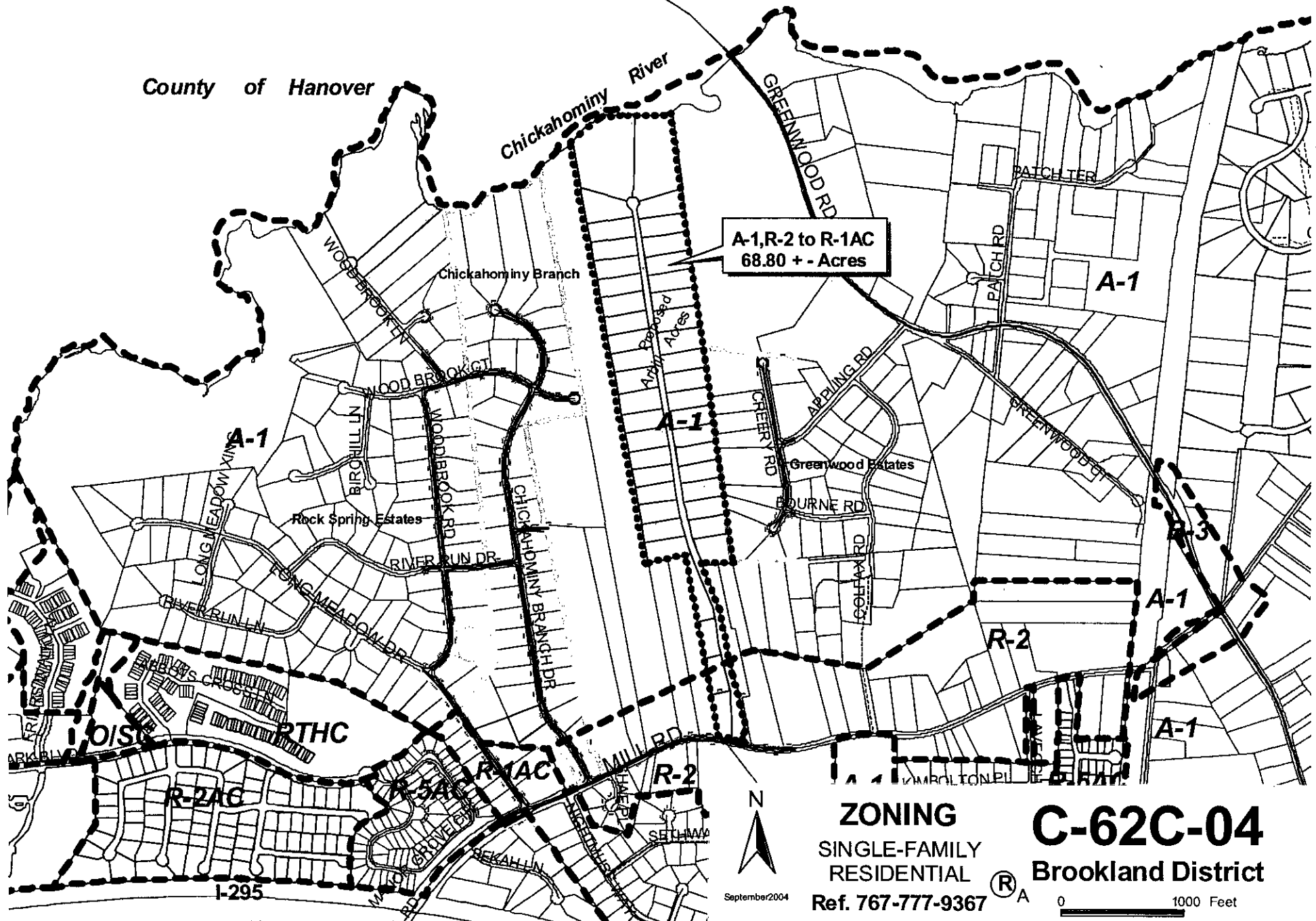


County of Hanover

Chickahominy River

A-1, R-2 to R-1AC
68.80 +/- Acres



ZONING

SINGLE-FAMILY
RESIDENTIAL

C-62C-04

Brookland District

Ref. 767-777-9367



0 1000 Feet

September 2004



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

December 21, 2004

Mr. William E. Elmore, Sr.
11554 Mill Road
Glen Allen, VA 23059

Re: Conditional Rezoning Case C-62C-04

Dear Mr. Elmore:

The Board of Supervisors at its meeting on December 14, 2004, granted your request to conditionally rezone property from A-1 Agricultural District and R-2 One Family Residence District to R-1AC One Family Residence District (Conditional), Parcels 767-777-9367 and 768-774-4492, described as follows:

Commencing at a point on the north line of Mill Road, said point being 0.2 mile more or less from the east line of Chickahominy Branch Drive; thence northwardly along the property line of William E. Elmore, 717' more or less to the intersection of said property line with the A-1 zoning line, said point being the point of beginning; thence approximately N10°41'W for a distance of 1129.6 more or less to a point; thence approximately S79°19'W for a distance of 300' more or less to a point; thence approximately N10°41'W for a distance of 3401' more or less to a point on the Chickahominy River; thence eastwardly along the edge of the Chickahominy River 977' more or less to a point; thence approximately S7°36'E for a distance of 364.3' more or less to a point; thence approximately S86°32'W for a distance of 258.2' more or less to a point; thence approximately S20°59'E for a distance of 279.9' more or less to a point; thence along a curve to the right having a radius of 1059.2' more or less for a distance of 204.2' more or less to a point; thence approximately S9°56'E for a distance of 244.7' more or less to a point; thence along a curve to the left having a radius of 2662.9' more or less for a distance of 199.9' more or less to a point on the A-1 zoning line; thence along the zoning line approximately S64°47'W for a distance of 205.1' more or less to a point and being the point of beginning, containing 65.8 acres more or less.

Beginning at a point on the north line of Mill Road, said point being 0.2 mi more or less from the east line of Chickahominy Branch Drive; thence along the north line of Mill Road in a westerly direction along a curve to the right, having a radius of 1,121' more or less and an arc length of 12.6' more or less to a point; thence approximately N75°51'W for a

distance of 160.5' more or less to a point; thence in a westerly direction along a curve to the left, having a radius of 741.3' more or less and an arc length of 49.1' more or less to a point; thence approximately N10°43'W for a distance of 521.2' more or less to a point at the zoning line; thence along the zoning line approximately N64°47'E for a distance of 205.1' more or less to a point; thence in a southerly direction along a curve to the left, having a radius of 2,662.9' more or less and an arc length of 123.7' more or less to a point; thence in a southerly direction along a curve to the right, having a radius of 2,662.9' more or less and an arc length of 199.9' more or less to a point; thence approximately S10°42'E for a distance of 130.8' to a point; thence in a southerly direction along a curve to the right, having a radius of 493.8' more or less and an arc length of 190.3' more or less to a point; thence in a southeasterly direction along a curve to the left, having a radius of 25' more or less and an arc length of 38.3' more or less to a point on the north line of Mill Road, and being the point of beginning, containing 3.0 acres more or less.

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

1. **Clearing Limitation:** The clearing of trees shall be limited to that necessary for dwellings, road improvements, driveways, utilities, signage, customary accessory uses and wetland mitigation areas or when necessary for common areas.
2. **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 covered by said subdivision plat (other than for the dedication of easements, roads and utilities), there shall be recorded a document in the Clerk's Office of the Circuit Court of Henrico County setting forth controls on the development and maintenance of such portions of the property. The protective covenants will establish a homeowners association which will govern and approve among other things architectural approval of dwellings and accessory structures.
3. **Foundations:** The visible exterior portion of the building below the first floor elevation shall be finished with brick or stone.
4. **Swimming Pools:** No swimming pools shall be located nearer to any street line than the rear building line of the dwelling and also the side yard building line in the case of a corner lot.
5. **Architectural Treatment:** No cantilevered features shall be permitted. The exposed portion of all fireplace chimneys or direct vent fireplace enclosures shall be brick or of a siding similar to the exterior treatment of the dwelling.
6. **Density:** No more than 50 dwelling units shall be permitted on the property.

7. **Minimum House Size:** The minimum size for any house constructed on the property shall be 3,000 square feet of finished floor area.
8. **Utilities:** All residential lots on the property shall be served by public water and sewer if available. At the time of subdivision approval, an easement of no more than twenty feet in width for a public utility line to the boundary line of the existing Greenwood Estates Subdivision shall be dedicated to the County. This utility easement shall be within an area exclusive of a dwelling lot and shall be generally located as shown on the illustrative layout prepared by Higgins & Gerstenmaier dated October 28, 2004, a copy of which is attached as Exhibit "B" (see case file). If a temporary pump station is approved by the County, it shall be located in an area on the Property that is as close to the Chickahominy River as is permitted. The temporary pump station, the area on which it is located and a right-of-way for access at least thirty feet in width shall be dedicated to the County. The temporary pump station area and thirty foot wide access easement shall be located in an area on the site as determined appropriate at the time of subdivision approval. Any equipment above ground level associated with the temporary pump station shall be enclosed by a building that shall have an architectural style and use design elements substantially similar to the conceptual renderings attached as Exhibit "C" (see case file), which such renderings are conceptual in nature and may be revised as approved by the Planning Commission at the time of subdivision approval.
9. **Site Plan.** The property shall be developed generally in substantial accordance with the illustrative layout prepared by Higgins & Gerstenmaier dated October 28, 2004, a copy of which is attached as Exhibit "B" (see case file).
10. **Underground Utilities:** Except for junction boxes, meters, pedestals and existing overhead utility lines, and except for any technical or environmental reason, all new utilities shall be placed underground. In addition, the developer shall not request that the existing elevated power lines located along Mill Road be relocated unless required for road widening.
11. **Street Improvements:** The streets of the subdivision shall be constructed of asphalt and standard curb and gutter or a minimum three (3) foot wide rolled-face curb and gutter (except for standard curb and gutter as required for the entrance feature as described below). Such streets shall be constructed to current County road design standards and shall have a right-of-way of a minimum of fifty (50) feet in width.
12. **Landscaping:** Landscaping shall be installed around all utility boxes. The front yard of each lot shall contain at least two (2) healthy trees measuring 2 ½ or

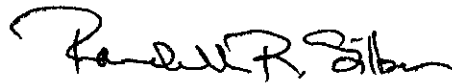
more inches in diameter, which shall either exist or be planted prior to the issuance of the final certificate of occupancy.

13. **Hours of Construction**: No land clearing, road or water/sewer line construction, or any construction of the exterior shell of any building shall occur between the hours of 7 P.M. and 7 A.M., except in emergencies or where unusual circumstances require extending these specified hours in order to complete work such as concrete pours or utility connections. During construction on the site, a sign shall be posted in a conspicuous location on the site stating this limitation on hours in both English and Spanish.
14. **Burning**: There shall be no burning on the site.
15. **Construction Entrance**: Any construction entrance shall be built and maintained in accordance with County standards until the roads on the property are hard surfaced.
16. **Stub Roads**: There shall be no ingress or egress to any adjacent property.
17. **Trash Collection**: The collection of trash during house construction shall occur no less than once a week.
18. **Front Elevation**: A minimum of 50% of all homes will have a brick front elevation. The primary material used on front elevation shall have at least twelve (12) inches of such material turn the corners from the fronts around each side of such home, exclusive of windows, doors, dormers or other architectural design features.
19. **Garages**: A minimum of a two-car garage shall be attached to each home constructed on the property, all of which shall be side or rear loaded garages.
20. **Entrance Feature**: The entrance to the subdivision is to be built comparable to Exhibit "A" (see case file) unless otherwise approved by the Planning Commission. The median within the entrance shall have standard curb and gutter.
21. **Front Stoops**: Stoops and steps thereon shall be constructed of brick.
22. **Sod and Irrigation**: Sod and irrigation shall be included in the front and side yards of all homes unless otherwise prevented because of a septic system, if any.
23. **Driveways**: All driveways shall be asphalt, brick, concrete, exposed aggregate, stamped concrete or other similar hard scape.

