

A-1 to R-2AC  
7.096 Ac.

**C-18C-07**  
**Zoning**  
 Single-Family Residential  
 Three Chopt District  
 400 Feet  
 PS February 2007 Ref: 739-770-5439



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

May 15, 2007

Centex Homes  
3951 Westerre Parkway  
Richmond, VA 23233

Re: Conditional Rezoning Case C-18C-07

Dear Sirs:

The Board of Supervisors at its meeting on May 8, 2007, granted your request to conditionally rezone from A-1 Agricultural District to R-2AC One-Family Residence District (Conditional), Parcels 739-770-5439, 739-770-7142 and 739-770-9147, described as follows:

Commencing at a point on the centerline of Shady Grove Road, said point being a common corner of the lands owned by Davis R. Hilton, Jr. GPIN 739-770-1325 and the lands owned by Robert A. Borum, Jr. and Gayle C. Borum GPIN 739-770-5439 for the true point and place of beginning; thence leaving said centerline of Shady Grove Road on the following two courses along the east line of the lands owned by Davis R. Hilton, Jr. and the west line of the lands owned by Robert A. Borum, Jr. and Gayle C. Borum N 25°15'32" W a distance of 268.16' to a found stone; thence run N 32°29'54" W a distance of 255.40' to a found rod, said rod being a common corner of said lands of Davis R. Hilton, Jr. and Robert A. Borum, Jr. and Gayle C. Borum and Centex Homes GPIN 739-770-7142; thence run N 70°07'57" E along the south line of lands owned by Centex Homes and the north line of lands owned by Robert A. Borum, Jr. and Gayle C. Borum for a distance of 257.55' to a found rod, said rod being a common corner of said lands owned by Robert A. Borum, Jr. and Gayle C. Borum and Centex Homes and William D. Smart, Jr. and Betty C. Smart GPIN 739-770-7142; thence run N 85°05'57" E along said south line of lands owned by Centex Homes and the north line of lands owned by William D. Smart, Jr. and Betty C. Smart a distance of 229.82' to a found rod, said rod being a common corner of lands owned by Centex Homes and William D. Smart, Jr. and Betty C. Smart and the lands owned by George P. Smart and Karen G. Duncan GPIN 739-770-9147;

thence run on the following four courses along the south and west lines of the lands owned by Centex Homes and the north and east lines of the lands owned by George P. Smart and Karen G. Duncan, N 78°11'00" E for a distance of 311.53' to a found rod; thence S 04°31'06" W for a distance of 296.61' to a found rod; thence S 76°41'59" W for a distance of 85.97' to a found rod; thence S 09°31'24" W for a distance of 295.28' to a point on the centerline of Shady Grove Road; thence run along said centerline of Shady Grove Road N 78°04'46" W for a distance of 101.91' to the P.C. of a curve to the left; thence run along said curve having a radius of 350.00', an arc distance of 202.13' through a central angle of 33°05'20" on a chord bearing of S 85°22'34" W for a chord distance of 199.33' to the P.T. of said curve; thence run S 68°49'54" W a distance of 75.29' to the true point and place of beginning containing 7.096 acres more or less.

The Board of Supervisors accepted the following proffered conditions, dated April 7, 2007, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Maximum Density:** The maximum density of lots on the Property shall not exceed 1.6 units per acre.
2. **Underground Utilities:** Except for transformers, pedestals, junction boxes, meters, and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be installed underground.
3. **Minimum Floor Area:** The minimum finished square footage of a one-story dwelling shall be 2500 square feet. The minimum finished square footage of a two-story dwelling shall be 2600 square feet. One-story dwellings shall be limited to twenty-five percent (25%) of the total number of dwellings.
4. **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. All visible exposed portions of foundations of each home below the first floor level shall be constructed of brick or stone.
5. **Chimneys and Windows:** Chimneys, direct vent gas fireplaces, closets and windows shall not be cantilevered. The foundation of any chimney, direct vent gas fireplace, closet or window shall be consistent with the foundation of the main dwelling. The siding material above the foundation shall be consistent with the siding material used on the adjacent walls. The material used to construct any chimney shall be consistent with the foundation of the main dwelling.
6. **Exterior Materials:** All of the homes shall have at least seventy percent (70%) of their front elevation constructed of brick, stone or a combination of

