

April 2003

ZONING
 SINGLE - FAMILY
 RESIDENTIAL
 Ref. 738-772-9227

C-16C-03
 Three Chopt District





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

November 19, 2003

Virgil R. Hazelett, P.E.
County Manager

Route 271, LLC
Pruitt Properties, Inc.
1801 Bayberry Court, Suite 100
Richmond, VA 23226

Re: Conditional Rezoning Case C-16C-03

Dear Sir:

The Board of Supervisors at its meeting on November 12, 2003, granted your request to conditionally rezone property from A-1 Agricultural District to R-2AC One Family Residence District (Conditional) and RTHC Residential Townhouse District (Conditional), on part of Parcel 738-772-9227 and Parcel 739-770-0693, described as follows:

ZONING AREA "A"

Beginning at a point on the east line of Pouncey Tract Road (State Route 271), said point being 0.46± miles north of Shady Grove Road (State Route 624); thence leaving the east line of Pouncey Tract Road N53°16'06"E, a distance of 271.74' to a point; thence N38°41'23"W, a distance of 210.11' to a point; thence N53°16'06"E, a distance of 1.14' to a point; thence along a curve to the left having a radius of 2,178.34', a delta of 1°00'11" and a length of 38.14' to a point; thence N37°39'01"W, a distance of 285.61' to a point; thence N47°30'57"E, a distance of 1,374.39' to a point; thence S42°30'00"E, a distance of 980.38' to a point; thence along a curve to the right having a radius of 1,046.04', a delta of 22°17'13" and a length of 406.89' to a point; thence S70°00'00"W, a distance of 630' to a point; thence along a curve to the left having a radius of 1,193.62', a delta of 19°01'26" and a length of 396.32' to a point; thence S50°58'34"W, a distance of 365' to a point on the east line of Pouncey Tract Road (State Route 271); thence continuing along the east line of Pouncey Tract Road (State Route 271) N39°01'26"W, a distance of 86.11' to the point and place of beginning, containing 25.65 acres of land.

ZONING AREA "B"

Beginning at a point on the east line of Pouncey Tract Road (State Route 271), said point being 0.5± miles north of Shady Grove Road (State Route 624); thence leaving the east line of Pouncey Tract Road N53°16'06"E, a distance of 274.11' to a point; thence along a curve to the left having a radius of 2,178.34', a delta of 1°00'11" and a length of 38.14' to a point; thence N37°39'01"W, a distance of 285.61' to a point; thence N47°30'57"E, a distance of 1,374.39' to the true point and place of beginning; thence from the true point

and place of beginning N47°30'57"E, a distance of 1,106.95' to a point; thence S25°40'54"E, a distance of 819.46' to a point; thence S25°40'07"E, a distance of 30.90' to a point; thence along a curve to the left having a radius of 1,077.69', a delta of 11°13'18" and a length of 211.07' to a point; thence S33°00'00"W, a distance of 399.63' to a point; thence along a curve to the right having a radius of 1,046.04', a delta of 14°42'47" and a length of 268.61' to a point; thence N42°30'00"W, a distance of 980.38' to the true point and place of beginning, containing 20.13 acres of land.

ZONING AREA "C"

Beginning at a point on the east line of Pouncey Tract Road (State Route 271), said point being 0.1± miles north of Shady Grove Road (State Route 624); thence leaving the east line of Pouncey Tract Road (State Route 271) N71°12'36"E, a distance of 495.87' to a point; thence N41°04'21"E, a distance of 199.97' to a point; thence N33°26'35"E, a distance of 376.27' to a point; thence N40°31'11"E, a distance of 614.98' to a point; thence N82°30'48"E, a distance of 438.73' to a point; thence N12°00'36"W, a distance of 839.11' to the true point and place of beginning; thence from the true point and place of beginning S30°00'00"W, a distance of 200' to a point; thence S7°00'00"W, a distance of 180' to a point; thence S73°00'00"W, a distance of 494.33' to a point; thence N10°00'00"W, a distance of 439.25' to a point; thence N31°45'00"W, a distance of 148.95' to a point; thence N53°30'00"W, a distance of 214.74' to a point; thence along a curve to the left having a radius of 1,046.04', a delta of 13°07'51" and a length of 239.73' to a point; thence N33°00'00"W, a distance of 399.63' to a point; thence along a curve to the right having a radius of 1,077.69', a delta of 11°13'18" and a length of 211.07' to a point; thence S25°40'07"E, a distance of 970.59' to the true point and place of beginning, containing 15.23 acres of land.

