

92-A2-44,45,61 92-B2-130,131,115
 PT. OF 92-A2-6,45,46

BROOKLAND DISTRICT

SHOPPING CENTER

C-77C-94



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

January 31, 1995

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-77C-94

Staples Mill Development Co.,
a Virginia Partnership
c/o Mr. Charles M. Marchetti
Pollard & Bagby, Inc.
2 South 5th St.
Richmond, Va. 23219

Dear Mr. Marchetti:

The Board of Supervisors at its meeting on January 25, granted your request to conditionally rezone property from PMD Planned Industrial District, R-3 One Family Residence District and B-1 Business District to B-2C Business District (Conditional), Parcels 92-A2-44, 45, 61 and 92-B2-115, 130, 131 and part of Parcels 92-A2-6, 45 and 46, described as follows:

Commencing at a point on the E. line of Hungary Springs Road intersected with the N. line of Staples Mill Road; thence in a easterly direction along N. line of Staples Mill Road 949' +- to the Point of Beginning; thence N. 27° 08' 57" E., 389.76' to a point; thence N. 74° 22' 07" E., 23.17' to a point; thence N. 27° 08' 57" E., 306.26' to a point; thence S. 62° 51' 03" E., 729.00' to a point; thence S. 01° 21' 12" W., 548.89' to a point; thence S. 83° 22' 53" E., 547.96' to a point; thence S. 01° 34' 27" W., 375.36' to the said Point of Beginning; thence N. 76° 54' 53" W., 554.54' to a point; thence S. 01° 05' 27" W., 100.06' to a point; thence S. 76° 54' 11" E., 340.57' to a point; thence S. 04° 22' 13" W., 373.52' to a point; thence N. 82° 07' 33" W., 70.08' to a point; thence S. 08° 28' 27" W., 102.57' to a point; thence N. 91° 31' 33" W., 198.30' to a point; thence N. 39° 58' 43" W., 1541.08' to Point of Beginning, together with and subject to covenants, easements, and restrictions of record, said property being 29.8 acres more or less and being Henrico County Tax Map Parcels No. 92-A2-44, 61, 115 and part of 45, 46, 6, and 92-B1-131 and 130.

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. Landscaped Buffers - Staples Mill Road and Old Staples Mill Road. A landscaped buffer will be provided twenty-five (25) feet in width adjacent to the ultimate right-of-way lines of Staples Mill Road and Old Staples Mill Road, except to the extent necessary or allowed for sidewalks, utility easements, grading and signage and other purposes requested 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 utility easement or use permitted within the aforesaid buffer areas 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

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permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.

2. **Buffer - Adjoining Parcels 92-A2-3 and 72.** A natural buffer and/or landscaped buffer will be provided fifty (50) feet in width adjacent to the northern (rear) property line of the Property adjacent to Parcels 92-A2-3 and 72, except to the extent necessary or allowed for utility easements and other purposes requested 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 utility easement or use permitted within the buffer 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 so permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical. The forty (40) feet of such buffer nearest to the northern (rear) property line of the Property adjacent to Parcels 92-A2-3 and 72 shall be left in its natural state. Additional landscaping will be added to the buffer if determined necessary in the landscape plan approved by the Planning Commission at the time of Plan of Development review.

The other ten (10) feet of the fifty (50) feet natural and/or landscaped buffer shall be landscaped as required by the Planning Commission at the time of Plan of Development review, including, but not limited to a row of evergreen trees six feet tall at the time of their planting. In addition, there shall be installed along the entire length of the southern line of such buffer a six-foot tall black vinyl coated chain link fence.

This buffer and plantings therein shall be generally consistent with attached Exhibit A (see case file) dated January 8, 1995 by Gerstenmaier Design Studio.

3. **Architectural Treatment.** The exposed portion of each exterior wall surface (front, rear and sides) of any building to be constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of the other exterior walls of such building in architectural treatment and materials. The buildings to be constructed on the Property shall have exposed exterior walls (above finished grade) predominantly of either, or a combination of, face brick, natural stone, split-face block, decorative face block or glass 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. Any building constructed predominantly of split-face block shall incorporate other approved materials as trim, architectural decoration or design elements. Drivet or stucco, if applied to a masonry surface, may be used as a natural accessory to those predominant materials referenced above.

Any building on any out-parcel of the Property shall be compatible in architectural treatment to the principal building constructed on the Property as determined by the Planning Commission at time of Plan of Development review.

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4. **Parking Lot Lighting.** Parking lot lighting standards shall not exceed twenty-five (25) feet in height above grade level, except that parking lot lighting standards on out-parcels shall not exceed twenty (20) feet in height above grade level. All parking lot lighting fixtures shall be of low intensity and shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Light fixtures shall be of the type that conceals the direct source of light (such as "shoe box" type fixtures). Exterior lighting shall be reduced to security levels after hours of operation.
5. **Use Restrictions.** The following uses shall not be permitted on the Property:
 - a. A facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located);
 - b. Flea market;
 - c. Gun shop, sales and repair;
 - d. Massage parlors;
 - e. Bingo games;
 - f. Game rooms.
6. **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.
7. **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. No trash pick up shall occur before 7:00 a.m. or after 8:00 p.m.
8. **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 on any building.
9. **Out-parcels.** The Property shall be developed adjacent to Staples Mill Road with no more than one out-parcel per 300 feet of road frontage along Staples Mill Road. Access to any such out-parcels shall be by an internal access road on the property and not by direct access to and from Staples Mill Road.
10. **Signs.** All signs on the Property shall be internally lit, if lighted. There shall not be any exterior mobile signs on the property.
11. **Coordination.** the traffic patterns and circulation on the Property shall be coordinated with the traffic circulation and patterns on the adjacent Staples Mill Shopping Center on Parcel 92-A2-6.


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12. Deliveries: Cleaning. No deliveries shall be made before 7:00 a.m or after 8:00 p.m. in the area located between the northern (rear) property line of the Property adjoining Parcels 92-A2-3 and 72 and the rear of the buildings on the Property (if such area is within 150 feet of such property line). No cleaning of the parking or service area shall be conducted before 7:00 a.m. or after 8:00 p.m. in the area located between the northern (rear) property line of the Property adjoining Parcels 92-A2-3 and 72 and the rear of the buildings on the Property (if such area is within 150 feet of such property line).
13. Inflatable Attention Getting Devices. No inflatable attention getting devices shall be permitted on the Property.
14. 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.

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: Director, Real Estate Assessment
Conditional Zoning Index
Mr. Ralph L. Axselle, Esquire