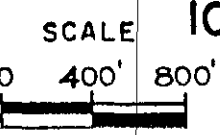


**PARCEL SUMMARY:**

- NO. 1 - 127.8 Ac. - PROPOSED B-2
- NO. 2 - 95.3 Ac. - PROPOSED R-6
- NO. 3 - 58.8 Ac. - PROPOSED R-6

- NO. 4 - 5.12 Ac. - PROPOSED C-1
- NO. 5 - 190.5 Ac. - PROPOSED C-1
- NO. 6 - 82.1 Ac. - PROPOSED R-6

**C-20C-80**



102-B1 & 103-A1 (var. parcels)  
 FAIRFIELD DISTRICT  
 J.A.S.



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

FRANK A. FAISON  
County Manager

May 21, 1980

Re: Conditional Rezoning Case C-20C-80

Mr. C. B. Robertson, III and  
Ethelwood Corporation  
125 F&M Center Plaza  
Richmond, Virginia 23219

A-T-O Properties, Inc.  
Attention: Mr. Steven L. Charlton,  
President  
4420 Sherwin Road  
Willoughby, Ohio 44094

Gentlemen:

At its May 14, 1980 meeting, the Board of Supervisors accepted the proffered conditions offered on behalf of the owners of the subject property and conditionally rezoned the property in accordance with your request and the Planning Commission's recommendation. Set forth below are descriptions of individual parcels rezoned.

Zoning Parcel 1 Rezoned from A-1 Agricultural to R-2A One Family Residence to B-2 Community Business District, being all of tax parcel 102-B1-3 and part of tax parcels 102-B1-6 and 7 and further described as follows:

Beginning at a point on the eastern line of Jefferson Davis Highway (U.S. Route 1), which point is approximately 246' north of the intersection of the northern line of Half Sink Avenue Extended with the eastern line of Jefferson Davis Highway Extended; thence along the northern line of an 80' widening for Jefferson Davis Highway on a bearing of S. 78° 32' 00" W., a distance of 83.18' to a point on the eastern line of Jefferson Davis Highway; thence along the eastern line of Jefferson Davis Highway on a curve toward the west a distance of 700.07', having a radius of 5770.00' and a central angle of 6° 57' 06"; thence continuing along the eastern line of Jefferson Davis Highway on a bearing of N. 5° 47' 30" W., a distance of 1,005.14' to a point; thence, leaving the eastern line of Jefferson Davis Highway, on a bearing of S. 89° 54' 37" E., a distance of 890.00' to a point; thence N. 5° 47' 30" W., a distance of approximately 495' to the centerline of Chickahominy River; thence along the centerline of the Chickahominy River in an easterly direction a distance of approximately 670' to a point; thence leaving the centerline of the Chickahominy River, on a bearing of S. 16° 23' 35" E., a distance of approximately 65' to a point; thence along a curve toward the east a distance of 468.59', having a radius of 543.11' and a central angle of 49° 26' 05"; thence S. 65° 49' 40" E., a distance of 341.10' to a point; thence along a curve toward the west a distance of 1,554.97', having a radius of 1200.00' and a central angle of 74° 14' 40"; thence S.

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8° 25' 00" W., a distance of 478.69' to a point; thence along a curve toward the east a distance of 277.39', having a radius of 1200.00' and a central angle of 13° 14' 40"; thence along a line, traversing through the subdivision of Holly Glen, on a bearing of S. 88° 17' 15" W., a distance of 1085.82' to a point; thence continuing through Holly Glen on a bearing of S. 71° 35' 15" W., a distance of 25.00' to a point; thence continuing through Holly Glen, on a bearing of N. 18° 24' 45" W., a distance of 309.42' to a point; thence continuing through Holly Glen, on a bearing of S. 74° 58' 47" W., a distance of 656.49' to a point; thence continuing through Holly Glen along a curve toward the north a distance of 357.41', having a radius of 1216.31' and a central angle of 16° 50' 10"; thence continuing through Holly Glen on a bearing of N. 88° 11' 03" W., a distance of 28.59' to a point; thence continuing through Holly Glen, on a bearing of S. 01° 48' 57" W., a distance of 389.86' to a point; thence, continuing through Holly Glen on a bearing of S. 88° 11' 03" E., a distance of 25.00' to a point; thence continuing through Holly Glen, on a bearing of S. 1° 48' 57" W., a distance of 329.49' to a point; which point lies on the southwestern boundary of Holly Glen; thence along the southwestern boundary of Holly Glen on a curve toward the west, a distance of 9.90', having a radius of 25.00' and a central angle of 22° 40' 54"; thence along the southwestern boundary of Holly Glen on a bearing of N. 53° 57' 56" W., a distance of 339.74' to a point on the eastern line of Jefferson Davis Highway; thence along the eastern line of Jefferson Davis Highway, which line is also the Westernmost boundary of Holly Glen, on a bearing of N. 1° 48' 57" E., a distance of 798.64' to the point of beginning, encompassing an area of approximately 127.3 acres.

