

A-1*

A-1 to R-6C
9.437 Ac.

A-1 to B-3C
14.852 Ac.

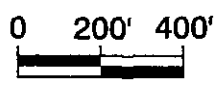
A-1 to R-5C
10.891 Ac.

B-3C*

* West Broad Street Overlay (WBSO). See Sec. 24-92.3, et seq., of the County Code and WBSO Approved Guidelines; effective Nov. 13, 1996.

RETAIL AND MULTI-FAMILY

C-27C-98



35-A-45,46 & 47 & pt. Of 43

THREE CHOPT DISTRICT

HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

October 23, 1998

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-27C-98

Mr. Michael A. Underwood
Summit Properties Partnership, L.P.
3701 National Dr., Ste. 219
Raleigh, N.C. 27612

Dear Mr. Underwood:

This is a correction of our letter sent to you on October 12, 1998.

The Board of Supervisors at its meeting on August 12, 1998, granted your request to conditionally rezone property from A-1 Agricultural District to B-3C Business District (Conditional), R-5C General Residence District (Conditional) and R-6C General Residence District (Conditional), Part of Parcels 36-A-43, 46, and 47, and Parcel 36-A-45, described as follows:

Parcel A:

Beginning at a point at the intersection of the north line of W. Broad Street Road (U.S. Route 250) and the east line of Old Gayton Road, being the place and point of beginning; thence along the east line of Old Gayton Road N. 3° 04' 26" E, a distance of 48.88' to a point; thence N. 15° 22' 29" E., a distance of 73.38' to a point; thence N. 33° 48' 14" E., a distance of 114.21' to a point; thence along the north line of Old Three Chopt Road N. 30° 39' 59" E., a distance of 51.74' to a point; thence leaving the north line of Old Three Chopt Road N. 33° 50' 12" E., a distance of 713.92' to a point; thence S. 56° 09' 48" E., a distance of 432.11' to a point; thence along a curve to the left with a radius of 500.00', and an arc length of 76.39', subtended by a chord of S. 60° 32' 25" E., for a distance of 76.32' to a point; thence S. 64° 55' 01" E., a distance of 269.15' to a point; thence S. 45° 10' 35" W., a distance of 742.43' to a point; thence S. 33° 15' 25" W., a distance of 293.08' to a point on the north line of W. Broad Street Road (U.S. Route 250); thence along the north line of W. Broad Street Road (U.S. Route 250), along a curve to the right with a radius of 7576.44', and an arc length of 130.44', subtended by a chord of N. 54° 07' 03" W., for a distance of 130.43' to a point; thence along a curve to the left with a radius of 7702.44', and an arc length of 341.35', subtended by a chord of N. 54° 53' 38" W., a distance of 341.32' to a point; thence N. 56° 09' 48" W., a distance of 64.61' to the place and point of beginning; containing 14.852 acres.

Parcel B:

Commencing at a point at the intersection of the north line of W. Broad Street Road (U.S. Route 250) and the east line of Old Gayton Road; thence along the east line of Old Gayton Road, N. 03° 04' 26" E., a distance of 48.88' to a point; thence N. 15° 22' 29" E., a distance of 73.38' to a point; thence N. 33° 48' 14" E., a distance of 114.21' to a point; thence along the north line of Old Three Chopt Road N. 30° 39' 59" W., a distance of 51.74' to a point; thence leaving the north line of Old Three Chopt Road, N. 33° 50' 12"

E., a distance of 713.92', being the place and point of beginning; thence N. 33° 50' 12" E., a distance of 16.95' to a point; thence N. 44° 07' 27" E, a distance of 582.38' to a point on the south line of Interstate 64; thence along the south line of Interstate 64, S. 64° 55' 01" E., a distance of 542.49' to a point; thence leaving the south line of Interstate 64, S. 21° 44' 48" W., a distance of 639.94' to a point; thence N. 64° 55' 01" W., a distance of 269.15' to a point; thence along a curve to the right with a radius of 500.00', and an arc length of 76.39', subtended by a chord of N. 60° 32' 25" W., a distance of 76.32' to a point; thence N. 56° 09' 48" W., a distance of 432.11' to the place and point of beginning; containing 9.437 acres.

