



John A. Vithoukas
County Manager

March 18, 2025

Fahed Mahases
5109 Harvest Glen Drive
Glen Allen, VA 23059

Re: Rezoning Case REZ-2024-101278

Dear Mr. Mahases:

The Board of Supervisors at its meeting on March 11, 2025, approved your request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 738-767-5405 containing 1.00 acre located on the south line of Kain Road approximately 175' west of its intersection with Fry Landing Drive, described as follows:

Beginning at a rod lying on the southern line of Kain Road, being approximately 550' ± to Pouncy Tract Road, State Route 271; thence, leaving the southern line of Kain Road, south 38°22'30" west, a distance of 200.24 feet to a rod; thence, south 52°41'34" west, a distance of 199.82 feet to a rod; thence, north 37°18'26" west, a distance of 90.56 feet to a rod; thence, north 51°13'21" east, a distance of 140.20 feet to a rod; thence, north 20°52'02" east, a distance of 212.23 feet to a rod; thence, returning to the southern line of Kain Road, south 56°29'11" east, a distance of 85.14 feet to a rod; thence, with a non-tangent curve to the left, having a radius of 220.00 feet, an arc length of 89.26 feet, a chord bearing of south 68°06'33" east, and a chord length of 88.64 feet to a rod, said rod being the point of beginning and containing 1.000 acre of land.

The Board of Supervisors accepted the following proffered conditions, dated March 11, 2025, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Development Plan.** The Property shall be developed generally consistent with that certain development plan entitled "12121 KAIN ROAD DEVELOPMENT - MANOR CROSSING CT EXTENSION" dated March 11, 2025, and attached hereto as Exhibit 1 (see case file), (the "Development Plan"). The exact locations, footprints, configurations, sizes and details of the lots, drives, roads and other improvements shown on the Development Plan are illustrative and may be subject to change and revised and updated from time to time as required for final engineering design, compliance with governmental regulations, or as otherwise approved at the time of Plan of Development or subdivision review of the Property.

2. **Architectural Features.** All dwellings shall have an architectural style and use design elements similar to those images portrayed on "MANOR CROSSING CT EXTENSION, CHARACTER IMAGES, R-5A ZONING" dated February 25, 2025, and attached hereto as Exhibit 2 (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 five (5) residential dwelling units shall be constructed on the Property.
4. **Home Details.** Any new home constructed on the Property shall have a minimum of 1,700 square feet of finished floor area and shall be located on a lot with a minimum width of fifty (50) feet.
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. **Streets.** If any roads within the Property are not public, prior to the issuance of any Certificate of Occupancy for the first building on the Property accessed by such private road, the applicant shall provide the Planning Department with certification from a licensed engineer that such private road was constructed according to the approved subdivision plan, and in compliance with County road design standards and specifications (except as to pavement width and turning radius) (centerline curvature), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface. All new streets within the Property shall be constructed pursuant to Henrico County standards. Any right-of-way dedication required at the time of Plan of Development or subdivision review shall be from the ultimate right-of-way as defined by the County Department of Public Works.
7. **Foundations.** All new dwelling units on the Property shall be constructed on slabs at grade, elevated slabs or crawl space foundations except for basements and garages. 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. Dwelling units not built on a crawl space foundation shall have a minimum one (1) foot full standard block or stone foundation. Dwelling units built on a crawl space foundation, with steps to the main entrance, including front access stoops or porches, but not including homes 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 and any visible piers on porches shall be constructed of brick.

8. **Exterior Materials.** Any dwelling, including any garage or an accessory to such dwelling upon the same lot (whether attached or detached), shall have exposed exterior foundation 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. Each dwelling unit shall have full standard brick or stone on their front elevations, as follows:
 - a. All units shall have such material on a minimum twenty percent (20%) or more of each of their front elevations;
9. **Roof Material.** Any home shall be constructed with a roof that has a minimum certified twenty-five (25) year warranty.
10. **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. Any detached garage shall include at least one pedestrian access door and one window.
11. **Driveways.** All new driveways shall be constructed of either cobblestone, brick, precast pavers, concrete or other similar materials as approved by the Director of Planning at the time of Plan of Development or subdivision review of the Property. No individual lots shall have direct access to Kain Road.
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. **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 Director of Planning at the time of landscape plan review. Best tree preservation practices shall be followed to minimize large tree clearing within any buffer along the perimeter of the Property. Buffer areas with installed landscaping shall be irrigated unless otherwise approved at the time of Plan of Development or subdivision 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 on the boundary of the Property adjoining Kain Road, as more particularly shown on the "KAIN ROAD LANDSCAPING: 12121 KAIN ROAD DEVELOPMENT – MANOR CROSSING CT EXTENSION", dated February 25, 2025 and attached hereto as Exhibit 3 (see case file). Such buffer shall include a fence as shown on the plan on Exhibit 3.

