

REZ2021-00003

Zoning

Single-Family Residential
Fairfield District





COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

John A. Vithoulkas
County Manager

May 18, 2021

Mr. George B. Miles, II
RJM Land, LLC
P.O. Box 1066
Glen Allen, Virginia 23060

Re: Rezoning Case REZ2021-00003

Dear Mr. Miles:

The Board of Supervisors at its meeting on May 11, 2021, approved your request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) on Parcels 775-767-7623, 775-767-9166, 775-768-6111, 775-768-3432, and 775-768-0741 containing 29.27 acres located on the north line of Mountain Road, approximately 400' west of Woodman Road, described as follows:

Beginning at a point, said point having a Henrico County NAD 83 South Zone coordinate value of N=3,766,897.29, E=11,775,919.10, said point being the Point of Beginning; thence in a westerly direction along a curve to the left, the arc of a circle having a radius of 873.53 feet, a distance of 145.31 feet to a point; thence N 82°41'25" W, a distance of 412.22 feet; thence N 23°59'05" E, a distance of 819.54 feet; thence N 54°18'10" W, a distance of 471.30 feet; thence N 50°34'05" W, a distance of 214.43 feet; thence S 53°46'36" W, a distance of 251.29 feet; thence N 49°55'26" W, a distance of 242.65 feet; thence N 40°23'58" E, a distance of 777.32 feet; thence S 77°41'59" E, a distance of 488.41 feet; thence S 49°01'06" E, a distance of 285.71 feet; thence in an easterly direction along a curve to the right, the arc of a circle having a radius of 316.52 feet, a distance of 281.45 feet to a point; thence in an easterly direction along a curve to the left, the arc of a circle having a radius of 723.31 feet, a distance of 729.28 feet to a point; thence S 39°02'55" E, a distance of 190.75 feet; thence S 39°46'30" W, a distance of 129.29 feet; thence S 39°46'30" E, a distance of 465.23 feet, returning to the Point of Beginning.

The Board of Supervisors accepted the following proffered conditions, dated April 21, 2021, 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 that certain concept plan prepared by Timmons Group, dated April 20, 2021, entitled "GREENHOUSE SINGLE FAMILY, FAIRFIELD DISTRICT-HENRICO COUNTY-VIRGINIA, R-5A LAYOUT" (see case file) (the "Concept Plan") and attached hereto as Exhibit A (see case file) and by this reference made a part hereof. The exact locations, footprints, configurations, size, and details of the lots, drives, streets, 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 review of the Property.
2. **Residential Units**. The Property shall be developed with single family detached residential dwelling units.
3. **Density**. There shall be no more than a total of 79 dwelling units developed on the Property, provided, a second point of access shall have to be provided to develop more than 50 dwelling units, as generally shown on the Concept Plan as "PHASE I (50 LOTS)", unless otherwise approved at the time of plan of development or subdivision review.
4. **Access**. No access to and from the Property shall be permitted from Rudwick Road or Bluebell Drive.
5. **Architecture**. To minimize visual repetition of buildings, no two adjacent dwelling units shall have the same identical individual elevation sequence pattern across the front of the building.
6. **Minimum House Size**. Dwelling units shall have a minimum of 1,700 square feet of finished floor area.
7. **Elevations/Architecture**. The exterior walls of all dwellings shall be constructed with brick, stone, dryvit, vinyl siding, hardiplank or an equivalent, a combination thereof or such other materials approved by the Director of Planning. Dwellings constructed on the Property shall generally be in conformance with Exhibit B (see case file), attached hereto and by this reference made a part hereof, unless otherwise approved at the time of Plan of Development or subdivision review.
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. **Garages.** All dwelling units shall have a minimum of one (1) car garage.
11. **Driveways.** Driveways for each dwelling unit shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.
12. **Foundation Planting.** Each dwelling unit shall have a minimum of four (4) shrubs planted in the front planting bed.
13. **Rear Setback.** Lots 46, 47, 48, 49 and 50, as shown on the Concept Plan, shall have a minimum rear building setback of 45 feet from the rear property line.
14. **Lot Tree Save Areas.** All trees with a caliper of 3½ inches or greater (except those that are naturally dead or diseased or as otherwise approved at the time of subdivision review) within ten (10) feet of the rear boundary line of Lots 46, 47, 48, 49 and 50, as shown on the Concept Plan shall be retained during development of the lot by the developer or the initial home builder, except where utility or drainage easements are required. Easements within said ten (10) feet tree save area shall cross the buffer in a generally perpendicular manner so as to minimize damage to the buffer area.
15. **Common Area Tree Save Areas.** All trees with a caliper of 3½ inches or greater (except those that are naturally dead or diseased or as otherwise approved by the Director of Planning) within any common area of the subdivision shall be retained, except where utility or drainage easements are required and where any trails or common gathering areas are proposed. Easements within such tree save area shall cross the buffer in a generally perpendicular manner so as to minimize damage to the buffer area.
16. **Sidewalks.** A continuous sidewalk a minimum of four (4) feet in width shall be provided on at least one side of each street.
17. **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 or applicable governmental authority.
18. **Protective Covenants.** Prior to or concurrent with the recordation of the final subdivision plat for the Property, a document setting forth covenants (the

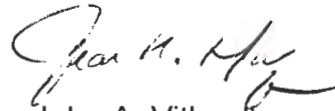
"Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "County"), setting forth controls on the development and maintenance of the Property and establishing one or more owners' associations (the "Association"). The Association shall also encompass the development that is proposed as part of Case REZ2021-00004 (the "Associated Property"), if it is approved for rezoning, to have a common association for the Property and the Associated Property.

19. **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 7:00 p.m. or dusk (whichever occurs first) Monday through Friday, 8:00 a.m. and 7:00 p.m. or dusk (whichever occurs first) on Saturdays, 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.
20. **Trees.** A minimum of two (2) trees measuring a minimum of two (2) inches in caliper at the time of planting shall be retained or planted in the front yard of each new residential lot. A minimum of one of these trees shall be a "Street Tree" and shall be planted no more than ten (10) feet from the curb unless otherwise approved at the time of Landscape Plan approval.
21. **Amenities.** Recreational amenities for use by dwelling unit owners and guests shall include at least one gathering area (with a gazebo or pavilion and amenities such as grill and tables, meeting area, play areas and as otherwise approved at the time of subdivision or plan of development review), and to be located in an open park area. Trails and walkways shall be provided on the Property for common use of dwelling unit owners and their guests and when possible will tie into sidewalks adjoining the Property.
22. **C-1 Conservation District.** Prior to filing the final subdivision plan on the Property, the Owner/ Applicant shall apply to rezone such portions of the Property situated within the 100-year floodplain/special flood hazard area to a C-1 Conservation District. The location and limits of such portions of the Property shall be established by definitive surveys approved by the Department of Public Works.
23. **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.

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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", written in a cursive style.

John A. Vithoulkas
County Manager

pc: Andrew M. Condlin, Roth Jackson
Miles Greenhouse Properties, LLC
Luis A. Raqui
J. Brocos Isauro
G. Ray Claytor
Virginia Claytor
Director, Real Estate Assessment
Justin Briggs, Schools



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