

R-4

PMD

R-3

R-2

O-1

FINLAY STREET

STREET

STREET

O-2

FINLAY

TANK

ALLENSHAW

O-2 To B-2C
4.924 AC.

LABURNUM AVENUE

O-2

VIRGINIA

LABURNUM SQUARE

B-2

B-2C

HEIGHTS

B-3C

DRIVE

B-3

R-3

WILLIAMSBURG ROAD

B-3

OUT

B-1

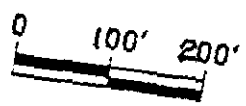
PROBST ST.

B-3

COMM. SHOPPING CENTER
35C-88

COUNTY OF HENRICO PLANNING OFFICE

11-B1-21.42
VARINA DISTRICT





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO
June 29, 1988

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

Re: Conditional Rezoning Case C-35C-88

Laburnum Center Office Park
Partnership
4796 Finlay St., Suite 1
Richmond, Virginia 23231

Gentlemen:

This is a correction of our letter to you dated June 14, 1988.

The Board of Supervisors at its meeting on June 8, granted your request to conditionally rezone from O-2 Office to B-2C Community Business District (Conditional), property described as follows:

Parcels 11-B1-21 and 42:

Beginning at a point on the E. line of Laburnum Avenue, approximately 310.14' south of its intersection with the S. line of Finlay Street; thence N. $71^{\circ} 35' 50''$ E., 194.48' to a point; thence N. $18^{\circ} 24' 10''$ W., 110.14' to a point; thence N. $71^{\circ} 35' 50''$ E., 20.00' to a point; thence N. $18^{\circ} 24' 10''$ W., 179.25' to a point on the S. line of Finlay Street; thence N. $77^{\circ} 10' 30''$ E., 117.52' to a point; thence S. $8^{\circ} 15' 28''$ E., 128.17' to a point; thence N. $81^{\circ} 44' 32''$ E., 100.0' to a point; thence S. $8^{\circ} 16' 15''$ E., 737.83' to a point thence S. $77^{\circ} 32' 59''$ W., 277.03' to a point; thence N. $18^{\circ} 24' 10''$ W., 563.41' to the point of beginning, containing 4.924 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:

1. Uses. Only the following uses shall be permitted on the Property.
 - (a) Any uses permitted and as regulated in the O-2 District;
 - (b) Antique shops;
 - (c) Banks, savings and loan or financial institutions;
 - (d) Bakeries (retail only);
 - (e) Barber shops and beauty parlors;
 - (f) Bicycle sales and repair shops;
 - (g) Catering offices;
 - (h) Child care and adult care centers;
 - (i) Department Stores;
 - (j) Drapery and upholstery shops;
 - (k) Florist and flower shops;
 - (l) Furniture, television and appliance service and repair;
 - (m) Garden centers, but no outside sales or displays;
 - (n) Grocery stores but no convenience food store of less than 3,500 square feet;
 - (o) Hardware stores;
 - (p) Liquor stores;
 - (q) Medical, dental and optical clinics and laboratories;

- (r) Motels, provided that all rooms facing the northern, eastern and southern boundaries of the Property shall be served by interior corridors; there are no exits on the eastern boundary of any such building, except for fire exits serving such corridors; the building is no more than two (2) stories in height and there is no convention facilities in the motel, except that the motel may contain a restaurant;
 - (s) Pet shops;
 - (t) Printing and photocopying;
 - (u) Restaurants, delicatessans and/or ice cream parlors, provided odor and grease abatement equipment are installed and specifically approved by the Planning Commission at the time of Plan of Development review;
 - (v) Shopping centers containing stores or shops for the conduct of retail sales, including sale of art and art supplies, auto parts and accessories, beverages, books, carpets, clothing, draperies, drugs, fabrics, furniture, appliances, hardware or locksmiths, garden supplies, hobby supplies, jewelry, office supplies and stationery, paint, wallpaper, shoe and shoe repair, sporting goods, video stores and stores and shops similar to the preceding;
 - (w) Service stations for automobiles, provided it is located more than one hundred fifty (150) feet from the eastern boundary of the Property; no automobile repairs are conducted therein and no convenience food store shall be a part thereof;
 - (x) Specialty shops for the conduct of retail business in the opinion of the Director of Planning;
 - (y) Studios and shops for artists, photographers, writers, teachers, jewelers, tailors and dressmakers, weavers and other craftsmen, and the sale of musical instruments;
 - (z) Training classes, dance, martial arts instruction and health clubs;
- (aa) Other retail sales and service uses which in the opinion of the Director of Planning are of the same general character as those listed above as permitted uses, provided that they shall be only retail and service establishments primarily selling new merchandise, except antiques, and rendering a personal service.

Notwithstanding the foregoing however, the following uses shall not be permitted on the Property:

- a. Adult book stores;
- b. Billiard or pool parlors;
- c. Clubs, fraternities, lodges and similar meeting places;
- d. Repair businesses for electrical, heating or plumbing services;
- e. Free standing fast food restaurants;
- f. Retail clothes cleaning and pressing establishments when the cleaning and pressing is done on the premises;
- g. Dancing establishments and dance halls;
- h. Theatres;
- i. Launderettes;
- j. Carpenter shops.

