

**SUBJECT
PROPERTY**



August 2003

ZONING
AMEND PROFFERS

Ref. 791-760-1417

C-39C-03

Fairfield District

0 500 Feet





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

November 19, 2003

Virgil R. Hazelett, P.E.
County Manager

Windsor Business Park, LLC
8550 Magellan Parkway
Richmond, VA 23227

Re: Conditional Rezoning Case C-39C-03

Dear Sir:

The Board of Supervisors at its meeting on November 12, 2003, granted your request to amend proffered conditions on Conditional Rezoning Case C-90C-97, on Parcels 791-760-1417, 791-760-7833, 792-760-2349 and 792-760-3482, described as follows:

Parcel A

Beginning at a point at the intersection of the west line of Magellan Parkway and the north line of East Parham Road; thence, along the said north line of East Parham Road, along a curve to the left having a radius of 3080.34' a length of 222.11', a chord bearing of $S73^{\circ}16'22''W$ and a chord distance of 222.06' to a point, said point being the true point of beginning; thence, continuing along the said north line of East Parham Road, along a curve to the left having a radius of 3080.34', a length of 521.23', a chord bearing of $S66^{\circ}21'34''W$ and a chord distance of 520.61' to a point; thence, leaving the said north line of East Parham Road, $N28^{\circ}29'17''W$, 150.29' to a point; thence $N60^{\circ}19'25''W$ 289.97' to a point; thence, along a curve to the right having a radius of 3480.34', a length of 424.30', a chord bearing of $N62^{\circ}29'08''E$ and a chord distance of 424.04' to a point; thence $S58^{\circ}14'18''E$, 499.23' to the point of beginning, containing 4.064 acres of land.

Parcel B

Beginning at a point, said point being at the intersection of the west line of Magellan Parkway and the north line of East Parham Road; thence, along the said north line of East Parham Road, along a curve to the left having a radius of 3080.34', a length of 222.11', a chord bearing of $S73^{\circ}16'22''W$, and a chord distance of 222.06' to a point; thence, leaving the said north line of East Parham Road, $N58^{\circ}14'18''W$, 499.23' to a point; thence along a curve to the right having a radius of 3480.34', a length of 450.74', a chord bearing of $N69^{\circ}41'18''E$ and a chord distance of 450.42' to a point on the west line of Magellan Parkway; thence, along the said west line of Magellan Parkway the following six courses: $S50^{\circ}33'43''E$, 178.11' to a point; thence along a curve to the right having a radius of 270', a length of 127.58', a chord bearing of $S37^{\circ}01'30''E$ and a chord distance of 126.40' to a point; thence along a curve to the right having a radius of 96', a

length of 34.09', a chord bearing of S13°18'53"E and a chord distance of 33.91' to a point; thence along a curve to the left having a radius of 204', a length of 36.65', a chord bearing of S81°17'17"E and a chord distance of 36.60' to a point; thence S13°26'06"E, 38.14' to a point; thence along a curve to the right having a radius of 29.05', a length of 45.01', a chord bearing of S30°57'06"W and a chord distance of 40.64' to the point of beginning, containing 3.563 acres of land.

Parcel C

Beginning at a point, said point being at the intersection of the east line of Magellan Parkway and the north line of East Parham Road; thence along the said east line of Magellan Parkway the following eight courses: S87°58'38"W, 83.11' to a point; thence along a curve to the left having a radius of 3090.34', a length of 133.70', a chord bearing of S79°03'43"W and a chord distance of 133.69' to a point; thence along a curve to the right having a radius of 31', a length of 48.01', a chord bearing of N57°48'22"W and a chord distance of 43.36' to a point; thence N13°26'06"W, 33.12' to a point; thence along a curve to the left having a radius of 204', a length of 62.66', a chord bearing of N22°14'03"W and a chord distance of 62.41' to a point; thence along a curve to the right having a radius of 96', a length of 12.64', a chord bearing of N27°15'39"W and a chord distance of 12.63' to a point; thence along a curve to the left having a radius of 330', a length of 155.93', a chord bearing of N37°01'30"W and a chord distance of 154.49' to a point; thence N50°33'43"W, 136.78' to a point; thence, leaving the said east line of Magellan Parkway, along a curve to the right having a radius of 3480.34', a length of 596.99', a chord bearing of N79°30'44"E and a chord distance of 596.26' to a point; thence N83°16'37"E, 426.60' to a point; thence S48°50'55"E, 207.06' to a point; thence S4°05'25"W, 305.86' to a point on the north line of East Parham Road; thence, along the said north line of East Parham Road, along a curve to the left having a radius of 3080.34', a length of 658.95', a chord bearing of S87°57'43"W and a chord distance of 657.69' to the point of beginning, containing 9.250 acres of land.

