

A-1, R-1 to R-2C  
22.753 Acres

**ZONING**  
SINGLE - FAMILY  
RESIDENTIAL

**C-73C-03**  
Tuckahoe District



December 2003

Ref. 744-742-5871

0 400 Feet



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

November 16, 2004

**WILHOOK, LLC**  
4901 Dickens Road, Suite 101  
Richmond, VA 23230

Re: Conditional Rezoning Case C-73C-03

Dear Sir:

The Board of Supervisors at its meeting on November 9, 2004, granted your request to conditionally rezone property from A-1 Agricultural District and R-1 One Family Residence District to R-2C One Family Residence District (Conditional), on part of Parcel 744-742-5871, described as follows:

Commencing at a point at the northwest side of the intersection of Patterson Avenue and Gaskins Road; thence with the north line of Patterson Avenue N86°32'54"W 1507.88' to a point, said point being the point of beginning for this parcel; thence continuing along the north line of Patterson Avenue, N86°32'54"W 170.60' to a point near Cabin Creek; thence departing said north line, with a tie line, along Cabin Creek, N54°30'35"W 43.73' to a point; thence continuing along said tie line and creek, N76°20'46"W 76.38' point to a point; thence departing said Cabin Creek N05°01'14"W 1039.09' along the common line between this property and Canterbury Subdivision, to a rod found; thence N87°33'25"W 191.11' to a rod found; thence N02°06'54"W 192.92' to a rod found; thence departing the common line with Canterbury Subdivision and with the line common to this property and Canterbury East Subdivision, N87°07'40"E 1089.92' to a point; thence departing the line in common with Canterbury East Subdivision and with a new line created by this survey, S02°03'05"E 129.43' to a point; thence N87°07'40"E 192.51' to a point; thence S01°23'13"E 339.77' to a point; thence S52°34'18"W 122.99' to a point; thence S12°32'07"E 63.37' to a point; thence S42°50'26"W 186.61' to a point; thence S84°57'25"W 332.27' to a point; thence S18°56'03"W 103.11' to a point; thence S33°00'38"W 134.34' to a point; thence S84°57'25"E 25.54' to a point; thence S07°48'11"W 373.35' to a point on the north line of Patterson Avenue, 1507.88' west of the west line of Gaskins Road, said point being the point and place of beginning of this parcel of land, containing 22.6065 acres.

The Board of Supervisors accepted the following proffered conditions, dated November 9, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Conceptual Plan**. The Property shall be developed generally similar to the Conceptual Plan marked EXHIBITS A-1 and A-2 dated July 13, 2004 (see case file).
2. **House Size**. Dwellings shall have a minimum of 3,000 square feet of finished floor area.
3. **Density**. The maximum number of lots shall not exceed thirty-seven (37).
4. **Lot Clearing**. To the extent reasonably practicable, at the time of development, the clearing of trees six (6) inches in caliper or greater on residential lots by the developer or initial home builder shall be limited to areas required to accommodate the structure, driveways, sidewalks, open yard areas, and those limited areas required to permit utility services.
5. **Chimneys**. No bay windows, closets, chimneys or gas vent units shall be cantilevered. The exposed portions of all fireplace chimneys and direct-vent gas fireplace flues shall be of brick, stone, EIFS or a material similar to the exterior treatment of the dwelling. The exposed bases of all chimneys shall be of the same material as the dwelling foundations.
6. **Foundations**. All homes shall be constructed with crawl space foundations. All porches, stoops and steps shall be constructed with brick or stone and shall be built on foundations to match the foundation of the home. The exposed portions of all foundations shall be constructed of brick, stone or EIFS. EIFS shall only be used if applied to a masonry surface, provided that the exterior walls of such residence are sided primarily in EIFS. This proffered condition shall apply to future conversions or additions that are enclosed and intended for year-round use.
7. **Underground Utilities**. Except for junction boxes, meters and existing overhead utility lines and unless not possible for technical or environmental reasons, all utilities lines shall be underground.
8. **Protective Covenants**. Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property conveyed 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 controls on the development and maintenance of such portions of the Property to include but not limited to the requirements that:

- a. twenty-five (25) year life dimension shingle roofs be provided for each house;
  - b. a standard mailbox of a uniform style be provided for each house; and
  - c. an easement allowing the Homeowners Association to maintain the fence along the eastern Property line adjacent to Westhampton Memorial Park.
  - d. No stockade fences shall be permitted.
9. **Garages.** A minimum of a two (2) car garage shall be provided for each house. A minimum of seventy five percent (75%) of the garages shall be side or rear loaded. Front loading garages shall be recessed a minimum of four (4) feet from the front building line of the dwelling.
10. **Exterior Finishes.** The exterior siding of all dwellings shall be constructed of brick, stone, EIFS, or hardiplank. A minimum of fifty percent (50%) of the homes shall have front elevations (exclusive of windows, doors and garage doors) constructed of brick.
11. **Trees.** A minimum of two (2) trees with a minimum caliper of 3 ½ inches shall be retained or planted in the front yard of each lot and in the side yard adjacent to the street if the lot is a corner lot prior to issuance of the final certificate of occupancy.
12. **Curb and Gutter.** All roads shall be constructed with standard 6" curb and gutter unless requested otherwise by Public Works.
13. **Buffers.**
- a. **Patterson Avenue Buffer.** A landscaped and/or naturally vegetated buffer a minimum of one-hundred (100) feet shall be provided adjacent to Patterson Avenue except to the extent necessary for utility easements, roads, driveways, signage or other purposes required at the time of Plan of Development review.
  - b. **Cemetery Buffer/Fence.** A landscaped and/or a naturally vegetated buffer a minimum of twenty (20) feet in width shall be retained and/or provided along the eastern Property line adjacent to the Westhampton Memorial Park by the developer and initial home builder at the time of development. A six (6) feet in height black vinyl clad chain link fence shall be located approximately five (5) feet west of the eastern Property line of any residential lot adjacent to the areas of Westhampton Memorial Park

and installed in a weaving or a meandering manner. The fence shall be constructed with a top rail. Ivy or an equivalent evergreen vine as approved by the Director of Planning shall be planted at the base of the eastern side of the fence at the time the fence is installed. Supplemental landscaping including a minimum of twenty-five (25) shade tolerant shrubs, with the particular species to be approved by the Director of Planning, for every 100 lineal feet shall be planted in the areas of the buffer in a manner which screens both sides of the fence and when combined with the ivy covered fence, screens the view of and headlights from the adjacent cemetery. The shrubs shall be a minimum of 3 feet in height when planted.

- c. **Canterbury Buffer.** A naturally vegetated buffer a minimum of ten (10) feet in width shall be retained along the northern and western property line by the developer and initial home builder at the time of development and shall be supplemented as needed to provide plantings equivalent to a Transitional Buffer 10 to be installed prior to the issuance of a certificate of occupancy for each lot.

Fallen, diseased or dead plant growth may be removed from the buffer areas and if so removed additional plantings shall be added in order to maintain the existing density. To the extent possible, all utilities and drainage easements shall be located generally perpendicular to the buffer areas. The fence and the landscaping on the eastern side of the fence in the buffer along the eastern Property line shall be maintained by the Homeowners Association and shall be so noted in the deed for each affected lot.

14. **Entrance Sign.** The entrance sign located adjacent to Patterson Avenue shall be ground mounted and constructed of brick or stone.
15. **Entrance.** The entrance to the subdivision shall be landscaped (including ornamental fences along Patterson Avenue and a portion of the eastern Property line, sod and an irrigation system) and lighted in accordance with a landscape plan approved by the planning department concurrent with final construction plan approval. The entrance and fences shall be designed and constructed in substantial conformance with the Illustrative Entrance Design "Westhampton" shown on EXHIBITS A-1 and A-2 (see case file).
16. **Access.** No access shall be permitted to the Canterbury and Ednam subdivisions.
17. **Construction Hours.** Land clearing, grading, road construction, water/sewer line construction or the construction of the exterior of any building or construction related activities shall occur between the hours of 7:00 a.m. and 8:00 p.m.,

Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday. No construction will occur on Sunday. In emergencies or where unusual circumstances arise, the permitted construction hours may be extended only in order to complete work such as concrete pours or utility connections. In no case shall construction work extend beyond 10:00 p.m. unless required by a governmental agency with jurisdiction over the project. The construction hours shall be posted at the entrance to the Property both in English and Spanish.

18. **Landscaping**. The front and side yards to the rear building line of each dwelling shall be irrigated and sodded. A deluxe landscaping package shall be provided for each front yard at the time of the issuance of a building permit. The front yard landscaping, sod and irrigation shall be installed prior to the issuance of a certificate of occupancy.
19. **Architectural Treatment**. All houses shall be built on site. As each house will be subject to individual lot owner selection, the specific design shall be approved by the architectural review committee of the homeowners association. The design, massing, character and architectural features of the proposed homes shall be generally similar in quality to the example photographs marked as EXHIBIT B-1 – B-9 (see case file) submitted with this case. Various design elements such as quoin treatment, soldier courses of brick, keystones, capstones, ornamental windows, dormers, pediments, shutters, columns, and variations in the front facades with projections such as bays, porches, stoops, and gables may be incorporated to provide a variety of distinctive homes.