Zoning Parcel No. 2 Rezoned from A-1 Agricultural to R-6 General Residence District, being part of tax parcels 102-B1-7 and 103-A1-42 and further described as follows:

Beginning at the point where the centerline of the Chickahominy River intersects the western right-of-way line of Interstate Highway 95; thence along the western line of Interstate 95 on a bearing of S. 19° 14' 07" E., a distance of approximately 970' to a point; thence continuing along the right-of-way of Interstate 95, along a curve toward the west a distance of 1612.85', having a radius of 9133.85' and a central angle of 10° 07' 02"; thence continuing along the right-of-way of Interstate 95, on a bearing of S. 80° 52' 55" W., a distance of 305.00' to a point; thence continuing along the right-of-way of Interstate 95 along a curve toward the west a distance of approximately 1482.37', having a radius of 8828.85' and a central angle of 9° 37' 12", to a point on the centerline of a small stream; thence along the centerline of the small stream in an easterly direction a distance of approximately 370' to a point; thence, continuing along the western right-of-way of Interstate 95, along a curve toward the west a distance of approximately 434.99', having a radius

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of 9123.85' and a central angle of  $2^{\circ} 43' 54''$ ; thence, continuing along the right-of-way of Interstate 95, on a bearing of S.  $1^{\circ} 30' 50''$  E., a distance of 99.42' to a point; thence continuing along the right-of-way of Interstate 95 along a curve toward the west a distance of 770.82', having a radius of 9133.85' and a central angle of  $4^{\circ} 50' 07''$ ; thence, leaving the western right-of-way of Interstate 95, on a bearing of N.  $67^{\circ} 06' 29''$  W., a distance of 526.98' to a point on the eastern line of Telegraph Road; thence along the eastern line of Telegraph Road in a northerly direction, along a curve toward the west a distance of 106.25', having a radius of 1056.00' and a central angle of  $5^{\circ} 45' 53''$ ; thence continuing along the eastern line of Telegraph Road along a curve toward the east a distance of 261.08', having a radius of 11320.41' and a central angle of  $1^{\circ} 19' 17''$ ; thence continuing along the eastern line of Telegraph Road on a bearing of N.  $3^{\circ} 46' 04''$  E., a distance of 609.37' to a point; thence, continuing along the eastern line of Telegraph Road along a curve toward the west a distance of 171.37', having a radius of 323.84' and a central angle of  $30^{\circ} 19' 09''$ ; thence, continuing along the eastern line of Telegraph Road on a bearing of N.  $26^{\circ} 33' 05''$  W., a distance of 295.43' to a point; thence continuing along the eastern line of Telegraph Road on a bearing of N.  $22^{\circ} 24' 20''$  W., a distance of 614.92' to a point; thence, leaving the right-of-way of Telegraph Road, along a curve toward the east a distance of 334.84', having a radius of 1200.00' and a central angle of  $15^{\circ} 59' 14''$ ; thence, N.  $8^{\circ} 25' 00''$  E., a distance of 478.69' to a point; thence, along a curve toward the west a distance of 1554.97', having a radius of 1200.00' and a central angle of  $74^{\circ} 14' 40''$ ; thence N.  $65^{\circ} 49' 40''$  W., a distance of 341.10' to a point; thence, along a curve toward the east a distance of 468.59', having a radius of 543.11' and a central angle of  $49^{\circ} 26' 05''$ ; thence N.  $16^{\circ} 23' 35''$  W., a distance of approximately 65' to the centerline of the Chickahominy River; thence along the centerline of the Chickahominy River in an easterly direction a distance of approximately 2,325' to the point of beginning, encompassing an area of approximately 95.3 acres.

