



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukas
County Manager

July 18, 2023

Legacy Mayland Investments, LLC
4130 Innslake Drive
Glen Allen, Virginia 23060

Re: Rezoning Case REZ2023-00013

Dear Sir/Madam:

The Board of Supervisors at its meeting on July 11, 2023, approved your request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) Parcels 754-756-6582, 754-757-1808, 754-757-3226, 754-757-5501 and Part of 754-757-8115 containing 9.288 acres located at the northeast intersection of Pemberton Road (State Route 157) and Mayland Drive, described as follows:

Beginning at a point on the east line of Pemberton Road having a N.A.D. 83 coordinate value of N=3757506.13, E=1175422.41, said point being 532.82' north of the north line extended of Mayland Drive; thence leaving the east line of Pemberton Road S 64°18'08" E, a distance of 776.33' to a point; thence S 26°19'31" W, a distance of 562.06' to a point on the north line of Mayland Drive; thence continuing along the north line of Pemberton Drive along a curve to the left having a delta angle of 01°21'49", a radius of 1942.86', an arc length of 46.24', a chord bearing of N 55°10'50" W, with a chord length of 46.24' to a point; thence N 55°51'45" W, a distance of 410.45' to a point; thence N 51°17'14" W, a distance of 150.48' to a point; thence N 55°51'45" W, a distance of 208.00' to a point; thence leaving the north line of Mayland Drive N 04°56'14" W, a distance of 55.58' to a point on the east line of Pemberton Road; thence continuing along the north line of Pemberton Road N 23°59'26" E, a distance of 55.25' to a point; thence N 35°54'02" E, a distance of 140.95' to a point; thence N 33°31'23" E, a distance of 60.05' to a point; thence N 34°52'22" E, a distance of 58.02' to a point; thence along a curve to the right having a delta angle of 08°59'36", a radius of 476.04', an arc length of 74.72', a chord bearing of N 42°22'21" E, with a chord length of 74.64' to the point and place of beginning containing 9.288 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated June 27, 2023, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

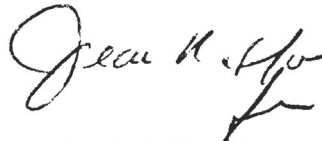
1. **Concept Plan.** The Property shall be developed in general conformance with the conceptual plan entitled "FLATS AT MAYLAND" prepared by Youngblood, Tyler and Associates, P.C., and attached hereto as Exhibit A (the "Concept Plan"). The exact locations, footprints, configurations, size, and details of the 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 designs, compliance with governmental regulations or as otherwise approved at the time of Plan of Development ("POD") review of the Property or any portion thereof.
2. **Density.** No more than 262 dwelling units will be developed on the Property.
3. **Age Restriction.** Except as otherwise prohibited by the Virginia Fair Housing Law, the federal Housing Law, and such other applicable federal, state, or local legal requirements, any development shall be administered in such a manner as to restrict occupancy of residential dwelling units to 'housing for older persons' as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age residing therein. Further, the Applicant, prior to the first dwelling unit, shall prepare and record restrictive covenants that define the qualification for initial and subsequent occupancy of any age-restricted unit and shall further restrict households to include at least one (1) person who is age 55 years or older with no persons under 19 years of age residing therein (provided, however, in the event of the death of a person who was the sole qualifying occupant of a unit, the spouse of such occupant may continue to occupy the unit as long as the provisions of the fair housing laws set forth above are not violated by such occupancy). This restriction shall be recorded among the land records of Henrico County, Virginia and encumber the Property prior to the occupancy of any unit.
4. **Architectural Treatment.** Any residential buildings to be constructed on the Property shall have a style and design substantially consistent with the elevation entitled "THE MOSAIC" dated February 16, 2023, attached hereto as Exhibit B.
5. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of trim, which may be metal) of stone, stone veneer, brick, E.I.F.S., Hardie® Plank, 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 POD review.
6. **Sound Suppression Measures.** Dwellings shall be constructed with a minimum certified sound transmission class (STC) of fifty-four (54) between units. 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.

