

A-1 to R-5AC
41.758 Acres



October 2003

ZONING
SINGLE-FAMILY
RESIDENTIAL
Ref. 802-696-9269

(R) C-56C-03
ABC Varina



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

December 21, 2004

Mr. Alvin S. Mistr, Jr.
WWLP Development, LLC
1670 Mountain Road
Glen Allen, VA 23060

Re: Conditional Rezoning Case C-56C-03

Dear Mr. Mistr:

The Board of Supervisors at its meeting on December 14, 2004, granted your request to conditionally rezone property from A-1 Agricultural District to R-5AC General Residence District (Conditional), Parcels 802-696-9269 and part of Parcel 803-696-6866, described as follows:

Commencing at a point on the east line of Osborne Turnpike intersected with the center of Tree Ridge Road thence in a northerly direction along the east line of Osborne Turnpike, for a distance of 0.41 miles to the said "point of beginning"; thence continuing along the east line of Osborne Turnpike, N10°25'20"W for a distance of 1352.68' to a point; thence N86°22'01"E for a distance of 516.20' to a point; thence N86°14'31"E for a distance of 740' to a point; thence S10°45'01"E for a distance of 599.86' to a point; thence N88°32'04"E for a distance of 265.14' to a point; thence S10°49'17"E for a distance of 460.57' to a point; thence S60°14'17"W for a distance of 227.66' to a point; thence S58°09'26"W for a distance of 156.72' to a point; thence S47°37'36"W for a distance of 158.49' to a point; thence S60°15'32"W for a distance of 40' to a point; thence S72°15'32"W for a distance of 196' to a point; thence N06°12'55"E for a distance of 50' to a point; thence S86°51'56"W for a distance of 809.65' to the "point of beginning"; containing 41.76 acres more or less.

The Board of Supervisors accepted the following proffered conditions, dated December 13, 2004, 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. The restrictive covenants shall contain provisions for uniform mailboxes and lamp posts, and hard surface driveways (concrete, asphalt, etc.) for the new homes constructed on the Property.

2. **Lot Widths:** The Lots shall have a minimum lot width of sixty (60) feet at the building setback line.
3. **Minimum House Sizes:** The minimum finished floor area of houses constructed on the Property shall be 2000 square feet.
4. **Garages:** All houses shall have a garage. A minimum of seventy-five percent (75%) of the houses on the Property shall be constructed with a minimum two-car garage. All lots with alleys in the rear shall be accessed from the rear.
5. **Architectural Features:**
 - A. **Building Materials:** Houses on the Property shall be constructed with brick, stone, drivit, vinyl siding, hardiplank or an equivalent, or other material approved by the Director of Planning, but not masonite siding or block. Vinyl siding shall have a minimum thickness of 0.044 mils.
 - B. **Front Elevations.** At least fifty percent (50%) of the houses shall have front elevations constructed with a minimum of fifty percent (50%) brick or stone.
 - C. **Spacing.** No homes with similar elevations will occur side by side.
6. **Fireplace Chimneys and Cantilevered Windows:** All exterior portions of fireplace chimneys shall be enclosed by brick, brick face, or stone. All fireplace chimneys and gas vents shall be built on brick, brick face or stone foundations. No chimneys or gas vent units shall be cantilevered. This proffer shall not apply to direct vent gas fireplaces or appliances. Cantilevered bay windows will be prohibited.
7. **Foundations:** The visible portions of the residence foundations below the first floor elevation, shall be constructed of brick or stone. This proffer shall apply to future additions that are intended for year round use. All residences shall be built with crawl space foundations. Front porches shall be supported with a solid brick or stone foundation, or brick or stone piers.

8. **Underground Utilities**: All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise.
9. **Stem Lot Regulation**: No stem lots shall be developed on the Property.
10. **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 new lot, and along the sides of any lot that is a corner lot.
11. **Right of Way Dedication**: The owner shall dedicate to Henrico County the right of way needed for the ultimate right of way along Osborne Turnpike.
12. **Landscape Buffer**: In order to guarantee the project is effectively screened from Osborne Turnpike and landscaped accordingly; the Developer will submit landscape plans as follows:
 - a. **Landscape Buffer**: A landscaped buffer, a minimum of One Hundred Fifty (150) feet in width, shall be provided along the frontage of Osborne Turnpike. Landscaping within the buffer shall consist of trees, shrubs and evergreen screening, and may include a landscaped berm, and necessary utilities and/or easements, subject to the approval of the Director of Planning, as approved at the time of Final Subdivision Plan Review, as long as such easements for utilities are generally perpendicular to the buffer.
 - b. **Landscape Plan**: An overall Landscape Plan for the buffer and common areas shall be submitted for review and approval by the Director of Planning, prior to approval of the Final Subdivision construction plans.

Landscaping shall be installed or bonded prior to occupancy of the thirteenth (13th) unit. All of the above is subject to approval of the Director of Planning.

13. **Cash Proffer**: Prior to the release of a building permit, a cash proffer pursuant to the cash proffer policy adopted by Henrico County, not to exceed \$9,000,000, and applicable to the proposed residential development shall be paid per residential lot to mitigate the development's impact on public facilities. Cash proffers not used for the purposes specified in this proffer and/or the policy shall be returned fifteen (15) years after receipt to the payor. If the County does not approve a policy of a cash proffer system for residential development within one year from the date of acceptance by the County of these Proffers, then the requirements of this Proffer shall thereafter automatically and immediately terminate and be of no further force and effect. In such case, any amounts

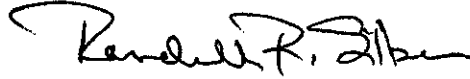
previously paid to the County shall be refunded to the payor or, at the direction of the payor, its successor.

14. **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.
15. **Sod & Irrigation**. The installation of sod and irrigation shall be provided in all front and side yards.
16. **Decks**. Any portion of a deck pier that is visible from the street in front of the house shall be brick or stone.
17. **Street Improvements**. The streets in the subdivision shall be constructed of asphalt and designed with standard six (6) inch curb & gutter.
18. **Density**. No more than sixty-four (64) lots shall be constructed on the property.
19. **Construction**. All houses in the subdivision shall be custom built on-site.
20. **Sidewalks**. A 4' sidewalk will be installed with a planting strip between the sidewalk and the curb. This sidewalk shall be installed along the front of all lots as depicted on the proffered layout.
21. **Boulevard Entrance**. One Boulevard Entrance will be installed for this project. This will consist of a 24' road on both sides of a 14' landscaped median.
22. **Wet Pond BMP**. Any wet pond BMP will be aerated.
23. **Conceptual Layout**. The subdivision will be developed substantially in accord with the layout entitled "Nelson Property December 02, 2004 Layout" (see case file), unless revisions are specifically approved by the Director of Planning. Landscaping will be provided substantially in accord the "Schematic Landscape Plan" dated December 10, 2004 and revised December 13, 2004 (see case file).
24. **Driveways**. Hard surface driveways shall be uniform throughout the subdivision, with the minimum surface being paved asphalt.
25. **Passive Amenities**. A gazebo shall be installed in the open space between the cul-de-sacs in the rear of the subdivision. A walking trail will be provided to connect the Common Areas.

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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. John N. Nelson & Ms. Elizabeth N. Gottwald
Finer Homes, Inc.
Foster & Miller, PC
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning