

PS February 2009 Ref: 813-720-2876



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

May 19, 2009

Thornhurst Land Company
& Colwyck Land Company
C/O Zach W. Means
4901 Dickens Road, Suite 100
Richmond 23230

Re: Conditional Rezoning Case C-9C-09

Dear Mr. Means:

The Board of Supervisors at its meeting on May 12, 2009, granted your request to conditionally rezone from R-3 One-Family Residence District and C-1 Conservation District to R-3C One-Family Residence District (Conditional), part of Parcels 813-720-2876, 813-721-9111, and 813-721-3024 containing 9.136 acres, located at the southeast intersection of S. Laburnum Avenue and Thornhurst Street and on the south line of Colwyck Drive approximately 150 feet west of Gretna Court, described as follows:

ZONING AREA -1

Beginning at a point on the south line of Thornhurst Street, being 15.00' to the intersection of Thornhurst Street and South Laburnum Avenue and being labeled P.O.B. 1; thence along a curve to the right having a radius of 1250.00', length of 412.84', chord bearing of N 71°42'32" E, chord of 410.97' to a point; thence along a non-tangent curve to the right having a radius of 147.33', length of 48.74', chord bearing of S 89°21'08" E, chord of 48.52' to a point; thence S 73°46'20" E, 143.19' to a point; thence along a curve to the left having a radius of 520.12', length of 157.09', chord bearing of S 82°25'29" E, chord of 156.49' to a point; thence N 89°17'34" E, 257.37' to a point; thence S 00°42'26" E, 108.00' to a point; thence N 89°17'34" E, 112.00' to a point; thence N 00°42'26" W, 95.98' to a point; thence along a non-tangent curve to the right having a radius of 150.85', length of 108.32', chord bearing of S 47°06'36" E, chord of 106.01' to a point; thence S 26°32'20" E, 19.66' to a point; thence S 51°22'33" W, for 265.30' to a point; thence N 77°38'58" W, for 163.79' to a point; thence N 90°00'00" W, for 350.77'; thence S 45°33'08" W, for 376.63' to a point; thence along the east line of South Laburnum Avenue N 27°45'10" W, 453.28' to a point; thence N 62°14'50" E, 5.00' to a point; thence along a curve to the right having a radius of 15.00', length of 23.56', chord bearing of N 17°14'50" E and a chord of 21.21' to the point of beginning and containing 7.162 acres.

ZONING AREA - 2

Beginning at a point lying on the south line of Colwyck Drive, being 2044.85' to the intersection of Thornhurst Street and South Laburnum Avenue and being labeled P.O.B. 2; thence along a curve to the left having a radius of 309.00', length of 55.63', chord bearing of N 67°24'07" E and a chord of 55.56' to a point; thence N 62°14'40" E, 111.00' to a point; thence along a curve to the right having a radius of 367.97', length of 24.51', chord bearing of N 64°09'10" E, and a chord of 24.51' to a point; thence along a curve to the right having a radius of 367.97', length of 68.45', chord bearing of N 71°23'25" E and a chord of 68.35' to a point; thence S 18°16'37" E, 374.50' to a point; thence S 79°36'05" W, for 89.95' to a point; thence N 87°24'06" W, for 85.94' to a point; thence S 69°47'13" W, for 80.02' to a point; thence N 19°47'35" W, for 308.27' to the point of beginning and containing 1.974 acres.

The Board of Supervisors accepted the following proffered conditions, dated May 12, 2009, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Maximum Density.** The maximum number of building lots on the property shall not exceed fourteen (14).
2. **Dwelling Design.**
 - a. **Minimum Finished Floor Area:** The minimum finished floor area for all dwellings shall be one thousand eight hundred (1,800) square feet.
 - b. **Exterior Materials:** The exterior of all dwellings shall be constructed of, brick, brick veneer, fiber cement siding, vinyl, stone, synthetic stone, or similar masonry material. If vinyl is used then the thickness of the vinyl shall be a minimum of .042" and manufacturer's printed literature shall be provided as evidence at the time of building permit application. At least two dwellings shall have 100% brick or stone on the dwelling's front façade.
 - c. **Foundations:** The main portion of the dwelling shall not be constructed on a slab, provided that garages, patios and out buildings may be constructed on a slab. The exposed exterior portion of all dwelling foundations and front stoops and front steps shall be brick, brick veneer, stone, synthetic stone or similar masonry material.
 - d. **Fireplace Chimneys:** The exposed portion of a fireplace chimney shall be clad in brick, brick veneer, stone, synthetic stone or similar masonry

material. No chimney or gas vent unit shall be cantilevered. This proffer shall not apply to direct vent gas fireplaces or appliances.

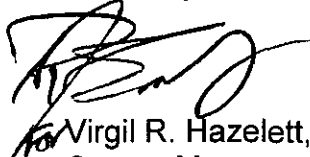
- e. Garages: Each dwelling shall be constructed with a garage and at least fifty percent (50%) of dwellings shall have a two-car garage. Two-car garages shall have interior dimensions free of as-built obstruction of at least 18 feet in width and at least 20 feet in depth. One-car garages shall have interior dimensions free of as-built obstructions of at least 10 feet in width and at least 20 feet in depth.
 - f. Cantilevering: No closets or windows shall be cantilevered.
 - g. Elevations: The architectural appearance of the dwellings shall be generally consistent with the buildings depicted by Exhibit "A" attached hereto (see case file), unless otherwise requested and approved by the Director of Planning.
3. Landscaping and Foundation Plantings and Buffering. All homes shall be provided a landscape package. A diversity of plant materials will be used, including a variety of ground cover, plants and trees. Prior to the issuance of a final certificate of occupancy for any individual dwelling, a minimum of 6 trees or shrubs (or a combination thereof) for the front yard shall be provided. In addition, a minimum of 2 street trees per lot shall be planted or retained along the front of such lot. A landscape strip along Laburnum Avenue at least fifty-five (55) feet in width shall be provided and all trees within such strip shall be retained subject to the removal of fallen, diseased or dead trees and the extent necessary for utility easements, including drainage.
4. Driveways. All driveways shall be constructed of exposed aggregate, concrete, brick, stone, asphalt or pre-cast pavers.
5. Underground Utilities. All utilities except for junction boxes, meters and existing utility lines or for technical or environmental reasons shall be installed underground.
6. C-1 Zoning. Applicant shall file an application for C-1 zoning for the areas within the Property that are within the 100 year flood plain, unless such areas are needed for roads, access ways or other purposes approved or required by the Planning Commission or any other governmental body or official at the time of subdivision review. The application for C-1 shall be filed no later than final subdivision approval. The acreage then zoned C-1 may or may not be included in any subdivision or lot on the Property, at the sole discretion of the Applicant.

7. **Stormwater 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.
8. **Protective Covenants/Homeowners Association.** 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), 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. In addition, there shall be a Homeowners Association of the property owners that shall be responsible for the enforcement of the restrictive covenants and the maintenance of any common area. These proffers accepted with this case shall be attached as an exhibit to, and recorded with, such protective covenants.
9. **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 9:00 a.m. and 6:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the approval of the Department of Planning. Construction signs shall be posted in English and in Spanish.
10. **Compliance Certification.** Upon request by the Director of Planning, the developer shall provide the County with the necessary calculations that illustrate that the dwellings and lots constructed in the subdivision are in compliance with the requirements and obligations set forth in these proffers.
11. **Entrance Sign.** An entrance sign, if any, shall be landscaped and shall be a monument sign constructed of brick, brick veneer, stone, synthetic stone or similar masonry material, or some combination thereof.
12. **Access.** No lot shall access directly onto or from Laburnum Avenue.
13. **Conceptual Plan.** Development of the property shall be in general conformance with the attached conceptual site plan, Exhibit "B"(see case file). The concept plan is conceptual and therefore the details and exact layout may vary from the conceptual plan as approved by the Planning Commission at the time of the Plan of Development review.

14. **Sanitary Sewer.** No grinder pumps shall be used for the sanitary sewer service unless otherwise approved by the Director of Public Utilities.
15. **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,

A handwritten signature in black ink, appearing to read "Virgil R. Hazelett", written over a horizontal line.

Virgil R. Hazelett, P.E.
County Manager

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



THE SAVOY
S

ELEVATION G

EXHIBIT A

C-9C-09

Ryan
Homes

WELCOMING FAMILIES HOME FOR OVER 60 YEARS



ELEVATION C

THE FLORENCE



EXHIBIT A

C-9C-09

Ryan
Homes

WELCOMING FAMILIES HOME FOR OVER 60 YEARS



THE NAPLES
&

ELEVATION B

EXHIBIT A

C-9C-09

Ryan
Homes

WELCOMING FAMILIES HOME FOR OVER 60 YEARS



ELEVATION C

THE SIENNA
Sienna

EXHIBIT A

C-9C-09

Ryan
Homes

WELCOMING FAMILIES HOME FOR OVER 60 YEARS



ELEVATION C

THE VENICE

EXHIBIT A

C-9C-09

Ryan
Homes

WELCOMING FAMILIES HOME FOR OVER 60 YEARS



THE MILAN
&

ELEVATION C

EXHIBIT A

C-9C-09

Ryan
Homes

WELCOMING FAMILIES HOME FOR OVER 60 YEARS



THE SAVOY
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ELEVATION G

EXHIBIT A

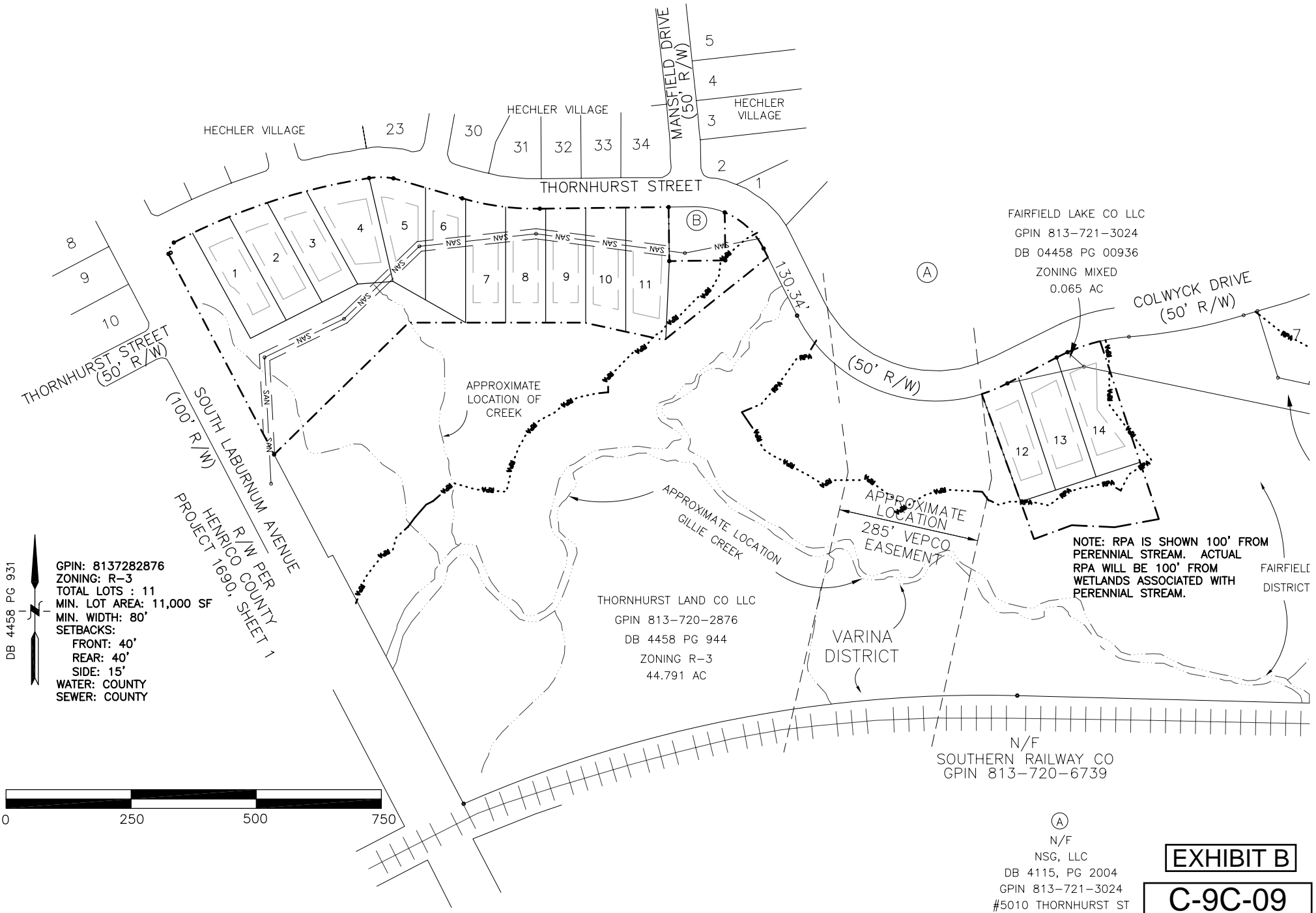
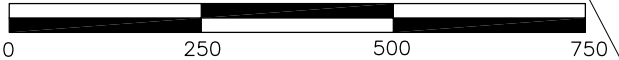
C-9C-09

Ryan
Homes

WELCOMING FAMILIES HOME FOR OVER 60 YEARS

DB 4458 PG 931

GPIN: 8137282876
ZONING: R-3
TOTAL LOTS : 11
MIN. LOT AREA: 11,000 SF
MIN. WIDTH: 80'
SETBACKS:
FRONT: 40'
REAR: 40'
SIDE: 15'
WATER: COUNTY
SEWER: COUNTY



FAIRFIELD LAKE CO LLC
GPIN 813-721-3024
DB 04458 PG 00936
ZONING MIXED
0.065 AC

THORNHURST LAND CO LLC
GPIN 813-720-2876
DB 4458 PG 944
ZONING R-3
44.791 AC

N/F
SOUTHERN RAILWAY CO
GPIN 813-720-6739

NOTE: RPA IS SHOWN 100' FROM PERENNIAL STREAM. ACTUAL RPA WILL BE 100' FROM WETLANDS ASSOCIATED WITH PERENNIAL STREAM.

(A)
N/F
NSG, LLC
DB 4115, PG 2004
GPIN 813-721-3024
#5010 THORNHURST ST

EXHIBIT B
C-9C-09