

B-3C to B-3C
7.059 Ac.

B-3C & 0-2 to RTHC
22.86 Acres



March 2003

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

ZONING

MULTI-USE COMMERCIAL
& TOWNHOUSES



C-9C-03

Fairfield District

Ref. 809-729-7165

0 600 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

August 22, 2003

Virgil R. Hazelett, P.E.
County Manager

Ms. Linda Paret
EJD Associates, Inc.
8102 Greystone Circle East
Richmond, VA 23229

Re: Conditional Rezoning Case C-9C-03

Dear Ms. Paret:

The Board of Supervisors at its meeting on August 12, 2003, granted Section B of your request to conditionally rezone property from B-3C Business District (Conditional) and O-2 Office District to B-3C Business District (Conditional), on part of Parcel 809-729-7165, described as follows:

Beginning at the intersection of the east line of Laburnum Avenue and the south line of Creighton Road, being the point of beginning, thence with the south line of Creighton Road N80°13'26"E for 488' to a point; thence leaving said Creighton Road S9°46'29"E for 739.59' to a point; thence along a curve to the right having a radius of 1095.12', a length of 107.93', and a chord of N72°58'05"W for 107.89' to a point; thence along a curve to the left having a radius of 349.39', a length of 268.31', and a chord of S87°51'21"W for 261.76' to a point; thence along a curve to the right having a radius of 25', a length of 39.28', and a chord of N69°08'06"W for 35.36' to a point on the east line of Laburnum Avenue; thence along the east line of Laburnum Avenue N24°07'34"W 351.23' to a point; thence N18°29'38"W for 100.54' to a point; thence along a curve to the left having a radius of 5789.58', a length of 150.03', and a chord of N25°15'25"W for 150.03' to a point; thence N27°08'36"E 67.44' to the point of beginning and containing 7.061 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated August 6, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

**Proffers for Dominion Townes, Section B, Commercial Development 7/6/2003
Zoning Case C-9C-03 (as revised)**

1. **Permitted Use:** The following uses shall be prohibited:
 - a) Adult businesses as defined in Section 24-3 of the Zoning Ordinance;

- b) Automobile sales, rental, services, repair or towing services;
- c) Automobile service stations;
- d) Automobile tire repair, sales, and installation;
- e) Boat sales, service, and storage;
- f) Car washes;
- g) Dancehalls, clubs, fraternity, lodge, and similar places;
- h) Establishments whose primary business is checking 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 preclude banks, credit unions, savings and loans or similar institutions that are not regulated by the foregoing Virginia Code Sections);
- i) Flea Markets and auctions;
- j) Fortuneteller, palmist, etc.
- k) Gun shops, sales and repairs;
- l) Liquor stores, bars, and taverns; Outdoor advertising signs;
- m) Mortuaries;
- n) Outside storage or sales, exclusive of outdoor dining;
- o) Permanent on-site recycling collection facilities;
- p) Rifle or pistol ranges; and
- q) Theater, bowling alleys, ice and roller skating rinks, archery ranges and substantially similar activities.

2. **Architectural Treatment:** The exposed portions of the exterior wall surfaces, i.e. front, sides and rear of any buildings constructed in Section B of the Property shall be quality construction and architectural design using compatible architectural style and construction materials. All buildings constructed in Section B of the Property shall have exposed exterior walls, above finished grade, constructed primarily of face brick and glass, with varying amounts of dryvit, stucco, or equivalent

permanent architecturally finished materials, unless different architectural treatment and/or materials are requested by the owner and specifically approved at the time of the Plan of Development. Wood siding, natural stone, marble, pre-cast or cast-in-place architectural concrete, exterior insulating finish systems, glass and/or an equivalent permanent architecturally finished material may be utilized as accent materials. No building shall have any painted or unfinished concrete block, sheet or corrugated metal product, iron and or steel or other material unless requested by the owner and specifically approved at the time of the Plan of Development. Roof designs shall be designed so as to minimize building mass and offer variations in building appearances. The majority of structures shall be gable roof design (Sloped). All other structures shall have the appearance of gable or compatible roof designs. Architecture for the majority of structures will be similar to the attached Exhibit "B", "B-1" and "B-2" (see case file).

