

**A-1 & RTHC
to RTHC
12.99 Ac.**

REZ2015-00003
Zoning
 Townhomes and Condominiums
 Three Chopt District
 400 Feet
 PS December 2014 Ref: 746-764-5580



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukias
County Manager

March 17, 2015

ME Sadler, LLC
Attn: Mr. Nate Van Epp
2250 Old Brick Road, Suite 220
Glen Allen, VA 23060

Re: Rezoning Case REZ2015-00003

Dear Mr. Van Epp:

The Board of Supervisors at its meeting on March 10, 2015, granted your request to conditionally rezone from RTHC Residential Townhouse District (Conditional) and A-1 Agricultural District to RTHC Residential Townhouse District (Conditional) Parcels 746-764-0658, 746-764-5580, 746-765-4206, and 746-765-4631 containing 12.99 acres located on the west line of Sadler Grove Road at its intersection with Sadler Road, described as follows:

BEGINNING at a point on the west line of Sadler Grove Road POB on this plat: thence S 17°06'47" E 422.79'; thence along a curve to the left with a radius of 267.80' and a length of 128.95'; thence S 32°20'51" E 123.01'; thence S 54°22'17" W 610.59'; thence N 50°16'47" W 134.87'; thence S 46°11'30" W 354.12'; thence N 66°18'36" W 149.99'; thence N 26°00'41" E 404.81'; thence N 50°16'47" W 208.73'; N 64°08'40" E 413.15'; thence N 25°51'20" W 202.64'; thence N 64°08'40" W 512.77' to a point and place of beginning and containing 12.99 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated March 10, 2015, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Conceptual Master Plan. The layout of the development shall be generally similar to those concept plans prepared by Cite Design dated February 3, 2015 and attached hereto as Exhibit A (see case file) (the "Conceptual Master Plan"), subject to changes required for final engineering design and in compliance with government regulations.
2. Underground Utilities. All proposed utilities except for boxes, meters, pedestals and transformers shall be placed underground, unless technical or environmental reasons require otherwise. Any such utilities not placed underground shall be screened as required at the time of landscape plan review.
3. Sadler Road Right-of-Way. Upon the request of the County, the owner shall dedicate to Henrico County the right-of-way no more than sixty-six feet (66') wide required for the re-location of Sadler Road as generally shown on the Conceptual Master Plan as

"New Sadler Road". Should the dedicated property not be used for the re-location of Sadler Road within thirty (30) years of the date of the dedication, title to the dedicated property will revert to the applicant or its successors in interest. Until New Sadler Road is constructed by or on behalf of the County, the entrance into the development over and across New Sadler Road will be constructed and maintained as more particularly shown on the road plan entitled "Exhibit Plan, Sadler Crossing, New Sadler Road, Asphalt Cross-Section, Three Chopt District, Henrico County, Virginia", dated January 26, 2015, prepared by The Bay Companies, and attached hereto as Exhibit F (see case file).

4. Interior Roads and Sidewalks. Prior to the issuance of the first Certificate of Occupancy for any dwelling on the Property, the applicant shall provide the Planning Department with (a) certification from a licensed engineer that the roadways within the project were constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface, or (b) the necessary surety in the form and amount that is acceptable to the County until such time as the above certification is provided. All interior roads shall be private and shall be constructed generally in conformance to the road section attached hereto as Exhibit B (see case file). Sidewalks with a minimum width of five feet shall be provided within the interior of the Property as generally shown on the Conceptual Master Plan and shall be reinforced if needed and as required to meet fire lane requirements as determined at the time of Plan of Development review.
5. Pedestrian Connection to Sadler Grove. Prior to issuance of an occupancy permit for the 30th dwelling unit on the Property, the existing sidewalk at the terminus of Sadler Grove Road and Wonder Lane shall be extended to the proposed right of way line for Sadler Road relocated as generally shown on the Conceptual Master Plan as "New Sadler Road".
6. Streetlights. Streetlights a maximum of sixteen (16) feet in height and of a uniform style shall be provided along both sides of any private roads within the Property.
7. Foundations. On the front, side and rear elevations of each building, there shall be a minimum of twelve (12) inches above grade of exposed foundation composed of brick, stone or cultured stone. 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 or rear facades.
8. Internal Landscaping. For all detached dwellings on the Property, (a) a minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each such lot, plus a minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the side yard adjacent to the street if the detached dwelling lot is a corner lot, (b) at least one tree planted in the front yard shall be an ornamental street tree, located within ten (10) feet of the back of curb in the

