

COUNTY OF HENRICO PLANNING OFFICE

LIGHT INDUSTRIAL
C-71C-90

VARIOUS PARCELS
BROOKLAND DISTRICT



®

JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

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

January 20, 1991

Re: Conditional Rezoning Case C-71C-90

Mr. Frank A. Crovo, Jr., President
Richmond Land Corporation
RF&P Railroad Company
RF&P Properties, Inc.
Post Office Box 11281
Richmond, Virginia 23230

Dear Mr. Crovo:

The Board of Supervisors at its meeting on February 13, granted your request to conditionally rezone property from A-1 Agricultural, R-2 One Family Residence and M-2 General Industrial to A-1C Agricultural District (Conditional), R-2C One Family Residence District (Conditional), O/SC Office/Service District (Conditional), and M-1C Light Industrial District (Conditional), property described as follows:

Parcels 90-A2-37, 50, 54, 55, 73, 74, 82 and Part of Parcels 90-B2-32, 90-A2-42, 72, and 90-B2-14:

R-2 to R-2C

Beginning at a point on the eastern line of Mill Road being 336.78' southwest of the intersection of the western line of Chickahominy Branch Drive extended and the eastern line of Mill Road; thence from said point of beginning along a curve to the right having a radius of 695.56' and a length of 8.69'; thence S. 36° 40' E., 100.47'; thence along a curve to the left having a radius of 715.09' and a length of 212.12'; thence S. 67° 17' 14" W., 156.58'; thence N. 36° 00' 06" W., 308.03'; thence N. 66° 35' 50" E., 120.30' to the point and place of beginning, containing 0.892 acre, more or less, and designated as Tax parcel 90-A2-74 on a plat by Youngblood, Tyler & Associates, P.C., entitled "R.F.&P. Rezoning Plat", dated September 26, 1990, last revised December 27, 1990..

A-1 to A-1C

Beginning at a point on the eastern line of Mill Road being 457.08' southwest of the intersection of the western line of Chickahominy Branch Drive extended and the eastern line of Mill Road; thence from said point of beginning S. 36° 00' 06" E., 308.03'; thence N. 67° 17' 14" E., 156.58'; thence along a curve to the left having a radius of 715.09' and a length of 429.57'; thence S. 13° 01' 57" W., 627.99'; thence N. 36° 00' 26" W., 1,084.61'; thence N. 62° 57' 50" E., 13.36'; thence N. 23° 24' 10" W., 34.48'; thence N. 66° 35' 50" E., 60.75' to the point and place of beginning, containing 5.538 acres, more or less, and designated as part of Tax parcel 90-A2-73 on a plat by Youngblood, Tyler & Associates, P.C., entitled "R.F.&P. Rezoning Plat", dated September 26, 1990, last revised December 27, 1990..

Mr. Frank A. Crovo, Jr., President
Richmond Land Corporation
RF&P Railroad Company
RF&P Properties, Inc.
Page 2
February 20, 1991

A-1, R-2, and M-2 to O/SC

Beginning at a point on the northern line of I-295 being 3,544.23' northwest of the point where the northern line of I-295 intersects the western line of the RF&P Railroad; thence from said point of beginning along a curve to the left having a radius of 11,609.16' and a length of 427.17'; thence N. 36° 00' 26" W., 166.49'; thence N. 13° 01' 57" E., 627.99'; thence along a curve to the right having a radius of 715.09' and a length of 641.69'; thence N. 36° 40' 00" W., 100.47'; thence along a curve to the left having a radius of 695.56' and a length of 8.69'; thence N. 66° 35' 50" E., 185.31'; thence N. 63° 46' 50" E., 72.82'; thence S. 22° 14' 46" E., 307.92'; thence S. 78° 12' 38" E., 300.39'; thence N. 13° 01' 57" E., 334.44'; thence N. 83° 46' 55" E., 468.08'; thence S. 01° 53' 10" E., 91.05'; thence S. 24° 49' 50" E., 139.83'; thence S. 13° 01' 57" W., 1,203.70' to the point and place of beginning, containing 18.83 acres, more or less, and designated as Tax parcel 90-A2-74 on a plat by Youngblood, Tyler & Associates, P.C., entitled "R.F.&P. Rezoning Plat", dated September 26, 1990, last revised December 27, 1990..

