March 16, 2010

Patterson Investments, Inc.
C/O Gumenick Properties
6600 West Broad Street, Suite 100
Richmond, VA 23230

Re: Conditional Rezoning Case C-30C-09

Dear Sir:

The Board of Supervisors at its meeting on March 9, 2010, approved your request to conditionally rezone from R-2A One-Family Residence District to R-5AC General Residence District (Conditional), Parcel 748-741-8046, containing approximately 6.059 acres, located at the southeast intersection of Patterson Avenue (State Route 6) and Maybeury Drive, described as follows:

Beginning at a rod set on the southern right-of-way line of Patterson Avenue at its intersection with Maybeury Drive which is the True Point of Beginning; thence along the southern right-of-way line of Patterson Avenue S 87°30'22" E 735.90' to a rod set; thence leaving the southern right-of-way line of Patterson Avenue S 18°02'42" W 394.96' to a rod set; thence N 86°34'26" W 650.05' to a rod found; thence, N 02°29'43" E 350.10' to a rod set; thence along a curve to the right having a radius of 19.93' for a length of 31.20' to the True Point of Beginning, containing approximately 6.059 acres.

The Board of Supervisors accepted the following proffered conditions, dated March 8, 2010, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Landscaped Strip Adjacent to Maybeury Drive and Patterson Avenue.** A planting strip easement a minimum of ten (10) feet in width shall be provided along Patterson Avenue and Maybeury Drive, which shall be planted to a Transitional Buffer 25 standard, unless such plantings are not required as a result of existing evergreen vegetation, as determined at the time of Landscape Plan review. Berms, grading, utility easements, entrances, underground BMPs, fences, signage, pedestrian walkways and any other uses, which are specifically requested and approved at the time of Plan of Development or subdivision review, shall be permitted within such landscape strip; provided, any such utility easements (other than existing) shall be extended generally perpendicular to
Patterson Avenue unless otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review. An asphalt walkway a minimum of four (4) feet in width shall be provided generally along the Patterson Avenue property line, subject to receipt of all necessary approvals.

2. **Site Plan and Elevations.** Development of the Property shall be in general conformance with the illustrative conceptual plan entitled "Maybeury, Tuckahoe District, Henrico County, Virginia, Conceptual Plan", prepared by E.D. Lewis & Associates P.C., dated January 25, 2010, last revised February 25, 2010, and attached hereto, (see case file) and homes and garages shall be similar in architectural treatment (incorporating similar, but not necessarily the same, design elements, style and materials) to the elevations entitled "Conceptual Elevation, Maybeury Bungalows, Henrico County, Virginia" numbered 1 through 7, (see case file) and streetscape elevation entitled "Conceptual Elevation, October 15, 2009, Maybeury Bungalows, 1" attached hereto, (see case file) unless otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review.

3. **Exterior Materials.** Any building shall have exposed exterior walls (above finished grade) predominantly of brick veneer, stone veneer, cementitious siding, or a combination of the foregoing, unless otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review. Except for trim material, no home shall have exposed exterior walls of vinyl or aluminum siding.

4. **Entrance Feature.** A landscaped entrance, which may include signage, shall be provided at the access to the Property.

5. **Foundations.** All homes shall be constructed on a crawl space (not to exclude optional basements) with exterior siding on all foundations consisting of brick veneer or stone veneer. Foundation plantings shall be provided on all front elevations.

6. **Fireplace Chimneys.** The exposed portions of all fireplace chimneys shall be of brick veneer, stone veneer or cementitious siding. The exposed bases of all chimneys shall be of the same material as the building foundations. 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.

7. **Lighting.** Street light standards for internal private driveways shall be provided and shall not exceed twelve (12) feet in height. The street lights shall be non-glare, decorative in style, and residential in character.
8. **Density.** There shall be no more than thirty (30) homes developed on the Property.

9. **Community Sidewalks.** Sidewalks a minimum of five (5) feet in width shall be provided along at least one side of the internal private roadways and shall be of concrete or exposed aggregate concrete.

10. **Road Certification.** Prior to the issuance of the first permanent certificate of occupancy, the Owner shall provide the Planning Department with certification from a licensed engineering firm that the roadways within the development were constructed according to the approved Plan of Development and in compliance with Henrico County road design standards and specifications, to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface, but excluding road widths, turning radii, sight distance and vertical curves.

11. **BMP/Detention.** Any BMPs developed on the Property shall be underground. This shall not preclude rain gardens, bio-retention facilities or Low Impact Design techniques.

12. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above-referenced provisions shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.

13. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.

14. **Restrictive Covenants/Homeowners' Association.** Prior to or concurrent with the recordation of the first subdivision plat and/or Plan of Development approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat or Plan of Development (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 Homeowners' Association of the owners of homes that shall be responsible for the enforcement of the restrictive covenants, including, but not limited to, maintenance of any common areas.

