C-1 ZONING
NOT PART OF CASE
October 17, 2006

CA, L.L.C.
Attn: Mr. Robert M. Atack
4191 Innslake Drive, Suite 118
Richmond, VA 23060

Re: Conditional Rezoning Case C-38C-06

Dear Mr. Atack:

The Board of Supervisors at its meeting on October 10, 2006, granted your request to amend proffered conditions on Conditional Rezoning Case C-67C-03, on part of Parcels 762-773-4696 and 764-774-3512, described as follows:

**RTHC Parcel 1**
Legal Description (A Portion Of Parcel 762-773-4696 - RTHC Zoning)

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

Commencing at a point at the intersection of the east line of Hunton Park Lane and the south line of Hunton Park Boulevard being the place and point of beginning (P.O.B.1); thence along the south line of Hunton Park Boulevard S 63° 04' 00" E, for a distance of 50.00' to a point; thence along a curve to the left with a radius of 1040.00' and an arc length of 583.57', subtended by a chord of S 79° 08' 30" E, for a distance of 575.94' to a point; thence N 84° 47' 00" E, for a distance of 225.54' to a point; thence along a curve to the right with a radius of 247.50' and an arc length of 49.34', subtended by a chord of S 89° 30' 22" E, for a distance of 49.25' to a point; thence along a curve to the left with a radius of 257.50' and an arc length of 51.33', subtended by a chord of S 89° 30' 22" E, for a distance of 51.24' to a point; thence N 84° 47' 00" E, for a distance of 177.50' to a point; thence along a curve to the right with a radius of 25.00' and an arc length of 39.27', subtended by a chord of S 50° 13' 00" E, for a distance of 35.36' to a point; thence N 84° 47' 00" E, for a distance of 50.00' to a point; thence N 5° 13' 00" W, for a distance of 10.00' to a point; thence along a curve to the right with a radius of 25.00' and an arc length of...
39.27', subtended by a chord of N 39° 47' 00" E, for a distance of 35.36' to a point; thence N 84° 47' 00" E, for a distance of 167' more or less to a point; thence leaving the south line of Hunton Park Boulevard along the limits of the 100 flood plain for a distance of 1160' more or less to the north line of Interstate 295; thence along Interstate 295 to the southeast, along a curve to the left with a radius of 11609.16' and an arc length of 671' more or less to a point which is Non-Tangent; thence S 78° 29' 24" W, for a distance of 184.26' to a point, thence N 84° 54' 22" W, for a distance of 45.99' to a point on the east line of Old Mountain Road (State Route 681); thence along the east line of Old Mountain Road (State Route 681) N 43° 19' 03" W, for a distance of 570.66' to a point; thence N 44° 25' 14" W, for a distance of 34.56' to a point; thence along a curve to the right with a radius of 25.00' and an arc length of 37.71', subtended by a chord of N 1° 12' 11" W, for a distance of 34.24' to a point on the east line of Hunton Park Lane; thence along the east line of Hunton Park Lane along a curve to the left with a radius of 600.00' and an arc length of 419.90', subtended by a chord of N 21° 57' 55" E, for a distance of 411.38' to a point; thence N 1° 55' 00" E, for a distance of 100.00' to a point; thence along a curve to the right with a radius of 550.00' and an arc length of 240.14', subtended by a chord of N 14° 25' 30" E, for a distance of 238.24' to a point; thence along a curve to the right with a radius of 25.00' and an arc length of 39.27', subtended by a chord of N 71° 56' 00" E, for a distance of 35.36' to the place and point of beginning (P.O.B. 1); Said parcel being a RTHC zoned portion of Parcel ID: 762-773-4696, containing 31.0 acres of land more or less.

RTHC Parcel 2
Legal Description (A Portion Of Parcel 762-773-4696 / RTHC Zoning)

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

Commencing at a point at the intersection of the east line of Hunton Park Lane and the south line of Hunton Park Boulevard thence along the south line of Hunton Park Boulevard for a distance of 1618' more or less to a point being the place and point of beginning (P.O.B. 2); thence along the south line of Hunton Park Boulevard in a northeasterly direction along a curve to the left with a radius of 2040.00' with an arc length of 51' more or less to a point; thence leaving the south line of Hunton Park Boulevard DUE SOUTH, for a distance of 492.92' to a point; thence S 34° 00' 00" W, for a distance of 257' more or less to a point; thence along the 100 year flood plain in a northerly direction, for a distance of 310' more or less to a point; thence N 34° 00' 00" E, for a distance of 25' more or less to a point; thence along the 100 year flood plain in a northerly direction, for a distance of 521' more or less to the place and point of beginning (P.O.B. 2); Said parcel being a RTHC Zoned portion of Parcel ID: 762-773-4696, containing 0.7 acre of land more or less.
R-2AC Parcel
Legal Description (A Portion Of Parcel 764-774-3512 – R-2AC Zoning)