front yard of each such lot, and at least one tree planted in the side yard of a corner lot shall be an ornamental street tree, located within ten (10) feet of the back of curb in the side yard of each such lot, (c) each home on such lot shall have prototypical plantings (shrubs and ornamental ground cover) along the front foundation, and (d) the front yards (and side yards if adjacent to streets) shall be irrigated and planted with sod except where mulching or landscaping may occur. For any lots containing an attached dwelling (townhome), a landscaped strip shall be provided adjacent to driveways in the front of the dwellings with shrubs, bushes, grass, street trees, decorative gravel or mulch, or as otherwise approved by the Planning Commission at the time of landscape plan review. All lawn areas within any common area shown on the Conceptual Master Plan as "pocket park" shall be irrigated and planted with sod. No chain link fencing shall be permitted on the property. All parking areas shall be landscaped as approved by the Planning Commission at the time of landscape plan review.

9. Cantilevered Features. No chimneys, gas vent units, or closets shall be cantilevered. The exposed portions of all fireplace chimneys shall be brick. This proffer shall not apply to direct vent gas fireplaces or appliances. Architectural features on the second floor, such as balconies, stoops, decks, box or bay-type windows, may be cantilevered.
10. Driveways and Parking. All driveways and parking spaces shall be constructed of hard surface materials (concrete, aggregate materials, asphalt, brick or stone pavers). Driveway access for individual units shall be prohibited from Sadler Road (existing) and the road designated as "New Sadler Road" on the Conceptual Master Plan.
11. Recreational Vehicles. No recreational vehicles, campers, trailers, or boats shall be parked or stored on the Property, unless within enclosed garages.
12. Density. No more than sixty (60) dwelling units shall be developed on the Property. No more than sixteen (16) dwelling units, all of which shall be detached dwelling units, shall be developed northwest of the road designated as "New Sadler Road" on the Conceptual Master Plan, only eight (8) of which shall be developed on the property currently designated as GPIN 746-765-4631. No more than forty-four (44) dwelling units shall be developed southeast of the road designated as "New Sadler Road" on the Conceptual Master Plan.
13. Minimum House Size and Width. All attached dwellings (townhomes) shall be a minimum of twenty feet (20) in width and shall contain a two-car garage. At least 50% of attached dwellings (townhomes) shall contain a minimum 2,200 square feet of finished floor area and no attached dwelling (townhome) shall contain less than 1,800 square feet of finished floor area. All detached dwellings shall contain a two-car garage and at least 50% shall contain a minimum of 2,500 square feet of finished floor area and no detached dwelling shall contain less than 2,200 square feet of finished floor area.

