



99-A2-48,72,81/100-B2-27,31  
 PT.102-B1-4/103-A1-3,5,47 PT.2

SINGLE FAMILY / MULTI-FAM.  
 CHILD CARE CENTER

**C-56C-93** <sup>®</sup><sub>A</sub>



**FAIRFIELD DISTRICT**  
 HENRICO COUNTY PLANNING OFFICE



## COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

March 15, 1994

Re: Conditional Rezoning Case C-56C-93

Atack Properties, Inc.  
4435 Waterfront Drive, Suite 400  
Glen Allen, Va. 23060

Gentlemen:

The Board of Supervisors at its meeting on March 9, granted your request to conditionally rezone property from A-1 Agricultural District, R-2C One Family Residence District (Conditional), and R-6C General Residence District (Conditional) to R-2C and R-2AC and R-3AC One Family Residence Districts (Conditional), and R-5C General Residence District, (Conditional), Parcels 99-A2-48, 72, and 81, 100-B2-27 and 31, 103-A1-3, 5 and 47, and part of Parcels 102-B1-4, and 103-A1-2, described as follows:

Parcel 1 - R-3AC

Beginning at a point on the north line of Francis Road, 1054.80' west of the W. line extended of Brook Road (U.S. Route 1); thence along a curve to the right having a radius of 730.00', 565.08' to a point shown as Point of Beginning, Parcel 1 on above zoning plat (see case file) prepared by J. K. Timmons & Associates, P.C., dated September 16, 1993 revised March 4, 1994; thence S. 47° 24' 26" W., 400.43' to a point; thence N. 46° 21' 53" W., 1533.45' to a point; thence N. 34° 40' 43" E., 230.55' to a point; thence N. 57° 45' 43" E., 41.58' to a point; thence N. 36° 25' 50" E., 376.20' to a point; thence N. 63° 38' 50" E., 113.52' to a point; thence N. 29° 56' 30" W., 184.34' to a point; thence S. 69° 59' 10" W., 541.89' to a point; thence N. 20° 00' 50" W., 339.06' to a point; thence N. 7° 5' 48" E., 147.74' to a point; thence along a curve to the left having a radius of 788.76', 457.98' to a point; thence N. 67° 04' 06" E., 350.66' to a point; thence along a curve to the left having a radius of 947.62', 581.08' to a point; thence N. 31° 56' 05" E., 166.46' to a point; thence along a curve to the right having a radius of 1020.00', 199.36' to a point; thence N. 43° 00' 00" E., 320.23' to a point; thence S. 46° 52' 00" E., 496.23' to a point; thence S. 44° 11' 49" W., 1141.02' to a point; thence S. 47° 49' 07" E., 552.58' to a point; thence along a curve to the left having a radius of 900.00', 1179.89' to a point; thence S. 28° 35' 49" E., 143.35' to a point; thence along a curve to the left having a radius of 730.00', 178.32' to the point of beginning, containing 55.9 +/- acres.

Parcel 2 - R-2AC

Beginning at a point on the north line of Francis Road, 1054.80' west of the W. line extended of Brook Road (U.S. Route 1); thence along a curve to the right having a radius of 730.00', 565.08' to a point; thence S. 47° 24' 26" W., 400.43' to a point; thence N. 46° 21' 53" W., 658.15' to a point shown as Point of Beginning, Parcel 2 on above zoning plat (see case file) prepared by J. K. Timmons & Associates, P.C. dated September 16, 1993 revised March 4, 1994; thence S. 54° 44' 07" W., 817.88' to a point; thence N. 52° 06' 56" W., 263.46' to a point; thence N. 4° 52' 50" E., 646.12' to a point; thence N. 34° 40' 43" E., 329.13'

to a point; thence S.  $46^{\circ} 21' 53''$  E., 875.30' to the point of beginning, containing 11.9 +- acres.

