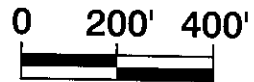


R-4

RESIDENTIAL TOWNHOUSES FOR SALE 32-A-102N, 117, 122 pt. 114A

C-66C-00



FAIRFIELD DISTRICT
HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA

County of Henrico

PARHAM AND HUNGARY SPRING ROADS • P. O. BOX 27032
RICHMOND, VIRGINIA 23273-7032

BOARD OF SUPERVISORS

FRANK J. THORNTON, Chairman
RICHARD W. GLOVER, Vice Chairman
JAMES B. DONATI, JR.
DAVID A. KAECHELE
PATRICIA S. O'BANNON

November 21, 2000

Re: Conditional Rezoning Case C-66C-00

Mr. Roy B. Amason
12081 Gayton Rd.
Richmond, VA 23233

Dear Mr. Amason:

The Board of Supervisors at its meeting on November 14, granted your request to conditionally rezone property from A-1 Agricultural District to RTHC Residential District (Conditional), Parcels 32-A-102N, 114A, 117, and 122, described as follows:

Parcel A:

Beginning at a point located on the South Right of Way line of Virginia Center Parkway on the eastern corner of the parcel running South 74°20'00" West, 162.62 feet to a point; thence along a non-tangent curve to the north with a radius of 330.00 feet a distance of 45.64'; thence North 24°09'54" East 33.04 feet to a point; thence along a curve to the east with a radius of 30.00 feet a distance of 44.97 feet; thence along a reverse curve to the East with a radius of 770.00 feet a distance of 130.86 feet to the Point of Beginning, containing 0.18 acres.

Parcel C:

Beginning at a point located on the South Right of Way line of Virginia Center Parkway on the eastern corner of the parcel running South 00°49'28" East 580.63 feet to a point; thence South 89°11'41" West 705.32 feet to a point thence; South 00°49'29" East 25.00 feet to a point thence; South 89°10'31" West 320.00 feet to a point thence; South 00°49'29" East 168.36 feet to a point thence; South 88°59'31" West 185.07 feet to a point thence; North 29°51'40" East 219.64 feet to a point; thence; South 58°51'17" East 13.00 feet to a point thence; North 31°08'43" East 98.47 feet to a point thence along a curve to the East with a radius of 929.43 feet a distance of 497.31' thence North 74°34'25" East 21.77 feet to a point thence; North 74°34'25" East 606.14 feet to a point thence; North 74°34'25" East 68.56 feet to the Point of Beginning, containing 10.63 acres.

The Board of Supervisors accepted the following proffered conditions, dated October 12, 2000, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Residential Ownership. The Property shall be developed only for residential townhomes units

for sale, and uses accessory thereto. No part of the property shall be developed for multi-family rental apartments. Residential townhomes constructed on the Property shall be offered for sale by the builder. The builder will not make an initial sale of more than two (2) units to a buyer.

2. Density of Development. No more than sixty-six (66) residences shall be constructed on the Property.
3. Architectural Treatment. Residences constructed on the property shall be constructed in similar architecture and quality with elevations attached hereto Magnolia Gardens Elevations 9/28/00. The materials used on exterior building walls and roofs shall be consistent with the elevations. The visible portion of all-exterior foundation walls shall be of brick construction. The ends of units facing Virginia Center Parkway and Francis Road shall be brick and have windows or other architectural feature to break up the visual mass.
4. Height Limitation. No building constructed on the Property shall exceed two (2) stories or thirty-five (35) feet in height.
5. Preliminary Layout Plan. Residential buildings shall be developed and oriented on the property substantially as shown on a plan entitled "Magnolia Gardens", prepared by Michael E. Doczi & Associates, PLLC, dated September 28, 2000 (the "Site Plan"), a copy of which is attached hereto as Exhibit B, unless deviations thereto are required by any governmental body having jurisdiction with respect thereto, or are necessary because of the owner's inability to acquire the right-of-way of Old Francis Road adjacent to the property from the Commonwealth of Virginia. Any modification required, because the owner cannot obtain the right-of-ways, shall be limited to addressing setback requirements and the entrance drive locations on the Northwest and East sides of the properties only. Any water feature developed on the property shall have one or more fountain/water circulators to enhance the appearance of the water feature.
6. Landscaping and Buffer. The Property shall be landscaped as per a landscape plan reviewed and approved by the County of Henrico. The landscaped 25 foot buffers along Virginia Center Parkway and Francis Road shall meet the transitional buffer 25 requirements. The landscaped buffers along the southern and eastern boundaries shall meet the transitional buffer 10 requirements. Buffers shall be from the ultimate right of way. The developer shall use undulating berms incorporated with the landscape requirements in order to create a visual buffer along Francis Road, Virginia Center Parkway and properties abutting the project on the southern border.
7. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines, all utility lines shall be underground.

