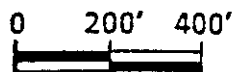


Pt. 74-B2-2

SINGLE-FAMILY RESIDENTIAL

THREE CHOPT DISTRICT

C-26C-92



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

August 18, 1992

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-26C-92

Loch Levan Limited Partnership
800 Heathwood Blvd.
Blacksburg, Virginia 24060

Gentlemen:

The Board of Supervisors at its meeting on August 12, granted your request to conditionally rezone property from B-2C Business District to R-4C One Family Residence District (Conditional), Part of Parcel 74-B2-2, described as follows:

Beginning at the intersection of the north right of way line of proposed Bradington Drive and the south right of way line of proposed Wyndham Lake Drive; thence along the south right of way line of proposed Wyndham Lake Drive 86.39' to the point of beginning; thence S. 87° 25' 00" W., 98.62' to a point; thence N. 44° 25' 11" E., 69.04' to a point; thence along the south right of way line of Wyndham Lake Drive along a curve with a radius of 731.88', 63.35' to the point of beginning, containing 0.053 acres.

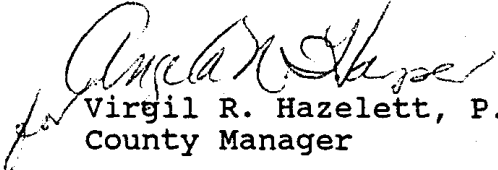
The Board of Supervisors accepted the following proffered condition which further regulates the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance):

1. All proffers of previous zoning case C-29C-89 shall apply.

For your convenience we have attached the Proffers for Rezoning Case C-29C-89.

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,


Virgil R. Hazelett, P.E.,
County Manager

Enclosure:

cc: Clerk, Board of Supervisors
Director, Real Estate Assessment
Conditional Zoning Index
Mr. John T. Cochran, P.E.

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COUNTY OF HENRICO, VIRGINIA

MAY 22 1989 4:29 pm

PLANNING OFFICE
COUNTY OF HENRICO

PROFFERS FOR CONDITIONAL REZONING

ORIGINAL SECOND AMENDED AND RESTATED PROFFERS

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:

James W. Theobald May 22, 1989
Signature of Owner or Applicant* James W. Theobald, Attorney-
In-Fact for the Owners and Contract Purchaser Date

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

C-29C-89

Wyndham Planned Residential Community

References herein relate to the parcels and roads (the "Property") as shown on the plat prepared by Youngblood, Tyler & Associates, P.C. entitled "Snyder Hunt Planned Residential Community", dated March 1, 1989, last revised May 22, 1989, filed with the Rezoning Application:

APPLICABLE TO ALL PARCELS:

1. Road Dedications. No building permit for the construction of buildings on the Property (exclusive of the club house, golf course facility and sales center from which the Property may be marketed) shall be obtained until plans for the construction of Road A-A over the Property from the easternmost point of Parcel B to the western edge of Parcel E-2 where it intersects with Parcel C-2 are approved by the appropriate governmental bodies having jurisdiction with respect thereto, and, if required by the County, a completion bond is posted with the Henrico County Department of Public Works guaranteeing the completion of four (4) lanes of such road within two (2) years of the posting of said bond.

2. Greenbelts. Greenbelts for landscaping, natural open areas and scenic vistas will be provided thirty (30) feet in width adjacent to the right-of-way lines of Road A-A and twenty-five (25) feet in width adjacent to right-of-way lines of Roads B-B, C-C, D-D and E-E, except to the extent necessary for utility easements, bicycle paths, jogging trails, signage, sidewalks, access driveways for major project areas and other purposes requested and specifically permitted, or if required by, the Planning Commission at the time of subdivision approval and/or Plan of Development review, or by any other governmental body.

