

C-35C-07
Zoning
Single-Family Residential
(East Pointe Commons - Phase II)
Varina District
400 Feet
PS June 2007 Ref: 806-711-6674



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

September 18, 2007

Dtown, LLC
C/o Mr. Dave Jester
1630 Donna Drive, Suite 105
Virginia Beach, VA 23451

Re: Conditional Rezoning Case C-35C-07

Dear Mr. Jester:

The Board of Supervisors at its meeting on September 11, 2007, granted your request to conditionally rezone from R-4 One-Family Residence District to R-5AC General Residence District (Conditional), Parcel 806-711-6674 and part of Parcel 806-710-8061, described as follows:

METES AND BOUNDS, 3.53 ACRES

Beginning at a point situated on the southern line of an alley, said point being 321.16' from the northern line of Oregon Avenue, a 50' right-of-way, go along said alley N 72°12'16" E, 145.68' to a point; thence N 87°27'15" E, 96.45' to a point; thence leave said southern line S 09°05'32" W 72.98' to a point; thence S 08°59'44" W, 717.50' to a point; thence N 81°28' 17" W, 144.96' to a point; thence N 84°14'57" W, 33.07' to a point; thence N 05°14'48" E, 710.10' to the point of beginning. Said parcel containing 3.53 acres or 153,561 square feet.

METES AND BOUNDS, 0.033 ACRES

From a point situated on the southern line of Oregon Avenue, a 50' right-of-way, leave said southern line S 05°14'37" W, 339.05' to a point; thence S 84°14'57" E, 33.07' to the point of beginning; thence S 81°28'17" E, 144.96' to a point; thence N 89°15'16" W, 145.69' to a point; thence N 06°44'30" E, 19.74' to the point of beginning. Said parcel containing 0.033 acres of land or 1430.04 square feet.

The Board of Supervisors accepted the following proffered conditions, dated August 16, 2007, which further regulate the above described property in addition to all applicable

provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Maximum Density.** There shall be a maximum of 13 lots on the Property to be used for residential dwelling units.
2. **Conceptual Site Plan.** The Property shall be developed generally consistent with the layout plan entitled "EAST POINTE COMMONS SINGLE FAMILY DEVELOPMENT HENRICO COUNTY, VIRGINIA SHEET TITLE: PRELIMINARY SITE PLAN - PHASE II - ZERO-LOT LINE DEVELOPMENT", prepared by Kroskin Design Group, dated August 6, 2007, and attached hereto as Exhibit A (the "Concept Plan") (see case file). The Concept Plan is conceptual in nature and may vary in detail as the exact locations, footprints, configurations, sizes and details of the building(s), lots and roads shown thereon may be revised for engineering reasons, as required by any governmental authority or as otherwise approved by the Planning Commission at the time of plan of development review. The actual building locations will vary so that no two homes adjoining each other will have the same front yard setback.
3. **Minimum House Size.** Houses shall have a minimum of one thousand seven hundred (1,700) square feet of finished floor area. No ranch (one story) homes shall be permitted on the Property.
4. **Dwelling Requirements.** All dwellings shall be detached dwellings with zero-lot lines, as shown on the Concept Plan (see case file).
5. **Exterior Materials.** The exterior of the dwellings shall be constructed with brick, stone, vinyl siding, hardiplank, a combination thereof or such other material approved by the Director of Planning; provided, however, in all instances, a minimum of the first 16 inches of such exterior walls, as measured from the level of the finished grade of such home, shall be brick, exclusive of windows, steps and doors. In all cases brick shall cover the foundation walls up to the finished floor. In no case shall masonite siding or block be permitted. All lattice, railings and similar architectural features shall be made of plastic or PVC material or such other similar material as approved by the County. No two detached homes with a substantially similar architectural front elevation or layout shall be permitted to adjoin each other.
6. **House Elevation.** All dwellings on the Property shall have architectural styles and use design elements compatible to those renderings and exterior elevations of buildings as shown on Exhibit B, attached hereto (see case file) and made a part hereof, which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings.

7. **Porches.** Every house shall have a front porch that extends out from the home by at least five (5) feet and extends along a minimum of forty percent (40%) of the width of the front elevation of the home. All stairs leading to such porches shall be made of synthetic lumber (color impregnated), brick or such other similar maintenance free material as approved by the County.
8. **Driveways.** No driveway for any house shall be permitted in the front yard. Driveways shall be constructed of concrete or other material of similar quality as approved by the County.
9. **Garages.** A minimum of a one-car garage shall be attached to each dwelling constructed on the Property. There shall be no front loading garages permitted on the Property.
10. **Chimneys and Flues.** The exposed portion of any chimney shall be constructed of brick, stone or hardiplank. The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding. No chimneys or gas vent units (not including direct vent gas fireplaces or appliances) shall be cantilevered.
11. **Mailboxes and Lamp Posts.** All improved lots shall be required to have a common theme for each home for (a) lamp posts in the front yard and rear yard, and (b) mailboxes, which shall include a supporting post of design and installation as specified in the home owners' association documents. Improved lots shall be required to have a lamp post in the front and rear yards, provided that any such lot may share the lamp post with an adjoining lot.
12. **Roads, Alleys and Curb and Gutter.** All roads on the Property shall be private, and shall be constructed with six (6) inch standard curb and gutter or as otherwise approved by the Planning Commission at the time of plan of development review. Alleys shall be restricted to and signs posted in conspicuous areas to note such restriction of use by vehicles weighing 10,000 pounds or less and a speed limit of fifteen (15) miles per hour.

Prior to the issuance of a 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.
13. **Sidewalks.** A pedestrian sidewalk four feet in width shall be installed along one

side of any road (excluding alleys) on the Property, as shown on the Concept Plan (see case file), unless otherwise approved by the Planning Commission at the time of plan of development review.

