



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoulkas
County Manager

December 17, 2013

Cedar Grove 5, LLC
Attn: Mr. Greg Windsor
P.O. Box 4824
Glen Allen, VA 23058

Re: Rezoning Case REZ2013-00020

Dear Mr. Windsor:

The Board of Supervisors, at its meeting on December 10, 2013, approved your request to conditionally rezone from A-1 Agricultural District and R-3C One-Family Residence District (Conditional) to R-3C One-Family Residence District (Conditional) Parcels 778-760-0791 and 778-760-5566 containing 15.84 acres located on the east line of Cedar Grove Way at its intersection with Old Hungary Road, described as follows:

BEGINNING at a point, located at the southwestern most corner of Lot 1, Block B, as shown on the plat of Cedar Grove, Section 1 dated March 25, 1999, recorded in Plat Book 109, Page 38 in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia; thence N 84°33'37" E 363.06 feet to a point; thence N 81°08'03" E 410.11 feet to a point located in the center of North Run; thence meandering to the south along the center of North Run 858'± to a point; thence N 44°27'47" W 62.76 feet to a point; thence along a tangent curve to the left, said curve having a radius of 90.15 feet and an arc length of 128.57 feet to a point; thence S 53°49'17" W 551.53 feet to a point; thence along a non-tangent curve to the right, said curve having a radius of 825.00 feet and an arc length of 31.63 feet, a chord length of 31.63 feet, a chord bearing of S 17°43'47" E and a central angle of 02°11'47" to a point; thence S 53°49'17" W 5.31 feet to a point; thence along a non-tangent curve to the left, said curve having a radius of 820.00 feet, an arc length of 53.30 feet, a chord length of 53.29 feet, a chord bearing of N 18°22'11" W and a central angle of 03°43'28" to a point; thence along a tangent curve to the left, said curve having a radius of 210.77 feet and an arc length of 27.02 feet to a point; thence N 27°34'39" W 77.89 feet to a point; thence along a tangent curve to the left, said curve having a radius of 815.00 feet and an arc length of 113.51 feet to a point; thence N 35°33'26" W 239.70 feet to a point; thence along a tangent curve to the right, said curve having a radius of 745.00 feet and an arc length of 535.34 feet to the true point and place of BEGINNING, containing 15.8± acres more or less.

The Board of Supervisors accepted the following proffered conditions, dated December 3, 2013, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Concept Plan.** If approved by the County, the lots and roads will be platted generally as shown on the "CONCEPTUAL LOT AND ROAD PLAN FOR CEDAR GROVE SECTION 5 34 LOTS" dated October 22, 2013 ("Conceptual Plan") attached hereto as Exhibit A (see case file).
2. **Density.** There shall be no more than 34 residential building lots platted on the Property.
3. **Finished Floor Area.** All two-story dwellings shall have a minimum finished floor area of at least 1,800 square feet. All one and one half-story dwellings shall have a minimum finished floor area of at least 1,500 square feet. All one-story dwellings shall have a minimum finished floor area of at least 1,400 square feet. The 34 homes to be constructed on the Property shall contain the following minimum square feet of finished floor area:
 - a. at least 14 dwellings shall have at least 2,000 square feet of finished floor area; and in addition,
 - b. at least 10 dwellings shall have at least 1,800 square feet of finished floor area; and in addition
 - c. at least 10 dwellings shall have at least 1,400 square feet of finished floor area.

Upon the request of the Director of Planning, the applicant shall provide the County with the necessary calculations that illustrate that the homes constructed are in compliance with this proffer.

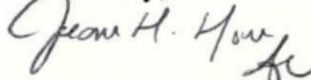
4. **Foundations and Chimneys.** The main body of the dwellings shall not be constructed on a slab, provided that basements, garages and patios may be constructed on a slab. The exterior portions of all residential dwelling foundations below the first floor level which are visible above grade shall be constructed of brick or stone. Any homes with a fireplace, other than direct vent gas fireplaces or appliances, shall have chimneys constructed on a foundation and faced with brick or stone. Garages constructed on a slab shall have a brick or stone foundation surrounding such garage a minimum height of 2 courses of brick.
5. **Garages.** At least 17 of the homes shall be constructed with at least a one (1) car garage, attached or detached, which can accommodate a car parked inside. Each garage shall have a minimum interior dimension clear space at the time of construction of eleven (11) feet wide by eighteen (18) feet deep. Any attached front loading garage shall be recessed beyond the front line of the home a minimum of 2 feet. Doors to any front loading garages shall have various design elements, such as windows, hardware, material articulation and other features. No two homes adjoining each other side by side shall have identical design elements on their front loading garage doors.

