

DAFFODIL MEADOW LN
 GOLDENROD CT
 BLOSSOMVIEW A
 R-3C
 Darbytown Meadows
 R-3C

Winding Woods

M-1

R-3C

A-1

B-1C, 3.159 Ac.

R-3C, 11.795 Ac.

DARBYTOWN RD

A-1

A-1

A-1

C-1, 2.6 Acres

192-1 (MTP)

WILLSON RD

A-1 to R-2AC
 24.885 Ac.

R-2C, 6.169 Ac.

A-1

WILLSON RD

ZONING

SINGLE-FAMILY RESID. &
 NEIGHBORHOOD COMMERCIAL

C-26C-03

Varina District

0 500 Feet



June 2003

Ref. 810-702-9087

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



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

July 15, 2003

Virgil R. Hazelett, P.E.
County Manager

Ms. Debbie Stoddard
Darbytown Development Company LLC
10301 Memory Lane
Chesterfield, VA 23832

Re: Conditional Rezoning Case C-26C-03

Dear Ms. Stoddard:

The Board of Supervisors at its meeting on July 8, 2003, granted your request to conditionally rezone property from A-1 Agricultural District to R-2C, R-2AC and R-3C One Family Residence Districts (Conditional), B-1C Business District (Conditional) and C-1 Conservation District, Parcels 810-702-9087, 811-702-2097, 811-702-2273, 811-702-3350, 811-702-3828, 811-702-2019, 811-702-2204, 811-701-2679, 811-701-2654, and 810-702-5017, described as follows:

Proposed R-2C Zoning

Beginning at a point, said point being N36°53'53"W, 714.60' and S44°20'17"W, 232.58' from a point on the westerly line of Willson Road; thence, S44°20'17"W, 286.12' to a point; thence, N2°13'57"W, 151.18' to a point; thence N29°47'13"W, 65.10' to a point; thence, N58°38'53"W, 74.67' to a point; thence, N69°35'41"W, 162.62' to a point; thence, N1°37'00"E, 32.08' to a point; thence, N78°28'15"E, 58.30' to a point; thence, N28°14'20"E, 53.43' to a point; thence N16°18'55"E, 44.59' to a point; thence, S87°10'31"W, 111.11' to a point; thence, N30°21'22"W, 102.14' to a point; thence, N12°09'38"W, 118.04' to a point; thence N5°16'45"W, 113.12' to a point; thence, N37°41'57"W, 108.76' to a point; thence, N9°26'49"E, 98.41' to a point; thence, N43°41'46"E, 141.79' to a point; thence on a curve to the right having a radius of 890.89 and a delta of 41°42'53", a length of 648.92' to a point; thence, on a curve to the left having a radius of 870.64' and a delta of 22°34'41", a length of 343.09' to the point and place of beginning, containing 6.169 acre.

Proposed R-2AC Zoning

Beginning at a point on the southerly line of Darbytown Road, said point being 309.45' west of the intersection of the southerly line of Darbytown Road and the westerly line of Willson Road; thence, leaving the said southerly line of Darbytown Road, S61°13'45"W, 290.83' to a point; thence, S6°16'33"W, 48.31' to a point; thence, S32°25'23"W, 126.01' to a point; thence, S26°41'00"W, 150' to a point; thence, S63°19'00"E, 435.60' to a point on the westerly line of Willson Road; thence, along the said westerly line of Willson Road,

