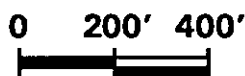


PT. 78-A2-9

HOTEL/CONV. CENTER
C-2C-93

THREE CHOPT DISTRICT



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

March 16, 1993

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-2C-93

Mr. Sidney J. Gunst, Jr., President
The Innsbrook Corp.
P. O. Box 31014
Richmond, Virginia 23294

Dear Mr. Gunst:

The Board of Supervisors at its meeting on March 10, granted your request to conditionally rezone property from O-3C Office District (Conditional) to B-2C Business District (Conditional), part of Parcel 78-A2-9, Innsbrook, Section A, Block A, described as follows:

Beginning at a point on the N. line of Broad Street, at its intersection with the E. line of Cox Road; thence along the arc of a curve to the north having a radius of 144.36', 106 feet to a point; thence along the arc of a curve to the north having a radius of 838.90', 87.85' to a point; thence N. 19° 4' 32" E., 68.11' to a point; thence along the arc of a curve to the north having a radius of 572.07', 96.43' to a point; thence N. 28° 44' 2" E., 283.60' to a point; thence along the arc of a curve to the east having a radius of 25', 39.27' to a point; thence S. 61° 15' 58" E., 140.05' to a point; thence along the arc of a curve to the southeast having a radius of 375.08', 58.91' to a point; thence S. 52° 16' 00" E., 100.00' to a point; thence along the arc of a curve to the east having a radius of 189.86', 380.63' to a point; thence S. 15° 34' 47" W., 573' to a point on the N. line of Broad Street; thence along the arc of a curve to the west having a radius of 2,957.14', 171' to a point; thence along the arc of a curve to the west having a radius of 1,137.75', 69' to a point; thence N. 74° 39' 19" W., 213' to a point; thence N. 55° 37' 12" W., 96' to the point of beginning, containing 7.85 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):

1. Site Development Considerations.

- (a) Site Plan. The Property shall be developed generally in accordance with a site plan entitled "Site Plan/Landscape Plan - Broad Street/Cox Road Mixed Use Study", prepared by CMSS Architects, dated January 8, 1993, revised February 4, 1993 (the "Site Plan"), a copy of which is filed herewith as Exhibit "A" (see case file). Modifications to the Site Plan may be requested and approved by the Planning Commission at the time of Plan of Development review. Additionally, alterations to the Site Plan may be required by the Planning Commission at the time of Plan of Development review, to assure compliance with sound planning practices. However, no more than four (4)

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buildings shall be developed on the Property.

- (b) Site Coverage. No more than fifty-eight percent (58%) of the Property, in the aggregate, shall be covered by building ground floor area and paved areas for vehicular movement, loading and parking.
- (c) Landscaping Plan. Landscaping installed on the Property shall be of the character and quality shown on the Site Plan and described in the plant schedule filed herewith, as approved by the Planning Commission at the time of Landscape Plan review.
- (d) Buffer Areas.
 - (i) Landscaped and/or natural buffer areas shall be provided along the boundaries of the Property set forth below:
 - (A) Along the Broad Street frontage of the Property, a minimum of fifty (50) feet in width.
 - (B) Along the Cox Road frontage of the Property, a minimum of twenty-five (25) feet in width.
 - (ii) Utility easements, grading, underground drainage facilities, signage, access drives and other purposes required or permitted at the time of Plan of Development review may be permitted within the aforesaid buffer areas, except that any driveway or utility easement within any such buffer area shall run generally perpendicular thereto, unless otherwise requested and specifically permitted, or if required, by the County at the time of Plan of Development review. Where permitted, areas disturbed for utility installation shall be restored to the extent reasonably practicable. Additionally, pedestrian pathways may be installed in the buffer areas as required at the time of Plan of Development review, to facilitate accessibility of uses developed on the Property to nearby patrons of Innsbrook.
- (e) Trash and Recycling Receptacle Areas. All trash and recycling receptacle areas shall be screened from view at ground level by brick-covered enclosures (except for gates), and shall have concrete aprons at the gates.
- (f) Parking Lot Lighting. Parking lot lighting standards shall not exceed twenty (20) feet in height. Parking lot lighting shall be produced from concealed

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sources of light and shall be reduced to no more than a security level following the close of business conducted on the Property.

- (g) Irrigation. All landscaped areas, including parking islands and buffer areas, shall be irrigated, unless otherwise specifically requested and approved at the time of Landscape Plan Review.
- (h) Accessory Uses. No children's play equipment area shall be allowed as an accessory use for a principal use developed on the Property.
- (i) Outside Speakers. Outside speakers shall be limited to use in conjunction with menu boards for fast food restaurants and/or the operation of pump islands for an automotive filling station. The sound produced by such speakers shall be controlled, so that such sound shall not be audible beyond the boundaries of the facility served by such outside speakers.

