

B-1C & B-2C
to B-2C
4.555 Ac.



ZONING
Shopping Center
Ref. 738-762-3715

C-41C-05
Three Chopt District

0 400 Feet

June 2005
* Zoning labeled with asterisk, included in the West Broad Street Overlay District



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

September 20, 2005

Mr. Marc A. Greenberg
BDC Promenade Shops, LLC
7400 Beaufont Springs Drive, #550
Richmond, VA 23225

Re: Conditional Rezoning Case C-41C-05

Dear Mr. Greenberg:

The Board of Supervisors at its meeting on September 13, 2005, granted your request to conditionally rezone property from B-1C Business District (Conditional) and B-2C Business District (Conditional) to B-2C Business District (Conditional), Parcel 738-762-3715 described as follows:

Beginning at a rod found on the south line of West Broad Street (US Route 250) said point being 104.01' west of the west line of Spring Oak Drive; thence S 31°18'12" W 258.57' to a rod set; thence S 62°51'45" E 127.32' to a nail set on the west line of Spring Oak Drive; thence along the west line of Spring Oak Drive along a curve to the left having a radius of 50.00', an arc length of 48.77' and a chord bearing and distance of S 22°36'54" W 46.86' to a rod set; thence N 71°24'54" W 350.33' to a rod set; thence N 76°19'08" W 197.06' to a rod set; thence S 28°42'35" W 14.06' to a rod found; thence N 79°40'56" W 228.32' to a nail found; thence along a curve to the right having a radius 100.01', an arc length of 4.35' and a chord bearing and distance of N 78°26'15" W 4.35' to a nail set on the centerline of Westgate Parkway; thence along the centerline of Westgate Parkway along a curve to the left having a radius of 100.00', an arc length of 87.26' and a chord bearing and distance of N 53°41'25" E 84.52' to a nail found; thence N 28°41'29" E 202.56' to a nail found; thence along a curve to the left having a radius of 100.00', an arc length of 17.46' and a chord bearing and distance of N 23°41'18" E 17.44' to a nail found; thence N 18°41'07" E 42.08' to a nail found on the south line of West Broad Street; thence S 78°39'48" E 66.88' to a rod set; thence S 80°05'54" E 137.55' to a rod set; thence S 76°22'34" E 339.66' to a nail found; thence S 36°12'12" W 13.20' to a rod found; thence S 76°23'06" E 91.58' to a rod found being the Point of Beginning, said parcel containing 4.555 acres or 198,426.2 square feet.

The Board of Supervisors accepted the following proffered conditions, dated August 8, 2005, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

PROFFERED CONDITIONS APPLICABLE TO THE PROPERTY

1. **Architectural Treatment.** The exposed portions of the exterior wall surfaces (front, rear, 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 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 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, by the Planning Commission at the time of Plan of Development review:
 - i. A variable width buffer shall be provided along the southern property line as approved by the Planning Commission with Plan of Development Case No. 39-03 and shown on the as-built survey dated 3/01/2005 by Balzer and Associates, Inc., attached hereto as part hereof and marked Exhibit A (see case file).
 - ii. A variable width buffer shall be provided along West Broad Street as approved by the Planning Commission with Plan of Development Case No. 39-03 and shown on the as-built survey dated 3/01/2005 by Balzer

and Associates, Inc., attached hereto as part hereof and marked Exhibit A (see case file).

- iii. Each such buffer area 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, by the Planning Commission at the time of Plan of Development review.
3. **Building Height.** No building constructed on the Property 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 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, 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 the Property. Except for decorative or period style lighting fixtures or landscape light, 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 the Property 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. 39-03 and by a private road (the "Private Road") constructed as part of Plan of Development Case No. 39-03. 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.** The Property shall be developed generally in conformance with the plat and conceptual site plan labeled Exhibit A (see case file) which is attached hereto as part hereof 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 Property 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 the Property (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 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 part 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 restrictions relating to (a) the high standards of uniform maintenance of all buffer areas on the Property 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 the Property, (c) the quality and type of development of such part of the Property and (d) the establishment of an Architectural Control Committee, consisting of three voting members, to govern the development of such part of the Property, 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 the Property shall be maintained in a neat and orderly manner after development of the Property.
13. **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 Sunday.
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.

