

* West Broad Street Overlay (WBSO). See Sec. 24-92.3, et seq., of the County Code and WBSO Approved Guidelines; effective Nov. 13, 1996.

BANK FINANCIAL CENTER & RESTAURANT

C-5C-01

36-A-50 pt. of 49A
THREE CHOPT DISTRICT

HENRICO COUNTY PLANNING OFFICE

COUNTY OF HENRICO

February 20, 2001

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-5C-01

First Union National Bank
1420 Two First Union Center
Charlotte, N.C. 28288-0340

Gentlemen:

The Board of Supervisors at its meeting on February 13, 2001, granted your request to conditionally rezone property from A-1 Agricultural District, B-2C business District (Conditional) and B-3 Business District to B-1C and B-2C Business Districts (Conditional), Parcel 36-A-50 and Part of Parcel 36-A-49A, described as follows:

Parcel 1

Beginning at a Point of Beginning on the southerly right-of-way line of West Broad Street, which Point of Beginning is arrived at by the following two courses and distances from the intersection of the southerly right-of-way line of West Broad Street with the centerline of a 30-foot right of way for a private road as approved by Henrico County Planning Commission Plan of Development #43-00: along the southerly right-of-way line of West Broad Street, South 78° 39' 48" East, 66.88 feet to a point; thence, continuing along the southerly right-of-way line of West Broad Street, South 79° 52' 28" East, 137.37 feet to the Point of Beginning; thence, along the southerly right-of-way line of West Broad Street; South 05° 43' 21" East, 339.94 feet to a point; thence, continuing along the southerly right-of-way line of West Broad Street; South 36° 26' 50" West, 13.29 feet to a point; thence, continuing along the southerly right-of-way line of West Broad Street; South 05° 43' 40" East, 91.57 feet to a point; thence, leaving the southerly right-of-way line of West Broad Street, South 31° 20' 08" West, 258.46 feet to a point; thence, South 62° 55' 18" East 127.55 feet to a point on the westerly right-of-way line of Spring Oak Drive; thence, with the westerly right-of-way line of Spring Oak Drive, 49.73 feet along a curve to the left whose radius is 50.00 feet, whose delta is 56° 59' 06", whose chord distance is 47.70 feet, and whose chord bearing is South 22° 20' 24" West; thence, leaving the westerly right-of-way line of Spring Oak Drive, North 71° 18' 46" West, 350.57 feet to a point; thence, North 76° 18' 50" West, 196.99 feet to a point on the westerly line of Parcel 3; thence, with Parcel 3, North 80° 43' 44" East, 160.61 feet to a point to a point common to Parcels 1, 2, and 3; thence, leaving Parcel 3, and with Parcel 2, North 80° 43' 44" East, 154.30 feet to the Point of Beginning.

Parcel 2

Beginning at a Point of Beginning on the southerly right-of-way line of West Broad Street, which point is South $78^{\circ} 39' 48''$ East, 66.88 feet from the intersection of the southerly right-of-way line of West Broad Street with the centerline of a 30-foot right of way for a private road as approved by Henrico County Planning Commission Plan of Development #43-00, thence, with the southerly right-of-way line of West Broad Street, South $79^{\circ} 52' 28''$ East, 137.37 feet to a point common to Parcels 1 and 2 on the southerly right-of-way line of West Broad Street; thence, leaving the southerly right-of-way line of West Broad Street, and with Parcel 1, South $80^{\circ} 43' 44''$ West, 154.30 feet to a point common to Parcels 1, 2, and 3; thence, leaving Parcel 1 and with Parcel 3, North $79^{\circ} 43' 24''$ West, 88.60 feet to a point; thence, with Parcel 3, South $28^{\circ} 39' 54''$ West, 12.64 feet to a point thence, with Parcel 3, North $79^{\circ} 42' 08''$ West, 25.30 feet to a point; thence, with Parcel 3, North $28^{\circ} 45' 08''$ East, 12.65 feet to a point thence, with Parcel 3, North $79^{\circ} 42' 59''$ West, 23.31 feet to a point; thence, with Parcel 3, North $28^{\circ} 41' 29''$ West, 153.34 feet to the Point of Beginning.

