

238-A-31

RESIDENTIAL SUBDIVISION

VARINA DISTRICT

C-67C-97



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA

## COUNTY OF HENRICO

June 16, 1998

Virgil R. Hazelett, P.E.  
County Manager

Re: Conditional Rezoning Case C-67C-97

**Pendragon Development Company**  
710 N. Hamilton St.  
Richmond, VA 23221

Gentlemen:

The Board of Supervisors at its meeting on June 10, 1998, granted your request to conditionally rezone property from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 238-A-31, described as follows:

Commencing at the Point of Beginning, thence N.74° 47' 47" W., 327.39'; thence N. 03° 47' 17" E., 59.30'; thence S. 87° 17' 04" W., 333.07'; thence S. 86° 50' 43" W., 105.64'; thence N. 77° 12' 13" W., 1256.44'; thence N. 28° 37' 22" E., 1141.49'; thence N. 38° 10' 51" E., 528.00'; thence S. 78° 12' 25" E., 2402.14'; thence S. 28° 18' 27" W., 13.36'; thence S. 32° 53' 56" W., 399.91'; thence S. 37° 27' 36" W., 200.75'; thence S. 32° 53' 31" W., 564.88'; thence S. 30° 09' 45" W., 335.00'; thence S. 38° 47' 53" W., 169.74'; thence N. 78° 53' 39" W., 334.67'; thence N. 30° 00' 28" E., 13.16' to the point of beginning, containing 86.31 acres, more or less.

The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. All homes to be built on the subject property shall have at least Sixteen Hundred (1,600) square feet of livable space and Seventy percent (70%) of all homes to be built on the subject property shall have at least Two Thousand (2,000) square feet of livable space. The developer will provide a listing of the square footage for all dwellings approved in the development, at any time, upon the request of the Henrico County Planning Office.
2. Development of the subject property will be limited to no more than 2.0 units per acre.
3. There will be no cluster or controlled density development.
4. The exposed portions of the foundations of any dwelling constructed on the subject property shall be of brick or stone.

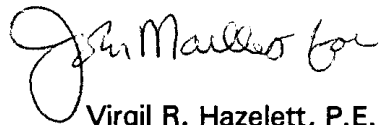
5. The exterior of all buildings to be constructed on the subject property will be of vinyl, brick, stone, dryvit or natural wood siding. The Planning Commission may approve alternative materials that are compatible with adjacent homes.
6. All dwellings to be constructed on the subject property shall be constructed with a crawl space beneath the first floor except as specifically excluded as follows:
  - a. The dwelling may be constructed over a basement.
  - b. An attached garage may have a concrete slab on grade floor system.
  - c. The dwelling may contain accessory first floor rooms such as a Florida room, den, storage room, utility room, etc., which may have a concrete slab on grade floor system which does not exceed twenty percent (20%) of the area of the total first floor living space of the dwelling.
7. All lots shall be served by public water and sewer service.
8. The exposed exterior portion of all fireplace chimneys shall be brick or stone. There shall be no cantilevered chimneys. This proffer shall not apply to direct vent gas fireplaces or appliances.
9. Curb and gutter will be used on all streets within the subdivision.
10. All driveways shall extend to the rear building line of the house or to the garage or carport. The director of Planning shall have the authority to grant an exception in cases where construction of an extended driveway is not physically possible or feasible.
11. At the time of development, in addition to the required setbacks, a buffer area of a minimum of thirty-five (35) feet in width shall be provided on lots and other property contiguous to I-295. The existing trees within these buffers shall be preserved by the property owners, successors, and assigns and shall be mandated by restrictive covenants to be recorded on the subject property at or prior to the recordation of the subdivision plat.
12. At the time of development, a buffer area of a minimum of thirty-five (35) feet in width shall be provided on lots and other property contiguous to the existing Virginia Power easement for transmission lines. The existing trees within these buffers shall be preserved by the property owner, successors, and assigns shall be mandated by restrictive covenants to be recorded on the subject property at or prior to the recordation of the subdivision plat, except as follows:
  - a. Dead trees may be removed.
  - b. Trees with a trunk diameter less than 3" may be removed.

- c. Public roadways and underground utility lines may cross the buffer areas; however, only the minimum amount of clearing necessary for the crossing may be performed.
  - d. A private driveway not exceeding twelve (12) feet in width may cross the buffer areas in order to allow a resident access to his/her property located under the power lines.
  - e. Trees which overhang the power easement may be trimmed or if impractical to trim may be removed by Virginia Power.
  - f. In the event that a private drive in excess of twelve (12) feet in width is required by Henrico County (such as for a community center or club facility) then the minimum amount of clearing required to permit the construction of the drive or associated improvements will be permitted.
13. All new electrical, telephone, cable tv or other utility service lines excluding those within the existing Virginia Power easements for transmission lines shall be installed underground.
  14. No certificates of occupancy shall be issued until access to Doran Road has been constructed.
  15. The Developer will install a sidewalk to connect the subject property to the sidewalk to be constructed along the main thoroughfare of the existing Four Mile Run Subdivision. The sidewalk plan shall be reviewed and approved by Henrico County at or prior to the time of tentative site plan approval. No certificates of occupancy shall be issued until said sidewalk has been installed.
  16. Prior to the recordation of the subdivision plat on the subject property, a set of executed Restrictive Covenants shall be filed with the Planning Office. The covenants shall address the following concerns:
    - a. The Architectural Review Committee.
    - b. The preservation of the existing trees in the landscaped and buffer areas. If any homeowner shall remove a tree over six inches in diameter, they will be required to plant a replacement tree.
    - c. The landscaping of each lot.
    - d. Fencing, tool sheds and detached garages.
- Henrico County shall have no obligation or liability of any kind for the enforcement of the specifications and conditions of said restrictive covenants.
17. A member of the Four Mile Creek Baptist Church and two members of the community shall be appointed to serve on the Architectural Review Committee.
  18. Fifty percent (50%) of the homes to be built on the subject property shall have side or rear entry garages. The Director of Planning shall have the authority to grant an exception in cases where the construction of a rear or side entry garage is not physically possible or feasible. The developer will provide a listing of garage entries

for all homes to be built on the subject property, at any time, upon the request of the Henrico County Planning Office.

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,

A handwritten signature in cursive script, appearing to read "Virgil R. Hazelett for".

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

cc: Director, Real Estate Assessment  
Conditional Zoning Index  
Mr. Scott D. Stolte, Esquire  
Mr. Henry T. Burleigh, Jr., et. al.