



AMEND PROFFERED  
CONDITIONS

AS APPROVED BY THE  
BOARD OF SUPERVISORS

7 / 9 / 02

AMEND PROFFERED CONDITIONS 58-A-3,6,6A & Pts. 58-A-4 & 5  
THREE CHOPT DISTRICT

C-49C-00 0 200' 400'

HENRICO COUNTY PLANNING OFFICE

July 16, 2002

Re: Conditional Rezoning Case C-49C-00

Mr. Henry A. Wilton  
Wilton Development Corporation  
6405-G Dickens Place  
Richmond, VA 23230

Dear Mr. Wilton:

The Board of Supervisors at its meeting on July 9, 2002, granted your request to amend proffered conditions on Conditional Rezoning Case C-45C-99, on Parcels 748-756-8078 (58-A-3), 749-756-6440 (6) and 749-756-6859 (6A) and part of Parcels 749-755-4576 (58-A-4) and 749-755-6396 (5) described as follows:

Commencing at a point on the west line of Gaskins Road, said point being the intersection of the west line of Gaskins Road and the north line of Three Chopt Road, thence along the north line of Three Chopt Road for a distance of 1424.85' to the point of beginning; thence continuing along the north line of Three Chopt Road N51°38'43"W for a distance of 254.00' to a point; thence along a curve to the right having a radius of 1399.40' and an arc length 472.40', being subtended by a chord of N41°58'28"W for a distance of 470.16' to a point; thence N32°18'13"W for a distance of 316.62' to a point; thence along a curve to the left having a radius of 1465.40' and an arc length of 412.64', being subtended by a chord of N40°22'15"W for a distance of 411.28' to a point; thence leaving the north line of Three Chopt Road N10°54'20"E for a distance of 801.18' to a point on the south line of Interstate 64; thence along the south line of Interstate 64 S54°14'19"E for a distance of 1817.62' to a point; thence S21°55'59"E for a distance of 205.13' to a point; thence S06°14'43"W for a distance of 158.80' to a point; thence S08°47'36"E for a distance of 79.60' to a point, said point being the center line of Deep Run Creek; thence along the center line of Deep Run Creek in a southwesterly direction for a distance of 599' more or less, thence S77°40'54"W for a distance of 260.76' to the point of beginning, containing 38.3 acres more or less.

The Board of Supervisors accepted the following proffered conditions, dated June 5, 2002, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
2. Use Restrictions. The uses on the Property will be restricted to 75 townhouse units and an assisted living facility. The minimum size of the (finished floor area) of the townhouses shall be 1,700 square feet. The five (5) acre parcel shown on the Conceptual Plan ("Exhibit C") (see case file) shall be used solely for an assisted living facility with an age restriction of at least fifty-five (55) years of age as approved by the Planning Commission at the time of POD Review. The age restriction shall comply with the Virginia Fair Housing Act (VA Code §36-96.7, as it may be amended). The assisted living care facility shall have a maximum of 100 units.
3. Trash Enclosures. Enclosure areas for dumpsters on the Property shall be constructed of materials similar to that which is utilized in the primary building. The enclosure shall be gated with an opaque material.
4. Mechanical Equipment. Mechanical equipment shall be screened from public view at ground level at the Property lines in a manner approved at the time of Plan of Development review.
5. Lighting.
  - a. Parking Lot Lighting. Parking lot lighting shall be provided for the townhouses and assisted living facility and produced from concealed sources of standard halogen blue lights. Parking lot lighting standards shall not exceed fifteen (15) feet in height and shall be positioned in such a manner as to minimize the impact of such lighting offsite.
  - b. Exterior Lighting. Street light standards shall not exceed fifteen (15) feet in height. The street lights shall be non-glare and be residential in character.
6. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be brick and vinyl siding excluding windows, doors, breezeways, and other architectural design features. The visible portions of exterior building foundations shall be constructed of brick.

For the townhouses, at least fifty (50) percent of the front façade of each principal building and any end facing a parking area or public or

private road of each principal building, excluding the foundations, constructed on the Property shall be brick. The side of any end unit facing the parking area of any public or private road shall have a window or other architectural feature to break up the visual mass. The townhouses shall be built in substantial conformance to EXHIBIT B (see case file).

For the assisted living facility, at least fifty (50) percent of the principal building, excluding the foundations, constructed on the Property shall be brick.

7. Setback from Three Chopt. The building setback for the assisted living facility shall be a minimum of 150 feet from the ultimate right-of-way of Three Chopt Road.

8. Buffers.

a. Three Chopt Road Buffer. A buffer a minimum of fifty (50) feet in width which is landscaped and/or contains existing vegetation in such a manner to visually screen any parking service areas shall be provided along Three Chopt Road as measured from the ultimate right of way. Only the front or sides of buildings shall face Three Chopt Road. A buffer a minimum of 75 feet shall be provided along Three Chopt Road within the five (5) acre parcel reserved for assisted living.

