



MULTI-FAM.

**C-89C-85**

COUNTY OF HENRICO PLANNING OFFICE

**92-B2-10,124**



BROOKLAND DISTRICT  
J.A.S.



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

April 25, 1986

W.F. LaVECCHIA, P.E.  
County Manager

Re: Conditional Rezoning Case C-89C-85

Cardinal Industries, Inc.  
2040 South Hamilton Road  
Columbus, Virginia 43232

Gentlemen:

The Board of Supervisors at its meeting on April 23, granted your request to conditionally rezone property from R-3 One Family Residence to R-5C General Residence District (Conditional).

The rezoned property is described as follows:

Parcels 92-B2-10 and 124:

Beginning at a point on the W. line of Hungary Spring Road, approximately 585' south of its intersection with the S. line of Eunice Drive; thence S.  $6^{\circ} 31' 30''$  W., 212.43' to a point; thence S.  $78^{\circ} 52' 20''$  W., 1090.76' to a point; thence N.  $9^{\circ} 21' 40''$  E., 462.54' to a point; thence S.  $88^{\circ} 2' 38''$  E., 1019.75' to the point of beginning, containing 7.9 acres.

The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance). They are as follows:

1. There will be a 400' setback from Hungary Spring Road in which no apartments or buildings will be constructed.
2. During the development of the property, no construction office trailer will be located within 300' of Hungary Spring Road. During the development of the property, a construction office trailer may be located in the area which is between 300' and 400' from Hungary Spring Road. No rental activity shall be conducted from any construction office trailer.
3. Every effort will be made to seek and obtain a secondary access to the property; documentation of said effort shall be submitted to the Planning Office.
4. Details of the freestanding sign identifying this development will be submitted for review and approval by the Planning Commission with the Plan of Development (POD).
5. The developer will use every effort to preserve trees now on the property and will supplement existing trees with plantings in accordance with a landscaping plan to be submitted to the Planning Commission for review and approval. Said landscaping plan will include the 400' setback area, as well as the area where the apartments are to be constructed.

Cardinal Industries, Inc.  
Page 2  
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6. The developer intends to construct apartments substantially similar in design to those in "Cardinal Apartments" brochure filed with Case C-89C-85, and said apartments will have brick on the exposed exterior surfaces of the ends of the buildings, as shown in said brochure, which face Hungary Spring Road, the driveways within the property, the Wood Run Apartments, and the Courthouse Square Apartments.

The Planning Office 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,

  
for W. F. LaVecchia, P.E.,  
County Manager

cc: Clerk, Board of Supervisors  
Real Estate Assessment  
✓ Conditional Zoning Index  
Ms. Ann E. Trexler  
Mr. Jay M. Weinberg  
Mr. Robert E. Trexler  
Ms. Mabel L. Southworth Guckel  
Mr. Edward E. Willey

**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. 240-8E

Page No. 1 of 3

Agenda Title Ordinance - Rezoning of Parcels 92-B2-10 and 92-B2-124  
From the R-3 One-Family Residential District to the R-5C General  
Residential (Conditional) District

**INSTRUCTIONS:** This form is to be completed in triplicate, green (original), yellow and white, and submitted to the Office of the County Manager by noon the Wednesday preceding the Board Meeting at which it is to be presented. Attach contracts, maps, plans and/or data which may be necessary for presentation of the paper to the Board. Under comments always state the recommendation of the department and the concurrence of the County Manager. If the ordinance or resolution requires more than one page, half sheet must be used for all pages except the last page. The Department Head should sign paper in black ink.