14. Architecture. The visible portions of the front, rear and side building wall surfaces of each building unit shall be constructed of stone, stone veneer, fiber cement, decorative shake, brick or brick veneer, excluding trim, windows, doors and architectural design features, or as specifically approved by the Director of Planning. Any attached dwellings (townhomes) constructed on the Property shall (a) have front elevations generally in conformance with the elevations attached hereto as Exhibit C-1 (see case file), (b) to the extent the rear of such attached dwellings (townhomes) face Sadler Road (existing) or the road designated as "New Sadler Road" on the Conceptual Master Plan, have rear elevations generally in conformance with the elevations attached hereto as Exhibit C-2 (see case file), (c) to the extent the side of such attached dwellings (townhomes) face Sadler Road (existing) or the road designated as "New Sadler Road" on the Conceptual Master Plan, have side elevations generally in conformance with the elevations attached hereto as Exhibit C-3 or Exhibit C-4 (see case file), (d) use a variety of colors across each building, (e) provide simulated carriage-style garage doors with craftsman-style door designs, window lights, and hardware, and (f) provide craftsman-style window grill patterns. The side of each end unit of an attached dwelling (townhome) shall include at least three (3) windows. Any detached dwelling shall have front elevations generally in conformance with the elevations attached hereto as Exhibit D (see case file).
15. Protective Covenants and Design Guidelines. Prior to or concurrent with any subdivision plat recordation, restrictive covenants describing development controls and maintenance of the portion of the Property so subdivided shall be recorded in the Clerk's Office of the Circuit Court of Henrico County. In addition, there shall be a Homeowners Association and/or Condominium Association of the owners of the units on the Property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the common areas and perimeter fencing and buffers. The covenants shall incorporate design guidelines and landscape standards which shall provide consistent fencing and on-lot landscape standards.
16. Buffers.
 - a. A minimum twenty-five (25) foot wide buffer area shall be provided in the location shown on the Conceptual Master Plan as "Buffer A". The northern fifteen (15) foot wide portion of Buffer A shown as "15' natural vegetation buffer" on the buffer plan entitled "SADLER CROSSING, LANDSCAPE BUFFER A- TYPICAL PLANTING CONCEPT" (the "Buffer A Plan"), dated February 5, 2015, and attached hereto as Exhibit E (see case file) shall be kept in its natural condition, unless necessary for the removal of fallen, diseased or dead plant growth. The remaining ten (10) feet of Buffer A shown as "10' planting area" on the Buffer A Plan, may be cleared and graded and include within such ten (10) foot wide area, a storm-water and drainage facility, and shall then be replanted with a row of Green Giant Arborvitae, or equivalent, planted at a minimum height of six (6) feet and in a staggered, offset row no further apart than eight (8) feet on center, unless otherwise approved at the time of landscape plan review. Such plantings shall occur as soon as practical after grading activity is completed within the ten

- (10) foot wide area of Buffer A as determined appropriate based on the typical planting season for and availability of such landscaping.
- b. A minimum ten (10) foot wide naturally vegetated and landscaped buffer shall be provided as shown on the Conceptual Master Plan as "Buffer B" (see case file). Existing trees within such Buffer B will be retained to the extent possible, and if removed or as otherwise needed, such Buffer B shall include landscaping with a minimum of transitional buffer ten as referenced in the County Zoning Ordinance.
 - c. A minimum ten (10) foot wide naturally vegetated and/or landscaped buffer shall be maintained on the Property as shown on the Conceptual Master Plan as "Buffer C" (see case file), which such Buffer C shall be kept in its natural condition unless otherwise approved by the County at the time of landscape plan review and necessary for the removal of fallen, diseased or dead plant growth. Supplemental screening shall be provided along or within Buffer C for those areas that are not natural wetlands of twenty (20) feet in width or greater by a row of Green Giant Arborvitae, or equivalent, planted at a minimum height of six (6) feet and in a staggered, offset row no further apart than eight (8) feet on center, unless otherwise approved at the time of landscape plan review.
 - d. A minimum ten (10) foot wide naturally vegetated and/or landscaped buffer planted equivalent to a minimum of transitional buffer ten as referenced in the County Zoning Ordinance shall be provided along the southeastern side of the road designated as "New Sadler Road" on the Conceptual Master Plan and as shown on the Conceptual Master Plan as "Buffer D" (see case file). The same buffer shall be provided along the northwestern side of the road designated as "New Sadler Road" on the Conceptual Master Plan at the request of the County after completion of the construction of "New Sadler Road" as shown on the Conceptual Master Plan.
 - e. All such buffers shall be provided subject to (i) the extent necessary for an existing access road and utility easements, including drainage, and (ii) supplemental plantings, berms, and/or fencing and other purposes, including without limitation, accommodation for any sight distance easements as may be required, all as approved by the Planning Commission at the time of landscape plan review.
17. Sound Suppression. Walls between attached dwellings (townhomes) shall have a minimum sound transmission coefficient rating of 50 between units and for exterior walls of end units. A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound transmission coefficient rating shall be included in the building permit application.
18. Hours of Construction. The hours of exterior construction, including operation of bulldozer and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturday with

