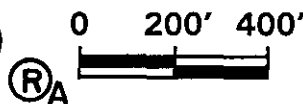


78-A2-44,48,50,54,65,75 & 76

THREE CHOPT DISTRICT

BUSINESS AND OFFICE USES

C-23C-95



HENRICO COUNTY PLANNING OFFICE

COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

July 18, 1995



Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-23C-95

Mr. Marcus C. Galt,
Assistant Vice President
Signet Bank/Virginia
7 North Eighth St., P. O. Box 25970
Richmond, Virginia 23260

Dear Mr. Galt:

The Board of Supervisors at its meeting on July 12, 1995 granted your request to conditionally rezone property from A-1 Agricultural District to B-2C Business District (Conditional) and O-3C Office District (Conditional), All or Part of Parcels 78-A2-44, 48, 50, 54, 65, 75 and 76, described as follows:

PARCEL A (B-2C)

Beginning at a rod set on the eastern right-of-way line of Cox Road, said rod being 667' more or less south of the southern line of Broad Street Road; thence S 67° 49' 14" E, 499.77' to a rod set; thence S 22° 09' 17" W, 133.00' to a point; thence N 67° 49' 14" W, 499.83' to a point; thence N 22° 10' 46" E, 133.00' to the point of beginning; said tract containing 1.526 acres all as shown on a plat prepared by Austin Brockenbrough and Associates entitled "Plat Showing Two Parcels of Land on the East Side of Cox Road and South of Broad Street Road Lying in the Three Chopt District of Henrico County, Virginia" dated April 11, 1995.

PARCEL B (O-3C)

Beginning at the southwest corner of Parcel A as described herein; thence with the line of Parcel A S 67° 49' 14" E, 499.83'; N 22° 09' 17" E, 2.42' to a pip found; thence S 67° 44' 43" E, 231.10' to a rod found; thence N 17° 43' 45" E, 4.86' to a rod set; thence S 67° 47' 13" E, 327.11' to a rod set; thence S 10° 19' 47" W, 285.10' to an iron found; thence S 45° 43' 26" W, 95.70' to an iron found; thence S 41° 58' 26" W, 57.91' to a rod found; thence N 73° 45' 25" W, 269.43' to a rod found; thence N 69° 10' 53" W, 25.00' to a rod set at the beginning of a curve radial to said line; thence northerly 5.58' along the curve concave to the west, having a radius of 125.06' and a central angle of 2° 33' 24" to a rod found. Thence N 67° 50' 43" W, 265.05' to a rod found; thence S 22° 09' 17" W, 68.33' to a rod found; thence N 86° 22' 15" W, 434.92' to a point on the eastern right-of-way of Cox Road, said point being witnessed by a pipe found on line 0.30' E of corner, said point also being the beginning of a curve concave to the E having a radius of 497.49' and a central angle of 21° 37' 04" and being subtended by a chord which bears N 01° 34' 12" W, 186.59'; thence along said curve 187.70' to a rod set; thence N 22° 19' 40" E 145.70' to a rod set; thence N 67° 49' 14" W, 13.01' to a rod found; thence N 22° 10' 46" E, 327.68' to the point of beginning; said tract containing 12.417 acres, all as shown on a plat prepared by Austin, Brockenbrough and Associates entitled "Plat Showing Two Parcels of Land on the East Side of Cox Road and South of Broad Street Road Lying in the Three Chopt District of Henrico County, Virginia" dated April 11, 1995.

20

Mr. Marcus C. Galt,
Assistant Vice President
Signet Bank/Virginia
July 18, 1995

2

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. **Buffer Areas.**
 - A. A landscaped buffer area shall be provided along the Cox Road frontage of the Property, a minimum of thirty (30) feet in width.

The aforesaid buffer area shall be landscaped with 3.5" - 4" caliper shade trees planted thirty (30) feet on center. The aforesaid buffer area shall also be landscaped with clusters of evergreen shrubbery and ornamental trees. The landscaping in the buffer area shall be maintained in accordance with high standards which shall be established in the restrictive covenants governing the Property. All plant materials shall be specimen quality. Any dead or diseased trees and vegetation shall be replaced.

Measurement of the aforesaid buffer area shall be from the ultimate right-of-way line of Cox Road as determined at the time of Plan of Development review.

- B. 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.
2. **Trash, Recycling Receptacle and Outdoor Storage Areas.** Brick covered enclosures shall screen from view at ground level all outdoor storage areas, dumpsters and other containers for trash. Such enclosures shall have opaque gates and concrete aprons at the gates.
3. **HVAC.** Roof top 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.
4. **Parking Lot Lighting.** Parking lot lighting standards shall not exceed twenty (20) feet in height. Parking lot lighting shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business conducted on the Property.

Mr. Marcus C. Galt,
Assistant Vice President
Signet Bank/Virginia
July 18, 1995

3

5. **Irrigation.** All landscaped areas around buildings, around parking lot perimeters, along the Cox Road frontage and in entrance medians shall be irrigated. Parking lot islands which contain grass or shrubs shall also be irrigated. Parking lot islands which do not contain grass or shrubs do not need to be irrigated, subject to the approval of the Planning Commission at the time of Plan of Development review.

6. **Architectural Considerations.** The exposed portion of the exterior wall surfaces (front, rear and sides) of any building constructed on the Property shall be similar in quality as to architectural treatment and materials. A minimum of seventy percent (70%) of each building constructed on the Property shall have exposed exterior walls (above finished grade) of face brick and glass with the predominant portion being of face brick and the glass utilized in connection with store front displays, entrances and windows. The remaining percentage of each building shall be constructed of natural stone, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish system ("EIFS") and standing seam metal roofing and canopies or of an equivalent, permanent, architecturally finished material, unless otherwise requested, described and specifically permitted, or if required at the time of Plan of Development review. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron, steel or stucco (except that stucco may be used if applied over masonry backing).