ZONING AREA "D"

Beginning at a point on the east line of Pouncey Tract Road (State Route 271), said point being 0.1± miles north of Shady Grove Road (State Route 624); thence continuing along the east line of Pouncey Tract Road (State Route 271) along a curve to the left having a radius of 3,308.25', a delta of 4°00'18" and a length of 231.25' to a point; thence leaving the east line of Pouncey Tract Road (State Route 271) N32°13'08"E, a distance of 950.16' to a point; thence S83°11'27"W, a distance of 139.40' to a point; thence N55°00'00"E, a distance of 426.84' to a point; thence N35°00'00"W, a distance of 60' to a point; thence N54°30'00"E, a distance of 392.88' to a point; thence S10°00'00"E, a distance of 24.72' to a point; thence N73°00'00"E, a distance of 494.33' to a point; thence N7°00'00"E, a distance of 180' to a point; thence N30°00'00"E, a distance of 200' to a point; thence S12°00'36"E, a distance of 839.11' to a point; thence S82°30'48"W, a distance of 438.73' to a point; thence S40°31'11"W, a distance of 614.98' to a point; thence S33°26'35"W, a distance of 376.27' to a point; thence S41°04'21"W, a distance of 199.97' to a point;

thence S71°12'36"W, a distance of 495.87' to the point and place of beginning, containing 26.93 acres of land.

ZONING AREA "E"

Beginning at a point on the east line of Pouncey Tract Road (State Route 271), said point being 0.3± miles north of Shady Grove Road (State Route 624); thence leaving the east line of Pouncey Tract Road (State Route 271) N83°11'27"E, a distance of 934.41' to a point; thence N55°00'00"E, a distance of 426.84' to a point; thence N35°00'00"W, a distance of 60' to the true point and place of beginning; thence from the true point and place of beginning S76°00'00"W, a distance of 210' to a point; thence N65°00'00"W, a distance of 174.70' to a point; thence N20°00'00"W, a distance of 603.17' to a point; thence N70°00'00"E, a distance of 210.82' to a point; thence along a curve to the left having a radius of 1,046.04', a delta of 23°52'09" and a length of 435.78' to a point; thence S53°30'00"E, a distance of 214.74' to a point; thence S31°45'00"E, a distance of 148.95' to a point; thence S10°00'00"E, a distance of 414.53' to a point; thence S54°30'00"W, a distance of 392.88' to the true point and place of beginning, containing 12.37 acres of land.

ZONING AREA "F"

Beginning at a point on the east line of Pouncey Tract Road (State Route 271), said point being 0.3± miles north of Shady Grove Road (State Route 624); thence continuing along the east line of Pouncey Tract Road (State Route 271) N39°01'26"W, a distance of 549.72' to a point; thence leaving the east line of Pouncey Tract Road (State Route 271) N50°58'34"E, a distance of 365' to a point; thence along a curve to the right having a radius of 1,193.62', a delta of 19°01'26" and a length of 396.32' to a point; thence N70°00'00"E, a distance of 419.18' to a point; thence S20°00'00"E, a distance of 603.17' to a point; thence S65°00'00"E, a distance of 174.70' to a point; thence N76°00'00"E, a distance of 210' to a point; thence S35°00'00"E, a distance of 60' to a point; thence S55°00'00"W, a distance of 426.84' to a point; thence S83°11'27"W, a distance of 934.41' to the point of beginning, containing 20.03 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated November 12, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Proffers applicable to all parcels and zoning areas:

1. **Maximum Density:** The maximum number of lots on the Property shall not exceed 2.0 units per acre in the aggregate. Any residual land that is reserved and would be combined with land adjacent to this Property to form a buildable lot would not be counted toward this density restriction.