R-2 & M-2 to M-1C

Beginning at the point where the northern line of Interstate 295 intersects with the western line of the R.F.& P. Railroad; thence N. 70° 27' 14" W., 3,472.72'; thence along a curve to the left having a radius of 11,609.16' and a length of 71.51'; thence N. 13° 01' 57" E., 1,203.70'; thence N. 88° 07' 45" E., 600.20'; thence S. 84° 50' 00" E., 348.31'; thence S. 84° 50' 00" E., 597.98'; thence N. 00° 22' 04" E., 501.85'; thence S. 89° 42' 51" E., 687.51'; thence S. 87° 50' 32" E., 363.51'; thence N. 01° 33' 02" W., 553.5'; thence N. 67° 50' 46" E., 64.07'; thence S. 01° 33' 02" E., 579.94'; thence N. 89° 00' 03" E., 193.22'; thence S. 02° 59' 13" W., 436.04'; thence N. 89° 27' 10" E., 478.2'; thence S. 5° 45' 00" W., 2,359.49' to the point and place of beginning, containing 151.16 acres, more or less, as shown on a plat by Youngblood, Tyler & Associates, P.C., entitled "R.F.&P. Rezoning Plat", dated September 26, 1990, last revised December 27, 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):

1. Building Materials. (a) With respect to the Office Service Conditional portion of the Property, the exposed portions of all exterior wall surfaces (front, rear and sides) of each building constructed on the Office Service Conditional portion of the Property (excluding rooftop screening materials for mechanical equipment) shall be similar in architectural treatment and materials to the other exterior wall surfaces of such building. All buildings constructed on the Office Service Conditional portion of the Property shall have exposed exterior wall surfaces (above finished grade) of face brick, stone, drivit or stucco if applied to a masonry surface, or glass, unless other aesthetically comparable finished materials are otherwise specifically requested by the applicant and approved by the Planning

Mr. Frank A. Crovo, Jr., President
Richmond Land Corporation
RF&P Railroad Company
RF&P Properties, Inc.
Page 3
February 20, 1991

Commission at the time of Plan of Development review.

(b) With respect to the M-1 Conditional portion of the Property, the exposed portions of all exterior wall surfaces (front, rear and sides) of each building constructed on the M-1 Conditional portion of the Property (excluding rooftop screening materials for mechanical equipment) which are visible from any public street or adjacent property at ground level shall be similar in architectural treatment and materials to the other exterior wall surfaces of such building. No portion of any front, rear or side exterior wall surface visible from any public street or adjacent property at ground level shall contain painted or untreated concrete masonry units, sheet or corrugated metal, unless otherwise specifically requested by the applicant and approved by the Planning Commission at the time of Plan of Development review.

2. Site Coverage. No more than fifty percent (50%) of the Property shall be covered by buildings, driveways and parking areas. The percentage of space being developed shall be certified by the Owner's surveyor or engineer at each Plan of Development review. For the purposes of calculating site coverage, dedicated public streets shall not be included as part of the Property.
3. Buffers. (a) A landscaped or natural planted buffer area of a minimum of fifty (50) feet in width shall be maintained along the northern, southern and eastern exterior boundaries of the Property. Utility easements, signage, roads, access drives, sidewalks, jogging trails and other uses required or permitted at the time of Plan of Development review may be permitted within the aforesaid buffer areas. Any utility easement or roadway extended through the buffer areas shall be extended generally perpendicular thereto unless otherwise specifically permitted by the County at the time of Plan of Development review, and where permitted, areas disturbed for utility installations shall be restored. If approved by the Planning Commission at the time of Plan of Development review, landscaped earthen berms may be included within the aforesaid buffer areas. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer areas and, if so removed, additional berms and/or plantings shall be added.

(b) An undisturbed natural buffer area of a minimum of 200 feet in width shall be maintained on Parcels 90-A2-73 and 90-A2-74 along the 1,250 foot portion of the southwestern exterior boundary of the Property, which adjoins Holly Grove subdivision as measured from Mill Road, except for utilities and slope easements, which shall occupy the minimum space reasonably practicable under all the attendant circumstances as determined by the Planning Commission at the time of Plan of Development review.

The foregoing landscaping, buffering and berming requirements are intended to be minimum requirements for the development of the Property.

