

OFFICE DISTRIBUTION

C-49C-98

58-A-22 pt. 48-A-70B pt. 58-A-21C
THREE CHOPT DISTRICT



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

August 18, 1998

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-49C-98

SJM of Richmond and
Costen Floors, Inc.
P. O. Box 29383
Richmond, VA 23242

Gentlemen:

The Board of Supervisors at its meeting on August 12, 1998, granted your request to conditionally rezone property from O-2C Office District (Conditional) and A-1 Agricultural District to M-1C Light Industrial District (Conditional), Parcels 58-A-21C and 22, and part of Parcel 48-A-70B, described as follows:

Commencing at the Point of Beginning; thence N 82° 37' 39" W., a distance of 300.04 feet; thence N 07° 26' 42" E, a distance of 185.01 feet; thence N. 83° 53' 36" W., a distance of 374.99 feet; thence N. 32° 00' 30" W., a distance of 41.60 feet; thence northwesterly a distance of 179.50 feet along the arc of a curve having a radius of 524.28 feet and a central angle of 19° 36' 58"; thence northwardly a distance of 30.68 feet along the arc of a curve having a radius of 20.40 feet and a central angle of 86° 09' 46"; thence northeasterly a distance of 214.45 feet along the arc of a curve having a radius of 1513.84 feet and a central angle of 8° 06' 46"; thence N. 26° 24' 20" E., a distance of 49.53 feet; thence S. 63° 35' 40" E, a distance of 1006.24 feet; thence southwesterly a distance of 247.07 feet along a curve having a radius of 538.58 feet and a central angle of 11° 04' 23"; thence S. 35° 37' 31" W., a distance of 96.13 feet to the Point of Beginning, containing 7.18 acres, more or less, containing 7.18 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. Use Restrictions. Use of the Property shall be limited to the following purposes:
 - (a) Uses permitted in the O-2 Office District, except child care centers, labor pools associated with employment services, funeral parlors and retail branch bank facilities shall not be permitted;
 - (b) Uses conducted on the Property as of October 1, 1997;
 - (c) Light industrial and service uses, limited to the following:
 - (i) Distribution business including warehousing;
 - (ii) Laboratory, research, development or testing, including medical or

- dentel laboratories, but not testing of explosives;
 - (iii) Wholesaling including warehousing;
 - (iv) Office/warehouse (excluding mini-warehouses and sell service storage facilities); and
 - (d) Indoor showroom areas for flooring and other building materials. Retail sales may occur only within a showroom devoted to the sale of flooring and related items, which fronts on Stillman Parkway and is limited to a maximum of eight thousand (8,000) square feet of floor area, and no outdoor display of materials offered for sale shall be permitted. The hours of operation for a showroom conducting retail sales shall be limited to 9:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday. No retail sales shall be permitted on Sunday.
- 2. Unfinished Space. No more than two-thirds (2/3) of the gross square footage of new buildings developed on the Property shall be unfinished areas devoted to inventory storage or other distribution activities.
- 3. Site Plan.
 - (a) New buildings located on the Property (exclusive of Parcel 58-A-22 [the "Bell Atlantic Parcel"]) shall be located thereon substantially as shown on a site plan entitled "Stillman Place - Preliminary Layout" prepared by Engineering Design Associates and dated June, 1998 (the "Site Plan"), a copy of which is attached hereto as Exhibit "A", unless deviations thereto are specifically requested by the Developer and approved at the time or times of Plan of Development review.
 - (b) Landscape plans for development on the Property shall be subject to review and approval by the Planning Commission. Any above ground BMP located adjacent to a public right-of-way shall be landscaped in accordance with a landscape plan approved by the Planning Commission.
- 4. Architectural Treatment.
 - (a) The architectural treatment of building elevations of Building No. 1 and Building No. 2 as shown on the Site Plan facing Stillman Parkway and Mayland Drive and directly visible therefrom shall conform substantially in architectural treatment and materials to the elevations entitled "South Elevation - Sheet 1", "South Elevation - Sheet 2", and "West Elevation," copies of which are attached hereto as Exhibits B-1, B-2, B-3, C-1 and C-2, unless deviations thereto are specifically requested by the developer and approved at the time of Plan of Development review. Such building elevations shall be of brick and glass construction, exclusive of architectural design features. The building elevation of Building No. 2 nearest to and oriented toward Pemberton Road shall also be of brick and glass construction, exclusive of architectural design features. Other building

elevations of Building No. 1 and Building No. 2 may be constructed of split-faced block, exclusive of windows and doors, and shall be of generally the same color as the earth tone brick used in other building elevations of Building No. 1 and Building No. 2.