2. **Chimneys and Flues:** The exposed portion of a chimney shall be constructed of brick, stone or an exterior insulating finish system. The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
3. **Exterior Materials:** At least fifty percent (50%) of all dwellings (including any attached garages) on the Property shall have at least fifty percent (50%) of their front exposed exterior walls (above finished grade) constructed of brick, stone, concrete board or exterior insulating finish systems unless different architectural treatment and/or materials are specifically requested and approved by the Director of Planning with respect to the exposed portion of any such wall.
4. **Driveways:** No driveway shall have direct access to concept road 17-1. All driveways shall be constructed of exposed aggregate, asphalt, brick, concrete or pre-cast pavers. All driveways in zoning area E shall be constructed of the same material.
5. **Underground Utilities:** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be underground.
6. **Entrance Feature:** The main entrance from Pouncey Tract Road shall be complemented with landscaping and a brick, stone or stucco monument entrance feature. Landscaping at the entrance feature shall include sod and an irrigation system.
7. **Restrictive Covenants:** Prior to or concurrent with the recordation of each subdivision plat approved by the County of Henrico, restrictive covenants describing development controls and maintenance responsibilities for all common areas within the subdivision, including maintenance of the entrance feature shall be approved by the Henrico County Attorney's office and recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
8. **Disclosure.** A written disclosure shall be made by the Applicant and/or by the Homeowner's Association to each buyer of a lot on the Property, which will (a) state that it is anticipated that Concept Road 17-1 will be fully constructed between Pouncey Tract Road and Nuckols Road and that all of the other roads, which are shown on the Neighborhood Plan as being extended either through an adjacent parcel of land to a County road or to an adjacent County road, will be extended in the future, and (b) have attached thereto, a plat showing the extension of Concept Road 17-1 and the connection of such other roads (the "Subdivision Road Plan"). It is anticipated that the County shall approve the Subdivision Road Plan and the

specific disclosure language as generally shown below prior to the first subdivision approval on the Property.

Such disclosure shall be made within:

- a. The purchase contracts of the first buyer of each lot, which will be executed by each buyer.
- b. The Disclosure Packet, which, pursuant to Virginia Code Sections 55-508 through 55-516 requires that the Homeowner's Association prepare and make available to any seller of a lot, and that the seller deliver to the buyer of its lot (and the buyer acknowledge in writing that it received) the Disclosure Packet any time prior to, but no later than, three (3) days after the date that the buyer has executed a purchase contract to purchase its lot.
- c. The Restrictive Covenants on the Property.

The disclosure language shall include at least the following:

The buyer acknowledges that it is anticipated that Concept Road 17-1 and all of the other roads within the Subdivision, which are shown as being extended either through an adjacent parcel of land to a County road or to an adjacent County road on the Subdivision Road Plan, which is attached to this document as an Exhibit, will be extended in the future to provide the owners of lots within the Subdivision with safe and sufficient access to and from such County roads and the Subdivision. It is anticipated that the County, upon the development of such adjacent parcel(s), will require the referenced road extensions through such adjacent parcel(s).

9. **Planting Strip**: A planting strip of variable width no less than ten (10) feet shall be reserved adjacent to each of the right-of-way lines of concept road 17-1. The planting strip shall include greenspace and landscaping including street trees and a hedge row. The planting strip shall be irrigated.

The width of the planting strip shall be in addition to the dwelling setbacks required by the County.

A sidewalk and greenspace shall be provided along one (1) side of concept road 17-1, which sidewalk shall be on the same side of concept road 17-1 as the Recreation Area. The sidewalk shall be constructed in accordance with the standards adopted by the County of Henrico.

