

OFFICE COMPLEX

C-21C-93



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85-A2-1 & 68

THREE CHOPT DISTRICT

HENRICO COUNTY PLANNING OFFICE

COUNTY OF HENRICO



Virgil R. Hazelett, P.E.
County Manager

September 14, 1993

Re: Conditional Rezoning Case C-21C-93

Mr. Billy E. Upton
2702 Parham Road
Richmond, Virginia 23294

Dear Mr. Upton:

The Board of Supervisors at its meeting on September 8, granted your request to conditionally rezone property from R-3 One Family Residence District to O-1C Office District (Conditional), and R-3AC One Family Residence District (Conditional), Parcels 85-A2-1 and 68, described as follows:

Parcel A - O-1C

Beginning at a found iron pin on the west right-of-way line of Parham Road; thence leaving Parham Road and with the property now or formerly owned by J. C. Vick N. 64° 02' 35" W., 376.99' to an iron pin set on the east right-of-way line of Nesselwood Road; thence leaving said Vick property, and with the east right-of-way of Nesselwood Road N. 35° 21' 55" E., 23.00' to a point; thence leaving Nesselwood Road and through the properties now or formerly of Stuart Sanderson, Sr. and Stuart Sanderson, Jr., the following four courses: S. 64° 02' 35" E., 141.60' to a point; N. 25° 55' 23" E., 70.00' to a point; N. 45° 21' 28" E., 74.21' to a point; N. 25° 55' 23" 66.34' to a point on the south right-of-way of Nesselwood Drive; thence with Nesselwood Drive S. 64° 04' 37" E., 217.99' to a found monument on the south right-of-way of I-64; thence S. 06° 29' 28" E., 35.78' to a found monument on the west right-of-way of Parham Road; thence with Parham Road S. 34° 34' 01" W., 201.24' to the point of beginning, and containing 1.319 acres.

Parcel B - R-3AC

Beginning at a point on the east right-of-way line of Nesselwood Road, said point being N. 35° 21' 55" E., 23.00' from a set iron pin corner to property now or formerly owned by J. C. Vick; thence with the east right-of-way of Nesselwood Road N. 35° 21' 55" E., 212.31' to an iron pin found at the intersection of Nesselwood Road and Nesselwood Drive; thence with the south right-of-way line of Nesselwood Drive S. 65° 03' 33" E., 99.29' to found iron pin; thence S. 24° 28' 29" W., 4.90' to a found monument; thence S. 64° 04' 37" E., 32.06' to a point; thence leaving Nesselwood Drive and through the properties now or formerly owned by Stuart Sanderson, Sr., and Stuart Sanderson, Jr., the following four courses: S. 25° 55' 23" W., 66.34' to a point; S. 45° 21' 28" W., 74.21' to a point; S. 25° 55' 23" W., 70.00' to a point; N. 64° 02' 35" W., 141.60' to the point of beginning, and containing 0.656 acres.

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):

Parcel A - O-1C:

1. **Architectural Treatment.** The buildings constructed on the property, including expansion of the existing structure, shall be of residential character and shall be primarily brick and glass or other equivalent materials specifically approved by the Planning Commission at the time of Plan of Development review.
2. **HVAC.** Heating and air conditioning equipment shall be screened from public view at the property line.
3. **Lighting.** Parking lot lighting standards shall not exceed 20 feet above grade level. Parking lot lighting fixtures shall be designed so as not to have the filament extend beyond the bottom of the fixture.
4. **Trash receptacles** shall be screened from public view at the property line at ground level in a manner approved by the Planning Commission at the time of Plan of Development review.
5. **Trash pickup** at the property shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday.
6. **A maximum of two buildings, including the existing building with additions, will be developed on the site.** The buildings developed on the subject property shall not exceed 12,000 sq. ft. in the aggregate. A reasonable attempt will be made to remove only those trees necessary for construction and development on the property.
7. **A minimum of a ten foot buffered area shall be established along the boundary of Parcel A that is adjacent to Parcel B.** Such buffered area shall remain in its natural state except for clearing underbrush or removing dead plant material and for utility easements, signage and other purposes, requested, described and specifically permitted, or if required by the Planning Commission at the time of Plan of Development review, or by any other governmental body. Any tree in the buffered area with a caliper of at least 8 inches that is lost during construction on the property will be replaced with a suitable tree at least 8 feet in height to help preserve the existing natural buffer. However, construction of a fence on Parcel A along its boundary adjacent to Parcel B may be permitted as part of Plan of Development approval. Such buffer strip shall continue in existence as long as the property in Parcel B is zoned residential.
8. **The sole access to the existing building with additions shall be from Nesselwood Drive.** Access to the new building developed on the subject parcel shall be from Nesselwood Drive. However, at such time that development occurs to the south of the southern boundary line of the property in Parcel A, and adjacent property owner(s) to the south

of such line to Fordson Road and the Henrico Planning Commission or Board of Supervisors request that joint access be provided in conjunction with Parcel A, the owner agrees that the access to the second building developed on Parcel A will be shifted to a new access to that building that will allow joint access over a strip adjacent to the southern property line of Parcel A. The cost of constructing and maintaining such shared access shall be based on the fair market value of such easement.

9. No sign on the subject property along Nesselwood Road or Nesselwood Drive shall exceed 8 feet in height.
10. At least 45% of open space in the aggregate shall be maintained on the subject property.
11. No building constructed on the property shall be used for a child care center.
12. 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.

Parcel B - R-3AC

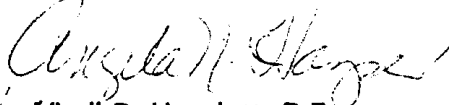
1. The exposed exterior portion of residence foundations shall be brick.
2. All chimneys of residences constructed on the property shall be of brick or masonry construction. Any direct vent gas unit will have a brick base similar to the foundation.
3. The minimum dwelling finished floor area of homes constructed on the property shall be 1500 sq. ft.
4. All dwellings are to be one and one-half to two story in design similar in nature and construction to existing homes in Westbriar, Roxbury, Wedgewood Park, Chestnut Oaks or other subdivisions near the vicinity of the property.
5. The maximum number of lots to be developed on the property shall be three.
6. A reasonable attempt will be made to remove only those trees necessary for construction and development on the property.

Mr. Billy E. Upton
August 17, 1993

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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 Virgil R. Hazelett, P.E.,
County Manager

cc: Clerk, Board of Supervisors
Director, Real Estate Assessment
Conditional Zoning Index
Mr. & Mrs. Stuart S. Sanderson, Jr.
Mr. Stuart S. Sanderson, Executor of the
Estate of Stuart S. Sanderson, Sr.
Mr. Thomas F. Eubank, Esquire