



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

September 15, 2009

Fidelity Properties, Ltd.
Post Office Box 423
Mechanicsville, VA 23111

Re: Conditional Rezoning Case C-8C-05

Dear Sir:

The Board of Supervisors at its meeting on September 8, 2009, granted your request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 746-764-5580, containing approximately 4.54 acres, located on the west line of Sadler Road approximately 290 feet south of Wonder Lane, described as follows:

Beginning at a point on the west line of Sadler Road having a coordinate value N=3765048.55 and E=11746800.76 of the Henrico County GPS Monumentation and Control Project of June 2000; thence continuing along the west line of Sadler Road along a curve to the left with a delta of 14°24'17", a radius of 267.80', and a length of 67.33' to a point; thence S 32°23'18" E, a distance of 122.61' to a point; thence leaving the west line of Sadler Road S 54°19'09" W, a distance of 629.82' to a point; thence N 50°59'31" W, a distance of 320.07' to a point; thence N 40°41'24" E, a distance of 213.00' to a point; thence N 72°15'22" E, a distance of 553.51' to the point and place of beginning containing 4.540 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated September 8 2009, which further regulate the above use of your property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Underground Utilities.** All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise. Junction boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials.
2. **Phased Development.** There shall be no building permit issued to allow construction in the RTHC district before January 1, 2015 or the start of construction of Sadler Road relocated, whichever may come first.
3. **Right-of-Way Dedication.** The owner shall dedicate to Henrico County the right-of-way and any mutually agreed upon easements for drainage conveyance

systems required for the re-location of Sadler Road upon the request of the County. Should the dedicated property not be used for the widening of Sadler Road within thirty (30) years of the date of the dedication, title to the dedicated property will revert to the applicant or its successors in interest.

4. **Streets.** All new streets on the Property shall be constructed of asphalt and designed with standard six (6) inch curb and gutter.
5. **Streetlights.** Streetlights with foundations a maximum of sixteen (16) feet in height and of a uniform style shall be provided along both sides of the new streets.
6. **Sidewalks.** Sidewalks a minimum of four (4) feet in width shall be provided on both sides of the new public streets and on one side of the adjacent existing public streets. A grass strip a minimum of two (2) feet in width shall be provided between the back of curb and the sidewalk.
7. **Foundations.** All houses shall be constructed on elevated slabs or crawl space foundations except for garages. The exterior portion of the foundations below the first floor level which is visible above grade shall be finished with brick or stone. This proffer shall not apply to direct vent gas fireplaces or appliances. There shall be no cantilevered chimneys, direct vent gas fireplaces or closets.
8. **Driveways and Parking.** All driveways and parking spaces shall be constructed of hard surface materials. Parking spaces located in areas identified as optional garages on the conceptual plan referenced in proffer #17 (see case file) shall be constructed at a minimum to "concrete pad ready" condition able to receive a garage structure in the future. Driveway access for individual units shall be prohibited from Sadler Road relocated.
9. **Landscaping.** A minimum of one (1) tree measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot, plus a minimum of one (1) tree of the same caliper shall be retained or planted in the side yard adjacent to the street if the residential lot is a corner lot. The tree in the front yard shall be a street tree located within ten (10) feet of the back of curb in the front yard of each residential lot and, if the residential lot is a corner lot in the side yard also. Each house shall have prototypical plantings (shrubs and ornamental ground cover) along the front foundation. The front and side yards shall be irrigated and planted with sod except where mulching or landscaping may occur.
10. **Recreational Vehicles.** No recreational vehicles, campers, trailers or boats shall be parked or stored on the Property, unless within enclosed garages.
11. **Restricted Uses.** Group care facilities shall not be permitted.

