

PROFFERS – Case REZ2023-00006

The undersigned, owner of the property identified as GPIN 6798-27-2530 (the “Property”), voluntarily agrees for himself, and his agents, personal representatives, successors and assigns (collectively, the “Property Owner”) that, in the event the Property is rezoned from A-1 to M-2, the development and use of the Property shall be subject to the following conditions:

1. Conceptual Plan. The Property shall be developed in substantial conformity with that certain conceptual plan prepared by RK&K, entitled “I-64 INDUSTRIAL PARK INDUSTRIAL PARK, GOOCHLAND/HANOVER COUNTY, VA, OVERALL CONCEPT MASTER PLAN,” dated February 10, 2023, last revised May 2, 2023, prepared by RK&K, and attached hereto as Exhibit A (5 pages), and by this reference made a part hereof (the “Concept Plan”).

1. Uses. The following uses shall be prohibited on the Property:

- (a) The manufacturing, compounding, processing, packaging or treatment of:
 - i) Containers, boxes, baskets or products of similar nature made from metal, fiber or plastic products;
 - ii) Converted paper products;
 - iii) Disinfectants, or related industrial or household chemical compounds (blending only);
 - iv) Firearms;
 - v) Flour and feed;
 - vi) Ink;
 - vii) Leather and allied products, but not tanning operations;
 - viii) Pottery and figurines or similar ceramic products and kilns (fired by electricity or gas only);
 - ix) Tobacco and tobacco products (including wholesale and distribution);
 - x) Vegetable oil; and
 - xi) Veneer, plywood and engineered wood products.
- (b) Aluminum extrusion, rolling, fabrication and forming, foundry products;
- (c) Automobile, tractor, truck, bus, motorcycle tire retreading, recapping and vulcanizing;
- (d) Blacksmith shop;
- (e) Brewery;

- (f) Coal and wood yards, coke storage and sales;
- (g) Craft brewery;
- (h) Dry cleaning plants;
- (i) Grain storage;
- (j) Insecticides and fungicides;
- (k) Kennels;
- (l) Lumber yards;
- (m) Millwork;
- (n) Poultry packing and slaughtering;
- (o) Railroad switching yard; and
- (p) Truck terminal.

2. Retail Uses. Retail uses shall only be permitted as an accessory use to another permitted use.
3. Restaurant Uses. Restaurant uses shall only be permitted as an accessory use to a bakery.
4. Uses Only Permitted Within an Enclosed Building. The following uses shall only be permitted within an enclosed building:
 - (a) Manufacturing, equipment, and vehicle repair, including repair of automobiles, motorcycles, farm and construction equipment, trucks, and other motorized vehicles and equipment;
 - (b) Storage and sales of lumber and other building material.
5. Height Limitations. Structures at the Property will not exceed thirty-five (35) feet.
6. Lighting. Lighting on the property shall be no taller than thirty-five (35) feet and will be oriented towards the interior of the site and away from adjacent residential properties. House side shields shall be installed on the fixtures.
7. Square Footage Limitations. No individual building constructed on the Property shall exceed twelve thousand (12,000) square feet in size unless a firewall or other approved construction method is used.
8. Screening of Storage Areas. All outdoor storage shall be screened so as to obscure such uses from all public roads and properties adjoining the Property by dense evergreen vegetation. The vegetative screening shall be installed in accordance with Section 26-263 or 26-266.

9. Buffers. A buffer shall be maintained as shown on the Concept Plan, in which trees within such buffer shall remain undisturbed, and shall also include the proposed berms as shown on the Concept Plan. This shall not prevent the removal of trees necessary for the construction of drainage or public utility improvements, berming, grading, or planting of other trees pursuant to an approved landscape plan.
 - (a) The buffer areas that do not include berms shall include a vegetative screen that is installed in accordance with Section 26-263 of the Hanover County Zoning Ordinance as shown on the Concept Plan. Existing vegetation may be used to meet the screening requirements.
 - (b) Maintenance of the buffers shall be enforced through the Covenants, as defined below. The Association, as defined below, shall be responsible for the enforcement of the buffer maintenance set forth herein.
 - (c) A tree protection plan certified by a Landscape Architect, Certified Horticulturist, or ISA Certified Arborist must be provided with any construction plans. Prior to land disturbance, all tree protection measures shall be installed and inspected by a representative of the Planning Department.

10. Common Area/Open Space. The Common Area/Open Space shown on the Concept Plan shall remain undisturbed. Existing trees within the open space/common area shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of drainage or public utility improvements, berming, or planting of other trees pursuant to an approved landscape plan.
 - (a) Tree preservation as required shall be enforced through the Covenants, as defined below. The Association, as defined below, shall be responsible for the enforcement of the tree preservation requirements set forth herein.
 - (b) A tree protection plan certified by a Landscape Architect, Certified Horticulturist, or ISA Certified Arborist must be provided with any construction plans. Prior to land disturbance, all tree protection measures shall be installed and inspected by a representative of the Planning Department.

11. Interior Access Road. The interior access road shown on the Concept Plan shall be a public road and shall be designed and constructed in accordance with Virginia Department of Transportation (“VDOT”) standards and specifications.

12. Property Owners’ Association. Prior to or concurrent with the final approval of the initial subdivision of the Property, a document setting forth restrictions and covenants (the "Covenants") shall be reviewed and approved by the Director of Planning and recorded in the Clerk's Office of the Circuit Court of Hanover

County, Virginia, setting forth controls on the maintenance of the Property and establishing an owners' association (the "Association").

- (a) The Covenants shall provide for high standards of uniform maintenance of individual lots, common areas, open space, and landscaping.
- (b) All buffers and stormwater facilities shown on the Concept Plan shall be placed in common area or easement for the benefit of the Association and the Association shall be responsible for the maintenance of all such stormwater facilities and buffer areas once constructed.
- (c) All common area shall be conveyed to the Association in fee or as an easement on or before completion of such stormwater facilities and buffers.

[Signatures on following page.]

Andrew M. Condlin, by Power of Attorney
Date:

COMMONWEALTH OF VIRGINIA,
CITY OF RICHMOND, to-wit:

I, Tracy Gibrall Craddock, do hereby certify that Andrew M. Condlin has
acknowledged the foregoing Proffers before me, this ____ day of _____, 2023.

_____(SEAL)
Notary Public

My commission expires: _____

Notary registration number: _____

EXHIBIT A

Concept Plan