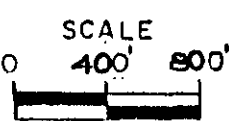


COUNTY OF HENRICO PLANNING OFFICE

C-5C-81



pt. of 92-A1-19
BROOKLAND DISTRICT

REVISED FEB. 27, 1981

J.A.S.



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

FRANK A. FAISON
County Manager

April 15, 1981

Re: Conditional Rezoning Case C-5C-81

Owens-Segar Associates
8202 Overbury Road
Richmond, Virginia 23227

Gentlemen:

At its April 8, 1981 meeting, the Board of Supervisors accepted the owner's amended and restated proffers and conditionally rezoned from R-2A One Family Residence to R-3 One Family Residence, R-5 General Residence, RTH Residential Townhouse, B-1 Neighborhood Business, and C-1 Conservation District your below described property as requested and in accordance with the Planning Commission's recommendation.

The property, part of tax parcel 92-A1-19 is described by individual parcels as follows:

R-2A to R-3

Beginning at a point on the center line of a 100' VEPCO easement, 170' +- south of the S. line of Mapleview Avenue; thence N. 25° 38' 55" E., 463.53' to a rod; thence N. 25° 25' 33" E., 551.14' to a pipe; thence N. 25° 20' 30" E., 489' to a rod; thence N. 38° 29' 20" E., 321.42' to a rod on the N. line of Lakefront Drive; thence along said north line N. 40° 25' 40" W., 80.17' to a rod; thence N. 25° 20' 30" E., 310' +- to a point on the south 100 year flood plain line of Hungary Creek; thence along said flood plain line, in a southeasterly direction, 670' +- to a point; thence S. 8° 05' W., 870' +- to a point; thence S. 25° 38' 55" W., 1500' to a point on the center line of a 100' VEPCO easement; thence along said center line, in a northwesterly direction; 780' +- to the point of beginning, containing 35.9 acres, more or less.

R-2A to RTH

Beginning at a point on the north 100 year flood plain line of Piney Branch, +- 525' west of Shrader Road Extended; thence N. 1° 15' 47" E., 904' +- to a rod; thence S. 87° 30' 16" W., 142.12' to a pipe; thence S. 86° 45' 44" W., 540.84' to a rod; thence S. 89° 49' 55" W., 275.72' to a point; thence N. 25° 38' 55" E., 1530' +- to a point; thence N. 8° 05' E., 400' to a point; thence N. 58° 22' 27" E., 22.56' to a point; thence N. 78° 40' 27" E., 275.00' to a point; thence S. 84° 19' 33" E., 250.00' to a point; thence S. 69° 19' 33" E., 340.00' to a point; thence S. 25° 40' 27" W., 305.00' to a point; thence S. 43° 40' 27" W., 205.00' to a point; thence S. 73° 19' 33" E., 365.00' to a point; thence S. 36° 35' 48" W., 440' +- to a point; thence S. 18° 39' 44" E., 273.23' to a point; thence S. 52° 17' 16" W., 477.03' to a point; thence S. 37° 42' 44" E., 571' to a point; thence S. 9° 09' E., 405' +- to a point on the north 100 year flood plain line of Piney Branch; thence along said flood plain line in a southwesterly direction, 650' +- to the point of beginning, containing 48 acres, more or less.

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R-2A to C-1 (North of Pine Grove Subdivision)

Beginning at a rod on the north property line of Pine Grove Subdivision, 221.84' west of Pine Grove Drive; thence N. 25° 38' 55" E., 441.74' to the center line of a 100' VEPCO easement; thence along said center line in a southeasterly direction, 780' +- to a point; thence S. 25° 38' 55" W., 30' +- to a point; thence S. 89° 49' 55" W., 518' to a rod; thence S. 89° 28' 35" W., 332.76' to a rod and the point of beginning, containing 4.2 acres, more or less.

