



REZ2022-00036

Sauer Properties, Inc.

Staff Report for Board of Supervisors Public Hearing

Prepared March 2, 2023

This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter.

I. PUBLIC HEARINGS:

Planning Commission:	January 12, 2023 February 9, 2023	Deferred at the Applicant's Request Recommended for approval
Board of Supervisors:	March 14, 2023	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	CMUC Community Mixed-Use District (Conditional); and M-2C General Industrial District (Conditional)
Existing Zoning:	O-3C Office District (Conditional); B-3C Business District (Conditional); and M-1C Light Industrial District (Conditional)
Acreage:	93.4 acres
Proposed Use:	Mixed-use with up to 780 apartments, townhomes and condominiums; and nonresidential/industrial uses
Location:	Along JEB Stuart & Virginia Center Parkways between Brook Road (U.S. Route 1) and Interstate 95
Magisterial District:	Fairfield
2026 Comprehensive Plan Recommendation:	Office/Service (O/S), Office (OF), Commercial Arterial (CA), and Environmental Protection Area (EPA) <i>Note: The two northern parcels are designated as Prime Economic Development Sites.</i>
Parcel Nos:	784-766-7690, 785-769-6656, 786-768-8517, part 784-767-4440
Zoning of Surrounding Properties:	North: B-3C, O-3C (Virginia Center Commons) South: R-2A, R-2AC, O-2C, O-3C (Stonewall Glen, offices) East: A-1 (Interstate 95) West: M-1C, C-1C, R-2A, B-3, B-3C (light industrial, office, retail, Holly Glen)

III. SUMMARY OF STAFF REPORT:

This is a request to conditionally rezone 93.4 acres south of Virginia Center Commons from O-3C, B-3C, and M-1C to CMUC and M-2C for a mix of uses potentially including research and development, industrial, office, retail, and up to 780 residential units. The subject property consists of four parcels along and between the east line of Brook Road (U.S. Route 1), Virginia Center Parkway, JEB Stuart Parkway, Telegraph Road, and the west line of Interstate 95. The 2026 Comprehensive Plan recommends Office/Service (O/S), Office (OF), Commercial Arterial (CA), and Environmental Protection Area (EPA). The two northern parcels are also designated as Prime Economic Development Sites.

Although this request would largely be a departure from the 2026 Plan designations, the proposal has many positive aspects and contains elements of consistency with the recommended land use categories, including the potential for a significant office component. Also, based on shifting development patterns in the area, it is reasonable to consider other alternatives in this location. By introducing additional job-producing uses and integrating new residential options convenient to employment centers, this project would continue reinvestment in the area to further strengthen its long-term economic viability. The applicant has also provided substantial proffered commitments to ensure quality and compatibility with surrounding properties and uses. For these reasons, staff believes the proposed uses would be appropriate in this location. Staff could fully support the request if the issue related to building materials is resolved.

The applicant held two community meetings (October 19 and October 20, 2022) to discuss the project with area property owners and residents. Between both meetings, approximately 11 individuals attended and provided comments about traffic and pedestrian safety, development access, proposed uses, public amenities, landscape buffers, and other topics. The Planning Commission at its meeting on February 9, 2023, recommended approval of this item.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

Property & Surroundings

The subject site includes four vacant parcels totaling 93.4 acres along and between the east line of Brook Road (U.S. Route 1), Virginia Center Parkway, JEB Stuart Parkway, Telegraph Road, and the west line of Interstate 95. The surrounding area consists of several zoning districts, predominately nonresidential, and is undergoing significant transformation and revitalization. Adjacent uses include single-family homes from the 1960s (R-2A - Holly Glen) and 2000s (R-2A - Stonewall Glen), light-industrial / flex buildings from the 1980s – 2000s (M-1C – Amerisource Bergen, Cobb, Virginia Center Technology Park), corporate offices (O-3C – Charter One, Virginia Association of Realtors; M-1C – Schnabel Engineering), and a variety of retail and service establishments built over the past 20 - 30 years (B-3 – Stuart’s Crossing Shopping Center; B-3C – Virginia Center Commons Mall and Regal Cinema).

Following a 2020 public workshop to identify future land use goals for the aging mall (built in 1991), renewed interest and public/private investment in the area have resulted in the current construction of an indoor sports arena, as well as zoning approval and conceptual plans for several new apartment and townhome communities. Collectively, these projects fall within the Virginia Center Commons (VCC) Form-Based Alternative Overlay District in the Zoning Code, which prescribes a mixture of uses and connectivity with surrounding development. The properties in this request are not within the form-based boundary or part of the larger VCC conversion, however, new development in this location should reinforce overall expectations of high quality and be designed with connectivity and compatibility with surrounding revitalization projects.

Development Overview & Proffers/Exhibits Summary

Although various development concepts have been contemplated on the subject site over the years, the four properties have remained vacant. This request is to rezone 33 acres to M-2C General Industrial District (Conditional) and 60 acres to CMUC, Community Mixed-Use District (Conditional). The proffered master plan (Exhibit A) illustrates four distinct development bays. The two northernmost at the intersection of JEB Stuart Parkway and Telegraph Road (“West R&D” / Parcel C, and “East R&D” / Parcel 1) would be zoned M-2C for research and development (R&D) oriented businesses along with limited retail and service uses. The “For-Sale” / Parcel 2 land bay east of the Virginia Center Parkway / JEB Stuart Parkway intersection and extending to Interstate 95 would be zoned CMUC for owner-occupied townhomes and/or multifamily condominiums. The “Residential Mixed-Use” / Parcels A & B land bay would be zoned CMUC for one or a combination of residential, retail, and office uses. The chart on the following page highlights some of the basic statistics, key proffered assurances, and design standards applicable to each bay.

Research & Development Bays & Ancillary Retail (M-2C)

The applicant’s intent for the two Research & Development bays at the northern end of the project is to partner with the Henrico Economic Development Authority to recruit R&D or similar lower-impact, quality job-producing companies as the primary user(s) on both sites (approximately 258,000 sq. ft. of office uses per the traffic study, though no minimum / maximum is proffered). Buildings could be up to 110’ in height and 24-hour operation would be permitted, similar to the adjacent Virginia Center Technology Park (M-1C). Along with R&D, many traditional industrial operations would still be permitted as the sole user on each M-2C site. Flexibility also exists to include smaller ancillary businesses and a variety of commercial uses in the R&D areas; however, these would be limited to 20% of aggregate gross square feet of floor area in each bay.

The proffers require building façades on both M-2C sites to be in general conformance with several photo examples (Exhibit B Page 2) and constructed of quality materials as listed. These buildings would also be set back a minimum of 25’ from JEB Stuart Parkway, and in the West R&D bay they would be at least 150’ from existing off-site dwellings. Perimeter landscape buffers would also be included along the western line of the West bay (proffered TB50) and along the north and south boundaries of the East bay (TB35 per code) to provide visual screening and impact mitigation for existing and future residential properties. Both sites would be accessed via JEB Stuart Parkway, and possibly Telegraph Road for the East bay. As requested by Holly Glen residents, the applicant proffered to prohibit West bay vehicular access to Ethelwood Road. To safely accommodate pedestrians and cyclists along JEB Stuart Parkway and provide connectivity with retail and other uses to the north and west, a 10’-wide shared-use trail would be installed along the perimeter of the East R&D bay and a 5’-wide sidewalk would be provided along the West R&D bay. A short segment of sidewalk would also be built along the east side of Telegraph Road.

Community Mixed-Use Bays (CMUC)

Similar to the R&D portion of this request, the Community Mixed-Use (CMU) District would be developed across two distinct bays separated by an existing road. The two CMU bays would be considered in aggregate for the purposes of meeting the following CMU code standards:

- 12-acre minimum development area;
- 20% residential use and 20% non-residential use minimums (based on building floor area, with the option of including uses within a ¼-mile radius of the CMU site);
- Residential gross density minimum of 10 units per acre, and maximum of 40 units per acre.

