



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

John A. Vithoulkas  
County Manager

February 19, 2019

Aurelie Capital  
85 Broad Street, 17<sup>th</sup> Floor  
New York, NY 10004

Re: Rezoning Case REZ2018-00041

Dear Sirs:

The Board of Supervisors at its meeting on February 12, 2019, approved your request to conditionally rezone from R-2A One-Family Residence District and R-5 General Residence District to R-5C General Residence District (Conditional) Parcels 766-758-9104 and 766-758-9453 (part) containing 15.559 acres located on the west line of Hungary Spring Road approximately 130' south of its intersection with Staples Mill Road (U.S. Route 33), described as follows:

Commencing at a point on the Western right of way line of Hungary Spring Road; thence along the Western line of the right of way of Hungary Spring Road, South 24°17'10" West, a distance of 415.41 feet to a point; thence leaving said Western line of Hungary Spring Road North 85°00'20" West, a distance of 520.61 feet to a 5/8" iron rod found for the POINT OF BEGINNING of this description; thence North 84°28'20" West, a distance of 290.40 feet to a 5/8" iron rod found; thence North 05°31' 40" East, a distance of 150.00 feet to a 5/8" iron rod found; thence South 84°28'20" East, a distance of 290.40 feet to a 5/8" iron rod found; thence South 05°31' 40" West, a distance of 150.00 feet to the Point of Beginning. Having an area of 1.000 acres; 43,560 square feet of land, more or less.

**And**

All that certain piece or parcel of land with improvements thereon and appurtenances thereunto belonging, lying and being in Brookland Magisterial District, Henrico County, Virginia, being more particularly described as follows:

Commencing at the Point of Beginning on the Western right of way line of Hungary Spring Road; thence North 85°19' 13" West, a distance of 417.88 feet to a rod set; thence North 04° 40' 47" East, a distance of 242.91 feet to a point; thence South 71°47'37" West, a distance of 15.81 feet to a point; thence North 86°25'35" West, a distance of 33.72 feet to a point;

thence North 62°28'43" West, a distance of 56.88 feet to a point; thence North 58°30'54" West, a distance of 54.37 feet to a point; thence North 65°30'12" West, a distance of 41.09 feet to a point; thence North 84°25'10" West, a distance of 71.79 feet to a point; thence South 84°58'29" West, a distance of 47.76 feet to a point; thence South 73°53'22" West, a distance of 92.43 feet to a point; thence with a curve to the right having an arc length of 135.66 feet, a radius of 304.30 feet, and a chord bearing and distance of North 82°02'47" West 134.54 feet; thence North 66°59'24" West, a distance of 53.87 feet to a point; thence South 74°32'28" West, a distance of 44.29 feet to a point; thence South 87°25'14" West, a distance of 36.83 feet to a point; thence with a curve to the left having an arc length of 80.79 feet, a radius of 142.96 feet, and a chord bearing and distance of South 54°29'31" West 79.72 feet; thence South 36°40'12" West, a distance of 67.10 feet to a point; thence South 31°55'01" West, a distance of 92.97 feet to a point; thence South 33°37'32" West, a distance of 99.21 feet to a point; thence South 20°58'56" West, a distance of 139.87 feet to a point; thence South 25°27'54" West, a distance of 24.04 feet to a point; thence South 06°17'30" West, a distance of 26.60 feet to a point; thence South 17°35'18" East, a distance of 27.92 feet to a point; thence with a curve to the right having an arc length of 65.80 feet, a radius of 113.12 feet, and a chord bearing and distance of South 02°25'43" West 64.88 feet; thence South 26°34'56" West, a distance of 37.74 feet to a point; thence South 08°33'56" West, a distance of 44.50 feet to a point; thence South 30°41'16" East, a distance of 11.39 feet to a point; thence South 84°28'20" East, a distance of 379.74 feet to a rod found; thence North 05°31'40" East, a distance of 150.00 feet to a rod found; thence South 84°28'20" East, a distance of 290.40 feet to a rod found; thence South 05°31'40" West, a distance of 150.00 feet to a rod found; thence South 85°00'20" East, a distance of 520.61 feet to a rod found; thence along the Western line of the right of way of Hungary Spring Road, North 24°17'10" East, a distance of 415.41 feet to the point of beginning and containing 14.559 acres.