Parcel 3

Beginning at a Point of Beginning at the intersection of the southerly right-of-way line of West Broad Street with the centerline of a 30-foot right of way for a private road as approved by Henrico County Planning Commission Plan of Development #43-00; thence, with the southerly right-of-way line of West Broad Street, South $78^{\circ} 39' 48''$ East, 66.88 feet to a point; thence, leaving the southerly right-of-way line of West Broad Street, and with Parcel 2, South $28^{\circ} 41' 29''$ West, 153.34 feet to a point; thence with Parcel 2, South $79^{\circ} 42' 59''$ East, 23.31 feet to a point; thence with Parcel 2, South $28^{\circ} 45' 08''$ West, 12.65 feet to a point; thence with Parcel 2, South $79^{\circ} 42' 08''$ East, 25.30 feet to a point; thence with Parcel 2, North $28^{\circ} 39' 54''$ East, 12.64 feet to a point; thence with Parcel 2, South $79^{\circ} 43' 24''$ East, 88.60 feet to a point common to Parcels 1, 2, and 3; thence with Parcel 1, S $80^{\circ} 43' 44''$ West, 160.61 feet to a point; thence leaving Parcel 1, South $80^{\circ} 37' 53''$ West, 14.11 feet to a point; thence North $09^{\circ} 03' 30''$ West, 232.55 feet, to a point; thence, with the centerline of the aforesaid 30-foot right of way for a private road, 44.15 feet along a curve to the left whose radius is 100 feet, whose delta is $25^{\circ} 17' 54''$, and whose tangent is 22.44 feet, to a point; thence, continuing along the aforesaid centerline, 14.86 feet along a curve to the left whose radius is 100 feet, whose tangent is 7.44 feet, and whose chord distance is 14.85 feet, to a point; thence, continuing along the aforesaid centerline, North $77^{\circ} 33' 59''$ East, 72.01 feet to a point; thence, continuing along the aforesaid centerline, North $80^{\circ} 42' 25''$ East, 159.21 feet to a point; thence, continuing along the aforesaid centerline, 17.46 feet along a curve to the left whose radius is 100 feet, whose delta is $10^{\circ} 00' 22''$, whose chord length is 17.44 feet, and whose tangent is 8.75 feet, to a point; thence, continuing along the aforesaid centerline, North $89^{\circ} 17' 14''$ East, 42.08 feet to the Point of Beginning.

The Board of Supervisors accepted the following proffered conditions, dated January 10, 2001, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

AMENDED PROFFERED CONDITIONS APPLICABLE TO PARCEL 1 ONLY

1. **Architectural Treatment.** The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on Parcel 1 shall be similar in high quality of construction, compatible architectural design (incorporating compatible design elements and color), architectural style and use of compatible construction materials. All buildings constructed on Parcel 1 shall have exposed exterior walls (above finished grade) constructed primarily of face brick and glass and may have varying amounts of dryvit, stucco if applied to a masonry surface, or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested by the owner and specifically approved by the Planning Commission at the time of Plan of Development review. Wood siding, natural stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless otherwise requested by the owner and specifically approved by the Planning Commission at the time of Plan of Development review. Roof design shall be implemented so as to minimize building mass and offer variations in building appearance.
2. **Buffer Areas.**
 - a. Landscaped and/or natural buffer areas and/or berms shall be provided along the boundaries of Parcel 1 as set forth below, except to the extent necessary or allowed for entrance drives, sidewalks, utility easements, grading, fencing and signage and other purposes requested and specifically approved, or if required, by the Planning Commission at the time of Plan of Development review:
 - i) Thirty five (35) feet in width parallel and adjacent to the West Broad Street right-of-way; and
 - ii) If approved by the Planning Commission, the following buffer will be provided: Twenty (20) feet in width parallel and adjacent to the rear property line of Parcel 1, except along the first 88.12 feet of such rear property line measured in a westerly direction from its intersection with the curve forming the western right-of-way line of the cul-de-sac of Spring Oak Drive in which such buffer shall commence upon a width measured from such rear property line of fifteen (15) feet and increase to a width measured from such rear property line of twenty (20) feet, all as shown on the plat and conceptual site plan dated November 14, 2000, by

Timmons, Surveys-Engineers-Planners, attached hereto as part hereof and marked Exhibit A.

Each such buffer area shall be maintained in accordance with high standards which shall be established in Protective Covenants governing Parcel 1. Any dead, diseased or fallen trees and vegetation shall be replaced as required.

