



# REZ2018-00023

## Land One, LLC

Staff Report for Board of Supervisors' Public Hearing

Prepared May 25, 2018

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*This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this land use matter.*

### **I. PUBLIC HEARINGS:**

<b>Planning Commission:</b>	May 10, 2018	Recommended for Approval
<b>Board of Supervisors:</b>	June 12, 2018	Pending

### **II. IDENTIFICATION AND LOCATIONAL INFORMATION:**

<b>Requested Zoning:</b>	R-5C General Residence District (Conditional)
<b>Existing Zoning:</b>	R-5C General Residence District (Conditional) and B-2C Business District (Conditional); Airport Safety Overlay District
<b>Total Acreage:</b>	20.58 acres
<b>Location:</b>	North line of Neale Street approximately 312' east of Mechanicsville Turnpike (U.S. Route 360)
<b>Magisterial District:</b>	Fairfield
<b>2026 Comprehensive Plan Recommendations:</b>	Urban Residential and Commercial Concentration
<b>Parcel Nos.:</b>	804-737-7961 and Part of 804-736-0481
<b>Zoning of Surrounding Properties:</b>	North: A-1 Agricultural District South: A-1 Agricultural District, R-5C General Residence District and B-2 Business District East: B-2/B-2C Business District (Conditional), R-3AC, R-4C One-Family Residence Districts (Conditional) West: B-2C Business District (Conditional), M-1C Light Industrial District (Conditional)

### **III. SUMMARY OF STAFF REPORT:**

This request is to rezone 20.58 acres from R-5C General Residence District (Conditional) and B-2C Business District (Conditional) to R-5C General Residence District (Conditional). The existing R-5C zoning (19 acres) currently allows for 183 townhouse-style condominiums. Through this request the applicant would amend and restate proffers which are reasonably similar to those approved via rezoning case C-11C-09 and incorporate 1.58 acres zoned B-2C into the residential development.

The property is located along the north line of Neale Street, approximately 312' from Mechanicsville Turnpike (U.S. 360) and is located in the Airport Safety Overlay District. The 2026 Comprehensive Plan designates the site for Urban Residential and Commercial Concentration.

By unifying proffers and ensuring a uniform residential zoning district for the entire property, the request maintains consistency with the 2026 Comprehensive Plan. Staff supports this request.

At their May 10 public hearing, the Planning Commission recommended approval of this request.

### **IV. LAND USE ANALYSIS AND IMPLICATIONS:**

The subject site is a 20.58-acre wooded property located along Neale Street, just north of its intersection with Mechanicsville Turnpike. A ravine runs diagonally along its western boundary, with steep slopes on both sides.

With the approval of C-12C-05, the subject property was rezoned to R-5C and B-2C to develop retail and office uses along Mechanicsville Turnpike (7.12 acres) and residential condominiums (up to 290 units on 29.51 acres – a density of 9.83 units per acre) adjacent to the Orchard Glen and Maplewood Farms subdivisions. Plan of development POD-8-06 was subsequently approved for Grove Pointe Condominiums Section 1 (100 of 260 total units and an 1,800 square foot clubhouse with pool) but was never constructed. In 2009, the proffers were amended via case C-11C-09 to modify the residential building design from 3 and 4-story condominium flats to townhouse style condominiums, change the conceptual plan and reduce the density to no more than 260 residential units, a maximum density of 8.81 units per acre. The level of quality from the previously approved proffers of C-11C-09 and the approved POD should guide any similar request at this location.

Land development activities were never initiated, and a portion of the original property (13.191 acres) was sold to Ample Storage. That property was rezoned to M-1C Light Industrial District (Conditional) to permit the construction of a mini storage facility. POD 2015-00234 was approved by the Planning Commission but development has yet to occur. Because several acres of R-5C were part of the M-1C rezoning request, the number of condominiums was reduced to 183 units.

The site is bordered to the north by the Chickahominy Bluff National Battlefield Park, which is zoned A-1 Agricultural District. To the east are the Maplewood Farms and Orchard Glen subdivisions, zoned R-3AC and R-4C One-Family Residence Districts respectively, and Maplewood Farm, which is zoned B-2C Business District (Conditional). To the south, across Neale Street, are the Saddlewood Apartments, which are zoned R-5C, while to the west are undeveloped properties zoned B-2C Business District (Conditional) and M-1C Light Industrial District (Conditional). The 2026 Comprehensive Plan's future land use recommendation for the site is Urban Residential and Commercial Concentration.

The applicant is still proposing to build townhomes on the R-5C property. Because a portion of the property (1.58 acres) is zoned B-2C, a rezoning is necessary to bring the property under a uniform zoning district. As part of the request, the applicant is amending, and restating, proffers accepted via C-11C-09. (The attached proffers are blacklined against the accepted proffers of C-11C-09 to show all changes.)

Proffer 1 – This proffer requires development according to the conceptual plan. The previously approved layout accepted with C-11C-09 shows a village green, a clubhouse/pool and 45 buildings containing 242 townhouse-style condominium units. The proposed layout (Exhibit 1) illustrates 95 townhouse units in 24 buildings, a park with pavilion and a secondary point of access for emergency purposes only on Orchard Glen Drive.

Proffer 2 – The applicant has restricted construction traffic to Neale Street, unless otherwise approved at the time of Plan of Development (POD). Hours of construction have been limited to 7:00 a.m. – 7:00 p.m. Monday through Friday and 7:30 a.m. – 5:00 p.m. on Saturdays, except in emergencies. Signs, in English and Spanish, shall be posted stating these conditions.

Proffer 3 – The applicant has proffered a boulevard style entrance from Neale Street (Exhibit 2), as well as an emergency access road from Orchard Glen Drive. The emergency access road shall be constructed prior to the issuance of a certificate of occupancy for the 82 unit, paved with asphalt at a width of 12-feet and have posts and chains or gates with locks to prohibit traffic other than public emergency vehicles.

Proffer 16 – A maximum of 95 units has been proffered. This would result in a maximum density of 4.62 units per acre, lower than the original 9.83 units per acre from the C-12C-05 rezoning case or the 8.81 units per acre from the C-11C-09 request.

Proffer 17 – In an effort to restrict access to the adjacent Chickahominy National Battlefield Park, a fence separating the two properties was proffered. The location and style of the fencing will be determined at the time of POD.

Proffer 20 – This proffer pertains to the architectural design and treatment of the units. The 2009 residences were townhouse-style condominiums with exteriors constructed of 50% brick in the aggregate. The revised proffers remove the requirement for first-floor master bedrooms, fire sprinkling systems and reduce the exterior percentage of brick to 35% brick or stone of the front elevation.

Proffer 21 – Since the number of units has been substantially reduced from 290 to 95, and in an effort to contain homeowners' association (HOA) dues, the previously proffered clubhouse and pool have been removed.

Proffer 26 – The language committing to the development of units as defined and regulated by the Virginia Condominium Act has been deleted and replaced with language prohibiting central trash receptacles.

The requested rezoning ensures a consistent residential zoning district for the entire property by including the incorporation of the B-2C portion. The type of residential buildings constructed will change from townhouse-style condominiums to townhouses, at a density of 4.62 units per acre, which is consistent with the 2026 Comprehensive Plan designation. A secondary access road for emergency vehicles only has been provided to address access management requirements. The elimination of the clubhouse and pool should result in lower HOA dues and the revisions to the proffer on fencing should provide flexibility on the location and style/material. Staff supports this request.

At their May 10 public hearing, the Planning Commission recommended approval of this request.

## **V. COMPREHENSIVE PLAN ANALYSIS:**

### ***Comprehensive Plan Recommendation:***

The 2026 Comprehensive Plan recommends Urban Residential. The proposed proffer amendments are generally consistent with this designation.