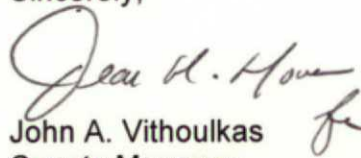
no construction activities on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work, such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.

19. Trash Receptacles, HVAC and Emergency Generators. Dumpsters, trash receptacles, emergency generators and heating, ventilation, and air conditioning (HVAC) equipment shall be screened from view at ground level at the property lines in a manner approved at Plan of Development.
20. Maintenance Activities. Trash pick-up, parking lot cleaning, leaf blowing, and similar maintenance activities by the homeowners' association shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturday with no such maintenance activities on Sunday.
21. Stormwater BMPs. Any wet storm water pond shall be aerated as an amenity feature. Any BMP on the property shall be landscaped as approved at the time of the landscape plan review.
22. Units in a Building. There shall be no more than six (6) attached dwelling (townhome) units constructed in each building.
23. Entrance Feature. The entrance into the development shall contain a monument style entrance sign with exterior lighting and shall be constructed in conformance with the County Zoning Ordinance.
24. Fencing. A 48" black cast aluminum decorative fence shall be provided along the road designated as "New Sadler Road" on the Conceptual Master Plan. Such fence shall be provided subject to and as may otherwise be approved by the Planning Commission at the time of landscape plan review.
25. Wonder Lane. No building permit shall be issued for any home on the property currently designated as GPIN 746-765-4631 until the access easement known as Wonder Lane is either terminated or relocated to a location acceptable to the easement holder or in accordance with a court order.
26. 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 of the unaffected part of such proffer.

ME Sadler, LLC
March 17, 2015
Page 7

The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,

A handwritten signature in cursive script, appearing to read "John A. Vithoukas".

John A. Vithoukas
County Manager

pc: Ms. Theresa A. Light
Director, Real Estate Assessment
Tiffany S. Hinton, Ph.D., Dir. Research and Planning - Schools

SADLER CROSSING
CONCEPTUAL MASTER PLAN
 February 3, 2015



48" black cast aluminum decorative fence
 plantings on each side of aluminum fence to provide additional screening
 Plantings within sight distance line to not exceed 3' in height (typ.)

EXHIBIT A

REZ2015-00003

*Disclaimer: site boundaries shown are based on civil files provided by client. City Design takes no responsibility for its accuracy. Drawing is shown for illustrative purposes only & subject to change.