Parcel C:

Commencing at a point at the intersection of the north line of W. Broad Street Road (U.S. Route 250) and the east line of Old Gayton Road, thence along the north line of W. Broad Street Road (U.S. Route 250), S. 56° 09' 48" E., a distance of 64.61' to a point; thence along a curve to the right with a radius of 7702.44', and an arc length of 341.35', subtended by a chord of S. 54° 53' 38" E., a distance of 341.32' to a point; thence along a curve to the left with a radius of 7576.44', and an arc length of 130.44', subtended by a chord of S. 54° 07' 03" E., a distance of 130.43' to a point; thence leaving the north line of W. Broad Street Road (U.S. Route 250), N. 33° 15' 25" E., a distance of 293.08' to a point; thence N. 45° 10' 35" E., a distance of 742.43' to a point; being the place and point of beginning; thence N. 21° 44' 48" E., a distance of 639.94' to a point on the south line of Interstate 64; thence along the south line of Interstate 64, S. 64° 55' 01" E., a distance of 1022.34' to a point; thence leaving the south line of Interstate 64, S. 29° 09' 44" W., a distance of 343.87' to a point; thence N. 64° 55' 01" W., a distance of 475.36' to a point; thence S. 43° 40' 55" W., a distance of 312.16' to a point; thence N. 64° 55' 01" W., a distance of 385.72' to the place and point of beginning; containing 10.891 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):

APPLICABLE TO ALL PARCELS

1. **Height Limitation.** No building constructed on the Property shall exceed the lesser of three (3) stories or forty-five (45) feet in height above grade to the roof, exclusive of mechanical equipment, elevator penthouses associated therewith, chimneys, towers or other architectural design features, unless otherwise requested by the owner and specifically approved at the time of Plan of Development review. No sign attached to any building shall be placed higher than the facade, architectural features or wall in place on the front of such building.
2. **Utilities.** Except for junction boxes, meters and existing overhead utility lines and utility lines running through or over wetlands, if any, all utility lines shall be underground. All junction and access boxes and meters shall be screened.

3. Trash Receptacles. Trash receptacles, not including convenience cans, shall be screened from public view at ground level at the property line of the Property in a manner approved at the time of Plan of Development review and shall be architecturally compatible with the primary building(s) located on such property. Trash pickup from the site shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday. There shall be no trash pickup on Sundays.
4. Road Dedication. Those portions of the Property shown as Parcels A2 Gayton Road R/W and B2 Gayton Road R/W on the zoning plat filed with this case shall be dedicated for right-of-way for the construction of Gayton Road as a four (4) lane divided highway and Owner shall construct, to County standards, two (2) lanes of pavement thereon including curb, gutter and storm drainage facilities on the eastern side of such right-of-way.
5. Road Reservation. Those portions of the Property shown as Parcels A1 (Reserved) and B1 (Reserved) on the zoning plat filed with this case shall be reserved for the possible future construction of a ramp to service Interstate-64 for a period of ten (10) years from the date the Property is rezoned. If and when such ramp is constructed, said portions of the Property shall, on ninety (90) days prior written notice to the owner, be dedicated without charge to Henrico County or its designee for such ramp purposes provided such project is committed for and funded within ten (10) years from the date of such rezoning and is diligently pursued to completion.
6. Vehicular Drive Restrictions. There shall be no more than one (1) vehicular access point from the Property to West Broad Street Road. There shall be no more than three (3) vehicular access points from the Property to North Gayton Road, as extended.
7. Access to the East. The development on the Property shall include vehicular access points on the Property being made available at such locations as the owner of the Property shall determine appropriate for connection to and use benefiting adjacent property to the east. If ever determined by the County Traffic Engineer that no access will be available to the east, this connection may be deleted.
8. Outparcel Access. Those portions of the Property shown as Proposed Outparcels #1, #2 and #3 (the "Outparcels") on the zoning plat filed with this case shall not have direct vehicular access to West Broad Street Road or North Gayton Road, as extended.
9. Hours of Construction Activities. Exterior construction activities on the eastern half of North Gayton Road, as extended, and the Property shall not commence earlier than 6:30 a.m. and shall cease no later than 8:00 p.m. except in emergencies which require extending the specific hours in order to complete work initiated prior to 8:00 p.m. such as concrete pours or utility connections, but in no case shall work extend beyond 10:00 p.m. No exterior construction activities on the eastern half of North Gayton Road, as extended, or the Property shall occur on Sundays.

