

A-1 to R-3C
6.807 Ac.

R-3 ◊ Dunncroft/Castle Point Park

C-20C-09

Zoning

Single-Family Residential

Brookland District

400

Scale bar: _____ Feet

PS June 2009 Ref. 759-765-7424



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

December 15, 2009

David R. Gibbs
8100 Three Chopt Road, Suite 113
Richmond, VA 23229

Clyde S. Taylor
4929 Francistown Road
Glen Allen, VA 23060

Re: Conditional Rezoning Case C-20C-09

Dear Messrs. Gibbs and Taylor:

The Board of Supervisors at its meeting on December 8, 2009, granted your request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional), Parcels 759-765-5522, 759-765-7424, 759-765-8939 and 759-765-7456, containing 6.807 acres, located on the east line of Francistown Road at its intersection with Nuckols Road, described as follows:

Parcel 'C'

Beginning at a point on the east line of Francistown Road (marked P.O.B. 'C'), said point being 0.75± mile north of Hungary Road; thence along the east line of Francistown Road along a curve to the left having a radius of 22,948.31', a length of 150.00', a chord bearing N 12°11'43" E, and a chord of 150.00' to a point; thence leaving the east line of Francistown Road S 78°21'37" E, 201.22' to a point; thence S 11°38'23" W, 152.11' to a point; thence N 77°45'44" W, 202.69' to the Point of Beginning (marked P.O.B. 'C') on the east line of Francistown Road. Containing 0.700 acre of land.

Parcel 'D'

Beginning at a point on the east line of Francistown Road (marked P.O.B. 'D'), said point being 0.78± mile north of Hungary Road; thence along the east line of Francistown Road along a curve to the left having a radius of 22,948.31', a length of 74.68', a chord bearing N 11°54'53" E, and a chord of 74.68' to a point; thence leaving the east line of Francistown Road S 77°01'03" E, 504.36' to a point; thence N 11°49'57" E, 6.83 to a point; thence S 77°45'44" E, 57.67' to a point; S 11°05'16" W, 225.00' to a point; thence N 77°45'44" W, 363.23' to a point; thence N 11°38'23" E, 152.11' to a point; thence N

78°21'37" W, 201.22' to the Point of Beginning (marked P.O.B. 'D') on the east line of Francistown Road. Containing 2.170 acres of land.

Parcel 'E'

Beginning at a point on the east line of Francistown Road (marked P.O.B. 'E'), said point being 0.79± mile north of Hungary Road; thence along the east line of Francistown Road along a curve to the left having a radius of 22,948.31', a length of 34.22', a chord bearing N 11°46'43" E and a chord of 34.22' to a point; thence leaving the east line of Francistown Road N 87°36'18" E, 415.52' to a point; thence N 11°56'52" E, 210.00' to a point; thence N 19°03'04" E, 163.70' to a point; thence S 81°09'44" E, 80.63' to a point; thence S 11°49'57" W, 523.07' to a point; thence N 77°01'03" W, 504.36' to the Point of Beginning (marked P.O.B. 'E') on the east line of Francistown Road. Containing 1.996 acres of land.

Parcel 'F'

Beginning at a point on the east line of Francistown Road (marked P.O.B. 'F'), said point being 0.80± mile north of Hungary Road; thence along the east line of Francistown Road the following two courses: along a curve to the left having a radius of 22,948.31", a length of 38.54', a chord bearing N 11°41'16" E, and a chord of 38.54' to a point; thence N 11°38'23" E, 170.70' to a point; thence leaving the east line of Francistown Road N 87°32'28" E, 416.77' to a point; thence S 11°56'52" W, 210.00' to a point; thence S 87°36'18" W, 415.52' to the Point of Beginning (marked P.O.B. 'F') on the east line of Francistown Road. Containing 1.941 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated November 10, 2009, which further regulate 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.** There shall be no more than fourteen (14) homes developed on the Property, which such limitation does not include the property identified as 4929 Francistown Road (GPIN 759-765-5522).
3. **Redevelopment of Lot 759-765-5522.** The construction of any dwelling unit, other than the existing home on the property identified as 4929 Francistown Road (GPIN 759-765-5522), shall be in compliance with the proffers set forth in this case.
4. **Minimum Size.** The minimum size of all homes constructed on the Property shall be 2,300 gross square feet of finished space. These square footage requirements shall be exclusive of garages and unfinished basements.

