

REZ2023-00003

Zoning

Multifamily Housing

Fairfield District

400

Scale: 0 to 400 Feet

North Arrow

PS December 2022 Ref: 788-747-4162



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukias
County Manager

April 18, 2023

Ashley Terrace Realty LLC
6500 Fire Lane
Mechanicsville, VA 23116

Re: Rezoning Case REZ2023-00003

Dear Sir/Madam:

The Board of Supervisors at its meeting on April 11, 2023, approved your request to conditionally rezone from B-2 Business District and R-5 General Residence District to R-6C General Residence District (Conditional) parcels 788-747-4162 and 788-747-5728 containing 8.196 acres located on the east line of Chamberlayne Road approximately 800 feet north of its intersection with Brook Hill Circle, described as follows:

Legal Description - #5700 Crenshaw Road

BEGINNING at a point on the western boundary of the right of way line of Crenshaw Road, said point being 1,306.32 feet north of the point of intersection of the western boundary of the right of way line of Crenshaw Road and the northern boundary of the right of way line of Wilmer Avenue; thence leaving the western boundary of the right of way line of Crenshaw Road and proceeding in a southwesterly direction the following three (3) courses and distances:

- 1) S 85°53'16" W 422.90 feet to a point;
- 2) Thence N 04°13'24" W 198.00 feet to a point;
- 3) Thence N 85°53'16" E 422.64 feet to a point on the western boundary of the right of way line of Crenshaw Road;

Thence proceeding along the eastern boundary of the right of way line of Crenshaw Road in a southeasterly direction S 04°17'54" E 198.00 feet to a point, said point being the Point and Place of Beginning, containing 1.922 Acres, more or less.

Legal Description - #5701 Chamberlayne Road

BEGINNING at a point on the western boundary of the right of way line of Crenshaw Road, said point being 1,504.32 feet north of the point of intersection of the northern boundary of the right of way line of Wilmer Avenue and the western boundary of the right of way line of Crenshaw Road; thence leaving the western boundary of the right

of way line of Crenshaw Road and proceeding in a southwesterly direction the following three (3) courses and distances:

- 1) S 85°53'16" W 422.64 feet to a point;
- 2) Thence N 52°14'47" W 185.45 feet to a point;
- 3) Thence S 88°31'26" W 118.51 feet to a point on the eastern boundary of the right of way line of Chamberlayne Road (U.S. Route No. 301);

Thence proceeding along the eastern boundary of the right of way line of Chamberlayne Road in a northeasterly direction the following four (4) courses and distances:

- 1) N 01°12'21" E 13.30 feet to a point;
- 2) Thence N 06°36'36" E 171.02 feet to a point;
- 3) Thence N 13°58'21" E 92.64 feet to a point;
- 4) Thence N 26°27'16" E 92.84 feet to a point;

Thence leaving the eastern boundary of the right of way line of Chamberlayne Road and proceeding in a southeasterly direction S 89°34'44" E 534.63 feet to a point on the western boundary of the right of way line of Crenshaw Road; thence proceeding along the western boundary of the right of way line of Crenshaw Road in a southeasterly direction the following three (3) courses and distances:

- 1) S 36°21'54" E 32.83 feet to a point;
- 2) Thence along a curve to the right having a radius of 120.00 feet, a delta angle of 32°04'00" and an arc length of 67.16 feet to a point;
- 3) Thence S 04°17'54" E 344.82 feet to a point, said point being the Point and Place of Beginning, containing 6.274 Acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated March 9, 2023, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Conceptual Plan.** The Property shall be developed in general conformance with Exhibit A, attached (see case file), prepared by VHB, dated March 2, 2023 (the "Concept Plan"). The exact locations, footprints, configurations, size, and details of the drives, parking areas, buildings, solar improvements, amenities, BMPs, and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering designs, compliance with governmental regulations or as otherwise approved at the time of Plan of Development review.

