



# 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. REZ 2023  
00002      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] / Andrew M. Conditin      Date 4/11/23  
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 REZ2023-00002

April 11, 2023

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 condominium 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 building must include at least two (2) windows and the rear of each dwelling unit must include at least two (2) windows on each floor. There must be no more than five dwelling units for any building. Buildings constructed on the Property must generally be in conformance with the renderings attached as Exhibit B, dated March 31, 2023,



## 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

and attached hereto and by this reference made a part hereof, unless otherwise approved at the time of Plan of Development review. No building may 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 on the front elevation of a building (other than as accent material) 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



## 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

- 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 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 must 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.



## 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

15. **Trash**. There may not be 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. This restriction must also be made a part of the covenants 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.