



A-1 to R-3C
14.486 Ac.



ZONING

Single-Family Residential
Ref. 740-770-0883

C-14C-05

Three Chopt District

0 500 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

July 19, 2005

The Estate of Madeline W. Smart
c/o Mr. George P. Smart
4790 Shady Grove Road
Glen Allen, VA 23060

Re: Conditional Rezoning Case C-14C-05

Dear Mr. Smart:

The Board of Supervisors at its meeting on July 12, 2005, granted your request to conditionally rezone property from A-1 Agricultural District to R-3C One Family Residence District (Conditional), on part of Parcel 740-770-0883, described as follows:

Beginning at a point, said point being in the center of Shady Grove Road 0.2 mile ± east of the intersection of Shady Grove Road and Pouncey Tract Road, thence, along the center of Shady Grove Road, S78°04'46"E, 241.87' to a point; thence, leaving the center of Shady Grove Road S10°14'46"W, 220.76' to a rod found; thence, S74°15'14"E, 210.85' to a rod found; thence, N10°14'46"E, 234.83' to a point in the center of Shady Grove Road; thence, along the center of Shady Grove Road S78°04'46"E, 510.47' to a point; thence, leaving the center of Shady Grove Road S00°19'27"W, 905.66' to a rod found; thence, N59°12'45"W, 956.61' to a rod set; thence, N26°57'55"W, 310.40' to a point in a gravel pile; thence, N04°25'00"E, 339.12' to the point of beginning, containing 14.486 acres.

The Board of Supervisors accepted the following proffered conditions, dated July 8, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Maximum Density:** The maximum density of lots on the Property shall not exceed 2.0 units per acre.
2. **Underground Utilities:** Except for transformers, pedestals, junction boxes, meters, and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be installed underground.

3. **Minimum Floor Area:** The minimum finished square footage of a one-story dwelling shall be 2500 square feet. The minimum finished square footage of a two-story dwelling shall be 2600 square feet. One-story dwellings shall be limited to twenty-five percent (25%) of the total number of dwellings.
4. **Foundations:** The main body of any home shall not be constructed on a slab, provided that garages and patios may be constructed on a slab. All visible exposed portions of foundations of each home below the first floor level shall be constructed of brick or stone.
5. **Chimneys and Windows:** Chimneys, direct vent gas fireplaces, closets and windows shall not be cantilevered. The foundation of any chimney, direct vent gas fireplace, closet or window shall be consistent with the foundation of the main dwelling. The siding material above the foundation shall be consistent with the siding material used on the adjacent walls. The material used to construct any chimney shall be consistent with the foundation of the main dwelling.
6. **Exterior Materials:** All of the homes shall have at least seventy percent (70%) of their front elevation constructed of brick, stone or a combination of brick, stone or shake. The front elevations shall be constructed in general conformance to the attached elevations (see case file).
7. **Garages:** A minimum of a two-car garage shall be constructed on each lot. At least fifty percent (50%) of the garages shall be side or rear load.
8. **Driveways:** All driveways shall be constructed of exposed aggregate, brick, concrete or pre-cast pavers. There shall be no individual lot driveway access to Shady Grove Road.
9. **Lot Width:** At least ninety percent (90%) of all buildable lots shall have a minimum lot width of ninety (90) feet. No buildable lots shall have a lot width less than eighty-five (85) feet.
10. **Roads and Curb and Gutter:** All roads on the Property shall be constructed with Henrico County standard three-foot rollface curb and gutter, unless otherwise approved by the County.
11. **Buffers:**
 - a) A twenty-five (25) foot buffer shall be provided adjacent to the ultimate right-of-way of Shady Grove Road. A landscape plan shall be submitted with the "Final Subdivision" application for review and approval by the Planning Commission. This buffer shall be landscaped to the standards of the thirty-five (35) foot transitional buffer.

