



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

May 17, 2011

Virgil R. Hazelett, P.E.  
County Manager

Godsey Properties, Inc.  
2461 Charles City Road  
Henrico, VA 23231

Re: Conditional Rezoning Case C-1C-11

Dear Sir:

The Board of Supervisors at its meeting on May 10, 2011, approved your request to conditionally rezone from M-1 Light Industrial District to RTHC Residential Townhouse District (Conditional) part of Parcel 817-721-5981 containing approximately 60.7 acres, located on the north line of Oakleys Lane approximately 300' west of its intersection with S. Holly Avenue, described as follows:

Beginning at a point 260'± from the western line of S. Holly Ave. said point being labeled P.O.B.; thence along said northern line of Oakleys Lane along a curve to left having a Radius of 404.50', Delta of 19°31'54", Length of 137.89', Tangent of 69.62', Chord of S 83°59'23" W 137.22' to a point; thence S 74°13'26" W 256.57' to a point; thence along a curve to right having a Radius of 700.13', Delta of 20°18'42", Length of 248.20', Tangent of 125.42', Chord of S 84°22'47" W 246.90' to a point; thence N 85°27'54" W 209.51' to a point; thence departing said northern line of Oakleys Lane; N 01°48'06" E 5.48' to a point; thence N 38°12'54" W 314.42' to a point; thence S 51°00'36" W 186.44' to a point on the northern line of Oakleys Lane; thence N 55°58'54" W 16.31' to a point; thence along a curve to right having a Radius of 3824.90', Delta of 02°14'48", Length of 149.98', Tangent of 75.00', Chord of N 54°51'30" W 149.97' to a point; thence N 53°44'06" W 238.52' to a point; thence along a curve to left having a Radius of 9638.38', Delta of 00°53'35", Length of 150.23', Tangent of 75.12', Chord of S 54°10'53" W 150.23' to a point; thence N 54°37'41" W 184.41' to a point; thence departing said northern line of Oakleys Lane N 08°37'46" E 1162.92' to a point; thence S 81°56'20" E 444.49' to a point; thence S 81°55'43" W 515.91' to a point; thence S 82°08'22" W 758.45' to a point; thence S 82°33'14" E 125.68' to a point; thence S 09°20'20" W 239.00' to a point; thence S 09°15'07" W 392.80' to a point; thence S 09°15'07" W 755.99' to a point on the northern line of Oakleys Lane and being the point and place of beginning and containing 60.696 acres.

The Board of Supervisors accepted the following proffered conditions, dated May 9, 2011, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

**Building Type and Design**

1. **Density.** There shall be no more than one hundred thirty-five (135) town homes developed on the property.
2. **Architecture.** The buildings shall be similar in architectural style to those illustrated in Exhibit A (see case file) and include materials such as brick, stone, dryvit, vinyl siding, and/or Hardiplank. At least 35% of the front elevation of a multi-unit building will include materials such as brick or stone. A confirmation of the building material percentages, for all units in the development, shall be provided at the time of each building permit, or at the request of the Director of Planning. Roofing material shall have a minimum thirty (30) year life and associated warranty. Vinyl siding shall have long-lasting strength, resilience and resistance to everyday wear and tear, with a minimum thickness of 0.042". Manufacturer's specifications, demonstrating the minimum vinyl thickness, shall be provided at the time of each building permit.
3. **Building Elevations.** All side elevations shall contain a minimum of two windows and a bay window. No cantilevered features will be allowed.
4. **Foundations.** The exposed exterior portions of all foundations below the first floor level shall be finished with brick or stone, with a minimum of twelve inches (12") of brick or stone visible above grade.
5. **Minimum House Size.** The minimum finished floor area shall be fifteen hundred (1500) square feet for town homes with garages, and twelve hundred eighty (1280) square feet for town homes without garages, exclusive of garages, porches, and decks.
6. **Building Size.** There shall be no more than six (6) town homes per building.
7. **Sound Suppression Measures.** Walls and ceilings between units shall be constructed with a minimum sound coefficient rating of fifty-four (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.
8. **Chimneys.** The exposed portions of all fireplace chimneys shall be of brick, stone, or siding similar to the exterior treatment of the dwelling. The exposed bases of all chimneys shall be of the same material as the dwelling foundation. This proffer shall not apply to direct-vent gas fireplaces or appliances.
9. **Garages.** No less than 20% of the town house units will have a garage, based on the cumulative numbers for the entire development. An individual section may have a lower percentage or no garages. A cumulative count of garages in the

development shall be provided at the time of each building permit or at the request of the Director of Planning.

10. Town Homes. All town homes shall be marketed as owner-occupied homes.

Site Design

11. Exterior Lighting. Each town home shall have exterior wall-mounted lights at each entrance. Street lighting fixtures shall not exceed fifteen (15) feet in height above grade level. All lighting will be residential in character.
12. Driveways. All driveways shall be finished with concrete. All driveways on each individual lot shall be paved prior to receiving a Certificate of Occupancy.
13. Sidewalks. Sidewalks a minimum of four (4) feet in width shall be provided along one side of the roads within the development, and along the front of all lots.
14. Trash. There shall be no central trash receptacles.
15. Curb and Gutter. Standard six (6) inch curb and gutter, meeting Henrico County requirements, shall be provided within the development.
16. Roads. Prior to the issuance of any Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that the roadway within the project was constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface.
17. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reason, all utility lines shall be underground.
18. Concept Plan. The site will be developed similar to the attached concept plan, entitled Exhibit B (see case file), unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development or subdivision approval.
19. Recreational Amenities. There shall be park areas as generally shown on the conceptual site plan (see case file). The Protective Covenants shall require that the rights and obligations associated with the recreational areas and amenities be clearly disclosed in writing to each purchaser.

20. **Stormwater Management.** If a wet pond is utilized as a BMP, it will be aerated and will be designed as an amenity. However, any existing ponds will not be required to be aerated or used as an amenity.
21. **Right-of-Way Dedication.** The owner shall dedicate to Henrico County the right-of-way, and any mutually agreed upon easements for drainage conveyance systems, required for the relocation of Oakleys Lane, upon the request of the County. Should the dedicated property not be used for widening of Oakleys Lane within thirty (30) years of the date of the dedication, title to the dedicated property will revert to the applicant or its successors in interest.
22. **Phasing.** No more than 82 units shall be constructed prior to the construction of relocated Oakleys Lane. The developer shall construct the westernmost entrance as shown on Exhibit B (see case file) first, which shall serve a maximum of 45 units as part of Phase 1. Upon the completion of Phase 1, but not prior to January 1, 2015, Certificates of Occupancy for an additional 37 units may be issued provided the easternmost entrance is constructed by the developer as shown on Exhibit B (see case file). Upon the completion of relocated Oakleys Lane, the preceding phasing requirements shall no longer apply.

#### **Landscaping and Buffering**

23. **Foundation Planting and Sod.** Each town home shall have a minimum of six (6) shrubs planted along the front foundation. The front and side yards shall have sod, exclusive of mulched flowerbeds and landscaping, and irrigation. The aforementioned planting and sod shall be installed prior to the issuance of the final Certificate of Occupancy for each town home.
24. **Landscaping.** There shall be at least one (1) tree with a minimum caliper of two (2) inches planted on each side of each building. Also, prior to final recordation, a landscape plan shall be submitted to the Planning Department for approval.
25. **Entrance Feature.** A landscaped entrance shall, at a minimum, be located at one of the entrances for the development. The entrance sign shall be ground-mounted and no more than six (6) feet in height. Signage shall not be internally illuminated.
26. **Buffers.** A twenty-five (25) foot wide landscape buffer shall be provided adjacent to the future alignment of the right-of-way line of Oakley's Lane. The landscaping within the buffer shall at a minimum meet the Henrico County thirty-five (35) foot transitional buffer standards. Exceptions allowed within the buffer area shall include utility easements, signage, fences, and entrance roads to the project, and other purposes requested and specifically permitted or required by the Planning Commission at the time of Plan of Development or subdivision approval. A landscaped berm may be located within the buffer.

Other

27. Hours of Construction. The hours of site work construction, including operation of bulldozers and other earth-moving equipment, shall be between 8:00 a.m. and 5:00 p.m., Monday through Friday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work, such as concrete pours or utility connections. No site work construction will be performed on Saturday or Sunday. The hours of outside building construction shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work, such as concrete pours or utility connections. Outside building construction on Saturday may take place if mutually agreed to by the homebuilder and the manager of Mankin Mansion. No outside building construction shall be performed on Sunday. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the property prior to any land disturbance activities thereon.
28. Protective Covenants. Prior to or concurrent with the recordation of the first subdivision plat approved by the County, and before the conveyance of any portion of the property covered by said subdivision (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 the property. Storage or parking of recreational vehicles, boats and trailers will not be allowed outside.
29. C-1 Zoning. A rezoning application shall be filed for C-1 zoning for the area within the 100- year flood plain within the property prior to the recordation of the subdivision plat for the last section of the property.
30. 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 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: Bay Design Group, P.C.  
Director, Real Estate Assessment  
Conditional Zoning Index





C-1C-11

**EXHIBIT A**





C-1C-11

**EXHIBIT A**





BELTON CT

C-1C-11

EXHIBIT A





**JOB NO.** 09018

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**FILED:** 09018hen

**DESIGNED:** dlo

**CHECKED:** dlo

**DATE:** November 8, 2010

**REVISED:**

**REVISED:**

**REVISED:**

**REVISED:**

**BAY design group**  
Engineering Surveying & Land Planning

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**PROJECT:**

**The Townes at Oakley's Bluff**

Varino District  
Henrico County, Virginia

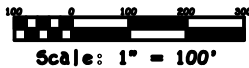
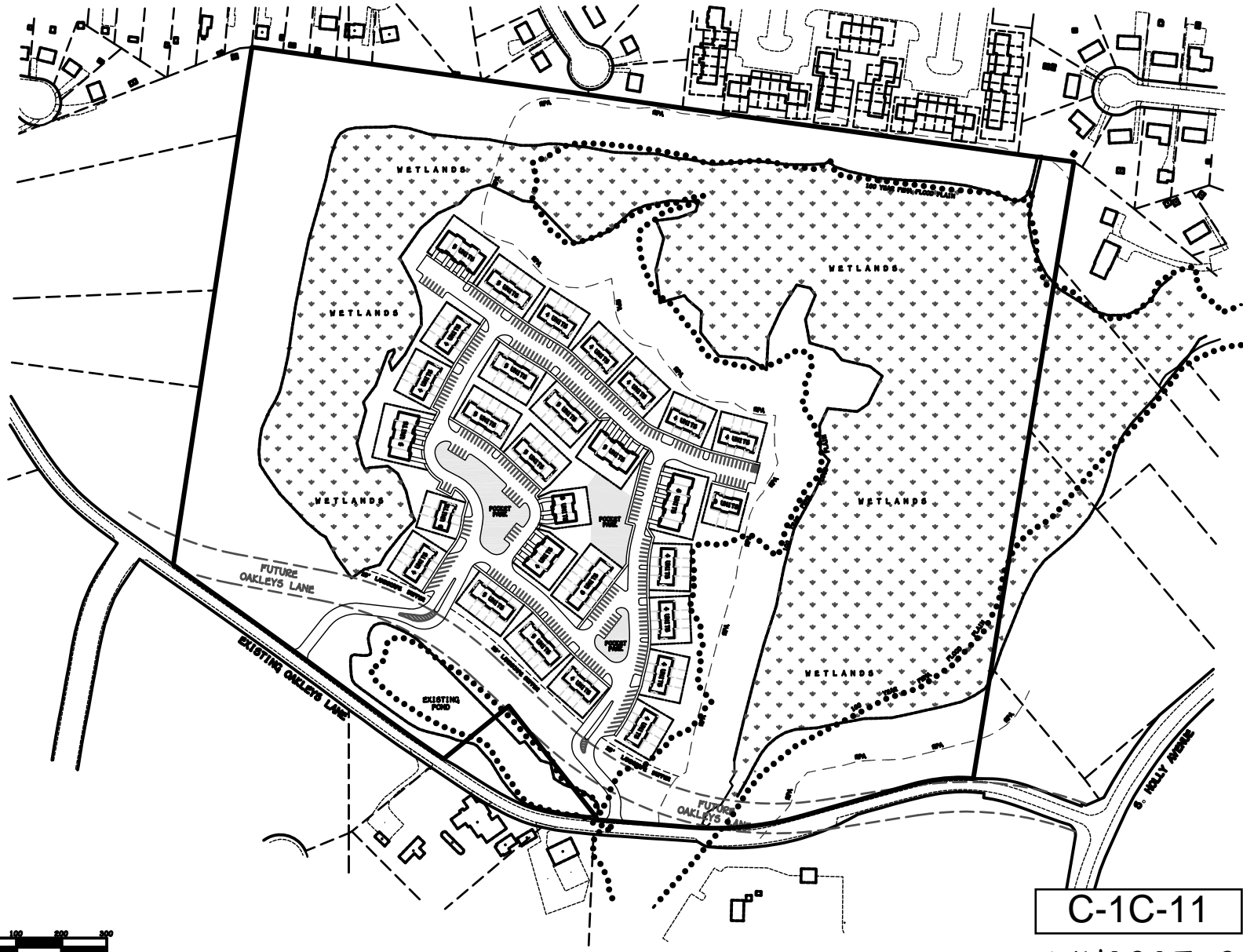
**SHEET:**

**Conceptual Plan**

**SHEET NO:**

**C1**

**JOB NO.** 09018



**C-1C-11**

**EXHIBIT B**