S26°41'00"W, 545' to a point; thence, leaving said westerly line of Willson Road, N63°19'00"W, 243.43' to a point; thence S15°46'00"E, 35.66' to a point; thence S5°47'00"E, 411.93' to a point on the westerly line of Willson Road; thence, along the said westerly line of Willson Road, S12°35'36"W, 20.87' to a point and S25°49'22"W, to a point; thence, leaving the said westerly line of Willson Road, N36°53'53"W, 714.60' to a point; thence, S44°20'17"W, 232.58' to a point; thence, along a curve to the right having a radius of 870.64' and a delta of 22°34'41", a length of 343.09' to a point; thence, along a curve to the left having a radius of 890.89' and a delta of 41°42'53", a length of 648.62' to a point; thence, N43°41'12"E, 234.44' to a point; thence, S44°04'02"E, 188.44' to a point; thence, S45°55'58"W, 77.13' to a point; thence, S44°04'02"E, 162.80' to a point; thence, S45°55'58"W, 23.14' to a point; thence, S39°24'08"E, 161.50' to a point; thence, along a curve to the left having a radius of 587.06' and a delta of 5°36'22", a length of 57.44' to a point; thence, along a curve to the right having a radius of 776.23' and a delta of 7°52'35", a length of 106.71' to a point; thence, along a curve to the left having a radius of 700' and a delta of 26°22'14", a length of 322.18' to a point; thence, N23°26'20"E, 207.02' to a point; thence, N28°30'53"E, 115.10' to a point; thence N8°09'15"W, 422.87' to a point; thence on a curve to the right having a radius of 1125' and a delta of 3°42'23", a length of 72.78' to a point; thence, on a curve to the left having a radius of 1017.36' and a delta of 6°10'17", 109.58' to a point; thence, N13°55'01"W, 297.43' to a point; thence, N59°23'39"E, 311.47' to a point on the southerly line of Darbytown Road; thence, along the said southerly line of Darbytown Road, S28°46'18"E, 599.59' to the point and place of beginning, containing 24.885 acres.

Proposed R-3C Zoning

Beginning at a point, said point being S59°23'39"W, 311.47' from the southerly line of Darbytown Road; thence, S13°55'01"E, 297.43' to a point; thence, along a curve to the right having a radius of 1017.36' and a delta of 6°10'17", a length of 109.58' to a point; thence, along a curve to the left having a radius of 1125' and a delta of 3°42'23", a length of 72.78' to a point; thence, S8°09'15"E, 422.87' to a point; thence, S28°30'53"W, 115.10' to a point; thence, S23°26'20"W, 207.02' to a point; thence, on a curve to the right having a radius of 700' and a delta of 26°22'14", a length of 322.18' to a point; thence, along a curve to the left having a radius of 776.23' and a delta of 7°52'35", a length of 106.71' to a point; thence, on a curve to the right having a radius of 587.06' and a delta of 5°36'22", a length of 57.44' to a point; thence, N39°24'08"W, 161.50' to a point; thence, N45°55'58"E, 23.14' to a point; thence, N44°04'02"W, 162.80' to a point; thence, N45°55'58"E, 77.13' to a point; thence, N44°04'02"W, 188.44' to a point; thence, N43°41'59"E, 658.15' to a point; thence, S26°43'51"E, 194.35' to a point; thence, N59°23'39"E, 324.43' to the point and place of beginning, containing 11.795 acres.

Proposed B-1C Zoning

Beginning at a point at the intersection of the southerly line of Darbytown Road and the westerly line of Willson Road; thence along the said westerly line of Willson Road,

S26°41'00"W, 270.08' to a point; thence, leaving the said westerly line of Willson Road the following; N63°19'00"W, 435.60' to a point, N32°25'23"E, 126.01' to a point, N6°16'33"E, 48.31' to a point, N61°13'45"E, 290.83' to a point on the southerly line of Darbytown Road; thence, along the said southerly line of Darbytown Road on a curve to the left having a radius of 1176' and a delta of 15°04'35", a length of 309.45' to a point on the westerly line of Willson Road being the place of beginning, containing 3.159 acres.

Proposed C-1 Zoning

Beginning at a point, said point being N36°53'53"W, 714.60' and S44°20'17"W, 518.70' from a point on the westerly line of Willson Road; thence, S44°20'17"W, 88.5', more or less, to a point in the center of a creek; thence, along the center of the creek as it meanders, 1047', more or less, to a point; thence, N43°41'46"E, 95.7', more or less, to a point; thence, S9°26'49"W, 98.41' to a point; thence, S37°41'57"E, 108.76' to a point; thence, S5°16'45"E, 113.12' to a point; thence, S12°09'38"E, 118.04' to a point; thence S30°21'22"E, 102.14' to a point; thence, N87°10'31"E, 111.11' to a point; thence, S16°18'55"W, 44.59' to a point; thence, S28°14'20"W, 53.43' to a point; thence, S78°28'15"W, 58.30' to a point; thence, S1°37'00"W, 32.08' to a point; thence, S69°35'41"E, 162.62' to a point; thence, S58°38'53"E, 74.67' to a point; thence, S29°47'13"E, 65.10' to a point; thence, S2°13'57"E, 151.18' to the point and place of beginning, containing 2.6 acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated July 8, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

