

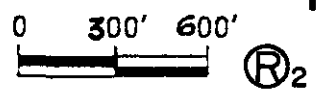
COUNTY OF HENRICO PLANNING OFFICE

OFFICE SERVICE / RETAIL

76-A1-25,26 76-A2-2

C-30C-89

THREE CHOPT DISTRICT



JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

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

June 22, 1989

Re: Conditional Rezoning Case C-30C-89

Loch Levan Land Limited Partnership
c/o The Snyder-Hunt Corporation
800 Hethwood Blvd.
Blacksburg, Virginia 24060

Gentlemen:

The Board of Supervisors at its meeting on June 14, amended a portion thereof and granted your request to conditionally rezone from A-1 Agricultural to O/SC Office-Service (Conditional), O-2C Office (Conditional) and B-2C Business Districts (Conditional), described as follows:

Parcels 76-A2-2, 76-A1-25 and 26:

Parcel A-1 (O-2C Office)

Beginning at the southernmost point of Parcels A-1 and A-2 where they intersect with the northern right-of-way line of Nuckols Road; thence along a curve to the right with a radius of 926.97', a length of 38.43' to a point; thence continuing along a curve to the right with a radius of 992.04', a length of 590.27' to a point; thence N. 00° 12' 00" E., 166.35' to a point; thence N. 77° 07' 00" W., 569.40' to a point; thence N. 85° 42' 00" W., 400.05' to a point in the northern right-of-way line of Nuckols Road; thence along a curve to the right with a radius of 594.70', a length of 207.38' to a point; thence S. 49° 53' 30" E., 177.82' to a point; thence along a curve to the left with a radius of 30,948.80', a length of 699.63' to a point; thence S. 51° 11' 13" E., 288.50' to a point; thence along a curve to the left with a radius of 926.97', a length of 94.41' to the point of beginning, containing 6.853 acres.

Parcel A-5 and Parcel A-6A (B-2C Business)

Starting at the southernmost point of Parcels A-1 and A-2 where they intersect with the northern right-of-way line of Nuckols Road. Thence along a curve to the right with a radius of 926.97', a length of 38.43' to a point; thence continuing along a curve to the right with a radius of 992.04', a length of 590.27' to a point; thence N. 00° 12' 00" E., 166.35' to the point and place of beginning; thence N. 76° 54' 00" E., 565.00' to a point; thence N. 12° 43' 55" W., 850.09' to a point; thence N. 51° 15' 00" W., 485.76' to a point; thence S. 46° 49' 00" W., 350.00' to a point; thence in a southeasterly direction along a curve to the right with a radius of 1005.58', a length of 150' to a point; thence S. 61° 23' 07" W., 328' to a point; thence S. 36° 51' E., 195.53' to a point; thence S. 10° 38' E., 265.00' to a point; thence S. 00° 12' W., 262.48' to a point; thence S. 77° 07' E., 307.50' to the point and place of beginning, containing 18.7 acres.

Loch Levan Land Limited Partnership
c/o The Snyder-Hunt Corporation
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Parcel A-6B (O-2C Office)

Starting at the northernmost point of Parcels A-1 and A-2 where they intersect with the centerline of Road A-A; thence N. $00^{\circ} 12' 00''$ E., 330.00' to a point; thence along a curve to the left with a radius of 1005.58', 611.41' to the point and place of beginning; thence continuing along a curve to the left with a radius of 1005.58', 209.63' to a point; thence S. $70^{\circ} 30' 10''$ W., 558.96' to a point; thence S. $09^{\circ} 03' 40''$ W., 730.75' to a point; thence S. $85^{\circ} 42' E.$, 400.05' to a point; thence S. $77^{\circ} 07' E.$, 261.89' to a point; thence N. $00^{\circ} 12' E.$, 262.48' to a point; thence N. $10^{\circ} 38' W.$, 265.00' to a point; thence N. $36^{\circ} 51' W.$, 195.53' to a point; thence N. $61^{\circ} 23' 07'' E.$, 328.00' to the point of beginning, containing 11.169 acres.

Parcels A-2, 3, 4, 7, 8, 9, 10 and 11 (O/SC Office/Service)


