

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulations



August 2003

ZONING
 SINGLE - FAMILY
 RESIDENTIAL
 Ref. 812-728-5668

C-40C-03
 Fairfield District

0 400 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

September 16, 2003

Mr. F. Robert Loftis
Cedar Fork Properties II, LC
8401 Mayland Drive
Suite B
Richmond, VA 23294

Re: Conditional Rezoning Case C-40C-03

Dear Mr. Loftis:

The Board of Supervisors at its meeting on September 9, 2003, granted your request to conditionally rezone property from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcel 812-728-5668, described as follows:

Beginning at a point on the west line of Cedar Fork Road, said point being located 2963'± from the south line of Creighton Road; thence continuing along the western right of way of Cedar Fork Road S20°59'39"W for 582.03' to a point; thence leaving said right of way N67°25'31"W for 340.69' to a point; thence N16°55'31"W for 71.50' to a point; thence N83°50'11"W for 320.93' to a point; thence N15°25'31"W for 408.50' to a point; thence S44°58'29"W for 429' to a point; thence N77°01'31"W for 366.60' to a point; thence N14°50'39"E for 646.76' to a point; thence S71°35'31"E for 1545.50' to the point of beginning, containing 18.42 acres of land, more or less.

The Board of Supervisors accepted the following proffered conditions, dated August 27, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Architectural Treatment.** Buildings constructed on the Property shall have an exterior architectural style generally consistent with the exterior elevation plans labeled 1-6 by McAllister & Foltz Architecture, P.C., copies of which are attached hereto (see case file), subject to such changes as may be requested by the owner and approved at the time of Subdivision approval. No more than two (2) homes with the same front elevation shall be built next to one another. When aggregated with the lots that are the subject of Case No. C-71C-02, at least thirty percent (30%) of all homes shall have a covered front porch. Any street-facing side façade shall have a minimum of two (2) windows except for i.) when that side façade contains a

garage, or ii.) except as otherwise prohibited by any governmental or regulatory authority or building code requirements. When aggregated with the lots that are the subject of Case No. C-71C-02, a minimum of fifty percent (50%) of the homes shall have a minimum of fifty percent (50%) brick on the front of each home, excluding windows, doors, and architectural design features, unless an equivalent material is requested and specifically approved at the time of Subdivision approval.

2. **Brick Steps.** Steps to the main entrance of homes shall be of brick. Homes with a front porch without a brick foundation shall utilize brick pier supports with lattice screening between the porch floor and ground, and porch steps may be of brick or wood.
3. **Square Footage.** One-story homes shall have a minimum of one thousand six hundred (1,600) square feet of finished floor area. Homes other than one story shall have a minimum of one thousand eight hundred (1,800) square feet of finished floor areas; however, when aggregated with the lots that are the subject of Case C-71C-02 thirty-three percent (33%) of such homes shall have a minimum of two thousand (2,000) square feet of finished floor area.
4. **Garages.** When aggregated with the lots that are the subject of Case No. C-71C-02 a minimum of seventy-five percent (75%) of homes shall have at least a one-car garage; a minimum of fifty percent (50%) of garages shall be two-car, and at least fifty percent (50%) of the homes with garages shall have side or rear-loading garages.
5. **Driveways.** All driveways shall be finished with asphalt, concrete, or exposed aggregate.
6. **Entrance Features.** Entrances onto Cedar Fork Road shall incorporate boulevard-style medians unless otherwise prohibited by any government agency.
7. **Access Restrictions.** A connection to Mitchelltree Boulevard shall only occur if required by the County at the time of subdivision approval.
8. **Home Foundations.** All homes shall be constructed on a crawl space with brick or stone foundations on all sides.
9. **Restrictive Covenants.** Prior to or concurrent with the recordation of a 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), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property.

10. **Street Trees.** The neighborhood shall have a street tree landscape plan in which trees shall be planted upon home completion within a ten (10) foot strip behind the curb on each side of the roadway at an average spacing of fifty (50) feet between trees.
11. **Landscape Strip.** A planting strip easement a minimum of ten (10) feet in width shall be provided along Cedar Fork Road, such easement area to include a white vinyl fence and supplemental landscaping where existing vegetation is not preserved or does not exist, consisting of a bayberry/wax myrtle hedge (or equivalent) every five (5) feet on center.
12. **Mail Boxes.** All improved lots shall be required to have a post lamp and a mail box with supporting post of design and installation as specified in the Subdivision's Covenants and Restrictions.
13. **Roads and Curb and Gutter.** Standard six inch (6") curb and gutter will be provided for the roads within the subdivision.
14. **Enforceability.** 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.
15. **Density.** No more than thirty-five (35) homes shall be constructed on the Property.
16. **Conceptual Plan.** The Property shall be developed generally consistent with the layout plan dated August 11, 2003, entitled "Illustrative Master Plan, Cedar Run, Henrico County, Virginia", prepared by Higgins & Gerstenmaier, attached hereto as Exhibit A (see case file), which layout plan is conceptual in nature and may vary in detail.
17. **Lot Widths.** Lots, when aggregated with the lots that are the subject of Case No. C-71C-02, shall have an average lot width of eight-five (85) feet. At least thirty (30) percent of the lots, when aggregated with the lots that are the subject of Case No. C-71C-02, shall have a minimum lot width of ninety (90) feet. The term "lot width" shall be defined herein as the width of a lot measured at the front yard setback line, except for lots on cul-de-sac roads where the width shall be measured at the actual building line of the dwelling.
18. **Height.** When aggregated with the lots that are the subject of Case No. C-71C-02, no more than fifteen percent (15%) of the homes shall be one story in height.
19. **Chimneys.** No chimneys, gas vent fireplaces or bay windows shall be cantilevered. The exposed portions of all fireplace chimneys shall be of brick, stone, E.F.I.S. or a material similar to the exterior treatment of the dwelling. This proffer shall not apply

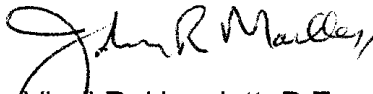
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to direct vent gas fireplace or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundation.

20. **Cumulative Count.** Upon the request of the County of Henrico, the developer or his designee shall provide a cumulative count of the homes and their designated finished floor area, lot widths, brick frontages, and garage styles to ensure compliance with conditions #1, #3, #4, #17, and #18.

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,


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

pc: Mr. Edwin & Mrs. Elizabeth Atwood
Director, Real Estate Assessment
Conditional Zoning Index