



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

October 30, 2001

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-39C-01

JG Virginia, L.P.
c/o Gumenick Management Co. L.P.
c/o Mr. Wayne Chasen
P. O. Box 17038
Richmond, VA 23226

Dear Mr. Chasen:

The Board of Supervisors at its meeting on October 23, 2001, granted your request to conditionally rezone property from R-5 General Residence District to R-6C General Residence District (Conditional) and B-2C Business District (Conditional), Parcels 103-A-58 through 61 described as follows:

B-2C Parcel

Beginning at a point said point being the intersection of the southern line of Suburban Avenue and the western line of Staples Mill Road, Thence from said point of beginning along the western line of Staples Mill Road the following four (4) courses: 1) S 3°14'01" E, a distance of 15.64'; 2) along a curve to the left having a radius of 2919.79' and a length of 504.22'; 3) S 80°40'45" W, a distance of 10.00'; 4) S 9°26'27" E, a distance of 11.02' to a point; Thence N 71°03'32" W, a distance of 52.79' to a point; Thence N 57°03'56" W, a distance of 31.40' to a point; Thence N 62°08'27" W, a distance of 31.68' to a point; Thence N 72°49'40" W, a distance of 65.02' to a point; Thence N 74°58'23" W, a distance of 38.72' to a point; Thence N 77°37'15" W, a distance of 68.72' to a point; Thence N 71°03'32" W a distance of 286.53' to a point; Thence S 11°03'32" E, a distance of 151.27' to a point; Thence S 71°03'32" E, a distance of 253.33' to a point; Thence S 69°12'29" E, a distance of 86.81' to a point; Thence S 72°48'41" E, a distance of 91.65' to a point; Thence S 71°03'32" E, a distance of 134.31' to a point; Thence S 73°31'13" E, a distance of 14.44' to a point in the western line of Staples Mill Road; Thence along the western line of Staples Mill Road the following seven (7) courses: 1) S 77°26'21" W, a distance of 7.80'; 2) along a curve to the left having a radius of 2930.79' and a length of 11.25'; 3) N 77°13'09" E, a distance of 11.00'; 4) along a curve to the left having a radius of 2919.79' and a length of 310.20'; 5) S 22°40'31" E, a distance of 37.28'; 6) S 30°27'18" W, a distance of 25.00'; 7) S 22°40'31" E, a distance of 32'± to the center of Jordan's Branch; Thence along the center of Jordan's Branch a distance of 825' ± to a point; Thence due north a distance of 1389' ± to a point;

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Thence S 71°06'14" E, a distance of 415.31' to a point; Thence S 3°19'14" E, a distance of 124.76' to a point in the western line of Staples Mill Road; Thence along the western line of Staples Mill Road S 3°14'01" E, a distance of 309.37' to a point being the point and place of beginning containing 16.5± acres.

R-6C Parcel

Beginning at a point said point being the intersection of the eastern line of Spencer Road and the northern line of Crestwood Avenue, Thence from said point of beginning along the eastern line of Spencer Road the following seven (7) courses: 1) N 37°43'46" E, a distance of 300.67'; 2) along a curve to the left having a radius of 524.37' and a length of 157.90'; 3) N 20°28'36" E, a distance of 271.95'; 4) N 20°27'48" E, a distance of 110.05'; 5) N 20°25'58" E, a distance of 204.14'; 6) along a curve to the right having a radius of 160.75' and a length of 122.82'; 7) N 64°12'33" E, a distance of 89.70' to a point; Thence S 37°33'27" E, a distance of 102.90' to a point; Thence S 41°19'07" E, a distance of 112.63' to a point; Thence S 56°35'44" E, a distance of 120.00' to a point; Thence S 47°25'52" E, a distance of 60.78' to a point; S 63°10'17" E, a distance of 191.83' to a point; Thence S 71°06'14" E, a distance of 459.51' to a point; Thence due south 1389'± to the center of Jordan's Branch; Thence along the center of Jordan's Branch 700'± to a point; Thence N 45°17'15" W, a distance of 1476'± to a point; Thence N 37°41'08" E, a distance of 153.19' to a point; Thence N 57°50'35" E, a distance of 84.15' to a point being the point and place of beginning containing 52.6± acres.

The Board of Supervisors accepted the following proffered conditions, dated September 11, 2001, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

APPLICABLE TO ALL PARCELS

1. Pedestrian Access. A pedestrian access system shall be provided connecting the major project areas of the development.
2. Tree Preservation. To the extent practical, existing mature trees on the Property shall be preserved, but they, as well as any other preserved landscaping, shall be subject to limbing, pruning, mulching, and other usual and customary horticultural practices.
3. Primary Access. Primary access to the Property shall be by virtue of a four (4) lane spine road connecting the current terminus of Crestwood Avenue with Staples Mill Road. Additional access to the Property may be provided if required or approved at time of Plan of Development.

4. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
5. Hours of Trash Pickup: Parking Lot Cleaning. Trash pickup from the Property and parking lot cleaning shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 9:00 a.m. and 8:00 p.m. on Saturday. There shall be no trash pickup or parking lot cleaning on Sundays.
6. Refuse Containers. The gates and doors on all masonry refuse screens shall be of a substantial, durable and opaque material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development. The number of refuse containers shall be adequate for the development as determined at the time of Plan of Development.
7. Conservation Areas. Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works; and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:
 - a. Storm water management and/or retention areas.
 - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.
 - c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts.
 - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the Henrico County Code;and the Owner shall, prior to each Plan of Development approval, apply to rezone such portions of the Property to a C-1 Conservation District.
8. Greenbelt. A greenbelt for landscaping and natural open areas will be provided a minimum of ten (10) feet in width adjacent to the right-of-way line of the spine road referenced in Proffered Condition 3, except to the extent necessary for utility easements, bicycle paths, jogging trails, signage, sidewalks and access driveways for major project areas.

9. 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 the other proffers or the unaffected part of any such proffer.

APPLICABLE TO R-6C PARCELS

10. Square Footages. One (1) bedroom units shall be a minimum of seven hundred (700) square feet of finished floor area in size, two (2) bedroom units shall be a minimum of nine hundred twenty-five (925) square feet of finished floor area in size and three (3) bedroom units shall be a minimum of one thousand one hundred (1,100) square feet of finished floor area in size.
11. Unit Mix. Apartments constructed on the R-6C Parcels shall consist of a maximum of thirty-five (35) percent one (1) bedroom units and a maximum of fifteen (15) percent three (3) bedroom units.
12. Recreational Amenities. The Owner shall provide amenities to include a minimum of clubhouse(s) including a business center, swimming pool(s) and fitness facilities. A clubhouse including a swimming pool shall be constructed with the first phase of development, unless otherwise approved at the time of Plan of Development.
13. Sound Suppression Measures. Sound suppression measures shall be provided between units with at least a sound coefficient rating of 55.
14. Unit Amenities. At a minimum, each unit shall have a washer and dryer, and shall be electronically wired to readily accommodate computers and modems. A minimum of fifteen (15) percent of the units shall have gas fireplaces.
15. Building Setbacks on Northern and Western Boundaries. Where the closest portion of any building adjacent to the northern and western property lines is two (2) stories in height, the building shall be setback a minimum of thirty-five (35) feet from such property lines if considered a side yard and a minimum of forty (40) feet if considered a rear yard, and where the closest portion of any building adjacent to such property lines is three (3) stories in height, the building shall be setback a minimum of sixty (60) feet from such property lines, and where the closest portion of any building adjacent to such property lines is four (4) or more stories in height, the building shall be setback a minimum of one hundred (100) feet from such property lines.
16. Storm Water Management Facilities. Any above-ground stormwater management facilities located on the R-6C Parcels shall be designed and utilized as a water feature amenity and/or designed and landscaped to make it an integral part of the development.

17. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of any building shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade) of brick, wood, exterior insulating finishing systems ("E.I.F.S."), cementitious, vinyl or composite-type siding, or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development.
18. Chimneys. No chimneys or gas vent units shall be cantilevered. The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the building. This proffer shall not apply to direct vent gas fireplaces or appliances. There shall be no pre-fabricated chimneys for units in the R-6C Parcels.
19. Parked or Stored Vehicles. No recreational vehicles, campers, trailers or boats shall be permitted to be parked or stored on the R-6C Parcels other than in designated areas.
20. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed fifteen (15) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties.

APPLICABLE TO B-2C PARCELS

21. Prohibited Uses. The following uses shall be prohibited:
 - a. automotive filling and service stations including towing service (however, convenience food stores with fuel pumps shall not be prohibited);
 - b. billiard, bagatelle, video game or a bingo parlor;
 - c. flea markets or antique auctions;
 - d. billboards;
 - e. recycling facilities;
 - f. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - g. dance halls;
 - h. attention getting devices;
 - i. truck stops;
 - j. gun shop, sales and repair;
 - k. hotels, motels and motor lodges;
 1. parking garages or commercial parking lots;
 - m. sign painting shops;
 - n. communication towers;

- o. general hospitals, sanitoriums and charitable institutions for human care;
 - p. sexually-oriented businesses including, but not limited to, adult video stores; and
 - q. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control.
22. Buffer. A landscaped area twenty-five (25) feet in width shall be maintained along the existing right-of-way line of Staples Mill Road with the exception of entrance drives, turn lanes, sidewalks, grading, drainage easements, signage, utility easements that may pass through the buffer in a generally perpendicular manner (unless currently existing), and such other uses as may be permitted at the time of Plan of Development.
23. Multiple Users. The B-2 zoned land shall in the aggregate contain multiple users rather than a single "big box" retailer.
24. Exterior Materials. The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade) of brick, E.I.F.S., split face block, cementitious, vinyl or composite-type siding, or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block.
25. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties.
26. Canopy Lighting. Canopy lighting over any fuel pumps associated with a convenience store shall be recessed, flat lens fixtures. Light fixtures shall be of the type that conceals the direct source of light.
27. Mechanical Equipment. Mechanical equipment shall be screened from public view at ground level at the B-2C Parcel lines in a manner approved at the time of Plan of Development.
28. Signage. Any detached signs on the B-2C zoned land shall be ground mounted monumental-type signs and shall not exceed fifteen (15) feet in height above grade.


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29. Irrigation. Landscaping along all public rights-of-way shall be irrigated.

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 W. Theobald