

C-2C-09
Zoning

Age-Restricted Residential
Brookland District

500
Feet

PS November 2008 Ref: 777-773-0724



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

February 17, 2009

WILVAL, LLC
Attn: Ms. Sandra Verna
4901 Dickens Road #101
Richmond, VA 23230

Re: Conditional Rezoning Case C-2C-09

Dear Ms. Verna:

The Board of Supervisors at its meeting on February 10, 2009, granted your request to conditionally rezone from R-6C General Residence District (Conditional) to R-5AC General Residence District (Conditional), part of Parcel 777-773-0724, described as follows:

Parcel 1

Beginning at a point on the west line of Bent Pine Road, said point being 420.90 feet north of the intersection of Bent Pine Road and Greenwood Road, said point being labeled P.O.B. 1; thence N 56°50'55" W for 306.30' to a point; thence with a curve left having a radius of 800.00', a delta angle of 6°37'47", an arc length of 92.57', a chord bearing of N 25°57'56" E, and a chord length of 92.52' to a point; thence N 22°39'03" E for 146.42' to a point; thence along a curve to the left having a radius of 150.00', a delta angle of 50°25'13", an arc length of 132.00', a chord bearing of N 02°33'34" W, and a chord length of 127.78' to a point; thence N 27°46'10" W for 170.61' to a point; thence N 62°13'50" E for 95.56'; to a point; thence S 65°44'48" E for 437.27' to a point; thence S 24°15'12" W for 580.56' to a point; said point being the Point of Beginning and containing 4.5 acres, more or less.

Parcel 2

Commencing at the intersection of Greenwood Road and Bent Pine Road; thence along the northerly right-of-way of Greenwood Road 1433' feet east to a point, said point being labeled P.O.B. 2; beginning at said point; thence N 56°42'25" W for 90.88' to a point; thence N 39°27'11" E for 685.36' to a point; thence S 49°52'41" E for 204.72' to a point; thence S 07°44'57" W for 61.35' to a point; thence S 61°19'43" W for 54.00' to a point; thence S 37°12'44" W for 137.71' to a point; thence N 52°47'16" W for 117.57' to a point; thence S 41°22'25" W for 428.95' to a point; to the Point of Beginning and containing 2.212 acres, more or less.

Parcels 1 and 2 totaling 6.712 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated February 2, 2009, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Age Restriction.** Except as otherwise prohibited by the Virginia Fair Housing Law, as it may be amended, the federal Fair Housing Law and such other applicable federal, state or local legal requirements, residential development on the Property shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law.
2. **Trash Service.** Trash pick-up service shall be provided for each unit and shall not commence before 9:00 a.m. or extend beyond 9:00 p.m.
3. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reason, all utility lines shall be underground.
4. **Sidewalks.** Sidewalks four (4) feet in width shall be provided along one side of all roads within the development.
5. **Sodding of Yards.** The front of all buildings, the side yard between buildings to the rear building line, and any area adjacent to any roadway that is not mulched or a tree save area shall be sodded and irrigated.
6. **Fireplace Chimneys.** All exterior portions of fireplace chimneys shall be enclosed by brick or stone. All fireplace chimneys and gas vents shall be built on brick or stone foundations. Gas or ornamental fireplaces may be wall-vented within chimneys; however, such vented enclosures shall not be cantilevered and must have a base to match the foundation.
7. **Architectural Quality.** Roofing shall be Class A (fire and wind protection rated by Underwriter Labs) fiberglass asphalt roof shingle material - three tab, mid-weight shingles, self-sealing adhesive tab or an equivalent material that has a thirty (30) year life and associated warranty. Vinyl siding shall have long-lasting strength, resilience and resistance to everyday wear and tear. The vinyl shall have an anti-weatherization design.
8. **Amenities Package.** The construction of the Community Building referenced in C-18C-08 shall be completed within three years of the construction of the first foundation in the development. Certificates of Occupancy for no more than 80 units in aggregate with C-18C-08 shall be issued until the construction of the Community Building is complete. The pavilion shall contain the following: a minimum of 4,000 square feet with an indoor pool or a minimum of 3,500 square feet with an indoor and outdoor pool of finished space, a large gathering room, kitchen facilities, and locker rooms with restrooms and showers. All residents

shall have access to the Community Building and associated amenities provided their Association Assessments/Dues are current. The Community Building shall be constructed in general conformance to the illustrations in Exhibits D & E (see case file).

