

A-1 to R-5AC  
10.36 Acres



April 2004

**ZONING**  
MULTI-FAMILY  
RESIDENTIAL  
Ref. 761-769-6447

**C-24C-04**  
Brookland District





COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

September 21, 2004

Mr. Lunsford L. Duke  
10904 Staples Mill Road  
Glen Allen, VA 23060

Re: Conditional Rezoning Case C-24C-04

Dear Mr. Duke:

The Board of Supervisors at its meeting on September 14, 2004, granted your request to conditionally rezone property from A-1 Agricultural District to R-5AC General Residence District (Conditional), Parcels 761-769-6447 and 761-769-4574, described as follows:

Beginning at intersection of the west line of Staples Mill Road and the south line of Springfield Road; thence along the west line of Staples Mill Road S62°19'18"E for a distance of 113.47' to a point; thence S41°37'47"E for a distance of 105.80' to a point; thence S33°56'36"E for a distance of 300' to a point; thence S30°30'35"E for a distance of 58.32' to a point; thence leaving the west line of Staples Mill Road S56°09'32"W for a distance of 1054.52' to a point; thence N11°50'40"E for a distance of 755.80' to a point; thence N53°11'05"W for a distance of 150.08' to a point on the south line of Springfield Road; thence along the south line of Springfield Road N69°32'23"E for a distance of 326.01' to a point; thence continuing along the south line of Springfield Road through a curve to the left having a radius of 1472.39' and an arc length of 183.53', being subtended by a chord of N66°00'49"E for a distance of 183.41' to the point of beginning; containing 10.36 acres.

The Board of Supervisors accepted the following proffered conditions, dated September 14, 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**. Development of the Property shall be in substantial conformance with the conceptual site plan attached hereto as Exhibit "A" (see case file).
2. **Density**. There shall be no more than thirty-three (33) homes developed on the Property.

3. **Minimum Size.** The minimum size of main structures shall be 3,100 gross square feet, of which a minimum of 2,500 square feet shall be finished.
4. **Types of Homes.** At a minimum, Lots 20 and 21, 22 and 23, 32 and 33 as shown on Exhibit "A" (see case file) shall be attached homes. Other homes developed on the Property may be detached.
5. **Exterior Materials.** The fronts of all main structures shall be brick, one course of which shall turn the corners from the fronts around each side of all main structures, exclusive of windows, doors, dormers or other architectural design features. The front, rear and sides of the main structures on Lots 32 and 33 shall be brick, exclusive of windows, doors, dormers or other architectural design features. The sides of the main structures on Lots 1, 20, 21, 22, 23, 30 and 31 shall be of brick, exclusive of windows, doors, dormers or other architectural design features.
6. **Springfield Road Treatment.** A final landscape plan shall be submitted for review and approval by the Director of Planning indicating proposed landscaping and any necessary clearing for the treatment of the common areas which are not located within wetlands along Springfield Road.
7. **Entrance Standards/Fencing.** The entrance roads to the Property from Springfield Road and Staples Mill Road shall include landscaped, irrigated and sodded islands, and shall be gated. Such gate(s) may be removed if agreed upon by a vote of seventy-five (75) percent of the residents. A decorative brick wall a minimum of five (5) feet in height shall be provided for a length of approximately fifty (50) feet as measured from the centerline of the Springfield Road entrance road and extend in both directions. A decorative "wrought iron-style" ornamental fence with brick columns shall be provided along the Staples Mill Road and Springfield Road frontages of the Property turning to the northern rear corner of Lot 1 and to the eastern rear corner of Lot 31, such columns not to be spaced farther apart than fifty (50) feet. A six (6) foot tall vinyl privacy fence with lattice top section substantially as shown on Exhibit "B" attached hereto shall be provided adjacent to the remaining perimeter of the property commencing at the northern rear corner of Lot 1 and terminating at the eastern rear corner of Lot 31.
8. **Use Prohibition.** There shall be no group care facilities on the Property.
9. **Minimum Lot Widths.** Lots shall be a minimum of sixty (60) feet in width as measured at the front yard setback line except for lots on cul-de-sac roads where the width shall be measured at the actual building line of the dwelling.