The Board of Supervisors accepted the following proffered conditions, dated January 31, 2018, 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.** Development of the one acre portion of the Property as shown on the Conceptual Plan, as hereinafter defined and having an existing GPIN of 766-758-9104 (the "New Development"), shall be in general conformance with the conceptual plan attached hereto entitled "Millspring Commons Apartments", prepared by Poole & Poole Architecture, LLC, dated November 6, 2018, and attached hereto as Exhibit A (the "Conceptual Plan") (see case file), which plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development.
2. **New Development Development Standards.** The New Development shall be subject to the following development standards:
  - a. **Architectural Treatment.** Any building constructed on the New Development portion of the Property shall be substantially similar to the style and design of the renderings entitled "Millspring Commons", prepared by Poole & Poole Architecture, LLC, dated November 6, 2018, and attached hereto as Exhibit B

(see case file), unless otherwise approved at the time of Plan of Development review.

- b. Exterior Materials. The exposed portion of each wall surface (front, rear and sides) of any building on the New Development shall be the same as exposed portions of other exterior walls of such building in architectural treatment and materials. Exposed exterior wall surfaces of all individual buildings, exclusive of windows, doors, and architectural treatments, shall be constructed of brick, stone, or cementitious siding, or a combination of the foregoing, unless different materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development review.
- c. Underground Utilities. All utility lines on the New Development shall be underground, except for junction boxes, meters, existing and/or relocated existing overhead utility lines and lines in wetland areas. Electrical Junction boxes and meters shall be screened from public view at ground level at the perimeter of the tract with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development review.
- d. Parking Lot Lighting. Parking lot lighting fixtures on the New Development shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development review. Lighting shall be directed to minimize glare on public roads and adjacent properties. Direct embedded light poles and standards shall be prohibited. Parking lot lighting shall be reduced or turned off after business hours with the exception of minimum lighting requirements for security purposes.
- e. Sound Suppression. Interior walls and floors/ceilings between homes shall have a minimum sound transmission coefficient rating of 54. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology to accomplish the sound coefficient rating, shall be included in the building permit application.
- f. Mechanical Equipment. Mechanical equipment shall be screened from public view at ground level at the Property lines as approved at the time of Plan of Development review.
- g. Buffer. A minimum 15 (fifteen) foot natural and landscaped buffer planted to the level of a transitional buffer 25 shall be provided adjacent to the southern boundary of the New Development.
- h. Construction Hours. The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be permitted only between 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:30 a.m. and 5:00 p.m. on Saturdays, except in emergencies or where unusual



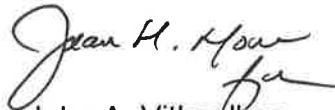
circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all construction entrances to the Property prior to any land disturbance activities thereon.

3. **Existing Millspring Commons Development Standards.** The remainder of the Property not made up of the New Development, having an existing GPIN of 766-758-9453 ("Existing Millspring Commons"), shall be subject to the following development standards:
  - a. **Exterior Materials.** The exposed portion of each wall surface (front, rear and sides) of any building on the Existing Millspring Commons portion of the Property shall be the same as exposed portions of other exterior walls of such building in architectural treatment and materials. Exposed exterior wall surfaces of all individual buildings, exclusive of windows, doors, and architectural treatments, shall be constructed of brick, stone, or cementitious siding, or a combination of the foregoing, unless different materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development review.
  - b. **Architectural Treatment.** Any building (other than the clubhouse) currently existing or constructed in the future on the Existing Millspring Commons shall be substantially similar to the style and design of the renderings entitled "MILLSPRING COMMONS", prepared by Poole & Poole Architecture, LLC, dated December 14, 2018, and attached hereto as Exhibit C (see case file), unless otherwise approved at the time of Plan of Development review.
  - c. **Common Clubhouse.** A new clubhouse substantially similar to the style and design of the renderings entitled "Millspring Commons", prepared by Poole & Poole Architecture, LLC, dated September 18, 2018, and attached hereto as Exhibit D (6 pages, see case file) shall be constructed on the Property (the "Common Clubhouse"), provided the Common Clubhouse shall contain a minimum of 5,000 square feet of interior space, unless the style and design or interior space of the Common Club house is otherwise approved at the time of Plan of Development review.
4. **Density.** There shall be no more than 209 residential units developed on the Property.
5. **Common Development.** The New Development shall be developed in common with the Existing Millspring Commons, which makes up the remainder of the Property, including, without limitation, the following:
  - a. The Plan of Development ("POD") for the New Development shall be filed as an amendment of the POD for the Existing Millspring Commons;

