



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoulkas
County Manager

December 17, 2019

Stanley Martin Companies, LLC
c/o Mr. Jeremy Swink
200 Garrett Street, Suite B
Charlottesville, VA 22902

Re: Rezoning Case REZ2019-00025

Dear Mr. Swink:

The Board of Supervisors at its meeting on December 10, 2019, approved your request to conditionally rezone from A-1 Agricultural District and B-3 Business District to R-6C General Residence District (Conditional) Parcels 784-759-7593, 784-760-9147, 784-760-9470, 785-759-0085, 785-759-8052, 785-760-0184, 785-760-2106, 785-760-2751, 785-760-6689, 785-760-8637, 785-761-1615 and part of Parcel 784-760-1564 containing 64.79 acres located on the west line of Telegraph Road, approximately 150' south of Georgia Avenue and the east line of Telegraph Road at its intersection with Georgia Avenue, described as follows:

"Parcel 1"

Beginning at a point of Telegraph Road, said point being 119±' from the south line of Brookwood Glen Drive, labeled "P.O.B.(1)" and more particularly described as follows; thence S 77°05'38" E 1273.23'; thence S 07°14'47" W 472.32'; thence along a curve to the left with a radius of 10,924.37 and an arc length of 1089.23'; thence S 16°43'46" W 755.88'; thence N 68°49'14" W 755.44'; thence N 36°25'46" E 710.07'; thence N 73°06'14" 432.65'; thence N 77°57'13" W 491.09'; thence S 63°14'58" W 97.54'; thence N 14°09'32" E 643.28'; thence N 13°57'01" E 388.40'; thence N 13°58'22" E 549.53' to the point and place of beginning, and containing 58.71 acres of land.

"Parcel 2"

Beginning at a point on Telegraph Road, said point 307.2 from the south line on Georgia Avenue, labeled "P.O.B.(2)" and more particularly described as follows; thence S 13°52'11" W 743.37'; thence N 87°54'30" W 276.65'; thence N 26°02'44" W 94.12'; thence N 02°34'31" E 373.04'; thence S 86°57'32" E 78.21'; thence N 03°02'28" E 279.44'; thence S 86°57'32" E 386.84' to the point and place of beginning and containing 6.08 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated December 3, 2019, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Concept Plan.** The Property shall be developed generally as shown on those certain plans dated December 3, 2019 and labelled as "Exhibit A", entitled "ReTreat at One", (see case file) (collectively, the "Concept Plan"). The exact locations, footprints, configurations, size, and details of the lots, drives, roads, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of subdivision or plan of development review of the Property. Notwithstanding the foregoing, the type of residential units shall be located as generally shown on the Concept Plan, provided the Condominiums may be replaced with Townhomes and Villas, each defined below, and the Townhomes may be replaced with Villas.
2. **Residential Units.** The Property shall be developed with (a) townhome residential units that are attached to other townhomes by shared walls within a multi-unit building ("Townhomes"), (b) condominium residential units that are attached to other condominiums by shared walls as well as located on multiple levels ("Condominiums"), and (c) two story residential units that are attached to other units by shared walls within a multi-unit building ("Villas").
3. **Density.** There shall be no more than a total of (a) 210 Townhome units, (b) 288 Condominiums, and (c) 130 Villas. In no instance shall there be any more than 496 dwelling units located on the Property.
4. **Architecture.** To minimize visual repetition of buildings, no two adjacent Townhome or Condominium buildings shall have the same identical individual elevation sequence pattern across the front of the building. All Townhome units shall have a front porch or stoop. The side of each Townhome and Condominium end unit shall include at least two (2) windows and the rear of each unit shall include at least two (2) windows. Townhomes shall be no more than 3 stories in height, Condominiums shall be no more than 4 stories in height, and Villas shall be no more than 2 stories in height, all as shown on the Elevation Exhibit (see case file). All Townhomes, Condominiums and Villas shall have a minimum of a 1 car garage. No units will be permitted to have any rooftop terraces or porches.
5. **Elevations.** Any Townhomes constructed on the Property shall have front elevations generally in conformance with the elevations shown as "TOWNHOUSE" on the exhibit attached hereto as Exhibit B (see case file) ("Elevation Exhibit"). Any Condominiums constructed on the Property shall have front elevations generally in conformance with the elevations shown as "2-OVER-2" on the Elevation Exhibit (see case file). Any Villas constructed on the Property shall have front elevations generally in conformance with the elevations shown as "VILLAS" on the Elevation Exhibit (see case file).

6. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of trim) of stone, stone veneer, brick, hardi-plank, vinyl or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. An average of thirty-five (35) percent in the aggregate for all units, of the exterior portions of the front building wall surfaces of each building, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction.
7. **Sound Suppression Measures.** Walls between dwelling units shall be constructed with a minimum certified sound transmission class (STC) of fifty-four (54). A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the STC, shall be included in the building permit application.
8. **Chimneys.** The exposed portions of all fireplace chimneys shall be of brick, stone, cultured stone, or siding similar to the exterior treatment of the building. The exposed bases of all chimneys shall be of the same material as the dwelling foundation. This proffer shall not apply to direct-vent gas fireplaces or appliances.
9. **Foundations.** The exposed exterior portions of all foundations below the first-floor level shall be finished with brick, stone or cultured stone. On the front and side of each building, there shall be a minimum of twelve (12) inches of brick, stone or cultured stone visible above grade. 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 facades.
10. **Driveways.** Driveways for each residential unit shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.
11. **Foundation Planting.** Each Townhome and Villa shall have a minimum of four (4) shrubs planted in the front planting bed.
12. **Sidewalks.** A continuous sidewalk a minimum of four (4) feet in width shall be provided in front of all buildings.
13. **Trash.** There shall be no central trash receptacles.
14. **Recreation Facilities.** A minimum of 0.95 of an acre of passive and active recreational area shall be provided for the property and may include interior gathering spaces and workout areas. A stand-alone clubhouse for unit owners and guests recreation shall be provided for the dwelling units and shall include interior and exterior gathering spaces such as outdoor lounging area, kitchen and meeting or seating area, collaborative workspaces or a fitness center to include services such as but not limited to cardio, weights, yoga and group fitness. The clubhouse will also

include a great room that can be reserved by tenants for social activities. The clubhouse shall be completed prior to the 100th certificate of occupancy for any dwelling unit on the Property. Other recreational facilities for use by unit owners and guests shall include a tot lot with playground equipment and open park areas and pocket parks, as generally shown on the Concept Plan (see case file).

15. **Concept Road.** Upon the request of the County, the owner shall dedicate to Henrico County the right-of-way no more than one hundred (100') wide required for an extension road as generally shown on the Concept Plan as "CONCEPT ROAD" (the "Concept Road"), (see case file). Should the dedicated property not be used for a new 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 the Concept Road is constructed by or on behalf of the County, the entrance into the development over and across the Concept Road will be constructed with four lanes to public road standards, to its ultimate width from Brook Road east past Telegraph Road to the first road crossing within the Property, as shown on the Concept Plan. A sign shall be placed at the end of the Concept Road as noted on the Concept Plan (see case file).
16. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company.
17. **Protective Covenants.** Prior to or concurrent with the recordation of the final subdivision plat for the Property, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "County"), setting forth controls on the development and maintenance of the Property and establishing one or more owners' associations (the "Association").
18. **Construction.** The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday and no construction shall be permitted on Sunday, 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 entrances to the Property prior to any land disturbance activities thereon. Construction traffic will not be permitted to use Brookwood Glen. Construction traffic will be permitted on Telegraph Road only from its intersection with Brook Road, Mountain Road or the Property, to and from the Concept Road. Notice of such shall be provided to all contractors, including, signage.
19. **Roads.** Prior to the issuance of any final Certificate of Occupancy, the applicant shall provide the Planning Department with 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, turning radii, cul-de-sac dimensions,

curb type, and underdrains), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface. The internal roadways shall be private and shall be maintained by the Association.

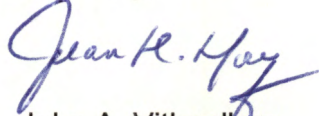
20. **Condominium Act.** Any Condominiums constructed on the Property shall comply with the Virginia Condominium Act.
21. **Southern Access.** At the request of the County, the owner shall grant an access and maintenance easement to connect that portion of the road designated on the Concept Plan as "FUTURE CONNECTION (BY OTHERS)" (see case file) to the public right-of-way shown on the Concept Plan connecting to the Property to the south of the Property.
22. **Buffers and Setbacks.** Any buffer within the Property required herein may be landscaped, including supplemental plantings, signage, berms and/or fencing and other purposes as approved by the Planning Commission at the time of landscape plan review. Roads, sidewalks, utility easements (including drainage), common owned fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer; provided, any such road or utility easements shall be extended generally perpendicular through such buffer. All buffers, whether in common area or a lot, shall be maintained by an association applicable to the Property. The following buffers shall be provided as follows:
 - a. All buffers designated on the Concept Plan (see case file) as "MINIMUM 20' BUFFER" shall be planted to the equivalent of a Transitional Buffer 25.
 - b. All buffers designated on the Concept Plan (see case file) as "MINIMUM 15' BUFFER" shall be planted to the equivalent of a Transitional Buffer 25.

Buildings shall have a minimum setback as shown on the Concept Plan (see case file).

23. **Fencing.** An opaque fence a minimum of seven (7) feet in height shall be placed in the areas shown on the Concept Plan as "PRIVACY FENCE" (see case file). The exact location of any such fence shall be approved by the Planning Commission at the time of landscape plan review.
24. **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: Neal A. Gonyo
Edwin E & Rosemary S. Bohannon
R C A P F, Inc.
Siek Homes, LLC
Goodman Family Properties, LLC
Ball/Rivers, LLC
Brian W. Barnes
Abernathy Construction Company
W. T. & Betty R. Guthrow
Daniel Allen Ferrell, Sr. &
Michelle Lynn Ferrell
Andrew M. Condlin, Esquire
Director, Real Estate Assessment
Chris Sorensen, Schools
Justin Briggs, Schools
Police, Special Services



DECEMBER 3, 2019



REZ2019-00025

TOWNHOUSE



VILLAS



2-OVER-2



EXHIBIT B

REZ2019-00025