Identical house elevations shall not be permitted next to one another. Country porches shall be a minimum of five (5) feet in depth. Any side façade shall have at least two (2) windows except when the side façade includes a garage. Any areas above garage doors exceeding four (4) feet in height shall include an architectural feature to break up the visual mass.

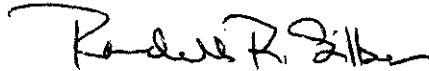
20. **Cash Proffers**. Prior to the release of a building permit, a cash proffer pursuant to the cash proffer policy adopted by Henrico County and applicable to the proposed residential development shall be paid per dwelling unit to the extent needed to mitigate the development's impact on public facilities. The amount of the cash proffer shall not exceed \$14,800. Cash proffers not used for the purposes specified in this proffer and/or the policy shall be returned fifteen (15) years after receipt to the payor.
21. **Burning Prohibited**. No burning shall be permitted during the clearing and development of the Property.
22. **Graves**. Prior to conditional subdivision approval, the owner shall have a study performed to determine whether any graves exist on the Property. If any graves

are discovered, either prior to or during construction, the owner shall either remove and reinter the remains off the Property or shall protect the remains and provide an ingress/egress easement, all as provided by law.

23. **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.

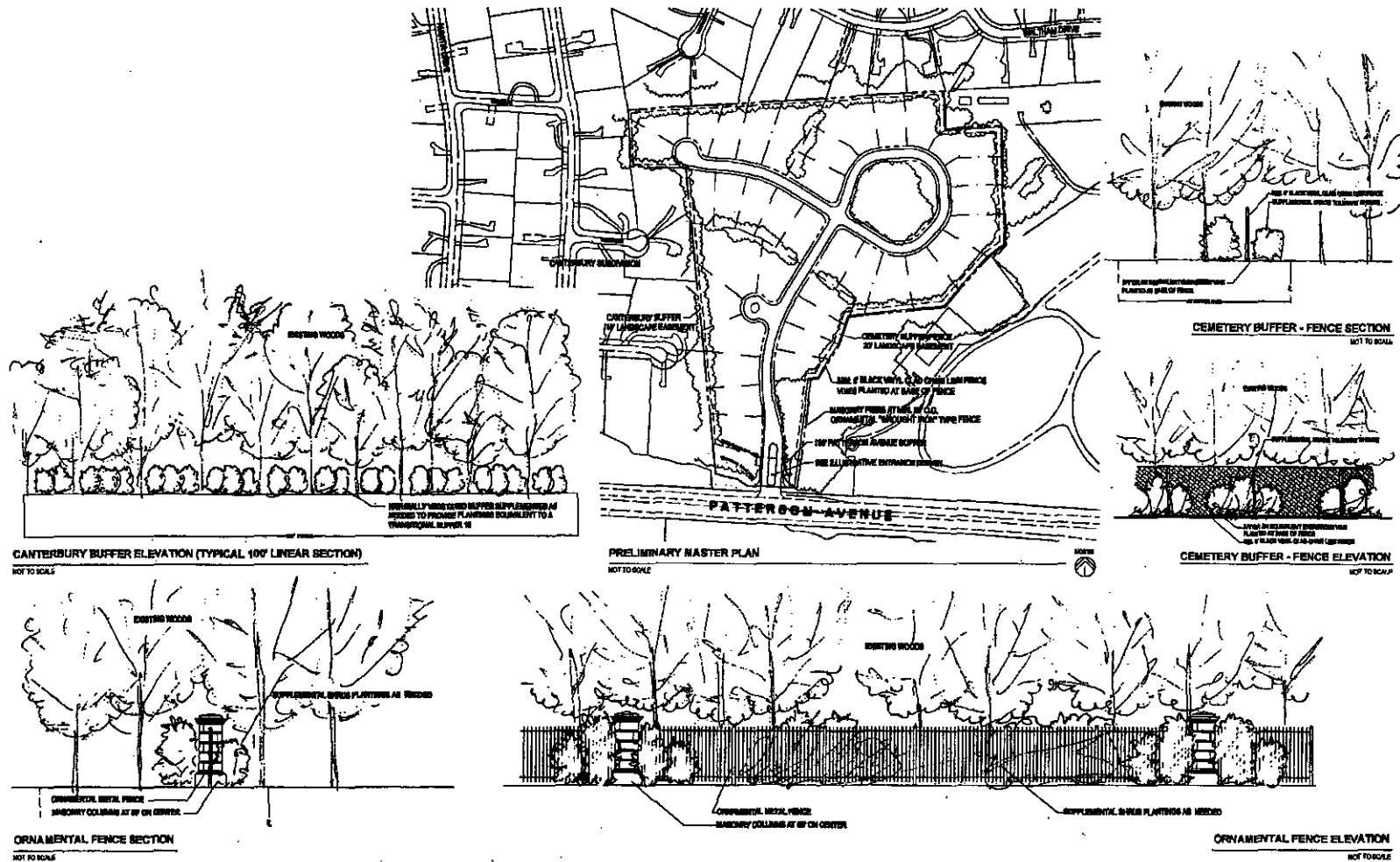
The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