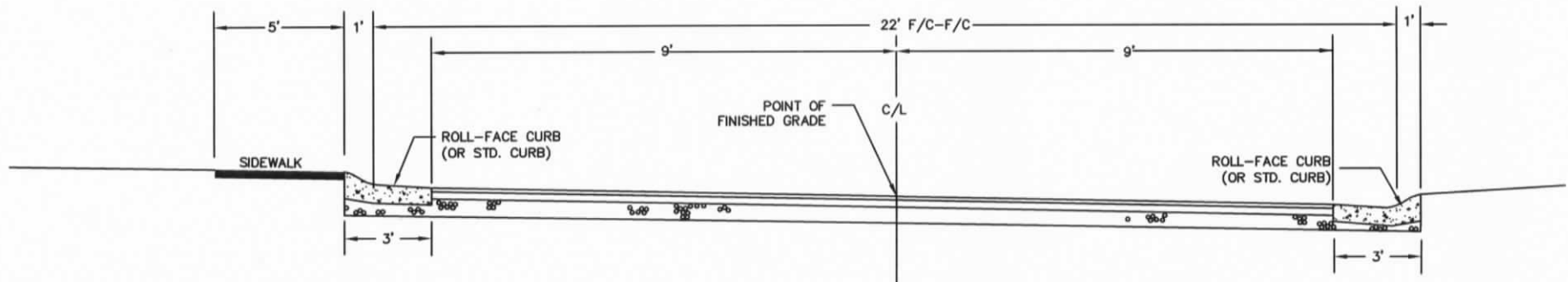


EXHIBIT B

REZ2015-00003

Sadler Crossing
 Road Section
 Three Chopt District
 Henrico County, Virginia
 Scale: 1" = 100'
 Date: December 18, 2014

