

A-1 to M-1C
53.88 ac.

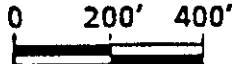
COUNTY OF HENRICO PLANNING OFFICE

OFFICE - SERVICE / LIGHT IND. USES

43 - B2 - 25

C-101C-89

VARINA DISTRICT



JAS

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

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

January 16, 1990

Re: Conditional Rezoning Case 101C-89

Airport Property Associates
P. O. Box 1984
Midlothian, Virginia 23112

Gentlemen:

The Board of Supervisors at its meeting on January 10, granted your request to conditionally rezone from A-1 Agricultural to M-1C Light Industrial District (Conditional), property described as follows:


Parcel 43-B2-25:

Beginning at a point, said point being the intersection of the southernmost right-of-way line of LaFrance Road with the westernmost right-of-way line of "T" Street, furthermore, said point being the easternmost point of the herein described tract; thence with said right-of-way line of "T" Street as it meanders southwesterly, 750' more or less to a point; thence leaving said street N. 81° 30' W., 1,250' more or less to a point, said point being located 10' east of an existing fence line running north and south; thence running 10' east of, and parallel to said fence line, 1,920' in a northerly direction to a point; said point being on the southernmost right-of-way line of LaFrance Road; thence running along said right-of-way line S. 60° 54' E., 960' more or less to a point; thence continuing along a curve to the right with a radius of 279.53', an arc distance of 151.32' to a point; thence continuing S. 29° 53' E., 244.03' to a point; thence S. 30° 19' 30" E., 902.85' to a point; thence S. 28° 20' E., 52.07' to the point of beginning, containing 53.88 +- acres.

The Board of Supervisors accepted the attached fifteen (15) proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance).

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
Jay M. Weinberg, Esquire
David R. Edgren, Esquire



COUNTY OF HENRICO, VIRGINIA

PROFFERS FOR CONDITIONAL REZONING

ORIGINAL AMENDED AND RESTATED

Pursuant to section 22-121(b) 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: AIRPORT PROPERTY ASSOCIATES

By [Signature] Attorney-in-Fact Date November 24, 1989

* If Applicant is other than Owner, Form POF-004-3/87, Special Limited Power of Attorney must be submitted with this application.

1. Architectural Materials. The exposed portions of the exterior wall surfaces (front, rear and sides) of each building 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, ~~stone~~, drivit, exposed aggregate concrete or an equivalent permanent architecturally finished material. No exposed portion of any exterior wall surface shall contain any unfinished concrete, painted or unfinished concrete masonry units, sheet or corrugated metal or asbestos unless specifically approved by the Planning Commission at the time of Plan of Development review.

2. Enclosed Buildings. All industrial uses shall be conducted within a completely enclosed building which may be an office building or a separate, freestanding building used for light industrial uses.

3. Height Limitations. No building constructed on the Property shall exceed the greater of two (2) stories in height or thirty-five (35) feet, except as otherwise set forth in Section 22-95(a) of the Henrico County Code.

4. HVAC. No heating or air conditioning equipment shall be placed on the roof of any building unless 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.

Page 1 of 4 C-101C-89

ACCEPTED BY THE BOARD OF SUPERVISORS, JAN. 10, 1990

RECEIVED

NOV 30 1989

PLANNING OFFICE

5. Building Setback. No portion of a building shall be constructed within fifty (50) feet of the right-of-way line (as such right-of-way line shall be determined at the time of Plan of Development review) of LaFrance Road.

6. Buffers. A landscaped or natural buffer area of a minimum of fifty (50) feet in width shall be maintained along the right-of-way line of LaFrance Road (as such right-of-way line is determined at the time of Plan of Development review) and a landscaped or natural buffer area of a minimum of thirty-five (35) feet in width shall be maintained along the remaining boundaries of the Property. No buildings or parking shall be permitted within the required landscaped/buffered area; however, vehicular and pedestrian access ways, roads and signs shall be permitted therein. Should it be necessary to run drainage, utilities or other easements through these areas, the landscaped/buffered area shall be compensated to the extent reasonably practical, unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review. No storm water detention facilities shall be placed in the aforesaid buffer area unless developed as a water feature with a permanent lake, pool or pond.

7. Loading Dock Treatment. Loading docks and areas, including outside storage, shall be located and/or screened so as to shield them from view from any adjacent residential properties, unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review.

8. Open Space. At least twenty percent (20%) of the Property shall be used for permanent open space. This area shall be used for landscaping, lawns, screening and/or buffer areas and may include bodies of water, works of art and outdoor recreation areas.

9. Parking Lot Lighting. Parking lot lighting shall not exceed twenty (20) feet in height as measured from the grade of the base of the lighting standard. Parking lot lighting shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business.

10. Protective Covenants. Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), there shall be recorded a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property. Notwithstanding anything contained in this proffer to the contrary, this proffer shall not create any obligation or liability of any kind or nature on the part of the County for the enforcement

RECEIVED

Page 2 of 4

C-101C-89

ACCEPTED BY THE
BOARD OF SUPERVISORS
JAN. 10. 1990

NOV 30 1989

PLANNING OFFICE
COUNTY OF HENRICO

209

of any of the specific terms and conditions of said protective or restrictive covenants.

11. Safe Conduct of Operations. All uses shall be conducted so as not to create any danger to the health, safety and welfare or have any material adverse impact on the property or surrounding properties by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.

12. Conservation/Preservation 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 and certain other areas as determined by definitive engineering studies approved by the Department of Public Works and all other applicable governmental bodies; 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 the Department of 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.
- (d) Non-tidal wetlands protected by federal law.
- (e) Preservation areas established by ^{Henrico County pursuant to} the Chesapeake Bay Preservation Act and regulations promulgated thereunder. *JM*
- (f) 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 Administrator (Director of Planning) pursuant to Chapters 19 and 22 of the County Code (the "Zoning Ordinance");

and the Owner shall, upon written request of the County, apply to rezone such portions of the Property to C-1 Conservation District.

The location and limits of such portion(s) of said Property shall be established by Plan(s) of Development approved pursuant to Section 22-106 of the Zoning Ordinance.

13. Use Restrictions. No hotel or motel shall be permitted on the Property. Neither the applicant nor its successors shall request

Page 3 of 4

C-101C-89

ACCEPTED BY THE
BOARD OF SUPERVISORS
JAN. 10, 1990

210

RECEIVED

NOV 30 1989

PLANNING OFFICE
COUNTY OF HENRICO

or accept Certificates of Occupancy for retail business uses in excess of 35,000 square feet of retail floor area on the Property.

14. P.O.D. Approvals. The development of each site within the Property shall be subject to Plan of Development approval in accordance with the terms of Section 22-106 of the Henrico County Code.

15. 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.

Page 4 of 4

C-101C-89
ACCEPTED BY THE
BOARD OF SUPERVISORS
JAN. 10. 1990

211

RECEIVED

NOV 30 1989

PLANNING OFFICE
COUNTY OF HENRICO