

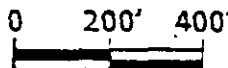
COUNTY OF HENRICO PLANNING OFFICE

78-B2-16,17,19, Pt. 20&21

TUCKAHOE DISTRICT

MULTI-FAMILY RESID.

C-102C-88



JAS



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

W.F. LaVECCHIA, P.E., AICP  
County Manager

March 14, 1989

Re: Conditional Rezoning Case C-102C-88

Lincoln Property Company Mid-Atlantic, Inc.  
P. O. Box 14220  
Greensboro, North Carolina 27415

Gentlemen:

The Board of Supervisors at its meeting on March 8, granted your request to conditionally rezone from A-1 Agricultural and C-1 Conservation to RTHC Residential Townhouse District (Conditional), described as follows:

Parcels 78-B2-16, 17, 19 and part of Parcels 78-B2-20, and 21:

Parcel 78-B2-17:

All that certain parcel of land containing 55 acres, being the northern and western part of the Hutchinson Tract and adjacent to the Old Coal Pit Railroad and which is fully described and set forth on plat by T. Crawford Redd & Bro., Inc., dated September 10, 1934, a copy of which is recorded in the Clerk's Office, Circuit Court of Henrico County, Virginia, in Deed Book 259C, at page 158. Less and Except the following:

1. A parcel of land containing 4.30 acres conveyed to Bernard L. Webb and Rose W. Webb by deed from Ruth K. Williams, dated 9/21/55, recorded 10/11/55, in Deed Book 761, page 490, as shown on plat by Foster and Miller, dated 9/15/55, a copy of which is recorded therewith; and
2. All those certain strips or parcels of land, with all improvements thereon and appurtenances thereto belonging, containing 2.135 acres, conveyed to the County of Henrico by deed from Ruth K. Williams, widow, dated 4/15/86, recorded 4/25/86, in Deed Book 2000, page 1566, more particularly described and shown on two certain plats dated 12/3/85, prepared by the County of Henrico, Department of Public Works, entitled "Acquisition Plat - Gaskins Road", a copy of which is recorded therewith.

Parcel 78-B2-19:

Commencing at a corner with the line of the land of Sherman Moss and the West line of the Three Chopt Road, thence North along the Western line of Three Chopt Road  $19^{\circ} 31'$  West  $90'$  to a corner with the line of the land of R. Kooger, thence S.  $75^{\circ} 26'$  W.,  $523.28'$  to a corner on the line of the land of R. K. Williams; thence S.  $3^{\circ} 34'$  East along the E. line of a ditch  $236.4'$  to a corner on the line of the land of Sherman Moss, thence N.  $62^{\circ} 24'$  E.,  $591.22'$  to the point of beginning and containing two acres. For a more particular description of said real estate, reference is hereby made to a plat made by Charles H. Fleet, Certified Civil Engineer, February 18, 1943.

Less and Excepting the following two parcels:

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1. A parcel containing 2296.72 square feet on the south line of Three Chopt Road conveyed to the County of Henrico, Virginia, by deed dated April 28, 1970, recorded May 13, 1970, in Deed Book 1427, page 376, as shown on plat recorded in Henrico County Roads Plat Book 5, page 20.
2. A parcel containing 0.01 acre conveyed to the Commonwealth of Virginia by deed dated November 23, 1984, recorded January 22, 1985, in Deed Book 1941, page 736.

Parcel of Parcel 78-B2-21:

A tract containing approximately one-tenth (1/10) acre, more or less, lying and being in Henrico County, Virginia, bounded on the north and west by land belonging to Ruth K. Williams and on the south and east by the proposed extension of Gaskins Road, and shown as part of Parcel 78-B2-21 P. J. Kennedy on a plat made by County of Henrico Department of Public Works dated December 3, 1985.

Parcel 78-B2-20:

Beginning at a rod on the W. line of Three Chopt Road 1,106 feet north of the intersection of the W. line of Three Chopt with the N. line of Route #157; thence S.  $36^{\circ} 14' 09''$  W., along a ditch line 662.18' to a rod; thence S.  $81^{\circ} 41' 45''$  W., 379.50' to a stone; thence N.  $3^{\circ} 50' 11''$  W., along a ditch line 800.40' to an old pipe; thence N.  $53^{\circ} 01' 55''$  E., 671.828' by plat, 673.70' by deed to a rod in the W. line of Three Chopt Road; thence S.  $18^{\circ} 32' 10''$  E., 342.12' to a point on the W. line of Three Chopt Road; thence S.  $31^{\circ} 09' 45''$  E., 338.12' to a rod at the point of beginning, all as more particularly shown on a certain plat made by John H. Foster, certified surveyor, Richmond, Virginia, dated October 11, 1950.