APPLICABLE TO RESIDENTIAL DISTRICTS

***Note: Proffers 2, 3, 6, 7, 10, and 16 do not apply to existing residences.**

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. The restrictive covenants shall contain provisions for uniform mailboxes and lamp posts and hard surface driveways for the new homes constructed on the Property.
2. ***Minimum House Sizes.** The minimum sizes for any house constructed on the Property shall be as follows:

R-2	2,400 square feet of finished floor area
R-2A	2,200 square feet of finished floor area

R-3 2,000 square feet of finished floor area

The minimum size of any house which fronts the Concept Road 192-1 shall be 2,400 square feet of finished floor area.

3. ***Garages.** A minimum of sixty seven percent (67%) of the houses in the R-2A/R-3 districts on the Property shall be constructed with a minimum twelve (12) feet wide garage. The owner shall provide this information upon request. Every house in the R-2 district shall have a garage a minimum of twenty two (22) feet in width and shall have either a side or rear entry.
4. **Lot Size.** The minimum lot width on the R-2A portion of the Property shall be 85 feet.
5. **Density.** The residential development on the Property shall not exceed 2.00 dwelling units per acre. The density calculations shall include the conservation district area, but exclude acreage for roads.
6. ***Architectural Features.**
 - A. **Building Materials.** Houses on the Property shall be constructed with brick, stone, drivit, vinyl siding, hardiplank or an equivalent, or other material approved by the Director of Planning, but not masonite siding or block. The exterior building materials on fifty percent (50%) of the houses constructed on the R-3 and R-2A districts of the Property shall be a minimum of thirty three percent (33%) brick or stone. Fifty percent (50%) of the houses constructed in the R-2 district on the Property shall have brick and/or stone fronts. The owner shall provide this information upon request.
 - B. **Elevations.** No dwellings with the same front elevation shall be located beside one another. Any façade facing a street shall have at least two (2) windows and shall have shutters if the front façade includes shutters. Twenty-five percent (25%) of the houses shall feature a covered front porch. The owner shall provide this information upon request. Front stoops and front steps (except for covered front porches) shall be constructed of brick.
7. ***Fireplace Chimneys.** All exterior portions of fireplace chimneys shall be enclosed by brick, brick face or stone. All fireplace chimneys and gas vents shall be built on brick, brick face or stone foundations.
8. **Custom Built Houses.** All houses constructed on the Property shall be custom built on site.

9. **Landscape Buffer**. Any lot that backs up to the Concept Road 192-1 shall have a four (4) feet high berm planted with evergreen trees a minimum of five (5) feet in height placed every twenty (20) feet if the rear of the house is visible from the Concept Road.
10. ***Foundations**. The visible portions of the residence foundations shall be constructed of brick or stone. This proffer shall apply to future additions that are intended for year round use. All residences shall be built with crawl space foundations unless a basement is constructed or the residence has a "split-level" or "tri-level" design, in which case the lower level shall not have a crawl space foundation. Front porches shall be supported with brick piers.
11. **Underground Utilities**. All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise.
12. **Street Improvements**. The streets shall be designed with standard six (6) inch curb and gutter.
13. **Stem Lot Regulation**. No stem lots shall be developed on the Property.
14. **Sidewalks**. Concrete sidewalks a minimum of three (3) feet in width, located a minimum of eighteen (18) inches from the back of curb, shall be provided for public use within public right of ways, including Concept Road 192-1, but excluding Willson Road. A concrete sidewalk a minimum of four (4) feet in width shall be provided along the south side of Darbytown Road extending eastward from the entrance to the Property to the B-1 district on the Property, but not to the west of the Darbytown entrance of the Property.
15. **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 new and existing lot. The existing trees measuring eight (8) inches in caliper or greater in the fifteen (15) feet wide area along the portion of the western property line which adjoins the Winding Wood subdivision shall be maintained, except that diseased or dying trees may be removed.
16. ***Access**. There shall be only one access onto Darbytown Road and one access onto Willson Road from the new residential development on the Property. Each entrance shall be landscaped to include features such as street trees, brick or stone piers with black picket fencing and shrubbery conceptually as shown in Exhibit A submitted with this case (see case file).
17. **Concept Road**. The owner shall construct and dedicate to Henrico County any portion of a right of way up to sixty six (66) feet wide, designated as Concept Road

