



Multi-Family Dwellings
C-32C-88

COUNTY OF HENRICO PLANNING OFFICE

86-BI-9

THREE CHOPT DISTRICT

0 400' 800'





W.F. LaVECCHIA, P.E., AICP
County Manager

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

May 17, 1988

Re: Conditional Rezoning Case C-32C-88

Mr. Marcus M. Weinstein
3951A Stillman Pkwy.
Glen Allen, Virginia 23060

Dear Mr. Weinstein:

The Board of Supervisors at its meeting on May 11, granted your request to conditionally rezone from A-1 Agricultural to R-5C General Residence (Conditional) and C-1C Conservation District (Conditional), property described as follows:

Parcel 86-B1-9:

R-5C General Residence District (Conditional)

Beginning at the point of the intersection of the N. line of Interstate Route 64 and Pemberton Road; thence N. $2^{\circ} 59' 51''$ W., 50.89' to a point; thence N. $46^{\circ} 01' 41''$ E., 139.98' to a point; thence N. $37^{\circ} 31' 49''$ E., 241' +- to the point of intersection of the southern line of the 1995 100 year flood plain within the Property and Pemberton Road; thence along the southern line of the approximate limits of the 1995 100 year flood plain as it extends through the Property, generally in a northeastern and eastern direction, 1,420' +- to a point where the southern boundary of the approximate limits of the 1995 100 year flood plain intersects with the eastern boundary of the Property; thence S. $7^{\circ} 40' 59''$ E., 150' +- to a point; thence S. $60^{\circ} 23' 15''$ E., 411.30' to a point; thence S. $17^{\circ} 32' 16''$ W., 1,103.76' to a point; thence along the arc of a curve to the northwest having a radius of 42,865.84', 1,895.23' to a point; thence N. $47^{\circ} 57' 35''$ W., 193.43' to the point of beginning, containing 39.06 +- acres.

C-1C Conservation District (Conditional)

Beginning at the point of intersection of the southern boundary of the approximate limits of the 1995 100 year flood plain and the western boundary of the Property; thence N. $37^{\circ} 31' 49''$ E., 30' +- to a point; thence N. $47^{\circ} 3' 41''$ E., 200.50' to a point; thence N. $26^{\circ} 54' 22''$ E., 37.92' +- to the center line of a creek forming the northern boundary of the Property; thence generally in an easterly direction along the center line of the creek forming the northern boundary of the Property; 1,310' +- to the point which marks the southeastern corner of Lot 7, Block C, Section A, Andover Hills, and the northeastern corner of the Property; thence S. $7^{\circ} 40' 59''$ E., 76.66' +- to the point which marks the intersection of the eastern boundary of the property and the southern boundary of the approximate limits of the 1995 100 year flood plain; thence generally in a southwesterly direction along the approximate limits of the 1995 100 year flood plain, 140' +- to the point of beginning, containing 2.60 acres +-.

The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance). They are as follows:

Mr. Marcus M. Weinstein

Page 2

May 17, 1988

1. Use. The principal structures constructed on the Property shall only be for condominium for sale units.
2. Ownership. No more than one (1) condominium unit shall be sold to the purchaser thereof unless two (2) such condominium units are to be joined to form one (1) residential living unit.
3. Site Coverage Ratio. No more than 50% of the Property shall be covered by buildings, driveways and parking areas.
4. Master Plan. Subject to the provisions of proffer number 5, the Property shall be developed, buffered and landscaped in substantial conformance with, and reflecting the general intent of, the building elevation photograph submitted herewith and the layout plan entitled "Illustrative Master Plan for Pemberton Oaks", dated May 3, 1988, prepared by Higgins Associates, Inc., Land Planners, a copy of which is filed with this case, unless otherwise requested and specifically permitted or if required by the Planning Commission at the time of Plan of Development review or by any other applicable governmental body. (See case file for exhibits)
5. Density and Floor Area. No more than 360 condominium units shall be constructed on the Property and every condominium unit shall have a minimum of 1,000 square feet of finished floor area. No more than an average of 5.63 units per acre shall be constructed on the western most 815 feet of the Property.
6. Height. No building constructed on the Property shall exceed the lesser of three (3) stories or thirty-eight (38) feet in height, exclusive of chimneys and architectural design features.
7. Setback. No building shall be constructed on the Property within one hundred (100) feet of the right of way of Pemberton Road, as such right of way is determined at the time of Plan of Development review.
8. Access. No driveway serving individual dwellings or buildings, other than the principal access drive for the condominium development, shall have direct access to Pemberton Road. No vehicular access shall be permitted to Ceres Road or Winokur Road unless specifically required by any governmental body having jurisdiction with respect thereto.
9. Recreational Facilities. No swimming pool, club house or recreational facilities shall be constructed within 1,200 feet of Pemberton Road or within 600 feet of the northern boundary line of the Property. No outdoor music or outdoor amplification systems shall be permitted on the Property.
10. Quarter Mill Road. No more than eighty (80) Certificates of Occupancy shall be issued prior to the extension of existing Quarter Mill Road to the eastern boundary of the property.
11. Parking Lot Lighting. Parking lot lighting shall be produced from concealed sources of light and be positioned in such a manner as to minimize the impact of such lighting off-site. Parking lot lighting standards shall not exceed twenty (20) feet in height.

12. Fence. A chain link fence six (6) feet in height shall be constructed generally along the southern boundary line of the 100 year flood plain on the northern side of the Property. The fence shall be overplanted with ivy or other planting materials approved by the Planning Commission at the time of Plan of Development review. The requirements of this proffer may be modified or eliminated, in whole or in part, by the Planning Commission at the time of Plan of Development review or Landcape Plan of Development review based upon the adequacy of screening and buffering provided for at that time.
13. Conservation Area. Any portion of the Property within the 100 year flood plain shall be zoned C-1 Conservation and shall be maintained in its natural state, except to the extent necessary for utility easements, the outfall from retention areas, the fence referred to in Proffer 12 hereof and other purposes requested and specifically permitted or required by the Planning Commission at the time of Plan of Development review or by any other applicable governmental body. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall be removed from such areas and if so removed, additional planting shall be added. Where the placement of utility easements within the aforesaid areas results in the inability of the owner to provide adequate screening within the conservation area, additional planting shall be provided adjacent to the conservation area to provide appropriate screening for uses on the Property.
14. Phasing. Owner shall not request or be entitled to receive Certificates of Occupancy for more than 100 dwelling units on the Property per year, on a non-cumulative basis, from the date of final action by the Board of Supervisors rezoning the Property, unless and until existing Quarter Mill Road is completed to the eastern boundary of the Property and Proposed Summit Creek Road is completed to Mayland Drive and Mayland Drive is completed to Pemberton Road.
15. Buffer Areas and Screening. A landscaped or natural buffer area of a minimum of fifty (50) feet in width shall be maintained along the southern boundary of the Property, except to the extent necessary for utility easements, roads or other purposes if requested and specifically permitted, or if required by the Planning Commission at the time of Plan of Development review or by any other governmental body. Utility easements and roads shall, except as otherwise shown on the Master Plan, be generally perpendicular to the affected buffer area. Existing vegetation and underbrush may, and diseased or dead plant growth shall, be removed from such buffer area, and if so removed, additional plantings shall be added. Where the placement of utility easements within a buffer area results in the inability of Owner to provide adequate screening within such buffer area, screening shall be provided adjacent to the buffer area to properly screen development on a parcel from adjacent properties as determined by the Planning Commission at the time of Plan of Development review.
16. Storm Drainage. Owner shall submit a Drainage Impact Study to the County prior to the development of the Property; to the extent required to prevent down stream flooding (100 year design storm) onsite storm water retention shall be provided so that the rate of runoff of water that would be produced by a fifty (50) year storm will not exceed the rate of runoff of water that would be produced by a five (5) year storm had the Propety not been so developed.

Mr. Marcus M. Weinstein

Page 4

May 17, 1988

The Planning Office 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,

Anthony D. Pallante
for W. F. LaVecchia, P.E., A.I.C.P.,
County Manager

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