Parcel 3 - R-5C

Beginning at a point on the N. line of Francis Road 565.49' west of the W. line extended of Brook Road (U.S. Route 1) shown as point of beginning, Parcel 3 on above zoning plat (see case file) prepared by J. K. Timmons & Associates, P.C. dated September 16, 1993, revised March 4, 1994; thence along the north line of Francis Road along a curve to the left having a radius of 2889.79', 224.97' to a point; thence continuing along the N. line of Francis Road S.  $74^{\circ} 14' 56''$  W., 42.55' to a point; thence continuing along the N. line of Francis Road S.  $74^{\circ} 28' 09''$  W., 221.79' to a point; thence along a curve to the right having a radius of 703.00', 743.40' to a point; thence N.  $28^{\circ} 35' 49''$  W., 143.35' to a point; thence along a curve to the right having a radius of 900.00', 154.99' to a point; thence N.  $69^{\circ} 40' 45''$  E., 50.78' to a point; thence along a curve to the left having a radius of 383.70', 184.15' to a point; thence N.  $42^{\circ} 10' 53''$  E., 102.32' to a point; thence S.  $47^{\circ} 49' 07''$  E., 175.00' to a point; thence N.  $42^{\circ} 10' 53''$  E., 530.00' to a point; thence S.  $47^{\circ} 49' 07''$  E., 660.42' to a point; thence N.  $86^{\circ} 00' 10''$  E., 28.62' to a point; thence S.  $43^{\circ} 02' 40''$  W., 180.89' to a point; thence S.  $07^{\circ} 56' 14''$  E., 424.95' to the point of beginning, containing 19.8 +- acres.

Parcel 4 - R-3AC

Beginning at a point on the N. line of Francis Road, 1054.80' west of the W. line extended of Brook Road (U.S. Rte. 1); thence along a curve to the right having a radius of 730.00', 743.40' to a point; thence N.  $28^{\circ} 35' 49''$  W., 143.35' to a point; thence along a curve to the right having a radius of 900.00', 514.97' to a point shown as point of beginning, Parcel 4 on above zoning plat (see case file) prepared by J. K. Timmons & Associates, dated September 16, 1993; revised March 4, 1994; thence along a curve to the right having a radius of 900.00', 866.63' to a point; thence S.  $47^{\circ} 48' 38''$  E., 393.80' to a point; thence S.  $11^{\circ} 38' 10''$  E., 334.88' to a point; thence S.  $42^{\circ} 10' 53''$  W., 530.00' to a point; thence N.  $47^{\circ} 49' 07''$  W., 395.63' to a point; thence N.  $85^{\circ} 48' 47''$  W., 149.56' to the point of beginning, containing 10.8 +- acres.

Parcel 5 - R-5C

Beginning at a point on the N. line of Francis Road, 1054.80' west of the W. line extended of Brook Road (U.S. Route 1); thence along a curve to the right having a radius of 730.00', 743.40' to a point; thence N.  $28^{\circ} 35' 49''$  W., 143.35' to a point; thence along a curve to the right having a radius of 900.00', 154.99' to a point shown as point of beginning, Parcel 5 on above zoning plat (see case file) prepared by J. K. Timmons & Associates, dated September 16, 1993; revised March 4, 1994; thence along a curve to the right having a radius of 900.00', 359.98' to a point; thence S.  $85^{\circ} 48' 47''$  E., 149.56' to a point; thence S.  $47^{\circ} 49' 07''$  E., 220.63' to a point; thence S.  $42^{\circ} 10' 53''$  W., 102.32' to a point; thence along a curve to the right having a radius of 383.70', 184.15' to a point; thence S.  $69^{\circ} 40' 45''$  W., 50.78' to the point of beginning, containing 1.6 +- acres.