Zoning Parcel No. 3 Rezoned from R-2A One Family Residence to R-6 General Residence District, being part of tax parcels 103-A1-20, 42 and 26 and part of 102-B1-6 and further described as follows:

Beginning at the intersection of the western line of Telegraph Road with the northern line of Golf Course Road; thence along the northern line of Golf Course Road on a bearing of S.  $87^{\circ} 10' 00''$  W., a distance of 74.99' to a point; thence continuing along the northern line of Golf Course Road along a curve toward the north a distance of 928.10', having a radius of 2814.79' and a central angle of  $18^{\circ} 53' 30''$ ; thence continuing along the northern line of Golf Course Road on a bearing of N.  $61^{\circ} 09' 22''$  W., a distance of 388.12' to a point; thence continuing along the northern line of Golf Course Road, on a bearing of N.  $4^{\circ} 34' 51''$  W., a distance of 18.64' to a point; thence leaving the northern line of Golf Course Road, on a

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bearing of N.  $76^{\circ} 22' 20''$  E., a distance of 389.40' to a point; thence N.  $44^{\circ} 55' 21''$  E., a distance of 270.67' to a point; thence N.  $25^{\circ} 03' 44''$  E., a distance of 357.99' to a point; thence N.  $16^{\circ} 51' 32''$  W., a distance of 1240.43' to a point on the southern boundary of the subdivision of Holly Glen; thence along the southern boundary of Holly Glen on a bearing of S.  $71^{\circ} 35' 15''$  W., a distance of 122.78' to a point; thence N.  $18^{\circ} 24' 45''$  W., a distance of 300.00' to a point on the northern line of Ethelwood Road; thence along a line traversing through Holly Glen, on a bearing of N.  $88^{\circ} 17' 15''$  E., a distance of 1085.82' to a point; thence in a southerly direction along a curve toward the east, a distance of 213.03', having a radius of 1200.00' and a central angle of  $10^{\circ} 10' 16''$ , to a point on the western line of Telegraph Road; thence along the western line of Telegraph Road on a bearing of S.  $22^{\circ} 24' 20''$  E., a distance of 463.61' to a point; thence continuing along the western line of Telegraph Road on a bearing of S.  $26^{\circ} 33' 05''$  E., a distance of 296.37' to a point; thence continuing along the western line of Telegraph Road along a curve toward the west a distance of 155.49', having a radius of 293.84' and a central angle of  $30^{\circ} 19' 09''$ ; thence continuing along the western line of Telegraph Road on a bearing of S.  $3^{\circ} 46' 04''$  W., a distance of 609.37' to a point; thence continuing along the western line of Telegraph Road along a curve toward the east a distance of 261.77', having a radius of 11350.41' and a central angle of  $1^{\circ} 19' 17''$ ; thence continuing along the western line of Telegraph Road along a curve toward the west a distance of 618.26', having a radius of 1026.00' and a central angle of  $34^{\circ} 31' 32''$ ; thence continuing along the western line of Telegraph Road on a bearing of S.  $36^{\circ} 58' 19''$  W., a distance of 106.94' to the point of beginning, encompassing an area of 58.80 acres.

Zoning Parcel No. 4 Rezoned from R-2A One Family Residence to C-1 Conservation District,, being part of tax parcel 102-B1-6 and further described as follows:

Beginning at a point on the northern line of Ethelwood Road, which point is approximately 388' from the intersection of the northern line of Ethelwood Road extended with the western line of Orrock Road Extended; thence, leaving the northern line of Ethelwood Road, on a bearing of N.  $18^{\circ} 24' 45''$  W., a distance of 176.58' to a point; thence, along the rear lot lines of revised Lot 20 and Lots 19, 18, 17, 16, and a portion of Lot 15, on a bearing of S.  $74^{\circ} 58' 47''$  W., a distance of 604.59' to an angle point; thence, along the rear lot lines of a portion of Lot 15 and a portion of Lot 14, on a bearing of S.  $78^{\circ} 24' 17''$  W., a distance of 100.00' to an angle point; thence, along the rear lot lines of a portion of Lot 14 and of Lot 13 and continuing across French-Hay Road to a point on the western line of French-Hay Road, on a bearing of N.  $88^{\circ} 11' 03''$  W., a distance of 206.93'; thence along the western line of French-Hay Road and continuing across Ethelwood Road on a bearing of S.  $1^{\circ} 48' 57''$  W., a distance of 570.96' to a point; thence along a curve toward the west a distance of 44.30' having a radius of 25.00' and a central angle of  $101^{\circ} 32' 13''$ , to a point on the southwest boundary of Lot 2, Block G, of Holly Glen; thence traversing through Holly Glen, on a bearing of N.  $1^{\circ} 48' 57''$  E., a distance of 329.49' to a point; thence, continuing through Holly Glen on a bearing

