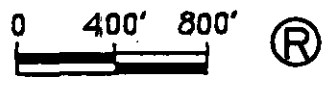


COUNTY OF HENRICO PLANNING OFFICE

SINGLE FAMILY RESID.

31-B 2-13
VARINA DISTRICT

C-92C-89



JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

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

December 19, 1989

Re: Conditional Rezoning Case C-92C-89

Tarmac-Virginia, Inc.
1151 Azalea Garden Road
Norfolk, Virginia 23502

Gentlemen:

The Board of Supervisors at its meeting on December 13, granted your request to conditionally rezone from A-1 Agricultural to R-2AC One Family Residence District (Conditional), property described as follows:


Parcel 31-B2-13:

Beginning at a point that marks the intersection of the southern right-of-way line of Darbytown Road with the center of Ross Run; thence along the center of Ross Run in a southwestwardly direction 2,300' +- to a point; thence leaving the center of Ross Run N. 43° 03' 52" W., 630' +- to a point; thence N. 73° 03' 52" W., 106.83' to a point; thence along the eastern side of a 15' right-of-way N. 3° 27' 46" W., 1,761.40' to a point; thence N. 86° 32' 14" E., 563.20' to a point; thence N. 3° 27' 46" W., 385' +- to a point on the southern right-of-way line of Darbytown Road; thence along the southern right-of-way line of Darbytown Road in a southeastwardly direction 122' +- to a point; thence leaving the southern right-of-way line of Darbytown Road S. 3° 27' 46" E., 217' +- to a point; thence S. 75° 45' 00" E., 430' +- to a point on the southern right-of-way line of Darbytown Road; thence along the southern right-of-way line of a southeastwardly direction 545' +- to a point; being the point of beginning, containing 54.1 +- acres.

The Board of Supervisors accepted the attached twelve (12) proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance).

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,


W. F. LaVecchia, P.E., A.I.C.P.,
County Manager

cc: Clerk, Board of Supervisors
James W. Theobald, Esquire
Realty Ventures Group, Inc.
Real Estate Assessment
Conditional Zoning Index

(804) 672-4206 PARHAM & HUNGARY SPRING ROADS / P. O. BOX 27032 / RICHMOND, VIRGINIA 23273



COUNTY OF HENRICO, VIRGINIA

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PLANNING OFFICE
COUNTY OF HENRICO

PROFFERS FOR CONDITIONAL REZONING

ORIGINAL

SECOND AMENDED AND RESTATED

Pursuant to section 22-121(b) of the County Code, the owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

TARMAC-VIRGINIA, INC.,
a Delaware corporation

By: James W. Theobald
Signature of Owner or Applicant* James W. Theobald, Attorney-In-Fact

November 9, 1989
Date

* If Applicant is other than Owner, Form POF-004-3/87, Special Limited Power of Attorney must be submitted with this application.

1. Public Utilities. All dwellings constructed on the Property shall be served by public water and public sewer.
2. Underground Utilities. All electrical and telephone utility service lines to the lots within the Property shall be installed underground.
3. Green Belt. A green belt for landscaping, natural open areas and scenic vistas will be provided, at a minimum of forty (40) feet in width, adjacent to the ultimate right-of-way line of Darbytown Road, except to the extent necessary for utility easements, entrance gates and signage, roads, sidewalks, and other purposes specifically permitted or required by the Planning Commission at the time of subdivision approval or by any other governmental body. Such greenbelt shall be in addition to any yard requirements imposed by the Zoning and Subdivision Ordinances.
4. Protective Covenants. Prior to or concurrent with the recordation of a 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), there shall be recorded a document 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. Notwithstanding anything herein contained to the contrary, the County shall have no obligation or liability of any kind or nature whatsoever for the enforcement of any of the specific terms and conditions of said protective or restrictive covenants.
5. Foundations. The visible exterior portions of the foundations of any dwellings constructed on the Property shall be of brick or stone.

ACCEPTED BY THE
BOARD OF SUPERVISORS
DECEMBER 13, 1989

PLANNING OFFICE

6. Minimum Floor Area. The minimum finished floor area of dwellings constructed on the Property shall be 1,800 square feet.

7. Flood Plain. Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works; and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:

- (a) Storm water management and/or detention areas;
- (b) Chesapeake Bay preservation areas or other federally and state protected wetlands and protection areas;
- (c) Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
- (d) Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts;
- (e) Such additional uses to the uses identified in (a), (b), (c) and (d) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 22 of the County Code (the "Zoning Ordinance");

and the Owner shall, prior to the recordation of a subdivision plat, apply to rezone such portions of the Property to C-1 Conservation District.

The location and limits of such portion(s) of said Property shall be established by subdivision plats approved pursuant to the Zoning and Subdivision Ordinances.

8. Curb and Gutter. Curb and gutter shall be provided on all public streets within the Property.

9. Pedestrian and Bicycle Access. Pedestrian and bicycle access ways will be provided at the time of subdivision approval.

10. Boulevard Entrance. The main entrance to the Property from Darbytown Road shall be a boulevard type entrance with a landscaped island separating the ingress and egress lanes, unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of subdivision review.

11. Phasing Plan. Certificates of Occupancy shall not be granted for more than seventy-five (75) dwellings on the Property

per year from the date of final action by the Board of Supervisors.

12. Severance. The unenforceability, illegality, 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.

TARMAC-VIRGINIA, INC.,
a Delaware corporation

By: James W. Theobald
James W. Theobald,
Attorney-In-Fact

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DEC 13 1989
BOARD OF SUPERVISORS
COUNTY OF MICHIGAN

ACCEPTED BY THE
BOARD OF SUPERVISORS
DECEMBER 13, 1989