An illustrative drawing showing the general concept of the planting strip is attached hereto as Exhibit A (see case file). The drawing is for illustrative purposes only and may vary in detail.

10. **Buffer**: A twenty-five (25) foot buffer adjacent to the ultimate right-of-way shall be provided for any residential lot which abuts Pouncey Tract Road. A landscape plan shall be submitted showing how this buffer will be landscaped prior to the first subdivision approval.
11. **Recreation Area**: No less than five (5) acres of the Property shall be reserved for use as a recreation facility. Such recreational facility shall include, but not be limited to, an outdoor swimming pool and tennis court.
12. **C-1 Zoning**: Applicant shall file an application for C-1 zoning for the areas within the Property that are within the 100 year flood plain, unless such areas are needed for roads, access ways or other purposes approved or required by the Planning Commission or any other governmental body or official at the time of subdivision approval. Such rezoning application shall be filed as soon as reasonably practical, but in no case later than the date of the recordation of the last subdivision plat for the last lot platted on the Property. The acreage then zoned C-1 may or may not be included in any subdivision or lot on the Property, at the sole discretion of the Applicant.
13. **Roads and Curb and Gutter**: All roads on the Property shall be paved. Except for the roads located in zoning area E, all roads on the Property shall be constructed with standard full-faced curb and gutter. The roads located in zoning area E may be constructed with a three (3) foot wide rolled-face curb and gutter.
14. **Road Connections**: Hillshire Way shall not be connected to the Property and shall be terminated where it currently exists. There shall be no vehicular or pedestrian ingress or egress permitted from any lot adjacent to Hillshire Way. A drainage system sufficient to alleviate any standing water resulting from the termination of Hillshire Way shall be installed. This restriction shall be placed in the restrictive covenants for any lot adjacent to Hillshire Way.

There shall be a connection to Luxford Way by a road including a cul-de-sac arrangement lessening the traffic from the Property to Luxford Way. The connection to Luxford Way shall not occur until Concept Road 17-1 has been constructed through the Property and the connection between the Property and Nuckols Road via the Connector Road, as defined in case C-15C-03, shall have been constructed to Nuckols Road, unless opening such connection is necessary to comply with County requirements in the development of the Property.

15. **Concept Road 17-1:** Concept road 17-1 shall be built from Pouncey Tract Road to the end of the Property before one hundred twenty-five (125) certificates of occupancy on the Property are issued.
16. **Compliance Certification:** Upon request by the Director of Planning, the applicant shall provide the County with the necessary calculations that illustrate that the dwellings and lots constructed on the Property are in compliance with all of the allowable and required percentages set forth in these proffers.
17. **Cash Proffer:**
 - (a) Each Applicant, or its successor in interest, shall pay a cash contribution of \$10,048 (the "Base Cash Proffer") to the County for each residential building lot (a "Lot") on the Property, payable prior to the issuance of the certificate of occupancy for a dwelling on the Lot. The Base Cash Proffer shall be reduced by the amount of \$385.00 for each Lot as a credit for the cost of construction of Concept Road 17-1 on the Property by such Applicant or its successors in interest.
 - (b) The amount due under subparagraph (a) is to be used by the County only for the North Gayton Road Project as described by the County's Major Thoroughfare Plan and the 2023 Long-Range Transportation Plan and as further described on the seven (7) page brochure, entitled "Northwest Henrico County – Development Potential", attached hereto as Exhibit A ("Exhibit A") (see case file) which generally consists of the extension of North Gayton Road to Pouncey Tract Road, the construction of a bridge crossing over Interstate 64, and an interchange at the bridge (the "Project").
 - (c) This proffer is made with the understanding that the amount due under subparagraph (a) shall be the only cash payment that will be made by the Applicant or its successor in interest in connection with zoning and conditional and final subdivision approval for the Property and that road impact fees will not be assessed against the Lots on the Property.
 - (d) The applicant or its successor in interest shall receive a full or pro-rata reduction against the amount due under subparagraph (a) or receive a full or partial refund of the amount paid under subparagraph (a) for each Lot upon the occurrence of either of the following events:
 1. the County does not use all of the funds collected for the Project by October 1, 2018, or

2. the County receives funds for the Project from other sources, such as the federal government or the Commonwealth of Virginia.
- (e) If after the County completes its budget study for the Project, (i) the County accepts a contribution or cash proffer for the Project from other property owners in the area delineated in Exhibit A (see case file), or (ii) if the County enacts a County-wide cash proffer system which includes all or a part of the cost of the Project, and if such amounts received under (i) or (ii) are less than \$10,048 per residential building lot, then the Base Cash Proffer in subparagraph (a) shall be reduced to that lesser amount.

Any such reduction or refund in subsections (d) and (e) shall be based upon the same formula used in Exhibit A to determine the amount of \$10,048.

18. **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.

Proffers Applicable to zoning area A only:

19. **Lot Width:** At least ninety percent (90%) of all buildable lots within zoning area A shall have a minimum lot width of 90 feet. No buildable lots within zoning area A shall have a lot width less than 85 feet. The term "lot width" shall be defined herein as the width of a lot measured at the front yard setback line, except for lots fronting on a cul-de-sac terminus where the width shall be measured at the actual building line of the dwelling.
20. **Minimum Finished Floor Area:** All dwellings shall have a minimum finished floor area of 2800 square feet.
21. **Garages:** A minimum of a two-car garage shall be constructed on each lot except for lots originally used for model homes. No more than twenty-five percent (25%) of all dwellings in zoning area A shall have garage doors on the front of the principal dwelling.
22. **Lot Clearing:** The clearing of healthy trees measuring 6 or more inches in diameter on the lots shall be limited to areas required to accommodate the dwellings, driveways, sidewalks, open yard areas, utility lines and any other areas typically required for the construction of a dwelling.
23. **Foundations:** The main body of any home shall not be constructed on a slab, provided that garages and patios may be constructed on a slab. The visible exposed portion of any foundations of all homes shall be constructed of brick, stone

or an exterior insulating finish system. A foundation constructed of an exterior insulating finish system shall be permitted only if applied to a masonry surface and the siding used on the dwelling is constructed primarily of an exterior insulating finish system.

Proffers applicable to zoning areas B only:

24. **Lot Width**: At least ninety percent (90%) of all buildable lots within zoning area B shall have a minimum lot width of 90 feet. No buildable lots within zoning area B shall have a lot width less than 85 feet. The term "lot width" shall be defined herein as the width of a lot measured at the front yard setback line, except for lots fronting on a cul-de-sac terminus where the width shall be measured at the actual building line of the dwelling.
25. **Minimum Finished Floor Area**: All dwellings shall have a minimum finished floor area of 2500 square feet.
26. **Garages**: A minimum of a two-car garage shall be constructed on each lot except for lots originally used for model homes. No more than twenty-five percent (25%) of all dwellings in zoning area B shall have garage doors on the front of the principal dwelling.
27. **Lot Clearing**: The clearing of healthy trees measuring 6 or more inches in diameter on the lots shall be limited to areas required to accommodate the dwellings, driveways, sidewalks, open yard areas, utility lines and any other areas typically required for the construction of a dwelling.
28. **Foundations**: The main body of any home shall not be constructed on a slab, provided that garages and patios may be constructed on a slab. The visible exposed portion of any foundations of all homes shall be constructed of brick, stone or an exterior insulating finish system. A foundation constructed of an exterior insulating finish system shall be permitted only if applied to a masonry surface and the siding used on the dwelling is constructed primarily of an exterior insulating finish system.