5. **Francistown Road Lot Orientation.** Homes on any lots abutting Francistown Road, or the twenty (20) foot access strip referenced in Proffer #6, shall have the front elevation facing Francistown Road.
6. **Francistown Road Lot Access/Frontyard Setback.** All lots fronting on Francistown Road shall be accessed by a twenty (20) foot access strip that shall be built to Henrico County public road standards except as to pavement width. Prior to issuance of any certificates of occupancy, for any homes utilizing the access strip, the Applicant shall provide the Planning Department with certification from a licensed engineering firm that the roadway within the access strip was constructed according to the approved subdivision plat and in compliance with Henrico County road design standards and specifications (except as to pavement width) to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface. Front yard setbacks along Francistown Road shall be measured from the eastern curb line of the 20 foot access strip and the setback shall be a minimum of twenty (20) feet from the access strip.
7. **Exterior Materials.** 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 amount of such brick used on the front elevation of each home and shall provide such list when and as requested by the County.
8. **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. No homes with the same elevation shall be constructed next to each other.
9. **Foundations and Front Steps.** All houses shall be constructed on foundations, except for garages, patios and screened porches. Slab foundations shall be prohibited. All visible portions of the homes below the first floor shall be constructed with brick or stone, except for poured concrete retaining walls that are used to create the steps needed for a basement. Steps, stoops of front entries and piers for porches shall be brick or stone.
10. **No Cantilevering.** There shall be no cantilevered features including, but not limited to, bay windows and chimneys.
11. **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

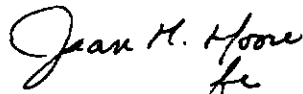
- built on a foundation that is constructed of the same material that is used on the adjacent foundation.
12. **Garages.** Each house on the Property shall be constructed with a two (2) car attached garage. The garage shall have a minimum interior clear space of 20' wide by 18' deep.
 13. **Francistown Road Planting Strip/Entrance Feature.** A decorative "wrought iron-style" fence with brick columns shall be provided along the Francistown Road frontage on the Property, such columns not to be spaced farther apart than fifty (50) feet. Such fence shall be extended along the Francistown Road frontage of 4929 Francistown Road (GPIN 759-765-5522) upon any redevelopment of such property as set forth in Proffer 2. A planting strip of twenty (20) feet in width shall be reserved on any lots adjoining the right-of-way of Francistown Road. Landscaping installed in conjunction with the planting strip shall include an irrigation system. Such landscaping shall be planted in accordance with a landscape plan as approved by the Planning Commission. The width of this planting strip shall be in addition to the dwelling setbacks required by the Zoning Ordinance. The foregoing landscaping shall be substantially in accordance with the plan entitled "Exhibit B" prepared by Jennings Stevenson, P.C., dated October 22, 2009 and filed herewith (see case file).
 14. **Driveways.** All driveways shall be constructed of asphalt, brushed concrete, stamped concrete, exposed aggregate or pavers. No driveway shall have direct access to Francistown Road or the access road to Hungary Creek Middle School.
 15. **Sod and Irrigation.** The front and side yards of all homes constructed on the Property shall contain sod and irrigation systems.
 16. **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 2½ inches at the time of planting.
 17. **Mail Boxes.** All improved lots shall be required to have a mail box with supporting post of similar design.
 18. **Roads and Curb and Gutter.** Curb and gutter shall be used on all streets (including the twenty (20) foot access strip) 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. All public roads shall be designed to have a minimum width of thirty-six (36) feet from back of curb to back of curb (thirty (30) feet from edge of pavement to edge of pavement with an additional three (3) feet from edge of pavement to back of curb).

19. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be underground.
20. **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. The above referenced recorded document shall contain language which requires that Lots 1, 2 and 3, as shown on Exhibit A (see case file), shall be solely responsible for maintaining the 20' Access Easement.
21. **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 the time of subdivision approval for the last lot 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.
22. **Fencing/Wall.** A wall made of pre-cast concrete (Brickcrete), or such other material as approved by the Planning Commission at the time of subdivision review, a minimum of eight (8) feet in height shall be provided in the location shown on Exhibit B (see case file). A white solid vinyl privacy fence a minimum of six (6) feet in height shall be provided as shown on Exhibit B (see case file). All fencing shall be installed prior to the issuance of the first certificate of occupancy for the Property.
23. **Permitted Uses.** The development on the Property shall be restricted to single family detached dwellings and ancillary recreational facilities.
24. **Public Roads.** All roads constructed on the Property shall be constructed and dedicated as public roads, with the exception of the 20' access strip which shall be private and constructed consistent with proffer number 6 above.
25. **Construction.** There shall be no onsite burning of cleared trees and stumps, branches or construction debris. Construction access to the Property shall be limited to Francistown Road.

26. **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: Tom Kinter
Dr. Martha G. Blumenthal, Dir., Research & Planning, Henrico County Schools
Director, Real Estate Assessment
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