



B-2C, O-3C to B-2C
6.633 Acres



November 2002

ZONING
RETAIL

C-75C-02

Three Chopt District

0 400 Feet

* Zoning labeled with asterisk, included in the West Broad Street Overlay District

Ref. 737-762-4724



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

February 4, 2003

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-75C-02

Wellesley Centre, LC
c/o Jeffrey S. Bisger, Manager
1313 East Main Street
Richmond, VA 23219

Dear Mr. Bisger:

The Board of Supervisors at its meeting on January 28, 2003, granted your request to conditionally rezone property from B-2C Business District (Conditional) and O-3C Office District (Conditional) to B-2C Business District (Conditional), on part of Parcel 737-762-4724, described as follows:

Beginning at a point on the north line of Three Chopt Road, said point being 288.57' east of the intersection of the north line of Three Chopt Road and the east line of Lauderdale Drive; thence leaving the said north line of Three Chopt Road along a curve to the left having a radius of 800.44', a length of 363.15', a chord bearing of N47°54'38"E, and a chord of 360.04' to a point being the true point and place of beginning; thence N44°51'23"W, 292.08' to a point; on the eastline of Lauderdale Drive; thence along the eastline of Lauderdale Drive the following five courses: thence along a curve to the left having a radius of 1327.52'; a length of 336.35, a chord bearing of N30°54'28"E, and a chord of 335.46' to a point; thence N29°23'49"E, 99.84' to a point, thence N23°38'55"E, 34.46' to a point, thence N27°19'07"E, 90.74' to a point, thence N23°32'08"E, 48.66' to a point, thence along a curve to the right having a radius of 200', a length of 250', a chord bearing of N73°11'09"E, and a chord of 234.05' to a point; on the south line of West Board Street – U.S. Route 250; thence leaving the said east line of Lauderdale Drive along the said south line of West Broad Street – U.S. Route 250 the following three courses: thence along a curve to the left having a radius of 2944.79', a length of 211.70' a chord bearing of S73°03'42"E, and a chord of 211.65' to a point, thence N85°12'12"E, 17.96' to a point, thence S73°44'18"E, 21.58' to a point, thence leaving the said south line of West Broad Street-U.S. Route 250, thence S13°37'42"W, 226.24' to a point, thence S12°14'05"E, 106' to a point, thence N68°18'15"W, 40.22' to a point, thence along a curve to the left having a radius of 215.29', a length of 180.48, a chord bearing of S87°40'48"W, and a chord of 175.24' to a point, thence S63°39'53"W, 19.85' to a point, thence along a curve to the left having a radius of 200', a length of 135.73', a chord bearing of S44°13'20"W, and a chord of 133.14' to a point, thence S24°46'48"W, 68.04 to a point, thence along a curve to the

right having a radius of 515', a length of 95.41, a chord bearing of S30°05'14"W, and a chord of 95.27' to a point, thence S35°23'40"W, 215.93' to the true point and place of beginning, containing 6.633 acres.

The Board of Supervisors accepted the following proffered conditions, dated January 13, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Architectural Treatment. The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Property 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 the Property 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 at the time of Plan of Development. 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 at the time of Plan of Development. Roof design shall be implemented so as to minimize building mass and offer variations in building appearance. All buildings constructed on the Property shall be of compatible architecture and materials with the existing office buildings within Westgate at Wellesley, as determined at the time of Plan of Development.
2. Buffer Areas.
 - (a) Landscaped and/or natural buffer areas and/or berms shall be provided along the boundaries of the Property 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, at the time of Plan of Development:
 - i) a minimum of fifty (50) feet in width parallel and adjacent to the West Broad Street right-of-way, as shown on the zoning plat filed herewith (see case file); and

- ii) a minimum of fifty (50) feet in width parallel and adjacent to the Lauderdale Drive right-of-way, except when a right-turn lane may be required into the Property and for the area adjacent to the "Old R/W Line" as shown on the zoning plat filed herewith (see case file).

