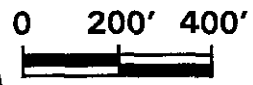


76-A1-26 & PT. 76-A2-2

THREE CHOPT DISTRICT

MULTI-FAMILY RESIDENTIAL

C-83C-94



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

January 31, 1995

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-83C-94

Loch Levan Land Limited Partnership
c/o Mr. Daniel C. VanEpp
3601 Lauderdale Drive
Richmond, Virginia 23233

Gentlemen:

The Board of Supervisors at its meeting on January 25, granted your request to conditionally rezone property from O-2C Office District (Conditional) and O-SC Office/Service District (Conditional) to R-6C General Residence District (Conditional), Part of Parcels 76-A1-26 and 76-A2-2, described as follows:

Beginning at a point on the N. line of Old Nuckols Road said point being 228.26' west of the W. line of Nuckols Road; thence from said point of beginning and continuing along the N. line of Old Nuckols Road along a curve to the left with a radius of 839.06' and a length of 182.70' to a point; thence S. 68° 48' 18" W., 187.23' to a point; thence along a curve to the right with a radius of 688.33' and a length of 328.97' to a point; thence S. 89° 14' 22" W., 86.31' to a point; thence N. 80° 45' 05" W., 922.53' to a point; thence leaving the northern line of Old Nuckols Road N. 4° 12' 06" E., 484.38' to a point; thence S. 83° 20' 45" E., 987' +/- to the edge of water of a proposed pond (contour elevation 229); thence following the meandering of the edge of water (contour elevation 229) in a northeastern direction 915' +/- to a point on the western line of Nuckols Road; thence along the western line of Nuckols Road S. 36° 13' 25" E., 130.00' +/- to a point; thence along a curve to the right with a radius of 1108.72' and a length of 33.62' to a point; thence leaving the western line of Nuckols Road S. 61° 23' 076" W., 225.83' to a point; thence S. 36° 51' E., 195.53' to a point; thence S. 10° 38' E., 265.00' to a point; thence S. 0° 12' W., 13.84' to a point on the N. line of Old Nuckols Road, being the point and place of beginning, containing 19.8 +/- 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. Buffer Areas. Natural and/or landscaped buffer areas, which may include berms, shall be maintained as follows:
 - a. A buffer area of a minimum of thirty (30) feet in width along the Nuckols Road frontage of the Property.
 - b. A buffer area of a minimum of twenty-five (25) feet in width along the

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remaining boundaries of the Property unless (i) adjacent to other property hereafter zoned for multi-family housing, in which event no buffer shall be required if developed as a part of the Property or (ii) adjacent to the joint access cul-de-sac from Nuckols Road, or (iii) adjacent to the proposed lake.

Utility easements, the proposed lake, signage, access driveways and other facilities requested and specifically permitted, or as required by the Planning Commission at the time of Plan of Development Review, or by any other governmental body, may be permitted within the aforesaid buffer areas. Any utility easement or access driveway permitted within a buffer area shall be extended generally perpendicular thereto, unless otherwise requested and approved or as required at the time of Plan of Development Review. Where permitted, areas disturbed for utility installation shall be restored to the extent reasonably practicable.

2. Building Height. No residence building constructed on the Property shall exceed three (3) stories in height.
3. Parking Lot Lighting. Parking lot lighting shall be produced from concealed sources of light. Parking light standards shall not exceed twenty (20) feet in height and shall be positioned in such a manner as to minimize the impact of such lighting offsite.
4. Outdoor Speakers. Except a possible intercom/telephone speaker system serving an entrance gate, no outdoor speaker system shall be installed on the Property.
5. Covered Parking. At least twenty percent (20%) of the residential units constructed on the Property shall have access to a minimum of one covered parking space.
6. Sprinklers. All apartment units shall contain sprinkler systems.
7. Parked or Stored Vehicles. No recreational vehicles, campers, trailers or boats shall be permitted to be parked or stored on the Property unless in enclosed garages.
8. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of any building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, Hardiplank or masonite-type siding, or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development Review. A minimum of forty (40%) percent in the aggregate, of the visible portions of the exterior building wall surfaces (chimneys, front, rear and sides), excluding windows, doors, breezeways and architectural design features, shall be of brick construction. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically approved by the Planning Commission at the time of Plan of Development Review.

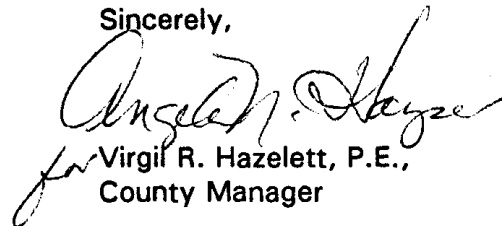
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9. Site Plan and Elevations. The Property shall be developed in substantial conformance with (i) the site plan dated December 6, 1994, entitled "Concourse Tract, Richmond, Virginia" prepared by Tunnell--Spangler and Associates and (ii) the architectural appearance of the elevations attached here to as Exhibit "A", (see case file) unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development review.
10. Density. No more than 276 residential units shall be constructed on the Property. The number of residential units constructed on the Property shall apply against and be governed by the overall density limitation set forth in Proffer No. 14 of Case No. C-29C-89.
11. Use Restrictions. The Property shall not be used for parking for the benefit of the contiguous B-2 zoned parcel. The foregoing prohibition shall not preclude the use of the entrance road from Nuckols Road from being utilized for joint access to the contiguous B-2 zoned parcel.

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

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. James W. Theobald, Esquire