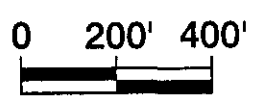


33-A-46 & 47

OFFICE, HOTEL & RESTAURANT

FAIRFIELD DISTRICT

C-8C-98 ®



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

July 14, 1998

Re: Conditional Rezoning Case C-8C-98

Ms. Daphne Shifflett, Vice-President
Virginia Center, Inc.
1049 Technology Park Dr.
Glen Allen, VA 23060

Dear Ms. Shifflett:

The Board of Supervisors at its meeting on July 8, 1998, granted your request to conditionally rezone property from R-2A One Family Residence District to O-3C Office District (Conditional), Part of Parcels 33-A-46 and 47, described as follows:

Beginning at the intersection of the eastern line of U.S. Route 1 and the southern line of Virginia Center Parkway; thence along the line of Virginia Center Parkway the following courses and distances: N. 42° 28' 45" 65.43 feet to a point; thence N. 86° 02' 57" E. 314.85 feet to a point; thence along the arc of a curve to the right with a radius of 904.93 feet, a distance of 517.78 feet to a point; thence S. 61° 10' 03" E. 453.76 feet to a point; thence S. 23' 34' 34" E. 56.09 feet to a point which is the intersection of the southern line of Virginia Center Parkway and the western line of Battlefield Road; thence along the line of Battlefield Road S. 25° 19' 41" W. 71.80 feet to a point; thence continuing along the line of Battlefield Road along the arc of a curve to the left with a radius of 597.96 feet, a distance of 66.15 feet to a point corner with the lands of Womack; thence N. 4° 35' 32" W. 64.11 feet to a point marked by an axle; thence S. 81° 13' 45" W. 515.54 feet to a point; thence S. 12° 38' 59" E. 196.97 feet to a point; thence S. 66° 00' 27" W. 107.09 feet to a point; thence S. 81° 13' 45" W. 331.10 feet, more or less, to a point on the line between existing B-3 Zoning and existing R2-A Zoning (the "Zoning Line"); thence, along the Zoning Line, N. 5° 47' 19" W. a distance of 730.00 feet to a point; thence, leaving the Zoning Line, S. 86° 02' 57" W. a distance of 250.00 feet, more or less, to a point in the easterly right-of-way line of U.S. Route 1, thence N. 5° 47' 19" W. a distance of 35.54 feet to tie point an place of beginning, containing 11.78 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 Height:** Buildings on the 11.78 acres of land which is the subject of this application (the "Property") shall be limited in height to 4 stories, and shall be limited in height to 65 feet. No buildings shall be permitted within 250 feet of Battlefield Road. Buildings or portions of buildings within 300 feet of Battlefield

road shall be limited in height to 2 stories.

2. Use: Permitted uses of the Property shall be limited to those permitted in the O-2 District.
3. Access from adjoining property: For purposes of this condition, the "Adjoining Property" shall mean Tax Parcels 33-A-41, 33-A-41A, 33-A-42, 33-A-43, and/or 33-A-44 (except for any portion of such Tax Parcels within an "R" District).
 - (a) Easement to Adjoining Property. At the time of approval of a Plan of Development for the Property, the owner of the Property shall grant an easement (the "Access Easement") for ingress and egress for the benefit of the Adjoining Property. The centerline of the Access Easement shall be within 100 feet of the centerline of the "Access Easement" shown on the attached Exhibit A, (see case file) or at such other location as shall be agreed between the owner of the Property and the owner of Tax Parcel 33-A-41A, any such other agreed location, however, to remain subject to the approval of the County at Plan of Development review. The Adjoining Property shall not have the right to use or construct the road or driveway over the Access Easement (the "Access Roadway") until the Battlefield Connector, as defined below, has been constructed on the Adjoining Property.
 - (b) Construction of Access Way. The owner of the Property shall construct portions of the Access Roadway connecting Virginia Center Parkway to the Adjoining Property at the time it develops portions of the Property adjacent to the Access Roadway. Subject to the conditions of subparagraph (c) below, the owner of the Property shall complete the connection from Virginia Center Parkway to the Adjoining Property when requested by the County.
 - (c) Conditions to obligation to grant easement and construct access way. Notwithstanding anything else in this Condition 3, the owner of the Property will not be required to construct the Access Roadway until (i) a roadway connecting the Access Easement to Battlefield Road (the "Battlefield Connector") has been constructed on the Adjoining Property, and (ii) a Plan of Development has been approved for the Property. For the purposes of this Condition 3, a Plan of Development for the land zoned B-3 which adjoins the Property to the west (the "B-3 Property") shall not be considered a Plan of Development "for the Property" solely because access from the B-3 Property to Virginia Center Parkway and/or parking for the B-3 Property is provided on the Property.
4. Landscaped Areas:
 - (a) A landscaped area with a minimum depth of 15 feet shall be provided adjacent to Virginia Center Parkway for all portions of the Property adjacent

to Virginia Center Parkway, except that where a transitional buffer is required, such transitional buffer shall be furnished in place of such 15-foot landscaped area. Plant materials in such 15-foot landscaped areas shall be approved as part of the landscaping plan for each applicable portion of the Property. Such landscaped area may include utility easements, roads, signage, driveways, or other purposes required by the County, or requested by the developer and specifically permitted by the County, at the time of Plan of Development review, but roads, driveways, and utility easements must cross the landscaping strip in substantially a perpendicular direction.

