



**M-2 & R-2 to R-5AC
8.98 Acres**



December 2003

ZONING
Single - Family
Residential
Ref. 771-774-2195

C-66C-03
Brookland District





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

April 20, 2004

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

Re: Conditional Rezoning Case C-66C-03

Dear Mr. Atack:

The Board of Supervisors at its meeting on April 13, 2004, granted your request to conditionally rezone property from Light Industrial District to R-5AC General Residence District (Conditional), Parcels 771-774-3745 and 771-774-2195, described as follows:

Commencing at a point on the south line of Mill Road, said point being the intersection of the east line of LaVecchia Road and the south line of Mill Road, thence along the south line of Mill Road for a distance of 216' more or less to the point of beginning, thence continuing along the south line of Mill Road along a curve to the right, having a radius of 1885' and an arc length of 184.68', being subtended by a chord of N78°14'19"E for a distance of 184.61' to a point; thence leaving the south line of Mill Road S03°35'15"W for a distance of 485.57' to a point; thence N87°56'35"E for a distance of 369.35' to a point; thence S05°49'42"W for a distance of 644.55' to a point; thence S89°32'12"W for a distance of 478.31' to a point; thence N03°05'22"E for a distance of 436' to a point; thence N00°04'15"E for a distance of 643.45' to the point of beginning, containing 8.98 acres.

The Board of Supervisors accepted the following proffered conditions, dated April 13, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Foundations.** The exterior portion of a building below the first floor elevation which is visible above grade shall be finished with brick or stone. There shall be no cantilevered chimneys or closets.
2. **Restrictive Covenants/Homeowners Association.** Prior to or concurrent with the conveyance of the Property covered on the Plan of Development approved by the County, restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County. In addition, there shall be a Homeowners Association

of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the lots, common areas, roads and unit exteriors.

3. **Minimum Unit Size.** The minimum unit sizes (finished floor area) shall be 1700 square feet.
4. **Clearing Limitation.** Where practicable, the clearing of trees shall be limited to areas necessary for dwellings, driveways, utilities, entrance features, road improvements, drainage requirements, or when necessary for common areas. Areas of tree preservation shall be clearly indicated on the plan of development for review by the Director of Planning.
5. **Sound Suppression.** Walls adjacent to the railroad right of way shall have a minimum sound transmission coefficient rating of 54.
6. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers and existing overhead utility lines and for technical and environmental reasons, all utilities shall be underground.
7. **Building Setback.** No unit shall be constructed within two hundred (200) feet of Mill Road.
8. **Access.** No vehicular access shall be permitted to LaVecchia Way nor across the twenty (20) feet access easement on adjacent parcel GPIN 771-775-5600.
9. **Entrance Feature.** An irrigated landscaped entrance feature shall be provided subject to approval by the Director of Planning.
10. **Landscaping.** Front yards of each dwelling shall be individually landscaped to coordinate with the design of the community. Each front yard shall be irrigated and sodded other than where landscaping or mulching may occur.
11. **Garages.** Each home shall have a two (2) car attached garage.
12. **Density.** The maximum number of houses shall not exceed 32.
13. **Fences.** A vinyl privacy fence a minimum of six (6) feet in height shall be provided along the Property line adjacent to the railroad right of way and along the western Property line, but shall terminate at the point parallel with the location of the security gate. Fences on individual lots, except those located along the rear yard which abuts the perimeter Property line, shall be restricted to forty-two (42) inches in height unless constructed of masonry or pre-cast materials.

14. **Security Gate.** The entrance to the Property shall have an electronically controlled gate, if specifically approved by Henrico County, generally as shown on EXHIBIT C (see case file), unless otherwise approved by the Director of Planning.
15. **Elevations.** The houses constructed on the Property shall be substantially in conformance with the elevations marked EXHIBIT A filed with this case (see case file).
16. **Lot Width.** The minimum width of each lot shall be sixty (60) feet.
17. **Conceptual Plan.** The site shall be developed generally as shown on the "Conceptual Plan" dated April 5, 2004 marked as EXHIBIT B (see case file) which is conceptual and may vary in detail as approved by the Director of Planning.
18. **Driveways.** All driveways on each individual lot shall be paved within six (6) months following receipt of a certificate of occupancy. The type of pavement may include asphalt, concrete, aggregate materials and brick or stone pavers.
19. **Road Standards.** Curb and gutter shall be used on all streets which shall also be constructed to County pavement design standards. Streets shall be a minimum of thirty (30) feet in width.
20. **Lamp Posts.** Each dwelling unit shall have a lamp post provided at each driveway.
21. **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,


6r Virgil R. Hazelett, P.E.
County Manager

pc: Ms. Gloria Freye, Esquire
Director, Real Estate Assessment
Conditional Zoning Index
Ms. Penny Blumenthal – Director, Research and Planning