For purposes hereof, "fast food" restaurant is defined as an establishment the principal business of which is the sale of foods and beverages to consumers in a ready-to-consume state and which food and beverages are usually served in paper, plastic or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises.

- see interpretation dated 9/13/94*
2. Materials. 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 predominantly of face brick, natural stone, glass or an equivalent permanent architecturally finished material. No building shall be covered or have exposed to view any painted or unfinished cinderblock, sheet or corrugated aluminum, stucco, asbestos or metal or other materials unless used for doors, trim, signage or architectural decorations or unless specifically requested and approved by the Planning Commission at the time of Plan of Development review.
 3. HVAC. All outside heating, air conditioning or mechanical equipment shall be placed on the roof of buildings and shall be properly screened from public view from adjacent residential properties and public streets in a manner satisfactory to and specifically approved by the Planning Commission at the time of Plan of Development review.
 4. Screening Wall. Concurrent with the commencement of the construction of any building on the Property, a split block masonry wall of a minimum of six (6) feet in height above the grade of the parking lot, so as to screen out any headlights from vehicles on the Property from any adjoining single family residences, with expansion joints as needed and with the decorative side facing the eastern boundary of the Property, shall be commenced and diligently pursued to completion along the entire eastern boundary of the Property and along the portion of the southern boundary line which subject parcel has in common with the property of C. B. Allen, Jr. and thence along the eastern boundary of the lot owned by C. B. Allen, Jr. and the Henrico County well lot to the front yard setback line of the property fronting on Finlay Street and shall be properly maintained; provided, however, if an office building or office addition is constructed on the portion of the Property adjoining the eastern boundary line of the property now owned by Dr. Stuart V. Grandis, said wall need only be constructed to the northern boundary line of Lot 5, Block I, Virginia Heights Subdivision, until any other building is constructed on the Property at which time the balance of the wall must be constructed as hereinabove set forth.
 5. Location of Screening Wall. In the event no easement of any kind exists along the eastern boundary of the Property or if any such easement now exists but is abandoned by the County prior to commencement of construction, then the screening wall will be constructed along the eastern boundary line of the Property; otherwise, it shall be constructed as close to said eastern boundary line of the Property as is permitted by the County at the time of Plan of Development

review. If the wall is built on a berm, then the slope of the berm shall be determined at the time of Plan of Development review so as to permit the proper lawn mowing of the berm and the adjoining residential properties shall have the right to maintain the eastern side of said berm.

6. Parking Lot Lighting. Parking lot lighting shall be produced from concealed sources and shall be reduced to no more than a security level following the close of business conducted on the Property. Parking lot lighting standards shall not exceed twenty (20) feet in height.
7. Parking Lot Landscaping. Parking lots serving the Property shall be landscaped including but not limited to the planting of shrubbery and/or trees in raised islands located within such parking lots or between parking rows.
8. Customer Parking. All customer parking for any retail sales business on the Property shall be provided for on the Laburnum Avenue side of the Property and employee parking and deliveries may be provided for on the eastern side of the Property unless otherwise required by the Planning Commission at the time of Plan of Development review.
9. Trash Receptacles. There shall be central trash receptacle area which shall be enclosed on all sides with opaque materials in order to provide a visual screen in a manner satisfactory to and approved by the Planning Commission at the time of Plan of Development review.
10. Hours of Operation. The hours of operation for deliveries, trash pick-up and any retail sales business conducted on the Property shall not commence before 7:00 a.m. or end after 10:00 p.m.
11. Outside Speakers. No outside speaker or paging system shall be permitted on the Property.
12. Restriction on Rezoning. Neither the Owner or its assigns or successors in interest shall attempt to rezone the Property or any portion thereof for a period of ten (10) years from the date the Board of Supervisors rezones same pursuant to this request.
13. POD Approval. Development of each individual site on the Property shall be subject to Plan of Development review and approval by the Planning Commission.

See interpretation
by ANH
dated 3-16-93

Laburnum Center Office Park
Partnership
Page 5
June 29, 1988

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

Sincerely,



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

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
✓ Conditional Zoning Index
Mr. Jay M. Weinberg
Mr. Stuart V. Grandis

1/7/94
Zoning Ordinance

COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO



ANGELA N. HARPER, AICP
DIRECTOR OF PLANNING
(804) 672-4602

September 29, 1994

Henrico County Planning Commission
P. O. Box 27032
Richmond, VA 23293

**RE: Revised Interpretation of Proffered
Condition No. 2, Rezoning Case C-35C-88**

Gentlemen and Mrs. Wade:

After receiving a letter dated September 27, 1994 from Mr. Robert F. Nelson, Jr., P.E., I reviewed my September 13, 1994 interpretation of proffered condition 2 of rezoning case C-35C-88. That interpretation was made in response to a request to determine if the proffer permits use of the dryvit exterior finishing system on an office building located on the site regulated by the proffer.