24. **Fencing.** No fence will exceed 72". Any fence over 42" in height must be constructed of finished masonry or constructed with a combination of masonry piers and aluminum, metal or cast iron pickets. No chain link fences shall be permitted.
25. **C-1 Zoning:** An application shall be filed for C-1 zoning for the areas within the Property that are within the 100 year flood plain, unless such areas are needed for roads, access ways or other purposes approved or required by the Planning Commission or any other governmental body or official at the time of subdivision approval. Such rezoning application shall be filed as soon as reasonably practical, but in no case later than the date of the recordation of the last subdivision plat for the last lot platted on the Property.
26. **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.

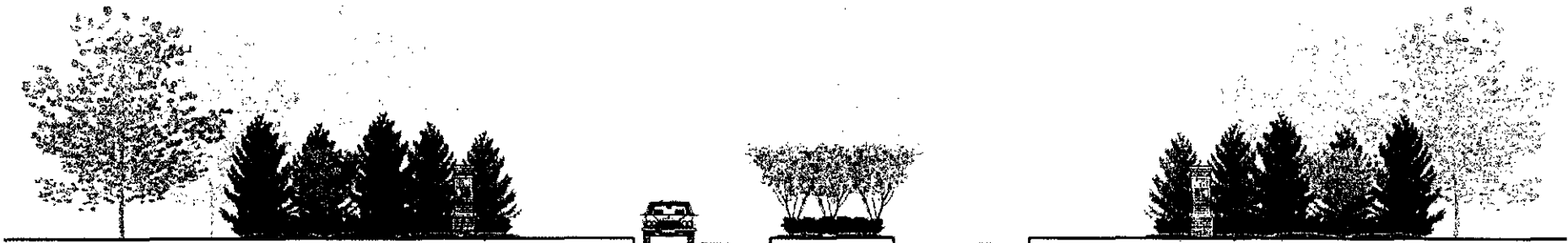
The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



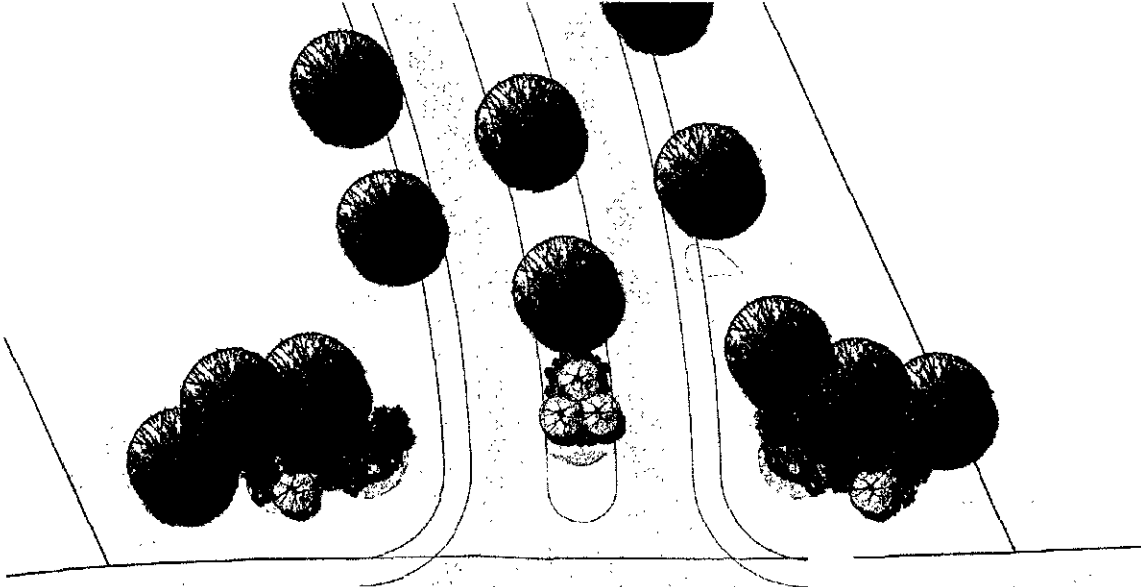
for Virgil R. Hazelett, P.E.
County Manager

pc: Mr. Robert M. Atack
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning



ENTRANCE ELEVATION

NOT TO SCALE



MILL ROAD

**ENTRANCE ILLUSTRATIVE
ARBILL ACRES**

Henrico County, Virginia
Alack Properties
October 21, 2004

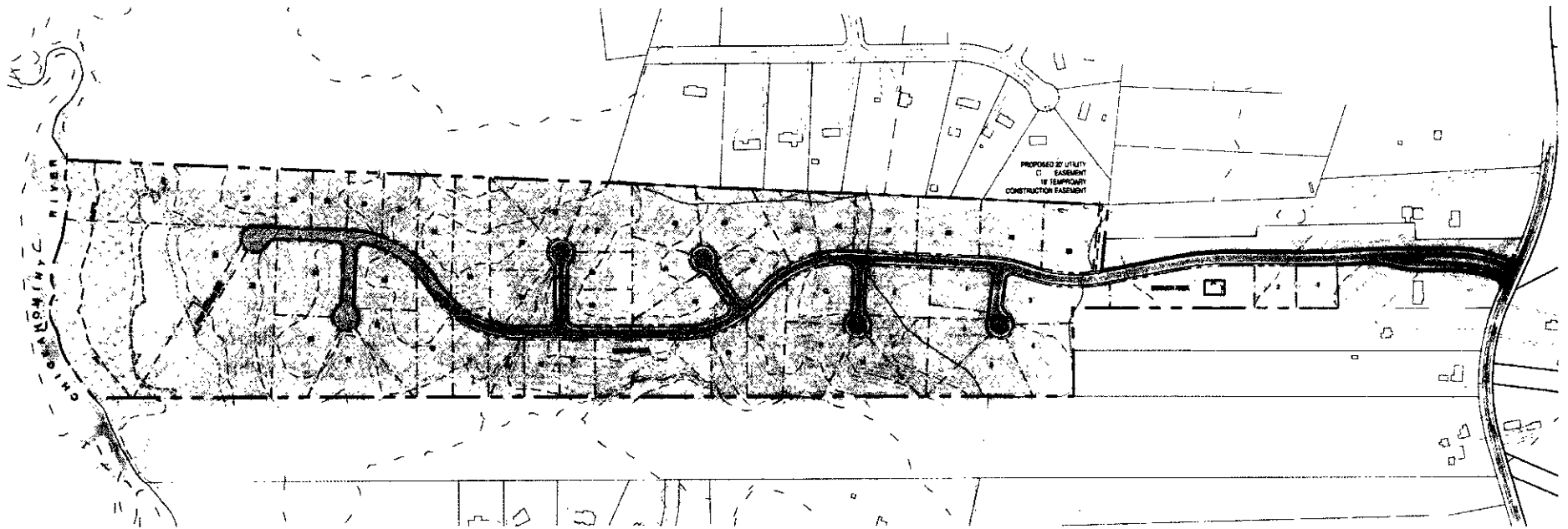
HIGGINS & GERSTENMAIER
LAND PLANNING / LANDSCAPE ARCHITECTURE
The 02044 is for illustrative purposes only.

C-62C-04

EXHIBIT A

ENTRANCE PLAN

NOT TO SCALE



**ILLUSTRATIVE MASTER PLAN
ARBILL ACRES**

Henrico County, Virginia
Atack Properties
October 28, 2004

Illustrative master plan by:
HIGGINS & GERSTENMAIER
LAND PLANNING LANDSCAPE ARCHITECTURE
This exhibit is for illustrative purposes only.

