

R-2 to R-2AC  
8.76 Acres



September 2003

**ZONING**  
SINGLE - FAMILY  
RESIDENTIAL  
Ref. 788-758-9933

**C-46C-03**  
Fairfield District

0 400 Feet



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

November 19, 2003

Virgil R. Hazelett, P.E.  
County Manager

Mr. Gregory A. Windsor  
4701 Cox Road  
Suite 111  
Glen Allen, VA 23060

Re: Conditional Rezoning Case C-46C-03

Dear Mr. Windsor:

The Board of Supervisors at its meeting on November 12, 2003, granted your request to conditionally rezone property from R-2 One Family Residence District to R-2AC One Family Residence District (Conditional), on part of Parcel 791-759-1653, described as follows:

Beginning at a point, said point being east line of Franconia Road and the south line of Parham Road; thence N 21-14-52 E, 103.50' to a point on the south line of Parham Road; thence N 58-47-22 E, 494' to a point along the south line of Parham Road; thence N 62-36-35 E, 151.07' to a point along the south line of Parham Road; thence S 64-06-03 E, 61.09' to a point on the west line of Fredonia Road; thence S 18-05-50 E, 489.95' to a point along the west line of Fredonia Road; thence S 63-25-10 W, 747.88' to a point on the east line of Franconia Road; thence N 18-06-23 W, 426.20' along the east line of Franconia Road to the point and place of beginning, containing 8.76 acres.

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

The proffers for the Property described in this Zoning Case shall apply collectively with the proffers of, and to the property described in, Zoning Case C-47C-03.

1. **Finished Floor Area.**

- a) The homes constructed on the lots in Neighborhood A and Neighborhood C that abut the Northfield Subdivision as shown on the Lot Plan dated September 29, 2003, which is not proffered for this zoning case, but is attached hereto for reference only (the "Lot Plan") (see case file), shall have at least 2,200 square feet of finished floor area. The homes constructed on all of the other lots in Neighborhood A and Neighborhood C and the lots in

Neighborhood B and Neighborhood D shall have at least 1,800 square feet of finished floor area.

- b) A model home that contains at least 2,400 square feet of finished floor area shall be the first home constructed and completed on the Property.
  - c) The total of all homes shall have an average of at least 2,200 square feet of finished floor area.
  - d) Twenty-four (24) of the first fifty (50) homes constructed shall contain at least the following minimum number of square feet of finished floor area;
    - i) six (6) at 2,400 square feet
    - ii) twelve (12) at 2,200 square feet
    - iii) six (6) at 2,000 square feet
  - e) Applicant shall maintain a record which lists the quantity of square feet of finished floor area contained of each home plan that is submitted for a building permit until such time that it can be determined that the above proffers have been fully satisfied. Applicant shall provide such data when and as requested by the County.
2. **Lot Area.** The total of all lots shall have an average of at least 18,000 square feet of lot area, excluding the area within the tot lot or the County 100-year flood plain.
3. **Overall Density Limitation.** The maximum number of building lots which may be developed shall not exceed one hundred seventy-three (173). Such lot limitation shall not include the tot lot.
4. **Lot Width.** The total of all lots shall have an average lot width of at least 90 feet. At least seventy percent (70%) of all lots shall have a minimum lot width of at least 90 feet and no more than ten percent (10%) of all lots shall have a lot width of 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 cul-de-sac lots where the width shall be measured at the actual building line of the home.
5. **Roads.** The roads shall be constructed,
- a) generally as shown on the Road Plan, dated September 30, 2003, attached hereto as Exhibit A (see case file), and

- b) with standard 6" curb and gutter and asphalt paving, except as otherwise required by the County. Additionally, if permitted by the County, Applicant shall install standard 6" curb and gutter adjacent to the lots along Fredonia Road and Franconia Road from Parham Road to the Wildwood and Northfield Subdivisions, except as otherwise required by the County.
6. **Access Limitations.** No driveway shall connect either to Parham Road, Route 301, Fredonia Road or Franconia Road; and no lot shall be accessed to or from Colebrook Road either by vehicular or pedestrian traffic.
7. **Utilities.** Other than existing overhead lines, any modifications thereto and those required by a utility provider, all utility lines (e.g. electricity, cable, telephone, and gas) shall be installed underground.
8. **Neighborhood Entranceway.** Each Neighborhood entranceway shall be landscaped with mature shrubbery and trees and its entrance sign shall be constructed of brick, stone or an exterior insulating finishing system (EIFS).
9. **Front Elevation.** At least sixty percent (60%) of all of the homes shall have brick or stone on their front elevation as follows:
  - a. At least twenty-five percent (25%) of all of the homes shall have brick or stone on approximately twenty percent (20%) or more of each of their front elevations; and
  - b. At least thirty-five percent (35%) of all of the homes shall have brick or stone on approximately sixty percent (60%) or more of each of their front elevations.
  - c. Applicant shall maintain a record of the approximate amount of brick or stone used on the front elevation of each home and shall provide such list when and as requested by the County.
10. **Garages.** At least fifty percent (50%) of all the homes shall have a garage, with at least fifty percent (50%) of all such homes having a garage for two or more cars. At least thirty-three percent (33%) of homes with garages shall have garage doors that open towards the side or rear of the home.
11. **Chimneys.** All chimneys shall be brick, stone or EIFS. No chimney or gas-vent enclosures shall be cantilevered.
12. **Landscaping.** The area adjacent to the foundation of the front elevation of each home shall be reasonably screened by landscaping prior to the issuance of a final certificate of occupancy. Two (2) trees each having a caliper of at least two and

