



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

November 20, 2001

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-26C-01

Tascon, LLC
c/o Steven P. Settlage
567-B Southlake Blvd.
Richmond, VA 23236

Dear Mr. Settlage:

The Board of Supervisors at its meeting on November 13, 2001, granted your request to conditionally rezone property from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcels 67-A-2A and 66-A-11J as described as follows:

Beginning at a point at the western line of Pump Road at the southwest intersection of Ridgefield Parkway and Pump Road, said point being the True Point of Beginning; thence along a curve to the right along the western-right-of-way line of Pump Road having a radius of 1,105.92' for a length of 351.76' to a point; thence S 06° 27' 25" W 268.81' to a point; thence leaving the western right-of-way line of Pump Road S 74° 55' 58" W 965.17' to a point; thence N 03° 34' 45" E 150.00' to a point; thence N 25° 52' 32" W 165.72' to a point on the southern right-of-way line of Ridgefield Parkway; thence along the southern right-of-way line of Ridgefield Parkway N 58° 00' 47" E 1,121.09' to a point on the northern right-of-way line of Ridgefield Parkway; thence along the western right-of-way line of Pump Road S 66° 53' 12" E 63.16' to the True Point of Beginning, containing approximately 11.2 acres.

The Board of Supervisors accepted the following proffered conditions, dated November 13, 2001, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Buffers Adjacent to Southern (Prescott) Property Line. A buffer of a minimum of sixty (60) feet in width along the southern boundary of the Property adjacent to Prescott subdivision will be provided as follows:
 - a. existing vegetation within the first thirty-five (35) feet as measured from the property line shall remain undisturbed, except for removal of fallen, diseased or dead plant growth, and for supplemental

plantings and any necessary utility easements permitted within the aforesaid buffer area (which, except for existing utility easements, would be extended generally perpendicular to the property line) and for fencing as provided in Proffered Condition 19;

- b. the remaining twenty-five (25) feet shall not contain any buildings and shall consist of grass and decorative landscaping, except to the extent necessary or allowed for utility easements, berms, decorative fencing, grading, and other purposes requested and specifically permitted, or if required, at the time of Plan of Development; and
- c. within the sixty (60) foot buffer area, additional evergreens, under-canopy trees and/or shrubs shall be added where necessary to mitigate the visual impact of the development and to screen headlights from cars in driveways on the Property from Prescott subdivision, as required and approved by the Planning Commission at the time of Landscape Plan approval.

2. Buffers Adjacent to Western Property Line. A buffer of a minimum of eighty (80) feet in width along the western boundary of the Property adjacent to Henrico County Tax Parcels 66-18-A-9 and 66-18-A-10 will be provided as follows:

- a. existing vegetation shall remain undisturbed except for removal of fallen, diseased or dead plant growth, and for supplemental plantings as provided below, and any necessary utility easements permitted within the aforesaid buffer area (which, except for existing utility easements, would be extended generally perpendicular to the property line, but in no event will include any BMP facilities), and for fencing as provided in Proffered Condition 19; and
- b. within the eighty (80) foot buffer area, additional evergreens, under-canopy trees and/or shrubs shall be added where necessary to mitigate the visual impact of the development and to screen headlights from cars in driveways on the Property from Henrico County Tax Parcels 66-18-A-9 and 66-18-A-10, as required and approved by the Planning Commission at the time of Landscape Plan approval.

3. Buffers/Building Setbacks Adjacent to Pump Road and Ridgefield Parkway. A variable width landscaped buffer and building setback a minimum of thirty-five (35) feet in width adjacent to the ultimate rights-of-way lines of Pump Road and Ridgefield Parkway (which is the existing property line) as shown on the Schematic Plan (submitted herewith) (see case file) shall be provided and shall, at a minimum, contain the equivalent

of a minimum of five (5) large deciduous or evergreen trees, two and one-half (2 1/2) small trees and nineteen (19) shrubs for every one hundred (100) linear feet after taking into account existing vegetation, but which may also contain utility easements, berms, fencing as provided in Proffered Condition 19, grading, signage and access driveways and other purposes requested and specifically permitted, or if required, at the time of Landscape Plan approval. New utility lines within the buffers/setback shall be generally perpendicular to the buffers/setback to the extent practical and permitted by the respective providers of such utilities.

4. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
5. Virginia Condominium Act and Condominium Declaration. All units shall be Condominiums as defined and regulated by the Virginia Condominium Act. Prior to conveyance of any Condominium Unit, a declaration of condominiums shall be recorded to establish the condominium regime, and the Condominium Unit Owners Association shall be incorporated. The condominiums shall be marketed as owner-occupied units.
6. Lighting. Street light standards shall not exceed twelve (12) feet in height. The street lights shall be non-glare, decorative in style, and residential in character.
7. Site Plan and Elevations. Development of the Property shall be in substantial conformance with (i) the architectural appearance shown on the elevations entitled "The Lafayette", "The Adams" and "The Jefferson" attached hereto (see case file), which will have variations in roof colors and Williamsburg colors on siding and trim in order to provide architectural diversity among building exteriors, and (ii) the Schematic Plan dated July 25, 2001 entitled "Tascon-Pump Road Schematic Plan, Henrico County, Virginia" prepared by Balzer and Associates, Inc. attached hereto (see case file) (to be adjusted as provided below), unless otherwise requested and specifically approved at the time of Plan of Development. The Schematic Plan shall be adjusted to reflect (i) a maximum of forty-six (46) units; (ii) the two-(2) unit building behind Henrico County Tax Parcel 66-18-A-9 shall be deleted; and (iii) no building shall be closer to Henrico County Tax Parcel 66-18-A-10 than the two-(2) unit building adjacent to Henrico County Tax Parcel 66-18-A-8 shown on the Schematic Plan attached hereto (see case file), which building is approximately one hundred (100) feet from the western property line (approximately one hundred ten (110) feet from the western property line to this building on a view line basis from the home located on Henrico County Tax Parcel 66-18-A-10). No more than six (6) units shall be marketed as three (3) bedroom units. The elevations depict a four- (4) unit building; however,

any two- (2) unit buildings will consist of the same style of architecture, materials and colors as the four- (4) unit buildings.

8. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of any building shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade) of brick, stone, wood, cementitious or composite-type siding, or a combination of the foregoing, 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. A minimum of sixty percent (60%), in the aggregate, of the visible portions of the exterior building wall surfaces below eave height (front, rear and sides) of each building, excluding windows, doors, breezeways and architectural design features, shall be of brick or stone construction unless an equivalent material is requested and specifically approved at the time of Plan of Development. The walls which are perpendicular and adjacent to the entrance doors to the unit shall be the same brick or stone utilized on the exterior of that unit. Edges of foundation slabs shall not be exposed.
9. Density. There shall be no more than forty-six (46) units developed on the Property.
10. Detached Signage. Any detached project identification signs shall be ground mounted, monolithic-type signs. Such signs shall not exceed six (6) feet in height as measured from the grade of the base of the sign and if lit, shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way.
11. Amenities. At a minimum, a clubhouse and pedestrian walkways shall be provided as amenities to the development.
12. Garages. A minimum of forty-two (42) condominium units shall have at least a two-car garage with the remaining four (4) units having at least a one-car garage.
13. Site Coverage. No more than sixty (60) percent of the Property shall be covered by buildings, driveways and parking areas.
14. Irrigation. Lawns and areas landscaped in conjunction with development of the Property shall be serviced by an irrigation system.
15. Driveways. No driveways serving individual units, other than the driveway for the main access drive as shown on the Schematic Site Plan, shall have direct access to Ridgefield Parkway and Pump Road.