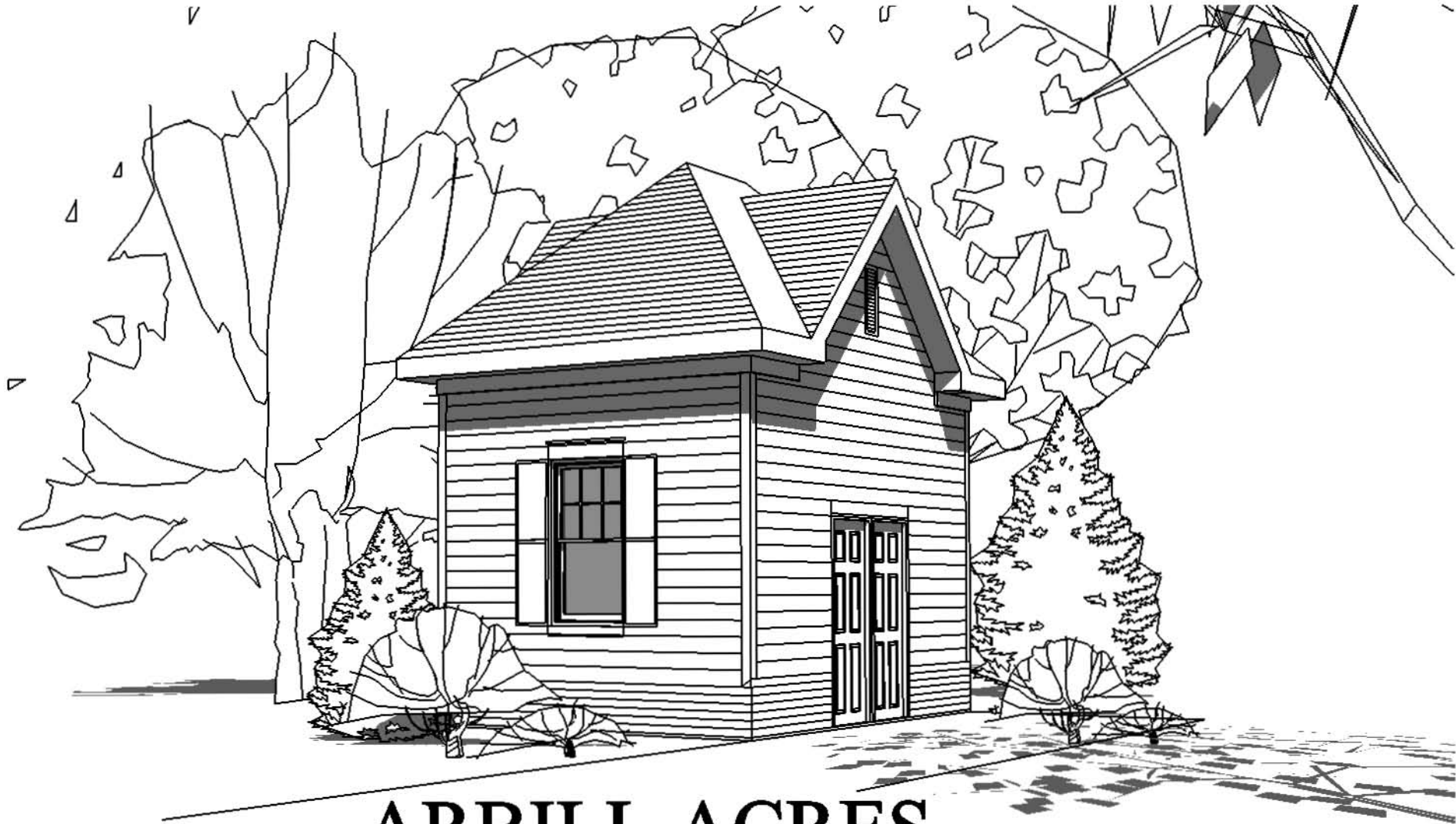
Revised
12/3/04

C-62C-04

Exhibit B

Revised - 12/3/04





ARBILL ACRES
Pump Station Facility