

COUNTY OF HENRICO



John A. Vitoulkas
County Manager

October 19, 2021

Bacova SP, LLC
11533 Nuckols Rd
Glen Allen, Virginia 23059

RE: Rezoning Case REZ2021-00038

Dear Applicant:

The Board of Supervisors at its meeting on October 12, 2021, approved your application to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) to allow residential development of detached zero lot line dwellings on Parcel 738-767-3732, containing 2.774 acres located on the south line of Kain Road approximately 800' west of its intersection with Pouncey Tract Rd (State Route 271), described as follows:

Beginning at a point on the south line of Kain Road, said point being 808.44' west of the west line extended of Pouncey Tract Road; thence leaving the south line of Kain Road S 50°31'30" W, a distance of 747.06' to a point; thence N 15°04'13" E, a distance of 366.15' to a point; thence N 50°01'14" E, a distance of 383.52' to a point on the south line of Kain Road; thence continuing along the south line of Kain Road S 56°18'53" E, a distance of 225.43' to the point and place of beginning containing 2.774 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated September 7, 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 in general conformance with EXHIBIT A, attached (see case file) entitled "WOODSON HILLS AT BACOVA, SECTION 3, THREE CHOPT DISTRICT, HENRICO COUNTY, VIRGINIA", prepared by Youngblood, Tyler & Associates, P.C., and dated July 6, 2021. The exact locations, footprints, configurations, size, and details of the lots, roads and other Improvements shown on the Concept Plan are illustrative and may be 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.

2. **Architectural Features.** All dwellings shall have an architectural style and use design elements generally similar to those images set forth on the Exhibit A (pages 1-4) provided as part of case REZ2019-00030 (see case file). Such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings. Various design elements shall be incorporated to provide variety amongst individual dwelling units including, but not limited to the following: varying colors of brick, brick accents (including, but not limited to, arches with or without keystones, soldier courses, quoin corners, and accent coloring different from any main brick coloring), varying colors of siding, varying window designs, and varying doorway designs. No two homes adjoining each other side by side shall be identical in exterior architectural features and colors. The side of any dwelling that is on the opposite side of the zero-lot line side of the dwelling shall include at least two windows. Any porch (which shall not include front access stoops) shall be a minimum of five feet (5') in depth as measured from the front of the home.
3. **Density.** No more than 45 residential dwelling units shall be constructed on the Property in the aggregate with case REZ2019-00030. Any residual land that is reserved and would be combined with land adjacent to this Property to form a buildable lot would not be counted toward this density restriction.
4. **Home and Lot Details.** Any new home constructed on the Property shall have a minimum of 2,000 square feet of finished floor area and shall be located on a lot with a minimum lot width of 50 feet at the minimum front setback line.
5. **Recreational Facility.** All homes shall have the right to use the recreational facility provided as part of Case C-9C-11 (see case file).
6. **Foundations.** Each dwelling shall be constructed on crawl space foundations, except for basements and garages. The exterior portion of the foundations below the first-floor level which is above grade shall be finished with full standard brick or stone unless otherwise approved by the Director of Planning. This proffer shall not apply to direct vent gas fireplaces or appliances. Steps to the main entrances of all one-family dwellings, including front access stoops and porches, but not including one-family dwellings with country porches, shall be faced with full standard brick or stone with a finished concrete or exposed aggregate landing for any such steps, stoops or porches. Any visible piers on porches shall be constructed of brick.
7. **Exterior Materials.** Any dwelling, including any garage (whether attached or detached) accessory to such dwelling upon the same lot, whether attached or detached, shall have exposed exterior walls (above finished grade) of full standard brick, stone, cementitious siding, or a combination of the foregoing, unless otherwise approved by the Director of Planning.

