

AMENDMENT OF PROFFERED CONDITIONS

AMEND PROFFERED CONDITIONS

C-50C-98

28-A-35A, 23 pts. of 24A, 35B & 25
THREE CHOPT DISTRICT



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

September 15, 1998

Re: Conditional Rezoning Case C-50C-98

Mr. Charles MacFarlane
CK Overlook Associates, L.C.
300 Arboretum Place, Suite 260
Richmond, VA. 23236

Dear Mr. MacFarlane:

The Board of Supervisors at its meeting on September 9, 1998, granted your request to amend proffered conditions on Conditional Rezoning Case C-88C-96, being Parcels 28-A-35A, 23 and parts of Parcels 28-A-24A, 35B, and 25.

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).

3. Deleted.

3. Added.

Certificate of Occupancy - No final certificate of occupancy shall be issued for any building on the Property prior to the substantial completion of the roads and the installation of the traffic signal at the relocated Sadler and Nuckols Road, except that a temporary certificate(s) of occupancy may be issued for the first building on the Property prior to the substantial completion of relocated Sadler and Nuckols Roads upon satisfaction of all of the following conditions:

- a. Henrico County Department of Public Works requirements for access from the Property to Nuckols Road are met.
- b. Substantially all of the landscaping shown on the landscape plan approved by the Planning Commission on June 30, 1998, in the shaded area on Exhibit A (attached) (See case file) has been installed.
- c. The ten evergreen trees 8 - 10' in height shown along Parcels 28-11-B-1 and 28-11-B-2 on the landscape plan approved by the Planning Commission on June 30, 1998, an additional six evergreen trees 8 - 10' in height and 14 medium shrubs 2 - 3' in height have all been installed by field location as agreed to by the adjoining property owners and owner of the Property.

6. Deleted.

6. Added.
 - a. Buffers shall be provided as follows:
 - 1) sixty (60) feet in width adjacent to the ultimate right-of-way line of Sadler Road for that portion of the road west of the entrance to the office development; and
 - 2) fifty (50) feet in width adjacent to the western boundary of the Property.
 - b. There shall be no disturbance of the buffers as they exist as of the date of approval of this proffer amendment except in the following areas:
 - 1) the fifty (50) foot area for drainage and utilities shown as Area "X" on Exhibit B (see case file): This area shall be planted in accordance with the landscape plan approved by the Planning Commission on June 30, 1998;
 - 2) the ten (10) foot easement for fiber optic cable installation as shown on Exhibit B (attached): This easement shall be replanted in accordance with the landscape plan approved by the Planning Commission on June 30, 1998.
 - 3) any areas required to be cleared for necessary sight distance as determined at the time of Plan of Development approval; and
 - 4) any areas directly behind the curb and gutter to be installed along Sadler Road that require grading in accordance with approved road construction plans.
 - c. There shall be no utility easements in the buffers except as specified in proffer 6(b)(1) and (2) above.
 - d. Supplemental plantings may be placed in the buffers if approved by the Planning Commission at the time of landscape plan review.
8. Added.

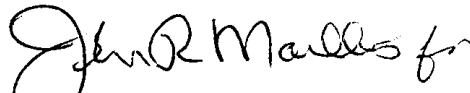
Ten (10) evergreen trees eight to ten feet (8'-10') in height shall be planted by field location, with mutual approval of a representative of the Homeowners Association of the Cedars at Innsbrook Subdivision, a representative of the Homeowners Association of the Saddle Brooke Subdivision and the owner of the Property, along the south side of Sadler Road, opposite Area "X" on Exhibit B (see case file).

Mr. Charles MacFarlane
CK Overlook Associates, L.C.
September 15, 1998

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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 condition in the Conditional Zoning Index.

Sincerely,



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

cc: Director, Real Estate Assessment
Conditional Zoning Index