- b. Any entrance drives within the buffers set forth above shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically approved, or if required, by the Planning Commission at the time of Plan of Development review.
3. **Building Height.** No building constructed on Parcel 1 shall exceed the lesser of two (2) stories or thirty-eight (38) feet in height above grade to the midline of the roof, exclusive of mechanical equipment, penthouses associated therewith, chimneys, towers or other architectural design features, unless otherwise requested by the owner and specifically approved by the Planning Commission at the time of Plan of Development review.
4. **Site Coverage.** No more than seventy (70) percent of Parcel 1 in the aggregate may be covered by buildings, parking areas and driveways.
5. **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, by the Planning Commission at the time of Plan of Development review or by any other governmental body. Lighting shall not exceed one-half (1/2) foot candle at the northern, eastern and southern boundaries of Parcel 1. Except for decorative or period style lighting fixtures or landscape lighting, parking lot lighting shall be produced from concealed sources of light.
6. **Sidewalk.** A sidewalk adjacent to West Broad Street shall be provided in a manner approved by the Planning Commission at the time of Plan of Development review.
7. **Access.** There shall be no direct access to or from the Property to or from West Broad Street. Vehicular access to Parcel 1 shall be limited to no more than one (1) on Spring Oak Drive, one (1) on West Broad Street by way of the private road approved by the County in Plan of Development Case No. 43-00 and by a private road (the "**Private Road**") to be constructed by or on behalf of the owner north of and along the southern boundary line of Parcel 1 and Parcel 3 from the foregoing private road to Spring Oak Drive, unless otherwise requested and specifically approved, or if required, by the County and/or any other governmental body. This Proffer shall not preclude left turns of vehicles from the western terminus of the Private Road. During construction of the Private Road, reasonable efforts shall be made to the extent practicable to protect the large mature tree situated at the rear of the parcel of land which is contiguous to the eastern line of Parcel 1 and owned by Crown Central Petroleum Corporation.

8. **Conceptual Site Plan.** Parcel 1 shall be developed generally in conformance with the plat and conceptual site plan labeled Exhibit A which is attached hereto as part here and filed herewith, unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development review.
9. **Updated Conceptual Site Plan.** A conceptual site plan showing the coordinated planned development scheme for roads, driveways, utilities and buffers for the entire Parcel 1 shall be filed with the Planning Commission at the time of the first Plan of Development review and approval by the Planning Commission and will be updated with each Plan of Development thereafter.
10. **Detached Signage.** Any detached signage on Parcel 1 (other than permitted directional signage) shall be a ground mounted, monumental-type sign and, if lighted, internally lit.
11. **Protective Covenants.** Prior to or concurrent with the conveyance of any part of Parcel 1 covered by a Plan of Development approved by Henrico County (other than for the conveyance of easements, roads, or utilities), the owner of the part of Parcel 1 covered by such Plan of Development, or its successors and assigns, shall record a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth restrictions relating to (a) the high standards of uniform maintenance of all buffers areas on Parcel 1 and all trees and shrubbery located in such buffer areas, (b) the high standards of uniform maintenance, repair and replacement of any private road or roads which may be constructed on Parcel 1, (c) the quality and type of development of such part of Parcel 1 and (d) the establishment of an Architectural Control Committee, consisting of three voting members, to govern the development of such part of Parcel 1, with the Wellesley Homeowners Association, Inc. being entitled to appoint one voting member to serve on such committee.
12. **Maintenance of Trees and Shrubbery.** The appearance of all trees and shrubbery located on Parcel 1 shall be maintained in a neat and orderly manner after development of Parcel 1.
13. **Trash Removal.** Trash pick up from Parcel 1 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.
14. **Trash Receptacles.** Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level in a manner approved by the Planning Commission at the time of Plan of Development review.
15. **Underground Utilities Lines.** Except for junction boxes, meters and existing overhead utility lines and wetlands, if any, all utility lines shall be underground.
16. **Gravel.** Gravel shall not be used as a primary landscaping material.
17. **Entertainment.** There shall be no live outside entertainment on Parcel 1.