3. **Building Height:** No building constructed on Section B of the Property shall exceed thirty (30'-0") feet in height above grade to the top of the proposed structure, unless different architectural treatment and/or materials are requested by the owner and specifically approved at the time of the Plan of Development.
4. **Site Coverage:** No more than eighty (80%) percent of the Section B property may, in aggregate, be covered by buildings, parking areas and driveways.
5. **Size Restriction:** No retail business shall be located on Section B of the Property which exceeds twenty-five thousand (25,000 SF) gross square feet of floor area and no retail building shall be located on Section B of the Property which exceeds thirty thousand (30,000 SF) gross square feet of floor area, unless specifically approved at the Time of Plan of Development. Notwithstanding the foregoing, more than one business may be located in any one building on Section B of the Property.
6. **Access to Public Roadways:** Section B of the property shall have one access to Laburnum Avenue and one (1) access to Creighton Road, as shown on the Site Plan (see case file).
7. **Site Plan:** The layout of the development of the Property shall be in substantial conformity with the Site Plan. A copy of which is attached hereto (see case file), subject however to such traffic, engineering and other changes as may be requested by the owner and specifically approved at the time of the Plan of Development. This provision does not prohibit future modifications in the development of the Property. Such future modifications shall be consistent with the other provisions of these proffers and the County Code as may be amended from time to time.

8. **Lighting Standards:** Parking lot lighting fixtures shall not exceed twenty (20 Ft.) feet in height as measured from the grade at the base of the lighting standard unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Except for decorative or period style lighting fixtures or landscape lighting, parking lot lighting shall be produced from concealed source type, decorative and coordinated light fixtures.
9. **Underground Utilities:** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
10. **Trash Receptacles:** Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level in a manner approved at the time of Plan of Development. Receptacles shall be constructed of Masonry similar to the construction of the architectural exhibit proffered.
11. **Landscaping:** Landscaped areas, including setbacks, islands, and buffers shall be irrigated and planted as per requirements of the Plan of Development. Planting of the 20' wide bermed landscaped buffer adjacent to Creighton Road and Laburnum Avenue shall be planted equivalent to or substantially equivalent to that of the adjacent property to the north, i.e. Uppy's. Gravel shall not be used as a primary landscaping material. No chain link fencing shall be permitted on the Property unless requested by the owner and specifically approved at the time of the Plan of Development.
12. **Signage:** All business signage shall adhere to the zoning regulations for signs in the B-1 District and be coordinated and addressed at POD approval for each structure.
13. **Buffers along Creighton Road and Laburnum Avenue:** There shall be a twenty (20') foot wide berm and landscaped buffer along both roadway right of ways. Landscaping shall include a minimum of 1 large deciduous or evergreen tree and 12 shrubs within the buffers per fifty linear feet of buffer.
14. **Buffer Adjacent to RTH-Section A:** A PVC three plank fence with intermittent simulated stone columns shall be installed within the required 35' transitional buffer.
15. **Severance:** The unenforceability, elimination, revision and/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.

Ms. Linda Paret
EJD Associates, Inc.
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16. **Drive Thru Windows:** A maximum of two establishments i.e. bank, fast food, shall have a drive-thru window on the site. There shall be no more than one fast food restaurant with a drive thru window.
17. **Hours of Operation:** No business shall open prior to 6:00 AM nor close after 12:00 PM.

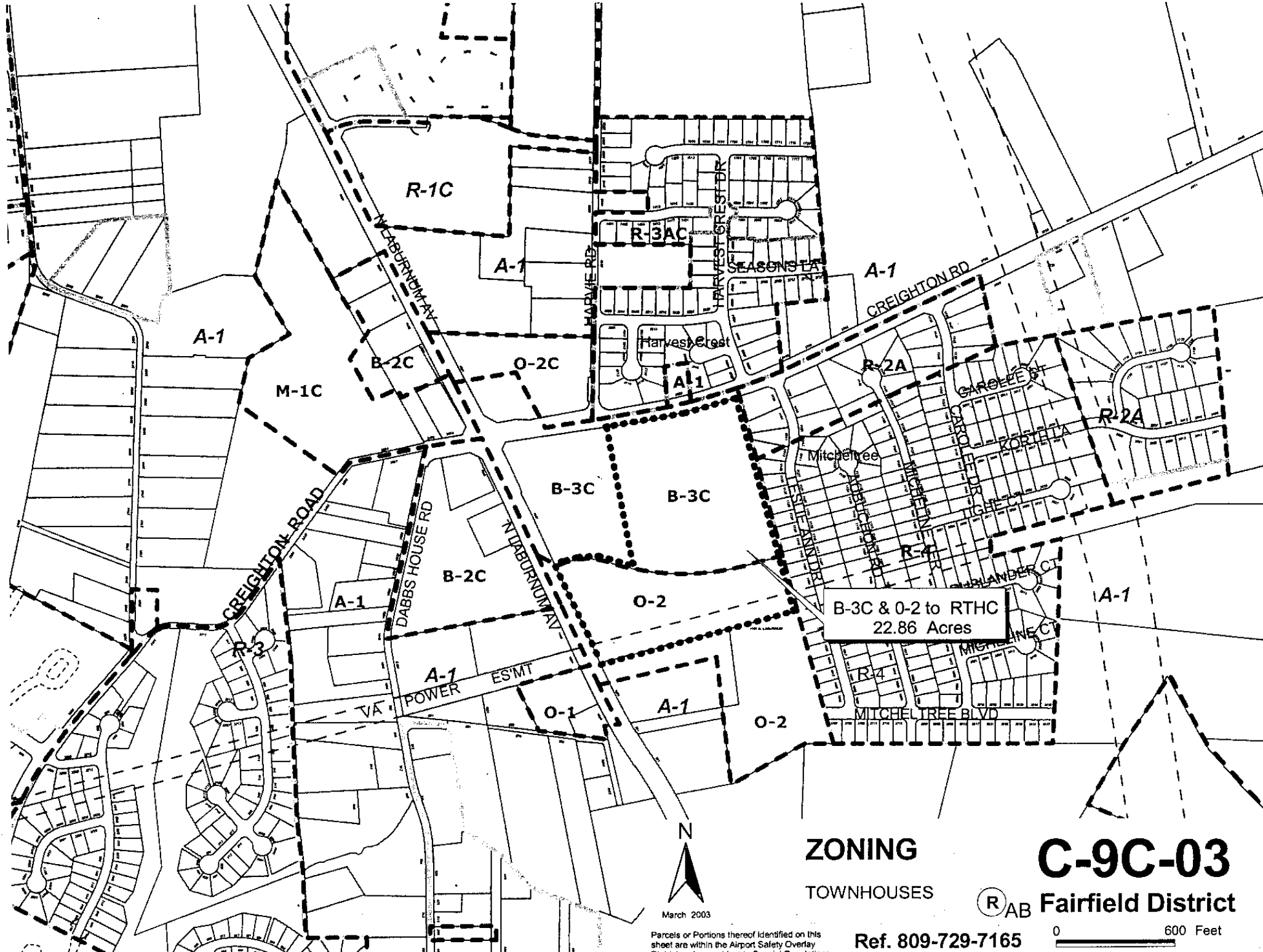
The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



