

B-2C & O/SC to B-2C
14.943 Acres



February 2004

ZONING
Grocery Store and
other Retail uses
Ref. 746-773-8345

C-10C-04
Three Chopt District

0 400 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

July 20, 2004

Ukrop's Super Markets, Inc.
600 Southlake Boulevard
Richmond, VA 23236

Re: Conditional Rezoning Case C-10C-04

Dear Sir:

The Board of Supervisors at its meeting on July 13, 2004, granted your request to conditionally rezone property from B-2C Business District (Conditional) and O/SC Office Service District (Conditional) to B-2C Business District (Conditional), Parcels 746-773-8345 and 747-773-2781, described as follows:

Beginning at the northeast corner of Nuckols Road and Twin Hickory Road, thence along a curve to the right with a radius of 1,585.02' for a length of 231.46' to the point of beginning; thence along a curve to the right with a radius of 1,101.86' for a length of 23.87'; thence S75°26'15"W 10.09' to a point; thence along a curve to the right having a radius of 1,089.48' for a length of 251.86' to a point; thence N1°19'00"W 125.46' to a point; thence N05°48'29"E 22.81' to a point; thence N76°54'00"E 304.94' to a point; thence N1°19'00"W 226.76' to a point; thence along a curve to the left with a radius of 401.79' for a length of 250.82' to a point; thence N41°30'00"E 40.91' to a point; thence along a curve to the left with a radius of 531' for a length of 322.05' to a point; thence N6°45'00"E 133.03' to a point; thence along a curve to the right with a radius of 416' for a length of 282.53' to a point; thence S12°43'55"E 318.04' to a point; thence S77°50'50"W 10.04' to a point; thence S12°43'55"E 675.84' to a point; thence S45°02'36"W 15.79' to a point; thence S45°19'45"W 392.20' to a point; thence S44°56'45"W 303.62' to a point; thence S50°08'10"W 93.44' to a point; thence N39°52'05"W 255.57' to a point; thence S50°16'58"W 209.25' to a point; thence S22°29'49"W 65.63' to a point; thence S73°35'57"W 29.56' to the point and place of beginning, containing approximately 14.943 acres.

The Board of Supervisors accepted the following proffered conditions, dated July 9, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Concept Plan Elevations.** The Property shall be developed in general conformance with the Concept Plan entitled "Twin Hickory Crossings" dated December 18, 2003 (see case file), prepared by Jordan Consulting Engineers, P.C. and filed herewith (the "Concept Plan") and the Elevations entitled "The Shoppes At Twin Hickory, Nuckols Road, Henrico County, Virginia" dated December 17, 2003, prepared by Freeman Morgan architects and filed herewith (the "Elevations") (see case file), subject, however, to such traffic, engineering and other changes as may be requested and approved at the time of Plan of Development. There shall be no improvements, except for easements (not to include BMPs), on the northeastern triangular portion of the Property adjacent to Wyndham Forest Subdivision, unless otherwise approved at the time of Plan of Development.

2. **Exterior Materials.** The buildings shown on the Elevations shall have exposed exterior front and side walls (above finished grade) of brick, E.I.F.S., glass, split face block, decorative aluminum, or a combination of the foregoing, as shown on the Elevations, 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. Except as forth below, the rear of the buildings shall be of split face block of a color consistent with the brick on the front and sides of the building, unless otherwise requested and specifically permitted at the time of Plan of Development. The portions of any roof exposed to view shall be of standing seam metal and not shingles as shown on the Elevations. The architectural style and materials for the building on the outparcel shall be complimentary with the other buildings shown on the elevations. The exposed portion of each exterior wall surface (front, rear and sides) of the building on the outparcel and the western end of Building C (excluding rooftop screening materials for mechanical equipment) shall be primarily of brick and glass with E.I.F.S. accents unless otherwise requested and specifically permitted at the time of Plan of Development. The rear of Buildings B and C shall be comprised of brick, which may be oversized, unless otherwise requested and specifically permitted at the time of the Plan of Development.