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of N.  $88^{\circ} 11' 03''$  W., a distance of 25.00' to a point; thence continuing through Holly Glen, on a bearing of N.  $01^{\circ} 48' 57''$  E., a distance of 389.86' to a point; thence continuing through Holly Glen, on a bearing of S.  $88^{\circ} 11' 03''$  E., a distance of 28.59' to a point; thence continuing through Holly Glen in an easterly direction along a curve toward the north a distance of 357.41', having a radius of 1216.31' and a central angle of  $16^{\circ} 50' 10''$ ; thence continuing through Holly Glen on a bearing of N.  $74^{\circ} 58' 47''$  E., a distance of 656.49' to a point; thence continuing through Holly Glen, on a bearing of S.  $18^{\circ} 24' 45''$  E., a distance of 309.42' to a point; thence continuing through Holly Glen, on a bearing of N.  $71^{\circ} 35' 15''$  E., a distance of 25.00' to a point; thence crossing Ethelwood Road and continuing along the eastern lot line of Lot 12, Block H, Holly Glen, on a bearing of S.  $18^{\circ} 24' 45''$  E., a distance of 300.00' to a point on the southern boundary of Holly Glen; thence along said southern boundary, on a bearing of S.  $71^{\circ} 35' 15''$  W., a distance of 100.00' to a point; thence along the common lot line between Lots 11 and 12 of aforementioned Block H, extended across Ethelwood Road on a bearing of N.  $18^{\circ} 24' 45''$  W., a distance of 300.00' to a point on the northern line of Ethelwood Road; thence along the northern line of Ethelwood Road on a bearing of S.  $71^{\circ} 35' 15''$  W., a distance of 50.00' to the point of beginning, encompassing an area of 5.12 acres.

Zoning Parcel No. 5 Rezoned from A-1 Agricultural to C-1 Conservation District, being part of tax parcel 102-B1-7, and further described as follows:

Beginning at a point where the centerline of the Chickahominy River intersects the eastern right-of-way line of Interstate Highway 95; thence along the centerline of the Chickahominy River in an easterly and then southerly direction a distance of approximately 7300'; thence leaving the centerline of the Chickahominy River on a bearing of S.  $60^{\circ} 10' 30''$  W., a distance of approximately 1170' to a point; thence along a meandering line in a northerly direction which line is approximately the limit of the 100 year flood plain of the Chickahominy River, a distance of approximately 7850' to a point on the eastern right-of-way line of Interstate 95; thence along the eastern line of Interstate 95 in a northerly direction on a bearing of N.  $17^{\circ} 28' 00''$  W., a distance of 187.07' to a point; thence continuing along the eastern line of Interstate 95, on a bearing of N.  $14^{\circ} 40' 21''$  W., a distance of 278.55' to a point; thence continuing along the eastern line of Interstate 95, on a bearing of N.  $7^{\circ} 02' 52''$  E., a distance of 254.77' to a point; thence continuing along the eastern line of Interstate 95, on a bearing of N.  $19^{\circ} 18' 07''$  E., a distance of approximately 100.50' to a point on the centerline of the Chickahominy River, which point is the point of beginning, encompassing an area of approximately 190.5 acres.

Zoning Parcel No. 6 Rezoned from A-1 Agricultural and C-1 Conservation to R-6 General Residence District, being part of tax parcel 102-B1-7, and further described as follows:

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Beginning at a point on the eastern right-of-way line of Interstate Highway 95 which point is approximately 954' (along said right-of-way in a southerly direction) from the intersection of the centerline of the Chickahominy River with the eastern right-of-way of Interstate 95; thence along the eastern line of Interstate 95 in a northerly direction, on a bearing of N. 15° 03' 06" E., a distance of 133.14' to a point; thence leaving the eastern line of Interstate 95 and traversing (first northerly, then southerly) along a meandering line, which line is the approximate limit of the 100 year flood plain of the Chickahominy River, a distance of approximately 7850' to a point; thence S. 60° 10' 30" W., a distance of approximately 200' to a point on the centerline of a small stream; thence, along the centerline of the small stream in a westerly direction, a distance of approximately 480' to a point in the eastern line of Interstate 95; thence along the eastern line of Interstate 95, on a bearing of N. 10° 53' 31" W., a distance of approximately 20' to a point; thence continuing along the eastern line of Interstate 95, on a bearing of S. 76° 27' 06" W., a distance of 69.80' to a point; thence continuing along the eastern line of Interstate 95, on a bearing of N. 13° 45' 16" W., a distance of 1425.59' to a point; thence continuing along the eastern line of Interstate 95 along a curve toward the west, a distance of 1527.35', having a radius of 7734.44' and a central angle of 11° 18' 52"; thence continuing along the eastern line of Interstate 95, on a bearing of N. 19° 14' 07" W., a distance of 1,513.03' to the point of beginning, encompassing an area of approximately 82.1 acres.

In addition to all applicable regulations of Zoning Ordinance No. 179, the above described conditionally rezoned property is further regulated by the following conditions proffered on behalf of the owners and accepted by the Board of Supervisors:

1. No portion of the Property for which rezoning is sought shall be used for multi-family residential apartment units. 2. A major portion of the Property for which B-2 zoning is sought is planned for development as a regional shopping center. As to such regional shopping center, the owners will at their expense, by the time Certificates of Occupancy are issued therefor, cause the following roads to be built and available:

a. A new road in an 80-foot right-of-way south of the shopping center site, which is tentatively called "Halfe Sink Road" in the application that is the subject of this proffer.

b. Four new roads tying U. S. Route 1 and the road in (a) above to the shopping center's internal loop road.

c. Two lanes of the relocated section of Telegraph Road which is east of the shopping center, to maintain the continuity of the circulation system.

d. Furnish right-of-way for two lanes alongside Route 1 for the full length of the B-2 zone.

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3. As it relates to the physical development and physical operation of the Property, the owners will cooperate with the County of Henrico regarding traffic patterns and road locations, alignments, and construction of Woodman Road extension, Route 1 and Golf Course Road.

The owners shall prepare and submit to the County of Henrico a concept plan showing generally the proposed uses and square footage within phase one of the development and a traffic impact study for such phase.

No Plan of development will be approved until such time as the owners and the County agree to the improvements in the roads and intersections which are necessitated by the traffic impact study and also when and by whom such improvements shall be made; no occupancy permit shall be requested until such improvements the owners agreed to make have been completed, unless the owners' failure to perform is by reason beyond the control of the owners.

In the event the County and the owners do not agree on the improvements necessitated by the traffic impact study or when any such improvements shall be made, the disagreement and decisions shall be submitted to arbitration by a traffic engineering firm acceptable to both the owner and the County. The owner and the County shall be bound by the conclusions and decisions of that mutually agreeable engineering firm.

If a relocation of the proposed development phase or additional development within the phase occurs, a reassessment or reevaluation of the effect of such development on the effected section of the intersection or roads shall be made.

Any and all development by the owner may continue until the traffic volume generated by the owners exceed the traffic volume previously approved. At that point, an additional phase of development and traffic impact study shall be provided.

4. As regards those portions of the property for which R-6 zoning is sought to the west of I-95, access roads will be built and available for use as follows:

a. Prior to occupancy, any developed site will be served by no less than a two-lane road in an 80-foot Telegraph Boulevard right-of-way; this road will be built in stages and will eventually connect to Golf Course Road and Halfe Sink Road.

b. Such road will be improved to four lanes prior to occupancy of all frontage on both sides thereof.

5. As regards the property to the east of I-95 for which R-6 rezoning is sought, the development of such property will continue only to the point at which:

a. Peak hour one-way traffic volume on the Golf Course Road bridge exceeds



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2,500 cars per hour on a regular basis; or

b. A new road has been constructed connecting Golf Course Road north to Atlee Road east of I-95.

6. Upon an engineering delineation of the portion of the property not zoned C-1 by this request and which is within the 100 year flood plain, said flood plain shall be deemed restricted to such uses as are then permitted in a conservation zoning district. Upon the owners obtaining approval of a plan of development for any of the property adjacent to the flood plain not zoned C-1, the owners will promptly file a written application to the County of Henrico requesting that such flood plain property immediately adjacent to the property approved for a plan of development be rezoned to a conservation zoning district.

