

REZ2022-0019

Zoning

Single-Family Residential
Three Chopt District

400 Feet

PS March 2022 Ref: 739-755-4897



John A. Vithoukas
County Manager

February 21, 2023

Pemberton Investments, LLC
4130 Innslake Drive
Glen Allen, VA 23060

Re: Rezoning Case REZ2022-00019

Dear Sir/Madam:

The Board of Supervisors at its meeting on February 14, 2023, approved your request to conditionally rezone from A-1 Agricultural District and B-3 Business District to R-5AC General Residence District (Conditional) part of Parcel 739-755-4897 containing 10.517 acres located on the west and east lines of John Rolfe Parkway at its intersection with Pump Road, described as follows:

Parcel 1

Beginning at a point at the intersection of the north line of Church Road and the east line of John Rolfe Parkway; thence along the east line of John Rolfe Parkway along a curve to the right having a length of 281.53', a radius of 895.93', a chord bearing of N 02°32'53" W and a chord of 280.37' to a point; thence N 05°17'52" E 299.11' to a point; thence N 07°38'00" E 105.33' to the true point of beginning; thence N 07°38'00" E 303.36' to a point; thence N 06°38'32" E 349.78' to a point; thence along a curve to the right having a length of 612.23', a radius of 12,941.10', a chord bearing of N 09°40'57" E and a chord of 612.17' to a point; thence leaving the east line of John Rolfe Parkway S 73°36'20" E 275.80' to a point; thence S 16°23'41" W 899.76' to a point; thence S 13°11'15" W 333.11' to a point; thence N 83°21'30" W 119.14' to the true point of beginning and containing 5.657 acres.

Parcel 2

Beginning at a point marked P.O.B. 2; said point being the intersection of the south line of Pump Road and the west line of John Rolfe Parkway; thence along the west line of John Rolfe Parkway S 07°38'00" W 290.42' to a point; thence along a curve to the left having a length of 208.28', a radius of 1,013.93', a chord bearing of S 01°44'55" W and a chord of 207.92' to a point on the east line of Old Pump Road; thence leaving the west line of John Rolfe Parkway and continuing along the east line of Old Pump Road S 28°34'14" W 46.04' to a point; thence along a curve to the left having a length of 57.09', a radius of 107.00', a chord bearing of S 44°55'36" W and a chord of 56.42' to a point; thence along a curve to the right having a length of 25.78', a radius of 130.00', a chord bearing of S 35°19'22" W and a chord of 25.74' to a point; thence along a curve to the

right having a length of 21.42', a radius of 20.00', a chord bearing of S 71°40'49" W and a chord of 20.41' to a point; thence N 25°10'00" W 158.64' to a point; thence N 65°38'13" E 9.69' to a point; thence along a curve to the right having a length of 917.36', a radius of 17,155.73', a chord bearing of N 22°49'52" W and a chord of 917.25' to a point; thence N 16°48'43" E 14.79' to a point on the south line of Pump Road; thence leaving the east line of Old Pump Road and continuing along the south line of Pump Road S 79°50'09" E 16.28' to a point; thence along a curve to the left having a length of 163.08', a radius of 1,643.72', a chord bearing of S 43°04'43" E and a chord of 163.01' to a point; thence along a curve to the left having a length of 462.50', a radius of 994.93', a chord bearing of S 59°14'17" E and a chord of 458.35' to a point; thence S 32°27'29" E 56.04' to the point of beginning marked P.O.B. 2 and containing 4.860 acres.

The Board of Supervisors accepted the following proffered conditions, dated January 24, 2023, 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 Property shall be in general conformance with the Conceptual Master Plans (a) entitled "SCHEMATIC #33, OLD PUMP ROAD, R-5A ZONING, THREE CHOPT DISTRICT, HENRICO COUNTY, VIRGINIA", dated January 5, 2023 (the "Old Pump Concept Plan") (see case file), and (b) entitled "SCHEMATIC #34, JOHN ROLFE PARKWAY, R-5A ZONING, THREE CHOPT DISTRICT, HENRICO COUNTY, VIRGINIA", dated January 5, 2023 (see case file), each prepared by Parker Consulting, LLC and attached hereto as EXHIBIT A (together with the Old Pump Concept Plan, collectively, the "Concept Plan"), 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.
2. **Density.** There shall be no more than 21 dwelling units. No duplexes shall be permitted.
3. **Architectural Treatment.** Homes constructed on the Property shall be generally in conformance with EXHIBIT B (see case file) attached hereto, unless otherwise requested by the owner and specifically approved by the Director of Planning.
4. **Minimum Dwelling Size.** Any new dwelling constructed on the Property shall have a minimum of 2,400 square feet of finished floor area.
5. **Lighting.** Pedestrian scale residential lighting within the Property 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.

