

December 2004

ZONING
 Condominiums for Sale
 Ref. 738-772-9227

C-4C-05
 Three Chopt District
 0 600 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

March 15, 2005

The Shady Grove Company, Inc.
1801 Bayberry Court, Suite 100
Richmond, VA 23226-3771

Re: Conditional Rezoning Case C-4C-05

Dear Sir:

The Board of Supervisors at its meeting on March 8, 2005, granted your request to conditionally rezone property from R-2AC One Family Residence District (Conditional) to RTHC Residential Townhouse District (Conditional), on part of Parcel 738-772-9227, described as follows:

Beginning at a point having a coordinate value N=3771924.43, E=11737913.96 of the Henrico County GPS monumentation and control project of June 2000, thence along a curve to the right having a delta of 15°53'20", a radius of 1,134.05', and a length of 314.48' to a point; thence N70°00'00"E, a distance of 442.17' to a point; thence S20°00'00"E, a distance of 603.17' to a point; thence S65°00'00"E, a distance of 174.70' to a point; thence N76°00'00"E, a distance of 210' to a point; thence S35°00'00"E, a distance of 60' to a point; thence S55°00'00"W, a distance of 424.41' to a point; thence S83°13'37"W, a distance of 310.17' to a point; thence N07°00'00"W, a distance of 33.45' to a point; thence N78°30'00"W, a distance of 183.50' to a point; thence N61°00'00"W, a distance of 285.87' to a point; thence N26°30'00"W, a distance of 460.90' to the point and place of beginning, containing 13.966 acres.

The Board of Supervisors accepted the following proffered conditions, dated March 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/units shall not exceed 2.0 units per acre in the aggregate when combined with the number of units in approved zoning case C-16C-03. 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. **Architecture**: All dwellings shall be single-family detached condominium dwellings. All dwellings shall have an exterior architectural style generally consistent with the exterior conceptual elevation plans attached hereto as Exhibit A (see case file). The conceptual elevation plans are for illustrative purposes only and may vary in detail including variations in building setbacks.
3. **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.
4. **Foundations**: The main body of any unit 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 units 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.
5. **Driveways**: No driveway shall have direct access to concept road 17-1. All driveways shall be constructed of exposed aggregate, brick, concrete or pre-cast pavers. All driveways shall be constructed of the same material throughout the Property.
6. **Minimum Finished Floor Area**: All dwellings shall have a minimum finished floor area of 1700 square feet.
7. **Garages**: All dwellings shall have a minimum of a double car garage except for dwellings originally used for model homes.
8. **Exterior Materials**: At least seventy-five percent (75%) of the exposed portion of each exterior front wall surface of any dwelling shall be brick, stone or exterior insulating finish systems unless different architectural treatments are required for engineering or architectural purposes.
9. **Underground Utilities**: Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be underground.

10. **Restrictive Covenants**: Prior to or 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 approved by the Henrico County Attorney's office and recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
11. **Disclosures**: A written disclosure shall be made by the Owner and/or by the Homeowner's Association to each buyer of a unit 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 unit, 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 unit, and that the seller deliver to the buyer of its unit (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 unit.
- c. The Restrictive Covenants on the Property.
- d. The disclosure language shall include at least the following:
 - i. 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).

12. **Planting Strip**: A planting strip of variable width no less than ten (10) feet shall be reserved on the property adjacent to the right-of-way of concept road 17-1. The planting strip shall include greenspace and landscaping including street trees and a hedge row. The planting strip shall be irrigated.

The width of the planting strip shall be in addition to the dwelling setbacks required by the County.

A sidewalk and greenspace shall be provided along one (1) side of concept road 17-1, which sidewalk shall be on the same side of concept road 17-1 as the Recreation Area. The sidewalk shall be constructed in accordance with the standards adopted by the County of Henrico.

An illustrative drawing showing the general concept of the planting strip is attached hereto as Exhibit B (see case file). The drawing is for illustrative purposes only and may vary in detail.

