Prop. Castleton Subdivision
Formerly Sutton Forest

Prop. Castleton Subdivision
Formerly Hunt Valley

ZONING
Single Family Residential

C-65C-04
Varina District

Ref. 823-693-4446
Mr. Kenneth S. Merner
Boyd Corporation
544 Newtown Road, Suite 128
Virginia Beach, VA 23462

Re: Conditional Rezoning Case C-65C-04

Dear Mr. Merner:

The Board of Supervisors at its meeting on December 14, 2004, granted your request to conditionally rezone property from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 823-693-4446, described as follows:

Beginning at a point situated on the east line of Doran Road, a 50' R/W, said point being ±1,290' south of the southern line of Darbytown Road, leave said east line N86°26'12"E, 1,114.02' to a point; thence S04°03'39"E, 1,415.69' to a point; thence N73°39'52"W, 391.90' to a point; thence S83°29'02"W, 353.04' to a point; thence N14°07'06"E, 557.37', to a point; thence S83°27'58"W, 605.95' to a point situated on the east line of Doran Road; thence continue along said east line on a curve to the left with a chord N02°05'10"E, 42.20' and a length = 42.22', $\Delta=06°23'22''$, radius = 378.60' to a point; thence N01°06'31"W, 300' to a point; thence along a curve to the left with a chord N01°44'36"W, 370.01' and a length = 370.02', $\Delta=01°16'09''$, radius = 16,703.81' to a point; thence N02°22'40"W, 89.28' to a point and the point of beginning, containing 28.21 acres.

The Board of Supervisors accepted the following proffered conditions, dated December 14, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. The exterior portions of the foundation of any dwellings constructed on the property shall be of brick or stone veneer. There shall be a minimum of two (2) single windows or one (1) double window on dwelling side elevations.

2. All chimneys of any dwelling constructed on the property shall be brick, stone or vinyl siding. All chimneys or direct vent fireplaces shall have foundations with the
exposed portions made of the same material as the house foundation. No cantilevered chimneys or closets will be allowed.

3. The minimum finished livable square footage of dwellings constructed on the property shall be as follows: (A) One story – 1800 S.F.; (B) Two story – 2200 S.F.; (C) Cape Style – 2200 S.F.

4. There shall be no one-story dwellings constructed on lots that are adjacent to Doran Road. There shall be no stockade wood privacy fences or chain link fences at the rear of the lots on lots that are adjacent to Doran Road.

5. There shall be no “slab construction” of any dwellings constructed on the property, exclusive of garages, attached storage buildings, utility rooms, storage spaces, porches, stoops or accessory buildings.

6. Building elevations of side-by-side dwellings shall have a variation in elevation design and shall be made a part of the restrictive covenants of the subdivision.

7. No direct access to Doran Road is to be provided from the parcels. No improvements along Doran Road will be provided.

8. In accordance with Section 24-94(aa) of the Henrico County Code a landscape buffer of twenty-five (25) feet in width will be provided adjacent to the right-of-way line of Doran Road as such right of way is determined at the time of tentative subdivision review. At least ten (10) feet of such buffer shall contain landscaping and berming, except to the extent necessary for utility easements, drainage easements, sidewalks, signage, and other purposes requested and specifically permitted, or if required, by the Planning Commission at the time of subdivision approval; in such ten (10) feet, any easements shall be generally perpendicular to the adjacent Doran Road. The balance of the buffer would permit utility easements to run through the buffer in a parallel fashion. The landscaped buffer will be coordinated with a uniform design and appearance and be coordinated with the adjacent Windsor Oaks subdivision and Castleton subdivision to present a unified and consistent frontage along Doran Road. The landscape plan, showing proposed improvements within the landscaped buffer shall be submitted with the construction plans for Staff review and approval prior to recordation of the subdivision. The landscaped buffer shall be in addition to the minimum setback requirements as specified by the R-2A zoning classification of the Henrico County Zoning Ordinance.

9. The dedication of any right-of-way along Doran Road as determined at the time of tentative subdivision review shall be part of the recorded plat of the subdivision.
10. There will be no more than 60 residential lots developed on the subject property.

11. Prior to or concurrent with the recordation of the subdivision plat approved by the County and before conveyance of any portion of the property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), there shall be recorded restrictive covenants in the Clerk’s office of the Circuit Court of Henrico County, Virginia setting forth quality controls on the development and maintenance of all portions of the Property. Such items included in the restrictive covenants will be that mailboxes and lamp posts will be provided for each lot and will be consistent as to design and quality; that all driveways will be constructed of hard surface materials and all building structures must be approved by an architectural control committee as designated by the developer. These items are by way of illustration, not limitation.

12. Standard 6” curb and gutters complying with Henrico County standards shall be provided on the streets of the Property, except as otherwise required by the County. The streets of the subdivision shall be constructed of asphalt and to the standards set forth by the Henrico County Department of Public Works.

13. All proposed utilities except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all newly-installed utility lines shall be installed underground.

14. At least fifty (50%) of all garages built on the property shall be side loading entry. Front loading garages shall be setback a minimum of 5’ from the closest portion of the dwelling to the street.

15. There will be one (1) tree measuring 2.5” in caliper provided along each side of the internal streets for every fifty (50) linear feet of lot frontage. There shall be a minimum of one (1) tree measuring 2.5” in caliper provided in the front yard of each lot. Mature trees shall be retained where practical.

16. There will be combination sidewalks/bike paths of four (4) feet in width along one side of the major thoroughfare roads within the Project as shown on the Ultimate Overall Plan of Castleton Subdivision prepared by Townes Site Engineering dated July 28, 2004 with latest revision of October 7, 2004 (see case file). A grass strip shall be provided between the back of curb and the sidewalk.

17. Cash Proffer: Prior to the release of a building permit, a cash proffer pursuant to the case proffer policy adopted by Henrico County, not to exceed $12,000, and applicable to the proposed residential development shall be paid per residential lot to mitigate the development’s impact on public facilities. Cash proffers not used for the purposes specified in the County policy shall be returned fifteen (15) years after receipt to the payor.
18. 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,

[Signature]

Virgil R. Hazelett, P.E.
County Manager

pc: Mr. Byrl S. Sutton, Jr.
Ms. Sharon S. Johnson
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning