

76-A2-5 & 10

THREE CHOPT DISTRICT

SINGLE FAMILY RESIDENTIAL

C-72C-94



HENRICO COUNTY PLANNING OFFICE

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COUNTY OF HENRICO



Virgil R. Hazelett, P.E.
County Manager

December 20, 1994

Re: Conditional Rezoning Case C-72C-94

Loch Levan Land Limited Partnership
c/o Mr. Daniel Schmitt
The Snyder-Hunt Corp.
4201 Dominion Blvd., Suite 217
Glen Allen, Virginia 23060

Gentlemen:

The Board of Supervisors at its meeting on December 14, 1994, granted your request to conditionally rezone property from A-1 Agricultural District to R-3C and R-4C One Family Residence Districts (Conditional), Parcels 76-A2-5 and 10, described as follows:

R-3C:

Beginning at the point of intersection of the N. line of Twin Hickory Lane and the N. line of Nuckols Road, from said beginning point along the N. line of Twin Hickory Lane N. 44° 56' 30" E., 819.18' to a point; thence N. 45° 19' 30" E., 391.46' to a point; thence leaving the N. line of Twin Hickory Lane N. 12° 43' 55" W., 1054.57' to a point; thence N. 16° 03' 09" W., 652.36' to a point; thence N. 03° 55' 47" W., 394.01' to a point; thence N. 12° 35' 28" W., 557.91' to the true point and place of beginning; thence N. 12° 35' 28" W., 1289.91' to a point; thence N. 83° 58' 02" E., 66.00' to a point; thence N. 02° 35' 28" W., 35' +- to the center of the Chickahominy River; thence along the meandering of the center of the Chickahominy River in a southeast direction 1810' +- to a point; thence leaving the center of the Chickahominy River S. 38° 31' 32" W., 105' +- to a point; thence S. 15° 40' 32" W., 142.00' to a point; thence S. 4° 18' 32" W., 137.20' to a point; thence S. 07° 17' 28" E., 313.43' to a point; thence along a curve to the right with a radius of 75.19' and a length of 70.16' to a point; thence S. 46° 10' 17" W., 68.74' to a point; thence along a curve to the left with a radius of 97.25' and a length of 88.44' to a point; thence S. 05° 55' 58" E., 153.35' to a point; thence S. 24° 00' 58" E., 100.42' to a point; thence S. 09° 55' 58" E., 297.31' to a point; thence N. 62° 00' 00" W., 1034.80' to the true point and place of beginning, containing 36.3 +- acres of land.

R-4C:

Beginning at the point of intersection of the N. line of Twin Hickory Lane and the N. line of Nuckols Road, from said beginning point along the N. line of Twin Hickory Lane N. 44° 56' 30" E., 819.18' to a point; thence N. 45° 19' 30" E., 391.46' to a point; thence leaving the N. line of Twin Hickory Lane N. 12° 43' 55" W., 716.54' to the true point of place of beginning; thence from said true point and place of beginning; N. 12° 43' 54" W., 338.03' to a point; thence N. 16° 03' 09" W., 652.36' to a point; thence N. 03° 55' 47" W., 394.01' to a point; thence N. 12° 35' 28" W., 557.91' to a point; thence S. 62° 00' 00"

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E., 1034.80' to a point; thence S. 72° 02' 42" W., 196.75' to a point; thence S. 55° 54' 35" W., 25.18' to a point; thence S. 15° 19' 38" E., 989.40' to a point; thence N. 69° 57' 53" E., 223.73' to a point; thence S. 12° 48' 55" E., 143.20' to a point; thence S. 11° 25' 10" E., 316.41' to a point; thence S. 47° 58' 57" W., 536.13' to a point; thence N. 11° 16' 10" W., 443.59' to a point; thence S. 77° 51' 20" W., 392.05' to the true point and place of beginning, containing 29.05 acres of land.

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. Foundations. The exposed exterior portions of exterior residence foundations shall be constructed of brick or natural stone; however, the exposed exterior portions of exterior foundations may be constructed of dryvit if applied to a masonry surface, provided that the exterior walls of such residence are sided primarily in drivit.
2. Chimneys. No chimneys or gas vents shall be cantilevered. The exposed portions of all fireplace chimneys shall be brick or siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundation.
3. Access Ways. Pedestrian and bicycle access ways will be provided at the time of subdivision approval.
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 such subdivision plat (other than for 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 the Property.
5. Conservation Areas. 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) 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 retention areas;
 - (b) Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
 - (c) Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impact;
 - (d) Such additional uses to the uses identified in (a), (b) and (c) 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;

and the owner shall, upon written request of the County, 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 approved subdivision plats.

6. Minimum House Sizes. Residences constructed on the R-3C portion of the Property shall have a minimum of 1,850 square feet of finished floor area, and residences constructed on the R-4C portion of the Property shall have a minimum of 1,700 square feet of finished floor area.
7. Minimum R-4 Lot Size. All R-4C lots shall be a minimum of 10,000 square feet in size.
8. House Orientation and Screening. Beginning at a point 110 feet north of Twin Hickory Lane along the common boundary of the Property and Henrico County Tax Parcel No. 76-A2-25, homes on lots abutting such tax parcel north of such point shall be oriented so that the sides of such homes are facing such tax parcel. Prior to the issuance of a certificate of occupancy for any home on a lot abutting any portion of the common boundary of the Property with such tax parcel, evergreens of a minimum height of eight (8) feet shall be planted along the common property line of such lot and Tax Parcel No. 76-A2-25. Such evergreens shall be staggered and no farther apart than ten (10) feet on center, unless not required to provide additional screening due to existing evergreen vegetation.
9. Severance. The unenforceability, 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.

In addition to the above accepted proffered conditions, the applicant has agreed to file restrictive covenants on the subject property which address two additional matters:

- a) All R-4 lots will have a minimum lot width of 70', and
- b) Any lot which includes both R-3 and R-4 zoned land will be bound by the R-3 ordinance requirements and proffered conditions pertaining to the R-3 lots.

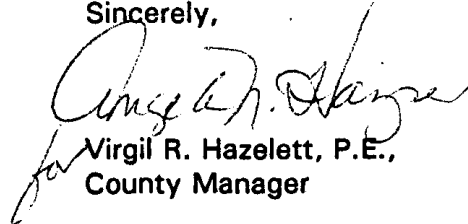
A letter from James W. Theobald to David A. Kaechele dated December 16, 1994 further states the conditions of this commitment and is on file with C-72C-94.

Loch Levan Land Limited Partnership
December 20, 1994

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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,



Virgil R. Hazelett, P.E.,
County Manager

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. James W. Theobald, Esquire
Ms. Juanita Nash
Mr. & Mrs. Paul H. France