Parcel 6 - R-2AC

Beginning at a point on the S. line of Extended J.E.B. Stuart Parkway 1797.13' west of the W. line of Brook Road, shown as Point of Beginning, Parcel 6 on above zoning plat (see case

file) prepared by J. K. Timmons & Associates, P.C., dated September 16, 1993 revised March 4, 1994; thence S. 43° 08' 00" W., 320.23' to a point; thence along a curve to the left having a radius of 1020.00', 199.36' to a point; thence S. 31° 56' 05" W., 166.46' to a point; thence along a curve to the right having a radius of 947.62', 581.08' to a point; thence S. 67° 07' 06" W., 350.66' to a point; thence along a curve to the right having a radius of 788.76', 457.98' to a point; thence N. 07° 05' 48" E., 76.92' to a point; thence along a curve to the right having a radius of 406.75', 99.50' to a point; thence N. 21° 06' 45" E., 69.93' to a point; thence along a curve to the left having a radius of 907.81', 297.13' to a point; thence N. 02° 20' 52" E., 204.80' to a point; thence along a curve to the right having a radius of 906.60', 579.44' to a point; thence N. 38° 58' 01" E., 157.89' to a point; thence along a curve to the left having a radius of 860.97', 75.17' to a point; thence S. 56° 02' 09" E., 120.54' to a point; thence along a curve to the left having a radius of 870.24', 174.45' to a point; thence N. 15° 10' 14" E., 608.15' to a point; thence S. 43° 13' 20" E., 1062.18' to a point; thence S. 46° 52' 00" E., 31.09' to the point of beginning, containing 37.4 +- acres.

Parcel 7 - R-2C

Beginning at a point on the S. line of Extended J.E.B. Stuart Parkway 1797.13' west of the W. line of Brook Road, shown as Point of Beginning Parcel 6; thence N. 46° 52' 00" W., 31.09' to a point; thence N. 43° 13' 20" W., 1062.18' to the true point of beginning shown as Point of Beginning, Parcel 7 on above zoning plat prepared by J. K. Timmons & Associates, P.C. dated September 16, 1993, revised March 4, 1994; thence S. 15° 10' 14" W., 608.15' to a point; thence along a curve to the right having a radius of 870.24', 174.45' to a point; thence N. 56° 02' 09" W., 120.54' to a point; thence along a curve to the right having a radius of 860.97', 75.17' to a point; thence S. 38° 58' 01" W., 157.89' to a point; thence along a curve to the left having a radius of 906.60', 579.44' to a point; thence S. 02° 20' 52" W., 204.80' to a point; thence along a curve to the right having a radius of 907.81', 297.31' to a point; thence S. 21° 06' 45" W., 69.93' to a point; thence along a curve to the left having a radius of 406.75', 99.50' to a point; thence S. 07° 05' 48" W., 224.66' to a point; thence S. 20° 00' 50" E., 339.06' to a point; thence S. 69° 59' 10" W., 150.66' to a point; thence S. 79° 14' 10" W., 227.13' to a point; thence S. 53° 55' 20" W., 298.99' to a point; thence N. 17° 04' 50" W., 1582.87' to a point; thence N. 58° 59' 40" E., 254.80' to a point; thence N. 66° 46' 40" E., 402.30' to a point; thence N. 22° 07' 40" E., 410.70' to a point; thence N. 25° 14' 40" E., 711.00' to a point; thence N. 74° 23' 40" E., 187.10' to a point; thence N. 75° 58' 40" E., 327.00' to a point; thence S. 43° 13' 20" E., 459.82' to the point of beginning, containing 51.8 +- acres.

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. 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.

