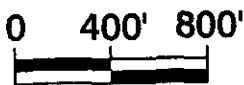


INDUSTRIAL DEVELOPMENT

193-A-24 & 31
VARINA DISTRICT

C-51C-97®



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

February 3, 1998

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-51C-97

Sauer Properties, Inc.
2000 W. Broad St.
Richmond, VA 23220

Gentlemen:

The Board of Supervisors at its meeting on January 28, 1998 granted your request to conditionally rezone property from A-1 Agricultural District and M-1 Light Industrial District to M-1C Light Industrial District (Conditional), Parcels 193-A-24 & 31, described as follows:

PARCEL I

BEGINNING at a point at the intersection of the eastern line of Laburnum Avenue and the southern line of Seven Hills Boulevard; thence along the southern line of Seven Hills Boulevard S. 70 degrees 51' 58" E. 1755.15 feet to a point in the western line of Miller Road; thence along the western line of Miller Road S. 25 degrees 16' 22" W. 1340.85 feet to a point; thence N. 55 degrees 50' 14" W. 576.00 feet to a point; thence S. 45 degrees 29' 35" W. 200.22 feet to a point; thence S. 55 degrees 43' 26" E. 646.25 feet to a point in the western line of Miller Road; thence along the western line of Miller Road S. 25 degrees 16' 22" W. 11.20 feet to a point; thence N. 55 degrees 43' 26" W. 650.19 feet to a point; thence S. 45 degrees 29' 35" W. 187.60 feet to a point; thence S. 58 degrees 06' 07" W. 6.15 feet to a point; thence S. 55 degrees 37' 42" E. 709.84 feet to a point in the western line of Miller Road; thence along the western line of Miller Road S. 25 degrees 16' 22" W. 900.99 feet to a point; thence N. 47 degrees 41' 11" W. 1559.14 feet to a point in the eastern line of Laburnum Avenue; thence along the eastern line of Laburnum Avenue N. 15 degrees 58' 30" E. 1280.44 feet; thence continuing along the eastern line of Laburnum Avenue as it curves to the right said curve being the arc of a circle having a radius of 3769.721 for a distance of 734.77 feet to the point and place of beginning.

PARCEL II

BEGINNING at a point at the intersection of the eastern line of Miller Road and the southern line of Seven Hills Boulevard; thence along the southern line of Seven Hills Boulevard S. 70 degrees 51' 58" E. 1402.75 feet; thence along a curve to the right said curve being the arc of a circle having a radius of 40.00' for a distance of 62.83 feet to a point in the western line of Settler Road; thence along the western line of Settler Road S. 19 degrees 08' 02" W. 237.21 feet to a point; thence S. 44 degrees 22' 42" E. 31.04 feet to a point; thence S. 85 degrees 22' 38" W. 144.63 feet to a point; thence S. 80 degrees 46' 58" W. 317.33 feet to a point; thence S. 27 degrees 46' 43" E. 516.16 feet to a point; thence S. 64 degrees 56' 37" W. 929.61 feet to a point; thence S. 55 degrees 36' 08" W. 435.59 feet to a point; thence N. 25 degrees 20' 49" W. 576.03 feet to a

point; thence N. 25 degrees 16' 22" E. 274.90 feet to a point; thence N. 64 degrees 43' 38" W. 260.14 feet to a point in the eastern line of Miller Road; thence along the eastern line of Miller Road N. 25 degrees 16' 22" E. 1145.31 feet to the point and place of beginning.