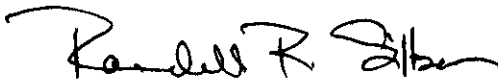
15. **Underground Utility Lines.** Except for junction boxes, meters and existing overhead utility lines and wetlands, if any, all utility lines shall be underground.
16. **Gravel.** Gravel shall not be used as a primary landscaping material.
17. **Entertainment.** There shall be no live outside entertainment on the Property.
18. **Chain Link Fence.** No chain link fencing shall be permitted on the Property 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 the Property:
 - a. Adult business as defined in the Henrico County Zoning Ordinance;
 - 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.
 - p. 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, provided 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 40,000 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 the Property.

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.
23. **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.

The Planning Department 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: Director, Real Estate Assessment
Conditional Zoning Index

**ALTA/ACSM LAND TITLE SURVEY OF
4.555 ACRES OF LAND ALONG THE SOUTHERN
LINE OF WEST BROAD STREET
THREE CHOFT DISTRICT
HENRICO COUNTY, VIRGINIA**

DRAWN BY: JAB
DESIGNED BY:
CHECKED BY: MBB
DATE: 2/22/05
REVISIONS:
- 2/28/2005 -
- 2/28/2005 -
- 3/01/2005 -
- PER COMMENTS

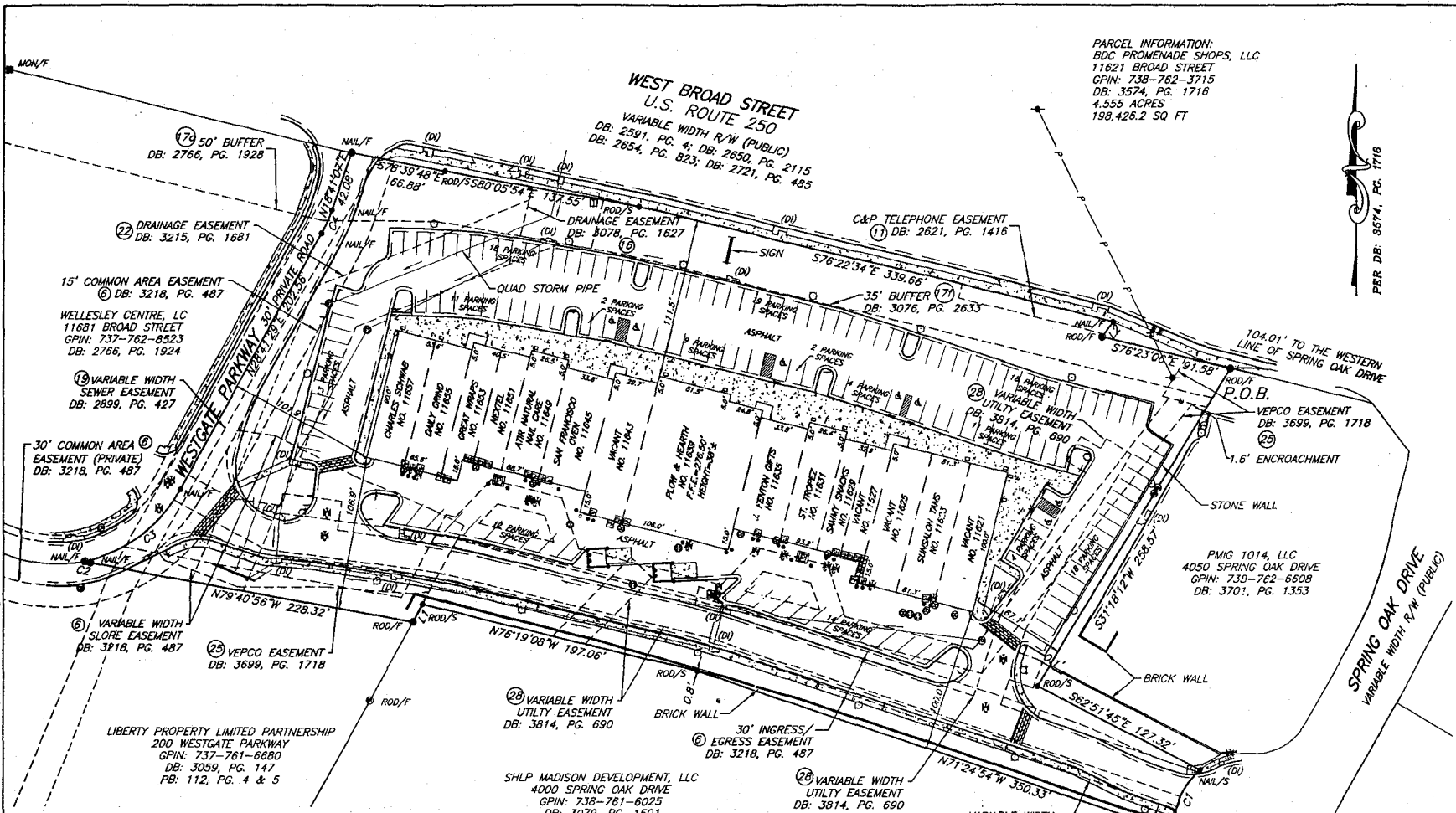
SCALE: 1" = 50'
SHEET NO.
2 OF 2
JOB NO.
C0500074.00
DEPT. 55