(Note: Plat indicates 14.25 acres)

Less and Excepting the following parcels:

1. A parcel containing one acre on the western line of Three Chopt Road conveyed to Joseph L. Frances by deed dated January 25, 1963, recorded April 4, 1962, in Deed Book 1055, page 696, as shown on plat recorded therewith;
2. A parcel containing one acre, more or less, on the west line of Three Chopt Road conveyed to Cloyd Boyd and Stella Boyd, his wife, by deed dated March 20, 1969, recorded April 1, 1969, in Deed Book 1386, page 377, as shown on plat recorded therewith;
3. A parcel containing 1,668.39 square feet, more or less, on the south line of Three Chopt Road conveyed to the County of Henrico, Virginia, by deed dated July 7, 1970, recorded July 17, 1970, in Deed Book 1434, page 206, as shown on plat recorded therewith. (Note: A portion of this area was acquired by Phillip J. Kennedy, Jr. at Deed Book 925, page 639.)
4. A parcel containing 11805.27 square feet, more or less, on the south line of Three Chopt road conveyed to the County of Henrico by deed dated April 27, 1970, recorded July 17, 1970, in Deed Book 1434, page 208, as shown on plat recorded therewith. (Note: A portion of this area was acquired by Phillip J. Kennedy, Jr.,

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at Deed Book 925, page 639.)

5. A parcel containing 0.02 acre conveyed to the Commonwealth of Virginia by deed dated November 28, 1984, recorded January 3, 1985, in Deed Book 1941, page 827, as shown on plat recorded therewith.
6. A parcel containing 0.451 acre on the north line of proposed Gaskins Road conveyed to Exxon Corporation by deed dated September 18, 1985, in Deed Book 1971, page 30, as shown on plat recorded therewith.
7. A parcel containing 1.608 acres for the location and construction of Gaskins Road conveyed to the County of Henrico, Virginia, by deed dated April 22, 1986, recorded in Deed Book 2004, page 1395.
8. 1/10 acre to Ruth K. Williams, Deed Book 2043, page 1440.

Parcel 78-B2-16:

Beginning at a rod marking the point of intersection of the western line of Three Chopt Road with the southern line of Wickford Road; thence running S.  $45^{\circ} 15' 54''$  E., 96.94' to a rod; thence along a non-tangent curve to the left, having a radius of 1465.40' and a length of 130.00' to a stone; thence S.  $44^{\circ} 38' 30''$  E., 542.04' to a stone; thence along a curve to the right, having a radius of 1399.40' and length of 410.74' to a rod; thence S.  $67^{\circ} 42' 18''$  W., 426.10' to a pipe; thence N.  $02^{\circ} 8' 30''$  W., 561.31' to a rod; thence N.  $63^{\circ} 34' 03''$  W., 499.46' to an axle; thence N.  $17^{\circ} 55' 58''$  E., 272.00' to a rod; containing 5.32 acres.

The Board of Supervisors accepted the attached proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance).

The Planning Office 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,

  
for W. F. LaVecchia, P.E., A.I.C.P.,  
County Manager

Attachments:

cc: Clerk, Board of Supervisors  
Supervisor, Real Estate Assessment  
Conditional Zoning Index  
Messrs. John W. Bates, II and Daniel K. Slope  
Ms. Ruth K. Williams  
Mr. Bernard M. Kasenbaum  
Mr. Phillip J. Kennedy, Jr.



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11 AM FEB 8 1989

PLANNING OFFICE  
COUNTY OF HENRICO

PROFFERS FOR CONDITIONAL REZONING

ORIGINAL

AMENDED and restated, replacing all proffers previously filed

Pursuant to section 22-121(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:

LINCOLN PROPERTY COMPANY MID-ATLANTIC, INC.

