

Prop. Dominion Townes

Mitchel tree

John Jasper Gardens

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



June 2004

O-2 to RTHC
7.15 Acres

ZONING
Townhouses Phase Three
Dominion Townes

Ref. 810-728-3075

C-41C-04
Fairfield District



0 400 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

October 19, 2004

EJD Associates, Inc.
11248 Prescott Place
Glen Allen, VA 23059

Re: Conditional Rezoning Case C-41C-04

Dear Sir:

The Board of Supervisors at its meeting on October 12, 2004, granted your request to conditionally rezone property from O-2 Office District to RTHC Residential Townhouse District (Conditional), on part of Parcel 810-728-3075, described as follows:

Beginning at a point on the east line of Laburnum Avenue, said point being 1170.75' south of the south line of Creighton Road; thence with the County of Henrico N74°54'11"E for 674.09' to the point of beginning; thence with the lands of EJD Associates, Inc. N74°54'11"E for 354.34' to a rod set; thence with the lands of Mitcheltree Subdivision, Section A, S14°21'23"E for 701.74' to rod found; thence with the lands Riley B. and Helen F. Lowe N89°39'13"W 161.47' to a rod found; thence with the lands of LightHouse Christian Center S59°36'08"W 406.47' to a rod found; thence with the lands of Riley B. and Helen F. Lowe N5°57'29"W 397.30' to a rod found; thence with the lands of the County of Henrico, Virginia N79°48'31"E 83.05' to a rod found; thence N6°38'49"W 384.97' to a rod found and being the point of beginning, containing 7.125 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated October 11, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Buffer Along the East Property Line With The Mitcheltree Subdivision:** There shall be a twenty-five foot (25') wide buffer of natural woodland, which shall remain substantially undisturbed, and in its natural state. New landscaping shall be installed in areas with little or no existing and/or natural landscaping.
2. **Architectural Treatment:** Various design elements will be incorporated to provide variety amongst individual units including but not limited to the following: varying colors of brick, brick accents (including but not limited to arches with or without keystones, soldier courses, quoin corners, and accent coloring different from the

main brick coloring, varying siding colors, varying window and doorway designs. Fifty percent (50%) of the visible portions of the front exterior elevations of the townhouses shall be brick construction excluding windows, doors and architectural design features. All exposed foundations of each unit shall be brick. There shall be no more than five (5) units in any one building, all of which shall have different front exterior elevations. A minimum of two (2) windows shall be incorporated in to the end wall designs of all end units. Townhouses shall be of the same design as Phases 1 & 2 of Dominion Townes, C-9C-03 (see case file).

3. **Curb and Gutter**: All roads shall have standard 6" curb and gutter and constructed in accordance with the Henrico County Guidelines.
4. **Sidewalks**: Sidewalks shall be provided adjacent to interior roadways and connect with Phase I of Dominion Townes and shall be constructed in accordance with Henrico County's Public Road Standards and Specifications for sidewalks.
5. **Lighting Standards**: Each townhouse shall have exterior wall mounted lights at each entrance and a pole mounted yard light adjacent to the intersection of the townhouse sidewalk and the common area sidewalk.
6. **Sound Suppression**: Walls between townhouses shall have a minimum sound transmission coefficient rating of 55. A cross-section 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.
7. **Cantilevered Items**: Cantilevered items, including but not limited to chimneys, gas vent units and closets shall be prohibited.
8. **Garages**: The project shall include a minimum number of attached garage units of twenty-five percent (25%) percent of the total number of townhouses in this project.
9. **Underground Utilities**: Except for the junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
10. **Minimum Size Townhouse**: The minimum finished floor area size shall be 1,280 square feet of living space with a minimum of fifty percent (50%) of the townhouse units having a minimum of 1,400 square feet of finished floor space. Several units, nine as shown on the proposed plan, shall be 1,700 square feet and an integral garage.
11. **Maximum Number of Townhouses**: There shall be no more than 21 units developed on the subject property. The Unit Density shall not exceed 5 Units/Acre.

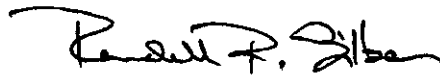
12. **Restrictive Covenants/Homeowners Association**: Prior to or concurrent with the conveyance of any part of the Property covered on the combined Plans of Development of this Property and the adjacent Dominion Village property approved by the county, restrictive covenants describing development controls 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 the townhouses 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.
13. **Severance**: The unenforceability elimination, revision and/or amendment of any proffer set forth herein, in whole or in part shall not affect the validity or enforcement of any of the other proffers or the unaffected part of any such proffer.
14. **Access**: The Property will be accessed through the private roadway system of the Dominion Townes project. There will be no access to Mitcheltree Boulevard and/or subdivision.
15. **Special Landscaping**: Developer will provide where practical a 10% tree canopy coverage in common areas.
16. **Foundation Planting**: Foundation Planting shall be as proffered in Phase I and II of Dominion Townes.
17. **Conservation Areas**: The owner shall, prior to subdivision approval, apply to rezone excess wetlands not sold to or donated to the County of Henrico, to a C-1 Conservation District.
18. **Site Plan**: Development of the property will be in substantial accordance with the submitted plan labeled Exhibit "D" (see case file).
19. **Land Dedication/Cash Proffer**: Pursuant to the cash proffer policy adopted by Henrico County the applicant will dedicate a parcel of land, consisting of 2 acres along the SE line of parcel 809-728-7972, the existing Fairfield Library, and wrapping around parcel 809-728-8732 prior to the issuance of any building permit. In the event the County does not utilize the dedicated land for a public facility related to the impact of the development within fifteen (15) years of the dedication, the land shall be conveyed back to the dedicator.

In addition, prior to the release of a building permit, a cash proffer pursuant to the cash proffer policy adopted by Henrico County, not to exceed \$4,138, and applicable to the proposed residential development shall be paid per residential lot to mitigate the development's impact on public facilities. The road improvements

portion of the cash proffer shall be designated for the particular traffic shed in which the Property is located. Cash proffers not used for the purposes specified in this proffer and/or of the policy shall be returned fifteen (15) years after receipt to the payor.

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

pc: Mr. Skip Gelletly
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning

EXHIBIT A



C-9C-03



C-9C-03

CRIGHTON ROAD

1705 SQ
UNITS

DOMINION TOWNES

HENRICO, VIRGINIA

EXHIBIT D AUGUST 16, 2004

 **KOONTZ-BRYANT, P.C.**
A Full Service Civil Consulting Firm

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C-41C-04