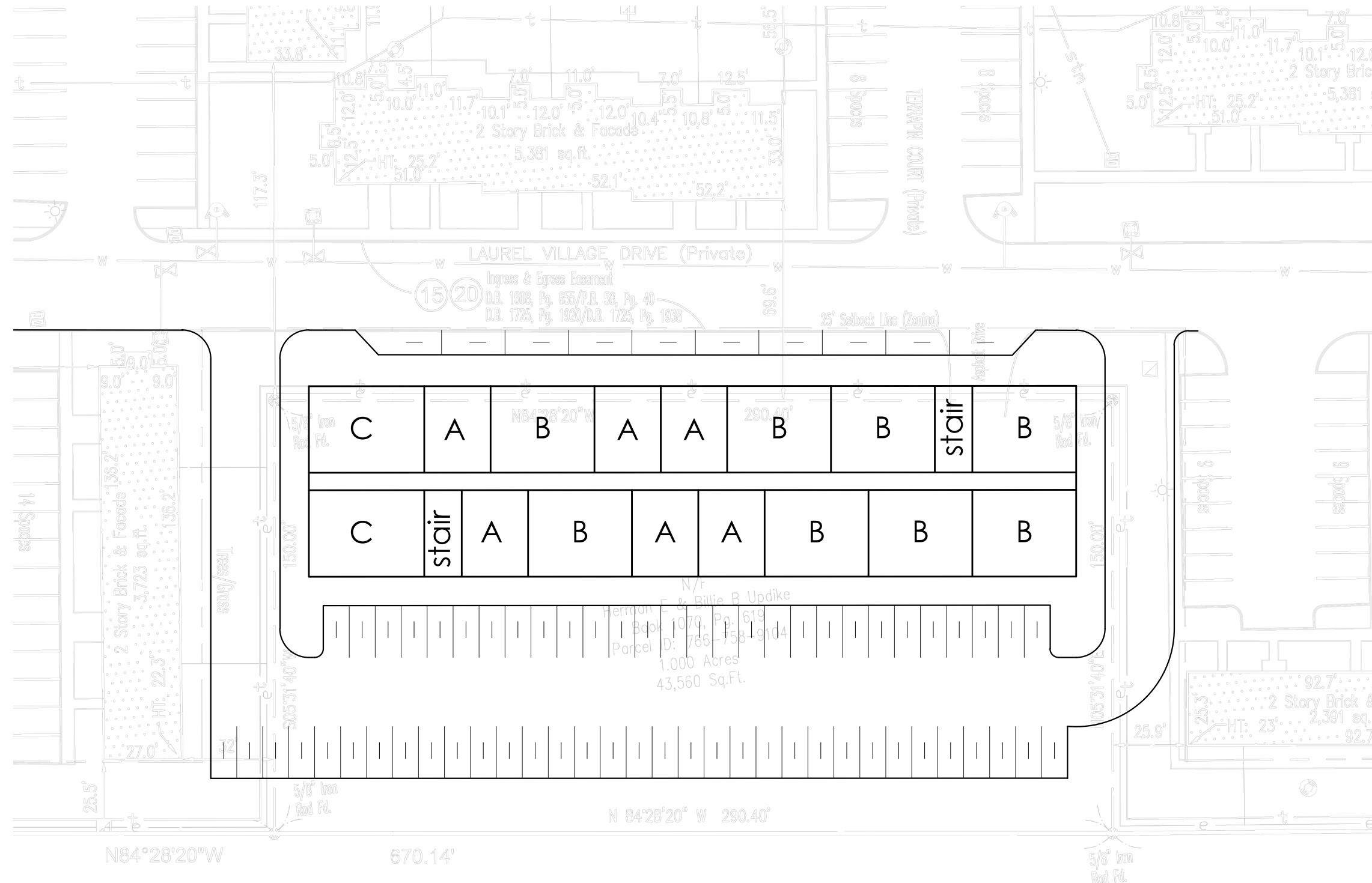
- b. A request shall be submitted to the County for a merger of the tax parcel for the New Development and the Existing Millspring Commons tax parcel, so that the entirety of the Property will have one tax parcel number, subject to County approval;
  - c. The right of all residents on the Property to use the common areas, amenities and recreational facilities of the Existing Millspring Commons and the New Development, including, without limitation, the Common Clubhouse, and refuse and recycling containers;
  - d. Access to and from the Property shall be permitted only through the Existing Millspring Commons;
  - e. Signage for the New Development shall be coordinated with the Existing Millspring Commons and other than directional signage no detached signage shall be permitted on the New Development; and
  - f. Parking shall be shared between the New Development and the Existing Millspring Commons.
6. **Phasing.** No final certificate of occupancy for any dwelling units on the New Development shall be issued by the County until such time as a final certificate of occupancy has been issued for the Common Clubhouse and a minimum of 25% of the units in Millspring Commons have been improved pursuant to the requirements set forth in proffer 3(b).
7. **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,