Beginning at a point on the northern right-of-way line of Nuckols Road 645 +/- east of the center line of Shady Grove Road Route 624. Thence N. $4^{\circ} 12' 05'' E.$, 484.38' to a point; thence S. $83^{\circ} 20' 45'' E.$, 603.70' to a point; thence N. $5^{\circ} 27' 10'' E.$, 682.42' to a point; thence N. $81^{\circ} 34' 05'' W.$, 1,211.74' to a point in the eastern right-of-way line of Shady Grove Road Route 624. Thence N. $7^{\circ} 38' 40'' E.$, 83.23' to a point; thence along a curve to the left having a radius of 2,889.90', a length of 146.94' to a point; thence continuing along the eastern right-of-way line of Shady Grove Road N. $4^{\circ} 43' 55'' E.$, 489.45' to a point; thence S. $79^{\circ} 49' 00'' E.$, 1,215.05' to a point; thence S. $79^{\circ} 47' 15'' E.$, 1,888.47' to a point; thence S. $16^{\circ} 03' 10'' E.$, 652.36' to a point; thence S. $12^{\circ} 43' 55'' E.$, 1,054.57' to a point; thence S. $45^{\circ} 19' 30'' W.$, 391.46' to a point; thence S. $44^{\circ} 56' 30'' W.$, 832.50' to a point in the northern right-of-way line of Nuckols Road; thence along a curve to the right having a radius of 926.97', a length of 38.43' to a point; thence continuing along a curve to the right having a radius of 992.04', a length of 590.27' to a point; thence N. $00^{\circ} 12' 00'' E.$, 166.35' to a point; thence N. $76^{\circ} 54' 00'' E.$, 565.00' to a point; thence N. $12^{\circ} 43' 55'' W.$, 850.09' to a point; thence N. $51^{\circ} 16' 00'' W.$, 485.76' to a point; thence S. $46^{\circ} 49' 00'' W.$, 350.00' to a point; thence N. $43^{\circ} 11' 00'' W.$, 59.63' to a point; thence S. $70^{\circ} 30' 10'' W.$, 558.96' to a point; thence S. $9^{\circ} 03' 40'' W.$, 730.75' to a point in the northern right-of-way line of Nuckols Road; thence along a curve to the left with a radius of 594.70', a length of 112.93' to a point; thence continuing along the northern right-of-way line of Nuckols Road N. $80^{\circ} 45' 05'' W.$, 922.53' to the point and place of beginning, containing 98.014 acres.

The Board of Supervisors accepted the attached 17 proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance).

Loch Levan Land Limited Partnership
c/o The Snyder-Hunt Corporation
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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

Attachments:

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
✓ Conditional Zoning Index
Jay M. Weinberg, Esquire
James W. Theobald, Esquire
Ms. Josephine Rommell Fegil
Ms. Sylvia Rommell Stout
Mr. Wilton D. Rommell
Mr. Carroll Eugene Rommell
Mr. John Adolph Rommell, Jr.
Ms. Barbara Rommell McDaniel
Mr. Henry Edward Rommell and Ellen T. Rommell
Mr. Raymond Lewis Rommell
Ms. Joyce Rommel Dewsbury
Messrs. Albert R. Chiocca & J. Phillip Carreras, Sr.
Mr. Graham D. Padgett, Jr.



COUNTY OF HENRICO, VIRGINIA

PROFFERS FOR CONDITIONAL REZONING

ORIGINAL

^{SECOND} AMENDED AND RESTATED PROFFERS

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:

May 22, 1989

Signature of Owner or Applicant* James W. Theobald, Attorney-In-Fact for the Owners and Contract Purchaser

Date

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

C-30C-89

0-2, 0-S and B-2 Parcel East of Shady Grove Road

References herein relate to the parcels and roads (the "Property") as shown on the plat prepared by Youngblood, Tyler & Associates, P.C. entitled "Snyder Hunt Planned Residential Community", dated March 1, 1989, last revised May 22, 1989, filed with the Rezoning Application:

APPLICABLE TO ALL PARCELS:

1. Road Dedications. No building permit for the construction of buildings on the Property (exclusive of the sales center from which the Property may be marketed) shall be obtained until plans for the construction of Road A-A over the Property from the southernmost point of Parcels A-1 and A-2 where they intersect Nuckols Road to the intersection with Shady Grove Road to the west are approved by the appropriate governmental bodies having jurisdiction with respect thereto, and, if required by the County, a completion bond is posted with the Henrico County Department of Public Works guaranteeing the completion of four (4) lanes of such road within two (2) years of the posting of said bond.

2. Greenbelts. Greenbelts for landscaping, natural open areas and scenic vistas will be provided thirty (30) feet in width adjacent to right-of-way lines of Road A-A over the Property, except to the extent necessary for utility easements, bicycle paths, jogging trails, signage, roads, sidewalks, access driveways for major project areas and other purposes requested and specifically permitted, or if required by, the Planning Commission at the time of subdivision approval and/or Plan of Development review, or by any other governmental body.

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COUNTY OF HENRICO

3. 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 the Department of 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 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) 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 ^{Dunn} Applicant 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.

4. Pedestrian and Bicycle Access. Pedestrian and bicycle access ways will be provided within major project areas at the time of Plan of Development and/or subdivision approval.

5. 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.

6. Density Limitation. No more than an average of eight thousand (8,000) square feet of building floor area per acre shall be developed on each of Parcels A-5 and A-6.

7. Open Space. No more than sixty-five percent (65%) of the B-2 zoned parcels may be covered by buildings, driveways and parking areas. No more than seventy-five percent (75%) of O-S zoned parcels shall be covered by buildings, driveways and parking areas. No more than sixty-five percent (65%) of O-S zoned parcels may be covered by buildings, driveways and parking areas, if used solely for office purposes.

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COUNTY OF HENRICO

8. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in 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, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. 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.

9. [Deleted]

10. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed twenty-five (25) feet in height above grade level on the B-2 zoned parcels. Parking lot lighting shall be produced from concealed sources of light (i.e., "shoe box" type) and shall be reduced to no more than a security level following the close of business operations on the B-2 zoned parcels.

