

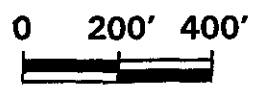
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PT. OF 102-B1-4
FAIRFIELD DISTRICT

RETAIL USES

C-47C-95



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

VIRGIL R. HAZELETT, P.E.
County Manager

September 19, 1995

Re: Conditional Rezoning Case C-47C-95

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

Dear Ms. Shifflett:

The Board of Supervisors at its meeting on September 13, 1995, granted your request to conditionally rezone property from RTHC Residential Townhouse District (Conditional) to B-2C Business District (Conditional), Part of Parcel 102-B1-4, described as follows:

Beginning at a point on the S. line of proposed J.E.B. Stuart Pkwy., approximately 671.52' from the W. line of Brook Road (U.S. Rte. 1), and shown as "Point of Beginning" on this plat; (see case file) thence S. 40° 58' 37" W., 417.86' to a point; thence along a curve to the right having a radius of 575.00' and a length of 261.24' to a point; thence S. 67° 00' 29" W., 100.00' to a point; thence along a curve to the left having a radius of 900.00' and a length of 120.16' to a point; thence N. 47° 48' 38" W., 6.22' to a point on the E. line of Proposed Virginia Center Pkwy., thence N. 41° 13' 00" E., 360.35' to a point; thence along a curve to the right having a radius of 680.58' and a length of 261.20' to a point; thence N. 63° 12' 23" E., 80.45' to a point; thence along a curve to the left having a radius of 340.00' and a length of 134.38' to a point; thence N. 80° 14' 33" E., 63.85' to a point on the S. line of Proposed J.E.B. Stuart Pkwy; thence along a curve to the left having a radius of 1384.89' and a length of 5.72' to a point and point of beginning, containing 1.8 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) In connection with the prior rezoning case (case C-115C-88) of several parcels of land of which the Property is a part, 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 of Henrico (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 program for the development of the Property.

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- (b) In conjunction with any plan of development approval process for any portion 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 (1) 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 Virginia Department of Transportation ("VDOT"), 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, Architecture, Signage.
- (a) All portions of attached buildings within any shopping center shall be of compatible architectural style and materials, and signage on such attached buildings shall be similar style and materials.
 - (b) The exposed portions of all exterior wall surfaces (front, rear and sides) of each building on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls on (Parcels A, B, C, D, and E as referred in Zoning Case C-115C-88) in architectural treatment and materials, unless different architectural treatment and/or materials are specifically approved by the Planning Commission at the time of development. The exposed portions of all exterior walls shall be constructed of not less than three-fourths (3/4) brick as measured to the eave of each building, or other materials approved by the Planning Commission at the time of Plan of Development review. Roofs, other than flat built-up or single-ply membrane roofs which are not visible from surrounding properties, shall be constructed of pre-finished aluminum, copper or terne panels, cedar shake, slate, concrete or fiberglass shingles or other materials of comparable quality. If fiberglass shingles are used, they must be of the heavy dimensional type having a minimum weight

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of 300 #/square.

(3) Rights of Ways, and Pedestrian Walkways.

- (a) If required by the Planning Commission at the time of plan of development review, the Property shall include the construction of pedestrian sidewalks and or other walkways (i) along the south side of J.E.B. Stuart Parkway Extended between U.S. Route 1 and Virginia Center Parkway Extended, and (ii) the west side of Virginia Center Parkway Extended on Parcel F of the Zoning Case C-115C-88, at the time of development of Parcel F.
- (b) The walkways described above shall be located within the right of way of, or within the landscape buffer adjacent to, the roadway along which such walkway is constructed. The walkways shall be constructed at the time of development of each Parcel.
- (c) All pedestrian access provided in subparagraphs (a) and (b) above shall be designed to encourage use of the retail portions of Virginia Center by occupants of the residential portions of Virginia Center.

(4) Buffers, Open Space, Density of Development.

- (a) A landscaped buffer, up to thirty-five feet, shall be maintained between the Property and the adjacent land located to the south of the Property now referred to as Magnolia Ridge. This buffer shall be consistent with the required buffer for the eastern property, formerly referred to as Parcel "E" in Zoning Case C-115C-88.
- (b) A twenty foot buffer shall be maintained adjacent to J.E.B. Stuart Parkway Extended and Virginia Center Parkway Extended. Plant materials in such landscaped areas shall be approved by the Planning Commission as part of landscape plans submitted in connection with the plan of development.
- (c) The above-described buffers 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.
- (d) Any existing vegetation within the buffers described in paragraph (a) above shall be supplemented in accordance with a landscape plan to provide for the

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equivalent of at least (5) large deciduous or evergreen trees with an ultimate height of fifty (50) feet or greater plus two and one-half (2.5) small 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.

- (e) 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 in paragraph (c) shall have the meanings assigned to those terms in the Henrico County Landscape Ordinance. The buffer along any right of way may contain signs.
- (f) In all locations in which the Landscape Ordinance requires a transitional buffer, fencing, walls, and plantings within such buffer shall be subject to review and approval of the Planning Commission to ensure compliance with the Landscape Ordinance, aesthetic compatibility with the surrounding architecture, and adequate screening, and to otherwise ensure conformance to the County land use plan's goals and objectives of minimizing conflicts between dissimilar uses.
- (g) The Property shall contain an aggregate of twenty-five (25%) percent open space. "Open Space" for the purposes hereof shall mean that portion of such parcel not used for buildings, parking areas, or driveways. Landscaped areas within parking lots shall not be considered part of such open space.
- (h) The Property shall contain no more than 8,500 square feet of floor space per gross acre of land.

5. Lighting, Screening.

- (a) Lights illuminating off-street parking or loading areas within the Property shall be arranged and installed so that the lighting level measured at the property line of any residential areas does not exceed one half (1/2) foot candle.
- (b) Lighting fixtures on the Property shall not exceed thirty (30) feet in height measured from ground level (twenty feet in height within sixty feet of any "R" district). Such lights shall be of a directional type capable of shielding the light source from direct view except as otherwise approved by the Planning Commission in connection with a plan of development.
- (c) Except as otherwise required or approved by the Planning Commission, any refuse container and/or refuse storage facility located on the Property shall be located with a brick enclosure (except for doors which may be constructed of

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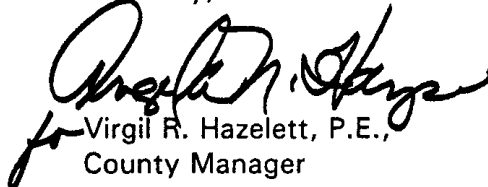
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wood) screening such container or facility from general public view either from within or outside of the premises. Such containers and/or storage facilities shall be located as far from adjacent "R" districts as practical, and all such containers and/or storage facilities on or within 300 feet of any adjacent "R" district shall be serviced only between the hours of 7 a.m. and 7 p.m.

- (d) Any building or structure located on the Property having loading areas shall be designed or such areas shall be screened so as to minimize the visibility of such areas from any "A" or "R" district.
- (e) Heating, ventilation, and air conditioning units at grade, or those that are located on the roof of any building and that would otherwise be visible from ground level shall be screened from general public view either from within or outside the premises by means of building design or 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,


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

cc: Director, Real Estate Assessment
 Conditional Zoning Index
Mr. Richard P. Keifer