R-2 to C-1 (Hungary Creek Flood Plain)

Beginning at a point on a bearing of N. 25° 20' 30" E., 310' +- north of a rod on the N. line of Lakefront Drive; thence along the south 100 year flood plain line of Hungary Creek, in a southeasterly direction 1950' +- to a point; thence N. 14° 47' 37" E., 210' +- to a point on the north flood plain line of Hungary Creek; thence along said flood plain line in a northwesterly direction, 1770' +- to a point; thence S. 25° 20' 30" W., 150' +- to the point of beginning, containing 8.5 acres more or less.

R-2A to C-1 (Piney Branch Flood Plain at Shrader Road)

Beginning at a point on a bearing of S. 1° 30' 55" W., 195' +- south of the S. line of Olde West Drive; thence S. 1° 30' 55" W., 37' +- to the center line of Piney Branch; thence along said center line in a southwesterly direction 1820' +- to a point; thence N. 1° 15' 47" E., 45' +- to a point on the north 100 year flood plain line of Piney Branch; thence along said flood plain line in a northeasterly direction, 1820' +- to the point of beginning, containing 1.5 acres, more or less.

R-2A to C-1 (Piney Branch Flood Plain west of Hungary Spring Road)

Beginning at a point on a bearing of N. 83° 59' 48" W., 1342' +- west of Hungary Spring Road; thence N. 83° 59' 48" W., 104' +- to a point on the west 100 year flood plain line of Piney Branch; thence along said flood plain line, in a northeasterly direction 112' +- to a point; thence S. 83° 46' 03" E., 100' +- to a point on the east 100 year flood plain line of Piney Branch; thence along said flood plain line, in a southwesterly direction, 115' +- to the point of beginning, containing 0.232 acres, more or less.

R-2A to R-5

Beginning at a point on a bearing of S. 1° 30' 55" W., 195' +- south of the S. line of Olde West Drive; thence along the north 100 year flood plain line of Piney Branch in a southwesterly direction, 1170' +- to a point; thence N. 9° 09' W., 405' +- to a point; thence N. 37° 42' 44" W., 290' to a point; thence N. 52° 17' 16" E., 380' to a point; thence N. 18° 39' 44" W., 570.51' to a point; thence N. 36° 35' 48" E., 440' +- to a point; thence S. 88° 19' 33" E., 1080' to a point; thence N. 86° 04' 57" E., 445' to a point; thence N. 85° 43' 14" E., 280' to a point; thence S. 29° 06' 07" W., 520' +- to an axle; thence S. 66° 47' 27" W., 584.10' to a rod; thence S. 83° 46' 03" E., 832' +- to a point on the west 100 year flood plain line of Piney Branch; thence along said flood plain line, in a southwesterly direction, 112' +- to a point; thence N. 83° 59' 48" W., 808' +- to a rod; thence S. 1° 30' 55" W., 653' +- to the point of beginning, containing 50.1 acres more or less.

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R-2A to B-1

Beginning at a point on a bearing of N. 52° 17' 16" E., 210' from a rod on a bearing of N. 1° 15' 47" E., 949' from the centerline of Piney Branch; thence from said point of beginning S. 37° 42' 44" E., 210' to a point; thence N. 52° 17' 16" E., 380' to a point; thence N. 18° 39' 44" W., 297.28' to a point; thence S. 52° 17' 16" W., 477.03' to a point; thence S. 37° 42' 44" E., 71' to the point of beginning, containing 2.76 acres.

The following proffered conditions were accepted by the Board of Supervisors and further regulate the development of the property in addition to all applicable provisions of Chapter 22 of the Code of Henrico (Zoning Ordinance).

1. That portion of the Property which is zoned C-1, Conservation, shall remain in its natural state except that underbrush, fallen, diseased or dead plant growth may be removed and except to the extent required for the construction, operation and maintenance of utility lines or purposes required or approved by the Planning Commission at the time of Plan of Development approval.
2. That portion of the Property located within the 100 year flood plain as determined by definitive engineering studies at the time of Plan of Development approval shall be zoned C-1, Conservation.
3. There shall be no vehicular access to or from the Property to or from Lake Front Drive, Pine Grove Road, Hollybrook Road or Skipwith Road except as shall be required by any government or governmental body having jurisdiction with respect thereto.
4. Owner shall not request nor shall Owner accept more than 250 Certificates of Occupancy per year on a cumulative basis, for residential units on the Property (whether for single family detached homes, townhouses, condominiums or apartments) commencing with the date the Property is rezoned by the Board of Supervisors of Henrico County. Certificates of Occupancy for more than said number of units shall only be available if in prior years less than said amount of Certificates of Occupancy have been received by Owner.
5. The overall density of the Property, exclusive of the portion zoned B-1, Neighborhood Business, shall not exceed an aggregate of 1,315 residential units (inclusive of single family detached homes, townhouses, condominiums and apartments).
6. The exterior of the walls of apartment and townhouse buildings developed on the Property shall be constructed of an average of not less than 30% brick.
7. Owner shall, prior to the receipt of a Certificate of Occupancy for any portion of the Property, construct a six (6) foot chain link fence (plus a cross-arm with wire on the top thereof) along the entire northern boundary line of the Property including the portion of the eastern boundary adjoining the Hoehn's property, and the eastern boundary of the Property abutting the R-2A zoning district, except to the extent that any applicable governmental body shall require any portion thereof to remain

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open or unfenced.

8. Lighting in parking areas shall be of low intensity and shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent residential areas and be of such type as is approved or required by the Planning Commission at the time of Plan of Development approval.

9. Supplemental landscaping shall be provided as approved or required by the Planning Commission at the time of Plan of Development approval.

10. (a) As it relates to the physical development and physical operation of the Property, the Owner will cooperate with the County of Henrico regarding traffic patterns and road locations, alignments, and construction.

(b) The Owner shall prepare and submit to the County of Henrico a conceptual plan showing generally the proposed uses and square footage within each phase of the development and a traffic impact study for such phase.

(c) No plan of development will be approved until such time as the Owner 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 Certificate of Occupancy shall be requested until the improvements which the Owner has agreed to make have been completed, unless the owner's failure to perform is for reasons beyond the control of the Owner.

(d) In the event the County and the Owner 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.

(e) If a relocation of the proposed development phase or additional development within the phase occurs, a reassessment or re-evaluation of the effect of such development on the affected section of the intersection or roads shall be made.

(f) Any and all development by the Owner may continue until the traffic volume generated by the Owner exceeds the traffic volume previously approved. At that point, an additional phase of development and traffic impact study shall be provided.

11. The 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.

12. The eastern and northern portions of the boundary lines of the Property which are zoned R-2A, One Family Residence District, and which adjoin the Hoehn's and Wright's properties on the western and southern boundaries thereof, shall be subject to 100 feet and 40 feet Scenic Easements, respectively. In both of the aforementioned Scenic Easements, there shall be no structural improvements made, and the Owner shall generally maintain the existing natural growth of trees which

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are a minimum of 5 inches in diameter, except to the extent reasonably required, to construct the chain link fence described in Proffer No. 7, and to the extent required for roads, proper drainage and to properly install, maintain and repair utility lines and other purposes determined by the Planning Commission at the time of Final Subdivision Approval. Any such trees of a minimum of 5 inches in diameter that are so displaced other than for roads, drainage, utility lines or other purposes required by the Planning Commission shall be replaced by Owner during the next succeeding planting season. Any underbrush, fallen, diseased or dead trees or plant growth may at any time be removed and replaced by Owner and additional plant growth may be added to the Scenic Easements at any time.

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 accepted proffers in the Conditional Zoning Index.

Sincerely,



Frank A. Faison,
County Manager

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
✓ Conditional Zoning Index
Mr. Jay Weinberg

*Also see proffered plan
dated 3-12-81
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