

28-A-24A, 35A & 35B

OFFICE BUILDING

THREE CHOPT DISTRICT

C-88C-96 ®



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

April 11, 1997

VIRGIL R. HAZELETT, P.E.
County Manager

Re: Conditional Rezoning Case C-88C-96

Dominion Land & Development
8100 Three Chopt Rd.
Richmond, VA. 23229

Gentlemen:

The Board of Supervisors at its meeting on April 9, 1997, granted your request to conditionally rezone property from A-1 Agricultural District to O-2C Office District (Conditional), Parcels 28A-24A, 35A, and 35B, and part of Parcel 28-A-25, described as follows:

Beginning at a point on the N. line of Sadler Road, said point being 580.13' west of the W. line of Cox Road; thence along the N. line of Sadler Road N. 48° 23' 23" W., 392.49' to a point; thence along a curve to the left with a radius of 1954.86', a length of 54.87' to a point; thence N. 28° 48' 32" E., 7.47' to a point; thence N. 59° 57' 15" W., 65.12' to a point; thence along a curve to the left with a radius of 1954.86', a length of 359.47' to a point; thence N. 62° 23' 35" W., 68.03' to a point; thence N. 30° 29' 20" E., 209.94' to a point; thence N. 13° 00' 26" W., 384/59' to a point; thence N. 72° 49' 03" E., 207.95' to a point; thence S. 30° 25' 33" E., 23.58' to a point; thence N. 18° 45' 37" E., 16.23' to a point; thence S. 72° 47' 02" E., 111.63' to a point; thence S. 38° 36' 05" E., 333.22' to a point; thence S. 28° 48' 32" W., 223.27' to a point; thence S. 38° 51' 14" E., 161.48' to a point; thence N. 28° 48' 32" E., 222.50' to a point; thence S. 38° 36' 05" E., 10.83' to a point; thence S. 38° 53' 30" E., 552.44' to a point; thence S. 39° 30' 32" W., 401.98' to a point; said point being the point and place of beginning, containing 12.26 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 24, Code of Henrico (Zoning Ordinance):

1. **Right-of-Way Dedication.** Applicant shall dedicate a sixty (60) foot wide right-of-way for the proposed relocation and connection of Sadler Road to Nuckols Road, a sixty-six (66) foot wide right-of-way for the new road leading to the post office, any additional right-of-way for the Cedar Forest Road extension if necessary, and any additional right-of-way required for turn lanes, or less as required by the traffic engineer at the time of Plan of Development. Said dedication to be substantially the same as indicated on the Plan. So that improvements to Sadler Road may proceed as soon as possible, right-of-way dedication and all necessary construction easements shall be made available upon request by the County. In the event that the right-of-way is not used for the purpose of relocating Sadler Road within one (1) year from the date of rezoning, then the owner or its successor in title shall be entitled to its return upon written request to the County.