7. A portion of the property abuts 17 lots within the Holly Glen subdivision currently developed by the construction of homes. As regards certain portions of the property immediately adjacent to certain of those 17 currently developed lots within the Holly Glen Subdivision:

a. A minimum of 100 feet of land to the north of Lot 14-20, Block E, Holly Glen shall be left in its current undisturbed natural state;

b. Generally along the edge of the B-2 zoned property or the new Halfe Sink Road abutting the above-described 100 feet of undisturbed natural buffer to the north of the designated lots in Holly Glen, there shall be constructed a 6-foot high solid, vertical board fence designed for visual and sound protection;

c. No building shall be constructed within 200 feet of the northern lot lines of Lots 14-20, Block E, Holly Glen;

d. A minimum of 100 feet of land to the east of Lot 20, Block E, and Lot 11, Block H, Holly Glen shall be left in its current undisturbed natural state;

e. To the east of the 100-foot undisturbed natural buffer lying east of Lot 20, Block E, Holly Glen, the owners shall construct a two-lane road in a 50-foot right-of-way, which road shall connect to the new Halfe Sink Road and the existing Ethelwood Road and which shall be dedicated to the County of Henrico simultaneous with the dedication of the new Halfe Sink Road;

f. Generally along the edge of the B-2 zoned property abutting the 50-foot road right-of-way east of the 100-foot natural buffer lying east of Lot 20, Block E, Holly Glen, there shall be constructed a 6-foot high solid, vertical board fence designed for visual and sound protection;

g. Generally along the edge of the B-2 property abutting the 100-foot natural buffer lying east of Lot 11, Block H, Holly Glen, there shall be constructed a 6-foot high solid, vertical board fence designed for visual and sound protection;

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h. No building shall be constructed within 150 feet of the eastern line of Lot 20, Block E and Lot 11, Block H, Holly Glen;

i. A minimum of 80 feet of land to the west of Lot 13, Block E, and Lots 1, 2, Block H, Holly Glen shall be left in its current undisturbed natural state, except for providing vehicular access to Lots 1 and 2, Block H, Holly Glen subdivision. This 80 feet of land includes the property in the currently dedicated French Hay Road;

j. To the west of the above-described 80-foot undisturbed natural buffer lying west of Lot 13, Block E, the owners shall construct a two-lane road in a 50-foot right-of-way, which road shall connect to the new Halfe Sink Road and the existing Ethelwood Road and which shall be dedicated to the County of Henrico simultaneous with the dedication of the new Halfe Sink Road;

k. Generally along the edge of the B-2 zoned property abutting the 50-foot road right-of-way lying west of Lot 13, Block E, and abutting the 80-foot undisturbed natural buffer lying west of Lots 1, 2, Block H, Holly Glen, as shall be constructed a 6-foot high solid, vertical board fence designed for visual and sound protection;

l. No building shall be constructed within 150 feet of the western lot lines of Lot 13, Block F, or Lot 2, Block H, Holly Glen:

m. The construction of the roads in 7(e) and 7(j) above is contingent upon the County terminating and vacating to the owners of the property the land in Ethelwood Road east and west of the proposed intersection with the roads in 7 (e) and 7 (j);

n. The owners shall bring water and sewer to the property adjacent to the intersection of the new road described in 7 (e) above and Ethelwood Road in a time frame consistent with the owners' overall sewer and water development plans and upon a firm commitment being made by the County of Henrico or the residents of Holly Glen subdivision to run the water and sewer lines from that point through Holly Glen subdivision and for the residents to connect thereto; this provision is contingent upon the homes being used at that time for residential purposes.

o. Any fences mentioned above shall be on the property and maintained by the owners.

8. During the physical development of the property, the owners shall provide access to the property other than Ethelwood Road.

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9. Notwithstanding anything herein to the contrary, the owners may take any and all action required of them to comply with any requirement of any governmental body, agency, commission or department in developing, constructing, operating, using, selling or leasing of the property.

The Planning Office has been advised of the action of the Board of Supervisors and requested to revise its records accordingly and to place a copy of the proffered conditions in the Conditional Zoning Index.

Sincerely,



Frank A. Faison,  
County Manager

cc: Clerk, Board of Supervisors  
Supervisor, Real Estate Assessment  
✓ Conditional Zoning Index  
Mr. James C. Roberts  
Mr. Ralph L. Axselle, Jr.  
Mr. and Mrs. Ralph J. Cross  
Ms. Virginia N. Potts  
Marion D. West  
Ms. Irene F. West  
Mr. Walter E. Trimmer  
Mr. Richard L. Gayle  
Mr. Edward Allen  
Mr. and Mrs. Thomas W. Aven  
Mr. and Mrs. E. E. Moore

