

A-1 to R-2AC
47.8 +/- Acres

Prop.
Grey Oaks
Sec. E

RTHC

Prop.
Grey Oaks
Sec. G

R-2AC

A-1

A-1

A-1

PERRYWINKLE

Shady Grove Estates

POUNCEY TRACT RD

SHADY GROVE RD

KAIN ROAD

MTP-CONCEPT ROAD-26-1

A-1

A-1



November 2004

ZONING
SINGLE-FAMILY
RESIDENTIAL
Ref. 737-770-2642

C-3C-05
Three Chopt District

0 600 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

March 15, 2005

Wilton Development Corp.
4901 Dickens Road, Suite 101
Richmond, VA 23230

Re: Conditional Rezoning Case C-3C-05

Dear Sir:

The Board of Supervisors at its meeting on March 8, 2005, granted your request to conditionally rezone property from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 737-771-5614 and 737-770-2642, described as follows:

Beginning at a point on the south line of Pouncey Tract Road, said point being located approximately 475' west of the intersection of Pouncey Tract Road and Shady Grove Road; thence departing Pouncey Tract Road, with the lands of Christ Church Episcopal, S80°46'06"W 787.15' to a point; thence with the lands of Riverstone Properties, S86°58'36"W 816.12' to a point; thence S13°01'00"W 452.16' to a point; thence with the lands of Carolyn H. Leake, N58°39'49"W 37.47' to a point; thence S45°25'49"W 202.06' to a point; thence S54°40'11"E 98.09' to a point; thence with the lands of Emily Waller Leake, S32°38'17"W 146.40' to a point; thence with the lands of Allen G. & Mildred Bowles, N49°09'53"W 506.37' to a point; thence with the lands of Verla J. Davis and K. E. Cole, N88°48'17"W 106.02' to a point; thence with the lands of Sarah E. Day, N30°22'31"E 1276.74' to a point; thence with the lands of H. W. Johnson Partnership, N30°34'52"E 298.58' to a point; thence N37°47'27"E 169.16' to a point; thence N38°06'08"E 262.23' to a point; thence N48°41'41"E 345.53' to a point on the south line of Pouncey Tract Road; thence with said south line of Pouncey Tract Road, S31°37'33"E 330.86' to a point; thence continuing along the south line of Pouncey Tract Road, S35°02'55"E 149.88' to a point; thence S32°13'42"E 378.60' to a point; thence S30°50'28"E 491.02' to a point; thence along a curve to the right having a radius of 3238.02', delta of 08°02'49", length of 454.76', tangent of 227.76' and chord of S27°35'09"E 454.39' to a point on the south line of Pouncey Tract Road, said point being the point of beginning, containing approximately 47.8 acres.

The Board of Supervisors accepted the following proffered conditions, dated March 3, 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 shall not exceed 2.0 units per acre. 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. **Lot Width:** At least ninety percent (90%) of all buildable lots shall have a minimum lot width of 90 feet. No buildable lots shall have a lot width less than 85 feet.
3. **Minimum Finished Floor Area:** All new dwellings shall have a minimum finished floor area of 2,800 square feet.
4. **Garages:** A minimum of a two-car garage shall be constructed on each lot except for lots originally used for model homes. No more than twenty-five (25%) of all dwellings shall have garage doors on the front of the principal dwelling. Front loading garages shall not project beyond the front of the building.
5. **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 below the first level of any foundations of all homes shall be constructed of brick or stone.
6. **Chimneys and Flues:** The exposed portion of a chimney shall be constructed of brick, stone or an exterior insulating finish system (E.I.F.S.). 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. Closets, chimneys or gas vent units shall not be cantilevered. Bay windows shall have a foundation constructed of the same material as the foundation of the principal structure unless a different architectural design is approved by the Director of Planning.
7. **Exterior Materials:** At least fifty percent (50%) of all dwellings (including any attached garages) on the Property shall have at least fifty percent (50%) of their front exposed exterior walls (above finished grade) constructed of brick, stone, concrete board or E.I.F.S. unless different architectural treatment and/or materials are specifically requested and approved by the Director of Planning with respect to the exposed portion of any such wall. Various design elements such as quoin treatment, 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. No two design styles shall be adjacent to one another.

8. **Curb and Gutter**: All roads shall be constructed with standard full-face curb and gutter (CG-2) unless otherwise requested by Public Works.
9. **Lot Clearing**: The clearing of healthy trees measuring six (6) or more inches in diameter on the lots 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. **Trees, Sod, and Irrigation**: In the front of each lot, a minimum of two (2) trees with a minimum caliper of 3½ inches shall be retained or planted prior to issuance of the final certificate of occupancy. In addition, on a corner lot, in the side yard facing the street a minimum of two (2) trees with a minimum caliper of 3 ½ inches shall be retained or planted prior to issuance of the final certificate of occupancy. All front and side yards shall be sodded and irrigated.
11. **Underground Utilities**: Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reason, all utility lines shall be underground.
12. **Entrance Feature**: The main entrance from Pouncey Tract 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 entrance shall be developed in substantial conformance to the "Entrance Illustrative Pouncey Tract Road Site" by Higgins & Gerstenmaier dated November 16, 2004 (see case file) or as approved by the Planning Commission during the Subdivision Review. The fence shall be constructed of PVC, metal, masonry, or other material specifically approved by the Planning Commission and shall be extended along the entire length of the property adjacent to Pouncey Tract Road.
13. **Buffer**: A thirty five (35) foot landscaped buffer planted to the equivalent of twenty five (25) foot transitional buffer, to include berms and/or fencing, shall be provided adjacent to the ultimate right of way of Pouncey Tract Road. In addition, this buffer shall be identified on the subdivision plat. A landscape plan shall be submitted prior to Final Plan approval showing how this buffer will be landscaped prior to the issuance of a certificate of occupancy. The landscaped buffer shall be maintained by the Homeowner's Association.
14. **Lots Adjacent to Pouncey Tract Road**: Any lot that has a yard adjacent to Pouncey Tract Road shall have a minimum depth of two hundred and fifteen feet (215) inclusive of the 35 foot buffer.

- 14a. **Dwellings Facing Pouncey Tract Road**: For lots adjacent to Pouncey Tract Road, all dwellings shall front on Pouncey Tract Road unless otherwise approved by the Director of Planning.
15. **Sidewalks**: Sidewalks shall be constructed to Henrico County standards within the right-of-way adjacent to Pouncey Tract Road.
16. **Phasing**: No more than fifty (50) lots shall be developed with only one point of access.
17. **Road Entrances ("Stub Roads")**: The entrance to the subdivision shall be determined at the time of Subdivision Review in accordance with the Department of Public Works and the Planning Department.
 - a) Stub roads shall be provided along the northern, southern, and western property lines to provide connectivity for future development unless otherwise approved by the Director of Planning.
 - b) Consideration shall be given to providing a roadway alignment for Concept Road 17-1 unless otherwise approved by the Director of Planning.
18. **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. This excludes any areas designated for future development on the subdivision plan at the time of Subdivision Review.
19. **Cash Proffer**: Prior to the release of a building permit, a cash proffer pursuant to the cash proffer policy adopted by Henrico County not to exceed \$14,800, 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.
20. **Protective Covenants**: Prior to or concurrent with the recordation of a 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.

21. **Severance**: The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
22. **Log Cabin**: If the log cabin on the property is to be modified or moved, Division of Recreation and Parks staff will be permitted, in a timely manner, to photo document the interior and exterior of the house and outbuildings. If the log cabin is to be demolished, Division of Recreation and Parks staff will be permitted, in a timely manner, to photo document the interior and exterior of the house and outbuildings and collect architectural features and archeological artifacts.
23. **Driveways**: There shall be no direct access from any lot to Pouncey Tract Road.
24. **Buffer Adjacent to Church**: A twenty-five (25) foot landscape buffer shall be provided on lots adjacent to Christ Church Episcopal (GPIN 738-769-3891). All trees with a caliper of five (5) inches or greater (unless dead or diseased) shall not be removed by the developer or initial home builder. In addition, the initial home builder shall be required to measure and meet the required minimum rear yard setback from the landscaped buffer.
25. **Sewer**: No more than 50 lots shall be provided sewer from the east.