2. **Road Contribution.** A total of \$100,000.00 shall be contributed by the Applicant toward improvements to Sadler Road. This contribution shall be payable upon demand by the County six months after the rezoning of the Property. In the event that the cash contribution is not used for improvements to Sadler Road within one (1) year from the date of rezoning, the owner or its successor in interest shall be entitled to its return without interest upon written request to the County.
3. **Certificate of Occupancy.** No certificate of occupancy shall be issued for any building on the Property prior to the substantial completion of the roads and the installation of the traffic signal at the relocated Sadler and Nuckols Road.
4. **Sadler Road Access.** There shall be no vehicular access from the Property to Sadler Road except at the proposed entrance located at the intersection of relocated Sadler Road and the new road leading to the post office.
5. **Maximum Development.** The property shall be developed with a maximum of 130,000 square feet of floor area. There shall be no more than two separate buildings constructed on the Property, each having a minimum of 40,000 square feet of floor area.
6. **Buffers.** A buffer to be left in its existing natural state shall be provided and maintained as follows: sixty (60) feet in width adjacent to the ultimate right-of-way line of Sadler Road for that portion of the road west of the entrance to the office development; fifty (50) feet in width adjacent to the western boundary of the Property. The buffer is to remain in its existing state, with no utility easements, grading for drainage, or any other clearing except as follows: the fifty (50) foot easement for drainage and utilities as indicated on the Plan is to, be cleared, with eight (8) foot evergreens to be planted every ten (10) feet on center in the areas indicated as temporary construction easements; any areas required to be cleared for necessary sight distance, to be determined at the time of Plan of Development review; and any areas directly behind the curb and gutter to be installed along Sadler Road that require grading in accordance with road construction plans to be approved at the time of Plan of Development approval; and supplemental evergreen plantings may be placed in the buffer areas as deemed appropriate by the Planning Commission at the time of Plan of Development review.
7. **Supplemental Landscape Buffer.** An additional ten (10) foot landscaped buffer will be maintained adjacent to the parking lot in addition to the above sixty (60) foot natural buffer, so that the total buffer area equals seventy (70) feet. The landscape buffer shall supplement the natural buffer and allow for transitional grading between the natural buffer and the parking lot. The landscape buffer shall be irrigated and planted with (i) medium shrubs two to three feet (2' - 3') in height, staggered every five feet (5') on center with (ii) eight foot (8') evergreens staggered every ten (10) feet on center, and as otherwise required by the Planning Commission at the time of the Plan of Development review. Portions of such ten (10') landscaped buffer

may be elevated as deemed appropriate by the Planning Commission at the time of Plan of Development review.

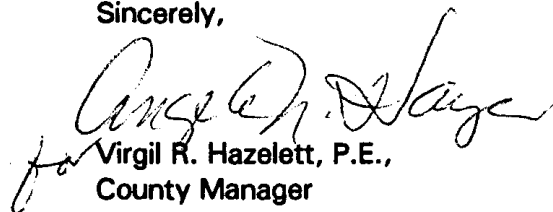
8. Utility Easement/Screening. A row of evergreens eight to ten feet (8'- 10') tall shall be planted every ten (10) feet on center along the south side of Sadler Road, opposite the permanent drainage and utility easement, as approved by the Planning Commission at the time of Plan of Development review. The exact location of the Utility Easement may be shifted up to twenty (20) feet in either direction as necessary to avoid wetland impacts.
9. Landscape Areas. The areas indicated on the Plan as the .08 +/- acre parcel south of the relocated Sadler Road ("Parcel C") and the .16 +/- acre parcel south of relocated Sadler Road ("Parcel D"), at such time as the old right-of-way is abandoned by the Commonwealth of Virginia, shall be landscaped, graded and seeded, and maintained in accordance with a landscape plan to be submitted for approval by the Planning Commission at the time of Plan of Development review. Irrigated landscape strips twenty (20) feet in width shall be provided along the north line of Sadler Road east of the proposed entrance to the project as indicated on the Plan, and along the right of way line of Nuckols Road adjacent to Parcel "A". A landscape plan for the twenty (20) foot strips shall be submitted for approval by the Planning Commission at the time of Plan of Development review.
10. Setback. No building will be constructed closer to Sadler Road than the building setback line as identified on the Plan.
11. Exterior Wall Surfaces. All buildings constructed on the Property shall have exposed exterior walls (above finish grade, excluding roofs and rooftop screening materials for mechanical equipment) of face brick, natural stone, glass, stucco, drivit, or exposed aggregate concrete. No exterior wall shall contain more than seventy percent (70%) glass. All sides of the exterior walls shall be constructed of similar materials. All buildings constructed on the Property shall be similar/compatible in architectural treatment and exterior material.
12. Reflective Glass. No building constructed on the Property shall have mirrored or highly reflective glass on the exterior walls.
13. Lighting. Parking lot lighting will not exceed twenty (20) feet in height. Parking lot lighting shall be produced from concealed sources, be positioned in such a manner so that the direct or reflected illumination does not spill over on to the lot line of any adjacent residentially or agriculturally zoned property, or any adjacent right-of-way, and be reduced to no more than a security level following the close of business conducted on the Property. Any building enhancement lighting will also be reduced to no more than a security level following the close of business conducted on the Property. Prior to the installation of the site lighting equipment, a plan including depictions of light spread, intensity diagrams and fixture mounting height details shall be submitted for approval by the Planning Commission at the time of Plan of Development review.

