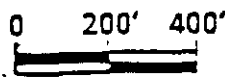


COUNTY OF HENRICO PLANNING OFFICE

SINGLE FAMILY RESID.

PT. 31-B2-20 & 41-B1-9,40
VARINA DISTRICT

C-41C-90



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JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

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

October 16, 1990

Re: Conditional Rezoning Case C-41C-90

Hunt Valley Associates, L. P.
5413 Patterson Ave., Suite 200
Richmond, Virginia 23226

Gentlemen:

The Board of Supervisors at its meeting on October 10, granted your request to conditionally rezone from A-1 Agricultural to R-3AC One Family Residence District (Conditional), property described as follows:

Part of Parcels 31-B2-20, 41-B1-9 and 40:

Beginning at a point on the southern right of way of Darbytown Road, said point being approximately 433' northwest from the point of intersection of the western right of way line of U. S. Interstate No. 295 and the southern right of way line of Darbytown Road; thence leaving the southern right of way line of Darbytown Road in a southerly direction with three (3) courses and distances: (1) S. 34° 58' 47" W., 165.00' to a point; (2) thence along a circular curve to the left having a radius of 4420.00' and an arc length of 374.81' to a point; (3) thence S. 61° 14' 04" E., 460.58' to a point of the western right of way line of U.S. Interstate No. 295; thence continuing with said right of way line in a southwesterly direction with four (4) courses and distances: (1) S. 36° 12' 33" W., 27.93' to a point; (2) thence S. 33° 16' 32" W., 518.67' to a point; (3) thence S. 32° 32' 02" W., 329.10' to a point; (4) thence S. 33° 55' 38" W., 471.95' to a point on said right of way line; thence leaving the western right of way line of U.S. Interstate No. 295 in a westerly direction N. 56° 04' 24" W., approximately 1140' to a point in the centerline of Ross Run Creek; thence along the centerline of said creek in a northeasterly direction approximately 340' to a point in Ross Run Creek; thence leaving the centerline of Ross Run Creek in a easterly direction with seven (7) courses and distances: (1) S. 40° 16' 27" E., 98.60' to a point; (2) thence S. 89° 21' 27" E., 438.93' to a point; (3) thence N. 00° 33' 55" W., 270.00' to a point; (4) thence N. 22° 38' 00" E., 490.00' to a point; (5) thence S. 62° 20' 21" E., 455.00' to a point; (6) thence along a circular curve to the right having a radius of 4500.00' and an arc length of 385.29' to a point; (7) thence N. 34° 58' 47" E., 165.00' to a point on the southern right of way line of Darbytown Road; thence continuing with the southern right of way line of Darbytown Road in an easterly direction S. 55° 01' 13" E., 80.00' to a point on said right of way line, said point also being the point and place of beginning for Parcel C, containing 30.1 acres more or less.

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

1. Public Utilities. All dwellings constructed on the Property shall be served by public water and public sewer.
2. Underground Utilities. All electrical and telephone utility service lines to the lots within the Property shall be installed underground. The location and use of

the utility easements shall be coordinated so as to minimize both the number of individually required easements and amount of area they encumber.

3. Green Belt. A green belt for landscaping, natural open areas and scenic vistas will be provided, at a minimum of fifty (50) feet in width adjacent to the right-of-way line of I-295, except to the extent necessary for utility easements, entrance gates and signage, roads, sidewalks, and other purposes specifically permitted, or if required by, the Planning Commission at the time of subdivision approval or by any other governmental body. Such greenbelt shall be in addition to any yard requirements imposed by the Zoning and Subdivision Ordinances.
4. Protective Covenants. Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), there shall be recorded a document in the Clerk's office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property. Notwithstanding anything herein contained to the contrary, the County shall have no obligation or liability of any kind or nature whatsoever for the enforcement of any of the specific terms and conditions of said protective or restrictive covenants.
5. Foundations. The visible exterior portions of the foundations of any dwellings constructed on the Property shall be of brick or stone.
6. Minimum Floor Area. The minimum finished floor area of dwellings constructed on the Property shall be 1,200 square feet in the R-3A zoned Property.
7. Flood Plain. 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 the Department of 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 the Department of Public Works, may only be used for the following purposes:
 - (a) Storm water management and/or detention areas;
 - (b) Chesapeake Bay preservation areas or other federally and state protected wetlands and protection areas;
 - (c) Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
 - (d) Access drives, utility easements, pump stations, signage, walkways and recreational facilities installed in a manner to minimize their impacts;
 - (e) Such additional uses to the uses identified in (a), (b), (c), and (d) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 22 of the County Code (the "Zoning Ordinance");

and the Owner shall, prior to the recordation of a subdivision plat, apply

to rezone such portions of the Property to C-1 Conservation District.

The location and limits of such portion(s) of said Property shall be established by subdivision plats approved pursuant to the Zoning and Subdivision Ordinances.

8. Curb and Gutter. Curb and gutter shall be provided on all public streets within the Property and at any other location within or adjacent to the Property required by the County at the time of subdivision approval.
9. Pedestrian and Bicycle Access. Pedestrian and bicycle access ways among major project areas of the planned community will be provided at the time of subdivision approval.
10. Phasing Plan. Certificates of Occupancy shall not be granted for more than fifty (50) dwellings on the Property per year (non-cumulative) from the date of final action by the Board of Supervisors.
11. Supplemental Tree Planting. Where a front yard of a lot is devoid of mature trees, the builder or developer shall plant, prior to the issuance of a Certificate of Occupancy for any dwelling on such lot, a minimum of one (1) ten (10) foot hardwood street tree of a two and one-half inch (2 1/2") minimum caliper for every fifty (50) feet of curbing.
12. No Controlled Density. Except as such requirements may have been exceeded by proffered conditions applicable to this case, lot size requirements and setbacks shall be controlled by the R-3A standards without reduction of any standards that would otherwise be permitted under the "controlled density" provisions of Section 22-95(q) of the Zoning Ordinance.
13. Severance. The unenforceability, illegality, 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 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,


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

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
✓ Conditional Zoning Index
Jay M. Weinberg, Esquire