

COUNTY OF HENRICO PLANNING OFFICE

PT. 86 - A1 - 10, 58
THREE CHOPT DISTRICT

RETAIL
C-36C-91



JAS



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

January 28, 1992

Re: Conditional Rezoning Case C-36C-91

Gaskins Associates Limited Partnership
c/o Mr. Timothy M. Mahoney
7201 Glen Forest Dr., Suite 306
Richmond, Virginia 23226

Gentlemen:

The Board of Supervisors at its meeting on January 22, granted your request to conditionally rezone property from O-2 Office and A-1 Agricultural District to B-2C Business District (Conditional), Part of Parcels 86-A1-10 and 58, described as follows:

Commencing at a point, said point being on the N. line of Broad Street (Route 250); thence N. $79^{\circ} 23' 12''$ E., 34.11' to the W. line of Stillman Parkway; thence along the W. line of Stillman Parkway N. $32^{\circ} 35' 30''$ E., 356.10' to a point, said point being the point of beginning; thence N. $57^{\circ} 24' 30''$ W., 176.66'; thence S. $32^{\circ} 37' 20''$ W., 81.09'; thence N. $57^{\circ} 24' 30''$ W., 81.72'; thence N. $32^{\circ} 37' 20''$ E., 387.69'; thence S. $57^{\circ} 35' 05''$ E., 258.22'; thence S. $32^{\circ} 35' 30''$ W., 307.01' to the true point of beginning; and containing 1.971 acres, together with and subject to covenants, easements, and restrictions of record.

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. Protective Covenants. Prior to or within sixty (60) days of the approval of a Plan of Development by the County for any portion of the Property but before the conveyance of any portion of the Property (other than for the dedication of easements, roads or utilities), there shall be recorded in the Clerk's office of the Circuit Court of Henrico County, Virginia, a document setting forth controls on the development and maintenance of such portions of the Property and a copy of said document and the recordation receipt therefor shall be mailed or delivered to the Director of Planning within ten (10) days of the recordation thereof. 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. Conceptual Master Plan. A Conceptual Master Plan for the entire project to be constructed on the Property shall be submitted with the first request for Plan of Development approval and shall be updated with each subsequent request for Plan of Development approval.
3. Architectural Treatment.
 - (a) The exposed portion of each exterior wall surface (front, rear and sides) of every 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.
 - (b) All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, natural stone, glass, 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 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 unpainted or unfinished concrete 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.
4. Landscaped Buffers. A natural and/or landscaped buffer will be provided twenty-five (25) feet in width adjacent to the right-of-way line of Stillman Parkway, except to the extent necessary or allowed for sidewalks, utility easements, grading, drainage, signage and access driveways 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. Any utility easement or use permitted within the aforesaid buffer area, except for sidewalks, shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted, or if required, by the County at the time of Plan of Development review and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.
5. Detention Basins. Stormwater detention basins shall be continually maintained, including but not limited to regular grass cutting with a bagging-type mower or a substantially equivalent service, pick up of trash, debris, dead plant

material, leaves and any other foreign matter which may serve to either degrade the proper functioning of the basin or create an eyesore or nuisance.

6. Parking Lot Lighting. All parking lot lighting standards will not exceed twenty (20) feet in height above grade level. Parking lot lighting shall be produced from a concealed source of light (such as "shoe box" type) and shall be reduced to no more than one-half (1/2) foot candle at the property lines following the close of business operations.
7. HVAC. Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the property lines by means of parapets or other architectural features, in a manner approved by the Planning Commission at the time of Plan of Development review.
8. Central Trash Receptacles. Central trash receptacles, not including convenience cans, shall be screened from public view at ground level, in a manner approved by the Planning Commission at the time of Plan of Development review and trash pick up from the site shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.
9. Building Heights. No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height, exclusive of chimneys or other architectural design features.
10. Outside Speakers. No outside loud speakers, which can be heard beyond the boundaries of the Property, shall be permitted on the Property.
11. Signage. Signage on the Property shall be restricted to the B-1, Business District, requirements. Pennants, banners, streamers, propellers, discs and all other fluttering, spinning or similar type signs and advertising devices shall not be permitted on the Property.
12. Permitted Uses. All uses permitted in a B-2 business district shall be permitted on the Property, except the following uses:
 - (a) a billiard, bagatelle, video game or a bingo parlor;
 - (b) a convenience food store;
 - (c) a massage parlor;
 - (d) a funeral home;
 - (e) a facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located);
 - (f) a skating rink;