8500 BELL CREEK ROAD
 MECHANICSVILLE, VA 23116
 (804) 569-7060
 FAX: (804) 569-7061

Consulting
 Engineers

BAY RICHMOND

THE BAY COMPANIES

JN: 14006

FILED: 14006_ZONING



SADLER CROSSING -
EXHIBIT C ELEVATIONS
DRAFT 12.18.14

EXHIBIT C
1 of 4

REZ2015-00003





SADLER CROSSING -
EXHIBIT C ELEVATIONS
DRAFT 12.18.14

EXHIBIT C
2 of 4

REZ2015-00003





SADLER CROSSING -
EXHIBIT C ELEVATIONS
DRAFT 12.18.14

EXHIBIT C
3 of 4

REZ2015-00003





SADLER CROSSING -
EXHIBIT C ELEVATIONS
DRAFT 12.18.14

EXHIBIT C

4 of 4

REZ2015-00003





SADLER CROSSING -
EXHIBIT C ELEVATIONS
DRAFT 12.18.14

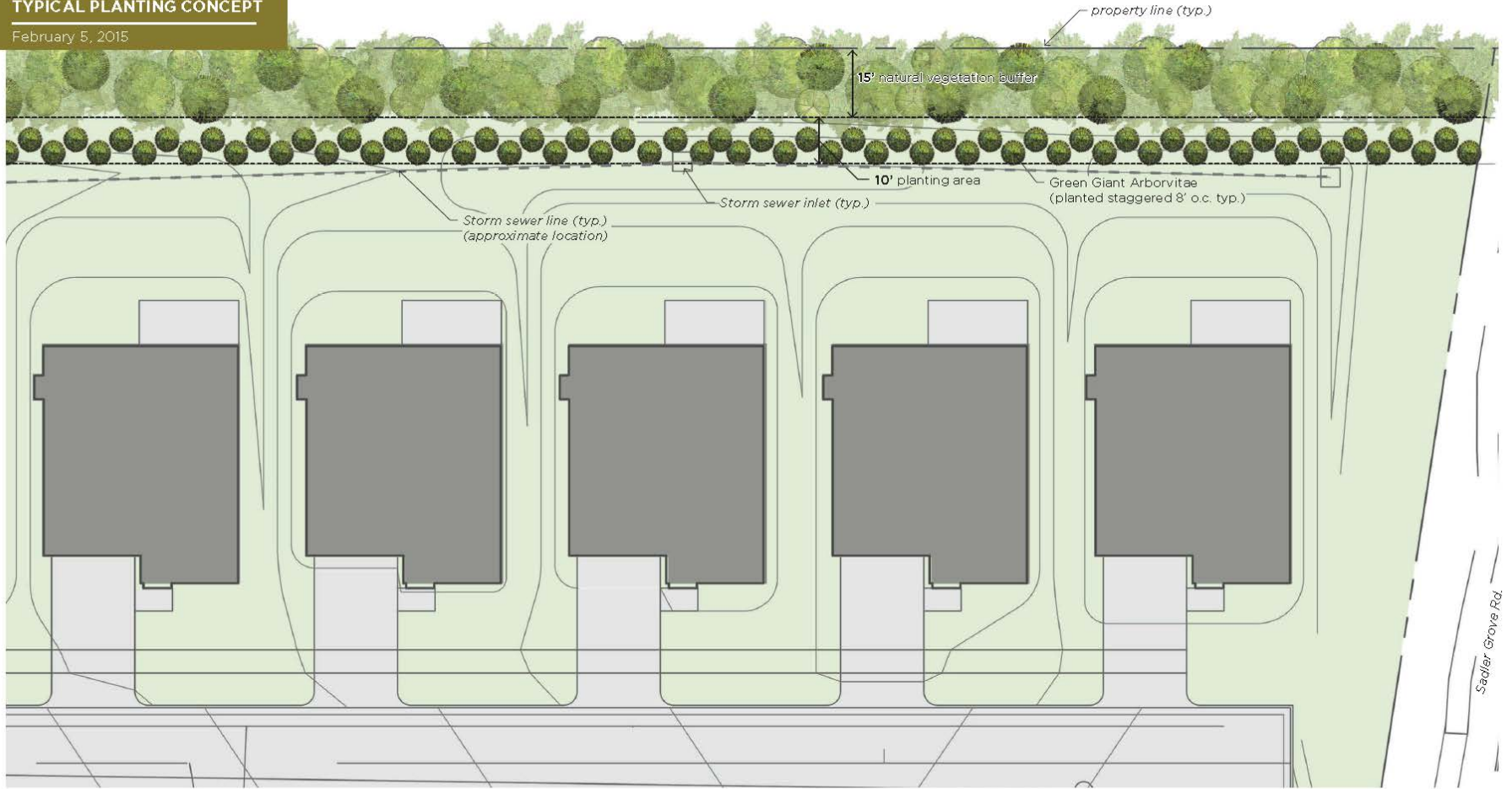
EXHIBIT D