Parcel D

Beginning at a point at the intersection of the east line of Magellan Parkway and the north line of East Parham Road; thence along the said east line of Magellan Parkway the following eight courses: S87°58'38"W, 83.11' to a point; thence along a curve to the left having a radius of 3090.34', a length of 133.70', a chord bearing of S79°03'43"W and a chord distance of 133.69' to a point; thence along a curve to the right having a radius of 31', a length of 48.01', a chord bearing of N57°48'22"W and a chord distance of 43.36' to a point; thence N13°26'06"W, 33.12' to a point; thence along a curve to the left having a radius of 204', a length of 62.66', a chord bearing of N22°14'03"W and a chord distance of 62.41' to a point; thence along a curve to the right having a radius of 96', a length of 12.64', a chord bearing of N27°15'39"W and a chord distance of 12.63' to a point; thence along a curve to the left having a radius of 330', a length of 155.93', a chord bearing of N37°01'30"W and a chord distance of 154.49' to a point; thence N50°33'43"W, 136.78' to a point; thence, leaving the said east line of Magellan

Parkway, along a curve to the right having a radius of 3480.34', a length of 596.99', a chord bearing of N79°30'44"E and a chord distance of 596.26' to a point, said point being the true point of beginning; thence N8°22'28"W, 212.24' to a point; thence N34°23'35"E, 179.88' to a point; thence S48°50'55"E, 468.77' to a point; thence S83°16'37"W, 426.60' to the point of beginning, containing 2 acres of land.

The Board of Supervisors accepted the following proffered condition, dated October 7, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Proffer 3 from Rezoning Cases C-90C-97 shall be deleted in its entirety and replaced with the following:

3. **Buffer Area.** A natural and landscaped buffer area of a minimum of (a) 90 feet in width shall be maintained along the right-of-way line of Parham Road (the "Parham Road Buffer"), and (b) 25 feet in width shall be maintained along both sides of the Spine Road, as hereinafter defined, as such road is constructed. To the extent practical, the existing mature vegetation and trees shall be retained. Such buffer areas may include utility easements, roads, signage, driveways or other purposes required at the time of Plan of Development review. Utility easements and driveways (other than turn lanes required by the County) extended through the buffer areas shall be extended generally perpendicular thereto, and where practicable and permitted, areas disturbed for utility installation shall be restored. Fallen, diseased or dead plant growth shall be removed from such buffer areas and to the extent existing trees or vegetation are removed, additional plantings shall be added.

The Parham Road Buffer shall consist of a variable height berm, except to the extent existing mature vegetation or trees are retained, as otherwise prohibited because of wetlands or floodplain area, or as otherwise requested and specifically permitted by the Planning Commission at the time of Plan of Development review. The landscaped portions of the buffer areas shall be irrigated.

Any building located on the property shall have no more than one double loaded row of parking (2 rows of parking), necessary drive aisles, sidewalks, curb and gutter, and landscaping installed between such building and the Parham Road Buffer, unless otherwise requested and specifically permitted by the Planning Commission at the time of Plan of Development approval.

The Parham Road Buffer may be reduced at the time of Plan of Development as necessary to accommodate (a) any required off-street parking lot setback along the western boundary line of the Property, provided that such reduction shall be

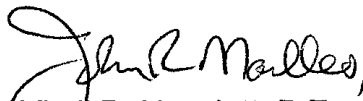
Windsor Business Park, LLC
November 19, 2003
Page 4

no more than two (2) feet, and (b) a driveway into the Property from Parham Road, including any turn lanes required by the County.

But for the amendment of proffers provided for herein, the proffers set forth in Case C-90C-97 shall continue in full force and effect.

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: Mr. Andrew M. Condlin, Esquire
Director, Real Estate Assessment
Conditional Zoning Index