2. Foundations. All exposed exterior portions above grade of the foundations of each dwelling constructed on the Property shall be of brick or stone.
3. Fireplaces. All coal burning or wood burning fireplaces must have brick or stone chimneys; gas or ornamental fireplaces may be wall-vented with no chimneys as allowed by applicable building codes; provided, however, such vented enclosures shall not be cantilevered and must have a base to match the foundation.
4. Driveways. All driveways and entrance ways to each lot and/or dwelling shall be paved. No driveways serving individual dwellings, other than driveways for access drives for major project areas, shall have direct vehicular access to Virginia Center Parkway.
5. Utilities. Each dwelling constructed on the Property must be connected to and be served by public water and sewer facilities.
6. Prohibited Uses. No trailer, tent, garage, barn or other outbuilding erected on any lot shall, at any time, be used as a residence either temporarily or permanently.
7. Swimming Pools. No swimming pools shall be located nearer to any street line than the rear building line of the dwelling or the side yard building line in the case of a corner lot.
8. Size of Single Family Dwellings. The livable floor area of single family detached dwellings constructed on the Property will not be less than 1,700 square feet of finished floor area.
9. Multi-Family Dwellings. The exterior wall surfaces of each one-story multi-family building constructed on the Property shall be constructed of brick, two (2) story multi-family buildings shall be constructed of a minimum of fifty percent (50%) brick and three (3) story multi-family buildings shall be constructed of a minimum of thirty-three percent (33%) brick, exclusive of doors and windows.
10. Adult/Child Care Center. The use of Parcel 5 shall be limited to an adult and/or child day care center with materials and architectural treatment to be approved by the Planning Commission at the time of Plan of Development approval.
11. Recreational Facilities. Any active recreational facilities, such as a swimming pool, tennis courts or basketball court, serving any multi-family dwelling units shall be screened from public view at ground level from any single family, detached homes.
12. Buffers. (a) For purposes of lessening the visual impact of any multi-family housing development from adjacent single family, detached homes, a minimum buffer area of twenty (25) feet consisting of berms, landscaped or natural areas, or a combination thereof, will be provided on the multi-family zoned portion of the Property and on the northern and southern boundaries of Parcel 5, except to the extent required for utilities easements, signage, nature trails, or access to and from public or private rights-of-way

and other purposes requested and specifically permitted, or required by the Planning Commission at the time of Plan of Development and/or Subdivision review or by any other governmental body or agency.

- (b) Any utility easements or other uses permitted within the aforesaid buffer area shall extend generally perpendicular to the buffer area, unless otherwise requested and specifically permitted or if required by the County at the time of Plan of Development and/or Subdivision review and, where permitted, areas disturbed for utility installation shall be restored to the extent reasonably practicable.
  - (c) The aforesaid buffers shall be provided and maintained by the owner of the Property, and no vehicles shall be parked in the aforesaid buffer area.
13. Sidewalks. Subject to obtaining all required governmental approvals, a standard-size, pedestrian sidewalk shall, with the development of each phase of the Property, be installed in the County's or State's right-of-way along one side of Virginia Center Parkway and along one side of the north-south spine road connected to Virginia Center Parkway.
  14. Parking Lot Lighting. Parking lot lighting for multi-family, residential development shall not exceed twenty (20) feet in height above grade level. Parking lot lighting shall be produced from concealed sources of light (such as "shoebox" type) and shall not exceed one-half foot candle at the Property lines of the multi-family, residential community adjoining single family, detached homes.
  15. Phasing. No one shall request or be entitled to receive Certificates of Occupancy for more than one hundred (100) homes and one hundred forty (140) multi-family dwelling units, or any combination thereof per year, on a cumulative basis, on the Property commencing with the date of recordation of a subdivision plat or approval of a Plan of Development for any portion of the Property, except that Certificates of Occupancy for more than the foregoing number of units shall be available to the extent that in prior years, Certificates of Occupancy have been issued for less than said number of units.
  16. Pedestrian and Bicycle Access. Pedestrian and/or bicycle accessways shall be provided to connect some of the major project areas at the time of Plan of Development and/or Subdivision Approval, if requested by the Planning Commission.
  17. Master Plan. With the submittal of the first request for Plan of Development and/or Subdivision Approval for any portion of the Property, a conceptual master plan (the "Master Plan") shall be submitted for all of the Property. The Master Plan shall show the uses and pedestrian paths/access points then planned for the Property and access points to public roads and provide for a raised median in Virginia Center Parkway which shall be landscaped in the manner determined by the Planning Commission at the time of Plan of Development and/or Subdivision approval. The Master Plan may be revised from time to time if changes are made other than as a result of conditions