REZ2015-00003



**SADLER
CROSSING**
LANDSCAPE BUFFER A -
TYPICAL PLANTING CONCEPT

February 5, 2015



Drawing is shown for illustrative purpose only & subject to change

EXHIBIT E

REZ2015-00003



ME
MARKEL EAGLE
PARTNERS, LLC

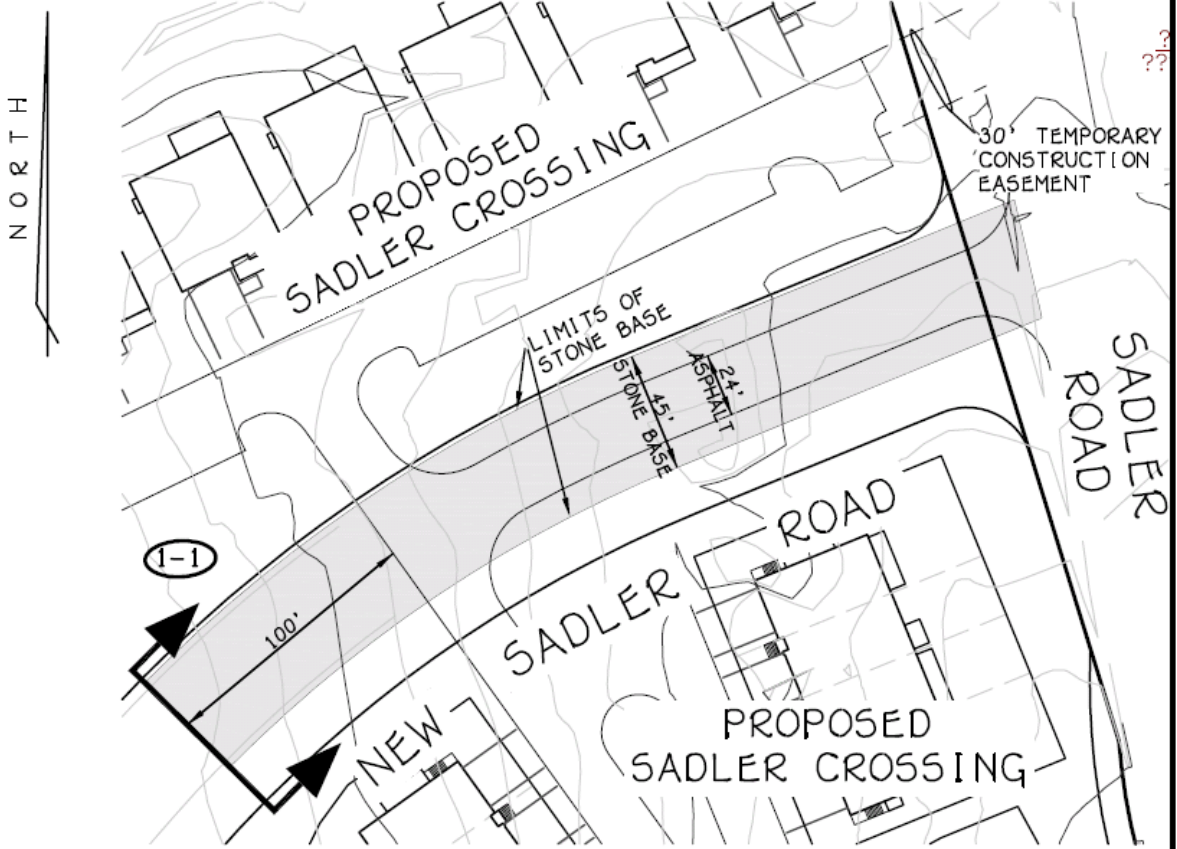
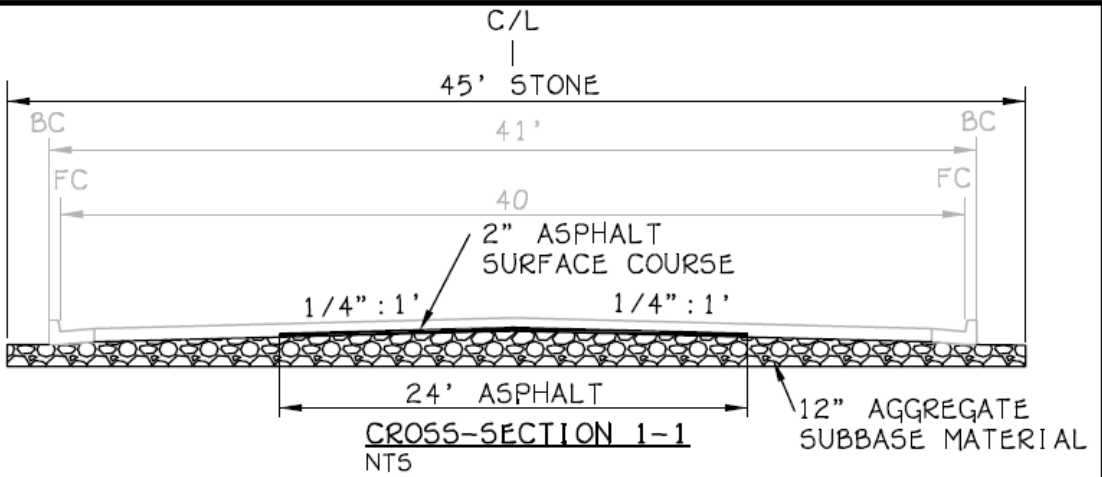


Exhibit Plan
Sadler Crossing
New Sadler Road
Asphalt Cross-Section
Three Chopt District
Henrico County, Virginia
Scale: 1" = 60'
Date: January 26, 2015

8500 BELL CREEK ROAD
MECHANICSVILLE, VA 23116
(804) 569-7060
FAX: (804) 569-7061

Consulting Engineers

BAY RICHMOND
THE BAY COMPANIES

JN: 14006

FILED: 14006_exhibit

EXHIBIT F

REZ2015-00003