9. **Access.** There shall be no road access to the development from Bent Pine Road, Ryall Road, or Winfrey Road or any adjoining neighborhoods.
10. **Minimum Unit Size.** The minimum unit size of finished floor area shall be 1100 square feet.
11. **Parking.** Each unit shall have 2.25 parking spaces excluding space contained in a garage. Each cottage and carriage unit shall contain a two-car attached garage.
12. **Paved Drives.** Each driveway in the Development shall be hard surface and may be of asphalt, concrete or aggregate materials.
13. **Lighting.** Street lighting fixtures shall be constructed and maintained along the private roadway system within the property and shall not exceed fifteen (15) feet in height.
14. **Road Standards.** Curb and gutter shall be used on all streets and shall be designed to meet the current County standards for "roll face" curb and gutter and shall measure not less than three (3) feet from edge of pavement to back of curb. Roads shall be designed to have a minimum width of thirty-six (36) feet from back of curb to back of curb (thirty (30) foot from edge of pavement to edge of pavement with an additional three (3) feet from edge of pavement to back of curb). Prior to the issuance of a final 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 (except for width) 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.*
15. **Fencing.** There shall be a six (6) foot white vinyl fence along the eastern and southern property lines adjacent to Bent Pine Road and GPIN 776-770-0791. The only other fencing allowed on the Property except for invisible fencing within designated areas in the rear yards of individual units shall be white vinyl fencing between units. Such fencing shall attach to or abut the unit and extend a maximum of eighteen (18) feet in length and six (6) feet in height.
16. **Sound and Fire Suppression Measures.** A minimum Sound Transmission Class (STC) of 55 shall be achieved on all interior fire walls of connected units

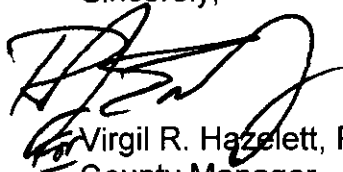
within the development with walls designed in accordance with the Fire Resistance/Sound Control Design Manual published by the Gypsum Association. The wall shall extend all the way to the roof and shall have a two hour fire rating. A typical common wall section shall be shown on the architectural drawings for each attached unit/building showing the construction techniques to be used and submitted to the Building Official's office at the time of building permit approval in order to obtain a typical STC.

17. **Use Restrictions.** Principal uses permitted on the Property shall be those uses permitted in the R-5A zoning district, except a group care facility shall not be permitted.
18. **Protective Covenants.** Prior to conveyance of the first unit, restrictive covenants describing development controls, architectural modification standards and maintenance responsibilities for all common areas within the development in aggregate with C-18C-08, including maintenance of the entrance features shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
19. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
20. **Location of Detached Units.** Single-family detached units shall be the only unit type to be constructed within 150 feet of any existing single-family residential dwellings on adjoining property.
21. **Architectural Exhibits.** The architectural style of the units shall be built in substantial conformance to the renderings labeled Exhibits A-1 to A-13 (see case file).
22. **Outdoor Speakers.** No public address or speaker systems outside of any building shall be permitted.
23. **Number of Units.** The maximum number of units developed on the Property shall be 400 in aggregate with C-18C-08.
24. **Building Height.** The maximum building height for any building on the property shall be 40 feet.
25. **Construction Hours.** No land clearing, road or water/sewer line construction, or any construction of the exterior shell of any building shall occur before the hour of 7:00 a.m. Signs, in both English and Spanish, stating the construction hours shall be posted and maintained at all entrances to the Property prior to any land disturbance activities beginning.

26. **Emergency Generators.** Emergency generators shall be part of the option packages with each unit.
27. **Building Setback.** A minimum setback of twenty (20) feet in depth shall be provided in the front yard of each building.

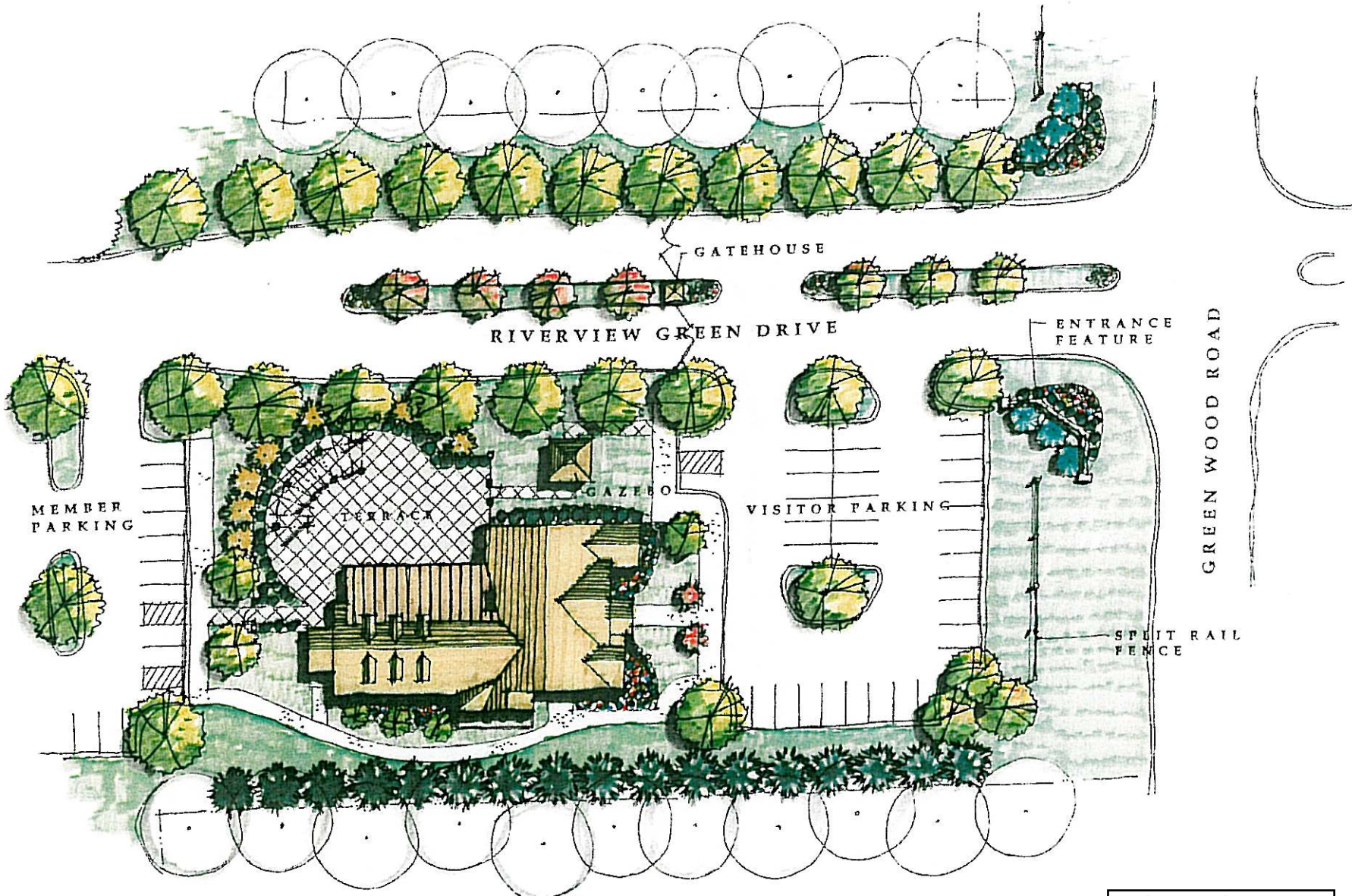
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.
County Manager

pc: Dr. Martha G. Blumenthal, Dir., Research & Planning, Henrico County Schools
Director, Real Estate Assessment
Conditional Zoning Index



C-2C-09

EXHIBIT E

THE BRISTOL



Exhibit A-1 – Cottage

C-2C-09

THE ASHFORD



Exhibit A-2 – Cottage

C-2C-09

THE CARLTON

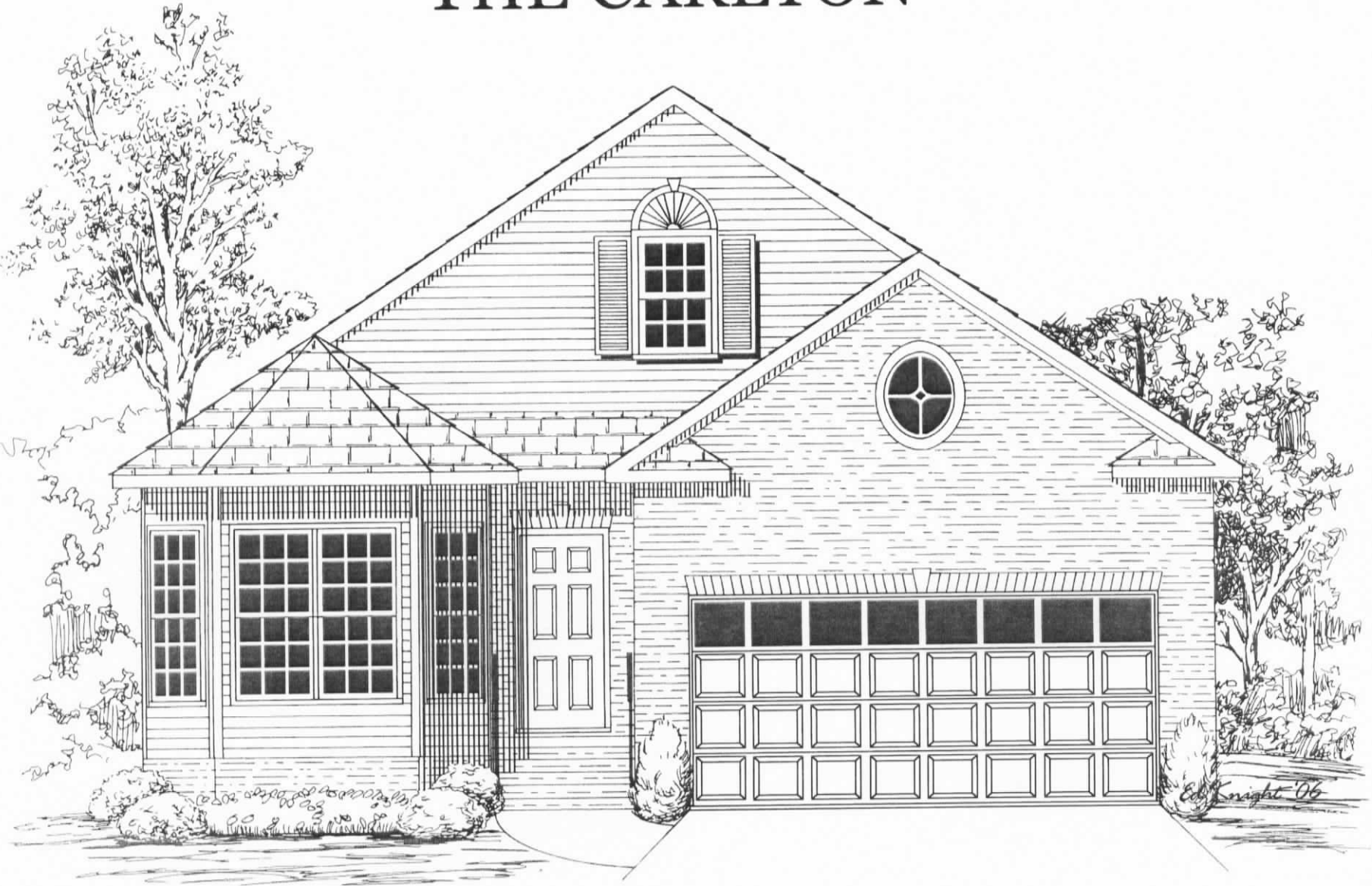


Exhibit A-3 – Cottage

C-2C-09

THE DEVON



Exhibit A-4 - Cottage

C-2C-09



Exhibit A-5 – Cottage

C-2C-09

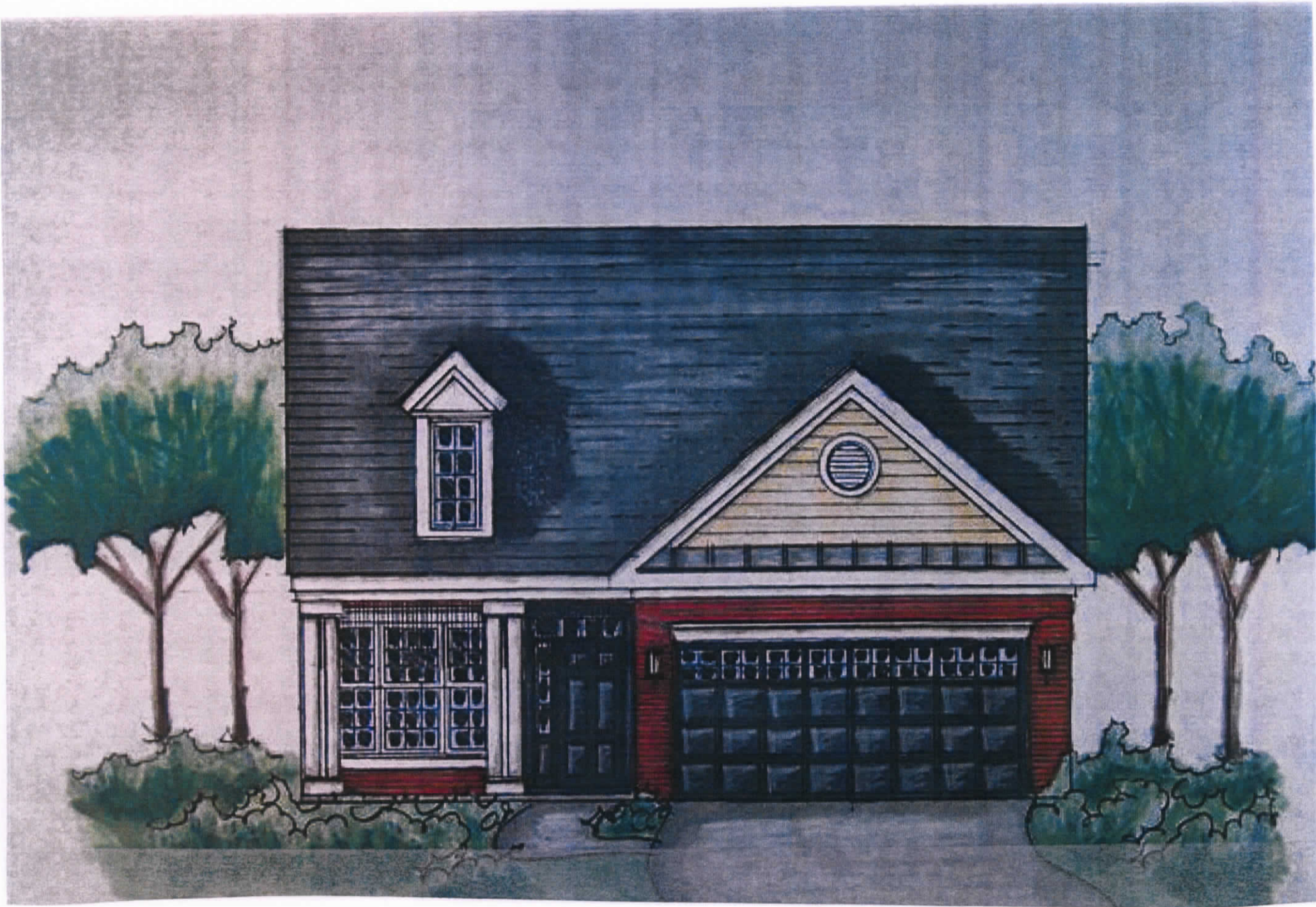


Exhibit A-6 – Cottage

C-2C-09



Exhibit A-7 – Cottage

C-2C-09



Exhibit A-8 – Cottage



Exhibit A-9 – Cottage

C-2C-09



Exhibit A-10 - Carriage

C-2C-09



Exhibit A-11 - Carriage



Exhibit A-12 - Carriage



ELEVATION A



ELEVATION A



ELEVATION A



ELEVATION A



ELEVATION B



ELEVATION B



ELEVATION B



ELEVATION B



ELEVATION C



ELEVATION C



ELEVATION C



ELEVATION C

Exhibit A-13 – Cottages

C-2C-09