

CASE REZ-2024-10816

~~May 29~~ June 11, 2024

1. **Concept Plan**. The Property shall be developed generally as shown on that certain concept plan entitled “BACOVA TRACT A, THREE CHOPT DISTRICT, HENRICO COUNTY, VIRGINIA”, dated May ~~16~~21, 2024, and drafted by Youngblood, Tyler and Associates, P.C. (see case file) (the “Concept Plan”). The exact locations, footprints, configurations, size, and details of the lots, drives, roads, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of subdivision or plan of development review of the Property.
2. **Density**. There will be no more than a total of thirty-two (32) townhome units on the Property.
3. **Architecture**. To minimize visual repetition of buildings, no two adjacent townhome buildings will have the same identical individual elevation sequence pattern across the front of the building. All townhome units will have a front porch or stoop. The side of each townhome end unit will include at least two (2) windows and the rear of each townhome unit will include at least two (2) windows. Townhomes will be no more than seven (7) units wide for any building. Townhomes will be similar to the style and design and generally in conformance with the renderings entitled ~~EXHIBIT B, “THREE STORY FRONT’ TOWN HOMES”~~, prepared by Art Ross Designs and dated April 25 June 11, 2024 (35 pages) (see case file), and attached hereto and by this reference made a part hereof, unless otherwise approved at the time of plan of development review

(“Elevations”). Any side of buildings 1, 2 and 4 shown on the Concept Plan that faces north will have an elevation similar to the “ALTERNATE SIDE ELEVATION STUDY” shown on the Elevations.

4. **Home Size.** Any townhome constructed on the Property will have a minimum of ~~2250~~2,250 square feet of finished floor area
5. **Building Materials.** All buildings on the Property will have exposed exterior walls (above grade and exclusive of trim) of stone, stone veneer, brick, hardi-plank, or a combination of the foregoing, all as generally shown on the Elevations, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review.
6. **Sound Suppression Measures.** Walls between townhome units will 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, will be included in the building permit application.
7. **Chimneys.** The exposed portions of all fireplace chimneys will be of brick, stone, cultured stone, or siding similar to the exterior treatment of the building. The exposed base of all chimneys will be of the same material as the dwelling foundation. This proffer will not apply to direct-vent gas fireplaces or appliances.
8. **Foundations.** The exposed exterior portions of all foundations below the first floor level will be finished with brick, stone or cultured stone. On the front and side of each building, there will 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 facades.
9. **Foundation Planting.** Foundation plantings will be provided pursuant to Section 24-5309 of the County Zoning Ordinance.
10. **Sidewalks.** A continuous sidewalk a minimum of five (5) feet in width will be provided on at least one side of the street.
11. **Trash and Recycling.** There will be no central trash or recycling receptacles.

12. **Protective Covenants.** Prior to or concurrent with the final approval of the initial subdivision or 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, setting forth controls on the development and maintenance of the Property and establishing an owners' association (the "Association"). The Association may be a part of a larger association encompassing more property than just the Property. The Covenants shall provide for high standards of uniform maintenance of individual sites, common areas, open space, landscaping and private streets. The Association shall establish uniform rules related to the standards for approval by the Association of improvements within the Property, including, but not limited to, construction of any buildings and other structures and signage.

13. **Buffer.** The area shown on the Concept Plan as "15' BUFFER" will be planted to a minimum of a transitional buffer 25, with trees being evergreen trees or as otherwise approved at the time of Plan of Development review. An opaque fence a minimum of seven feet in height will be provided along the exterior boundary of such buffer. The area shown on the Concept Plan as "25' BUFFER" will be planted to a minimum of a transitional buffer 25. The area shown on the Concept Plan as "35 BUFFER" will be planted to a minimum of a transitional buffer 35. Such buffers will be landscaped and may include supplemental plantings, utilities, berms and/or fencing and other purposes as approved at the time of landscape plan review. Utility easements (including drainage) will be permitted within such buffer, provided, any such utility easements will be extended generally perpendicular through such buffer. Decorative fencing, such as a black cast aluminum decorative fence, shall be located within the 25' buffer located along Liesfeld Farm Drive, as determined at the time of landscape plan review.

14. **Road Standards.** Prior to the issuance of any final Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that the roadways within the project were constructed according to the approved plan of development, 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.

15. **Driveways.** All driveways shall be constructed of exposed aggregate, concrete, brick, stone, asphalt, pre-cast pavers or other similar materials approved by the Director of Planning. The termination of any alleys will be screened from view at the adjoining boundary line by landscaping and either a building or masonry wall as required at the

time of Plan of Development review.

16. **Construction**. The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, 8:00 a.m. and 5:00 p.m. Saturdays and no construction shall be permitted on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.
17. **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.
18. **Recreational Facility**. All townhomes shall have the right to use, subject to reasonable rules and regulations, the recreational facility provided as part of Case C-9C-11.
19. **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.