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February 27, 2014

Ms. Lory Markham
Secretary to the Planning Commission
Department of Community Development
900 East Broad Street, Room 511
Richmond, Virginia 23219

**RE: Exceptions Request – Archer Springs Tentative Subdivision
10502 Duryea Drive, et al (the “Property”)
File #9432B**

Dear Ms. Markham,

Archer Springs Investment Company, LLC, the owner of the Property requests an exception from Section 94-71 of the Code, which requires a right-of-way of 50 feet for any street not specifically shown in the Master Plan. The Property was rezoned to R-5C pursuant to Ordinance 2012-72-2013-132, and during the lengthy zoning process, the challenges of development based on unique topographical conditions and existing mature trees were thoroughly discussed. As an outcome of the zoning process, the owner proffered a tree preservation plan and grading plan, which provide the developer of the Property is to preserve trees to the extent possible within the approved conceptual layout. The desire to maximize tree preservation, consistent with the approved conceptual layout represents an extraordinary or exceptional circumstance within in the meaning of Section 94-71 of the Code.

Our initial submission utilizing a 50’ right-of-way met the applicable specifications of the Code, as well as the intent of the grading and tree preservation plan proffers by preserving trees to the extent possible and preserving the maximum number of trees through sensitive grading. However, the 50’ right-of-way limited the ability to adjust lot lines to further preserve trees. In large part, the layout is defined by required lots sizes according to zoning and street infrastructure/width according to the subdivision regulations.

In our discussions with staff, a reduction of the right-of-way width to 40’ was recognized as an exception that would allow this extraordinary or exceptional circumstance to be addressed more sensitively. The proposed reduction in right-of-way width allows additional flexibility in laying out the subdivision according to the approved conceptual plan and further accommodating the

grading and tree preservation goals. The reduction in width allows movement of the lot lines within the development to save specimen trees that would otherwise be lost in the 50' right-of-way configuration. In addition, it allows existing trees at the rear of the lots to be retained for additional tree canopy at the periphery of the development area. Finally, the proposed 40' right-of-way represents an approximate 20% reduction in land area devoted to roads.

This request does not represent a special privilege or convenience that is being sought by the developer. The proposed improvements within the 40' right-of-way would be indistinguishable from those that would be required within a 50' right-of-way. The reduction in right-of-way width is only being contemplated in this request based on the extraordinary and exceptional circumstances related to maximizing the intent of the proffered conditions within the approved conceptual layout.

Sincerely,



Mark R. Baker