- b) A twenty-five (25) foot buffer shall be located adjacent to the parcel where the house identified as the former Springfield Elementary School is located (GPIN 740-769-2091). All existing vegetation within this buffer, unless dead, diseased or dying, shall remain undisturbed to protect the visual integrity of the historic structure. This buffer shall be in addition to the required yard setbacks.
12. **Lot Clearing**: Clearing of healthy trees six (6) or more inches in diameter on the lots shall be limited to areas required to accommodate dwellings, driveways, sidewalks, open yard areas, utility lines, drainage and any other areas typically required for the construction of a dwelling.
13. **Sod and Irrigation**: The front yard and side yard of each lot shall have sod and an irrigation system installed.
14. **Entrance Feature**: The main entrance feature from Shady Grove Road shall be complemented with landscaping and a brick, stone or stucco monument entrance feature. Landscaping at the entrance feature shall include sod and an irrigation system. The prospective entrance feature shall be similar to the attached exhibit (see case file).
15. **Restrictive Covenants**: Concurrent with the recordation of each subdivision plat approved by the County of Henrico, restrictive covenants describing development controls and maintenance responsibilities for all common areas within the subdivision, including maintenance of the entrance feature, shall be reviewed by the Henrico County Attorney's Office and recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. In addition, there shall be a Homeowner's 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.
16. **Compliance Certification**: Upon request by the Director of Planning, the Applicant shall provide the County with the necessary calculations that illustrate that the dwellings and lots constructed in its Neighborhoods are in compliance with all of the allowable and required percentages set forth in these proffers.
17. **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.
18. **Right-of-Way Dedication**: The Applicant shall dedicate the right-of-way necessary along Shady Grove Road based on the ultimate right-of-way width of eighty (80) feet. The right-of-way shall be dedicated as part of the final plat recordation.

Should the dedicated property not be used for the widening of Shady Grove Road within thirty (30) years of the date of the dedication, title to the dedicated property will revert to the property owner or its successors in interest.

19. **Street Tree Plan**: A minimum of two (2) trees measuring at least 2.5" in caliper shall be retained or planted within front yards and corner side yards. The trees shall be planted within ten (10) feet of the curb on each side of the roadway and be spaced no more than fifty (50) feet apart.
20. **Sidewalks**: A four (4) foot sidewalk with a two (2) foot planting strip behind the curb shall be installed along Shady Grove Road. A four (4) foot sidewalk with a two (2) foot planting strip behind the curb shall be installed internally along one side of conceptual roads D and E. Walking trails shall be installed where appropriate in the common areas, contingent upon approval by the USCOE and DEQ.
21. **C-1 Zoning**: The Applicant shall file an application 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 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. The acreage then zoned C-1 may or may not be included in any subdivision or lot on the Property, at the sole discretion of the Applicant.
22. **Architecture**: No homes with the same exterior architectural designs shall be located adjacent to one another.
23. **Foundation Plantings**: All homes shall be provided with a minimum of fifteen (15) shrubs as foundation plantings for the front elevation of the home. Additional plantings shall be provided to wrap around the side elevation of each home.
24. **Decks**: Brick piers shall be provided for all decks.
25. **Conceptual Plan**: The site shall be developed in general conformance with the "Conceptual Plan" marked as EXHIBIT B, dated 6/27/05 (see case file). The plan is conceptual in nature and is subject to engineering design, environmental permitting, and governmental and regulatory compliance. The plan may vary in detail as approved by the Director of Planning.
26. **Fences**: No fences shall be constructed within the twenty-five (25) foot buffer located adjacent to Shady Grove Road. Height and material specifications for fences constructed on individual lots shall be placed in the Restrictive Covenants.

27. **Entrance Location:** The entrance to the development shall be located generally as shown on the "Conceptual Plan" marked as EXHIBIT B, dated 6/27/05 (see case file). The exact location of the entrance shall be determined at the time of Subdivision Review in accordance with the Department of Public Works and the Planning Department.

The Planning Department 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. Shawn Smith
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal, Director, Research and Planning