15. **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.
16. **Sod/Street Trees.** Each front yard and side yard to the edge of the rear of the home shall initially be sodded, exclusive of sidewalks, mulched flowerbeds and landscaping. The neighborhood shall have a street tree landscape plan in which trees shall be planted or retained equaling at least one tree with a minimum 2.5 inch caliper for each home within the front yard and one within the side yard if on a corner lot.

17. **Fencing Along Patterson Avenue.** A picket-style fence made of composite material (such as TimberTech FenceScape) a maximum of forty-two (42) inches in height shall be provided along the Patterson Avenue frontage of the Property, unless different fencing is otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review.

18. **Minimum Home Size.** Homes shall have a minimum of 1,300 square feet of finished floor area.

19. **Garages.** All homes shall have a minimum of a one-car garage. The siding of garages developed on the Property shall be of the predominant material utilized on the home on the lot which the garage serves.

20. **Driveways.** Any "cart track" driveways developed on the Property shall be of exposed aggregate concrete. All other driveways shall be constructed of asphalt or exposed aggregate concrete.

21. **Porches.** Any exposed piers for any porches shall be of brick veneer or stone veneer. Porch steps shall have "backs" and not be open.

22. **Pedestrian Access to YMCA.** Pedestrian access to the adjacent YMCA shall be provided.

23. **Transportation.** Prior to the issuance of the first certificate of occupancy on the Property, transportation improvements shall be made to Maybury Drive as specified in that certain letter from James W. Theobald on behalf of Patterson Investments, Inc. to Timothy A. Foster, Director of Public Works, dated February 8, 2010, (see case file) unless otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review.

24. **Landscaped Strip Along Southern Property Line.** A planting strip easement a minimum of ten (10) feet in width shall be provided along the southern property line, which shall have trees planted to the Transitional Buffer 25 standard and one-half the number of shrubs planted to the Transitional Buffer 25 standard, unless such plantings are not required as a result of existing evergreen vegetation, as determined at the time of Landscape Plan review. Berms, grading, utility easements, easements for maintenance of adjacent homes, pedestrian access, underground BMPs, fences and any other uses, which are specifically requested and approved at the time of Plan of Development or
subdivision review, shall be permitted within such landscape strip; provided, any such utility easements (other than existing) shall be extended generally perpendicular to the southern property line unless otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review. The foregoing plantings shall be installed when the home adjacent to such area is being constructed, or during the next planting season after such home is constructed.

25. **Construction Vehicle Access.** Construction access to the Property shall be from the YMCA access road until 25 homes have been constructed on the Property.

26. **Mud Wash.** The construction entrance on the YMCA access road shall have a mud wash for the washing of vehicle tires as necessary when leaving the Property.

27. **Burning.** During the period of construction on the Property, there shall be no burning of natural materials or construction debris.

28. **Front Porch Depth.** Any front porch shall have a minimum depth of six (6) feet as measured from front edge of porch to outside edge of home, excluding areas for steps and stoops.

29. **Lot Clearing.** The clearing of healthy trees measuring six (6) or more inches in diameter on any lot shall be limited to areas required to accommodate the dwellings, garages, driveways, sidewalks, open yard areas, utility lines and any other areas typically required for the construction of a dwelling as determined by the Owner.

30. **Temporary Construction Fence.** Prior to any land disturbance on the Property, a temporary construction fence a minimum of six (6) feet in height shall be installed, and shall tie into the fence provided in Proffer 31 below at:

   a. the western end of the board fence referenced in Proffer 31 below and run generally along the Maybeury Drive property line to the beginning of the proposed entrance, and

   b. the eastern end of the board fence referenced in Proffer 31 below and run generally along the western edge of the YMCA access road easement a distance of approximately seventy-five (75) feet.

At such time as a certificate of occupancy is issued for any of Lots 14, 15 or 16, the fence in Proffered Condition 30.a. may be removed. At such time as a certificate of occupancy is issued for Lot 27, the fence in Proffered Condition 30.b. may be removed.
31. **Fencing Along Southern Property Line.** A six (6) foot high double-sided board-on-board fence including a decorative top, generally as shown on Exhibit A attached hereto, (see case file) shall be provided generally along the southern property line beginning approximately 15' from the right-of-way of Maybeury Drive and ending approximately at the western edge of the YMCA access road easement, unless different fencing is otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review. Such fence shall be installed at the commencement of land disturbance and shall be maintained by the Homeowners’ Association.

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

pc: James W. Theobald, Esquire
Dr. Martha G. Blumenthal, Dir., Research & Planning, Henrico County Schools
Director, Real Estate Assessment
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