C-29C-89
ACCEPTED BY THE BOARD OF SUPERVISORS
JUNE 14, 1989

Plat 7

PLANNING OFFICE

2.1 Recreation Area. There shall be provided within the Property recreation area of no less than 250 acres. Such area may be devoted to such uses or combination of uses such as a golf course, parks, recreation, leisure or natural areas, flood plain and lakes, or such uses 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").

3. Conservation Areas. 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 retention areas.

(b) Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.

(c) Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts.

(d) Such additional uses to the uses identified in (a), (b) and (c) 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");

fw
and the ^{Owner}~~Applicant~~ shall, upon written request of the County, 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 Plan(s) of Development approved pursuant to Section 22-106 of the Zoning Ordinance.

4. Pedestrian and Bicycle Access. Pedestrian and bicycle access ways will be provided within major project areas at the time of Plan of Development and/or subdivision approval.

5. 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.

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JUNE 14, 1989

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5.1 POD/Subdivision Approval. All uses of the Property shall be subject to Plan of Development or Subdivision review and approval, as appropriate.

5.2 Construction Traffic. No construction traffic shall be permitted to use Circus Farm Road.

5.3 Utility Easements. Sewer and water easements shall be provided to the southern and eastern boundary lines of Parcel C-2 at such location and time as shall be approved by the Planning Commission at the time of Subdivision Approval for said Parcel.

APPLICABLE TO RESIDENTIAL PARCELS:

6. Driveways. No driveways serving individual dwellings, other than driveways for access drives for major project areas, shall have direct access to Roads A-A, B-B, C-C, D-D, nor to Road E-E east of its intersection with Road B-B.

6.1 R-2 Districts. Homes in Parcel J-7 shall have a minimum of 2,400 square feet of finished floor area. Homes in Parcel E-3 shall have a minimum of 2,200 square feet of finished floor area. The aggregate density in such R-2 districts shall not exceed 1.7 units per acre.

7. R-2A Districts. Homes in all R-2A single family detached zoning districts shall have a minimum of 1,900 square feet of finished floor area, except for Parcels E-4 and E-5 which shall have a minimum of 2,200 square feet of finished floor area. The aggregate density in such R-2A districts shall not exceed 2.3 units per acre.

8. R-3 Districts. Homes in all R-3 single family detached zoning districts shall have a minimum of 1,700 square feet of finished floor area, except for Parcel J-6 which shall have a minimum of 2,000 square feet of finished floor area. The aggregate density in such R-3 districts shall not exceed 2.7 units per acre.

9. R-4 Districts. Homes in all R-4 single family detached zoning districts shall have a minimum of 1,500 square feet of finished floor area, except for Parcels J-2 and J-3 which shall have a minimum of 1,600 square feet of finished floor area. The aggregate density in such R-4 districts shall not exceed 3.2 units per acre.

10. RTH Districts. Homes in Parcel E-6 shall have a minimum of 1,500 square feet of finished floor area and an aggregate density not in excess of 4.5 units per acre. Homes in Parcel F-3, F-4 and F-5 shall have a minimum of 1,000 square feet of finished floor area and an aggregate density not in excess of 8 units per acre.

11. Foundations. The visible portions of exterior residence foundations shall be constructed of brick or stone.

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JUNE 14 1989

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COUNTY OF HENRICO

12. Clearing. To the extent reasonably practicable, at the time of development, the clearing of mature trees on residential lots shall be limited to trees in areas required to accommodate the structure and its normal and customary accessories, open yard areas and those limited areas required to permit utility services and driveways.

13. 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.

14. Overall Density Limitation. The maximum number of residential units which may be constructed on the Property shall not exceed 3,268.

15. Phasing Plan. Owner shall not request or be entitled to receive Certificates of Occupancy for more than 390 residential units on the Property per year from the date of final action by the Board of Supervisors except as provided in the next sentence. Certificates of Occupancy for not more than 675 residential units per year shall be available during a given year to the extent that in prior years, on a cumulative basis, Certificates of Occupancy have been issued for fewer than 390 residential units in any given year.

