

Pts. of 52-A-20 & 24B and Pt. of 42-A-42

SINGLE FAMILY RESIDENTIAL

FAIRFIELD DISTRICT

C-13C-98®



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

May 19, 1998

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-13C-98

Windsor Enterprises, L.L.C.
4701 Cox Road, Suite 111
Glen Allen, VA 23060

Gentlemen:

The Board of Supervisors at its meeting on May 13, 1998, granted your request to conditionally rezone property from A-1 Agricultural and C-1 Conservation Districts to R-3C and R-3AC One Family Residence Districts (Conditional), Parcel 42-A-42, Part of Parcels 52-A-20, and 24B, described as follows:

R-3

Beginning at an iron rod, said point being the northwestern most corner of Lot 1, Mountain Ridge, Block D, Section B, as shown on the plat recorded in Plat Book 39, Page 23 in the County of Henrico, Virginia; Thence S 26° 21' 30" E 185.00' along the rear of Lots 1 and 2, Mountain Ridge, Block D, Section B, to an iron rod; Thence N. 63° 38' 00" E., 5.00' to an iron rod; Thence S. 26° 17' 41" E., 464.62' along the rear of Lots 2 through 6, Mountain Ridge, Block D, Section B, to an iron rod; Thence S. 47° 56' 58" E., 271.10' along the rear of Lots 7 through 9, Mountain Ridge, Block D, Section B, to an iron rod; Thence S. 05° 45' 38" E., 116.19' along the rear of Lot 3, North Mountain Ridge, Block 6, Section A, to an iron rod; Thence N. 72° 45' 28" W., 281.96' to a point in the centerline of North Run; Thence 922.00' along North Run as it meanders south to a point; Thence S. 82° 56' 04" W., 794.59' to an iron rod; Thence along a non-tangent curve to the left, said curve having a radius of 740.00', a length of 489.55', a chord of 480.67', and a chord bearing of S 16° 36' 18" E., to an iron rod; Thence S. 35° 33' 26" E., 239.70' to an iron rod; Thence along a tangent curve to the right, said curve having a radius of 820.00' and a length of 114.20' to an iron rod; Thence S. 27° 34' 39" E., 77.89' to an iron rod; Thence along a tangent curve to the right, said curve having a radius of 215.77' and a length of 27.66' to an iron rod; Thence along a tangent curve to the right, said curve having a radius of 825.00' and a length of 20.21' to an iron rod; Thence S. 53° 49' 17" W., 47.28' along Old Hungary Road to a point; Thence along a non-tangent curve to the left, said curve having a radius of 780.00'; a length of 241.84', a chord of 240.88', and a chord bearing of N. 26° 40' 29" W., to a point; Thence N. 35° 33' 26" W., 239.70' to a point; Thence along a tangent curve to the right, said curve having a radius of 780.00' and a length of 647.73' to a point; Thence along a tangent curve to the left, said curve having a radius of 300.00' and a length of 76.81' to a point; Thence N. 02° 38' 49" W., 107.18' to a point; Thence along a tangent curve to the left, said curve having a radius of 800.00' and a length of 440.42' to a point; Thence N. 32° 21' 12" W., 590.30' to a point; Thence S. 57° 38' 48" W., 167.82' to a point; Thence N. 27° 35' 36" W., 943.40' to a point in the centerline of Hungary Creek; Thence 1510.00' along Hungary Creek and North Run as it

meanders East to a point; Thence N 63° 38' 31" E., 254.60' to said point of beginning, containing 38.4 acres more or less.

R-3

Beginning at an iron rod, said point being the intersection of the northern right of way of Hungary Road and the southern right of way of Old Hungary Road; Thence N. 53° 49' 17" E., 682.31' along Old Hungary Road to a point; thence along a tangent curve to the right, said curve having a radius of 60.15' and a length of 85.79' to a point; Thence S. 44° 27' 47" E., 65.81' along Old Hungary Road to a point; Thence 408.00' along North Run as it meanders south to a point; Thence along a non-tangent curve to the right along Hungary Road, said curve having a radius of 1170.92', a length of 269.79', a chord of 269.19', and a chord bearing of S 78° 47' 35" W., to a point; Thence S 72° 11' 32" W., 136.76' along Hungary Road to said point of Beginning, containing 1.6 acres more or less.

