





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 17, 2004

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

Re: Conditional Rezoning Case C-9C-04

Dear Sirs:

The Board of Supervisors at its meeting on August 10, 2004, 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 744-764-5770, 744-764-5157, 744-764-4443, 744-764-3831, 744-764-3317, 744-764-2703, 744-763-2190, 744-763-1576, part of Parcels 744-763-0961 and 744-763-0148 (McDonalds Small Farms subdivision), and Parcel 743-763-3572, described as follows:

Parcel 1 Rezone from A-1 to R-3C

Beginning at a point on the west line of Belfast Road, said point being 199.90' south of the north line extended of Dublin Road; thence continuing along the west line of Belfast Road S23°37'21"W, a distance of 1199.96' to a point; thence leaving the west line of Belfast Road N66°19'50"W, a distance of 293.30' to a point; thence S23°40'10"W, a distance of 300.10' to a point; thence N66°23'12"W, a distance of 306.54' to a point; thence S21°15'25"W, a distance of 194.69' to a point; thence N68°58'10"W, a distance of 199.96' to a point; thence N83°28'10"W, a distance of 463.43' to a point on the east right-of-way of the on-ramp from Interstate 64 to the eastbound lane of Interstate 295; thence along a curve to the right having a delta of 8°22'51", a radius of 961.69' and a length of 140.67' to a point; thence N10°19'37"W, a distance of 170± to a point on a 100-year flood plain line; thence leaving the on-ramp right-of-way and continuing along the 100-year flood plain line in an easterly direction, a distance of 485± to a point; thence leaving the 100-year flood plain line S68°58'10"E, a distance of 484± to a point; thence N21°15'25"E, a distance of 1205.17' to a point; thence S66°19'50"E, a distance of 662.07' to the point and place of beginning, containing 28.23± acres.

Parcel 2 Rezone from A-1 to C-1

Beginning at a point on the on-ramp from Interstate 64 to the eastbound lane of Interstate 295, having a coordinate value of N=3763469.32, E=11743010.45 of the Henrico County GPS Control Project of June 2000; thence along a curve to the right having a delta of 8°22'51", a radius of 961.69', and a length of 140.67' to a point; thence N10°19'37"W, a distance of 170'± to the true point and place of beginning; thence N10°19'37"W, a distance of 138'± to a point; thence along a curve to the right having a radius of 1065.86' and a length of 84'± to a point on a 100-year flood plain; thence continuing along the 100-year flood plain line in an easterly direction, a distance of 315'± to a point; thence S68°58'10"E, a distance of 258'± to a point on the 100-year flood plain line; thence continuing along the 100-year flood plain line in a westerly direction 485' to the true point and place of beginning, containing 1.48± acres.

Parcel 3 Rezone from A-1 to R-3C

Beginning at a point on the on-ramp from Interstate 64 to the eastbound line of Interstate 295, having a coordinate value of N=3764160.59, E=11742904.63 of the Henrico County GPS Control Project of June 2000; thence leaving the on-ramp S68°58'10"E, a distance of 255'± to a point on a 100-year flood plain line; thence continuing along the 100-year flood plain line in a westerly direction, a distance of 315' to a point on the on-ramp from Interstate 64 to the eastbound lane of Interstate 295; thence continuing along said ramp along a curve to the right having a radius of 1065.86' and a length of 169'± to the point and place of beginning, containing 0.60± acres.

The Board of Supervisors accepted the following proffered conditions, dated August 6, 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 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 Cases C-11C-04, C-3C-03, C-53C-03, C-74C-02, C-2C-01, C-4C-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 Director of Planning, 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.** All houses shall be constructed on foundations, except for garages. The visible portions of the foundations shall be constructed with 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 and designed with standard curb and gutter.
9. **Driveways.** There shall be a provision in the restrictive covenants which requires all driveways to be constructed of hard surface materials.
10. **Phasing.** There shall be no building permit applications to allow construction on the Property before August 1, 2005.
11. **Lot Size.** The lots shall be a minimum of eighty-five (85) feet in width.
12. **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.
13. **Landscaping.** 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 plus a minimum of two (2) trees of the same caliper shall be retained or planted in the side yard adjacent to the street if the lot is a corner lot. Each front yard shall be irrigated and planted with sod except where landscaping or mulching may occur.
14. **Street Connection.** A street connection shall be provided to Belfast Road.
15. **Sound Proofing.** Homes constructed on lots located within three hundred (300) feet of the Interstate 64 and Interstate 295 rights 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.

16. **Buffer.** A natural vegetated buffer a minimum of thirty-five (35) feet in width shall be retained during the development by the developer or the initial home builder along I-295 and the I-64 ramp in addition to the required setback, except where utility or drainage easements are required. Easements within this 35 feet buffer shall cross in a generally perpendicular fashion so as to avoid damage of the area.
17. **House Orientation.** Houses shall not be situated on a lot in a manner where the front of one house fronts the rear of another house.
18. **Sidewalks.** Sidewalks of standard width shall be provided on both sides of the interior streets. A grass strip a minimum of two (2) feet in width shall be provided between the back of curb and the sidewalk.
19. **Streetlights.** Streetlights a maximum of twelve (12) feet in height and of a uniform style shall be provided along both sides of the interior streets.
20. **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. The road improvements portion of the cash proffer shall be designated for the particular traffic shed in which the Property is located. The cash proffer amount is subject to the Marshall Swift Building Cost Index increase adjustments. 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.
21. **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,

A handwritten signature in black ink, appearing to read "Virgil R. Hazelett" with a stylized flourish at the end.

Virgil R. Hazelett, P.E.
County Manager

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pc: Mr. Thomas Browning
Ms. Myrtle H. Dalton
Mr. Timothy & Mrs. Donna Smith
Mr. Nevan N. Chang
Mr. Robert & Mrs. Anna Triscari
Ms. Lara M. & Mr. G. Edmond Massive, IV
Ms. Gloria Freye, Esquire
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning