

COUNTY OF HENRICO PLANNING OFFICE

OFFICE / RETAIL / TOWNHOUSES 78-A 2-26

C-26C-90 TUCKAHOE DISTRICT

0 200' 400'

®

JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

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

July 17, 1990

Re: Conditional Rezoning Case C-26C-90

Mr. John J. Hanky, III, President
Barrington Development, Inc.
10 South Sixth Street, Suite 202
Richmond, Virginia 23219

Dear Mr. Hanky:

The Board of Supervisors at its meeting on July 11, granted your request to conditionally rezone from A-1 Agricultural to O-2C Office (Conditional), B-2C Business (Conditional) and RTHC Residential Townhouse Districts (Conditional), property described as follows:

Parcel 78-A2-26:

O-2C Office (Conditional)

Beginning at a point on the W. line of Church Road being 515.87' southwest of the point where the W. line of Church Road intersects the S. line of Three Chopt Road; thence from said point of beginning N. $69^{\circ} 32' 30''$ W., 714.54' to a point; thence N. $24^{\circ} 17' 20''$ E., 853.38' to a point in the S. line of Three Chopt Road; thence S. $48^{\circ} 24' 50''$ E., 99.93' to a point; thence S. $41^{\circ} 55' 20''$ W., 17.01' to a point; thence S. $48^{\circ} 04' 40''$ E., 50.00' to a point; thence S. $44^{\circ} 04' 25''$ E., 100.24' to a point; thence $48^{\circ} 04' 40''$ E., 125.0' to a point; thence S. $41^{\circ} 55' 20''$ W., 26.73' to a point; thence along a curve to the left having a radius of 253.67' and an arc length of 79.35'; thence S. $24^{\circ} 00' 00''$ W., 183.61'; thence along a curve to the left having a radius of 177.38' and an arc length of 249.03'; thence S. $56^{\circ} 26' 15''$ E., 250.94' to a point in the W. line of Church Road; thence S. $29^{\circ} 16' 25''$ W., 168.56' to the point and place of beginning, containing 7.910 acres and designated as Tract 1 as shown on a plat by Youngblood, Tyler & Assoc., P.C., entitled "Plat for Rezoning 17.233 ac., west of Church Road at Three Chopt Road," dated March 20, 1990.

B-2C Business (Conditional)

Beginning at the point where the southern line of Three Chopt Road intersects the western line of Church Road; thence S. $33^{\circ} 33' 45''$ W., 347.31' to a point; thence N. $56^{\circ} 26' 15''$ W., 250.94' to a point; thence along a curve to the right having a radius of 177.38' and an arc length of 249.03' to a point; thence N. $24^{\circ} 00' 00''$ E., 183.61' to a point; along a curve to the right having a radius of 253.67' and an arc length of 79.35' to a point; thence N. $41^{\circ} 55' 20''$ E., 26.73' to a point in the S. line of Three Chopt Road; thence S. $48^{\circ} 04' 40''$ E., 412.86' to a point; thence S. $25^{\circ} 16' 50''$ E., 52.39' to the point of beginning, containing 3.885 acres and designated as Tract 2 on a plat by Youngblood, Tyler & Assoc., P.C., entitled "Plat for Rezoning 17.233 ac., west of Church Road at Three Chopt Road," dated March 20, 1990.

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- masonry units, sheet or corrugated aluminum, asbestos or metal unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review.
6. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade of the base of the lighting standard and, exclusive of low intensity decorative or period style lighting fixtures such as gas style lamps, 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.
 7. HVAC. Rooftop 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.
 8. 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. No trash pick up shall occur before 7:00 a.m. or after 7:00 p.m.
 9. Out Parcel Restrictions. Any freestanding building constructed on the business zoned portion of the Property shall be substantially similar in architectural treatment to any principal buildings constructed on said parcel 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. There shall be no more than two (2) out parcels permitted on the retail portion of the Property.
 10. Signage. Signage on the business zoned portion of the Property shall be controlled by the standards applicable to signage in a B-1 zoned district.
 11. Shared Access. The business and office portions of the Property shall share a common access way so that there shall be a maximum of one (1) access way to and from Three Chopt Road and one (1) access way to and from Church Road unless other access drives are specifically requested and approved or required by any governmental body at the time of Plan of Development review.
 12. Use Restrictions. The following uses shall not be permitted on the business zoned portion of the Property:
 - a. Adult book store;
 - b. Billiard or pool parlors;
 - c. Dance halls;
 - d. Amusement or video game parlors;
 - e. Flea markets and antique auctions;
 - f. Hotels, motels, motor lodges and tourist homes;
 - g. Lodges, meeting halls and fraternal organizations.
 - h. Movie theatres.
 13. Architectural Style. The retail and office portions of the Property, including but not limited to any food store or service station constructed thereon, shall be developed in substantial accordance with the general architectural style depicted on the elevation prepared by Architectonics dated June 4, 1990 for Barrington Development, Inc., a copy of which is attached hereto as Exhibit A, and the photographs, attached hereto as Exhibit B, including the colonial style architecture, brick sidewalks, gas lamps and trees along the interior ring road, unless otherwise specifically requested and approved or required by the Planning Commission at the time of Plan of Development review.

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RTHC Residential Townhouse (Conditional)

Beginning at a point on the W. line of Church Road being 515.87' southwest of the point where the W. line of Church Road intersects the S. line of Three Chopt Road; thence from said point of beginning S. 29° 16' 25" W., 32.0' to a point; thence S. 56° 26' 15" E., 10.90' to a point; thence S. 33° 43' 00" W., 313.41' to an iron pipe; thence departing said western line of Church Road N. 69° 32' 30" W., 671.08' to an iron pipe; thence N. 24° 17' 20" E., 339.91' to a point; thence S. 69° 32' 30" E., 714.54' to the point of beginning, containing 5.438 acres and designated as Tract 3 on a plat by Youngblood, Tyler & Assoc., P.C., entitled "Plat for Rezoning 17.233 ac., west of Church Road at Three Chopt Road," dated March 20, 1990.

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):

Applicable to all Non-Residential Parcels:

1. Retail Density. No more than an average of 10,000 square feet of gross building floor area per acre shall be developed on the business zoned portion of the Property and no retail building shall exceed 20,000 square feet in gross floor area notwithstanding the fact that two or more separate buildings may be connected by a common roof, canopy or covered walkway.
2. Office Density. No more than an average of 9,000 square feet of gross building floor area per acre shall be developed on the office zoned portion of the Property and no office building shall exceed 12,000 square feet in gross floor area notwithstanding the fact that two or more separate buildings may be connected by a canopy or covered walkway.
3. Height Restrictions. No retail building constructed on the Property shall exceed the lesser of 1-1/2 stories or 30 feet above the finished grade of the building at the front building setback line nor shall any office building exceed the lesser of 2-1/2 stories or 40 feet above the finished grade of the building at the front building setback line.
4. Open Space. No more than seventy-five percent (75%) of the business zoned portion of the Property shall be covered by buildings and accessory driveways and parking areas.
5. Exterior Materials The exposed portions of each exterior wall surface (front, rear and sides) of each building constructed on the business and office zoned parcels (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such buildings 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, wood, drivit or stucco if applied to a masonry surface or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are specifically requested and 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

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Applicable to Residential Parcels:

1. Exterior Materials. The exterior wall surfaces of the residential townhouse buildings constructed on the residential portion of the Property shall be at least 40% brick provided that the visible portions of each exterior wall surface (front, rear and sides) of any residential townhouse buildings constructed along the western boundary of the Property shall be constructed entirely of brick exclusive of doors, windows and trim.
2. Minimum Size. Dwelling units on Tract 3 shall have a minimum of 1,800 square feet of finished floor area per unit and an aggregate density not in excess of 5.25 units per acre.
3. Residential Buildings. No more than four (4) dwelling units shall be contained in any one building.
4. Foundations. The visible portions of all exterior residence foundations shall be constructed of brick.

Applicable to All Parcels:

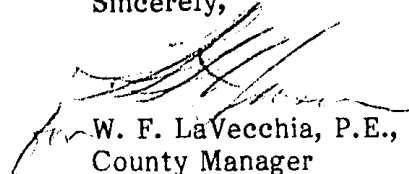
1. Protective Covenants: Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), there shall be recorded a document 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 herein contained to the contrary, the County shall have no obligation or liability of any kind or nature whatsoever for the enforcement of any of the specific terms and conditions of said protective or restrictive covenants.
2. Conservation Areas. Notwithstanding the uses permitted and regulated by the zoning of the Property, such portions of the Property which lie in a 100 year flood plain as determined by definitive engineer studies approved by the Department of Public Works; and/or such portions 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 recreational amenities and/or wild life 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; and
 - f. Such additional uses to the uses identified in (a), (b), (c) (d) and (e) above as may be deemed compatible and/or 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").
The owner shall, upon written request of the County, apply to rezone such portions of the Property to C-1 Conservation District.

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3. Pedestrian Access. Pedestrian access ways will be provided within major project areas at the time of Plan of Development and/or subdivision approval.
4. Buffer Area. A natural buffer area of a minimum of fifty (50) feet in width shall be maintained along the western boundary of the Property and shall, if deemed necessary by the Planning Commission at the time of Plan of Development or Landscape Plan of Review, be supplemented with additional plantings. A natural buffer or landscaped area of a minimum of thirty (30) feet in width shall be maintained along the northern and eastern boundaries of the Property which abut Three Chopt and Church Roads as such right of way lines are finally determined at the time of Plan of Development approval. No building or parking shall be permitted within the required buffer or landscaped area. Should it be necessary to run drainage, utilities or other easements through these areas, the buffered area shall be compensated to the extent reasonably practical, if required by the Planning Commission at the time of Plan of Development or Landscape Plan Review.
5. Sewer Easements. Any sewer easement required to serve the Property from the west shall run diagonally from the existing sewer easement in the Conservation Area located west of the Property, to the western boundary of the Property and not perpendicular to it, so as to minimize the line of sight from the homes on the eastern boundary of Church Run subdivision as determined by the Planning Commission at the time of Plan of Development Review or Subdivision approval. If during the construction of said sewer line any trees adjacent to said sewer easement are killed or destroyed, they shall be replaced in a manner satisfactory to the Planning Commission at the time of Landscape Plan of Review or Subdivision approval.
6. Clearing. To the extent reasonably practicable during initial development, the clearing of mature trees shall be limited to trees in areas required to accommodate the proposed retail, office and residential uses and their respective normal and customary accessories, and open yard areas and those limited areas required to permit utility services, parking and driveways.
7. Severance. The unenforceability or 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.

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., AICP,
County Manager

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Conditional Zoning Index
Mr. Robert D. Stevenson