



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

September 19, 2006

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

Re: Conditional Rezoning Case C-41C-06

Dear Sir:

The Board of Supervisors at its meeting on September 12, 2006, granted your request to amend proffered conditions on Conditional Rezoning Case C-61C-89, part of Parcel 747-759-4312 described as follows:

A certain portion of parcel B-1 located on the west side of Cox Road and the north side of Interstate 64 in the Three Chopt Magisterial District of the County of Henrico and Commonwealth of Virginia bounded and described as follows:

Beginning at the point of intersection of the westerly sideline of Cox Road and the northerly sideline of Interstate 64, said point being the southwesterly corner of the area hereinafter described; thence N 58° 41'29" W, a distance of 246.31' to a point of non-tangency; thence northwesterly and curving to the right along the arc of a curve having a radius of 10,636.97', a length of 118.88', the previous two (2) courses by the sideline of Interstate 64 to a point; thence N 83°39'48" E, a distance of 80.00' to a point; thence N 06°38'12" E, a distance of 279.03', the previous two (2) courses over Parcel B-1 to a point, thence S 73°53'03" E, a distance of 235.05' to a point; thence S 66°38'13" E, a distance of 103.05' to a point; thence S 73°53'03" E, a distance of 148.99', the previous three (3) courses by Parcel A-1 to a point on the sideline of Cox Road; thence S 23°23'00" W, a distance of 91.90' to a point of non-tangency; thence southwesterly and curving to the right along the arc of a curve having a radius of 751.72', a length of 262.08' to a point; thence S 62°28'23" W, a distance of 92.56', the previous three (3) courses by the sideline of Cox Road to the point of beginning. The above described area zoned O-3C contains an area of 157,231 square feet or 3.610 acres.

The Board of Supervisors accepted the following proffered conditions, dated July 26, 2006, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

This request proposes to amend proffer #1 accepted with rezoning case C-61C-89 and to add proffers #8 and #9. All other proffers accepted with C-61C-89 shall remain in force.

1. **Open Space.** At least 25% of the site area shall remain in open space, or landscaped area.

8. **Buffer.** A landscaped and/or natural buffer a minimum of twenty five (25) feet in width as measured from the ultimate right of way as determined at time of plan of development review shall be provided along Cox Road. Utility easements, driveways, 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. 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.
9. **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: Gloria L. Freye, Esquire
Director, Real Estate Assessment
Conditional Zoning Index