- brick, stone or shake. The front elevations of the homes shall be constructed in general conformance to the attached elevations (see case file).
7. **Garages:** A minimum of a two-car garage shall be constructed on each lot. At least fifty percent (50%) of the garages shall be side or rear load.
  8. **Driveways:** All driveways shall be constructed of exposed aggregate, brick, concrete or pre-cast pavers. There shall be no individual lot driveway access to Shady Grove Road.
  9. **Lot Width:** At least ninety percent (90%) of all buildable lots shall have a minimum lot width of ninety (90) feet. No buildable lots shall have a lot width less than eighty-five (85) feet.
  10. **Roads and Curb and Gutter:** All roads on the property shall be constructed with Henrico County standard three-foot rollface curb and gutter, unless otherwise approved by the County.
  11. **Buffers:** A twenty-five (25) foot buffer shall be provided adjacent to the ultimate right-of-way of Shady Grove Road. A landscape plan shall be submitted with the "Final Subdivision" application for review and approval by the County Planning Department. This buffer shall be landscaped to the standards of the thirty-five (35) foot transitional buffer and shall be exclusive of any rear yard setback requirements.
  12. **Lot Clearing:** Clearing of healthy trees six (6) or more inches in diameter on the lots shall be limited to areas required to accommodate dwellings, driveways, sidewalks, open yard areas, utility lines, drainage and any other areas typically required for the construction of a dwelling.
  13. **Sod and Irrigation:** The front yard and side yard of each lot shall have sod and an irrigation system installed.
  14. **Restrictive Covenants:** 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 reviewed by the Henrico County Attorney's Office and recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. 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.

15. **Compliance Certification:** Upon request by the Director of Planning, the Applicant shall provide the County with the necessary calculations that illustrate that the dwellings and lots constructed in its Neighborhoods are in compliance with all of the allowable and required percentages set forth in these proffers.
16. **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.
17. **Right-of-Way Dedication:** The Applicant shall dedicate the right-of-way necessary along Shady Grove Road based on the ultimate right-of-way width of eighty (80) feet. The right-of-way shall be dedicated as part of the final plat recordation. Should the dedicated property not be used for the widening of Shady Grove Road within thirty (30) years of the date of the dedication, title to the dedicated property will revert to the property owner or its successors in interest.
18. **Street Tree Plan:** A minimum of two (2) trees measuring at least 2.5" in caliper shall be retained or planted within front yards and corner side yards. The trees shall be planted within ten (10) feet of the right-of-way on each side of the roadway and be spaced no more than fifty (50) feet apart.
19. **Sidewalks:** A four (4) foot sidewalk shall be installed along Shady Grove Road. A four (4) foot sidewalk with a two (2) foot planting strip behind the curb shall also be installed along the south side of Mason Park Way. Walking trails shall be installed where appropriate in the common areas, contingent upon approval by the USCOE and DEQ.
20. **C-1 Zoning:** The 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 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.
21. **Architecture:** No homes with the same exterior architectural designs shall be located adjacent to one another.
22. **Foundation Plantings:** All homes shall be provided with a minimum of fifteen (15) shrubs as foundation plantings for the front elevation of the home.

Additional plantings shall be provided to wrap around the side elevation of each home.

23. **Decks:** Brick piers shall be provided for all decks.
24. **Conceptual Plan:** The site shall be developed in general conformance with the "Conceptual Plan" marked as EXHIBIT A, dated 10/05/06 (see case file). The plan is conceptual in nature and is subject to engineering design, environmental permitting, and governmental and regulatory compliance. The plan may vary in detail as approved by the Director of Planning.
25. **Fences:** No fences shall be constructed within the twenty-five (25) foot buffer located adjacent to Shady Grove Road. Height and material specifications for fences constructed on individual lots shall be placed in the Restrictive Covenants.

