



County of Hanover

A-1 TO R-3C
34.996 Ac.

C-46C-07
Zoning
 Single-Family Residential Subdivision
 Three Chopt District
 700 Feet
 PS July 2007 Ref: 751-773-4286



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

January 29, 2008

Atack Properties, Inc.
Attn: Robert M. Atack, President
4191 Innslake Drive, Ste. 118
Glen Allen, VA 23060

Re: Conditional Rezoning Case C-46C-07

Dear Mr. Atack:

The Board of Supervisors at its meeting on January 22, 2008, granted your request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional), Parcel 750-773-1173 and part of Parcel 751-773-4286, described as follows:

Beginning at a point on the north line of Opaca Lane, said point being 739.8 feet more or less from the west line of Chappel Road; thence N 47°03'40" W for a distance of 816.4 feet more or less to a point; thence N 46°19'05" E for a distance of 244.3 feet more or less to a point; thence N 47°34'05" E for a distance of 1,834.7 feet more or less to a point on the Chickahominy River; thence along the Chickahominy River 532.4 feet more or less to a point on the west line of the Virginia Power right-of-way recorded in deed book 1850, page 1153; thence along the west line of the right-of-way, S 32°08'49" W for a distance of 155.8 feet more or less to a point; thence S 33°22'07" W for a distance of 1,404.3 feet more or less to a point; thence S 36°54'33" W for a distance of 361.0 feet more or less to a point; thence S 47°03'40" E for a distance of 61.1 feet more or less to a point on the north line of Opaca Lane; thence along the north line of Opaca Lane, S 77°26' 50" W for a distance of 296.0 feet more or less to the point of beginning. Said property contains 34.9 acres more or less.

The Board of Supervisors accepted the following proffered conditions, dated January 22, 2008, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Density.** No more than ninety (90) residential units shall be constructed on the Property.

2. **Foundations and Front Steps.** All houses shall be constructed on foundations. Except for garage floors, slab foundations shall be prohibited. Steps to the main entrance of all homes, except for homes with country porches, shall be faced with brick or stone or a cementitious, mortared stone-appearing product. Front stoops, except for homes with country porches, shall be brick or stone or a cementitious, mortared stone-appearing product with finished concrete or exposed aggregate landing. Any country porches shall have brick piers.
3. **No Cantilevering.** There shall be no cantilevered features including, but not limited to, bay windows, closets, chimneys or gas vent units.
4. **Chimneys.** The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundations.
5. **Minimum House Size.** All homes shall have a minimum of 2,250 square feet of finished floor area.
6. **Garages.** All homes on the Property shall have a minimum of a two- (2) car garage.
7. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
8. **Restrictive Covenants.** Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property.
9. **Exception.** These proffers are not applicable to the existing home on the Property.
10. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:
 - a. Storm water management and/or retention areas.
 - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.

- c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
- d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance").

The Owner shall, prior to Plan of Development or subdivision approval for areas that include such flood plain, apply to rezone such portions of the Property to a C-1 Conservation District.

The location and limits of such portion(s) of said Property shall be established by Plan(s) of Development and/or subdivision plats approved pursuant to the Zoning and/or Subdivision Ordinance.

- 11. **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.
- 12. **Traffic Calming Measures.** Traffic calming measures shall be considered for roads within and adjoining the Property at the time of subdivision approval in order to discourage cut-through traffic. Such measures may include speed humps and signage. Any measures required by the County shall be installed at the expense of the Developer.
- 13. **Sidewalk.** Subject to obtaining all required governmental approvals and permits, a pedestrian sidewalk shall be provided in accordance with County standards in the County's right-of-way on the north and south sides of Holman Ridge Road Extended if requested by the County at the time of subdivision review.
- 14. **Exterior Materials.** Primary exterior wall materials (exclusive of windows, gables and doors) shall be brick, stone, cultured stone, high-grade vinyl (a minimum of .040" nominal thickness as evidenced by manufacturer's printed literature), cementitious siding (e.g. Hardiplank) or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of subdivision review. A minimum of twenty-five percent (25%) of all homes as to the visible portions of the front exterior building wall surfaces below eave height, excluding windows, doors, dormers, breezeways, gables and architectural design features, shall be of brick or stone construction unless an equivalent material is requested and specifically approved at the time of subdivision review. Fiberboard shall not be permitted as an exterior wall material.
- 15. **Entrance Feature.** An entrance feature shall be provided at the entrance to the Property at the existing terminus of Holman Ridge Road generally as shown on the exhibit attached hereto (see case file).

16. **Driveways.** All driveways shall be paved.
17. **Street Trees.** A minimum of two trees shall be planted in each front yard upon home completion.
18. **Sod and Irrigation.** The front and side yards of all homes constructed on the Property shall be initially sodded and served by individual lot irrigation systems.
19. **Minimum Lot Width.** The minimum lot width at the building line, as defined by Henrico County, shall be a minimum of eighty-five (85) feet.

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: Arthur O. Houston
Benoni Holloway Jr.
Mabel T. Holloway Trust
James W. Theobald, Esq.
Dr. Penny G. Blumenthal, Dir., Research & Planning, Henrico County Schools
Director, Real Estate Assessment
Conditional Zoning Index



EXHIBIT B
C-46C-07