6. **Landscaping.** A minimum of one (1) tree measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot and side yards on corner lots in the Property. In no case, shall any such tree be planted more than ten (10) feet from the right-of-way unless otherwise approved at the time of landscape plan approval. The front and side yards of any lot within the Property shall be irrigated and planted with sod. Each new dwelling on the Property shall have prototypical plantings (shrubs and ornamental ground cover) along the entire front foundation.
7. **Foundations.** All dwelling units on the Property shall be constructed with crawl space foundations except for basements, garages and as may otherwise be approved at the time of plan of development or subdivision review. The exterior portion of the foundations below the first-floor level which is visible above grade shall be finished with full standard brick or stone unless otherwise approved by the Director of Planning.
8. **Building Materials.** Any dwelling, including any garage 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.
9. **Roof Material.** Any dwelling on the Property shall be constructed with a roof that has a minimum certified twenty-five (25) year warranty.
10. **Garages.** Each new dwelling on the Property shall be constructed with a minimum of a two (2) car garage, which shall be attached.
11. **Driveways.** All new driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning or the Planning Commission at the time of subdivision review.
12. **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 a 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.
13. **Cantilevering.** No cantilevered features will be allowed, except for direct gas vents and second story bay windows which will be designed and constructed with decorative corbels.

14. **Restrictive Covenants.** Prior to or concurrent with the recording of the subdivision plat applicable to that portion of the Property and as approved by the County, restrictive covenants describing development controls and maintenance of such portion of the property and establishing two separate owners' associations (one for each portion of the Property on either side of John Rolfe Parkway, and each an "Association"), shall be recorded in the Clerk's Office of the Circuit Court of Henrico County.
15. **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.
16. **Sidewalks and Fencing.** A sidewalk a minimum width of four (4) feet shall be provided and constructed along the east side of Old Pump Road adjoining the Property pursuant to County standards. Any sidewalk along John Rolfe Parkway disturbed by the construction of the private common road along John Rolfe Parkway, including any entrances and turn lanes, shall be replaced per County sidewalk standards. No chain link fencing shall be permitted on the Property.
17. **Hours of Construction.** The hours of site work construction shall be between 8:00 a.m. and 6:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. on Saturdays and none 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. 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. **Landscaping and Buffering.**
 - 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 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 in common area shall be maintained by the respective Association. No stormwater facilities (other than necessary drainage connections) shall be located within a buffer.
 - b. **John Rolfe Parkway.** A natural and landscaped buffer a minimum of thirty-five (35) feet in width and planted to the level of a transitional buffer 25 shall be

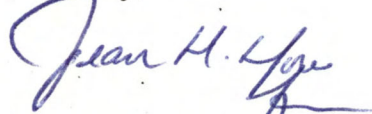
provided adjacent to John Rolfe Parkway from the northern boundary line of the Property to the southern entrance of the private common road along John Rolfe Parkway. A natural buffer a minimum of thirty-five (35) feet in width shall be maintained adjacent to John Rolfe Parkway from the southern entrance of the private common road along John Rolfe Parkway to the southern boundary line of the Property along John Rolfe Parkway.