Mr. Frank A. Crovo, Jr., President
Richmond Land Corporation
RF&P Railroad Company
RF&P Properties, Inc.
Page 4
February 20, 1991

4. Parking Lot Landscaping. Parking lots serving the development on the Property shall be landscaped, including but not limited to the planting of shrubbery and/or trees in the raised islands located within such parking lots and between parking rows.
5. 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. 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 operations.
6. HVAC. Heating and air conditioning equipment shall be screened from public view such that it cannot be seen by the public at ground level from adjoining streets and properties at the site boundary lines in a manner satisfactory to and approved by the Planning Commission at the time of Plan of Development review.
7. Conceptual Master Plan. A Conceptual Master Plan for the entire development shall be submitted and updated with each Plan of Development request. Development of each individual site within the Property shall be subject to Plan of Development review. Each Plan of Development within the Office Service zoned property shall provide a cumulative summary of the amount of the square footage and types of uses preceding the proposed development and any changes in uses then in effect.
8. Trash Dumpsters. The screening for trash dumpsters shall be constructed of substantially the same materials as the buildings they serve or materials which are compatible therewith and the trash dumpsters shall be screened from public view such that they cannot be seen by the public at ground level from adjoining streets and properties at the site boundary lines in a manner satisfactory to and approved by the Planning Commission at the time of Plan of Development review.
9. Pedestrian Access. Pedestrian access ways will be planned within major project areas at the time of Plan of Development review and shown on the Conceptual Master Plan to be submitted with each request for Plan of Development review.
10. Underground Utilities. All utility lines, such as electric, telephone, CATV or other similar lines, shall be installed underground unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review. This requirement shall apply to lines serving individual sites as well as to the utility lines necessary within the Property but not to existing lines on the Property.
11. Enclosed Building Requirement. All light industrial uses, exclusive of outside storage, shall be conducted within a completely enclosed building which may be an office building or a separate free-standing building used exclusively for light industrial uses.

Mr. Frank A. Crovo, Jr., President
Richmond Land Corporation
RF&P Railroad Company
RF&P Properties, Inc.
Page 5
February 20, 1991

12. Safe Conduct of Operations. All light industrial 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 areas by creating any excessive noise, vibrations, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.
13. Loading Dock Treatment. Loading docks shall be located and/or screened so as not to be visible from any adjacent roadways or properties unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review. No loading docks shall be located nearer than one hundred (100) feet from Mill Road or Interstate 295.
14. 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.
15. Conservation/Preservation Areas. Notwithstanding the uses permitted and regulated by the zoning of the Property, such portions 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 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; non-tidal wetlands protected by Federal Law; and preservation areas established by Henrico County pursuant to the Chesapeake Bay Preservation Act and regulations promulgated thereunder; 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/or of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 22 of the Henrico County Code (respectively, the "Subdivision and Zoning Ordinances").

The Owner shall, upon written request of the County, cooperate with the County to rezone to C-1 Conservation District such portions of the Property as are included within any approved Plan of Development.

Frank A. Crovo, Jr., President
Richmond Land Corporation
RF&P Railroad Company
RF&P Properties, Inc.
Page 6
February 20, 1991