18. **Chain Line Fence.** No chain link fencing shall be permitted on Parcel 1 unless otherwise requested and specifically permitted, or if required, by the Planning Commission at the time of Plan of Development review.
19. **Irrigation.** Landscaped buffers parallel to West Broad Street shall be served by an underground irrigation system.
20. **Use Restrictions.** The following uses shall not be permitted on Parcel 1:
 - a. A facility for the sale or display of pornographic material (as determined by community standards for the area in which Parcel 1 is located);
 - b. Dance halls;
 - c. Flea markets and antique auctions;
 - d. Gun shop, sales and repairs;
 - e. Automobile sales, parts, rental, repair, service or towing services;
 - f. Car wash;
 - g. Sale of gasoline;
 - h. Convenience store (free standing);
 - i. Private club, lodge, meeting hall and fraternal organization;
 - j. Christmas tree sales;
 - k. Off-track betting parlors;
 - l. Outside storage or sales, exclusive of outdoor dining;
 - m. Permanent on-site recycling collection facility;
 - n. Theaters, bowling alleys, ice and roller skating rinks, model racing tracks, electronic video game rooms, bingo halls, billiard parlors, archery ranges and substantially similar activities; and
 - o. Fortune teller, palmist, etc.
21. **Size Restriction.** No retail business shall be located on Parcel 1 which exceeds 25,000 gross square feet of floor area and no retail building shall be located on Parcel 1 which exceeds 30,000 gross square feet of floor area, unless specifically approved by the Planning Commission at the time of Plan of Development review. Notwithstanding the foregoing, more than one business may be located in any one building on Parcel 1.
22. **Orientation.** Utility boxes, dumpsters and loading docks shall not be oriented toward West Broad Street, unless screened from public view in a manner approved by the Planning Commission at the time of Plan of Development review.

AMENDED PROFFERED CONDITIONS APPLICABLE TO PARCEL 2 ONLY

All conditions proffered in Rezoning Case No. C-69C-95 are hereby ratified and confirmed, except as follows:

23. **Buffer Areas.** Proffered condition no. 2.a.i) requiring a buffer area fifty (50) feet in width parallel and adjacent to West Broad Street is hereby deleted and the following proffered condition is substituted therefor:
 - i) Thirty five (35) feet in width parallel and adjacent to the West Broad Street right-of-way from the eastern line of Parcel 2 to a

point on the West Broad Street right-of-way line which is one hundred one and 12/100 (101.12) feet west of such eastern line of Parcel 2, from which point in a westerly direction the width of such buffer shall increase arithmetically until it is forty one and 2/100 (41.02) feet in width adjacent to the West Broad Street right-of-way at the western line of Parcel 2.

24. **Parking Lot Lighting**. The second sentence of proffered condition no. 5 is deleted and the following sentence is substituted therefor.

Lighting shall not exceed one-half (1/2) foot candle at the northern boundary of Parcel 2.

AMENDED PROFFERED CONDITIONS APPLICABLE TO PARCEL 3 ONLY:

All conditions proffered in Rezoning Case No. C-59C-00 are hereby ratified and confirmed, except as follows:

25. **Buffer Areas**. Proffered condition no. 2.a.i) requiring a buffer area fifty (50) feet in width parallel and adjacent to West Broad Street is hereby deleted and the following proffered condition is substituted therefor:

i) Forty one and 2/100 (41.02) feet in width at the eastern line of Parcel 3 adjacent to the West Broad Street right-of-way, from which point in a westerly direction the width of such buffer shall increase arithmetically until it is fifty (50.00) feet in width adjacent to the West Broad Street right-of-way at the western line of Parcel 3.

26. **Buffer Areas**. Proffered condition no. 2.a.iii) requiring a buffer thirty five (35) feet in width parallel and adjacent to the eastern property line of Parcel 3 is hereby deleted in its entirety.

27. **Parking Lot Lighting**. The second sentence of proffered condition no. 5 is deleted and the following sentence is substituted therefor.

Lighting shall not exceed one-half (1/2) foot candle at the northern, western and southern boundaries of Parcel 3.

PROFFERED CONDITION APPLICABLE TO ALL PARCELS

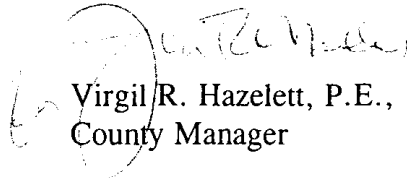
28. **Severance**. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

First Union National Bank
February 20, 2001

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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 conditions in the Conditional Zoning Index.

Sincerely,



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

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. David S. Cohn, Esquire
Messrs. Frank J. Wyatt, Jr. & G. W. Wyatt
Virginia Department of Transportation
Wellesley Centre, L.C.