7. **Focal Point.** A decorative, two-tiered stone wall that complements the residential buildings, and may include signage for the community, shall be installed with enhanced landscaping at the corner of Pemberton Road and Mayland Drive, to provide a focal point at this high-visibility location. The stone wall shall be similar in scale and style to those examples shown on Exhibit E attached hereto. The specific plant materials and quantities shall be determined during the POD process at the time of landscape plan review.
8. **Construction Hours.** Exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be permitted only between 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:30 a.m. and 5:00 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 and utility connections. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all construction entrances to the Property prior to any land disturbance activities thereon.
9. **Entrance Feature.** Any detached entrance signage shall be ground mounted monument-style or column-style and not exceed 10 feet in height. The base of any such sign shall be brick or stone and be landscaped with plantings.
10. **Amenities.** The community shall include at least two of the following: dog park, gazebo, pavilion, pergola or firepit.
11. **Community Space.** An area approximately equal to the square footage of two condominium units and exceeding 2000 square feet shall be provided as a community space, which may include meeting rooms and/or fitness equipment to be used as a gathering area for community residents.
12. **Turn Lane.** Subject to approval by the Virginia Department of Transportation and the Henrico County Department of Public Works, Developer shall construct a left-turn lane from southbound Pemberton Road to eastbound Mayland Drive as shown on that plan entitled "Pemberton Road Improvements" attached hereto as Exhibit C.
13. **Crosswalks.** Developer shall provide raised crosswalks at internal intersections within the community to aid in pedestrian connectivity and serve as speed tables for vehicular traffic.
14. **Perimeter Fence.** Developer shall install a decorative black aluminum fence around the perimeter of the property. Fencing along the road frontage of Pemberton Road and Mayland Drive shall be forty-two inches tall and fencing adjacent to GPIN's 754-757-4951 and 755-757-0805 shall be six feet tall. The fencing shall be similar to the fence detail labeled "EFS-10" on the attached Exhibit D.

15. **Trash and Recycling Receptacles Areas.** All dumpsters, trash and recycling receptacles (not including convenience cans) shall be screened from view at the boundary line of the Property.
16. **Electric Vehicle Charging Stations.** Dedicated parking spaces with electric vehicle charging stations shall be provided within the community.
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.

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: Forest G. Urban
Stewart and Kim Heider
Laura J. Heider (Life Estate)
Stewart W. Heider (Remainder Interest)
Cindy Weinstock
Director, Real Estate Assessment
Henrico County Public Schools

Exhibit A

REZ2023-00013

PARKING TABULATION

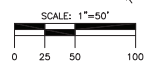
RESIDENTIAL
 TOTAL UNITS -- 262
 TOTAL SPACES -- 364 SPACES
 DENSITY -- 1.39 SPACES/UNIT

SITE STATISTICS

PROPOSED ZONING -- R-6C
 TOTAL AREA -- 9,268 AC.
 TOTAL BUILDINGS -- 11
 TOTAL UNITS -- 262 UNITS
 TOTAL PARKING -- 364 SPACES
 QUALIFIED OPEN SPACE -- 1.55 AC. = 16%
 OPW # -- 754-757-1808, 754-757-3226,
 754-757-5501, 754-756-6582
 AND PART OF 754-757-8115

LEGEND

PROPERTY & RIGHT-OF-WAY ---
 RIGHT-OF-WAY - DEDICATED ---



THIS SHEET PRINTED IN COLOR



**YOUNGBLOOD, TYLER
 & ASSOCIATES P.C.**
 CONSULTING ENGINEERS, PLANNERS & SURVEYORS
 7309 ANDOVER GREEN CIRLE P.O. BOX 517 MECHANICSVILLE, VIRGINIA 23111
 PHONE : (804) 746-5285 FAX : (804) 756-7624 EMAIL : TYLER@YOUNGBLOOD-PLANNERS.COM TYLER@YOUNGBLOOD-PLANNERS.COM

