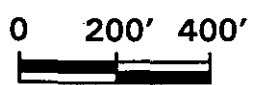


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103-A1-4 PT. OF 70
FAIRFIELD DISTRICT

MULTI-FAMILY RESIDENTIAL
C-46C-95



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 15, 1995

Re: Conditional Rezoning Case C-46C-95

Ms. Daphne R. Shifflett,
Director of Marketing
Virginia Center, Inc.
1049 Technology Park Dr.
Glen Allen, Va. 23060

Dear Ms Shifflett:

The Board of Supervisors at its meeting on August 9, 1995, granted your request to conditionally rezone property from R-5C General Residence District (Conditional) to R-6C General Residence District (Conditional), Part of Parcel 103-A1-70 and Parcel 103-A1-4, described as follows:

Beginning at a point on the W. line of Brook Road (U.S. Route 1) at its intersection with the S. line of Francis Road, shown as 'Point of Beginning,' Parcel 'A' on the plat dated May 31, 1995 entitled "Complied Zoning Plat of 12.9 acre parcel of land lying on the west of Brook Road (U.S. Route 1)"; thence along the W. line of Brook Road (U.S. Route 1) S. 5° 47' 19" E., 578.47' to a point; thence S. 84° 14' 41" W., 523.07' to a point; thence S. 6° 35' 19" E., 158.86' to a point; thence S. 89° 04' 41" W., 335.62' to a point; thence N. 0° 51' 12" W., 720.03' to a point on the S. line of Francis Road; thence N. 74° 00' 40" E., 265.59' to a point; thence N. 77° 48' 13" E., 65.80' to a point; thence continuing along the S. line of Francis Road along a curve to the right having a radius of 2,826.79', 197.35' to a point; thence continuing along the S. line of Francis Road N. 81° 20' 50" E., 90.92' to a point; thence continuing along the S. line of Francis Road S. 84° 27' 24" E., 109.68' to a point; thence S. 59° 00' 22" E., 88.65' to the 'Point of Beginning'; containing 12.9 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. Traffic Reports and Improvements to Existing Roads.
 - (a) There shall be no direct access from the Property to U.S. Route 1.
 - (b) In connection with the prior rezoning of the Property (Case C-49C-90), a comprehensive traffic study prepared by Burton, Adams, Kemp & King, Inc. analyzing the traffic impact of the full development of the Property and other property was submitted to the County (the "Master Traffic Study"). The Master Traffic Study updates and supersedes an earlier study prepared by Raymond Keyes Associates. The Master Traffic Study shall be used to coordinate the development of the Property.
 - (c) In conjunction with any plan of development approval process for any portion

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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 County of Henrico has agreed to (i) the improvements in roads and intersections which are necessitated by such development, (ii) when and, if the proposed development is to be phased, with which phase such improvements are to be completed and (iii) who will complete or cause the completion of such improvements. Where 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 of the development in the plan of development approval process and shall be constructed in connection with the development of such phase. Any right of way required for the construction of such roadway improvements shall be dedicated to Henrico County or the Virginia Department of Transportation, as applicable. 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 approval process 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.

2. Building Materials, Signage, Architecture.

- (a) All portions of attached buildings within any multifamily development on the Property shall be of compatible architectural style.
- (b) The visible portions of the foundations and chimneys of buildings constructed on the Property shall be constructed of brick. The exposed portions of all exterior wall surfaces on townhouses, condominiums and multifamily residential buildings on the Property shall be constructed of brick with the exception of trim and/or accent features.
- (c) All fire walls required in multifamily residential buildings under applicable building codes shall be of masonry construction.
- (d) All wood or coal burning fireplaces constructed in single family or multifamily residential buildings shall be of masonry construction.
- (e) Signs on the Property shall be of low profile and compatible with the architecture of the surrounding community as determined by the Planning Commission at the time of plan of development review.

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3. Buffers, Density of Development.

- (a) A thirty-five (35) foot landscaped buffer shall be maintained between any portion of the Property used for multi-family development and any adjoining land zoned for agricultural or single-family development.
- (b) The buffers described in paragraph (a) above shall be landscaped in accordance with a landscaping plan to be approved by the Planning Commission. Such landscaped buffers shall be left in their natural state except for (i) the clearing of underbrush and dead materials, (ii) interruptions or crossings by pedestrian and vehicular accessways and utility easements, (iii) cases in which removal of a portion of the natural foliage would be in accordance with good horticultural or silvicultural practice, and (iv) cases in which site conditions require grading activities within such buffer to avoid installation of retaining walls or similar structures. Any pedestrian and vehicular accessways and utility easements within any such buffer shall cross the buffer at no less than a forty five degree angle. Any existing vegetation within such buffers shall be supplemented in accordance with a landscape plan to provide for the equivalent of at least five (5) large deciduous or evergreen trees with an ultimate height of fifty (5) feet or greater plus two and one half (2.5) small or deciduous or evergreen trees with an ultimate height of twenty (20) feet and nineteen (19) shrubs with an ultimate height of ten (10) feet for every one hundred (100) linear feet of buffer. Transitional buffer screen alternatives approved and constructed in accordance with the terms of the Landscape Ordinance may be employed to reduce the depth of the buffers proffered herein upon a finding of fact by the Director of Planning or agent thereof that the use of the proposed screen alternative will not be contrary to the purpose and intent of the Landscape Ordinance. Undefined terms used herein shall have the meanings assigned to those terms in the Henrico County Landscape Ordinance. The buffer along any right of way may contain signs.
- (c) A thirty-five (35) foot landscaped area shall be maintained adjacent to U.S. Route 1 and a twenty-five (25) foot landscaped area shall be maintained adjacent to Virginia Center Parkway Extended (currently Francis Road). Plant materials in such landscaped areas shall be approved by the Planning Commission as part of landscape plans submitted in connection with plan of development or subdivision review for adjoining properties.
- (d) The Property shall contain no more than 180 dwelling units.
- (e) The height of the buildings within the Property shall not exceed three (3) stories.

4. Screening, Lighting.

- (a) Any refuse container and/or refuse storage facility on the Property shall be

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screened from general public view either from within or outside the Property by means of an opaque fence, wall, landscape planting or other method as approved by the Planning Commission.

- (b) All lighting in parking areas shall be constructed and arranged so that the lighting level measured at the property line of any adjoining residential area does not exceed one half (1/2) foot candle. Lighting fixtures shall not exceed twenty (20) feet in height measured from ground level.
- (c) If required by the Planning Commission, any recreational facilities within the Property shall be screened from the view of any adjoining property in an "R" district located west or south of the Property by means of an opaque fence, wall, landscape planting or other method as approved by the Planning Commission.

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

cc: Director, Real Estate Assessment
 Conditional Zoning Index