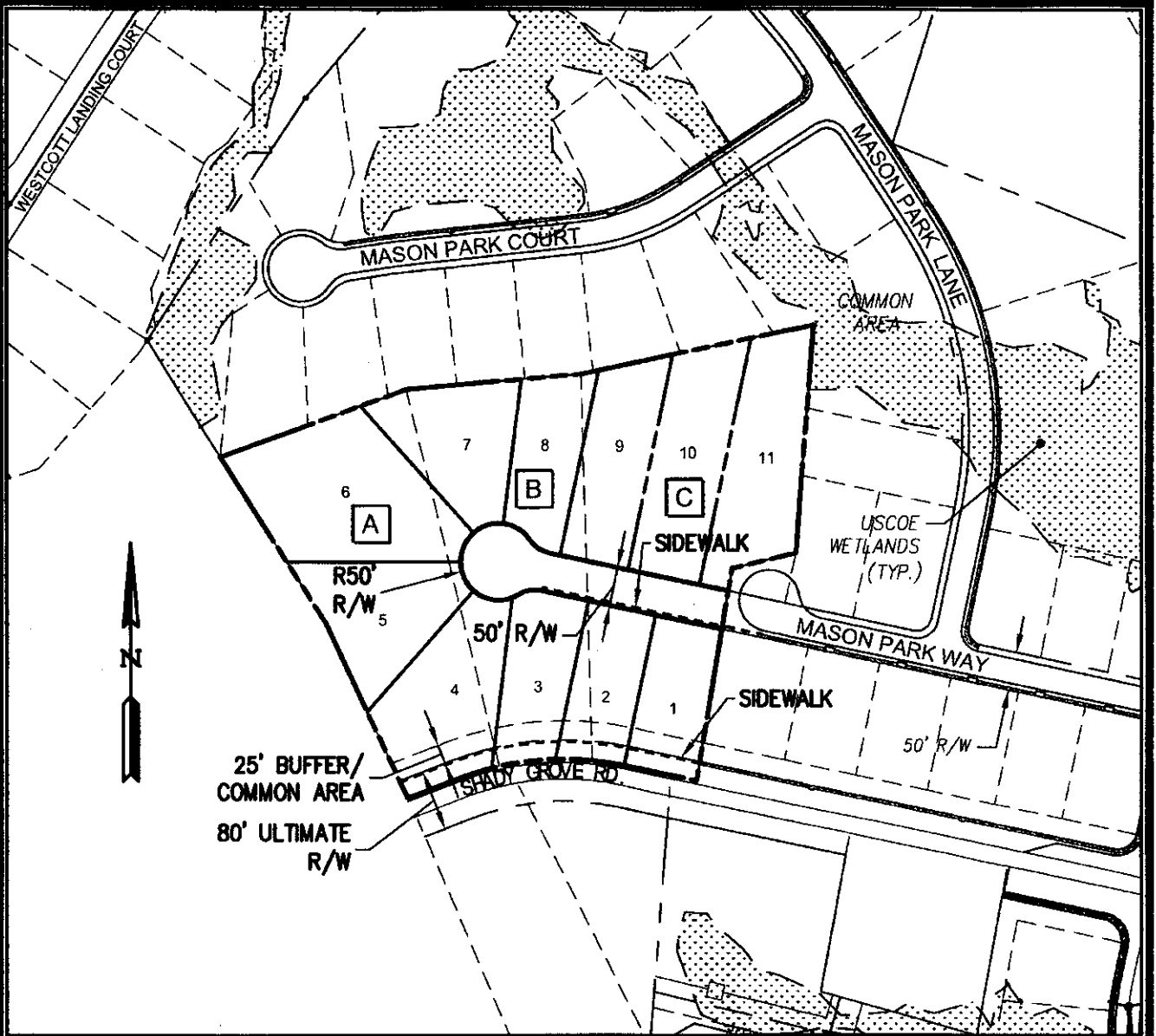
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.  
County Manager

pc: Jeff S. McKay  
Robert A Borum, Jr. & Gayle C. Borum  
William D. Smart & Betty C. Smart  
George P. Smart & Karen Smart  
Dr. Penny G. Blumenthal, Dir., Research & Planning, Henrico County Schools  
Director, Real Estate Assessment  
Conditional Zoning Index



**SUBJECT PARCELS:**

- PARCEL A GPIN: 739-770-5439  
2.11 ACRES
- PARCEL B GPIN: 739-770-7142  
2.01 ACRES
- PARCEL C GPIN: 739-770-9147  
2.84 ACRES



CONSULTING ENGINEERS  
WILLIAMSBURG • RICHMOND • GLOUCESTER

614 Moorefield Park Drive  
Richmond, Virginia 23236  
(804) 330-8040 Fax (804) 330-9840

EXHIBIT A  
CONCEPTUAL PLAN - MASON PARK SUBDIVISION  
SECTION 2

EXHIBIT A

Drawn by: **SMW**

Scale: **1"=200'**

Date: 10/5/2006

**C-18C-07**