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

Commencing at a point at the intersection of the east line of Hunton Park Lane and the south line of Hunton Park Boulevard thence along the south line of Hunton Park Boulevard 1669.36' to the place and point of beginning (P.O.B. 3); thence along the south line of Hunton Park Boulevard along a curve to the left with a radius of 2040.00' and an arc length of 304.20', subtended by a chord of N 77° 05' 19" E, for a distance of 303.92' to a point; thence N 72° 49' 00" E, for a distance of 44.10' to a point; thence along a curve to the right with a radius of 205.00' and an arc length of 48.95', subtended by a chord of N 79° 39' 24" E, for a distance of 48.83' to a point; thence along a curve to the left with a radius of 218.00' and an arc length of 52.05', subtended by a chord of N 79° 39' 24" E, for a distance of 51.93' to a point; thence N 72° 49' 00" E, for a distance of 11.00' to a point; thence along a curve to the right with a radius of 698.00' and an arc length of 122.07', subtended by a chord of N 77° 49' 36" E, for a distance of 121.91' to a point; thence N 77° 35' 00" E, for a distance of 80.94' to a point which is Non-Tangent; thence along a curve to the right with a radius of 710.00' and an arc length of 59.63', subtended by a chord of S 88° 14' 21" E, for a distance of 59.61' to a point; thence S 85° 50' 00" E, for a distance of 92.48' to a point; thence along a curve to the right with a radius of 1395.00' and an arc length of 55.82', subtended by a chord of S 61° 52' 09" E, for a distance of 55.64' to a point; thence along a curve to the left with a radius of 212.00' and an arc length of 44.33', subtended by a chord of S 59° 49' 25" E, for a distance of 44.25' to a point; thence along a curve to the right with a radius of 1383.00' and an arc length of 77.99', subtended by a chord of S 64° 11' 55" E, for a distance of 77.98' to a point; thence S 62° 35' 00" E, for a distance of 56.65' to a point; thence S 71° 15' 00" E, for a distance of 79.64' to a point; thence S 62° 35' 00" E, for a distance of 51.09' to a point; thence along a curve to the left with a radius of 885.88' and an arc length of 633.19', subtended by a chord of S 83° 03' 35" E, for a distance of 619.80' to a point; thence along a curve to the right with a radius of 50.00' and an arc length of 37.74', subtended by a chord of S 81° 54' 56" E, for a distance of 36.85' to a point; thence along a curve to the left with a radius of 80.00' and an arc length of 52.43', subtended by a chord of S 79° 04' 11" E, for a distance of 51.50' to a point; thence leaving the south line of Hunton Park Boulevard S 26° 38' 00" E, for a distance of 91.36' to a point; thence S 55° 06' 00" E, for a distance of 162.05' to a point; thence S 61° 30' 00" W, for a distance of 292.00' to a point; thence S 24° 00' 00" W, for a distance of 172.00' to a point; thence S 1° 00' 00" E, for a distance of 350.00' to a point on the north line of Interstate 295; thence along the north line of Interstate 295 to the southeast, along a curve to the left with a radius of 11609.16' and an arc length of 2366' more or less to a point; thence leaving the north line of Interstate 295 along the 100 year flood plain for a distance of 446' more or less to a point; thence N 34° 00' 00" E, for a distance of 211' more or less to a point;
thence along the 100 year flood plain for a distance of 124' more or less to a point; thence N 34° 00' 00" E, for a distance of 21' more or less to a point; thence DUE NORTH, for a distance of 492.92' to the place and point of beginning (P.O.B. 3).
Said parcel being a R-2AC Zoned portion of Parcel ID: 764-774-3512, containing 48.9 acres of land more or less.

The Board of Supervisors accepted the following proffered conditions, dated September 20, 2006, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

The following Proffered Conditions within the "Applicable to RTHC District" portion of Case C-67C-03 are hereby amended and restated as follows. Proffers not amended herein shall remain as set forth in Case C-67C-03.

2. **Architectural Treatment.** The two and three story townhouses constructed on the Property shall be substantially in conformance with the elevations attached hereto (see case file).

3. **Minimum Size.** The minimum finished floor area of a minimum of one hundred (100) units shall be 2,925 square feet and shall have a minimum width of twenty-four (24) feet. The minimum finished floor area of the remaining units shall be 2,000 square feet and shall have a minimum width of twenty-eight (28) feet.

