

Parcels or Portions thereof identified on this sheet are within the West Broad Street Overlay District and are subject to Special Regulation

C-27C-09
Zoning
 Amend Proffered Conditions
 (C-49C-04)
 Three Chopt District

400 Feet

PS August 2009 Ref. 734-764-9340



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

November 17, 2009

Towne Center-West, LLC
and Towne Center West Shoppes, LLC
560 Lynnhaven Parkway
Virginia Beach, VA 23452

Re: Conditional Rezoning Case C-27C-09

Dear Sir:

The Board of Supervisors at its meeting on November 10, 2009, granted your request to amend proffered conditions accepted with Rezoning Case C-49C-04, on Parcels 735-764-4742, 736-764-1136, 736-764-0871, 736-764-3961 and part of Parcel 734-764-9340, described as follows:

Parcel B

BEGINNING AT A POINT, said point being on the north line of West Broad Street Road, 1,166.36' east of the east line of Gayton Road; thence, N 61°27'38" W, 121.09 feet to a point; thence, N 61°29'33" W, 74.16 feet to a point; thence, N 57°51'32" W, 90.07 feet to a point; thence, N 28°30'27" E, 15.29 feet to a point; thence, N 61°29'33" W, 16.00 feet to a point; thence, S 28°30'27" W, 14.28 feet to a point; thence, N 57°51'32" W, 100.75 feet to a point; thence, S 61°28'41" E, 45.24 feet to a point; thence, N 61°09'27" W, 247.95 feet to a point; thence, N 27°56'22" E, 261.79 feet to a point; said point being the beginning of the Zoning Line; thence, S 61°28'41" E, 45.24 feet to a point; thence, along a curve to the left having a radius of 200.00 feet, a central angle of 13°30'10", a tangent length of 23.68 feet, the long chord of which bears S 68°13'46" E for a distance of 47.02 feet, for an arc length of 47.13 feet to a point; thence, S 74°58'51" E, 105.74 feet to a point; thence, along a curve to the right having a radius of 200.00 feet, a central angle of 13°30'21", a tangent length of 23.68 feet, the long chord of which bears S 68°13'41" E for a distance of 47.04 feet, for an arc length of 47.14 feet to a point; thence, S 61°28'30" E, 367.08 feet to a point; said point being the end of the Zoning Line; thence, S 28°31'30" W, 322.48 feet to a point; Said point being the true POINT AND PLACE OF BEGINNING and CONTAINING 4.530 acres of land.

Parcel F

BEGINNING AT A POINT, said point being 502.58 feet north of the north line of West Broad Street Road along the approximate center of an existing variable width ingress/egress easement recorded in Deed Book 3929 on Page 2301 and Deed Book 4192 on Page 349; thence, N 28°31'30" E, 138.50 feet to a point; thence, along a tangent curve to the right with a radius of 150.00 feet, a tangent length of 68.42 feet, a central angle of 49°02'16", the chord of which bears N 53°02'38" E for a distance of 124.50 feet; thence along the arc of said curve for a distance of 128.38 feet to a point; thence, N 77°33'46" E, 46.74 feet to a point; thence, along a tangent curve to the right with a radius of 1110.80 feet, a tangent length of 18.80 feet, a central angle of 01°56'22", the chord of which bears N 78°31'57" E for a distance of 37.60 feet; thence along the arc of said curve for a distance of 37.60 feet to a point; thence, S 10°48'42" E, 145.84 feet to a point; thence, S 13°20'51" E, 45.10 feet to a point; thence, S 10°49'50" E, 133.82 feet to a point; thence, S 23°25'38" W, 56.94 feet to a point; thence, N 61°28'30" W, 328.23 feet to a point; said point being the true POINT AND PLACE OF BEGINNING and CONTAINING 1.537 acres of land, more or less.

Parcel I

BEGINNING AT A POINT, said point being 1,220.88 feet north of the north line of West Broad Street Road along the approximate center of an existing variable width ingress/egress easement recorded in Deed Book 3929; Page 2301 and Deed Book 4192 ; Page 349; thence, along a curve to the right having a radius of 1098.57 feet, a central angle of 30°20'11", a tangent length of 297.82 feet, the long chord of which bears S 66°14'11" E for a distance of 574.89 feet, for an arc length of 581.66 feet to a point; thence, S 38°50'32" W, 1.42 feet to a point; thence, S 39°01'45" W, 375.35 feet to a point; thence, N 61°36'33" W, 103.30 feet to a point; thence, N 61°36'33" W, 310.86 feet to a point; thence, N 28°24'36" E, 90.48 feet to a point; thence, N 07°28'07" E, 249.90 feet to a point; said point being the true POINT AND PLACE OF BEGINNING and CONTAINING 4.183 acres of land, more or less.