10. **Chimneys**. The exposed portions of all fireplace chimneys shall be of brick or stone. This proffer shall not apply to direct vent gas fireplaces or appliances.
11. **Foundations**. The exterior portion of a building below the first floor elevation which is visible above grade shall be finished with brick or stone.
12. **Brick Steps**. Steps to the main entrance of homes shall be of brick. Stoops shall be brick with finished concrete or exposed aggregate landing.
13. **Yards**. Yards shall be sodded and irrigated, exclusive of mulched flowerbeds and landscaping.
14. **Driveways**. All driveways shall be finished with concrete. No driveways serving individual dwellings shall have direct access to Staples Mill Road or Springfield Road.
15. **Sidewalk**. A sidewalk shall be provided along the road frontage of each lot and shall be constructed to current County standards and specifications for sidewalks.
16. **Street Trees**. The neighborhood shall have a street tree landscape plan in which trees shall be planted upon home completion within ten (10) feet of the curb on each side of the roadway at an average spacing of fifty (50) feet between trees.
17. **Mail Boxes and Lamp Posts**. All improved lots shall be required to have a post lamp and a mail box with supporting post of design and installation as specified in the Subdivision's Covenants and Restrictions as hereinafter provided.
18. **Roads and Curb and Gutter**. Curb and gutter shall be used on all streets and shall be designed to meet the current County standard for "roll top" curb and gutter and shall measure not less than three (3) feet from edge of pavement to back of curb. Roads shall be designed to have a minimum width of thirty-six (36) feet from back of curb to back of curb (thirty (30) foot edge of pavement to edge of pavement with an additional three (3) feet from edge of pavement to back of curb).
19. **Sound Suppression Measures**. Sound suppression measures shall be provided in the common wall between attached units with at least a 54 sound coefficient rating. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound coefficient rating, shall be included in the building permit application.

20. **Underground Utilities.** Except for junction boxes, meters, transmission mains and existing overhead utility lines, and for environmental reasons, all utility lines shall be underground.
21. **Restrictive Covenants/Homeowners' Association.** Prior to or concurrent with the recordation of the first 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), a document shall be recorded 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. In addition, there shall be a Homeowners' Association of the owners of lots in the subdivision that shall be responsible for the enforcement of the restrictive covenants, including, but not limited to, maintenance of the lots and common areas.
22. **Garages.** A minimum of a two car garage shall be provided for each home, which garage shall be detached and shall be front-loading. Any stairs to the second floor of garages shall be enclosed or provided within the interior of the garage.
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.
24. **Streetlights.** Streetlights not to exceed fifteen (15) feet in height and of a uniform design shall be provided.
25. **Fences/Walls.** The decorative ornamental fence and vinyl fence referenced in Proffer 7 notwithstanding, any fences or walls greater than forty-two (42) inches in height shall be masonry. No wooded stockade-type fences shall be permitted.
26. **Staples Mill Road Setback.** No building shall be constructed within one hundred (100) feet from the existing right-of-way of Staples Mill Road.
27. **BMPs.** Any wet pond BMPs and the existing pond on the Property shall have a fountain.
28. **Front Yard Setback.** A minimum front yard setback of twenty (20) feet, as measured from the back of curb to the front of the residence, shall be provided on all lots.
29. **No Cantilevering.** There shall be no cantilevered features including, but not limited to, bay windows and chimneys.

