

**C-7C-07**  
**Zoning**  
 Residential Townhouses  
 Three Chopt District  
 400 Feet  
 PS November 2006 Ref: 747-773-6860



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R Hazelett, PE  
County Manager

July 15, 2008

Frances A Turner, Trustee  
5412 Twin Hickory Road  
Glen Allen, VA 23059

Re Conditional Rezoning Case C-7C-07

Dear Ms Turner

The Board of Supervisors at its meeting on July 8, 2008, granted your request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 747-773-6860, described as follows

Beginning at a point on the southern right-of-way line of Twin Hickory Road, 795± east of the eastern right-of-way line of Nuckols Road, thence continuing along the southern right-of-way line of Twin Hickory Road N 53°10'45" E, a distance of 669 93' to a point, thence leaving said right-of-way line S 36°12'20" E, a distance of 389 83' to a point, thence S 49°49'45" W, a distance of 211 20' to a point, thence S 65°45'10" W, a distance of 346 94' to a point, thence N 56°25'00" W, a distance of 346 69' back to the point of beginning Said parcel contains 5 204 acres and is shown on a plat prepared by E D Lewis & Associates, P C Titled "Compiled Plat showing a parcel of land situated on the south side of Twin Hickory Road in the Three Chopt District, Henrico County, Virginia" and dated August 16, 2006

The Board of Supervisors accepted the following proffered conditions, dated July 7, 2008, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance)

- 1 **Conceptual Plan.** Development of the property (the "Property") shall be in general conformance with the conceptual site plan dated July 3, 2008 and attached as Exhibit "A" (see case file) The concept plan is conceptual and therefore the details and exact layout will vary from the conceptual plan as approved by the Planning Commission at the time of the Plan of Development (POD) review

- 2 **Buffer.** A forty-five foot (45') buffer shall be provided adjacent to the northeastern boundary line of the Property as shown on Exhibit "A" (see case file), which such buffer shall include landscaping with a minimum of transitional buffer 50, as referenced in the County Zoning Ordinance. A fifteen foot (15') buffer shall be provided adjacent to all other boundaries of the Property, including Twin Hickory Road, as shown on Exhibit "A" (see case file), which such buffers shall include landscaping with a minimum of transitional buffer 25, as referenced in the County Zoning Ordinance. All such buffers shall be left natural and landscaped subject to (i) the removal of fallen, diseased or dead plant growth, (ii) the extent necessary for an access road and utility easements, including drainage, (iii) supplemental plantings, berms and/or fencing and other purposes as required by the Planning Commission at the time of Plan of Development or Landscape Plan review, and (iv) no more than five (5) feet of the buffer on the townhouse side of the northeastern boundary buffer being initially cleared and if so cleared, then planted with supplemental plantings consistent with the approved Landscape Plan. The Landscape Plan shall also include provisions for (a) sod and irrigation in landscaped areas on the Property, including, without limitation, yards for any building and the buffer along Twin Hickory Road, and (b) landscaping of parking areas and in other common areas of the project. The rear or side yard setback for any building on the Property may not include such buffer.
- 3 **Architectural Treatment.** The visible portions of the front, rear and side building wall surfaces of each building unit shall be constructed of brick, or brick veneer, excluding windows, doors and architectural design features, which shall include but are not limited to one or more of the following: varying colors of brick, brick accents, soldier courses, quoin corners, accent coloring different from the main brick coloring, varying window and doorway designs. The side of each end unit shall include at least one (1) window. No dormers shall be located on the units adjacent to and facing the Chappell Ridge development.
- 4 **Density.** There shall be no more than thirty (30) units developed on the Property.
- 5 **Square Footage.** All townhomes shall have at least two thousand (2,000) square feet of finished floor area.
- 6 **Foundations.** The exposed exterior portion of any building below the first floor elevation which is visible above grade shall be finished with brick or stone.
- 7 **Cantilevered Features.** No chimneys, gas vent units, closets or bay windows 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.
- 8 **Protective Covenants.** Prior to or concurrent with the recordation of the first

subdivision plat or approval of the final Plan of Development by the County, 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 and establishing a home owners' association ("HOA") All buffers described in these proffers shall be part of the common area of the development and shall be required by the protective covenants to be maintained by the HOA The protective covenants shall also require any outbuildings to have an exterior elevation and design uniform with all other outbuildings on the development and such outbuildings must be approved by the HOA prior to their construction The protective covenants shall also require the HOA to set a uniform time for trash pickup for all of the townhomes and to maintain and repair all roads within the Property not dedicated to and accepted by the County These proffers accepted with this case shall be attached as an exhibit to and recorded with such protective covenants

