

ZONING
 SINGLE-FAMILY RESID. &
 CONSERVATION AREA

C-74C-02
 Three Chopt District

December 2002

Ref. 745-765-2822





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

March 18, 2003

Virgil R. Hazelett, P.E.
County Manager

Mr. Webb L. Tyler &
Mr. G. Edmond Massie, IV
Fidelity Properties, Ltd.
P. O. Box 423
Mechanicsville, VA 23111

Re: Conditional Rezoning Case C-74C-02

Dear Mr. Tyler & Mr. Massie:

The Board of Supervisors at its meeting on March 11, 2003, granted your request to conditionally rezone property from A-1 Agricultural District and C-1C Conservation District (Conditional) to R-3C One Family Residence District (Conditional) and C-1C Conservation District (Conditional), Parcels 745-765-2822, 745-765-1418, 744-765-8338, 744-765-5906, and part of Historical Parcel 745-765-8941, described as follows:

Beginning at a point on the north line of Dublin Road, said point being 1010.16' west of the east line extended of Glasgow Road; thence continuing along the north line of Dublin Road N66°19'45"W, a distance of 189.91' to a point; thence along a curve to the left having a radius of 100', a length of 157.16' and a delta of 90°02'54" to a point on the west line of Belfast Road; thence continuing along the west line of Belfast Road S23°37'21"W, a distance of 99.82' to a point; thence leaving the west line of Belfast Road N66°19'50"W, a distance of 662.07' to a point; thence N21°15'25"E, a distance of 1164.28' to a point; thence S47°11'55"E, a distance of 832.13' to a point; thence N41°30'45"E, a distance of 197.08'; thence S06°00'00"E, a distance of 134.99' to a point; thence S35°00'00"E, a distance of 82' to a point; thence S05°00'00"E, a distance of 122.97' to a point; thence N50°15'15"W, a distance of 27.81' to a point; thence S25°02'20"W, a distance of 618.29' to the point and place of beginning, containing 21.535 acres of land.

Beginning at a point on the north line of Dublin Road, said point being 1010.16' west of the east line extended of Glasgow Road; thence leaving the north line of Dublin Road N25°02'20"E, a distance of 618.29' to a point; thence S50°15'15"E, a distance of 27.81' to the true point and place of beginning; thence N5°00'00"W, a distance of 122.97' to a point; thence N35°00'00"W, a distance of 82' to a point; thence N06°00'00"W, a distance of 134.99' to a point; thence N41°30'45"E, a distance of 108'± to a point in the center line of a creek; thence continuing 720'± along the center of a creek in a southern direction to a point; thence leaving the center of a creek N50°15'15"W, a distance of 116'± to the true point and place of beginning, containing 0.86± acres of land.

The Board of Supervisors accepted the following proffered conditions, dated March 10, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. 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 substantially in accord with the Restrictive Covenants recorded in Book 321, Page 1572 in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
2. Minimum House Size. The minimum size for any house constructed on the Property shall be a minimum of 2,200 square feet of finished floor area.
3. Density. The development shall not exceed 2.2 dwelling units per acre on the properties defined in this case and Rezoning Cases C-3C-03, C-2C-01 and C-77C-99 in the aggregate. The density calculations shall be provided at the time of each subdivision.
4. Building Materials. Houses on the Property shall be constructed with brick, stone, drivit, hardiplank or an equivalent or vinyl siding or other material approved by the Planning Commission, but not masonite siding or block. A minimum of 50% of the houses on the Property shall have brick or stone fronts or equivalent amount of brick or stone used on houses as approved by the Director of Planning.
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.
6. Foundations. The visible portions of the residence foundations shall be constructed of brick or stone.
7. Underground Utilities. All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise.

8. Street Improvements. The streets of the subdivision shall be constructed of asphalt. The portion of any street where a lot fronts the street shall be designed with standard curb and gutter.
9. Signage. The sign identifying the residential community on the Property shall be constructed with a brick base and ground-mounted or supported with brick columns.
10. Stem Lot Regulation. No stem lots shall be developed on the Property.
11. Driveways. There shall be a provision in the restrictive covenants which requires all driveways to be constructed of hard surface materials.
12. Phasing. There shall be no building permit applications to allow construction on the Property before January 1, 2004.
13. Pedestrian Access. Pedestrian trails shall be provided in the areas zoned C-1 and those areas designated flood plain, park or open space. The pedestrian trails shall be owned and maintained by a homeowners association.
14. Park. The C-1 conservation zoned areas of the Property shall be used as a passive park which shall be owned and maintained by a homeowners association.
15. Lot Size. The lots which are adjacent to the C-1 district shall be a minimum of ninety (90) feet in width and contain an average minimum of 12,500 square feet of area. All other lots shall be a minimum of eighty-five (85) feet in width.
16. Garages. Each house on the Property shall be constructed with a minimum of a two (2) car garage, except for houses originally used as a model home. A minimum of 50% of the garages shall have a side or rear entry.
17. Trees. A minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the front of each lot.
18. Street Connection. A street connection shall be provided to Belfast Road and/or Dublin Road.
19. Fence. A fence shall be constructed of opaque wood, to a minimum height of six (6) feet along the eastern line of the Property adjacent to Tax Map Parcel 37-1-A-15 also known as Lot 15 Block A McDonald's Small Farms. The fence shall be situated three (3) feet inside the Property line with the finished side of the fence

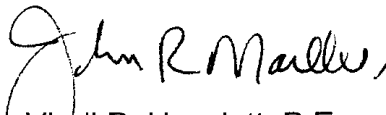
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facing Tax Map Parcel 37-1-A-15. The fence shall be constructed simultaneously with the construction of the homes adjacent to the eastern line of the Property. The requirement for this fence shall terminate at such time that Tax Map Parcel 37-1-A-15 is rezoned.

20. 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.

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

pc: Mr. William G. Swift
Mr. Oscar A. Crawford
Ms. Gloria L. Freye, Esquire
Director, Real Estate Assessment
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