



RTHC to R-2AC
1.079 Ac.

ZONING

Single Family
Residential Subdivision

Ref: 738-772-9227

C-58C-05

Three Chopt District





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

October 18, 2005

Shady Grove Co., Inc.
1801 Bayberry Court
Suite 100
Richmond, VA 23226

Re: Conditional Rezoning Case C-58C-05

Dear Sir:

The Board of Supervisors at its meeting on October 11, 2005, granted your request to conditionally rezone property from RTHC Residential Townhouse District (Conditional) to R-2AC One Family Residence District (Conditional), part of Parcel 738-772-9227, described as follows:

Beginning at a point on the south line of Grey Oaks park drive (55' right of way) said point having a coordinate value of N=3772433.03 and E=11739109.41 of the Henrico County GPS Monumentation and Control Project of June 2000; thence continuing along Grey Oaks Park Drive (55' right of way) along a curve to the left with a delta of 06°03'14", a radius of 1,073.54 and a length of 113.43' to a point; thence leaving the south line of Grey Oaks Park Drive (55' right of way) S 53°31'51" E, a distance of 187.03' to a point; thence S 31°46'51" E, a distance of 159.19' to a point; thence S 10°01'51" E, a distance of 193.18' to a point; thence N 36°00'00" W, a distance of 142.04' to a point; thence N 47°30'00" W, a distance of 365.91' to the point and place of beginning containing 1.079 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated August 30, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Maximum Density:** The maximum number of lots on the Property shall not exceed 2.0 units per acre in the aggregate. Any residual land that is reserved and would be combined with land adjacent to this Property to form a buildable lot would not be counted toward this density restriction.

2. **Chimneys and Flues:** The exposed portion of a chimney shall be constructed of brick, stone or an exterior insulating finish system. The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
3. **Exterior Materials:** At least fifty percent (50%) of all dwellings (including any attached garages) on the Property shall have at least fifty percent (50%) of their front exposed exterior walls (above finished grade) constructed of brick, stone, concrete board or exterior insulating finish systems unless different architectural treatment and/or materials are specifically requested and approved by the Director of Planning with respect to the exposed portion of any such wall.
4. **Driveways:** No driveway shall have direct access to Concept Road 17-1, as defined in Case No. C-16C-03. All driveways shall be constructed of exposed aggregate, asphalt, brick, concrete or pre-cast pavers, unless otherwise approved by the County.
5. **Underground Utilities:** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be underground.
6. **Entrance Feature:** The main entrance from Pouncey Tract 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.
7. **Restrictive Covenants:** Prior to or concurrent with the recordation of each subdivision plat approved by the County of Henrico, restrictive covenants describing development controls and maintenance responsibilities for all common areas within the subdivision, including maintenance of the entrance feature shall be approved by the Henrico County Attorney's office and recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
8. **Disclosure:** A written disclosure shall be made by the Applicant and/or by the Homeowner's Association to each buyer of a lot on the Property, which will (a) state that it is anticipated that Concept Road 17-1 will be fully constructed between Pouncey Tract Road and Nuckols Road and that all of the other roads, which are shown on the Neighborhood Plan (see case file) as being extended either through an adjacent parcel of land to a County road or to an adjacent County road, will be extended in the future, and (b) have attached thereto, a plat showing the extension of Concept Road 17-1 and the connection of such other roads (the "Subdivision Road Plan") (see case file). It is anticipated that the County shall approve the Subdivision Road Plan and the specific disclosure

language as generally shown below prior to the first subdivision approval on the Property.

Such disclosure shall be made within:

- a. The purchase contracts of the first buyer of each lot, which will be executed by each buyer.
- b. The Disclosure Packet, which, pursuant to Virginia Code Sections 55-508 through 55-516 requires that the Homeowner's Association prepare and make available to any seller of a lot, and that the seller deliver to the buyer of its lot (and the buyer acknowledge in writing that it received) the Disclosure Packet any time prior to, but no later than, three (3) days after the date that the buyer has executed a purchase contract to purchase its lot.
- c. The Restrictive Covenants on the Property.

The disclosure language shall include at least the following:

The buyer acknowledges that it is anticipated that Concept Road 17-1 and all of the other roads within the Subdivision, which are shown as being extended either through an adjacent parcel of land to a County road or to an adjacent County road on the Subdivision Road Plan, which is attached to this document as an Exhibit (see case file), will be extended in the future to provide the owners of lots within the Subdivision with safe and sufficient access to and from such County roads and the Subdivision. It is anticipated that the County, upon the development of such adjacent parcel(s), will require the referenced road extensions through such adjacent parcel(s).

9. **Planting Strip:** A planting strip of variable width no less than ten (10) feet shall be reserved adjacent to each of the right-of-way lines of Concept Road 17-1. The planting strip shall include greenspace and landscaping including street trees and a hedge row. The planting strip shall be irrigated.

The width of the planting strip shall be in addition to the dwelling setbacks required by the County.

A sidewalk and greenspace shall be provided along one (1) side of Concept Road 17-1, which sidewalk shall be on the same side of Concept Road 17-1 as the Recreation Area. The sidewalk shall be constructed in accordance with the standards adopted by the County of Henrico.

An illustrative drawing showing the general concept of the planting strip is attached as Exhibit A (see case file) to Case No. C-16C-03. The drawing is for illustrative purposes only and may vary in detail.

10. **Buffer:** A twenty-five (25) foot buffer adjacent to the ultimate right-of-way shall be provided for any residential lot which abuts Pouncey Tract Road. A landscape plan shall be submitted showing how this buffer will be landscaped prior to the first subdivision approval.
11. **Recreation Area:** No less than five (5) acres of the Property shall be reserved for use as a recreation facility. Such recreational facility shall include, but not be limited to, an outdoor swimming pool and tennis court.
12. **C-1 Zoning:** Applicant shall file an application for C-1 zoning for the areas within the Property that are within the 100 year flood plain, unless such areas are needed for roads, access ways or other purposes approved or required by the Planning Commission or any other governmental body or official at the time of subdivision approval. Such rezoning application shall be filed as soon as reasonably practical, but in no case later than the date of the recordation of the last subdivision plat for the last lot platted on the Property. The acreage then zoned C-1 may or may not be included in any subdivision or lot on the Property, at the sole discretion of the Applicant.
13. **Roads and Curb and Gutter:** All roads on the Property shall be paved. All roads on the Property shall be constructed with standard full-faced curb and gutter, unless otherwise approved by the County.
14. **Road Connections.** Hillshire Way shall not be connected to the Property and shall be terminated where it currently exists. There shall be no vehicular or pedestrian ingress or egress permitted from any lot adjacent to Hillshire Way. A drainage system sufficient to alleviate any standing water resulting from the termination of Hillshire Way shall be installed. This restriction shall be placed in the restrictive covenants for any lot adjacent to Hillshire Way.

There shall be a connection to Luxford Way by a road including a cul-de-sac arrangement lessening the traffic from the Property to Luxford Way. The connection to Luxford Way shall not occur until Concept Road 17-1 has been constructed through the Property and the connection between the Property and Nuckols Road via the Connector Road, as defined in case C-15C-03, shall have been constructed to Nuckols Road, unless opening such connection is necessary to comply with County requirements in the development of the Property.

15. **Concept Road 17-1:** Concept Road 17-1, as defined in Case No. C-16C-03 shall be built from Pouncey Tract Road to the end of the Property before one hundred twenty-five (125) certificates of occupancy on the Property are issued.
16. **Compliance Certification:** Upon request by the Director of Planning, the applicant shall provide the County with the necessary calculations that illustrate that the dwellings and lots constructed on the Property are in compliance with all of the allowable and required percentages set forth in these proffers.
17. **Lot Width:** No buildable lots shall have a lot width less than 85 feet. The term "lot width" shall be defined herein as the width of a lot measured at the front yard setback line, except for lots fronting on a cul-de-sac terminus where the width shall be measured at the actual building line of the dwelling.
18. **Minimum Finished Floor Area:** All dwellings shall have a minimum finished floor area of 2500 square feet.
19. **Garages:** A minimum of a two-car garage shall be constructed on each lot except for lots originally used for model homes.
20. **Lot Clearing:** The clearing of healthy trees measuring 6 or more inches in diameter on the lots shall be limited to areas required to accommodate the dwellings, driveways, sidewalks, open yard areas, utility lines and any other areas typically required for the construction of a dwelling.
21. **Foundations:** The main body of any home shall not be constructed on a slab, provided that garages and patios may be constructed on a slab. The visible exposed portion of any foundations of all homes shall be constructed of brick, stone or an exterior insulating finish system. A foundation constructed of an exterior insulating finish system shall be permitted only if applied to a masonry surface and the siding used on the dwelling is constructed primarily of an exterior insulating finish system.
22. **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.

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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,



 Virgil R. Hazelett, P.E.
County Manager

pc: Mr. Andrew M. Condlin, Esq.
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal, Director, Research and Planning, Henrico County
Schools