7. **Prohibited Uses.** The following uses shall not be permitted on the Property:
 - (1) Automotive filling and service stations, including towing service.
 - (2) Flea markets and antique auctions.
 - (3) Garage, parking or storage.
 - (4) Bowling alleys, skating rinks and swimming pools.
 - (5) Sign painting and painting shops.
 - (6) Self-service storage facilities.
 - (7) Billiard parlors.
 - (8) Dyeing and cleaning works.
 - (9) Adult bookstores.
 - (10) Commercial parking lots.
 - (11) Bingo halls.
 - (12) Carwashes.
 - (13) Laundromats.
 - (14) "Fast food" delivery uses and "fast food" restaurants, which for purposes hereof, shall be 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 disposable wrapping or containers for consumption either within the restaurant building or off the premises or delivered off-site.
 - (15) Convenience stores.
 - (16) Garden centers (as a principal or accessory use).

Mr. Marcus C. Galt,
Assistant Vice President
Signet Bank/Virginia
July 18, 1995

4

8. **Building Height.** 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.
9. **Signage.** There shall be no portable or mobile signs on the property. If lighted, attached signs shall be composed with individual letters which may not exceed twenty-four (24) inches in height and which shall be lighted by an internal source. Lighted attached signs shall not be exposed neon signs.
10. **Outdoor Speakers.** Outdoor public address, paging or speaker systems, audible outside of any building, shall not be permitted on the Property.
11. **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.

APPLICABLE TO PARCEL B (O-3C):

1. **Site Coverage.** No more than sixty-five (65) percent of the property may be covered by buildings, driveways and parking areas.
2. **Buffer Areas.**
 - A. A landscaped buffer area shall be provided along the Cox Road frontage of the Property, a minimum of thirty (30) feet in width. The aforesaid buffer area shall be landscaped with 3.5 - 4.0 inch caliper shade trees planted thirty (30) feet on center. The aforesaid buffer area shall also be landscaped with clusters of evergreen shrubbery and ornamental trees. The landscaping in the buffer area shall be maintained in accordance with high standards which shall be established in the restrictive covenants governing the Property. All plant materials shall be specimen quality. Any dead or diseased trees and vegetation shall be replaced.
 - B. A landscaped buffer area shall be provided along the frontage of the right-of-way described in proffer number 8 herein, a minimum of fifteen (15) feet in width.
 - C. A landscaped and/or natural buffer area shall be provided along the southern boundary of the Property, a minimum of twenty-five (25) feet in width, so long as the properties adjacent to the southern boundary are zoned or used for residential purposes at the time of Plan of Development review.
 - D. Measurement of the aforesaid buffer areas along Cox Road and other public rights-of-way, shall be from the ultimate right-of-way lines, as determined at the time of Plan of Development review.
 - E. Utility easements, grading, underground drainage facilities, signage, access

Mr. Marcus C. Galt,
Assistant Vice President
Signet Bank/Virginia
July 18, 1995

5

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.

3. Trash and Recycling Receptacle Areas. All trash and recycling receptacle areas shall be screened from view at ground level by enclosures similar to the architecture and materials used on the building served by the area (except for gates). Such enclosures shall have opaque gates and concrete aprons at the gates.
4. HVAC. Roof top 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.
5. Parking Lot Lighting. Parking lot lighting standards shall not exceed twenty (20) feet in height. Parking lot lighting shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business conducted on the Property.
6. Irrigation. All landscaped areas around buildings, around parking lot perimeters, along the Cox Road and other public rights of way frontage and in entrance medians shall be irrigated. Parking lot islands which contain grass or shrubs shall also be irrigated. Parking lot islands which do not contain grass or shrubs do not need to be irrigated, subject to the approval of the Planning Commission at the time of Plan of Development review.
7. Architectural Considerations. The exposed portion of the exterior wall surfaces (front, rear and sides) of any building constructed on the Property shall be similar in quality as to architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, natural stone, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, glass, exterior insulating finish system ("EIFS") and standing seam metal roofing and canopies or of an equivalent, permanent, architecturally finished material, unless otherwise requested, described and specifically permitted, or if required at the time of Plan of Development review. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron, steel or stucco (except that stucco may be used if applied over masonry backing).

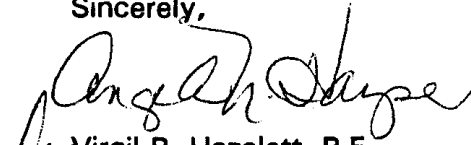
Mr. Marcus C. Galt,
Assistant Vice President
Signet Bank/Virginia
July 18, 1995

6

8. Dedication of Public Right-of-Way. A seventy-five (75) feet right-of-way for a road from Cox Road to the eastern boundary of the Property generally parallel to Broad Street, the exact location to be determined, shall be dedicated to the County of Henrico if requested by the Planning Commission at the time of Plan of Development review. Utility, access and other easements in the dedicated right-of-way area shall be reserved for the benefit of the Property as needed. In the event it is determined by the Director of Public Works that the dedicated right-of-way is not needed, then the dedicated right-of-way shall revert to the owner.
9. Detached Signs. Detached signs located on the property shall be ground mounted, monument style signs and shall not exceed seven and a half (7 1/2) feet in height as measured from grade when located along any public right-of-way. No more than one (1) detached sign may be located on the Cox Road frontage of the Property. No more than one (1) detached sign per building may be located along the right-of-way described in proffer number 8 herein.
10. 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
Ms. Gloria L. Freye, Esquire