



C-82C-05
Zoning
 Detached Single-Family Residential
 Brookland District
 400 Feet
 PS October 2005 Ref: 759-768-2312



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

February 21, 2006

Virgil R. Hazelett, P.E.
County Manager

Dominion Land & Development
Attn: Gibson Wright
8100 Three Chopt Road, #113
Richmond, VA 23229

Re: Conditional Rezoning Case C-82C-05

Dear Mr. Wright:

The Board of Supervisors at its meeting on February 14, 2006, granted your request to conditionally rezone property from R-3C One Family Residence District (Conditional) and C-1 Conservation District to R-5AC General Residence District (Conditional), part of Parcel 759-768-2312, described as follows:

Situated, lying and being in the Brookland District of Henrico County, Virginia, and being more particularly described as follows:

Commencing at a point on the west line of Francistown Road, said point being 80' ± from the south line of Singletree Lane Extended, thence N 89°45'41" W for a distance of 749.26' to the point of beginning; thence S 20°47'40" W, for a distance of 1036.09' to a point; thence S 88°32'11" W, for a distance of 127.10' to a point; thence S 88°42'04" W, for a distance of 230' ± to a point at the center of the creek; thence along the centerline of the creek in a northerly direction for a distance of 933' ± to a point; thence leaving centerline of creek N 71°30'35" E for a distance of 411' ± to a point; thence N 80°04'55" E for a distance of 118.37' to a point; thence N 63°07'39" E for a distance of 190.00' to a point; thence S 89°45'41" E for a distance of 52.13' to the said point of beginning. Said parcel containing 9.4 acres ± and being a portion of Henrico County Parcel Number 759-768-2312.

The Board of Supervisors accepted the following proffered conditions, dated January 31, 2006, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Conceptual Plan.** Development of the Property shall be in substantial conformance with the conceptual site plan attached hereto as Exhibit "A" (see case file).

2. **Density.** When taken with Case C-61C-04, there shall be no more than forty-three (43) homes developed on the Property.
3. **Minimum Lot Width.** When taken with Case C-61C-04, at least eighty percent (80%) of all buildable lots within the Property shall have a minimum lot width of 80 feet. No lot shall be less than seventy (70) feet.
4. **Minimum Size.** The minimum size of all homes constructed on the Property shall be 3,200 gross square feet, of which a minimum of 2,800 square feet shall be finished. These square footage requirements shall be exclusive of garages.
5. **Exterior Materials.** When taken with Case C-61C-04, at least fifty percent (50%) of all of the homes constructed shall have a minimum fifty percent (50%) brick on their front elevation. All homes utilizing all brick on the front elevation shall have the brick wrap at least 12 inches along the corner of the side elevation. Applicant shall maintain a record of the approximate amount of such brick used on the front elevation of each home and shall provide such list when and as requested by the County.
6. **Architecture.** Various design elements will be incorporated to provide variety amongst individual units including, but not limited to, the following: varying colors of brick, brick accents (including, but not limited to, arches with or without keystones, soldier courses, quoin corners, and accent coloring different from any main brick coloring), varying colors of siding, varying window designs, and varying doorway designs.
7. **Foundations and Front Steps.** All houses shall be constructed on foundations, except for garages and patios. All visible portions of the homes below the first floor shall be constructed with brick or stone. Steps to the main entrance of all homes shall be of brick or stone. Front stoops shall be brick or stone with finished concrete or exposed aggregate landing.
8. **No Cantilevering.** There shall be no cantilevered features including, but not limited to, bay windows and chimneys.
9. **Fireplace Chimneys.** The exposed portion of a chimney shall be constructed of brick or stone. 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.
10. **Garages.** Each house on the Property shall be constructed with a two (2) car attached side or rear loading garage. No front-loading garages shall be permitted on the Property.

11. **Driveways.** All driveways shall be constructed of asphalt, brushed concrete, stamped concrete, exposed aggregate concrete or pavers.
12. **Street Trees.** The neighborhood shall have a street tree landscape plan in which trees shall be planted upon home completion within ten (10) feet of the curb on each side of the roadway at an average spacing of fifty (50) feet between trees. The trees shall have a minimum caliper of 2 ½ inches at the time of planting.
13. **Sidewalks.** Subject to obtaining all required governmental approvals and permits, a sidewalk shall be provided within the road right-of-way adjacent to one side of interior roadways, except for the cul-de-sac at the end of cul-de-sac streets, and shall be constructed to current County road standards and specifications for sidewalks.
14. **Mail Boxes and Lamp Posts.** All improved lots shall be required to have a post lamp and a mail box with supporting post of design and installation in substantial conformity with the example depicted on the Landscape Plan which was submitted with Rezoning Case C-61C-04 (see case file).
15. **Roads and Curb and Gutter.** Curb and gutter shall be used on all streets and shall be designed to meet the current County standard for "roll top" curb and gutter and shall measure not less than three (3) feet from edge of pavement to back of curb.
16. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be underground.
17. **Restrictive Covenants/Homeowners' Association.** Prior to or concurrent with the recordation of the first subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property. 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.
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 prior to final subdivision

approval. 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.

19. **Privacy Fences.** No wooden stockade or privacy fences shall be allowed on the Property. Fencing along the property line of lots in common with Echo Lake Elementary School (the "School") shall be provided and limited to either white solid vinyl privacy fences a minimum of six (6) feet in height, or black vinyl coated chain link fences with supplemental landscaping. The extent of the aforesaid fencing along the property line with the School shall be determined by the Planning Commission at the time of Plan of Development and/or subdivision review by taking into account existing fencing and plantings for the BMP on the School property, pedestrian access to the School property, if desired, and general topographic conditions. All other fences shall be limited to forty-two (42) inches in height and shall be of a design and installation as specified in the Subdivisions' Covenants and Restrictions.
20. **Sod and Irrigation.** The front and side yards of all homes constructed on the Property shall contain sod and irrigation systems.
21. **Permitted Uses.** The development on the Property shall be restricted to single family detached dwellings and ancillary recreational facilities. There shall be no group care facilities on the Property.
22. **Public Roads.** All roads constructed on the Property shall be constructed and dedicated as public roads.
23. **Burning Prohibition.** There shall be no onsite burning of cleared trees, stumps branches or construction debris.
24. **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,



 Virgil R. Hazelett, P.E.
County Manager

pc: Dwight A. Grissom, Assistant Superintendent for Operations, Schools
James W. Theobald, Esq.
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning, Schools