

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulations



October 2002

ZONING
 Single-Family / Multi-Family
 Residential

Ref. 807-705-5743

C-64C-02
 Varina District



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

November 19, 2002

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-64C-02

The Tetra Company, LLC
2701 Spigel Road
Virginia Beach, VA 23545

Dear Sir:

The Board of Supervisors at its meeting on November 12, 2002, granted your request to conditionally rezone property from R-3C One Family Residence District (Conditional), RTH Residential Townhouse District, and R-5 General Residence District to R-3C One Family Residence District (Conditional) and R-5C General Residence District (Conditional), Parcels 806-704-4472, 807-705-5743 (6250 Midview Road), and 807-705-5501 (6280 Midview Road), described as follows:

Legal Description Residential (R-3C)

Beginning at a point on the West line of Midview Road, said point being 431.92' north of Trailing Ridge Road, extended and being the point of beginning; thence S84°48'40"W, a distance of 1515.51'; thence S05°32'36"E, a distance of 795.00'; thence S82°09'41"W, a distance of 263.00'; thence N31°27'30"W, a distance of 115.07'; thence N42°12'30"W, a distance of 544.50'; thence N02°01'54"W, a distance of 129.18'; thence along a tie line N23°01'54"W, a distance of 582.46'; thence N66°03'00"E, a distance of 108.77'; thence N33°54'59"E, a distance of 148.43'; thence N78°31'58"E, a distance of 154.42'; thence S47°03'16"E, a distance of 157.76'; thence S21°37'52"E, a distance of 101.00'; thence S08°56'46"E, a distance of 51.15'; thence N77°24'49"E, a distance of 226.26'; thence S81°24'35"E, a distance of 124.35'; thence S05°13'22"E, a distance of 120.00'; thence N84°39'48"E, a distance of 40.00'; thence N05°13'22"W, a distance of 126.83'; thence N74°58'50"E, a distance of 137.77'; thence N84°48'40"E, a distance of 1368.13'; thence along the west line of Midview Road S03°30'40"W, a distance of 349.86' to the point of beginning, containing 28.9± acres, more or less.

Legal Description Planned Unit Development (R-5C)

Beginning at a point on the west line of Midview Road, said point being 0.24 miles ± north of Trailing Ridge Road, extended, said point being the point of beginning; thence along Midview Road S03°30'40"W, a distance of 501.49'; thence S84°48'40"W, a distance of 1368.13'; thence S74°58'50"W, a distance of 137.77'; thence S05°13'22"E, a distance of 126.83'; thence S84°39'48"W, a distance of 40.00'; thence N05°13'22"W,

a distance of 120.00'; thence N81°24'35"W, a distance of 124.35'; thence S77°24'49"W, a distance of 226.26'; thence N08°56'46"W, a distance of 51.15'; thence N21°37'52"W, a distance of 101.00'; thence N47°03'16"W, a distance of 157.76'; thence S78°31'58"W, a distance of 154.42'; thence S33°54'59"W, a distance of 148.43'; thence S66°03'00"W, a distance of 108.77'; thence along tie line N23°01'54"W, a distance of 123.21'; (to creek centerline 148'±) thence along tie line N35°39'48"E, a distance of 406.82' (actual property line along centerline of creek 402'±); thence N84°45'03"E, a distance of 2223.85' (from creek centerline 2249'±) to the point of beginning, containing 25.8± acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated October 30, 2002, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

PROFFERS FOR R-5C PORTION OF THE PROPERTY:

1. Use and Density. The property shall be developed for multi-family apartment units not to exceed 332 units.
2. Square Footages. One (1) bedroom units shall be a minimum of six hundred seventy-five (675) square feet of finished floor area in size, two (2) bedroom units shall be a minimum of eight hundred fifty (850) square feet of finished floor area in size and three (3) bedroom units shall be a minimum of one thousand (1,000) square feet of finished floor area in size.
3. Unit Mix. Apartments constructed on the property shall consist of a maximum of thirty percent (30%) one (1) bedroom units and a maximum of thirty percent (30%) three (3) bedroom units.
4. Conceptual Site Plan. The Property shall be developed substantially similar to the layout plan attached hereto as Exhibit A (see case file), dated October 3, 2002, which layout plan is conceptual in nature and may vary in detail as approved by the Planning Commission (which shall take into consideration changes designed to accommodate environmental, drainage and topographical conditions and the developer's right to achieve the maximum number of permitted units) at the time of Plan of Development review.
5. Access. There shall be no access to or from the Varina Station, Foxboro Downs, Old Oakland subdivisions, or the adjacent property to the south. However, emergency access may be permitted to the property to the south.
6. Perimeter Landscape Buffers.
 - a. There shall be a minimum one-hundred (100) foot landscape buffer provided along Midview Road.

