

193-A-25 & 26 / 194-1-A-1 & 2

VARINA DISTRICT

INDUSTRIAL DEVELOPMENT

C-55C-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-55C-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 and M-1 Light Industrial Districts to M-2C General Industrial District (Conditional), Parcels 193-A-25, 26 and 194-1-A-1, 2, and 194-A-8, described as follows:

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° 51' 58" E., 1402.75'; thence along a curve to the right said curve being the arc of a circle having a radius of 40.00', 62.83' to a point in the western line of Settler Road; thence along the western line of Settler Road S. 19° 08' 02" W., 237.21' to a point; thence S. 44° 22' 42" E., 31.04' to a point; thence S. 85° 22' 38" W., 144.63' to a point; thence S. 80° 46' 58" W., 317.33' to a point; thence S. 27° 46' 43" E., 516.16' to a point; thence S. 64° 56' 37" W., 929.61' to a point; thence S. 55° 36' 08" W., 435.59' to a point; thence N. 25° 20' 49" W., 576.03' to a point; thence N. 25° 16' 22" E., 274.90' to a point; thence N. 64° 43' 38" W., 260.14' to a point in the eastern line of Miller Road; thence along the eastern line of Miller Road N. 25° 16' 22" E., 1145.31' to the point of beginning, containing 45.23 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. **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. For purposes of these proffers, "wall surfaces" shall not be deemed to include columns, pilasters, trim or accent materials.

2. **Greenbelt.** A landscaped and/or natural greenbelt which may include berms shall be provided a minimum of 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 and signage and 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) 75 feet of Seven Hills Boulevard and (b) 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. In addition, the following principal uses shall not be permitted on the Property:
 - (A) Structural steel fabricating plant.
 - (B) Asbestos processing.
 - (C) Candle or sperm oil manufacture.
 - (D) Coal yards.
 - (E) Crematory.
 - (F) Forge or foundry works.
 - (G) Match manufacturing.
 - (H) Meat or fish products manufacturing.
 - (I) Perfume manufacturing.
 - (J) Poultry slaughtering and packing.
 - (K) Racetracks, for the racing of animals.
 - (L) Shoe blacking or polish or stove polish manufacturing.
 - (M) Tar or asphalt manufacturing.
 - (N) Tar distillation or manufacturing.
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.

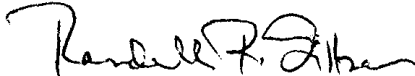
7. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines and wetlands, if any, all new utility lines shall be underground.
8. Access. No truck traffic shall be permitted access to the Property from the direct access to the Property from Miller Road unless and until the portion of Miller Road used by such truck traffic shall be improved as required by the County Transportation Engineer. 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-51C-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 road is dedicated and constructed across the property which is the subject of Zoning Case C-51C-97 that connects Miller Road and South Laburnum Avenue.
9. 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.
10. 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 either (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; 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.
11. Traffic Signalization. The owner agrees to provide payment for traffic signalization at the intersection of Miller Road and Seven Hills Boulevard at a level that is commensurate with the traffic generated from this property based on actual traffic count information as shown by a traffic study as required by the County Transportation Engineer.
12. Safe Conduct of Operations. All industrial uses shall be conducted so as not to (i) create any danger to the health, safety or welfare of the citizens of Henrico County or (ii) cause any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.

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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. Philip deB. Rome, Esquire
Estate of Elizabeth K. Aigner