

A-1 to RTHC  
7.034 Acres



August 2004

**ZONING**  
Residential Development

Ref. 736-755-9422



**C-52C-04**  
Three Chopt District

0 300 Feet



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

November 16, 2004

D. O. Allen Homes  
812 Moorefield Park Drive  
Suite 304  
Richmond, VA 23236

Re: Conditional Rezoning Case C-52C-04

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 to RTHC Residential Townhouse District (Conditional), Parcels 736-755-9422 and 736-755-5630, described as follows:

Beginning at a point on the northern line of Church Road 115.14' west of the western line of Chatham Woods Drive; thence along and following the northern line of Church Road N76°57'57"W 150.12' to a point; thence N76°57'57"W 58.67' to a point of curvature; thence along and following said curve to the right having a radius of 1103', length of 200.66', chord bearing and chord distance of N71°45'15"W 200.38' to a point; thence continuing along a curve to the right having a radius of 1103', length of 182.67', chord bearing and chord distance of N61°47'53"W 182.46' to a point; thence N57°03'13"W 195.42' to a point; thence departing the northern line of Church Road N50°15'09"E 542.58' to a point; thence S39°10'09"E 355.78' to a point; thence N18°16'25"E 376.04' to a point; thence S74°53'01"E 9.39' to a point; thence S15°46'16"W 200' to a point; thence S74°53'01"E 149.98' to a point; thence S15°49'52"W 516.04' to a point on the northern line of Church Road, said point being the point of beginning, containing 7.034 acres, more or less.

The Board of Supervisors accepted the following proffered conditions, dated November 5, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Permitted Uses.** The development on the Property shall be restricted to single family detached condominiums and ancillary recreational facilities. Only passive

recreational use shall be permitted on the narrow strip of land that protrudes between the Waterford and Hampton Woods Subdivisions.

2. **Foundations.** All houses shall be constructed on a masonry foundation. 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, closets or bay windows.
3. **Restrictive Covenants/Homeowners Association.** Prior to or concurrent with the plan of development approval 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 and/or Condominium Association of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the buffer areas, common areas, roads and unit exteriors.
4. **Minimum Unit Size.** The minimum unit sizes (finished floor area) shall be 1800 square feet and the average unit size shall be a minimum of 2100 square feet.
5. **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.
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. Junction boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials.
7. **Access.** Access to the Property shall only be from Church Road. No vehicular access shall be permitted directly to Church Road from any individual dwelling unit.
8. **Entrance Feature.** An irrigated landscaped entrance feature shall be provided generally similar to the conceptual rendering marked EXHIBIT C filed with this case (see case file) subject to approval by the Director of Planning.
9. **Exterior Finishes.** The exterior siding of all dwellings shall be constructed of brick, stone, hardiplank or premium grade vinyl. All trim shall be low maintenance vinyl, aluminum wrapped or other low maintenance material. A minimum of fifty percent (50%) of the homes shall be brick or stone fronts,

exclusive of windows, doors, gables, garage doors and the portion of the façade surrounding the garage doors.

10. **Buffers.**

A. **Church Road Buffer.** A landscaped and/or naturally vegetated buffer a minimum of fifty (50') in width shall be provided adjacent to the Church Road ultimate right of way, exclusive of signs, entrance features, streets and sidewalks. This fifty (50) feet buffer shall retain natural vegetation and/or be supplemented with landscaping equal to the requirements of a Transitional 25 Buffer.

B. **Perimeter Buffer.** A naturally vegetated and/or landscaped buffer a minimum of ten (10) feet in width shall be provided along the Property lines adjacent to residentially developed property.

*Existing vegetation and underbrush may, and fallen diseased or dead plant growth shall, be removed from these buffer areas, and if so removed, additional plantings shall be added. This ten (10) feet buffer shall retain natural vegetation, to the extent reasonably practical, or be supplemented with landscaping equal to the requirements of a Transitional 25 Buffer. Any new utility easement located within these buffers shall be extended generally perpendicular thereto, unless otherwise requested and approved at the time of plan of development.*

11. **Landscaping.** Front yards of each dwelling shall be individually landscaped to coordinate with the design of the community and foundation planting plans shall be submitted at the time of plan of development review. All yards shall be irrigated and sodded other than where landscaping or mulching may occur. A minimum of one (1) tree measuring a minimum of 2.5" in caliper shall be retained or planted for each forty (40) feet in the yards adjacent to the streets.

12. **Garages.** Each home shall have a one (1) car garage at a minimum. The garage on any house having a street-front loading garage shall be recessed a minimum of six (6) feet from the face of the main body of the house.

13. **Density.** The maximum number of houses shall not exceed 30.

14. **Conceptual Plan.** The site shall be developed generally as shown on the "Conceptual Plan" marked as EXHIBIT A (see case file) which is conceptual in nature, subject to engineering studies, and may vary in detail as approved by the Director of Planning.