15. **Sidewalks and Internal Walkways.**

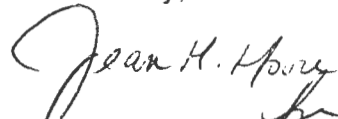
- a. MANOR CROSSING CT. A minimum five (5) foot wide sidewalk shall be provided along the entire southern line of the Manor Crossing Ct extension. A two (2) foot grass strip shall be provided between the Manor Crossing Ct extension and the sidewalk along the Manor Crossing Ct extension. The sidewalk along the Manor Crossing Ct extension shall be constructed in compliance with the County's standards and specifications for sidewalks.
- b. Kain Road. A minimum five (5) foot wide sidewalk shall be provided along the entire southern line of Kain Road, within the public right-of-way. A two (2) foot grass strip shall be provided between Kain Road and the sidewalk along Kain Road. The sidewalk along Kain Road shall be constructed in compliance with the County's standards and specifications for sidewalks,

16. **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.
17. **Lot Landscaping.** A minimum of one (1) tree measuring a minimum of 2.5" shall be retained or planted in the front yard of each lot. The front and side yards of any 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 Director of Planning at the time of Plan of Development or subdivision review of the Property, such prototypical plantings to be submitted to and as approved by the Director of Planning at the time of Plan of Development or subdivision review of the Property.
18. **Lighting.** Uniform pedestrian scale residential lighting shall be provided throughout the Property. Such lighting shall be nonglare, decorative in style, residential in character and shall be provided within the streets or lots within the Property. A lighting plan providing for such lighting shall be submitted and reviewed at the time of Plan of Development or subdivision 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 at ground level at the perimeter of the Property with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development or subdivision 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 requested and specifically permitted by the Director of Planning at the time of Plan of Development or subdivision review of the Property. Any above-ground 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 Saturday, 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 Director of Planning's approval. Construction signs shall be posted in English and in Spanish and shall state the hours of construction.
22. **Compliance Certification.** Upon request by the Director of Planning, the Applicant shall provide the County with the necessary calculations that illustrate that the dwellings and lots constructed on the Property are in compliance with all of the allowable and required percentages set forth in these proffers.
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.

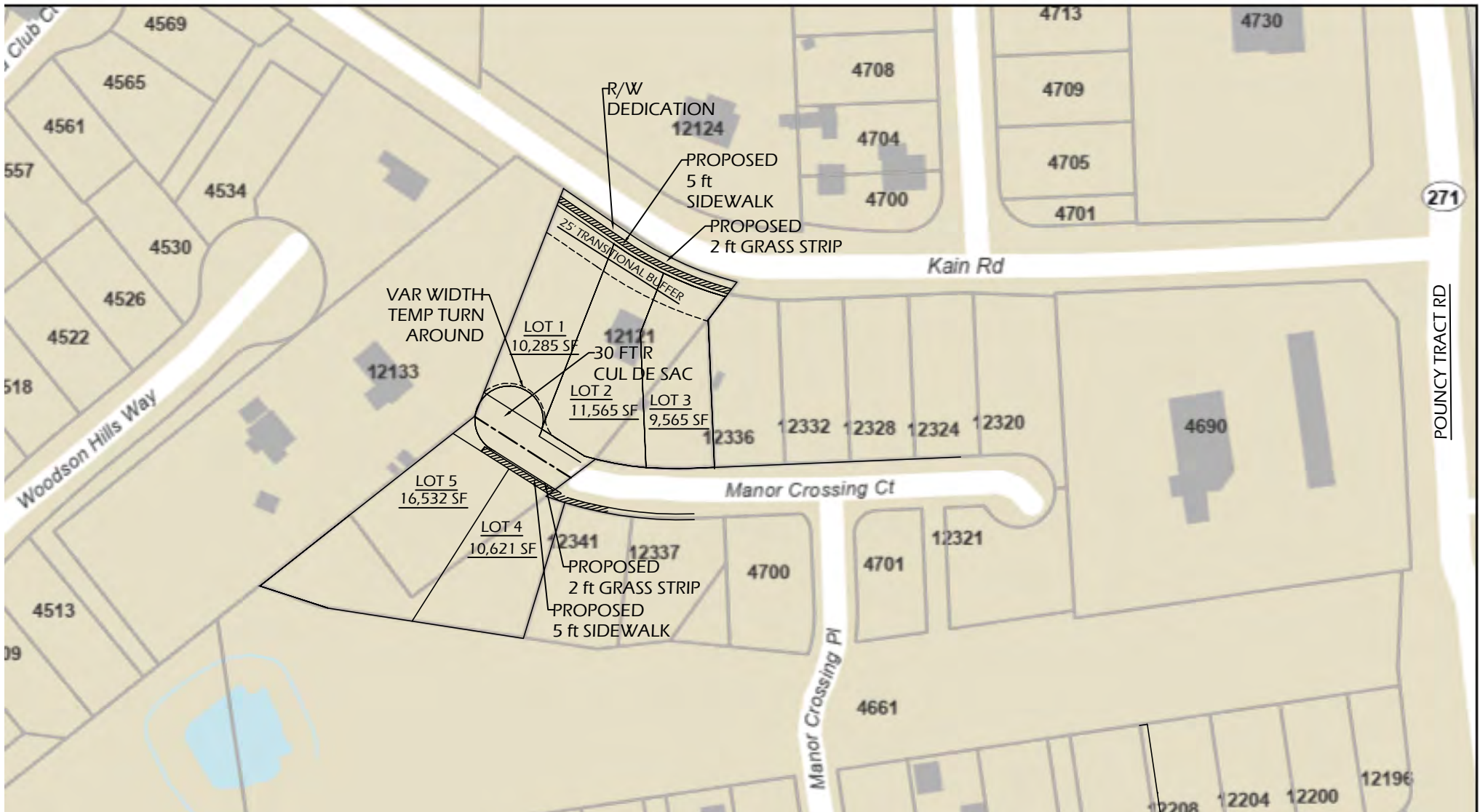
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,