### ***Vision, Goals, Objectives, and Policies:***

This request would be consistent with the following Goals, Objectives and Policies of the 2026 Comprehensive Plan:

- General Development Policy 6: Encourage compatible infill, redevelopment and development in proximity to existing development and services when appropriate to avoid “leap frog” growth patterns which may result in higher service costs.
- Infrastructure/Service Provision & Growth Coordination Objective 6: Encourage the sensitive infill development of vacant or underutilized parcels in more developed areas of the county to more efficiently utilize existing public facilities.
- Land Use & Community Character Objective 13: Provide for the logical arrangement of land uses which offers transitions from more intense to less intense uses.
- Land Use & Community Character Objective 18: Encourage landscape buffers on lots, in addition to in addition to the minimum required setbacks along any boundary which lies adjacent to collector or arterial streets.
- Residential Keystone Policy 3: Encourage a variety of compatible housing options.
- Residential Keystone Policy 7: Promote development densities which can be supported by the natural site conditions, availability of public facilities and the transportation network.

## **VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:**

### ***Major Thoroughfare and Transportation:***

The following is the approximate number of new trips expected by the development of 95 proffered units:

- Total Weekday Trips = 700 (350 in, 350 out)

The total weekday trips of 700 is significantly less than the approximate 1,484 weekday trips that were approved with Case C-11C-09.

Neale Street is a minor collector road on the County's Major Thoroughfare Plan. The developers will be required to dedicate right-of-way and provide for the installation of curb and gutter, pavement widening, sidewalk, and any necessary storm sewer along the parcel frontage. Additional widening of Neale Street on its approach to Mechanicsville Turnpike may be necessary due to the increase in traffic.

The left turn lane on Mechanicsville Turnpike at Neale Street will need to be lengthened to accommodate the increase in traffic. This will need to be coordinated with VDOT.

Any proposed entrance onto Neale Street must meet Access Management standards and adequate sight distance must be provided at all access points before they can be approved. Neale Street will need to be restriped to provide a left turn lane into the site.

**Drainage:**

- Proposed improvements must comply with all applicable Department of Public Works plan of development requirements.
- The site must comply with applicable stormwater quality and quantity requirements.
- No more than 82 residential units are allowed upon a single access point.
- Traffic Engineering will determine if any right-of-way dedication or road improvements are required.
- Based on GIS, Waters of the U.S. and/or hydric soils are present (indicating possible wetlands). Corps of Engineers and DEQ permits may be required.

**Public Utilities:**

County water and sewer to serve the proposed development has been approved by the Department of Public Utilities (DPU) as Grove Pointe Condominiums Sec. 1, including a master utility plan for the entire site. DPU has no comments concerning the amendments to Proffers 1, 20 and 27 in regard to the conceptual plan, architectural treatment and height limitations. However, changes in density and use will require plan review at such time as engineering drawings are submitted for approval.

**Department of Community Revitalization:**

The Department of Community Revitalization has no comments regarding this request.

**Schools:**

The plan allocates 95 residential townhomes for the area. The lots will be in the following attendance zones:

School Level	School Name	2017 Membership	Functional Capacity	Single Family Student Yield Ratios Per 100 units	Total Student Yield*
Elementary	Harvie	550	624	14.4	14
Middle	Fairfield	1,046	1,348	8.0	8
High	Highland Springs	1,811	1,788	11.4	11

\*Note. At development build out.

Student yield information is created using student yield data for similar developments. Fairfield District per 100 units, residential townhomes yield 14.4 elementary school students, 8.0 middle school students, and 11.4 high school students.

Based on September 30, 2017 membership and capacity figures shown above, Harvie Elementary is currently at 88.1% of capacity. The analyses shown above indicates the proposed development would potentially yield 14 additional elementary school students. Over the next five years, membership/capacity ratios for Harvie Elementary are expected to stay under 90%. At this time the elementary school could accommodate students from the new development. Fairfield Middle is currently at 77.6% of capacity. Phase in of students from Wilder Middle, from the 2016-2017 redistricting plan, will start in 2018-2019 with rising 6<sup>th</sup> graders and will potentially increase the membership capacity ratio. However, the middle school could accommodate students from

the new development. Highland Springs High is currently at 101.3% of capacity and membership is expected to stay above 100% of capacity for the next 5 years as larger cohorts and other new developments impact the school membership. The analyses shown above indicate the proposed development would potentially yield 11 additional high school student. Redistricting, trailers, and/or other capacity relief options will be needed in the future.

***Division of Fire:***

The Division of Fire has no comments regarding this request.

***Division of Police:***

The Division of Police has no comments regarding this request.

***Recreation and Parks:***

No park or recreation facilities, or archeological impact.

Staff Comments: This parcel is adjacent to 43-228 Maplewood Farm, listed in the Virginia Department of Historic Resources. The complex consists of an early-19<sup>th</sup> century main house (much altered and expanded), and a group of 1928-1930 outbuildings. Further to the north of this site is the Chickahominy National Battlefield Park. Any building proposals should respect the significance of the area and provide appropriate design and lighting considerations. A landscaped buffer should be included in the design to protect the visual integrity of Maplewood Farm and the National Battlefield Park. The trees should be preserved within the buffer area to meet the transitional buffer requirements for a natural landscaped buffer. An appropriate fence coordinated with the National Park Service should be provided within the buffer.

***Libraries:***

This request falls within the service area of the Fairfield Area Library that was part of the 2016 bond referendum. The new facility is scheduled to open in October 2019 and will offer expanded meeting, study and conference room space, digital media lab, enhanced children's and teen's space plus drive-up/drop-off services. The new facility is designed to be expandable to meet increased service demands and is projected to offer Sunday hours in the future.

***Topography and Land Characteristics Adaptability:***

Steep slopes are present on significant portions of the property, running from the southwest to the northeast corners of the site. These slopes impact layout flexibility and will require significant grading in some locations to accommodate the proposed amended conceptual layout.



# Proffers for Conditional Rezoning County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228  
Henrico Planning Web Site: <http://www.henrico.us/planning>

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775 Phone (804) 501-4602 Facsimile (804) 501-4379

Original  Amended Rezoning Case No. REZ2018-00023 Magisterial District Fairfield

Pursuant to Section 24-121 (b) of the County Code, the owner or duly authorized agent\* hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

[Signature] / Mark Kukaski 4/18/19  
Signature of Owner or Applicant / Print Name Date

\*If applicant is other than Owner, the Special Limited Power of Attorney must be submitted with this application

Case REZ2018-00023

April 18, 2018

The Proffers from Case C-11C-09 shall apply to the entirety of the Property rezoned herein, other than as amended as follows:

1. Proffer 1 of Case C-11C-09 shall be deleted in its entirety and the following inserted in its place:

**Conceptual Layout.** The development of the property shall be comparable to that shown on the plan entitled "GROVE POINT TOWNHOMES, FAIRFIELD DISTRICT, HENRICO COUNTY, VIRGINIA, COLOR PLAN", dated February 14, 2018, prepared by the Bay Companies, and attached as Exhibit 1 (see case file), (the "Conceptual Plan"). Sidewalks and the boulevard entrance shall be located as generally illustrated on the Conceptual Plan. All landscaping and grassed areas shall be irrigated.

2. Proffer 2 of Case C-11C-09 shall be deleted in its entirety and the following inserted in its place:

**Construction.** No Construction traffic for the development of the subject Property shall be permitted to use Orchard Glen Drive and the construction entrance shall be located on Neale Street, unless otherwise approved at the time of Plan of Development



## 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

approval. The hours of 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 pm. 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.

3. Proffer 3 of Case C-11C-09 shall be deleted in its entirety and the following inserted in its place:

**Entrances.** The entrance to the property from Neale Street shall be a boulevard entrance complemented with landscaping and a brick, stone or stucco monument entrance feature as generally shown on "SCHEMATIC AMENITY PLAN, GROVE POINT, HENRICO COUNTY, VIRGINIA", dated February 28, 2018, prepared by HG design studio, and attached as Exhibit 2 (see case file). Prior to the issuance of a certificate of occupancy permit for the 82<sup>nd</sup> dwelling unit constructed on the Property, if requested and approved by the County at the time of subdivision approval, an emergency access entrance road from Orchard Glen Drive, as an alternative to a public road entrance, shall be constructed to the below specifications in the location shown on the Concept Plan (the "Emergency Access Road"). The Emergency Access Road shall be paved with asphalt at a width of 12 feet, and have posts and chains or gates with locks on each end as required by the County. No vehicular traffic shall be permitted to use the Emergency Access Road other than public emergency vehicles.