For Clerk's Use Only:

*e-89c-85*

ROUTING	Green	Yellow	Copy
MGR	✓		
DPU			
DPW			
R/W			
FIN			
PLAN		✓	
POL			
PERS			
CO. ATTY		✓	
REC			
MH/MR			
ADM SER			

WHEREAS, on November 13, 1985, the Board of Supervisors denied a request by Cardinal Industries, Incorporated to rezone certain property, comprising 7.9 acres located on Hungary Spring Road and owned by Robert E. Trexler, Sr., Ann E. Trexler, Mable L. Guckel and Helmut E. Guckel, from the R-3 zoning classification to the R-5C zoning classification; and,

WHEREAS, subsequent to the Board's denial of Cardinal's rezoning request, the Trexlers and Guckels, by counsel, filed suit against the Board, challenging the Board's denial and seeking a Court Order requiring the Board to grant the rezoning request; and,

WHEREAS, during the course of the pending litigation, counsel for the Trexlers and Guckels has agreed to submit to the County several proffers, which are more extensive and desirable than the proffers which were submitted with the rezoning request denied by the Board on November 13, 1985; and,

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 240-86

Page No. 2 of 3

Agenda Title Ordinance - Rezoning of Parcels 92-B2-10 and 92-B2-124 From the R-3 One-Family Residential District to the R-5C General Residential (Conditional) District

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ROUTING	Green	Yellow	Copy
MGR			
DPU			
DPW			
R/W			
FIN			
PLAN			
POL			
PERS			
CO. ATTY			
REC			
MH/MR			
ADM SER			

For Clerk's Use Only:

WHEREAS, both the County staff and the Board are of the opinion that the rezoning of the subject property to R-5C with the newly proffered conditions is reasonable, appropriate and in the best interest of the County; and,

WHEREAS, by Board Resolution, identified as agenda item no. 218-86 and dated April 9, 1986, the Board authorized the County Attorney to settle the pending litigation entitled Trexler, et al. v. Board of Supervisors by endorsing an Order to be entered by the Circuit Court, the purpose of which is to dismiss the lawsuit against the Board of Supervisors and remand the zoning case (rezoning request) to the Board with directions to reconsider the request in light of the newly proffered conditions; and,

WHEREAS, by Final Decree entered on April 15, 1986, the Circuit Court has dismissed the lawsuit and has adjudged, ordered and decreed that this rezoning request be reconsidered by the Board in light of the newly submitted proffers; and,

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 240-8  
Page No. 3 of 3

ROUTING	Green	Yellow	Copy
MGR			
DPU			
JPW			
R/W			
FIN			
PLAN			
POL			
PERS			
CO. ATTY			
REC			
MH/MR			
ADM SER			

Agenda Title Ordinance - Rezoning of Parcels 92-B2-10 and 92-B2-124 From the R-3 One-Family Residential District to the R-5C General Residential (Conditional) District

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For Clerk's Use Only:

WHEREAS, in order to comply with the terms of the Final Decree entered by the Circuit Court, this rezoning case is now back before the Board of Supervisors for final action, in light of the newly proffered conditions which now have been filed with the Planning Office and made a part of the record of this rezoning request.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Supervisors of the County of Henrico that the property in question, identified as parcels 92-B2-10 and 92-B2-124, owned by Robert E. Trexler, Sr., Ann E. Trexler, Mable L. Guckel and Helmut E. Guckel, which property comprises 7.9 acres and is located on Hungary Spring Road in Henrico County be, and it is hereby, rezoned from the R-3 One-Family Residential District to the R-5C General Residential (Conditional) District, and the County zoning maps shall be changed appropriately to reflect this rezoning and the newly proffered conditions.

Comments: The County Attorney recommends approval of this Board paper, and the County Manager concurs.

APPROVED

By Department Head \_\_\_\_\_

By County Manager \_\_\_\_\_

APR 23 1986  
Date

- Approved
- Denied
- Received
- Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) J. McKenney seconded by (1) D. Kaechele  
(2) J. McKenney (2) R. Shadwell

REMARKS:

(1) Add by unanimous consent  
(2) Approve paper

	YES	NO	OTHER
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McKenney, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mehfoud, A.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shadwell, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Waldrop, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PROFFERS - AS OF 4/7/86

C-89C-85

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AGREED TO: 4/10/86

CARDINAL INDUSTRIES INCORPORATED