



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

John A. Vithoulkas  
County Manager

March 19, 2018

Staples Mill Investments, LLC  
4130 Innslake Drive  
Glen Allen, VA 23060

Re: Rezoning Case REZ2017-00029

Dear Sirs:

The Board of Supervisors at its meeting on March 13, 2018, approved your request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 763-767-6290, 763-768-2735, and 763-768-3605 containing 12.38 acres located on the east line of Staples Mill Road (U.S. Route 33) approximately 280' north of its intersection with Meadow Pond Lane, described as follows:

Parcel 1: GPIN 763-768-2735

Beginning at a point on the eastern line of Staples Mill Road, U.S. Route 33, a variable width right of way, said point being  $\pm 1,202'$  to Meadow Pond Lane, a 50' right of way; thence leave said eastern line N  $56^{\circ}27'46''$  E, 369.50' to a point; thence S  $84^{\circ}19'14''$  E, 519.10' to a point; thence S  $51^{\circ}04'46''$  W, 774.45' to a point on said eastern line; thence N  $33^{\circ}37'44''$  W, 400.86' to the point of beginning. Said parcel containing 4.94 acres or 215,199 sq. ft.

Parcel 2: GPIN 763-767-6290

Beginning at a point on the eastern line of Staples Mill Road, U.S. Route 33, a variable width right of way, said point being  $\pm 467'$  to Meadow Pond Lane, a 50' right of way; thence leave said eastern line N  $56^{\circ}22'16''$  E, 276.25' to a point; thence N  $10^{\circ}06'22''$  W, 305.80' to a point; thence N  $51^{\circ}04'46''$  E, 367.38' to a point; thence S  $01^{\circ}38'23''$  E, 829.07' to a point; thence S  $87^{\circ}16'02''$  W 378.39' to a point on said eastern line; thence N  $33^{\circ}41'51''$  W, 194.61' to the point of beginning. Said parcel containing 5.44 acres or 237,029 sq. ft.

Parcel 3: GPIN 763-768-3605

Beginning at a point on the eastern line of Staples Mill Road, U.S. Route 33, a variable width right of way, said point being  $\pm 701'$  to Meadow Pond Lane, a 50' right of way; thence leave said eastern line N  $51^{\circ}04'46''$  E, 399.98' to a point; thence S  $10^{\circ}06'22''$  E,



305.80' to a point; thence S 56°22'16" W, 276.25' to a point on said eastern line; thence N 33°37'44" W, 234.07' to the point of beginning. Said parcel containing 2.00 acres or 87,220 sq. ft.

The Board of Supervisors accepted the following proffered conditions, dated February 14, 2018, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Density.** There shall be no more than 29 units.
2. **Age Restriction.** Each home within the Property shall be developed and operated in compliance with applicable federal and state laws and regulations regarding housing intended for occupancy by persons fifty-five (55) years of age or older, including but not limited to: the Fair Housing Act. 42 U.S.C. § 3601 et seq. and the exemption therefrom provided by 42 U.S.C. § 3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46 U.S.C. § 3601 et seq.; the Virginia Fair Housing Law Va. Code § 36-96.1 et seq.; any regulations adopted pursuant to the foregoing; any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist.
3. **Architectural Treatment.** Homes constructed on the Property shall be generally in conformance with EXHIBIT A attached hereto (see case file), unless otherwise requested by the owner and specifically approved by the Director of Planning.
4. **Building Materials.** Primary exterior wall materials (exclusive of windows, dormers, gables, doors, trim, soffit and fascia) shall be brick, stone, cultured stone, stone veneer, fiber cement siding, engineered wood, vinyl (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature), or a combination of the foregoing unless different architectural treatment and/or materials are requested by owner and approved by the Director of Planning. Fiberboard (e.g. Masonite) shall not be permitted as an exterior wall material.
5. **Foundations.** All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first-floor level which is visible above grade, shall be constructed of brick or stone. There shall be a minimum vertical height of twelve (12) inches of brick or stone above grade utilized on slab-on-grade foundations to present the appearance of a crawl space.
6. **Fireplace Chimneys.** The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundations.



7. **Stoops.** Steps to the main entrance of all homes, except for homes with country porches, shall be faced with brick or stone or a cementitious, mortared stone-appearing product. Front stoops, except for homes with country porches, shall be brick or stone or a cementitious, mortared stone-appearing product with finished concrete or exposed aggregate landing. Any country porches shall have brick or stone piers to match the foundation.
8. **Cantilevering.** There shall be no cantilevered treatment of any architectural features on the first floor. Items on the upper floors such as balconies, decks, bump-outs, box or bay-type windows may be cantilevered, but shall include decorative supports.
9. **Garages.** Each home shall include a two (2) car attached garage.
10. **Street Trees.** Street trees with a minimum two (2) inch caliper shall be planted along the sides of all internal public roads, one tree on each side for every fifty (50) feet of road length. Spacing of trees shall be adjusted as needed to accommodate driveways and underground utilities, including stormwater systems.
11. **Sod and Irrigation.** Each front and side yard (to the edge of the rear of the home on corner lots adjacent to streets) shall initially be sodded and irrigated, exclusive of mulched flowerbeds and landscaping.
12. **Paved Driveways.** All driveways shall be paved with either exposed aggregate, concrete, asphalt, cobblestone, brick, or pre-cast pavers or other similar materials approved by the Director of Planning.
13. **Conceptual Master Plan.** Development of the Property shall be in general conformance with the Conceptual Master Plan attached hereto entitled "10717 Staples Mill Rd. Property Conceptual Plan #1" prepared by Townes Site Engineering attached hereto as EXHIBIT B (the "Concept Plan"), (see case file) which Concept Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.
14. **Entrance Feature.** An irrigated, landscaped entrance feature, in general conformance with the style and design to one or a combination of the examples depicted on EXHIBIT C attached hereto (see case file), shall be provided subject to approval by the Director of Planning.
15. **Staples Mill Road Buffer.** A natural and/or landscaped buffer of thirty-five (35) feet in width (exclusive of lots) for landscaping and/or natural areas, to include a berm behind Lots 1-9 as shown on the concept plan where not impeded by