Proffer 16 of Case C-11C-09 shall be deleted in its entirety and the following inserted in its place:

**Minimum Square Footage and Density.** The square footage requirements shall be a minimum of 1,280 square feet of finished floor area for each dwelling unit. The maximum density shall be no more than 95 units.

4. Proffer 17 of Case C-11C-09 shall be deleted in its entirety and the following inserted in its place:

**Buffer Adjacent to the Chickahominy National Battlefield.** There shall be a fifty (50) foot buffer adjoining the perimeter of the Chickahominy National Battlefield. To the



## Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

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extent possible, as determined at the time of Plan of Development review, trees shall be preserved within the buffer area to meet the Henrico County fifty (50) foot transitional buffer requirements for a natural landscaped buffer except to the extent necessary for grading, utility easements, storm sewer, (which utility easement shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of Plan of Development review. Fencing in the location, manner and style shall be provided within, near or along the buffer as approved at the time of Plan of Development review.

- References to "Exhibit C-1 and C-2 – Elevation" of Case C-11C-09 shall be deleted in its entirety and replaced with Exhibit 3 (4 pages):
- Proffer 20(a) of Case C-11C-09 shall be deleted in its entirety and the following inserted in its place:

At least 35% of the front elevation of any multi-unit building will include brick or stone. A confirmation of the building material percentages, for all buildings in the development, shall be provided at the time of each building permit, or at the request of the Director of Planning.

- Proffer 20(k) of Case C-11C-09 shall be deleted in its entirety and the following inserted in its place:

A minimum of ten (10) percent of the units shall have a garage.

- Proffer 20(l) of Case C-11C-09 shall be deleted in its entirety.
- Proffer 21 of Case C-11C-09 shall be deleted in its entirety and the following inserted in its place:

**Amenities.** Amenities shall include pocket parks, a pavilion and walking trails to provide project connectivity.

- Proffer 26 of Case C-11C-09 shall be deleted in its entirety and the following inserted in its place:

**Trash.** There shall be no central trash receptacles.

Case ~~11G-09~~ REZ2018-0023  
April 18, 2018

1. **Conceptual Layout.** The development of the property shall be ~~constructed~~ comparable to that shown on the plan entitled, ~~"GROVE POINTE CONDOMINIUMS Conceptual Layout Exhibit" A- "GROVE POINT TOWNHOMES, FAIRFIELD DISTRICT, HENRICO COUNTY, VIRGINIA, COLOR PLAN"~~, dated ~~June 29, 2009 by Townes~~ February 14, 2018, prepared by the Bay Companies, and attached as Exhibit 1 (see case file), (the "Conceptual Plan"). Sidewalks and the boulevard entrance shall be located as generally illustrated on the Conceptual Plan. All landscaping and grassed areas shall be irrigated.
2. **Construction Hours.** ~~No land clearing, road or water/sewer line~~ Construction traffic for the development of the subject Property shall be permitted to use Orchard Glen Drive and the construction entrance shall be located on Neale Street, unless otherwise approved at the time of Plan of Development approval. The hours of exterior construction of the exterior shell of any building shall occur before the hour of activities, including operation of bulldozers and other earthmoving equipment shall be permitted only between 7:00 a.m. and shall not extend past 10 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 construction hours above-referenced provisions, shall be posted and maintained at all construction entrances to the Property prior to any land disturbance activities beginning thereon.
3. **Entrance Features.** ~~The entrances to the Residential Development from Neale Street and Mechanicsville Turnpike shall be complemented with landscaping and a brick, stone or stucco monument entrance feature as illustrated in "Illustrative Entrance Plan" by Higgins & Gerstenmaier. Landscaping at the entrances features shall include an irrigation system.~~

3. Entrances. The entrance to the property from Neale Street shall be a boulevard entrance complemented with landscaping and a brick, stone or stucco monument entrance feature as generally shown on "SCHEMATIC AMENITY PLAN, GROVE POINT, HENRICO COUNTY, VIRGINIA", dated February 28, 2018, prepared by HG design studio, and attached as Exhibit 2 (see case file). Prior to the issuance of a certificate of occupancy permit for the 82nd dwelling unit constructed on the Property, if requested and approved by the County at the time of subdivision approval, an emergency access entrance road from Orchard Glen Drive, as an alternative to a public road entrance, shall be constructed to the below specifications in the location shown on the Concept Plan (the "Emergency Access Road"). The Emergency Access Road shall be paved with asphalt at a width of 12 feet, and have posts and chains or gates with locks on each end as required by the County. No vehicular traffic shall be permitted to use the Emergency Access Road other than public emergency vehicles.

#### **PROFFERS FOR THE B-2C PORTION OF THE PROPERTY**

4. **Use Restrictions.** The uses permitted shall be those permitted in the B-2 zoning District except that the following uses shall not be permitted:

- (a) Billiard parlors;
- (b) Bowling alley;
- (c) Establishments operating primarily as amusement or video game parlors;
- (d) Repair business or electrical heating or plumbing systems;
- (e) Roller or ice skating rink;
- (f) Adult business as defined in the Henrico County Zoning Ordinance;
- (g) Hotel, motels and motor lodges;
- (h) Funeral parlors and mortuaries;
- (i) Animal hospital or kennel;
- (j) Auto, truck, trailer, motorcycle or bus sales, rental and repair;
- (k) Boat and boat trailer sales, service and storage;
- (l) Gun shops;
- (m) Manufactured home sales, display and storage;
- (n) Recreation facilities (i.e. bowling alleys and skating rinks);
- (o) Rifle or pistol ranges;
- (p) Sheet metal shop or roofing company;
- (q) Car Wash manned or unmanned;
- (r) Drive-thru restaurants;
- (s) Establishments whose primary business is check cashing

and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code sections);

- (t) Automotive filling stations;
- (u) Garden centers;
- (v) Nurseries for growing plants;
- (w) Radio and television stations and studios or recording studios; and
- (x) Recycling facilities.

5. **Building Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the Property shall be substantially similar to the exposed portions of other exterior wall surfaces of such building in architectural treatment and materials, exclusive of canopies, and shall include materials such as brick, stone, dryvit, vinyl siding, and/or hardiplank, except to the extent that other architectural materials are used for trim, architectural decorations or design elements. No exposed portion of any exterior wall surface shall consist of untreated or painted cinderblock. The buildings shall be similar in architectural style to Exhibit B or C (see case file) as approved by the Planning Commission at the time of POD review.
6. **Rooftop Mechanical Systems.** No heating, air conditioning or mechanical equipment shall be placed on the roof of any building unless properly screened from ground level.
7. **Height Limitations.** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-eight (38) feet in height above grade level (exclusive of architectural design features).
8. **Parking Lot Landscaping.** Parking lots serving the Property shall be landscaped, including, but not limited to, the planting of shrubbery and/or trees in raised islands located within such parking lots or between parking rows.
9. **Screening of Trash Receptacles.** All trash receptacle areas shall be screened from view off site.

10. **Signage and Hours of Operation.** Signage and hours of operation shall be controlled by zoning ordinance provisions relating to signage and hours of operation in B-2 zoning district. Signage shall be ground mounted monumental-type signs not to exceed six (6) feet in height. Cabinet signs or internally lit signs for detached monumental signs shall be prohibited.
11. **Buffer Area.** Landscaped buffer areas of a minimum of fifty (50) feet in width shall be maintained along Mechanicsville Turnpike (as such right-of-way is determined at the time of Plan of Development review), except to the extent necessary for utilities, storm sewer, grading, roads, driveways, signage or other purposes required by the Planning Commission at the time of Plan of Development review or by any other applicable governmental body. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer areas, and if so removed, additional plantings shall be added. Utility easements, roads or driveways within the aforesaid buffer area shall extend generally perpendicular thereto
12. **Parking Lot Lighting.** Parking lot lighting shall be provided by concealed sources of light, except at vehicular access points or as otherwise required at the time of Plan of Development review. Parking lot lighting shall be reduced to no more than a security level following the close of business operations on the Property.
13. **Outside Speakers.** There shall be no outside speaker or paging systems on the Property.
14. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
15. **Trash Pick-Up and Parking Lot Cleaning.** Trash pick-up and parking lot cleaning shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.

