





COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

December 18, 2007

Gray Land and Development Company-Tree Hill, LLC  
C/O Charles W. Ewing, II  
5004 Monument Avenue, Suite 200  
Richmond, VA 23230

Re: Provisional Use Permit P-17-07

Dear Mr. Ewing:

The Board of Supervisors at its meeting on December 11, 2007, approved your request for a Provisional Use Permit under Sections 24-32.1(a), 24-32.1(b), 24-32.1(e), 24-32.1(g), 24-32.1(k), 24-32.1(l), 24-32.1(m), 24-32.1(p), 24-32.1(r), 24-32.1(t), 24-32.1(u), 24-32.1(v), 24-32.1(w), 24-34.1(c), and 24-122.1 of Chapter 24 of the County Code, related to a Master Plan for The Town of Tree Hill Urban Mixed Use development and to permit certain uses and exceptions to permitted height, density, and design for uses within the proposed UMU, on part of Parcel 797-706-5048, subject to the following conditions:

1. **Permitted Provisional Uses.** The following provisional uses shall be permitted on the property: outdoor vending areas subject to the conditions outlined below, commercial parking lots, retail and recreational facilities up to 30,000 square feet in area, indoor/outdoor auditoriums, drapery making shops, drive-thru service windows for not more than 2 banks and the proffered public library subject to the conditions outlined below, a grocery store not exceeding 85,000 square feet in floor area, recording studios, sign printing and painting shops, buildings heights as defined in the proffered Design Code and subject to the conditions outlined below, residential densities as set forth in the proffered Design Code, single-family homes as a principal use subject to the conditions set forth below, private schools, indoor and outdoor garden nurseries, child and adult day care centers, vehicle and boat storage, townhouse architectural treatments as set forth in the proffered Design Code and subject to the following conditions set forth below, dwelling units accessory to a single-family detached residence and subject to the following conditions set forth below; and temporary sales or construction centers.

2. **Height and Floor Area Limitations.** Retail, service, residential and office uses, including a grocery store, located on the Property may be permitted as generally shown on the attached application materials, including the "Tree Hill Master Plan" included in the "Town of Tree Hill" materials (the "Master Plan") and the "Tree Hill Design Code", subject to the following height limitations (unless otherwise permitted during the plan of development for such building):

- Within the East Entrance and the Hilltop Neighborhood land bays, the maximum height of any building may not exceed 55'.
- Within the Schoolhouse land bay, the maximum height of any building may not exceed 60'.
- Within the Town Center land bay, the maximum height of any building may not exceed 85'.
- Within the North Village land bay, the maximum height of any building may not exceed 70'.
- Within the North Entrance land bay, the maximum height of any buildings may not exceed 85'.

The maximum square footage of any use other than an office building, parking garage, or hotel shall not exceed 10,000 square feet in floor area, except that:

- Retail and recreational buildings may be permitted up to 35,000 square feet of floor area.
- A grocery store may be permitted up to 85,000 square feet of floor area.

3. **Vendor Areas.** Areas of the Property not used solely for residential purposes may be designated on the Master Plan, as may be revised from time to time, or a Plan of Development, for the preparation of food or beverages or the sale or display of merchandise conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts, vehicles or other spaces which are rented or otherwise made available to such vendors. Such activities may include a market, sale of merchandise as part of a permitted festival or other similar special event, or the outdoor display or sale by a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises. Sidewalk widths adjacent to outdoor vending areas shall not be reduced to less than five (5) feet, except to accommodate a permitted festival or other similar special event. Convenience trash receptacles shall be provided for each block that contains an outdoor vending area.
4. **Drive-Through Service.** Drive-through service windows shall not be permitted except for not more than 2 banks and the proffered library, which shall be restricted in location to the East Entrance, North Entrance, or Town Center land bays.
5. **Outdoor Dining.** Outdoor dining areas shall be designated on an approved Plan of Development and shall not reduce the adjacent sidewalk width to less than five (5) feet.

6. **Emergency Communication Systems.** At the request of the Fire Department, the owner shall install a fire command center and emergency radio communication equipment within any building devoted to commercial, office, civic, multi-family, or mixed use to allow for adequate public safety and radio coverage within and between the buildings. A communications consultant shall certify such equipment as compatible with the County's emergency communication system within 90 days of the owner or tenant obtaining a Certificate of Occupancy for any such building. The County shall be permitted to perform communications testing within the buildings at any time.
7. **Fire Protection-Structured Parking.** A 3" standpipe for fire protection shall be provided within all structured parking at approximately 200' intervals. The exact location of these improvements will be determined by the Fire Department during Plan of Development review. All structured parking decks shall be protected through a sprinkler system.
8. **Fire Protection.** All structures intended for residential, office, commercial, retail, civic or municipal, or mixed-use shall be fully sprinkled for fire protection. This condition shall not apply to single-family detached dwellings, unless an accessory dwelling unit is contained on the same parcel, in which case both structures shall be fully sprinkled for fire protection. This condition shall not apply to signs, fences, or accessory structures that do not contain an accessory dwelling unit.
9. **Crime Prevention.** Prior to occupancy of any structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.
10. **Proffered Conditions.** All proffered conditions accepted with case C-52C-07 shall be made a part of this Provisional Use Permit.
11. **Single Family Dwelling Units.** Single family dwelling units may be permitted on the property on lots not less than 40' in width.
12. **Accessory Dwelling Units.** Not more than one accessory dwelling unit may be permitted on any individual lot occupied by a single family dwelling. In no case may the total number of dwelling units permitted on the property exceed 2,770.
13. **Townhouse Architectural Treatment.** The side yard distance between any two rows of townhouses may be reduced to 5 feet.

The Planning Department has been advised of the action of the Board of Supervisors and requested to revise its records and to place a copy of this notification in the Provisional Use Permit Index.

Sincerely,



Virgil R. Hazelett, P.E.  
County Manager

pc. Daniel K. Slone, Esq.  
Gloria L. Freye, Esq.  
Director, Real Estate Assessment  
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