3. **Prohibited Uses.** The following uses shall be prohibited:
 - a. convenience store;
 - b. billiard, bagatelle, video game or a bingo parlor;
 - c. flea markets or antique auctions;
 - d. billboards;
 - e. funeral homes, mortuaries, crematories and/or undertaking establishments;

- f. dance halls;
- g. attention getting devices;
- h. truck stops;
- i. gun shop, sales and repair;
- j. parking garages or commercial parking lots;
- k. sign painting shops;
- l. adult business as defined in the Henrico County Zoning Ordinance;
- m. 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;
- n. sale of gasoline;
- o. 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).
- p. hotels, motels, and motor lodges;
- q. private club, lodge and fraternal organizations;
- r. self-service storage facilities;
- s. automotive repair/service stations;
- t. archery ranges;
- u. car washes; and
- v. coin-operated laundries.

4. **Greenbelts.** A greenbelt for landscaping (which may include berms), natural open areas and scenic vistas will be provided thirty (30) feet in width adjacent to the eastern right-of-way line of Nuckols Road over the Property, and twenty-five (25) feet in width adjacent to the southern right-of-way line of Wyndham Forest Drive over the Property, except to the extent necessary for utility easements, bicycle paths, jogging trails, signage, roads, sidewalks, access driveways for major project areas and other purposes requested and specifically permitted, or if required, at the time of Plan of Development.
5. **Buffer Areas.**
 - a. Fifty (50) feet in width of natural, undisturbed evergreen buffer with supplemental plantings where necessary consisting of eight (8) to ten (10) foot tall Leyland cypress trees planted eight (8) to ten (10) feet on center the length of the buffer shall be provided along that portion of the southern boundary line of the Property adjacent to the ultimate northern right-of-way line of Twin Hickory Road, except to the extent necessary for accessways, utility easements, signage or other purposes specifically permitted or required at the time of Plan of Development. The supplemental plantings may be of alternative varieties should conditions in the field not be ideal for Leyland cypress trees. Installation of the supplemental plantings shall be completed prior to the construction of any buildings, the Plan of Development for which include any portions of the Property adjacent to the southern boundary line of the Property. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer area and, if so removed, additional plantings shall be added.
 - b. Fifty (50) feet in width of landscaped buffer shall be provided along that portion of the eastern boundary line of the Property adjacent to GPINs 747-774-6515 and 747-774-5839. In addition, a minimum six (6) foot tall earth berm shall be constructed within the foregoing buffer. The toe of the slope of said berm will begin approximately ten (10) to twelve (12) feet from the property line of GPIN 747-774-6515. The slope of the berm shall be at a ratio 3:1 on the side facing the home located on GPIN 747-774-6515. The berm shall be planted with grass. The grass shall be maintained by the owner of the Property upon which the berm is located. The top of the berm shall be planted with five (5) to six (6) foot pines or other appropriate landscape screening material. Positive drainage will be provided to avoid any standing water condition which might be created on any parcels adjacent to the berm by construction of the berm. Construction of the berm shall be completed prior to the construction of any buildings, the Plans of Development for which include any portions of the Property adjacent to the eastern boundary line of the Property.

- c. A fifty (50) foot buffer shall be provided on that portion of the eastern boundary line of the Property adjacent to Wyndham Forest subdivision, which buffer may consist of a berm as set forth in 5.b. above, natural vegetation, or a combination thereof, as determined at the time of Landscape Plan Review.
6. **Building Setback.** No portion of a building shall be constructed within one hundred (100) feet of (i) the eastern boundary line of the Property adjacent to the ultimate northern right-of-way line of Twin Hickory Road across from GPIN 747-773-6860 and (ii) that portion of the eastern boundary line of the Property adjacent to GPIN's 747-774-6515 and 747-774-5839.
7. **Refuse and Containers.** Refuse container enclosures shall be constructed of the same finished masonry materials as that on the primary building with the exception of gates and doors. 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 container enclosures shall be adequate for the development as determined at the time of Plan of Development.
8. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty-five (25) feet in height as measured from the grade at the base of the lighting standard and such lighting shall be produced from concealed sources, 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.
9. **Signs.** Any detached signs on the Property shall be ground mounted monumental-type signs and shall not exceed ten (10) feet in height above grade.
10. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level from the Property lines in a manner approved at the time of Plan of Development.
11. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
12. **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.