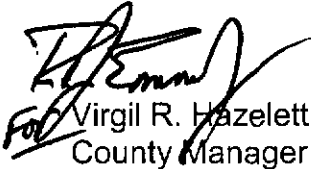
14. **Lot Clearing and Trees.** The clearing of healthy trees measuring 6 or more inches in diameter on any lot shall be limited to areas required to accommodate the dwellings, driveways, sidewalks, open yard areas, utility lines and any other areas typically required for the construction of a dwelling. The front yard of each improved lot shall contain at least 1 healthy tree measuring eight (8) to ten (10) feet at the time of planting, which shall either exist or be planted prior to the issuance of the final certificate of occupancy.
15. **Screening.** An opaque fence at least sixty-nine inches in height, with a decorative lattice design on top, shall be constructed along the boundary line of the Property (except along the Original East Pointe Commons Parcel) as required at the time of plan of development review. Such fence shall be constructed of white PVC or other material of similar quality as approved by the Director of Planning. A minimum of four (4) foot wide planting strip shall be provided along any such fence.
16. **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. Any junction boxes and meters shall be placed on the alley side of any lot.
17. **Restrictive Covenants.** Prior to or concurrent with the recordation of a subdivision plat approved by the County of Henrico, Virginia, one or more documents 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 establishing a homeowner's association and that set forth development controls and maintenance responsibilities for all common areas and all entranceways within that portion of the Property subject to that subdivision plat (the "HOA Documents").
18. **Access to the Property.** Access to the Property shall be provided via the parcel abutting the Property that is the site of East Pointe Commons as approved in Case C-67C-05 (the "Original East Pointe Commons Parcel"). Access for emergency ingress/egress only shall be provided via an emergency accessway that will connect from the property to the terminus of Oregon Avenue, in a manner approved by the Planning Commission at the time of Plan of Development review.
19. **Storm-Water Facilities.** Any Best Management Practice structures shall be provided only as an aerated water-related feature with landscaping as approved

by the Planning Commission at the time of plan of development review.

20. **Disclosure.** A written disclosure shall be made by the owner of the property and/or by the Homeowner's Association to the initial buyer of a lot on the Property, which will disclose the existence of industrial and commercial zoned property to the north, south, east and southeast of the Original East Point Commons Parcel.
21. **Sound Suppression.** The exterior walls (including windows and doors) shall be constructed with a minimum sound coefficient rating of 55. Prior to the issuance of a building permit, the owner or applicant shall submit construction details (cross section), with an architect's or engineer's seal, demonstrating that construction will provide the proffered sound coefficient.
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.

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: Carol R. Harding
Barbara J. Flournoy
Courtenay Fisher, Esq.
Andrew M. Condlin, Esq.
Dr. Penny G. Blumenthal, Dir., Research & Planning, Henrico County Schools
Director, Real Estate Assessment
Conditional Zoning Index

EAST POINTE COMMONS SINGLE FAMILY DEVELOPMENT

HENRICO COUNTY, VIRGINIA

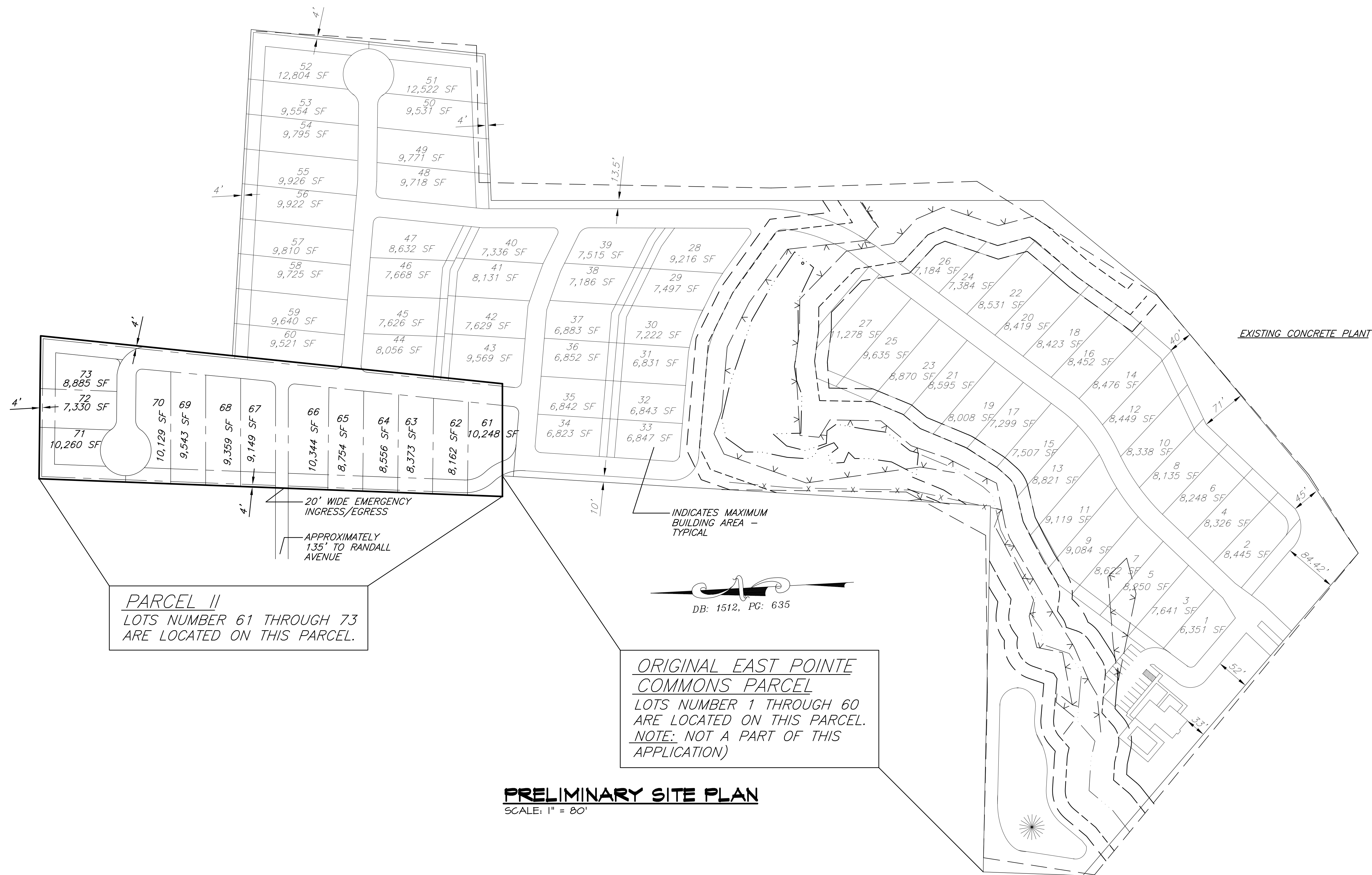


EXHIBIT A

C-35C-07

080907

SHEET TITLE:

PRELIMINARY SITE
PLAN - PHASE II -
ZERO LOT-LINE
DEVELOPMENT

JULY 31, 2007

SEAL:

SHEET NO.:

PSL-1C

3 of 3

DATE: APRIL 3, 2007
JOB NO: 0412

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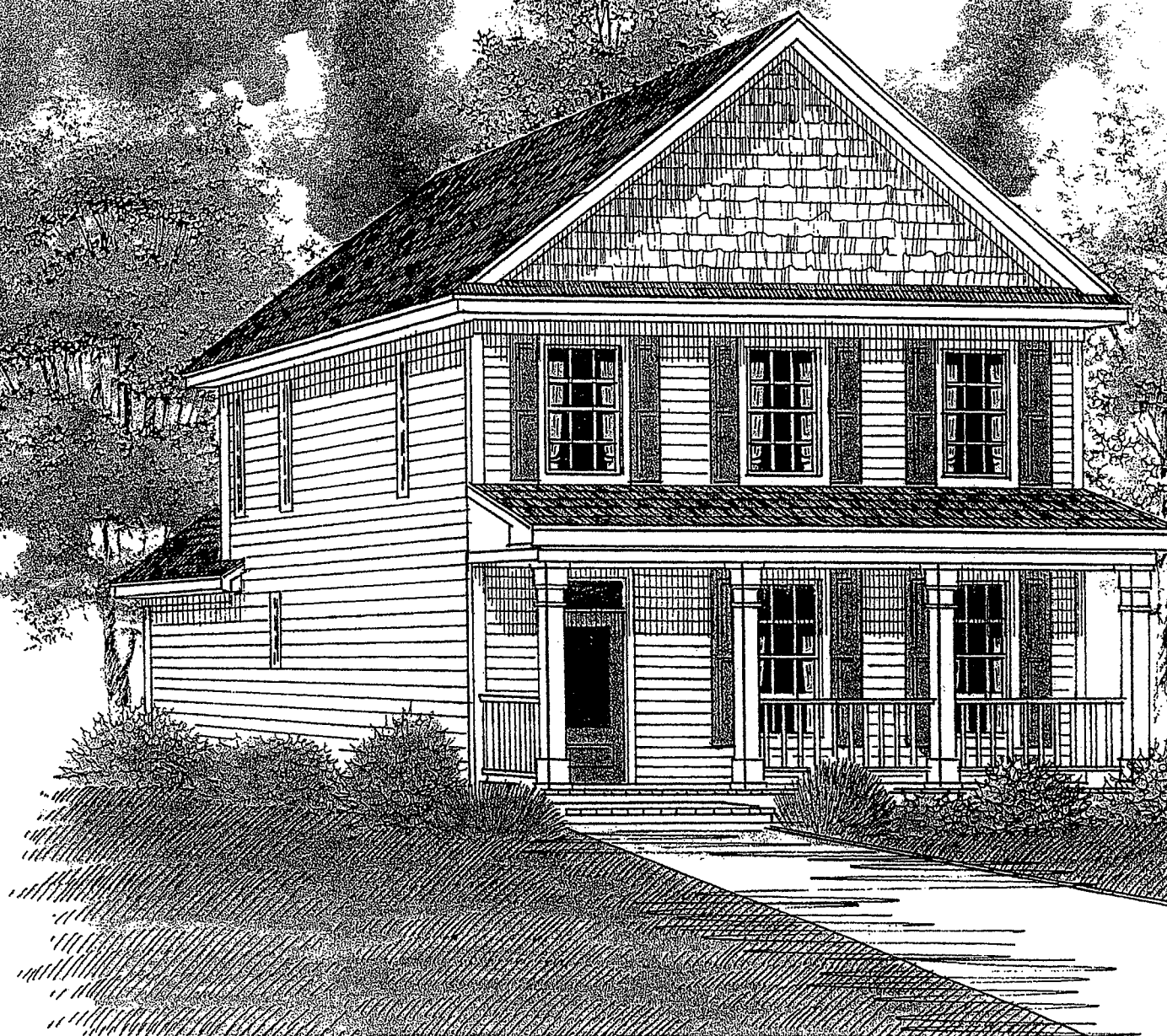