for Virgil R. Hazelett, P.E.  
County Manager

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



**ILLUSTRATIVE MASTER PLAN & BUFFER DETAILS**

**WESTHAMPTON**

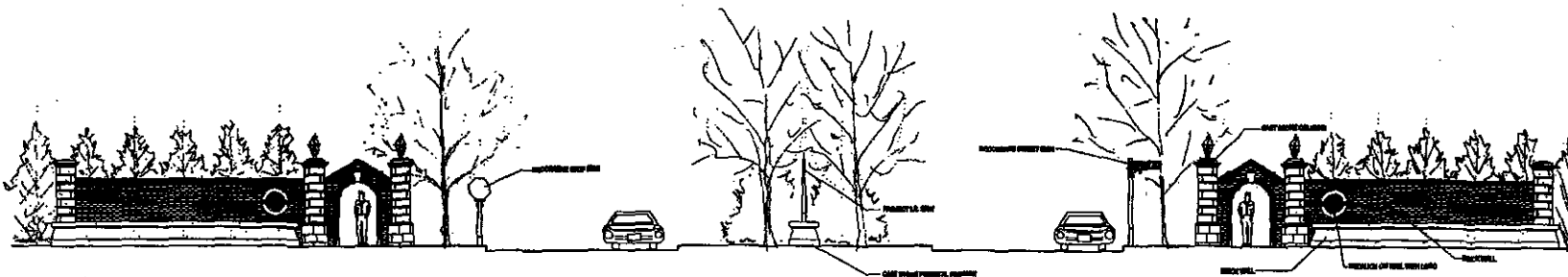
Henrico County, Virginia  
Withook, LLC  
4901 Dickens Road, Suite 101 - Richmond, Virginia 23230

EXHIBIT A-1  
JULY 13, 2004

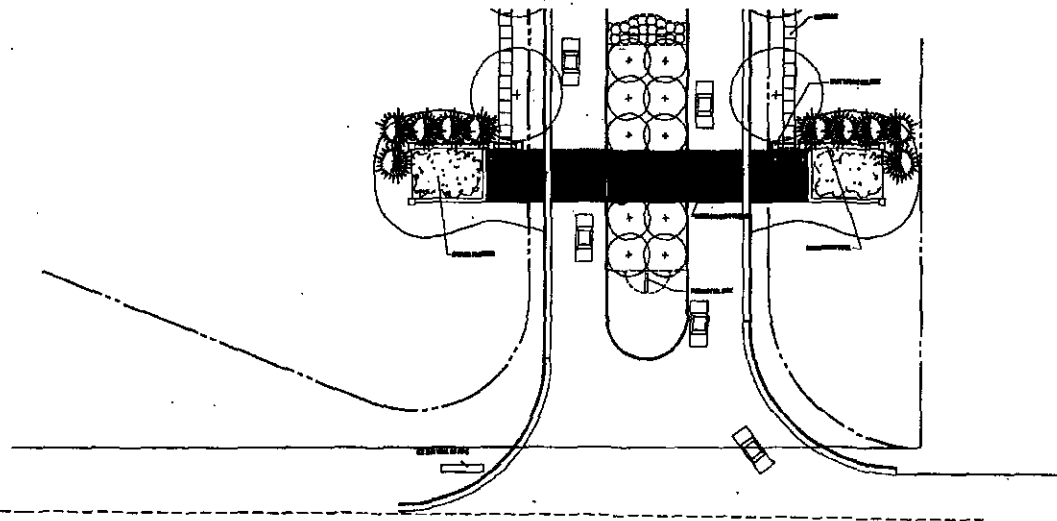
**C-73C-03**

Draw sheet title provided by Day Design Group





**ILLUSTRATIVE ELEVATION**  
NOT TO SCALE



PATTERSON AVENUE

**PRELIMINARY MASTER PLAN**  
SCALE 1" = 30'



**HIGGINS & GEYSTENMAIER**  
Landscape Architects  
1000 Westwood Drive, Suite 100  
Richmond, Virginia 23220  
703.261.1234 Fax 703.261.1235  
www.hglandscape.com

**ILLUSTRATIVE ENTRANCE DESIGN**  
**WESTHAMPTON**  
Henrico County, Virginia  
Wilhook, LLC  
4901 Dickson Road, Suite 101 - Richmond, Virginia 23230

**EXHIBIT A-2**  
**JULY 13, 2004**

**C-73C-03**