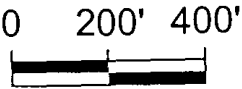


R-2AC TO R-5AC
55.755 Acres

SINGLE-FAMILY RESIDENTIAL

BROOKLAND DISTRICT

C-10C-02



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

April 16, 2002

Re: Conditional Rezoning Case C-10C-02

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

Dear Mr. Atack:

The Board of Supervisors at its meeting on April 9, 2002, granted your request to conditionally rezone property from R-2AC One Family Residence District (Conditional) to R-5AC General Residence District (Conditional), Parcel 763-761-9181 (50-A-20A) and part of Parcel 766-762-1042 (40-A-24A) described as follows:

Parcel 1A - Legal Description

Beginning at a point on the western boundary of the right of way line of Staples Mill Road (State Rte. No. 33), said point being 535.99' southeast of the intersection of the southern boundary of the right of way line of Lanceor Drive and the western boundary of the right of way line of Staples Mill Road (State Rte. No. 33). Thence leaving the western boundary of the right of way line of Staples Mill Road in a westerly direction with fourteen (14) courses and distances: (1) S 88°46'47" W 378.02' to a point; (2) Thence N 09°41'01" W 22.87' to a point; (3) Thence N 89°16'55" W 96.49' to a point; (4) Thence N 01°04'26" W 150.07' to a point; (5) Thence N 89°16'55" W 100.44' to a point; (6) Thence S 00°43'05" W 150.00' to a point; (7) Thence N 89°16'55" W 330.57' to a point; (8) Thence N 89°01'17" W 1013.20' to a point; (9) Thence S 10°45'03" E 453.21' to a point; (10) Thence S 88°41'19" W 390.26' to a point; (11) Thence N 88°41'19" W 280.11' to a point; (12) Thence S 68°06'45" W 340.77' to a point; (13) Thence S 26°01'46" W 123.19' to a point; (14) Thence S 25°08'30" W 158.80' to a point on the northern boundary of the right of way line of Hungary Road.

Thence with the northern boundary of the right of way line of Hungary Road in a westerly direction along a circular curve to the left having a delta angle of 08°36'32", a radius of 1540.00', and an arc length of 231.39' to a point. Thence leaving the northern right of way line of Hungary Road in a northerly direction with fifteen (15) courses and distances: (1) N 13°41'59" E 485.00' to a point; (2)

Thence N 80°25'00" W 758.00' to a point; (3) Thence N 34°00'00" W 182.00' to a point; (4) Thence N 20°08'00" E 714.88' to a point; (5) Thence S 20°31'21" E 34.95' to a point; (6) Thence S 03°25'21" E 202.21' to a point; (7) Thence S 11°28'39" W 280.35' to a point; (8) Thence S 78°56'21" E 807.26' to a point; (9) Thence N 13°41'39" E 629.40' to a point; (10) Thence N 01°17'42" E 50.47' to a point; (11) Thence N 13°41'59" E 219.59' to a point; (12) Thence S 77°21'31" E 255.01' to a point; (13) Thence S 13°41'59" W 169.94' to a point; (14) Thence S 81°52'01" E 2016.52' to a point; (15) Thence N 71°39'39" E 312.06' to a point on the western boundary of the right of way line of Staples Mill Road (State Route No. 33).

Thence with the western boundary of the right of way line of Staples Mill Road in a southeasterly direction with five (5) courses and distances: (1) Along a circular curve to the right having a delta angle of 00°41'05", a radius of 11348.16' and an arc length of 135.60' to a point; (2) Thence S 68°45'09" W 23.00' to a point; (3) Thence along a circular curve to the right having a delta angle of 01°07'53", a radius of 11325.16' and an arc length of 223.63' to a point; (4) Thence N 69°53'02" E 23.00' to a point; (5) Thence along a circular curve to the right having a delta angle of 00°54'19", a radius of 11348.16' and an arc length of 179.33' to a point, said point being the Point and Place of Beginning for Parcel 1a and containing 55.755 acres.

The Board of Supervisors accepted the following proffered conditions, dated April 9, 2002, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. AGE RESTRICTION- Except as otherwise prohibited by the Virginia Fair Housing Law, as it may be amended, the federal Fair Housing law and such other applicable federal, state, or local legal requirements, residential development on the Property shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law.
2. TRASH SERVICE- Trash pick up service shall be provided for each building and shall not commence before 6:00 a.m. or extend beyond 9:00 p.m.
3. UNDERGROUND UTILITIES- Except for junction boxes, meters and existing overhead utility lines, all utility lines shall be underground.
4. LANDSCAPING- All front yards shall be sodded except for areas that are mulched, landscaped, treed or areas that may not be sodded by law. All such sodded areas shall be served by an underground irrigation system.