6. **Cantilevering.** All features of a home, including fireplace enclosures, box and bay windows, stand-alone closets and similar features, shall be constructed on a foundation. This proffer shall not apply to features constructed on the second floor rear elevation of a home that are at least 12 feet in width, or as may otherwise be approved by the Director of Planning.
7. **Exterior Material.** The siding on the dwellings shall be constructed of brick, stone, concrete board or vinyl with a minimum thickness of .044 inches.
8. **Steps, stoops and porches.** Except for country porches, steps to the main front entrance of homes and front stoops shall be brick or stone. Country porches with piers on the front elevation of the home shall have piers constructed of brick or stone to match the foundation of the home.
9. **Association Restrictions.** The lots on the Property shall be incorporated into the existing Cedar Grove subdivision as evidenced by the appropriate notation on the record plat for such lots and be subjected to the requirements set forth in the Declaration of Covenants, Conditions and Restrictions for Cedar Grove Subdivision recorded in Deed Book 2910, Page 2226 (as amended) in the Clerk's Office of the Circuit Court in the County of Henrico, Virginia (including any amendment to include the lots on the Property). The owners of the lots recorded on the Property shall become dues-paying members of the existing Cedar Grove Homeowner's Association, Inc. (the "Association") and shall enjoy the same rights and have the same obligations as on the current lot owners in Cedar Grove.
10. **Lot Landscaping.** Each lot shall contain the following landscaped features prior to the final certificate of occupancy issued by the County for a dwelling on such lot: (a) the area adjacent to the foundation of the front elevation of each home shall be screened by landscaping generally equivalent to the landscaping shown on the pictures attached hereto as Exhibit B (see case file); and (b) at least 1 tree measuring at least 2" in diameter shall be located in the front yard and in addition at least 1 tree measuring at least 2" in diameter shall be located in the front or side yard.
11. **Driveways.** Any driveway on a lot shall be constructed of a hard surface material consisting of cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.
12. **Utilities.** All proposed utilities, except for junction boxes, meters, pedestals, transformers, transmission mains, similar elements, and existing overhead utility lines, shall be placed underground, unless technical or environmental reasons require otherwise or unless not otherwise approved by the applicable utility company.

13. **Access Limitations.** There shall be no vehicular access from a lot on the Property to Hungary Road, Old Hungary Road, Tweed Road, or across the Existing 10' Planting Strip along Cedar Grove Way.
14. **Curb and Gutter.** Roll-faced curb and gutter of a standard width of 3 feet shall be provided for the interior roads within the development, subject to approval by the Director of Public Works.
15. **BMPs.** If any BMP is required on the Property, such BMP shall be landscaped as an amenity and maintained by the Association, and if such BMP is wet, it shall be aerated.
16. **Vacation of Old Hungary Road Right-of-Way.** Within 60 days after the Board of Supervisors has granted approval of the rezoning of the Property, Applicant shall file an application with the County to vacate the portion of the Old Hungary Road (30' R/W) right-of-way that lies between the Property and the Tax Map Parcel 778-760-7623 as shown in the Conceptual Plan. If the County grants the vacation request, the land within said right-of-way shall be deeded to the Association as Common Area.
17. **Residual Parcel of Tax Map Parcel 778-760-0791.** Within 60 days after the Board of Supervisors has granted approval of the rezoning of the Property, Applicant shall deed the 0.003 acre parcel of land labeled "Residual Parcel" in the Conceptual Plan to the Association as Common Area.
18. **C-1C Zoning.** Within 60 days after recordation date of the plat for the last lot on the Property, Applicant shall file an application with the County to rezone to the C-1C zoning classification all of the Common Area within the entire Cedar Grove subdivision, including the vacated portion of the Old Hungary Road right-of-way and the Residual Parcel.
19. **Existing Asphalt Driveway from Hungary Road through Tax Map Parcel 778-760-7623.** Within 60 days after the roads on the Property have been paved, Applicant shall terminate the use of, and remove the asphalt within, the Existing Asphalt Driveway shown in the Conceptual Plan. Applicant shall plant grass in any disturbed area within said 60-day period.
20. **Construction Hours.** The hours of exterior construction activities, including operation of bulldozers and other earth moving equipment, shall be between 7:00 AM and 7:00 PM Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Hours shall be posted in both English and Spanish during construction.
21. **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 any other proffer or the unaffected portion of a 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 dark ink, appearing to read "John A. Vithoulkas", with a stylized flourish at the end.

John A. Vithoulkas
County Manager

pc: Andrew M. Condlin, Esquire
Tiffany S. Hinton, Ph.D., Dir. Research and Planning - Schools
Director, Real Estate Assessment
Conditional Zoning Index

CEPTUAL LOT AND ROAD PLAN
FOR
CEDAR GROVE SECTION 5
34 LOTS
10/22/13



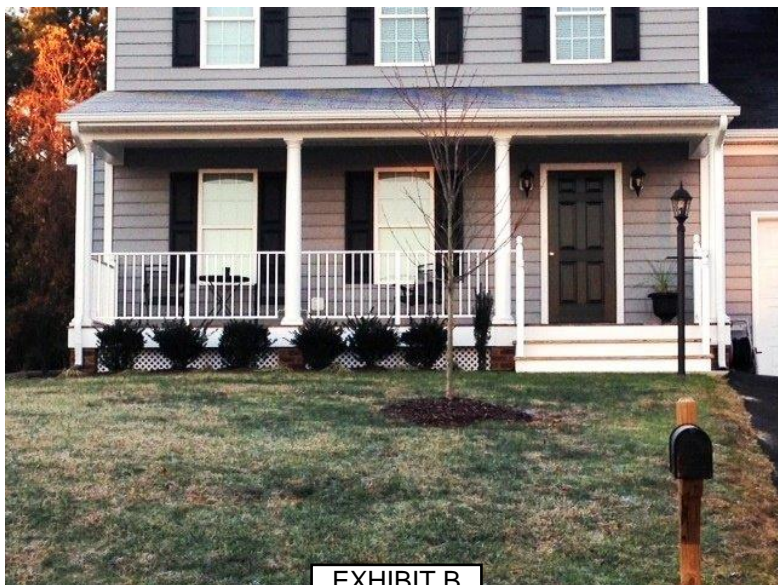


EXHIBIT B
REZ2013-00020