

**R-6C to C-1C
2.0 Ac.**

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

REZ2023-00007
Zoning
 Conservation
 Three Chopt District
 400 Feet
 PS February 2023 Ref: 734-765-1326



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukas
County Manager

May 16, 2023

Edward Rose Development Company, LLC
11611 N. Meridian St., Ste. 800
Carmel, IN 46032

Re: Rezoning Case REZ2023-00007

Dear Sir/Madam:

The Board of Supervisors at its meeting on May 9, 2023, approved your request to conditionally rezone from R-6C General Residence District (Conditional) to C-1C Conservation District (Conditional) parts of Parcels 734-765-0271, 734-765-1094, and 734-765-1326 containing 2.0 acres located approximately 295' northwest of the terminus of Old Three Chopt Road extending approximately 1,400' north along the floodplain to Interstate 64, described as follows:

LEGAL DESCRIPTION REZONE PARCEL A

Beginning at a point at the intersection of the west line of N Gayton Road and the south line of Interstate 64; thence along the south line of Interstate 64 N 70°24'00" W 182.85' to a point; thence N 69°54'30" W 198.40' to a point; thence N 78°00'20" W 97'± to a point on the 100 year flood plain; being the true point of beginning; thence leaving the south line of Interstate 64 and continuing along the 100 year flood plain 1,400'± as it meanders in a southwest direction to a point; thence leaving the 100 year flood plain N 38°59'39" W 80'± to a point on the centerline of a creek; thence along the centerline of a creek 810'± as it meanders in a northeast direction to a point on the south line of Interstate 64; thence leaving the centerline of a creek and continuing along the south line of Interstate 64 S 60°21'30" E 42'± to a point; thence S 78°00'20" E 30'± to the true point of beginning and containing 2.00± acres.

The Board of Supervisors accepted the following proffered conditions, dated March 21, 2023, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

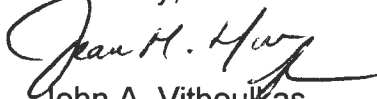
1. **Conservation Areas.** The Property shall only be used for the following purposes:
 - a. Storm water management and/or retention areas;

- b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
 - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Director pursuant to Chapters 19 and 24 of the County Code.
2. **Dedication.** After approval of the Plan of Development for the project and prior to construction plan approval for the Future Interchange (defined below), the County of Henrico ("County") may request in writing, and within ninety (90) days after the written request by the County, a variable width limited access right-of-way for a new 1-64/Gayton Road interchange ("Future Interchange") along the northern and northeastern part of the Property, in the general location shown on the Concept Plan, shall be dedicated, free and unrestricted, to and for the benefit of the County. The exact location and alignment of this right-of-way dedication shall be approved by Public Works, but shall not be closer than thirty (30) feet to the parking related improvements constructed on the Property or, if not yet constructed, as shown on the Concept Plan. In the event that the Future Interchange design/alignment is modified, as determined by the Public Works, without necessitating the aforementioned dedication, or portion thereof, the County may waive this dedication or portion thereof.
3. **Landscaped Greenbelt.** At the time of the dedication in Proffer 2 above, a minimum twenty-five (25) foot wide landscaped greenbelt shall be established along the ultimate right-of-way of the Future Interchange, except to the extent necessary for utility easements, parking area infrastructure, bicycle paths, jogging trails, signage, fencing, and other purposes requested and specifically permitted, or if required by any other governmental body, at the time of Plan of Development review. To the extent reasonably practicable at the time this greenbelt is established, healthy, mature trees of a minimum of six inch (6") caliper shall be retained within this greenbelt area. Supplemental vegetation shall be added within this landscaped greenbelt, as determined by the later of either landscape plan approval or approval of a landscape plan amendment in conjunction with the dedication in Proffer 2 above. This Supplemental vegetation will be planted in a manner intended to mitigate the impact of the Future Interchange on the residences on the Property. The exact location of this greenbelt will be approved by the Planning Director and the width of this greenbelt may be reduced by the Planning Director to facilitate the dedication in Proffer 2 above.

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The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,



John A. Vithoukias
County Manager

pc: Jeffrey P. Geiger
Director, Real Estate Assessment