- 9 **Lighting** Ground mounted lighting fixtures shall be mounted on footings to prevent the use of direct embedded light standards and shall not exceed fifteen (15) feet in height above grade level Lighting shall be non-glare, decorative in style, and residential in character
- 10 **Underground Utilities** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground Any heating, ventilation and air conditioning equipment shall be screened from view at ground level at the boundary line of the Property by using fencing or landscaping as approved by the Planning Commission at the time of Plan of Development review
- 11 **Roads and Sidewalks** 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 The applicant shall provide sidewalks along internal roads in front of each dwelling In addition, the applicant shall provide a sidewalk parallel to Twin Hickory Road These sidewalks along Twin Hickory Road shall be constructed to the Department of Public Work's standards and shall include a two (2) foot planting strip between the sidewalk and curb The sidewalk parallel to Twin Hickory Road shall be located in the County Right-of-Way
- 12 **Entrance Feature** The entrance into the development shall contain a monument style entrance sign with exterior lighting, shall be a maximum height of 6 feet, shall be constructed in conformance with the County Zoning

Ordinance and with architectural materials similar to the exterior architectural materials of the residential buildings, unless otherwise approved by the Planning Commission at the time of Plan of Development review

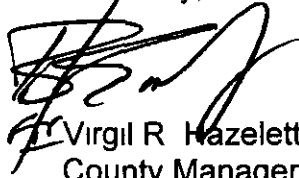
- 13 **Sound Suppression** Walls and ceilings between units shall be constructed with a minimum sound coefficient rating of 54 Prior to the issuance of a building permit, the owner or applicant shall submit construction details (cross section), with an architect's or engineer's seal, demonstrating that construction will provide the proffered sound coefficient
- 14 **Garages** Each dwelling unit shall contain at least a one-car garage Each garage shall have a minimum interior clear area of 18' x 9' All driveways serving a dwelling unit shall be constructed of concrete, including, but not limited to, stamped concrete and exposed aggregate concrete
- 15 **Dumpsters**. Any dumpster shall be screened from public view at ground level with brick side and rear walls and a wooden front gate, or as otherwise approved by the Planning Commission at the time of Plan of Development review Any dumpster shall be located generally as shown on Exhibit "A" (see case file) unless otherwise approved at the time of Plan of Development review
- 16 **Storm Water Facilities**. There shall be no above ground stormwater management facilities on the site, unless otherwise approved by the Planning Commission at the time of Plan of Development review
- 17 **Right-of-Way Dedication**. The Applicant shall dedicate the right-of-way necessary along Twin Hickory Road based on the ultimate right-of-way width of sixty-six (66) feet The right-of-way shall be dedicated as part of the final plat recordation If such right-of-way property is not used by the County for the widening of Twin Hickory Road by July 8, 2023, the right-of-way property shall be returned to the then existing owners of the Property
- 18 **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 Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connectors
- 19 **Building Permit** The Director of Public Works shall approve all final grading and drainage plans required by the Director of Public Works for development of the Property or the applicable portion thereof and evidence as the Director of Public Works requires that all easements made necessary by such plans have been obtained shall be provided to the Director of Public Works prior to

the issuance of grading and drainage permits for the development of the Property or the applicable portion thereof

- 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 Andrew M Condlin, Esq  
Dr Martha G Blumenthal, Dir , Research & Planning, Henrico County Schools  
Director, Real Estate Assessment  
Conditional Zoning Index

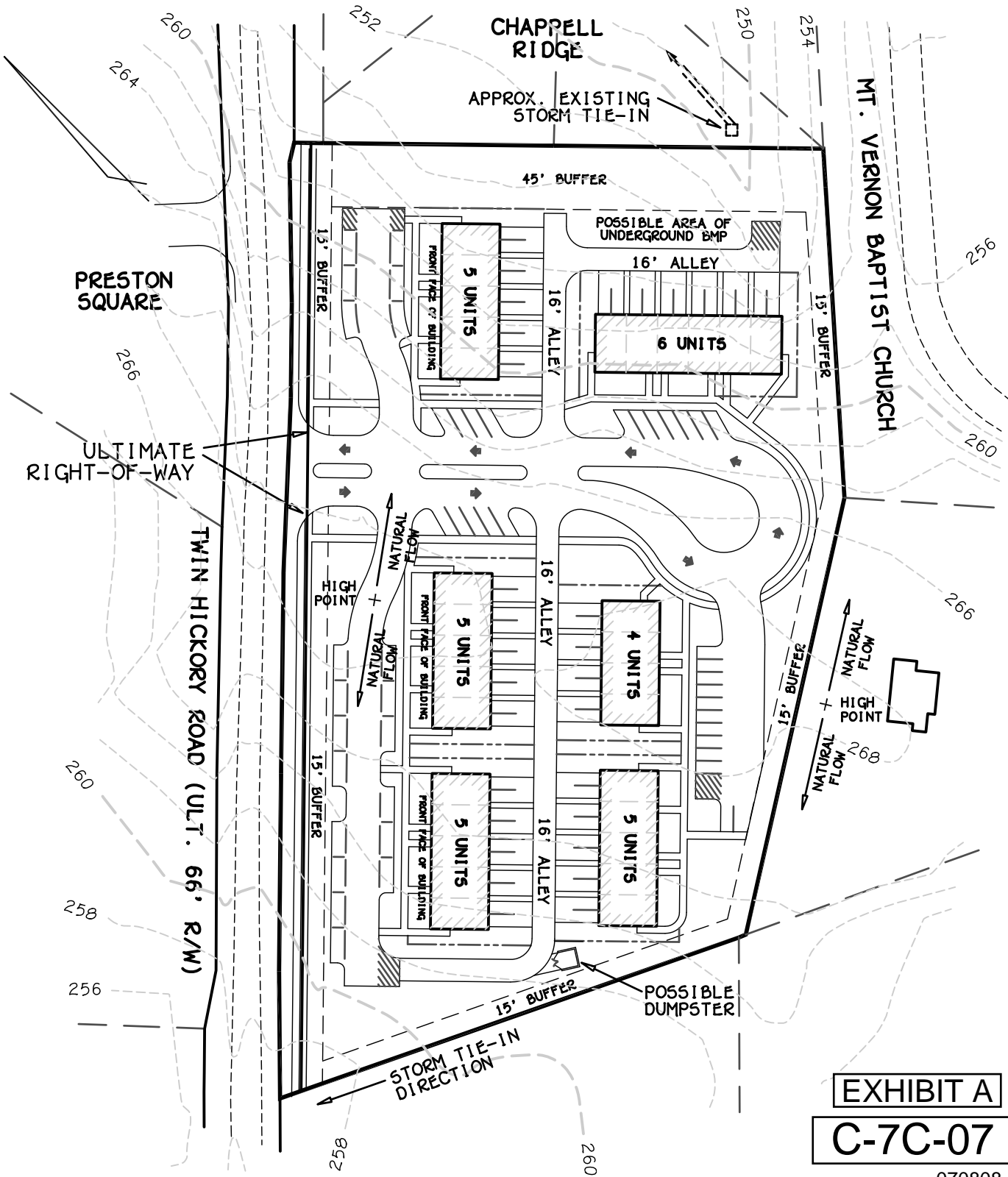


EXHIBIT A  
**C-7C-07**  
 070808

# Turner Property RTH Layout

Three Chopt District  
 Henrico County, Virginia

Scale" 1"= 100' Date: July 3, 2008

COMP: DLC	<b>RICHMOND OFFICE</b> 8500 BELLCREEK ROAD MECHANICSVILLE, VA 23116 804-569-7060 (F)804-569-7061
CAD: DLC	<b>MIDDLE PENINSULA OFFICE</b> 5690 PARKWAY DRIVE GLOUCESTER, VIRGINIA 23061 804-693-2993 (F) 804-693-5596
CHECKED: DLC	<b>NORTHERN NECK OFFICE</b> 812 RAPPAHANNOCK DRIVE WHITE STONE, VA 22578 804-436-8425 (F)804-436-8427
JN: 07057	
FILED: 07057hen	



# BAY

design group

Engineering Surveying & Land Planning