R-3A

Beginning at an iron rod, said point being the southeastern most corner of Lot 1, Woodman Terrace, Block S, Section J, as shown on the plat recorded in Plat Book 3 1, Page 54 in the County of Henrico, Virginia; Thence N. 27° 47' 11" W., 705.13' along the rear of Lots 1 through 6, Woodman Terrace, Block S, Section J, and Lots 1 through 2 Woodman Terrace, Block R, Section K, to an iron rod; Thence N. 27° 04' 53" W., 718.87' along the rear of Lots 2 through 5, Woodman Terrace, Block R, Section K, and Lots 6 through 8 Woodman Terrace, Block R, Section L, and the east line of Lot 18, Woodman Terrace, Block L, Section M, to an iron rod; Thence N. 26° 23' 32" W., 347.28' to a point in the centerline of Hungary Creek; Thence 739.00' along Hungary Creek as it meanders east to a point; Thence S. 27° 35' 36" E., 943.40' to a point; Thence N. 57° 38' 48" E., 167.82' to a point; Thence S. 32° 21' 12" E., 590.30' to a point; Thence along a tangent curve to the right, said curve having a radius of 800.00' and a length of 440.42' to a point; Thence S. 02° 38' 49" E., 107.18' to a point; Thence along a tangent curve to the right, said curve having a radius of 300.00' and a length of 76.81' to a point; Thence along a tangent curve to the left, said curve having a radius of 780.00' and a length of 647.73' to a point; Thence S. 35° 33' 26" E., 239.70' to a point; Thence along a tangent curve to the right, said curve having a radius of 780.00' and a length of 241.84' to a point; Thence S. 53° 49' 17" W., 74.20' along Old Hungary Road to an iron rod; Thence N. 43° 55' 15" W 209.57' to an iron rod; Thence N. 55° 52' 28" W 142.98' to an iron rod; Thence N. 44° 34' 25" W., 1307.03' to said point of Beginning, containing 43.6 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. Lot Size. All lots shall have a minimum of 11,000 square feet of lot area in the R-3 portion of the Property and a minimum of 9,500 square feet of lot area in the R-3A portion of the Property.

2. **Finished Floor Area.** All residential dwellings located in the R-3 portion of the Property shall have a minimum of 1,800 square feet of finished floor area. All residential dwellings located in the R-3A portion of the Property shall have a minimum of 1,200 square feet of finished floor area.
3. **Foundations.** The visible portions of exterior residence foundations shall be constructed of brick or stone. However, any residence which has a principal exterior finish made of "dryvit" or other similar finish may have foundations consisting of the same material.
4. **Access Limitations.** There shall be no direct vehicular access to or from any residential lot developed on the Property to and from Hungary Road, except for a driveway or right-of-way only for the existing residence on parcel 52-A-20 as required by the County of Henrico, Virginia. There shall be no connection of any road to Aeronca Avenue.
5. **Hungary Road Buffer Area.** A landscaped and natural buffer of a minimum of twenty-five (25) feet in width will be provided adjacent to the right-of-way line of Hungary Road as such right-of-way is determined at the time of the initial tentative subdivision review. This buffer area will be coordinated with a uniform design and appearance. This buffer area shall be left in its natural state or consist of berms and landscaping, or a combination thereof. Utilities, drainage easements, roads and other items requested and specifically permitted, or if required, by the Planning Commission at the time of subdivision approval shall be allowed within such buffer. Any roads or easements within such buffer area shall be extended generally perpendicular thereto.
6. **Perimeter Area.** Applicant shall file an application for C-IC zoning for the acreage not required by the Applicant for development of the Property for residential use, pursuant to the terms of these Proffers, and is shown generally running along the northern and eastern perimeter of the Property on the conceptual lot layout attached hereto as Exhibit A (the "Tentative Plan") as "COMMON AREA" (the "C-IC Property"). Such rezoning application shall be filed as soon as reasonably practical, but in no case any later than the date of the recordation of the last subdivision for the last lot on the Property. To the extent allowed by applicable law, the C-IC Property shall be maintained as a recreation area, including, without limitation, walking and jogging trails, exercise stations, picnic areas, and open space, and natural and landscaped areas, or a combination thereof, except to the extent necessary for utility easements, roads, driveways or other purposes approved or required by the Planning Commission at the time of subdivision approval, or by any other governmental body, agency, commission, board, department or official thereof.

