

ZONING
 SINGLE-FAMILY
 RESIDENTIAL
 Ref. 744-765-2664

C-3C-03
 Three Chopt District



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

March 18, 2003

Virgil R. Hazelett, P.E.
County Manager

Mr. Webb L. Tyler &
Mr. G. Edmond Massie, IV
Fidelity Properties, Ltd.
P. O. Box 423
Mechanicsville, VA 23111

Re: Conditional Rezoning Case C-3C-03

Dear Mr. Tyler & Mr. Massie:

The Board of Supervisors at its meeting on March 11, 2003, granted your request to conditionally rezone property from A-1 Agricultural District to R-3C One Family Residence District (Conditional) and C-1 Conservation District, Parcels 744-765-2664, 744-765-0530, 743-764-8795 and 744-765-4795, described as follows:

Parcel 1

Beginning at a point having a coordinate value of N=3764656.22 and E=11744167.66, Henrico County Monumentation and Control Network Datum June 2002; thence N69°07'50"W, a distance of 329'± to a point on the south line of the 100 year flood plain line; thence continuing along the south line of the 100 year flood plain line in a northeast direction, a distance of 1710'± to a point; thence leaving the south line of the 100 year flood plain line S47°26'50"E, a distance of 109'± to a point; thence S21°15'25"W, a distance of 1453.58' to the point and place of beginning, containing 7.0± acres of land.

Parcel 2

Beginning at a point on the south line of Interstate 295 having a coordinate value of N=3766199.39 and E=11744489.32, Henrico County Monumentation and Control Network Datum June 2002; thence leaving the south line of Interstate 295 S47°26'50"E, a distance of 170'± to a point on the south line of the 100 year flood plain line; thence continuing along the south line of the 100 year flood plain line in a southwest direction, a distance of 1710'± to a point; thence leaving the south line of the 100 year flood plain line N69°07'50"W, a distance of 357'± to a point on the north line of the 100 year flood plain line; thence continuing along the north line of the 100 year flood plain line in a northeast direction, a distance of 836'± to a point on the south line of Interstate 295; thence continuing along the south line of Interstate 295 along a curve to the right having a radius of 11308.61' and a length of 869'± to the point and place of beginning, containing 12.0± acres of land.

Parcel 3

Beginning at a point on the south line of Interstate 295 having a coordinate value of N=3764970.03 and E=11743344.54, Henrico County Monumentation and Control Network Datum June 2002; thence continuing along the south line of Interstate 295 N38°44'00"E, a distance of 6.51' to a point; thence along a curve to the right having a radius of 11308.61' and a length of 806'± to a point on the north line of the 100 year flood plain line; thence leaving the south line of Interstate 295 and continuing along the north line of the 100 year flood plain line in a southwest direction, a distance of 836'± to a point; thence leaving the north line of the 100 year flood plain line N69°07'50"W, a distance of 195'± to the point and place of beginning, containing 1.8± acres of land.

The Board of Supervisors accepted the following proffered conditions, dated March 10, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

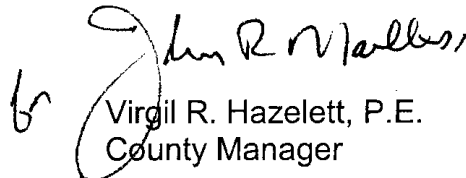
1. Restrictive Covenants. Prior to or concurrent with the recordation of the subdivision plat approved by the County and before the conveyance of any portion of the property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), there shall be recorded a document 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 substantially in accord with the Restrictive Covenants recorded in Book 321, Page 1572 in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
2. Minimum House Size. The minimum size for any house constructed on the Property shall be a minimum of 2,200 square feet of finished floor area.
3. Density. The development shall not exceed 2.2 dwelling units per acre on the properties defined in this case and Rezoning Case C-74C-02, C-2C-01 and C-77C-99 in the aggregate. The density calculations shall be provided at the time of each subdivision.
4. Building Materials. Houses on the Property shall be constructed with brick, stone, drivit, hardiplank or an equivalent or vinyl siding or other material approved by the Planning Commission, but not masonite siding or block. A minimum of 50% of the houses on the Property shall have brick or stone fronts or an equivalent amount of brick or stone used on houses as approved by the Director of Planning.
5. Fireplace Chimneys. All exterior portions of fireplace chimneys shall be enclosed by brick or stone. All fireplace chimneys, and gas vents, shall be built on brick or stone foundations.

6. Foundations. The visible portions of the residence foundations shall be constructed of brick or stone.
7. Underground Utilities. All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise.
8. Street Improvements. The streets of the subdivision shall be constructed of asphalt. The portion of any street where a lot fronts the street shall be designed with standard curb and gutter.
9. Stem Lot Regulation. No stem lots shall be developed on the Property.
10. Driveways. There shall be a provision in the restrictive covenants which requires all driveways to be constructed of hard surface materials.
11. Phasing. There shall be no building permit applications to allow construction on the Property before January 1, 2004.
12. Lot Size. The lots which are adjacent to the C-1 district shall be a minimum of ninety (90) feet in width and contain an average minimum of 12,500 square feet of area. All other lots shall be a minimum of eighty-five (85) feet in width.
13. Garages. Each house on the Property shall be constructed with a two (2) car garage, except for houses originally used as a model home. A minimum of 50% of the garages shall have a side or rear entry.
14. Trees. A minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the front of each lot.
15. Street Connection. A street connection shall be provided to Belfast Road and/or Dublin Road.
16. Sound Proofing. Homes constructed on lots located within three hundred (300) feet of the Interstate 295 right of way shall incorporate a ½" – 5/8" layer of foamed-in-place urethane insulation in the walls in addition to the batt insulation thickness required by the Building Code.
17. 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.

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Page 4

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: Mr. Ellsworth Charles Pryor
Mr. Douglas H. Houston
Mr. Michael A. Jalbert
Ms. Maria E. Burnett, et als
Ms. Marie E. K. Jansen
Ms. Julius Houston Estate c/o Mr. Hortense Lee
Mr. Walter & Mrs. Nancy Scott
Ms. Sandra Jalbert
Ms. Gloria L. Freye, Esquire
Director, Real Estate Assessment
Conditional Zoning Index