

COUNTY OF HENRICO PLANNING OFFICE

76-B1-1

THREE CHOPT DISTRICT

JAS

SINGLE FAMILY RESID.
C-6C-90



March 20, 1990

Re: Conditional Rezoning Case 6C-90

Millrace Development Corporation
10003 Walsham Court
Richmond, Virginia 23233

Gentlemen:

The Board of Supervisors at its meeting on February 14, granted your request to conditionally rezone from A-1 Agricultural to R-2C One Family Residence District (Conditional), property described as follows:

Parcel 76-B1-1:

Beginning at a point on the western right-of-way line of Shady Grove Road 0.25 miles south of the southern right-of-way line of Nuckols Road at the corner of property now or formerly owned by Shaw; thence along the western right-of-way line of Shady Grove Road S. $4^{\circ} 50' 30''$ W., 180.13' to a point; thence continuing in a southerly direction along the western right-of-way line of Shady Grove Road along a curve to the right said curve having a radius of 670.17', a length of 377.86' to a rod; thence S. $79^{\circ} 13' 14''$ W., 309.25' to a rod; thence N. $47^{\circ} 55' 20''$ W., 771.41' to a rod; thence N. $21^{\circ} 04' 50''$ E., 208.82' to a rod; thence N. $23^{\circ} 17' 38''$ E., 417.80' to a rod; thence N. $24^{\circ} 38' 05''$ E., 504.89' to a pipe; thence S. $49^{\circ} 12' 36''$ E., 389.02' to a rod; thence N. $36^{\circ} 46' 47''$ E., 20.00' to a rod; thence S. $53^{\circ} 13' 13''$ E., 62.25' to a rod; thence S. $21^{\circ} 00' 47''$ W., 210.69' to a rod; thence S. $04^{\circ} 56' 47''$ W., 283.29' to a rod; thence S. $55^{\circ} 58' 13''$ E., 383.70' to a point in the western right-of-way line of Shady Grove Road and the place of beginning, containing 20.535 acres.

The Board of Supervisors accepted the attached eight (8) proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance).

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,

W. F. LaVecchia, P.E., A.I.C.P.,
County Manager

AHM: jt
cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Conditional Zoning Index
James W. Theobald, Esquire

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COUNTY OF HENRICO, VIRGINIA

MAR 14 1990

PLANNING OFFICE
COUNTY OF HENRICO

PROFFERS FOR CONDITIONAL REZONING

ORIGINAL

SECOND
AMENDED AND RESTATED

Pursuant to section 22-121(b) of the County Code, the owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

James W. Theobald

March 14, 1990

Signature of Owner or Applicant* James W. Theobald, Attorney-In-Fact for Millrace Development Corp.

Date

* If Applicant is other than Owner, Form POF-004-3/87, Special Limited Power of Attorney must be submitted with this application.

1. Public Utilities. All dwellings constructed on the Property shall be served by public water and public sewer.

2. Underground Utilities. All electrical, telephone, cable television and other utility service lines to the lots within the Property shall be installed underground.

3. Greenbelt. A greenbelt for landscaping, natural open areas, and scenic vistas will be provided at a minimum of 25 feet in width adjacent to the ultimate right-of-way of Shady Grove Road except to the extent necessary for utility easements (such utility easements, other than that associated with the relocation of the existing Virginia Power lines, to be generally perpendicular to the greenbelt area where possible), entrance features, signage, roads and other purposes specifically permitted or required by the Planning Commission at the time of subdivision approval or by any other governmental body. Should it be necessary to run easements through the greenbelt area, such area shall be compensated to the extent interrupted by said easements to maintain the integrity of the greenbelt area.

4. Protective Covenants. Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads, or utilities), there shall be recorded a document 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. Notwithstanding anything herein contained to the contrary, the County shall have

ACCEPTED BY THE
BOARD OF SUPERVISORS
MARCH 14, 1990
PLANNING OFFICE

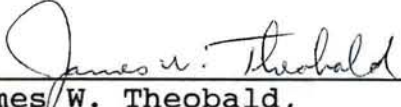
no obligation or liability of any kind or nature whatsoever for the enforcement of any of the specific terms and conditions of said protective or restrictive covenants.

5. Foundations and Chimneys. The visible exterior portions of the foundations and chimneys of any dwellings constructed on the Property shall be of brick or stone.

6. Minimum Floor Area. The minimum finished floor area of any one-story dwellings constructed on the Property shall be 2,000 square feet. Dwellings in excess of one-story shall have a minimum finished floor area of 2,500 square feet. Such square footage shall be provided exclusive of garages and porches.

7. No Direct Access. No driveways serving individual dwellings shall have direct access to Shady Grove Road.

8. Severance. The unenforceability, illegality, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect validity or enforceability of other proffers or the unaffected part of any such proffer.



James W. Theobald,
Attorney-In-Fact for Millrace
Development Corp.

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COUNTY OF HENRICO

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