

R-4 & M-1  
to RTHC  
5.696 Ac.

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

**REZ2023-0002**  
**Zoning**  
 Residential Townhomes  
 Fairfield District  
 400  
 PS December 2022 Ref: 797-737-0449



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

John A. Vithoukas  
County Manager

May 16, 2023

Canterbury Development Group, LLC  
501 Commerce Road  
Richmond, VA 23224

Re: Rezoning Case REZ2023-00002

Dear Sir/Madam:

The Board of Supervisors at its meeting on May 9, 2023, approved your request to conditionally rezone from R-4 One-Family Residence District and M-1 Light Industrial District to RTHC Residential Townhouse District (Conditional) parcel 797-737-0449 containing 5.696 acres located on the east line of Walnut Avenue at its intersection with Ratcliffe Avenue, described as follows:

That certain lot, piece or parcel of land, lying and being in Henrico County, Virginia, known and designated as "GPIN 797-737-0449, 5.696 AC", as shown on that certain plat entitled "Plat of Property Situated on the Eastern Line of Walnut Avenue and the Northern Line of Savannah Avenue, Fairfield District, Henrico County, Virginia", dated July 27, 2020, made by Engineering Design Associates, Inc. and more particularly described as follows:

Beginning at a rod situated in the northwest corner of Walnut Avenue, thence leave said rod S 87°17'12" E, 284.87' to a rod; thence S 02°52'48" W, 25.00' to a point; thence S 87°07'12" E, 66.87' to a rod; thence S 08°35'13" W, 706.03' to a rod; thence N 81°24'17" W, 350.00' to a rod; thence N 08°35'13" E, 671.00' to a stone; thence N 02°52'48" E, 25.00' to the point of beginning, said parcel containing 5.696 acres.

The Board of Supervisors accepted the following proffered conditions, dated April 21, 2023, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Concept Plan.** The Property must be developed in general conformance with Exhibit A attached hereto (see case file), entitled "WALNUT AVE. CONDOS prepared by TIMMONS GROUP, and dated April 10, 2023 (the "Concept Plan"). The exact locations, footprints, configurations, size, and details of the lots, drives, roads, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of Plan of Development review of the Property.

2. **Residential Units.** The property must be developed with condominiums residential units that are attached to other dwelling units by shared walls, side-by-side, within a multi-unit building.
3. **Architecture.** To minimize visual repetition of buildings, no two adjacent buildings may have the same identical individual elevation sequence pattern across the front of the building. The side of each end unit shall include at least two (2) windows and the rear of each unit shall include at least two (2) windows on each floor. There shall be no more than five dwelling units for any building. Buildings constructed on the Property shall generally be in conformance with the renderings attached as Exhibit B, dated March 31, 2023 (see case file), and attached hereto and by this reference made a part hereof, unless otherwise approved at the time of Plan of Development review. No building shall be more than two (2) stories in height.
4. **Underground Utility Lines.** All utility lines on the Property must be underground, except for existing utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company.
5. **Best Management Practices.** Best Management Practice ("BMP") structures must be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water related feature, or unless approved at the time of subdivision review. Any wet pond BMP structures must include an aeration feature to move water within such structure.
6. **Density.** No more than forty-eight (48) dwelling units may be developed on the Property.
7. **Sound Suppression Measures.** Walls between dwelling units must be constructed with a minimum certified sound transmission class (STC) of fifty-four (54). A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the STC, must be included in the building permit application.
8. **Building Materials.** All buildings must have exposed exterior walls (above grade) of brick, stone, dryvit, cementitious siding (such as Hardiplank or an equivalent), and/or vinyl (provided vinyl may be used only if it is premium-grade vinyl (a minimum of .044" nominal thickness as evidenced by manufacturer's printed literature) and vinyl may not be used (other than as accent material) on any elevation of a building facing Walnut Avenue nor more than one-third (1/3) of the total elevation area of any building, or a combination of the foregoing unless different architectural treatment or materials are specifically approved at the time of Plan of Development review.
9. **Foundations.** The exposed exterior portions of all foundations below the first floor level must be finished with brick, stone or cultured stone. On the front, side and rear elevations of each building, there must be a minimum of twelve (12) inches of brick, stone, or cultured stone visible above grade. For reasons associated with required site grading, the requirements of this proffer may be modified or waived by the Director of Planning for individual side or rear facades.

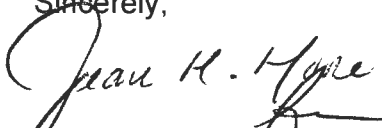
10. **Foundation Planting.** Each dwelling unit must have a minimum of four (4) shrubs planted in the front planting bed.
11. **Landscaping.** A minimum of one (1) tree measuring a minimum of 2.5" in caliper must be retained or planted in front of each dwelling unit, unless otherwise approved at the time of landscape plan review. Landscaping must be planted along Walnut Avenue as required at the time of landscape plan review to provide the equivalent of a transitional buffer 10.
12. **Protective Covenants.** Prior to or concurrent with the final approval of the initial Plan of Development for the Property, a document setting forth covenants must be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "County"), setting forth controls on the development and maintenance of the Property and establishing one or more owners' associations (the "Association"). All common amenities and common areas must be maintained by the Association for the benefit of the owners, residents, tenants, and their guests.
13. **Roads.** Prior to the issuance of any Certificate of Occupancy, the applicant must provide the Planning Department with certification from a licensed engineer that the built roadways within the project were constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width, turning radii, cul-de-sac dimensions, curb type, and underdrains), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface. The internal roadways must be private and shall be maintained by the Association. A maximum of eight (8) feet in width will be dedicated to the County along the Property's frontage with Walnut Avenue for future widening.
14. **Sidewalks.** A continuous sidewalk a minimum of five (5) feet in width must be provided in front of all residential buildings.
15. **Trash.** There may be no central trash receptacles.
16. **Entrance Feature.** Any detached entrance sign must be ground mounted monument-style and not exceed eight feet in height.
17. **Amenities.** Recreational amenities for use by dwelling unit owners and guests must include at least (a) one gathering area containing a gazebo or pavilion with outdoor furniture, a fire pit with chairs or an outdoor grill and tables, and (b) a pocket park, as shown on the Concept Plan, or all as otherwise approved at the time of subdivision or plan of development review.
18. **Construction Hours.** The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment must be limited to the hours between 7:00 a.m. and 7:00 p.m. or dusk (whichever occurs first) Monday through 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. No exterior construction

activities may be allowed on Sundays. Signs, in both English and Spanish, stating the above-referenced provisions, must be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.

19. **Condominium Act.** Any Condominiums constructed on the Property must comply with the Virginia Condominium Act.
20. **Recreational Vehicles.** No recreational vehicles, campers, trailers, or boats may be parked or stored on the Property, unless within enclosed garages.
21. **Ownership.** All dwelling units must be marketed for and offered for sale by the initial developer of the Property. No more than 20% of all dwelling units shall be permitted to be for rent at any given time. These restrictions shall also be made a part of the covenants applicable to the Property and enforced by the Association.
22. **Severance.** The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, may not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

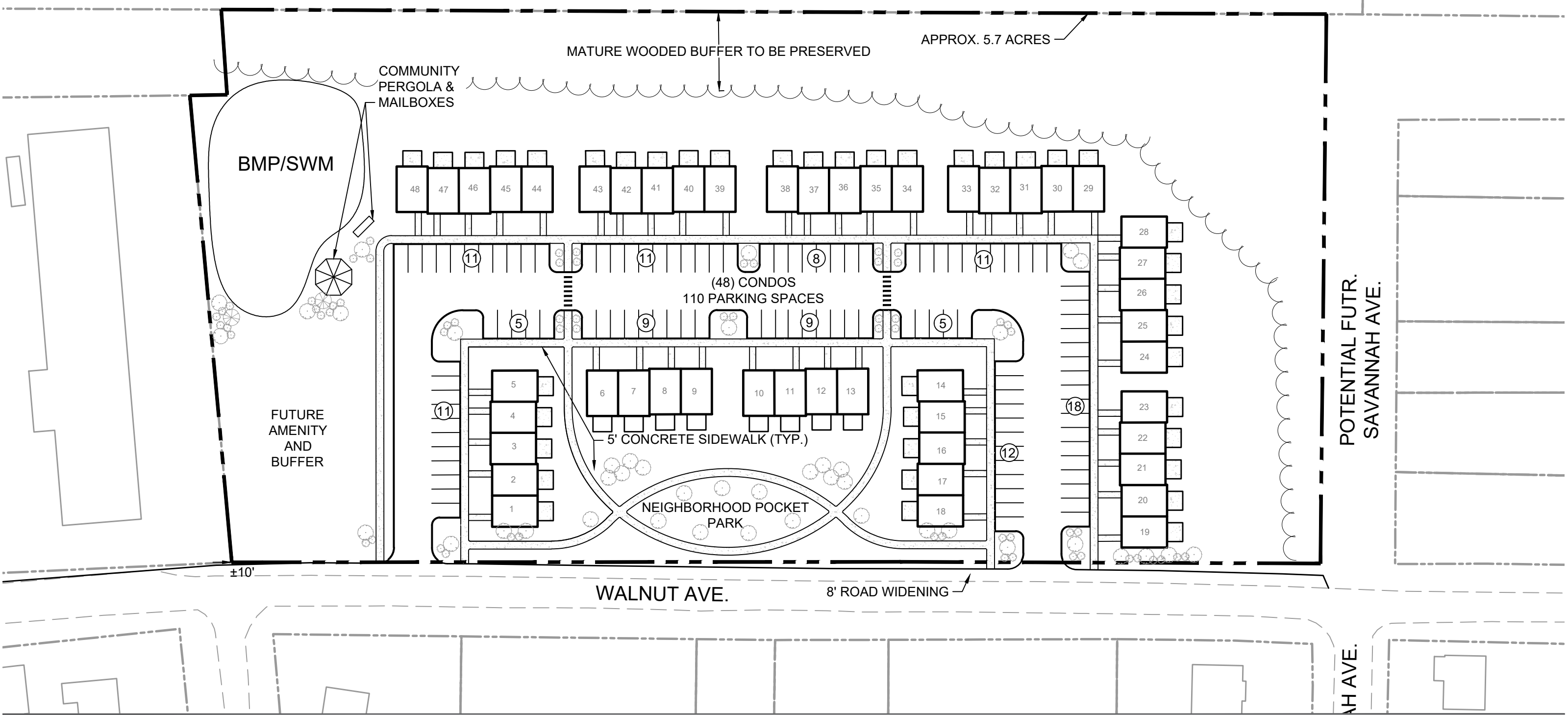
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,



John A. Vithoukas  
County Manager

pc: B&B Properties II, LLC  
Andrew M. Condlin  
Director, Real Estate Assessment  
Henrico County Public Schools



# WALNUT AVE. CONDOS

YIELDS 48 (RTH) UNITS AND GREENSPACE - April 10, 2023

