



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoulkas
County Manager

August 16, 2022

HHH Land LLC
11237 Nuckols Road
Glen Allen, VA 23059

Re: Rezoning Case REZ2022-00020

Dear Sir/Madam:

The Board of Supervisors at its meeting on August 9, 2022, approved your request to conditionally rezone from A-1 Agricultural District and R-4C One-Family Residence District to R-5AC General Residence District (Conditional) (.872 acres), and R-6C General Residence District (Conditional) (6.409 acres), Parcels 739-766-6963 -8964, -9452, 740-766-0541, and 740-766-4846 totaling 7.281 acres located on the east line of Pouncey Tract Road (State Route 271) approximately 370' north of its intersection with Twin Hickory Lake Drive, described as follows:

Beginning at a point on the east line of Pouncey Tract Road, said point having a N.A.D. 83 coordinate value of N=3766167.12, E=11739657.49; thence continuing along the east line of Pouncey Tract Road along a curve to the right having a delta angle of 05°04'16", a radius of 3784.54', an arc length of 334.95', a chord bearing of N 11°08'13" W, with a chord length of 334.84' to a point; thence N 08°36'05" W, a distance of 178.03' to a point; thence leaving the east line of Pouncey Tract Road N 81°35'25" E, a distance of 390.31' to a point; thence S 08°31'35" E, a distance of 145.92' to a point; thence N 63°21'05" E, a distance of 322.01' to a point; thence S 13°18'05" E, a distance of 76.25' to a point; thence N 72°46'00" E, a distance of 147.17' to a point on the south line of Turning Branch Way; thence continuing along the south line of Turning Branch Way along a curve to the left having a delta angle of 12°16'35", a radius of 610.75', an arc length of 130.86', a chord bearing of S 23°22'18" E, with a chord length of 130.61' to a point; thence along a compound curve to the left having a delta angle of 09°42'25", a radius of 695.57', an arc length of 117.84', a chord bearing of S 34°21'47" E, with a chord length of 117.70' to a point; thence leaving the south line of Turning Branch Way S 50°47'00" W, a distance of 148.45' to a point; thence N 46°35'20" W, a distance of 87.87' to a point; thence S 66°47'44" W, a distance of 173.73' to a point; thence N 46°33'54" W, a distance of 17.07' to a point; thence S 67°05'05" W, a distance of 575.07' to the point and place of beginning containing 7.281 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated June 30, 2022, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Applicable to all:

1. **Conceptual Master Plan.** Development of the property shall be in general conformance with Exhibit A attached hereto entitled 'The Pointe at Twin Hickory Phase 2" (see case file), which Conceptual Master plan is conceptual in nature and may vary in detail, unless otherwise requested by the owner and specifically approved by the Director of Planning.
2. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, and existing overhead utility lines, all new utility lines shall be installed underground.
3. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday, between 8:00 a.m. and 5:00 p.m. on Saturdays and none on Sundays; provided, however, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connectors.
4. **Road Construction and Dedications.** Road improvements and/or dedications shall be made as follows:
 - a. Right of way dedication and construction of a second lane and sidewalk along the property frontage of Pouncey Tract Road.
 - b. The existing turn lane serving the commercial entrance for the adjacent property to the north shall be extended along the Property's frontage to create a standard VDOT turn lane and taper, with corresponding dedication of right of way.
 - c. These improvements shall be commenced with the initial development of the Property unless otherwise requested by the owner and approved by the Planning Director at the time of Plan of Development approval.
5. **Private Roads.** Prior to the issuance of any 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 and turning radii), to include proper compaction of the subbase soils, utility trenches, base stone, and asphalt surface.
6. **Sediment Control Device Fencing.** Any temporary sediment basins or traps shall be enclosed with a temporary wire fence (e.g., welded wire fence) around the perimeter of such basin or trap to discourage access to such basin or trap. This

temporary wire fence may be removed when such basin or trap is removed or when such basin or trap is converted to a permanent BMP. This temporary fence may be removed on a temporary basis to permit development work along, or in the proximity of, such basin or trap.