Land Bay Summary

Details by Land Bay	West R & D (Parcel C)	East R & D (Parcel 1)	For-Sale Residential (Parcel 2)	Residential Mixed-Use (Parcels A & B)
Acres & Existing Zoning	10.83 ac. (O-3C, B-3C, M-1C)	22.22 ac. (O-3C, B-3C)	45.39 ac. (O-3C)	14.962 ac. (B-3C)
Proposed Zoning & Uses	<u>M-2C</u> 43 of 87 M-2 principal use categories allowed (18 of them w/ 20% limit) (approx. 120K SF, no max.)	<u>M-2C</u> 43 of 87 M-2 principal use categories allowed (18 of them w/ 20% limit) (approx. 138K SF, no max.)	<u>CMUC</u> 450 residential townhomes and/or condos (max.) are the only allowed uses	<u>CMUC</u> 330 resid. unit max. (10% 3-bed max. for apts.), approx. 27K SF retail (49 of 53 use categories allowed)
Residential Density	-	-	9.91 un/ac max.	22.06 un/ac max.
Building Exteriors <small>(all are subject to proffered elevations)</small>	decorative concrete block, tilt-up / pre-cast concrete, brick, metal, stone, stucco, glass block, ceramic tile	decorative concrete block, tilt-up / pre-cast concrete, brick, metal, stone, stucco, glass block, ceramic tile	brick, stone, fiber cement siding, enginr. wood, 0.044' vinyl (TH fronts & condo front-appearing rears to face JEB Stuart & VC Pkwy.)	brick, stone, pre-cast concrete, EIFS, metal, wood or composite siding
Building Height	M-2 code – 110' max. (200' w/ PUP)	M-2 code – 110' max. (200' w/ PUP)	CMU code – 60' max. (200' w/ PUP)	45' & 55' within 75' & 150' of SF per Nbhd. Comp. Std. (60' per CMU code otherwise)
Additional Setbacks	25' building setback from JEB Stuart, and 150' setback from existing dwellings	25' building setback from JEB Stuart	-	100' building setback from Battlefield Rd.
Buffers & Supplemental Landscaping	<u>W</u> – TB50 <u>N & E</u> – Trees along JEB Stuart Pkwy.	<u>N</u> – Code requires TB35 adj. to O-3 <u>S</u> – Code requires TB35 adj. to CMU <u>W</u> – Trees along JEB Stuart & Telegraph	Foundation plantings for all, sod & irrigate TH front/side & condo front/side/rear yards <u>W & S</u> – Trees along JEB Stuart & VC Pkwy. per CMU	<u>N</u> – 15' wide (plant per Stuart's X-ing) <u>S</u> – TB50 & 6' fence <u>E</u> – 75' wide (planted 1.5x TB50 stds.)
Access Restrictions	No vehicular access to Ethelwood (for construction or other)	-	-	No construction access to Battlefield
Operating Hours	24-hours daily	24-hours daily	-	6:00a-2:00a (24-hr for health / fitness)
Development Phasing	No phasing requirements	Grading / utilities req. before 1 st res. CO elsewhere in project	1 st CO requires East R&D grading / utilities	1 st res. build. req. E. R&D grading / utilities
Sidewalk / Trail	5' sidewalk along JEB Stuart	10' asphalt multi-use trail along JEB Stuart	10' asphalt multi-use trail along JEB Stuart and VC Parkway	Existing 4' sidewalk along VC Parkway and Battlefield
Construction Hours	M-F 7a-7p, Sat 8a-4p, no Sunday	M-F 7a-7p, Sat 8a-4p, no Sunday	M-F 7a-7p, Sat 8a-4p, no Sunday	M-F 7a-7p, Sat 8a-4p, no Sunday
Refuse Pickup Hours	M-F 7a-7p, Sat 9a-7p, no Sunday	M-F 7a-7p, Sat 9a-7p, no Sunday	-	M-F 7a-7p, Sat 9a-7p, no Sunday
Signage	no internally lighted building-mounted signs facing Ethelwood or within 250' of R dist.	no changeable message signs facing I-95	-	no internally lighted building-mounted signs facing Battlefield / Francis or within 250' of R dist.

The following CMU lot design standards would also apply throughout:

Standard	Townhouse	Other Uses
Lot area minimum	1,000 sq. ft.	1,500 sq. ft.
Lot width minimum	16 feet	20 feet
Front / side / rear yard minimums	0 feet	0 feet
Front build-to zone boundaries (min. / max.)	12 ft. / 30 ft.	12 ft. / 30 ft.

The CMU District’s For-Sale Residential bay would be located south of the East R&D site, on the opposite side of a stream and floodplain dividing the two. The only uses proffered as allowed in this 45.39-acre area would be up to 450 townhomes and/or condos (all of one type, or a mix of the two), resulting in a maximum gross density of 9.91 units per acre in this bay. These buildings could be up to 60’ in height and their exteriors would be in general conformance with the respective conceptual images for each type proffered on Exhibit B Page 3. All architectural examples show façade articulation, balconies, ample windows, and various exterior material combinations (proffered to be brick, stone, fiber-cement siding, engineered wood, and/or 0.044” thick vinyl). Fiberboard siding such as Masonite is prohibited.

For a more attractive residential streetscape along JEB Stuart Parkway and Virginia Center Parkway, townhome fronts and front-appearing condo exteriors would be oriented to face these existing roads. Alleys would be used internally to access individual driveway parking and rear entrances for townhomes. The For-Sale Residential layout shows two points of ingress/egress – one on Virginia Center Parkway across from Telegraph Road, and the other on JEB Stuart Parkway across from Technology Park Drive. The same 10’-wide multi-use trail adjacent to the East R&D bay would continue along the JEB Stuart Parkway and Virginia Center Parkway frontages of the For-Sale Residential bay to connect this neighborhood and others east of I-95 to retail and other uses at Stuart’s Crossing and VCC. Because the multi-use trail bypasses the JEB Stuart / Virginia Center intersection to avoid a culvert, a short sidewalk extension would provide for crossing at the traffic signal.

The CMU District’s Residential Mixed-Use bay consists of the undeveloped Phase II portion of Stuart’s Crossing Shopping Center. In 2014, a plan of development was approved for a grocery-anchored retail center on this B-3C zoned site, but nothing was constructed except for a 4’ wide perimeter sidewalk along Virginia Center Parkway and Battlefield Road. This sidewalk would remain, and some of the previous proffered assurances would also be carried over with this request to mitigate impacts on the Stonewall Glen neighborhood. This includes business hours being limited to 6:00 a.m. – 2:00 a.m. (except for 24-hour health/fitness uses).

A proffered maximum of 330 residential units could be developed on the 14.962-acre Residential Mixed-Use bay (22.06 units per acre density), potentially combined with a non-residential component (estimated at 27,000 sq. ft. in the traffic study, but not proffered). Many of the potential non-residential CMU uses overlap with those already permitted via the existing B-3C zoning. The master plan (Exhibit A) shows multiple buildings across the site, concentrated toward the north and west and proffered to be set back at least 100’ from Battlefield Road. Perimeter buffers would be provided to the north (15’ wide, planted per Stuart’s Crossing), east (75’ wide, planted 1.5x TB50 standards), and south (TB50 standards with a 6’ fence). Access is shown from Battlefield Road, Bundle of Joy Lane, and through the existing shopping center entrance on Virginia Center Parkway.

The buildings in the Residential Mixed-Use bay would be in general conformance with the three retail and two multifamily photos shown on proffered Exhibit B Page 4, with exterior materials consisting of brick, stone, pre-cast concrete, wood or composite siding, metal, and/or EIFS. The Neighborhood

Compatibility Standards (NCS), Section 24-5601 thru 5607 of the zoning code, apply to this land bay as it is adjacent to the Stonewall Glen single-family neighborhood. This triggers various site design, building height, building form/façade, signage, and operational standards which have been incorporated into this request. Buildings within 0' - 75' and 75' - 150' of Stonewall Glen would have maximum heights of 45' and 55' respectively. The CMU 60' maximum height would be applied elsewhere.

While the request indicates a combination of apartments and retail uses in the Residential Mixed-Use bay, this area could also include other residential types, and the CMU area as a whole may not be required to include any non-residential uses. However, the applicant has proffered a phasing provision to help spur initial development steps for the R&D / industrial component of the project. This requires the East R&D bay to be cleared and rough graded with utilities run to the site before a Certificate of Occupancy is issued for: any building in the For-Sale bay, and any building with a residential component in the Residential Mixed-Use bay.

In addition to proffered items listed on the comparison chart and described above, the request also includes the following assurances:

Development-wide

- Dedication of an area for a future bus stop upon request by the county;
- Future rezoning of the floodplain and other environmentally sensitive areas to C-1 Conservation District (including the applicant's offsite parcel north of the intersection of Virginia Center Parkway and JEB Stuart Parkway); and
- Commitment to traffic improvements throughout, including new or lengthened turn lanes, pedestrian improvements on the east and south sides of the Virginia Center Parkway and JEB Stuart Parkway/Battlefield Road intersection, and a traffic signal at the JEB Stuart Parkway / Telegraph Road intersection if warranted after full buildout;

R&D Bays

- Loading docks to be screened from adjacent R-zoned properties, and prohibited on the road-facing side of buildings immediately adjacent to JEB Stuart Parkway; and
- Street trees along the JEB Stuart Parkway and Telegraph Road perimeters consistent with CMU standards;

For-Sale Residential Bay

- Minimum 1.5 acres of amenities space and trails as generally located on Exhibit A;
- Maximum of 8 townhome units per building;
- Additional sound suppression measures between individual townhome units, and in exterior walls of buildings within 250' of the I-95 travel lanes;
- Minimum 15% masonry finish required on: the front of 50% of the townhome buildings, and the aggregate front, side, and rear façade area for each condo building;
- Brick or stone exterior foundation treatment for townhomes and condos, visible 12" above grade on fronts and street-facing sides, and 8" above grade on other sides and rears;
- Cantilevered feature limitations on townhomes;
- Minimum 3' wide lead walk connections to the residential buildings; and
- Paved townhome driveways, separated by gravel, landscaping, or sod;

Mixed-Use Residential Bay

- Construction traffic prohibited on Battlefield Road and Ethelwood Road;
- Coordinated signage;
- Security provisions; and

- A 3,000 sq. ft. indoor recreational / social / fitness area.

Project Evaluation

The 2026 Plan recommends Office for the central core of the subject property and Environmental Protection Area along the floodplain. It is also designated as a Prime Economic Development site based on the existing office zoning and its potential to accommodate a master-planned, job-producing development near major transportation corridors. The northwestern parcel is designated Office/Service, reflecting its partial industrial zoning and the adjacent light industrial and office/service uses. The southwestern part of the site is split between two Plan designations, Commercial Arterial and Office, based on its position as a transitional property between the Brook Road commercial corridor and the Stonewall Glen single-family neighborhood.

Although this request would largely be a departure from the 2026 Plan designations and the long-standing vision for a corporate office park or similar use, the proposal has many positive aspects and contains elements of consistency with the recommended land use categories, including the potential for a significant office component. Also, based on shifting development patterns in the area, it is reasonable to consider other alternatives in this location. By introducing additional job-producing uses and integrating new residential options convenient to employment centers, this project would continue reinvestment in the area to further strengthen its long-term economic viability.

County agency comments regarding potential impacts on public facilities and services are detailed in Section VI of this report but can be summarized as follows. The Department of Public Utilities found water and sewer infrastructure to be adequate. The Division of Fire did not raise major concerns, and design requirements for Fire would be addressed at the POD stage. Schools analysis does indicate some potential capacity issues at existing facilities, should all residential units contain 2+ bedrooms. The Division of Traffic Engineering has completed final review of the traffic impact analysis and recommended a list of improvements, all of which have been proffered by the applicant. Based on the information to date, impacts on public facilities and services appear to be generally manageable.

The applicant has provided numerous proffered commitments to help ensure quality and compatibility with surrounding properties and uses. While these do address nearly all of the issues previously identified by staff, the applicant is encouraged to give additional consideration to the following topic:

Building Materials – Proffer 13.d.i allows wood or composite siding in the Residential Mixed-Use bay, and Proffer 16.c allows engineered wood siding (although not fiberboard / Masonite) in the For-Sale Residential bay. While some of these materials may have been used in a limited capacity in other developments, staff has communicated to the applicant that these materials are not preferred because of the long-term quality and maintenance issues they can pose. The applicant is encouraged to remove these from the proffered lists of allowed materials or strictly limit their use to specifically-identified minor building features if necessary.

Based on prevailing development trends in the area, multiple elements of consistency with the 2026 Plan, and the many proffered assurances provided with the application, staff believes this request has the potential to positively contribute to the revitalization goals for Virginia Center Commons and other properties along the Brook Road corridor. For these reasons, staff could fully support this request upon resolution of the building materials issue identified above.

The applicant held two community meetings (October 19 and October 20, 2022) to discuss the project with area property owners and residents. Between both meetings, approximately 11 individuals attended and provided comments about traffic and pedestrian safety, development

access, proposed uses, public amenities, landscape buffers, and other topics. The Planning Commission at its meeting on February 9, 2023, recommended approval of this item.

V. COMPREHENSIVE PLAN ANALYSIS:

2026 Comprehensive Plan Recommendation:

The 2026 Comprehensive Plan recommends Office/Service (O/S), Office (OF), Commercial Arterial (CA), and Environmental Protection Area (EPA). Although parts of this request would be a departure from the 2026 Plan designations, the proposal contains elements of consistency with the recommended land use categories, including potential for job-producing office, industrial, and retail components.

Vision, Goals, Objectives, and Policies:

This request is most consistent with the following goals, objectives, and policies of the 2026 Comprehensive Plan:

- Mixed-Use Keystone Policy 11: Encourage the preservation and incorporation of unique or sensitive environmental features into the overall design of Mixed-Use developments.
- General Development Policy 1: Ensure public facilities are in place or will be available to adequately serve and support new development. Only approve new development upon demonstration that adequate public facilities, as established in this Plan, are or will be available at the time of completion to maintain the desired levels of service.
- General Development Policy 2: Encourage the design of new development to be compatible with and complementary to existing land uses. Incompatible uses should not be closely located. Site design and buffering should be used to the maximum extent feasible to reduce the impacts on adjacent properties, especially between residential and nonresidential areas.
- Land Use and Community Character Goal 5: The County will have strong and sustainable neighborhoods and business districts that will be maintained and developed within existing and new communities.
- Land Use and Community Character Goal 6: The County will have portions of the County which are currently developed that offer opportunities for redevelopment, infill and intensification to take advantage of existing infrastructure, services and utilities.
- Land Use & Community Character Objective 9: The County will promote diverse housing types that meet the needs of a demographically diverse population.
- Land Use & Community Character Objective 16: The County will increase the quantity of housing units near employment centers.
- Land Use & Community Character Objective 22: The County will encourage complementary multi-family residential areas that enhance overall land use development through their proximity to an arterial roadway, shopping areas and primary service facilities.
- Transportation Objective 4: The County will encourage developments which include facilities to accommodate the pedestrian and bicyclist as well as transit.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

Based on the projected volume of traffic, a TIA is required. The Traffic Engineering Division has completed final review of the traffic impact analysis and has recommended the following list of improvements:

- Install a right turn lane (100' storage, 50' taper) on northbound Telegraph Road at the East R&D access north of JEB Stuart Parkway;
- Perform a traffic signal warrant analysis at the intersection of Telegraph Road and JEB Stuart Parkway upon 100% buildout of the development using new traffic counts taken after 100% buildout. If the signal is warranted and approved by Henrico County Traffic, then the owner shall install a traffic signal at the intersection of Telegraph Road and JEB Stuart Parkway within 9 months of completing the signal warrant analysis.
- Install a right turn lane (200' storage, 100' taper) along JEB Stuart Parkway at the western access point of the West R&D bay;
- Install a right turn lane (200' storage, 100' taper) along eastbound JEB Stuart Parkway at the West R&D access at the JEB Stuart Parkway / Telegraph Road intersection;
- Install a southbound left turn lane and northbound right turn lane (both with 200' storage, 100' taper) on JEB Stuart Parkway into the East R&D entrance across from the Amerisource entrance (GPIN 785-768-9197);
- Install a right turn lane (200' storage, 100' taper) along northbound JEB Stuart Parkway into the For-Sale Residential site entrance across from Technology Park Drive;
- Extend the left turn lanes to meet minimum county standards (200' storage, 100' taper) on eastbound Virginia Center Parkway at Telegraph Road and JEB Stuart Parkway; and
- Install pedestrian accommodations on the east and south sides of Virginia Center Parkway and JEB Stuart Parkway/Battlefield Road. This should include ADA ramps, pedestrian signals, and crosswalks.

Drainage:

All proposed improvements must comply with all applicable Public Works plan of development requirements. The site must comply with applicable stormwater quality and quantity requirements. Based on information in the County's GIS, there appears to be 100-year floodplain present on the site. It appears there may be an SPA Stream and/or an RPA stream on the property. Based on GIS, Waters of the U.S. and/or hydric soils are present (indicating possible wetlands). Corps of Engineers and DEQ permits may be required.

Documentation must be provided prior to construction plan approval that the proposed subdivision complies with Sec. 10-12(b)-(d) of the Henrico County Floodplain Ordinance, including measures to reduce flood damage, ensure that public utilities and facilities are located and constructed to minimum flood damage, and adequate drainage has been provided to reduce exposure to flood hazards. Development may not occur in the Special Flood Hazard Area unless it has demonstrated that it will not increase the base flood elevation, as per Sec. 10-9(a) of the Henrico County Floodplain Ordinance. A No-Rise Certificate, signed and sealed by a professional engineer licensed in the Commonwealth of Virginia, is required to satisfy this requirement. A No-Rise Certificate template is available on the county's website: <https://henrico.us/works/design/floodplain/>. If the current effective flood study model is available, a copy can be downloaded from the Henrico County Flood Model Repository here: <https://henrico.maps.arcgis.com/apps/webappviewer/index.html?id=39371084312d4c2dbc1d205a96d41ef3>

Residential structures are not permitted in the Special Flood Hazard Area or within 15' of the
REZ2022-00036

SFHA, as per Sec. 10-9(k) and Sec. 10-9(m) of the Henrico County Floodplain Ordinance. Residential Structures may be permitted within 40' of the SFHA or within the 500-year floodplain if the lowest floor, including mechanical equipment, of the structure(s) is elevated 1' above the BFE as per Sec. 10-9(o) of the Henrico County Floodplain Ordinance." Fill is not permitted in the SFHA as per Sec. 10-9(b) of the Henrico County Floodplain Ordinance.

Public Utilities Services:

The downstream capacity is adequate for the proposed water and sewer demands.

Schools:

The plan allocates 450 total townhomes or condos, as well as 330 multifamily units. The number of townhomes and condos was not provided, so yields were calculated using 300 townhomes and 150 condos. A full breakdown of apartment bedroom counts is currently unavailable, so all apartments are being considered two or more-bedroom units. Student yields may be adjusted if additional information is provided. The residences will be in the following attendance zones:

School Level	School Name	2022 Membership	Functional Capacity	Townhome Yields	Condo Yields	Apartment Yields	Total Student Yields*
Elementary	Longdale	430	546	44	10	81	135
Middle	Brookland	1,074	1,354	23	5	37	65
High	Hermitage	1,717	1,976	35	6	40	81
						Total Students:	281

* At Development Buildout

HCPS typically projects a development's impact on school capacity using historical student yield data by development type and magisterial district. Townhomes in the Fairfield District, per 100 units would yield 14.5 elementary students, 7.5 middle school students, and 11.5 high school students. Condos in the Fairfield District, per 100 units yield 6.8 elementary, 3 middle, and 4.3 high school students. Apartment units with two or more bedrooms generate 24.5 elementary, 11.3 middle, and 12 high school students.

