RECEIVED

JUN 2 5 2024

HANOVER COUNTY
PLANNING DEPARTMENT

The undersigned, **Sidney & Sidney Developments LLC,** the Applicant, and Marianne Minton, Owner of the parcel designated as parcel ID # 7796-55-5154 ("the Property"), voluntarily agrees for itself, the owner's agents, personal representatives, successors and assigns (collectively the "Property Owner") that, in the event the Property is rezoned from A-1 to RS(c), the development and use of the Property must be subject to the following conditions:

1. Brick or Stone Foundations. All visible portions of exterior foundations must be constructed of brick or stone. No cinder block, cement block, solute block, or asbestos shingle will be permitted for the finish exterior of any structures. All homes must be built on crawl space foundations or basements.

2. Building Materials and Guidelines: All homes will be built in conformance with the existing architecture and design standards of the Giles Farm subdivision. Acceptable siding materials include brick, stone, masonry, fiber cement siding (such as HardiPlank, HardieShingle, and HardieTrim), engineered wood siding (such as LP SmartSiding), or premium-quality vinyl siding with a minimum thickness of 0.044 inches or other comparable material as approved by the Planning Department at time of plans review. Dutch lap and plywood siding are not permitted. Other materials may be used for trim, architectural decorations, or design elements provided they blend with the architecture of the dwelling unit. Where a dwelling borders more than one street, all street-facing facades must be finished in the same materials. Elevations will generally conform (incorporating similar, but not necessarily identical, design elements, style, and materials) with the conceptual elevations in Exhibit B.

3. Tree Preservation in Common Areas. Existing trees with a caliper greater than 5 inches that are within the Common Areas will not be removed except for dead or diseased trees or parts thereof. This does not prevent the removal of trees necessary for the construction of drainage or public utility improvements or recreation amenities shown on the conceptual plan. Prior to land disturbance, all tree protection measures must be installed and then inspected by the representative of the Planning Department, with the applicant notifying the Planning Department when such measures are installed and ready for inspection.

4. Amenities. Open spaces shall have either public seating, pedestrian stop zones, dog station, walking trails or a combination thereof. At least two of

these features will be included with each open space area noted as #1 and #2 on the conceptual plan titled Giles Farm, Phase 2, sheet entitled Open Space Requirements prepared by Balzer and Associates (last dated March 20, 2024).

5. Restrictive Covenants. The applicant agrees that the proposed development will become part of the Giles Homeowners' Association and be bound by restrictive covenants that are in substantial conformity with those applied to the adjacent section of Giles, including maintenance of open space, to the extent such restrictions do not conflict with these proffers. Restrictive covenants and/or other recorded documentation related to incorporation into the Giles Homeowners' Association must allow residents within the proposed development to access existing recreational amenities within Giles and allow residents of existing sections of Giles to use recreational amenities constructed with the proposed development. Restrictive covenants in conformance with the requirements of this proffered condition, along with documents incorporating the proposed development into the Giles Homeowners' Association, must be approved by the Planning Director or his/her designee prior to approval of the subdivision plat, with these documents recorded prior to, or the same day as, the subdivision plat.

6. Transportation: Prior to issuance of a Certificate of Occupancy, Owner agrees to pay Hanover County $6,670.00 per single family dwelling built on the Property. The funds must be used for the purpose of completing off-site transportation improvements on Atlee Station Road, Atlee Road (between Atlee Station Road and U.S. Route 301), and U.S. Route 301 (between Atlee Road and Interstate 295) or other road projects in proximity of this development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013, and revised July 27, 2016.

SIDNEY & SIDNEY DEVELOPMENTS LLC, a Virginia limited liability company

By:_____(SEAL)
Name: Kyle Burns
Its: Manager

STATE OF Virginia
COUNTY OF Hanover

On this 24th day of June, 2023, before me, a Notary Public in and for the state and county aforesaid, personally appeared Kyle Burns, who acknowledged he is the Manager of the **SIDNEY & SIDNEY DEVELOPMENTS LLC.**, and who executed the foregoing instrument for the purposes therein contained on behalf of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My commission expires: 9/30/2028
Reg. No.: 8118221

Notary Public

ROBERT W HENSLEY NOTARY PUBLIC REG # 8118221 MY COMMISSION EXPIRES 9/30/2028 COMMONWEALTH OF VIRGINIA

&

Owner:
By:_____(SEAL)
Name: Marianne Minton

STATE OF Virginia
COUNTY OF Hanover

On this 24th day of June, 2023, before me, a Notary Public in and for the state and county aforesaid, personally appeared Marianne Minton, who acknowledged he is the Owner of the **MARIANNE MINTON.**, and who executed the foregoing instrument for the purposes therein contained on behalf of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My commission expires: 9/30/2028
Reg. No.: 8118221

