

A-1 to R-4C
30.411 Ac.

REZ2023-00041

Zoning

Single-Family Residential

Varina District





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukas
County Manager

March 19, 2024

Harsh Thakker, Dorado Capital, LLC
9022 Wildtree Drive
Glen Allen, VA 23060

Re: Rezoning Case REZ2023-00041

Dear Mr. Thakker:

The Board of Supervisors at its meeting on March 12, 2024, approved your request to conditionally rezone from A-1 Agricultural District to R-4C One-Family Residence District (Conditional) parcels 815-728-4458, 815-728-6843, and 816-727-0343 containing 30.411 acres located between Orams Lane and Westover Avenue approximately 1,585' north of its intersection with Nine Mile Road (State Route 33), described as follows:

120 Westover Avenue:

All that certain lot, piece or parcel of land lying and being in the County of Henrico, Virginia, known as 120 Westover Avenue and bounded and described as follows: Commencing at a set rod on the western line of Westover Avenue 0.1 miles north of Nine Mile Road; thence S 82°05'44" W 794.11' to a set rod; thence N 00°40'38" E 349.91' to a set rod; thence S 89°44'28" W 548.04' to a set rod on the eastern line of Orams Lane; thence N 08°45'38" E 235.97' to a set rod on the eastern line of Orams Lane; thence continuing on a tangent curve with a radius of 1574.62' and an arc length of 157.96' to a found pipe on the eastern line of Orams Lane; thence N 80°44'28" E 501.90' to a found pipe; thence N 89°21'52" E 691.14' to a set rod on the western line of Westover Avenue; thence S 07°30'03" E 643.79' to the point of beginning; being the same real estate depicted on plat of survey prepared by Edwards, Kretz, Lohr & Associates, PLLC., dated May 16, 2017, entitled "Plat of Correction for The Property Known as #120 Westover Avenue, Containing 16.423 Acres of Land and Lying in the Varina District of Henrico County, Virginia", and containing an area of 715,385.88 square feet or 16.423 acres of land.

225 Orams Lane.

All that certain lot, piece or parcel of land lying and being in the County of Henrico, Virginia, known as 225 Orams Lane and bounded and described as follows: Commencing at a point on the eastern line of Orams Lane 0.6 +/- miles north of Nine Mile Road; thence N 7°04'58" E 240.00' to a point on the eastern line of Orams Lane; thence S 82°55'02" E 263.00' to a point; thence S 7°04'58" W 240.00' to a point; thence N 82°55'02" W 263.00' to the point of beginning; being the same real estate depicted on plat of survey prepared by James A. Whitt, and dated March 28, 1977, entitled "PLAT OF 1.449 ACRES OF LAND WITH IMPROVEMENTS THEREON, SITUATED ON THE EAST LINE OF

ORAMS LANE, NORTH OF NINE MILE ROAD IN FAIRFIELD DISTRICT HENRICO COUNTY, VIRGINIA", and containing an area of 63,118.44 square feet or 1.449 acres of land.