13. **Construction of Concept Road 17-1**: The number of units constructed on the Property shall be subject to the limitations set forth in proffer number 15 in case C-16C-03, which is reprinted here for ease of reference:

Proffer 15, C-16C-03: "**Concept Road 17-1**. Concept road 17-1 shall be built from Pouncey Tract Road to the end of the Property before one hundred twenty-five (125) certificates of occupancy on the Property are issued."

14. **Cash Proffers**:

- (a) Each Applicant, or its successor in interest, shall pay a cash contribution of \$10,048 (the "Base Cash Proffer") to the County for each residential building lot (a "Lot") on the Property, payable prior to the issuance of the certificate of occupancy for a dwelling on the Lot. The Base Cash Proffer shall be reduced by the amount of \$385.00 for each Lot as a credit for the cost of construction of Concept Road 17-1 on the Property by such Applicant or its successors in interest.
- (b) The amount due under subparagraph (a) is to be used by the County only for the North Gayton Road Project as described by the County's Major Thoroughfare Plan and the 2023 Long-Range Transportation Plan and as further described in the seven (7) page brochure, entitled "Northwest Henrico County – Development Potential", attached hereto as Exhibit C

("Exhibit C") (see case file) which generally consists of the extension of North Gayton Road to Pouncey Tract Road, the construction of a bridge crossing over Interstate 64, and an interchange at that bridge (the "Project").

- (c) This proffer is made with the understanding that the amount due under subparagraph (a) shall be the only cash payment that will be made by the Applicant or its successors in interest in connection with zoning and conditional and final subdivision approval for the Property and that road impact fees will not be assessed against the Lots on the Property.
- (d) The Applicant or its successors in interest shall receive a full or pro-rata reduction against the amount due under subparagraph (a) or receive a full or partial refund of the amount paid under subparagraph (a) for each Lot upon the occurrence of either of the following events:
 - 1. The County does not use all of the funds collected for the Project by October 1, 2018, or
 - 2. the County receives funds for the Project from other sources, such as the federal government or the Commonwealth of Virginia.
- (e) If after the County completes its budget for the Project, (i) the County accepts a contribution or cash proffer for the Project from other property owners in the area delineated in Exhibit A, or (ii) if the County enacts a County-wide cash proffer system which includes all or a part of the cost of the Project, and if such amounts received under (i) or (ii) are less than \$10,048 per residential building lot, then the Base Cash Proffer in subparagraph (a) shall be reduced to that lesser amount.

Any such reduction in subsections (d) and (e) shall be based upon the same formula used in Exhibit C (see case file) to determine the amount of \$10,048.

- 15. **Fences:** There shall be no stockade-style wooden fences constructed on the Property. Any fences erected along Concept Road 17-1 will be uniform in style.
- 16. **Road Layout:** The road layout on the Property shall attempt to minimize excessive lengths of straight roadway except as warranted according to the applicant's or its successors in interest's engineer by design parameter based on topographic, infrastructure installation, environmental, governmental or regulatory considerations or based upon the overall road network of the subdivision in which the Property is located.

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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.