13. **Sidewalks**. Subject to obtaining all required governmental easements, approvals and permits, a pedestrian sidewalk shall, concurrent with the development of buildings on the Property, be installed in accordance with County standards along or within the northern right-of-way line of Twin Hickory Road, along or within the southern right-of-way line of Wyndham Forest Drive, and along or within the eastern right-of-way line of Nuckols Road.
14. **Trash Pick Up**. Trash pickup from the Property shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday. There shall be no trash pickup on Sundays.
15. **Public Address**. No outdoor public address, paging or speaker system outside of any building, other than an intercom system which is not audible at the Property lines, shall be permitted.
16. **No Outside Sale of Merchandise**. There shall be no outside sale of merchandise by third-party vendors on the Property, except by civic or charitable organizations.
17. **Decorative Pavers**. Decorative pavers consistent with those at the existing entrances at Twin Hickory and Nuckols Roads shall be provided at the entrances off Wyndham Forest Drive.

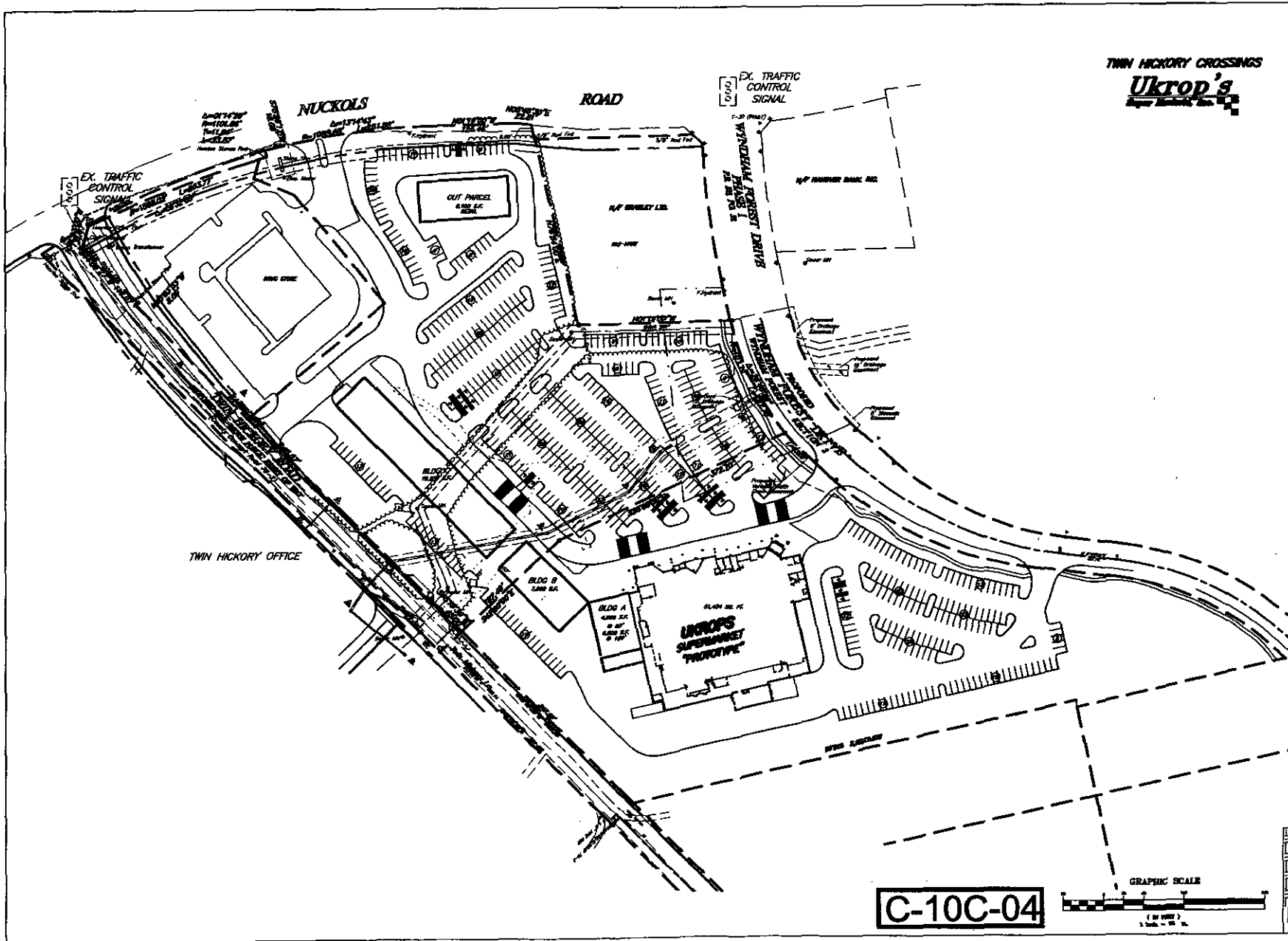
The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