205 Orams Lane:

All that certain lot, piece or parcel of land lying and being in the County of Henrico, Virginia, known as 205 Orams Lane and bounded and described as follows: Commencing at a found pipe on the eastern line of Orams Lane; thence N 02°12'52" E 349.30' to a found axle; thence N 89°36'05" W 153.78' to a point; thence N 02°57'53" W 75.00' to a point; thence S 85°48'22" E 113.13' to a point; thence N 01°19'26" E 168.57' to a found pipe; thence N 88°38'06" W 262.86' to a found rod; thence N 01°45'45" E 66.54' to a point on the eastern line of Orams Lane; thence N 01°15'10" E 100.62' to a point on the eastern line of Orams Lane; thence S 88°43'29" E 262.40' to a found rod; thence N 01°30'25" E 240.31' to a point; thence N 88°47'36" W 263.47' to a point; thence N 01°15'10" E 365.22' to a point; thence S 89°33'23" E 479.47' to a found pipe; thence S 00°34'12" W 1357.24' to a found pipe; thence S 89°40'41" W 500.77' to the point of beginning; being the same real estate depicted on plat of survey prepared by Brian L. Bolen, dated August 26, 2022, entitled "PLAT OF PROPERTY SITUATED ON THE EASTERN LINE OF ORAMS LANE AND NORTH OF NINE MILE ROAD BEING GPIN: 815-728-6843", and containing an area of 546,198.84 square feet or 12.539 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated February 21, 2024, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Concept Plan.** If approved by the County, the lots and roads will be platted generally as shown on the "CONCEPTUAL DEVELOPMENT PLAN" dated December 14, 2023 ("Conceptual Plan") attached hereto as Exhibit A (see case file).
2. **Density.** No more than eighty-five (85) residential lots shall be constructed on the property.
3. **Finished Floor Area.** All dwellings within the Property shall have a minimum finished floor area of at least 1,600 square feet, exclusive of garages, decks, and open porches.
4. **Foundations.** All finished floor areas, except basements, shall be constructed on a crawl space. No finished floor areas, except basements, shall be built on a slab on grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first level which is visible above grade, shall be covered with brick, stone, or cultured stone.

5. **Garages and Driveways.** No garage doors shall be of flat panel design. At least 75% of the homes shall have a garage. Driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete, stamped aggregate, or other similar material. Garages may be one-car or two-car. For homes with front-loading two-car garages, the driveway shall be two cars wide from the garage door(s) to the street. For homes on corner lots with side-loading two-car garages, the driveway shall be two cars wide from the garage door(s) to the street. All lots shall have a driveway. Garages may be front-loading or side-loading on any non-corner lot.

5. **Chimneys.** The exposed portions of any fireplace chimney shall be constructed of 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 as the adjacent foundation.

7. **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 or brackets.

8. **Exterior Building Material.** All new homes shall have exposed walls clad with brick, stone, cultured stone, cementitious siding, vinyl siding, or a combination of the foregoing, or as otherwise approved at the time of subdivision review. Where vinyl is used, the vinyl siding shall have a minimum thickness of 0.046 inches. Twenty-Five (25) percent of the homes shall have a minimum of twenty-five (25) percent of the front exterior wall surfaces clad with brick, stone, or cultured stone, excluding windows, doors, breezeways and architectural design features. The property owner shall be responsible for demonstrating compliance with this provision at building permits. Shingles shall have architectural or dimensional quality. Homes with the same elevations side by side shall not be permitted. On corner lots where the side elevation is visible from the street, the side elevation facing the street shall have a minimum of two (2) windows.

9. **Architecture.** Homes shall be generally consistent with elevations illustrated in Exhibit B (see case file), or as otherwise approved at the time of subdivision review.

10. **Curb and Gutter.** Roll-faced curb and gutter of a standard width of three (3) feet shall be provided for the interior roads within the development, subject to approval by the Director of Public Works.

11. **Underground Utilities.** All proposed utilities, except for junction boxes, meters, pedestals, transformers, transmission mains, similar elements, and existing overhead

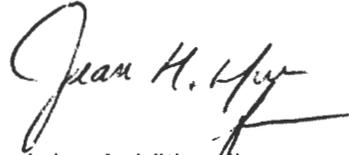
lines, shall be placed underground, unless technical or environmental reasons require otherwise or unless not otherwise approved by the applicable utility company.