14. Site Coverage Ratio. No more than fifty percent (50%) of the Property shall be covered by buildings, driveways and parking areas. For purposes hereof, Site Coverage Ratio shall be determined by dividing the gross land area of the Property into the portion of the Property covered by building ground floor area and paved areas for vehicular movement, loading and parking. For purposes hereof, the .63 acre parcel east of the relocated Sadler ("Parcel B") shall not be included in the gross land area of the Property.
15. Parking Lot Landscaping Construction. All parking lot landscaping will be irrigated. The primary landscaping material used in parking lot interior landscaping shall be trees which provide shade or are capable of providing shade at maturity. The remaining landscaped parking lot landscaping areas shall be landscaped with grass or other ground cover to complement the tree landscaping. Landscaped areas shall be dispersed within parking lots to divide and break up the expanse of paving. All parking lot landscaping shall be located and consist of such landscaping material as deemed appropriate by the Planning Commission at the time of Plan of Development review.
16. Building Height. No building constructed on the Property shall be higher than forty five (45) feet. In addition, no HVAC equipment, communication equipment, or other mechanical equipment or elevator housing shall be in excess of ten (10) feet above the roof line, and shall be screened from public view at the property line by a building or roofing material subject to Plan of Development approval.
17. Screening/Trash Pick-up. HVAC equipment and all other mechanical equipment shall be screened from public view at ground level at the property lines in a manner approved at the time of Plan of Development review. Any such equipment situated at ground level shall be screened with a comparable material to that of the exterior walls of the buildings, subject to allowances for proper air circulation. Trash receptacles shall be screened from public view at ground level in a manner approved at the time of Plan of Development review. Such screening shall be of a comparable material to that of the exterior walls of the buildings. No trash pickup shall occur before 7:00 a.m. or after 7:00 p.m. or on the weekend or any holiday. All public service docks and overhead doors shall be screened with a comparable material to that of the exterior walls or shall face away from Sadler Road in a manner approved at the time of Plan of Development review so long as it is screened from Sadler Road by the building itself.
18. Utilities. All utility lines required for the development of the property, including electrical, telephone, sanitary sewer and water lines, shall be placed underground.
19. Plan of Development Approval. Final approval of the Plan of Development will be contingent upon Applicant acquiring and rezoning the Commonwealth of Virginia parcel to the O-2C zoning classification.

20. Signage. No sign shall be placed along Sadler Road west of the entrance to the project. No neon signs will be allowed.
21. Public Address Systems. No public address, paging or speaker system, audible outside of any building shall be permitted on the Property.
22. Divided Median. The entrance to the Property shall contain a divided median complemented with landscaping and sod, including an irrigation system. The design of the median as well as the type of plantings shall be submitted for Plan of Development approval.
23. Zoning Reversion. In the event the applicant fails, for any reason, to purchase Parcel 28A-24A within thirty (30) days after the date rezoning is granted, the applicant agrees to file an application to rezone all of the parcels subject to this rezoning case back to the A-1 zoning classification.
24. Permitted Uses. The use of drive through facilities shall be prohibited on the Property. Walk-up or drive-by depositories or receptacles such as mail boxes and other ancillary office uses are permitted.
25. Construction Entrances. No construction entrances, shall be located on Sadler Road west of the entrance to the Property.
26. Medical Office Use Limitation. No more than twenty (20) percent of the floor area developed on the property shall be utilized for medical offices.

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
Wynbrook Baptist Church
Mr. William S. Smithers, Jr., Esquire
Mr. John W. Gibbs, Jr.
Mr. S. Wayne Lowery