

PARCEL A
 A-1, B-1C & B-1 to B-1C
 1.0 Acre

PARCEL B
 A-1 to R-2AC
 3.8 Acres



July 2003

ZONING
 DAY CARE &
 SINGLE-FAMILY RESID.
 Ref. 803-701-6867

C-34C-03
 Varina District
 0 400 Feet



COUNTY OF HENRICO

August 19, 2003

Virgil R. Hazelett, P.E.
County Manager

Mr. Reginald H. Webb
Webb Homes
13840 Stage Road
Lanexa, VA 23089

Re: Conditional Rezoning Case C-34C-03

Dear Mr. Webb:

The Board of Supervisors at its meeting on August 12, 2003, granted your request to conditionally rezone property from A-1 Agricultural District, B-1 Business District and B-1C Business District (Conditional) to R-2AC One Family Residence District (Conditional) and B-1C Business District (Conditional), on part of Parcel 803-701-6867, described as follows:

Parcel A Part

Beginning at a rod set in the S/L of Midview Road said rod being at the radius from the intersection with New Market Road; thence along the S/L of Midview Road S84°00'50"E 60.41' to a point; thence N12°38'30"E 2' to a point; thence S77°21'30"E 322.70 +/- to a point; thence leaving said S/L of Midview Road S12°38'30"W 103.48' +/-; said line dividing the B-1C zoning from the R-2AC zoning; thence S25°50'00"E 36' to a point; thence S64°10'00"W 233.36' to the eastern line of New Market Road existing said line being 10' off the existing curb of the Veterinary office and the newly created property line; thence along the E/L of New Market Road along a curve to the left having a radius of 2,900' and a length of 332.94' to a rod set; thence along a curve to the right having a radius of 25' and a length of 48.20' to the point of beginning, containing 1.0 +/- acres.

Parcel B Part

Beginning at a point in S/L of Midview Road, said point being the dividing line between the B-1C zoning and the R-2AC zoning; thence along the S/L Midview Road S77°21'30"E 84.25 to a rod set; thence along a curve to the left having a radius of 3695.60 for a length of 199.95' to a rod set; thence S80°27'30"E 408.34' to a rod found; thence leaving said S/L of Midview Road S46°07'00"W 351.65' to a rod found; thence N43°53'00"W 142.52' to a rod found; thence S46°08'00"W 248.64' to a rod found; thence S25°50'E 381'; said line being the line between existing B-1C zoning and the R-2AC zoning; thence N12°38'30"W 103.48 to the point of beginning; said line dividing the B-1C zoning from the R-2AC zoning, containing 3.8± acres.

The Board of Supervisors accepted the following proffered conditions, dated July 15, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Proffers Applicable to B-1C Portion

1) **Buffer Areas and Screening.**

- (a) A landscaped buffer a minimum of forty (40) feet in width shall be maintained along the western boundary of the property, adjacent to the New Market Road (Route 5) right-of-way. This buffer shall be landscaped to the standards of the thirty-five (35) foot transitional buffer and include a berm similar in size to the one at the front of the adjacent veterinary clinic (1312 New Market Road).
- (b) A landscaped buffer a minimum of twenty-five (25) feet in width shall be maintained along the eastern boundary of the property. This buffer shall be landscaped to the standards of the twenty-five (25) foot transitional buffer.
- (c) A landscaped buffer a minimum of ten (10) feet in width shall be maintained along the northern boundary of the property. This buffer shall be landscaped to the standards of the ten (10) foot transitional buffer.
- (d) A landscaped buffer a minimum of ten (10) feet in width shall be maintained along the southern boundary of the property. This buffer shall be landscaped to the standards of the ten (10) foot transitional buffer.

Buffers shall be provided except to the extent necessary for easements, sidewalks, access driveways (which access driveways shall run generally perpendicular to the buffer), and other purposes requested and specifically permitted, or if required, at the time of Plan of Development. Buffers adjacent to public roads shall be measured from the road's ultimate right-of-way.

- 2) **Vehicular Access.** There shall be a maximum of one vehicular access drive to or from the Property and New Market Road (Route 5), unless otherwise required by any governmental body having jurisdiction with respect thereto, and such vehicular access drives to Midview Road as may be approved as part of the Plan of Development review process.
- 3) **Signage.** Any detached signs shall be ground mounted with a brick base, not exceeding six (6) feet in height, and utilize only colonial style colors. The colors

and design of any sign on the property shall be subject to the approval of the Director of Planning.

- 4) Exterior lighting, other than low intensity, ornamental style fixtures, such as gas style lamps, shall be produced from concealed sources (i.e. "shoebox" type fixtures). No lighting fixtures on the property shall exceed twenty (20) feet in height or have a glare exceeding one-half (1/2) foot candle at the boundaries of the property. The appearance of any lighting placed on the building shall be characteristic of the American colonial period. (i.e. Gas Style Lamps)
- 5) The applicant shall provide interior parking lot landscaping that is at least fifty (50) percent greater than the five (5) percent required by Henrico County Code.

6) **Building Design and Materials**

The principal building constructed on the property shall be as follows:

- (a) Residential in scale, not exceeding a height of one and one-half (1.5) stories.
- (b) Traditional, colonial-style architecture.
- (c) The exterior walls shall be brick, except to the extent other materials are used for windows, doors, trim, signage, architectural decorations or design elements.
- (d) Traditional colonial-style wood trim.

The Planning Commission shall have the authority to reject any building design whose appearance they find objectionable.

- 7) **Building Setback**. No building shall be constructed within one hundred (100) feet of the right-of-way line of New Market Road (Route 5).
- 8) **Uses**. There shall be only one principal use on the property. The following uses shall not be permitted:
 - (a) Automotive filling and service stations.
 - (b) Convenience stores.

- (c) Fast food restaurants and similar establishments the principal business of which is the sale of food and beverages to customers for immediate consumption on or off the premises.
 - (d) Adult businesses as defined by the Henrico County Zoning Ordinance.
 - (e) Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not include banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code sections.)
 - (f) Laundromats and dry cleaning establishments.
 - (g) Funeral homes.
 - (h) Commercial parking lots.
- 9) **HVAC Screening.** Any heating, ventilating and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
- 10) The applicant shall dedicate adequate right-of-way as determined by the Director of Public Works for the future widening and relocation of Midview Road.
- 11) **Security Alarms.** Outside speakers shall be prohibited. No external alarm bells or external warning devices that are audible beyond the boundary lines of the Property shall be permitted on the Property.
- 12) **Trash and Recycling Receptacle Areas.** All dumpsters, trash and recycling receptacles, (not including convenience cans), shall be screened from view at the boundary line of the Property in a manner approved at the time of Plan of Development review.
- 13) **Conceptual Sketch.** The Property shall be developed in substantial conformance with the attached layout plan prepared by Bay Design Group, P.C., entitled New Market and Midview Road attached as Exhibit A (see case file, which layout plan is conceptual in nature and may vary in detail as requested and approved at Plan of Development review or required by any government entity having jurisdiction.
- 14) **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.

Proffers Applicable to R-2AC Portion

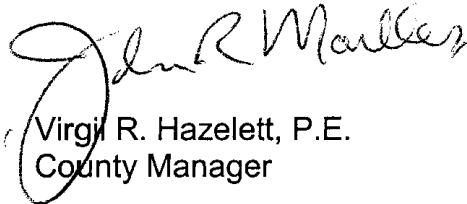
- 1) The exterior portions of residence foundations shall be constructed of brick or stone. All exterior siding materials shall be brick, stone, or vinyl. A minimum of thirty (30) percent of each home's exterior shall be brick or stone, exclusive of foundations.
- 2) Foundations shall have a crawl space, unless structural concerns dictate a different foundation system, as determined by a structural engineers report to be submitted and confirmed by the County Building Official at the time a building permit is issued.
- 3) There shall be no stem lots or flag lots developed on the property.
- 4) **Chimneys and flues**: The exposed portion of a chimney shall be constructed of brick, stone, or an exterior insulating finished system. The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
- 5) **Minimum House Size**: The minimum size of any house constructed on the property shall be 2000 square feet of finished floor area.
- 6) **Restrictive Covenants**: Prior to or concurrent with the recordation of the 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 quality controls on the development and maintenance of all portions of the property.
- 7) Except for junction boxes, meters, and existing overhead utility lines, all utility lines shall be underground.
- 8) The applicant shall dedicate adequate right-of-way as determined by the Director of Public Works for the future widening and relocation of Midview Road.
- 9) 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.

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August 19, 2003
Page 6

- 10) Landscape plantings equivalent to the requirements of the ten (10) foot transitional buffer shall be provided along the rear of all residential lots at the time of the issuance of the Certificate of Occupancy.
- 11) Lots 1 & 7 (28% of Houses) shall have side or rear entry garages.
- 12) Homes shall be custom built on site.

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 black ink, appearing to read "Virgil R. Hazelett". The signature is written in a cursive style with a large initial "V".

6a. Virgil R. Hazelett, P.E.
County Manager

pc: Mr. C. R. Hardin
Mr. Gary L. Webster, AICP
Director, Real Estate Assessment
Conditional Zoning Index