- (g) a banquet hall, auditorium or other place of public assembly;
 - (h) a theater of any kind;
 - (i) a gymnasium, sport or health club or spa;
 - (j) an automobile filling and service station;
 - (k) a miniature or putt-putt golf course; or
 - (l) a radio or television broadcasting station.
13. Deliveries. Deliveries to buildings on the Property shall be restricted to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.
14. Fast Food Restaurants. No "fast food" restaurants shall be permitted on the Property. For purposes here, a "fast food" restaurant is hereby defined as an establishment whose principal business is the sale of beef, ham, pork, chicken or pizza foods and beverages to consumers in a ready-to-consume state in which such foods 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.
15. Additional Buffers. No building permit shall be obtained for the Property until the owner records in the Clerk's Office of the Circuit Court of Henrico County a natural and/or landscaped buffer easement twenty-five (25) feet in width adjacent to the northern boundary line of Parcel 86-A1-58 which shall be maintained by the Owner or its successors in perpetuity. Such buffer shall allow, to the extent necessary, for sidewalks, utility easements, drainage, access driveways and other purposes requested and specifically permitted or required by the Planning Commission at the time of subdivision and/or Plan of Development review, or by any other governmental body. Any utility easements or use permitted within the aforesaid buffer area shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted or required by the County at the time of subdivision and/or Plan of Development review and where permitted areas disturbed for utility installation shall be restored to the extent reasonably practical.
16. 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.
17. Access. In the event the County authorizes the closure of Stillman Parkway to through vehicular traffic from West Broad Street to Springfield Road within eighteen (18) months from the date hereof, then vehicular access to and from Parcel 86-

Gaskins Associates
Limited Partnership
January 28, 1992

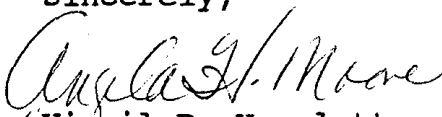
5

A1-10 (which adjoins the Property on the west) to or from Stillman Parkway shall be permitted across the northern portion of the Property on terms and conditions mutually agreeable to the respective owners of the aforesaid parcels of land but, if such closure is not so authorized by the County, then the aforesaid access shall not be permitted across the Property to Stillman Parkway unless otherwise required by any governmental body.

18. Cul-de-sac. In the event the County authorizes the closure of Stillman Parkway to through vehicular traffic from West Broad Street to Springfield Road within eighteen (18) months from the date hereof, then the design of a cul-de-sac shall be commenced by the Owner, substantially as shown on Exhibit A attached hereto, and constructed to County standards as determined by the Henrico County Department of Public Works within thirty (30) days of the written request of the County and the construction diligently pursued to completion.
19. Sidewalks. Subject to obtaining all required governmental easements, approvals and permits, a standard size pedestrian sidewalk shall, concurrent with the development of any portion of the Property, be installed in accordance with County standards in the County's right-of-way along the western right-of-way line of Stillman Parkway approximately as shown in green on Exhibit A attached hereto.

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 Virgil R. Hazelett,
County Manager

cc: Clerk, Board of Supervisors
Director, Real Estate Assessment
Conditional Zoning Index
Ms. Carole M. Weinstein
Mr. Jay M. Weinberg, Esquire