10. Dust Control. The developer shall sprinkle the disturbed areas on the Property and the eastern half of North Gayton Road, as extended, until the surface is wet, as needed during the period of construction, but no less than every other working day, unless it has rained or the surface is already wet.
11. Burning. During the period of construction on the Property, there shall be no burning of natural materials or construction debris within one thousand (1,000) feet of the western line of the Property.
12. Stoplight. The owners of the Property shall join in the request for a stoplight at the intersection of West Broad Street Road and North Gayton Road, as extended, and shall pay to the Virginia Department of Transportation or its designee a pro rata share of the cost of the stoplight.
13. Stormwater. Only the pre-development two-year stormwater runoff volume from the upstream watershed may be directed to Tax Map Parcels 36-A-45N, 35-A-6A and 35-A-6B (collectively, the "Adjacent Property"). The difference between the pre-developed two-year stormwater runoff volume and the one hundred year developed stormwater runoff volume shall be directed around the Adjacent Property. The stormwater drainage system shall, subject to obtaining all required governmental approvals and easements, utilize velocity, volume and water quality control measures such as (a) a metal trash rack in the stormwater splitter structure(s) prior to discharge toward the property line of the Adjacent Property, (b) a grit chamber, (c) an energy dissipater such as a plunge pool and/or settling basin or other comparable manmade device upstream of an appropriate level spreader device prior to discharge at the property line of the Adjacent Property to assist with the maintenance of the quality of the water draining from the Property to the Adjacent Property at the water's pre-development condition and further, in order to maximize the thermal integrity of the discharge water, the outlet structure will be designed to accept water from the BMP at a point approximately eighteen (18) inches to two (2) feet below the surface of the pond, unless otherwise mutually agreed to in writing by and among Henrico County, the owners of the Adjacent Property and the owners of Tax Map Parcels 35-A-5A, 35-A-5B and 35-A-5C. Compliance with the aforesaid stormwater drainage plan as approved by Henrico County shall be deemed compliance herewith for all purposes.
14. Severance. The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.

APPLICABLE TO B-3C PARCEL A

15. Architectural Treatment. That portion of Parcel A that does not include the Outparcels (the "Dealership Parcel") shall have an exterior architectural style generally consistent with the exterior elevation plans attached hereto as Exhibit A (See case file). All buildings constructed on the Dealership Parcel shall have exposed exterior walls (above

finished grade) constructed primarily of face brick, architectural concrete, split-face block, stucco if applied to a masonry surface, E.I.F.S., glass or combinations thereof, or a different architectural treatment and/or materials as requested by the owner and specifically approved at the time of Plan of Development review. Siding, natural stone, marble, the foregoing primary materials or combinations thereof, or an equivalent, permanent, architecturally finished material may be utilized as accent materials. No building shall be covered with or have exposed to exterior view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other similar materials unless otherwise requested by the owner and specifically approved at the time of Plan of Development review. The color of any primary material of any of the exposed exterior walls on any buildings constructed on the Dealership Parcel shall be subject to approval at the time of Plan of Development review. The Outparcels shall have exposed exterior walls (front, rear and sides, above finished grade) predominantly of brick unless different architectural treatment and/or materials with respect to the exposed portion of any such wall surface is specifically approved at the time of Plan of Development review or shall be generally consistent in color, materials and architecture to that of the Dealership Parcel. Split-face block, exterior insulating finish systems (E.I.F.S.), stucco if applied to a masonry surface, glass or combinations thereof, may be used as decorative trim materials accessory to the brick referenced above.

16. Use Restrictions. Parcel A may only be used for the following uses: (A) the sale, service, rental and repair of automobiles, vans, sport utility vehicles, other similar passenger vehicles and the sale, service or repair of trucks not exceeding Federal Class 4 trucks, and uses incidental or accessory thereto as permitted in the B-3 zoning district; and (B) uses permitted in the B-2 zoning district. None of the following uses shall be permitted on the Property:

- (a) adult bookstores;
- (b) billiard, bagatelle, video game or a bingo parlor;
- (c) dance halls;
- (d) funeral home, mortuary and/or undertaking establishment;
- (e) flea markets and antique auctions;
- (f) rifle or pistol range;
- (g) gun shop, sales or repair;
- (h) helistops;
- (i) printing publishing and engraving, blueprinting and photographic shops that emit sounds or odors that are detectable at the perimeter of Parcel A or has outside storage;
- (j) used vehicle sales on outparcels;
- (k) private clubs;
- (l) freestanding communications tower;
- (m) outdoor advertising sign as defined in Section 24-3 of the Code of Henrico, or billboards of any kind;
- (n) indoor recreation facilities, including theaters, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, model racing tracks,

electronic video game rooms, bingo halls, archery ranges and similar activities;

- (o) laundromats and self-service dry-cleaning establishments; or
- (p) outside vending machines for food, beverage and similar merchandise.

All uses permitted in the B-2 zoning district shall be subject to the development standards set forth in the B-2 zoning district. The uses in 16 (A) above may only be exercised on any or all of the Outparcels if such Outparcel(s) is owned by the same entity as the Dealership Parcel.

17. Conceptual Plan. The Dealership Parcel shall be developed generally consistent with the layout plan entitled "Dominion Chevrolet, Site Plan", prepared by Edward H. Winks, James D. Snowa, Architects, P.C., dated May 11, 1998, last revised August 7, 1998, and attached hereto as Exhibit B (See case file), which layout plan is conceptual in nature and may vary in detail. The exact locations, footprints, configurations, sizes and details of the building(s) and roads are illustrative and may be revised and updated from time to time for engineering or regulatory reasons or other reasons approved at the time of Plan of Development review.
18. Repair and Body Work. Automobile repair and body work shall be performed only within an enclosed building on Parcel A. Any vehicles stored for body work shall be stored in an area not visible from West Broad Street Road, North Gayton Road, as extended, or any property adjacent to Parcel A. All refuse, tires, salvage, damaged or scrap vehicle parts shall be screened from view from the perimeter of Parcel A within a building or by an opaque fence or wall (not chain link), as approved at the time of Plan of Development review.
19. Storage of Vehicles. No vehicles shall be parked, stored or displayed in areas not designed and constructed for such parking, storage or display and so designated on a Plan of Development approved in accordance with Section 24.106. Vehicles shall be displayed at ground level or upon a permanent immovable structure. Such display structure shall not have any exposed metal and shall be an architectural or landscaped feature.
20. Lighting. Any lighting standards within one hundred (100) feet of the right-of-way lines of West Broad Street Road and North Gayton Road, as extended, upon the Outparcels shall not exceed twenty (20) feet in height; any lighting standards between one hundred (100) and three hundred (300) feet of the right of way lines of West Broad Street Road and North Gayton Road, as extended, upon the Outparcels and within three hundred (300) feet of West Broad Street Road and North Gayton Road, as extended, upon the Dealership parcel shall not exceed twenty-five (25) feet in height; and any lighting standards beyond three hundred (300) feet of the right-of-way lines of West Broad Street Road and North Gayton Road, as extended, shall not exceed thirty (30) feet in height, all as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the

time of Plan of Development review or by any other governmental body. Lighting shall be provided by directional fixtures, having concealed light sources positioned in such a manner as to direct the lighting away from adjacent properties or roadways. Lighting shall be reduced to the level reasonably required for security purposes immediately following the close of business operations so long as Tax Parcels 36-A-45N, 35-A-6A and 35-A-6B are zoned or used for residential purposes.

21. Buffers. Any streetscape buffers approved at the time of Plan of Development review or required by any governmental authority, may include entrance drives, public or private roads, sidewalks, utility easements, grading and signage. Any entrance drives, roads or easements shall run generally perpendicular to such buffers. The streetscape buffer adjacent to North Gayton Road, as extended, which is comprised of the Dealership Parcel shall include landscaping, exclusive of the required evergreen hedge, which is one and one-half times that which is required in the Henrico County Zoning Ordinance and is designed to screen headlights.
22. Loading. Loading and unloading of vehicle deliveries shall be performed only on site within the boundaries of Parcel A. No loading or unloading of vehicle deliveries shall occur in the area between the primary building on the Dealership Parcel and West Broad Street Road. No loading or service bay doors for the primary building on the Dealership Parcel shall be visible at the perimeter of Parcel A from the right-of-way line of West Broad Street Road. No loading or unloading shall occur between any building on an outparcel and North Gayton Road, as extended, and West Broad Street Road. So long as the Adjacent Property is zoned or used for residential purposes, if a service bay door is added to the west side of the primary building on the Dealership Parcel, landscaping will be enhanced which, at maturity, shall screen the service bay door from view from North Gayton Road, as extended. The aforesaid reference to "a service bay door" shall not be deemed to include the customer service drop off area doors. So long as the Adjacent Property is zoned or used for residential purposes, the areas prescribed for loading and unloading of vehicles shall be on the north and east sides of the service building on the Dealership Parcel.
23. Mechanical Equipment. Mechanical equipment shall be screened from public view at ground level at the perimeter of Parcel A in a manner approved at the time of Plan of Development review.
24. Drainage Facilities. There shall be no best management practices structures or detention facilities within three hundred (300) feet of the right-of-way line of West Broad Street Road, except as a landscaping or architectural amenity if specifically requested and approved at the time of Plan of Development review.
25. Public Address. Unless otherwise required by law, no outdoor public address, paging or speaker system outside of any building, other than an intercom system which is not audible at the Property lines, shall be permitted on the Dealership Parcel or the Outparcels.

26. Hours of Operation. The hours of operation for the Dealership Parcel shall be limited to 6:30 a.m. to 10:00 p.m. Monday through Saturday for the service facilities and 8:00 a.m. to 10:00 p.m. Monday through Saturday for all other activities (including the loading and unloading of vehicles). The hours of operation for the Outparcels shall be limited to 8:00 a.m. to 11:00 p.m. The foregoing shall be applicable only until such time as the adjacent properties designated as Tax Parcel No. 35-A-6B and Tax Parcel No. 35-A-5C cease to be used or zoned for residential purposes.
27. Orientation of Outparcel. Any building not owned by the same entity as the Dealership Parcel constructed on Outparcel #1 shall be located toward the intersection of West Broad Street Road and North Gayton Road, as extended, with parking oriented predominantly towards the rear of any such building.

APPLICABLE TO R-6C PARCEL B AND R-5C PARCEL C

28. Architectural Treatment. All buildings constructed on Parcels B and C shall have an exterior architectural style generally consistent with the exterior elevation plans entitled "Summit Properties, Townhouse Front Elevation" prepared by The Housing Studio, and "Summit Properties, Apartment Front Elevation", both of which are attached hereto as Exhibit C and Exhibit D (See case file), subject to such changes as may be requested by the County or owner and approved at the time of Plan of Development review.
29. Conceptual Plan. The Property shall be developed generally consistent with the layout plan entitled "Summit - Richmond, 290 Units, 75 Detached Garages", prepared by The Housing Studio, attached hereto as Exhibit E (See case file), which layout plan is conceptual in nature and may vary in detail. The exact locations, footprints, configurations, sizes and details of the building(s) and roads are illustrative and may be revised and updated from time to time.
30. Parking Lot Lighting. Parking lot lighting shall be produced from concealed sources of light and the lighting standards shall not exceed twenty (20) feet in height and shall be positioned in such a manner as to minimize the impact of such lighting off site.
31. Signage. Any detached signs on Parcel B and Parcel C shall be ground-mounted monolithic-type signs and, if lighted, internally lit or with ground-mounted light.
32. Density. No more than two hundred ninety (290) residential units shall be constructed on Parcel B and Parcel C in the aggregate.
33. Unit Mix. The apartments constructed on the Property shall consist of a minimum of seventy-two (72) one (1) bedroom units and a maximum of twenty-nine (29) three (3) bedroom units unless otherwise approved at the time of Plan of Development approval.

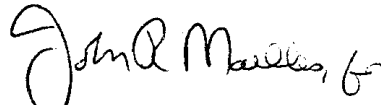
Mr. Michael A. Underwood
Summit Properties Partnership, L.P.
October 23, 1998

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34. Garages. There shall be access to a minimum of seventy-five (75) parking spaces located within enclosed, free-standing garage buildings.
35. Amenities. At a minimum, a swimming pool and a clubhouse shall be provided as amenities to the development on Parcel B and Parcel C.

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,

A handwritten signature in cursive script, appearing to read "Virgil R. Hazelett, for".

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

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. Jay M. Weinberg
Mr. & Mrs. William S. Hockaday
Mr. Fred L. Williams, Jr.
BBH Associates