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

pc: Ms. Elizabeth J. Robison
Robert Allan Associates, LLC
Mr. Skip Gelletly
Director, Real Estate Assessment
Conditional Zoning Index



ZONING

TOWNHOUSES

C-9C-03

Fairfield District



March 2003

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

Ref. 809-729-7165

0 600 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

September 16, 2003

Virgil R. Hazelett, P.E.
County Manager

Ms. Linda Paret
EJD Associates, Inc.
8102 Greystone Circle East
Richmond, VA 23229

Re: Conditional Rezoning Case C-9C-03

Dear Ms. Paret:

The Board of Supervisors at its meeting on September 9, 2003, granted your request to conditionally rezone property from B-3C Business District (Conditional) and O-2 Office District to RTHC Residential Townhouse District (Conditional), on Parcels 809-729-7165, and part of Parcel 810-728-3075, described as follows:

Beginning at a point on the south line of Creighton Road, said point being 555.44' east of the east line of Laburnum Avenue; thence with the south line of Creighton Road N80°13'26"E 241.92' to a monument found; thence along a curve to the left having a radius of 2919.79', a length of 448.27', a chord bearing of N75°49'33"E, and a chord distance of 447.83' to a point; said point being 1.41' north of a rod found; thence with the lands of Mitcheltree Section A S14°21'23"E 1131.94' to a point; thence with the lands of Robert Allen Associates, and the County of Henrico S74°54'11"W 1028.43' to a point on the east line of Laburnum Avenue, thence with the east line of Laburnum Avenue N24°07'34"W 568.96' to a point, said point being 0.15' west of a rod found; thence with the lands of Virginia Electric and Power Company along a curve to the left having a radius of 25', a length of 39.28', a chord bearing of S69°08'06"E, and a chord distance of 35.36' to a rod found; thence along a curve to the right having a radius of 349.39', a length of 268.31', a chord bearing of N87°51'21"E, and a chord distance of 261.76' to a rod found; thence along a curve to the left having a radius of 1095.12', a length of 107.93', a chord bearing of S72°58'05"E, and a chord distance of 107.89' to a point, thence N9°46'29"W 739.59' to the point of beginning, containing 22.865 acres.

The Board of Supervisors accepted the following proffered conditions, dated September 8, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Proffers for Dominion Townes, Section A, Townhouse Development 8/31/2003
Zoning Case C-9C-03 (as revised)

