

C-41C-07 Zoning

Single-Family Residential

Varina District

400 Feet

PS May 2007

Ref: 804-694-3115



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 21, 2007

Smart Development
Attn: Mr. Anthony Harris
10901 Dominion Fairways Lane
Glen Allen, VA 23059

Re: Conditional Rezoning Case C-41C-07

Dear Mr. Harris:

The Board of Supervisors at its meeting on August 14, 2007, granted your request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional), Parcels 804-693-7692, 804-693-6271, 804-693-4792, 804-693-6493, 804-694-1205, and 804-694-3115, described as follows:

Beginning at point along the North line of Burning Tree Road, said point being 0.4± mile from Osborne Turnpike; thence departing the North line of Burning Tree Road, N 29°32'39" W, 49.00 feet to a point; thence S 63°43'33" W, 84.03 feet to a point; thence N 29°33'50" W, 290.00 feet to a point; thence S 65°20'30" W, 201.90 feet to a point; thence N 30°39'30" W, 556.44 feet to a point; thence S 62°56'14" W, 203.30 feet to a point; thence N 29°03'46" W, 214.27 feet to a point; thence N 62°56'14" E, 575.49 feet to a point; thence S 20°50'32" E, 56.00 feet to a point; thence S 45°51'12" E, 146.00 feet to a point; thence S 31°30'14" E, 251.08 feet to a point; thence S 37°24'48" E, 100.00 feet to a point; thence S 30°15'08" E, 584.74 feet to a point along the North line of Burning Tree Road; thence continuing along the North line of Burning Tree Road, S 66°27'21" W, 140.46 feet to a point, said point being the Point of Beginning containing 430,735 square feet or 9.888 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated July 18, 2007, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

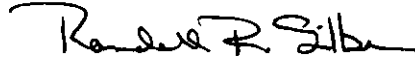
1. **Maximum Density.** There shall be a maximum of twenty-four (24) lots on the Property to be used for residential dwelling units.
2. **Conceptual Site Plan.** The Property shall be developed generally consistent with the layout plan attached hereto as Exhibit A, (the "Concept Plan"), (see case file). 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 subdivision review.
3. **Lot Widths.** Lots shall have a minimum width of sixty (60) feet. The lots identified on the Concept Plan (see case file) as lot numbers 9, 10, 11, 12, 13, 14 and 15 shall each have a minimum lot width of seventy (70) feet.
4. **Minimum House Size.** Houses shall have a minimum of two thousand two hundred (2,200) square feet of finished floor area.
5. **Architectural Features.**
 - A. **Building 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 sixteen (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. Vinyl siding shall have a minimum thickness of 0.044 mils.
 - B. **Building Elevations:** The architectural appearance of the dwellings shall be similar to the buildings depicted by Exhibits B, C, D and E (see case file), unless otherwise requested and approved by the Director of Planning.
 - C. **Front Elevations:** At least fifty percent (50%) of the dwellings shall have front elevations constructed with a minimum of fifty percent (50%) brick or stone. Upon request by the Director of Planning the developer shall provide the County with the necessary calculations which illustrate the dwellings are in compliance with the required percentages set forth in this proffer.
 - D. **Corner and End Lots:** All dwellings located on a corner or end lot shall have a minimum of two (2) windows on its side elevations.
6. **Stoops and Steps.** Front porches and stoops and steps to the main entrance of each dwelling shall be brick or stone.

7. **Garages.** A minimum of a two-car garage, either attached or detached, shall be provided for each dwelling constructed on the Property. No more than fifty percent (50%) of the lots shall have a front loaded attached garage. All front loading attached garages shall be even with or recessed from the main plane of the dwelling and shall be improved with garage doors having varying architectural details and/or styles. Each garage shall have a minimum interior clear area of 18'5" by 19'5". Upon request by the Director of Planning the developer shall provide the County with the necessary calculations which illustrate the garages are in compliance with the required percentages and minimum interior clear areas set forth in this proffer.
8. **Chimneys, Flues and Cantilevered Windows.** 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 windows, closets, chimneys or gas vent units shall be cantilevered. The exposed portions of all fireplace chimneys shall be brick. This proffer shall not apply to direct vent gas fireplaces or appliances.
9. **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.
10. **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").
11. **Access to the Property.** Access to the Property shall be provided by Burning Tree Road. No lot shall have direct access to Burning Tree Road.
12. **Storm-Water Facilities.** Any wet Best Management Practice areas shall be aerated and landscaped as approved by the Planning Commission at the time of subdivision review. Any dry Best Management Practice areas shall be screened from any public and/or private roadways with landscaping as approved by the Planning Commission at the time of subdivision review.
13. **Buffer and Entrance Feature.** A fifty (50) foot wide buffer (the "Buffer") shall be provided adjacent to the right-of-way line of Burning Tree Road. The buffer shall consist of natural vegetation and/or landscaping. There shall be an entrance feature consisting of a ground-mounted sign with associated landscaping. An overall landscape plan for the Buffer shall be submitted for review and approval by the Planning Commission prior to final subdivision approval. Utility easements, signage, fences, entrance roads to the development and other items permitted by the Planning Director at the time of final subdivision approval shall be permitted within the Buffer.

14. **Recreation Amenities.** Prior to the issuance of the final certificate of occupancy for the fifteenth (15th) dwelling, a tot lot shall be constructed within the open space area for use in common by owners of the lots and their invitees. The tot lot shall include, but not be limited to, play equipment, benches and trash receptacles.
15. **Sidewalks.** A sidewalk, a minimum of four (4) feet in width, shall be provided within the right-of-way adjacent to one side of interior roadways. There shall be two (2) feet of green space between curbs and the sidewalk.
16. **Street Trees.** Trees shall be planted on thirty-five (35) foot centers parallel to the interior roadways.
17. **Driveways.** All driveways on each individual lot shall be paved within six (6) months following the issuance of certificate of occupancy. The type of pavement may include asphalt, concrete, exposed aggregate material or pavers made of brick, stone or concrete.
18. **Roads.** All interior roadways shall be private. Upon completion of the construction of the interior roadways the developer shall provide the Planning Department with certification from a licensed engineer that the interior roadways were constructed 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 and turning radii.
19. **Curb and Gutter.** Curb and gutter shall be used on all streets and shall be designed to meet the current County standard for six (6) inch standard curb and gutter.
20. **Hours of Construction.** The hours of exterior construction including operation of bulldozers and other earthmoving equipment shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and 8:00 a.m. and 5:00 p.m., on Saturday and Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above referenced provisions shall be posted and maintained at all entrances to the property prior to any land disturbances activities thereon.
21. **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: Ms. Lorie Turner
Mrs. Lee A. Smith & Ms. Eula Smith
Ryan W. Boggs, Esq.
Andrew M. Condlin, Esq.
Dr. Penny G. Blumenthal, Dir., Research & Planning, Henrico County Schools
Director, Real Estate Assessment
Conditional Zoning Index

OWNER: SMART DEVELOPMENT CORPORATION
10901 DOMINION FAIRWAYS LANE
GLEN ALLEN, VA 23059
PHONE: (804) 303-6602
FAX: (804) 303-6604
CONTACT: ANTHONY HARRIS
EMAIL: SMARTDEVELOPMENT@COMCAST.NET

NUMBER OF LOTS: 24
SITE AC: 9.87 ACRES
FUTURE DEVELOPMENT: 33,845.86 SQ FT (0.78 ACRES)
TOTAL OPEN SPACE: 86,070.39 SQ FT (1.98 ACRES)
DENSITY: 2.43 LOTS/AC

LOT WIDTHS:
NUMBER OF 60 FT LOTS: 6
NUMBER OF 65 FT LOTS: 8
NUMBER OF 70 FT LOTS:11



PLANNERS ARCHITECTS
ENGINEERS SURVEYORS

1208 Corporate Circle
Roanoke, Virginia 24018
Phone: 804/772-9580
FAX: 804/772-8050

501 Branchway Road
Suite 100
Richmond, Virginia 23236
Phone: 804/794-0571
FAX: 804/794-2635

880 Technology Park Drive
Suite 200
Glen Allen, Virginia 23059
Phone: 804/553-0132
FAX: 804/553-0133

HARRIS - BURNING TREE ROAD
REZONING

CONCEPTUAL PLAN

VARINA DISTRICT
HENRICO COUNTY, VIRGINIA

DRAWN BY: FCP
DESIGNED BY: FCP
CHECKED BY: FCP
DATE: 5-16-07
REVISIONS:

SCALE: 1"=100'
SHEET NO.
1 OF 1

EXHIBIT A
C-41C-07

H0600383.00

071107



EXHIBIT B

C-41C-07



EXHIBIT C

C-41C-07

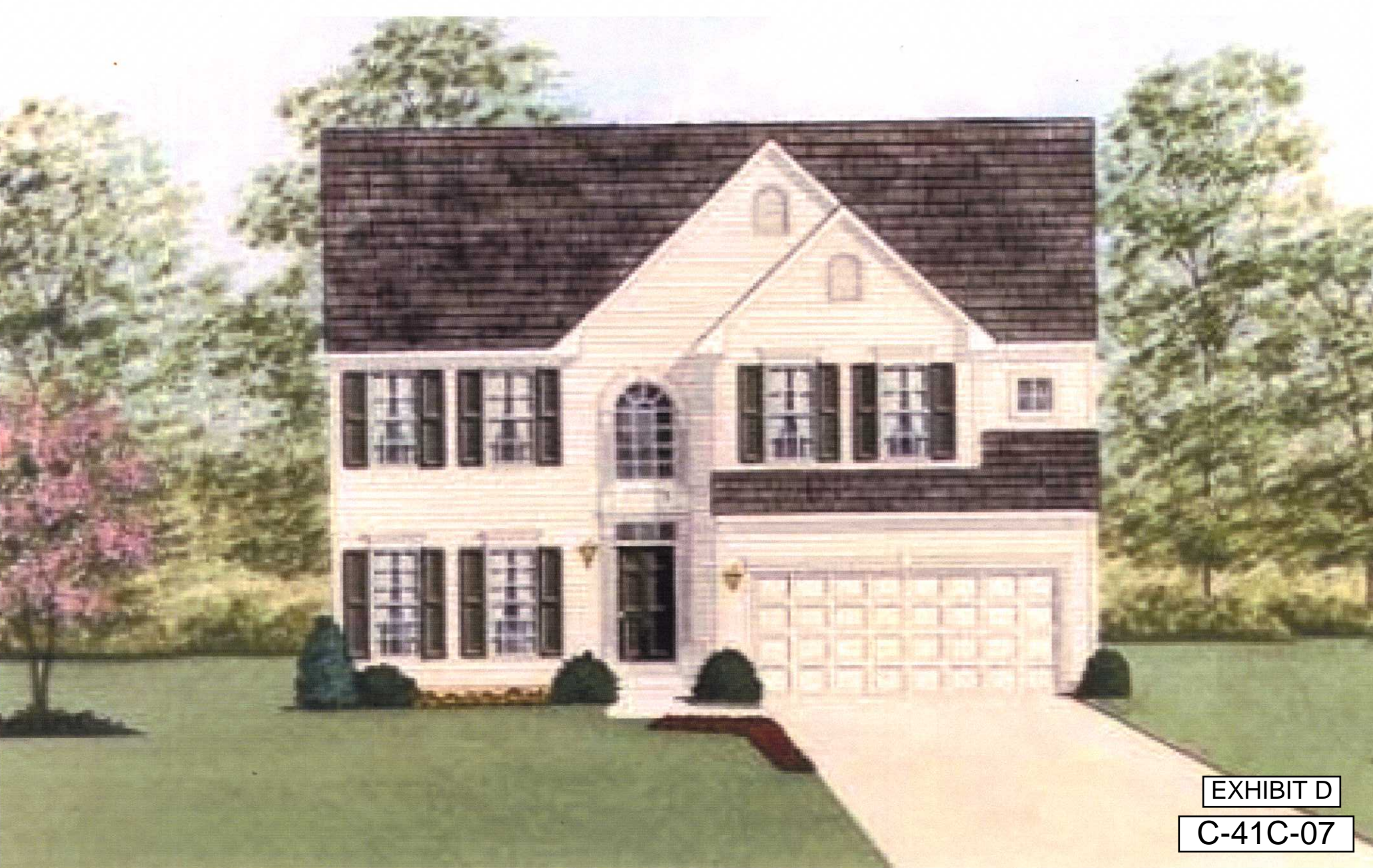


EXHIBIT D

C-41C-07



EXHIBIT E

C-41C-07