

A-1 to RTHC
7.5 Acres

ZONING

RESIDENTIAL TOWNHOUSES
for SALE

Ref. 757-753-0896

C-62C-02
Three Chopt District



September 2002

0 400 Feet



Westbriar



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

November 19, 2002

Re: Conditional Rezoning Case C-62C-02

Kevin Spector
Aspect Properties
910 North Parham Road
Richmond, VA 23229

Dear Mr. Spector:

The Board of Supervisors at its meeting on November 12, 2002, granted your request to conditionally rezone property from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 757-753-0896, described as follows:

Beginning at a point on the eastern right-of-way line of Mayland Drive, said point being located approximately 100' southeast of the intersection of said Mayland Drive and Tuckernuck Drive. Thence leaving the said right-of-way of Mayland Drive along the land now or formerly of United Dominion Realty Trust and Harbor Village, L.P., S57°15'56"E 785.21' to a point; thence, along the land now or formerly of David R. Purcell et. al., S29°30'00"E 655.96' to a point; thence N60°24'24"E 178.99' to a point; thence, along the western side of a 30' road, S29°35'36"E 187.64' to a point; thence continuing along said 30' road, S30°54'30"E 21.34' to a point; thence, leaving said 30' road along the land now or formerly of Virginia Assoc. of Ins. Agt., S59°04'30"W 348.21' to a point on the eastern right-of-way of Mayland Drive; thence along the eastern right-of-way of said Mayland Drive, N36°40'53"W 495.10' to a point; thence, continuing along said Mayland Drive, N36°40'40"W 1085.39' to the point of beginning, containing approximately 7.5 acres.

The Board of Supervisors accepted the following proffered conditions, dated October 3, 2002, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Elevations. Various design elements will be incorporated to provide variety amongst individual units including, but not limited to, the following: brick accents (including, but not limited to, arches with or without keystones, soldier courses, quoin corners, and accent coloring different from any main brick coloring), varying colors of siding varying window designs, and varying doorway designs. The architectural design of the units shall also be in general conformance with the architectural appearance shown on the elevations attached hereto entitled

“Proposed Townhouse Development, Henrico County, Virginia” (see case file) prepared by Thomas M. Gilbert, Architect, dated August 12, 2002, unless otherwise requested and specifically approved at the time of Plan of Development. A minimum of seventy-five (75) percent in the aggregate, of the visible portions of the front exterior building wall surfaces of each building of units and seventy-five (75) percent of the sides of buildings which face public rights-of-way or internal driveways shall be of brick construction, excluding windows, doors, breezeways and architectural design features.

2. Density. There shall be no more than forty-five (45) units developed on the Property.
3. Square Footage. A minimum of twenty-five (25) percent of the townhomes shall have at least 1800 square feet of finished floor area and a minimum of thirty (30) percent of the townhomes shall have at least 1650 square feet of finished floor area. No townhomes shall have less than 1450 square feet of finished floor area.
4. Buffer/Setback. A natural and/or landscaped buffer area a minimum of thirty (30) feet in width shall be provided adjacent to Mayland Drive, except to the extent necessary or allowed for utility easements that may pass through the buffer in a generally perpendicular manner (unless currently existing), access drives, walking paths, passive recreational areas, sidewalks, grading, drainage, signage, fencing and other purposes requested and specifically approved, or if required, at the time of Plan of Development. Buildings shall be setback a minimum of forty (40) feet from Mayland Drive.
5. Foundations. The exposed exterior portions of exterior residence foundations shall be constructed of brick.
6. Chimneys. No chimneys or gas vent units shall be cantilevered. The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundations.
7. Driveways. No driveways serving individual dwellings, other than driveways for main access, shall have direct access to Mayland Drive.
8. Recreational Area. An area for passive recreation to include a pavilion shall be provided on the Property.
9. Access to Northeast. The Property shall be designed such that if the Applicant purchases the adjacent property or properties to the northeast, access to such property may be provided.


10. Protective Covenants. Prior to or concurrent with the recordation of the first subdivision plat or Plan of Development approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat or Plan of Development (other than for the dedication of easements, roads, or utilities), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property.
11. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed fifteen (15) feet in height above grade level. Parking lot lighting shall be produced from concealed sources of light (i.e., "shoe box" type fixtures).
12. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
13. 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 the other proffers or the unaffected part of any such proffer.
14. Landscaping/Fence. A six (6) foot high chain link fence with dark green or black cladding shall be provided and maintained along the common boundary line with Henrico County GPINs 757-753-9760, 757-753-2597 and 756-754-8979 to the point where the eastern side of the Best Management Practices Facility ("BMP") is located on the Property, with supplemental plantings inside such fence consisting of Leyland cypress trees a minimum of four (4) feet tall at the time of planting and planted no more than ten (10) feet on center the length of such fence, except as otherwise may be specifically permitted at the time of Plan of Development. If any adjacent property is acquired and made a part of this development, this proffer shall no longer be applicable along the common boundary where the properties are so joined.
15. Sidewalk-scape Features. Sidewalk-scape features between the parking areas and buildings shall be provided and include such amenities as landscaping, accent trees and decorative lighting.
16. BMP as Water Feature. The BMP shall be a wet pond designed to be a water feature and an amenity to the Property, including the use of a fountain within the BMP. Pedestrian paths shall be provided to access a passive recreation area on the northern side of the BMP, as approved at the time of Plan of Development.

Kevin Spector
Aspect Properties
November 19, 2002

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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,


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

pc: Director, Real Estate Assessment
Conditional Zoning Index
Jane Patterson Bernhard
James W. Theobald, Esquire