1. **Buffer Along Creighton Road:** There shall be a thirty-five (35') wide landscaped berm constructed adjacent to the Right of Way line along Creighton Road. Planting shall be equivalent to or substantially equal to the 35' buffer criteria in the zoning ordinance. A PVC three plank fence with intermittent simulated stone columns shall be installed within the buffer. See Exhibit "C" (see attached) (see case file.)
2. **Buffer Along East Property Line Along Property Line With Mitchell Tree:** There shall be a twenty-five (25') wide buffer of natural woodland which shall remain undisturbed and in it's natural state. New landscaping shall be installed in areas with little or no existing and/or natural landscaping.
3. **Architectural Treatment:** Various design elements will be incorporated to provide variety amongst individual units including, but not limited to the following: varying colors of brick, brick accents (including but not limited to arches with or without keystones, soldier courses, quoin corners, and accent coloring different from the main brick coloring, varying siding colors, varying window designs and varying doorway designs. Fifty (50%) percent of the visible portions of the front exterior elevations of the townhouses shall be brick construction excluding windows, doors and architectural design features. All exposed foundations of each unit shall be of brick. There shall be no more than five (5) units in any one building, all of which shall have different front exterior elevations. One hundred (100%) percent of any side or rear elevation facing and within a hundred (100') feet of a public right-of-way or interior driveway shall be brick, excluding windows etc. A minimum of two (2) windows shall be incorporated in to the end wall designs of all end units.
4. **Architectural Rendering:** The townhouses shall be developed in substantial conformance to the illustration in Exhibit "A" in Section "A" and illustration in Exhibit "AA" in Section "C". (See attached) (see case file).
5. **Curb and Gutter:** All roads shall have standard 6" curb and gutter and constructed in accordance with the Henrico County Guidelines. Twenty feet wide landscape islands will be located along interior driveways between all buildings.
6. **Sidewalks:** Sidewalks shall be provided adjacent to interior roadways and shall be constructed in accordance with the County of Henrico's Public Road Standards and Specifications for sidewalks.
7. **Lighting Standards:** Each townhouse shall have exterior wall mounted lights at each entrance and pole mounted yard light adjacent to the intersection of the townhouse sidewalk and the common area sidewalk. Common area lighting shall be located at the Commons and entrance areas.


8. **Sound Suppression:** Wall between townhouses shall have a minimum sound transmission coefficient rating of 55.
9. **Cantilevered Items:** Cantilevered items, including but not limited to chimneys, gas vent units and closets shall be prohibited.
10. **Signage:** Project identification sign(s) shall be ground mounted and shall be no more than six (6') feet in height. Signage shall not be internally illuminated.
11. **Garages:** Section "C" shall include nineteen (19) townhouse units a minimum of twenty eight feet wide (28') and have integral garages.
12. **Underground Utilities:** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
13. **Minimum Size Townhouse:** The minimum finished floor area size shall be 1280 square feet of living space with a minimum of fifty (50%) of the townhouse units having a minimum of 1400 finished square feet in Section "A". The minimum finished floor area of the townhouse units in Section "C" will be 1700 square feet.
14. **Maximum Number of Townhouses:** There shall be no more than 137 units developed on the subject Property. The Unit Density shall not exceed 5.99 Units/Acre (137/22.86 acres).
15. **Restrictive Covenants/Homeowners Association:** Prior to or concurrent with the conveyance of any part of the Property covered on the Plan of Development approved by the county, restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County. In addition, there shall be a Homeowners Association of the owners of the townhouses on the Property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the lots, common areas, roads and unit exteriors. Parking of recreational vehicles, boats, trailers and/or campers shall be prohibited in the development. The covenants shall also include development standards for the community.
16. **Recreational Amenities:** Recreational areas shall be provided that total approximately six-tenths (0.6 Ac.) of an acre and shall include a play structure in the tot area and picnic facilities. Pedestrian paths will be strategically located tying the sidewalk system to the common areas.
17. **Sidewalks Along Creighton Road and Laburnum Avenue:** As required and as recommended in the Creighton Road Corridor Special Strategy Area Plan,

sidewalks will be constructed along Creighton Road and Laburnum Avenue for the property being rezoned and as developed.

18. **Site Plan:** Development of the property will be in substantial accordance with Exhibit "D" dated August 29, 2003 (see case file).
19. **Severance:** The unenforceability, elimination, revision and/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.
20. Omit.
21. **Entrances:** Boulevard style entrances shall be constructed at Creighton Road.
22. **Special Landscaping:** Developer will provide where practical a 25% tree canopy coverage within the designated open play area and 10% canopy coverage between the rear yards (common area), in addition to meeting the required 25% tree canopy requirement for the whole site.
23. **Conservation Areas:** The owner shall, prior to Plan of Development or subdivision approval, apply to rezone Section C (4.746 acres) as shown on Plat dated March 27, 2003 (see case file), to a C-1 Conservation District.
24. **Foundation Planting:** Townhouse Units shall have foundation planting similar to the attached Exhibit "F" (see case file) installed prior to the issuance of a Certificate of Occupancy.

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,


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Virgil R. Hazelett, P.E.
County Manager

pc: Ms. Elizabeth J. Robison
Robert Allan Associates, LLC
Mr. Skip Gelletly
Director, Real Estate Assessment
Conditional Zoning Index