16. Easements for Public Utilities. Easements for public water and sewer lines serving the Property will be made available with each phase of development to adjoining landowners east of Mill Road for extension and connection thereto in accordance with applicable County regulations.
17. Retail Use. Retail uses on the Property shall be restricted to no more than 10,000 square feet. Cafeterias primarily designed for use by tenants and guests of any building constructed on the Property shall not be included in the calculation of the 10,000 square foot maximum.
18. Fence. At the written request of a majority of the owners whose properties are situated along the northeastern boundary line of Holly Grove subdivision within six months of completing the construction and landscaping of Hunton Parkway in the vicinity of said properties, Owner shall construct and maintain a six (6) foot high salt-treated, solid, wooden fence located approximately two (2) feet inside Owner's Property line and extended along the 1000 +- foot northeastern boundary line of the Holly Grove Subdivision as measured from the I-295 right-of-way. The construction of the fence shall be commenced within six months of the receipt of written notice from the then owners of said properties and be diligently pursued to completion, force majeure excepted. A similar wooded or chain link fence shall be constructed along the 250 +- foot northeastern boundary of the property located at 11413 Mill Road (currently owned by Puryears) if requested in writing by the then owner of 11413 Mill Road within six months of completing the construction and landscaping of Hunton Parkway in the vicinity of said property, and construction of the fence shall be commenced within six months of the receipt of written notice from the then owner of said property and be diligently pursued to completion, force majeure excepted. The front side of any fence provided for in this paragraph shall face the Holly Grove Subdivision.
19. Mill Road Access. No Certificate of Occupancy shall be granted for any building on the Property until the Property has direct access to Staples Mill Road via Hunton Parkway. Access to Mill Road at the eastern end of the Property will only be used for emergency access unless a secondary access is needed in order to maintain levels of service acceptable to the County or as permitted by the Planning Commission at the time of Plan of Development review.
20. Hunton Parkway Location. Hunton Parkway shall be constructed to run beneath Mill Road as a grade separated intersection and the southern right-of-way line of Hunton Parkway shall be constructed no closer than two hundred (200) feet from the northeastern boundary of Holly Grove Subdivision, and a landscaped earthen berm of approximately eight (8) feet in height shall be constructed and maintained along the southern right-of-way line of Hunton Parkway from the eastern right-of-way line of Mill Road to the tree line on Parcels 90-A2-74 and 90-A2-37, unless otherwise required by the Planning Commission at the time of Plan of Development review. See Exhibit A (in case file).

Mr. Frank A. Crovo, Jr., President
Richmond Land Corporation
RF&P Railroad Company
RF&P Properties, Inc.

Page 7

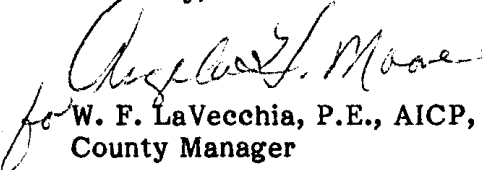
February 20, 1991

21. Use Restrictions. No buildings or structures for habitat or storage shall be constructed on Parcels 90-A2-73, 90-A2-37 and 90-A2-74.
22. Service Hours. The hours for deliveries to and trash pickup from any building located within one thousand (1000) feet of an existing, off-site residence shall not commence before 7:00 a.m. or extend beyond 9:00 p.m.
23. Hours of Construction. No land clearing, road or water/sewer line construction or construction of the exterior shell of any building shall occur on Sunday or on other days between the hours of 7:00 p.m. and 6:00 a.m., except in emergencies or where unusual circumstances require extending these specified hours in order to complete work such as concrete pours or utility connections.
24. Phasing Plan. The following phasing plan shall apply to the Property:
 - (a) Prior to the year 1995, no construction of roads or buildings shall take place on the Property, and
 - (b) Prior to the year 2000, no portion of the Property shall be sold, leased or transferred to a user of less than thirty (30) acres;unless otherwise specifically approved by the Planning Commission at the time of Plan of Development review or by any other governmental body having jurisdiction with respect thereto.
25. Public Amenities. The restrictive covenants referred to in Proffer 14 hereof shall provide that members of the Hunton Civic & Recreation Association and residents of the adjoining subdivisions will be allowed access, for purely recreational purposes, to any established common area walking or jogging trails and parks in Hunton, subject to such rules and regulations as shall be promulgated from time to time governing the use of such facilities.
26. Burning Restrictions. No burning shall take place on the Property during construction or development thereof.
27. Traffic. With regard to the property included in Cases C-71C-90, C-72C-90, and C-73C-90, development shall not exceed 620,000 square feet of combined office and office/service space and eighty (80) residential units ("Phase I") until another means of access in addition to the Staples Mill Road intersection is approved by the County, provided that this development threshold can be exceeded if specifically approved by the Planning Commission.
28. Traffic Impact Study. Owner will provide, upon written request of the County, an updated Traffic Impact Study following the completion of Phase I development and upon written request of the County from time to time thereafter to ensure that the traffic generated by proposed further development will meet levels of service acceptable to the County.
29. 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.

Mr. Frank A. Crovo, Jr., President
Richmond Land Corporation
RF&P Railroad Company
RF&P Properties, Inc.
Page 8
February 20, 1991

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., AICP,
County Manager

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
Conditional Zoning Index
Mr. Jay M. Weinberg, Esquire
Ms. Gloria L. Freye, Esquire