

**A-1 to RTHC  
13.2 Ac.**

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

**C-68C-06**  
**Zoning**  
 A-1 to RTHC  
 Varina District  
 400 Feet  
 PS October 2006 Ref: 812-718-6325



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

March 20, 2007

Community Development Partners, LLC  
c/o Mr. Lloyd Poe  
6301 Harbourside Drive  
Midlothian, VA 23112

Re: Conditional Rezoning Case C-68C-06

Dear Mr. Poe:

The Board of Supervisors at its meeting on March 13, 2007, granted your request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcels 812-718-6325, 812-718-1655 and 812-718-1638, described as follows:

**Parcel 1:**

Beginning at a point on the east line of Millers Lane, at its intersection with the south line of I-64 ramp to Laburnum Avenue; thence along said south line, S 75°56'39" E 397'± to a creek and 409.20' to a tie line along said creek; thence along said creek, in a southeasterly direction, for a distance of 960'± with the following tie line calls: S 16°49'41" E 328.56'; thence S 03°39'54" W 232.09'; thence S 21°47'06" E 188.57'; thence S 24°48'21" E 193.94' to a point 9'± east of the aforementioned creek; thence N 74°25'32" W 114.92' from said tie line and 106'± from said creek, to a point; thence N 74°15'07" W 740.21' to a point on the east line of Millers Lane; thence along the east line of Millers Lane, N 14°16'16" E 789.23' to a point at the south line of I-64 ramp to Laburnum Avenue, said point being the point and place of beginning and containing 11.0± acres as shown on a plat by BAY Design Group, P.C., entitled "COMPILED PLAT SHOWING 13.2± ACRES ON BOTH SIDES OF MILLERS LANE FOR THE PURPOSE OF REZONING".

**Parcel 2:**

Beginning at a point on the west line of Millers Lane, at its intersection with the south line of I-64 ramp to Laburnum Avenue; thence along said west line, S 14°39'24" W

54.48' to a point; thence S 40°25'13" E 48.58' to a point; thence S 14°16'16" W 295.95' to a point; thence departing Millers Lane, N 72°59'44" W 272.00' to a point; thence N 14°16'16" E 160.00' to a point; thence N 72°59'44" W 173.04' to a point on the south line of I-64; thence with the south line of I-64 and its ramp to Laburnum Avenue, N 73°24'36" E 86.92' to a point; thence N 79°28'55" E 364.20' to a point, said point being the point and place of beginning and containing 2.2± acres as shown on a plat by BAY Design Group, P.C., entitled "COMPILED PLAT SHOWING 13.2± ACRES ON BOTH SIDES OF MILLERS LANE FOR THE PURPOSE OF REZONING".

The Board of Supervisors accepted the following proffered conditions, dated January 9, 2007, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Density.** There shall be no more than seventy-eight (78) town homes developed on the Property.
2. **Architecture.** Various design elements shall be incorporated to provide a variety of individual town homes. There shall be no more than two (2) town homes with the same elevation next to one another. The massing, design, character, and architectural features of all proposed town homes shall be substantially in conformance with the elevations submitted with this case as Exhibit "A" (see case file).
3. **Conceptual Site Plan.** The Property shall be developed in general conformance with the conceptual site plan attached hereto as Exhibit "B" (see case file), unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development or subdivision approval.
4. **Building Size.** There shall be no more than six (6) town homes per building and no building shall exceed thirty-five (35) feet in height, exclusive of architectural treatments.
5. **Town Homes.** All town homes shall be marketed as owner/occupied homes.
6. **Minimum House Size.** The minimum finished floor area shall be fourteen hundred (1,400) square feet exclusive of garages, porches and decks.
7. **Curb and Gutter.** Standard six inch (6") curb and gutter meeting Henrico County requirements shall be provided within the development.
8. **Protective 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 (other than for dedication of easements, roads, or utilities), a document shall be recorded in the Clerk's Office

of the Circuit Court of Henrico County setting forth controls on the development and maintenance of the Property.

9. **Exterior Finishes.** The exterior of all dwellings shall be constructed of brick, vinyl or hardiplank siding. All trim shall be low maintenance, vinyl, aluminum wrapped, PVC, or other low maintenance material. At least fifty percent (50%) of the front building elevations shall have a minimum of fifty percent (50%) brick. All end units shall have brick to the first floor height plus other architectural treatments above including a minimum of two (2) windows.
10. **Sound Suppression.** Interior walls between town homes shall have a minimum sound transmission coefficient rating of 55. Exterior rear walls parallel and adjacent to Interstate 64 shall be standard construction, with the addition of an RC-1 sound attenuation channel creating a 1/2" dead air space. All windows shall be insulated dual pane, and all exterior doors shall be insulated. Windows installed in these walls will have a minimum sound transmission coefficient rating of 32. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, shall be included in the building permit application.
11. **Garage.** One hundred percent (100%) of the town homes shall have a single car garage.
12. **Cumulative Count.** Upon the request of the County of Henrico, the developer or his designee shall provide a cumulative count of the homes and their designated finishes, architectural and exterior styles as stated in Proffers 2 and 9, to ensure that the conditions contained in all the proffers have been met.
13. **Driveways.** All driveways shall be finished with concrete.
14. **Sidewalks.** Sidewalks shall be provided throughout the subdivision and for the individual homes and shall be of concrete or exposed aggregate.
15. **Landscaping.** Each parking lot island/courtyard shall have a minimum of two (2) trees with a minimum caliper of 2 1/2" planted within the curbed area. There shall be at least one (1) tree with a minimum caliper of 2" planted on each side of each building. Also, prior to final recordation, a landscape plan shall be submitted to the Planning Department for approval.
16. **Recreational Amenities.** There shall be at least two park areas and/or tot lots as generally shown on the Conceptual Site Plan (see case file) with a minimum aggregate area of 25,000 square feet. The Protective Covenants shall require that the rights and obligations associated with the recreational areas and amenities be clearly disclosed in writing to each purchaser.

