

A-1 to R-2AC
40.8 +/- Ac.



February 2006

ZONING
Single-Family Residential
Ref. 806-703-3309

C-17C-05
Varina District





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

May 31, 2005

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

Re: Conditional Rezoning Case C-17C-05

Dear Mr. Mistr:

The Board of Supervisors at its meeting on May 24, 2005, granted your request to conditionally rezone property from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 806-703-3309, described as follows:

Commencing at a point on the north line of Midview Road intersected with the east line of Fox Downs Drive extended, thence in an easterly direction along the north line of Midview Road, 158' more or less the "point of beginning"; thence N05°24'04"E for a distance of 2,320.80' to a point; thence S48°33'37"E for a distance of 544.50' to a point; thence S37°52'59"E for a distance of 133.85' to a point; thence S24°34'22"E for a distance of 1,333.83' to a point; thence S16°10'21"E for a distance of 307' to a point; thence S75°59'22"W for a distance of 1390.37' to the point of beginning; containing 40.8 acres more or less.

The Board of Supervisors accepted the following proffered conditions, dated May 24, 2005, 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 lampposts for the new homes constructed on the Property.


2. **Minimum House Sizes.** All dwellings shall have a minimum finished floor area of 1950 square feet. No more than 25% of the dwellings shall have less than 2000 square feet of finished floor area.
3. **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 houses facing Midview Road shall have a side or rear loaded garage. Any front loaded garage shall not protrude beyond (in front of) the front elevation of the house. No more than 25% of the houses shall have a front loaded garage.
4. **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. At least 40% of the houses on the Property shall have a minimum of 30% brick or stone fronts, or accents. The houses will be similar in design to those in Oakland Chase as described in case C-64C-02, see Exhibit 'B' (photos) (see case file). Vinyl siding shall have a minimum thickness of 0.044 mils.
 - B. **Spacing.** No homes with similar elevations will occur side by side.
 - C. **Windows.** Any side façade shall have a minimum of two (2) windows except for 1) when that side façade contains a garage, or 2) except as otherwise prohibited by any governmental or regulatory authority or building code requirements.
5. **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 and closets will be prohibited.
6. **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, with the exception of dwellings built with basements. Front porches shall be supported with a solid brick or stone foundation, or brick or stone piers.

7. **Underground Utilities**. All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise.
8. **Stem Lot Regulation**. No stem lots shall be developed on the Property.
9. **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.
10. **Right of Way Dedication**. The owner shall dedicate to Henrico County the right of way needed for the ultimate right of way for Midview Road. This dedication shall not exceed twenty (20) feet. Should the dedicated property not be used for the widening of Midview Road within 20 years of the date of the dedication, the property will revert to the ownership of the adjoining property owners along Midview Road.
11. **Landscape Plan**. An overall Landscape Plan for the area along Midview Road shall be submitted for review and approval by the Director of Planning, prior to approval of the Final Subdivision construction plans.
12. **Street Improvements**. The streets in the subdivision shall be constructed of asphalt and designed with standard six (6) inch curb & gutter.
13. **Density**. No more than ninety-five (95) dwellings shall be constructed on the property.
14. **Construction**. All houses in the subdivision shall be custom built on-site.
15. **Wet Pond BMP**. Any wet pond BMP will be aerated.
16. **Driveways**. All driveways shall be hard surface throughout the subdivision, with the minimum surface being paved asphalt, concrete, or exposed aggregate.
17. **Street Connections**. The subdivision shall have no more than (2) street connections to Midview Road unless otherwise approved by the Planning Commission at the time of conditional subdivision approval. There will be a connection to Fawcett Lane and no connection to Roadapple Drive.
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.