**PROFFERS FOR THE R-5C PORTION OF THE PROPERTY:**

16. **Minimum Square Footage and Density.** The square footage requirements shall be a minimum of 1,280 square feet of finished floor area for each ~~condominium dwelling~~ unit ~~with an average of 1,360 square feet of finished floor area per unit per building.~~ The maximum density shall be no more than ~~260~~ 95 units.

17. **Buffer Adjacent to the Chickahominy National Battlefield.** There shall be a fifty (50) foot buffer ~~adjacent to adjoining~~ the perimeter of the Chickahominy National Battlefield ~~as shown on the Conceptual Layout Exhibit A (see case file).~~ To the extent possible, as determined at the time of ~~plan~~ Plan of ~~development~~ Development review, trees shall be preserved within the buffer area to meet the Henrico County fifty (50) foot transitional buffer requirements for a natural landscaped buffer except to the extent necessary for grading, utility easements, storm sewer, (which utility easement shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of ~~POD~~ Plan of Development review. ~~White vinyl~~ Fencing in a the location, manner and style ~~coordinated with the National Park Service~~ shall be provided within, near or along the buffer as approved at the time of Plan of Development review.
18. **Buffer Along Neale Street.** There shall be a fifty (50) foot landscaped buffer along Neale Street except to the extent necessary for grading, utility easement, storm sewer, signage, access ways to and from public rights-of-way (which utility easement and access ways shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of POD review. The landscaping within the buffer shall at a minimum meet the Henrico County thirty-five (35) foot transitional buffer planting requirements.
19. **Buffer Adjacent to Orchard Glen Subdivision.** There shall be a fifty (50) foot buffer adjacent to the Orchard Glen Subdivision. To the extent possible, as determined at the time of plan development review, trees shall be preserved within the buffer area to meet the Henrico County fifty (50) foot transitional buffer requirements for a natural landscaped buffer except to the extent necessary for grading, utility easements, (which utility easements shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of Plan of Development Review.
20. **Architectural Treatment.** The buildings shall be similar in architectural style to those illustrated in Exhibit ~~C-1 and C-2~~ 3 (4 pages) – Elevation (see case file), and include materials such as brick, stone, dryvit, vinyl siding, and/or hardiplank.
- a) ~~Taken together, the exteriors of the buildings on the property shall be constructed with fifty (50) percent brick in the aggregate.~~
- a) At least 35% of the front elevation of any multi-unit building will include brick or stone. A confirmation of the building material percentages, for all buildings in the development, shall be provided at the time of each building permit, or at the request of the Director of Planning.
- b) Roofing material shall have a minimum thirty (30) year life and associated warranty.

- c) Vinyl siding with a thickness of 0.044 inches.
  - d) The unit width will be a minimum of twenty (20) feet.
  - e) Walls between units shall have a minimum sound transmission coefficient rating of 54.
  - f) The exposed exterior portion of all dwelling foundations below the first floor level shall be brick excluding rear walls of walkout basements which shall be vinyl. At least 8 inches of brick shall be visible above grade on all sides of every residential building to give the appearance of a crawl space.
  - g) Except for boxed windows supported by decorative corbels and the first floor chimneys on the rear of units with basements, there shall be no cantilevered features on any building. Any features extending outward from the exterior walls such as chimneys, closets or bay windows shall have supporting bases matching the foundation.
  - h) All front yards shall be sodded, irrigated and landscaped with trees and foundation plantings.
  - i) No building shall contain more than six (6) units in a row.
  - j) The side of any end unit shall have one bay window or two regular windows.
  - k) A minimum of ten (10) percent of the units shall have ~~either a first floor master or a garage. An example of a unit with a first floor master bedroom unit shall be in one of the first two (2) buildings constructed on the property. The builder shall actively market such unit as an alternative unit type to prospective buyers. Documentation of a marketing plan shall be provided by the builder prior to issuance of the first building permit. a garage.~~
  - ~~l) The owner/developer shall install fire sprinkling systems or provide other adequate fire service features as required by the Division of Fire in lieu of necessary/adequate access to the rear of or between the buildings as determined at the time of plan development review.~~
21. **Amenities.** Amenities shall include pocket parks, a clubhouse, pool pavilion and walking trails. ~~The clubhouse, a minimum of 1,800 square feet, and the pool shall be built during the construction of the first hundred (100) units. to provide project connectivity.~~
22. **Lighting.** Street lighting fixtures shall be constructed and maintained along the private roadway system within the property. All exterior lighting shall be a maximum of fifteen (15) feet and directed to minimize glare on adjacent properties. The output for any lighting shall not exceed one half-foot candle at the property line. Any light poles shall be mounted on a permanent footing.
23. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be underground.

24. **Sidewalks.** Sidewalks four (4) feet in width shall be provided along one side of all roads within the development.

25. **Protective Covenants.** Prior to conveyance of the first unit, restrictive covenants describing development controls, architectural modification standards and maintenance responsibilities for all common areas within the development, including maintenance of the entrance features shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. In addition, there shall be a Homeowners Association of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of common areas, roads, and unit exteriors. No wire, stockade, or chain link fencing will be permitted.

~~26. **Condominiums.** All units shall be condominiums as defined and regulated by the Virginia Condominium Act. Prior to the conveyance of any condominium unit, a declaration of condominiums shall be recorded to establish the condominium regime, and the condominium unit owners association will be incorporated. The condominiums will be marketed as units for sale.~~

~~26. **Trash.** There shall be no central trash receptacles.~~

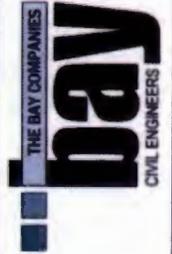
27. **Height Limitations.** The front of any building constructed on the Property shall not exceed 30 feet in height above grade level (exclusive of architectural design features).

28. **Road Design.** All roads to be constructed in the development shall be privately maintained but shall be constructed in accordance with the County of Henrico's Public Road Standards and Specifications with respect to pavement design; an engineer shall certify the improvements.

29. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth here, in whole or part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

THE DRAWING IS THE PROPERTY OF THE BAY COMPANIES INC. AND IS NOT TO BE REPRODUCED OR USED FOR ANY PROJECT IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION.

FILED: 18009\_concept\_plan  
DATE: February 14, 2018  
REVISED:  
REVISED:  
REVISED:



2018 02 14 10:00 AM  
18009 - 00023 - 0114  
REVISED 02/14/18

PROJECT:  
**Grove Point Townhomes**

Patrick Shorrel  
Stafford County, Virginia

SHEET:  
Color Plan

SHEET NO:  
C2

JOB NO: 18009



N/F  
NATIONAL PARK SERVICE  
604-750-9034

APPLE SELF-STORAGE

NORTH

ORCHARD GLEN DRIVE

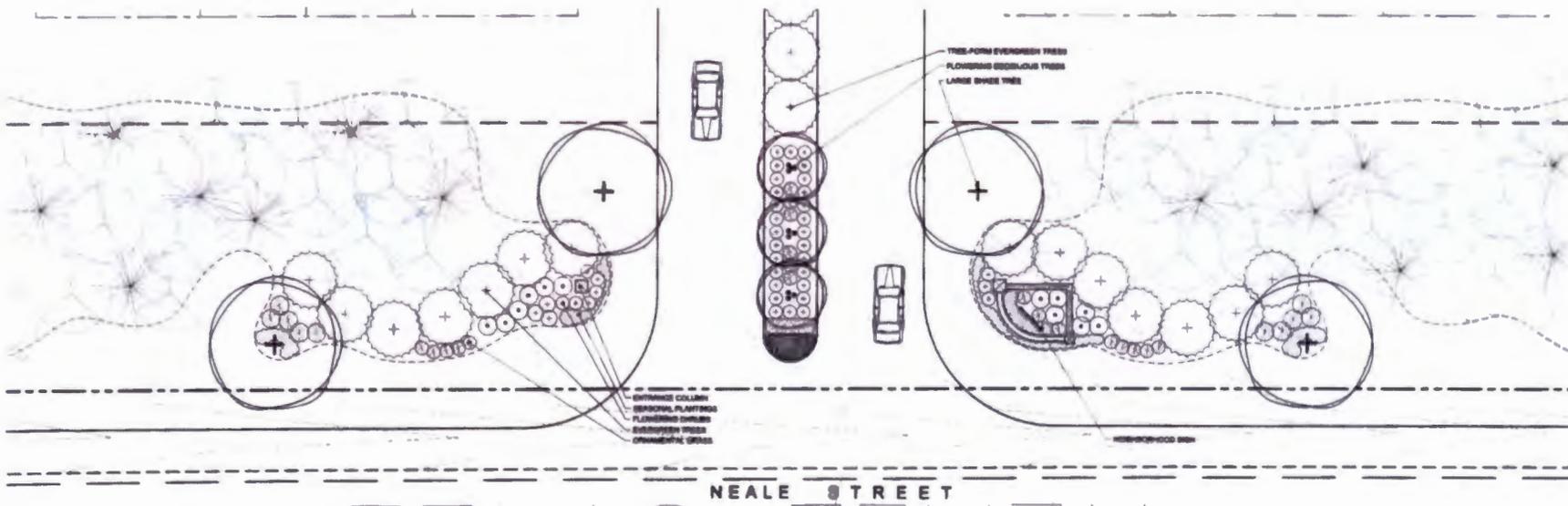
NEALE STREET

MECHANICSVILLE TURNPIKE

REZ2018-00023



ELEVATION



REZ2018-00023

EXHIBIT  
3  
Pg 1 of 4



REZ2018-00023

EXHIBIT  
3  
pg 2 of 4



REZ2018-00023

EXHIBIT  
3  
p. 3 of 4



REZ2018-00023

EXHIBIT  
3  
pg 4 of 4





COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

September 29, 2009

Wilton Development Corp.  
Attn. Sandra Verna  
4901 Dickens Road #102  
Richmond, VA 23230

Re: Conditional Rezoning Case C-11C-09

Dear Ms. Verna:

The Board of Supervisors at its meeting on September 22, 2009, granted your request to amend proffered conditions accepted with Rezoning Case C-12C-05, on Parcels 804-737-7961, 804-736-0481, and 804-737-1251, described as follows:

**7.12 acre parcel:**

Beginning at a point on the east line of Neale Street, said point being located S 65°18'44" E 344.22' from the south line of Mechanicsville Turnpike and being designated as P.O.B.; thence along said east line of Neale Street, N 65°18'44" W 344.22' to a point at the Intersection of Neale Street and Mechanicsville Turnpike (U.S. Route 360); thence along the south line of said Mechanicsville Turnpike, N 60°45'36" W 169.91' to a point; thence along a non-tangent curve to the right having Radius of 68699.93', Length of 22.14', Tangent of 11.07', Delta of 00°01'06", Chord Bearing of N 28°40'57" E and Chord of 22.14' to a point; thence N 28°39'59" E 133.86' to a point; thence N 75°38'29" E 20.52' to a point; thence N 28°39'59" E 27.00' to a point; thence S 80°00'24" W 19.21' to a point; thence N 28°39'59" E 414.83' to a point; thence N 26°57'51" E 216.91' to a point; thence N 28°06'52" E 204.40' to a point; thence S 61°53'08" E 10.00' to a point; thence S 22°47'52" E 49.73' to a point; thence S 61°20'01" E 50.08' to a point; thence along a curve to the right having Radius of 205.00', Length of 133.03', Tangent of 68.95', Delta of 37°10'47", Chord Bearing of S 42°44'38" E and Chord of 130.70' to a point; thence S 24°09'14" E 198.76' to a point; thence S 65°50'46" W 68.82' to a point; thence along a curve to the left having Radius of 75.00', Length of 48.67', Tangent of 25.23', Delta of 37°10'46", Chord Bearing of S 47°15'23" W and Chord of 47.82' to a point; thence S 28°00'00" W 541.82' to a point; thence along a curve to the left having Radius of 1000.00', Length of 69.44', Tangent of 34.74', Delta of 03°58'44", Chord Bearing of S 26°40'38" W and Chord of 69.43' to a point; thence S 24°41'16" W 74.56' to a point; thence S 19°12'42" E 42.33' to a point on the east line of Neale Street, said point being the point and place of beginning and containing 7.12 acres.

REZ2018-00023

**29.51 acre parcel:**

Beginning at a point on the east line of Neale Street, said point being located S 65°18'44" E 344.22' from the south line of Mechanicsville Turnpike and being designated as P.O.B.; thence departing said east line of Neale Street N 19°12'42" W 42.33' to a point; thence N 24°41'16" E 74.56' to a point; thence along a curve to the right having a Radius of 1000.00', Length of 69.44', Tangent of 34.74', Delta of 03°58'44", Chord Bearing of N 26°40'38" E and Chord of 69.43' to a point; thence N 28°40'00" E 541.82' to a point; thence along a curve to the right having Radius of 75.00', Length of 48.67', Delta of 37°10'46", Tangent of 25.23', Chord Bearing of N 47°15'23" E and Chord of 47.82' to a point; thence N 65°50'46" E 68.82' to a point; thence N 24°09'14" W 198.76' to a point; thence along a curve to the left having a Radius of 205.00', Length of 133.03', Tangent of 68.95', Delta of 37°10'47", Chord Bearing of N 42°44'38" W and Chord of 130.70' to a point; thence N 61°20'01" W 50.08' to a point; thence N 22°47'52" W 49.73' to a point on the south line of Mechanicsville Turnpike; thence along said south line of Mechanicsville Turnpike N 29°14'01" E 208.31' to a point; thence departing said south line of Mechanicsville Turnpike S 61°00'29" E 136.59' to a point; thence N 50°50'16" E 696.63' to a point; thence S 59°11'27" E 877.87' to a point; thence S 29°14'59" W 543.95' to a point; thence N 60°45'36" W 169.91' to a point; thence N 72°24'39" W 177.98' to a point; thence S 05°34'34" W 128.23' to a point; thence along a curve to the right having Radius of 342.18', Length of 92.20', Tangent of 46.38', Delta of 15°26'20", Chord Bearing of S 13°17'44" W, and Chord of 91.92' to a point; thence S 88°30'53" W 23.95' to a point; thence along a non-tangent curve to the left having Radius of 320.18', Length of 11.38', Tangent of 5.69', Delta of 02°02'08", Chord Bearing of S 23°40'24" W, and Chord of 11.37' to a point; thence S 24°41'28" W 10.81' to a point; thence S 88°30'53" W 535.93' to a point; thence S 28°39'59" W 243.03' to a point; thence S 61°20'01" W 370.90' to a point; thence S 24°41'16" W 467.76' to a point on the east line of Neale Street; thence along said east line of Neale Street N 65°18'44" W 572.33' to a point, said point being the point and place of beginning containing 29.51 acres as shown on plat by Bay Design Group, P.C. entitled "Compiled Plat of Several Parcels of Land at the Intersection of Mechanicsville Turnpike and Neale Street for the purpose of rezoning".

The Board of Supervisors accepted the following proffered conditions, dated September 16, 2009, which further regulate the above use of your property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Proffers 4 to 15 for the B-2C portion of the property will remain the same.

**PROFFERS THAT APPLY TO ALL PORTIONS OF THE PROPERTY:**

1. **Conceptual Layout.** The development shall be constructed comparable to that shown on the plan entitled, "GROVE POINTE CONDOMINIUMS Conceptual Layout Exhibit A dated June 29, 2009 by Townes (see case file). Sidewalks and boulevard entrance shall be located as illustrated on the Conceptual Plan.

REF 2018-00023

2. **Construction Hours.** No land clearing, road or water/sewer line construction, or any construction of the exterior shell of any building shall occur before the hour of 7:00 a.m. and shall not extend past 10:00 p.m. Signs, in both English and Spanish, stating the construction hours shall be posted and maintained at all entrances to the Property prior to any land disturbance activities beginning.
3. **Entrance Features.** The entrances to the Residential Development from Neale Street and Mechanicsville Turnpike shall be complemented with landscaping and a brick, stone or stucco monument entrance feature as illustrated in "Illustrative Entrance Plan" by Higgins & Gerstenmaier. Landscaping at the entrances features shall include an irrigation system.

#### **PROFFERS FOR THE B-2C PORTION OF THE PROPERTY**

4. **Use Restrictions.** The uses permitted shall be those permitted in the B-2 zoning District except that the following uses shall not be permitted:
  - (a) Billiard parlors;
  - (b) Bowling alley;
  - (c) Establishments operating primarily as amusement or video game parlors;
  - (d) Repair business or electrical heating or plumbing systems;
  - (e) Roller or ice skating rink;
  - (f) Adult business as defined in the Henrico County Zoning Ordinance;
  - (g) Hotel, motels and motor lodges;
  - (h) Funeral parlors and mortuaries;
  - (i) Animal hospital or kennel;
  - (j) Auto, truck, trailer, motorcycle or bus sales, rental and repair;
  - (k) Boat and boat trailer sales, service and storage;
  - (l) Gun shops;
  - (m) Manufactured home sales, display and storage;
  - (n) Recreation facilities (i.e. bowling alleys and skating rinks);
  - (o) Rifle or pistol ranges;
  - (p) Sheet metal shop or roofing company;
  - (q) Car Wash manned or unmanned;
  - (r) Drive-thru restaurants;
  - (s) Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
  - (t) Automotive filling stations;
  - (u) Garden centers;
  - (v) Nurseries for growing plants;
  - (w) Radio and television stations and studios or recording studios; and
  - (x) Recycling facilities.

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5. **Building Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the Property shall be substantially similar to the exposed portions of other exterior wall surfaces of such building in architectural treatment and materials, exclusive of canopies, and shall include materials such as brick, stone, dryvit, vinyl siding, and/or hardiplank, except to the extent that other architectural materials are used for trim, architectural decorations or design elements. No exposed portion of any exterior wall surface shall consist of untreated or painted cinderblock. The buildings shall be similar in architectural style to Exhibit B or C (see case file) as approved by the Planning Commission at the time of POD review.
6. **Rooftop Mechanical Systems.** No heating, air conditioning or mechanical equipment shall be placed on the roof of any building unless properly screened from ground level.
7. **Height Limitations.** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-eight (38) feet in height above grade level (exclusive of architectural design features).
8. **Parking Lot Landscaping.** Parking lots serving the Property shall be landscaped, including, but not limited to, the planting of shrubbery and/or trees in raised islands located within such parking lots or between parking rows.
9. **Screening of Trash Receptacles.** All trash receptacle areas shall be screened from view off site.
10. **Signage and Hours of Operation.** Signage and hours of operation shall be controlled by zoning ordinance provisions relating to signage and hours of operation in B-2 zoning district. Signage shall be ground mounted monumental-type signs not to exceed six (6) feet in height. Cabinet signs or internally lit signs for detached monumental signs shall be prohibited.
11. **Buffer Area.** Landscaped buffer areas of a minimum of fifty (50) feet in width shall be maintained along Mechanicsville Turnpike (as such right-of-way is determined at the time of Plan of Development review), except to the extent necessary for utilities, storm sewer, grading, roads, driveways, signage or other purposes required by the Planning Commission at the time of Plan of Development review or by any other applicable governmental body. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer areas, and if so removed, additional plantings shall be added. Utility easements, roads or driveways within the aforesaid buffer area shall extend generally perpendicular thereto.

REF2018-00023

12. **Parking Lot Lighting.** Parking lot lighting shall be provided by concealed sources of light, except at vehicular access points or as otherwise required at the time of Plan of Development review. Parking lot lighting shall be reduced to no more than a security level following the close of business operations on the Property.
13. **Outside Speakers.** There shall be no outside speaker or paging systems on the Property.
14. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
15. **Trash Pick-Up and Parking Lot Cleaning.** Trash pick-up and parking lot cleaning shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.

**PROFFERS FOR THE R-5C PORTION OF THE PROPERTY:**

16. **Minimum Square Footage and Density.** The square footage requirements shall be a minimum of 1,280 square feet of finished floor area for each condominium unit with an average of 1,360 square feet of finished floor area per unit per building. The maximum density shall be no more than 260 units.
17. **Buffer Adjacent to Chickahominy National Battlefield.** There shall be a fifty (50) foot buffer adjacent to the perimeter of the Chickahominy National Battlefield as shown on the Conceptual Layout Exhibit A (see case file). To the extent possible, as determined at the time of plan of development review, trees shall be preserved within the buffer area to meet the Henrico County fifty (50) foot transitional buffer requirements for a natural landscaped buffer except to the extent necessary for grading, utility easements, storm sewer, (which utility easement shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of POD review. White vinyl fencing in a manner and style coordinated with the National Park Service shall be provided within the buffer.
18. **Buffer Along Neale Street.** There shall be a fifty (50) foot landscaped buffer along Neale Street except to the extent necessary for grading, utility easement, storm sewer, signage, access ways to and from public rights-of-way (which utility easement and access ways shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of POD review. The landscaping within the buffer shall at a minimum meet the Henrico County thirty-five (35) foot transitional buffer planting requirements.

19. **Buffer Adjacent to Orchard Glen Subdivision.** There shall be a fifty (50) foot buffer adjacent to the Orchard Glen Subdivision. To the extent possible, as determined at the time of plan of development review, trees shall be preserved within the buffer area to meet the Henrico County fifty (50) foot transitional buffer requirements for a natural landscaped buffer except to the extent necessary for grading, utility easements, (which utility easements shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of POD review.
  
20. **Architectural Treatment.** The buildings shall be similar in architectural style to those illustrated in Exhibit C-1 and C-2 - Elevation (see case file), and include materials such as brick, stone, dryvit, vinyl siding, and/or hardiplank.
  - a) Taken together, the exteriors of the buildings on the property shall be constructed with fifty (50) percent brick in the aggregate.
  - b) Roofing material shall have a minimum thirty (30) year life and associated warranty.
  - c) Vinyl siding with a thickness of 0.044 inches.
  - d) The unit width will be a minimum of twenty (20) feet.
  - e) Walls between units shall have a minimum sound transmission coefficient rating of 54.
  - f) The exposed exterior portion of all dwelling foundations below the first floor level shall be brick excluding rear walls of walkout basements which shall be vinyl. At least 8 inches of brick shall be visible above grade on all sides of every residential building to give the appearance of a crawl space.
  - g) Except for boxed windows supported by decorative corbels and first floor chimneys on the rear of units with basements, there shall be no cantilevered features on any building. Any features extending outward from the exterior walls such as chimneys, closets or bay windows shall have supporting bases matching the foundation.
  - h) All front yards shall be sodded, irrigated, and landscaped with trees and foundation plantings.
  - i) No building shall contain more than six (6) units in a row.
  - j) The side of any end unit shall have one bay window or two regular windows.
  - k) A minimum of ten (10) percent of the units shall have either a first floor master or a garage. An example of a unit with a first floor master bedroom unit shall be in one of the first two (2) buildings constructed on the property. The builder shall actively market such unit as an alternative unit type to prospective buyers. Documentation of a marketing plan shall be provided by the builder prior to issuance of the first building permit.
  - l) The owner/developer shall install fire sprinkling systems or provide other adequate fire service features as required by the Division of Fire in lieu of

RE22018-00023

necessary/adequate access to the rear of or between buildings as determined at the time of plan of development review.

21. **Amenities.** Amenities shall include a clubhouse, pool and walking trails. The clubhouse, a minimum of 1,800 square feet, and the pool shall be built during the construction of the first hundred (100) units.
22. **Lighting.** Street lighting fixtures shall be constructed and maintained along the private roadway system within the property. All exterior lighting shall be a maximum of fifteen (15) feet and directed to minimize glare on adjacent properties. The output for any lighting shall not exceed one half-foot candle at the property line. Any light poles shall be mounted on a permanent footing.
23. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be underground.
24. **Sidewalks.** Sidewalks four (4) feet in width shall be provided along one side of all roads within the development.
25. **Protective Covenants.** Prior to conveyance of the first unit, restrictive covenants describing development controls, architectural modification standards and maintenance responsibilities for all common areas within the development, including maintenance of the entrance features shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. In addition, there shall be a Homeowners Association of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of common areas, roads, and unit exteriors. No wire, stockade, or chain link fencing will be permitted.
26. **Condominiums.** All units shall be condominiums as defined and regulated by the Virginia Condominium Act. Prior to the conveyance of any condominium unit, a declaration of condominiums shall be recorded to establish the condominium regime, and the condominium unit owners association will be incorporated. The condominiums will be marketed as units for sale.
27. **Height Limitations.** The front of any building constructed on the Property shall not exceed 30 feet in height above grade level (exclusive of architectural design features).
28. **Road Design.** All roads to be constructed in the development shall be privately maintained but shall be constructed in accordance with the County of Henrico's Public Road Standards and Specifications with respect to pavement design; an engineer shall certify the improvements.

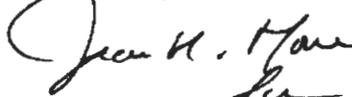
RFZ2018-00023

Wilton Development Corp.  
September 29, 2009  
Page 8

29. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or 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 and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

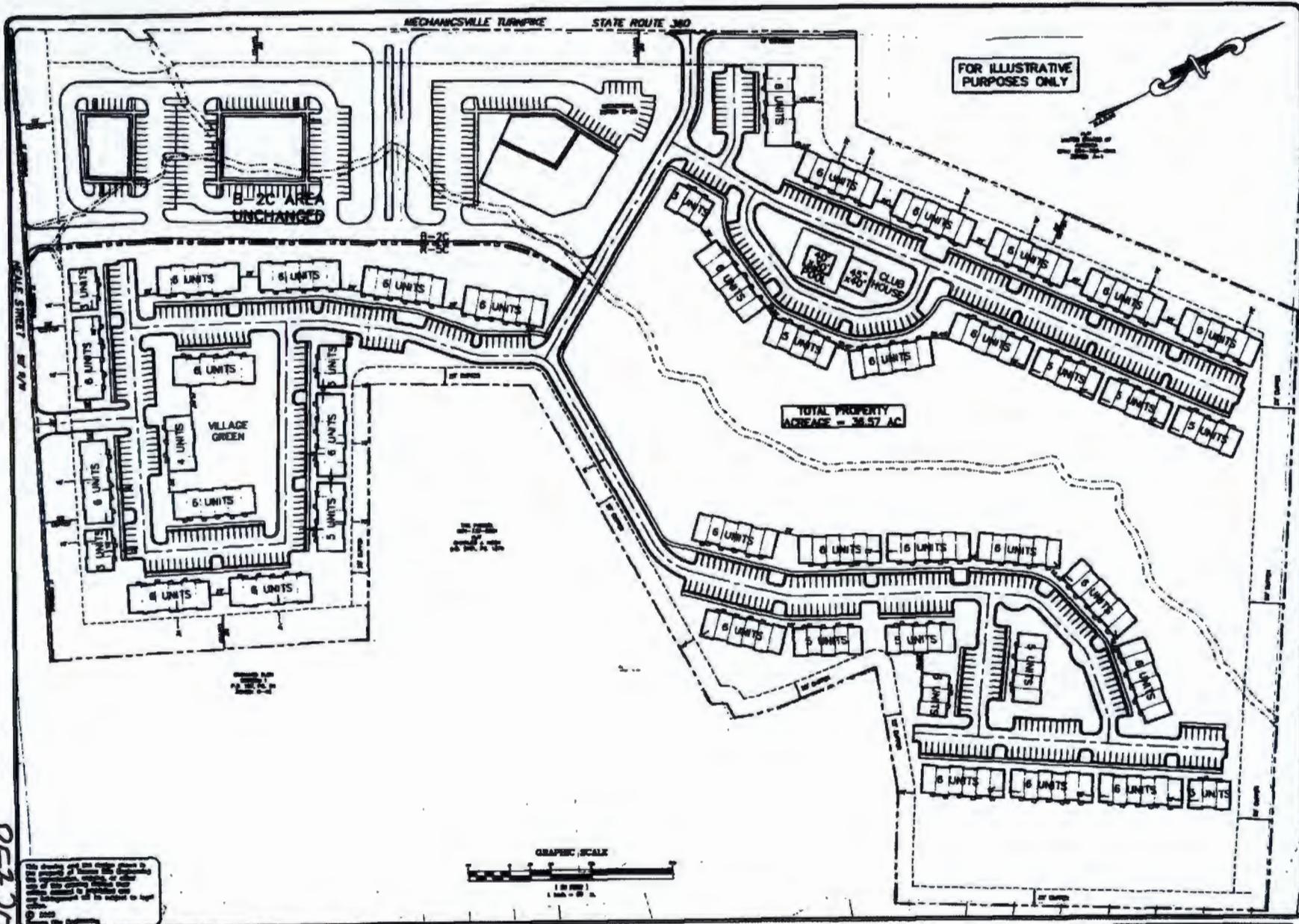
Sincerely,



Virgil R. Hazelett, P.E.  
County Manager

pc: Dr. Martha G. Blumenthal, Dir., Research & Planning, Henrico County Schools  
Director, Real Estate Assessment  
Conditional Zoning Index

RE2018-0023



**Townes**  
SITE ENGINEERING

1000 Lee Ave., Suite 201  
Chesapeake, VA 23041-1702 (804) 748-2800

**GROVE POINTE CONDOMINIUMS**  
FAIRFIELD DISTRICT  
BERNARD COUNTY, VIRGINIA

CONCEPTUAL LAYOUT

C-11C-09 (6/29/09)

Exhibit A

C-11C-09

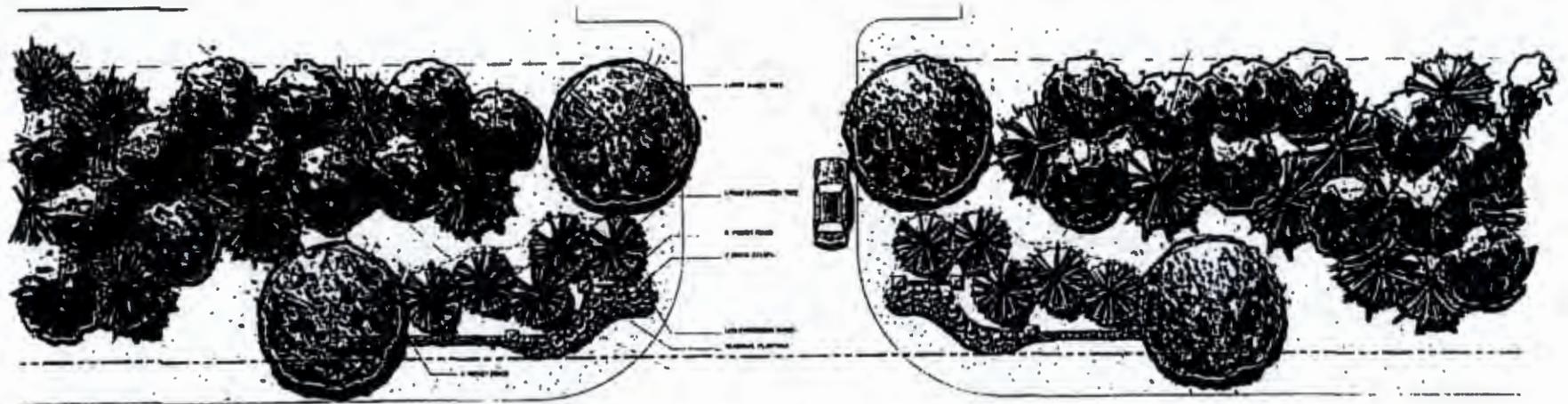
081109

REC-2018-00023



TYPICAL CONDOMINIUM ENTRANCE ELEVATION

Scale 1/4" = 1'-0"



NEALE STREET

TYPICAL CONDOMINIUM ENTRANCE PLAN

Scale 1/4" = 1'-0"

R572018-00023



**HIGGINS & Gerstenmaier**

Architects  
1000 North Main Street  
Harrisburg, PA 17102

ILLUSTRATIVE ENTRANCE PLAN  
**GROVE POINTE**  
 HANOVER COUNTY, VIRGINIA  
 Wilton Development Corporation