12. **Sidewalks.** There shall be sidewalks of a minimum width of five (5) feet along one side of all roads within the Project.
13. **Street Trees.** There shall be one (1) tree measuring 2.5" in caliper provided along each side of all internal streets, with an interval of at least one (1) tree per lot, except that there shall be two (trees) per corner lot. Mature trees shall be retained where practical.
14. **Street Lights.** Street lights shall be installed with a minimum spacing of every 180 feet, or as otherwise to provide adequate lighting of all sidewalks as approved at the time of subdivision review.
15. **Construction Hours.** The hours of exterior construction activities, including operation of bulldozers and other earth moving equipment, shall be between 7:00 am and 7:00 pm Monday through Friday and between 8:00 am and 5:00 pm on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Hours shall be posted in both English and Spanish during construction.
16. **Walking Trail.** A minimum of one walking trails connecting the development to Robinson Park shall be installed. The trails shall be made of asphalt, and shall be constructed by the developer and maintained by the HOA. The trails shall be a minimum of 5' in width.
17. **Fences.** Chain link, barbed wire, stockade fences, and post and wire fences are prohibited at the time of Certificate of Occupancy.
18. **Buffer.** A minimum 20' landscape buffer shall be provided at the rear of all lots adjacent to the new fire station being constructed on Nine Mile Rd. Where double frontage lots exist, or where driveway access from Orams Ln is not allowed, a 15' planting strip easement, with no ingress/egress permitted, shall be provided. All buffers shall be planted to Transitional Buffer 25 or its equivalent.
19. **Road Improvements.** Orams Ln shall be widened along all adjacent lots created by this subdivision to 18' from the centerline. A sidewalk with a minimum of 5' of width shall be provided along one side of internal streets, Westover Ave frontage, and Orams Ln frontage. Ainsworth Ln shall be extended and connected to the existing Ainsworth Ln, as shown on the concept plan. Traffic calming devices shall be implemented on all newly constructed internal roads as approved at the time of subdivision review. ADA ramps shall be provided at all intersections crossing Road "A" and Road "F".

20. **Entrance Features.** The entry feature shall be substantially similar in style and material to Exhibit C (see case file), or as otherwise approved at the time of subdivision review.
21. **Protective Covenants.** Prior to conveyance of the first unit, restrictive covenants describing development controls and maintenance responsibilities for all common areas within the development, including the entrance feature and walking trail, shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. In addition, there shall be a Homeowner's Association of the owners of the units on the property that shall be responsible for enforcement of the restrictive covenants.
22. **Severability.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or part, shall not affect the validity or enforceability of any other proffer or the unaffected portion of a 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

pc: From the Heart Church Richmond
Mark Baker, Baker Development Resources
Director, Real Estate Assessment
Henrico County Public Schools



Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775

Phone (804) 501-4602

Facsimile (804) 501-4379

8. Exterior Building Material. All new homes shall have exposed walls clad with brick, stone, cultured stone, cementitious siding, vinyl siding, or a combination of the foregoing, or as otherwise approved at the time of subdivision review. Where vinyl is used, the vinyl siding shall have a minimum thickness of 0.046 inches. Twenty-Five (25) percent of the homes shall have a minimum of twenty-five (25) percent of the front exterior wall surfaces clad with brick, stone, or cultured stone, excluding windows, doors, breezeways and architectural design features. The property owner shall be responsible for demonstrating compliance with this provision at building permits. Shingles shall have architectural or dimensional quality. Homes with the same elevations side by side shall not be permitted. On corner lots where the side elevation is visible from the street, the side elevation facing the street shall have a minimum of two (2) windows.

9. Architecture. Homes shall be generally consistent with elevations illustrated in Exhibit B, or as otherwise approved at the time of subdivision review.

10. Curb and Gutter. Roll-faced curb and gutter of a standard width of three (3) feet shall be provided for the interior roads within the development, subject to approval by the Director of Public Works.

11. Underground Utilities. All proposed utilities, except for junction boxes, meters, pedestals, transformers, transmission mains, similar elements, and existing overhead lines, shall be placed underground, unless technical or environmental reasons require otherwise or unless not otherwise approved by the applicable utility company.

12. Sidewalks. There shall be sidewalks of a minimum width of five (5) feet along one side of all roads within the Project.

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20. Entrance Features. The entry feature shall be substantially similar in style and material to Exhibit C, or as otherwise approved at the time of subdivision review.

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22. Severability. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or part, shall not affect the validity or enforceability of any other proffer or the unaffected portion of a proffer.



EXHIBIT B

REZ2023-00041



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GREENHOUSE ENTRANCE ID

- QTY: 1
- 87" X 32" ROUTED HDU SIGN
- 14" DIAMETER ROUTED HDU LOGO CIRCLE
- STONE BASE
D/F



EXHIBIT C

REZ2023-00041