one-half inches (2 ½") shall be installed in the front or side yard of a lot that does not have at least two (2) existing trees of such size. Air conditioning equipment in the side yard of a home shall be screened with lattice fencing or shrubbery.

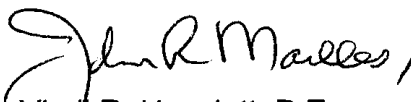
13. **Foundations.** The main body of any home shall not be constructed on a slab, provided that garages and patios may be constructed on a slab. The visible exposed portion of any foundations of all homes shall be constructed of brick, stone or an exterior insulating finish system. A foundation constructed 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. All stoops and steps on the front elevation shall be brick or stone, except that stoops and steps for country porches on the front elevation may be constructed of wood, provided that country porches (a) shall be defined as any porch on the front elevation that has a length of at least nine (9) feet along the front elevation, (b) shall have foundation piers constructed of brick, stone or an exterior insulating finish system, (c) shall have lattice installed between such piers, and (d) without brick or stone steps, shall not be constructed on more than fifteen percent (15%) of the homes.
  
14. **Restrictive Covenants.** Prior to or concurrent with the recordation of the first subdivision plat, Applicant shall record a County approved document in the Clerk's Office of the Circuit Court of Henrico County, Virginia that sets forth the following requirements. These restrictive covenants shall include a copy of these proffers as an exhibit.
  - a) The creation of a dues-paying homeowner's association to maintain any common area and the Neighborhood entranceways as shown on the Lot Plan (see case file);
  
  - b) In addition to maintaining the common area and the Neighborhood entranceways, if permitted by the County, the homeowner's association shall maintain the turf area within the County right-of-ways that abut the Property along Fredonia Road and Franconia Road from Parham Road to the Wildwood and Northfield Subdivisions;
  
  - c) The creation of an architectural control committee to enforce guidelines for the design and construction of the homes and for the landscaping of the lots;
  
  - d) Uniform development and maintenance standards for the homes and the lots and for the subdivision;
  
  - e) A tree preservation plan, including, without limitation, preservation of healthy trees having a caliper of six inches or greater outside of approved clearing areas for the home and those areas necessary for accessory uses,

including, but not limited to, outbuildings, decks, swimming pools and fences and other permitted uses as determined by the homeowner's association;

- f) Driveways shall be required, which shall be paved with concrete, exposed aggregate, asphalt or patterned pavers. Sidewalks to the home shall be paved with concrete, exposed aggregate or patterned pavers;
  - g) A lighted lamppost shall be installed prior to the issuance of a final certificate of occupancy in the front yard of each lot;
  - h) At all times during the marketing of the first homes that will be constructed on the Property, at least six (6) different home plans shall be offered for sale; and
  - i) Irrigation and sod shall be installed prior to the issuance of a final certificate of occupancy within the front and side yards of each lot from the curb to the rear line of the home.
15. **Recreation Amenities.** Prior to the issuance of the final certificate of occupancy for the fiftieth (50<sup>th</sup>) home, Applicant shall construct a tot lot for use in common by owners of the lots and their invitees. The tot lot shall include, but not be limited to, picnic tables, benches and trash receptacles and play equipment.
16. **C-1 Zoning.** Applicant shall file an application for C-1 zoning for the acreage delineated on any subdivision plat as County 100-year flood plain. Such application(s) shall be filed prior to or concurrent with the recordation of a subdivision plat on which such flood plain exists.
17. **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,

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Virgil R. Hazelett, P.E.  
County Manager

Mr. Gregory A. Windsor  
November 19, 2003  
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pc: Mr. Robert B. Ball, Sr. Family, LLC  
Mr. Andrew M. Condlin, Esquire  
Director, Real Estate Assessment  
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