Proffers Applicable to zoning areas C and D only:

29. **Lot Width**: At least ninety percent (90%) of all buildable lots within zoning areas C and D shall have a minimum lot width of 100 feet. No buildable lots within zoning areas C and D shall have a lot width less than 90 feet. The term "lot width" shall be defined herein as the width of a lot measured at the front yard setback line, except for lots fronting on a cul-de-sac terminus where the width shall be measured at the actual building line of the dwelling.

30. **Minimum Finished Floor Area**: All dwellings shall have a minimum finished floor area of 2800 square feet.
31. **Garages**: A minimum of a two-car garage shall be constructed on each lot except for lots originally used for model homes. No more than twenty-five percent (25%) of all dwellings in zoning areas C or D shall have garage doors on the front of the principal dwelling.
32. **Lot Clearing**: The clearing of healthy trees measuring 6 or more inches in diameter on the lots shall be limited to areas required to accommodate the dwellings, driveways, sidewalks, open yard areas, utility lines and any other areas typically required for the construction of a dwelling.
33. **Foundations**: The main body of any home shall not be constructed on a slab, provided that garages and patios may be constructed on a slab. The visible exposed portion of any foundations of all homes shall be constructed of brick, stone or an exterior insulating finish system. A foundation constructed of an exterior insulating finish system shall be permitted only if applied to a masonry surface and the siding used on the dwelling is constructed primarily of an exterior insulating finish system.

Proffers applicable to zoning area E only:

34. **Architecture**: All dwellings shall be single-family detached condominium dwellings. All dwellings located in zoning area E shall have an exterior architectural style generally consistent with the exterior conceptual elevation plans attached hereto as Exhibit C (see case file). The conceptual elevation plans are for illustrative purposes only and may vary in detail.
35. **Minimum Finished Floor Area**: All Dwellings shall have a minimum finished floor area of 1700 square feet.
36. **Garages**: All Dwellings shall have a minimum of a single car garage except for dwellings originally used for model homes.
37. **Exterior Materials**: At least seventy-five percent (75%) of the exposed portion of each exterior front wall surface of any dwelling in zoning area E shall be brick, stone or exterior insulating finish systems unless different architectural treatments are required for engineering or architectural purposes.

Proffers applicable to zoning area F only:

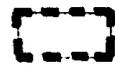
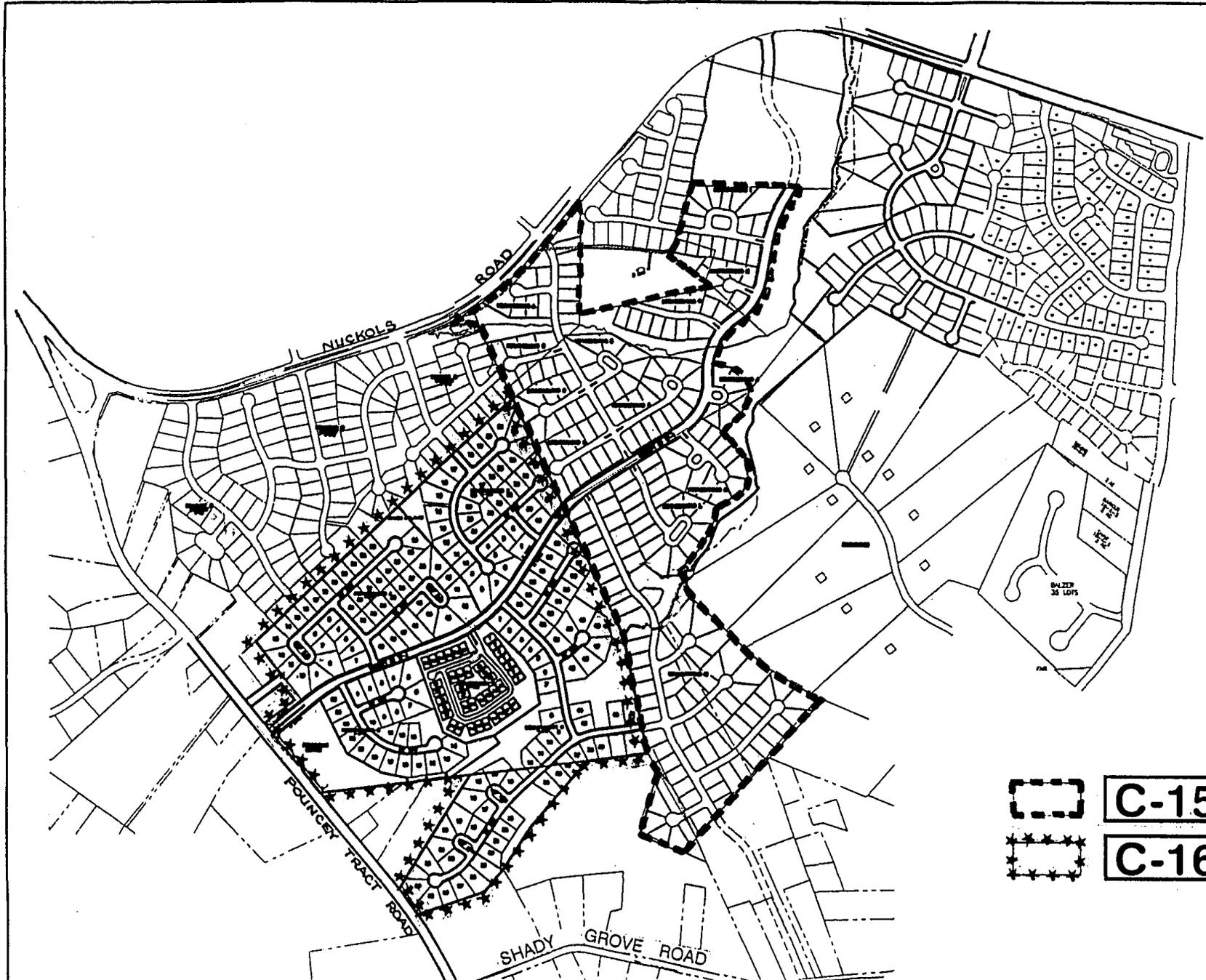
38. **Lot Width**: No buildable lots within zoning area F shall have a lot width less than 85 feet. The term "lot width" shall be defined herein as the width of a lot measured at the front yard setback line, except for lots fronting on a cul-de-sac terminus where the width shall be measured at the actual building line of the dwelling.
39. **Minimum Finished Floor Area**: All dwellings shall have a minimum finished floor area of 2500 square feet.
40. **Garages**: A minimum of a two-car garage shall be constructed on each lot except for lots originally used for model homes.
41. **Lot Clearing**: The clearing of healthy trees measuring 6 or more inches in diameter on the lots shall be limited to areas required to accommodate the dwellings, driveways, sidewalks, open yard areas, utility lines and any other areas typically required for the construction of a dwelling.
42. **Foundations**: The main body of any home shall not be constructed on a slab, provided that garages and patios may be constructed on a slab. The visible exposed portion of any foundations of all homes shall be constructed of brick, stone or an exterior insulating finish system. A foundation constructed of an exterior insulating finish system shall be permitted only if applied to a masonry surface and the siding used on the dwelling is constructed primarily of an exterior insulating finish system.

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.

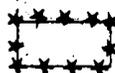
Sincerely,


Virgil R. Hazelett, P.E.
County Manager

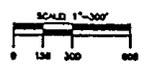
pc: Mr. Ralph L. Axselle, Jr., Esquire
Director, Real Estate Assessment
Conditional Zoning Index



C-15C-03



C-16C-03



YOUNGBLOOD, TYLER
& ASSOCIATES P.C.

ZONING CASES
C-15C-03 & C-16C-03

PRELIMINARY LAYOUT

DATE: JUNE 10, 1988

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DESIGNED BY
CHECKED BY
C. M. JACOBSON
CIVIL ENGINEER



SHEET 1 OF 1



C-16C-03