Parcel K

BEGINNING AT A POINT, said point being 1,197.88 feet north of the north line of West Broad Street Road along the approximate center of an existing variable width ingress/egress easement recorded in Deed Book 3929; Page 2301 and in Deed Book 4192; Page 349; thence, N 07°28'07" E, 136.90 feet to a point; thence, N 25°47'57" E, 52.06 feet to a point; thence, N 17°07'39" E, 87.96 feet to a point; thence, N 19°46'23" E, 38.30 feet to a point; thence, S 70°13'37" E, 153.61 feet to a point; thence, N 89°26'07" E, 200.71 feet to a point; thence, S 18°54'43" W, 37.87 feet to a point; thence, S 89°46'45" W, 31.16 feet to a point; thence, S 05°51'41" E, 38.93 feet to a point; thence, S 28°51'54" W, 44.09 feet to a point; thence, S 27°56'43" W, 16.46 feet to a point; thence, S 27°56'41" W, 23.47 feet to a point; thence, S 07°53'38" W, 55.30 feet to a point; thence, S 13°44'44" W, 34.87 feet to a point; thence, S

23°04'07" W, 102.45 feet to a point; thence, along a non-tangent curve to the left having a radius of 1098.57 feet, a central angle of 15°40'32", a tangent length of 151.22 feet, the long chord of which bears N 74°46'00"W for a distance of 299.62 feet, for an arc length of 300.55 feet to a point; said point being the true POINT AND PLACE OF BEGINNING and CONTAINING 2.297 acres of land, more or less.

Parcel L

BEGINNING AT A POINT, said point being 1,498.43 feet north of the north line of West Broad Street Road along the approximate center of an existing variable width ingress/egress easement recorded in Deed Book 3929; Page 2301 and Deed Book 4192; Page 349; thence, N 23°04'07" E, 102.45 feet to a point; thence, N 13°44'44" E, 34.87 feet to a point; thence, N 07°53'38" E, 55.30 feet to a point; thence, N 27°56'41" E, 23.47 feet to a point; thence, N 27°56'43" E, 16.46 feet to a point; thence, N 28°51'54" E, 44.09 feet to a point; thence, N 05°51'41" W, 38.93 feet to a point; thence, N 89°46'45" E, 31.16 feet to a point; thence, N 18°54'43" E, 37.87 feet to a point; thence, S 51°11'05" E, 402.57 feet to a point; thence, S 38°50'32" W, 301.96 feet to a point; thence, along a non-tangent curve to the left having a radius of 1098.57 feet, a central angle of 15°51'20", a tangent length of 152.98 feet, the long chord of which bears N 59°00'04" W for a distance of 303.04 feet, for an arc length of 304.01 feet to a point; said point being the true POINT AND PLACE OF BEGINNING and CONTAINING 2.631 acres of land, more or less.

The Board of Supervisors accepted the following proffered conditions, dated November 5, 2009, which further regulate the above use of your property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

The following proffers shall be applicable to the Property:

1. Except as amended hereby, all proffers contained in C-49C-04 shall remain in full force and effect and shall by this reference thereto be made a part hereof as if fully set forth herein.
2. Proffer 20 of Case C-49C-04 shall be deleted in its entirety and replaced with the following:

Exterior Elevations. The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Property shall be similar in high quality of construction and shall have compatible architectural design (incorporating compatible, but not necessarily the same, design elements, color and architectural styles).

Any building located on the Property shall have an exterior architectural style and use design elements generally compatible with the concept drawings entitled "The Breeden Company Inc., Broad Street Development, Proposed Elevation" and "The

Breeden Company Inc., Broad Street Development, Proposed Elevation", prepared by Baskervill and attached as Exhibits A-2, A-3 and A-4 (see case file) to Rezoning Case C-49C-04, which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings on the Property.

All buildings on the Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, precast concrete, exterior insulating finishing systems (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development review. All buildings (other than the Proposed Restaurant (hereinafter referenced and defined)) on the Property shall have at least thirty-five percent (35%) brick or stone in the aggregate on the exposed exterior walls of such buildings, with the front exposed exterior wall of any such building being constructed of at least fifty percent (50%) brick or stone and any side exposed exterior wall visible from the 40' Collector Road being constructed of a minimum of thirty-five percent (35%) brick or stone. Notwithstanding the foregoing, one building located on the Parcel referenced as "4.530 Acres" on the attached Exhibit 1 (the "Proposed Restaurant"), (see case file) may also have an exterior architectural style and material generally consistent with the exterior elevation plans prepared by CRHO Architects each dated February 9, 2009, entitled "Italian Restaurant" and attached hereto as Exhibit 2-A and Exhibit 2-B (see case file), subject to such changes as may be requested by the applicant and approved at the time of Plan of Development review, which such renderings are conceptual in nature and are provided as an illustration of the quality of the design, materials used and architectural style of such buildings on the Proposed Restaurant.

Wood or composite siding, natural or cultured 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 on such buildings.

No building on The Property 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 requested and specifically permitted 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.

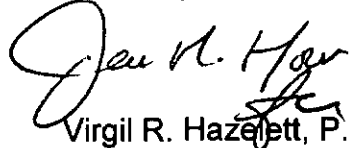
The rear of any buildings on The Property facing West Broad Street shall have a façade substantially similar to the front façade of that building or as otherwise

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approved by the Planning Commission at the time of Plan of Development review.

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,



Virgil R. Hazlett, P.E.
County Manager

pc: Andrew M. Condlin, Esquire
Jennifer D. Mullen, Esquire
Director, Real Estate Assessment
Conditional Zoning Index