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,

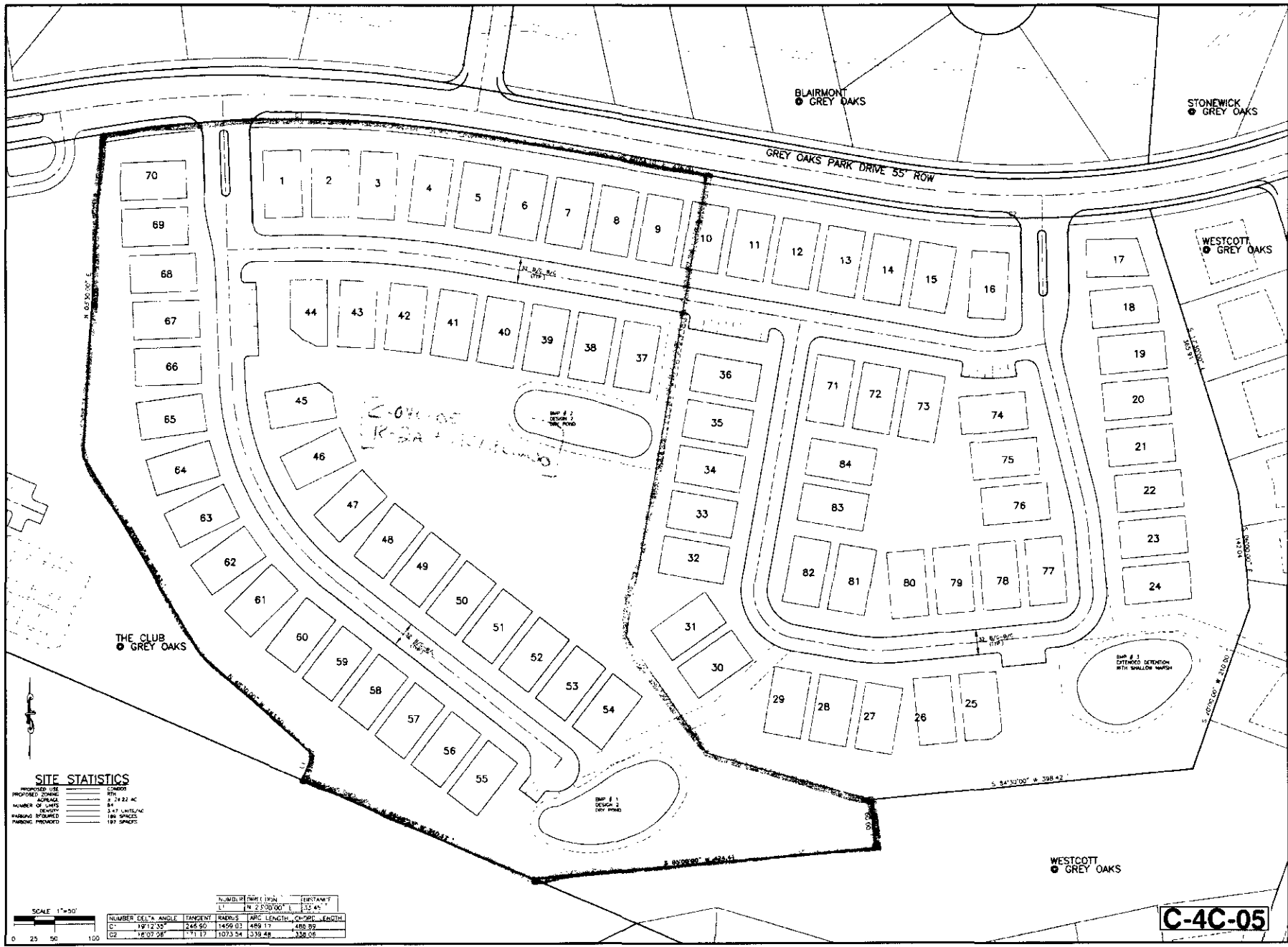


for Virgil R. Hazelett, P.E.
County Manager

pc: Mr. Ralph Axelle, Jr., Esquire
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning



EXHIBIT 'A'
C-4C-05



YOUNGBLOOD, TYLER & ASSOCIATES P.C.
 CONSULTING ENGINEERS, PLANNERS & SURVEYORS
 1009 AVONDALE AVENUE, SUITE 200, RICHMOND, VIRGINIA 23220
 PHONE: (804) 784-8800 FAX: (804) 784-9100 EMAIL: TYLER@YOUNGBLOOD.COM

THE VILLAS @ GREY OAKS
 THREE CHOPT. B. STRIC. HENRICO COUNTY, VIRGINIA

SHEET DESCRIPTION

DATE: AUGUST 13, 2004

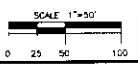
NO.	DATE	REVISIONS

DESIGNED BY: WAG
 DRAWN BY: WAG
 CHECKED BY: JIC
 J. W. 280-01-00
 C.A. FILE GREYWOOD



SITE STATISTICS

PROPOSED USE	CONDO
PROPOSED ZONING	R1
ACREAGE	2.7422 AC
NUMBER OF LOTS	84
REVENUE	3.47 UNITS/AC
PARKING REQUIRED	186 SPACES
PARKING PROVIDED	197 SPACES



NUMBER	DELTA ANGLE	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	112° 35'	246.50	1459.03	489.17	486.89
C2	110° 28'	171.17	1073.34	339.48	336.06

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