

A-1

Parcel D
A-1 to A-1C
13.7 Ac.

A-1

Parcel C
A-1 to C-1C
4.67 Ac.

Parcel A
A-1 to R-2AC
569.6 Ac.

A-1

A-1

A-1

A-1

Parcel B
A-1 to B-2C
28.2 Ac.

ZONING

Single Family Residential
and Neighborhood Retail

Ref. 833-682-5297

C-18C-05

Varina District

0 1000 Feet

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



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 2, 2005

Mr. Robert M. Attack
Attack Properties, Inc.
4191 Innslake Drive, Suite 118
Glen Allen, VA 23060

Re: Conditional Rezoning Case C-18C-05

Dear Mr. Attack:

The Board of Supervisors at its meeting on July 26, 2005, granted your request to conditionally rezone property from A-1 Agricultural District to C-1C Conservation District (Conditional), A-1C Agricultural District (Conditional), R-2AC One Family Residence District (Conditional) and B-2C Business District (Conditional), Parcels 833-686-7681, 830-681-3665, 829-681-6852, 832-688-9219 and 833-682-5297, described as follows:

Parcel A

Beginning at a point on the east line of Turner Road intersected with the north line of New Market Road; thence N28°45'57"E for a distance of 1,492.40' to a point; thence in a northeasterly direction along a tangent curve to the right, having a radius of 385' and an arc length of 150', being subtended by a chord of N39°55'39"E for a distance of 149.05' to a point; thence N51°05'20"E for a distance of 952.12' to a point; thence N51°11'33"E for a distance of 957.23' to a point; thence S32°30'27"E for a distance of 950' to a point; thence N85°30'50"E for a distance of 226.56' to a point; thence S32°30'27"E for a distance of 329.46' to a point; thence S57°15'27"E for a distance of 1,056' to a point; thence N88°14'53"E for a distance of 182.12' to a point; thence N70°01'58"E for a distance of 415.07' to a point; thence N80°44'23"E for a distance of 155.10' to a point; thence N70°44'23"E for a distance of 224.40' to a point; thence N66°15'37"W for a distance of 151.80' to a point; thence N52°15'37"W for a distance of 515.46' to a point; thence N21°55'37"W for a distance of 422.14' to a point; thence N21°26'01"E for a distance of 791.06' to a point; thence N08°36'32"W for a distance of 296.16' to a point; thence N66°57'21"W for a distance of 205.45' to a point; thence N23°02'39"E for a distance of 226.91' to a point; thence N05°40'59"W for a distance of 997.90' to a point; thence

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N64°20'43"W for a distance of 420.59' to a point; thence N54°23'09"E for a distance of 276.94' to a point; thence N01°00'08"W for a distance of 700.04' to a point; thence N49°55'06"E for a distance of 732.84' to a point; thence N51°41'28"E for a distance of 810.04' to a point; thence S30°26'57"E for a distance of 877.72' to a point; thence S30°37'12"E for a distance of 395.91' to a point; thence N77°56'33"E for a distance of 545.31' to a point; thence N19°13'51"E for a distance of 639.50' to a point; thence S21°13'49"E for a distance of 57.57' to a point; thence S27°30'59"E for a distance of 10' to a point; thence S17°53'00"W for a distance of 268.27' to a point; thence S17°39'14"W for a distance of 112.65' to a point; thence S11°25'14"W for a distance of 216.80' to a point; thence S66°36'54"E for a distance of 50' to a point; thence S89°51'55"E for a distance of 302.50' to a point; thence S78°05'41"E for a distance of 115.22' to a point; thence S11°15'02"E for a distance of 857.87' to a point; thence S77°20'12"E for a distance of 458.67' to a point; thence S02°22'33"E for a distance of 129.95' to a point; thence in a southerly direction along a tangent curve to the right, having a radius of 567.94' and an arc length of 36.67', being subtended by a chord of S00°31'33"E for a distance of 36.67' to a point; thence N85°11'05"W for a distance of 204.47' to a point; thence S04°48'55"W for a distance of 352'± to a point in the center of the creek; thence along the center of the creek in a south westerly direction 985'± to a point; thence N58°25'22"W for a distance of 877'± to a point; thence N29°13'15"W for a distance of 210' to a point; thence S62°45'51"W for a distance of 488'± to a point in the center of the creek; thence along the center of the creek on a south easterly direction 1536'± to a point; thence S84°25'26"E for a distance of 583'± to a point; thence in a southerly direction along a non tangent curve to the left, having a radius of 260.24' and an arc length of 82.35', being subtended by a chord of S03°18'19"W for a distance of 82.01' to a point; thence in a southerly direction along a non tangent curve to the left, having a radius of 4,863.09' and an arc length of 183.40', being subtended by a chord of S06°50'26"E for a distance of 183.39' to a point; thence S07°55'16"E for a distance of 2,457.23' to a point; thence S68°55'08"W for a distance of 178.92' to a point; thence in a southwesterly direction along a non tangent curve to the left, having a radius of 1,198.26' and an arc length of 408.74', being subtended by a chord of S59°08'49"W for a distance of 406.76' to a point; thence in a southwesterly direction along a non tangent curve to the right, having a radius of 790.21' and an arc length of 17.30', being subtended by a chord of S50°00'07"W for a distance of 17.30' to a point; thence N00°25'46"W for a distance of 916'± to a point in the center of the creek; thence in a south westerly direction along the center of the creek for a distance of 473'± to a point; thence S20°25'46"E for a distance of 485'± to a point; thence N79°55'46"W for a distance of 125.67' to a point; thence S25°25'46"E for a distance of 217.80' to a point; thence N67°34'14"E for a distance of 20.56' to a point; thence S22°25'46"E for a distance of 95.59' to a point; thence in a southwesterly direction along a non tangent curve to the right, having a radius of 790.21' and an arc length of 149.17', being subtended by a chord of S62°00'05"W for a distance of 148.95' to a point; thence, in a westerly direction along a non tangent curve to the right, having a radius of 2,685.51' and an arc length of 1,294.31', being subtended by a chord of S81°12'59"W for a distance of 1,281.82' to a point; thence