2. **Architecture.** Buildings with dwellings on the Property shall be constructed in general conformance with the architectural style depicted on Exhibit B dated December 15, 2022 (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. The Office/Clubhouse building shall be constructed with an architectural style that is compatible with the architectural style depicted on Exhibit B.
3. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of trim, which may be metal) of stone, cast stone, stone veneer, brick, brick veneer, or other masonry material, E.I.F.S., cementitious siding (e.g. Hardi-plank), cultured stone, pre-cast concrete, architectural metal panels or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development review. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements. A minimum of thirty (30) percent in the aggregate for each building of the exterior portions of the building wall surfaces, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, brick veneer, stone, cast stone or stone veneer or other masonry material construction.
4. **Density.** No more than 186 dwelling units will be developed on the Property.
5. **Future Bus Stop.** Upon written request from the County, the owner of the Property shall dedicate land a maximum of sixteen feet (16') in width and twelve feet (12') in depth, in a mutually agreed upon location along the Chamberlayne Road right-of-way for the construction of a bus stop (the "Future Bus Stop"). In the event of dedication, but no construction of the Future Bus Stop within fifteen years of the date of dedication, the dedicated land shall be conveyed back to the owner of the adjacent land.
6. **Chamberlayne Frontage.** Along the Property's frontage on the Chamberlayne Road Service Road, a 20' wide area landscaped area, planted to TB25 standards shall be provided along this frontage. Within this landscaped area, the owner of the Property shall install (i) a four-foot (4') wide asphalt path from the project's entrance on to the Chamberlayne Road Service Road to the northern property line and to the southern property line and (ii) pedestrian scale lighting not exceeding twenty feet (20') in height along this asphalt path; unless otherwise approved at the time of plan of development review and approval. The location of this path and the plantings shall be determined at the time of plan of development review. The location of the path and the street lights shall be established at the time of plan of development review. The path and street light locations may be adjusted in the event of conflict with street trees, utilities, sightlines, and driveway areas. The required plantings may be adjusted at the time of plan of development review to accommodate the installation of the path and street lights.

7. **Sidewalks.** Sidewalk internal to the project shall be provided as generally shown on the Conceptual Plan (see case file), unless otherwise requested and approved at the time of plan of development review.
8. **Amenities.** The amenity area shall be improved as a grass square as generally shown on the Concept Plan (see case file). The Office/Clubhouse building shall include a clubhouse area with a community room and exercise area.
9. **Hours of Construction.** The hours of exterior construction activities during initial site construction, including operation of bulldozers and other earthmoving equipment shall be between 7 a.m. and 7 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, asphalt pours and utility connections. No exterior construction activities shall be allowed on Sundays. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.
10. **Perimeter Fences; Landscaping.**
 - a. **Fencing for Solar Area**
 - i. An opaque fence, a minimum of six feet (6') feet high, shall be constructed along the perimeter of the solar area in the location shown on Exhibit C (see case file), unless otherwise requested and approved at the time of plan of development review.
 - ii. This opaque fence shall be constructed in a durable method, using materials such as composite wood, solid core vinyl, wood wrapped in vinyl, cementitious boards (i.e. HardiePlank), reinforced vinyl, or any other material approved at the time of plan of development review.
 - b. **Fencing for Other Areas**
 - i. A black vinyl coated security chain link fence, a minimum of six feet (6') high, shall be erected along the perimeter of the project in the locations shown on Exhibit C (see case file) and connecting at each point (the "Community Fence"), unless otherwise requested and approved at the time of plan of development review. The Community Fence may be modified to include an opening for vehicular or pedestrian passage between adjacent parcels. A sliding gate for emergency access only, unless otherwise determined at the time of plan of development review and approval, shall be provided at the entrance to Crenshaw Road.

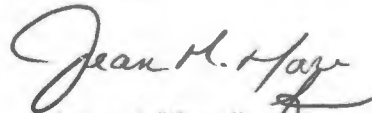
- ii. Where the Community Fence is adjacent to Crenshaw Road, the required plantings shall be planted in a manner where all or most of the required trees are located along Crenshaw Road with the Community Fence behind the trees and the required shrubs planted on the community side of the Community Fence, or pursuant to a different plant and fence arrangement designed to soften the appearance of the Community Fence requested and approved at the time of plan of development review.
 - iii. Where the Community Fence is adjacent to GPINs 788-747-1933 and 788-748-4202, TB25 plants shall be planted along the Community Fence in a manner that softens the appearance of the Community Fence. Existing plants on GPINs 788-747-1933 and 788-748-4202 shall be taken into account in determining where plantings are required to soften the appearance of the Community Fence.
11. **Security Cameras.** The owner or operator of the multifamily buildings shall provide and be responsible for the installation, operation, and maintenance of the functioning security camera and video system of professional grade and quality and rated for surveillance of areas mutually agreed upon between the owner of the Property and the Crime Prevention Unit of the Police Division. Security camera locations and views shall be mutually agreed upon at the time of the security survey. The security camera system shall, at a minimum, include:
 - a. At minimum, five-megapixel cameras with night vision capturing pedestrian and vehicular access points, multi-family parking areas, and other areas mutually determined.
 - b. Recordings of all activities under surveillance shall be preserved for a period of one (1) month by the applicant or owner/operator. Authorized representatives of the Henrico County Police Division shall have full and complete access to all recordings upon request.
12. **Dumpster Service/Parking Lot Cleaning.** No dumpster service shall take place between the hours of 10:00 p.m. and 7:00 a.m. No mechanical means may be used to clean the parking lot between the hours of 10:00 p.m. and 7:00 a.m.
13. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by Public Works, may only be used for the following purposes:

- a. Storm water management and/or retention areas;
 - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
 - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Director pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance"). The owner of the property shall, prior to construction plans approval for areas that include such flood plain, apply to rezone such portions of the Property to a C-1 Conservation District. The location and limits of such portion(s) of said Property shall be established by Plan of Development and/or construction plans approved pursuant to the Zoning Ordinance.
14. **Basins.** Above-ground stormwater basins shall 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 Plan of Development review. Any wet pond best management practice structures shall include an aeration feature to move water within such structure.
15. **Solar Use.** The solar panels shall be located on the roof of the buildings and in the solar area shown on the Concept Plan, unless otherwise requested and approved at the time of plan of development review. The solar panels shall be connected to the power grid on a net-metering basis and operated as an accessory use to the residential dwellings.
16. **Road Construction.** Prior to the issuance of any Certificate of Occupancy, road improvements shall be made as follows:
- a. Widen the pavement width for the Chamberlayne Road Service Road to a total of twenty-four feet (24') wide only for the portion of the Chamberlayne Road Service Road that is in front of the Property.
 - b. Provide curb and gutter along Crenshaw Road for the length of the Property's frontage on Crenshaw Road. Extend the existing edge of the pavement to the curb and gutter location. The curb location and the asphalt extension shall be located and done in a manner that does not require the relocation of the existing power poles. Dedicate right of way so that the right of way line along the Property's frontage on Crenshaw Road is in alignment with the right of way line on the west side of Crenshaw Road to the south of the Property.

- c. Construction of a pedestrian way along Crenshaw Road for the length of the Property's frontage on Crenshaw Road in a location determined at the time of plan of development review.
17. **No Parking Signs.** No parking signs shall be installed on the east side of the Chamberlayne Road service road along the property's frontage. The number and location of such signs shall be determined at the time of plan of development review.
18. **Construction Access.** Construction access shall only be from Chamberlayne Road Service Road.
19. **3-Bedroom Units.** The maximum number of three-bedroom units shall be forty-two (42).
20. **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.

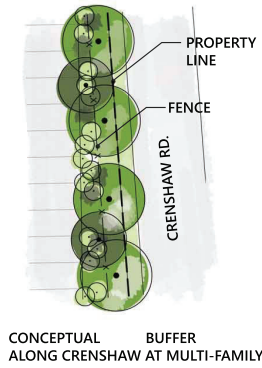
Sincerely,


John A. Vithoukas
County Manager

pc: Chesapeake Veterans Home, LLC
Susan S. Smith
Director, Real Estate Assessment
Henrico County Public Schools
Police, Special Services

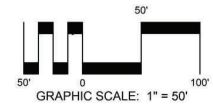


Exhibit A
March 2, 2023



schematic site plan
5701 CHAMBERLAYNE ROAD

CHAMBERLAYNE ROAD · HENRICO COUNTY · VIRGINIA ·
DEVELOPER: SPYROCK REAL ESTATE GROUP · CRESCENT DEVELOPMENT



REZ2023-00003

Exhibit B
December 15, 2022



REZ2023-00003



Exhibit C
Fence Location

Sliding Gate

Location for
Opaque Fence

Location for
Security Chain Link



schematic site plan
5701 CHAMBERLAYNE ROAD

CHAMBERLAYNE ROAD · HENRICO COUNTY · VIRGINIA · FEBRUARY 20, 2023
DEVELOPER: SPYROCK REAL ESTATE GROUP · CRESCENT DEVELOPMENT

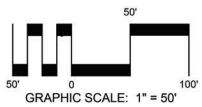


EXHIBIT C
REZ2023-00003