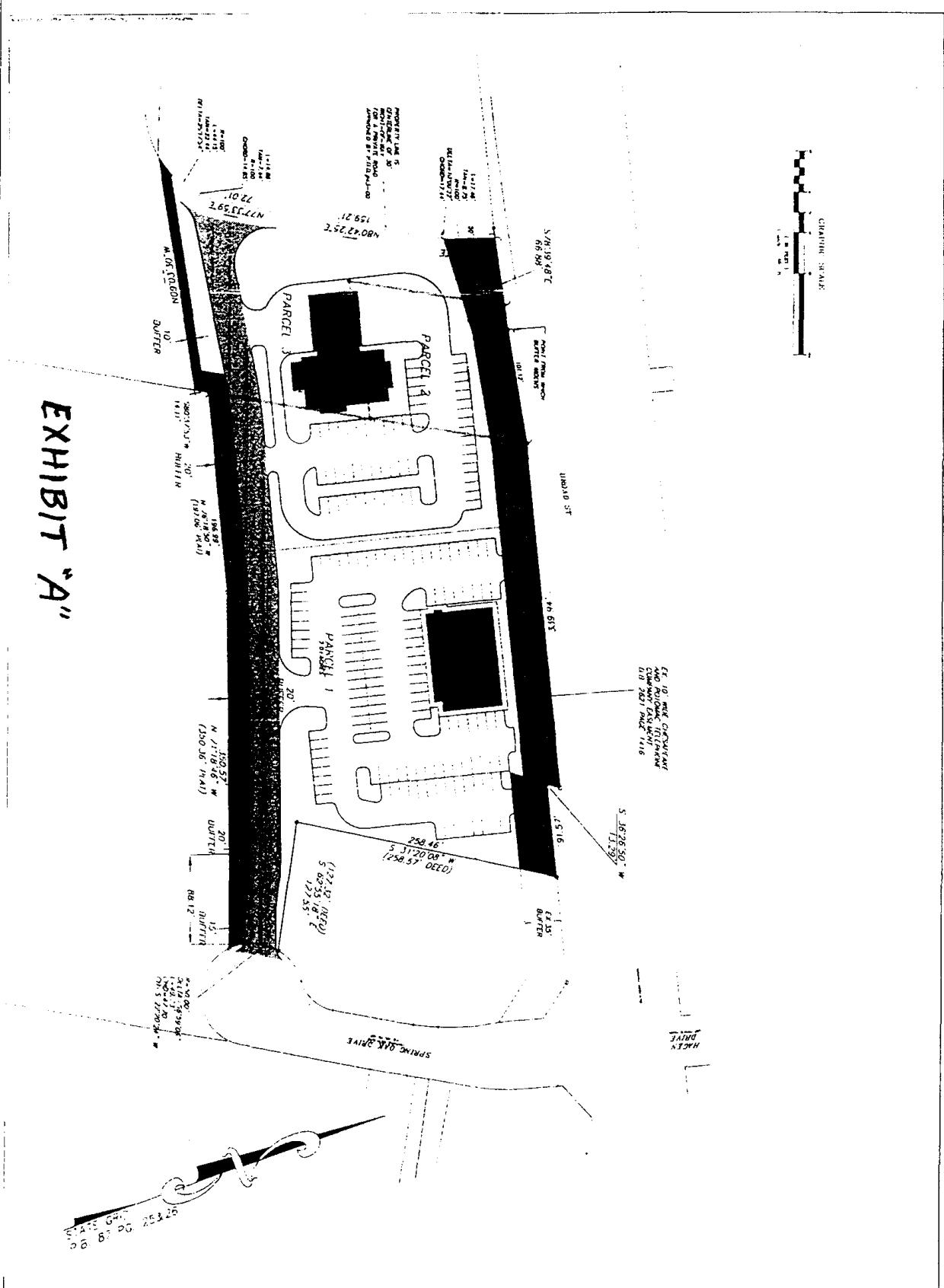
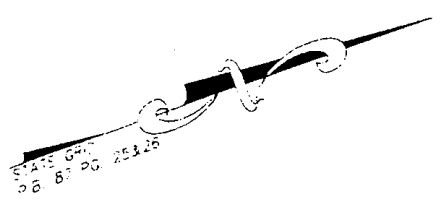


EXHIBIT "A"



		Founded 1959	
ENGINEERS • SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS • GEOGRAPHIC INFORMATION SYSTEMS CONSULTANTS • CONSTRUCTION MANAGERS			
STATE OF VIRGINIA PROFESSIONAL SURVEYOR No. 53559		DATE: _____ PROJECT: _____ SHEET: _____ OF _____	
PRELIMINARY SITE LAYOUT PLAN		SHORT PUMP FUNB HENRICO COUNTY, VIRGINIA	