

**PUP2023-00002**

**Zoning**  
Multifamily Housing  
Fairfield District  
400

400 Feet

PS December 2022 Ref: 788-747-4162



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

John A. Vithoukas  
County Manager

April 18, 2023

Ashley Terrace Realty, LLC  
6500 Fire Lane  
Mechanicsville, VA 23116

RE: Provisional Use Permit PUP2023-00002

Dear Sir/Madam:

The Board of Supervisors, at its meeting on April 11, 2023, approved your request for a Provisional Use Permit under Sections 24-2306 and 24-4205 of Chapter 24 of the County Code to allow for zoning modifications as part of a master-planned development on parcels 788-747-4162 and 788-747-5728 located on the east line of Chamberlayne Road approximately 800 feet north of its intersection with Brook Hill Circle, subject to the following conditions:

1. **Proffered Conditions.** All proffered conditions accepted with case REZ2023-00003 must also be made part of this Provisional Use Permit.
2. **Master Plan.** All development on the property must be in general conformance with the Master Plan titled "Schematic Site Plan 5701 Chamberlayne Road" dated March 2, 2023 prepared by VHB (see case file), unless otherwise approved at the time of Plan of Development review.
3. **Architectural Design.** Any new buildings must be constructed consistent with the elevations titled "Exhibit B" dated December 15, 2022 (see case file), unless otherwise approved at time of Plan of Development review.
4. **Fencing.** Fencing consisting of black vinyl coated security chain link fence a minimum of 6 feet high and located in a meandering fashion designed to soften the appearance of the fence, must be provided as shown on the "Fence Location" plan, titled "Exhibit C" dated February 20, 2023 (see case file), unless otherwise approved at time of Plan of Development review.
5. **Sidewalks.** Sidewalks must be provided along all public street frontages, and internal pedestrian connections from new development areas must be provided to such sidewalk, unless otherwise approved at time of Plan of Development review.

6. **Pedestrian Lighting.** Site lighting must be designed to provide lighting for pedestrians along adjacent public roadways and internal project areas in a manner approved at the time of lighting plan review to those specifically enumerated above.
7. **Amenities.** Amenities consistent with the Master Plan (see case file) and proffers must be provided on the property in a manner determined at the time of plan of development review.
8. **Residential Recycling Facilities.** Recycling must be provided for the multi-family development for so long as the County either provides or sponsors some form of recycling. Outside recycling and refuse collection area(s) provided must comply with the requirements set forth in section 24-4428 of the Zoning Ordinance.
9. **Transitional Buffer Reduction.** Transitional Buffer widths may be reduced from those otherwise required by the zoning ordinance, but in no case shall they be less than those identified herein: the minimum width for the northern property line shall be 15', the minimum width for the eastern property line shall be 10', and the minimum width of the southern property line shall be 12', or as otherwise approved at time of Plan of Development. Planting levels must be consistent with those required by the zoning ordinance, and the specific location and quantity of buffer plantings shall be determined at the time of landscape plan approval, provided:
  - a. Plantings must be located with the intent to soften the perimeter fencing.
  - b. Those plantings located on the perimeter of the area labeled "Solar Panels" on the Schematic Site Plan (see case file) must be arranged in a manner to mitigate site lines of the panels from the adjacent buildings to the south. The specific location and type of plantings may be modified at time of Plan of Development to allow for sufficient operation of the solar facility.
10. **Solar Arrays.** Primary use of electricity from the accessory solar panels must serve the residential and associated uses on the Property. At the time of plan of development review, the applicant must indicate how electricity generated by the solar arrays on-site will be used to offset utility costs for residents of the Property.
11. **Solar Array Height.** Ground-mounted solar arrays must not exceed 6' in height.
12. **Solar Array Fencing.** The solar array must be enclosed by opaque fencing and locked gates that are at least six feet high along the perimeter of the subject property OR where adjacent to neighboring properties and must provide warning signs at each access point to the array facility. Fencing consisting of black vinyl coated security chain link fence a minimum of 6 feet high and located in a meandering fashion, must be provided in all other locations surrounding the solar

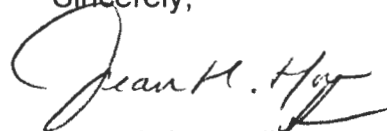
array. The fencing must be maintained in good condition and screened from adjacent streets by landscaping material, as identified at the time of plan of development review. Adequate access for maintenance of all ground-mounted solar arrays must be provided.

13. **Solar Array Utility Lines.** Except for existing transmission lines and collector utility structures, all utilities associated with the solar array must be located underground.
14. **Solar Array Decommissioning Plan.** Prior to plan of development approval, the applicant must submit a final decommissioning plan that describes the timeline and manner in which the ground solar array will be decommissioned and the Property restored to a condition similar to its condition prior to the establishment of the facility. The Planning Director will examine the method of removal set forth in the decommissioning plan and other information in the decommissioning plan to determine whether the applicant needs to provide adequate surety to ensure the removal of the ground solar array when no longer used. The Planning Director will also re-examine the decommissioning plan and the need for surety with each transfer of plan of development. The form of the surety shall be in a form agreed to by Henrico County. In the event that the Planning Director deems the surety necessary, then the amount of the surety will be determined by a Virginia licensed engineer and the engineer will revisit the decommissioning bond amount every 5 years to ensure the bond amount is sufficient based on current market pricing.
15. **Solar Array Operation.** The solar array facility must be maintained in good working order. If the solar array ceases operation for a period of 18 consecutive months, the County will deem it abandoned and will provide written notice of abandonment to the owner. Within 180 days after notice of abandonment is provided, the owner must either complete all decommissioning activities and site restoration in accordance with the decommissioning plan for the array or resume regular operation of the array.
16. **Open Space.** Minimum open space requirements outlined by the zoning ordinance must be provided, unless otherwise approved at the time of plan of development.
17. **Crime Prevention.** Prior to occupancy of any structure, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant must implement mutually agreed upon security recommendations.

Ashley Terrace Realty LLC  
April 18, 2023  
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The Planning Department has been advised of the action of the Board of Supervisors and requested to revise its records.

Sincerely,

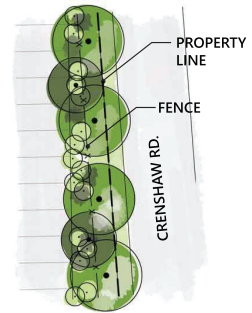
A handwritten signature in black ink, appearing to read "John A. Vithoulkas". The signature is fluid and cursive, with a large initial "J" and "V".

John A. Vithoulkas  
County Manager

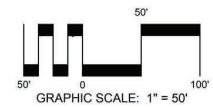
pc: Chesapeake Veterans Home, LLC  
Susan S. Smith  
Director, Real Estate Assessment  
Henrico County Public Schools  
Police, Special Services



Exhibit A  
March 2, 2023



CONCEPTUAL BUFFER  
ALONG CRENSHAW AT MULTI-FAMILY



schematic site plan  
**5701 CHAMBERLAYNE ROAD**

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

PUP2023-00002

Exhibit B  
December 15, 2022



PUP2023-00002



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

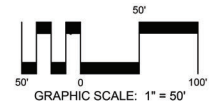


EXHIBIT C  
PUP2023-00002