All portions of driveways and parking areas shall be brushed concrete, stamped concrete, exposed aggregate concrete, or asphalt. 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 each primary vehicular access entrance to the Property. All irrigation systems shall include water conserving components and features such as, but not limited to, soil moisture and rain sensors and micro and drip type systems. All plants located in irrigated beds shall include native species and/or drought-resistant plants when in order to minimize the need for irrigation.
- e. **Exterior Materials.**
 - i. Only the following exterior materials shall be permitted:
 1. brick,
 2. stone or masonry,
 3. fiber cement siding (such as HardiePlank, HardieShingle, and HardieTrim),
 4. engineered wood siding (such as LP SmartSide), and
 5. premium-grade vinyl (a minimum of .046" nominal thickness as evidenced by manufacturer's printed literature).
 - ii. The following exterior materials are not permitted:
 1. Dutch lap vinyl siding,
 2. plywood, and
 3. metal siding.
 - iii. Additional exterior materials shall be permitted only for parapets, cornices, surrounds, trim, architectural decorations, and design elements.
 - iv. For single family detached dwelling units with more than 50% vinyl on the front façade of the dwelling unit, three (3) or more of the following features are also required:
 1. A front porch for at least 25% of the width of the front façade,
 2. Variation in siding patterns,
 3. A change in siding colors,
 4. A 'foundation' material above the twelve (12) inch minimum,
 5. A change or an architectural offset of at least eighteen (18) inches 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 plan 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 and Stoops. At least 50% of the single family detached dwelling units shall incorporate a front porch or covered stoop. Front stoops and porches shall be constructed with continuous foundation walls or with masonry piers to match the foundation of the dwelling unit.

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 at the time of plan review.

j. Fences. Chain link fences shall be prohibited, except a vinyl coated chain link fence may be used for a dog park, if one is provided.

k. Covenants. Prior to or concurrent with the recordation of the first certificate of occupancy for a residential unit in a Residential Development on the Property, a document setting forth covenants (the "Covenants") shall be recorded in the County's Circuit Court Clerk's Office setting forth controls on the development and maintenance of such Residential Development on the Property, including but not limited to maintenance of common areas, active recreational amenities, monument signs, sidewalks, outdoor pavilions, driveways, street trees, lot landscaping, fencing, lighting, and dwelling unit exteriors (excluding windows and doors). Any such Covenants may establish one or more homeowners' associations (an "Association"). Different Covenants may be provided for various Residential Developments on the Property provided an Association shall be responsible for the development and maintenance of each Residential Development, as set forth in the Covenants. Covenants shall be subject to review and approval by the Director of Planning and the County Attorney.

10. **Master Design Plan**. Prior to the submission of a site or subdivision plan for any residential portion of the Property, a master design plan (a "Master Design Plan") shall be submitted to the Planning Department. A Master Design Plan shall not be used to satisfy site plan requirements. A Master Design Plan shall be prepared with sufficient detail to ensure the design compatibility of future improvements, avoid design conflicts, and verify general compliance with applicable County Code requirements. Phasing information shall not be binding or unalterable. A Master Design Plan shall not vest rights to develop future phases until those phases have been included in an approved site plan. Concurrent with submission to the Planning Department, a copy of a Master Design Plan shall be provided to the homeowners' associations for the Westerleigh and Summer Lake communities, and these homeowners' associations shall have fifteen (15) business days to review and provide comments, if any, to the Planning Department.

11. **Dedication.** The following rights-of-way, as described below and as generally shown on the Road Network Plan (Exhibit B), immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of the County:

Road	Dedication (feet)	From/To
a. Powhite Pkwy	200	north to south Property lines
b. Powhite Pkwy/Magnolia Green Pkwy Interchange	Variable	determined by Transportation Department
c. Magnolia Green Pkwy	90	south Property line to Powhite Pky
d. Westerleigh Pkwy	90	east to west Property lines
e. North-South Collector Road	90	Westerleigh Pky to Duval Rd
f. Duval Road	90	existing Duval Rd to west Property line
g. Duval Road (existing 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 subdivision or 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.

12. **Access.**

- a. Prior to any plan approval that proposes vehicular access to Westerleigh Parkway, the North-South Collector, Duval Road, or Magnolia Green Parkway, an access plan for the corresponding road shall be submitted to and approved by the Transportation Department. Vehicular access from the Property to those roads shall conform to the approved access plan.
- b. No residential lot/unit shall have a direct vehicular access to Westerleigh Parkway, the North-South Collector Road, Duval Road, or Magnolia Green Parkway.