All such buffer areas shall be maintained in accordance with high standards which shall be established in Protective Covenants governing the Property. 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, at the time of Plan of Development.
3. Building Height. No building constructed on the Property shall exceed one (1) story or twenty-nine (29) feet in height above grade to the top of the proposed parapet wall, exclusive of mechanical equipment, penthouses associated therewith, chimneys, towers or other architectural design features, unless otherwise requested by the owner and specifically approved at the time of Plan of Development.
 4. Site Coverage. No more than seventy (70) percent of the Property 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, at the time of Plan of Development. Lighting shall not exceed one-half (1/2) foot candle at the boundaries of the Property. Except for decorative or period style lighting fixtures or landscape lighting, parking lot lighting shall be produced from concealed sources of light.
 6. Sidewalks and Pedestrian Access Ways. Subject to obtaining all required governmental easements, approvals and permits, a standard size pedestrian sidewalk shall, concurrent with the development of any portion of the Property, be installed in accordance with County standards in the County's right-of-way along the eastern right-of-way line of Lauderdale Drive, if requested by the County at the time of Plan of Development. Pedestrian access ways between major project areas shall be provided in a manner approved at the time of Plan of Development.
 7. Access. Vehicular access to the Property shall be as shown on the Conceptual Master Plan provided in Proffered Condition 8 below, unless otherwise requested

and specifically approved, or if required, by the County and/or any other governmental body.

8. Conceptual Master Plan. The layout of buildings on the Property shall be in substantial conformity with the Conceptual Master Plan dated October 31, 2002, a copy of which is attached hereto (see case file), subject, however, to such traffic, engineering and other changes as may be requested by the County or owner and specifically approved at the time of Plan of Development. This provision does not prohibit future modifications in the development of the Property, but such future modifications shall be consistent with the other provisions of these proffers and the County Code as same may be amended from time to time.
9. Updated Conceptual Master Plan. A conceptual master plan showing the coordinated planned development scheme for roads, driveways, utilities and buffers for the entire Property shall be filed at the time of the first Plan of Development and will be updated with each Plan of Development thereafter.
10. Protective Covenants. Prior to or concurrent with the conveyance of any part of the Property covered by a Plan of Development approved by Henrico County (other than for the conveyance of easements, roads, or utilities), the owner of the portion of the Property 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 controls on the quality and type of development of such portion of the Property. The covenants shall also provide for high standards of uniform maintenance (consistent with commercial "Class A" projects) of individual sites, common areas, open spaces, landscaping and private streets, and provide for minimum development and operational standards for each site.
11. Trash Removal. Trash pick up from the Property 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.
12. Trash Receptacles. Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level in a manner approved at the time of Plan of Development.
13. Underground Utilities Lines. Except for junction boxes, meters and existing overhead utility lines and wetlands, if any, all utility lines shall be underground.
14. Gravel. Gravel shall not be used as a primary landscaping material.
15. Entertainment. There shall be no live outside entertainment on the Property.

16. Architectural Control Committee. There shall be an Architectural Control Committee to govern the development of the Property and the Wellesley Homeowners Association, Inc. shall be entitled to appoint one voting member to serve on this committee.
17. Chain Link Fence. No chain link fencing shall be permitted on the Property within view from West Broad Street and Lauderdale Drive unless otherwise requested and specifically permitted, or if required, at the time of Plan of Development.
18. Irrigation. Landscaped buffers parallel to West Broad Street and Lauderdale Drive and shall be served by an underground irrigation system.
19. 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.
20. Use Restrictions. The following uses shall not be permitted on the Property:
 - a. A facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property 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. Restaurants with drive through windows;
 - j. Private club, lodge, meeting hall and fraternal organization;
 - k. Christmas tree sales;
 - l. Off-track betting parlors;
 - m. Outside storage or sales, exclusive of outdoor dining;
 - n. Permanent on-site recycling collection facility;
 - o. 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;
 - p. Fortune teller, palmist, etc.; and
 - q. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections).

21. Size Restriction. No retail business shall be located on the Property which exceeds 25,000 gross square feet of floor area, and no retail building shall be located on the Property which exceeds 30,000 gross square feet of floor area, unless specifically approved at the time of Plan of Development. Notwithstanding the foregoing, more than one business may be located in any one building on the Property.
22. Orientation. Utility boxes, dumpsters and loading docks shall not be oriented toward West Broad Street or Lauderdale Drive, unless screened from public view in a manner approved at the time of Plan of Development.

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

pc: Director, Real Estate Assessment
Conditional Zoning Index
James W. Theobald, Esquire