- c. **Pump Road.** A natural and landscaped buffer a minimum of twenty-five (25) feet in width and planted to the level of a transitional buffer 25 shall be provided adjacent to Pump Road as shown on the Concept Plan (see case file).
 - d. **Residential Buffer.** A natural and landscaped buffer a minimum of ten (10) feet in width and planted to the level of a transitional buffer 25 at the time of commencement of home construction shall be provided along the boundary of the Property with the Chapelwood and Barrington West subdivisions as shown on the Concept Plan (see case file). The ten (10) foot buffer shall include supplemental evergreen plantings necessary to provide additional screening for existing, adjoining single-family dwellings located in the Chapelwood and Barrington West subdivisions as determined at the time of landscape plan review. Evergreen trees planted to meet the transitional buffer 25 standard shall have a height of not less than six (6) feet at the time of planting. Deciduous trees planted to meet this transitional buffer 25 standard shall have a minimum caliper of two and one-half (2.5) inches at the time of planting. Evergreen shrubs planted to meet this transitional buffer 25 standard shall have a minimum height of twenty-four (24) inches at the time of planting. All trees with a caliper of three and one-half (3.5) inches or greater (except those that are naturally dead or diseased or as otherwise approved at the time of subdivision review) within such ten (10) buffer shall be retained during development of the home, except where utility or drainage easements are required.
 - e. **Old Pump Road.** A landscaped strip of a minimum of ten (10) feet in width and planted to the level of a transitional buffer 10 shall be planted on the northern terminus of Old Pump Road.
19. **Road Improvements.** As required by the County at the time of subdivision review, a right turn lane from John Rolfe Parkway into the southern entrance of the private common road along John Rolfe Parkway shall be constructed. Old Pump Road shall be improved as required by the County at the time of subdivision review.
 20. **Lot Widths.** The combined average lot width will not be less than sixty-five (65) feet for lots facing John Rolfe Parkway, and seventy-five (75) feet for lots facing Old Pump Road.

21. **Common Amenities.** Common amenities for the benefit of the residents and guests of the portion of the Property east of John Rolfe Parkway shall be constructed simultaneously with the development of the dwelling units as required at the time of subdivision review. Common amenities shall include one or more amenities that add high visual interest, such as, but not limited to benches; landscaped areas; and other pedestrian elements.
22. **Pump Road Access.** At the request of the County at the time of any plan of development or subdivision review for the Property shown on the Old Pump Road Concept Plan (see case file), a gate for emergency access shall be installed across Old Pump Road, at a location at or near the southern boundary line of Lot 1 as shown on the Old Pump Road Concept Plan (see case file) and as approved at the time such plan of development or subdivision review.
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.

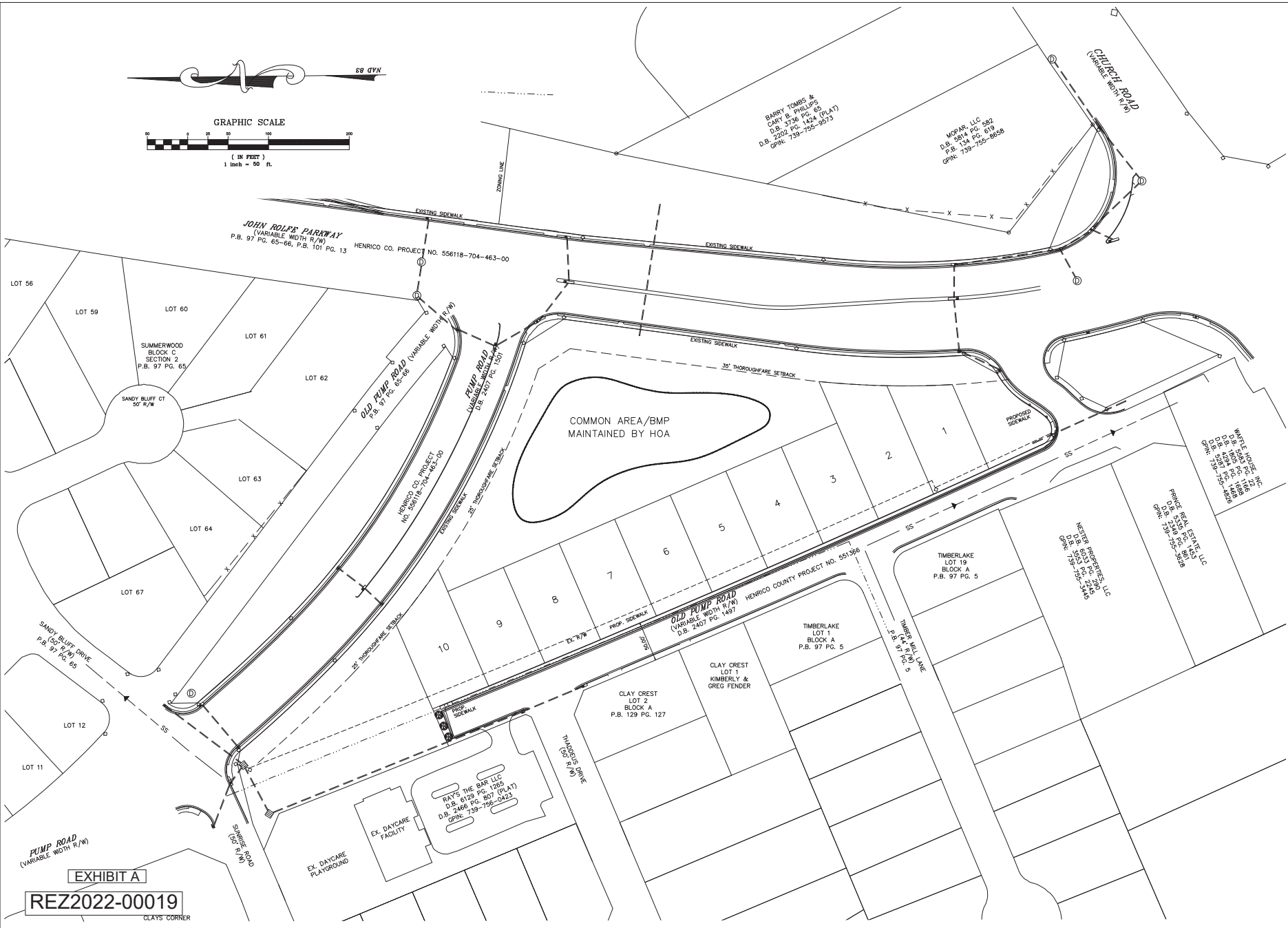
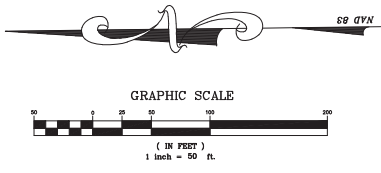
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,



