



C-19C-81

HENRICO COUNTY PLANNING OFFICE
 SCALE 100' 200'
 84-A1-
 TUCKAHOE DISTRICT
 J.A.S.



FRANK A. FAISON
County Manager

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

July 13, 1981

Re: Conditional Rezoning Case C-19C-81

Tuckahoe Little League
c/o Mr. Kenneth W. Lane, President
9400 Midvale Road
Richmond, Virginia 23229

M.A.D.A., Inc.
Suite 606, Parkview Tower
210 25th Avenue North
Nashville, Tennessee 37203

Gentlemen:

At its July 13, meeting the Board of Supervisors accepted the owners' proffered conditions and conditionally rezoned the below described property from R-3 One Family Residence to R-6 General Residence and B-2 Community Business District as requested and as recommended by the Planning Commission.

Zoning Parcel 1 - Rezoned to B-2 Community Business District (Conditional) Part of Tax Parcels 84-A1-8, 9, and 10:

Beginning at a point on the W. line of Starling Drive approximately 591.42' north of its intersection with the N. line of Farmington Drive extended; thence N. $73^{\circ} 21' 45''$ W., a distance of 205.00' to a point; thence S. $16^{\circ} 38' 15''$ W., a distance of 211.43' to a point; thence N. $81^{\circ} 31' 55''$ W., a distance of 386.35' to a point; thence N. $20^{\circ} 16' 15''$ E., a distance of 426.78' to a point; thence N. $88^{\circ} 11' 25''$ E., a distance of 134.00' to a point; thence S. $86^{\circ} 46' 55''$ E., a distance of 212.11' to a point; thence N. $18^{\circ} 03' 40''$ E., a distance of 209.37' to a point; thence S. $80^{\circ} 16' 20''$ E., a distance of 232.03' to a point on the W. line of Starling Drive; thence S. $19^{\circ} 31' 13''$ W., a distance of 170.79' along the W. line of Starling Drive to a point; thence S. $16^{\circ} 38' 15''$ W., a distance of 317.87' along the W. line of Starling Drive to the point of beginning, containing 6.137 acres.

Zoning Parcel 2 - Rezoned to R-6 General Residence District (Conditional) Tax Parcels 84-A1-3, 6 and Part of tax parcels 84-A1-8, 9, and 10:

Beginning at a point on the W. line of Starling Drive approximately 214.22' north of its intersection with the N. line of Farmington Drive extended; thence N. $79^{\circ} 19' 15''$ W., a distance of 342.74' to a point; thence N. $81^{\circ} 31' 55''$ W., a distance of 363.00' to a point; thence N. $20^{\circ} 16' 15''$ E., a distance of 591.00' to a point; thence N. $17^{\circ} 43' 35''$ E., a distance of 227.49' to a point; thence S. $71^{\circ} 29' 35''$ E., a distance of 229.89' to a point; thence N. $18^{\circ} 30' 25''$ E., a distance of 93.77' to a point; thence S. $79^{\circ} 21'$

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25° E., a distance of 204.98' to a point; thence S. 18° 03' 40" W., a distance of 209.37' to a point; thence N. 86° 46' 55" W., a distance of 212.11' to a point; thence S. 88° 11' 25" W., a distance of 134.00' to a point; thence S. 20° 16' 15" W., a distance of 426.78' to a point; thence S. 81° 31' 55" E., a distance of 386.35' to a point; thence N. 16° 38' 15" E., a distance of 211.43' to a point; thence S. 73° 21' 45" E., a distance of 205.00' to a point on the W. line of Starling Drive; thence S. 16° 38' 15" W., a distance of 377.20' along the W. line of Starling Drive to the point of beginning, containing 6.855 acres.

The following proffered conditions were accepted by the Board of Supervisors and further regulate the property in addition to all applicable provisions of Chapter 22 of the Code of Virginia (Zoning Ordinance):

1. No part of Parcel 1 shall be used for a hotel, motel, motor lodge, motor hotel, retail liquor store, carpenter, electrical, plumbing, heating, job printing, upholstering, furniture or appliance repairing business, mortuaries, automobile service station, "fast food" or "carry-out" restaurant, as hereinafter defined, adult book store, motion picture theater, or those uses set forth in subsections 22-58(d), (e), (f) or (g) of the Zoning Ordinance of Henrico County, in effect as of the date hereof. For purposes hereof, "fast food" or "carry-out" restaurant is hereby defined as an establishment whose principal business is the sale of foods and beverages to consumers in a ready-to-consume state and which foods and beverages are: (a) usually served in edible containers, or (b) in paper, plastic or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises.

2. No portion of the Property shall be used for apartments or multi-family residential units.

3. Parcel 1 shall be developed with no more than two (2) free-standing buildings for commercial or office purposes (and uses accessory thereto) fronting on Starling Drive plus one (1) office-style building (and uses accessory thereto) (the "Office Style Building") to the rear of the aforesaid free-standing buildings.