in a westerly direction along a non tangent curve to the left, having a radius of 1,210.91' and an arc length of 546.98', being subtended by a chord of S82°04'59"W for a distance of 542.34' to a point; thence S69°08'34"W for a distance of 626.84' to a point; thence N72°51'57"W for a distance of 2,177.24' to a point; thence N47°34'48"E for a distance of 319.11' to a point; thence N50°04'25"W for a distance of 909.49' to a point; thence S40°48'48"W for a distance of 466.82' to a point; thence S39°10'20"W for a distance of 782.56' to a point; thence N63°35'21"W for a distance of 182.27' to a point; thence N67°24'11"W for a distance of 150.33' to a point; thence N63°35'21"W for a distance of 749.29' to the point of beginning; containing 569.6 acres more or less.

Parcel B

Commencing at a point intersected with Turner Road and New Market Road, thence in a south easterly direction along the north line of New Market Road, 0.4± mile to the "Point of Beginning"; thence N19°17'39"W for a distance of 162.79' to a point; thence N50°21'17"E for a distance of 631.91' to a point; thence S72°51'57"E for a distance of 2,177.24' to a point; thence in a westerly direction along a non tangent curve to the right, having a radius of 17,296.26' and an arc length of 292.03', being subtended by a chord of S69°37'35"W for a distance of 292.03' to a point; thence S70°06'37"W for a distance of 451.14' to a point; thence in a southwesterly direction along a non tangent curve to the left, having a radius of 168.23' and an arc length of 148.72', being subtended by a chord of S66°52'09"W for a distance of 143.92' to a point; thence S68°36'43"W for a distance of 79.24' to a point; thence in a westerly direction along a non tangent curve to the left, having a radius of 1,009.93' and an arc length of 51.81', being subtended by a chord of N73°07'11"W for a distance of 51.81' to a point; thence N74°35'21"W for a distance of 81.20' to a point; thence N15°24'39"E for a distance of 28' to a point; thence N87°01'21"W for a distance of 130.05' to a point; thence N74°35'21"W for a distance of 462.81' to a point; thence S15°24'39"W for a distance of 20' to a point; thence N74°35'21"W for a distance of 882.20' to a point; thence in a westerly direction along a tangent curve to the right, having a radius of 1,875' and an arc length of 59.42', being subtended by a chord of N73°40'53"W for a distance of 59.41' to the point of beginning; containing 28.20 acres more or less.

Parcel C

Beginning at a point on the east line of Turner Road, said point being 3551.75' north of the north line of New Market Road; thence N51°11'33"E for a distance of 113.06' to a point; thence in a northeasterly direction along a non tangent curve to the left, having a radius of 192.87' and an arc length of 94.39', being subtended by a chord of N37°09'14"E for a distance of 93.45' to a point; thence S32°30'27"E for a distance of 1,101.32' to a point; thence S85°30'50"W for a distance of 226.56' to a point; thence N32°30'27"W for a distance of 950' to the point of beginning; containing 4.67 acres more or less.