2. Architectural Considerations.

- (a) Hotel Building. Any hotel constructed on the Property shall be of brick construction, exclusive of windows, doors and architectural design features, and shall be similar in architectural appearance and treatment to the hotel building shown in a drawing entitled "Broad Street/Cox Road Mixed Use Study", prepared by CMSS Architects, dated January 8, 1993, a copy of which is attached hereto as Exhibit "B" (See case file), unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review. Air conditioning units shall not protrude from the windows or walls of any hotel constructed on the Property.
- (b) Other Buildings. The exposed portion of each exterior wall surface (front, rear and sides) of any other 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. All other buildings constructed on the Property shall have exposed exterior walls (above finished grade) of brick construction, exclusive of windows, doors and architectural design features, unless different architectural treatment and/or materials are specifically requested and approved at the time of Plan of Development review.
- (c) Complementary Architecture. The exterior materials and architectural design of all buildings constructed on the Property shall be coordinated with and be complementary to each other, generally as shown on Exhibit "B", as determined by the Planning Commission the time of Plan of Development review.
- (d) Roof Type. The roof design and color of each building constructed on the Property and the canopy covering pump islands of any service station

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developed on the Property shall be compatible with the roof design and color of the Henrico County Library on Innslake Drive and the Colonnade Building, generally as shown on Exhibit "B" (See case file).

- (e) Mechanical Systems. Rooftop heating and air conditioning equipment and ventilation equipment shall be screened from public view at ground level at the boundaries of the Property by means of parapets or other architectural features, in a manner approved by the Planning Commission at the time of Plan of Development review.
- (f) Building Height. Except for any hotel or office building constructed on the Property, no building constructed on the Property shall exceed the lesser of two stories or thirty-five (35) feet in height, exclusive of architectural design features.
- (g) Automotive Filling Station.
 - (i) Columns supporting any canopy covering pump island areas shall have exterior surfaces (above ground level) of brick and/or drivit.
 - (ii) Any lighting from the canopy covering islands for an automotive filling station, designed to light the pump island area, shall be produced from lighting sources recessed within the canopy.

3. Development Limitations.

- (a) No hotel constructed on the Property shall have more than one hundred fifty (150) guest rooms.
- (b) No more than twenty thousand (20,000) square feet of floor area devoted to retail uses (exclusive of a hotel) shall be developed on the Property. No more than three (3) retail tenant spaces separated by demising walls shall be permitted within any single building at the same time, exclusive of spaces for retail tenants in a hotel building conducting uses accessory to the hotel.

4. Signage.

- (a) Detached Signs. Detached signs located on the Property shall be ground mounted, monument-style signs, and shall not exceed ten (10) feet in height. No more than one (1) detached sign shall be located on the Broad Street frontage of the Property. The total area of all detached signs placed on the Property shall not exceed eighty (80) square feet.
- (b) Attached Signs. Attached signs shall be harmonious in architectural treatment and design, and consistent with the quality standards for attached signs within Innsbrook. If lighted, attached signs shall be lighted by an internal source.

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- (c) Restrictions. Pennants, banners, streamers, propellers, disks, cold air balloons and all other fluttering, spinning or similar type signs and advertising devices shall not be permitted on the Property. Temporary advertising posters shall not be attached to windows on the Property.

5. Use Restrictions. The following uses shall not be permitted on the Property:

- (a) adult bookstores
- (b) roller or ice skating rink
- (c) motion picture theater
- (d) bowling alley
- (e) gun shop
- (f) yard or garden equipment sales and service store
- (g) dance hall
- (h) self-service storage facility
- (i) automotive repair or towing service
- (j) animal hospital
- (k) pet shop
- (l) commercial parking lot
- (m) flea market
- (n) electronic video game room
- (o) bingo hall
- (p) car wash
- (q) bicycle repair shop
- (r) laundromat

6. Restaurant Limitations.

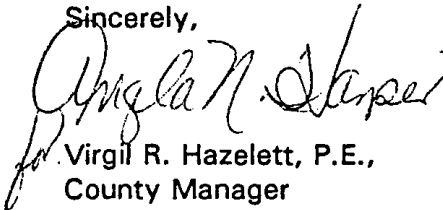
- (a) No more than two (2) restaurants developed on the Property shall be permitted to have drive-up windows for customer pick-up of menu orders.
- (b) No more than two (2) "fast food" restaurants shall be located on the Property. For purposes hereof, "fast food" restaurants are hereby defined as establishments whose principal business is the sale of food and beverages to consumers in a ready-to-consume state, and which food 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.

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The Innsbrook Corp.
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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,



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

AH:jt

cc: Clerk, Board of Supervisors
Director, Real Estate Assessment
Conditional Zoning Index
Mr. Glenn R. Moore, Esquire