

PT. OF 76-A2-2

THREE CHOPT DISTRICT

AMEND PROFFERED CONDITIONS

C-72C-95

HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

March 19, 1996

Re: Conditional Rezoning Case C-72C-95

Mr. Daniel T. Schmitt
Loch Levan Land Limited Partnership
100 Concourse Blvd., Ste. 100
Glen Allen, Va. 23060

Dear Mr. Schmitt:

The Board of Supervisors at its meeting on March 13, 1996, granted your request to amend proffered conditions on Conditional Rezoning Case C-30C-89, being Parcel 18-A-22B.

The following substitute proffered conditions accepted by the Board of Supervisors, further regulate the use of your property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance).

14. Limited Access. There shall be no direct vehicular access to or from the Property to or from Concept Road 76-2 (currently known as "Twin Hickory Lane") until such time as Parcels 18-A-24, 10-A-27 and 10-A-26 are no longer zoned or used for residential purposes.

15. Buffer Area:

a. Fifty-five (55) feet in width of natural, undisturbed evergreen buffer with supplemental plantings consisting of eight (8) to ten (10) foot tall Leyland cypress trees planted eight (8) to ten (10) feet on center the length of the buffer along that portion of the Property adjacent to the ultimate northern right-of-way line of Concept Road 76-2 (currently known as Twin Hickory Lane) except to the extent necessary for vehicular access from such road to the Property as and when permitted in Proffer 14 above. Installation of the supplemental plantings shall be completed prior to the construction of any buildings, the Plans of Development for which include any portions of the Property adjacent to the southern boundary line of the Property. Provided, however, should any portion of Parcel 18-A-24 no longer be used or zoned for residential purposes, then the buffer across from such parcel may be reduced to a greenbelt (as defined in Proffer 2) of not less than twenty-five (25) feet in width. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer area and, if so removed, additional plantings shall be added.

b. Fifty (50) feet in width of landscaped buffer beginning adjacent to Concept Road 76-2 (currently known as Twin Hickory Lane) and continuing along the eastern boundary of the Property to a point which is approximately one hundred (100) feet beyond the northwest corner of Parcel 10-A-27. In addition, a minimum six (6) foot tall earth berm shall be constructed within the foregoing buffer. The toe of the slope of said berm will begin approximately ten (10) to twelve (12) feet from the property line of Parcel 10-A-26. The slope of the berm shall be at a ratio 3:1 on the side facing the home located on Parcel 10-A-26. The

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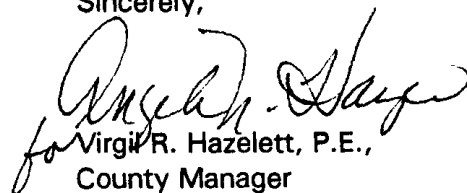
berm shall be planted with grass. The grass shall be maintained by the owner of the Property upon which the berm is located. The top of the berm shall be planted with five (5) to six (6) foot pines or other appropriate landscape screening material. Positive drainage will be provided to avoid any standing water condition which might be created on Parcel 10-A-26 or 10-A-27 by the construction of the berm. Construction of the berm shall be completed prior to the construction of any buildings, the Plans of Development for which include any portions of the Property adjacent to the eastern boundary line of the Property. Provided, however, at such time as any of Parcels 10-A-26 or 10-A-27 are no longer zoned or used for residential purposes, the requirements of this Proffer 15(b) shall not apply to that portion of the Property adjacent to such parcel no longer zoned or used for residential purposes.

17. Building Setback:

... and no portion of a building shall be constructed within one hundred (100) feet of the southern boundary line of the Property adjacent to the ultimate northern right-of-way line of Concept Road 76-2 (currently known as Twin Hickory Lane); provided, however, at such time as any of the Parcels 18-A-24, 10-A-27 or 10-A-26 are no longer zoned or used for residential purposes, the setback requirements of this Proffer 17 shall not apply to that portion of the Property adjacent to or across from such parcel no longer zoned or used for residential purposes.

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: Clerk, Board of Supervisors
Director, Real Estate Assessment
Conditional Zoning Index
Messrs. James W. Theobald &
Charles H. Rothenberg, Esquires