- (b) In addition to the transitional buffer required along Battlefield Road, a landscaped area and/or natural buffer ("Additional Buffer") shall be provided such that the combined depth of the transitional buffer and the Additional Buffer, is not less than 75 feet. Plant materials in any landscaped portion of the Additional Buffer shall be approved as part of the landscaping plan for each applicable portion of the Property at the time of Plan of Development review.

Within the transitional buffer and the Additional Buffer, existing natural vegetation shall be maintained, except that existing underbrush may be removed, and fallen, diseased, or dead trees and plant growth shall be removed from such areas. The transitional buffer along Battlefield Road shall contain eight large deciduous or evergreen trees for every 100 linear feet of frontage along Battlefield Road, and existing trees may be used to meet all or a portion of such requirement.

- (c) If the Adjoining Property remains in an "R" zoning district, the buffer requirements in this subparagraph (c) shall apply. Within the transitional buffer along the Adjoining Property, existing natural vegetation shall be maintained, except that existing underbrush may be removed, and fallen, diseased, or dead trees and plant growth shall be removed from such areas. The transitional buffer along the Adjoining Property shall contain four large deciduous or evergreen trees for every 100 linear feet, and existing trees may be used to meet all or a portion of such requirement.
- (d) If the Adjoining Property is rezoned to a district which would not otherwise trigger the requirement for a transitional buffer along the border with the Adjoining Property, then the buffer requirements in this subparagraph (d) shall apply. For the portion of the border with the Adjoining Property lying within 400 feet of Battlefield Road, there shall be a buffer 25 feet in depth. Within such 25-foot buffer, existing natural vegetation shall be maintained, except that existing under brush may be removed, and fallen, diseased, or dead trees and plant growth shall be removed from such areas. Such buffer shall contain four large deciduous or evergreen trees for every 100 linear feet, and existing trees may be used to meet all or a portion of such

requirement. Such 25-foot buffer may be crossed by one drainage easement not exceeding 30 feet in width, which shall be substantially perpendicular to such buffer. For the portion of the border with the Adjoining Property labeled as "15 Foot Buffer," on Exhibit A, (see case file), there shall be a buffer 15 feet in depth. Within such buffer, existing natural vegetation shall be maintained, except that existing underbrush may be removed, and fallen, diseased, or dead trees and plant growth shall be removed from such areas. Such buffer shall contain three large deciduous or evergreen trees for every 100 linear feet, and existing trees may be used to meet all or a portion of such requirement.

5. Lighting Fixtures, Light Sources, and Lighting Levels:

- (a) All lighting fixtures on the Property shall use the same type of light source to provide a uniform lighting appearance.
- (b) Light fixtures shall be of a shoe-box or comparable design incorporating concealed light sources designed to reduce or eliminate side glare, and shall be no more than 20 feet in height above surrounding grade.
- (c) Lighting on the Property shall be designed such that the intensity of the lighting at ground level at any Property line adjoining a residential district shall not exceed one half foot-candles. The condition of this subparagraph (c) shall not apply where the residential district which adjoins the Property is located across Virginia Center Parkway or across Route 1 from the Property.

6. Screening:

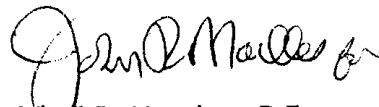
- (a) Except as otherwise required or approved by the Planning Commission, any refuse container and/or refuse storage facility located on the Property shall be located within an enclosure which prevents visibility of the containers or storage facility within the enclosure and which complies with the requirements of this paragraph. Such enclosures shall be constructed of materials which are the same as or complementary to the primary material used in the exterior of the principal building served by such enclosure, except for the door, which may be constructed of wood with a metal frame. No such enclosure shall be finished with EIFS. Such enclosures and/or storage facilities shall be located as far from adjacent "R" districts as practical, and all such containers and/or storage facilities shall be serviced only between the hours of 7 a.m. to 7 p.m. on weekdays, and 9 a.m. to 7 p.m. on Saturdays. Such containers and/or storage facilities shall not be serviced on Sundays.
- (b) All roof-mounted equipment shall be screened from public view at ground level for a distance of 500 feet from any boundary of the Property. Such

screening shall be provided by a continuous parapet wall, solid equipment room penthouse, continuous metal screening with matching color or other materials approved at the time of Plan of Development review.

7. **Parking Lot Cleaning:** Cleaning of the parking lots on the Property shall occur only between the hours of 7 a.m. to 7 p.m. on weekdays or 9 a.m. to 7 p.m. on Saturdays.
8. **Restrictive Covenants:** Prior to approval of any Plan of Development for the Property, the Property shall be subjected to the declaration of restrictions and covenants for Virginia Center West (Deed Book 1882, page 1224, Office of the Clerk of the Circuit Court, Henrico County, as amended) (the "Virginia Center Covenants").
9. **Exterior Materials.** The exposed portions of each exterior wall surface (front, rear and sides) of each building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such buildings in architectural treatment and materials. Any building hereafter constructed on the Property shall have exposed exterior wall surfaces (above finished grade) other than accent materials of such exterior wall surface of face brick, natural stone, EIFS, architectural precast, integral color split face block, or glass unless other aesthetically comparable finished materials are specifically requested by the developer and permitted by the Planning Commission at the time of Plan of Development.
10. **Square Footage Limitation.** The floor space of buildings constructed on the Property shall not exceed 150,000 square feet.

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. James Thornton, Esquire