



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

November 15, 2005

Wilton Development Corporation
4901 Dickens Road, Suite 101
Richmond, VA 23230

Re: Conditional Rezoning Case C-12C-05

Dear Sir:

The Board of Supervisors at its meeting on November 8, 2005, granted your request to conditionally rezone from A-1 Agriculture District, B-2C Business District (Conditional), B-3C Business District (Conditional), and R-5C General Residence District (Conditional) to R-5C General Residence District (Conditional), and B-2C Business District (Conditional), Parcels 804-737-4084, and 804-737-1251, 804-736-0481 and part of Parcel 804-737-7154, described as follows:

29.51 acre parcel:

All that certain piece or parcel of land being situated on the south line of Mechanicsville Turnpike (U.S. Rt. 360) and the east line of Neale Street and being located in the Fairfield District, Henrico County, Virginia and being more particularly described as follows:

Beginning at a point on the east line of Neale Street, said point being located S 65°18'44" E 344.22' from the south line of Mechanicsville Turnpike and being designated as P.O.B.; thence departing said east line of Neale Street N 19°12'42" W 42.33' to a point; thence N 24°41'16" E 74.56' to a point; thence along a curve to the right having a Radius of 1000.00', Length of 69.44', Tangent of 34.74', Delta of 03°58'44", Chord Bearing of N 26°40'38" E and Chord of 69.43' to a point; thence N 28°40'00" E 541.82' to a point; thence along a curve to the right having Radius of 75.00', Length of 48.67', Delta of 37°10'46", Tangent of 25.23', Chord Bearing of N 47°15'23" E and Chord of 47.82' to a point; thence N 65°50'46" E 68.82' to a point; thence N 24°09'14" W 198.76' to a point; thence along a curve to the left having a Radius of 205.00', Length of 133.03', Tangent of 68.95', Delta of 37°10'47", Chord Bearing of N 42°44'38" W and Chord of 130.70' to a point; thence N 61°20'01" W 50.08' to a point; thence N 22°47'52" W 49.73' to a point on the south line of Mechanicsville Turnpike; thence along said south line of Mechanicsville Turnpike N 29°14'01" E 208.31' to a point; thence departing said south line of Mechanicsville Turnpike S 61°00'29" E 136.59' to a

point; thence N 50°50'16" E 696.63' to a point; thence S 59°11'27" E 877.87' to a point; thence S 29°14'59" W 543.95' to a point; thence N 60°45'36" W 169.91' to a point; thence N 72°24'39" W 177.98' to a point; thence S 05°34'34" W 128.23' to a point; thence along a curve to the right having Radius of 342.18', Length of 92.20', Tangent of 46.38', Delta of 15°26'20", Chord Bearing of S 13°17'44" W, and Chord of 91.92' to a point; thence S 88°30'53" W 23.95' to a point; thence along a non-tangent curve to the left having Radius of 320.18', Length of 11.38', Tangent of 5.69', Delta of 02°02'08", Chord Bearing of S 23°40'24" W, and Chord of 11.37' to a point; thence S 24°41'28" W 10.81' to a point; thence S 88°30'53" W 535.93' to a point; thence S 28°39'59" W 243.03' to a point; thence S 61°20'01" W 370.90' to a point; thence S 24°41'16" W 467.76' to a point on the east line of Neale Street; thence along said east line of Neale Street N 65°18'44" W 572.33' to a point, said point being the point and place of beginning containing 29.51 acres as shown on plat by Bay Design Group, P.C. entitled "Compiled Plat of Several Parcels of Land at the Intersection of Mechanicsville Turnpike and Neale Street for the purpose of rezoning".

7.12 acre parcel:

All that certain piece or parcel of land being situated on the south line of Mechanicsville Turnpike (U.S. Rt. 360) and the east line of Neale Street and being located in the Fairfield District, Henrico County, Virginia and being more particularly described as follows:

Beginning at a point on the east line of Neale Street, said point being located S 65°18'44" E 344.22' from the south line of Mechanicsville Turnpike and being designated as P.O.B.; thence along said east line of Neale Street, N 65°18'44" W 344.22' to a point at the Intersection of Neale Street and Mechanicsville Turnpike (U.S. Route 360); thence along the south line of said Mechanicsville Turnpike, N 60°45'36" W 169.91' to a point; thence along a non-tangent curve to the right having Radius of 68699.93', Length of 22.14', Tangent of 11.07', Delta of 00°01'06", Chord Bearing of N 28°40'57" E and Chord of 22.14' to a point; thence N 28°39'59" E 133.86' to a point; thence N 75°38'29" E 20.52' to a point; thence N 28°39'59" E 27.00' to a point; thence S 80°00'24" W 19.21' to a point; thence N 28°39'59" E 414.83' to a point; thence N 26°57'51" E 216.91' to a point; thence N 28°06'52" E 204.40' to a point; thence S 61°53'08" E 10.00' to a point; thence S 22°47'52" E 49.73' to a point; thence S 61°20'01" E 50.08' to a point; thence along a curve to the right having Radius of 205.00', Length of 133.03', Tangent of 68.95', Delta of 37°10'47", Chord Bearing of S 42°44'38" E and Chord of 130.70' to a point; thence S 24°09'14" E 198.76' to a point; thence S 65°50'46" W 68.82' to a point; thence along a curve to the left having Radius of 75.00', Length of 48.67', Tangent of 25.23', Delta of 37°10'46", Chord Bearing of S 47°15'23" W and Chord of 47.82' to a point; thence S 28°00'00" W 541.82' to a point; thence along a curve to the left having Radius of 1000.00', Length of 69.44', Tangent of 34.74', Delta of 03°58'44", Chord Bearing of S 26°40'38" W and Chord of 69.43' to a point; thence S 24°41'16" W 74.56' to a point; thence S 19°12'42" E 42.33' to a point on the east line of Neale Street, said point being the point and place of beginning and containing 7.12 acres, as shown on plat by Bay

Design Group, P.C. entitled "Compiled Plat of Several Parcels of Land at the Intersection of Mechanicsville Turnpike and Neale Street for the purpose of rezoning".

The Board of Supervisors accepted the following proffered conditions, dated November 7, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Proffers that apply to all portions of the property:

1. **Conceptual Plan:** The development shall be constructed comparable to that shown on the plan entitled, "Conceptual Plan Exhibit A" (see case file), revised October 4, 2005 by Bay Design Group. Sidewalks and boulevard entrance shall be located as illustrated on the Conceptual Plan.
2. **Construction Hours:** No land clearing, road or water/sewer line construction, or any construction of the exterior shell of any building shall occur before the hour of 7:00 a.m. and shall not extend past 10:00 p.m. Signs, in both English and Spanish, stating the construction hours shall be posted and maintained at all entrances to the Property prior to any land disturbance activities beginning.
3. **Entrance Features:** The entrances to the Residential Development from Neale Street and Mechanicsville Turnpike shall be complemented with landscaping and a brick, stone or stucco monument entrance feature as illustrated in "Illustrative Entrance Plan" (see case file) by Higgins & Gerstenmaier. Landscaping at the entrances features shall include an irrigation system.

Proffers for the B-2C Portion of the Property:

4. **Use Restrictions:** The uses permitted shall be those permitted in the B-2 zoning District except that the following uses shall not be permitted:
 - (a) Billiard parlors;
 - (b) Bowling alley;
 - (c) Establishments operating primarily as amusement or video game parlors;
 - (d) Repair business or electrical heating or plumbing systems;
 - (e) Roller or ice skating rink;
 - (f) Adult business as defined in the Henrico County Zoning Ordinance;
 - (g) Hotel, motels and motor lodges;
 - (h) Funeral parlors and mortuaries;
 - (i) Animal hospital or kennel;
 - (j) Auto, truck, trailer, motorcycle or bus sales; rental and repair;
 - (k) Boat and boat trailer sales, service and storage;
 - (l) Gun shops;
 - (m) Manufactured home sales, display and storage;

- (n) Recreation facilities (i.e. bowling alleys and skating rinks);
- (o) Rifle or pistol ranges;
- (p) Sheet metal shop or roofing company;
- (q) Car Wash manned or unmanned;
- (r) Drive-thru restaurants;
- (s) Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et. Seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
- (t) Automotive filling stations;
- (u) Garden centers;
- (v) Nurseries for growing plants;
- (w) Radio and television stations and studios or recording studios; and
- (x) Recycling facilities.

5. **Building Materials:** The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the Property shall be substantially similar to the exposed portions of other exterior wall surfaces of such building in architectural treatment and materials, exclusive of canopies, and shall include materials such as brick, stone, dryvit, vinyl siding, and/or hardiplank, except to the extent that other architectural materials are used for trim, architectural decorations or design elements. No exposed portion of any exterior wall surface shall consist of untreated or painted cinderblock. The buildings shall be similar in architectural style to Exhibit B or C (see case file) as approved by the Planning Commission at the time of POD review.
6. **Rooftop Mechanical Systems:** No heating, air conditioning or mechanical equipment shall be placed on the roof of any building unless properly screened from ground level.
7. **Height Limitations:** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-eight (38) feet in height above grade level (exclusive of architectural design features).
8. **Parking Lot Landscaping:** Parking lots serving the Property shall be landscaped, including, but not limited to, the planting of shrubbery and/or trees in raised islands located within such parking lots or between parking rows.
9. **Screening of Trash Receptacles:** All trash receptacle areas shall be screened from view off site.

