



C-73C-05
Zoning

Office / Commercial

Three Chopt District

400 Feet





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

December 20, 2005

Virgil R. Hazelett, P.E.
County Manager

RER/New Boston West Broad Street, LLC
RER/New Boston Cox Road, LLC
950 Herndon Parkway, Suite 200
Herndon, VA 20170

Re: Conditional Rezoning Case C-73C-05

Dear Sir:

The Board of Supervisors at its meeting on December 13, 2005, granted your request to conditionally rezone from O-3 Office District, A-1 Agricultural District and B-1 Business District to O-3C Office District (Conditional) and B-3C Business District (Conditional), part of Parcel 746-760-8608, containing 8.18 acres (O-3C – 4.244 ac. and B-3C – 3.936 ac.), located in the WestMark Office Park at the southeast intersection of I-64 and West Broad Street (U. S. Route 250), described as follows:

Legal Description - Area to be Rezoned from A-1 to O-3C (Parcel C)

A certain parcel of land located on the northerly side of I-64, East of Cox Road and West of Broad Street in the Three Chopt District of the County of Henrico, Commonwealth of Virginia bounded and described as follows:

Beginning at a point on the northerly sideline of I-64, a distance of 246.31' and length of curve of 118.88' northwesterly from a VDOT Monument marking the intersection of the I-64 sideline with the westerly sideline of Cox Road at land now or formerly of R.E.R. Properties, Inc. and being the southerly corner of the parcel hereinafter described; thence northwesterly and curving to the right along the arc of a curve having a radius of 10,636.97', a length of 1,223.61', a Chord Bearing of N 48°50'21" W and a Chord Distance of 1,222.94' along the sideline of I-64 to a point; thence N 03°41'24" W a distance of 75.16' to a point of non-tangency; thence southeasterly and curving to the left along the arc of a curve having a radius of 10,586.97', a length of 1,325.39', a Chord Bearing of S 48°49'38" E and a Chord Distance of 1,324.52' to a point; thence S 83°39'48" W a distance of 71.90', the previous three (3) courses being bounded by lands now or formerly of R.E.R. Properties, Inc., to the point of beginning.

The above described parcel of land contains an area of 63,722 S.F. or 1.463 Acres and is more particularly shown as Parcel C on a plat entitled "Plat of a Parcel of Land

Adjacent to the North side of I-64 and east of Cox Road in the Three Chopt Magisterial District, Henrico County, Commonwealth of Virginia" dated April 12, 2005, Rev. August 30, 2005 by Vanasse Hangen Brustlin, Inc. (see case file).

Description - Area to be Rezoned from O-3 and B-1 to B-3C

A certain area of land located on the south side of West Broad Street and east of I-64 in the Three Chopt Magisterial District of Henrico County, Commonwealth of Virginia bounded and described as follows:

Beginning at a point on the southerly sideline of West Broad Street at its intersection with the northeasterly sideline of I-64 and being the northwesterly corner of the area hereinafter described; thence S 82°13'58" E a distance of 229.12' by the sideline of West Broad Street to a point; thence S 07°46'02" W a distance of 316.27' to a point; thence N 82°13'58" W a distance of 242.98' to a point; thence southwesterly and curving to the left along the arc of a curve having a radius of 75.00' a length of 117.81' to a point; thence S 07°46'02" W a distance of 49.91' to a point; thence N 82°13'58" W a distance of 169.97' to a point; thence S 80°55'05" W a distance 53.83', the previous six (6) courses over land now or formerly of RER/New Boston West Broad Street LLC to a point on the sideline of I-64; thence northeasterly and curving to the right along the arc of a curve having a radius of 320.00' a length of 331.87' to a point; thence S 79°18' 48" E a distance of 20.60' to a point; thence N 07°46'01" E a distance of 21.50' to a point; thence northeasterly and curving to the right along the arc of a curve having a radius of 320.00' a length of 46.93' to a point; thence N 69°26'44" E a distance of 207.02', the previous five (5) courses by the sideline of I-64, to the point of beginning.

The above described area contains approximately 171,452 S.F or 3.936 Acres and is more particularly shown as "Area to Be Rezoned From O-3 to B-3C" and "Area to Be Rezoned From B-1 to B-3C" on a plan entitled "Rezone Exhibit Plan of Land Located on the South side of West Broad Street and the West Side of Cox Road in Henrico County, Commonwealth of Virginia" dated August 17, 2005 by Vanasse Hangen Brustlin, Inc. (see case file).

Description - Area to be Rezoned from B-1 to O-3C

A certain area of land located on the north side of I-64, west of Cox Road and south of West Broad Street in the Three Chopt Magisterial District of Henrico County, Commonwealth of Virginia bounded and described as follows:

Beginning at a point on the northerly sideline of I-64 at a point approximately 2,175' west of its intersection with the westerly sideline of Cox Road and being the southeasterly corner of the area hereinafter described; thence Northwesterly and curving to the right along the arc of a curve having a radius of 10,636.97', a length of

585.78' to a point; thence N 23°10'17" W a distance of 49.52' to a point; thence Northwesterly and curving to the right along the arc of a curve having a radius of 320.00' a length of 18.84', the previous three (3) courses by the sideline of I-64 to a point; thence N 80°55'05" E a distance of 53.83' to a point; thence S 82°13'58" E a distance of 169.97' to a point; thence N 07°46'02" E a distance of 49.91' to a point; thence Northeasterly and curving to the right along the arc of a curve having a radius of 75.00', a length of 117.81' to a point; thence S 82°13'58" E a distance of 79.81' to a point; thence S 03°46'02" E a distance of 575.22', the previous six (6) courses over land now or formerly of RER/New Boston West Broad Street LLC to the point of beginning.

The above described area contains approximately 121,130 S.F or 2.781 Acres and is more particularly shown as "Area to Be Rezoned from B-1 to O-3C" on a plan entitled "Rezone Exhibit Plan of Land Located on the South side of West Broad Street and the West Side of Cox Road in Henrico County, Commonwealth of Virginia" dated August 17, 2005 by Vanasse Hangen Brustlin, Inc. (see case file).

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

APPLICABLE TO O-3C DISTRICT

Use Restriction. A funeral home, undertaking establishment or crematory shall not be permitted, as a principal use on the O-3C Property.

APPLICABLE TO B-3C DISTRICT

1. **Architectural Treatment.** All sides of any building shall be substantially similar in design, materials and detailing to any other side of such building, unless otherwise approved by the Director of Planning.
2. **Mechanical Equipment.** Mechanical equipment on the B-3C Property shall be screened from public view at ground level at the Property lines in a manner approved at the time of plan of development review.
3. **Permitted Uses.** The only uses permitted on the B-3C Property shall be the following:
 - a. Offices and office buildings, business professional or administrative.
 - b. Restaurants, including coffee shops, delicatessens or ice cream parlors, with outside dining areas but without drive through windows.

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 - c. Banks, savings and loan and similar financial institutions, but not 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.
4. **Hours of Operation.** No restaurant may be open to serve the public before 6:00 a.m. nor after 12:00 a.m., except for holidays and special events, in which case, the restaurant shall close no later than 2:00 a.m.
 5. **Detached Signs.** Detached signs located along West Broad Street shall be ground mounted, monument style signs and shall not exceed fifteen (15) feet in height as measured from the grade of the sign location.
 6. **Development Pads.** No more than two (2) development pads shall be permitted.
 7. **Access.** The B-3C Property shall not have direct access to and from West Broad Street and shall be restricted to a shared access with GPIN 746-760-8608.
 8. **Buffer.** A landscaped and/or natural buffer area a minimum of thirty-five (35) feet in width as measured from the existing right-of-way line shall be provided along the approximately 227 feet of West Broad Street frontage of the B-3C Property. Utility easements, grading, underground drainage facilities, signage and other purposes required or permitted at the time of plan of development review may be permitted within the aforesaid buffer area, except that any utility easement within the buffer area shall run generally perpendicular thereto, unless otherwise requested and specifically permitted, or if required, at the time of plan of development review. Where permitted, areas disturbed for utility installation shall be restored to the extent reasonably practical.

APPLICABLE TO ALL DISTRICTS

1. **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.

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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: McGuire Woods
Director, Real Estate Assessment
Conditional Zoning Index