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. Ralph & Mrs. Susan Deel
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning

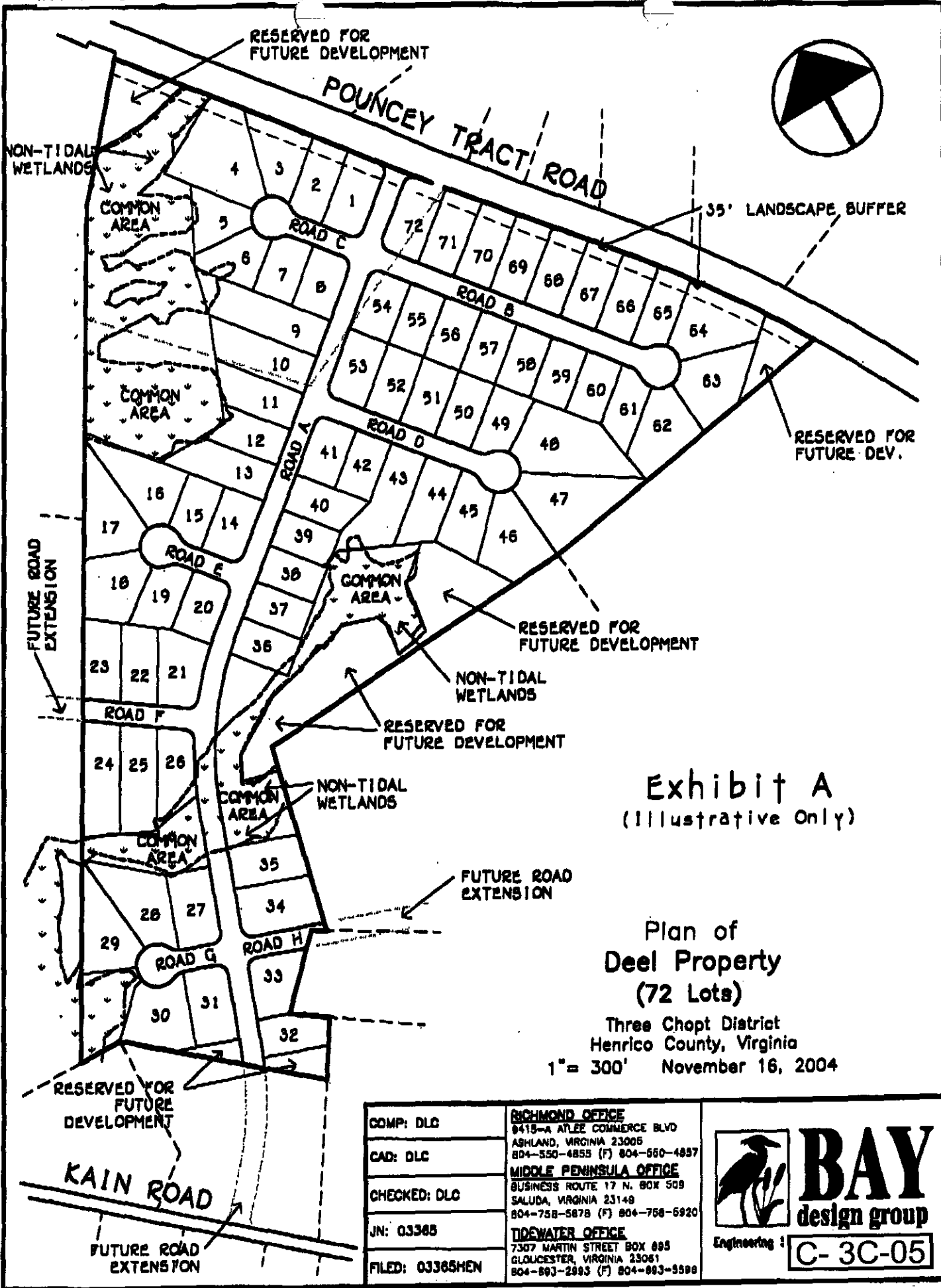


Exhibit A
(Illustrative Only)

**Plan of
Deel Property
(72 Lots)**

Three Chopt District
Henrico County, Virginia

1" = 300' November 16, 2004

COMP: DLC	RICHMOND OFFICE 9415-A ATLEE COMMERCE BLVD ASHLAND, VIRGINIA 23005 804-550-4855 (F) 804-560-4857
CAD: DLC	MIDDLE PENINSULA OFFICE BUSINESS ROUTE 17 N. BOX 509 SALUDA, VIRGINIA 23149 804-758-5878 (F) 804-758-5920
CHECKED: DLC	TIDEWATER OFFICE 7307 MARTIN STREET BOX 895 GLOUCESTER, VIRGINIA 23061 804-693-2893 (F) 804-693-3598
JN: 03365	
FILED: 03365HEN	

BAY
design group

Engineering

C-3C-05