



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoulkas
County Manager

June 18, 2013

Eagle Construction of Va. LLC
Attn: Mr. Nate Van Epp
2250 Old Brick Road, Suite 220
Glen Allen, VA 23060

Re: Rezoning Case REZ2013-00008

Dear Mr. Van Epp:

The Board of Supervisors, at its meeting on June 11, 2013, approved your request to amend proffered conditions accepted with Rezoning Case C-7C-07 on Parcel 747-773-6860 located on the southeast line of Twin Hickory Road approximately 790' east of Nuckols Road.

The Board of Supervisors accepted the following proffered conditions, dated June 11, 2013, 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. **Landscaping, Buffer, and Fencing Requirements.** 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, (b) landscaping of parking areas and in other common areas of the project, and (c) the prohibition of chain link or wood fencing on the Property. 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 stone, stone veneer, fiber cement, decorative shake, brick, or brick veneer, excluding trim, windows, doors and architectural design features, or as specifically approved by the Director of Planning. Any townhomes constructed on the Property (a) shall generally be in conformance with the elevations attached hereto as Exhibits "B", "C", and "D", (b) shall use a variety of colors across each building, (c) shall provide simulated carriage-style garage doors with varied door designs, window lites, and hardware, and (d) shall provide varied window grill patterns across each building. 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 homeowners' 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

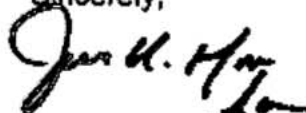
height above grade level. Lighting shall be non-glare, decorative in style, and residential in character.

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 Works' 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,



John A. Vithoulkas
County Manager

pc: Mr. David A. Turner, Trustee
Mr. Mark Kukoski
Director, Real Estate Assessment
Conditional Zoning Index

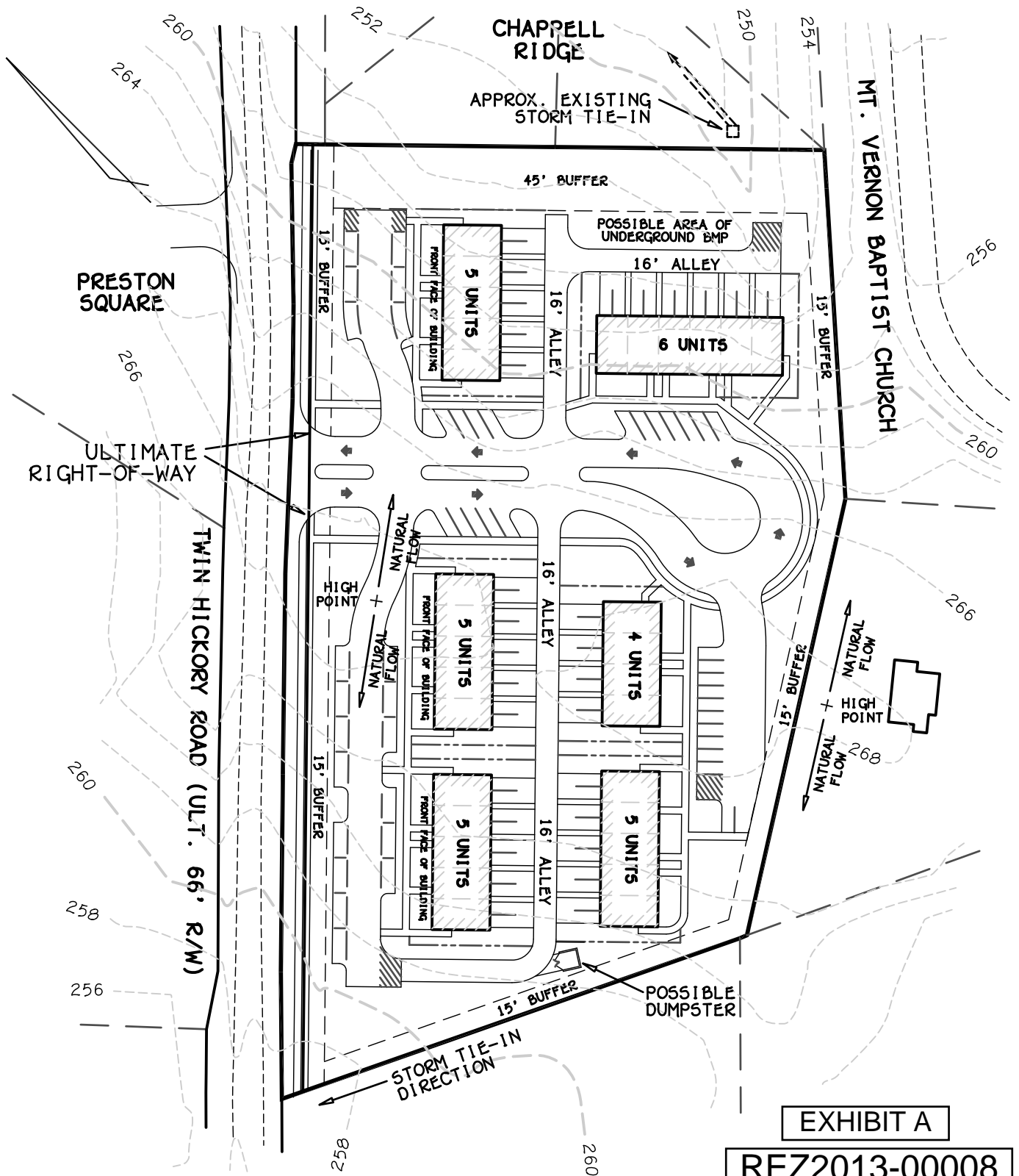


EXHIBIT A

REZ2013-00008

Turner Property RTH Layout

Three Chopt District
Henrico County, Virginia

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

COMP: DLC

CAD: DLC

CHECKED: DLC

JN: 07057

FILED: 07057hen

RICHMOND OFFICE

8500 BELLCREEK ROAD
MECHANICSVILLE, VA 23116
804-569-7060 (F) 804-569-7061

MIDDLE PENINSULA OFFICE

5690 PARKWAY DRIVE
GLOUCESTER, VIRGINIA 23061
804-693-2993 (F) 804-693-5596

NORTHERN NECK OFFICE

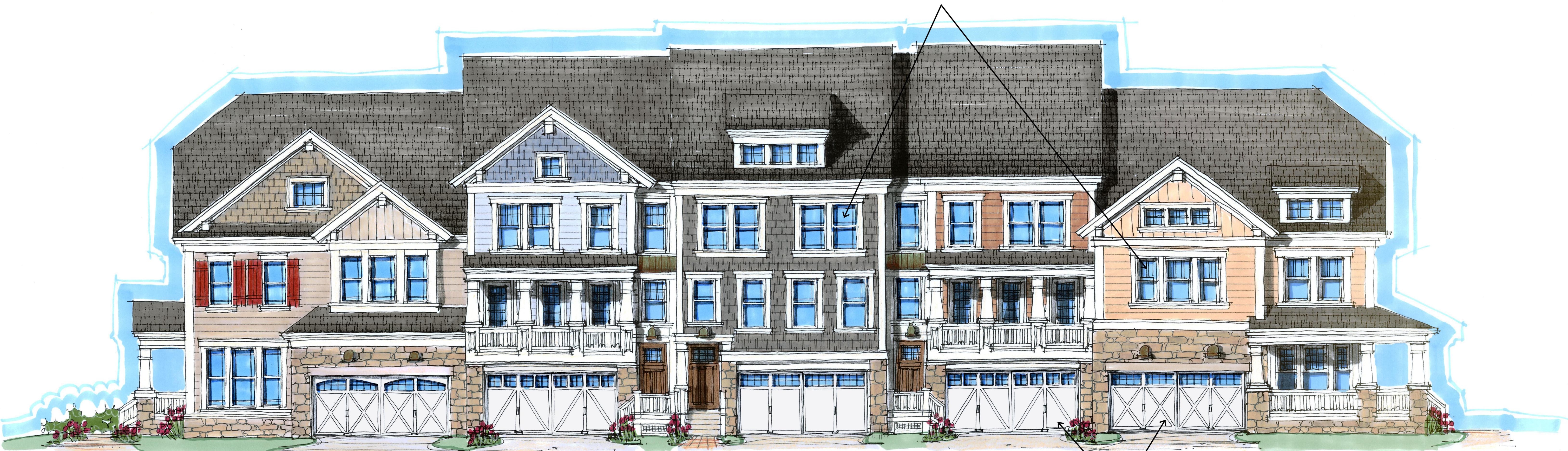
812 RAPPAHANNOCK DRIVE
WHITE STONE, VA 22578
804-436-8425 (F) 804-436-8427



BAY
design group

Engineering Surveying & Land Planning

Each building to have a variety of window grille patterns to include prairie, perimeter prairie, three over one, two over one, half-colonial, etc.



B Model

A1 Model

A Model

A1 Model

B2 Model

Each individual garage door to have window lites and to be simulated carriage-style; and each building to have a variety of garage door styles.

HICKORY PLACE TOWNHOMES

32' & 24' WIDE

Front Streetscape

EXHIBIT B

REZ2013-00008

051213

Each building to have a variety of window grille patterns to include prairie, perimeter prairie, three over one, two over one, half-colonial, etc.



Left Side Elevation



Right Side Elevation

HICKORY PLACE TOWNHOMES

32' WIDE

EXHIBIT C

REZ2013-00008

051213

Each building to have a variety of window grille patterns to include prairie, perimeter prairie, three over one, two over one, half-colonial, etc.



HICKORY PLACE TOWNHOMES

32' & 24' WIDE

Rear Elevations

EXHIBIT D

REZ2013-00008

051213