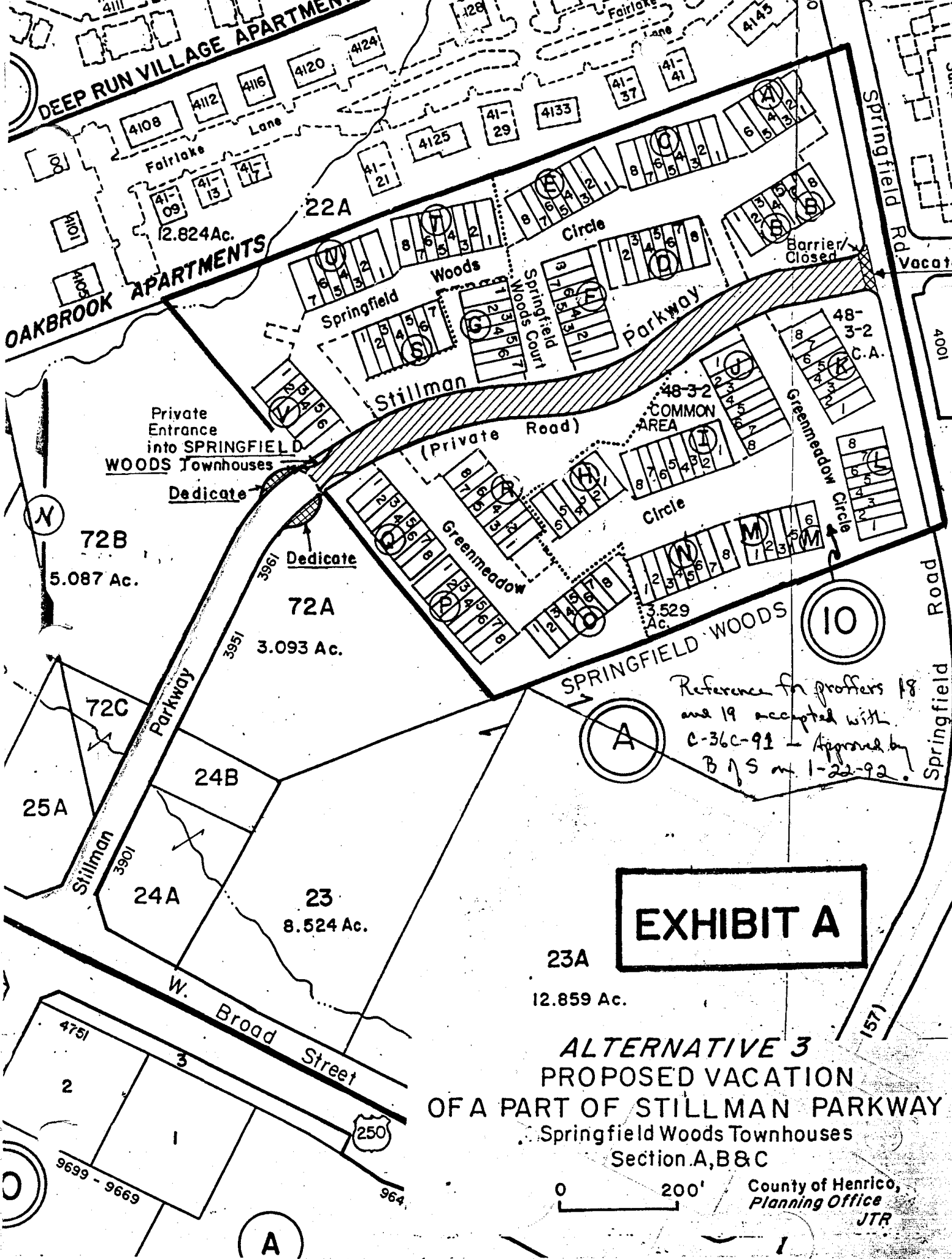


EXHIBIT A

23A
12.859 Ac.

**ALTERNATIVE 3
PROPOSED VACATION
OF A PART OF STILLMAN PARKWAY
Springfield Woods Townhouses
Section A, B & C**



County of Henrico,
Planning Office
JTR

Reference for proffers 18
and 19 accepted with
C-36C-92 - Approved by
B/S on 1-22-92.

(A)

(A)

(10)

Private
Entrance
into SPRINGFIELD
WOODS Townhouses

Dedicate

Dedicate

Barrier/
Closed

Vacate

4001

Springfield Road

(157)

964

9699 - 9669

(250)

W. Broad Street

Stillman Parkway

Stillman

Parkway

SPRINGFIELD WOODS

Greentown Circle

Circle

Greenmeadow

(Private Road)

Stillman

parkway

Springfield Woods Court

Woods

Springfield

Circle

OAKBROOK APARTMENTS

Fairlake Lane

DEEP RUN VILLAGE APARTMENTS

Sundial

Springfield Rd

4145

41-37

41-41

4133

41-29

4125

41-21

22A

2.824 Ac.

41-09

41-13

41-17

4108

4112

4116

4120

4124

4128

1008

1009

1010

1011

1012

1013

1014

1015

1016

1017

1018

1019

1020

1021

24A

24B

72C

72B

72A

23

23A

4751

2

3

(O)

(A)

(A)

(10)

Private
Entrance
into SPRINGFIELD
WOODS Townhouses

Dedicate

Dedicate

Barrier/
Closed

Vacate

4001

Springfield Road

(157)

964

9699 - 9669

(250)

W. Broad Street

Stillman

Parkway

SPRINGFIELD WOODS

Greentown Circle

Circle

Greenmeadow

(Private Road)

Stillman

parkway

Springfield Woods Court

Woods

Springfield

Circle

OAKBROOK APARTMENTS

Fairlake Lane

DEEP RUN VILLAGE APARTMENTS

Sundial

Springfield Rd

4145

41-37

41-41

4133

41-29

4125

41-21

22A

2.824 Ac.

41-09

41-13

41-17

4108

4112

4116

4120

4124

4128

1008

1009

1010

1011

1012

1013

1014

1015

1016

1017

1018

1019

1020

1021

24A

24B

72C

72B

72A

23

23A

4751

2

3

(O)

(A)

(A)

(10)