7. **Chimneys.** All chimneys shall be brick or stone except on a dwelling which has a principal exterior finish made of "dryvit" or similar finish may have chimneys made of "dryvit". No cantilevered chimneys shall be allowed.

8. **Spine Road/Planting Strips.** The central spine road extending from Hungary Road into the Property and is shown generally on the Tentative Plan ("Cedar Grove Way") shall include curb and gutter and planting strips 10' wide as shown on Exhibit A. Such planting strips shall be sodded, landscaped with shrubbery and trees, and irrigated. A concrete sidewalk shall be constructed along the west side of Cedar Grove Way for a length equal to the length of the planting strip. The sidewalk shall be located either within the planting strip or within the right-of-way adjacent to the planting strip as permitted by the Department of Public Works. The planting strips shall be constructed simultaneously with the recordation of the subdivision plat(s) of the lots abutting Cedar Grove Way. No driveways serving individual lots within the Property shall be located within or allowed to cross any portion of such planting strip. No building, structure or fencing shall be constructed in the planting strip area except for neighborhood signs on a post or brick wall or column identifying each neighborhood within the Property. However, utilities, drainage easements, roads and other items requested and specifically permitted, or if required, by the Planning Commission at the time of subdivision approval shall be allowed within such planting strip so long as to the extent practical, such utilities, drainage easements, roads and other items are located generally perpendicular to the planting strip. The planting strip areas shall be in addition to the lot area required in the respective zoning classification. Any dwelling setback requirement shall be computed exclusive of this planting strip area.

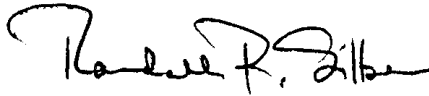
9. **Overall Density Limitation.** The maximum number of building lots which may be constructed on the Property shall not exceed one hundred ninety-three (193). Any residual areas of land on the Property not meeting the minimum lot size in the zoning classification shall not be included in the maximum number of lots permitted hereby, if subsequently platted as a lot with land from any adjacent property.

10. **Covenants.** Prior to or concurrent with the recordation of each subdivision plat approved by the County of Henrico, Virginia, there shall be recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia, a document approved by the County of Henrico, Virginia, setting forth control upon and requiring a uniform development and maintenance of all common area improvements, BMP basins, planting strips and entrance amenities, and a restriction against the construction of any building or dwelling, except for a fence or the removal of trees or foliage (unless dead, fallen or diseased) in an area twenty feet (20') in width as measured from the existing boundary line of any adjacent Woodman Terrace subdivision lot.

11. **Recreation Amenities.** Prior to the recordation of the subdivision plat containing the 101st lot on the Property, Applicant shall construct a recreation area/tot lot for use in common by all of the residences on the Property. Such area shall be located generally as shown as "TOT LOT" on the Tentative Plan and shall include, but not be limited to, a tot lot with gym equipment, picnic tables, benches and trash receptacles. Such recreation area shall be surrounded either by landscaping with shrubbery or a forty-two (42) inch high fence along the street and forty-eight (48) inch high fence around the remainder of the perimeter of such recreation area.
12. **Severance.** The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.

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
Messrs. Ralph L. Axselle, Jr., and Andrew M. Condlin, Esquires
Mr. Donald L. Sackett, Jr.
Mr. Lee B. Forb, Trustee Nathan J. Forb
Mr. Walter E. Blackburn