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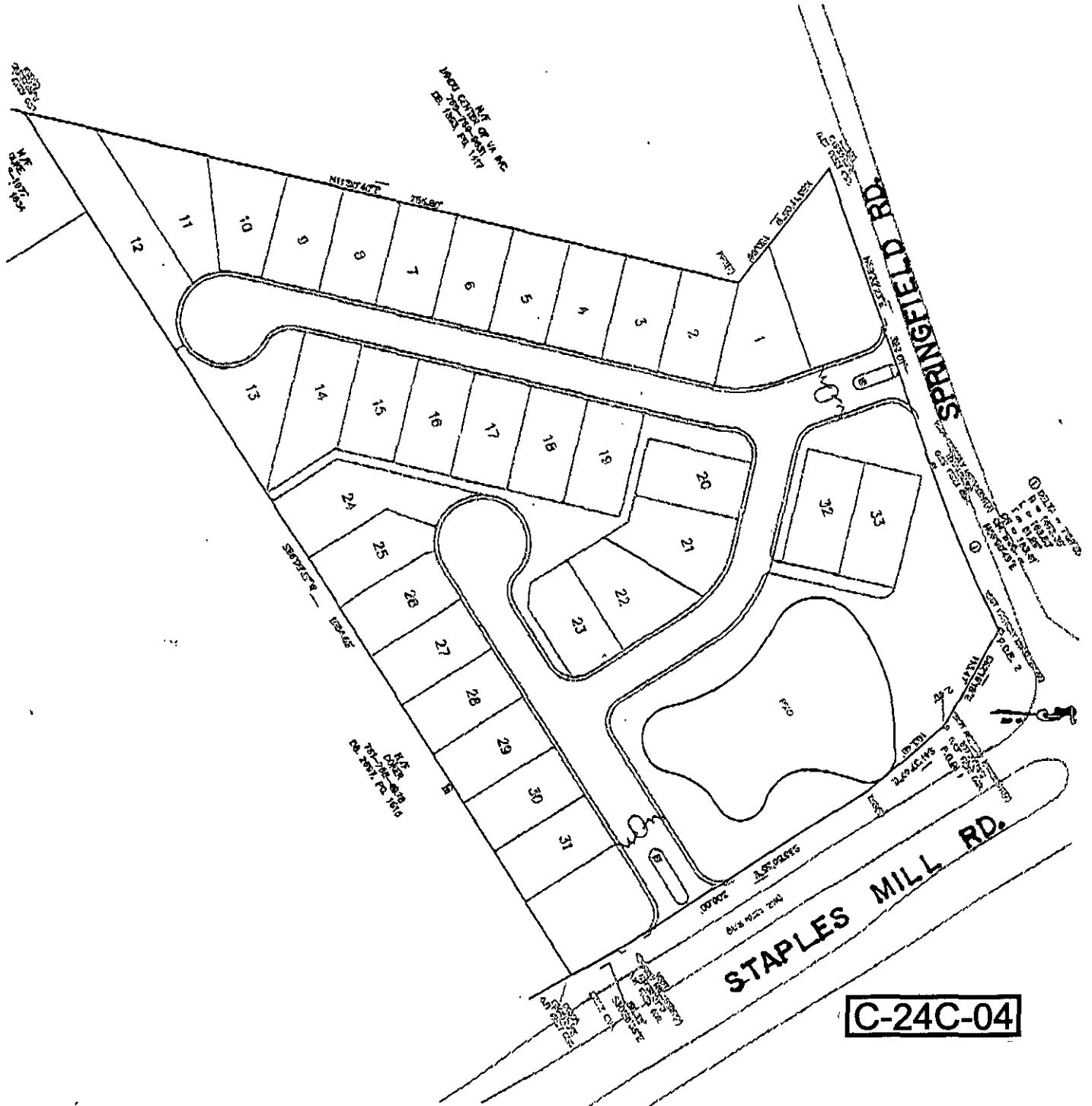
The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,

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

pc: Mr. James W. Theobald, Esquire  
Director, Real Estate Assessment  
Conditional Zoning Index  
Dr. Penny Blumenthal – Director, Research and Planning

EXHIBIT "A"



C-24C-04



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