8. Homeowner's Association. Before the conveyance of any residence, the owner shall form a non-stock corporation to serve as an owner's association for owners of residences constructed on the property (the "Association"). Protective covenants requiring all owners of residence (excluding builders) to become members of the Association shall be recorded in the Clerk's Office of the Circuit Court of Henrico County. Any lot owner who fails to pay assessments required by the protective covenants shall be deemed to be in violation of the protective covenants. The protective covenants shall provide that unpaid fees assessed by the Association's Board of Directors shall constitute a lien on a delinquent member's property, inferior in lien and dignity only to the liens of a first deed of trust and unpaid county real estate taxes. The Association shall be responsible for the ongoing maintenance of all areas outside of residences constructed on the Property.
9. Fencing. A three (3) rail fence, vinyl covered shall be installed along the eastern boundary of the property. The existing three (3) rail fence, vinyl covered, along Virginia Center Parkway shall remain. The existing three rail fence, vinyl covered, along Francis Road, shall remain and be extended to the southern boundary of the project. The developer may relocate the existing three (3) rail fence along Virginia Center Parkway and Francis Road to accommodate landscaping and berming within the transitional buffer. A vinyl covered six foot high opaque privacy fence shall be installed in the landscaped buffer, with plantings on both sides, between residence buildings and properties adjacent to the south side of the Property. Fencing shall be installed before the first certificate of occupancy is issued for any residence.
10. Setback Area. No building, driveway or parking spaces will be located within the setback areas, as shown on the Site Plan and labeled setback area along the southern boundary as crossed hatched on Exhibit B "Site Plan". In addition, no playground equipment, picnic tables, gazebo, active recreational improvements or outbuildings shall be placed in the setback area. The setback area behind, Lot 32-A-118, 32-A-119 and 32-A-120, shall be one hundred (100) feet.
11. 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 any of the other proffers or the unaffected part of any such proffer.
12. Parking Lot Lighting. Parking lot lighting standards shall not exceed eight (8) feet in height and shall be residential in character within one hundred (100) feet of any residential area unless requested and otherwise approved by the Planning Commission.
13. Pavement Quality. The roads, driveways and parking areas shall be designed and constructed to meet the public road pavement design standards of the Henrico Department of Public works.
14. Building Materials. Forty percent (40%) of the townhomes will have brick fronts and forty

percent (40%) of the ends of buildings shall be brick.

15. Parking. The project shall include a minimum of 2.5 parking spaces per townhome.
16. Recreational Amenities. There shall be a gazebo and picnic areas installed, as noted on the Site Plan.
17. Pedestrian Access. Sidewalks and Pedestrian access to recreational amenities shall be installed as generally shown on the Site Plan.

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. Donald E. Lowery
Mr. & Mrs. M. E. Lowery
Ms. Teresa Lowery
Mr. Michael H. Lowery

NOTES:

1. THIS IS A PRELIMINARY PLAN. FINAL PLANS ARE SUBJECT TO ANY AND ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS.

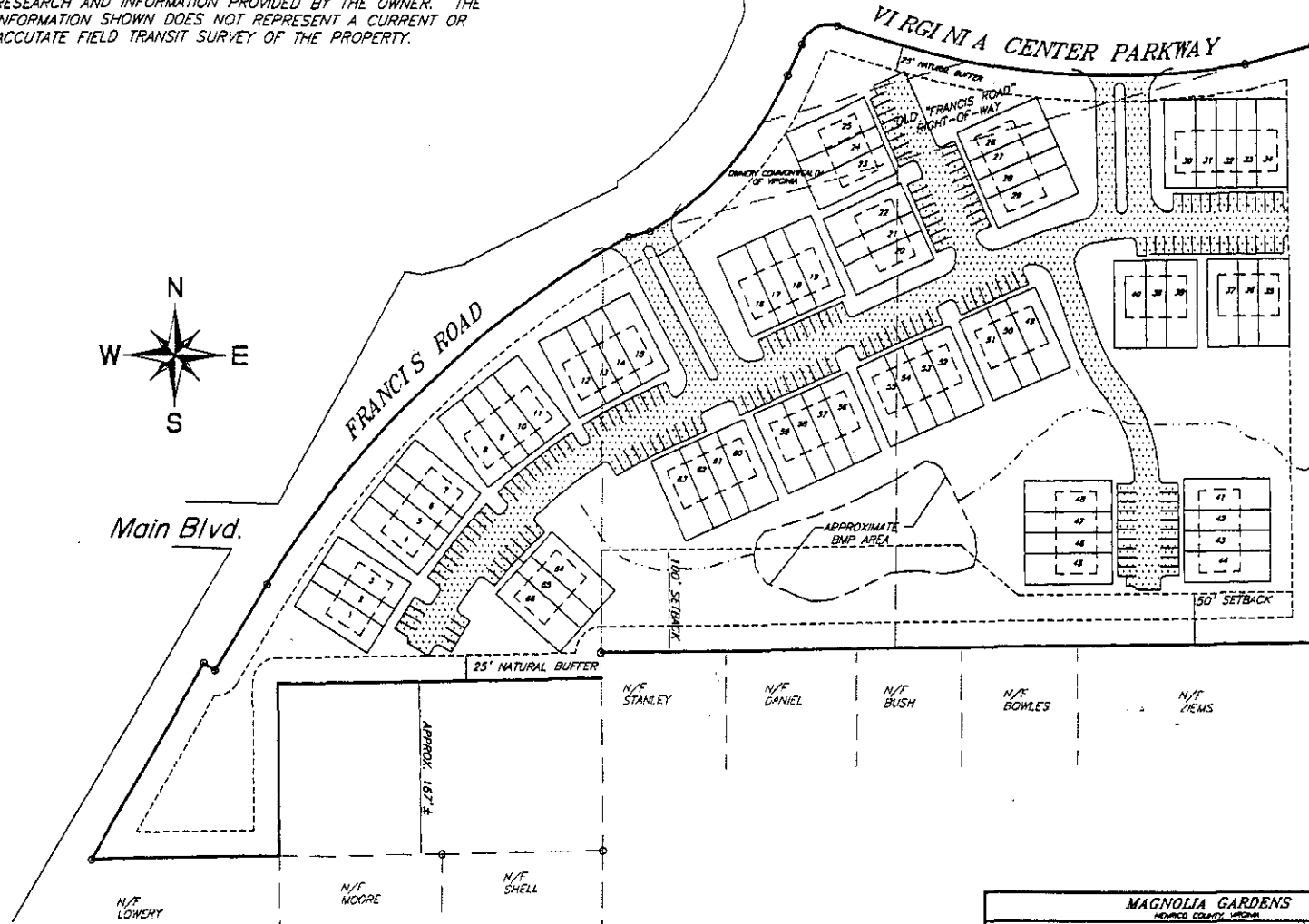
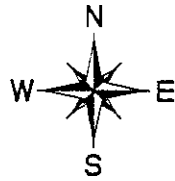
2. THE BOUNDARY SHOWN HEREON WAS COMPILED FROM COUNTY RESEARCH AND INFORMATION PROVIDED BY THE OWNER. THE INFORMATION SHOWN DOES NOT REPRESENT A CURRENT OR ACCUTATE FIELD TRANSIT SURVEY OF THE PROPERTY.

SITE STATISTICS:

SITE AREA: 11.44± ACRES
 TAX MAP PARCELS: P/O 32-A-114A,
 32-A-117, 32-A-122, 32-A-102N
 AND PART OF THE EXISTING
 FRANCIS ROAD R/W.
 AREA BREAKDOWN:
 LOTS: 3.31± ACRES
 ROADS: 1.87± ACRES
 OPEN SPACE: 6.26± ACRES
 PERCENT OPEN SPACE: 54.7%±
 NUMBER OF UNITS: 66
 DENSITY: 5.77 UNITS/ACRE
 PARKING REQUIRED: 132 SPACES
 PARKING PROVIDED: 171 SPACES
 PARKING RATIO: 2.59 SPACES/UNIT

DEVELOPER:

ROY B. AMASON
 12081 CAYTON ROAD
 RICHMOND, VIRGINIA 23233
 PHONE: 804-754-8210
 FAX: 804-754-8207



C-66C-00

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| MAGNOLIA GARDENS HENRICH COUNTY, VIRGINIA | | | |
| PRELIMINARY LAYOUT PLAN | | | |
| DATE: 05/05/00 | REVISIONS: 06/02/00 PER ADJUDICATING PROPERTY OFFICERS 07/19/00 PER COUNTY COMMENTS | | |
| DRAWN BY: JET | | | |
| CHECKED BY: MED | | | |
| SCALE: NTS | | | |
| ENGINER BY: MED | | | |
| DATE: 05/05/00 | | | |
| SHEET 1 OF 1 | | | |