Notary Public

ROBERT W HENSLEY NOTARY PUBLIC REG # 8118221 MY COMMISSION EXPIRES 9/30/2028 COMMONWEALTH OF VIRGINIA

Exhibit A

Site plan

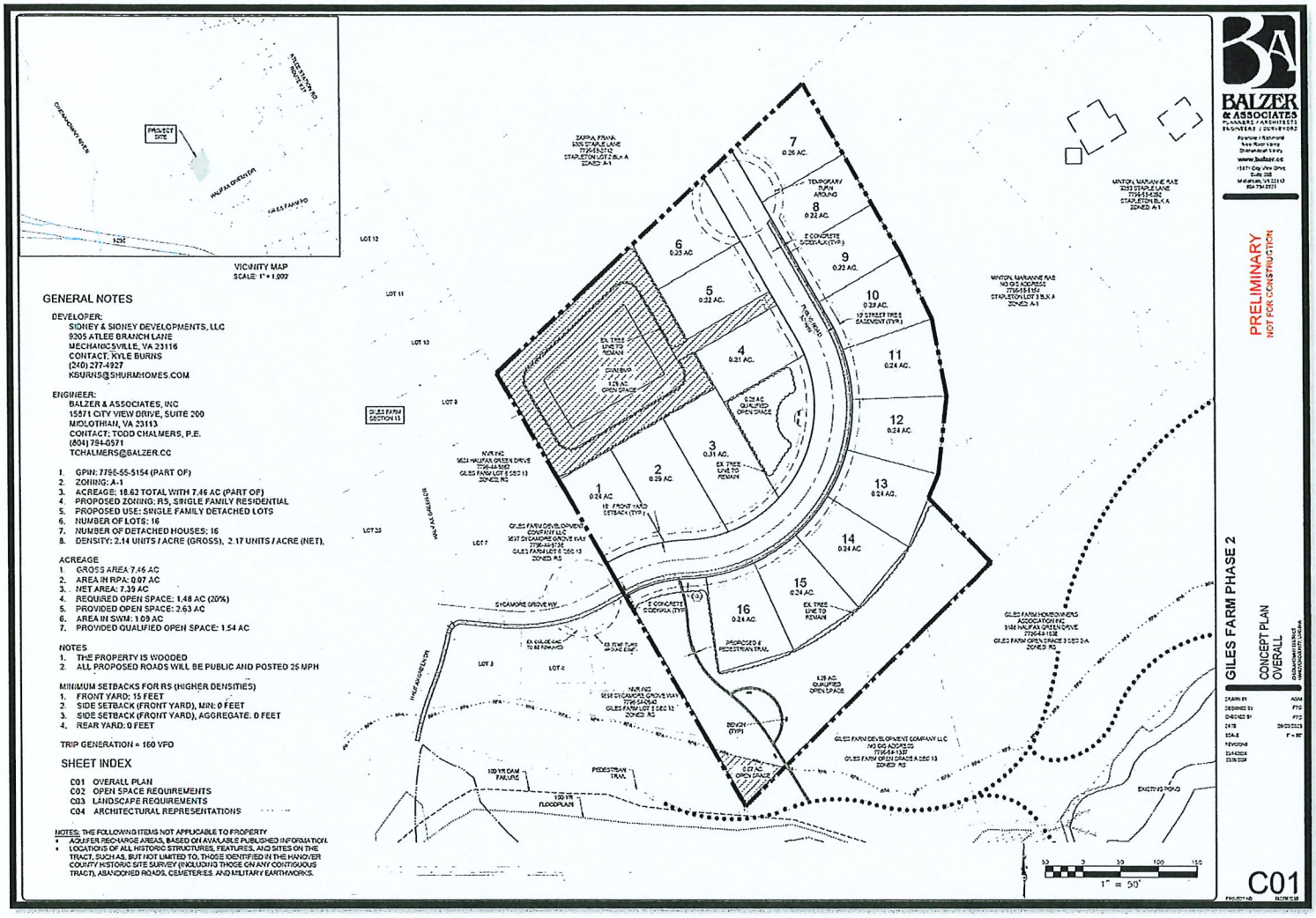

Exhibit B
Conceptual Elevations