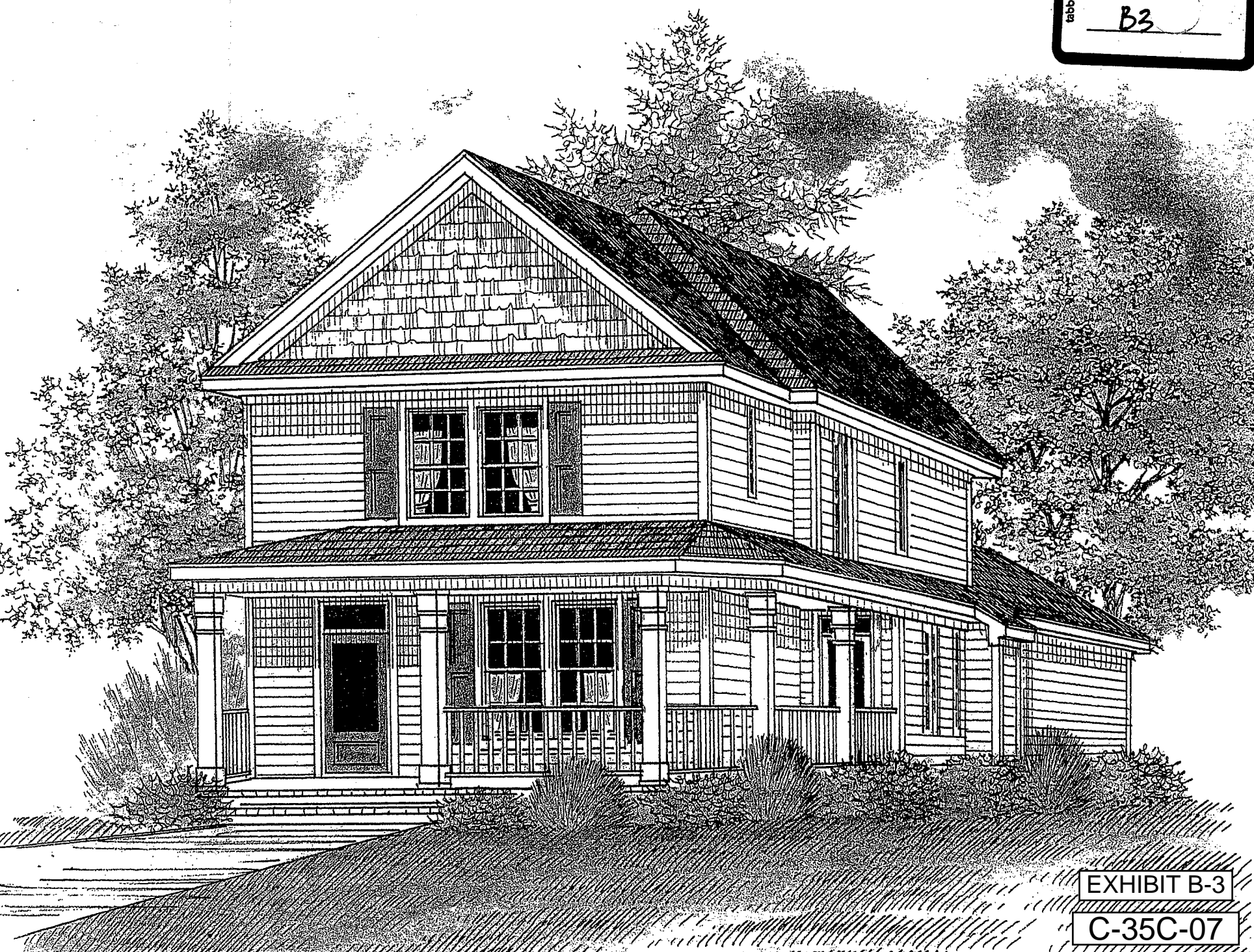
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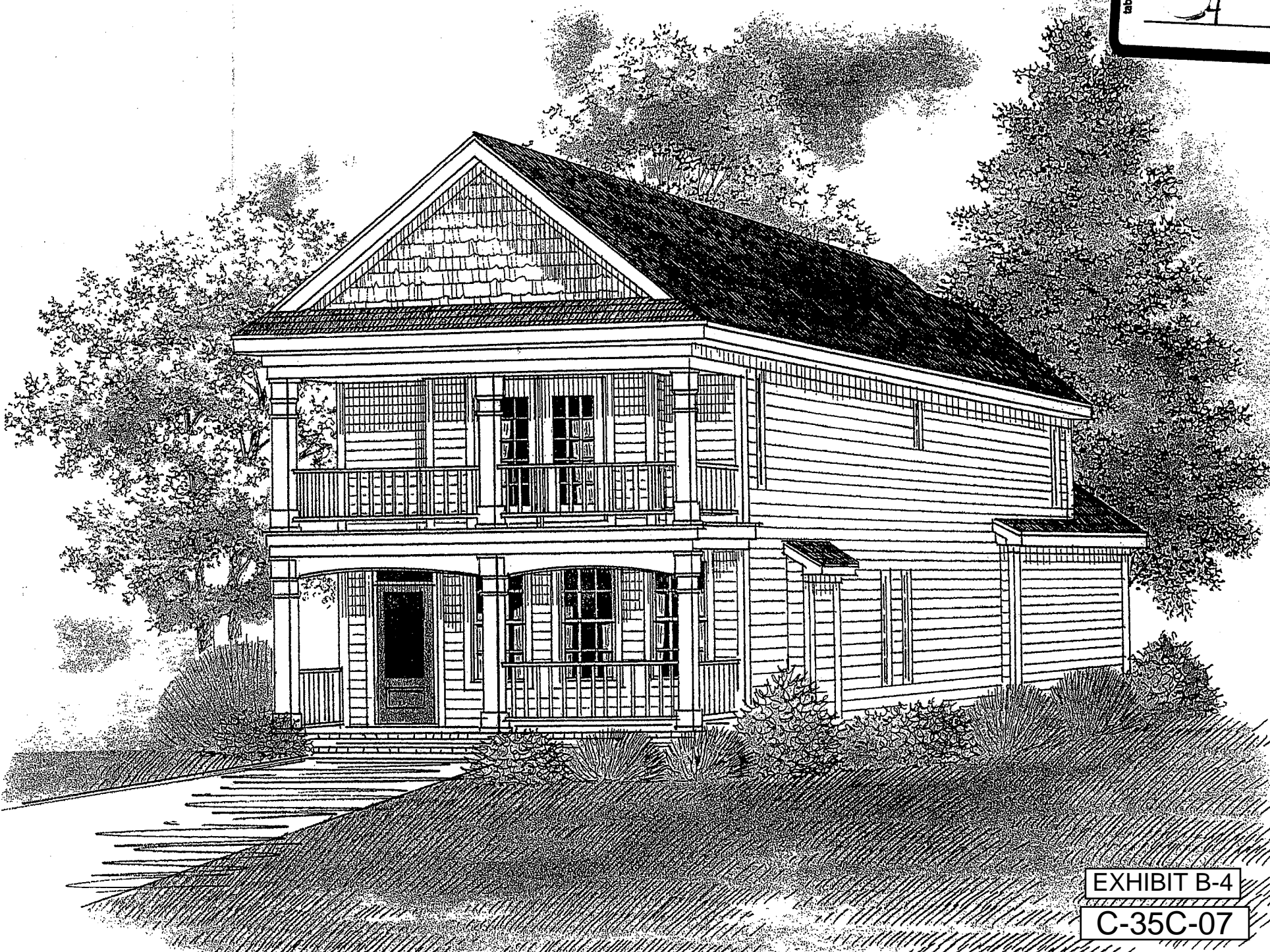