b. Greenaire Wood Buffer. A buffer a minimum of twenty-five (25) feet in width, which may be landscaped and/or retains existing vegetation, shall be provided along the western Property line for a distance of approximately three hundred (300) feet measured from the ultimate right of way of Three Chopt Road. In the event, that grading requires the removal of existing trees in this twenty-five (25) foot buffer, the buffer shall be planted with the trees and shrubs required in the Henrico County Zoning Ordinance for a transitional buffer 25. A variable width buffer in a triangular area which begins at a point approximately 300 feet from the ultimate right of way of Three Chopt Road at the western Property line and extends approximately five hundred (500) feet to the northern Property line located to the east of the Greenaire Wood development, comprising approximately two (2) acres, and further described on the attached EXHIBIT A (see case file) shall be preserved as a tree preservation area. This triangular buffer area may only be developed with paths, trails, pedestrian bridges, gazebos and picnic shelters for passive and recreational uses.

c. Interstate 64 Buffer. A buffer a minimum of twenty-five (25) feet in width, which may be landscaped and/or retain existing vegetation as determined at the time of Plan of Development review, shall be provided

along the northern Property line adjacent to Interstate 64. No building shall be less than sixty (60) feet from the Property line adjacent to Interstate 64.

d. Preservation of Trees within Wetlands: Trees shall be preserved within the wetland areas except for roads, signage and utility easements which may pass through the wetlands in a generally perpendicular manner (unless currently existing). Other uses as may be required or permitted at the time of Plan of Development review may also pass through the wetlands.

Trees with a diameter of four (4) inches or greater shall be preserved within the buffer areas except for roads, signage and utility easements which may pass through the buffers in a generally perpendicular manner (unless currently existing). Other uses as may be required or permitted at the time of Plan of Development review may also pass through the buffers. Where permitted or practicable, areas disturbed for the placement of utilities within the buffer areas shall be restored. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall be removed from such buffer areas, and if so removed additional plantings shall be added.

9. Detached Signage. Any detached signs on the Property shall be ground mounted, monolithic-type signs. Such signs shall not exceed eight (8) feet in height as measured from the grade of the base of the sign and shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way.
10. 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) 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 uses permitted by the Henrico County Code and the Owner shall, prior to the approval of final construction plans, apply to rezone such portions of the Property to C-1 Conservation District.
11. Right of Way Dedication. The areas within the Property needed for the widening of Three Chopt Road, as determined at the time of Plan of Development approval, shall be dedicated at no cost to the County and/or the Virginia Department of Transportation.

12. Construction Hours. No land clearing, grading, road or water/sewer line construction or construction of the exterior shell of any building shall occur between the hours of 7:30 p.m. and 6:30 a.m., except in emergencies or where unusual circumstances require extending these specified hours in order to complete work such as concrete pours or utility connections, but in no case shall work extend beyond 10:00 p.m., unless required by any governmental agency with jurisdiction over the project. Blasting when necessary shall only occur between the hours of 9:00 a.m. to 3:00 p.m.
13. Burning Restrictions. During the period of construction on the Property, there shall be no burning of natural materials or construction debris within 500' of an inhabited residence.
14. Amenities. At a minimum, pedestrian walkways shall be provided as amenities of the development. There shall be a minimum of 250 square feet per townhouse unit of recreational open space provided within the development.
15. Deleted.
16. Ownership. The townhouses shall be marketed as owner-occupied.
17. Garages. Each townhouse shall have a garage.
18. Height Limitations. The assisted living facility shall be restricted to a maximum of two (2) stories. Anything above two (2) stories would need a special exception approved by the Planning Commission at the time of POD Review.
19. Site Coverage. No more than sixty-five (65%) percent of the Property shall be covered by buildings, driveways, and parking areas.
20. Architecture. The architectural design of all principal buildings constructed on the Property shall be coordinated in style with and be harmonious with each other as approved by the Planning Commission at the time of POD review.
21. Severance. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity of enforceability of the other proffers or the unaffected part of any such proffer.
22. Sound Suppression. Walls between units shall have a minimum sound transmission coefficient rating of 55. Exterior walls parallel and within

sixty (60) feet of the property line adjacent to Interstate 64 shall be standard construction, with the addition of an RC-1 sound attenuation channel creating a ½" dead air space. Windows installed in these walls will have a minimum sound transmission coefficient rating of 33.

23. Roads. All roads to be constructed in the development shall be privately maintained but shall be constructed in accordance with the County of Henrico's Public Road Standards and Specifications with respect to pavement design.
24. Sidewalks. Sidewalks shall be provided adjacent to all interior roads and shall be constructed to the County of Henrico's Standards and Specifications for sidewalks. These sidewalks shall not be part of an individual lot. The inclusion of a meandering walkway within the buffer along Three Chopt Road shall be determined by the Planning Commission at the time of POD review.
25. BMP. If the storm water management pond is a wet pond, it shall be designed to include water features. In any case, any storm water management pond located on the property shall be landscaped as approved by the Planning Commission at the time of any Plan of Development on the Property.
26. Conceptual Plan. The site shall be developed in substantial conformance with the Conceptual Plan "Exhibit C" (see case file) by Foster & Miller, P.C. with revision as approved during POD review by the Planning Commission.
27. Location of the Entrance Road: The location of the entrance road across from either Cedarfield Parkway or Pell Street shall be determined by the Planning Commission at the time of POD review.

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

Mr. Henry A. Wilton  
Wilton Development Corporation  
July 16, 2002

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VRH/JRM:df

pc: Director, Real Estate Assessment  
Conditional Zoning Index  
Ralph & Joseph Tedesco  
A. R. Tedesco Trust