Based on September 30, 2022 membership and capacity figures shown above, Longdale Elementary is currently at 78.8% of capacity. The analysis shown above indicates the proposed development would potentially yield an additional 135 elementary students. This development at buildout could push Longdale Elementary over 100% of capacity over the long term.

Brookland Middle is currently at 79.3% of capacity. The analysis shown above indicates the proposed development would potentially yield 65 additional middle school students. Long term, this project along with others in the area could push Brookland Middle to over 100% of capacity.

Hermitage High is currently at 86.9% of capacity. The analysis shown above indicates the proposed development would potentially yield an additional 81 high school students. Long term, this project along with others in the area could push Hermitage to over 100% of capacity.

This development falls within the Brook Road development corridor, which hosts multiple proposed developments. These developments will have a significant impact on schools over time. Trailers, additional instructional space, redistricting, and/or other capacity relief options could be needed in the future at the elementary, middle, and high school levels.

Division of Fire:

The conceptual plan does not show a level of detail sufficient to provide complete comments on the layout. Fire service-related features, such as access points, fire lane dimensions and internal access arrangements will be addressed during POD review. As an advisory comment, it appears the drive aisle serving the condominium buildings at the northern end of the For Sale Land Bay exceeds the maximum distance of a dead-end fire lane and will require an approved turn around. As to Proffer 15e, road widths and turning radii shall conform to the Virginia Statewide Fire Prevention Code.

Division of Police:

The applicant is encouraged to contact and work with the Community Services Unit with the Police Division for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts as a plan of development (POD) is drafted for submission to the County for review.

Libraries:

This request falls within the service area of the North Park Branch Library. The 15,000 square foot facility opened in September 2001. As these types of developments continue to be built and the population in the area continues to grow, North Park Branch Library can meet the increased service demands.

Recreation and Parks:

No park or recreation facilities, historical, or archeological impact. Informational comment: The parcel falls within the Civil War battlefield areas identified by the Virginia Department of Historic Resources as *043-5108 Yellow Tavern Battlefield*.

Community Revitalization:

No comments.

Topography and Land Characteristics Adaptability:

There are wetland and floodplain areas on the site, but these would not prohibit the property from being developed as proposed.



Proffers for Conditional Rezoning

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.henrico.us/planning>

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775 Phone (804) 501-4602

Facsimile (804) 501-4379

Original Amended Rezoning Case No. REZ2022-00036 Magisterial District Fairfield

Pursuant to Section 24-2304 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:

 / Jeffrey P. Geiger
Signature of Owner or Applicant / Print Name

February 9, 2023
Date

**If applicant is other than Owner, the Special Limited Power of Attorney must be submitted with this application*

Applicable to the Entire Project.

1. Conceptual Master Plan. Development of the Property shall be in general conformance with Exhibit A (see case file) attached hereto entitled Conceptual Plan Sauer's Property at VCC, dated January 25, 2023 (the "Conceptual Plan"), which Conceptual Plan is conceptual in nature and may vary in detail, unless otherwise requested by the owner and specifically approved by the Director of Planning. The Conceptual Plan divides the Property into the four (4) following land bays:

- a. The Residential Mixed-Use Land Bay as labeled and shown on the Conceptual Plan (the "Residential Mixed-Use Land Bay"), which will be developed in accordance with the requirements for the CMU Community Mixed Use District in the Zoning Ordinance, subject to these proffered conditions.
- b. The For-Sale Land Bay as labeled and shown on the Conceptual Plan (the "For-Sale Land Bay"), which will be developed in accordance with the requirements for the CMU Community Mixed Use District in the Zoning Ordinance, subject to these proffered conditions.
- c. The East R&D Land Bay as labeled and shown on the Conceptual Plan (the "East R&D Land Bay"), which will be developed in accordance with the requirements for the M-2 General Industrial District in the Zoning Ordinance, subject to these proffered conditions.
- d. The West R&D Land Bay as labeled and shown on the Conceptual Plan (the "West R&D Land Bay"), which will be developed in accordance with the requirements for the M-2 General Industrial District in the Zoning Ordinance, subject to these proffered conditions.

2. Use Limitations.

- a. West R&D Land Bay.
 - (i) Prohibited Uses.

The following M-2 General Industrial District uses shall be prohibited within the West R&D Land Bay: agricultural processing; agricultural research facility; distribution hub for agricultural products; farm machinery sales, rental and service; kennel or animal shelter; club or lodge; donation center; crematory; passenger terminal, surface transportation (except for the Future Bus Stop); aircraft and aircraft parts sales; auction house; drive-through ice machine; laundromat; automobile filling station (fuel only); automobile rentals; automobile sales; automotive painting and body shop; automotive parts and installation and minor servicing; automobile repairs; boat and marine rental, sales and services; car wash or auto detailing; commercial fuel depot; commercial vehicle repair and maintenance; commercial vehicle sales and rentals; fleet terminal; towing or wrecker service; restaurant with a drive through; shooting range, indoor; hotel or motel; all extractive industry uses; fuel oil and bottled gas distributor; heavy equipment sales, rental, and service; laundry, dry cleaning and carpet cleaning plants; manufactured home and prefabricated building sales; truck or freight terminal; recycling collection center; recycling processing center; salvage and junkyard; solid waste transfer station; cold storage plant; mini-warehouse; outside storage (as a principle use and as an accessory use); self-service storage facility; helicopter landing facility; and wind energy facility, large.



Proffers for Conditional Rezoning (Supplemental)

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(ii) Uses with Limitations.

The following uses will be permitted up to twenty percent (20%) of the aggregate gross square feet of floor area within the West R&D Land Bay: animal grooming; veterinary hospital or clinic; restaurant without a drive through; specialty eating establishment; parking lot; parking structure; indoor recreation and entertainment not elsewhere listed; theater; artist studio; automated teller machine (ATM); convenience store; drug store or pharmacy; farmer's market; grocery store; personal services establishment; repair establishment; retail sales establishment, not listed elsewhere; and sign printing and painting.

b. East R&D Land Bay.

(i) Prohibited Uses.

The following M-2 General Industrial District uses shall be prohibited within the East R&D Land Bay: agricultural processing; agricultural research facility; distribution hub for agricultural products; farm machinery sales, rental and service; kennel or animal shelter; club or lodge; donation center; crematory; passenger terminal, surface transportation (except for the Future Bus Stop); aircraft and aircraft parts sales; auction house; drive-through ice machine; laundromat; automobile filling station (fuel only); automobile rentals; automobile sales; automotive painting and body shop; automotive parts and installation and minor servicing; automobile repairs; boat and marine rental, sales and services; car wash or auto detailing; commercial fuel depot; commercial vehicle repair and maintenance; commercial vehicle sales and rentals; fleet terminal; towing or wrecker service; restaurant with a drive through; shooting range, indoor; hotel or motel; all extractive industry uses; fuel oil and bottled gas distributor; heavy equipment sales, rental, and service; laundry, dry cleaning and carpet cleaning plants; manufactured home and prefabricated building sales; truck or freight terminal; recycling collection center; recycling processing center; salvage and junkyard; solid waste transfer station; cold storage plant; mini-warehouse; outside storage (as a principle use and as an accessory use); self-service storage facility; helicopter landing facility; and wind energy facility, large.

(ii) Uses with Limitations.

The following uses will be permitted up to twenty percent (20%) of the aggregate gross square feet of floor area within the East R&D Land Bay: animal grooming; veterinary hospital or clinic; restaurant without a drive through; specialty eating establishment; parking lot; parking structure; indoor recreation and entertainment not elsewhere listed; theater; artist studio; automated teller machine (ATM); convenience store; drug store or pharmacy; farmer's market; grocery store; personal services establishment; repair establishment; retail sales establishment, not listed elsewhere; and sign printing and painting.

c. For-Sale Land Bay. The following uses shall be the only uses permitted within the For-Sale Land Bay: townhome dwellings, and condominium multifamily dwellings.

d. Residential Mixed-Use Land Bay. The following CMU Community Mixed-Use District uses shall be prohibited within the Residential Mixed-Use Land Bay: club or lodge; passenger terminal, surface transportation (except for the Future Bus Stop); marina; children's residential facility; and dormitory.

3. Site-Ready Requirement. Prior to the issuance of the first (1st) certificate of occupancy within the For-Sale Land Bay, the East R&D Land Bay shall be cleared and rough graded, with water and sewer to the site ("East R&D Preparation"). After completion of the East R&D Preparation, a certificate of occupancy for a building with residential use(s) in the Residential Mixed Use Land Bay may be issued. The owner of the Property shall work with the Henrico Economic Development Department to identify one or more users for the East R&D Land Bay and the West R&D Land Bay.

4. Future Bus Stop. Upon written request from the County, the owner of the Property shall dedicate land a maximum of sixteen feet (16') in width and twelve feet (12') in depth, in a mutually agreed upon location along Virginia Center Parkway or Jeb Stuart Parkway for the construction of a bus stop (the "Future Bus Stop"). In the event of dedication, but no construction of the Future Bus Stop within fifteen years of the date of dedication, the dedicated land shall be conveyed back to the owner of the adjacent land.

5. Basins. Above-ground stormwater basins, if needed, shall not be located in a buffer and shall be designed as an aesthetic amenity.