- b. Unless otherwise approved by the Planning Commission at the time of Plan of Development review, there shall be a minimum fifty (50) foot landscape buffer provided along southern and western property lines. This buffer shall be landscaped equivalent to the County's fifty (50) foot transitional buffer requirements. In the event the Planning Commission reduces the minimum buffer at the time of Plan of Development review, the Planning Commission may impose additional landscaping requirements in such reduced buffer.
 - c. There shall be a minimum thirty-five (35) foot landscape buffer provided along northern property line. This buffer shall be landscaped equivalent to the County's thirty-five (35) foot transitional buffer requirements.
 - d. A minimum six foot (6') high fence shall be constructed generally along the western and southern boundary (adjacent to developer's R-3C zoned property). The fence shall be finished on both sides and shall be in substantial conformity with the fence type shown on Exhibit B (see case file) attached to these proffers unless otherwise approved by the Planning Commission at the time of Plan of Development review.
7. Open Space. Impervious cover on the property resulting from buildings, parking areas and drive aisles shall not exceed forty (40) percent of the entire area of the property.
8. Utilities. Except for junction boxes, meters and existing overhead utility lines, all new utility lines shall be underground. All junction boxes and meters located at ground level shall be screened.
9. Trash receptacles. Trash receptacles, other than convenience cans, shall be screened from public view at ground level at the property line of the property in a manner approved at the time of Plan of Development review. The dumpster enclosures shall be located in substantial conformity with the locations shown on Exhibit A (see case file) attached to these proffers unless otherwise approved by the Planning Commission at the time of Plan of Development review. All dumpster enclosures shall comply with the multifamily development standards. Concrete pavement shall be used where the refuse container pad and apron are located.
10. Parking Lot Lighting. Parking lot lighting shall be produced from concealed sources of light and the lighting standards shall not exceed twenty (20) feet in height and shall be positioned in such a manner as to minimize the impact of such lighting off site; provided however, no lighting standard within one hundred-ten (110) feet of the southern property line shall exceed fifteen (15) feet in height unless otherwise approved by the Planning Commission at the time of Plan of

Development review. The lighting standard for the entrances and drive aisles shall be in substantial conformity with the type shown on Exhibit B (see case file) attached to these proffers unless otherwise approved by the Planning Commission at the time of Plan of Development review.

11. Signage. Any detached signs on the property shall be ground-mounted monolithic-type signs and, if lighted, internally lit or with ground-mounted light. No sign shall exceed six (6) feet in height.
12. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of any buildings on the property intended for occupancy by persons shall comply with the requirements for the architectural treatment and materials specified herein. All buildings located on the property intended for use for occupancy by persons shall have exposed exterior walls (above finished grade and exclusive of rooftop screening materials for mechanical equipment, architectural features, doors and windows) of face brick, glass, exterior insulating finishing systems (E.I.F.S.), cementitious, composite-type or vinyl siding, or combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development. As reflected on Exhibit C (see case file) attached to these proffers, the first floor portion of the exterior of each building's surface (excluding breezeways) will be faced in brick. Additionally, as reflected on the annotated layout plan attached to these proffers as Exhibit D (see case file), certain prominent facades (such as certain gable ends and rear elevations in close proximity to the developer's R-3C property to the south) shall be all brick. The architectural elevation of the buildings on the property intended for occupancy by persons shall be in substantial conformity with the elevations attached to these proffers as Exhibit C (see case file) unless otherwise approved by the Planning Commission at the time of Plan of Development review.
13. Foundations. The visible portions of exterior dwelling foundations shall be constructed of brick.
14. HVAC. Heating and air conditioning equipment on the property shall be screened in accordance with the multifamily development standards in a manner approved by the Planning Commission at the time of Plan of Development review.
15. Storm Water Management Pond. If the storm water management pond for the property is a wet pond, it shall be designed as an attractive water feature (which shall include a fountain) and an amenity to the project. This area may also be used for water-oriented decks and seating appropriate for such a water feature. 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.