SEE ADDITIONAL INFO  
ON PGS. 20 A-F

See C-116C-89

C-20C-80

TO THE BOARD OF SUPERVISORS OF HENRICO COUNTY  
IN RE: C-20C-80; PARCELS 102-B1-3 AND 7, PARTS OF PARCELS  
102-B1-6, 103-A1-20, 26 AND 42, AGGREGATING 559.62 ACRES  
GENERALLY LYING SOUTH AND WEST OF THE CHICKAHOMINY  
RIVER, NORTH OF GOLF COURSE ROAD AND EAST OF U.S. ROUTE 1,  
AND MORE PARTICULARLY SHOWN ON PLATS AND INFORMATION  
IN THE CASE FILE

SUBSTITUTE PROFFER OF CONDITIONS TO WHICH  
REQUESTED REZONING APPLICATION SHALL  
BE SUBJECT

WHEREAS, certain proffers of conditions to which  
this requested rezoning application would be subject were  
offered with the filing of the zoning application; and

WHEREAS, certain modifications to these initial  
proffers of conditions are deemed advisable as a result of  
numerous discussions with residents of the adjoining property  
and representatives of the County of Henrico; and

WHEREAS, the applicants desire to proffer these  
certain conditions contained herein to be substituted for  
the previously offered conditions; therefore,

Pursuant to the provisions of Henrico County  
Zoning Ordinance No. 179, the undersigned applicants for  
rezoning of the 559.62 acres of land described and delineated  
on the plat attached to and made a part the zoning application  
(the "Property") hereby proffer in writing the following  
substitute conditions to which the requested rezoning application  
shall be subject in the event of approval of said rezoning  
by the Board of Supervisors.

1. No portion of the Property for which rezoning  
is sought shall be used for multi-family residential apartment  
units.

2. A major portion of the Property for which B-2  
zoning is sought is planned for development as a regional  
shopping center. As to such regional shopping center, the  
owners will at their expense, by the time Certificates of  
Occupancy are issued therefor, cause the following roads to  
be built and available:

Proffered  
Conditions

a. A new road in an 80-foot right-of-way south of the shopping center site, which is tentatively called "Halfe Sink Road" in the application that is the subject of this proffer.

b. Four new roads tying U.S. Route 1 and the road in (a) above to the shopping center's internal loop road.

c. Two lanes of the relocated section of Telegraph Road which is east of the shopping center, to maintain the continuity of the circulation system.

d. Furnish right-of-way for two lanes alongside Route 1 for the full length of the B-2 zone.

3. As it relates to the physical development and physical operation of the Property, the owners will cooperate with the County of Henrico regarding traffic patterns and road locations, alignments, and construction of Woodman Road extension, Route 1 and Golf Course Road.

The owners shall prepare and submit to the County of Henrico a concept plan showing generally the proposed uses and square footage within phase one of the development and a traffic impact study for such phase.

No plan of development will be approved until such time as the owners and the County agree to the improvements in the roads and intersections which are necessitated by the traffic impact study and also when and by whom such improvements shall be made; no occupancy permit shall be requested until such improvements the owners agreed to make have been completed, unless the owners' failure to perform is by reason beyond the control of the owners.

In the event the County and the owners do not agree on the improvements necessitated by the traffic impact study or when any such improvements shall be made, the disagreement and decisions shall be submitted to arbitration by a traffic engineering firm acceptable to both the owner and the County. The owner and the County shall be bound by

the conclusions and decisions of that mutually agreeable engineering firm.

If a relocation of the proposed development phase or additional development within the phase occurs, a reassessment or reevaluation of the effect of such development on the effected section of the intersection or roads shall be made.

Any and all development by the owner may continue until the traffic volume generated by the owners exceed the traffic volume previously approved. At that point, an additional phase of development and traffic impact study shall be provided.

4. As regards those portions of the property for which R-6 zoning is sought to the west of I-95, access roads will be built and available for use as follows:

a. Prior to occupancy, any developed site will be served by no less than a two-lane road in an 80-foot Telegraph Boulevard right-of-way; this road will be built in stages and will eventually connect to Golf Course Road and Halfe Sink Road.

b. Such road will be improved to four lanes prior to occupancy of all frontage on both sides thereof.

5. As regards the property to the east of I-95 for which R-6 rezoning is sought, the development of such property will continue only to the point at which:

a. Peak hour one-way traffic volume on the Golf Course Road bridge exceeds 2,500 cars per hour on a regular basis; or

b. A new road has been constructed connecting Golf Course Road north to Atlee Road east of I-95.