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6. **Construction Activity.** The hours of exterior construction on the Property, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 4:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, asphalt pours, or utility connections. No exterior construction shall occur on Sunday. Primary construction access to the Property shall be from Virginia Center Parkway and Jeb Stuart Parkway. All clearing, grading and construction contracts will contain these provisions. Signs, in both English and Spanish, stating the above-referenced provisions shall be posted and maintained at all entrances prior to any land disturbance activities on the Property.
7. **Construction Access.** Battlefield Road shall not be used as a construction entrance for the Residential Mixed-Use Land Bay. Ethelwood Road shall not be used as a construction entrance for the West R&D Land Bay.
8. **Crime Prevention.** Prior to occupancy of any structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property with such uses. The applicant shall implement mutually agreed upon security recommendations.
9. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by Public Works, may only be used for the following purposes:
 - a. Storm water management and/or retention areas;
 - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
 - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Director pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance"). The owner of the property shall, prior to construction plans approval for areas that include such flood plain, apply to rezone such portions of the Property to a C-1 Conservation District. The location and limits of such portion(s) of said Property shall be established by Plan of Development and/or construction plans approved pursuant to the Zoning Ordinance.
10. **Additional C-1 Land.** Prior to POD approval for the Residential Mixed Use Land Bay, GPIN 785-767-1068 shall be rezoned to C-1.
11. **Traffic Signal Warrant Analysis.** Perform a traffic signal warrant analysis for the intersection of Jeb Stuart Parkway and Telegraph Road upon request from the County Traffic Department to the owner of the West R&D Land Bay after 100% buildout of the development. This analysis will use new traffic counts taken after 100% buildout and be based on trip distribution shown in the new traffic counts. If the signal is warranted and approved by Henrico County Traffic (and not previously installed by Henrico County), then the owner of the West R&D Land Bay shall install a traffic signal at the intersection of Jeb Stuart Parkway and Telegraph Road within 9 months after the approval of the traffic signal design by Henrico County Traffic.
12. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
Applicable to the Residential Mixed-Use Land Bay
13. **Applicable to all uses in the Residential Mixed-Use Land Bay.**
 - a. **Buffers.**
 - i) A landscaped buffer with a minimum width of fifteen (15) feet shall be provided along the northern boundary of the Residential Mixed-Use Land Bay adjacent to Virginia Center Parkway (the "VCP Buffer"). The VCP Buffer shall be planted in accordance with the planting standard used for the similar along GPIN 784-767-4440's frontage on Virginia Center Parkway.



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- ii) A landscaped buffer with a minimum width of seventy five (75) feet shall be provided along the eastern boundary of the Residential Mixed-Use Land Bay adjacent to Battlefield Road (the "Battlefield Road Buffer"). The Battlefield Road Buffer shall be planted at 1.5 times the planting standard required for TB50.
- iii) A landscaped buffer with a minimum width of fifty (50) feet shall be provided along the southern boundary of the Residential Mixed-Use Land Bay adjacent to the lots with R-2A zoning (the "Southern Buffer" and, together with the VCP Buffer and the Battlefield Road Buffer, the "Buffers"). The Southern Buffer shall be planted in accordance with TB50.
- iv) Utility easements, roads, retaining walls, sidewalks, signage, driveways, jogging/fitness trails or other improvements required by the County, or requested by the developer and specifically permitted at the time of Plan of Development review, shall be permitted within the Buffers; provided, however, any roads, driveways and utility easements must cross the buffer in a substantially perpendicular direction.
- v) A privacy fence shall be installed and maintained in the Residential Mixed-Use Land Bay along the boundary lines dividing (i) the Residential Mixed-Use Land Bay and the lots zoned to the R-2A district and (ii) the Residential Mixed-Use Land Bay and the 1.078 acre O-2 parcel designated as GPIN 784-766-3463. Such fence shall be approximately six (6) feet high (aa) except to the extent it is located within fifteen (15) feet of the front lot line of a lot in the R-2A district, where it shall transition to a height of no more than 42 inches and (bb) subject to site distance requirements for adjacent public rights of way, all as set forth in the Zoning Ordinance.
- b. Architectural Treatment. The exposed portions of the exterior wall surfaces (front, rear and sides) of any building constructed in the Residential Mixed-Use Land Bay shall be similar in quality of construction and shall have an architectural appearance in general conformance with the "Residential Mixed Use Architectural Examples" provided in the illustrative picture book entitled "Sauer's Property at VCC Architectural Theming for Various Land Uses" (see case file) attached hereto ("Picture Book"), unless another architectural appearance is approved by the Planning Director at the time of Plan of Development approval. Attention shall be given, especially to the sides and rears facing adjacent residentially zoned properties, to provide a variety of materials, textures, and colors within the Residential Mixed-Use Land Bay and to soften the visual impact on adjacent residentially zoned properties. The façades shall utilize one or more of cornice profiles, textured or flush banding, watertable shapes, colors, textures, or other such similar features to be approved by the Planning Director at the time of Plan of Development review.
- c. Density. There shall be no more than three hundred thirty (330) total residential units.
- d. Materials.
- i) All buildings in the Residential Mixed-Use Land Bay shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry, brick, brick veneer, stone, stone veneer, cultured stone, pre-cast concrete, exterior insulating finishing systems (E.I.F.S.), wood or composite siding, metal (other than corrugated), and/or glass, and these buildings may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically approved by the Planning Director at the time of Plan of Development review. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.
- ii) No exposed exterior front or side wall surfaces on buildings facing Virginia Center Parkway or Jeb Stuart Parkway in the Residential Mixed-Use Land Bay shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum unless requested and approved by the Planning Director at the time of Plan of Development review.
- e. Building Setbacks. All buildings in the Residential Mixed-Use Land Bay shall be set back at least one hundred (100) feet from the right-of-way of Battlefield Road.
- f. Parking. Surface parking areas may be located in front of a building.
- g. Site Lighting Fixtures. Pole mounted lighting fixtures used in the Residential Mixed-Use Land Bay shall be compatible with the pole mounted lighting fixtures used in the adjacent Stuart Crossing Shopping Center.



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- h. **Site Lighting.** Lighting in the Residential Mixed Use Land Bay shall be designed such that the maximum illumination at ground level at any property line adjoining an R district shall not exceed one half (1/2) foot-candle. The one half (1/2) foot-candle restriction shall not apply where the R district which adjoins the Residential Mixed Use Land Bay is located across Virginia Center Parkway or across Route 1 from the Residential Mixed-Use Land Bay. For compatibility with the adjacent Stuart Crossing Shopping Center, the illumination requirement for the existing sidewalk along Virginia Center Parkway and Battlefield Road shall be the same illumination provided for the existing sidewalk along Virginia Center Parkway in the adjacent Stuart Crossing Shopping Center. The Planning Director may reduce the minimum average illuminance requirements in the Zoning Ordinance in order to achieve the purpose and intent of achieving a maximum illumination of one half (1/2) foot-candle at the property lines required by this condition.
- i. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
- j. **Refuse Container Service Hours.** All refuse containers shall be serviced only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.
- k. **Outside Speakers.** Outside speaker systems, if any, shall be used only for music to complement the uses in the Residential Mixed-Use Land Bay and shall comply with noise regulations in the County Code.
- l. **Signage.** No building-mounted signs facing Battlefield Road or Francis Road and located within 250 feet of an R district shall be internally illuminated. A tenant sign plan coordinating the design, construction, size, color and types of illumination for building mounted signage on commercial buildings with the signage design, construction, size, color and types of illumination for building mounted signage in the adjacent Stuart Crossing shopping center shall be provided to the County prior to the issuance of sign permits for building-mounted signs on commercial buildings. Building mounted signage shall not be required on the front and rear elevation of a commercial building.
- m. **Existing Sidewalks.** Existing sidewalks along Virginia Center Parkway and Battlefield Road are grandfathered and need not be replaced if the width of these sidewalks do not meet the width required under the CMU zoning district. In the event of repair or replacement, the existing width shall be maintained.
14. **Applicable to all commercial uses in the Residential Mixed-Use Land Bay.**
- a. **Hours of Operation.** Hours of operation shall be between 6:00 a.m. and 2:00 a.m. with the exception of a health club/fitness center which may remain open at all times without restriction.
15. **Applicable to all residential uses in the Residential Mixed-Use Land Bay.**
- a. **Three-Bedroom Units.** There shall not be more than 10% three-bedroom apartment dwelling units in the Residential Mixed-Use Land Bay.
- b. **Security Cameras.** The owner or operator of the multifamily buildings shall provide and be responsible for the installation, operation, and maintenance of the functioning security camera and video system of professional grade and quality and rated for surveillance of areas mutually agreed upon between the owner and the Crime Prevention Unit of the Police Division. Security camera locations and views shall be mutually agreed upon at the time of the security survey in coordination with Section 9 of these conditions. The security camera system shall, at a minimum, include:
- i) At minimum, five-megapixel cameras with night vision capturing pedestrian and vehicular access points, multi-family parking areas, and other areas mutually determined.
- ii) Recordings of all activities under surveillance shall be preserved for a period of one (1) month by the applicant or owner/operator. Authorized representatives of the Henrico County Police Division shall have full and complete access to all recordings upon request.
- c. **Recreation Area.** An indoor recreational/social area for the multiple-family dwelling use shall be provided with a minimum of 3,000 square feet, in the aggregate, for a community gathering area, fitness room and other amenity uses.



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Applicable to the For-Sale Land Bay

16. Applicable to all uses in the For-Sale Land Bay.
- a. Density. There shall be no more than four hundred fifty (450) total residential units.
 - b. Elevations. The architectural appearance of buildings in the For-Sale Land Bay shall be in general conformance with the "For Sale Land Bay Architectural Examples" provided in the Picture Book, unless another architectural appearance is approved by the Planning Director at the time of plan of development approval.
 - c. Building Materials. Each building exterior wall material (exclusive of windows, dormers, gables, doors, trim, soffit and fascia) shall be brick, brick veneer, stone, cultured stone, stone veneer, fiber cement siding, engineered wood, vinyl (a minimum of .044" nominal thickness as evidenced by manufacturer's printed literature), or a combination of the foregoing unless different architectural treatment and/or materials are requested by owner and approved by the Director of Planning. Fiberboard (e.g., Masonite) shall not be permitted as an exterior wall material. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.
 - d. Road Construction and Dedications. Prior to the issuance of any Certificate of Occupancy for the For-Sale Land Bay, road improvements and/or dedications shall be made as follows:
 - i) Right turn lane, with a minimum of 200' of storage and 100' of taper, along northbound Jeb Stuart Parkway into the site entrance across from Technology Park Drive;
 - ii) Add pedestrian accommodations on the east and south sides of the Virginia Center Parkway and Jeb Stuart Parkway/Battlefield Road intersection, which pedestrian accommodations shall be ADA ramps, pedestrian signals and a painted crosswalk with no off-site dedications required;
 - iii) Extend the existing left turn lane along eastbound Virginia Center Parkway at its intersection with Jeb Stuart Parkway to provide a minimum of 200' of storage and 100' of taper; and
 - iv) Extend the existing left turn lane along eastbound Virginia Center Parkway at its intersection with Telegraph Road to provide a minimum of 200' of storage and 100' of taper.
 - e. Private Roads. Prior to the issuance of any Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that the roadways within the project were constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the subbase soils, utility trenches, base stone, and asphalt surface.
 - f. Site Lighting Fixtures. Pole-mounted lighting fixtures used in the For-Sale Land Bay shall use a residential-style in appearance, such as, without limitation, contemporary, acorn, colonial or lantern styles. The same style of pole-mounted light fixture shall be used throughout the For-Sale Land Bay.
 - g. Multi-Use Trail. In the general location shown on the Conceptual Plan, a 10' (ten foot) wide asphalt multi-use trail shall be installed adjacent to the For-Sale Land Bay's frontage along Virginia Center Parkway and Jeb Stuart Parkway. This multi-use trail may be constructed in phases as each Plan of Development is approved. This multi-use trail may be located within or outside of the public right-of-way. Street trees may be located in between the public right-of-way and the multi-use trail and/or on the project side of the multi-use trail. Where this multi-use trail is constructed, a sidewalk shall not be required.
 - h. Jeb Stuart Sidewalk Section. A 5' (five foot) wide sidewalk segment shall be installed adjacent to the For-Sale Land Bay's frontage in the southwest corner of this land bay along Jeb Stuart Parkway to connect the multi-use trail to Virginia Center Parkway, in the general location shown on the Conceptual Plan. Street trees may be located in between the public right-of-way and the sidewalk in a planting strip and/or on the project side of the sidewalk.



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i. Interstate Sound Suppression Measures. Buildings within 250' of the travel lanes of Interstate 95 shall include sound suppression measures in windows and walls facing Interstate 95 to minimize the impact of traffic noise based on a sound study completed by a certified sound engineer submitted by the owner at the time of plan of development review. Cross-sectional detail, or other information, shall be provided with the building permit application showing implementation of the sound study recommendation.

j. Amenities. A minimum of 1.5 acres of passive and active recreational area shall be provided for the For-Sale Land Bay. This area may be distributed throughout the For-Sale Land Bay. At a minimum, the recreational improvements shall include:

- i) A community gathering area near the wet stormwater basin illustrated on the Conceptual Plan;
- ii) A multi-use area and dog park within the open space next to Interstate 95;
- iii) A central mews with pedestrian ways and with homes fronting on a portion of the mews, as generally shown on the Conceptual Plan; and
- iv) The following initial improvements:
 - a) An amenity structure:
 - (1) with a minimum square footage of 2,000 s.f. of enclosed and /or enclosable space, unless a different structure design is requested by the owner and approved by the Planning Director at the time of plan of development review,
 - (2) using an architectural style compatible with the architectural style within the For-Sale Land Bay,
 - (3) with a heater within the enclosed and /or enclosable space,
 - (4) using one or more see-through garage door enclosures, as generally illustrated on "Sauer's Property at VCC Garage Door Options for The Pavilion" (see case file) attached hereto, or an alternative design requested by the owner and approved at the time of plan of development review and approval,
 - (5) together with an adjacent outdoor fire pit and grilling/cooking area,
 - (6) to be located in the Community Gathering Area, as generally located and labeled on the Conceptual Plan,
 - (7) which improvements shall be provided no later than the 100th certificate of occupancy;
 - b) A pedestrian trail network through open space;
 - c) Basins improved as an amenity; and
 - d) A minimum of three (3) of the following improvements: a play area/playground, outdoor game area, benches, landscape patio area, or other similar improvements.

The location of these areas and improvements will be determined at the time of plan of development review, notwithstanding what is shown on the Conceptual Plan.

17. Applicable to all townhome dwelling uses in the For-Sale Land Bay.

- a. Units in a Row. There shall not be more than eight (8) townhome dwelling units in a building.
- b. Sod and Irrigation. Each front and side yard (to the edge of the rear of the home on corner lots adjacent to streets) shall initially be sodded and irrigated, exclusive of mulched flowerbeds and landscaping.
- c. Foundations. The exposed exterior portions of all foundations below the first-floor level shall be finished with brick, brick veneer, stone, stone veneer or cultured stone. On all front elevations and any street-facing side elevations for buildings constructed on slab-on-grade there shall be a minimum of twelve inches (12") of brick, stone, or cultured stone visible above grade. On all other side and rear elevations for buildings constructed on slab-on-grade there shall be a minimum of eight inches (8") of brick, brick veneer, stone, stone veneer or cultured stone visible above grade. Where a hardship of the lot prevents compliance with this proffer, the requirements may be modified or waived by the Director of Planning.



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- d. **Foundation Planting.** Foundation beds are required along the entire front façade of the building, excluding hardscaped areas, entrances, architectural features and garages, and shall contain a minimum of fifty (50) percent evergreen material. A minimum of one front corner of the building shall be visually softened with a vertical accent shrub or small evergreen trees.
- e. **Lead Walk.** A lead walk a minimum of a three (3) feet in width shall be provided to the front entrance of each dwelling unit, to connect to alleys, sidewalks or streets.
- f. **Driveways.**
- i) Driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning. Gravel may be used between driveways in lieu of grass. If the distance between adjacent driveways is greater than three feet (3') then that area shall either be landscaped or sodded.
- ii) Driveways serving a garage for dwelling units not serviced by an alley may be located in the front of the dwelling units. No driveways shall have direct access to Jeb Stuart Parkway and Virginia Center Parkway.
- g. **Cantilevering.** There shall be no cantilevered treatment of any architectural features on the first floor. Items on the upper floors such as balconies, decks, bump-outs, box or bay-type windows may be cantilevered, but shall include decorative support corbels.
- h. **Home Facades.** Front facades of townhomes located along Jeb Stuart Parkway shall face the roadway and front facades of townhomes located along Virginia Center Parkway shall face the roadway.
- i. **Sound Suppression Measures.** Interior walls between units shall have a minimum sound transmission coefficient rating of 54. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology to accomplish the sound coefficient rating, shall be included in the building permit application.
- j. **Masonry Requirement.** A minimum of fifteen percent (15%) of the exterior portions of the front building wall surface on fifty percent (50%) of the townhome buildings, in the aggregate, shall be of brick, stone, stone veneer or other masonry construction. The wall surface calculation shall exclude the areas for windows, doors, breezeways, gables and architectural design features.
18. **Applicable to all condominium dwelling uses in the For-Sale Land Bay.**
- a. **Foundation Planting.** Foundation planting beds are required along the entire front facade of the building, excluding entrance areas, hardscaped areas and architectural features, and shall contain a minimum of fifty (50) percent evergreen material. The front corner of each building shall be visually softened with a vertical accent shrub or small evergreen tree.
- b. **Irrigation.** Front, side and rear yards shall be sodded and irrigated, excluding mulched beds.
- c. **Foundations.** The exposed exterior portions of all foundations below the first-floor level shall be finished with brick, brick veneer, stone, stone veneer or cultured stone. On all front elevations and any street-facing side elevations for buildings constructed on slab-on-grade there shall be a minimum of twelve inches (12") of brick, stone, or cultured stone visible above grade. On all other side and rear elevations for buildings constructed on slab-on-grade there shall be a minimum of eight inches (8") of brick, brick veneer, stone, stone veneer or cultured stone visible above grade. Where a hardship of the lot prevents compliance with this proffer, the requirements may be modified or waived by the Director of Planning.
- d. **Parking.** For condominiums buildings along Jeb Stuart Parkway and Virginia Center Parkway, parking shall not be located between the condominium and the Jeb Stuart Parkway and Virginia Center Parkway right of ways.
- e. **Home Facades.** Facades of condo buildings adjacent to Jeb Stuart Parkway or Virginia Center Parkway shall include architectural elements that are similar in nature to those commonly found on front elevation.
- f. **Lead Walks to JEB Stuart Parkway.** Two (2) lead walks, at least three (3) feet wide, shall be provided to provide a pedestrian connection from the condominium buildings along JEB Stuart Parkway to the multi-use trail along JEB Stuart Parkway. The location of these two (2) lead walks are illustrated generally on the Conceptual Plan.



Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775 Phone (804) 501-4602 Facsimile (804) 501-4379

g. **Masonry Requirement.** A minimum of fifteen percent (15%) of the aggregate area of the exterior portions of the front, sides and rear building wall surface of the condominium buildings shall be of brick, stone, stone veneer or other masonry construction. The aggregate wall surface calculation shall exclude the areas for windows, doors, breezeways, gables and architectural design features.

Applicable to the East R&D Land Bay

19. **Multi-Use Trail.** As shown on the Conceptual Plan, a 10' (ten foot) wide asphalt multi-use trail shall be installed adjacent to the East R&D Land Bay's frontage along Jeb Stuart Parkway. This multi-use trail may be constructed in phases as each Plan of Development is approved. This multi-use trail may be located within or outside of the public right-of-way. Street trees must be provided along the Property's frontage on Jeb Stuart Parkway and these street trees must be spaced between 35 and 45 feet on center, unless otherwise approved by the Planning Director to avoid utility conflicts or to ensure the visibility of major design features. Street trees may be located in between the public right-of-way and the multi-use trail and/or on the project side of the multi-use trail. Where this multi-use trail is constructed, a sidewalk shall not be required.

20. **Telegraph Road Sidewalk.** A 5' (five foot) wide sidewalk shall be installed adjacent to the East R&D Land Bay's frontage along Telegraph Road. This sidewalk may be constructed in phases as each Plan of Development is approved. Street trees must be provided along the Property's frontage on Telegraph Road and these street trees must be spaced between 35 and 45 feet on center, unless otherwise approved by the Planning Director to avoid utility conflicts or to ensure the visibility of major design features. Street trees may be located in between the public right-of-way and the sidewalk in a planting strip and/or on the project side of the sidewalk.

21. **Elevations.** The architectural appearance of buildings in the East R&D Land Bay shall be in general conformance with the "Research & Development Architectural Examples" provided in the Picture Book, unless another architectural appearance is approved by the Planning Director at the time of plan of development approval.

22. **Building Materials.** Exposed exterior wall surfaces of all individual buildings (above finished grade and exclusive of architectural features, windows and doors) shall be constructed of decorative concrete block (including without limitation split face block, fluted block and ground face block), tilt-up or pre-cast concrete, brick, brick veneer, glass, metal (other than corrugated metal), stone, stone veneer, cultured stone, cast stone, granite, marble, stucco, synthetic stucco, glass block or ceramic tile, unless otherwise approved by the Planning Director at the time of plan of development review. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.

23. **Setback.** No building or any portion thereof shall be constructed within twenty-five feet (25') of Jeb Stuart Parkway.

24. **Open Space.** At least ten percent (10%) of the Property shall be used for permanent open space.

25. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.

26. **Loading Dock Screening.** Loading docks shall be screened from adjacent property zoned to an R-District at ground level by use of landscaping, walls or other architectural features, or such other method as may be approved at the time of Plan of Development review.

27. **Parking Lot Cleaning.** With the exception of snow removal, the cleaning of the parking lots in the East R&D Land Bay shall occur only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.

28. **Refuse Container Service Hours.** All refuse containers shall be serviced only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.

29. **Outside Speakers.** Outside speaker systems, if any, shall be used only for music to complement the uses in the East R&D Land Bay and shall comply with noise regulations in the County Code.

30. **Signage.** Changeable message signs facing Interstate 95 shall be prohibited.



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31. **Safe Conduct of Operations.** All industrial uses shall be conducted so as not to create any danger to the health, safety and welfare or any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.
32. **Loading Areas.** No loading area for any building immediately adjacent to Jeb Stuart Parkway shall be located between the building and the public street to the building is immediately adjacent.
33. **Road Construction and Dedications.** Prior to the issuance of any Certificate of Occupancy within the East R&D Land Bay, road improvements and/or dedications shall be made as follows:
 - a. Left turn lane, with a minimum of 200' of storage and 100' of taper, along southbound Jeb Stuart Parkway into the site entrance from Jeb Stuart Parkway across from the site entrance into GPIN: 785-768-9197;
 - b. Right turn lane, with a minimum of 200' of storage and 100' of taper, along northbound Jeb Stuart Parkway into the site entrance from Jeb Stuart Parkway across from the site entrance into GPIN: 785-768-9197; and
 - c. Right turn lane, with a minimum of 100' of storage and 50' of taper, along northbound Telegraph Road into the site entrance from Telegraph Road north of Jeb Stuart Parkway, except such minimum distances may be reduced if providing such minimum distances requires off-site property that is not in the right-of-way or cannot be achieved due to road and intersection design requirements.Applicable to the West R&D Land Bay
34. **Jeb Stuart Parkway Streetscape.** A 5' (five foot) wide sidewalk shall be installed adjacent to the West R&D Land Bay's frontage along Jeb Stuart Parkway. This sidewalk may be constructed in phases as each Plan of Development is approved. Street trees must be provided along the Property's frontage on JEB Stuart Parkway and these street trees must be spaced between 35 and 45 feet on center, unless otherwise approved by the Planning Director to avoid utility conflicts or to ensure the visibility of major design features. Street trees may be located in between the public right-of-way and the sidewalk in a planting strip and/or on the project side of the sidewalk.
35. **Buffer.** A transitional buffer fifty feet (50') in width shall be provided where the western property line for the West R&D Land Bay is adjacent to Ethelwood Road. This buffer shall be planted to TB50 standards.
36. **No Access to Ethelwood.** There shall be no vehicular access to Ethelwood Road.
37. **Location of Non-Residential Uses.** Excluding parking, no commercial, industrial nor institutional uses in the West R&D Land Bay shall be located within 150' of an off-site residential dwelling existing at the time of approval of this rezoning request.
38. **Elevations.** The architectural appearance of buildings in the West R&D Land Bay shall be in general conformance with the "Research & Development Architectural Examples" provided in the Picture Book, unless another architectural appearance is approved by the Planning Director at the time of plan of development approval.
39. **Building Materials.** Exposed exterior wall surfaces of all individual buildings (above finished grade and exclusive of architectural features, windows and doors) shall be constructed of decorative concrete block (including without limitation split face block, fluted block and ground face block), tilt-up or pre-cast concrete, brick, brick veneer, glass, metal (other than corrugated metal), stone, stone veneer, cultured stone, cast stone, granite, marble, stucco, synthetic stucco, glass block or ceramic tile, unless otherwise approved by the Planning Director at the time of plan of development review. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.
40. **Setback.** No building or any portion thereof shall be constructed within twenty-five feet (25') of Jeb Stuart Parkway.
41. **Open Space.** At least ten percent (10%) of the Property shall be used for permanent open space.
42. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
43. **Loading Dock Screening.** Loading docks shall be screened from adjacent property zoned to an R-District at ground level by use of landscaping, walls or other architectural features, or such other method as may be approved at the time of Plan of Development review.



Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

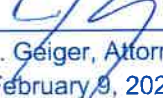
Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775

Phone (804) 501-4602

Facsimile (804) 501-4379

44. Parking Lot Cleaning. With the exception of snow removal, the cleaning of the parking lots in the West R&D Land Bay shall occur only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.
45. Refuse Container Service Hours. All refuse containers shall be serviced only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.
46. Outside Speakers. Outside speaker systems, if any, shall be used only for music to complement the uses in the West R&D Land Bay and shall comply with noise regulations in the County Code.
47. Signage. Changeable message signs shall be prohibited. No building-mounted signs facing Ethelwood Road and located within 250 feet of an R district shall be internally illuminated.
48. Safe Conduct of Operations. All industrial uses shall be conducted so as not to create any danger to the health, safety and welfare or any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.
49. Loading Areas. No loading area for any building immediately adjacent to Jeb Stuart Parkway shall be located between the building and the public street to the building is immediately adjacent.
50. Road Construction and Dedications. Prior to the issuance of any Certificate of Occupancy within the West R&D Land Bay, road improvements and/or dedications shall be made as follows:
 - a. Right turn lane, with a minimum of 200' of storage and 100' of taper, along eastbound Jeb Stuart Parkway into the site entrance located at Jeb Stuart Parkway's intersection with Telegraph Road; and
 - b. If a second entrance is constructed onto Jeb Stuart Parkway, then that entrance shall include a right turn lane, with a minimum of 200' of storage and 100' of taper, along eastbound Jeb Stuart Parkway into the second site entrance from Jeb Stuart Parkway, except such minimum distances may be reduced if providing such minimum distances requires off-site property that is not in the right-of-way or cannot be achieved due to road and intersection design requirements.

SAUER PROPERTIES, INC.

By: 
Jeffrey P. Geiger, Attorney-in-Fact
Dated: February 9, 2023

15309870.22 001473.03506

Conceptual Plan Sauer's Property at VCC

Exhibit A
1.25.23



Sidewalk
Multi-Use Trail
Sidewalk

West R&D Land Bay

East R&D Land Bay

For-Sale Land Bay

Central Mews

Residential Mixed-Use
Land Bay

Multi-Use Trail

Multi-Use Area &
Dog Park

Sidewalk

Community
Gathering Area

Multi-Use
Trail

Sidewalk

Existing
Sidewalk

Multi-Use Trail
Existing Sidewalk

This illustration is an artistic rendering only and does not always represent the actual landscape, homesites, building sites, or community.

All information is subject to change based on proffers and zoning.

EXHIBIT A

REZ2022-00036

Sauer's Property at VCC

Architectural Theming for Various Land Uses





Research & Development

Architectural Examples

- Larger buildings
- Secure
- Less glass (windows)
- More masonry
- Prominent feature or corner
- Makes a statement
- Unique
- Bigger scale but still still street friendly
- Color as a feature

Sauer's Property at Virginia Center Commons



For Sale Land Bay
Architectural Examples

- 3 Stories
- Alley Loaded
- Mews Units
- Lots of windows
- Balance of materials
- Special End Units
- Color as a feature
- Pedestrian friendly
- Street friendly



Stuart's Crossing Shopping Center



**Residential Mixed Use
Architectural Examples**

- 3/4 Stories
- Lots of windows
- Balance of materials
- Prominent feature, corner and/or entrance
- Color as a feature
- Pedestrian friendly
- Street friendly
- Common area(s)
- Color as a feature

Sauer's Property at Virginia Center Commons

Sauer's Property at VCC

Garage Door Option

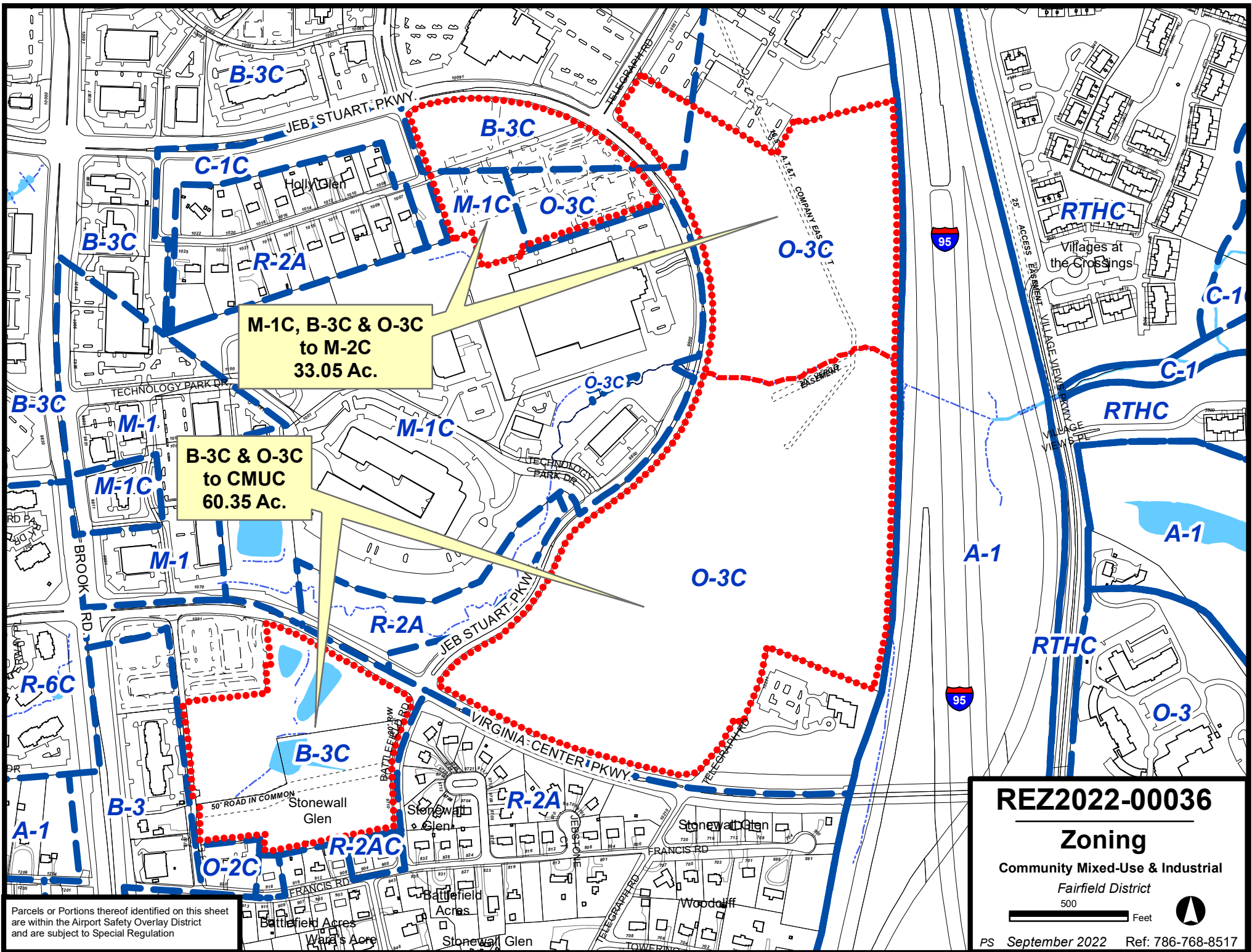
The illustration provides an example of panel options for the garage doors. Actual style, color, architectural design and materials may vary. Any building details, such as architecture, materials, design elements, and fixtures, are not applicable.



Traditional / Glass Doors

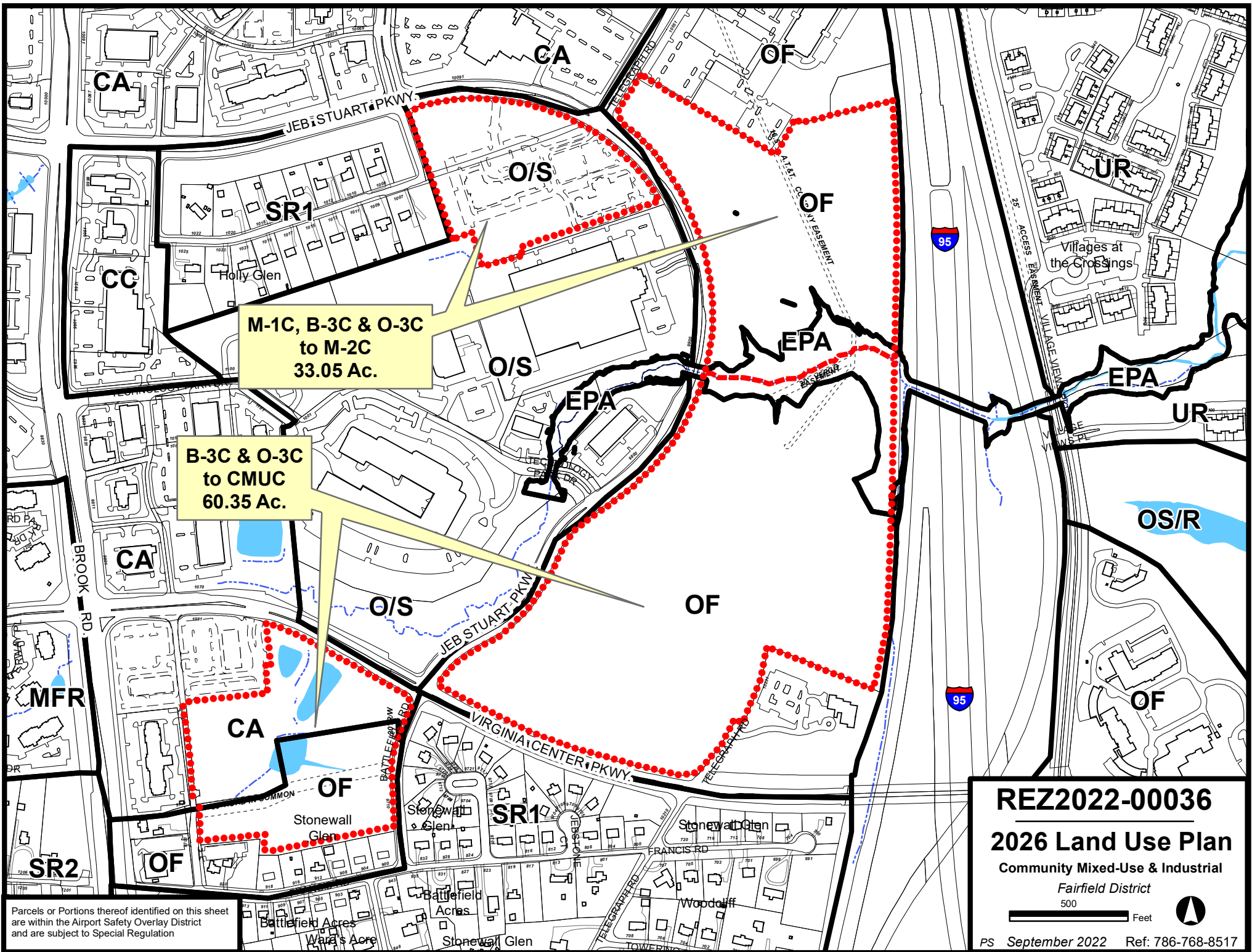
EXHIBIT C

REZ2022-00036



Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

REZ2022-00036
Zoning
 Community Mixed-Use & Industrial
 Fairfield District
 500 Feet
 PS September 2022 Ref: 786-768-8517



Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

REZ2022-00036
2026 Land Use Plan
 Community Mixed-Use & Industrial
 Fairfield District
 500 Feet
 PS September 2022 Ref: 786-768-8517