16. Sound Suppression. Any walls and floors between residential units located on the Property shall have minimum sound transmission coefficient rating of fifty five (55).
17. Trash Pickup, Parking Lot Cleaning, Leaf Blowing. Trash pickup, parking lot cleaning and leaf blowing on the property shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.
18. Chimneys. Chimneys or vent fireplaces that extend outward from the wall of the structure shall be enclosed by the same material as the dwelling's exterior and shall have a foundation constructed of the same material as the dwelling's foundation. No chimneys or fireplace enclosures shall be cantilevered.
19. Pedestrian Circulation. Pedestrian walkways shall be provided along at least one side of major circulation driveways.
20. Street Trees. Street trees shall be provided at an average of fifty (50) foot intervals along the circulation roadways internal to the property. Such trees shall be minimum of 2 ½ inch caliper and eight (8) feet in height.
21. Building Height. No building constructed on the property shall exceed forty-five (45) feet in building height as defined by the zoning ordinance and as measured from the front elevation of such building (i.e., the façade facing the primary drive aisle serving such building).
22. Recreation Areas. A minimum of two acres of recreation area shall be provided within the development that is conveniently accessible to residents. This area should be designed to serve a variety of passive and active uses, which shall include a swimming pool and club house (containing not less than 1,800 square feet, and have a kitchen, meeting/conference room(s), and exercise room) and may, but shall not be required to, include tennis court(s), putting green, walking trails, wet pond(s), etc. Any recreational buildings should be designed and located in a manner that enhances the form and appearance of the development.

PROFFERS FOR THE R-3C PORTION OF THE PROPERTY:


1. Density: The total number of single family lots shall not exceed 78 lots.
2. Size of Single Family Dwellings: Two story family dwellings shall have a minimum of 1,800 square feet of finished floor area; single family ranch style dwellings shall have a minimum of 1,500 square feet of finished floor area. No more than 20% of the dwellings shall have less than 1,800 square feet of finished floor area.

3. Lot Layout: The Property shall be developed substantially similar to the layout plan attached hereto as Exhibit A (see case file), dated October 3, 2002, which layout plan is conceptual in nature and may vary in detail as approved by the Planning Commission (which shall take into consideration changes designed to accommodate environmental, drainage and topographical conditions and the developer's right to achieve the maximum number of single family lots) at the time of subdivision review.
4. House Orientation: Lots that are adjacent to Midview Road shall be wide enough to accommodate side-yard setbacks of sixty-five (65) feet from the ultimate right-of-way of Midview Road.
5. Foundations: The exterior foundation of any dwelling constructed on the property shall be brick or stone. This will apply to future conversions or additions that enclosed and intended for year-round use. All single family dwellings shall be constructed above a crawl space (with the exception of garages, utility rooms, or similar spaces).
6. Chimneys: No homes shall have cantilevered chimneys. All chimneys or direct vent fireplaces shall have foundations with the exposed portions made of the same material as the house foundation.
7. Street Trees: Street trees (at least 2 ½" in caliper) equating to two (2) trees per approved lot shall be provided in the general locations approved by the Planning Commission at the time of Conditional Subdivision approval. Prior to the issuance of a Certificate of Occupancy for a dwelling on a specific lot, the street tree(s) located on that lot or in the right-of-way adjacent to that lot shall be planted in the location(s) approved on the landscape plan submitted with the final subdivision plats.
8. Architectural Treatment: All houses shall be of traditional or colonial design and at least thirty percent (30%) of the houses shall include covered front porches (minimum of 32 square feet).
9. Garages: Houses shall have an attached one (1) car garage at a minimum, at the time of initial construction.
10. Street Connections: The single family subdivision shall have street connections to Midview Road and Trailing Ridge Drive unless otherwise approved by the Planning Commission at the time of subdivision approval. There will be no connection to Champagne Way.
11. Curb and Gutter: Curb and gutters complying with Henrico County standards shall be provided on the streets in the subdivision. Roll-face curb and gutter shall not be used on the streets in the subdivision.

12. Right-of-way Dedication: The developer shall dedicate the right-of-way necessary for the future widening of Midview Road.
13. Mailboxes: The developer shall install mailboxes that are uniform in appearance on each lot prior to the issuance of a Certificate of Occupancy for a dwelling on that lot. Mailboxes shall be in substantial conformity with the type shown on Exhibit B (see case file) attached to these proffers unless otherwise approved by the Planning Commission at the time of Plan of Development review.
14. Underground Utilities: Except for junction boxes, meters, existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
15. Stem Lots: There shall be no stem lots developed on the Property.
16. Protective Covenants: Prior to the conveyance of any portion of the Property, a document shall be recorded in 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.
17. Monument Entrance Sign and Landscaping: The developer shall erect a monument entrance sign, decorative fencing and provide landscaping at the entrance from Midview Road. The entrance sign shall be ground-mounted monolithic-type signs and, if lighted, internally lit or with ground-mounted light. The entrance sign shall not exceed six (6) feet in height.
18. Driveways: The driveways for each residence shall be of the paved, concrete or exposed aggregate type. Gravel driveways shall not be permitted.
19. 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.

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,


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

The Tetra Company, LLC
November 19, 2002

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pc: Director, Real Estate Assessment
Conditional Zoning Index
J. Thomas O'Brien, Jr., Esquire