APPLICABLE TO ALL NON-RESIDENTIAL PARCELS:

16. Recreational Area. Parcel H-6 shall only be developed and used for office, clubhouse, pro shops and food service purposes, and for recreational, athletic and leisure facilities and such other normal, customary and accessory activities and uses as are incidental thereto, provided, however, such Parcel may also be used for a sales and marketing pavilion.

17. Density Limitation. No more than an average of eight thousand (8,000) square feet of building floor area per acre shall be developed on each of Parcels D-1, E-1, F-1, H-6 and J-1.

18. Open Space. No more than sixty-five percent (65%) of the B-2 zoned parcels may be covered by buildings, driveways and parking areas.

19. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the B-2 and O-1 zoned parcels (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and

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BOARD OF SUPERVISORS
JUNE 14, 1989

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COUNTY OF HENRICO

materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, natural stone, glass, stucco, drivit, exposed aggregate concrete, or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review.

20. ~~[Deleted]~~ SEE ATTACHED SHEET 7

21. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed twenty-five (25) feet in height above grade level. Parking lot lighting shall be produced from concealed sources of light (i.e., "shoe box" type) and shall be reduced to no more than a security level following the close of business operations on the B-2 zoned parcels.

22. HVAC. Roof-top heating and air conditioning equipment shall be screened from public view at ground level, in a manner approved at the time of Plan of Development review.

23. Trash Receptacles. Trash receptacles shall be screened from public view at ground level, in a manner approved at the time of Plan of Development review.

24. Outparcel Restrictions. Any free standing building constructed on the B-2 zoned parcels shall be substantially similar in architectural treatment to any shopping center constructed on Parcel D-1, 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 governmental body.

25. Signage. Signage on Parcels E-1 and F-1 shall be controlled by the standards applicable to signage in a B-1 zoned district.

26. Shared Access (E-1 and E-2). Parcels E-1 and E-2 shall share access ways so that there will be a maximum of one (1) access way to and from Road A-A and one (1) access way to and from Road C-C as between such parcels, unless other access drives are required by any governmental body at the time of Plan of Development review.

27. Shared Access (F-1 and F-2). Parcels F-1 and F-2 shall share access ways so that there will be a maximum of one (1) access way to and from Road A-A and one (1) access way to and from Road B-B as between such parcels, unless other access drives are required by any governmental body at the time of Plan of Development review.

VOID -
NOT PERMITTED
BY OLC ZONING
GRANTED

p. 5 of 7

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ACCEPTED BY THE
BOARD OF SUPERVISORS
JUNE 14, 1989

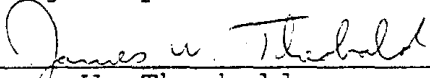
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COUNTY OF HENRICO

28. Use Restrictions. The following uses shall not be permitted on the B-2 zoned parcels:

- (a) Adult book stores;
- (b) Billiard or pool parlors;
- (c) Dance halls;
- (d) Amusement or video game parlors.



James W. Theobald,
Attorney-In-Fact for the Owners
and Contract Purchaser

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BOARD OF SUPERVISORS
JUNE 14, 1989

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COUNTY OF HENRICO



COUNTY OF HENRICO, VIRGINIA

PROFFERS FOR CONDITIONAL REZONING

ORIGINAL

AMENDED

C-29C-89

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:

[Handwritten Signature]

Signature of Owner or Applicant* Attorney-In-Fact for the Owners and Contract Purchaser

May 23, 1989

Date

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

20.

Fire Walls. Multi-family buildings in excess of two and one-half (2 1/2) stories in height shall contain fire walls having a two (2) hour non-combustible fire rating or shall contain sprinkler systems.

[Handwritten Signature]

Attorney-In-Fact for the Owners and Contract Purchaser

ACCEPTED BY THE BOARD OF SUPERVISORS
JUNE 14, 1989

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Recd 5-23-89
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