

PROFFERS: REZ2024-00003, William A. White, et al.

The undersigned, William A. White (GPIN: 7787-33-4698 and 7787-33-9986), Donald T. Williams (GPIN: 7787-33-6669), Colleen E. Boyd, Trustee (GPIN: 7787-43-4803), Melton R. Jones (GPIN: 7787-34-7059), Warner M. Jones, Jr. (GPIN: 7787-34-6294), and Thomas Andrews, Jr. (GPIN: 7787-34-6349), (“the Property”), voluntarily agree for themselves, their agent, personal representatives, successors and assigns (collectively the “Property Owner”) that, in the event the Property is rezoned from B-3 and A-1 to B-3, the development and use of the Property will be subject to the following conditions:

1. Conceptual/Landscape Plan. The Property will be developed, including any access thereon, in substantial conformity with that certain conceptual plan prepared by Kimley Horn, entitled "CONCEPT PLAN", and dated April 19, 2024 (the "Concept Plan").
2. Buffers.
 - a. A thoroughfare buffer a minimum of fifty (50) feet in width will be provided along U.S. Route 1 as generally shown on the Concept Plan and designed in accordance with the applicable standards set forth in Division 5 of the Hanover County Zoning Ordinance. Such buffer along U.S. Route 1 will be enhanced by increasing the necessary plantings by 25% for trees and 30% for shrubs. Trees will consist of a combination of deciduous and evergreen trees and plant material will be appropriately clustered to create a more natural and organic design.
 - b. A thoroughfare buffer of variable width, as shown on the Concept Plan, will be provided along Kings Acres Road as generally shown on the Concept Plan and designed in accordance with the applicable standards set forth in Division 5 of the Hanover County Zoning Ordinance.
 - c. A thoroughfare buffer a minimum of twenty-five (25) feet in width will be provided along Telegraph Road as generally shown on the Concept Plan and designed in accordance with the applicable standards set forth in Division 5 of the Hanover County Zoning Ordinance.
3. Protective Covenants. Prior to, or concurrent with, the approval of any site plan, there will be recorded a document in the Clerk’s Office of the Circuit Court of Hanover County, Virginia, setting forth controls on the development, architectural compatibility and maintenance of the Property (the “Covenants”). Different Covenants may be provided for various portions of the Property provided a property owners’ association (the “Association”) will be responsible for the maintenance of all common areas within the relevant portion of the Property, as set forth in the Covenants. Further, specific design guidelines consistent with “DESIGN GUIDELINES” dated May 13, 2024 (the

“Design Guidelines”) will be made a part of the Covenants and require the Association (through a design review committee) to ensure all buildings and other improvements on the Property comply with the Design Guidelines.

4. Architecture. The Property will be developed with a unified and complementary color and architectural theme. Retail tenants will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space. The standard of compatibility may be met through scale, materials, forms, and/or colors. Retail and business structures will be designed to meet the following general standards: adjacent facades will be compatible with each other, and architectural features such as setbacks, windows, wall offsets, awnings, canopies, changes in building materials and colors, variations in roof height and other architectural features and techniques will be used to add visual interest for facades.
5. Materials. Exterior wall surfaces (whether front, side or rear) of each building will be similar in architectural treatment and materials as the front wall surfaces, when such wall surfaces are visible from and fronting U.S. Route 1, Kings Acres Road, or Telegraph Road. Building materials utilized for the facades of the buildings will be limited to brick, natural or manufactured stone, split-face block, textured concrete tilt up panels, metal, fluted or architectural block, tile, concrete tile, dryvit or other simulated stucco (E.I.F.S.), real or simulated wood and/or glass. Metal may be used for not more than fifteen (15) percent of front and side building facade materials, exclusive of window frames and door frames. Roofing materials will be dimensional asphalt shingle, real or simulated slate or standing metal seam, if a raised roof, or if a flat roof system is used, then a parapet on the perimeter of the roof will be used.
6. Loading Areas. Service and delivery loading docks will be located at the side or rear of structures, and will be treated with architectural elements or decorative fencing and/or evergreen landscaping to screen their visibility from the public roadways.
7. HVAC. Any mechanical units placed on the rooftops of buildings will be screened by architectural features which are compatible with building façade architecture. Any ground mounted mechanical units serving buildings will be screened by a fence, landscaping, or architectural features which are compatible with the building façade architecture, or a combination of the foregoing. The method of screening will be provided and reviewed with the Planning Director's review of the building elevations.
8. Use Prohibitions. The following B-3 permitted uses will not be allowed:
 - a. Animal hospital or kennel that utilizes an outdoor run or kennel;
 - b. Plumbing and heating shop, painting shop, upholstery shop;
 - c. Mobile home sales, display and storage, or sales, rentals, display and storage of recreational vehicles, both new and used;
 - d. Wholesale establishments, provided a discount retailer or a membership warehouse club would not be considered a wholesale establishment;
 - e. Furniture refinisher;

- f. Adult uses;
 - g. Truck sales and repairs (with a gross vehicle weight rating of 19,500 pounds); and
 - h. Auto body and fender repair.
9. Anchor Tenants. No more than three separate, unrelated users may be located on the portion of the Property shown as “anchor tenant (15.090 AC.) on the plan entitled “REZONING EXHIBIT, KINGS ACRES” prepared by Kimley Horn and dated April 19, 2024. An individual user with various uses (such as a grocer with a pharmacy or health clinic or a restaurant with a catering facility) will be deemed a single user.
10. Signage. All freestanding signs on the Property will be monument type. The materials and design of any sign will be compatible with the proposed materials and architectural theme of the proposed structures and subject to the Design Guidelines and approval by the Association (through a design review committee).
11. Site Lighting. Lighting fixtures will not exceed thirty-five (35) feet in height. House side shields will be installed on all parking lot lighting fixtures.
12. Right-of-Way Dedication. The Property Owners will dedicate right-of-way along the east side of U.S. Route 1 adjoining the Property where right-of-way is needed for future road widening of seventy (70) feet from the centerline of U.S. Route 1. The Property Owners will dedicate right-of-way along the north side of Kings Acres Road adjoining the Property where right-of-way is needed for future road widening of forty (40) feet from the centerline of Kings Acres Road. Dedication will take place when requested by the County and will be free of cost and free of encumbrances interfering with the use for road purposes.
13. Internal Circulation. The Owner will provide an internal pedestrian circulation system throughout the project. The exact location of sidewalks and other walkways will be determined at the time of site plan review. The color of stamped asphalt crosswalks will be distinguishable from the pavement it crosses.
14. Transportation Improvements and Right-of-Way. The Property Owners will build and construct the following entrance and roadway improvements, all as more particularly shown on the Concept Plan. All improvements will be designed and constructed in accordance with Virginia Department of Transportation (“VDOT”) standards and specifications and are subject to VDOT approval.
- a. A sidewalk, a minimum of four (4) feet in width will be provided along the east side of U.S. Route 1 adjoining the Property.

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 _____, 2024.

(SEAL)

Notary Public

My Commission Expires: / /