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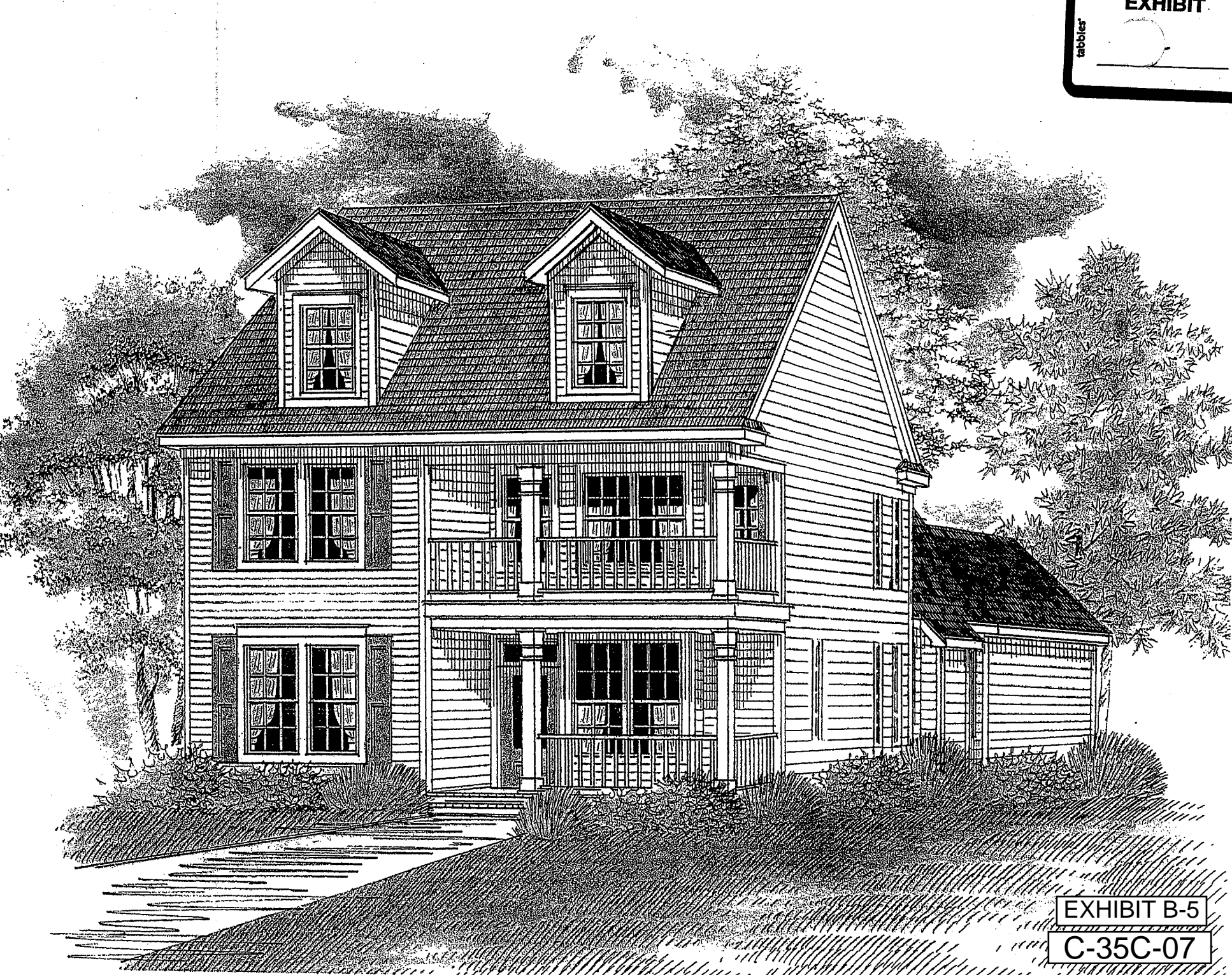


