



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

March 19, 2002

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-61C-01

Mr. Robert M. Atack
Atack Properties, Inc.
4461 Cox Road
Suite 109
Glen Allen, VA 23060

Dear Mr. Atack:

The Board of Supervisors at its meeting on March 12, 2002, granted your request to conditionally rezone property from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 776-766-2949 (32-A-8N) and 776-765-5797 (9) described as follows:

PARCEL A

Commencing at a point on the East line of Woodman Road intersected with the South line of Mountain Road, thence N 76° 47' 07" E for a distance of 66.35' to a point, thence S 51° 27' 02" E for a distance of 74.60' to the said "Point of Beginning"; Thence S 51° 27' 02" E for a distance of 290.33' to a point; Thence S 53° 24' 26" E for a distance of 323.65' to a point; Thence S 43° 45' 00" W for a distance of 288.14' to a point; Thence S 42° 53' 00" W for a distance of 737.84' to a point; Thence N 50° 35' 49" W for a distance of 230.81' to a point; Thence N 43° 09' 12" E for a distance of 339.90' to a point; Thence N 36° 44' 00" E for a distance of 144.96' to a point; Thence N 43° 13' 00" E for a distance of 234.21' to a point; Thence N 46° 36' 27" W for a distance of 236.01' to a point; Thence N 43° 28' 00" E for a distance of 107.67' to a point; Thence N 48° 18' 00" W for a distance of 129.24' to a point; Thence N 42° 57' 50" E for a distance of 157.23' to the said "Point of Beginning", containing 7.6 acres more or less.

PARCEL B

Beginning at a point on the East line of Woodman Road intersected with the South line of Mountain Road, being the said "Point of Beginning"; Thence N 76° 47' 07" E for a distance of 66.35' to a point; Thence S 51° 27' 02" E for a distance of 44.60' to a point; Thence S 42° 57' 50" W for a distance of 302.67' to a point; Thence along a curve to the left having a radius of 1185.92' and an arc length of 53.18', Being subtended by a chord of N 25° 32' 33" E for distance of 53.18' to a point; Thence N 24° 15' 28" E for a distance of 204.16' to the said "Point of Beginning", containing 0.3 acres more or less.

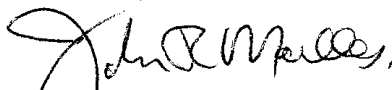
The Board of Supervisors accepted the following proffered conditions, dated March 11, 2002, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. ARCHITECTURAL TREATMENT- All exposed foundations of each unit shall be of brick. There shall be no cantilevered chimneys or closets and the end units will have windows or other architectural features to break up visual mass.
2. RESTRICTIVE COVENANTS/HOMEOWNERS ASSOCIATION- Prior to or concurrent with the conveyance of the Property covered on the Plan of Development approved by the County, restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County. In addition, there shall be a Homeowners Association of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the lots, common areas, roads and unit exteriors.
3. MINIMUM UNIT SIZE- The minimum unit sizes (finished floor area) shall be 1,200 square feet.
4. CLEARING LIMITATION- Where practicable, the clearing of trees shall be limited to areas necessary for dwellings, driveways, utilities, entrance features, road improvements, drainage requirements, or when necessary for common areas.
5. OPEN SPACE- The impervious cover shall not exceed forty percent (40%) for the entire site.
6. RECREATION AREAS- A minimum of one acre (1.0 ac.) shall be reserved for recreational use. The size and location shall be approved with the Plan of Development.
7. SIDEWALKS- A sidewalk shall be provided adjacent to parking areas and shall be constructed to current County standards and specifications for sidewalks. This sidewalk shall not be part of an individual lot.
8. PARKING LOT LIGHTING- Parking lot lighting shall be provided. Parking lot lighting shall be a maximum height of fifteen feet (15'), measured from finish grade to the bottom of the light fixture, and directed to minimize glare on public roads and adjacent properties. At least one light per building will be included.

9. SOUND SUPPRESSION- Walls between units shall have a minimum sound transmission coefficient rating ranging from 50 to 54.
10. UNDERGROUND UTILITIES- Except for junction boxes, meters, pedestals, transformers and existing overhead utility lines and for technical and environmental reasons, all utilities shall be underground.
11. BUFFERS- A minimum of ten feet shall be provided at the property boundaries for buffering. Additional buffer areas, as shown on the schematic site plan will be provided and approved as part of the Landscape Plan approval. Additionally, a six-foot (6') board privacy fence shall be installed along the property line adjacent to parcel 32-A-10.
12. DENSITY- The maximum number of units to be developed on the property shall not exceed sixty-three, or 7.2 units per acre.
13. ACCESS- There shall be no vehicular access to or from Woodman Road.
14. RIGHT OF WAY. The developer shall abandon, quitclaim, or otherwise have disposed the vacant right of way known as Old Woodman Road at the southeast corner of Woodman Road (re-aligned) and Mountain Road in order to obtain fee simple ownership of said right of way prior to issuance of any Certificate of Occupancy on the property.
15. BUILDING SETBACK. The minimum building setback from tax parcel 32-A-7 shall be fifty-five (55') feet and from tax parcel 41-A-27 shall be eighty (80') feet.

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,


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

pc: Director, Real Estate Assessment
Conditional Zoning Index
Robert G. & Brenda Herndon