

A-1 to R-3C
3.046 Ac.

C-40C-06
Zoning
 Residential Subdivision
 Three Chopt District
 500 Feet
 PS June 2006 Ref: 743-763-9533



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

September 19, 2006

Fidelity Properties, LTD
P. O. Box 423
Mechanicsville, VA 23111

Re: Conditional Rezoning Case C-40C-06

Dear Sir:

The Board of Supervisors at its meeting on September 12, 2006, granted your request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcel 743-763-9533 and part of Parcel 743-763-9020, described as follows:

Beginning at a point on the west line of Belfast Road (50' right-of-way); said point having a coordinate value of N = 3763012.36 and E = 11744155.63 of the Henrico County GPS Monumentation and Control Project of June 2000; thence leaving the west line of Belfast Road (50' right-of-way) N 66° 19' 08" W, a distance of 291.35' to a point; thence N 23° 40' 10" E, a distance of 149.66' to a point; thence N 66° 21' 11" W, a distance of 300.24' to a point; thence N 21° 15' 25" E, a distance of 149.61' to a point; thence S 66° 23' 12" E, a distance of 598.03' to a point on the west line of Belfast Road (50' right-of-way); thence continuing along the west line of Belfast Road (50' right-of-way) S 23° 41' 47" W, a distance of 299.66' to the point and place of beginning containing 3.046 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated June 15, 2006, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Underground Utilities.** All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise. Junction boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials.

2. **Phased Development.** There shall be no building permit applications to allow construction before January 1, 2008.
3. **Streets.** All new streets on the Property shall be constructed of asphalt and designed with standard six (6) inch curb and gutter.
4. **Streetlights.** Streetlights a maximum of twelve (12) feet in height and of a uniform style shall be provided along both sides of the new streets.
5. **Sidewalks.** Sidewalks a minimum of four (4) feet in width shall be provided on both sides of the new streets. A grass strip a minimum of two (2) feet in width shall be provided between the back of curb and the sidewalk.
6. **Foundations.** All new houses shall be constructed on crawl space foundations, except for garages and basements. The exterior portion of the foundations below the first floor level which is visible above grade shall be finished with brick or stone. This proffer shall not apply to direct vent gas fireplaces or appliances. There shall be no cantilevered chimneys, direct vent gas fireplaces, closets or bay windows.
7. **Driveways.** All new driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.
8. **Building Materials.** All new houses shall be constructed with brick, stone, EIFS, hardiplank, or an equivalent, vinyl siding or other material approved by the Director of Planning.
9. **Landscaping.** A minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each new residential lot, plus a minimum of two (2) trees of the same caliper shall be retained or planted in the side yard adjacent to the street if the new residential lot is a corner lot. One of the trees shall be a street tree located within ten (10) feet of the back of the curb of the front yard of each new residential lot and, if the new residential lot is a corner lot in the side yard also. Each new house shall have prototypical plantings (shrubs and/or ornamental ground cover) along the front foundation. The front and side yards shall be irrigated and planted with sod except where mulching or landscaping may occur.
10. **Recreational Vehicles.** No recreational vehicles, campers, trailers or boats shall be parked or stored on the Property, unless within enclosed garages.
11. **Restrictive Covenants.** Prior to or concurrent with the recordation of the 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), there shall be recorded a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia setting forth quality controls on the development and maintenance of all portions of the Property (except for a portion of GPIN #743-763-9533) substantially in accord with the Restrictive Covenants recorded in Book 3920, Page 1974 in the Clerk's Office of the Circuit Court of Henrico County, Virginia.

12. **Minimum House Size.** Any new house constructed on the Property shall have a minimum of 2,200 square feet of finished floor area.
13. **Brick or Stone Fronts.** A minimum of fifty percent (50%) of the new houses on the Property shall have brick or stone fronts or an equivalent amount of brick or stone used on houses as approved by the Director of Planning, exclusive of architectural features. A minimum of twenty percent (20%) of the new homes shall be constructed of brick or stone, exclusive of architectural features. All new homes on corner lots shall be constructed of brick or stone, exclusive of architectural features. The property owner and/or builder shall provide the amount of brick or stone used on each new dwelling for all dwellings approved in the development upon the request of the Henrico Planning Department.
14. **Lot Size.** The new lots shall be a minimum of eighty-five (85) feet in width.
15. **Garages.** Each new house on the Property shall be constructed with a two (2) car garage, except for houses originally used as a model home. A minimum of fifty percent (50%) of the garages shall have a side or rear entry. Front loading garages shall be recessed beyond the front line of the dwelling, a minimum of five (5) feet. The property owner and/or builder shall provide a listing of homes with one-car and two-car garages including the orientation of the garage doors on each dwelling for all dwellings approved in the development upon the request of the Henrico Planning Department.
16. **Sound Proofing.** New homes constructed on lots located within three hundred (300) feet of Interstate 64 and Interstate 295 rights of way shall incorporate a 1/2" - 5/8" layer of foamed-in-place urethane insulation in the walls in addition to the batt insulation thickness required by the Building Code.
17. **Dwelling Orientation.** New dwellings shall not be situated on a lot in a manner where the front of one house fronts the rear of another house.
18. **Street Connection.** A street connection shall be provided to Belfast Road.
19. **Density.** There shall be no more than three (3) dwelling units per acre.

20. **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: Mr. G. Edmond Massie, IV
Mr. Larry Riley
Ms. Patricia Coleman
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal, Director, Research & Planning, Henrico County Schools