Parcel D

Commencing at a point on the east line of Turner Road, said point being 0.75± mile north of New Market Road, thence in a northeasterly direction along the southern boundary line

of Parcel 830-685-8382, 1584'± to the said "Point of Beginning"; thence N05°40'59"W for a distance of 1,267.58' to a point; thence N54°23'09"E for a distance of 135.01' to a point; thence S64°20'43"E for a distance of 420.59' to a point; thence S05°40'59"E for a distance of 997.90' to a point; thence S23°02'39"W for a distance of 226.91' to a point; thence N66°57'21"W for a distance of 156.85' to a point; thence S85°38'16"W for a distance of 229.69' to the point of beginning; containing 13.70 acres more or less.

The Board of Supervisors accepted the following proffered conditions, dated July 25, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

APPLICABLE TO ALL PARCELS

1. **Greenbelt Areas and Landscaping.** Greenbelt areas for landscaping, berms, natural open areas and scenic vistas will be provided a minimum of seventy (70) feet in width measured from the ultimate right-of-way of Route 5 and, on all B-2C zoned property, thirty-five (35) feet in width measured from the ultimate right-of-way of Longbridge Road, except to the extent necessary for utility easements, bicycle paths, jogging trails, signage, sidewalks, fencing, access driveways for major project areas and other purposes requested and specifically permitted, or if required, at the time of subdivision approval and/or Plan of Development, or by any other governmental body, such greenbelt to be exclusive of rear or side yard requirements for residential lots. Landscape materials in all public areas shall, to the extent possible, be comprised of species indigenous to the area. Existing and/or supplemental vegetation shall be utilized within the greenbelt adjacent to residential lots along Route 5 to substantially mitigate the impact of Route 5 on such homes. To the extent reasonably practicable at the time of development, healthy, mature trees of a minimum of six inch (6") caliper shall be retained within the aforesaid greenbelt areas.
2. **Land Bay Master Plan.** At the time of submission of each tentative subdivision plan or Plan of Development, the Owner shall provide a "Land Bay Master Plan" for the land bay of which the requested tentative subdivision or Plan of Development is a part. The "Land Bay Master Plan" shall show:
 - a. The specific types and locations of all uses proposed for such land bay or portion of the land bay to the extent known;
 - b. A phasing schedule showing that adequate utilities, pedestrian accessways and roadways exist or will be constructed as part of the proposed development to serve the proposed uses or level of development within the land bay or portion of the land bay.

3. **Protective Covenants and Restrictions.** 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. Such document shall address responsibility for maintenance of buffers and common areas.
4. **Historical Findings; Preservation of Historic Fort Southard.** The developer agrees to consult with Henrico County Recreation and Parks on any historical findings as development progresses. If historical findings are discovered by the developer, Recreation and Parks shall be given an appropriate time of not less than one week to view such findings. A site of approximately two (2) acres in size accessible to the public shall be reserved for the preservation of the breastwork fort known as Fort Southard on the Property. The site shall include a non-hard surface parking area and historical marker to commemorate the Fort. The developer shall consult with the Division of Recreation and Parks in the interpretation of the Fort.
5. **Median Landscaping.** Landscaping shall be provided within any grassy medians or islands within the Property, subject to any required governmental approvals.
6. **Underground Utilities.** Except for junction boxes, meters, transmission mains and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
7. **Public Utilities.** The public water and wastewater systems shall be used. Septic systems are prohibited. However, other water sources may be put to non-potable use such as, but not limited to, irrigation.
8. **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.
9. **Conceptual Site Plans and Elevations.** Development of the Property shall be in general conformance with (i) the site plan entitled "Overall Site Plan, (ii) the plan entitled "Entrance & Amenity Plan", (iii) the elevation entitled "The Manor House", and (iv) the elevation entitled "The Stable, A Pool Cabana" filed herewith, unless otherwise requested and specifically approved at the time of subdivision plan or Plan of Development. The entrance to the manor house shall include a planted median approximately forty (40) feet in width and three

hundred (300) feet in length, unless otherwise requested and specifically approved at the time of subdivision plan or Plan of Development.

10. **Curb and Gutter.** All rights-of-way within the Property shall have six (6) inch standard curb and gutter unless otherwise directed or prohibited by any governmental agency and shall meet Henrico County standards.
11. **No Vehicular Access to Turner Road.** There shall be no vehicular access to or from Turner Road except as may be required by the County of Henrico at the time of subdivision approval.
12. **Transportation Improvements.** Developer shall make the following transportation improvements at its expense, and shall dedicate the necessary rights-of-way which are a part of the Property where the Department of Public Works determines that needed rights-of-way do not exist:
 - a. Relocate, subject to the approval of the Department of Public Works and the Virginia Department of Transportation, the intersection of Longbridge Road and New Market Road east of its current location in the general vicinity shown on the "Overall Site Plan";
 - b. Construct a four lane cross section along Longbridge Road from New Market Road to Site Drives #4 and #6 as such are identified in the "Traffic Impact Analysis Report for the Camp Hill Development" prepared by Ramey Kemp & Associates of Richmond, Inc. dated April, 2005 (the "TIA");
 - c. Construct one eastbound left turn lane on Longbridge Road at Site Drive #4 as shown in the TIA;
 - d. Construct one southbound right turn lane on Longbridge Road at Site Drive #4 as shown in the TIA;
 - e. Construct one eastbound left turn lane on New Market Road at Longbridge Road;
 - f. Construct one westbound right turn lane on New Market Road at Long Bridge.

The timing of the construction of the proffered transportation improvements shall be determined at time of subdivision plan and/or Plan of Development for each Land Bay as shown in the Land Bay Master Plan.

APPLICABLE TO R-2AC PROPERTY

13. **Overall Density.** Density shall not exceed 1.2 lots per acre on the R-2AC Property.
14. **Phasing.** The developer shall not request nor be entitled to receive Certificates of Occupancy on the Property prior to January 1, 2006. The developer shall not request nor be entitled to receive Certificates of Occupancy for more than 100 residential units on the Property per year beginning January 1, 2006 on a cumulative basis.
15. **Paved Parking.** All driveways on each individual subdivision lot shall be paved within six (6) months following receipt of a certificate of occupancy. The type of pavement may include asphalt, concrete, aggregate materials, and brick or stone pavers.
16. **Chimneys; No Cantilevering.** There shall be no cantilevered features including, but not limited to, bay windows and chimneys. The exposed portions of all fireplace chimneys shall be of brick, stone or, if the building is primarily sided with exterior insulating finishing systems ("E.I.F.S."), then E.I.F.S. The exposed bases of all chimneys shall be of the same material as the building foundations.
17. **Foundations.** All homes shall be constructed on a crawl space with brick or stone foundations on all exterior sides. The exterior portion of a building below the first floor elevation which is visible above grade shall be finished with brick or stone. Foundation plantings shall be provided.
18. **Home Size.** Except as provided in Proffered Condition 22 below, homes shall have a minimum of two thousand four hundred (2,400) square feet of finished floor area.
19. **Yards.** Front and side yards shall be sodded and irrigated, exclusive of mulched flowerbeds and landscaping.
20. **Street Trees.** The neighborhood shall have a street tree landscape plan in which trees shall be planted on the front of each lot and the side yard of any corner lot upon home completion at an average spacing of fifty (50) feet between trees. All street trees shall be a minimum of two and one-half (2 1/2) inch caliper at the time of installation.

21. **Mail Boxes and Lamp Posts.** All improved lots shall be required to have a post lamp and a mail box with supporting post of design and installation as specified in the Subdivision's Covenants and Restrictions.
22. **Garages.** Each home shall have a minimum of a two-car garage, with fifty (50) percent of such garages being side- or rear-loaded. Any front-loading garages shall be set back a minimum of five (5) feet from the front plane of the home and shall have a decorative door. A minimum of fifty (50) percent of homes having a front-loading garage shall have a minimum of two thousand seven hundred (2,700) square feet of finished floor area. The developer shall maintain a record of the aforesaid and shall provide such list when and as requested by the County.
23. **Landscaping/Buffer/Fencing/Shutters Along Turner and Yahley Mill Roads.**
A landscaped/buffer area shall be provided as follows:
 - a. a minimum of ten (10) feet in width, exclusive of yard requirements, measured from the ultimate right-of-way of Turner Road, except to the extent necessary for utility easements, bicycle paths, jogging trails, signage, sidewalks, fencing, and other purposes requested and specifically permitted, or if required, at the time of subdivision approval, or by any other governmental body.
 - b. That portion of the buffer area set out in Proffer 23.a. above beginning at Route 5 and Turner Road and extending northward approximately one thousand six hundred forty-two (1,642) feet shall be left in a natural state, except for removal of fallen, diseased or dead plant growth, and for supplemental plantings, or as set forth above.
 - c. That portion of the buffer area set out in Proffer 23.a. above beginning at the end of the natural buffer set out in Proffer 23. b. above and extending to the northwest property line shall have a four- (4) rail, vinyl fence located approximately ten (10) feet from the ultimate right-of-way of Turner Road, with supplemental plantings provided in the buffer, such plantings to be determined at the time of Landscape Plan review.
 - d. Along Yahley Mill Road where lots are ten (10) feet or less from the ultimate right-of-way of Yahley Mill Road, a minimum of ten (10) feet in width, exclusive of yard requirements, except to the extent necessary for utility easements, bicycle paths, jogging trails, signage, sidewalks, fencing, and other purposes requested and specifically permitted, or if required, at the time of subdivision approval, or by any other governmental body, with supplemental plantings provided in the buffer, such plantings to be determined at the time of Landscape Plan review.

- e. Homes immediately backing up to Turner Road and Yahley Mill Road shall have shutters on the rear windows where architecturally compatible with the design of the house.
- 24. **Architecture.** All homes shall include Colonial, New England Colonial, or Georgian features which could include, but are not limited to, design elements such as shutters, chimneys, columns, front porches, dentil molding and dormers, such features being similar to those features shown in the elevations filed herewith, unless otherwise approved at the time of subdivision plan.
- 25. **Amenities.** Amenities shall include, but not be limited to, paths for jogging/biking/equestrian purposes, two swimming pools, water jets, shade structure, cabana with attached picnic pavilion, garden pavilion, recreational fields and children's tot lot. Completion of construction for the Manor House shall be within twelve (12) months of the date of issuance of the first Certificate of Occupancy for a home on the Property, and completion of construction of the pools and cabana area shall be on or before the issuance of the two hundredth (200th) Certificate of Occupancy for homes on the Property. Entrance features shall be provided at each entrance off Longbridge and Yahley Mill Roads.
- 26. **Exterior Materials.** Exterior wall materials (exclusive of windows and doors) that may be used are brick, stone, cultured stone, high-grade vinyl (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature), composite-type siding, cementitious siding (e.g. Hardiplank) or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of subdivision plan or Plan of Development. Twenty-five (25) percent of all homes, in the aggregate, shall have all brick fronts, excluding windows, doors, breezeways and architectural design features. All homes utilizing all brick on the front elevation shall have the brick wrap at least twelve (12) inches around the corner of the side elevation. Applicant shall maintain a record of the number of brick-front homes and shall provide such list when and as requested by the County.
- 27. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:

- a. Storm water management and/or retention areas;
- b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
- c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
- d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance").

The Owner shall, prior to Plan of Development or subdivision approval for areas that include such flood plain, apply to rezone such portions of the Property to a C-1 Conservation District.

The location and limits of such portion(s) of said Property shall be established by Plan(s) of Development and/or subdivision plats approved pursuant to the Zoning and/or Subdivision Ordinance.

28. **Transportation Improvements.** Developer shall construct one eastbound left turn lane on New Market Road at Site Drive #8 as shown in the TIA, at its expense, and shall dedicate the necessary rights-of-way which are a part of the Property where the Department of Public Works determines that needed rights-of-way do not exist. Timing of construction of the turn lane shall be determined at time of subdivision plan of the Land Bay containing Site Drive #8 as shown in the Land Bay Master Plan.

APPLICABLE TO B-2C ZONED PARCEL(S)

29. **Prohibited Uses.** The following uses shall be prohibited:

- a. billiard, bagatelle, video game or a bingo parlor;
- b. flea markets or antique auctions;
- c. billboards;
- d. funeral homes, mortuaries, crematories and/or undertaking establishments;
- e. dance halls;
- f. attention getting devices;
- g. truck stops;
- h. gun shop, sales and repair;
- i. hotels, motels and motor lodges;

- j. communication towers;
 - k. general hospitals, sanatoriums and charitable institutions for human care;
 - l. massage parlors;
 - m. parking garages or commercial parking lots;
 - n. sign painting shops;
 - o. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;
 - p. adult business as defined in the Henrico County Zoning Ordinance;
 - q. establishments whose primary business is check 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, savings and loans or similar financial institutions that *are not regulated by the foregoing Virginia Code sections*);
 - r. private club, lodge, meeting hall and fraternal organizations;
 - s. self-service storage facilities;
 - t. recycling collection facilities;
 - u. drapery making and furniture upholstery shops;
 - v. lawnmower, yard and garden equipment rental, sales and service;
 - w. laundromats and self service dry cleaning establishments; and
 - x. automotive repair facilities.
30. **Detached Signage.** Any detached signs shall be compatible with the architectural design of the principal buildings.
31. **Exterior Materials/Architecture.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade) of brick, wood, E.I.F.S., high-grade vinyl (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature), cementitious siding (e.g. Hardiplank), composite-type siding, or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum or metal, unless otherwise specifically approved at the time of Plan of Development. Roofs shall be constructed of slate, simulated slate, standing seam metal or textured fiberglass shingles or cedar shakes, concrete or composition shingles. Any canopies over fuel pumps shall be of the same architectural design and

materials as the principal building. All buildings on the B-2C-Zoned Property shall be of Colonial, New England Colonial or Georgian style in appearance.

32. **Parking Lot Lighting.** Parking lot lighting shall be produced from a combination of concealed sources of light and ornamental lighting of colonial lantern design. Parking lot lighting standards shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard and shall be positioned in such a manner as to minimize the impact of such lighting offsite.
33. **Refuse and Containers.** Except for gates and doors, all screening for refuse containers/dumpsters shall be constructed of brick. Gates and doors shall be opaque, substantial, and oriented to minimize views of the enclosures from public rights-of-way, unless otherwise requested and approved at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development. Concrete pavement shall be used where the refuse container pad and apron are located.
34. **Trash Removal/Parking Lot Cleaning.** Pick up of refuse and parking lot cleaning shall be limited to the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday.
35. **Canopy Lighting.** Canopy lighting over any fuel pumps shall be recessed, flat lens fixtures. Light fixtures shall be of the type that conceals the direct source of light.
36. **Outside Display of Merchandise.** No ice, soda, candy or snack machines shall be permitted on the side of the buildings facing Route 5 and Long Bridge Road. The outside display of merchandise is restricted to store operation hours, except in conjunction with special promotions, ceremonies, seasonal activities or inclement weather conditions. No outside storage shall be permitted unless screened in a manner acceptable at the time of Plan of Development.
37. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the Property lines in a manner approved at the time of Plan of Development.
38. **Public Address.** No outdoor public address, paging or speaker system outside of any building, other than an intercom system which is not audible at the Property lines, shall be permitted.
39. **Retail Restriction.** Upon full development of the B-2C Parcel, the B-2C Parcel shall have two (2) or more users exclusive of outparcel users, the intent being

to promote a coordinated development of multiple users rather than the use of the B-2C Parcel by a single, large retailer.

40. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:
- a. Storm water management and/or retention areas;
 - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
 - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance").

The Owner shall, prior to Plan of Development or subdivision approval for areas that include such flood plain, apply to rezone such portions of the Property to a C-1 Conservation District.

The location and limits of such portion(s) of said Property shall be established by Plan(s) of Development and/or subdivision plats approved pursuant to the Zoning and/or Subdivision Ordinance.

41. **Transportation Improvements.** Developer shall make the following transportation improvements at its expense, and shall dedicate the necessary rights-of-way which are a part of the Property where the Department of Public Works determines that needed rights-of-way do not exist:
- a. Construct one eastbound left turn lane on New Market Road at Site Drive #7 as shown in the TIA;
 - b. Construct one westbound right turn lane on New Market Road at Site Drive #7 as shown in the TIA;

- c. Construct one westbound left turn lane on Longbridge Road at Site Drive #6 as shown in the TIA; and
- d. Limit Site Drive #5 as shown in the TIA to right-in, right-out maneuvers only.

The timing of the construction of the proffered transportation improvements shall be determined at time of Plan of Development for each B-2C use.

APPLICABLE TO C-1C ZONED PARCEL

42. **Permitted Uses.** Except as provided below, access drives, parking area for Fort Southard (non-hard surface) utility easements, signage, walkways and passive recreational facilities installed in a manner to minimize their impacts shall be the only uses permitted. However, such additional uses to the aforesaid uses may be permitted as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance").