wetlands or existing vegetation as determined at the time of landscape plan review, shall be provided adjacent to the right-of-way line of Staples Mill Road and planted to TB-35 standards with credit for existing vegetation except to the extent necessary for drainage and utility easements, signage, entrance features, sidewalks, berms, fencing, and other purposes requested and specifically permitted, or if required, at the time of Plan of Development and/or subdivision review, or by any other governmental body. Any drainage and utility easements (other than existing drainage and utility easements) permitted within the aforesaid buffer area shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted or if required by the County at the time of landscape plan review. A decorative "wrought iron-style" fence with brick or stone columns shall be provided along the Staples Mill Road frontage behind Lots 1-9 as shown on the Concept Plan (see case file), such columns not to be spaced farther apart than sixty (60) feet.

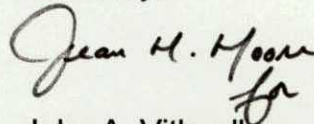
16. **Buffers.** A buffer of twenty (20) feet in width, exclusive of adjacent lots, for landscaping and/or natural areas shall be provided adjacent to GPIN's 763-768-9074, 763-768-8550, 763-768-8368, 763-768-8824, 763-768-9207 and 763-768-0700 and planted to TB-10 standards with credit for existing vegetation which is retained except to the extent necessary for drainage and utility easements, fencing, and other purposes requested and specifically permitted, or if required, at the time of Plan of Development and/or subdivision review, or by any other governmental body. Any drainage and utility easements (other than existing drainage and utility easements) permitted within the aforesaid buffer area shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted or if required by the County at the time of landscape plan review.
17. **Hours of Construction.** The hours of site work construction shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. For purposes of this proffer, site work is defined as any construction work shown on approved construction plans for the initial construction of roads, utilities, infrastructure and the respective exteriors of structures. Hours shall be posted in both English and Spanish until the roads are accepted by Henrico County for maintenance.
18. **Restrictive Covenants.** Prior to or concurrent with the recording of the subdivision plat approved by the County, restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County.
19. **Sidewalks.** A sidewalk for pedestrian access shall be constructed along one side of each roadway inside the subdivision.



20. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines, and for technical and environmental reasons, all utility lines shall be underground.
21. **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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Vithoulkas" with a stylized flourish at the end.

John A. Vithoulkas  
County Manager

pc: Nangeo LLC  
Director, Real Estate Assessment  
Tiffany S. Hinton, Ph.D., Dir. Research and Planning – Schools





PROPOSED ELEVATIONS

EXHIBIT A

REZ2017-00029





# EXHIBIT B



This drawing and the design shown is the property of Townes Site Engineering the reproduction, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action. (C) 2018 Townes Site Engineering



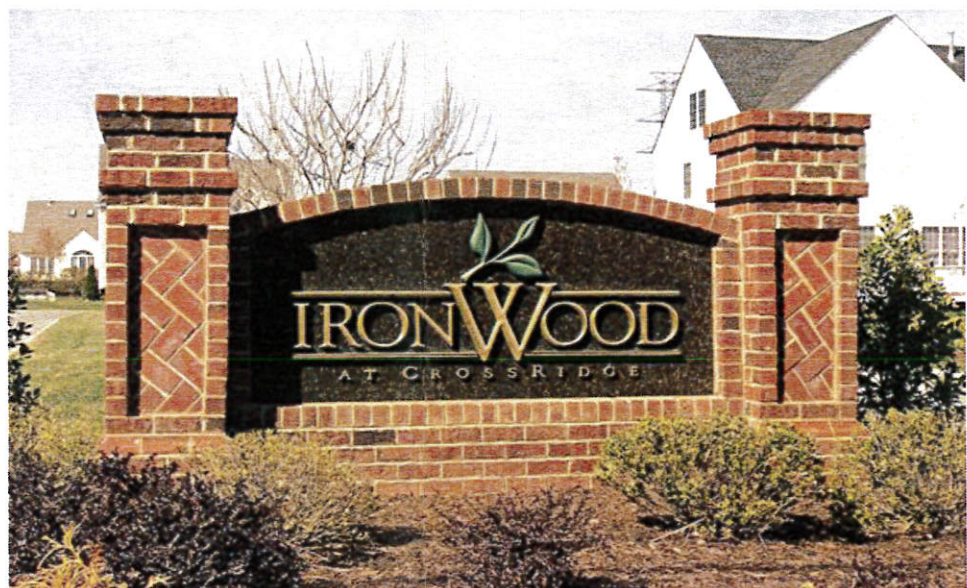


EXHIBIT C

REZ2017-00029