13. **Road Improvements.** The following road improvements shall be completed, as determined by the Transportation Department, with the exact length and design approved by the Transportation Department:

- a. Off-Site: Reconstruction of the Otterdale Road and Duval Road intersection, to include realignment, construction of turn lanes, and intersection control (traffic signal or other innovative intersection control, such as Continuous Green-T).
- b. Off-Site: Improvements to the Otterdale Road and Westerleigh Parkway intersection, to include additional pavement (eastbound Westerleigh Parkway channelized right turn lane to southbound Otterdale Road free-flow acceleration lane for free flow right turn movements) and intersection control (traffic signal or other innovative intersection control).
- c. Off-Site (partial): Construction of a two (2) lane facility for Westerleigh Parkway, including pedestrian accommodations and crosswalk improvements, to VDOT Urban Minor Arterial standards (50 mph), with modifications approved by the Transportation Department, from the existing terminus to the North-South Collector Road. Unless otherwise approved by the Transportation Department, left and right turn lanes shall be provided at each approved access.
- d. Construction of a four (4) lane facility for Westerleigh Parkway, including pedestrian accommodations and crosswalk improvements, to VDOT Urban Minor Arterial standards (50 mph), with modifications

approved by the Transportation Department, from the North-South Collector 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.

- e. 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.
- f. Construction of a four (4) lane facility for the North-South Collector Road, including pedestrian accommodations and crosswalk improvements, to VDOT Urban Collector standards (40 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.
- g. Off-Site: Construction of a four (4) lane facility for Duval Road to VDOT Urban Minor Arterial standards (50 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.
- h. Off-Site: Construction of a four (4) lane facility for Otterdale Road to VDOT Urban Minor Arterial standards (50 mph), with modifications approved by the Transportation Department, from the Duval Road to Woolridge Road intersections. Improvement shall include additional pavement along the southbound lanes at the Woolridge Road intersection to provide for dual left turn lanes and traffic signal modifications.
- i. 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.
- j. Off-Site: 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 13.g.
- k. Construction of two (2) lanes of Magnolia Green Parkway, including pedestrian accommodations and 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 centerline of 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: Magnolia Green Parkway is a planned four (4) lane facility.)
- l. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above.

Prior to any subdivision or site plan approval, a phasing plan for these road improvements shall be submitted to and approved by the Transportation Department. The road improvements listed in this proffered condition shall be made in accordance with the approved phasing plan.

14. **Public Middle School – Phasing Plan**. Prior to the issuance of a certificate of occupancy for the public middle school, the following road improvements shall be completed as determined by the Transportation Department:

- a. Proffered condition 13.a. [Reconstruction of the Otterdale Road and Duval Road intersection, to include realignment, construction of turn lanes, and intersection control (traffic signal or other innovative intersection control, such as Continuous Green-T)].
- b. Proffered condition 13.b. [Improvements to the Otterdale Road and Westerleigh Parkway intersection, to include additional pavement (eastbound Westerleigh Parkway channelized right turn lane to southbound Otterdale Road free-flow acceleration lane for free flow right turn movements) and intersection control (traffic signal or other innovative intersection control)].
- c. Proffered condition 13.c. [Construction of two (2) lanes of Westerleigh Parkway and associated improvements from existing terminus to the public middle school westernmost access to Westerleigh Parkway.]

15. Road Cash Proffers.

- a. The applicant, sub-divider, or assignee(s) shall pay \$9,400 for each dwelling unit and to Chesterfield County (“County”) for road improvements within the service district for the Property. Each payment shall be made prior to the issuance of a certificate of occupancy for a dwelling unit unless state law modifies the timing of the payment. Should the County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in road 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.
- b. In the event, the applicant, sub-divider, or assignee(s) provide road improvements labeled as “Off-Site” in proffered condition 13, the road cash proffer payments shall be reduced for the cost of such road improvements. The design, timing, and value of the Off-Site Road Improvements shall be approved by the Transportation Department.

15. Utilities.

- a. Water and Wastewater. Any new structure on the Property requiring 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 the private systems provided that these private systems are maintained consistent with all regulatory requirements. County water and wastewater easements and service connections shall be provided to properties containing private water and wastewater systems at time of plan review for existing structures.
- b. Overall Water and Wastewater System Plan. Prior to any plan approval, an Overall Water and Wastewater System Plan for the Property shall be submitted to and approved by the Utilities Department (the “Overall Plan”). The Overall Plan for the Property shall be coordinated with the required Overall Water and Wastewater System Plan of the Upper Magnolia Green West development (Case 21SN0676). The Overall Plan shall include, but not be limited to the following:
 - i. A minimum of two (2) adequately sized connections to the Physic Hill Pressure Zone for redundancy, looped through the Property.
 - ii. A minimum of one (1) adequately sized interconnection between the Physic Hill Pressure Zone and Clover Hill Pressure Zone, at a location acceptable to the Utilities Department, with the infrastructure necessary for the proper operation of the interconnections.
 - iii. Any off-site water and wastewater improvements needed to provide the volume of water delivery and wastewater conveyance required for the development of the Property. This shall include new water and wastewater lines and their associated appurtenances, as well as upgrades to existing water and wastewater lines and facilities.

- c. Easements. Following the approval of an Overall 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 Plan, for the construction of public waterlines and wastewater lines independent of the timing of any development on the Property.

16. **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 at least 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 plan 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 the Department of Environmental Engineering at the time of plan review.
- d. The maximum post-development discharge rate for the 100-year storm shall be based on the maximum capacity of the existing facilities downstream, and shall not increase the recorded and /or established 100-year backwater and /or floodplain. On-Site detention of the post-development 100-year discharge rate to below the pre-development 100-year discharge rate may be provided to satisfy this requirement.
- 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 plan 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 plan review. The Department of Environmental Engineering shall approve the exact design and implementation of these standards.

Exhibit A – Conceptual Plan

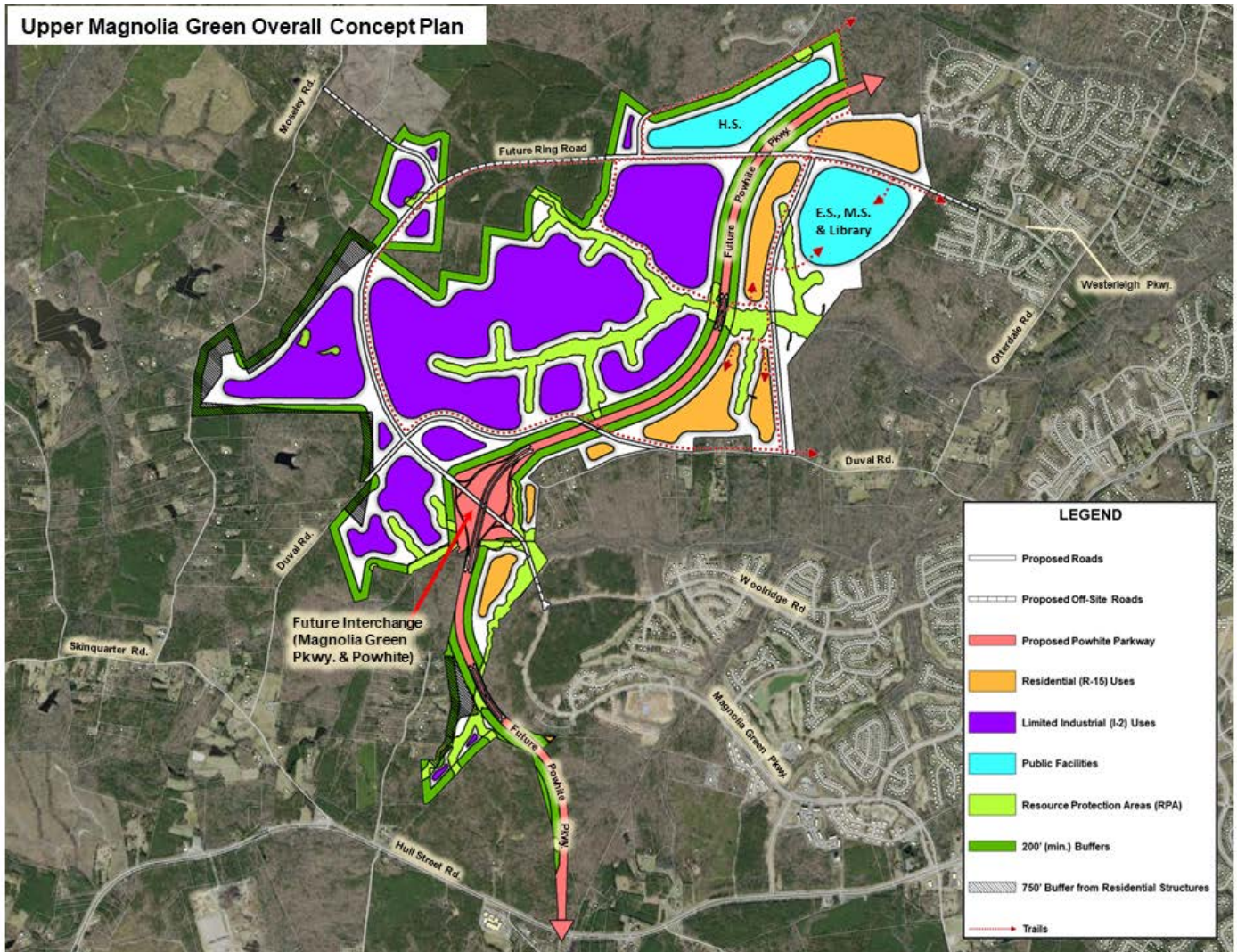


Exhibit B – Road Network Plan