APPLICABLE TO A-1C ZONED PARCEL

43. **Permitted Uses.** Only the following uses shall be permitted:
- a. Storm water management and/or retention areas;
 - b. Ponds, lakes, landscaping and similar areas intended as aesthetic and/or passive recreational amenities and/or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways and passive recreational facilities installed in a manner to minimize their impacts;
 - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance"); and
 - e. to the extent all necessary governmental approvals are obtained, a riding club or private non-commercial stable, with no more than fifteen (15) horses being stabled, with the location of any such stable generally being in the northern quadrant of the A-1C parcel, the exact location of

M. Robert M. Atack
August 2, 2005
Page 15

which to be determined at the time of Plan of Development. No horse shows shall be permitted. Manure collected from any stable will be, prior to removal, stored on a covered, concrete slab.

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: Mr. Danny R. and Mrs. Christine J. Paxton
A. B. Harrelson, Trustee
KCA/Camp Hill Investments, LC and ECVAZBB, LLC
Kornblau/Eagle CHW Investments, L.C. and Watkins-Varina, LC
James W. Theobald, Esq.
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal, Director, Research and Planning



SIX MILES OF
NATURAL BRIDLE PATHS



HISTORIC PRESERVATION—
FORT SOUTHARD



200 ACRES OF
COMMON AREAS



ENCOMPASSING SLIGHTLY MORE THAN
600 ACRES OF GENTLE WOODLANDS

Overall Site Plan



The Ridings
AT WARNER FARM

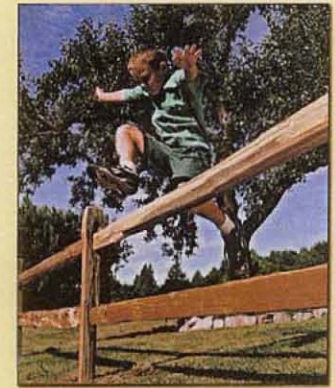
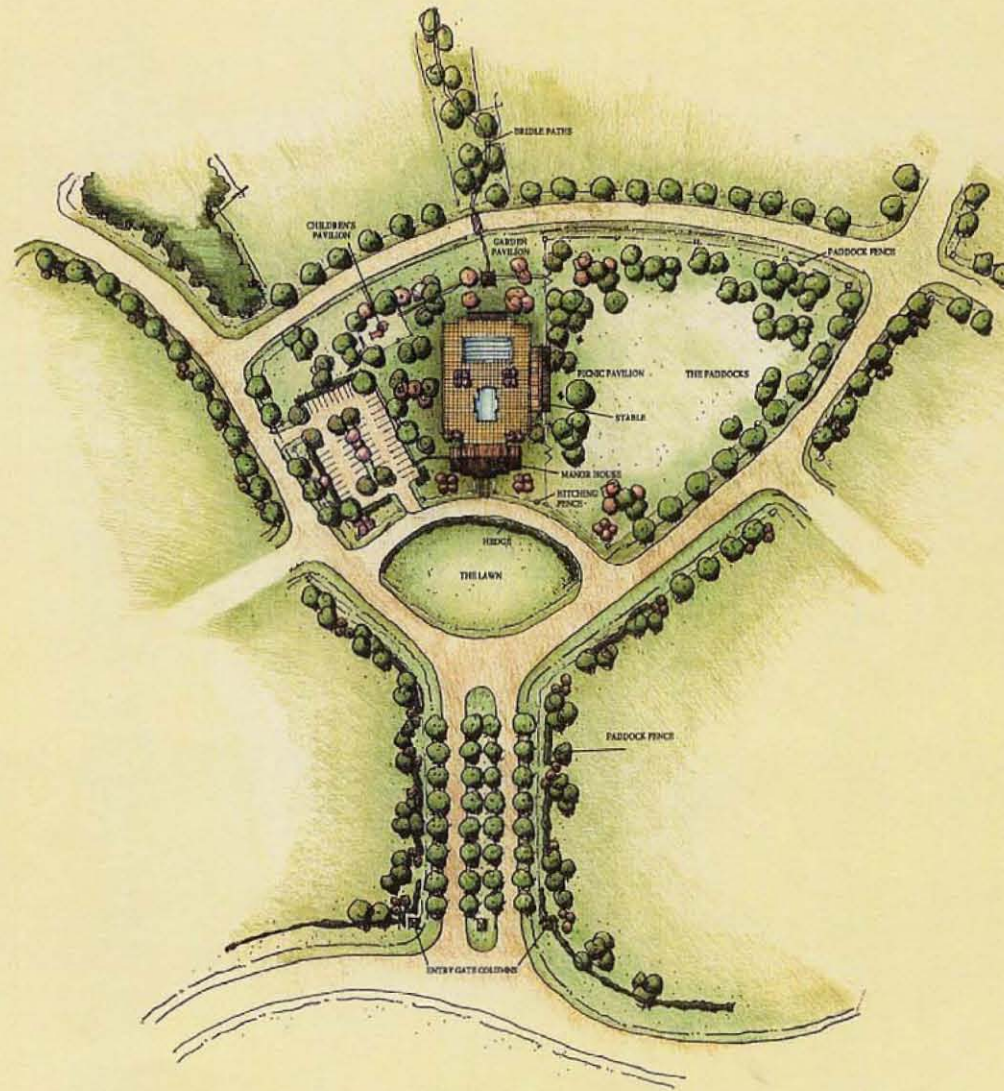
ATAK
PROPERTIES