16. Minimum Size. Homes shall have a minimum of 1625 square feet of finished floor area. Three (3) bedroom homes shall have a minimum of 1800 square feet of finished floor area.
17. Cantilevered Items. No gas vent chimney units, closets or any other portion of a structure shall be cantilevered or extend away from the main building. This proffer shall not apply to direct vents from gas fireplaces or appliances.
18. 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.
19. Fencing. Fencing shall be provided as follows:
 - a. a decorative "wrought iron-style" fence with brick columns shall be provided along the Ridgfield Parkway and Pump Road frontage of the Property, such columns not to be spaced farther apart than sixty (60) feet. The fence shall not be closer to the property line than three (3) feet, with the columns not closer to the property line than one and one-half (1 1/2) feet and shall not exceed four (4) feet in height;
 - b. a decorative "wrought iron-style" fence four (4) feet in height shall be provided approximately five (5) feet from the southern (Prescott subdivision) boundary of the Property in a manner designed to minimize the removal of existing vegetation; and
 - c. either a decorative "wrought iron-style", three rail- or privacy-style fence, if any, shall be provided along the western (Royal Oaks subdivision) boundary of the Property, the details of which shall be determined at the time of Plan of Development after consultation with adjacent property owners.

The "wrought iron-style" fencing referenced above shall be of a quality consistent with that described in the brochure published by Jerith Manufacturing Company, Inc. attached hereto (see case file), unless otherwise requested and specifically approved at the time of Plan of Development.

20. Sidewalk. Subject to obtaining all required governmental easements, approvals and permits, a standard size pedestrian sidewalk shall, concurrent with the development of buildings on the Property, be installed in accordance with County standards in the County's right-of-way along the western right-of-way line of Pump Road. Sidewalks along the internal

private roadways shall be of either exposed aggregate or stamped concrete.

21. Addresses. Addresses for individual condominium units shall be displayed.
22. Sound Suppression Measures. Sound suppression measures shall be provided between units with at least a 55 sound coefficient rating.
23. BMP/Detention Underground. Any BMP/detention facilities shall be located underground and outside of any buffer areas.
24. Restriction on Play Facilities. The common area recreational amenities shall not include playground equipment, play fields, swimming pools, tennis courts or other facilities primarily associated with children's play. Adult facilities including, but not limited to, putting greens or shuffleboard may be permitted.
25. Turn Lane Dedication. At or prior to Plan of Development approval, right-of-way for right turn lanes accessing the Property shall be dedicated, free and unrestricted, to and for the benefit of Henrico County.
26. Corner Feature. At the corner of Ridgefield Parkway and Pump Road, a landscaped project identification feature shall be provided which, subject to the restrictions set forth in Proffered Conditions 10 and 19, shall incorporate a brick base (as used on the fencing columns) and identification signage which tie into the decorative fencing required by Condition 19.
27. Hours of Construction. The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections.
28. Construction Traffic. The developer of the Property shall put a provision in the contract with its general contractor prohibiting construction traffic from utilizing Old Prescott Road and Glen Eagles Drive.
29. Private Roads; Traffic Calming Measures. Roads within the Property shall be private and traffic calming measures shall be considered at the time of Plan of Development in order to discourage cut-through traffic. Such measures may include, but are not limited to, speed humps, signage and an unmanned guard house.


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30. Parked or Stored Vehicles. No boats, trailers, motor homes or travel trailers may be parked on any street or driveway overnight. Other vehicles used for recreation that are too large to be parked within the garage attached to a unit may be parked in the driveway next to each garage for not more than forty-eight (48) hours to allow for loading and unloading. Commercial moving vans, when conducting contract business, and commercial trucks, when in the area to perform service or repair work, are authorized exceptions to the foregoing.

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,

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

cc: Director, Real Estate Assessment
Conditional Zoning Index
John B. Todd, Russell L. Boraas, I. N. Koontz
Trustees of Trinity Evangelical Lutheran Church
Mr. Earl Thompson
Mr. James W. Theobald



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plantings and any necessary utility easements permitted within the aforesaid buffer area (which, except for existing utility easements, would be extended generally perpendicular to the property line) and for fencing as provided in Proffered Condition 19;

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- c. within the sixty (60) foot buffer area, additional evergreens, under-canopy trees and/or shrubs shall be added where necessary to mitigate the visual impact of the development and to screen headlights from cars in driveways on the Property from Prescott subdivision, as required and approved by the Planning Commission at the time of Landscape Plan approval.

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