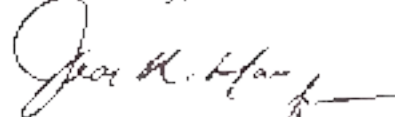
8. **Roof Material.** The roof of each dwelling shall be constructed with a roof that has a minimum certified twenty-five (25) year warranty.
9. **Garages.** Every dwelling shall be constructed with no less than a one (1) car garage that shall have a minimum interior clear area of eighteen (18) feet in length by ten (10) feet in width at the time of construction.
10. **Driveways.** All driveways shall be constructed of exposed aggregate, concrete, brick, stone, asphalt, pre-cast pavers or other similar materials approved by the Director of Planning. No individual lots shall have direct access to Kain Road.
11. **Fireplace Chimneys.** The exposed portions of all fireplace chimneys shall be of full standard brick, stone, or cementitious siding. The exposed bases of all chimneys shall be of the same material as the building foundations. The exposed portion of the flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
12. **Cantilevering.** No cantilevered features will be allowed on the front or side of the home, except for second story bay windows which will be designed and constructed with decorative corbels.
13. **Lighting.** Pedestrian scale residential lighting shall be provided on each lot. Such lighting shall be non-glare, decorative in style, residential in character and shall be provided at least in the front yard of each residential lot.
14. **Kain Road Improvements.** The southern side of Kain Road shall be widened and improved to Henrico County public road standards, with curb and gutter, as it adjoins the Property.
15. **Landscaping, Buffer and Fencing Requirements.**
 - a. **Overall.** Any buffer within the Property required herein shall be retained as natural and may also be landscaped, and may include supplemental plantings, signage, berms and/or fencing and other purposes as approved by the Planning Commission at the time of landscape plan review. Buffer areas with installed landscaping shall be irrigated unless otherwise approved by the County at the time of subdivision or plan of development 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 the Association, hereinafter defined. No fencing and walls for an individual lot may be located within a

- buffer. No chain link fencing or stockade fencing shall be permitted on the Property.
- b. **Kain Road.** A natural and landscaped buffer a minimum of at least twenty-five (25) feet in width and planted to the level of a transitional buffer 25 shall be provided adjacent to Kain Road. Such buffer shall include a fence as depicted on Exhibit 8 from case C-9C-11.
16. **Sidewalks.**
- a. **Kain Road.** When requested by the County, the area needed to construct a five (5) foot wide sidewalk and two-foot grass strip shall be dedicated to the County along the entire ultimate boundary for the southern line of Kain Road. Should any of the dedicated right-of-way not be used by the County within fifteen (15) years of the date of the dedication, title to the dedicated property will revert to the applicant or its successors in interest. As required at the time of Plan of Development, a sidewalk a minimum of five (5) feet in width, constructed to Henrico County standards, shall be provided along the Property frontage with Kain Road.
- b. **Internal.** A sidewalk a minimum of 4 feet wide shall be provided on one side of all roads within the Property, unless otherwise approved by the County at the time of subdivision or plan of development review of the Property.
17. **Protective Covenants.** Prior to or concurrent with the final approval of the initial subdivision or plan of development 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, setting forth controls on the development and maintenance of the Property and establishing an owners' association (the "Association"). The Association may be a part of a larger association encompassing more property than just the Property. The Covenants shall provide for high standards of uniform maintenance of individual sites, common areas, open space, landscaping and private streets. The Association shall establish uniform rules related to the standards for approval by the Association of improvements within the Property, including, but not limited to, construction of any buildings and other structures and signage.
18. **Lot Landscaping.** A minimum of one (1) tree measuring a minimum of 2.5" shall be retained or planted in the front or side yard of every lot and two (2) such trees on corner lots. All yards on a lot shall be irrigated and planted with sod. Each home shall have prototypical plantings (shrubs and ornamental ground cover) along the entire front foundation as approved by the Planning Commission at the time of subdivision or plan of development review of the Property.

19. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company. Electrical junction boxes and meters shall be screened from public view with a wall, fence, landscaping, or such other method as may be approved by the County at the time of subdivision or plan of development review of the Property.
20. **Best Management Practice.** Best Management Practice structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water-related feature and if specifically permitted by the Director of Planning or the Planning Commission at the time of subdivision or plan of development review of the Property. Any aboveground Best Management Practice structure shall include an aeration feature to move water within such structure.
21. **Hours of Construction.** During the construction of the development on the Property the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 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 or utility connections. Exceptions shall require the approval of the Director of Planning. Construction signs shall be posted in English and in Spanish and shall state the hours of construction.
22. **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

cc: Andrew M. Conklin, Esq.
Director, Real Estate Assessment
Justin Briggs, Schools



REZ2019-00030