At the August 23, 1994 meeting of the Planning Commission, a representative of the owner contended that dryvit may be used because it is a permanent architecturally finished material within the meaning of the second sentence of the proffer (which is attached for your convenience). The representative argued that because dryvit is not stucco, which is prohibited in the third sentence of the proffer, it may be used by the owner without the need for any approvals by the County.

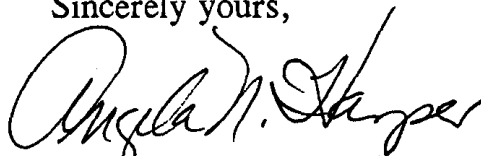
In reviewing my previous interpretation, I continue to believe that dryvit is not permitted as a matter of right under the second sentence of proffer 2. Although I agree that dryvit is a "permanent architecturally finished material," I do not believe it to be "equivalent" to face brick, natural stone, or glass, as the second sentence of proffer 2 requires. In addition, I believe the general prohibition on the use of stucco in the third sentence of the proffer supports this interpretation because stucco and dryvit are similar in both price and appearance.

Gentlemen and Mrs. Wade
September 29, 1994
Page 2

However, I believe it is appropriate to revise my previous interpretation of the third sentence of the proffer to recognize that the third sentence permits the use of the materials listed or "other materials" in two situations. First, those materials may be used for doors, trim, signage or architectural decorations. Second, the materials may be used if they have been "specifically requested and approved by the Planning Commission at the time of Plan of Development review."

Therefore, I believe that the use of dryvit is prohibited under proffer 2 unless the Planning Commission specifically approves its use in the Commission's review of a Plan of Development or it is to be used for doors, trim, signage or architectural decorations.

Sincerely yours,



Angela N. Harper, AICP
Director of Planning

cc: POD 74-94
Principal Planner, Webb
Conditional Zoning Index

Attachment: Proffer 2

Proffered Condition 2, rezoning case C-35C-88

2. Materials. 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 predominantly of face brick, natural stone, glass or an equivalent permanent architecturally finished material. No building shall be covered or have exposed to view any painted or unfinished cinderblock, sheet or corrugated aluminum, stucco, asbestos or metal or other materials unless used for doors, trim, signage or architectural decorations or unless specifically requested and approved by the Planning Commission at the time of Plan of Development review.



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

ANGELA N. HARPER, AICP
DIRECTOR OF PLANNING
(804) 672-4602

September 13, 1994

Henrico County Planning Commission
P.O. Box 27032
Richmond, VA 23293

**RE: Interpretation of Proffered Condition No. 2,
Rezoning Case C-35C-88**

Gentlemen and Mrs. Wade:

I have been asked to review and interpret proffered condition: 2. Materials, of rezoning case C-35C-88. The request is to evaluate the proffer and determine if it permits use of the dryvit exterior wall finishing system on an office building situated on the site of POD-74-94, which site is regulated by the subject proffered condition.

A representative of the developer contended at the August 23, 1994 hearing of the POD that dryvit is permitted because the proffer specifically prohibits "stucco" and the developer proposes to use dryvit, not stucco. At the hearing a commissioner offered his opinion that the prohibition of stucco was, as it has been in many cases, primarily based on aesthetics. It was written by a legal representative who has negotiated rezoning proffers with many adjacent communities and has been long known for his attention to details regarding aesthetics and general appearance.

I have carefully reviewed the background and proffered condition 2. Materials, and note that the proffer is composed of three (3) sentences. Each establishes separate criteria that must be met. The interpretation of each is as follows:

Sentence 1: All sides of each building shall be of equivalent architectural materials and treatment.

Sentence 2: All building exterior surfaces must be constructed of the following materials:

- a. Face brick
- b. Natural stone
- c. Glass
- d. Permanent architecturally finished material equivalent to the above

Sentence 3: Visible exterior surfaces of buildings may not be constructed of:

- a. Painted or unfinished cinderblock [this term is used generically to specify concrete masonry units]
- b. Sheet or corrugated aluminum
- c. Stucco
- d. Asbestos or metal
- e. Other materials specifically requested of and approved by the Planning Commission at POD time unless used for the following: (this does not permit authorization of materials otherwise prohibited by Sentence 2):
 1. doors
 2. trim
 3. signage
 4. architectural decorations

All exterior walls of the buildings must be similar as set forth in Sentence 1 and constructed of materials set forth in Sentence 2. Therefore, the use of dryvit as the exterior finishing material for walls, which is not equivalent to any of the permitted materials set forth in Sentence 1, is not permitted by the proffered condition.

Sincerely yours,


Angela N. Harper, AICP
Director of Planning

cc: POD-74-94
Principal Planner, Webb
Conditional Zoning Index
Attachment: Proffer 2

Proffered Condition 2, rezoning case C-35C-88

2. Materials. 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 predominantly of face brick, natural stone, glass or an equivalent permanent architecturally finished material. No building shall be covered or have exposed to view any painted or unfinished cinderblock, sheet or corrugated aluminum, stucco, asbestos or metal or other materials unless used for doors, trim, signage or architectural decorations or unless specifically requested and approved by the Planning Commission at the time of Plan of Development review.