6. Upon an engineering delineation of the portion of the property not zoned C-1 by this request and which is within the 100 year flood plain, said flood plain shall be deemed restricted to such uses as are then permitted in a conservation zoning district. Upon the owners obtaining approval of a plan of development for any of the property

adjacent to the flood plain not zoned C-1, the owners will promptly file a written application to the County of Henrico requesting that such flood plain property immediately adjacent to the property approved for a plan of development be rezoned to a conservation zoning district.

7. A portion of the property abuts 17 lots within the Holly Glen subdivision currently developed by the construction of homes. As regards certain portions of the property immediately adjacent to certain of those 17 currently developed lots within the Holly Glen subdivision:

a. A minimum of 100 feet of land to the north of Lot 14-20, Block E, Holly Glen shall be left in its current undisturbed natural state;

b. Generally along the edge of the B-2 zoned property or the new Halfe Sink Road abutting the above-described 100 feet of undisturbed natural buffer to the north of the designated lots in Holly Glen, there shall be constructed a 6-foot high solid, vertical board fence designed for visual and sound protection;

c. No building shall be constructed within 200 feet of the northern lot lines of Lots 14-20, Block E, Holly Glen;

d. A minimum of 100 feet of land to the east of Lot 20, Block E, and Lot 11, Block H, Holly Glen shall be left in its current undisturbed natural state;

e. To the east of the 100-foot undisturbed natural buffer lying east of Lot 20, Block E, Holly Glen, the owners shall construct a two-lane road in a 50-foot right-of-way, which road shall connect to the new Halfe Sink Road and the existing Ethelwood Road and which shall be dedicated to the County of Henrico simultaneous with the dedication of the new Halfe Sink Road;

f. Generally along the edge of the B-2 zoned property abutting the 50-foot road right-of-way east of the 100-foot natural buffer lying east of Lot 20, Block E, Holly Glen, there shall be constructed a 6-foot high solid, vertical board fence designed for visual and sound protection;

g. Generally along the edge of the B-2 property abutting the 100-foot natural buffer lying east of Lot 11, Block H, Holly Glen, there shall be constructed a 6-foot high solid, vertical board fence designed for visual and sound protection;

h. No building shall be constructed within 150 feet of the eastern lot line of Lot 20, Block E and Lot 11, Block H, Holly Glen;

i. A minimum of 80 feet of land to the west of Lot 13, Block E, and Lots 1, 2, Block H, Holly Glen shall be left in its current undisturbed natural state, except for providing vehicular access to Lots 1 and 2, Block H, Holly Glen subdivision. This 80 feet of land includes the property in the currently dedicated French Hay Road;

j. To the west of the above-described 80-foot undisturbed natural buffer lying west of Lot 13, Block E, the owners shall construct a two-lane road in a 50-foot right-of-way, which road shall connect to the new Halfe Sink Road and the existing Ethelwood Road and which shall be dedicated to the County of Henrico simultaneous with the dedication of the new Halfe Sink Road;

k. Generally along the edge of the B-2 zoned property abutting the 50-foot road right-of-way lying west of Lot 13, Block E, and abutting the 80-foot undisturbed natural buffer lying west of Lots 1, 2, Block H, Holly Glen, as shall be constructed a 6-foot high solid, vertical board fence designed for visual and sound protection;

l. No building shall be constructed within 150 feet of the western lot lines of Lot 13, Block E, or Lot 2, Block H, Holly Glen;

m. The construction of the roads in 7(e) and 7(j) above is contingent upon the County terminating and vacating to the owners of the property the land in Ethelwood Road east and west of the proposed intersection with the roads in 7(e) and 7(j);

n. The owners shall bring water and sewer to the property adjacent to the intersection of the new road described in 7(e) above and Ethelwood Road in a time frame consistent with the owners' overall sewer and water development plans and upon a firm commitment being made by the County of Henrico or the residents of Holly Glen subdivision to run the water and sewer lines from that point through Holly Glen subdivision and for the residents to connect thereto; this provision is contingent upon the homes being used at that time for residential purposes.

o. Any fences mentioned above shall be on the property and maintained by the owners.

8. During the physical development of the property, the owners shall provide access to the property other than Ethelwood Road.



9. Notwithstanding anything herein to the contrary, the owners may take any and all action required of them to comply with any requirement of any governmental body, agency, commission or department in developing, constructing, operating, using, selling or leasing of the property.

C. B. Robertson, III  
Ethelwood Corporation  
and  
A-T-O Properties, Inc.

By Ralph Howard

James C. Roberts  
Duly Authorized Representatives

Received  
April 10, 1988