

R-3AC & A-1 to R-5C
7.7 Acres



April 2003

ZONING
MULTI-FAMILY
RESIDENTIAL
Ref. 751-766-9555

C-14C-03
Three Chopt District





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

June 17, 2003

Virgil R. Hazelett, P.E.
County Manager

Mr. Robert M. Atack
Atack Properties, Inc.
4191 Innslake Drive, Suite 118
Glen Allen, VA 23060

Re: Conditional Rezoning Case C-14C-03

Dear Mr. Atack:

The Board of Supervisors at its meeting on June 10, 2003, granted your request to conditionally rezone property from A-1 Agricultural District and R-3AC One-Family Residence District (Conditional) to R-5C General Residence District (Conditional), on part of Parcel 751-766-9555, described as follows:

Commencing at a point on the north line of Snowmass Terrace, said point being the intersection of the west line of Snowmass Road and the north line of Snowmass Terrace, thence along the north line of Snowmass Terrace for a distance of 92.63' to the point of beginning; thence continuing along the north line of Snowmass Terrace S62°23'05"W for a distance of 52' to a point; thence along a curve to the left having a radius of 322' and an arc length of 33.68', being subtended by a chord of S59°23'17"W for a distance of 33.67' to a point; thence leaving the north line of Snowmass Terrace N63°30'00"W for a distance of 776.53' to a point; thence N18°11'02"E for a distance of 417.92' to a point on the south line of Nuckols Road; thence along the south line of Nuckols S63°37'42"E for a distance of 104.55' to a point; thence continuing along the south line of Nuckols S66°28'06"E for a distance of 200.48' to a point; thence S62°28'55"E for a distance of 242.03' to a point; thence S62°38'21"E for a distance of 100.72' to a point; thence S62°28'55"E for a distance of 119.64' to a point; thence leaving the south line of Nuckols Road S07°33'40"W for a distance of 365.59' to the point of beginning, containing 7.7 acres more or less.

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

1. **LIGHTING** – Lighting in parking lots shall be complimentary to buildings and of low intensity, from concealed source, and shall not spillover to adjacent residential areas. Parking lot lighting standards shall not exceed fifteen (15) feet in height as measured from the underside of the light source to finish grade immediately below.
2. **DENSITY** – No more than 56 units shall be permitted on the property.

3. **CONCEPTUAL PLAN** – The property shall be developed in substantial conformance with the plan entitled “Illustrative Master Plan The Villas @ Innsbrook”, revised May 13, 2003, as determined by the Director of Planning and attached hereto as Exhibit A (see case file), which plan is conceptual in nature and may vary in detail. The exact locations, footprints, configurations, sizes and details of the building(s), roads, medians and islands are illustrative and may be revised and updated from time to time for engineering or regulatory reasons, or as otherwise may be approved at the time of Plan of Development.
4. **UNDERGROUND UTILITIES** – Except for junction boxes, meters, transmission mains, existing overhead utility lines and environmental reasons, all utility lines shall be underground.
5. **RESTRICTIVE COVENANTS/HOMEOWNERS ASSOCIATION** – Prior to the conveyance of any condominium units, condominium documents describing development controls and maintenance of the property shall be recorded in the Clerk’s Office of the Circuit Court of Henrico County, Virginia. Such documents shall require there to be a Homeowners Association of condominium owners that shall be responsible for the enforcement of the restrictive covenants, including, but not limited to, maintenance of the common areas.
6. **MINIMUM SIZE** – The minimum size of the dwelling units will be no less than 1400 sq. ft. of floor area.
7. **ARCHITECTURAL COMPATIBILITY** – In order to promote compatibility with surrounding development, similar architectural features as used in the Four Seasons Condominiums and the single-family development to the south shall be utilized, including, but not limited to, pitched gable roofs, wide eaves and wood accent trim.
8. **BUFFER** – A natural buffer area a minimum of 75 feet in width shall be maintained along the southern boundary of the property, except to the extent necessary or allowed for passive amenity areas and utility easements and other purposes requested and specifically permitted, or if required, at the time of the Plan of Development. Plantings consistent with Transitional Buffer 25 standards (with credit given for existing vegetation) shall be installed in the Fall of 2003 along the southern property line, and shall be generally consistent with the concept landscape plan entitled, “Illustrative Landscape Buffer Plan, The Villas @ Innsbrook” attached as Exhibit B (see case file), which plan conceptually depicts the plantings after two year’s growth. Unsightly underbrush and debris along the southern property line (particularly the area adjacent to 5030 Snowmass Terrace and two dead trees behind 10820 and 10816 Arrowleaf Court) will be removed pending all governmental approvals.