John A. Vithoukas
County Manager

pc: Andrew M. Condlin
Director, Real Estate Assessment



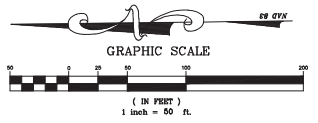
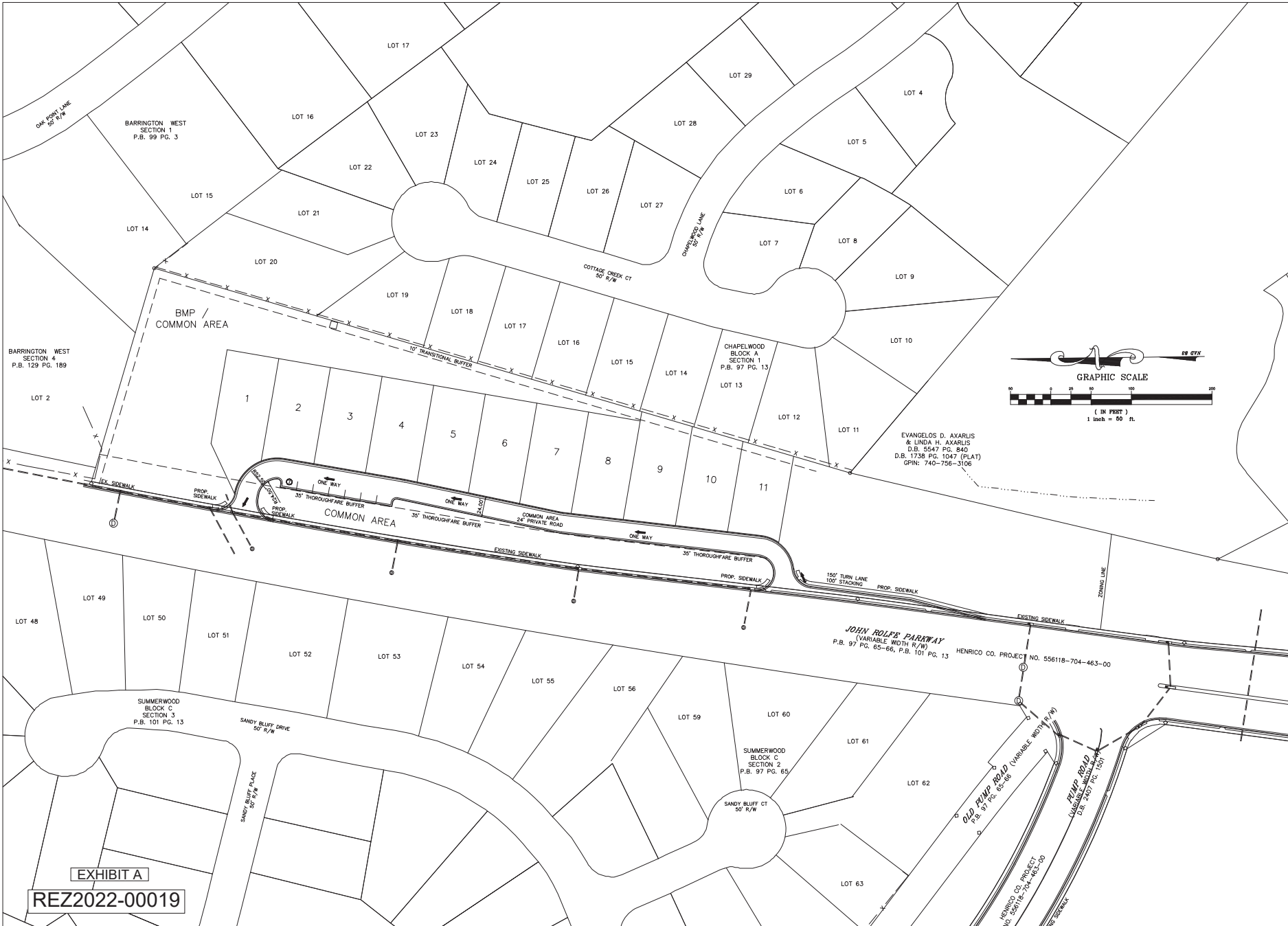
PARKER CONSULTING, LLC
 12511 HIDDEN OAKS COURT
 HENRICO, VIRGINIA 23235
 TEL: (604) 308-0495 • FAX: (604) 308-4776
 parkerconsulting.com

SCHEMATIC #33
OLD PUMP ROAD
 R-5A ZONING
 THREE CHOPT DISTRICT
 HENRICO COUNTY, VIRGINIA

DATE	REVISION	CHECK BY

EXHIBIT A
REZ2022-00019
 CLAYS CORNER

DATE: 01/05/23
 SCALE: 1" = 50'
 DESIGN BY: FPP
 DRAWN BY: FPP
 CHECK BY: FPP
 OLDPUMP
 SHEET 1 OF 1



EVANGELOS D. AXARLIS
 & LINDA H. AXARLIS
 D.B. 5547 PG. 849
 D.B. 1738 PG. 1047 (PLAT)
 GPIN: 740-756-3106

EXHIBIT A
 REZ2022-00019

PARKER CONSULTING, LLC
 12511 HIDDEN OAKS COURT
 HENRICO, VIRGINIA 23235
 TEL: (804) 308-0800 • FAX: (804) 308-4776
 parkerconsulting.com

SCHEMATIC #34
 JOHN ROLFE PARKWAY
 R-5A ZONING
 THREE CHOPT DISTRICT
 HENRICO COUNTY, VIRGINIA

DATE	REVISION	CHECK BY

DATE: 01/05/23
 SCALE: 1" = 50'
 DESIGN BY: FFP
 DRAWN BY: FFP
 CHECK BY: FFP
 OLDPUMP
 SHEET 1 OF 1

Sample Elevations



REZ2022-00019