7. **Privacy Fence.** A six foot (6') tall privacy fence ("Privacy Fence") shall be installed on the Property along the property line shared with Lots 87-92 of Hickory Woods ("HW Lots") and along the rear property line of the lots within the portion of the Property zoned R-5AC. This fence for the HW Lots shall be initially installed prior to the commencement of mass grading activities on the Property for the improvements shown on the Conceptual Master plan. The fence for the lots within the portion of the Property zoned R-5AC shall be installed initially prior to the issuance of the first building permit for those lots.
8. **Buffer Along Hickory Woods.** A landscaped buffer area of a minimum of thirty-five (35) feet in width along the property line adjacent to lots in Hickory Woods subdivision, shall be installed except to the extent necessary or allowed for utility easements that may pass through the buffer in generally perpendicular manner (unless currently existing), for walkways, for the Privacy Fence and for any other purpose requested and specifically approved at the time of Plan of Development. Such buffer shall be in accordance with the requirements for Transitional Buffer 35 (with credit for existing trees and shrubs) or as otherwise requested by the owner and approved at the time of Plan of Development. Prior to the issuance of the certificate of occupancy for the second to last building shown on the approved plan of development, an arborist shall be consulted to identify existing vegetation and underbrush that is dead, diseased, or dying that shall be removed from the buffer area, and if so removed, additional plantings shall be added to meet the requirements of the Transitional Buffer 35 standard.
9. **Buffer Along Pouncey Tract Road.** A natural and/or landscaped buffer area of a minimum of thirty-five (35) feet in width, which may be included within any required setback, shall be installed along the property line adjacent to Pouncey Tract Road ("PTR Buffer"). The PTR Buffer shall be planted in a manner that will create a wax myrtle hedge row similar to other perimeter landscaping for Twin Hickory; provided that the plantings provided in the PTR Buffer shall be no less than the planting requirements, with credit for existing vegetation, as set forth in the Ordinance for the Transitional Buffer 35. Signage may be located within the PTR Buffer, along with any other improvements specifically requested by the owner and approved by the Planning Director at the time of plan of development review. The PTR Buffer shall be irrigated and maintained by the owner's association. Utility easements that may pass through the PTR Buffer in generally perpendicular manner, unless currently existing. In the event existing utilities will not permit the required plantings, the number of required plants may be adjusted with the approval of the Planning Director at the time of plan of development review. The final design for the PTR Buffer shall be set forth in the approved landscape plan.
10. **Severance.** The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.

11. **Protective Covenants.** Prior to the issuance of the first building permit, a document 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 such portions of the Property.
12. **Trash and Recycling Receptacles Areas.** All dumpsters, trash and recycling receptacles, (not included convenience cans), shall be screened from view at the boundary line of the Property by a masonry or metal fence, gate, or wall (which may be a precast panel masonry fence) to match the exterior of the building on the property or as otherwise approved at the time of Plan of Development review.
13. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
14. **Building Materials.** Primary exterior wall materials (exclusive of windows, gables, doors, trim, soffit and fascia) shall be brick, stone, cultured stone, stone veneer, brick, fiber cement board (e.g., HardiePlank), engineered wood (e.g., LP Smartside), or a combination of the foregoing unless different architectural treatment and/or materials are requested by owner and approved by the Director of Planning. Fiberboard (e.g., Masonite) shall not be permitted as an exterior wall material.
15. **Architectural Treatment.** Units shall be generally in conformance with Exhibit C (see case file) attached hereto, unless otherwise requested by the owner and specifically approved by the Director of Planning.
16. **Foundation Planting.** Foundation planting beds are required along the entire front facade of the house, excluding porches, architectural features and garages, and shall contain a minimum of fifty (50) percent evergreen material. The front corner of each building shall be visually softened with a vertical accent shrub or small evergreen tree.
17. **Irrigation.** Front, side and rear yards shall be sodded and irrigated, excluding mulched beds.
18. **Foundations.** The exposed exterior portions of all foundations below the first floor level shall be finished with brick, stone or cultured stone. For all elevations there shall be a minimum of eight inches (8") of brick, stone or cultured stone visible above grade. Where a hardship of the lot prevents compliance with this proffer, the requirements may be modified or waived by the Director of Planning.
19. **Minimum Unit Sizes.** Units shall consist of not less than 1,050 gross square feet. Minimum gross floor area shall not include garages or breezeways. Floor area shall be measured along the exterior walls of the structure.
20. **Density.** There shall be no more than sixty-five (65) residential units in the portion of the Property zoned R-6C.