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

pc: Mr. James W. Theobald, Esquire
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal – Director, Research and Planning



TWIN HICKORY CROSSINGS
Ukrop's
 Super Market, Inc.

CIVIL · HIGHWAY · DRAINAGE · SURVEYING · SITE PLANS · SUBDIVISIONS



JORDAN CONSULTING ENGINEERS, P.C.
 2840 Professional Road Richmond, Virginia 23226
 Telephone: (804) 272-7028 Fax: (804) 272-7088
 E-Mail: jace@jordan.com

TWIN HICKORY CROSSINGS
 OFFICE: WENNA
 CONCEPTUAL PLAN

DATE: 05-14-2007
 SCALE: 1" = 40'
 DESIGNED: JMM
 DRAWN: JMM
 CHECKED: JMM

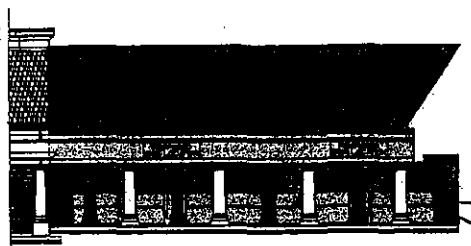
PROJECT:
 DRAWING NO.: 2007
 SHEET: 1 OF 1

C-10C-04

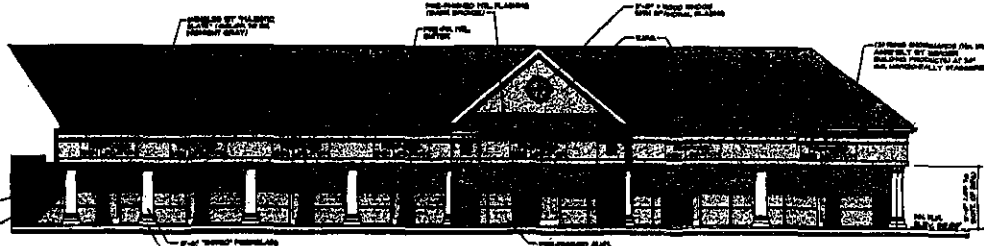




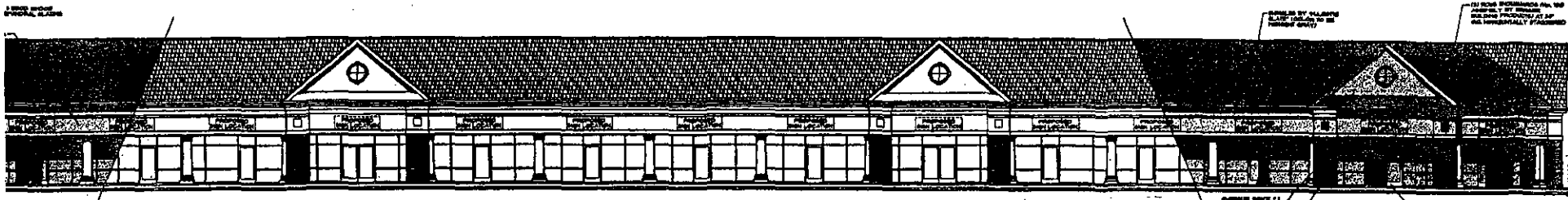
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION (BUILDING 'A')
SCALE: 1/4" = 1'-0"



FRONT ELEVATION (BUILDING 'B')
SCALE: 1/4" = 1'-0"



(BUILDING 'C')

C-10C-04