

A-1 to R-6C
118 Ac.

County of
Hanover

Chickahominy River

R-2AC

Prop.
Sweetbay Hill

A-1

A-1

A-1

R-2AC

A-1

R-2C

R-2AC

R-2A

R-2A

ZONING

Townhouses / Condominiums

Ref. 777-773-0724

C-37C-05

Brookland District



July 2005

0 800 Feet





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 16, 2005

Mr. Henry L. Wilton
Wilton Development Corp.
4901 Dickens Road, Ste. 101
Richmond, VA 23230

Re: Conditional Rezoning Case C-37C-05

Dear Mr. Wilton:

The Board of Supervisors at its meeting on August 9, 2005, granted your request to conditionally rezone property from A-1 Agricultural District to R-6C General Residence District (Conditional), Parcels 775-770-7996, 776-771-2769, 777-773-0724, and part of Parcels 775-772-3794, 776-771-1032, 777-772-0070, 777-771-7377, 778-772-1405, and 777-772-8651 as follows:

LEGAL DESCRIPTION

Beginning at the intersection of the west line of Bent Pine Road and the north line of Greenwood Road; thence along the northern line of Greenwood Road N 49°40'30" W for 557.40 feet to a point; thence leaving Greenwood Road N 39°42'42" E for 380.34 feet to a point; thence N 49°40'30" W for 81.72 feet to a point; thence N 45°59'40" W for 756.42 feet to a point; thence S 48°26'45" W for 433.00 feet to a point on the north line of Greenwood Road; thence along the north line of Greenwood Road N 51°05'04" W for 92.68 feet to a point; thence leaving Greenwood Road N 46°37'00" E for 505.74 feet to a point; thence N 42°45'43" W for 125.00 feet to a point; thence N 46°37'07" E for 1908.76 feet to a point; thence S 45°17'20" E for 125.00 feet to a point; thence N 46°37'00" E for 922'± to a point; thence 1338'± along the Chickahominy River to a point; thence S 14°21'06" W for 976'± to a point; thence S 54°31'32" E for 364.84 feet to a point; thence S 19°19'24" W for 31.22 feet to a point; thence S 54°35'30" E for 194.72 feet to a point; thence S 19°19'24" W for 615.06 feet to a point; thence S 70°40'36" E for 412.90 feet to a point; thence S 19°19'24" W for 441'± to a point; thence 1014'± along a branch to a point; thence N 15°21'21" E for 287'± to a point; thence N 58°34'00" W for 319.88 feet to a point; thence N 31°26'00" E for 368.13 feet to a point; thence N 9°30'17" E for 425.78 feet to a point; thence S 57°40'06" W for 345.34 feet to a point; thence N 58°34'00" W for 38.33 feet

to a point; thence S 31°26'00" W for 85.28 feet to a point; thence N 58°34'00" W for 300.00 feet to a point; thence S 31°26'00" W for 750.00 feet to a point; thence S 58°34'00" E for 299.87 feet to a point; thence S 31°26'00" W for 712.05 feet to a point; thence N 49°40'30" W for 236.07 feet to a point; thence S 40°19'30" W for 350.00 feet to a point; thence S 49°40'30" E for 290.83 feet to a point; thence S 31°26'00" W for 65.79 feet to the point of beginning and containing 118± acres more or less.

The Board of Supervisors accepted the following proffered conditions, dated August 2, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Age Restriction:** Except as otherwise prohibited by the Virginia Fair Housing Law, as it may be amended, the federal Fair Housing Law and such other applicable federal, state or local legal requirements, residential development on the Property shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law.
2. **Trash Service.** Trash pick up service shall be provided for each unit and shall not commence before 9:00 a.m. or extend beyond 9:00 p.m.
3. **Underground Utilities:** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reason, all utility lines shall be underground.
4. **Sidewalks.** Sidewalks four (4) feet in width shall be provided along one side of all roads within the development.
5. **Sodding of Yards:** Any area that is not mulched or a tree save area shall be sodded and irrigated.
6. **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. Gas or ornamental fireplaces may be wall-vented within chimneys; however, such vented enclosures shall not be cantilevered and must have a base to match the foundation.
7. **Architectural Quality.** Roofing shall be Class A (fire and wind protection rated by Underwriter Labs) fiberglass asphalt roof shingle material - three tab, mid-weight shingles, self-sealing adhesive tab or an equivalent material that has a thirty (30) year life and associated warranty. Vinyl siding shall have long-lasting strength, resilience and resistance to everyday wear and tear. The vinyl shall have an anti-weatherization design.

8. **Amenities Package.** The construction of the Community Building shall begin simultaneously with the construction of the development. Certificates of Occupancy for no more than 35 units shall be issued until the construction of the Community Building is complete. The pavilion shall contain the following: a minimum of 4,000 square feet of finished space, a large gathering room, kitchen facilities, an indoor pool and locker rooms with restrooms and showers. All residents shall have access to the Community Building and associated amenities provided their Association Assessments/Dues are current. The Community Building shall be built in substantial conformance to Conceptual Exhibit C (see case file).
9. **Open Space along Chickahominy River:** Open space shall be improved along the Chickahominy River for passive recreation to include benches, walking trails and a gazebo as topography of the land allows.
10. **Access.** There shall be no road access to the development from Bent Pine Road, Ryall Road, or Winfrey Road or any adjoining neighborhoods.
11. **Emergency Access:** In addition to the main entrance, there shall be an emergency access with the location to be determined at the time of POD review.
12. **Recreational Vehicles.** A special parking area shall be provided for and required for recreational vehicles and boats. The recreational vehicle and boat parking area shall be screened in a manner approved at the plan of development review.
13. **Minimum Unit Size.** The minimum unit size of finished floor area shall be 1100 square feet.
14. **Building Setbacks:** A minimum setback of twenty (20) feet in depth shall be provided in the front and rear of each building so as to provide forty (40) feet of space between the front and rear of each building.
15. **Parking.** Each unit shall have 2.25 parking spaces excluding space contained in a garage. Each unit shall contain a two-car attached garage.
16. **Paved Drives.** Each driveway in the Development shall be hard surface and may be of asphalt, concrete or aggregate materials.
17. **Lighting.** Street lighting fixtures shall be constructed and maintained along the private roadway system within the property and shall not exceed fifteen (15) feet in height.

18. **Road Standards.** All private roads within the Development shall be thirty (30) feet wide back of curb to back of curb with a three (3) foot planting strip on each side for a total of thirty-six (36) feet. Three (3) foot roll top curb and gutter shall be provided and constructed to Henrico County Public Road Standards. Prior to the issuance of a final Certificate of Occupancy for any unit, the developer shall provide the Planning Office certification from a licensed geotechnical engineering firm that the roadways and parking areas within the development were constructed according to the approved plan and in compliance with Henrico County road design standards and specifications to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface or a bond shall be provided to Henrico County for items not yet completed.
19. **Tree Save Area.** A tree save area containing approximately 5.5 acres, being 1908 feet in length and 125 feet in width, shall be preserved in its natural state along the property line shared with the property with GPIN 775-772-3794. Trees shall be preserved within the area except for drainage and utility easements, and emergency access roads which may pass through the area in a generally perpendicular manner (unless currently existing). No buildings of any kind may be placed in the tree save area. Any fencing in the area shall be constructed on the eastern border of and outside of the tree save area. Exceptions to disturbing the tree save area shall be determined by the Planning Commission at the time of POD review. The homeowners association shall not be responsible for maintaining the tree save area.
20. **Fencing.** There shall be a six (6) foot white vinyl fence lattice-top around the perimeter of the property except along the Chickahominy River, through wetlands or along the emergency access. No other fencing shall be allowed on the property except for invisible fencing within designated areas in the rear yards of individual units.
21. **Sound and Fire Suppression Measures.** A minimum Sound Transmission Class (STC) of 55 shall be achieved on all interior fire walls of connected units within the development with walls designed in accordance with the Fire Resistance/Sound Control Design Manual published by the Gypsum Association. The wall shall extend all the way to the roof and shall have a two hour fire rating. A typical common wall section shall be shown on the architectural drawings for each attached unit/building showing the construction techniques to be used and submitted to the Building Official's office at the time of building permit approval in order to obtain a typical STC.
22. **Use Restrictions:** Principal uses permitted on the Property shall be those uses permitted in the R-6 zoning district, except that the following uses shall not be permitted:

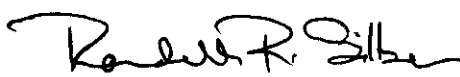
- a. Child care centers;
 - b. Apartments;
 - c. Nursing Homes; or
 - d. Assisted living facilities.
23. **Entrance Features.** The main entrance from Greenwood Road shall be complemented with landscaping and a brick, stone or stucco monument entrance feature. Landscaping at the entrance feature shall include sod and an irrigation system with a thirty five (35) foot landscaped buffer planted to the equivalent of a twenty five (25) foot transitional buffer adjacent to the ultimate right of way of Greenwood Road as determined by the Department of Public Works. The landscaped buffer shall be maintained by the Homeowner's Association. Entrance gates shall be constructed at the main entrance on Greenwood Road and shall be comparable to that shown on the plan entitled, "Illustrative Entrance Exhibit" (see case file), dated 6/21/05 by Koontz and Bryant. The entrance feature shall be constructed within the first Phase of the development. All proposed gates for vehicular access must be approved by the Fire Marshal prior to installation.
24. **Protective Covenants:** Prior to conveyance of the first unit, restrictive covenants describing development controls, architectural modification standards and maintenance responsibilities for all common areas within the development, including maintenance of the entrance features shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
25. **Condominium Act.** The property shall be developed under the guidelines of the Virginia Condominium Act.
26. **Severance:** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
27. **Location of Detached Units:** Single-family detached condominium units shall be the only unit type to be constructed within 150 feet of any existing single-family residential dwellings on adjoining property.
28. **Architectural Exhibits:** The architectural style of the units shall be built in substantial conformance to the renderings labeled Exhibit B (see case file).
29. **Outdoor speakers:** No public address or speaker systems outside of any building shall be permitted.
30. **Parks and Recreation:** The Owner agrees to convey to the County by General Warranty Deed with English Covenants of Title, in a form approved by the

County Attorney, if and when requested by the County, but no later than 90 days after zoning approval, and without cost to the County, 66 acres, more or less, being further described as Henrico County Parcel No. GPIN 775-772-3794 (the "Property"), less and except that portion of the Property included in Zoning Case C-37C-05, for park and recreational purposes. Upon rezoning, the County shall have the right to enter the property prior to the conveyance for engineering and survey purposes.

31. **Bent Pine Farm House:** If the Bent Pine Farm House on the property is to be modified or moved, the Division of Recreation and Parks shall be permitted, in a timely manner, to photo document the interior and exterior of the house and outbuildings. If the Bent Pine Farm House is to be demolished, the Division of Recreation and Parks staff shall be permitted, in a timely manner, to photo document the interior and exterior of the house and outbuildings and collect architectural features and archeological artifacts.
32. **Number of Units:** The maximum number of units developed on the Property shall be 400.
33. **Conceptual Plan:** The development shall be constructed comparable to that shown on the plan entitled, "Conceptual Plan Exhibit D" (see case file), dated 5/17/05 by Koontz and Bryant.
34. **Building Height:** The maximum building height for any building on the property shall be 35 feet.
35. **Construction Hours:** No land clearing, road or water/sewer line construction, or any construction of the exterior shell of any building shall occur before the hour of 7:00 a.m. Signs, in both English and Spanish, stating the construction hours shall be posted and maintained at all entrances to the Property prior to any land disturbance activities beginning.

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. William & Mrs. Jean Harris

Mr. Henry L. Wilton
August 16, 2005
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Mr. Phinehas & Mrs. Helen Wood
Mr. John & K.S. Koch, Jr.
Mr. William B. Duval
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning



PROPOSED ZONING: R-6C

SITE DATA		
TRACT	USE	D.U.
A	COTTAGE	16 +/-
B	COTTAGE	9 +/-
C	COTTAGE	35 +/-
D	COTTAGE	21 +/-
E	COTTAGE	14 +/-
F	DUPLEX	50 +/-
G	DUPLEX	20 +/-
H	TOWNHOUSE	47 +/-
I	TOWNHOUSE	28 +/-
J	TOWNHOUSE	10 +/-
K	MULTI-FAMILY	60 +/-
L	MULTI-FAMILY	54 +/-
M	MULTI-FAMILY	36 +/-
N	RECREATION	
R.W.	SPINE RD. R.W.	
O.S.	OPEN SPACE	
TOTAL UNITS		400

CONCEPTUAL
PLAN
EXHIBIT "D"

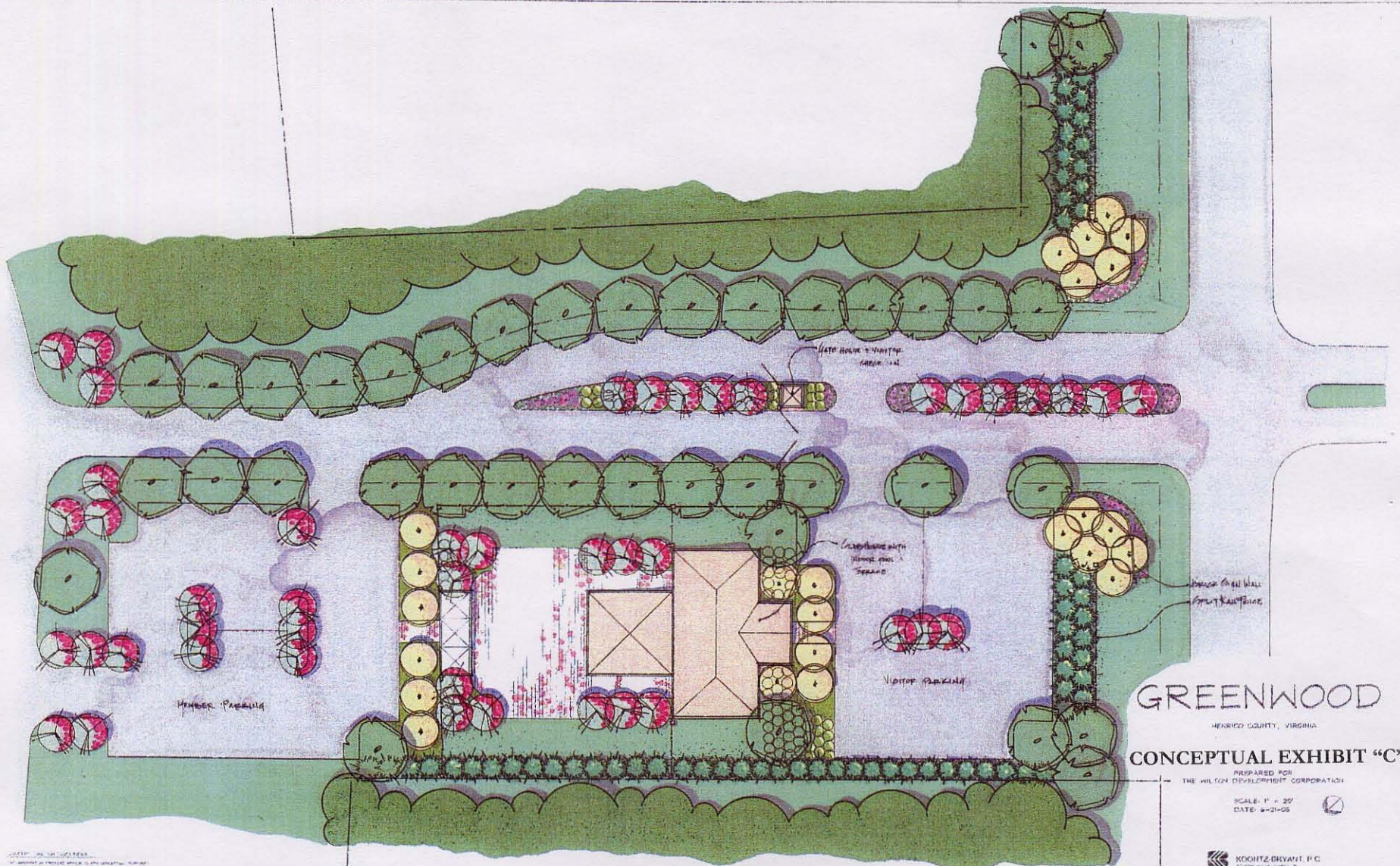
PREPARED FOR:
WILTON DEVELOPMENT

REVISIONS:
 1. 6/20/06 PARCELS & ROAD
 2. 6/20/06 PARCELS & ROAD
 3. 6/20/06 OPEN SPACE
 4. 7/29/06 PARCELS

DESIGNED BY: KOONTZ-BRYANT, P.C.
 1703 NORTON PARKWAY, SUITE 202
 WILSON, NC 27157
 (919) 242-2000 FAX (919) 242-1138
 info@koontz-bryant.com

BROOKLAND DISTRICT
 HENRICO COUNTY, VIRGINIA
 GREENWOOD
 REZONING EXHIBIT PLAN

DATE: MAY 17, 2006
 SCALE: 1" = 200'
 IN: 9071
 ZE-1



GREENWOOD

HENRICO COUNTY, VIRGINIA

CONCEPTUAL EXHIBIT "C"

PREPARED FOR
THE HILTON DEVELOPMENT CORPORATION

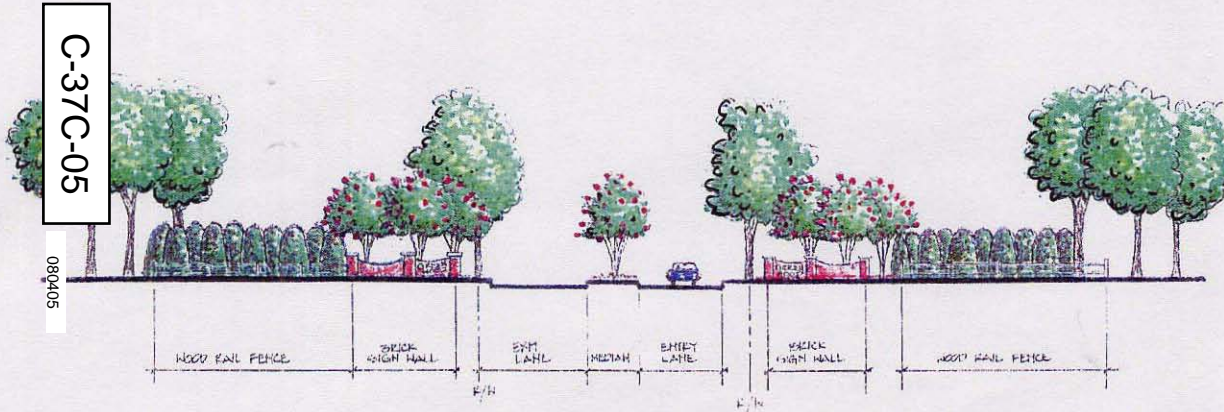
SCALE: 1" = 20'
DATE: 6-21-65

KOCHTZ-BRYANT, P.C.
ARCHITECTS
1000 W. BROAD ST.
RICHMOND, VIRGINIA 23220

NOT TO SCALE
THIS PLAN IS A CONCEPTUAL EXHIBIT AND IS NOT TO BE USED FOR CONSTRUCTION. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS. THE ARCHITECT'S SERVICES ARE LIMITED TO THE DESIGN OF THE BUILDING AND LANDSCAPE AS SHOWN ON THESE PLANS.



ELEVATION IN FRONT OF GATE HOUSE



C-37C-05

080405

ELEVATION AT MAIN ENTRANCE

GREENWOOD

HENRICO COUNTY, VIRGINIA

ILLUSTRATIVE ENTRANCE

EXHIBIT

PREPARED FOR
THE HUTTON DEVELOPMENT CORPORATION

SCALE: 1" = 30'
DATE: 6-21-05

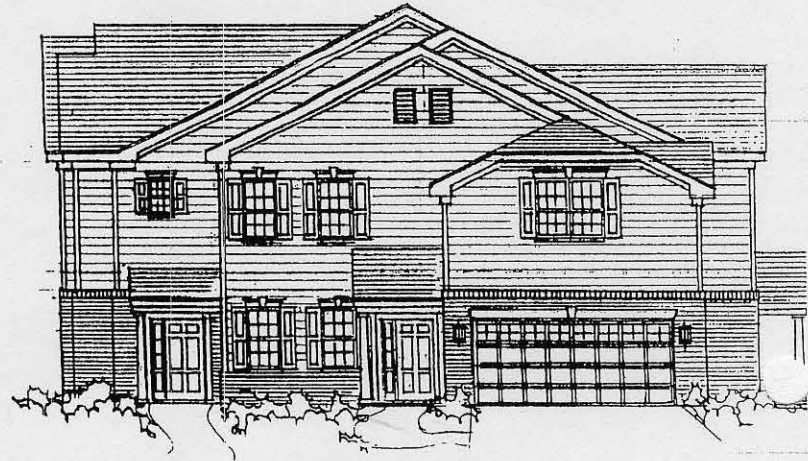


KOONTZ-BRYANT P.C.
ARCHITECTS
1000 COMMONWEALTH BLVD., SUITE 200
DALLAS, TEXAS 75201
TEL: 214.760.1234
WWW.KOONTZBRYANT.COM

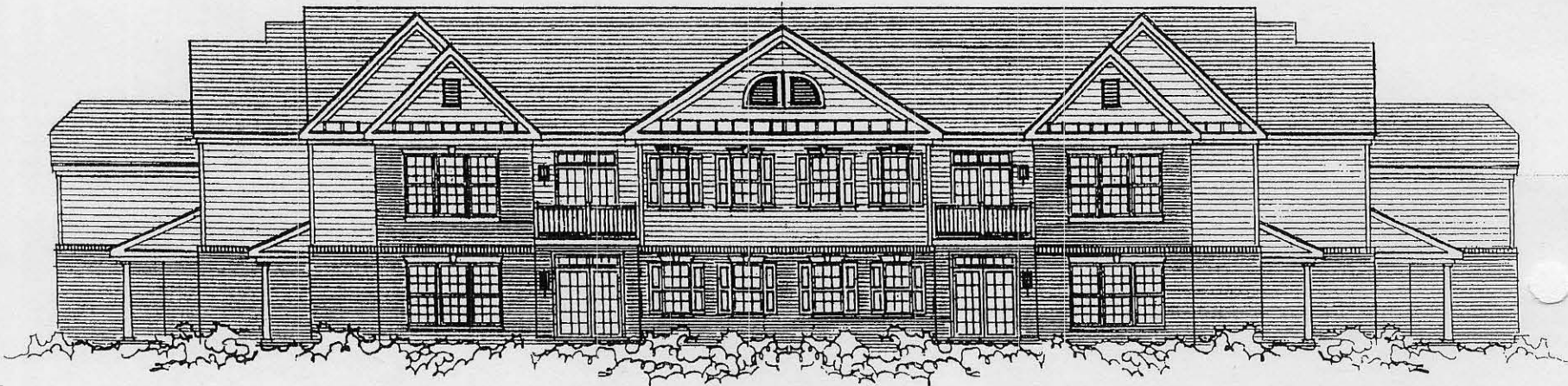
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RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION

EXHIBIT B

C-37C-05

Garden Condominiums