  
John A. Vithoulkas  
County Manager

pc: Mr. Herman E. Updike  
Andrew M. Condlin, Esquire  
Director, Real Estate Assessment  
Mr. Chris Sorenson – Schools  
Mr. Justin Briggs – Schools

**Project Data:**

48 Units Total

3 story building

18 - A's @690 sq.ft.

24 - B's @1050 sq.ft.

6 - C's @1200 sq.ft.

71 parking spaces total

**1** Site Plan

Scale: 1" = 40'

Plan

**Millspring Commons Apartments**

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November 6, 2018

18XX.00

**REZ2018-00041**





2 Building 1  
N.T.S.

Perspective



1 Building 1 - Front Elevation  
Scale: 1/8" = 1'-0"

Elevation







2 After  
Scale: NTS

Perspective



1 Before  
Scale: NTS

Perspective

Millspring Commons

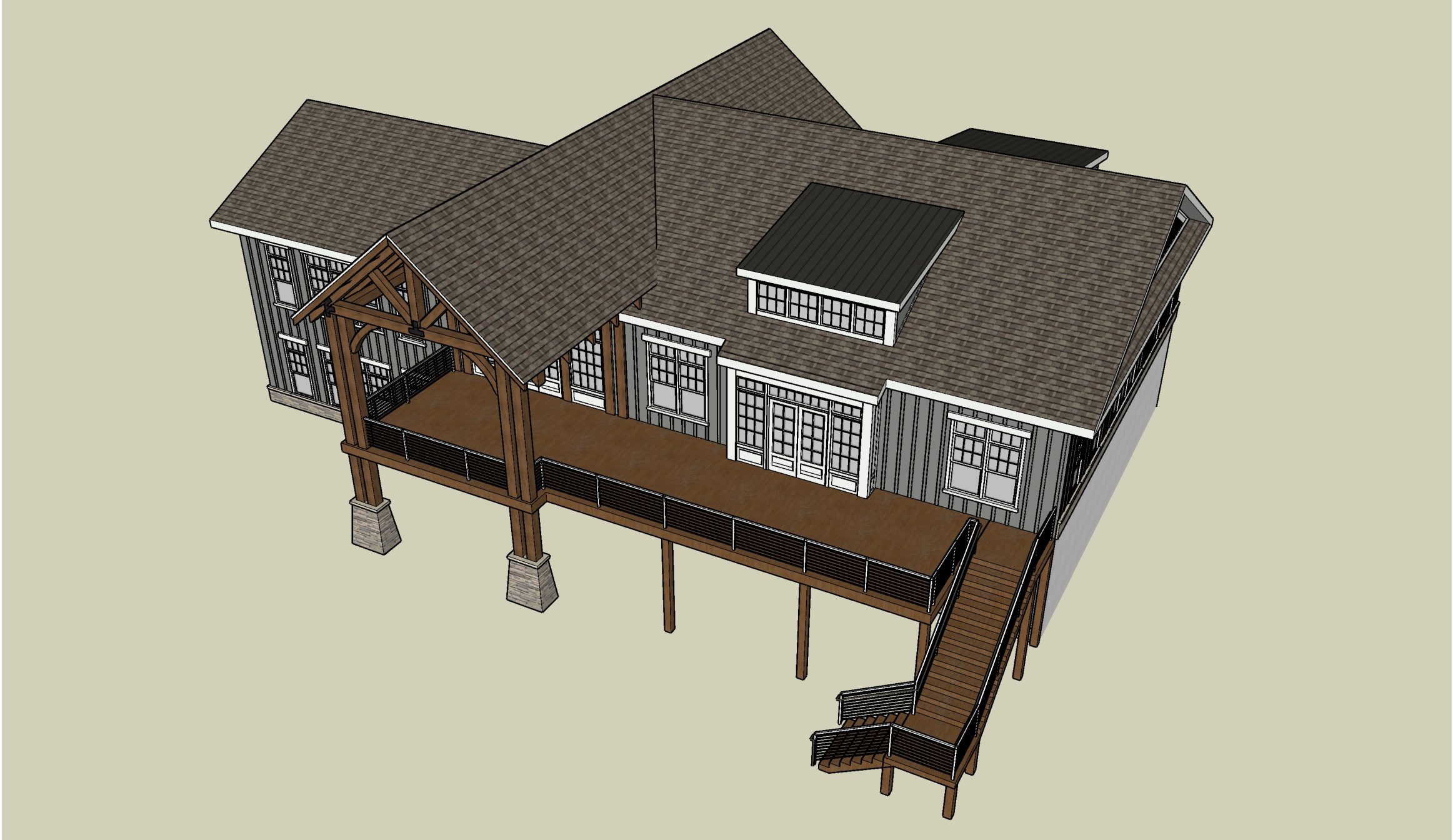






