

A-1 to RTHC
5.0+ Acres



August 2004

ZONING

Residential Townhomes

C-50C-04

Three Chopt District

Ref. 747-774-5839

0 400 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

December 21, 2004

Mr. Neil P. Farmer
10001 Patterson Avenue
Richmond, VA 23233

Re: Conditional Rezoning Case C-50C-04

Dear Mr. Farmer:

The Board of Supervisors at its meeting on December 14, 2004, granted your request to conditionally rezone property from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcels 747-774-5839 and 747-774-6515, described as follows:

Beginning at a point in the north line of Twin Hickory Lane, said point begin 224.19' west of the intersection of Twin Hickory Lane with the western right-of-way of Lemoor Drive; thence from said point of beginning continuing along the north line of Twin Hickory Lane S51°16'54"W, a distance of 450' to a point; thence N06°30'04"W, a distance of 687.37' to a point; thence N84°05'10"E, a distance of 392.05' to a point; thence S05°02'20"E, a distance of 443.59' to a point in the north line of Twin Hickory Lane and the point of beginning, containing 5 acres.

The Board of Supervisors accepted the following proffered conditions, dated December 14, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Site Plan and Architectural Treatment.** Development of the Property shall be in substantial conformance with attached conceptual site plan, Exhibit "A" (see case file), unless otherwise requested and specifically approved at the time of Plan of Development. In no case shall the building marked as "Building 3" on Exhibit "A" (see case file) have a width of more than one hundred sixty (160) feet. One Hundred (100) percent of the visible portions of the front, rear and side building wall surfaces of each building unit shall be of brick construction, excluding windows, doors and architectural design features, which shall include but are not limited to one or more of the following: varying colors of brick, brick accents, soldier courses, quoin corners, accent coloring different from the main brick coloring, varying window and doorway designs. The side of each end unit shall include at least one (1) window. No dormers shall be permitted on the rear of

any building along the northern boundary line of the Property. Any building that has the rear of the building facing Twin Hickory Lane shall be two stories in height with dormers used for the second floor of the townhomes, unless otherwise approved by the Planning Commission at the time of Plan of Development approval.

2. **Density**. There shall be no more than twenty-eight (28) units developed on the Property.
3. **Square Footage**. All townhomes shall have at least two thousand one hundred (2,100) square feet of finished floor area.
4. **Buffer and Tree Preservation**. A twenty-five (25) foot buffer shall be provided adjacent to Wyndam Forest Subdivision, which such buffer shall include landscaping with a minimum of transitional buffer 35, as referenced in the County Zoning Ordinance. The buffer shall be natural subject to: (i) the removal of fallen, diseased or dead plant growth; (ii) the extent necessary for utility easements, including drainage, (iii) supplemental plantings, berms and/or fencing and other purposes as required by the Planning Commission at the time of Plan of Development or Landscape Plan review, and (iv) up to five (5) feet of the buffer on the townhouse side of such buffer being initially cleared and if so cleared, then planted with supplemental plantings consistent with the approved Landscape Plan. The Landscape Plan shall also include provisions for landscaping of parking areas and in other common areas of the project. The rear or side yard setback for any building on the Property may not include such twenty-five (25) foot buffer. All existing pine trees within such twenty-five (25) foot buffer shall be removed, unless otherwise required by the Planning Commission at the time of Landscape Plan review.
5. **Foundations**. The exposed exterior portion of any building below the first floor elevation which is visible above grade shall be finished with brick or stone.
6. **Chimneys**. No chimneys or gas vent units shall be cantilevered. The exposed portions of all fireplace chimneys shall be brick. This proffer shall not apply to direct vent gas fireplaces or appliances.
7. **Protective Covenants**. Prior to or concurrent with the recordation of the first subdivision plat or Plan of Development approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat or Plan of Development (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 and establishing a home owners' association ("HOA"). All buffers described in these proffers shall be part of the

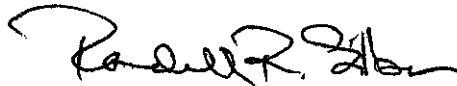
common area of the development and shall be required by the protective covenants to be maintained by the HOA. The protective covenants shall also require any outbuildings to have an exterior elevation and design uniform with all other outbuildings on the development and such outbuildings must be approved by the HOA prior to their construction. The protective covenants shall also require the HOA to set a uniform time for trash pickup for all of the townhomes. These proffers accepted with this case shall be attached as an exhibit to and recorded with such protective covenants.

8. **Street Lighting**. Lighting fixtures shall not exceed fifteen (15) feet in height above grade level. Lighting shall be non-glare, decorative in style, and residential in character.
9. **Underground Utilities**. Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground. Any heating, ventilation and air conditioning equipment shall be screened from view at ground level of the boundary line of the Property.
10. **Twin Hickory Road Buffer**. A thirty (30) foot natural and landscaped buffer shall be provided along Twin Hickory Road, which such buffer shall include landscaping with a minimum of transitional buffer 35, as referenced in the County Zoning Ordinance, which shall include, but not be limited to, six to eight (6-8) foot Leyland cypress trees (or other acceptable substitutions as approved during landscape plan approval) to be planted no more than ten (10) feet on center the length of such buffer (the "Twin Hickory Road Buffer"). Access roads and utilities are permitted to cross this buffer and shall be generally perpendicular to such buffer. The Twin Hickory Road Buffer shall also include a decorative fence along or near any sidewalk provided along Twin Hickory Road, unless otherwise approved during Plan of Development approval.
11. **Sidewalks**. The applicant will provide sidewalks along internal roads in front of each dwelling. In addition, the applicant will provide a sidewalk parallel to Twin Hickory Road. These sidewalks shall be constructed to the Department of Public Work's standards. The sidewalk parallel to Twin Hickory Road shall be located in the County Right of Way.
12. **Sound Suppression**. Walls and ceilings between units shall be constructed with a minimum sound coefficient rating of 54. Prior to the issuance of a building permit, the owner or applicant shall submit construction details (cross section), with an architect's or engineer's seal, demonstrating that construction will provide the proffered sound coefficient.
13. **Garages**. Each dwelling unit shall contain at least a one-car garage.

14. **Cash Proffer.** Prior to the release of a building permit, a cash proffer pursuant to the cash proffer policy adopted by Henrico County 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.
15. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connectors.
16. **Storm Water Facilities.** There shall be no above ground stormwater management facilities on the site, unless otherwise approved by the Planning Commission at the time of Plan of Development approval.
17. **Twin Hickory Fencing:** A six (6) foot high solid board fence or other such material or design as approved at the time of Plan of Development review with a scalloped top shall be provided along the rear lot lines or side lot lines that may exist along the Twin Hickory Road Buffer.
18. **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.

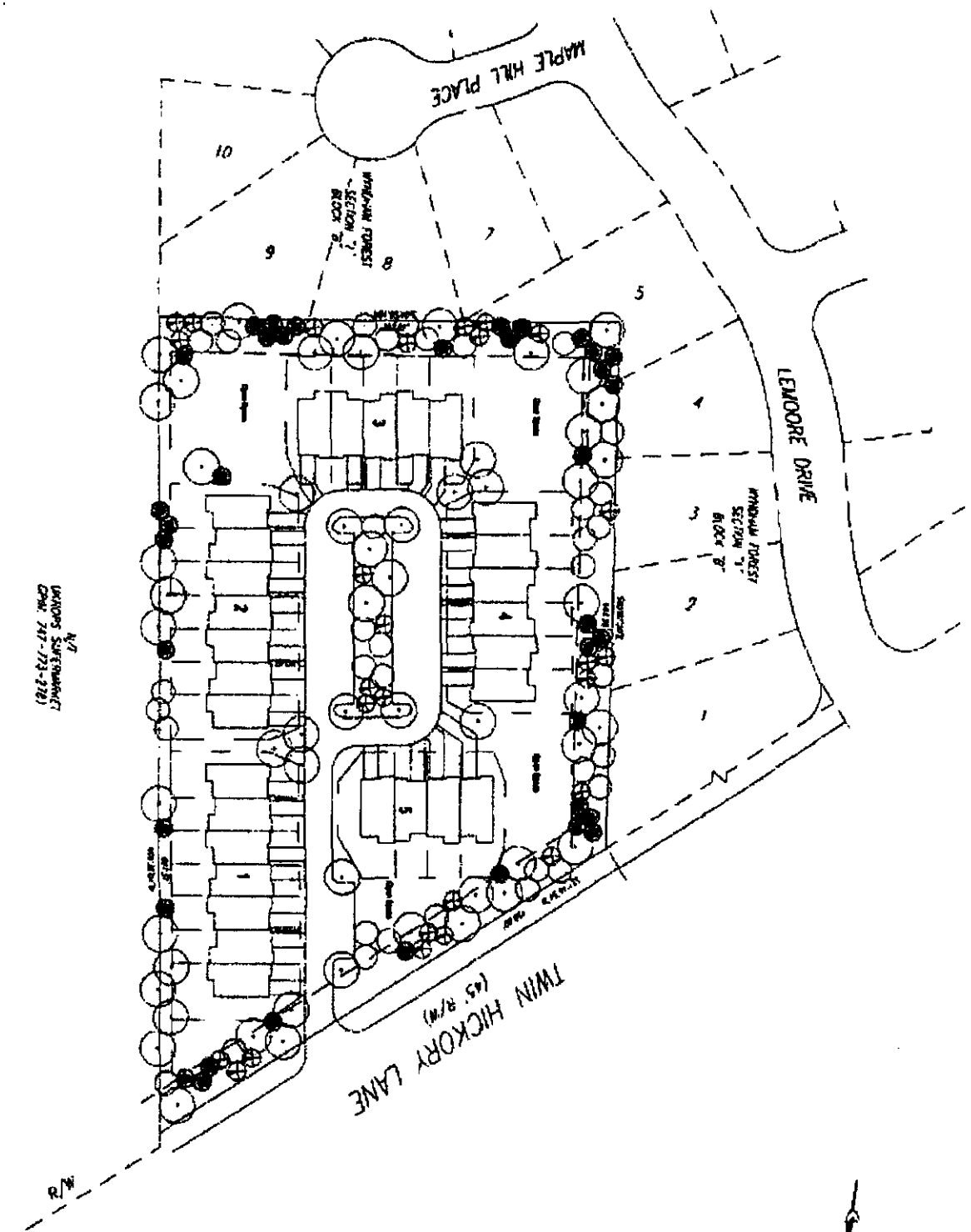
The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.
County Manager