**FLATS
 AT MAYLAND**
 THREE CHOPT DISTRICT HENRICO COUNTY, VIRGINIA

CONCEPTUAL PLAN

DATE: May 30, 2023

REVISIONS	
NO.	DESCRIPTION

DESIGNED BY: WAB
 DRAWN BY: MDS
 CHECKED BY: WAB

J. N.: 607-01-001
 CAD FILE: CONCEPT PLAN

SHEET 1 OF 2

REZ2023-00013

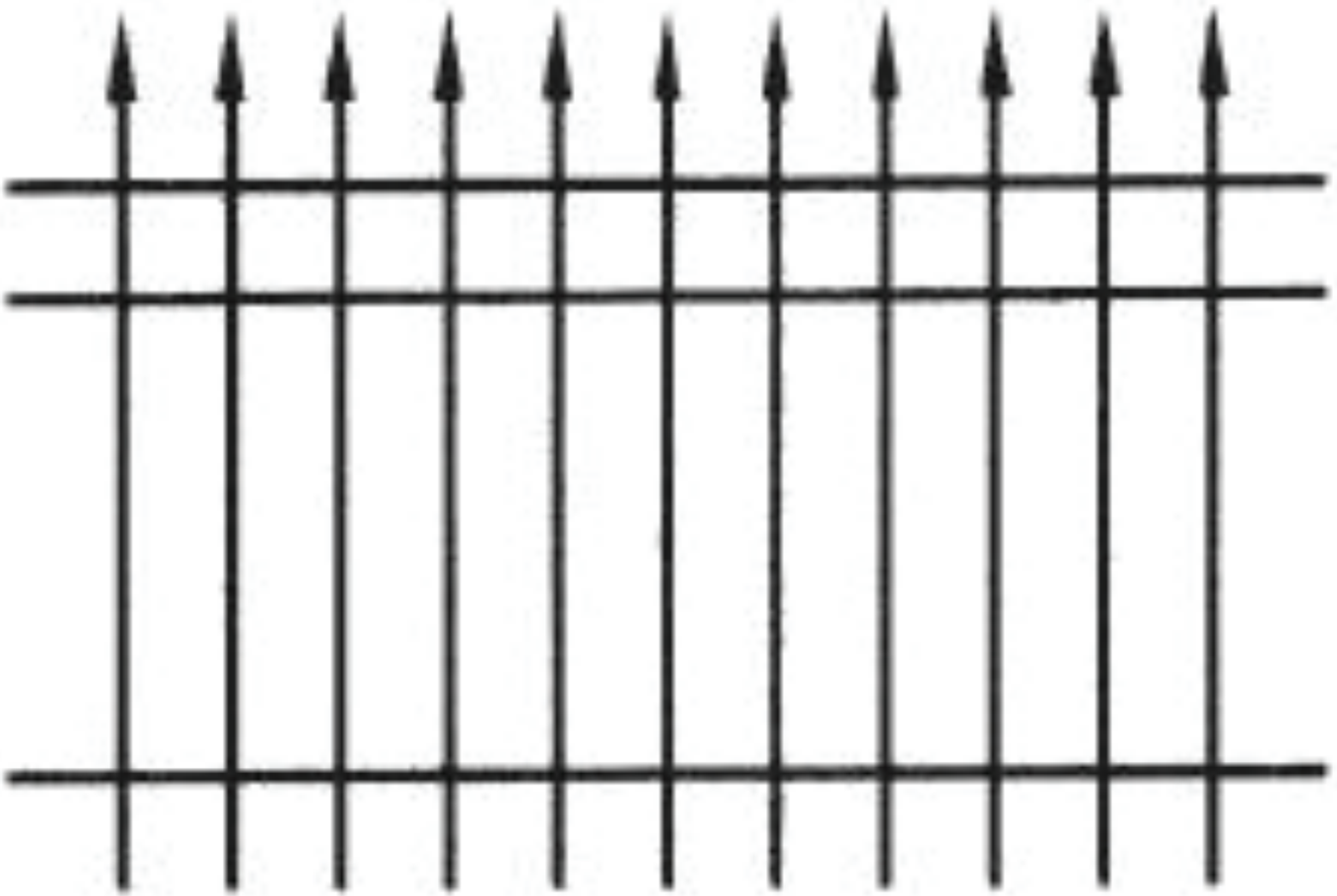
EXHIBIT B

THE MOSAIC



EXHIBIT D

REZ2023-00013



EFS-10

Exhibit E