9. **ISLAND LANDSCAPING** – Landscaping shall be provided within any islands within the Property, subject to any required governmental approvals. Such islands shall have an underground irrigation system.
10. **ENTRANCE/ROAD STANDARDS** – The entrance road to the Property shall include a landscaped, irrigated and sodded boulevard with brick pavers in the entrance way. Roads shall be private but constructed to County pavement design standards. The main entrance will be comparable to that shown on the plan entitled “Illustrative Entrance Design, The Villas at Innsbrook” (Exhibit D) (see case file).
11. **VIRGINIA CONDOMINIUM ACT AND CONDOMINIUM DECLARATION** – All units shall be Condominiums as defined and regulated by the Virginia Condominium Act. Prior to conveyance of any Condominium Unit, a declaration of condominiums shall be recorded to establish the condominium regime, and the Condominium Unit Owners Association shall be incorporated. The condominiums shall be marketed as owner-occupied units.
12. **EXTERIOR MATERIALS** – The exposed portion of each exterior wall surface (front, rear and sides) of any building shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade) of brick, stone, wood, E.I.F.S., crementitious, vinyl or composite-type siding, or a 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. A minimum of fifty percent, in the aggregate, of the visible portions of the exterior building wall surfaces below eave height (front, rear and sides) of the buildings cumulatively, excluding windows, doors, breezeways and architectural design features, shall be of brick or stone construction unless an equivalent material is requested and specifically approved by the Director of Planning. For example, half of the buildings may have 60% brick in total and the other half of the buildings may have 40% brick in total and thus meet the 50% requirement. The elevations will be comparable to that shown on the plans entitled, “Proposed Eight Plex, Elevation A, revised May 13, 2003” (Exhibit E) (see case file) and “Proposed Eight Plex, Elevation B revised May 13, 2003,” (Exhibit F) (see case file).
13. **AMENITIES** – A minimum 1.5 acre area for passive recreation shall be provided as amenities to the development.
14. **DETACHED GARAGES** – Detached garages shall be provided for a minimum of eighteen (18) vehicles.

15. **SIDEWALK** – Subject to obtaining all required governmental easements, approvals and permits, a standard size pedestrian sidewalk shall, concurrent with the development of buildings on the Property, be installed in accordance with County standards along the southern right-of-way line of Nuckols Road as approved by the Department of Public Works.
16. **CONSERVATION AREAS** – Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:
 - a) Storm water management and/or retention areas.
 - b) Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.
 - c) Access drives and parking, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
 - d) Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the “Zoning Ordinance”).

The Owner shall, prior to Plan of Development or subdivision approval for areas that include such flood plain, apply to rezone such portions of the Property to a C-1 Conservation District.

The location and limits of such portion(s) of said Property shall be established by Plan(s) of Development and/or subdivision plats approved pursuant to the Zoning and/or Subdivision Ordinance.

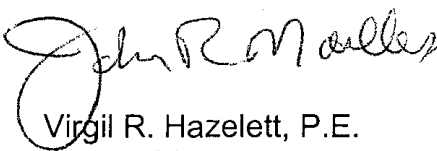
17. **SUPPLEMENTAL LANDSCAPING** – Supplemental landscaping consistent with the standards applicable to Transitional Buffer 10 shall be provided along the southern right-of-way line of Nuckols Road, except to the extent necessary or allowed for utility easements and roads.
18. **ACCESS** – There shall be no vehicular access to Snowmass Road. There shall be no vehicular access to Snowmass Terrace, except for secondary emergency access. Emergency access shall be constructed with pavers and a cable across

the access. The secondary emergency access to Snowmass Terrace may be deleted in the Plan of Development process if the plan shown on Exhibit "A" (see case file) obtains all governmental approvals without the emergency access.

19. **CHIMNEY** – 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 construction of the same material as the dwelling's foundations. No chimney or fireplace enclosures shall be cantilevered. This proffer shall not apply to direct vent gas fireplaces or appliances.
20. **CONSTRUCTION** – No construction of the exterior shell of any building shall occur between the hours of 7 P.M. and 7 A.M. No refuse/disposal containers will be placed in the 1.5 acres referred to in Proffer #13 during construction of the buildings. Developer will stipulate in writing with its contractors the time requirements of this proffer.
21. **BUILDING HEIGHT** – The buildings will not be substantially taller than adjacent single family homes at The Meadows, as depicted on Exhibit "E & F" (see case file).
22. **EXISTING RESIDENCE** – The existing residence, pool, pool house, associated outbuildings and dilapidated fence on the property will be demolished pending purchase and prior to December 31, 2003.
23. **SOUND SUPPRESSION** – Any walls and floors between residential units located on the property shall have a minimum sound transmission coefficient rating of fifty (50).
24. **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,


Virgil R. Hazelett, P.E.
County Manager

Mr. Robert M. Atack
Atack Properties, Inc.
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pc: Mr. Donald A. Coles
Ms. Joyce White
Mr. Louis Coles
Ms. Betty Fields
Director, Real Estate Assessment
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