

COUNTY OF HENRICO PLANNING OFFICE

PT. 102-B1-7

FAIRFIELD DISTRICT

SHOPPING CENTER

C-41C-91



JAS



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

October 15, 1991

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

Re: Conditional Rezoning Case C-41C-91

Mr. Ronald S. Gimple
North Park Associates, L.P.
7620 Market St.
Youngstown, Ohio 44512

Dear Mr. Gimple:

The Board of Supervisors at its meeting on October 9, granted your request to conditionally rezone property from O-3C Office District (Conditional) to B-3C Business District (Conditional), Part of Parcel 102-B1-7, described as follows:

Beginning at a point on the W. line of Telegraph Road, marked P.O.B., being 890.96' north of the N. line of Jeb Stuart Parkway Extended; thence along a curve to the left having a radius of 1200.00' and a length of 225.72' to a point; thence along another curve to the left having a radius of 340.00' and a length of 236.54' to a point; thence N. 26° 03' 38" E., 501.88' to a point on the W. line of Telegraph Road; thence continuing along said W. line along a curve to the right having a radius of 572.07' and a length of 402.48' to a point; thence continuing along said W. line S. 31° 37' 03" W., 526.72' to the point and place of beginning, and containing 1.709 acres (74,435 square feet).

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):

The following and amended restated proffers are submitted in lieu of and will serve to replace all proffers previously approved with Case C-116C-88 with regard to the property subject to this zoning request:

1. Prior to the issuance of certificates of occupancy for the regional shopping center to be constructed on a portion of the Property, the following actions shall have been taken:
 - (i) A new road expected to be known as J.E.B. Stuart Parkway (formerly designated as Halfe Sink Road) shall have been constructed in a minimum 80-foot right-of-way from Virginia Center Parkway to U.S. Route 1, the location of which is shown on the plan prepared by Higgins & Associates, Inc., dated March 19, 1991, a copy of which is attached hereto as Exhibit 1 (the "Roadway Plan") (See case file); and

Mr. Ronald S. Gimple
North Park Associates, L.P.
October 1, 1991

2

- (ii) Prior to the issuance of certificates of occupancy for any improvements to be constructed on a portion of the Property, four access roads shall have been constructed connecting the regional shopping center to Telegraph Road, J.E.B. Stuart Parkway and U.S. Route 1, the locations of which are shown at letters A, B, C, D on Exhibit 1 (See case file).
2. (a) Unless determined to be unnecessary by the Director of Planning, in connection with the initial plan of development submitted for any portion of the Property, a conceptual master development plan (the "Master Plan") shall be submitted showing the proposed uses and densities of the development of the Property and other undeveloped property then owned by Virginia Center, Inc. north of Interstate Route 295 for which development plans have been identified, together with a master traffic study analyzing the traffic impact of the full development of such property (the "Master Traffic Study"). All property rezoned under Case C-20C-80 shall be included in the Master Traffic Study even if no development plans have been identified for such property. For any portion of such property where specific development plans have not been identified, the Master Traffic Study shall be based on the highest and best use for such property. The Master Traffic Study shall provide conceptual roadway configurations and recommendations for intersection treatments and methods or alternatives on any roadway identified as a problem area based on traffic assignments and shall be used with the Master Plan to coordinate the overall development program for the property covered thereby.
- (b) In conjunction with the plan of development for any portion of the Property, a traffic study shall be submitted which describes the traffic impact of such proposed development. If such development is contemplated to occur in phases, such traffic study shall indicate the traffic impact of each phase. Should any proposed development not warrant a traffic study in the opinion of the Henrico County Traffic Engineer, such study may be waived. No such plan of development will be approved until such time as the Planning Commission approves (i) the improvements in roads and intersections which are necessitated by such development and (ii) when and, if the proposed development is to be phased, with which phase such improvements are to be completed. In the event portions of the Property will be developed in phases, any roadway improvements required for any portion of the Property shall be assigned to the applicable phase

Mr. Ronald S. Gimple
North Park Associates, L.P.
October 1, 1991

3

of the development in the plan of development and shall be constructed in connection with the development of such phase. No certificate of occupancy shall be issued for any phase of development until the required roadway improvements assigned such phase have been completed. Once such roadway improvements have been determined and assigned to individual phases of such portion of the Property in connection with the plan of development described above, development of such portion of the Property may proceed in phases in accordance with the approved plan of development without submittal of additional traffic studies and without additional road improvements being required.

(c) If, in connection with plans of development for subsequent phases of development on the Property, the traffic study for such phase indicates the need for reconstruction or rearrangement of previously approved public roadway improvements, such improvements shall be made in connection with such subsequent phase of development.

3. Except for the construction of roads and other improvements pursuant to paragraph 4 of these proffered conditions, during the physical development of the Property, no development or construction access to the Property shall be provided by Ethelwood Road.

4. In connection with the construction of and prior to the use of J.E.B. Stuart Parkway for any purpose including development or construction access to the Property, the following actions shall have been taken:

(a) Two new access roads shall be constructed within 50 foot rights-of-way to connect J.E.B. Stuart Parkway (formerly designated as Halfe Sink Road) with existing Ethelwood Road which shall be dedicated to the County of Henrico simultaneously with the dedication of J.E.B. Stuart Parkway, the location of which are shown on the "Plan of Proposed Development Adjacent to Existing Holly Glen Subdivision to the West, North and East" by J. K. Timmons & Associates, Inc., dated April 7, 1980, last revised December 7, 1988, a copy of which is attached hereto as Exhibit 2 (See case file). The construction of these access roads is contingent upon the County of Henrico terminating and vacating to the owners of the Property the land in Ethelwood Road east and west of the proposed intersections of Ethelwood Road with such roads.

(b) Adjacent to and south of the southern right-of-way line

Mr. Ronald S. Gimple
North Park Associates, L.P.
October 1, 1991

4

of J.E.B. Stuart Parkway between the two new access roads described in subparagraph 4(a) above, adjacent to and east of the eastern access road described in subparagraph 4(a) above between J.E.B. Stuart Parkway and the southern line of Lot 11, Block A, Holly Glen, as extended eastwardly, and adjacent to and west of the western access road described in subparagraph 4(a) above and along the eastern line of the Property to the west of Lots 1 and 2, Block H, Holly Glen, solid, masonry walls six feet high above grade shall be constructed for visual and sound protection as shown generally on Exhibit 2 (see case file). The walls shall not be constructed of exposed cinderblock. The area between the walls and public rights of way shall be landscaped with plant materials to be approved by the Planning Commission as part of the landscape plan submitted in the plan of development review process for adjoining properties. The walls and landscaping between the wall and public rights-of-way shall be maintained by the owners of the portion of the Property on which the walls and landscaping are constructed.

5. For any portion of the Property which is more than 1200 feet from the right-of-way of U.S. Route 1 but is not part of an approved plan of development for a regional shopping center, A. lights illuminating off-street parking or loading areas shall be arranged and installed so that no direct light projects into residential areas, and B. lighting fixtures shall not exceed 30 feet in height and shall be of a directional type capable of shielding the light source from direct view except as otherwise approved by the Planning Commission in connection with a plan of development.
6. No exposed cinderblock or prefabricated metal buildings shall be constructed on the Property.
7. No portion of the Property shall be used for the following principal uses:
 - A. animal hospital or kennel;
 - B. automobile, truck or recreational vehicle storage lot for new or used cars and other vehicles;
 - C. car wash, automatic or otherwise;
 - D. cleaning or dyeing, linen service, or laundry, furniture repairing or refinishing, cabinet or carpentership, plumbing, electrical and heating shop, painting shop, upholstering shop or tinsmithing shop;
 - E. exterminating establishment;
 - F. farm supply and service establishment, implement sales, rental and service, feed and seed store;

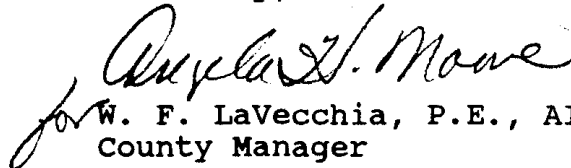
Mr. Ronald S. Gimple
North Park Associates, L.P.
October 1, 1991

5

- G. fortune teller, palmist, astrologist, numerologist, clairvoyant, cranrologist, phrenologist, card reader, spiritual reader or similar activity;
- H. janitorial service establishment;
- I. landscape contracting and tree service;
- J. sale, display, storage or rental of mobile homes, travel trailers, motor homes, travel vans, campers and camper tops;
- K. public dance halls;
- L. rifle or pistol range;
- M. sheet metal shop or roofing company;
- N. shell houses or display houses;
- O. sign shop which includes fabrication;
- P. temporary outdoor sales lots and stands;
- Q. heavy truck, trailer, motorcycle or bus sales, body and paint shops, and repair or service facilities involving rebuilding or installation of transmissions or engines;
- R. outside storage of lumber.

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
Director, Real Estate Assessment
Conditional Zoning Index
Mr. David L. Lingerfelt, Esquire