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. **Building Materials.** Exposed exterior wall surfaces of all individual buildings shall be constructed of decorative concrete block (including without limitation split face block, fluted block and ground face block), tilt-up or pre-cast concrete, brick, glass, metal (other than corrugated metal), stone, cast stone, granite, marble, stucco, synthetic stucco, glass block or ceramic tile, unless otherwise approved by the Planning Commission at the time of plan of development review. No exposed exterior front or side wall surfaces on buildings facing South Laburnum Avenue shall be constructed of metal unless specifically approved by the Planning Commission at the time of plan of development review. For purposes of these proffers, "wall surfaces" shall not be deemed to include columns, pilasters, trim or accent materials.
2. **Greenbelt.** A landscaped greenbelt which may include existing trees and/or berms shall be provided a minimum of 50 feet in width along South Laburnum Avenue and 25 feet in width along Seven Hills Boulevard except to the extent necessary or allowed for entrance drives, utility easements, grading, drainage, Best Management Practice facilities, fencing, decorative landscape walls, fountains and signage and other purposes permitted or required by the Planning Commission at the time of plan of development review. Within the greenbelt area along South Laburnum Avenue, existing trees over 12 inches in diameter at four feet above grade shall be preserved except those which must be removed for entrance drives, utilities easements, grading, drainage, Best Management Practice facilities, fencing, decorative landscape walls, fountains, signage or other purposes permitted or required by the Planning Commission at the time of plan of development review. Where existing trees are preserved, trimming and thinning consistent with accepted landscape practices shall be permitted along with the removal of dead, damaged or diseased vegetation. Any Best Management Practice facilities located within the greenbelts shall be designed to be an aesthetic amenity that is compatible with the spirit and intent of the greenbelt and the streetscape plan, as approved by the Planning Commission at the time of plan of development review.
3. **Setback.** No building or any portion thereof shall be constructed within (a) 100 feet of South Laburnum Avenue; (b) 75 feet of Seven Hills Boulevard; and (c) 75 feet of Miller Road.
4. **Public Utilities.** The public water and waste water systems shall be used. However, well water may be put to non-potable use such as irrigation.


5. Uses. No retail commercial use first permitted in B-1, B-2 or B-3 Districts except as permitted in and regulated by the Office/Service District shall be permitted within 2,000 feet of Seven Hills Boulevard; provided, however, that hotel or motel uses shall be permitted together with accessory uses thereto (freestanding or otherwise) including without limitation barber shops, beauty parlors, dining rooms, exercise rooms, newsstands, restaurants (excluding drive-throughs), cocktail lounges, cafeterias, valet service, automobile rental office, travel agency, retail stores (excluding convenience stores), banks and financial institutions. No more than one freestanding building for accessory uses shall be permitted in conjunction with any hotel or motel development.
6. Open Space. At least twenty percent (20%) of the Property shall be used for permanent open space. The area devoted to the project perimeter greenbelts, wetlands, Best Management Practice facilities and flood plain, if any, may be counted toward this requirement.
7. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines and wetlands, if any, all new utility lines shall be underground.
8. Access. No truck traffic shall be permitted direct access to the Property from Miller Road unless and until the portion of Miller Road used by such truck traffic shall be improved as required by the County Transportation Engineer. Principal access to any building fronting on South Laburnum Avenue or Seven Hills Boulevard shall be from South Laburnum or Seven Hills Boulevard. No more than 600,000 square feet of building area in the aggregate shall be developed on this property and the property which is the subject of Zoning Case C-55C-97 nor shall any building with direct access to Miller Road be constructed more than 1,100 feet south of the southern right-of-way line of Seven Hills Boulevard until a second means of vehicular access (exclusive of Miller Road) is dedicated and constructed that connects Miller Road and South Laburnum Avenue.
9. Loading Areas. No loading area for any building immediately adjacent to South Laburnum Avenue or Seven Hills Boulevard shall be located between the building and the public street to which the building is immediately adjacent.
10. Traffic Study. Prior to the approval of any plan of development which would result in more than thirty percent (30 %) of the total square footage of improvements constructed on the property being devoted to office use, an updated traffic study shall be submitted to and approved by the County Transportation Engineer.
11. Buffers. Any loading dock or street constructed within 200 feet of an occupied single-family dwelling shall be screened by a landscaped buffer at least 50 feet in width which shall include (i) a 10 foot high berm or (ii) a 6 foot high privacy fence supplemented with evergreen trees at least 10 feet tall planted approximately 12 feet on center, between the dwelling and the loading area or street; provided,

however, that in the event the construction of a berm or fence would destroy an existing stand of trees, the existing trees may be preserved and/or supplemented with evergreen trees at least 10 feet tall planted approximately 12 feet on center as may be approved or required by the Planning Commission at the time of plan of development review.

12. Traffic Signalization. The owner agrees to provide payment for traffic signalization at the intersection of Miller Road and Seven Hills Boulevard and on South Laburnum Avenue at the intersection of any dedicated road crossing the subject property. The owners' contribution shall be at a level that is commensurate with the traffic generated from the subject property based on actual traffic count information as shown by a traffic study as required by the County Transportation Engineer.

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. Phillip deB. Rome, Esquire