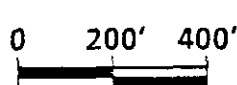


RETAIL / HOTEL

COUNTY OF HENRICO PLANNING OFFICE
 77-A2-32,78, 77,87,90 PT.35
 87-A1-9,10

C-77C-87



THREE CHOPT DISTRICT
 JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

December 15, 1987

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

Re: Conditional Rezoning Case C-77C-87

Mr. Sidney J. Gunst, Jr.
The Innsbrook Corp.
4222 Cox Road, Suite A
Glen Allen, Virginia 23060

Dear Mr. Gunst:

The Board of Supervisors at its meeting on December 9, granted your request to conditionally rezone your property from A-1 Agricultural to O-2C and O-3C Office Districts (Conditional), described as follows:

Parcels 77-A2-32, 77, 78, 87, 90 and part of 77-A2-33, and 87-A1-9 and 10:

Parcel A: Property rezoned to O-3C Office District

Beginning at the intersection with the southern line of Parcel B and thence S. 36° 41' 00" W., 659.2' to a point; thence N. 55° 02' 05" W., 234.89' to a point; thence N. 64° 30' 40" W., 404.51' to a point; thence S. 37° 21' 35" W., 7.01' to a point; thence N. 65° 28' 54" W., 10.26' to a point; thence N. 37° 21' 35" E., 440.31' to a point; thence S. 63° 37' 05" E., 366.82' to a point; thence N. 36° 33' 35" E., 350.99' to a point; thence S. 53° 26' 25" E., 63.04' to a point; thence N. 28° 50' 17" W., 244.21' to the point of beginning, containing 8.2 acres.

Parcel B: Property rezoned to O-2C Office District

Beginning at a point being the southern intersection of Sadler Road and Nuckols Road and thence S. 88° 26' 32" E., 6.89' to a point; thence S. 57° 29' 21" E., 73.12' to a point; thence S. 63° 09' 06" E., 90.00' to a point; thence S. 63° 09' 46" E., 15.90' to a point; then along a curve to the right having a radius of 71.00' and a length of 43.72' to a point; thence S. 36° 41' 00" W., 603.6' to a point; thence N. 28° 50' 17" W., 244.21' to a point; thence N. 36° 25' 45" E., 480.84' to the point of beginning, containing 2.8 acres.

Parcel C: Property rezoned to O-2C Office District

Beginning at a point on the south line of Sadler Road then S. 36° 33' 35" W., 184.35' to a point; thence N. 63° 37' 05" W., 344.02' to a point; thence S. 37° 21' 35" W., 167.07' to a point; thence N. 63° 37' 05" E., 10.25' to a point; thence S. 37° 21' 35" E., 440.31' to a point; thence N. 65° 05' 47" W., 217.80' to a point; thence N. 65° 05' 47" W., 217.80' to a point; thence N. 24° 54' 13" E., 792.0' to a point; thence S. 65° 05' 47" E., 108.90' to a point; thence N. 34° 56' 06" E., 99.95' to a point; thence S. 53° 02' 54" E., 286.72' to a point; thence S. 53° 26' 25" E., 345.18' to the point of beginning, containing 7.7+-acres.

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

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O-2C Proffers:

1. Development of each individual site on the Property shall be subject to Plan of Development review and approval by the Planning Commission or other applicable governmental body.
2. A thirty (30) foot landscaped or natural buffer area will be maintained along the western boundary of the Property as shown in orange on the map filed with this case (see case file) until such time as the properties adjoining the indicated buffer area are devoted to a use other than single family detached residences and except to the extent necessary for utility easements, roads, driveways or other purposes specifically required by the Planning Commission at the time of Plan of Development review, or by any applicable governmental body. Existing vegetation and underbrush may, and diseased or dead plant growth shall, be removed from such buffer areas, and if so removed, additional plantings and/or berms shall be added. Where the placement of utility easements within a buffer area results in the inability of an owner to provide adequate screening within such buffer area, screening shall be provided adjacent to the buffer area, to properly screen development on a parcel from adjacent properties, as determined by the Planning Commission at the time of landscape plan review.
3. No building shall be constructed within fifty (50) feet of the right-of-way lines of Nuckols Road, Cox Road or Sadler Road as such right-of-way lines are determined at the time of Plan of Development review. No parking lot (exclusive of driveways thereto) shall be constructed within twenty-five (25) feet of such right-of-way lines.
4. The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar in quality as to architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, natural stone, glass, stucco, drivit, exposed aggregate concrete, or an equivalent permanent architecturally finished material. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review.
5. Parking lot lighting standards shall not exceed twenty-five (25) feet in height. Parking lot lighting shall be produced from concealed sources, be positioned in such a manner as to minimize the impact of such lighting on the adjacent residentially zoned property and be reduced to no more than a security level following the close of business conducted on the Property.
6. Any Plan of Development for all or any part of the Property shall be subject to the following Site Coverage Ratios:

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| Gross Floor Area of Building | Maximum Site Coverage Ratio |
|------------------------------------|--------------------------------|
| 1 sq. ft. to 40,000 sq. ft. | 57% |
| 40,001 sq. ft. to 60,000 sq. ft. | 58% |
| 60,001 sq. ft. to 80,000 sq. ft. | 59% |
| 80,001 sq. ft. to 100,000 sq. ft. | 60% |
| 100,001 sq. ft. to 125,000 sq. ft. | 61% |
| Over 125,000 sq. ft. | 62% |

For purposes hereof, Site Coverage Ratio shall be determined by dividing the gross area within a site (which may include any portion of the site within a C-1C District) into the portion of the site covered by building ground floor area and paved areas for vehicular movement, loading and parking.

7. No one shall request or be entitled to receive Certificates of Occupancy for more than 250,000 square feet of new office space per year within the area consisting of the Property and the land which was the subject of Zoning Cases C-53C-79, C-10C-84, C-31C-84, and C-50C-84, commencing October 1, 1979, except as provided in the next sentence. Certificates of Occupancy for more than said amount of square footage per year shall be available to the extent that in prior years, certificates of occupancy have been issued for less than said amount of square footage of new office space on all of the aforesaid tracts of land.
8. Any road or driveway within a buffer area shall run generally perpendicular thereto.

O-3C Proffered Conditions:

1. Development of each individual site on the Property shall be subject to Plan of Development review and approval by the Planning Commission.
2. No building shall be constructed within fifty (50) feet of the right-of-way line of Cox Road or Sadler Road as such right-of-way lines are determined at the time of Plan of Development review. No parking lot (exclusive of driveways thereto) shall be constructed within twenty-five (25) feet of such right-of-way lines.
3. The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar in quality as to architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, natural stone, glass, stucco, drivit, exposed aggregate concrete, or an equivalent permanent architecturally finished material. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review.
4. Parking lot lighting standards shall not exceed twenty-five (25) feet in height. Parking lot lighting shall be produced from concealed sources, be positioned in

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such a manner as to minimize the impact of such lighting on the adjacent residentially zoned property and be reduced to no more than a security level following the close of business conducted on the Property.

5. Any Plan of Development for all or any part of the Property shall be subject to the following Site Coverage Ratios:


| Gross Floor Area of Building | Maximum Site Coverage Ratio |
|------------------------------------|--------------------------------|
| 1 sq. ft. to 40,000 sq. ft. | 57% |
| 40,001 sq. ft. to 60,000 sq. ft. | 58% |
| 60,001 sq. ft. to 80,000 sq. ft. | 59% |
| 80,001 sq. ft. to 100,000 sq. ft. | 60% |
| 100,001 sq. ft. to 125,000 sq. ft. | 61% |
| Over 125,000 sq. ft. | 62% |

For purposes hereof, Site Coverage Ratio shall be determined by dividing the gross area within a site (which may include any portion of the site within a C-1C District) into the portion of the site covered by building ground floor area and paved areas for vehicular movement, loading and parking.

6. No one shall request or be entitled to receive Certificates of Occupancy for more than 250,000 square feet of new office space per year within the area consisting of the Property and the land which was the subject of Zoning Cases C-53C-79, C-10C-84, C-31C-84, and C-50C-84, commencing October 1, 1979, except as provided in the next sentence. Certificates of Occupancy for more than said amount of square footage per year shall be available to the extent that in prior years, certificates of occupancy have been issued for less than said amount of square footage of new office space on all of the aforesaid tracts of land.
7. Any road or driveway within a buffer area shall run generally perpendicular thereto.

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

Sincerely,


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

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Conditional Zoning Index
Mr. Albert H. Garrett, Jr.
Atlantic Properties, et. als.
Mr. Jay M. Weinberg