C-18C05



LAVISH AMENITIES INCLUDE:

- Seven+ Acres Community Center
- Two Pools—Resort-Style and Multi-Lane Competition Pools
- Tot Pop Jets
- The Stable—Shelter & Shade
- Garden Trellis & Pavilion
- The Paddocks—Playing Fields
- Children's Pavilion



Entrance & Amenity Plan



The Ridings
AT WARNER FARM

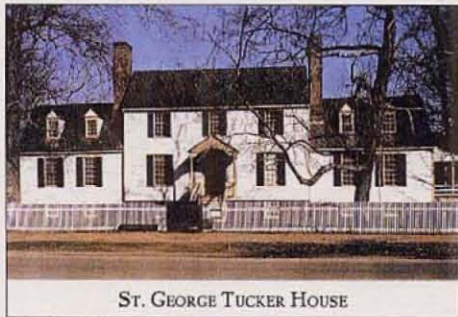
ATAK
PROPERTIES

C-18C-05

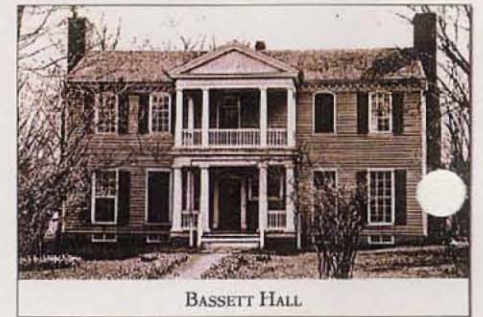


The Manor House

OVER 5,000 SQUARE FEET



ST. GEORGE TUCKER HOUSE



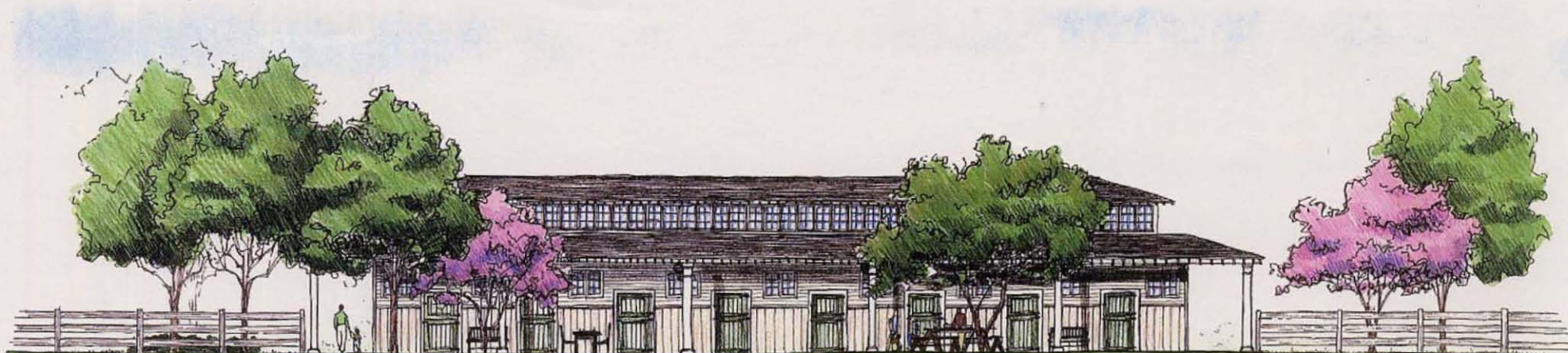
BASSETT HALL



The Ridings
AT WARNER FARM

 **ATAK**
PROPERTIES

C-18C-05



The Stable-A Pool Cabana
30' WIDE BY 100' LONG



The Ridings
AT WARNER FARM

ATAK
PROPERTIES

C-18C05