21. **Units per Building.** There shall be no more than five (5) units per building.
22. **Garages.** Each home shall have access to a one (1) car garage. All garage doors shall have, at a minimum, one architectural detail including, but not limited to, windows, carriage door handles, exposed hinges or accent columns.
23. **Building Height.** The buildings on the Property shall not exceed thirty-five (35) feet above the finished grade of the building at the front of the building.
24. **Exterior Lighting.** Exterior lighting fixtures shall not exceed sixteen (16) feet in height as measured from the grade of the base of the lighting standard or from the finished grade of the building directly below such lighting fixture, as the case may be. Parking lot lighting shall be produced from concealed sources of light. At no time shall the parking lot lighting exceed one-half (1/2) foot-candle beyond the boundary lines of the Property. All parking lot lighting shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Facade accent lighting and landscape lighting of no more than 50 watts is permitted. Floodlights a maximum of 300 watts per bulb may be eave mounted and located such that the light is directed completely within boundary lines of the Property. All exterior lighting shall be compatible with the building in style and finish.
25. **Private Roads.** The internal roadways shall be private and shall be maintained by an owners' association.
26. **Marketing.** All homes shall be initially marketed for sale as "Owner-occupied."

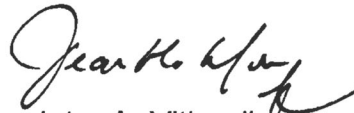
APPLICABLE TO R-5AC

27. **Foundations.** The exposed exterior portions of exterior single-family residence foundations shall be constructed of brick or natural stone.
28. **Protective Covenants.** Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), a document 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 such portions of the Property. Said covenants shall include requirement for paved driveways, initially sodded and irrigated front yards, brick steps to front doors and standard mailbox design.
29. **Chimneys.** No chimney or gas vent unit shall be cantilevered. The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundation.
30. **Minimum Unit Sizes.** Units shall consist of not less than 2,000 gross square feet. Minimum floor area shall not include garages and or breezeways. Floor area shall be measured along the exterior walls of the structure.

31. **Minimum Lot Width.** Lots shall be no less than 60' (sixty feet) wide.
32. **Minimum Front Setback.** The front yard setback on each lot shall be no less than 35' (thirty-five feet).
33. **Cantilevering.** There shall be no cantilevered treatment of any architectural features on the first floor. Items on the upper floors such as balconies, decks, bump-outs, box or bay-type windows may be cantilevered, but shall include decorative support corbels.
34. **Sod and Irrigation.** Each front and side yard (to the edge of the rear of the home on corner lots adjacent to streets) shall initially be sodded and irrigated, exclusive of mulched flowerbeds and landscaping.
35. **Building Materials.** Each home front facade shall be brick faced exclusive of windows, dormers, gables, doors, trim, soffit, and fascia, unless an equivalent material is requested by owner and approved by the Director of Planning. Other exterior wall materials (exclusive of windows, dormers, gables, doors, trim, soffit and fascia) shall be brick, stone, cultured stone, stone veneer, fiber cement siding, engineered wood, vinyl (a minimum of .044" nominal thickness as evidenced by manufacturer's printed literature), or a combination of the foregoing unless different architectural treatment and/or materials are requested by owner and approved by the Director of Planning. Fiberboard (e.g., Masonite) shall not be permitted as an exterior wall material.
36. **Foundation Planting.** Foundation beds are required along the entire front facade of the house, excluding porches, architectural features and garages, and shall contain a minimum of fifty (50) percent evergreen material. A minimum of one front corner of the house shall be visually softened with a vertical accent shrub or small evergreen trees.
37. **Garages.** Each home shall include a minimum of a two (2) car detached garage. All garage doors shall have, at a minimum, one architectural detail including, but not limited to, windows, carriage door handles, exposed hinges or accent columns.
38. **Street Trees.** A street tree with a minimum two (2) inch caliper shall be planted on each lot. Spacing of trees shall be adjusted as needed to accommodate driveways and underground utilities, including stormwater systems.
39. **Density.** There shall be no more than four (4) residential units in the portion of the Property zoned R-5AC.
40. **Architectural Treatment.** Homes constructed on the Property shall be in general conformance with Exhibit B (see case file), attached hereto, unless otherwise requested by the owner and specifically approved by the Director of Planning. Notwithstanding what is shown on Exhibit B (see case file), attached hereto, the colors used on the homes shall comply with the design guidelines contained in the Twin Hickory Design Standards.
41. **Marketing.** All homes shall be initially marketed for sale as "Owner-occupied."