15. **Driveways**. All driveways shall be paved within six (6) months following receipt of a certificate of occupancy. All driveways shall be paved with aggregate materials.
16. **Road Standards**. Standard 6" curb and gutter shall be used on all streets which shall also be constructed to County pavement design standards.
17. **Streetlights**. Streetlights a maximum of twelve (12) feet in height and of a uniform style shall be provided along both sides of the interior streets as part of the streetscape as generally shown on EXHIBIT A (see case file).
18. **Sidewalks**. Sidewalks a minimum of four (4) feet in width and constructed with aggregate materials shall be provided on at least one side of the streets. Planting strips shall be provided along one side of the sidewalks with the locations to be determined at the time of plan of development review.
19. **Amenity**. A minimum of one quarter acre of centrally located land shall be developed as a village green with hardscape and landscape features. Examples of features that may be offered include a gazebo, park benches and/or paths for use by the residents.
20. **Cash Proffer**. Prior to the release of each building permit, a cash proffer pursuant to the cash proffer policy adopted by Henrico County and as 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 case proffer shall not exceed \$14,800. Cash proffers not used for the purposes specified in this proffer and/or the County adopted policy shall be returned to payor fifteen (15) years after receipt.
21. **Architectural Treatment**. The massing, design, character and architectural features of the proposed homes shall be generally similar in quality to the conceptual elevations marked as EXHIBITS B1, B2, B3 and B4 (see case file). Various design elements such as 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.
22. **Construction Hours**. Land clearing, grading, road construction, water/sewer line construction or the construction of the exterior of any building shall occur between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday. No exterior construction shall 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 on the site both in English and Spanish

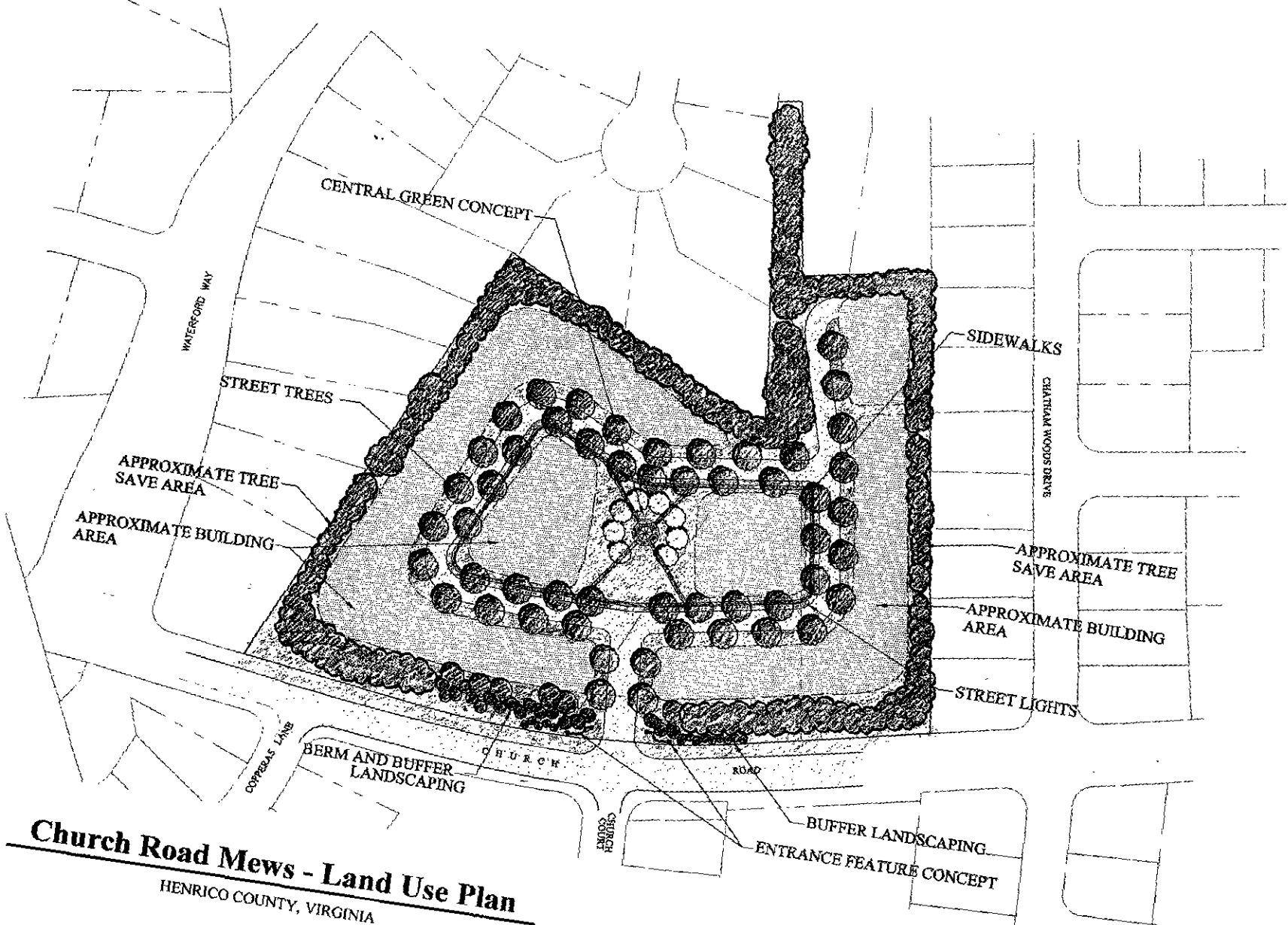
23. **Fences**. No stockade fences shall be permitted on the Property.
24. **Severance**. The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any 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.

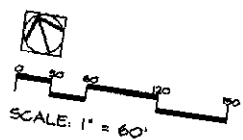
Sincerely,

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

pc: Mr. John and Mrs. Karen McLaughlin  
Ms. Iva J. Mullins  
Ms. Gloria Freye, Esquire  
Director, Real Estate Assessment  
Conditional Zoning Index  
Dr. Penny Blumenthal – Director, Research and Planning



**Church Road Mews - Land Use Plan**  
 HENRICO COUNTY, VIRGINIA



C-52C-04  
 EXHIBIT A