11. HVAC. Roof-top heating and air conditioning equipment shall be screened from public view at ground level, in a manner approved at the time of Plan of Development review.

12. Trash Receptacles. Trash receptacles shall be screened from public view at ground level, in a manner approved at the time of Plan of Development review.

13. Outparcel Restrictions. Any free standing building constructed on the B-2 zoned parcels shall be substantially similar in architectural treatment to any shopping center constructed on such parcels, unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review, or by any other governmental body.

14. Limited Access. There shall be no direct vehicular access to or from the Property to or from Twin Hickory Lane unless required by any governmental body at the time of Plan of Development review.

15. Buffer Area. A dense evergreen or landscaped buffer area of a minimum width as set forth below will be provided and maintained, except to the extent necessary, for utility easements, signage or other purposes specifically permitted by the Planning Commission at the time of Plan of Development review, or by any other governmental body:

P-3-94
C-30C-89

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COUNTY OF HENRICO

- (a) one hundred (100) feet in width of dense evergreen buffer along Twin Hickory Lane, except to the extent necessary for Road A-A.
- (b) fifty (50) feet in width of landscaped buffer and/or landscaped berms along the eastern boundaries of Parcels A-3 and A-4 for so long as such boundary line is adjacent to property used for or permitted to be used for residential purposes.
- fw* (c) ~~one hundred (100)~~ ^{fifty (50)} feet in width of natural or landscaped buffer and/or landscaped berms along the southern boundary of Parcel A-1 for so long as such boundary line is adjacent to property used for or permitted to be used for residential purposes.

Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer area, and if so removed, additional plantings shall be added. Where the placement of utility easements within such buffer area results in the inability of the owner to provide adequate screening within such buffer area, additional plantings shall be provided adjacent to such buffer area to provide appropriate screening for the uses on the respective parcels.

16. Deleted.

17. Building Setback. No portion of a building shall be constructed within one hundred (100) feet of the eastern boundary line of Parcels A-3 and A-4 or the southern boundary line of Parcel A-1.

18. Plan of Development. All uses of the Property shall be subject to Plan of Development review and approval by the Planning Commission in accordance with Section 22-106 of the Henrico County Code.

19. Use Restrictions. The following uses shall not be permitted on the B-2 zoned parcels:

- (a) Adult book stores;
- (b) Billiard or pool parlors;
- (c) Dance halls; and
- (d) Amusement or video game parlors.

James W. Theobald,
Attorney-In-Fact for the Owners
and Contract Purchaser

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MAY 22 1989 *420pm*

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COUNTY OF HENRICO



Richard H. Youngblood, Jr., P.E.
Webb L. Tyler, P.E.
John T. Cochran, P.E.
Anne W. Tignor, P.E.
Melvin G. Spain, Jr., C.L.S.

P.O. BOX 517 • 7309 HANOVER GREEN DRIVE • MECHANICSVILLE, VIRGINIA 23111 • OFFICE (804) 746-5285 • FAX (804) 730-7624

September 29, 1995

Ms. Angela N. Harper, Director
Department of Planning
County of Henrico
P.O. Box 27032
Richmond, VA 23273

POD-96-95
C-30C-89/ CONDITIONAL ZONING INDEX

RE: PROPOSED HANOVER BANK - CONCOURSE AT WYNDHAM AND FUTURE DEVELOPMENT OF PROPERTY BETWEEN CONCOURSE LAKE AND HANOVER BANK ALONG THE EAST LINE OF NUCKOLS ROAD THREE CHOPT DISTRICT, HENRICO COUNTY, VA

Dear Ms. Harper:

As per my agreement with you at the Henrico County Planning Commission on September 26, 1995, please accept this letter as confirmation by Loch Levan Land Limited Partnership, owner of the Concourse development and specifically the property between the proposed Hanover Bank and the Concourse Lake along the east side of Nuckols Road.

Loch Levan Land Limited Partnership will not request an entrance to the north of Hanover Bank any closer than 300 feet along the east line of Nuckols Road. This condition will be activated upon the Board of Supervisors rezoning the property to the north and east of the Hanover Bank site to a non-retail business use. I have requested Mr. Rick Perkins co-sign this letter on behalf of Loch Levan Land Limited Partnership to acknowledge this obligation.


I trust the above meets with your needs. As always, should you have any questions please feel free to contact me.

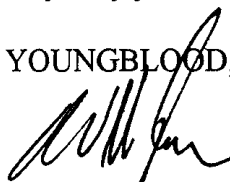
ACKNOWLEDGED AND AGREED TO:

Very truly yours,

LOCH LEVAN LAND LIMITED PARTNERSHIP

YOUNGBLOOD, TYLER & ASSOC., P.C.


Mr. Richard K. Perkins, Vice President
MR. DON T. SCHMIDT, V.P.


Webb L. Tyler, P.E.
Project Manager

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c: Mr. Stafford White, President, Hanover Bank
Mr. Lee Priestas, Assistant Director of Public Works
Mr. Tim Foster, Traffic Engineer

OCT 5 1995

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COUNTY OF HENRICO