*[Handwritten Signature]*

February 8, 1989

Signature of Owner or Applicant\* Title: *[Handwritten Title]*

Date

\* If Applicant is other than Owner, Form POF-004-3/87, Special Limited Power of Attorney must be submitted with this application.

I. BUFFER AREAS, OPEN SPACE AND SETBACKS.

1. Buffer Areas and Setbacks.

(a) A natural or landscaped buffer area of a minimum of twenty-five (25) feet in width shall be maintained adjacent to the:

(i) Southerly right-of-way line of Three Chopt Road;

(ii) Westerly right-of-way line of Gaskins Road.

(b) A natural or landscaped buffer area of a minimum of twenty-five (25) feet in width shall be maintained adjacent to the westerly line of the Property, except that to promote a variety of building sites and to permit variable widths of the buffer area to enhance the natural setting, the buffer area may be narrowed along not more than five percent (5%) of its length, but in no event shall the buffer be less than fifteen (15) feet wide.

(c) Buffers shall be maintained except to the extent necessary for utility easements, roads, driveways (which utility easements, roads and driveways shall be generally perpendicular to the affected buffer area with compensating space where utility easements are required to be parallel), pedestrian paths, signage or other purposes specifically permitted or required by the Henrico County Planning Commission at the time of Plan of Development review. Where the placement of utility easements within a buffer area result in the inability of the owner to provide adequate screening within such buffers, additional plantings shall be provided adjacent to such buffers to provide appropriate screening for uses on the Property.

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(d) No buffer area shall be used for stormwater management facilities (unless approved or required by the Henrico County Planning Commission at the time of Plan of Development or Landscape review), but such areas may be crossed with outfall pipes.

2. Open Space. Not less than thirty percent (30%) of the area within the Property, exclusive of the portion of the Property located within the one hundred year flood plain determined by engineering studies approved by the Department of Public Works (hereafter called "Flood Plain Area"), shall be devoted to open, green space not devoted to buildings or vehicular parking areas and drives.

3. Setbacks. No building shall be located closer than fifty (50) feet to Gaskins Road nor to Three Chopt Road.

## II. VEHICULAR ACCESS.

There shall be a maximum of one vehicular ingress and egress drive between the Property and Gaskins Road, unless otherwise required by any governmental body having jurisdiction with respect thereto or unless otherwise approved as part of the Plan of Development review process.

## III. DENSITY.

No more than 185 units shall be built on the Property. In addition, density on the Property (excluding the Flood Plain Area) shall not exceed 5.63 units per acre.

## IV. FLOOD PLAIN AREA.

Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within the Flood Plain Area 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 the Department of Public Works, may only be used for the following purposes:

- (a) Stormwater management and/or detention areas;
- (b) Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitat;
- (c) Such additional uses to the uses identified in (i) and (ii) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Section 22-109 of Chapter 22 of the County Code (the "Zoning Ordinance"); and

RECORDED

(d) Access drives, bridges and walkways installed in a manner to minimize their impacts.

The location and limits of such portion(s) of said Property shall be established by Plan(s) of Development pursuant to Section 22-106 of the Zoning Ordinance.

V. ARCHITECTURAL TREATMENTS.

1. Homes shall have a minimum square footage of 1,200 square feet of finished floor area. Living spaces, exclusive of any garages, shall not exceed two stories.

2. The exposed portion of each exterior wall surface of all buildings shall be predominantly brick, or such other materials which will produce a unit of comparable quality as approved by the County during the POD process; and each of the exterior wall surfaces shall be similar in architectural treatment and materials to the other exterior wall surfaces.

3. Heating and air-conditioning equipment and trash receptacles shall be screened by fences or landscaping from public view from adjacent streets and property in a manner approved by the Henrico Planning Commission at the time of Plan of Development review.

4. Exterior lighting shall be provided by fixtures that utilize a concealed source of light and shall be positioned so as not to shine directly on adjacent property. Light pole height in the parking lots shall not exceed fifteen (15) feet from base.

VI. LANDSCAPING.

1. To the extent reasonably practicable, the clearing of mature trees shall be limited to trees in areas required to accommodate building structures, utilities, roads, and such other uses as may be required by governmental authorities to begin development of the Property.

2. Specimen plant material, where removed, shall be replaced, if reasonably practicable, with the same or comparable material.

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ACCEPTED BY BOARD OF SUPERVISORS  
MARCH 6, 1989