192-1 on the Major Thoroughfare Plan which transverses the Property. Any part of Concept Road 192-1 crossing the Property shall be constructed to County standards. As part of such reservation and dedication to the County, utility, access and other easements in the dedicated area shall be reserved for the development of the Property as needed.

18. **Setback**. The required setback for any house constructed on a lot which contains a portion of the power line easement shall be measured from the edge of the easement.
19. **Right of Way Dedication**. The owner shall dedicate to Henrico County the right of way needed for the ultimate right of way along Willson Road and Darbytown Road.
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.

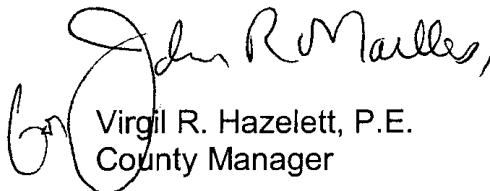
APPLICABLE TO B-1 DISTRICT

1. **Buffer**. A buffer pursuant to the requirements of Transitional Buffer 25 shall be provided along the Property lines, except to the extent necessary for utility, access and other easements for the development of the Property. Above ground storm water retention facilities may not be located in the twenty-five (25) feet transitional buffer.
2. **Parking Lot Lights**. The height of parking lot lights as measured from the base at grade shall not exceed twenty (20) feet.
3. **Building Materials**. All buildings constructed on the Property shall have exposed exterior walls, above finished grade, of face brick, natural or cast stone, glass, exposed aggregate concrete, dryvit or stucco, hardiplank or an equivalent, unless other materials are specifically approved by the Planning Commission at the time of plan of development review. The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the Property (excluding roof top screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials.
4. **Building Elevations**. The exterior design of the commercial buildings constructed on the Property shall be restricted to one story, have a pitched roof and include some architectural features and accents which are residential in character, which may include but not be limited to shutters and dormers.

5. **Dumpsters**. Enclosures for dumpsters shall be constructed of materials similar to that which is used in the primary building.
6. **Signage**. Freestanding signs shall be ground mounted on a brick foundation, limited to eight (8) feet in height and landscaped.
7. **Fence**. A six (6) feet tall, vinyl privacy fence, shall be provided along the rear and side Property lines of the B-1 district adjacent to residentially zoned districts.
8. **Prohibited Uses**. The following uses shall not be permitted on the Property:
 - a. Funeral home, mortuary and/or undertaking establishment.
 - b. Freestanding laundromats and self service dry cleaning establishments.
 - c. Private club, lodge, meeting hall and fraternal organization.
 - d. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections.
 - e. Sexually oriented businesses, including, but not limited to, adult video stores.
 - f. Medical laboratory as a principal use.
 - g. Fuel pumps
9. **Sidewalks**. Concrete sidewalks a minimum of four (4) feet in width shall be provided within the public right of ways along Darbytown Road and Willson Road of the B-1 district on the Property.
10. **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

Ms. Debbie Stoddard
Darbytown Development Company LLC
July 15, 2003
Page 8

pc: Ms. Gloria L. Freye
Estate of Alan Cady
Mr. Richard S. Lane
Mr. John E. Teichert, Jr.
Mr. Jerry W. Monger
Mr. Harry F. and Judith S. Balacke
Mr. John W. Monger
Mr. William F. and Judy R. Walker
Mr. James W. and Mildred B. Campbell
Director, Real Estate Assessment
Conditional Zoning Index