



Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775

Phone (804) 501-4602

Facsimile (804) 501-4379

- perpendicular through such buffer. All buffers, whether in common area or a lot, shall be maintained by an association applicable to the Property.
3. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company.
 4. **Best Management Practices.** Best Management Practice ("BMP") structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water related feature, or unless approved at the time of subdivision review. Any wet pond BMP structures shall include an aeration feature to move water within such structure.
 5. **Protective Covenants.** Prior to or concurrent with the final approval of the initial Plan of Development for the Property, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "County"), setting forth controls on the development and maintenance of the Property and establishing one or more owners' associations (the "Association"). All common amenities and common areas shall be maintained by the Association for the benefit of the owners, residents, tenants and their guests.
 6. **Pedestrian Amenities.** Pedestrian areas, trails, walks and amenities shall be provided throughout the development to provide pedestrian connectivity throughout the entire development and in particular between buildings and to adjacent commercial uses, all as generally shown on the Concept Plan. Any such pedestrian amenities shall include areas, trails or walks that stub (a) to the western boundary line of the Property (in order to provide an opportunity for connection to any public access way that may exist to the west of the Property) and (b) to the northern boundary line of the Property (in order to provide an opportunity for connection to any access way that may exist to the north of the Property). A pedestrian phasing plan shall be submitted to the Planning Commission for review and approval as part of the first Plan of Development on the Property. This plan shall include the design, material and location of pedestrian elements. Trails/walks within the Property shall be constructed of concrete, exposed



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aggregate concrete, asphalt, stone, pavers, or brick or soft surfaces such as mulch, pea gravel, boardwalks, crushed gravel, or loose stone.

7. **Severance**. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

PROFFERS APPLICABLE TO THE R-6 PORTION OF THE PROPERTY

8. **Density**. No more than 94 dwelling units will be developed on the Property.
9. **Minimum Finished Floor Area**. The minimum finished floor area for any dwelling unit shall be 2,000 square feet.
10. **Sound Suppression Measures**. Walls between dwelling units shall be constructed with a minimum certified sound transmission class (STC) of fifty-four (54). A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the STC, shall be included in the building permit application.
11. **Architecture**. To minimize visual repetition of buildings, no two adjacent buildings shall have the same identical individual elevation sequence pattern across the front of the building. The side of each end unit shall include at least two (2) windows and the rear of each unit shall include at least two (2) windows on each floor. Buildings constructed on the Property shall generally be in conformance with the renderings entitled "Gayton and Broad, Short Pump, Virginia, Illustrative Renderings", prepared by Bignell, Watkins, Hasser, Architects, PC, dated September 29, 2021 (see case file, 13 pages), and attached hereto and by this reference made a part hereof ("Renderings"), unless otherwise approved by the Planning Commission at the time of Plan of Development review.
12. **Garages**. Each residential unit shall have a minimum of a 2 car garage.



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13. **Building Materials.** All buildings shall have exposed exterior walls (above grade) of brick, stone, dryvit, and/or cementitious siding (such as Hardiplank or an equivalent), or a combination of the foregoing unless different architectural treatment or materials are specifically approved at the time of Plan of Development review.
14. **Chimneys.** The exposed portions of all fireplace chimneys, if present, shall be of brick, stone, cultured stone, or siding similar to the exterior treatment of the building. The exposed bases of all chimneys shall be of the same material as the dwelling foundation. This proffer shall not apply to direct-vent gas fireplaces or appliances.
15. **Foundations.** The exposed exterior portions of all foundations below the first floor level shall be finished with brick, stone or cultured stone. On the front, side and rear elevations of each building, there shall be a minimum of twelve (12) inches of brick, stone or cultured stone visible above grade. For reasons associated with required site grading, the requirements of this proffer may be modified or waived by the Director of Planning for individual side or rear facades.
16. **Foundation Planting.** Each building shall have a minimum of four (4) shrubs planted in the front planting bed.
17. **Roads.** Prior to the issuance of any Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that the built roadways within the project were constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width, turning radii, cul-de-sac dimensions, curb type, and underdrains), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface. The internal roadways shall be private and shall be maintained by the Association.
18. **Driveways.** Where driveways exist, driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.



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19. **Sidewalks.** A continuous sidewalk a minimum of four (4) feet in width shall be provided in front of all residential buildings.
20. **Trash.** There shall be no central trash receptacles.
21. **Entrance Feature.** Any detached entrance sign shall be ground mounted monument-style and not exceed eight feet in height.
22. **Rental Product.** No more than 10% of all dwelling units shall be permitted to be for rent at any given time. This restriction shall also be made a part of the Covenants and enforced by the Association.

PROFFERS APPLICABLE TO THE B-2C PORTION OF THE PROPERTY:

23. **Architectural Treatment.** Any building constructed on the B-2C portion of the Property shall be similar to the style and design of that shown on Renderings. The determination of compatibility shall be based on scale, materials, form, architectural features, and/or colors. Users will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space.
24. **Uses.** The following uses shall not be permitted on the B-2C portion of Property:
 - a) Medical or scientific laboratories;
 - b) Funeral home, mortuary and/or undertaking establishment;
 - c) Laundromats and self-service dry-cleaning establishments;
 - d) Private club, lodge, meeting hall;
 - e) Temporary outdoor stand and/or sales area for the retail sale of Christmas trees, wreaths, holly and similar decorative horticultural materials;
 - f) Automotive filling and service stations including towing service;
 - g) Drapery making and furniture upholstery shops;
 - h) Flea markets;
 - i) Motels, and motor lodges;



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- j) Indoor recreation facilities including the following and the those uses similar to such: bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, and model racing tracks;
- k) Permanent on-site recycling collection facility subject to section 24-106; and
- l) Any retail or service establishment that devotes 50% or greater of its floor area to the sale, display or on-premises use of retail CBD, hemp-based products, or electronic cigarettes. Retail CBD and hemp-based products are products related to or derived from CBD oil (cannabidiol) or hemp, including without limitation oils, vitamins, supplements, food, personal care and garments. An electronic cigarette is any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product.

25. Exterior Materials.

a. Any building shall have exposed exterior walls (above finished grade and exclusive of trim, windows and doors), of brick, glass, EIFS, stone, stone veneer (including artificial stone), split-face block, wood, fiber-cement siding, or architectural-grade metal panels, precast concrete panels, or a combination of the foregoing, using a complementary color palette of materials, unless different architectural treatment and/or materials are specifically approved at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished plain concrete block, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review. The exposed portion of each exterior wall surface (front, rear and sides) of each building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any visible sloped roof shall be constructed of slate, simulated slate, standing seam metal, textured fiberglass shingles or shakes, or concrete or composition shingles.

b. A minimum of forty (40) percent of the facades that are directly adjacent to West Broad Street, excluding windows, doors, breezeways, gables, and architectural design features, shall be constructed of brick, stone, or other



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masonry products.

c. Retaining walls that are visible at ground level of the boundary line of the Property shall be constructed of split face block, concrete masonry units, stone, stone veneer (including artificial stone), pre-cast concrete panels, or a combination of the foregoing, unless different materials are specifically approved at the time of Plan of Development.

26. **Loud Speakers.** Outside loud speakers that can be heard beyond the Property line shall be prohibited. The use of intercom-type systems commonly associated with banks and restaurants shall be permitted.
27. **Signage.** Detached signs shall be compatible in type and appearance with other detached signs on the Property, shall contain materials that complement the exterior materials used on any buildings, and shall be ground mounted monument-style signs. No pole signs, changeable message signs, or inflatable or other attention getting devices shall be permitted.
28. **Parking lot Lighting.** Parking lot lighting fixtures shall not exceed 20 feet in height above grade level. Parking lot lighting shall be produced from concealed sources of light (i.e., shoebox type) and shall be reduced to no more than a security level following the close of business operations.
29. **Mechanical Equipment.** Mechanical equipment, including junction boxes and other exterior mechanical fixtures, shall be screened from public view at ground level from the public streets adjacent to and closest to the building, with use of buildings or structures, fencing or wall, landscaping, or such other method as may be approved at the time of Plan of Development.
30. **Trash Receptacles and Dumpsters.** Dumpsters and trash receptacles, not including convenience containers, shall be screened from public view at ground level at the perimeter of the Property, with brick on three (3) sides complementary to the building it serves. The fourth (4th) side shall have a gate or door that is of a substantial and durable material as determined at the time of Plan of Development review. Support posts, gate frames, hinges and latches shall be of a sufficient size



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and strength to allow the gates to function without sagging or becoming a nuisance.

31. **Entrances**. Direct access to West Broad Street shall be restricted to the two entrances generally located and shown on the Concept Plan.
32. **Loading Docks/Areas**. Loading docks and loading areas on the Property shall be screened from view from any public street at ground level with use of buildings or structures, fencing or wall, landscaping, or such other method as may be approved at the time of Plan of Development. No loading docks or doors shall face West Broad Street.