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: Warren W. and Sue E. White
Gregory Allen Flippen
Kathryn R. Sheek
HHHunt Corporation
Jeffrey P. Geiger
Henrico County Public Schools
Director, Real Estate Assessment

EXHIBIT A

The Pointe at Twin Hickory Phase 2 (Conceptual Plan)

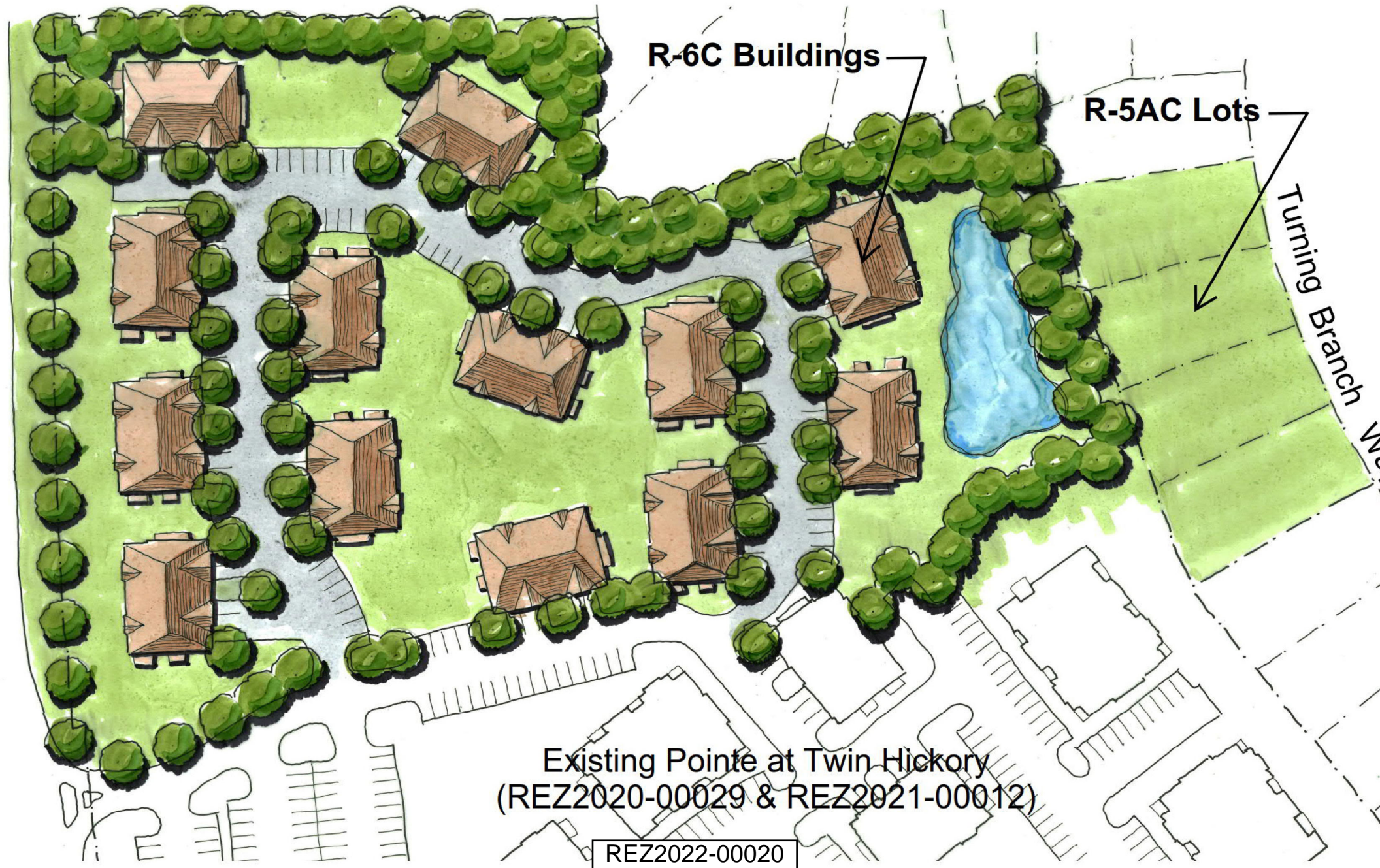


Exhibit B



REZ2022-00020

Exhibit C



Front



Side



Rear



Side

REZ2022-00020