John A. Vithoulkas
County Manager

pc: 6010 Nine Mile Road LLC
Jeff Keith
Director, Real Estate Assessment
Henrico County Public Schools

EXHIBIT 1 MARCH 11, 2025
12121 KAIN ROAD DEVELOPMENT
-MANOR CROSSING CT EXTENSION



REZ-2024-101278

Manor Crossing Court Extension
CHARACTER IMAGES
R-5A ZONING

FEB 25, 2025



EXHIBIT 2

THREE CHOPT DISTRICT HENRICO COUNTY, VIRGINIA

DATE:

DRAWN BY:

CHECKED BY:

CAD FILE: OVERALL

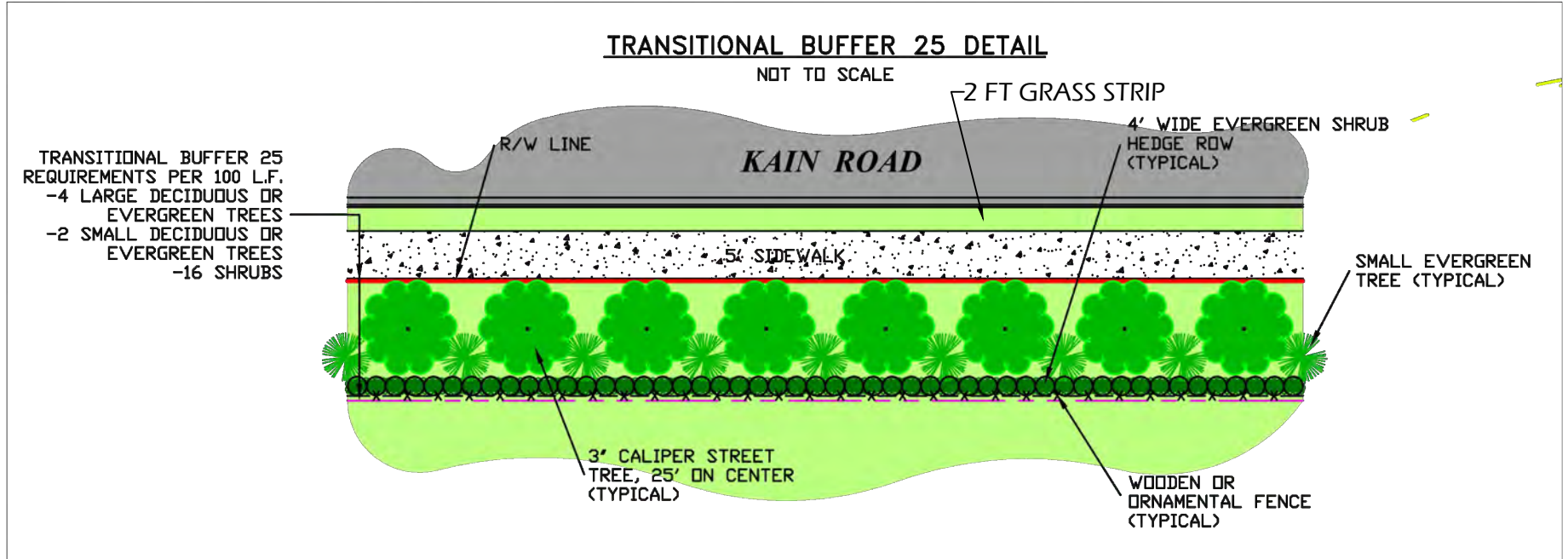
EXHIBIT 2

REZ-2024-101278

EXHIBIT 3 - KAIN ROAD LANDSCAPING

February 25, 2025

12121 KAIN ROAD DEVELOPMENT - MANOR CROSSING CT EXTENSION



REZ-2024-101278

EXHIBIT 3 (CONT)

12121 KAIN RD

MANOR CROSSING CT EXTENSION

ZONING CASE : REZ-2024-1012

SCREENING FENCING TO MATCH EXISTING



6 FT WOOD BOARD FENCING

REZ-2024-101278