

AMENDMENT OF PROFFERED CONDITIONS

AMEND PROFFERED CONDITIONS

C-68C-99



**Pt. of 18-A-22B
THREE CHOPT DISTRICT**

HENRICO COUNTY PLANNING OFFICE

(A)



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO
February 2, 2000

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-68C-99

Mr. Patrick H. Grayson, Jr.
Retlaw 100 LLC
P. O. Box 6806
Greenville, SC 29606-6806

Dear Mr. Grayson:

The Board of Supervisors at its meeting on February 1, 2000, granted your request to amend proffered conditions on Conditional Rezoning Cases C-19C-94, C-56C-94, and C-49C-96, being Parcels 18-A-15A, 21, and 22B.

The following substitute proffered conditions, dated December 13, 1999, 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).

Amend proffered conditions accepted with Rezoning Case C-19C-94, made applicable to all portions of the Property by Proffered Condition 1 in Case C-56C-94 and Proffered Condition 7 in C-49C-96, as follows:

1. Proffered condition 9 shall be amended and restated, as follows:

9. **Greenbelt.** (a) A greenbelt for landscaping (which may include berms), natural open space areas and scenic vistas will be provided thirty (30) feet in width adjacent to the ultimate right-of-way line of Nuckols Road (except for the southernmost three hundred (300) feet of the Nuckols Road frontage, where the minimum width shall be twenty (20) feet) and twenty-five (25) feet in width adjacent to the ultimate right-of-way lines of Old Nuckols Road and Twin Hickory Road, as such rights-of-way are determined at the time of Plan of Development approval, except to the extent necessary for utility easements, bicycle paths, jogging trails, signage, sidewalks, access driveways for major project areas (which access driveways shall run generally perpendicular to the greenbelt), and other purposes requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review, or by any other governmental body. In the greenbelt along Nuckols Road which is less than thirty (30) feet in width as permitted above, additional landscaping will be installed, as required by the Planning Commission at the time of Landscape Plan review. Additional landscaping and/or other screening shall be installed in such greenbelts, if necessary to shield headlights of cars in parking spaces facing and immediately adjacent to such greenbelts and the abutting public road, from such road.

- (b) A buffer area of a minimum of fifty (50) feet in width (the "Buffer Area") shall be maintained along the western boundary of the Property adjacent to property developed for single family residential purposes, as shown on the plan entitled "Proposed Town Center Conceptual Master Plan", prepared by RGA/SSA of Virginia, dated December 3, 1999 (the "Site Plan"), a copy of which is filed herewith. The approximate westernmost twenty-five (25) feet of the Buffer Area adjacent to single family residential development shall remain natural. The approximate easternmost twenty-five (25) feet of the Buffer Area adjacent to buildings and parking areas on the Property may be cleared in conjunction with development of the Property. The Buffer Area shall include additional screening as required by the Planning Commission at the time of Landscape Plan review.

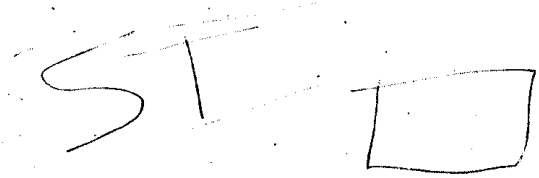
- 2. Proffered condition 13 shall be amended and restated in its entirety, as follows:
 - 13. Development Restrictions. (a) Each building constructed on the Property shall be complementary in architectural treatment to the other buildings constructed thereon, unless otherwise requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review, or by any other governmental body.
 - (b) Access drives, sidewalks, building areas, and other site development features shall be placed on the Property generally as shown on the Site Plan, unless variations are requested and specifically permitted, or if required by, the Planning Commission at the time of Plan of Development review, or by any other governmental body. Concrete sidewalks with decorative paving patterns, decorative lamp posts and park benches shall be located in the vicinity of the internal drive aisles around the perimeter of the major parking area shown on the Site Plan.

- 3. Proffered condition 17 shall be amended and restated as follows:
 - 17. Trash Receptacles. Central trash receptacles, not including convenience cans, shall be screened from public view at ground level with masonry enclosure walls (exclusive of the gate area), in a manner approved at the time of Plan of Development review.

- 4. Proffered condition 21 shall be amended and restated as follows:
 - 21. Signs. Detached signs on the Property shall be compatible in type and appearance with other detached signs on the Property and shall be ground-mounted, monument-style signs. The non-detached signs on

Mr. Patrick H. Grayson, Jr.
Retlaw 100 LLC
February 2, 2000

3



the Property shall be compatible in type and appearance with other non-detached signs on the Property and, if lighted, shall be internally lit.

5. The following proffered condition is hereby added to Cases C-19C-94, C-56C-94 and C-49C-96, under the terms of Case C-68C-99:

22. Outdoor Sound Systems. Any outdoor sound system operated on the Property shall be operated in such a manner that sound from such sound system shall not be audible beyond the boundaries of the Property.

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,

Handwritten signature of Virgil R. Hazelett.

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

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. Glenn R. Moore, Esquire