



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

November 15, 1994

Re: Conditional Rezoning Case C-61C-94

Mr. Robert M. Atack
Atack Properties, Inc.
P. O. Box 32007
Richmond, Virginia 23294

Dear Mr. Atack:

The Board of Supervisors at its meeting on November 9, granted your request to conditionally rezone property from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Part of Parcel 7-A2-1, described as follows:

Beginning at a point on the N. line of a future road 2464' +/- west of the centerline of Creighton Road; thence from said point of beginning and continuing along the N. line of a future road in a westerly direction along a curve to the left having a radius of 1308.24' and a length of 164.97' to a point; thence N. 88° 40' 13" W., 91.00' to a point on the centerline of a creek; thence leaving the N. line of a future road in a northwesterly direction in the centerline of a creek 730' +/- to a point; thence N. 86° 33' 39" E., 290' to a point on the western line of an unnamed road; thence continuing along the western line of an unnamed road S. 19° 29' 34" E., 513.63' to a point; thence along a curve to the right with a radius of 277' and a length of 145.98' to a point; thence S. 10° 42' 09" W., 69.33' to a point; thence S. 55° 45' 33" W., 36.78' to the point and place of beginning on the north line of a future road, containing 5.5 +/- acres of land as shown on plat by Youngblood, Tyler and Associates dated August 19, 1994.

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):

1. 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, quality 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.
2. Foundations. The exterior portions of single family residence foundations which are above ground level shall be constructed of brick or dryvit.

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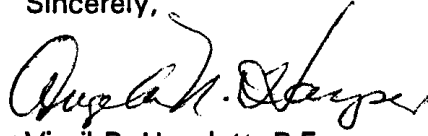
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3. Fireplaces. Any fireplaces or heating elements that require over a three (3) inch diameter flue and are constructed on the exterior wall of the home shall be constructed of brick, dryvit or stone; gas or ornamental fireplaces may be wall-vented with no chimneys as allowed by applicable building codes.
4. Restrictions. No factory modular or mobile homes shall be erected on the Property.
5. Density. There shall be no more than an overall average of 1.65 lots or homes per gross acre constructed on the Property.
6. Dedication. Owner agrees to dedicate the necessary right-of-way for the widening of Cedar Fork Road (now Meadowview Lane) adjoining the Property.
7. 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.
8. Buffers. For purposes of lessening the impact of Cedar Fork Road (now Meadowview Lane) on the proposed residential community, a buffer area consisting of landscaped or natural areas, berms or a combination thereof shall be provided parallel to Cedar Fork Road for a minimum width of twenty-five (25) feet, except to the extent necessary for utilities easements, signage, nature trails, storm water detention, vehicular and pedestrian access to and from the Property and such other purposes specifically permitted or if required by the Planning Commission at the time of Subdivision Approval. This buffer area along Cedar Fork Road (now Meadowview Lane) shall be in addition to the minimum required side or rear yard setback requirements under the County 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,


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

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. Jay M. Weinberg, Esquire
Mr. Glenn R. Martin
Ms. Nancy C. Martin