1 Clubhouse

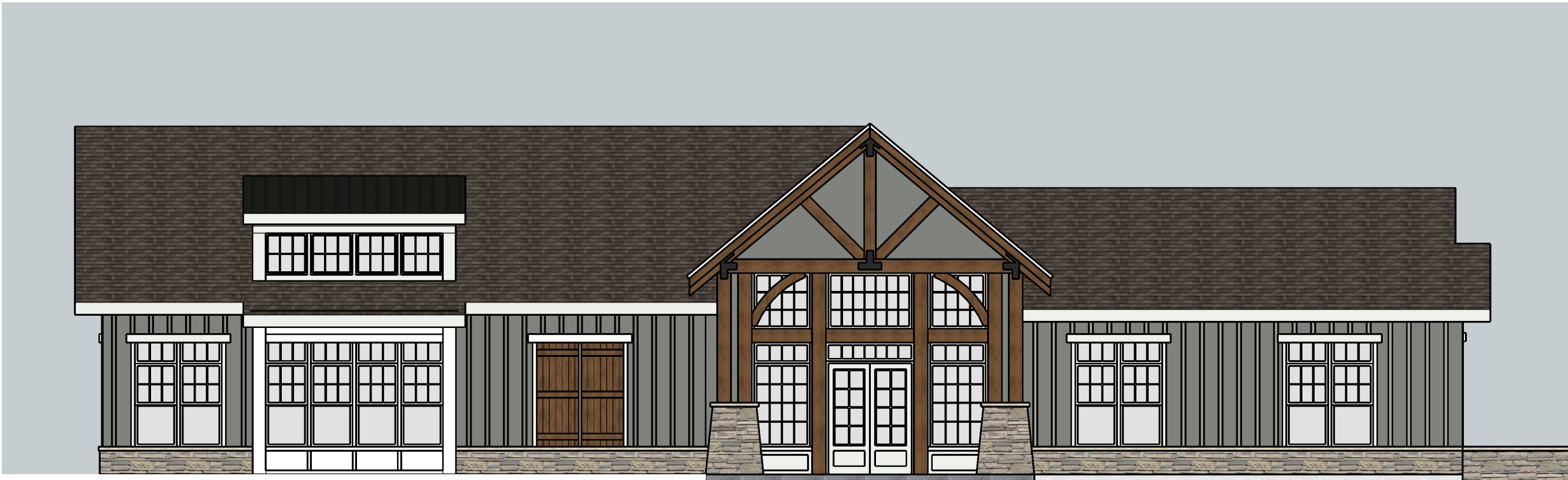
Perspective



1 Clubhouse

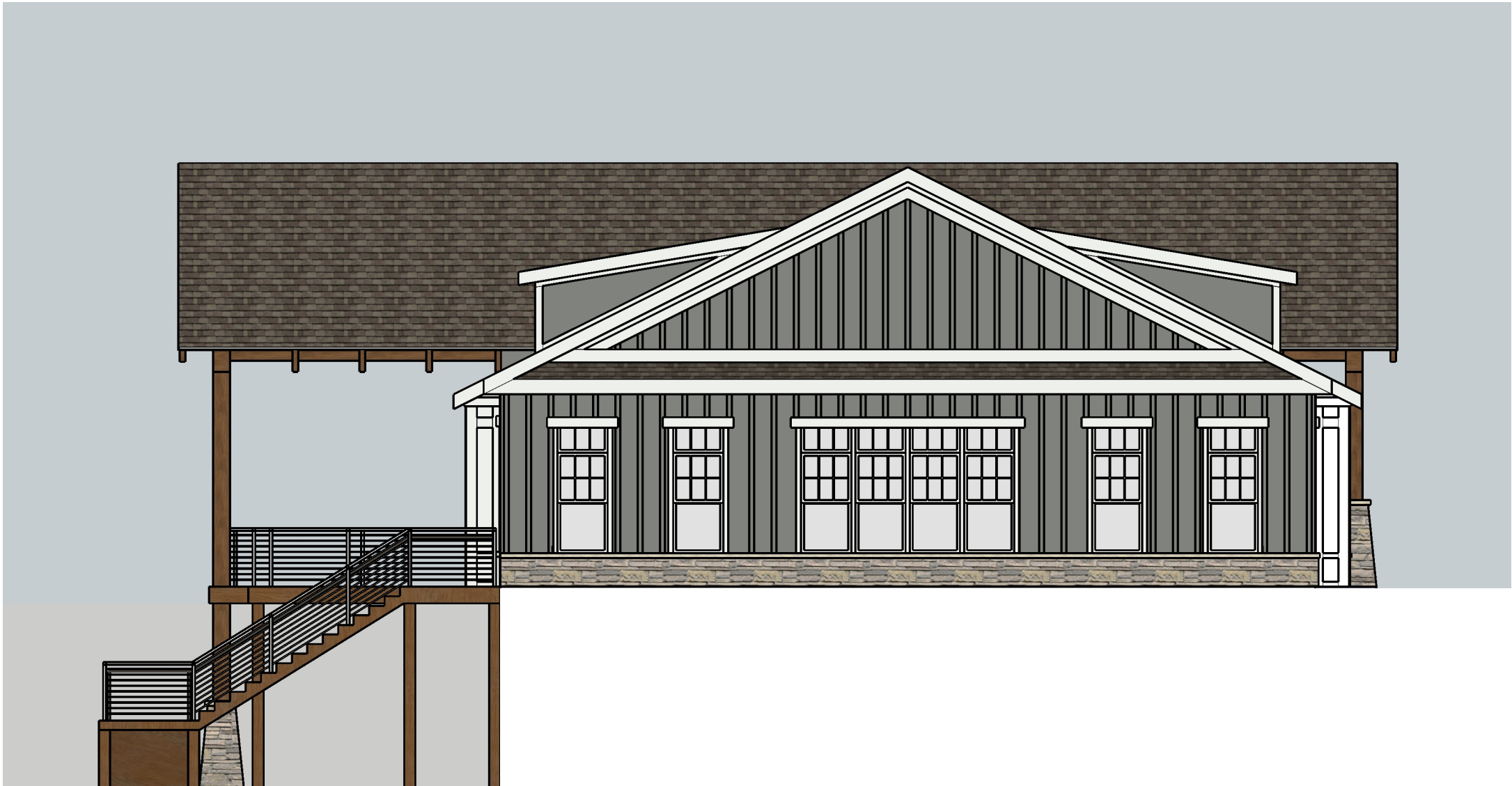
Perspective





1 Clubhouse - Front  
Scale: 1/8" = 1'-0" Elevation





1 Clubhouse - Left  
Scale: 1/8" = 1'-0"

Elevation



1 Clubhouse - Back  
Scale: 1/8" = 1'-0"

Elevation



1 Clubhouse - Left  
Scale: 1/8" = 1'-0"

Elevation