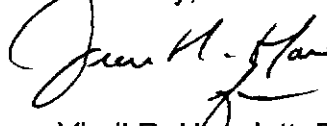
12. **Density.** The townhouse development on the Property shall not exceed six (6) dwelling units per gross acre.
13. **Minimum Size.** Homes shall have a minimum of 1100 square feet of finished floor area.
14. **Architecture.** The townhouse building elevations will be constructed in a similar architectural style as the examples submitted with this rezoning case as determined by the Planning Commission at the time of plan of development (POD) (see case file). Various design elements shall be incorporated to provide variety among individual units, including, but not limited to, the following: a minimum of two (2) unit front offsets, a minimum of two (2) feet within each building, varying colors of brick and brick accents (including but not limited to, arches, keystones, soldier courses and quoin corners) varying window designs and varying doorway designs. The front and side exteriors of the buildings shall be constructed with one-hundred percent (100%) brick, excluding accents and dormers. The rear of the buildings shall be constructed with a minimum of seventy-five percent (75%) brick, with the balance of the exterior vertical walls in Hardiplank or similar materials as approved by the Planning Commission at the Plan of Development hearing, exclusive of architectural features, windows and doors. Optional garages will be constructed with the same brick, Hardiplank, and roofing material as on the main buildings. Units will vary in width. At least fifty percent (50%) of the units will be a minimum of twenty (20) feet wide and no greater than twenty-five percent (25%) of the units will be a minimum of eighteen (18) feet wide and no greater than twenty-five percent (25%) of the units will be a minimum of sixteen (16) feet wide. There shall be no more than six (6) attached units per building and a maximum of two (2) sixteen (16) foot units per building. No units will rear proposed Sadler Road relocated.
15. **Restrictive Covenants.** Prior to or concurrent with the plan of development approval by the County restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County. In addition, there shall be a Homeowners Association and/or Condominium Association of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the common areas and unit exteriors.
16. **Buffers.** A naturally vegetated and/or landscaped buffer a minimum of twenty (20) feet in width and equivalent to a Transitional Buffer 10 if the units front or side is towards Sadler Road Relocated. A naturally vegetated and/or landscaped buffer a minimum of ten (10) feet in width and equivalent to a Transitional Buffer 10 shall be provided along new interior public streets of the RTHC district and the boundaries of the RTHC district which are adjacent to A-1 Agricultural districts.

The ten (10) foot buffers along the boundaries of the RTHC district shall be provided so long as the adjacent properties remain zoned A-1 Agricultural.

17. **Conceptual Site Plan.** The plan of development will be designed in a similar style as the Conceptual Site Plan (see case file) dated June 30th, 2009 and revised August 7th, 2009, subject to changes required for final engineering design and in compliance with the governmental regulations.
18. **Sound Suppression.** Walls between attached units shall have a minimum sound transmission coefficient rating of 55 between units and for exterior walls of end units. A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound transmission coefficient rating shall be included in the building permit application.
19. **Private Road Certification.** Prior to the issuance of the first permanent certificate of occupancy, the owner shall provide the Planning Department with certification from a licensed engineering firm that the roadways within the development were constructed according to the approved plan of development 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, but excluding road widths, turning radii and turn arounds.
20. **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 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,

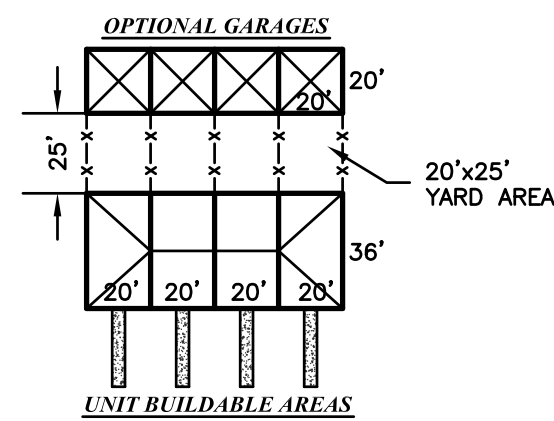


Virgil R. Hazelett, P.E.
County Manager

pc: Summit Homes, LLC
G. Edmund Massie, IV
Webb L. Tyler
Dr. Martha G. Blumenthal, Dir., Research & Planning, Henrico County Schools
Director, Real Estate Assessment
Conditional Zoning Index



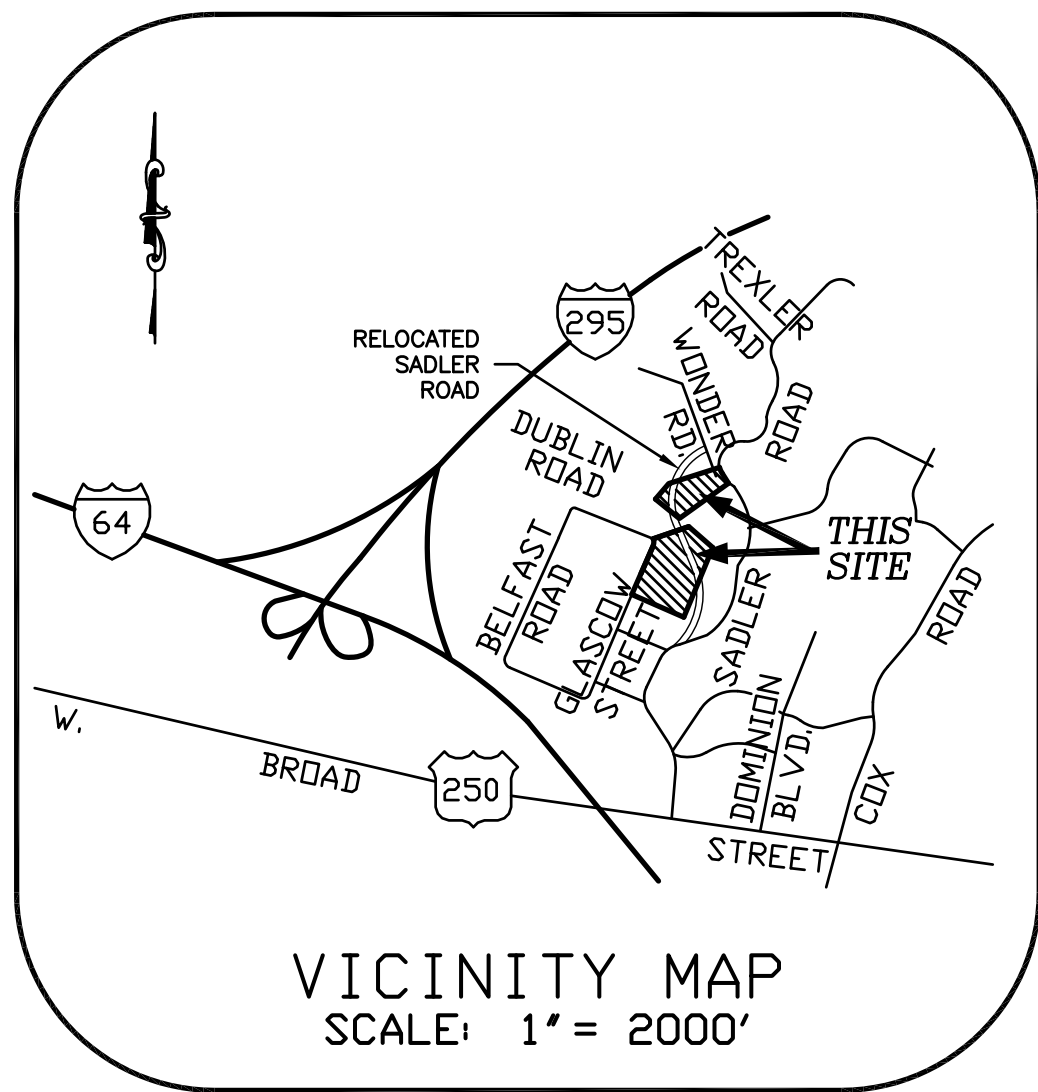
TYPICAL UNIT DIMENSIONS



DUNCAN PARK TOWNHOUSES

	C-8C-05	C-19C-06
PARCEL SIZE	4.54Ac.	10.79Ac.
NUMBER OF UNITS	27	64
GROSS DENSITY	5.95 UNITS/AC.	5.93 UNITS/AC.

SEE ZONING CASE PROFFERS C-8C-05 AND C-19C-06 FOR MINIMUM UNIT WIDTHS AND MINIMUM UNIT SQUARE FOOTAGE.



YOUNGBLOOD, TYLER & ASSOCIATES P.C.
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
7309 HANOVER GREEN DRIVE, P.O. BOX 517, MECHANICSVILLE, VIRGINIA 23111
PHONE: (804) 746-5285 FAX: (804) 730-7624 EMAIL: YOUNGBLOOD-TYLER@YOUNGBLOOD-TYLER.COM

DUNCAN PARK AT GREENBROOKE TOWNHOUSES
THREE CHOFT DISTRICT, HENRICO COUNTY, VIRGINIA

CONCEPTUAL SITE PLAN

DATE: 06-30-2009

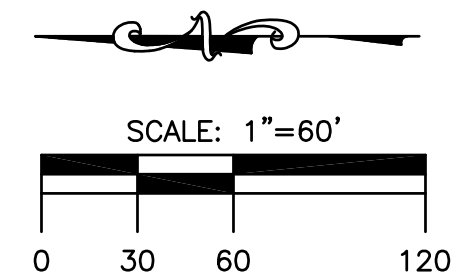
DATE	NOTES
8-07-2009	ADD PARK

DESIGNED BY: WLT
DRAWN BY: BDF
CHECKED BY: WLT

J. N.:
CAD FILE: Duncan Park Town

SHEET 01 OF 01

C-8C-05 & C-19C-06





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