pc: Mr. Robert C. & Mrs. Ellen C. Parker
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning



N/Z
 LEMORE SURVEY
 C.M. 741-773-2182

EXHIBIT A

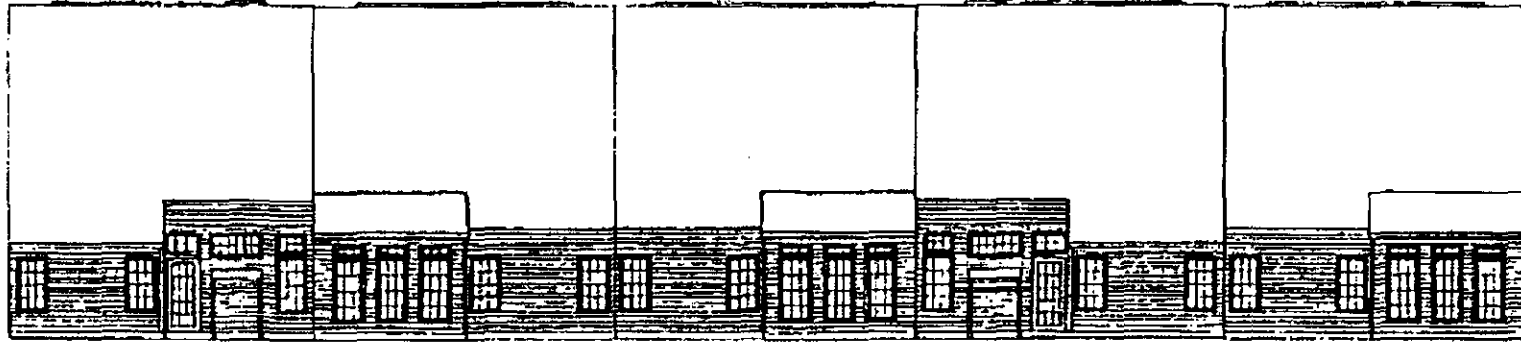
C-50C-04

			<p>TWIN HICKORY LANE PROPERTY THREE CANTY DISTRICT HENNING COUNTY, VIRGINIA CONCEPTUAL PLAN</p>	<p>EB LEWIS & ASSOCIATES PC <small>Professional Engineers - Land Surveyors & Planners</small> 2110 South Main Street, Suite 100 Phone: 804/686-2000 Fax: 804/686-2200</p>
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50C



FRONT ELEVATION



REAR ELEVATION

C-50C-04

LEWIS & ASSOCIATES
INCORPORATED
ARCHITECTS

TIN HICORY
ELEVATORS
INCORPORATED
TOWNSHIP ELEVATORS



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