



A-1 to R-2AC
6.813 Ac.



May 2005

ZONING

Single Family Residential

Ref. 740-774-1487

C-25C-05

Three Chopt District

0 400 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

July 19, 2005

Dominion Land & Development
8100 Three Chopt Road, Suite 113
Richmond, VA 23229

Re: Conditional Rezoning Case C-25C-05

Dear Sir:

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-2AC One Family Residence District (Conditional), Parcel 740-774-1487 as follows:

All that certain piece, parcel or lot of land beginning at a point S00°27'59"E of a point on the south line of Nuckols Road, said point being 1,586' ± east of Luxford Way; thence S88°19'30"E a distance of 596.36' to a point; thence S53°47'40"E 362.70' to a point; thence S47°48'44"E 68.06' to a point; thence S78°32'16"W 964.01' to a point; thence N00°41'10"E 468.98' to the point and place of beginning, containing 6.81 acres.

The Board of Supervisors accepted the following proffered conditions, dated June 7, 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 number of lots on the Property, when combined with the properties that are the subject of Case Number C-15C-03, shall not exceed an overall density of 1.8 units per acre in the aggregate. Any residual land that is reserved and would be combined with land adjacent to this Property to form a buildable lot would not be counted toward this density restriction.
2. **Garages.** A minimum of a two-car garage shall be attached to each dwelling constructed on the Property. At least fifty percent (50%) of all dwellings constructed on the Property shall have garage doors that open towards the side or rear of the dwelling.

3. **Lot Width.** No buildable lots on the Property shall have a lot width less than 85 feet or as permitted for cul-de-sacs by the subdivision ordinance.
4. **Minimum Finished Floor Area.** All dwellings constructed on the Property shall have a minimum finished floor area of 2,500 square feet.
5. **Front Elevation.** At least sixty percent (60%) of all of the homes shall have brick, stone, an exterior insulating finish system, or concrete board on their front elevation as follows:
 - a. At least twenty-five percent (25%) of all of the homes shall have such siding on approximately twenty percent (20%) or more of each of their front elevations; and
 - b. At least thirty-five percent (35%) of all of the homes shall have such siding on approximately sixty percent (60%) or more of each of their front elevations.

Applicant shall maintain a record of the approximate amount of such siding used on the front elevation of each home and shall provide such list when and as requested by the County.

6. **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. The visible exposed portion of any foundations of all homes shall be constructed of brick, stone or an exterior insulating finish system. A foundation constructed of an exterior insulating finish system shall be permitted only if applied to a masonry surface and the siding used on the dwelling is constructed primarily of an exterior insulating finish system.
7. **Chimneys and Flues.** The exposed portion of a chimney shall be constructed of brick, stone or an exterior insulating finish system. The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
8. **Driveways.** All driveways shall be constructed of exposed aggregate, concrete, brick, stone, asphalt or pre-cast pavers.
9. **Lot Clearing.** The clearing of healthy trees measuring 6 or more inches in diameter on any lot shall be limited to areas required to accommodate the dwellings, driveways, sidewalks, open yard areas, utility lines and any other areas typically required for the construction of a dwelling.

10. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be underground.
11. **Roads and Curb and Gutter.** All roads on the Property shall be constructed with standard full-faced curb and gutter, all unless otherwise approved by the County.
12. **Restrictive Covenants.** Prior to or concurrent with the recordation of a subdivision plat approved by the County of Henrico, Virginia, one or more documents shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia that set forth development controls and maintenance responsibilities for all common areas and all entranceways within that portion of the Property subject to that subdivision plat, which shall include but not be limited to:
 - (a) The roof of each dwelling shall be constructed with a 25-year dimensional shingle or any shingle of greater quality as determined by the Architectural Control Committee of a Homeowner's Association.
 - (b) The front and side yards of each lot shall contain at least 3 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.
 - (c) The mailbox for each dwelling shall conform to a subdivision-wide standard.
 - (d) Clearing of healthy trees measuring 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 and any other areas typically required for the construction of a dwelling.
13. **C-1 Zoning.** 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 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. 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.
14. **Compliance Certification.** Upon request by the Director of Planning, each Applicant shall provide the County with the necessary calculations that illustrate that the dwellings and lots constructed on the Property are in compliance with all of the allowable and required percentages set forth in these proffers.

15. **Disclosure.** A written disclosure shall be made by each Applicant and/or by each Homeowner's Association to each buyer of a lot on the Property, which will (a) state that it is anticipated that Concept Road 17-1 will be fully constructed between Pouncey Tract Road and Nuckols Road and that all of the other roads, which are shown on the Neighborhood Plan as being extended either through an adjacent parcel of land to a County road or to an adjacent County road, will be extended in the future, and (b) have attached thereto, a plat showing the extension of Concept Road 17-1 and the connection of such other roads (the "Subdivision Road Plan"). It is anticipated that the County shall approve the Subdivision Road Plan and the specific disclosure language as generally shown below prior to the first subdivision approval on the Property.

Such disclosure shall be made within:

- (a) The purchase contracts of the first buyer of each lot, which will be executed by each buyer.
- (b) The Disclosure Packet, which, pursuant to Virginia Code Sections 55-508 through 55-516 requires that the Homeowner's Association prepare and make available to any seller of a lot, and that the seller deliver to the buyer of its lot (and the buyer acknowledge in writing that it received) the Disclosure Packet any time prior to, but no later than, three (3) days after the date that the buyer has executed a purchase contract to purchase its lot.
- (c) The Restrictive Covenants of each Subdivision with the Property.

The disclosure language shall include at least the following:

The buyer acknowledges that it is anticipated that Concept Road 17-1 and all of the other roads within the Subdivision, which are shown as being extended either through an adjacent parcel of land to a County road or to an adjacent County road on the Subdivision Road Plan, which is attached to this document as an Exhibit (see case file), will be extended in the future to provide the owners of lots within the Subdivision with safe and sufficient access to and from such County roads and the Subdivision. It is anticipated that the County, upon the development of such adjacent parcel(s), will require the referenced road extensions through such adjacent parcel(s).

16. **Access to Edgemoor Subdivision.** There shall be no access from the Property directly to the Edgemoor Subdivision.
17. **Conceptual Layout.** Roads on the Property shall be developed as generally shown on the conceptual layout plan attached hereto as Exhibit A (see case file), which such layout is conceptual in nature and may be revised from time to time as

required for engineering purposes, as required by any governmental entity and as otherwise requested and specifically permitted at the time of subdivision approval.

18. **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 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. Gerald & Mrs Patricia Meyer
Mr. Andrew Condlin, Esquire
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal, Director, Research and Planning

