

PROFFERS: REZ2023-00024, WESTHAVEN PROPERTIES, L.L.C., ET AL.

The undersigned owner of parcels designated as GPINs 8725-60-4751, 8725-61-0081, 8725-61-6020, and 8725-60-1789 (“the Property”) voluntarily agrees for themselves, their agents, personal representatives, successors and assigns (collectively “the Owners”) that, in the event the Property is rezoned from A-1, Agricultural District, and B-2(c), Community Business District with conditions, to B-2(c), Community Business District with conditions, and RS(c), Single-Family Residential District with conditions, the development and use of the Property shall be subject to the following conditions:

APPLICABLE TO B-2 DISTRICT

1. Conceptual Plan. The Property must be developed in substantial conformity with the conceptual plan (“the Plan”), titled “Westhaven Rezoning Plan,” dated June 29, 2023, last revised September 25, 2024, and prepared by ARM Resource.
2. Architecture. The commercial structures must be constructed in substantial conformity with the elevations entitled “Westhaven Building” and “Retail Elevation”, prepared by Commonwealth Architects, dated November 26, 2019. The Property shall be developed with a unified and complementary color and architectural theme. Tenants will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space. The standard or compatibility may be met through scale, materials, forms and/or colors. Retail and business structures shall be designed to meeting the following general standards: elevations of the proposed structures, including proposed materials, shall be submitted to the Planning Director for his review and approval or disapproval, at his sole discretion, prior to site plan approval.
3. HVAC. All heating, ventilation and air conditioning equipment must be screened from view from adjoining properties or from the public right-of-way. Any mechanical units placed on the rooftops of buildings shall be screened by architectural features which are compatible with building façade architecture. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the Property, or from adjacent residential uses. Solar panels shall not be construed as “HVAC” or “mechanical units”.
4. Signage. All freestanding signage must be monument style. Tenants will be permitted to show their standard logo and colors on buildings and the signage panels.
5. Enhanced Thoroughfare Buffer. The 25’ thoroughfare buffer along Mechanicsville Turnpike must be landscaped in accordance with the thoroughfare buffer standards (Section 26-264.3), which will be enhanced by increasing the required plantings by 25% for trees and 30% for shrubs. Trees must consist of a combination of deciduous and evergreen trees and plant materials must be appropriately clustered to create a more natural and organic design.

APPLICABLE TO ALL PROPERTY

6. **Phasing.** The development of the Property shall be phased as follows:
- a. *Phase 1 – Complete Rehabilitation of Existing Westhaven Building for Commercial Use:* A site plan or subdivision plan (as applicable) for the residential portion of the project will not be approved until the following are constructed and approved by the appropriate governmental agencies:
 - i. Construction and rehabilitation of the existing commercial building (Westhaven Building) is complete, and it qualifies for a Certificate of Occupancy;
 - ii. All site and road improvements shown as Phase I within the approved conceptual plan (Sheet RZ-4) and required per proffered conditions are constructed, inspected, and approved by the appropriate government agencies; and
 - iii. Improvements to the on-site dam and associated impoundment must be constructed and completed as required in accordance with permits issued by Army Corps of Engineers, Department of Environmental Quality, and Department of Department of Conservation and Recreation (if required) and/or Hanover County Public Works.
 - b. *Phase 2a – Construction of New Building for Commercial Use:* The site plan for the construction of a new commercial building of approximately 6,250 square feet, or smaller, but not less than 2,250 square feet, may be included as Phase 2 of the same site plan as the Westhaven Building.
 - i. Construction of the new building may commence any time after site plan approval.
 - c. *Phase 2b – Construction of Residential Buildings:* The site plan or subdivision plan (as applicable) for the residential portion of the project will not be approved until Phase 1 is complete. No building permits for residential units will be issued within three years of Board of Supervisors' approval OR until after a building permit has been issued for the new Phase 2a commercial building and a framing inspection is approved for that building, whichever comes first.
7. **Cross-Access Easements.** Cross access easements must be recorded between the Owners and the owners of GPIN 8725-60-0751 (“Easement Area Owners”), for access throughout the Property and portions of GPIN 8725-60-0751 as a condition of final site plan approval for Phase 1. See joinder of Easement Area Owners below.
8. **Road Improvements** – The Owners agree to design and construct the following in accordance with VDOT standards and specifications:
- a. The right-in/right-out western entrance must include a pork chop island that directs flow of traffic; and an eastbound right turn taper that is 200’ long in length and a storage lane that is 100’ long.
 - b. The full service eastern entrance must include:
 - i. A westbound left turn lane with 100’ stacking and a 200’ taper;
 - ii. An eastbound right turn taper that is 200’ feet in length.

9. Lighting. Lighting shall be installed at a height not greater than 25 feet in height. All light fixtures shall have house side shields.

OWNERS:

WESTHAVEN PROPERTIES, LLC

By: _____
Jay T. Thompson, III, Manager

Date

COMMONWEALTH OF VIRGINIA,
COUNTY OF HANOVER, to-wit:

I, _____, do hereby certify that Jay T. Thompson, III, Manager of Westhaven Properties, LLC, has acknowledged the foregoing Proffers before me, this ____ day of _____ 2024.

_____(SEAL)
Notary Public

My Commission Expires: / /

ID: _____

JOINDER:

The Easement Area Owners join in Proffer numbers 1 and 7 solely with respect to GPIN 8725-60-0751 and state that a cross-access easement in the area designated as “50’ Cross Access Easement” on Sheet RZ-4 of the Plan between the Owners and the Easement Area Owners shall be recorded prior to site plan approval.

Dana L. Cecil

Owner

Date

COMMONWEALTH OF VIRGINIA,
COUNTY OF HANOVER, to-wit:

I, _____, do hereby certify that
_____, has acknowledged the foregoing Proffers before me, this ____
day of _____ 2024.

_____(SEAL)
Notary Public

My Commission Expires: / /
ID: _____

Susan B. Cecil

Owner

Date

COMMONWEALTH OF VIRGINIA,
COUNTY OF HANOVER, to-wit:

I, _____, do hereby certify that
_____, has acknowledged the foregoing Proffers before me, this ____
day of _____ 2024.

_____(SEAL)
Notary Public

My Commission Expires: / /
ID: _____