10. **Signage and Hours of Operation:** Signage and hours of operation shall be controlled by zoning ordinance provisions relating to signage and hours of operation in B-2 zoning district. Signage shall be ground mounted monumental-type signs not to exceed six (6) feet in height. Cabinet signs or internally lit signs for detached monumental signs shall be prohibited.
11. **Buffer Area:** Landscaped buffer areas of a minimum of fifty (50) feet in width shall be maintained along Mechanicsville Turnpike (as such right-of-way is determined at the time of Plan of Development review), except to the extent necessary for utilities, storm sewer, grading, roads, driveways, signage or other purposes required by the Planning Commission at the time of Plan of Development review or by any other applicable governmental body. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer areas, and if so removed, additional plantings shall be added. Utility easements, roads or driveways within the aforesaid buffer area shall extend generally perpendicular thereto.
12. **Parking Lot Lighting:** Parking lot lighting shall be provided by concealed sources of light, except at vehicular access points or as otherwise required at the time of Plan of Development review. Parking lot lighting shall be reduced to no more than a security level following the close of business operations on the Property.
13. **Outside Speakers:** There shall be no outside speaker or paging systems on the Property.
14. **Underground Utilities:** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
15. **Trash Pick-Up and Parking Lot Cleaning:** Trash pick-up and parking lot cleaning shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.

Proffers for the R-5C portion of the Property:

16. **Minimum Square Footage and Density:** The square footage requirements shall be a minimum of 1,300 square feet of finished floor area for each condominium unit. The density shall be a maximum of ten (10) units per acre.
17. **Buffer Adjacent to Chickohominy National Battlefield:** There shall be a fifty (50) foot buffer adjacent to the perimeter of the Chickohominy National Battlefield as shown on the Conceptual Plan Exhibit A (see case file) except to the extent necessary for grading, utility easements, storm sewer, (which utility easement

shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of POD review. Decorative fencing in a manner and style coordinated with the National Park Service shall be provided within the buffer.

18. **Buffer Along Neale Street:** There shall be a fifty (50) foot landscaped buffer along Neale Street except to the extent necessary for grading, utility easement, storm sewer, signage, access ways to and from public rights-of-way (which utility easement and access ways shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of POD review.
19. **Buffer Adjacent to Orchard Glen Subdivision:** There shall be a fifty (50) foot buffer adjacent to the Orchard Glen Subdivision except to the extent necessary for grading, utility easements, (which utility easements shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of POD review.
20. **Architectural Treatment:** The buildings shall be similar in architectural style to those illustrated in Exhibit C (see case file) and include materials such as brick, stone, dryvit, vinyl siding, and/or hardiplank. At least fifty percent (50%) of the side of the building facing Mechanicsville Turnpike shall be brick. Roofing material shall have a minimum twenty (20) year life and associated warranty. Vinyl siding shall have long-lasting strength, resilience and resistance to everyday wear and tear.
21. **Amenities:** Amenities shall include a clubhouse, pool and walking trails. The clubhouse and the pool shall be built during the construction of the first hundred (100) units.
22. **Lighting:** Street lighting fixtures shall be constructed and maintained along the private roadway system within the property and shall not exceed fifteen (15) feet in height.
23. **Underground Utilities:** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reason, all utility lines shall be underground.
24. **Sidewalks:** Sidewalks four (4) feet in width shall be provided along one side of all roads within the development.
25. **Protective Covenants:** Prior to conveyance of the first unit, restrictive covenants describing development controls, architectural modification standards and


maintenance responsibilities for all common areas within the development, including maintenance of the entrance features shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. In addition, there shall be a Homeowners Association of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of common areas, roads, and unit exteriors.

26. **Condominiums:** All units shall be condominiums as defined and regulated by the Virginia Condominium Act. Prior to the conveyance of any condominium unit, a declaration of condominiums shall be recorded to establish the condominium regime, and the condominium unit owners association will be incorporated. The condominiums will be marketed as units for sale.
27. **Height Limitations:** The front of any building constructed on the Property shall not exceed four (4) stories in height above grade level (exclusive of architectural design features).

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: Charles J. Keck
Mary Alice Keck Et Als
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal, Director, Research and Planning