

**R-3C to R-5AC  
12.373 Ac.**

**C-35C-09**  
**Zoning**  
 Single-Family Residential  
 Three Chopt District  
 400 Feet

PS October 2009 Ref: 745-764-6608



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

February 16, 2010

Fidelity Properties, Ltd.  
Attn: Mr. Webb L. Tyler, Manager  
7309 Hanover Green Dr.  
Mechanicsville, VA 23111

Re: Conditional Rezoning Case C-35C-09

Dear Mr. Tyler:

The Board of Supervisors at its meeting on February 9, 2010, granted your request to conditionally rezone from R-3C One-Family Residence District (Conditional) to R-5AC General Residence District (Conditional), Parcels 745-764-6608, 745-764-7122, 745-764-7834, 745-764-1645, 745-764-2159 and 745-764-1031, containing 12.373 acres, located on the south line of Dublin Road between the east line of Belfast Road and the west line of Glasgow Road, described as follows:

**Parcel A Rezone from R-3C to R-5AC**

Beginning at a point on the east line of Belfast Road, having a coordinate value N=3764365.03 and E=11744803.91 of the Henrico County GPS Monumentation and control project of June 2000; thence continuing along the east line of Belfast Road N 23°41'47" E, a distance of 400.22' to a point; thence along a curve to the right with a delta of 89°58'28", a radius of 50', and a length of 78.52' to a point on the south line of Dublin Road; thence leaving the east line of Belfast Road and continuing along the south line of Dublin Road S 66°19'45" E, a distance of 550.03' to a point; thence leaving the south line of Dublin Road S 23°41'47" W, a distance of 450' to a point; thence N 66°20'51" W, a distance of 600.01' to the point and place of beginning, containing 6.187 acres.

**Parcel B Rezone from R-3C to R-5AC**

Beginning at a point on the west line of Glasgow Road having a coordinate value N=3763883.42 and E=11745903.05 of the Henrico County GPS Monumentation and control project of June 2000; thence leaving the west line of Glasgow Road N 66°19'45" W, a distance of 600.01' to a point; thence N 23°41'47" E, a distance of 450' to a point on the south line of Dublin Road; thence continuing along the south line of Dublin Road S 66°19'45" E, a distance of 549.99' to a point; thence along a curve to the right with a delta of 90°01'32", a radius of 50' and a length of 78.56' to a point on the west line of Glasgow Road; thence leaving the south line of Dublin Road and continuing along the west line of Glasgow Road S 23°41'47" W, a distance of 399.98' to the point and place of beginning, containing 6.186 acres.

The Board of Supervisors accepted the following proffered conditions, dated February 8, 2010, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Underground Utilities.** All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise. Junction boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials.
2. **Phased Development.** There shall be no more than (30) building permits issued for homes within the development prior to July 1, 2010. The remaining nineteen (19) building permits may be issued for homes within the development after January 1, 2011.
3. **Streets.** All new streets on the Property shall be public and shall be constructed of asphalt and designed with standard six (6) inch curb and gutter. The south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property shall be improved with standard six (6) inch curb and gutter.
4. **Streetlights.** Streetlights a maximum of sixteen (16) feet in height and of a uniform style shall be provided along both sides of the new streets, along the south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property.
5. **Sidewalks.** Sidewalks a minimum of four (4) feet in width shall be provided on both sides of the new streets, along the south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property. A grass strip a minimum of two (2) feet in width shall be provided between the back of curb and the sidewalk.
6. **Foundations.** All houses shall be constructed on crawl space foundations except for garages and basements. The exterior portion of the foundations below the first floor level which is visible above grade shall be finished with brick or stone. This proffer shall not apply to direct vent gas fireplaces or appliances. There shall be no cantilevered chimneys, direct vent gas fireplaces, closets or bay windows.
7. **Driveways and Alleys.** All driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning. If alleys are built, they shall be constructed of asphalt or

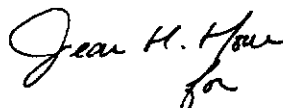
concrete and meet minimum public road standards for depth of stone and asphalt or concrete equivalent.

8. **Building Materials.** All houses shall be constructed of brick, stone, hardiplank, or premium vinyl siding. In the aggregate, the front elevation of all the homes shall contain a minimum of fifty-percent (50%) brick or stone. The front exterior elevation of any home using vinyl siding shall contain 100% brick or stone exclusive of trim or architectural features. Vinyl siding shall have a minimum nominal thickness of .042" as evidenced by the manufacturer's printed literature which shall be provided at the time of building permit application.
9. **Landscaping.** A minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot, plus a minimum of two (2) trees of the same caliper shall be retained or planted in the side yard adjacent to the street if the residential lot is a corner lot. The tree shall be a street tree located within ten (10) feet of the back of curb in the front yard of each residential lot and, if the residential lot is a corner lot in the side yard also. Each house and building shall have prototypical plantings (shrubs and ornamental ground cover) along the front foundation. The front and side yards shall be irrigated and planted with sod except where mulching or landscaping may occur.
10. **Density.** The development shall not exceed 49 dwelling units.
11. **Restrictive Covenants.** Prior to or concurrent with the recordation of the 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), there shall be recorded a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia setting forth quality controls on the development and maintenance of all portions of the Property substantially in accord with the Restrictive Covenants recorded in the Book 3920, Page 1974 in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
12. **Minimum Size.** Any one story house constructed on the Property shall have a minimum of 1,600 square feet of finished floor area. Any house more than one story shall have a minimum of 2,200 square feet of finished floor area.
13. **Restricted Uses.** Two family dwellings and semi detached dwellings shall not be permitted.
14. **Lot Size.** The lots shall be a minimum of sixty (60) feet in width.

15. **Garages.** All homes shall have a minimum of a two (2) car garage. Garage doors shall contain varying architectural features including but not limited to varying styles, windows, and garage door or doors designs. Fifty-percent (50%) of all attached garages in the aggregate shall be either side or rear loaded. Garages will be constructed with the same brick, hardiplank, etc., and roofing material as on the main buildings.
16. **Conceptual Site Plan.** The plan of development will be designed in a similar style as the conceptual site plan dated October 15, 2009 and revised December 17, 2009, (see case file) subject to changes required for final engineering design and in compliance with the governmental regulations.
17. **Stormwater Management Facilities.** Any above-ground wet stormwater management facilities located on the Property shall be designed and utilized as a water feature amenity and/or designed and landscaped to make it an integral part of the development and shall be aerated.
18. **Compliance Certification.** The property owner and/or builder shall provide a cumulative count of the amount of brick (or other comparable material) used on each dwelling for all dwellings and the type of garage constructed upon the submittal of each building permit application.
19. **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.

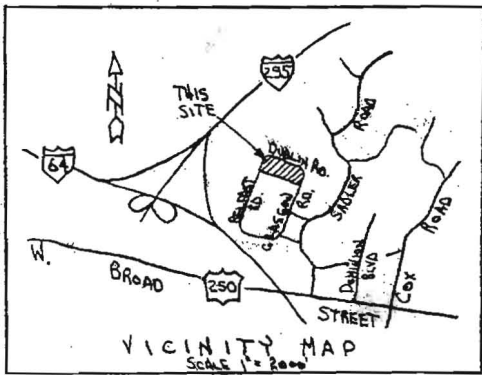
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.  
County Manager

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



OWNER AND DEVELOPER

OGLETHORPE PARK LLC

G. EDMOND MASSIE III - MANAGER

WEBB L. TYLER - MANAGER

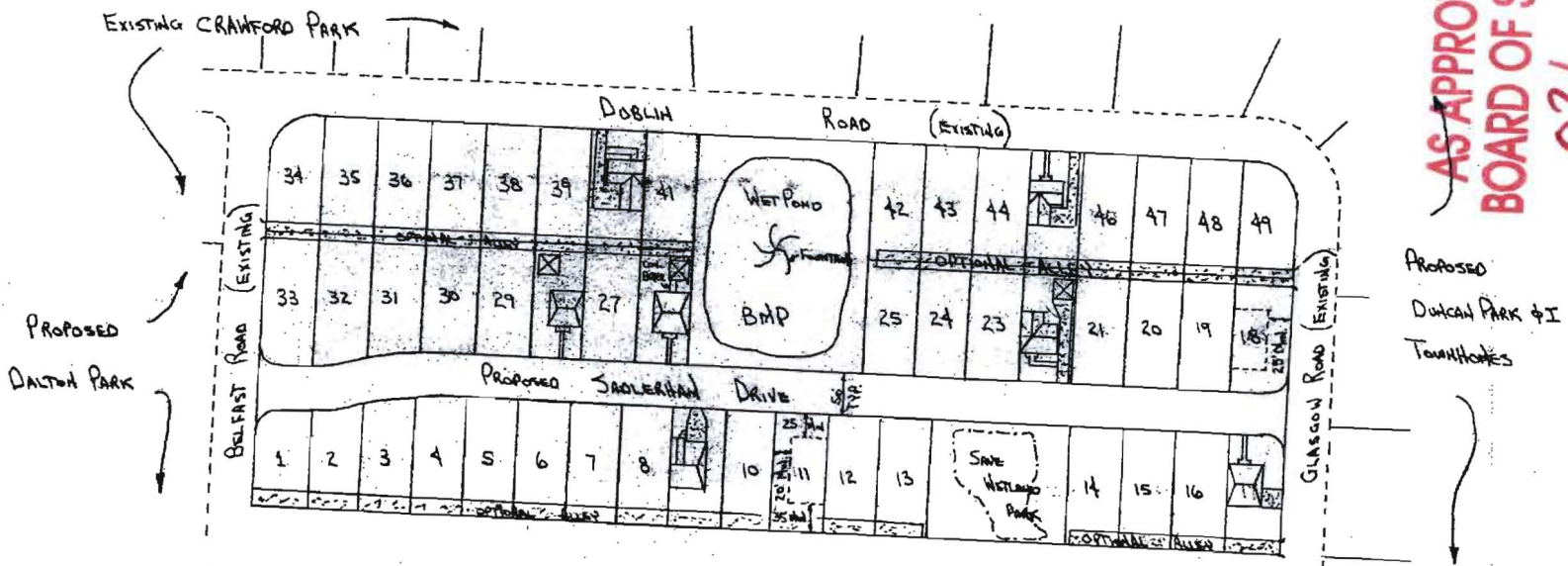
AS APPROVED BY THE BOARD OF SUPERVISORS

02/09/10

**YOUNGBLOOD, TYLER & ASSOCIATES P.C.**

CONSULTING ENGINEERS, PLANNERS & SURVEYORS  
1509 HANCOCK GREEN DRIVE, RICHMOND, VIRGINIA 23111  
(804) 748-3288

Henrico Co. V. Board  
THREE CHURCH DISTRICT



SITE STATISTICS

EXISTING ZONING - R-3c  
 PROPOSED ZONING - R-5A  
 SITE AREA - 12.37± Ac.  
 ADJACENT ROAD AREA - 2.53± Ac.  
 TOTAL TREES - 14.89± Ac.  
 NUMBER OF LOTS - 49 Lots  
 DENSITY (Townhomes) - 3.29 Lots/Ac  
 UTILITIES - PUBLIC WATER (COUNTY)  
                   PUBLIC SAN SEWER (COUNTY)  
                   PUBLIC GAS (CITY)  
                   UNDERGROUND POWER, PHONE, CABLE TV  
 ROADS - COUNTY OF HENRICO PUBLIC  
           ASPHALT, CURBS AND GUTTER, SIDEWALKS

STREET LIGHTS - MAINT. BY HOMEOWNERS ASSOC.  
 PARKS - 0.50± PARK; 1.25± AC. WET POND & FOUNTAIN  
           TOTAL PARK = 1.75± AC.

NOTES

1. SETBACKS - REAR - 35' MIN.  
                   FRONT - 25' MIN.  
                   35' DESIRED  
                   SIDE - 20' ONE SIDE  
                   ZERO LOT LINE.  
                   SEE TYPICAL BUILDABLE AREA  
                   AS SHOWN ON LOT # 22
2. OPTIONAL ALLEYS 16'± WIDE
3. HOUSES AND GARAGES SHOWN ARE  
     POSSIBLE OPTIONS FOR ILLUSTRATION  
     PURPOSES ONLY.

C-35C-09

CONCEPTUAL  
SITE PLAN

DATE: OCT 15, 2009

REVISED:  
DEC. 17, 2009

CAD FILE:  
DRAWN: WLT/P.E.  
DESIGNED: WLT/P.E.  
CHECKED:

JOB NO. 0810-20100

SHEET 1 OF 1