5. FIREPLACE CHIMNEYS- All exterior portions of fireplace chimneys shall be enclosed by brick or stone. All fireplace chimneys and gas vents shall be built on brick or stone foundations. Gas or ornamental fireplaces may be wall-vented within chimneys, however, such vented enclosures shall not be cantilevered and must have a base to match the foundation.
6. AMENITIES PACKAGE- The residents of this neighborhood shall be entitled to use the Pavilion community center developed as part of the CrossRidge community. The residents shall be Pavilion and Homeowner Association members and the fee for the Pavilion membership shall be included in the Homeowners Association dues.
7. MINIMUM UNIT SIZE- The minimum unit size shall be 2,000 square feet, of which no less than 1,700 square feet will be finished. All units shall be detached, single family residences. No unit shall exceed thirty-five (35') in building height, as defined in section 24-3 of the Henrico County code.
8. PAVED PARKING- All driveways on each individual lot shall be paved within six (6) months following receipt of a certificate of occupancy. The type of pavement may include asphalt, concrete, aggregate materials and brick or stone pavers.
9. ROOF- Any roof of any home constructed on the Property shall be Class A (fire and wind protection rated by Underwriter Labs) (UL) Fiberglass Asphalt Roof Shingle - Three Tab, 20 year, Mid-weight shingle, self-sealing adhesive tab or an equivalent material that has 20 year expected life.
10. LIGHTING- Street lighting fixtures shall be constructed and maintained along the private roadway system within the property and will not exceed 15' in height at grade level.
11. ROAD STANDARDS- All private roads shall be built in a comparable manner to Henrico County public subdivision roads as it relates to base stone and asphalt.
12. MINIMUM LOT SIZES- Lots constructed on the Property shall have a minimum of 7,200 square feet. Further, those lots contiguous to the boundaries of Dove Hollow Subdivision and Brittany Subdivision shall have an average lot size of not less than 10,000 square feet.
13. ACCESS- Vehicular access to this property shall be restricted to Staples Mill Road and the existing R5-AC property to the west (currently The Cottages at CrossRidge Phase 2). An emergency access shall be

provided between the property and the existing R-2AC zoned property to the west (currently The Greens Phase 2) and shall be constructed with pavers and a cable across the access.

14. SIDEWALKS- Sidewalks of standard width shall be provided.
15. LANDSCAPE AREA- A fifty (50') foot landscape area consisting of either existing vegetation, proposed landscaping, or a combination of both, shall be maintained along the northern and western boundaries of Dove Hollow Subdivision and Brittany Subdivision where contiguous to the property. Such landscape area shall be designed by a Landscape Architect and meet the current requirements of the Twenty-Five Foot Transitional Buffer, as stated in the current Landscape Manual (Section 24-106.2 of Chapter 24 of the Code of the County of Henrico, Virginia), or be approved by the Planning Commission. No utilities, other than those existing at the time the property is rezoned, shall be installed within the landscape area.
16. LOT WIDTH- All lots shall have a minimum lot width of sixty (60') feet.
17. ROUTE 33 SETBACK- No residences shall be constructed within one hundred twenty- feet (120') of Route 33 (Staples Mill Road).
18. FOUNDATIONS- Any exposed portions of the foundation shall be constructed of brick or stone.
19. REAR YARD SETBACK- Those lots contiguous to the boundaries of Dove Hollow Subdivision and Brittany Subdivision shall maintain a minimum rear yard setback of forty-five (45') feet.
20. HOURS OF OPERATION- Construction of the private roadway system, public utilities, road drainage, lot clearing and grading, and dwellings shall occur between the hours of 7:00 a.m. and 7:00 p.m., except in emergencies or where unusual circumstances require extending specific hours in order to complete work such as, but not limited to, concrete pours or utility connections.
21. DENSITY- The maximum density shall not exceed 157 lots (2.82 lots/acre).
22. SATELLITE DISHES- No satellite dishes larger than 18" in diameter will be allowed.
23. RESTRICTIVE COVENANTS- Prior to or concurrent with the recordation of the subdivision plat approved by the County and before the conveyance

of any portion of the property covered by said subdivision plat (other than for the dedication of easements, roads or utilities) there shall be recorded a document in the Clerk's office of the Circuit Court of Henrico County, Virginia setting forth quality controls on the development and maintenance of all portions of the property. Said document shall cause the property to become a part of CrossRidge including all benefits and responsibilities of same.

24. FENCES- No fence will exceed 72". Any fence over 42" in height must be constructed of finished masonry or constructed with a combination masonry piers and aluminum, metal or cast iron pickets. No chain link fences shall be permitted.
25. SEVERENCE- 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 the other proffers or the unaffected part of any such proffer.
26. RECREATION AREA- The area, comprising approximately one and one-half (1.5±) acres adjacent to Hungary Road shall be restricted to use for open space, and/or passive, or active recreational uses.

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

pc: Director, Real Estate Assessment
Conditional Zoning Index