



AMEND PROFFERED CONDITIONS

PT. OF 47-4-A-2
THREE CHOPT DISTRICT

C-31C-97



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

June 17, 1997

Re: Conditional Rezoning Case C-31C-97

Mr. Barry M. Bone
Brookhollow of Virginia, Inc.
1341 W. Mockingbird, Ste. 700W
Dallas, TX 75247

Dear Mr. Bone:

The Board of Supervisors at its meeting on June 11, 1997, granted your request to amend proffered conditions on Conditional Rezoning Case C-74C-94, being Part of Parcel 47-4-A-2.

The following substitute proffered conditions accepted by the Board of Supervisors, further regulate the use of your property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance).

APPLICABLE TO PARCEL C

(See Plat Prepared by Foster & Miller, P.C. Dated April 1, 1997 (See case file)

THESE PROFFERS AMEND, RESTATE AND ARE IN SUBSTITUTION OF ALL PROFERS PREVIOUSLY APPLICABLE TO THE PROPERTY. NOTE THAT PARCEL C HAS BEEN SUBDIVIDED INTO PARCELS C AND D.

1. Conceptual Master Plan. A Conceptual Master Plan for the entire project shall be submitted with the first request for Plan of Development approval and shall be updated with each subsequent request for Plan of Development approval.
2. Building Setback. No building shall be constructed within forty (40) feet of any public street constructed within the Property.
3. Buffers.
 - a) At least an overall average of thirty percent (30%) of the Property shall be used for permanent open space. This area shall be used for landscaping, berms, lawns, screening and/or buffer areas and may include bodies of water and works of art. The area devoted to the minimum project perimeter, minimum required landscaping along streets and parking lot landscaping may be counted toward this requirement.

- b) A landscaped and/or bermed area to include storm water facilities and BMP's of a minimum of twenty-five (25) feet in-width shall be established and maintained (except for necessary entrance drives and utility easements, which shall generally run perpendicular to the buffer area) along the northern line of S & K Drive unless and until S & K Drive is vacated or abandoned and upon such vacation or abandonment, the buffer shall no longer be required.
 - c) The landscaped and/or bermed areas described in paragraph 2(b) above shall be planted with such trees, shrubs, grass or other appropriate vegetation as may be approved or required by the Planning Commission at the time of Plan of Development for the Property.
4. Exterior Lighting-. Exterior lighting on the Property shall be produced from concealed sources of light (i.e., shoebox type) to minimize the impact of such lighting on adjacent properties and be of such a type as approved or required by the Planning Commission at the time of Plan of Development review. Parking lot lighting standards within the Property shall not exceed twenty (20) feet in height as measured from the grade of the lighting standard, unless otherwise requested, described and specifically permitted, or if required by the Planning Commission at the time of Plan of Development review.
5. Architectural Treatment. 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, E.I.F.S., dryvit, stucco, if applied to a masonry backing, decorative split-face block and/or glass or of an equivalent, permanent, architecturally finished material, unless otherwise requested, described and specifically permitted, or if required by the Planning Commission 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, asbestos, iron or steel and no more than an average of twenty-five percent (25%) of the exterior walls of any building constructed on the Property (exclusive of doors and windows) shall be constructed of E.I.F.S., dryvit or stucco, unless otherwise requested, described and specifically permitted, or if required by the Planning Commission at the time of Plan of Development review.
6. Development Standard. Prior to or concurrent with the conveyance of any part of the Property (other than for the dedication of easements, roads or utilities) covered by a Plan of Development approved by Henrico County, Owner shall record a document in the Clerk's Office of the Circuit Court of

Henrico County setting forth controls on the development of such part of the Property. The covenants shall, at a minimum, provide for maintenance of individual sites, common areas, open spaces, and private streets, and provide for minimum development and operational standards for each site.

7. Parking. Parking shall be permitted only in parking areas approved in the Plan of Development. The parking lots serving the Property shall be landscaped, including, but not necessarily limited to, the planting and maintaining of shrubbery, trees or other vegetation in islands located within such parking lots or between parking rows as may be required or approved by the Planning Commission at the time of Plan of Development review.
8. POD Approval. Development of each individual site on the Property shall be subject to Plan of Development review and approval by the Planning Commission.
9. Prohibited Uses. The following uses shall be prohibited on the Property:
 - a) Vehicle body shops, rental or sales, repair shops, vehicle dealerships, car washes and truck terminals.
 - b) Blacksmith, welding, or other metal shop.
 - c) Bottling, cold storage, or milk processing and distribution plants.
 - d) Bowling, skating, billiards and similar indoor recreational establishments.
 - e) Building material sales yards.
 - f) Carnivals, fairs and circuses.
 - g) Coal and wood yards.
 - h) Dancing establishments and dance halls.
 - i) Display houses, "shell" houses or tool sheds within two hundred (200) feet of W. Broad Street.
 - j) Drive-in theaters, golf driving ranges, baseball batting ranges, miniature golf courses, pony rides, and similar outdoor amusements or commercial recreation establishments.
 - k) Dyeing and cleaning works.
 - l) Flea markets.
 - m) Fortune tellers, palmists, astrologists, numerologists, clairvoyants, craniologists, phrenologists, card readers, spiritual readers or advisors.
 - n) Lodges, clubs and meeting halls.
 - o) Mixing of cement concrete.
 - p) Outside storage.
 - q) Riding academies, amusement parks and target ranges.
 - r) Sand, gravel or clay pits, quarries, mines and other extractive operations, including topsoil removal.
 - s) Sheet metal shops.
 - t) Stores whose principal business is the sale and repair of guns.
 - u) The sale of trucks in excess of 5,000 pounds, motorcycles, buses and trailers.

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- v) Tire dealerships and tire manufacturing, rebuilding or recapping plants.
- w) Veterinary hospitals or clinics which have facilities for treatment of large animals and boarding kennels for small animals.

10. Retail Space. None of the Property shall be used for retail purposes. For the purposes of this paragraph 10, "retail purposes" shall not be deemed to include hotel uses. Any hotel constructed on the Property shall be a first-class hotel, having an exterior of at least fifty percent (50%) brick with no stucco finishes, not have a shingle roof, any roof-mounted HVAC or other facilities and any exterior facilities for trash collection or removal shall be screened from public view at ground level, including view from Parcel 47-4-A-4 (formerly Parcel 77-B I - 1 9), have irrigated landscaping where trees, shrubs, bushes, flowers or other vegetation is planted, have access to guest rooms only from interior hallways and not directly from the outdoors and shall have surface parking only.
11. Public Utilities. All principal buildings constructed on the Property shall be served by public utilities.
12. 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,

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

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. Jay M. Weinberg, Esquire