4. **Buffer.** A landscaped or existing vegetation buffer area a minimum of twenty-five (25) feet in width shall be maintained along the Property line adjacent to Hunton Park Boulevard. New landscaping shall be in general conformance with the plan entitled "Landscape Buffer Details, The Villas at Hunton Park" attached hereto, along with the specifications attached thereto (see case file), prepared by Higgins & Gerstenmaier dated June 5, 2006. The majority of the sodded, seeded and landscaped areas shall be irrigated. Best management practice facilities shall not be permitted in this buffer area.

9. **Sign.** The sign identifying the development on the Property shall be constructed with a ground mounted brick or stone base and shall not exceed six (6) feet in height.

18. **Sound Suppression.** Interior walls between units shall have a minimum sound transmission coefficient rating of 55. Exterior walls parallel and adjacent to Interstate 295 (i.e., the rear facade of buildings M, N, O, P and Q as shown on POD 52-04 as amended – see case file) shall be standard construction, with the addition of an RC-1 sound attenuation channel creating a 1/2" dead air space. Windows installed in these walls will have a minimum sound transmission coefficient rating of 32. A cross-sectional detail, reviewed and approved by a certified architect or
engineer as to the methodology accomplishing the sound coefficient rating, shall be included in the building permit application.

20. **Garages.** Each townhouse unit shall include a two (2) car attached garage which can accommodate cars parked side-by-side. Each garage shall have a minimum interior dimension of 18'5" wide by 19'3" deep.

26. **Building Setback.** The front facade of townhome units shall be setback a minimum of twenty (20) feet from face of curb.

The following Proffered Conditions within the "Applicable to R-2AC District" portion of Case C-67C-03 are hereby amended and restated as follows. Proffers not amended herein shall remain as set forth in Case C-67C-03.

15. **Fences.** An ornamental fence, similar to that shown on EXHIBIT A (see case file) of Case No. C-67C-03 a minimum of six (6) feet in height featuring brick columns every fifty (50) feet shall be provided adjacent to Hunton Park Boulevard, and extended from Hunton Park Boulevard for a minimum distance of one hundred (100) feet along the eastern and western property lines. Additionally, a six (6) foot tall fence of black vinyl coated chain link shall be provided along the Interstate 295 property line and shall be extended northward along both the eastern and western Property lines to connect to the ornamental fence. The portion of the aforesaid fence which is along the eastern Property line shall be installed no later than September 15, 2006. Ivy shall be planted at the base of the fence in addition to supplemental landscaping inside the fence at the time the fence is installed. Fencing on individual lots shall be restricted to forty-two (42) inches in height, unless constructed of brick or finished masonry materials. Stockade fences shall not be permitted.

21. **Sound Suppression.** Exterior walls facing Interstate 295 on lots immediately adjacent thereto shall be standard construction, with the addition of an RC-1 sound attenuation channel creating a 1/2" dead air space. Any windows installed in these walls will have a minimum sound transmission coefficient rating of 32.

23. **Plantings.** Supplemental plantings shall be installed inside the fence along the eastern Property line beginning at Interstate 295 and running north, leaving the fence at approximately the cul-de-sac at Lot 9, going around the cul-de-sac, and stopping at the southeast corner of Lot 8. Such plantings shall consist of bayberries a minimum of four (4) to five (5) feet in height at the time of planting and shall be planted no more than three (3) feet on center for the length of the planting area. The plantings shall be installed no later than October 30, 2006. The plantings shall be irrigated.
24. **Removal of Dead Trees in Wetlands.** Existing dead trees located in the wetlands on the eastern side of the Property shall be removed no later than ninety (90) days following the approval of this proffer amendment by the Board of Supervisors.

25. **Lighting.** Street lighting shall be substantially in conformance with the plan entitled "Ridge at Hunton Park", prepared by Hanover Lantern, Inc., dated July 5, 2006 and attached hereto (see case file).

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,

[Signature]

Virgil R. Hazelett, P.E.
County Manager

cc: Parker and Orleans, Inc.
    Atack Properties
    James W. Theobald, Esquire
    Director, Real Estate Assessment
    Conditional Zoning Index
SHEET 6-B

1. Maximum 0.60 pitch on front elevation as shown.
2. Corners as shown on 4 and 5 unit buildings.
3. Side elevation brick to lowest window ledge (approx. 3.5 feet).
4. Units building up to Petoskey Park Blvd – rear elevation brick to lowest window ledge (approx. 3.5 feet).
**4 UNIT BUILDING**

**LEFT SIDE ELEVATION**

- **RIGHT SIDE ELEVATION**

**REAR ELEVATION**

**EXHIBIT 6D**

C-38C-06

- Minimum 60% Brick on front elevation as shown.
- Owners as shown on 4 and 5 unit buildings.
- 3rd elevation limit to lowest window ledge (approx. 1.5 feet).
- Units back up to Houston Park 7th - rear elevation to lowest window ledge (approx. 6 feet).