

The Owner-Applicant in this rezoning Case 25SN1039, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, Virginia ("County"), for itself and its successor or assigns, proffers that the development of the approximately 743.94 total acres with County Tax Identification Numbers 704682445400000 (104.8 +/- acres; 17151 Westerleigh Pkwy), 698680060200000 (in part)(419.5 +/- acres; 18100 Duval Rd), 705680305700000 (130 +/- acres; 18000 Duval Rd), 703678927500000 (59.4 +/- acres; 17500 Duval Rd), 706678638600000 (30.24 +/- acres; 5700 Otterdale Rd) under consideration will be developed, as applicable, as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers shall be immediately null and void and of no further force or effect.

Proffered Conditions 1, 3, 4, 7, 8, 9 and 15 of Zoning Case 21SN0675 are hereby deleted in their entirety for the Property that is subject to zoning Case 25SN1039.

Staff Note: All other conditions previously approved in Zoning Case 21SN0675 will remain in force and effect for the Property that is subject to this zoning Case 25SN1039. Case 21SN0675 parcels not included in this Case 25SN1039 shall continue to be bound by the proffered conditions of Case 21SN0675, as approved on May 26, 2022.

The Applicant hereby proffers the following additional conditions for the Property that is subject to this zoning Case 25SN1039:

1. Conceptual Plan. A potential development scheme of the Property entitled, "UPPER MAGNOLIA GREEN EAST AMENDMENT CONCEPTUAL PLAN" prepared by Timmons Group, dated March 27, 2025 is attached hereto as Exhibit A ("Conceptual Plan") with respect to tracts and buffers. The Conceptual Plan is conceptual in nature and may vary based on the final site plan depending on the final soil studies, grading, RPA lines, building footprints, other engineering reasons or as otherwise approved at the time of plans review.
2. Residential Uses. Residential uses shall be prohibited on the Property that is subject to this zoning Case 25SN1039.
3. Uses. In addition to those uses permitted by-right or with restrictions in the Residential (R-15) District, the following uses shall be permitted:
  - a. Communications tower, to include a freestanding tower as well as co-location of equipment on an elevated water tank.
  - b. Contractor's office, shop and storage yard.
  - c. Electric power transforming station, including switching stations.
  - d. Utility uses requiring a structure, to include an elevated water tank.
4. Associated Infrastructure and Uses. The following infrastructure and associated uses shall be permitted on the Property as set forth below:
  - a. Utility Uses. Utility uses requiring a structure (which does not include water and wastewater lines and appurtenances, service lines to consumers, and below or above ground cables, wires or pipes) shall be subject to the following:
    - i. An elevated Water Tank and tank mounted communications equipment up to a maximum height of one hundred and ninety-nine (199) feet shall be permitted on

the Property provided:

1. All mechanical equipment located on or associated with any building or structure for the Water Tank shall be screened from any adjoining residential property and public roads. This condition shall not require screening for the Water Tank structure or communication equipment.
  2. The Water Tank shall be a new composite style elevated water storage tank meeting the Utilities Department requirements.
  3. The Water Tank shall be secured by a minimum eight foot (8') high fence designed to preclude trespassing.
  4. There shall be no signs or logos permitted on the Water Tank or communications equipment.
  5. The Water Tank shall be white, grey, or another neutral color, acceptable to the Utilities Department. The communication equipment (antennas, mounting hardware, cables, etc.) mounted on the outside of the Water Tank shall be the same or similar color as the Water Tank.
  6. Except for security lighting over the access doors at the base of the Water Tank the Water Tank and communications equipment shall not be permanently lighted unless required by the Federal Aviation Administration or the Federal Communications Commission.
  7. Upon request of the County, access to the Property and dedication of land for the Water Tank shall be provided to the County, at no cost to the County. The land dedication for the Water Tank shall be a minimum of two (2) acres up to a maximum of five (5) acres, at a grade elevation approved by the Utilities Department, together with the appropriate access to a public road.
5. Electric Power Transforming Substation to Include Switching Station. Electric power transforming substations, to include switching stations, shall be permitted on the Property in the area generally shown as "SUBSTATION 20 AC+/" on the Conceptual Plan (Exhibit A). A minimum two hundred foot (200') buffer shall be provided along the perimeter of any electric power transforming substation or switching station site that is established on the Property.
6. Swift Creek Preserve. A minimum of three hundred fifty (350) acres, as generally shown as the "SWIFT CREEK PRESERVE" on the Conceptual Plan (Exhibit A), shall be a protected area to be reserved and managed by the County for purposes of conservation and to provide nature trails and special opportunities for study and research. No land disturbance for improvements including utilities or nature trails shall be permitted within the Swift Creek Preserve unless approved by Environmental Engineering.
7. VDOT Laydown Yard. The Virginia Department of Transportation ("VDOT") shall be permitted to use a portion of the Property, in the area generally shown as "VDOT LAY DOWN/CELL

TOWER/WATER TANK 13 AC+/-" on the Conceptual Plan (Exhibit A), for the storage and maintenance of VDOT materials and equipment (also known as a contractor's office, shop and storage yard). A minimum two hundred foot (200') buffer shall be provided along the perimeter of any VDOT laydown yard site that is established on the Property.


8. Communications Tower. A Communications Tower shall be permitted on the Property in the area generally shown as "VDOT LAY DOWN/CELL TOWER/WATER TANK 13 AC+/-" on the Conceptual Plan (Exhibit A). A minimum two hundred foot (200') buffer shall be provided along the perimeter of any communications tower that is established on the Property.
9. Elevated Water Tank. An elevated water tank shall be permitted on the Property in the area generally shown as "VDOT LAY DOWN/CELL TOWER/WATER TANK 13 AC+/-" on the Conceptual Plan (Exhibit A). A minimum two hundred foot (200') buffer shall be provided along the perimeter of any elevated water tank established on the Property, except for any portions of said perimeter that are adjacent to the Swift Creek Preserve.

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25SN1039  
EDA – UPPER MAGNOLIA GREEN EAST AMENDMENT  
PROFFERED CONDITIONS SIGNATURE PAGE

WITNESS the following signature:

Economic Development Authority of the County of Chesterfield,  
a political subdivision of the Commonwealth of Virginia

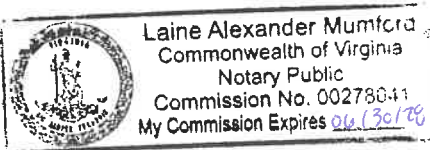
By:   
Kimberly M. Lacy, by power of attorney

COMMONWEALTH OF VIRGINIA  
CITY OF RICHMOND, to-wit:

The foregoing was acknowledged before me this 9<sup>th</sup> day of April, 2025, by Kimberly M. Lacy,  
with power of attorney to act on behalf of the Economic Development Authority of the County of  
Chesterfield, a political subdivision of the Commonwealth of Virginia.

[Notary Stamp]

  
Notary Public



Notary Registration No. 00278041  
My commission expires: 06/30/2028