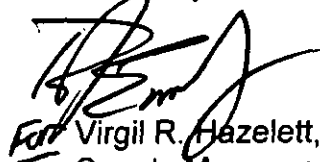
17. **Foundation Planting and Sod.** Each town home shall have some type of shrubbery or ornamental ground cover along the front foundation and each front and side yard shall have sod. The aforementioned plantings and sod shall be installed prior to the issuance of the final Certificate of Occupancy for each town home.
18. **Lighting.** Each town home shall have exterior wall mounted lights at each entrance. Common area lighting shall be located at the park area, tot lot area, and at the entrance.
19. **Entrance.** A landscaped, boulevard-style entrance shall be located at the first entrance off Millers Lane as shown on the Conceptual Site Plan (see case file).
20. **Roads.** Prior to the issuance of any certificate of occupancy the applicant shall provide the Planning Department with certification from a licensed engineering firm that the roadway within the project was constructed according to the approved subdivision plan and in compliance with Henrico County road design standards and specifications (except as to pavement width and turning radii) to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface.
21. **Floodplain.** Prior to final subdivision approval, the applicant shall file for C-1 zoning of the floodplain area.
22. **Future Access.** A stub road shall be provided at the southern property line to allow future access to Gay Avenue.
23. **Millers Lane.** The applicant shall request the vacation of that portion of Millers Lane which lies within the subdivision. The subdivision plan which includes such portion shall not be recorded unless and until the vacation of such portion has been completed.
24. **Buffer Adjacent to Interstate 64.** A landscaped and/or natural buffer shall be provided a minimum of twenty-five (25) feet in width adjacent to Interstate 64, except to the extent necessary or allowed for utility easements and other purposes requested and specifically permitted, or if required, at the time of subdivision review. Any utility easements (other than existing utility easements) permitted within the aforesaid buffer area shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted or if required by the County at the time of subdivision review.
25. **Foundations.** Any exposed edges of foundation slabs shall be faced with brick.
26. **Chimneys.** No chimney or gas vent units shall be cantilevered on the first floor level. The exposed portions of all fireplace chimneys on the first floor level shall contain brick or siding similar to the exterior treatment of the dwelling. This proffer

shall not apply to direct vent gas fireplaces or appliances. Any and all gas vent chimney units on the second floor shall have either decorative corbels underneath or be built on top of the deck.

27. **Signage.** A project identification sign shall be ground mounted and shall be no more than six (6) feet in height. Signage shall not be internally illuminated.
28. **Underground Utilities.** Except for junction boxes, meters, and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be placed underground.
29. **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 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,



For Virgil R. Hazelett, P.E.  
County Manager

pc: James A. and Virginia L. Whitfield  
Linda A. Whitfield-Hopcroft  
Roy Rogers, IV  
James W. Theobald, Esquire  
Dr. Penny Blumenthal, Dir., Research & Planning, Henrico County Schools  
Director, Real Estate Assessment  
Conditional Zoning Index



*The Village*  
AT MILLER'S LANE

EXHIBIT A  
C-68C-06

THIS DRAWING IS THE PROPERTY OF BAY DESIGN GROUP, P.C. AND IS NOT TO BE REPRODUCED OR USED FOR ANY PROJECT IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION

FILED: 05300an  
DESIGNED: DLC  
CHECKED: DLC  
DATE: August 7, 2008  
REVISED:  
REVISED:  
REVISED:



PROJECT OFFICE:  
DESIGNED:  
CHECKED:  
DATE:  
PROJECT OFFICE:  
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DATE:

PROJECT:

The Villages at  
Millers Lane

Neoclassical Townhomes  
Verde District  
Hendrix County, VA

SHEET:

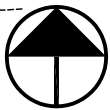
Conditional  
Subdivision  
Plan

SHEET NO:

C1

INTERSTATE 64

INTERSTATE 64



Scale: 1" = 50'

EXHIBIT B

C-68C-06

78 UNITS

(176 PARKING)  
10.3+ NET ACRES - 7.6 UN/AC