Project Number  
 0908  
 Date  
 10-10-09  
 Drawn By  
 JRM/SL

**C-11C-09**



RE 22018-00023

**Exhibit C -1 Elevation**

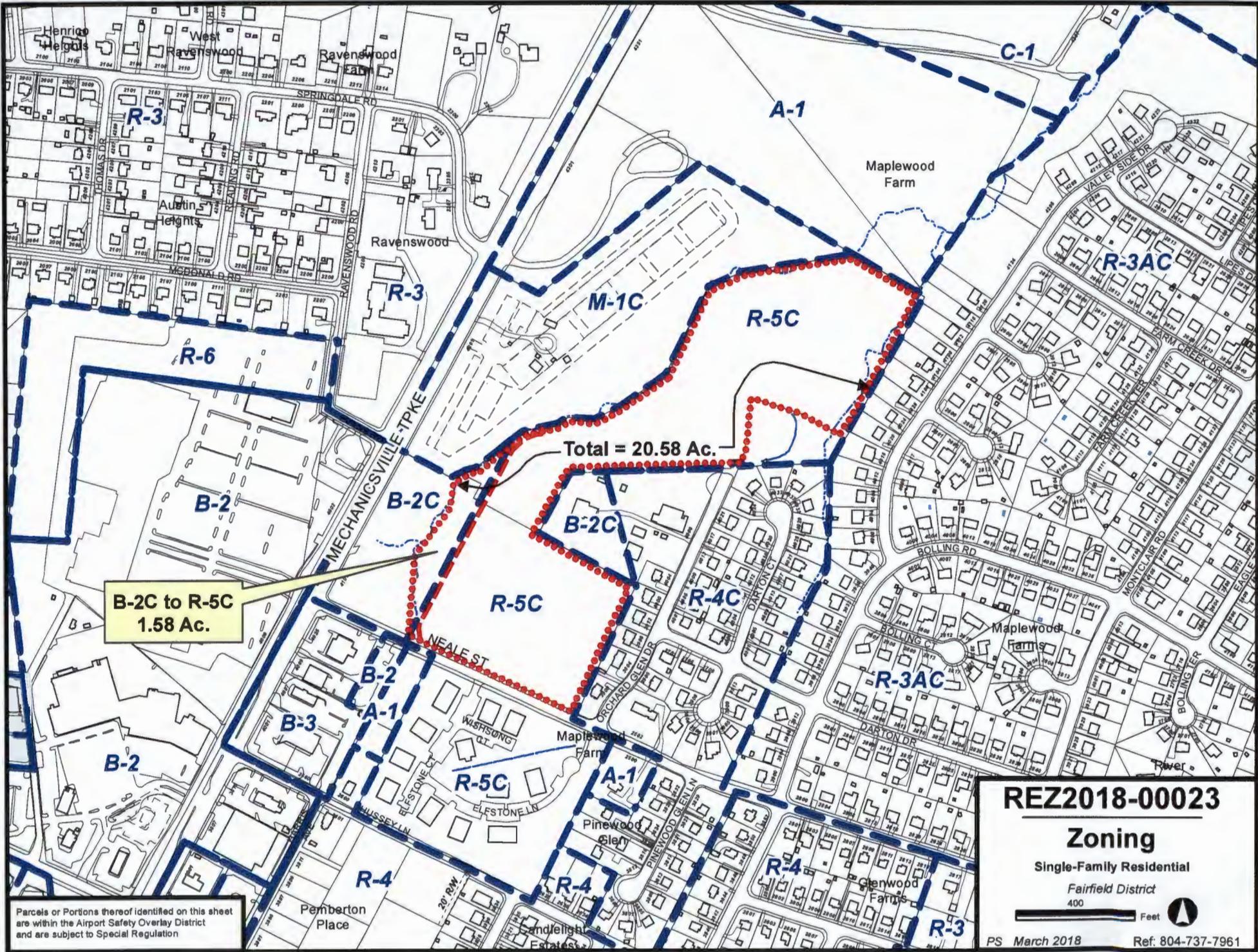
C-11C-09



C-11C-09 (9/2/09)

RE22018-00023

**Exhibit C-2**



**B-2C to R-5C  
1.58 Ac.**

**Total = 20.58 Ac.**

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

**REZ2018-00023**

**Zoning**

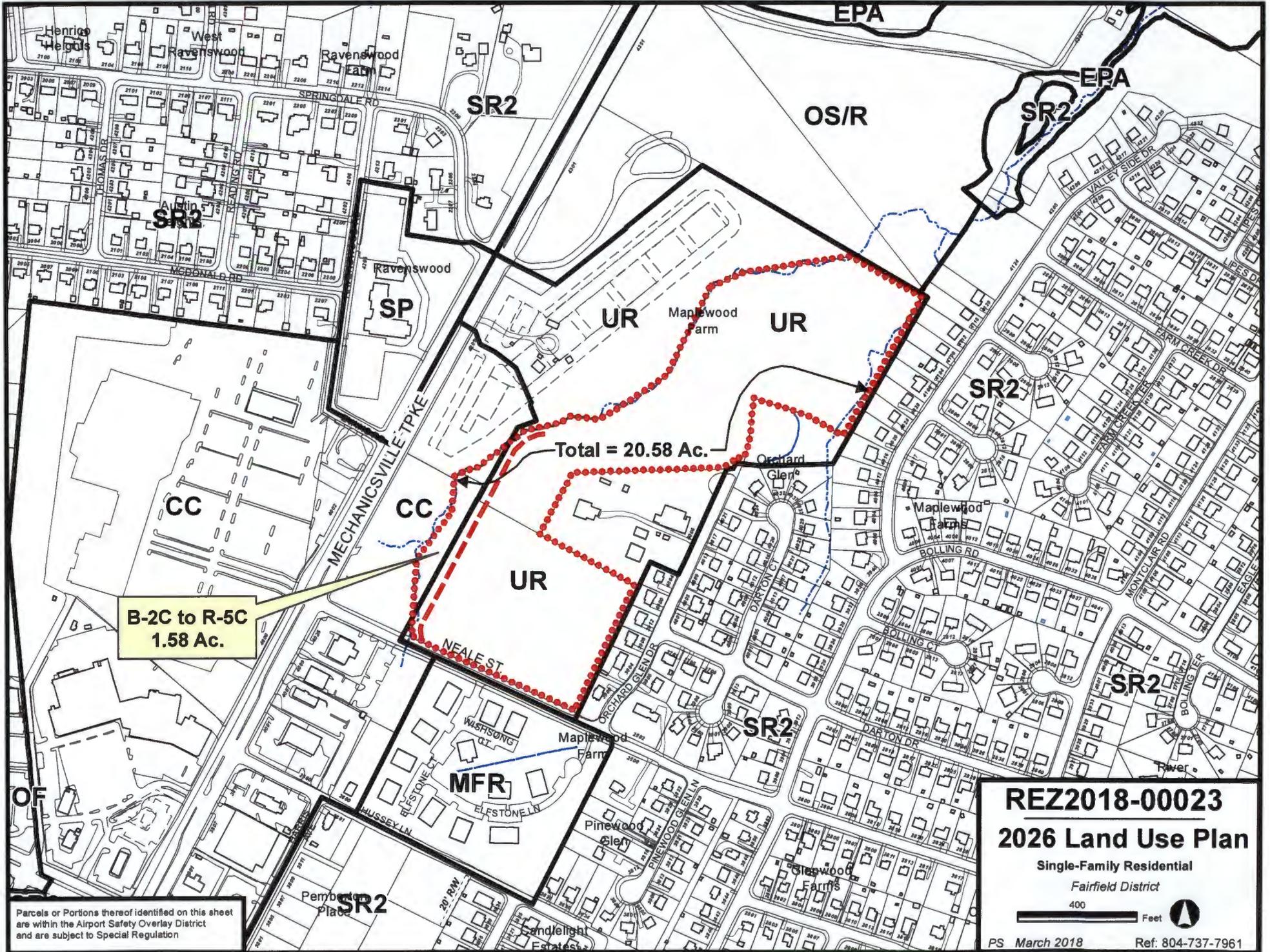
Single-Family Residential

Fairfield District  
400



PS March 2018

Ref: 804-737-7961



**B-2C to R-5C  
1.58 Ac.**

**Total = 20.58 Ac.**

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

**REZ2018-00023  
2026 Land Use Plan**

Single-Family Residential  
Fairfield District



PS March 2018

Ref: 804-737-7961