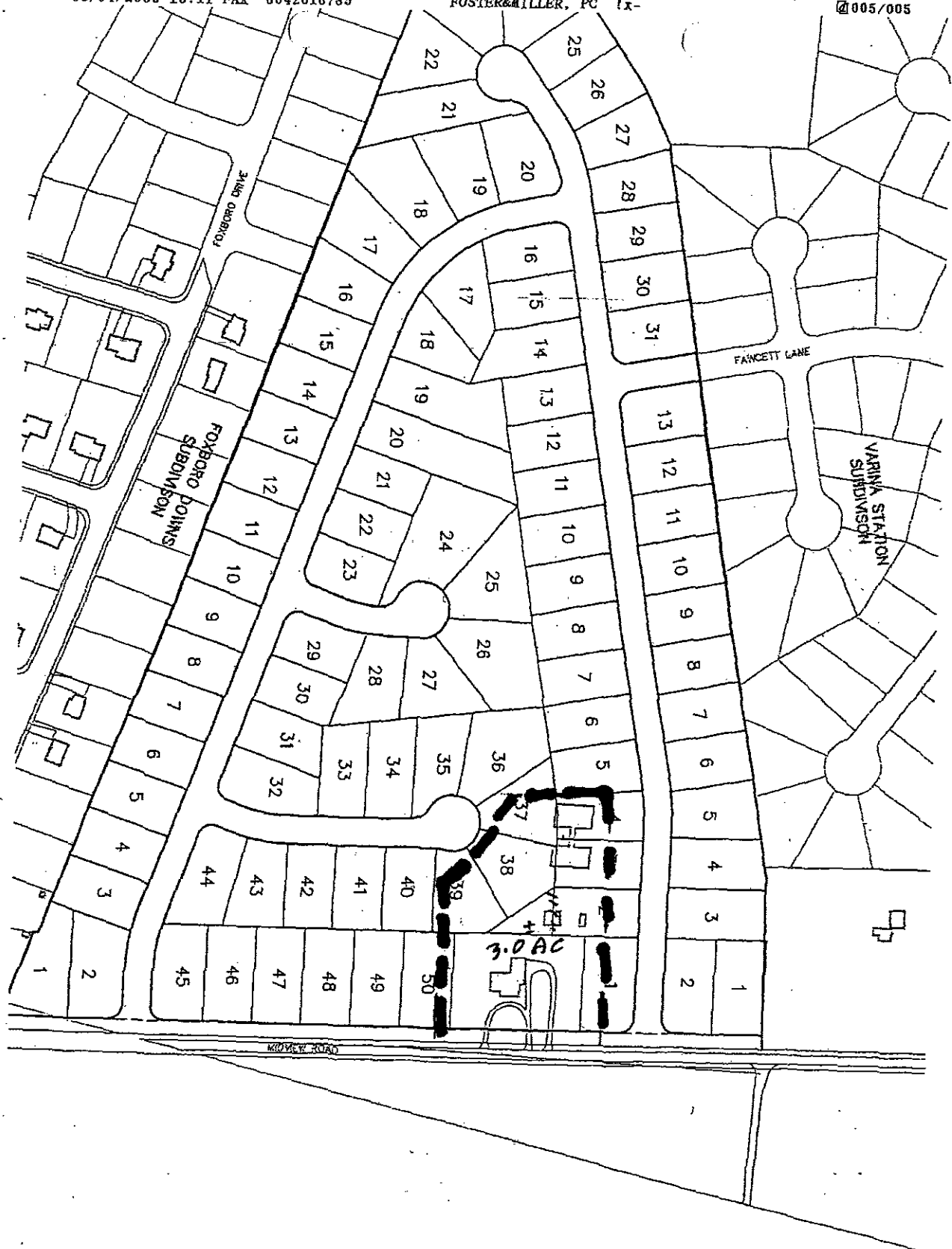
19. **Existing Dwelling**. The existing dwelling will not be bound by proffers concerning architectural requirements, size, driveways, or garages. The existing dwelling shall not be counted toward the total number of lots allowed.
20. **Midview Road**. All dwellings located adjacent to Midview Road shall be oriented to face Midview Road.
21. **Midview Road Improvements**. The owner shall install pavement widening with curb & gutter to widen Midview Road adjacent to the property to its ultimate width, as determined by the Director of Public Works. This construction will be included with the construction plans for each section.
22. **Front Yard Setbacks along Midview Road**. Front yard setbacks for houses fronting on Midview Road will be in addition to the required 25-foot setback from a minor collector road.
23. **Entrance Feature**. One (1) entrance sign will be placed at each entrance to Midview Road. These signs will have stone or brick foundations and be similar to the sign in Exhibit 'C' (see case file). The entrance sign will be included in the Landscape Plan for approval by the Director of Planning.
24. **Lot Width**. The minimum lot width at the front setback line shall be eighty five (85) feet.

The Planning Department 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. Elaine M Ogburn
Ms. Dorothy O. Wood
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal, Director, Research and Planning



C-17C-05

LAYOUT PLAN
MIDVIEW

HENRICO COUNTY

FOSTER & MILLER, P.C.
 ENGINEERS • SURVEYORS • PLANNERS
 1670 MOUNTAIN ROAD
 GLEN ALLEN, VIRGINIA 23060
 (804) 261-8764 • FAX (804) 261-8785



EXHIBIT B (1) C-17C-05



EXHIBIT B (2)

C-17C-05



EXHIBIT B (3)

C-17C-05



EXHIBIT B (4)

C-17C-05



EXHIBIT B (5)

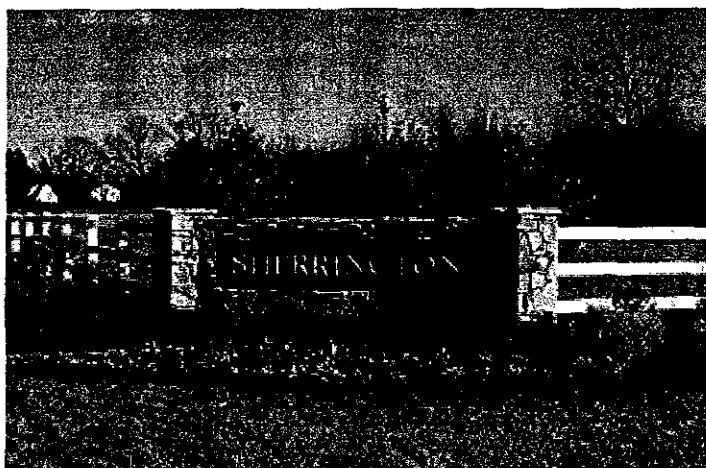


EXHIBIT 'C'