4. In addition to the restrictions on uses permitted on Parcel 1, set forth in paragraph (1) above, no part of Parcel 1 shall be devoted to those uses first permitted in a "B-2" zoning district, under the Zoning Ordinance of Henrico County, in effect as of the date hereof. No more than one-third (1/3) of gross floor area within the Office-Style Building shall be devoted to those uses first permitted in a "B-1" zoning district, and the uses of the balance of the floor area shall be limited to those uses permitted in a R-6 zoning district.

5. All exterior walls of each separate principal structure constructed on the Property will be architecturally similar in treatment. The exterior walls of the Office-Style Building (excluding window areas) shall be constructed predominantly of brick.

6. The Office-Style Building shall not exceed five (5) stories or 68 feet in height

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above ground level, (except for the skylight-atrium, elevator shafts and stairwells, which may not exceed the aforesaid five (5) story or 68 feet in limitation by more than twelve (12) feet). No restaurant on the Property may exceed thirty-five (35) feet in height above ground level.

7. A fifty (50) foot buffer area (the "Buffer Area") will be maintained along the southerly and westerly boundary lines of the Property, except to the extent required for the construction, operation and maintenance of utility easements, driveways or other purposes required or approved by the Planning Commission. The existing plantings in the Buffer Area will be maintained to the extent possible, and supplemental berms and landscaping shall be provided as approved or required by the Planning Commission at the time of Plan of Development approval. Underbrush, fallen, diseased or dead plant growth may be removed from the Buffer Area.

8. Parking lot lighting standards shall not exceed twenty (20) feet in height, unless otherwise required or approved by the Planning Commission at the time of Plan of Development approval. Lighting in parking lots shall be of low intensity, shall be positioned in such a manner as to minimize the impact of such light on adjacent residential areas and be of such type as required or approved by the Planning Commission.

9. There shall be no direct vehicular access to or from the Property to or from Blue Jay Lane and/or Farmington Drive, except as required or approved by the Planning Commission or by any other applicable governmental body, agency or department having jurisdiction with respect thereto.

10. Where necessary, berms will be utilized to supplement or complement natural buffering for the purpose of aesthetically enhancing the landscaping of buildings on the Property in accordance with the Landscaping Plan submitted to and approved by the Planning Commission in accordance with applicable requirements of law.

11. All office and commercial buildings on the Property shall only be served by public water and sewer, to the extent they may be purchased from Henrico County.

12. The development, use and operation of the Property shall be subject to such limitations as to signage, perimeter buffering and exterior architectural treatment as shall be incorporated in the Plan of Development Application and as approved by the Planning Commission of Henrico County.

13. (a) As it relates to the physical development and physical operation of the Property, the Owners will cooperate with the County of Henrico regarding traffic patterns and road locations, alignments, and construction.

(b) Owners shall prepare and submit to the County of Henrico a conceptual plan showing generally the proposed uses and square footage within each phase of the development and a traffic impact study for such phase.

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- (c) No plan of development will be approved until such time as the Owners and the County agree to the improvements in the roads and intersections which are necessitated by the traffic impact study and also when and by whom such improvements shall be made. No Certificate of Occupancy shall be requested until the improvements which the Owner has agreed to make have been completed, unless the Owners' failure to perform is for reasons beyond the control of the Owners.
- (d) In the event the County and the Owners do not agree on the improvements necessitated by the traffic impact study or the time when any such improvements shall be made, the disagreement and decisions shall be submitted to non-binding, advisory arbitration by a traffic engineering firm or expert acceptable to both the Owners and the County. The costs of such arbitration shall be paid by the Owners.
- (e) If a relocation of the proposed development phase or additional development within the phase occurs, a reassessment or reevaluation of the effect of such development on the affected section of the intersection or roads shall be made.
- (f) Any and all development by the Owners may continue until the traffic volume generated by the Owners exceeds the traffic volume previously approved. At that point, an additional phase of development and traffic impact study shall be provided.

14. The height of principal structures to be constructed in Parcel 2 shall be limited as follows:

- (a) If only one (1) principal structure is constructed within Parcel 2, it shall not exceed four (4) stories in height; or
- (b) If two (2) principal structures are constructed within Parcel 2, neither of the principal structures shall exceed thirty-five (35) feet in height.

15. The exterior portion of the southern and western walls of the Office Style Building which most directly face adjacent residences shall not be illuminated by outside floodlights.

16. The existing fence located in the area of the southern and western boundaries of the Property shall be retained, following development of the Property.

17. The 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

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or the unaffected part of any such proffer. The implementation of these proffers will be the responsibility of the Owner or Owners in possession of the Property or any part thereof.

The Planning Office has been advised of the action of the Board of Supervisors and requested to revise its records accordingly and to place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Frank A. Faison,
County Manager

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Conditional Zoning Index
Mr. Jay Weinberg
Mr. G. Kenneth Miller