

AMENDMENT OF PROFFERED CONDITIONS

AMENDMENT OF PROFFERED CONDITIONS

C-47C-99



52-A-5
 BROOKLAND DISTRICT
 HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

June 20, 2000

Virgil R. Hazelett, P.E.
County Manager

Re: Rezoning Case C-47C-99

Penrose Corporation
2223 Avenida de la Playa #200
LaJolla, CA 92037

Gentlemen:

The Board of Supervisors at its meeting on June 13, 2000, granted your request to amend proffered conditions accepted with Conditional Rezoning Case C-113C-85, being Parcel 52-A-5 and part of Parcel 98-A1-51.

The following substitute proffered conditions, dated May 3, 2000, 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).

These proffers, as amended, amend and restate the existing proffers in their entirety:

1. Except as amended hereby, all proffers contained in C-113C-85 shall remain in full force and effect and shall by this reference thereto be made a part hereof as if fully set forth herein.
2. Proffer 4 of Case C-113C-85 shall be supplemented as follows:

There shall be no vehicular access to Hungary Road or Old Hungary Road (during construction or permanently); provided, however, there may be no more than one vehicular access to the Property from Hungary Road to serve the Federal Bureau of Investigation (FBI) so long as the FBI is an occupant of the building(s) located on the Property, which such access shall be developed as follows (the "Hungary Road Access"):

- a. The Hungary Road Access shall be located no further than 75 feet from the northwest boundary line of the Property as shown on Exhibit A dated April 25, 2000 (see case file), which such access shall be no more than 12 feet in width. No construction access shall be permitted from Hungary Road.
- b. The Hungary Road Access shall be secured at all times by a gated security system using a key pad system and secured fenced area, such that such access from Hungary Road will not be open to the public and only individuals authorized by the FBI may access the Property through the Hungary Road Access for contingency purposes. No other property may have access to Hungary Road from such access point. The gated security system for the Hungary Road Access shall be screened from view from the western property lines of the Property.

Penrose Corporation
June 20, 2000

- c. The gated access for the Hungary Road Access shall be substantially similar in architectural appearance and materials to the rendering set forth in Exhibit B (see case file).
- d. The primary access to and from the Property shall be from and to Parham Road. The Hungary Road Access shall serve the Property only as a contingency means of access to and from the Property for individuals authorized by the FBI and may be used only if Parham Road or the entrance thereto is unavailable to the FBI.
- e. The Hungary Road Access shall be allowed only during such time as the Federal Bureau of Investigation (FBI) shall be the sole occupant of the improvements located on the Property. If the FBI is no longer the sole occupant of the improvements located on the Property, the Hungary Road Access shall be secured in such a manner and within such a timeframe as is acceptable to the County of Henrico, Virginia, so that no access may be made from the Property to Hungary Road.
- f. The owner of the Property shall not request a vacation of all or any part of Old Hungary road.

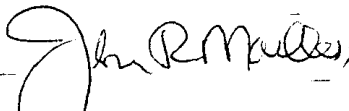
3. Proffer 7(a) of Case C-113C-85 shall be supplemented as follows:

A natural buffer area of a minimum of thirty-five (35) feet in width shall be provided along the entire northern property line of such parcel, which property line abuts Hungary Road and Old Hungary Road; provided, however, such natural buffer area may include the Old Hungary Road Access and such additional plantings as may be necessary to supplement such buffer area.

4. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity of 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.

Sincerely,


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

cc: Director, Real Estate Assessment
Conditional Zoning Index
T. R. Parham Corp.
Ralph L. Axselle, Jr., Esq.