





COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

March 19, 2002

Re: Conditional Rezoning Case C-2C-02

Mr. C. Emory Ziegler  
Member LLC Capitol City Properties  
Logan Properties, LLC  
9271 Witheridge Drive  
Mechanicsville, VA 23116

Dear Mr. Ziegler:

The Board of Supervisors at its meeting on March 12, 2002, granted your request to conditionally rezone property from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 741-756-4435 (57-A-3) described as follows:

Commencing at a point on the south line of Church Road 352.05' E of the North line of Sterlingwood Trace extended, thence along the south line of Church Road N 47° 45' 49" W 86.71' to the true point of beginning; thence along a curve arcing to the right in a north easterly direction on a radius of 333.55' a distance of 284.63'; thence S 88° 49' 21" E a distance of 305.16'; thence leaving the south line of Church Road and running S 17° 24' 46" E a distance of 526.61'; thence S 67° 46' 00" W a distance of 68.95'; thence N 78° 15' 50" W a distance of 243.04'; thence N 47° 45' 49" W a distance of 559.88' to the point of beginning, containing 5.236 acres.

The Board of Supervisors accepted the following proffered conditions, dated March 11, 2002, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Finished Floor Area. Dwellings on the Property shall have a minimum of 2,500 square feet of finished floor area.
2. Access Limitation. There shall be no direct vehicular access to or from any residential lot developed on the property to or from Church Road.
3. Density Limitation. The maximum number of building lots which may be constructed in any subdivision on the Property shall not exceed 9.

4. Lot Configuration. There shall be no stem-shaped lots.
5. Buffer. A buffer, a minimum of 25' width, shall be provided along and adjacent to the ultimate right-of-way line of Church Road as such right-of-way is determined at the time of subdivision review. The buffer will be in addition to required rear and side yard setbacks. The buffer will consist of berms, landscaping, fencing or may be left in its natural condition or a combination thereof, except to the extent necessary or required for utility and drainage easements, signage, access to and from public right-of-way, or as required by the Planning Commission at the time of subdivision review. No fencing may be installed within fifteen (15) feet of the ultimate right-of-way line of Church Road except for entrance way fencing.
6. Landscaping. Two shade trees per dwelling lot (minimum of 2" in diameter) will be planted where the natural environment does not provide such trees otherwise.
7. Dwelling Exterior Material. The front exterior of any dwelling constructed on the Property shall be constructed of brick or stone. The use of dryvit shall be limited to use for architectural features and accent materials.
8. Dwelling Foundations. The visible portions of exterior dwelling foundations shall be constructed of brick or stone, including any foundations resulting from future conversions or additions that are enclosed and intended for year-round use.
9. Chimneys. Chimneys constructed on the exterior wall of the dwelling shall be constructed of brick or stone. Chimneys or vent fireplaces that extend outward from the wall of the structure shall be enclosed by the same material as the dwelling's exterior and shall have a foundation constructed of the same material as the dwelling's foundation. No chimneys or fireplace enclosures shall be cantilevered.
10. Right of way dedication. The portion of the Property shown on the plat attached as Exhibit A (see case file) as "PROPOSED R/W WIDENING", or a part thereof as required for the widening of Church Road, shall be dedicated to Henrico County, Virginia upon its request.
11. Construction. Exterior construction and development shall begin no earlier than 7:00 a.m. and shall end no later than 8:30 p.m., Monday through Friday, and 8:00 a.m. to 8:30 p.m. on Saturday and 1:00 p.m. to 8:30 p.m. on Sunday.


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12. 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 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,

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

pc: Director, Real Estate Assessment  
Conditional Zoning Index  
Capital City Properties, LLC  
Charles W. Tiller