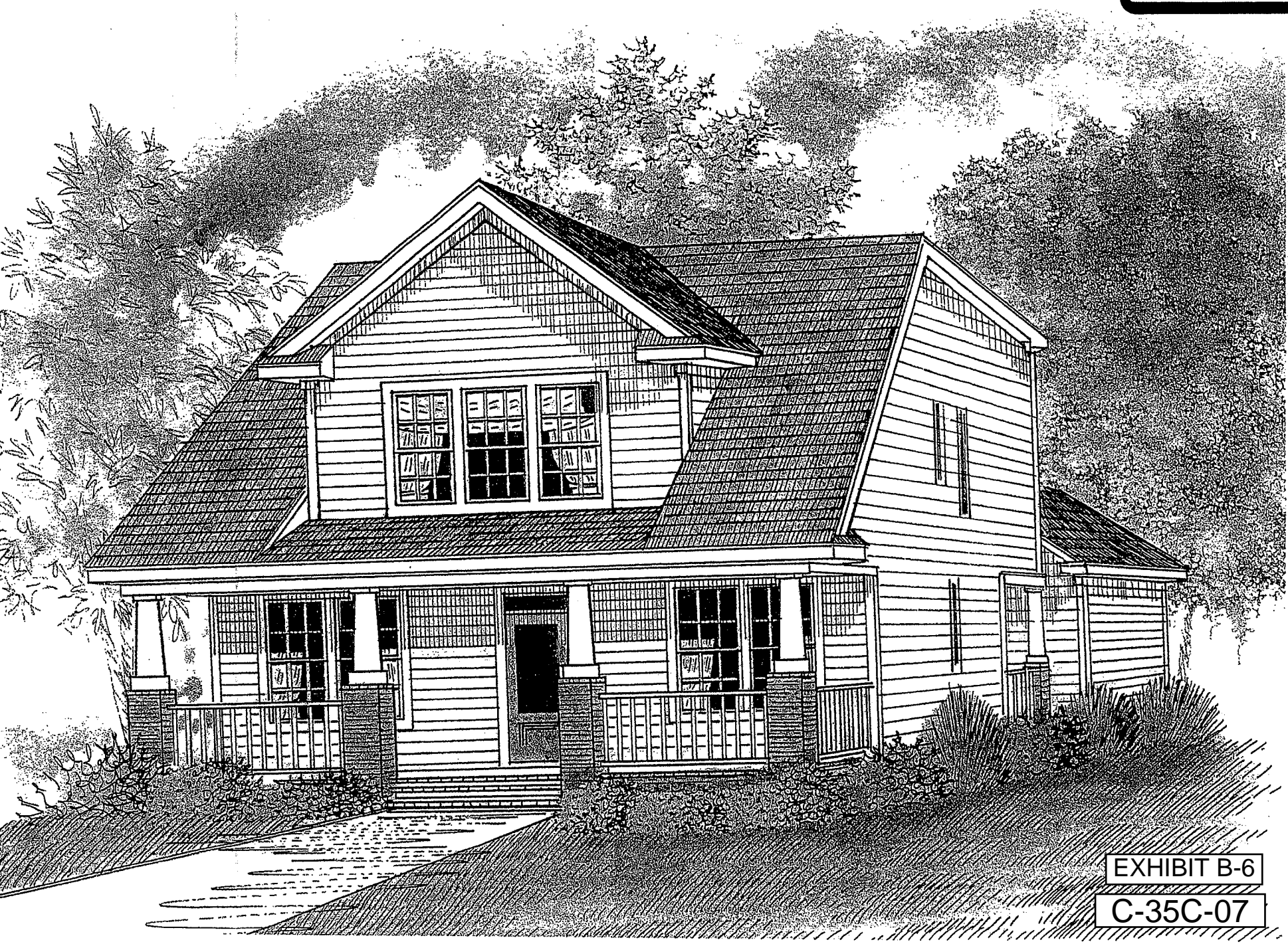
EXHIBIT B-2

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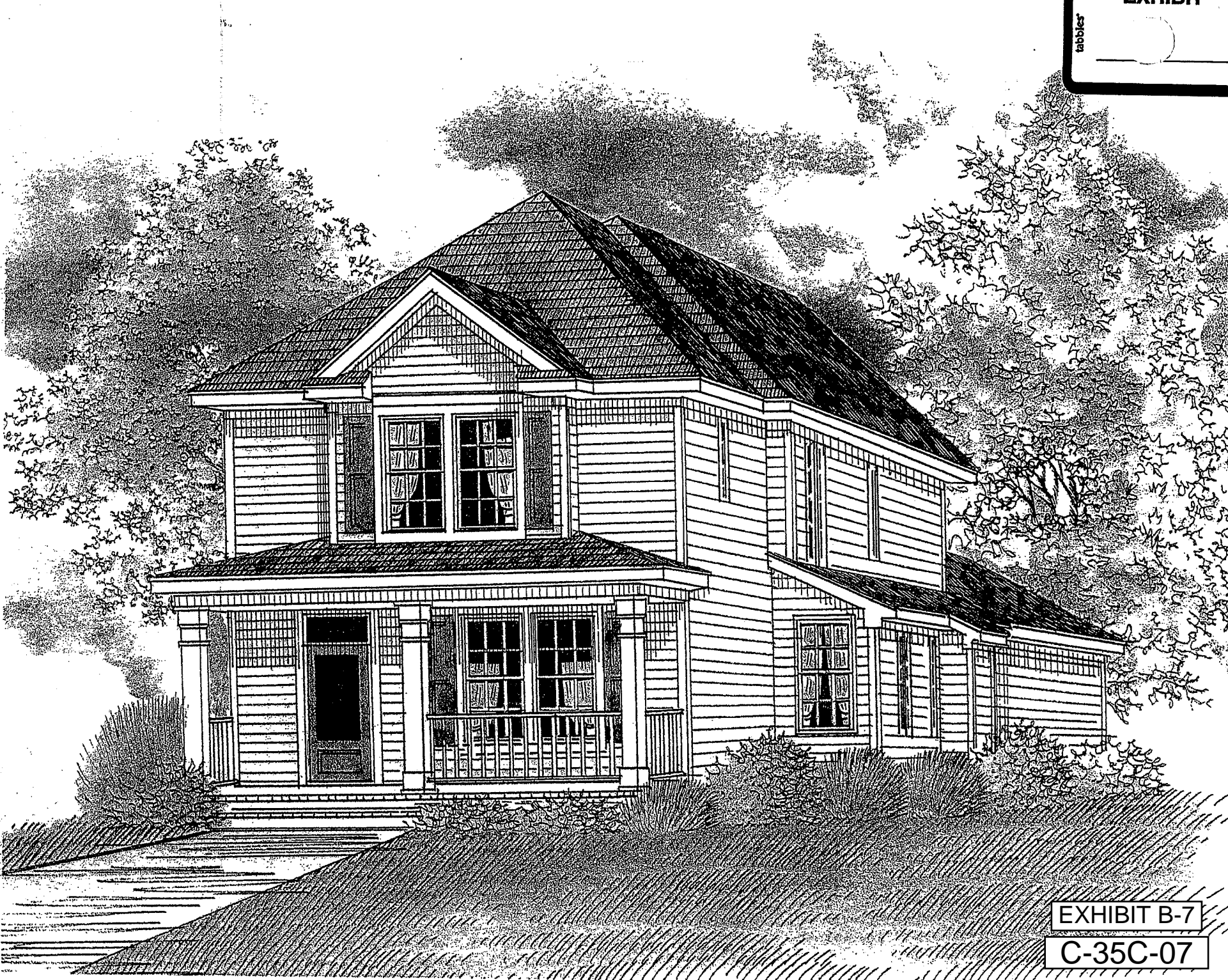
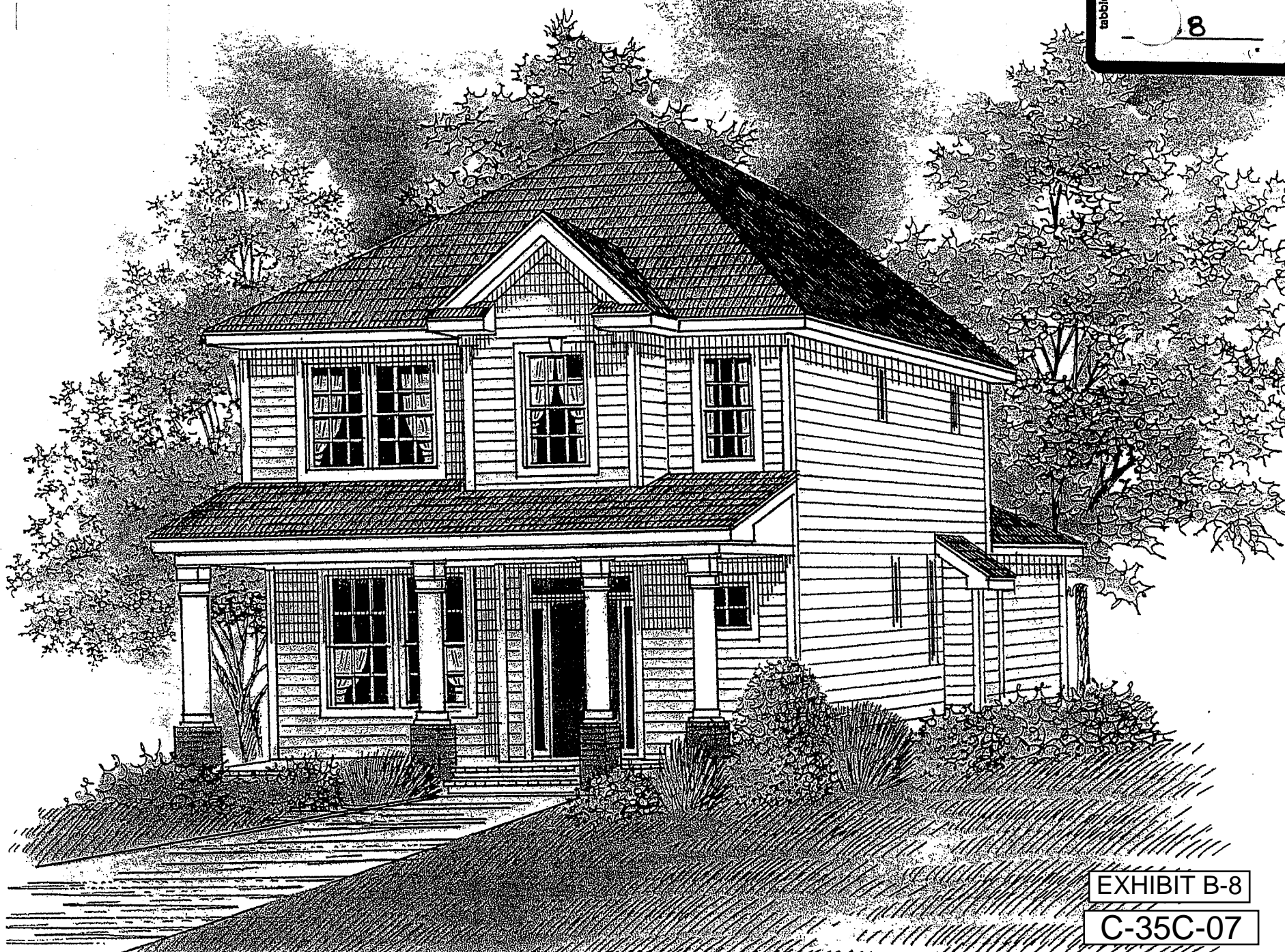


EXHIBIT B-7

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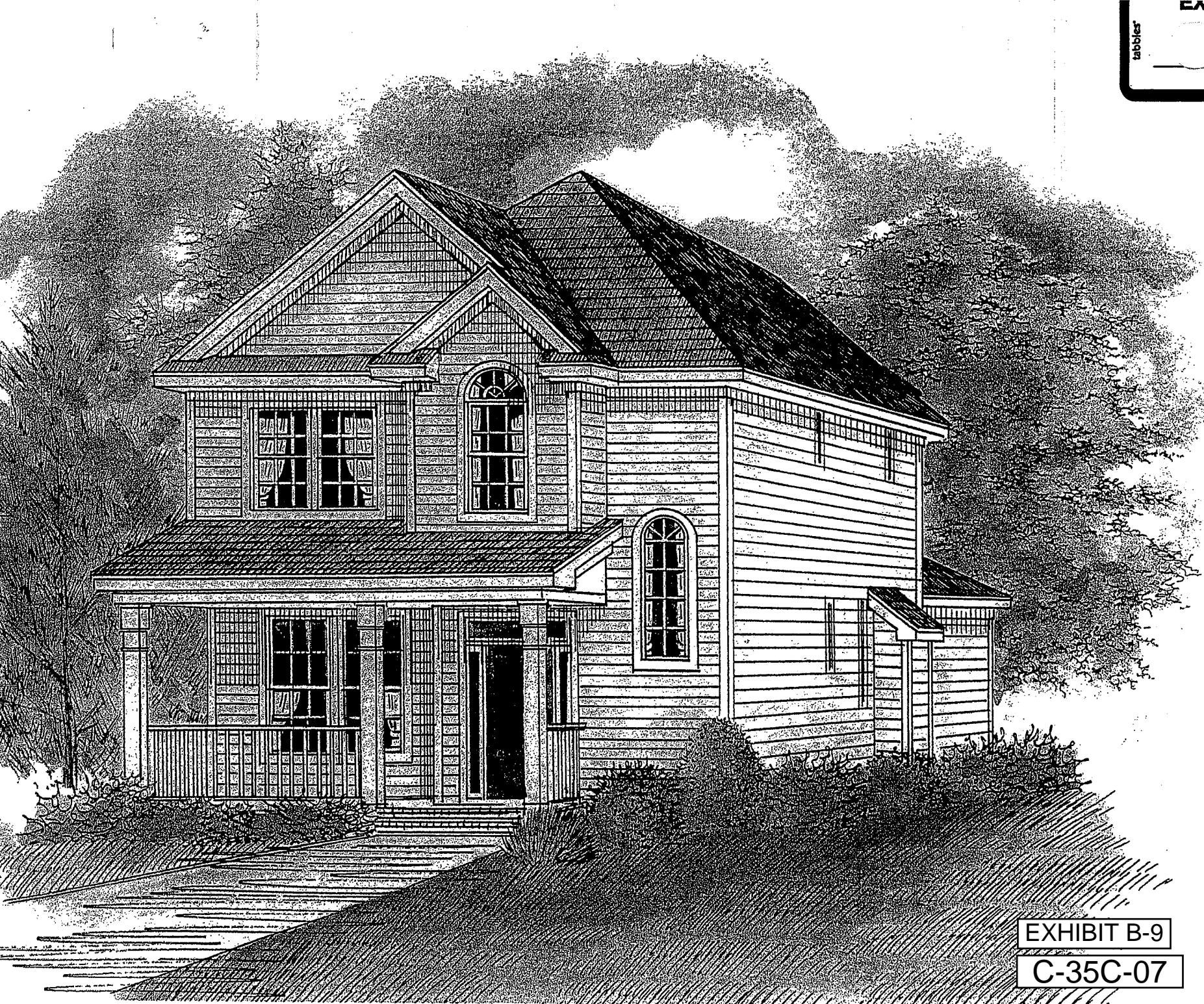


EXHIBIT B-9

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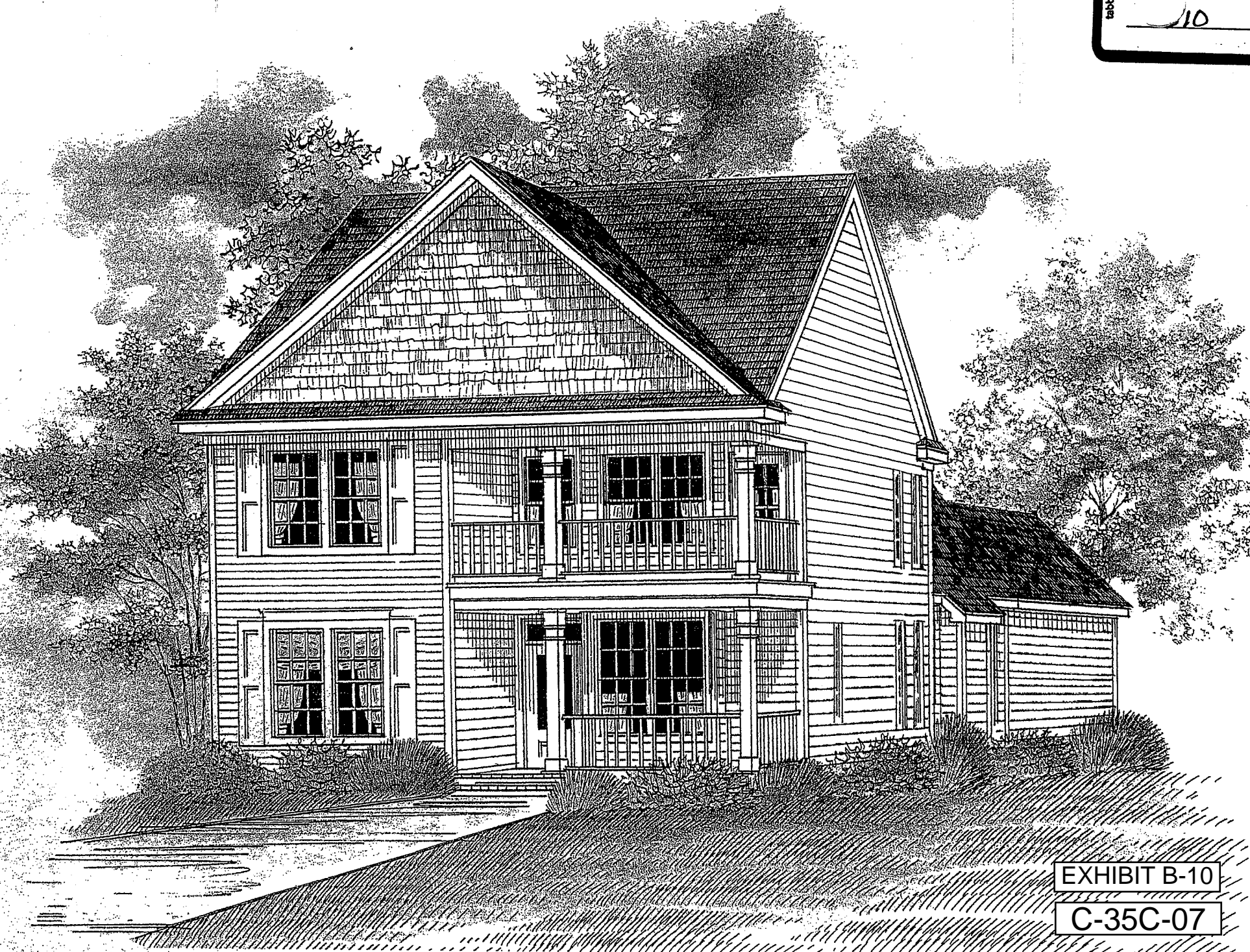


EXHIBIT B-10

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