- (b) Bell Atlantic Parcel. The portions of exterior walls of any new building constructed on the Bell Atlantic Parcel visible from Mayland Drive or Pemberton Road shall be of brick and glass construction and shall be architecturally compatible with other buildings constructed on the Property, as determined at the time of Plan of Development review. Other elevations of new buildings on the Bell Atlantic Parcel may be constructed of split-faced block, exclusive of windows and doors, and shall be of generally the same color as the brick used in the building elevations facing Mayland Drive or Pemberton Road.
- (c) There shall be a maximum of one (1) access drive between the Property and Pemberton Road. If a new access drive is established to Pemberton Road, the existing access drive serving the Bell Atlantic Parcel shall be modified so that vehicular traffic moving to and from the Bell Atlantic Parcel shall have access to Pemberton Road by way of the new access drive.
- (d) The exterior surface of any screening wall connecting Building No. 1 and Building No. 2 and visible at ground level from Mayland Drive, shall be of brick construction.

5. Signage.

- (a) Any detached business sign located on the Property shall be a ground mounted monument-style sign, shall not exceed six (6) feet in height or twenty-four (24) square feet in area and shall not be internally lit.
- (b) Attached signs shall be permitted by either of the two methods below:
 - (i) Two (2) attached signs for each building, with such signs not to exceed a total of twenty-four (24) square feet in the aggregate.
 - (ii) One (1) sign for each user, provided that the user's space has direct access from the exterior of the building. The signs shall not exceed eight (8) square feet of sign area per user.

Attached signs oriented to Mayland Drive shall not be lit internally or placed above the building fascia.

- (c) A directional sign shall be placed at the main entrance on Mayland Drive, directing delivery trucks to the Stillman Parkway entrance.

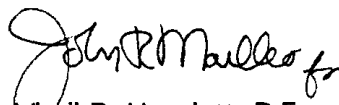
6. Parking Lot Lighting. Parking lot lighting standards shall not exceed twenty (20) feet in height. Parking lot lighting shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business conducted on the Property. The intensity of lighting at the northern boundary of the Property and at boundaries abutting public roads shall not exceed one-half (.5) foot candle.
7. Outdoor Speakers. No outdoor speakers shall be operated on the Property.
8. Building Height. No building constructed on the Property shall exceed the lesser of two (2) stories or thirty (30) feet in height.
9. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines, all utility lines shall be underground.
10. Irrigation. Newly installed landscaped areas on the Property (excluding the buffer area along the northern boundary of the Property) shall be served by an underground irrigation system.
11. HVAC. Any rooftop heating and air conditioning equipment shall be screened from public view at ground level at the property lines by means of parapets or other architectural features in a manner approved at the time of Plan of Development review.
12. Deliveries.
 - (a) Deliveries to those portions of buildings on the Property devoted to light industrial or service uses shall be made only to delivery areas in the rear of such buildings.
 - (b) Deliveries of inventory or other materials to the Property shall only be made between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.
13. Trash Collection. Any outdoor trash containers on the Property shall be located within one hundred fifty (150) feet of the northern boundary thereof. Trash may be collected only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.
14. Outside Storage. There shall be no outside storage of any equipment, materials or supplies on the Property. Overnight parking of commercial vehicles on the Property shall be screened from any A or R districts and may not be closer to the right-of-way lines of Mayland Drive or Stillman Parkway than front building walls of buildings facing such roadways.
15. Exceptions. Proffers 2, 5, 6, 9, 10, 11, 12, 13 and 14 shall not apply to the Bell Atlantic Parcel, for as long as it is devoted to public utility use.

16. Protective Covenants. Prior to the issuance of the first building permit for Building No. 1 or Building No. 2, the owners shall record a document in the Clerk's Office of the Circuit Court of Henrico County, setting forth controls for development on the portions of the Property on which Building No. 1 and Building No. 2 are located. Such covenants shall also control development on the O-2C zoned property adjacent to the Property and fronting on Mayland Drive (the "Office Land"). The covenants shall require that the exterior building materials of buildings constructed on the Office Land shall be architecturally compatible with Building No. 1 and Building No. 2. The design of such buildings shall be subject to approval under the terms of the protective covenants.

17. 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 any 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. Glenn R. Moore, Esquire
Feld Development Corp.
Bell Atlantic-Virginia, Inc.