PARCEL INFORMATION:
BDC PROMENADE SHOPS, LLC
11621 BROAD STREET
GPIN: 738-762-3715
DB: 3574, PG. 1716
4.555 ACRES
198,426.2 SQ FT

PER DB: 3674, PG. 1716

**WEST BROAD STREET
U.S. ROUTE 250**

VARIABLE WIDTH R/W (PUBLIC)
DB: 2591, PG. 4; DB: 2650, PG. 2115
DB: 2654, PG. 623; DB: 2721, PG. 485



SYMBOL LEGEND

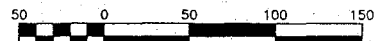
- ⊕ WATER VALVE
- ⊙ CLEANOUT
- ⊕ HYDRANT
- ⊙ MONITORING WELL
- ⊕ GAS VALVE
- ⊙ GAS METER
- ⊙ VACUUM
- ⊕ POWER BOX
- ⊙ POWER POLE
- ⊕ POWER METER
- (D) DROP INLET
- ⊕ GUY WIRE
- ⊕ TELEPHONE BOX
- ⊕ STORM MANHOLE
- ⊕ SANITARY MANHOLE
- ⊕ BOLLARD
- SIGN
- ⊕ TRAFFIC SIGN
- ⊕ LIGHT POLE
- ⊕ HANDICAP PARKING
- ⊕ ROD FOUND
- ⊕ WALK LIGHT

LINE TABLE

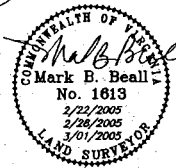
LINE	BEARING	LENGTH
L1	S28°42'35"W	14.06
L2	S36°12'12"W	13.20

CURVE TABLE

CURVE #	LENGTH	RADIUS	TANGENT	CHORD BEARING	CHORD	DELTA
C1	48.77'	50.00'	26.52	S22°36'54"W	46.86'	55°53'11"
C2	4.35'	100.01'	2.18	N78°26'15"W	4.35'	2°29'32"
C3	87.26'	100.00'	46.63	N53°41'25"E	84.52'	49°59'47"
C4	17.46'	100.00'	8.75	N23°41'18"E	17.44'	10°00'14"



Scale 1" = 50'



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